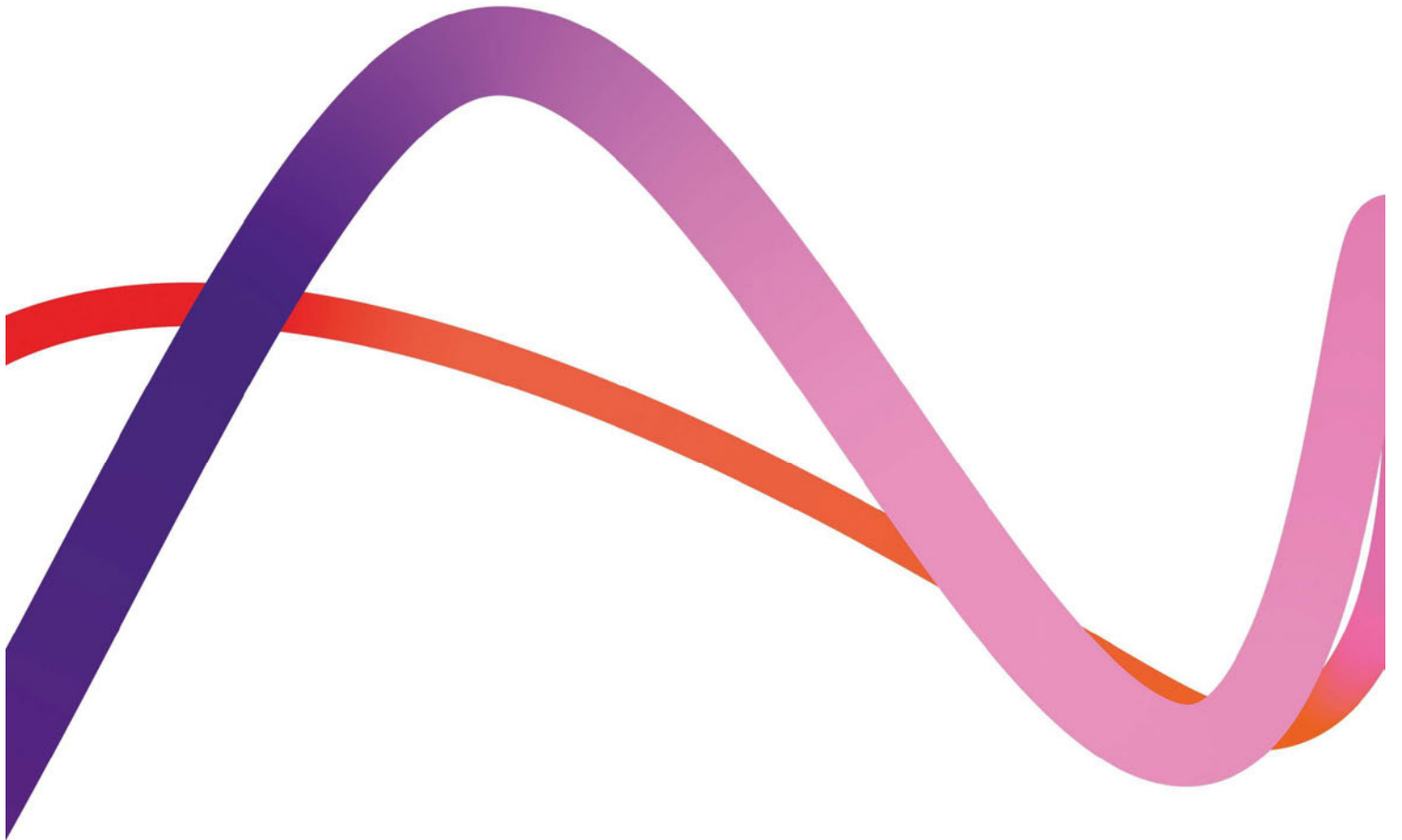


Medworth Energy from Waste Combined Heat and Power Facility



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Applicant's comments on the Deadline 6 Submissions: Part 1 Statutory Parties

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Contents

1.	Introduction	2
1.1	Background	2
2.	Comments on Deadline 6 submissions from CCC and FDC	3
3.	Comments on Deadline 6 submissions from Wisbech Town Council	61

Table 2.1	Comments on Deadline 6 submissions from CCC and FDC: Written Summaries of Oral Representations Made by CC and FDC at Issue Specific Hearing 6 and Issue Specific Hearing 7 [REP6-035]	3
Table 2.2	Comments on Deadline 6 submissions from CCC and FDC: Comments on the Applicant's D5 Submissions [REP6-037]	42
Table 2.3	Applicant's comments on CCC/FDC Response to ISH6 and ISH7 Action Points [REP6-036]	54
Table 3.1	Comments on Deadline 6 submissions made by Wisbech Town Council – Issue Specific Hearing 7 – 27 th June 2023 [REP6-039]	61
Table 3.2	Comments on Deadline 6 submissions made by Wisbech Town Council– Comments on Revised Waste Fuel Availability Assessment [REP5-019] on behalf of Wisbech Town Council [REP6-038]	66

Appendix A Decision Notice LPA Ref: F/YR05/0841/F (10 New Bridge Lane)

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 7 (04 August 2023) of the Examination contains the Applicant's comments on Deadline 6 submissions. Deadline 6 submissions were made by the following organisations:

- Statutory Parties:
 - Cambridgeshire County Council [REP6-035] to [REP6--037]; and
 - Wisbech Town Council [REP6-038] and [REP6-039].
- 29 Interested Parties and 15 other parties (accepted at the discretion of the Examining Authority (ExA)).

1.1.3 This document (Part 1) (**Volume 16.4a**) contains the Applicant's response to Deadline 6 submissions from the Statutory Parties in the following tables:

- Tables 2.1 -2.3 Comments on Deadline 6 submissions from Cambridgeshire County Council and Fenland District Council; and
- Tables 3.1 and 3.2 Comments on Deadline 6 submissions from Wisbech Town Council.

1.1.4 The Applicant's response to Deadline 6 submissions from Interested Parties and Other Parties is presented in a separate document (Part 2) in **Volume 16.4b**.



2. Comments on Deadline 6 submissions from CCC and FDC

Table 2.1 Comments on Deadline 6 submissions from CCC and FDC: Written Summaries of Oral Representations Made by CC and FDC at Issue Specific Hearing 6 and Issue Specific Hearing 7 [REP6-035]

Topic/Para	Representation	Applicant Comment
TABLE 1.1 – WRITTEN SUMMARIES OF ORAL REPRESENTATIONS MADE AT ISH6 ON MONDAY 26 JUNE 2023		
Agenda Item 3 - Landscape and Visual		
Potential to mitigate effects 1 st – 3 rd paras	<p>Mr Andrew Fraser-Urquhart KC introduced Mr Mark Flatman, Director at Liz Lake Associates Chartered Landscape Architect. The Councils made the following points:</p> <p>Nature of mitigations provided in this scheme</p> <p>The site is constrained in terms of the ability to mitigate, as the building is of such size and scale that it fills much of the Proposed Development areas. There will be a net loss of vegetation and tree cover on the site, with a notably smaller line of trees proposed to be planted. The plant's size will make it extremely difficult to mitigate. It is evident from the LVIA that these effects cannot be mitigated. The Year 1 and Year 15 outcomes demonstrate the ineffectiveness of the mitigation measures, as the effects are the same for both years.</p>	<p>At ISH6, Mr Furber on behalf of the Applicant, explained the nature of mitigation that is set out at pages 7, 8 and 9 of Written Summary of the Applicant's Oral Submissions at ISH6, Document 15.2, [REP6-024]. Particular attention is drawn to the agreement with the Planning Inspectorate (PINS) that landscape features could be scoped out of the ES because the tree survey identifies them as mostly poor to moderate condition, meaning the loss of that vegetation does not cause any particular concern. Even if there was a larger area available for more tree planting, this would not have any additional impact on screening because the trees couldn't reach the height where they would completely screen the proposed development from some viewpoint locations. The Design and Access Statement (Volume 7.5) [APP-096] outlines the design process and the options considered, adopted and dismissed in terms of mass, scale, roof profile and cladding materials to mitigate and minimise the visual impact of the EFW CHP Facility building.</p>
LVIA assessment	<p>With regards to the Applicant's comments in Table 3.1 of [REP3-039] and ZTVs: Overall Impact The ZTVs show that virtually the whole study area will be affected to some</p>	<p>At ISH6, Mr Furber on behalf of the Applicant, explained the role of ZTVs at page 10 of the Written Summary of the Applicant's Oral Submissions at ISH6, Document 15.2, [REP6-024]. There appeared</p>



Topic/Para	Representation	Applicant Comment
methodology and approach 4 th and 5 th paras	degree by the Proposed Scheme. This makes it even more important to remember that an LVIA and a selection of viewpoints only represent a snapshot. In reality, no matter where you move throughout the landscape and local area, you will experience this facility to one degree or another, whether it is to a significant degree or not. This will have both a landscape and visual impact. As suggested by the ZTVs, you will see and feel this development from many locations.	to be a misconception from the Council over the role of Zones of Theoretical Visibility (ZTVs) in LVIA. ZTVs should be considered in conjunction with the visualisations and field study work because they only illustrate theoretical visibility and should not be conflated with visual impact (effects). ZTVs do not fully account for screening from tree cover or hedgerows and it is inaccurate to suggest Receptors within the ZTV would 'always experience' views of the Proposed Development.
Determining magnitude of change 6 th para	Following the Applicant's response to the Councils points, Mr Flatman acknowledged that professionals have different judgements on matters such as these. There are clear significant effects that have been established, as to areas of disagreement, these are a difference in professional judgement and opinion. Mr Flatman noted he is fully aware of what ZTVs are and how they work, they can give an indication of impact, but being on site provides a different experience. The Councils do not dispute that the viewpoints were agreed. Mr Flatman emphasised again that there are clearly different judgements held on the magnitude of change from some of the receptors locally.	<p>The Applicant recognises that professionals can have different judgements, however the Councils judgements are simple assertions that do not reference the detailed assessment by the Applicant in the technical appendices of the ES, are not supported by any detailed analysis and represent an over-reliance on matrices and tabular summaries of effects that do not comply with GLVIA 3 best practice guidance.</p> <p>At ISH6, Mr Furber on behalf of the Applicant, explained why the Council's assertion of additional significant visual effects could not be considered robust at pages 10-13 of the Written Summary of the Applicant's Oral Submissions at ISH6, Document 15.2, [REP6-024]. Intermittent views east of Friday Bridge, comprising partial visibility of the proposals from up to 4km distant, were considered by the Council to have the same medium magnitude of change as people at Viewpoints 8 and 9, who would experience much less restricted views, and by contrast would be located only 1.5km from the proposals.</p>
Assessed viewpoints 7 th para	The ExA asked the Councils to clarify if we were content with the viewpoints as agreed with the Applicant. Mr Fraser-Urquhart KC noted that the Councils were content with the Page 3 of 20 locations, but would stress that these	The Applicant draws attention to the rationale for viewpoint selection at paragraph 6.21 of GLVIA 3 best practice guidance which states: <i>"The viewpoints used need to cover as wide a range of situations as is</i>



Topic/Para	Representation	Applicant Comment
Viewpoint 13 assessment 8 th para	<p>represent only a snapshot of the local visual and landscape effects.</p> <p>Individual Viewpoints 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><i>possible, reasonable and necessary to cover the likely significant effects”.</i></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 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, which is from the Nene Way, (page 91129 of Appendix 9I: Viewpoint Assessment - Volume 6.4 ES Chapter 9 Landscape and Visual Appendices [APP-079]) 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 9116 of Appendix 9I: Viewpoint Assessment - Volume 6.4 ES Chapter 9 Landscape and Visual Appendices [APP-079]) 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> <p>At Viewpoint 3 from the Nene Way (page 919 of Appendix 9I: Viewpoint Assessment - Volume 6.4 ES Chapter 9 Landscape and Visual Appendices [APP-079]) 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, as intervening buildings would provide screening of all proposed built structures including the chimneys as demonstrated in the wireframe at Figure</p>



Topic/Para	Representation	Applicant Comment
<p>Assessment of effects on Wisbech St Mary and Bevis Lane</p> <p>9th – 11th paras</p>	<p>Mr Flatman set out that there are a huge number of visual effects of varying Magnitudes of Change (MoC) and therefore Significance, both Significant and Non-Significant Effects. Whilst the Council considers that the assessment largely demonstrates clear Significant Adverse Effects, it notes the following:</p> <ul style="list-style-type: none"> • Community of Wisbech St Mary 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 “representative of views available to residents”, 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. The Councils maintain this view and believe there is a variation of professional judgement as to these impacts. • Bevis Lane 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>9.19b [APP-058] with only the occasional visibility of the periodic plume.</p> <p>The Applicant notes that people across the overwhelming majority of the Study Area would not experience significant landscape and visual effects as a result of the proposals. The Applicants LVIA, based on a methodology agreed with the Councils, concluded that significant visual effects 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 ES Chapter 9 Landscape and Visual (Volume 6.2) [APP-036].</p> <p>All viewpoint locations and accompanying photography was previously agreed with the Councils. At Wisbech St Mary, were Viewpoint 15 to be amended and 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 were to be 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, where views are oblique in nature and partially screened by garden tree planting. The Applicant disagrees with the Council'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 Appendix 9J of Volume 6.4 ES Chapter 9 Landscape and Visual Appendices [APP-079] would be Minor adverse and Not Significant during both construction and operation phases.</p> <p>Views from Bevis Lane and Lord's Lane are represented by Viewpoint 15. At page 9J169 of Appendix 9J of Volume 6.4 ES Chapter 9 Landscape and Visual Appendices [APP-079] it states under Operation Year 1: <i>“There could be infrequent glimpsed views of the</i></p>



Topic/Para	Representation	Applicant Comment
<p>Assessment of effects on receptors to the south-east</p> <p>12th – 13th paras</p>	<p>The Council 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, Page 4 of 20 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><i>middle and upper parts of the southern elevation of the operational EfW CHP Facility</i>". The analysis concludes that <i>"The magnitude of change would never exceed Low and would generally be Very Low or No Change even considering the occasional presence of the visible plume under its maximum potential parameters"</i>. It appears that the Council are assessing the isolated and fleeting oblique glimpses of the middle and upper parts of the EfW CHP Facility as comprising a Medium magnitude of change. This approach to the assessment of magnitude of change is at clear variance with the agreed methodology and GLVIA 3 best practice guidance on the assessment of magnitude of change which is set out at pages 9B14-9B16 of Appendix 9B of Volume 6.4 ES Chapter 9 Landscape and Visual Appendices [APP-079].</p> <p>In summary the assessment of magnitude of change requires the assessor to establish the proportion of the view occupied by the proposed development, the relative amount of time over which it would be experienced and whether views would be full, partial or glimpsed. Consideration of the geographical extent is also relevant and this includes the angle of the view and extent of area (i.e. the length of Lords Lane and Bevis Lane) over which the changes would be visible.</p> <p>At ISH6, Mr Furber on behalf of the Applicant, explained why the Council's additional significant visual effects southeast of the Site from the minor roads of Needham Bank, Bar Drove, Kirkham Lane and Gosmoor Lane should not be considered robust, as described in detail at pages 10-13 of the Written Summary of the Applicant's Oral Submissions at ISH6, Document 15.2, [REP6-024].</p> <p>Intermittent views were not identified by the Council as receptors likely to experience significant visual effects until June 2023, despite having been involved in advising on the scope of the LVIA for over 4 years</p>



Topic/Para	Representation	Applicant Comment
	<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. The Council considers these will result in a range of Medium to Low MoC and Moderate (Significant) to Minor Significance.</p>	<p>including a review of the PEIR. Additional site assessment work by the Applicant in June 2023 indicates that there would be partial and intermittent visibility of the proposals from localised sections of the minor roads up to 4km from the Site, however it is inconceivable that road users could experience the same Medium magnitude of change as people at Viewpoints 8 and 9, where views are much less restricted and only ~1.5km from the proposals. Assuming a Low to Very Low magnitude of change the effect experienced by Medium sensitivity road users, there would be Minor adverse and Not Significant effects, which supports the scoping out of this visual receptor in the ES.</p>
<p>Assessment of effects on Friday Bridge 14th para</p>	<p>Friday Bridge Whilst it is acknowledged that for many receptors there may be no view, those residents living on the west side of the village (west edge of B1101, Fridaybridge Rd), the Council 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>The Council 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 Public Rights of Way (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 Volume 6.4 ES Chapter 9 Landscape and Visual Appendices [APP-079] 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> <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-</i></p>



Topic/Para	Representation	Applicant Comment
		<p><i>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 Appendix 9J Volume 6.4 ES Chapter 9 Landscape and Visual Appendices [APP-079]:</p> <p><i>“The rationale set out for the construction phase, including review of the ZTVs, would be applicable 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>Assessment of effects South of Friday Bridge</p> <p>15th and 16th paras</p>	<p>South of Friday Bridge</p> <p>The assessment (para 9.5.48, page 9-49) acknowledges as a location where settlement pattern is “particularly dispersed or almost absent”. Accordingly, with an absence of tree cover, the landscape is relatively open in places, such that there are clear views across the landscape towards 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</p>	<p>The Applicant draws attention to the rationale for viewpoint selection at paragraph 6.21 of GLVIA 3 best practice guidance which states: <i>“The viewpoints used need to cover as wide a range of situations as is possible, reasonable and necessary to cover the likely significant effects”</i>. In addition to all viewpoints being agreed with the Councils, views from minor roads and rights of way south of Friday Bridge were not identified by the Council as receptors likely to experience significant visual effects until June 2023, despite having been involved in advising on the scope of the LVIA for over 4 years, including a review of the PEIR.</p>



Topic/Para	Representation	Applicant Comment
	<p>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>Additional site assessment work by the Applicant in June 2023 indicates that there would be oblique visibility towards the Site from the public footpaths running between Longbeach Farm and Maltmas Farm up to 6km from the Site, however with reference to Viewpoints 18 and 19 taken at a similar range to the south of the Site (Figures 9.34 and 9.35 of Volume 6.3 ES Chapter 9 Landscape and Visual Figures [APP-060], it is clear that the magnitude of change would not exceed a Very Low level, resulting in a Minor adverse and Not Significant effect for public rights of way users. Views experienced by road users would typically be more restricted by trees, hedgerows and built development along the route, particularly on the approach to Friday Bridge. The analysis concluding in no potential for significant visual effects supports the scoping out of this visual receptor in the ES.</p>
<p>Viewpoint 7 17th para</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>The applicant notes that regardless of the difference in assessment of magnitude of change, the Council agree with the Applicant that the visual effect is Significant and consequently the difference in magnitude of change assessment, is largely academic. The viewpoint assessment at pages 9I16 to 9I17 of Appendix 9I Volume 6.4 ES Chapter 9 Landscape and Visual Appendices [APP-079] sets out the rationale for the magnitude of change judgements made. In summary the EfW CHP Facility would be seen obliquely and beyond intervening modern built development, supporting a Low not a Medium magnitude of change with reference to the agreed methodology at pages 9B14-9B16 of Appendix 9B of Volume 6.4 ES Chapter 9 Landscape and Visual Appendices [APP-079].</p>
<p>Effects on access and enjoyment of non-motorised users</p>	<p>Overall, it should be remembered that many roads, lanes and drives are not only vehicular routes, but they are also used by cyclists, runners and walkers too, and are fundamental to enable the public in accessing and connecting the rights of way and countryside access for health and wellbeing.</p>	<p>The Applicant does not dispute this observation, however the Proposed Development would not prejudice access and continued enjoyment of the countryside for health and wellbeing.</p>



Topic/Para	Representation	Applicant Comment
18 th para	Landscape Mr Flatman then moved on to explain landscape and townscape receptors.	At ISH6, Mr Furber, on behalf of the Applicant, explained why the Applicant's approach to the assessment of the Proposed Development on townscape and landscape receptors differed from the Councils, as described in detail at pages 12-13 of the Written Summary of the Applicant's Oral Submissions at ISH6, Document 15.2, [REP6-024] .
19 th 21 st paras	<p>Wisbech Settled Fen (Ref 9-99) Significant localised effects are acknowledged within the detailed rationale text; however, the table summary (Table 9.15 Summary of Significance of Adverse Effects: Landscape and Townscape Receptors) refers to 'Not Significant' 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. The Fens LCA (Ref 9-100): The Council considers 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 Council 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 Council disagrees 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 almost every building in the local townscape (and surrounding</p>	<p>The Applicant draws attention to the fact that localised significant effects are acknowledged twice in the rationale column of Table 9.15. and disagrees with the Council's request to amend the Significance column because a) the localised significant effects have 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>The Council's 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. There is no evidence for the Council's conclusion that the magnitude would be Medium on the whole landscape area.</p> <p>The Council asserts 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, 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</p>



Topic/Para	Representation	Applicant Comment
	<p>landscape). The Council considers 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 Council consider this is very difficult to achieve, as set out in 5.4.24 of the LIR report.</p>	<p>the proposed development. Reference to viewpoints 18, 22, 23, 25 and 30 within the Fens LCA demonstrates the limited indirect impact the Proposed Development would have to the baseline landscape character. The Council, whilst asserting there would be a significant adverse effect on landscape character extending south and beyond the A47, does not dispute the detailed assessment as set out in Appendix 9G at pages 9G11 to 9G14 of Volume 6.4 ES Chapter 9 Landscape and Visual Appendices [APP-079].</p> <p>In relation to TCA8: Wisbech Retail Development both the Council 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, 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 the Council that the detailed design of the EfW CHP Facility including cladding would have no role in <u>partly</u> 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. The rationale for the assessment conclusion states at 9-114 of ES Chapter 9 Landscape and Visual (Volume 6.2) [APP-036].</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>



Topic/Para	Representation	Applicant Comment
<p>Spatial extent of landscape effects</p> <p>22nd para</p>	<p>Mr Flatman summarised that, considering the extent and nature of effects evident across the landscape (including views), the Council is of the opinion that the landscape effects of Moderate Significance (considered to be Significant Effects) extend in an arc in the open Page 6 of 20 landscape from the edge of Wisbech St Mary extending round to the A1101 at approximately 5km radius.</p>	<p>At ISH6, Mr Furber, on behalf of the Applicant, covered in detail at page 13 of the Written Summary of the Applicant's Oral Submissions at ISH6, Document 15.2, [REP6-024], why the Applicant disagreed with the Councils.</p> <p>The Applicant explained that the Council has assumed that all Moderate effects would be Significant, however this assertion is made without a clear justification or evidence base. This approach does not comply with paragraphs 3.35 to 3.36 of best practice guidance GLVIA3 which states there should not be an over-reliance on matrices or tabular summaries of effects. The Council in its response only refers to summary tables in the ES and not the detailed assessments contained in the ES appendices.</p>
<p>Overall L&VIA effects</p> <p>23rd para</p>	<p>Mr Fraser-Urquhart KC then asked Mr Flatman if he agreed with the Applicant's conclusion in Section 3.4 (page 19) of the Applicant's Comments on Written Reps [REP3-039] there would be some significant visual effects, but that these would be limited. Mr Flatman noted that there are certainly significant effects from properties and highways and parts of recreational routes. The Councils are of the view that there are more significant effects, and additionally the Councils acknowledge that, as the ZTVs show, there are many viewpoints from which there will be significant and non-significant effects.</p>	<p>The Applicant notes that people across the overwhelming majority of the Study Area would not experience significant landscape and visual effects as a result of the proposals. The Applicant's LVIA, based on a methodology agreed with the Councils, concluded that significant visual effects 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 ES Chapter 9 Landscape and Visual (Volume 6.2) [APP-036].</p>
<p>Scale/mass of Proposed Development</p> <p>24th- 25th paras</p>	<p>Existing Infrastructure Mr Fraser-Urquhart KC referred to Section 3.7, page 22 of [REP3-039], where there is a discussion regarding the edge of settlement nature of the Proposed Development and the relationship with existing developments, in particular the cold store. The Councils have suggested there is no nearby infrastructure which approaches the Proposed Development in size or scale.</p>	<p>The photomontages submitted with the LVIA ES Chapter demonstrate that depending on the viewpoint location the relationship and comparative scale of the Cold Store to the Proposed EFW CHP Facility building changes. At Viewpoint 5 (Figure 9.21 of Volume 6.3 ES Chapter 9 Landscape and Visual Figures [APP-058]) at the A47 roundabout, where the EFW CHP Facility is closer to the viewer than the Cold Store, the tallest part of the Boiler House is clearly perceived</p>



Topic/Para	Representation	Applicant Comment
	<p>Mr Fraser-Urquhart KC asked Mr Flatman whether he thought there was an existing infrastructure, particularly the cold store, that was equivalent to or capable of masking this development. Mr Flatman noted that the cold store was currently the largest building in that vicinity, but that the Proposed Development far exceeds that, particularly once the stack height and plume are taken into consideration. The visibility and potential for effects is much greater. The cold store is softened by vegetation at a number of locations, and other smaller scale structures in the vicinity are lost in from view by vegetation, so the full scale of this development, which cannot be hidden from view by vegetation, will be felt even further and be more noticeable.</p>	<p>as being taller than the Cold Store. At Viewpoint 9, Begdale Road, the EfW CHP Facility building only appears slightly taller than the Cold Store that is closer to the viewer and occupies a greater horizontal extent (Figure 9.25 of Volume 6.3 ES Chapter 9 Landscape and Visual Figures [APP 059]).</p> <p>The Cold Store is visible in many of the photomontages and the additional effect of the Proposed Development components that includes the chimneys and very occasional visible plume is described and fully assessed throughout the LVIA.</p>
<p>Effects south of A47 26th para</p>	<p>A47 Mr Fraser-Urquhart KC asked Mr Flatman for a view on how the Applicant has used the A47 as a boundary marker for landscape and visual effects. Mr Flatman responded that the Councils feel the A47 has been used as a boundary to denote that anything south of the A47 is not as important. The Councils are of the view that there are evidently significant effects to the south beyond the A47 and that these effects and impacts extend beyond this road to wider areas, within the 5km radius.</p>	<p>At ISH6, Mr Furber, on behalf of the Applicant, explained at page 12 of the Written Summary of the Applicant's Oral Submissions at ISH6, Document 15.2, [REP6-024], why the Applicant considered that the A47 was an appropriate landscape feature and represented a boundary between significant and not significant effects on landscape character. The A47 is a busy road corridor frequently flanked by tree cover and is described in the Fenland District Council Wind Turbine Development Policy Guidance (2009) as a "distinctive feature" within the LCA as summarised at 2.2.4 at page 9C8 of ES Chapter 9 Landscape and Visual Appendices (Volume 6.4) [APP-079].</p>
<p>Planning balance/policy accordance 27th and 28th paras</p>	<p>Planning balance As to the issue raised by the ExA as to whether the benefits of the scheme outweighed the landscape and visual harm, Mr Fraser-Urquhart KC noted that this was a planning balance Page 7 of 20 issue, and that the extent to which benefits might or might not outweigh the harm caused should be considered. Mr Fraser-Urquhart KC drew the ExA's attention to two points of national policy in EN-1.</p>	<p>The Applicant has established in the assessment that the significant landscape and visual impacts would be localised with no significant townscape effects (agreed by the Council) and significant landscape effects confined to the local setting. In contrast to the Applicant, the Council defines significant effects on local setting as extending south beyond the A47 corridor although provides no detailed evidence to substantiate this assertion. It is agreed by both parties that landscape</p>



Topic/Para	Representation	Applicant Comment
	<p>5.9.15 of EN-1 has a section dealing with landscape and visual impacts in other areas outside nationally designated areas, indicating that there will often be visibility within many miles of proposed Infrastructure. The ExA should judge whether adverse impacts on the landscape would be so damaging that it is not offset by any benefits including need of the facility. The policy clearly contemplates that there are circumstances in which the L&V impacts would be so damaging that they are not outweighed by the benefits This is clearly one of those schemes given the nature of the topography and visibility of the scheme.</p> <p>The second point of national policy to which Mr Fraser-Urquhart KC drew the ExA's attention was 5.9.19 of EN-1, which suggests the Applicant should draw attention to examples of existing permitted infrastructure with similar magnitudes of impact on sensitive receptors to help the ExA in their assessments. The Councils would suggest there are no examples of existing permitted infrastructure that have similar magnitude of impacts. The Applicant has mentioned wind farms and pylons, whilst the Councils have mentioned the cold store. The Councils do not believe these have a similar magnitude of impact. The Councils believe the piece of infrastructure will have a particular and unique impact on this visual environment and landscape. Pursuant to this piece of guidance, the ExA can place greater weight on these impacts as they are different from anything else that surrounds the Proposed Development.</p>	<p>character effects would not be significant at the level of the landscape character area. In terms of significant visual effects 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 ES Chapter 9 Landscape and Visual (Volume 6.2) [APP-036]. The Council agrees with this assessment and in addition claims significant effects would be experienced from parts of Wisbech St. Mary and Friday Bridge and adjoining public rights of way and local roads, but without detailed analysis or supporting evidence. The Applicant draws attention to the context of the EfW CHP Facility Site as comprising less than 4% of an existing industrial estate with adjoining commercial and retail development that extends to some 125 hectares on the southern edge of Wisbech.</p> <p>There are many examples of permitted infrastructure in the Study Area that have similar magnitudes of impact on sensitive receptors. As set out at paragraph 9.5.14 of ES Chapter 9 Landscape and Visual (Volume 6.2) [APP-036], several wind farms are present throughout the Study Area including Ransonmoor Wind Farm which comprises five 107m high (to blade tip) turbines to the south-west of March. The Coldham/Coldham Extension and neighbouring Stag Holt Wind Farm comprise a total of 24 turbines with a maximum blade tip height of 100m, located to the north-east of March and ~6km to the south of the site of the main building at the EfW CHP Facility as shown in the annotated baseline photograph from Viewpoint 25 in Figure 9.15xxv: Viewpoint Photograph 25: Hereward Way close to Andrew's and Reed Fen Farm (Volume 6.3). Within the northern half of the Study Area, the Grange Wind Farm features seven turbines with a maximum blade tip height of 127m, located to the south of Sutton Bridge, ~10.5km to the north of the EfW CHP Facility Site as shown in the annotated baseline photograph from Viewpoint 27 in Figure 9.15xxvii: Viewpoint Photograph 27: Nene Way on the southern edge of Sutton Bridge on A17.</p>



Topic/Para	Representation	Applicant Comment
<p>10 New Bridge Lane</p> <p>29th – 33rd paras</p>	<p>10 New Bridge Lane</p> <p>Regarding 10 New Bridge Lane, the Applicant asserts that the rear patio would not have a view of the Proposed Development, and that the front of the dwelling is not used and therefore is not impacted in terms of visual amenity at</p>	<p>The landscape and visual impact of an EfW CHP facility is not unique and there are a number of examples of a similar scale EfW's located in more sensitive landscape contexts than the Proposed Development across the U.K including the operational EfW's at Javelin Park, Gloucestershire and in Bridgewater, Somerset. The Boston EfW in Lincolnshire was recently consented by the Secretary of State, located in The Haven and The Wash SPA.</p> <p>With regard to NPS EN-1 paragraph 5.9.15 it is recognised that the scale of nationally significant infrastructure projects is such that they will often be visible within many miles of the site of the proposed infrastructure and as quoted by CCC that the decision-maker must establish whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project. The Applicant's assessment is that the landscape and visual effects identified and reported with ES Chapter 9 Landscape and Visual (Volume 6.3) [APP-036] are not so significant as to outweigh the benefits of the project. The planning balance set out within the Planning Statement (Volume 7.1) [APP-091] concludes that with regard to the landscape and visual effects, that the balance lies firmly with the need for the Proposed Development.</p> <p>The Applicant would disagree with the point made by CCC that the type of infrastructure is unique within the landscape. The landscape within the area defined as the Landscape and Visual study area used for the LVIA includes a number of tall vertical elements such as wind farms, pylons and towers.</p> <p>At ISH6, Mr Furber, on behalf of the Applicant, covered in detail at page 14 and 15 of the Written Summary of the Applicant's Oral Submissions at ISH6, Document 15.2, [REP6-024], why the Applicant disagreed with the Councils conclusions.</p>



Topic/Para	Representation	Applicant Comment
	<p>this time. Mr Fraser-Urquhart KC noted that the Applicant has referred to the pattern of use at this property by the existing occupants. Whilst this is relevant, it should not be determinative. The property may not remain in its use, and different occupants may use it in a different way. Following the Council's presentation of evidence on RVAA, Mr Flatman noted that the Council disagreed with the Applicant's conclusions and felt that 10 New Bridge Lane was indeed beyond the threshold, resulting in an overwhelming/overbearing effect as a result of the Proposed Development, in particular.</p> <p>Mr Flatman noted that the section line drawn by the Applicant only showed the upper part of the chimney and building; whereas Mr Flatman drew the ExA attention to the whole length of building and stack that would be visible in views. If the section line was drawn to follow the top of the acoustic fence, the arc would suggest that the extent of the scheme Page 8 of 20 that would be visible would be nearer 70m, which would include the majority of the building and some of the stack. If you were to lower the sightline, the extent of view would be higher. This would be greater than the relationship between Potty Plants and the Lineage cold store building, but Mr Flatman noted he does not think the Councils should be comparing the two as they are so different.</p> <p>Mr Flatman noted he appreciates that the Proposed Development is further away, but also noted that the tree loss on the road frontage would mean much of the area is going to open up to a clear view through, with any remaining or replanted trees providing little to no effect in relation to screening. Any replacement landscape planting proposed by the Applicant along New Bridge Lane would take over a</p>	<p>The Council wrongly assert that the whole length of the building would be visible from the property as the section location plan demonstrates that retained woodland would limit views to a narrow part of the EfW CHP Facility building. The Council incorrectly state that the vertical extent of the EfW CHP Facility building and chimney's visible would be greater than at Potty Plants if a visibility line was drawn to coincide with the top of the acoustic fence. This statement is incorrect because there are ground level views from Potty Plants where the vertical extent of views are not restricted by any fencing. The Council also state that a comparison with Potty Plants is not relevant because the proposals are "so different". It is unclear why such a comparison is not relevant as both properties are bungalows on New Bridge Lane and would have views of large-scale, neutral coloured warehouse style buildings. The additional presence of slimline chimneys as part of the Proposed Development has been accounted for in the Applicant's assessment noting that the viewing angle to the chimneys from 10 NBL would be less than the viewing angle from Potty Plants to the much bulkier Cold Store, where there is also no intervening woodland planting to reduce the horizontal extent of the development in views.</p> <p>At the main entrance off New Bridge Lane the potential impact of lighting columns has been considered in the outline lighting strategy [REP5-010] with proposals to mitigate potential light pollution to acceptable levels. In respect to vehicles, views of the movement of vehicles would be substantially mitigated, although not eliminated by the 3m high acoustic fence. There would be some visibility of the upper parts of the HGV but the visual impact of vehicles would be low.</p> <p>Finally, an assessment of acceptability in terms of the Residential Visual Amenity Threshold (RVAT) is not undertaken on a single view but an assessment in the round where the main views from the dwelling and rear garden space would be unaffected by the Proposed Development.</p>



Topic/Para	Representation	Applicant Comment
	<p>decade to become effective, according to the Applicant – the Councils disagree, and do not believe this planting would be effective in this way.</p> <p>Mr Flatman noted that traffic movements outside 10 New Bridge Lane would be seen above the proposed acoustic fencing, as would their lighting and lighting for the Proposed Development. These effects would be ever-present during operational hours. The residents may not wish to close their gate all the time. If the gate was open, they would have a clear view of the proposed development.</p> <p>Mr Flatman concluded that this scheme would breach the residential visual amenity threshold for this property, taking it beyond something which would be acceptable. The effects cannot be mitigated.</p>	<p>The ExA's attention is drawn to the planning consent permitting 10 New Bridge Lane; LPA Ref: F/YR05/0841/F (see Appendix A). This planning consent approved by FDC states "<i>The site lies in an area where residential development would only be permitted under exceptional circumstances...</i>" consequently it is limited to agricultural/forestry related occupancy only. Therefore, an owner/occupant of this property could not change how they use the property so as to significantly enlarge the amenity space at the rear of the property. Furthermore, any future planning application at this dwelling would need to consider the following material considerations.</p> <p>10 New Bridge Lane is:</p> <ul style="list-style-type: none"> • Located within a waste management safeguarding area for existing and future waste uses in the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2036 (Oct 2021); • Allocated within the Broad Location for Growth, predominantly for business purposes in the Adopted Fenland Local Plan (May 2014); and • Part of a 67Ha area of land within Wisbech that is allocated for non-residential development (employment) site ref LP37.01, in the Emerging Fenland Local Plan (Draft Local Plan Consultation (Aug 2022)). <p>Concerning the gate to the acoustic fence, it will be a requirement of the noise mitigation that it remains closed when not in use. The gate will be an electronic sliding gate and it will be inspected from the highway each day by the Applicant as part of its daily round of site inspections. Any maintenance issues affecting the use of the gate will be attended to by the Applicant with the agreement of the owner/tenant.</p>



Topic/Para	Representation	Applicant Comment
<p>Effects on PROW users</p> <p>34th – 38th paras</p>	<p>Public Rights of Way Mrs Camilla Rhodes, Highway Records & Definitive Map Team Manager, made the following points:</p> <p>The Proposed Development, if granted planning permission, will result in a large industrial plant dominating the flat fenland landscape where once there was only a cold store. The Proposed Development would be double the size of MVV's facility at Plymouth in terms of output.</p> <p>According to the Environmental Justice Index for Cambridgeshire & Peterborough, completed by consultants Natural Capital Solutions in 2022, Wisbech is the worst area for environmental justice in the county, and is one of the most deprived areas in the county in terms of both health and nature. This work supports and develops existing national local policies, including NPPF paragraph 100 the CCC ROWIP (SOA2: A safer and health- Page 9 of 20 enhancing activity: Countryside access provision should be safe for users and encourage healthy activities; SOA3: new development should not damage countryside provision. Where appropriate, development should contribute to the provision of new links and/or improvement of the existing PROW network), and the CCC and Peterborough Joint Health & Wellbeing Integrated Care Strategy, Priority 2 (Create an environment to give people the opportunity to be</p>	<p>The rights to install and maintain the acoustic fence for the lifetime of the Proposed Development on the land at 10 New Bridge Lane plot number 12/8a (see Book of Reference Rev 5 (Volume 4.1) [REP3-009] and Land Plans Rev 4 (Volume 2.2) [REP3-003]) is secured in Schedule 8 of the draft DCO Rev 5, (Volume 3.1) [REP6-004].</p> <p>The Applicant draws attention to the fact the EFW CHP Facility Site is currently used for waste recycling and waste transfer and as a brownfield site is located within an established industrial estate. The Site covering 5.3 hectares comprises only ~4% of the footprint of the established industrial estate and adjoining industrial, retail, and other business uses covering over 125 hectares of land to the north, south, east and west of the EFW CHP Facility Site.</p> <p>The Cold Store building is approximately 90m in width, 160m in length and 33m AOD in height. This large-scale building, together with other extensive warehouse development, is an established part of the landscape, townscape and visual baseline surrounding the EFW CHP Facility Site. By comparison the proposed EFW CHP Facility main building has a similar overall footprint to the Cold Store, with the main building having a maximum width of 100m and maximum length of 180m, although the building by contrast to the Cold Store, would be broken down into smaller elements, with only the central Boiler House Building being up to 52m in height as illustrated in Figures 3.6 to 3.7 of ES Chapter 3 Description of the Proposed Development Figures, Volume 6.3 [APP-049].</p> <p>The Proposed Development would be located within an area of Wisbech which was designated for waste management, within an existing industrial estate, adjacent to the Cold Store. It would not prevent access to, or the use of, public rights of way nor would it affect access to the wider countryside. However, the Applicant is committed</p>



Topic/Para	Representation	Applicant Comment
	<p>as healthy as they can be) and policies within the current and emerging Fenland Local Plans that require development to both protect and enhance public access opportunities and the local communities they serve.</p> <p>How people perceive their sense of place and what happens to it directly affects their sense of identity, how they view and use that changed landscape, and consequently affects their physical and mental well-being. Dealing with the point Mr Furber was making about Goss Drove, Mrs Rhodes' 20 years of experience suggested that one has to be careful about making assumptions about how and why people use their PROW network and the local road that connect them. Similarly, how people perceive impacts on their landscape is often not how technical assessments judge them, so one has to be careful in making assumptions about this. Impact is perceived more negatively than is often considered by technical assessments, and it is helpful to acknowledge this in understanding impact on mental and physical well-being.</p> <p>The Councils' approach is therefore that, where adverse impact on public access and local communities within a landscape cannot be adequately mitigated, then it is appropriate to seek mitigation to offset that adverse impact in compensation.</p>	<p>to supporting local initiatives and priorities to improve the local environment and it has therefore entered into positive discussions with CCC and FDC with regard to measures which it can fund to deliver such enhancements.</p> <p>The LVIA methodology has been agreed by the Councils to be appropriate. No assumptions have been made on why people use the PROW network and users of all PROW have been assigned the highest possible level of sensitivity in the methodology, regardless on whether the routes are nationally or regionally promoted i.e., long distance footpaths and national cycle routes, or part of a network of PROW used by local people. In addition, views from settlements are typically assigned the highest level of sensitivity. In terms of local roads that connect designated routes, where scoped into the assessment these have been assigned a Medium sensitivity that has also been adopted by the Councils landscape experts. These local road users are more sensitive than people travelling on dual carriageways, where traffic has more of an influence, and more sensitive than people engaged in outdoor sport which does not involve an appreciation of the landscape. It is recognised that local people will typically perceive changes in their landscape negatively and this is accounted for in the methodology and subsequent assessment where all effects are determined to be adverse in nature (not neutral or beneficial) as described in detail in Section 3.4 of Appendix 9B of Volume 6.4 ES Chapter 9 Landscape and Visual Appendices [APP-079].</p>
<p>Mitigation package 39th - 40th - paras</p>	<p>Mitigation Package It is the Councils' view that the Proposed Development cannot mitigate its adverse impact on NMUs and local communities with the arc of the open landscape from the edge of Wisbech St Mary extending round to the A1101 at approximately 5km radius, as detailed by Mr. Flatman. The Councils have therefore sought a Local Community and</p>	<p>The Applicant submitted Section 106: Heads of Terms (Volume 15.8) at Deadline 6 [REP6-031]. This document confirms the Applicant's commitment to funding £400,000 of enhancements to public rights of way and non motorised routes within Wisbech, Wisbech St. Mary, Elm and Emneth. This offer was provided in response to CCC's letter dated 06 June 2023 requesting a package of mitigation and to subsequent meetings between the Applicant and CCC held on</p>



Topic/Para	Representation	Applicant Comment
	<p>public access Mitigation Package to offset this impact on these communities.</p> <p>The Councils are pleased to say that a constructive meeting with the Applicant was held on the 7th June and again on 22nd June.</p>	<p>07 June 2023 and 04 July 2023. Item 15.3.5 of the Statement of Common Ground between Medworth CHP Limited and Cambridgeshire County Council and Fenland District Council (Volume 9.4b) submitted at Deadline 7 confirms that CCC has agreed the S.106 Heads of Terms.</p> <p>For further information on the status of the Section 106 agreement Please refer to the Applicant's response to GCT.3.1, of the ExAQ3, (Volume 16.2).</p>
Community and PRow Access Mitigation 41 st – 42 nd paras	<p>In the Councils view, which it has developed in conjunction with Norfolk County Council, there are 4 elements to the Local Community and public access Mitigation Package:</p> <ol style="list-style-type: none"> 1. A Biodiversity Net Gain (BNG) site as close as possible to the site of the Proposed Development with permanent public access as part of the BNG strategy, helping to relieve recreational pressure on sensitive ecological sites and providing a valuable facility for local communities, supporting positive public health outcomes 2. Monies for enhancements to PRow network/local road connectivity within the area of landscape adversely affected by the Proposed Development: 4 parishes of Wisbech CP, Wisbech St Mary, Elm (Cams) and Emneth (Nfk) 3. A community fund for heritage, public health and other local community initiatives 4. The formalisation of permissive access rights for NMUs over the former level-crossing on New Bridge Lane. 	<p>The Applicant has set out its commitment to delivering the four elements of the requested mitigation package:</p> <ol style="list-style-type: none"> 1. The Outline Biodiversity Net Gain Strategy contained in Annex C of the ES Appendix 11M [REP6-008] and which will be secured through Requirement 6 of the Draft DCO (Volume 3.1) [REP6-004] contains a commitment to delivering BNG sites as close as possible and the Section 106 Heads of Terms [REP6-031] commits to appropriate permissive non-motorised public access is made available to the BNG land. 2. The Section 106: Heads of Terms (Volume 15.8) [REP6-031] provides for funding to secure PRow enhancements in the 4 parishes; 3. The Outline Community Benefits Strategy [REP6-016] confirms that the Applicant's offer includes a community fund, to be paid annually until the Proposed Development is decommissioned, that will be secured through a separate agreement with CCC under S.111 of the Local Government Act 1972; and



Topic/Para	Representation	Applicant Comment
	The Applicant is supportive of providing a S106 public access and community impact mitigation package in principle. Draft HoT have been issued for the S106 Agreement. The Councils provided comments back on the HoT on 23 June following the meeting with the Applicant on 22 June.	4. The Applicant is endeavouring to secure permissive access at the former level-crossing through tripartite meetings with Network Rail and CCC and will continue to do so, with a view to updating the ExA as to progress.
BNG and public access 43rd para	With regard to the first element, the Councils have requested a clause within the S106 Agreement committing the Applicant to using best endeavours to secure public access within BNG land to be established pursuant to Requirement 6 of the DCO, recognising that such access should not be to the detriment of the biodiversity gain sought. The Applicant has verbally agreed to a commitment along these lines and the Councils are hopeful that this can be agreed. The reason for adding this into the S106 Agreement is that public access is not something that is a requirement within the BNG guidance, but Cambridgeshire County Council's experience is that increasing public access opportunities relieves pressure on existing sensitive biodiverse sites, particularly in the Fenland area which is poor in the amount of both biodiverse sites and of public access opportunities. Therefore, the only way to make the link as a commitment is through the S106 Agreement.	The Applicant has included this within the Section 106: Heads of Terms (Volume 15.8) [REP6-031] . Paragraph 1.7 makes provision for the Section 106 Agreement to include a clause requiring the Applicant to use reasonable endeavours to ensure that appropriate public access to BNG land is provided as part of any scheme approved under Requirement 6 of the DCO [REP6-004] .
PRoW enhancements 44th para	The Councils are pleased that the Applicant has agreed in principle the second element of the package, that is, to providing £400k monies for enhancements to PROW network/local road connectivity upon commencement of the development, if development consent is granted. It should be noted that the map of indicative sites supplied with the Councils' response to SPC2.3 of the ExWQ2, [REP5-045] at Deadline 5 will be amended for the purposes of the S106	The Applicant has included a commitment to the requested £400,000 funding package in the Section 106: Heads of Terms (Volume 15.8) [REP6-031] (see Table 1.5). Plan 2 of the Heads of Terms provides for this funding to be used for improvements and enhancements within the parishes of Wisbech, Wisbech St. Mary, Elm and Emneth and provides for the flexibility to determine specific sites as requested by CCC.



Topic/Para	Representation	Applicant Comment
	Agreement to cover the four parish areas but not otherwise to be specific as to what will be delivered. This is because no negotiations have yet taken place with any third parties and no consultation has taken place with statutory parties, except Fenland District Council and Norfolk County Council, and so it would be unreasonable to make specific suggestions now. The purpose of the initial plan was to provide an initial evidence base for the calculation of appropriate s106 monies.	
Community Trust Fund 45 th para	On the third element, it has been agreed with the Applicant that the mitigation package will include a Community Trust Fund to help offset the adverse impact of the proposed development on the local community, details of which are under negotiation, but it is anticipated that terms will be agreed before the close of the Examination.	<p>The Outline Community Benefits Strategy [REP6-016] confirms that the Applicant's offer includes a community fund, to be paid annually until the Proposed Development is decommissioned. This fund will be secured through a separate agreement with CCC under S.111 of the Local Government Act 1972. The Outline Community Benefits Strategy has been updated at Deadline 7 to confirm that the Applicant will provide the sum of £200,000 each year (see Appendix B of the Rev 3 version).</p> <p>The Applicant has received written confirmation from CCC on 01 August 2023 that its Community Fund proposal '<i>will be greatly beneficial to the community, health and environment of Wisbech</i>' and <i>that the Council 'is delighted to agree it'</i>.</p> <p>For further information on the status of the Section 111 agreement Please refer to the Applicant's response to GCT.3.2, of the ExAQ3, (Volume 16.2).</p>
Permissive access at former level crossing 46 th para	With regard to the fourth element, permissive access for NMUs over New Bridge Lane former level crossing, some progress has recently been made following a meeting with Network Rail, MVA and CCC on 22 June. Network Rail have, without prejudice, said they are willing to enter into a permissive agreement provided that their reasonable terms	The Applicant is endeavouring to secure permissive access at the former level-crossing through tripartite meetings with Network Rail and CCC and will continue to do so, with a view to updating the ExA as to progress.



Topic/Para	Representation	Applicant Comment
	can be agreed. NR have advised that unfortunately the existing signage cannot be changed as it is standard wording agreed with DfT and the ORR, but additional advisory signs could be added to provide clarity on the ground. The Councils are therefore hopeful that this matter can be resolved, although they are unsure as to the timescale in which this will be achieved.	
Mitigation package negotiations 47 th para	In summary, the Councils are confident that elements 1, 2, and 3 of the public access and local community mitigation package can be agreed by the close of the Examination. The Councils are hopeful that the fourth element, permissive access over the former level crossing on New Bridge Lane will also be achievable, though it is not yet clear if that will be within the timeframe of the Examination. The Councils consider that the Package does not mitigate the scheme but starts to offset the adverse impact of it and provides reasonable measures in compensation for NMUs and the local community.	The Applicant welcomes CCC's comments that the mitigation package can be agreed by the close of the Examination. It is the Applicant's understanding that the measures will be sufficient to reasonably offset any adverse effects on NMUs and the local community arising from the Proposed Development. The Applicant has responded positively to each of the four elements requested by CCC. For further information on the status of the Section 106 and Section 111 agreement to secure the proposed mitigation, please refer to the Applicant's response to GCT.3.1, of the ExAQ3, (Volume 16.2).
Agenda Item 3 - Biodiversity		
Delivery of BNG 1 st and 2 nd paras	Biodiversity Mrs Deborah Ahmad, Ecology Officer, then made some comments regarding biodiversity following from Mrs Rhodes points: From a biodiversity perspective, the scheme will result in a net loss of habitat. The Applicant has committed to a biodiversity net gain of 10%, and proposed to deal with this through requirement 6 of the DCO. The Applicant has	The Applicant has engaged significantly with the LHAs over the past two years on BNG matters. Whilst some sites suggested more recently by CCC/FDC have proved unviable (either due to 3 rd party ownership or extant planning permission for residential development) the Applicant is continuing to explore other potential opportunities locally. The wording of Requirement 6 of the Draft DCO [REP6-004] , the mechanism by which the 10% BNG would be secured, has been agreed by CCC and FDC, as evidenced at item 11.4.4 of Table 11.4 of the SoCG with the LHAs (Volume 9.4) [REP6-019] . The Applicant is confident that the mitigation package will be achievable.



Topic/Para	Representation	Applicant Comment
	<p>attempted to seek offsite BNG solutions, but they have not secured anything to date. The Councils remain unsure as to how the Applicant will actually deliver the 10% BNG. The Outline BNG Strategy has been submitted as part of [REP5-015], and contains a priority for offsite net gain to be undertaken locally. But there is no clear understanding yet of where that could be.</p>	
<p>BNG 3rd para</p>	<p>Mr Fraser-Urquhart KC noted that it is the Applicant's responsibility to bring forward appropriate proposals to ensure this is deliverable. The ExA will need to give appropriate weight to the uncertainty as to the Applicant's ability to deliver 10% BNG.</p>	<p>There is no uncertainty. The Applicant commits to delivering a minimum of 10% BNG and Requirement 6, of the draft DCO (Rev 5.0) (Volume 3.1) [REP6-004] secures this commitment.</p> <p>The BNG assessment approach has been agreed by CCC and FDC (see item 11.4.1 of the SoCG) [REP6-019] and comments at 1st and 2nd paras, above.</p> <p>With the mitigation and BNG in place, the effects of the Proposed Development on biodiversity would be beneficial and the Proposed Development would accord with relevant legislative and policy tests in this regard, for the purposes of the decision making.</p> <p>..</p>
<p>Agenda Item 4 - Biodiversity</p>		
<p>1st para</p>	<p>No further comments were made by the Councils beyond those raised under Item 3.</p>	<p>Noted.</p>



Topic/Para	Representation	Applicant Comment
Agenda Item 5 – Traffic and Transport		
Change Application 1st para	<p>Mr Fraser-Urquhart KC acknowledged that the Change Application has been made in response to the Council's comments about safety. The Councils maintain that safety is of paramount importance and it would be unacceptable for the Applicant to proceed with an unsafe design. The Councils have undertaken an investigation regarding the land ownership for the additional plot of land required on New Bridge Lane for the junction. Some of the land the Councils believed to be highway land is owned by Tesco, and is subject to a Section 106 agreement. Mr Fraser-Urquhart KC confirmed that the Council is not in a position to give an interim certification of this land. There are three options as to how to proceed:</p> <ol style="list-style-type: none"> 1) The Council could find a way to give a partial interim certification of that land which solely links to this application, but there is not a mechanism in the existing Section 106 agreement to permit this. . In any event, issues still remain with the works which have been constructed by Tesco which would prevent certification. 2) The Applicant seek to enter a private contractual agreement with Tesco and potentially the Council to enable that land to be transferred to highway or to the Applicant. The Applicant stated that they are making strides to achieve this. The Council's engagements with Tesco on this matter so far have been less encouraging in terms of moving this option forward. 3) The Applicant amend their DCO application to include powers to compulsorily acquire that land that they need for these highways improvements. 	<p>The Proposed Development includes the Change Application; it is a safe design.</p> <p>CCC confirmed at a meeting on 6 July 2023 its acceptance of the Stage 1 Road Safety Audit for the Cromwell Road/New Bridge Lane junction design (Change 1).</p> <p>As to the land required for this change, the Applicant agrees that there is an area of land that would be affected which is believed to still be owned by Tesco. Whilst Tesco did not respond to the Change Application consultation, it has since confirmed in writing that it has no in principle objection to the Changes (see [AS-035]). The Applicant further understands that CCC has the powers (under an agreement between Tesco and CCC) to carry out works to bring any disputed area of highway up to the required standard for designation. Alternatively, a partial Provisional Certificate could be issued to cover the area of land that forms part of the Applicant's Change Application. Therefore, the Applicant is of the view that there is no impediment to the delivery of the signalisation of the junction.</p> <p>The area of land owned by Tesco is currently used as a street, and has been for many years, albeit it is not formally designated as public highway. The streets powers under the DCO could therefore be used in order to carry out these works, in the same way as they can be utilised in respect of the privately-owned section of Algores Way. However, in order to avoid any issue about whether the land is a street, the Applicant has included temporary possession powers over this area of land within the Change Application, to ensure that it has the power to enter the land and carry out the highway improvements, leaving the new junction arrangement in place once complete. This approach is detailed in full in Volume 13.2 Change Application Report [AS-028].</p>



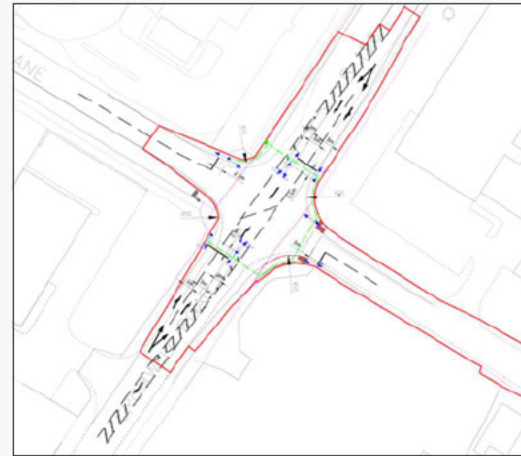
Topic/Para	Representation	Applicant Comment
Signal phasing at New Bridge Lane/Cromwell Road – Change Application 2 nd – 4 th paras	<p>Mr Fraser-Urquhart KC noted that two additional areas the Councils wished to comment on included the position regarding modelling of the effectiveness of the proposed signalised Cromwell Road/New Bridge Lane junction, and any other technical issues regarding this junction, and whether the intended change takes enough land to make this junction practicably functionable.</p> <p>Mr Jez Tuttle, Transport Assessment and Smart Journeys Manager, explained where matters stand with respect to the modelling of whether this proposed junction design would function. The Councils have reviewed the revised designs, and whilst the Councils are broadly happy with the flows the Applicant has used, albeit they have used some assumptions, they are concerned with some of the signal phasing, as it appears to allow right turn traffic from the South onto New Bridge Lane without stopping the southbound traffic from the north. This would allow the southbound traffic to cut across the northbound traffic's right turn. The Councils feel the southbound traffic would need to be stopped in all settings to allow the northbound traffic to turn right onto New Bridge Lane. The phasing diagrams submitted by the Applicant show the southbound traffic is not stopped in all settings currently. The staging needs to be completely separate so that the southbound from Wisbech traffic is stopped to allow the vehicles turning right into New Bridge Lane to do so safely.</p> <p>Mr Fraser-Urquhart KC asked Mr Tuttle to confirm whether there was any technical or practical reason why this could not be done. Mr Richard Ling Traffic Signals and Systems Manager confirmed that there is no reason why the staging cannot be changed and remodelled to show the manoeuvre safely.</p>	<p>The Applicant met with CCC on 06 July 2023 to discuss technical issues relating to the signalisation of the junction (Change 1). The Applicant has subsequently carried out further traffic modelling of the junction to incorporate a separate stage for right turns into New Bridge Lane as requested by CCC. The outputs from this modelling, together with an updated phasing diagram were shared with CCC on 24 July and are provided in an updated Transport Assessment Change Application Addendum (Volume 13.3) (Rev 2) submitted at Deadline 7.</p> <p>CCC confirmed at a meeting on the 02 August 2023 that the signalisation modelling of Change 1 was suitable, subject to the detailed design.</p> <p>The Applicant is confident that Works No. 4A which incorporates the Change Application dated 05 June 2023, including the signalisation, and associated cabling and ducting works, can be delivered within the Order limits. This position is evidenced by the:</p> <ul style="list-style-type: none"> • vehicle tracking issued to CCC and submitted with the Applicant's Change Request, see Figure 2.1, Non-Statutory Consultation: Proposed Changes Statement of Purpose, Rev 1, June 2023 • Figure 10.1iv in the Outline CTMP (Rev 7) (Volume 6.4) submitted at Deadline 7 displaying the cable ducting for the signalisation; and • Figures 10.1x – 10.1xii Additional Cross-section plans of New Bridge Lane were provided to CCC to provide further assurance on this point. CCC has confirmed its agreement.



Topic/Para	Representation	Applicant Comment
Order Limits at the New Bridge Lane/Cromwell Road junction 5 th para	Mr Daniel Ashman, Asset Information Searches Manager, then explained that the Councils question whether the plans include sufficient land for the required improvements to the New Bridge Lane/Cromwell Road junction. Firstly, the additional land required by the Applicant on the carriageways of both New Bridge Lane and Cromwell Road does not achieve a sufficient distance back from the proposed stop lines that would be installed at the revised junction. A minimum distance of 50m is required, to ensure appropriate road surfaces and sensors can be installed, at the correct locations of the junction. This should be included within the expanded DCO boundary.	The Applicant's response on this point can be found in the Written Summary of the Applicant's Oral Submissions at ISH6 (Volume 15.2) [REP6-024] Agenda Item 5c.
Order Limits at the New Bridge Lane/Cromwell Road junction 6 th para	Second, on the western side of the crossroads, on the land that borders the Murkett's car garage, the DCO boundary has been expanded slightly but there appears to be limited space in one area.	The Applicant's response on this point can be found in the Written Summary of the Applicant's Oral Submissions at ISH6 (Volume 15.2) [REP6-024] Agenda Item 5c. The response is substantiated by the Applicant giving consideration to the location of the cabling that would be required to operate the signalisation. An outline design demonstrates that cabling could be accommodated within the order limits, see below with the full figure to be found within the Outline Construction Traffic Management Plan (Volume 6.4) Figure 10.1iv submitted at Deadline 7.



Topic/Para	Representation	Applicant Comment
<p>Compulsory Acquisition powers at New Bridge Lane/Cromwell Road junction</p> <p>7th para</p>	<p>The Council questions why temporary powers of acquisition are not deployed for the two parcels of land on either side of parcel 12/1d at Salter's Way/New Bridge Lane. The Council acknowledges that the Council have advised the Applicant these areas are part of the highway, but even though highway rights exist over the surface, the subsoil is in private ownership. In common with the rest of the DCO application, the Council would anticipate some sort of power of acquisition being deployed over these areas. This principle may also be applicable if any additional land is required at the New Bridge Lane/Cromwell Road junction.</p>	<p>The land either side of plot 12/1d at Salters Way / New Bridge Lane forms part of the public highway. The case of <i>London Borough of Southwark v Transport for London [2018] UKSC 63</i> confirmed that subsoil is the 'zone of ordinary use', and this will depend on the nature of the highway and its users. The subsoil required for apparatus or drainage associated with the use of the highway itself would form part of the 'zone of ordinary use'. As such, the Applicant is confident that the proposals at Salters Way, to provide dropped kerbs, can be implemented fully within the extent of the public highway using the highway powers of the draft DCO.</p>
<p>Compulsory Acquisition powers at New Bridge</p>	<p>Mr Fraser-Urquhart KC noted that the technical aspects set out by officers seem capable of resolution in due course, but the issue of how the land is acquired still remains a</p>	<p>In respect of the amended Cromwell Road Junction, the area of land owned by Tesco is currently used as a street, and has been for many years, albeit it is not formally designated as such. The streets powers under the DCO could therefore be used in order to carry out these</p>





Topic/Para	Representation	Applicant Comment
Lane/Cromwell Road junction 8 th para	fundamental issue which may not be resolved by the change application in its current form.	<p>works, in the same way as they can be utilised in respect of the privately-owned section of Algores Way. However, in order to avoid any issue about whether the land is a street, the Applicant has included temporary possession powers over this area of land within the Change Application, to ensure that it has the power to enter the land and carry out the highway improvements, leaving the new junction arrangement in place once complete. This approach is detailed in full in Volume 13.2 Change Application Report [AS-028].</p> <p>In respect of all other land required for the Cromwell Road junction improvements, the Applicant is confident that the proposals can be implemented with the extent of the public highway using the highway powers within the draft DCO, with no requirement for any additional compulsory acquisition or other powers.</p>
Junction modelling 9 th para	Mr Tuttle confirmed that there may be some sensitivity testing required in the modelling of the junction, but that the Council are happy to proceed with the Applicant to resolve the technical junction design issues.	<p>CCC's commitment to resolving its technical design queries is welcomed, although the Applicant considers that it has addressed all of CCC's requirements.</p> <p>A further meeting with CCC took place on 06 July 2023 to discuss the scope of further junction modelling with the results provided to CCC on 24 July 2023. This was followed by a meeting with CCC on 02 August 2023 at which the Applicant was able to explain the results of the additional modelling and confirm that the proposed junction could operate with the existing Tesco traffic lights satisfactorily. The results of the updated modelling are submitted in the Transport Assessment Addendum Rev2 (Volume 13.3) at Deadline 7. CCC has confirmed via email dated 02 August 2023 that <i>that the model was robust and provided a good general picture of any congestion</i>. Furthermore that the design was acceptable and could move forward to a detailed design.</p>



Topic/Para	Representation	Applicant Comment
Rights of access at former level crossing 10 th para	<p>Regarding private rights of access, Mr Ashman explained that as the County Council, it is CCC's responsibility to assert and protect the rights of the public who use its highways, and one of the issues that is coming into play at Newbridge Lane is the issue of the level crossing over which the Council know highway rights and are no longer recorded. Public right of access over the level crossing was extinguished in 1981 by virtue of the British Railways Act. If the development is permitted and goes ahead as designed, the level crossing will become the only route providing access to properties on the eastern side of the former railway; these premises are currently accessed via New Drove further to the east, a route which will be closed by virtue of the installation of a bollard to prevent through traffic. The Council understands that the Applicant is in negotiations with Network Rail about providing a right of access for affected landowners across the level crossing. However, it has not seen any detail about those agreements. In order for the Council to be satisfied that this change to access arrangements does not disadvantage any party, as part of its duty to assert and protect the right of the public, it needs to be content that access agreements with those parties have been reached prior to the closure of the examination.</p>	<p>Discussions are ongoing with Network Rail to secure the access rights necessary for the two properties located on the eastern side of the disused level crossing and to the west of the proposed bollard to be installed on New Bridge Lane as part of Work No 4A (being vacant land owned by Fenland District Council and 10 New Bridge Lane).</p> <p>The Applicant remains confident that agreement can be reached with Network Rail prior to the end of the Examination. In the unlikely event that agreement cannot be reached, the draft DCO includes compulsory acquisition powers that would enable the Applicant to acquire new rights of access for the benefit of those properties.</p>
Effects on NMU experience at New Bridge Lane 11 th para	<p>Mrs Camilla Rhodes summarised the Councils position regarding non-motorised users and New Bridge Lane. Notwithstanding the creation of a pavement along New Bridge Lane, the Councils remain concerned that there is a degradation in the overall experience for NMUs along New Bridge Lane arising from the Proposed Development which cannot be adequately mitigated, which is why the Councils</p>	<p>See the Applicant's response above regarding its commitment to delivering the mitigation package sought by CCC.</p>



Topic/Para	Representation	Applicant Comment
	seek the public access and local community mitigation package discussed earlier in the hearing.	
Liaison Group and involvement of PRow user groups 12 th para	Secondly, the Councils have previously made representation advising that the Liaison Group needs to include both statutory and local user groups, such as the Ramblers, BHS, cycling and local walking and health groups. The Applicant should proactively add those groups to the Liaison Group.	The Applicant has included its commitment to involving groups representing users of public rights of way in the Outline Construction Traffic Management Plan (Volume 6.4) [REP6-011] , the Outline Construction Environmental Management Plan (Volume 7.12) [REP6-013] and the Outline Operational Traffic Management Plan (Volume 7.15) [REP6-018] all updated and submitted at Deadline 6.
Damage to local highways 13 th para	On the matter of damage caused to the highway by extraordinary levels of traffic Mr Ashman made the following points: Page 15 of 20 In response to ExQ2 TT.2.11 [REP5-032], the Applicant has broken down its assessment of the likely increase in traffic flows on some of the key 'highway links'. The Council is of the opinion that the figures for the increases in HGV traffic on New Bridge Lane and Cromwell Road during construction and operation are significant enough to have the potential to cause additional damage and wear to the highway. These increases are demonstrated in the Applicant's response to the ExQ2.	The Applicant has agreed to provide a commuted sum that will cover any additional maintenance costs of Cromwell Road and New Bridge Lane associated with the Proposed Development. The Applicant disagrees that its operational traffic volumes are extraordinary; should that be the case, there is an existing mechanism under s59 of the Highways Act 1980 under which CCC may recover additional maintenance costs from the Applicant
Damage to local highways 14 th para	In its response to the ExQ2, the Applicant has referred to the SoCG where it is noted that the Transport Assessment Team at CCC "would have no concerns over the impact of the Applicant's development subject to the enhancements to New Bridge Lane". However, this conclusion is based on an assessment of section 6.9 of Ch6 of the Env Statement [APP033] which details the impact of the development on traffic movements in Wisbech. Section 6.9 does not make any mention of the impact of the development on the	Following further discussions with CCC, the Applicant has agreed that any damage caused by construction of the Proposed Development will be remedied. This will be secured through a Section 278 agreement with CCC and/or protective provisions included within the DCO. In addition, the Applicant has agreed to the provision of a commuted sum to cover future maintenance costs relating to Cromwell Road junction and New Bridge Lane.



Topic/Para	Representation	Applicant Comment
	highway condition, so the Council's agreement to the points made in that section cannot be related to the additional wear that the development may have on the condition of the constructed highway; it can only be related to the traffic movements explored in that document.	The Applicant does not agree that any further sums for repair or maintenance of all public highways within Wisbech is required during operation, noting that HGVs will be accessing the EfW CHP Facility via Cromwell Road and New Bridge Lane only, for which the commuted sum has been provided. The A47 is part of the strategic road network and the responsibility for maintenance is for National Highway and not CCC.
Damage to Local Highway 15th para	The Applicant has also made the point that New Bridge Lane will be reconstructed as part of the works. The inference taken from this is that the Applicant believes the reconstruction to offset any damage that might occur on the carriageway as a result of the HGV traffic that will be using it. However, the point should be made that there is a section of New Bridge Lane, to the east of the former level crossing and leading up to the entrance to the incinerator site that is intended under this application to be almost exclusively for the use of the HGVs accessing the development. This is part of a public highway where, after redevelopment, through traffic will not be permitted. Other access will be limited to authorised users only, or passing NMU traffic. It follows that the only vehicles likely to cause damage to the carriageway are those accessing the MVV site. On a public highway where use by the public is proposed to be restricted and tailored to suit the development, and where the highway authority currently has minimal maintenance liability owing to the extremely low usage, it would be reasonable for the Applicant to commit to providing compensation for excess damage that its development may cause.	Please see the Applicant's response above.

TABLE 1.2 – WRITTEN SUMMARIES OF ORAL REPRESENTATIONS MADE AT ISH7 ON TUESDAY 27 JUNE 2023



Topic/Para	Representation	Applicant Comment
Agenda Item 3 – Waste Issues		
Waste – General 1 st – 3 rd paras	<p>Mr Matthew Breeze, Principal Planning Officer at Cambridgeshire County Council, made the following points , which have been the Councils’ consistent case throughout the Examination:</p> <p>In relation to waste need, and the proposed size of the facility, the Council has three main areas of concern:</p> <ul style="list-style-type: none"> Ensuring waste is managed as high up the waste hierarchy as possible. Ensuring the proximity principle is observed. Ensuring the ExA has a clear understanding of the implications of permitting a facility that provides 625ktpa of capacity, particularly on the distance that waste will need to travel for as long as the facility exists, and the likelihood that it will prevent smaller more localised facilities being brought forward in both this and adjoining waste plan areas in the future, thereby undermining the local planning process. <p>Each of these relate to the content of the WFAA. Taking each in turn:</p>	Noted. See responses below which address the three points raised by CCC.
Waste hierarchy 4 th – 6 th paras	<p>Waste Hierarchy</p> <p>On the topic of the waste hierarchy the Council made representations starting in the Council’s Relevant Representation requesting additional criteria to Schedule 2 - Requirement 14 - Waste Hierarchy Scheme.</p>	The Applicant has worked with CCC to agree the wording of Requirement 14. It is noted that agreement on the wording of this Requirement as contained in the Draft DCO [REP6-003], has been reached. This is confirmed at item 4.2.2 of the Statement of Common Ground between the Applicant and CCC and FDC (Volume 9.4) (Revision 4) submitted at Deadline 7.



Topic/Para	Representation	Applicant Comment
	<p>It is the Councils' view that it is important that the future operator not only be seeking to prevent waste that could be treated further up the waste hierarchy from being accepted at this facility, but also being seen to do this too.</p> <p>In relation to this topic, CCC can confirm that they have reached agreement with the Applicant on wording for additional criteria as set out in the Applicant's recently submitted Draft Development Consent Order text. CCC strongly support the inclusion of these additional criteria in the DCO text.</p>	
<p>Proximity Principle 7th – 11th paras</p>	<p>Proximity Principle</p> <p>On the topic the proximity principle, the Council and the Applicant have reached an agreement on the text of an additional requirement (29) as set out in the Draft Development Consent Order text. This is designed to prevent the worst potential excesses or waste traveling extreme distances. It is the view of the Council that this requirement is essential to provide a backstop to ensure that the proximity principle is observed, even if it is minimally.</p> <p>The Council strongly supports the inclusion of this requirement in the DCO text.</p> <p>The Council notes that the Applicant has shared a draft of the waste area 2 plan, but this does not appear to have been submitted, and the Council would like to ask if the Applicant would be willing to confirm when they will be submitting waste area 2 plan to the ExA. (Applicant confirmed that it would be submitted at D6).</p>	<p>The Applicant has worked with CCC to agree the wording to Requirement 29. It is noted that agreement on the wording of this Requirement contained in the Draft DCO [REP6-003] has been reached. This is confirmed at item 4.2.2 of the Statement of Common Ground between the Applicant and CCC and FDC (Volume 9.4) (Revision 4) submitted at Deadline 7.</p> <p>Furthermore, it can be confirmed that plan which accompanies draft Requirement 29 was submitted at Deadline 6, see DCO Requirement 29: Waste Area Plan – Revision 1 [REP6-015].</p>



Topic/Para	Representation	Applicant Comment
	<p>The ExA then asked about the origin of the 17.5% related to waste area one (75km radius from facility), identified in the proposed catchment requirement (29).</p> <p>Mr Breeze explained that the Council originally proposed figures of 20% and 90% in relation to subsection (1) and subsection (2) of the draft catchment requirement (29). The figure of 20% was estimated to be a realistic minimum amount of waste within 75km of the facility that the proposed facility could achieve. This considers the spatial distribution of the waste, (which was illustrated used page 94 of the Local Impact Report [REP1-074], describing the urban areas within and outside the 75km distance), and the fact that this is a commercial facility and would need to secure waste through commercial contracts, which it may not always be successful in winning. The Applicant's counterproposal was for 17.5% and 80%, which for the 17.5% would mean a change from 125ktpa to 109.375ktpa. In the spirit of compromise the Council agreed to the Applicant's counterproposal.</p>	Noted.
<p>Proximity principle</p> <p>12th para</p>	<p>Mr Andrew Fraser-Urquhart KC emphasised that whilst the Councils have agreed a proposed requirement to deal with the proximity principle, this is a longstop against the worst possible outcome, and that all of the Councils submissions about the difficulties in adhering to the proximity principle remain. The councils maintain that the violation of the proximity principle is a significant potential disbenefit to which the ExA should have due regard.</p>	<p>Noted. However, the Applicant, in its WFAA [REP5-020] has consistently based its assessment of localised need upon a robustly defined Study Area. The assessment concludes that there would be more than sufficient fuel available to the Proposed Development from within this Study Area, thereby ensuring that a portion of the 2.4 million tonnes of suitable residual waste that is currently landfilled in the Study Area is not only managed in a proximate manner but also in accordance with the waste hierarchy.</p> <p>Irrespective of this, it is also noted that CCC has an agreed position on the proximity principle see item 21.1.8 in the Statement of Common Ground between Medworth CHP Limited and Cambridgeshire</p>



Topic/Para	Representation	Applicant Comment
		<p>County Council and Fenland District Council (Volume 9.4b) as submitted at Deadline 7.</p> <p>Requirement 29 has been agreed with CCC to ensure compliance with the proximity principle. The Requirement ensures that a minimum of 80% of the waste must originate from within the local area, defined by the Waste Fuel Availability Assessment (Rev 3) [REP5-020] as the Study Area.</p> <p>The Applicant further notes that waste originating from outside Study Area 2 may also comply with the proximity principle where there is no waste treatment capacity closer to the source of that waste.</p>
<p>Spatial distribution of waste and local impact</p> <p>13th – 17th paras</p>	<p>Spatial Distribution of Waste and Local Impact</p> <p>The third topic is that of the spatial distribution of waste and the implications of locating a facility such as this in this location. This has been set out in CCC's submissions from the relevant representations onwards. The Council are not aware of any possible mitigation for this issue.</p> <p>In brief, the development is presented a regional facility, which with a capacity of 625ktpa will need to source waste on a regional basis. This is a large facility and is disproportionately large for the local need and the community that is being asked to host it.</p> <p>The development of this facility in this location will result in waste traveling further distances, than if it was to be located closer to the main concentrations of waste. More localised energy recovery facilities as envisioned in the relevant waste local plans in the region would not have the same scale of negative effects as this facility.</p>	<p>In terms of the scale and location of the Proposed Development, the Applicant has demonstrated via the updated WFAA [REP5-019/020] (Rev 3.0) – and its previous iterations – that the Proposed Development is located in a region that, when compared to the national position, places a much greater reliance on landfill – indeed, for local authority collected waste, when compared to the national average of 8% landfill, only 4 out of the 16 Waste Planning Authorities in the Study Area (Peterborough, Rutland, Suffolk and Peterborough) had a rate of landfilling less than the national average. Moreover, for several areas (Bedford, Cambridgeshire Essex, Leicester and Leicestershire) the landfill rate is more than three times the national average – and overall has seen an increase from 2020/21 to 2021/22. For all household, industrial and commercial (HIC waste), the updated WFAA [REP5-019/020] (Rev 3.0) has shown that almost 2.4 million tonnes of suitable HIC waste generated within the WPAs within the spatial scope were sent to non-hazardous landfill in 2021. Even excluding Essex, which sent over 1 million tonnes of waste to landfill, more than 1 million tonnes of in scope waste was sent to landfill from the next six highest HIC landfilling areas. This includes Cambridgeshire itself, which at over 220,000 tonnes of HIC waste each year going into landfill, is the</p>



Topic/Para	Representation	Applicant Comment
	<p>The pattern of waste that the Council see now, will be affected by future recovery capacity provision and government and market interventions in waste production, all of which have a level of uncertainty attached. In the future, should residual waste reduce, or other plants be permitted more locally to existing waste sources, the negative effects associated with the facility will be amplified as it must look further and further for fuel. Whilst this proposal provides a significant benefit in recovery capacity, it also comes with all the disbenefits that you have heard that come from concentrating this capacity one location.</p> <p>On this topic, the Council asks the ExA to give very careful consideration to the disbenefits that come from centralising capacity in what is a largely rural and spread-out region and attribute the appropriate weight in their determination of this application.</p>	<p>third highest area for reliance of landfilling (after Essex and Leicestershire).</p> <p>Located at the heart of a region that traditionally places a significant reliance on managing residual waste at the bottom of the waste hierarchy (i.e., landfill), the Applicant is of the view that the Proposed Development is well located to ensure that residual HIC waste can be managed further up the waste management hierarchy.</p>
<p>Uncertainty on future waste arisings sufficiency 18th para</p>	<p>Sufficiency of fuel</p> <p>The ExA asked about the response to ExA Q2 PP.2.1. In the Council's response to the Examining Authorities Second Questions, there was a question relating to whether or not there was sufficient fuel. The Council's position is that there is adequate fuel at this time, but forecasting future waste arisings is difficult to do as it will depend on many different factors. From the available data it is possible to argue that both scenarios, that is, there is sufficient fuel, or that there will be insufficient fuel, could arise in the long term. It is in that context the Council raises the question of what would happen if there was insufficient waste to fuel the entire facility? If the fuel falls below 525ktpa will the whole plant</p>	<p>The Applicant refers to the response to agenda item 3i and Appendix A (Technical Note: Reduction in Energy Inputs) of the Written Summary of the Applicant's Oral Submissions at ISH7 (Volume 15.3) [REP6-025]. In summary, a reduction in energy input at the Proposed Development could be dealt with, and with minimal impact on gross electrical efficiency.</p> <p>The Applicant's view that there is sufficient waste within the catchment area and therefore, it is not anticipated that the methods detailed in this Technical Note will be employed.</p> <p>The question as to what would happen if available fuel dropped below 525,600 tonnes per annum has been addressed fully in the</p>



Topic/Para	Representation	Applicant Comment
	<p>cease to operate or can part of the plant continue to operate? This was raised earlier in ISH7 and the Applicant set out that the facility could be run at reduced hours.</p>	<p>Applicant's Deadline 6 Submission – Volume 15.3 Written Summary of the Applicant's Oral Submissions at ISH7 - Revision 1 [REP6-025].</p>
<p>MoU 19th and 20th paras</p>	<p>Memorandum of Understanding</p> <p>The ExA asked about response to ExA Q2 PND.2.1. The ExA in their question asked who the signatories to the East of England Waste Technical Advice Body Memorandum of Understanding were; at the time, the Council listed the parties involved and listed the ones that CCC had on file as having signed the MOU. The Council have since received confirmation from the Secretary of the EoEW TAB that all the authorities listed did sign the MoU.</p>	<p>Noted. However, it is also understood that the Memorandum of Understanding, which was signed in March 2019, had a three-year life from 8 April 2019 – and as such, has now expired.</p>
	<p>The ExA asked about net self-sufficiency, and the implications of the proposed development on net self-sufficiency. Net self-sufficiency was briefly explained to mean that it is where a waste planning authority provides a total waste management capacity equivalent to that which is required for their area. The capacity provided for does not necessarily need to be of the same type that is required. A more complete explanation is included in the Council's response to ExA Q2. The effect of a proposal such as this will be to make a significant overprovision of capacity in one area, which will undermine the ability of other nearby local plans to deliver their planned capacity, and in the future have difficulty meeting net self-sufficiency and proving the deliverability of their plan, as this capacity will exist, but they will have no certainty as to if it is available to them.</p>	<p>In terms of net-self-sufficiency - see the above response to the 13th and 17th paragraphs, which elaborates on why the Proposed Development provides proximate and much needed capacity for the management of residual waste in the defined Study Area.</p>



Topic/Para	Representation	Applicant Comment
MoU 21 st para	The ExA explores the effect of the proposal on local waste management capacity, and relevant local policy / plans. The Applicant explained that in their view that local should be considered to be at a regional scale, proportionate to the facility. The Council disagrees with the Applicant's position, and suggests that 'local' in the first instance means waste planning authority level or potentially lower at waste collection authority level depending on the context. The ExA's attention is drawn to the spatial distribution of waste on page 94 of the LIR [REP1-074].	Throughout the examination, the Applicant has been clear that it defines the local market as the WFAA Study Area. This approach is consistent with the approach taken by other EfW NSIPs, reviewing waste availability by reference to a two-hour drive time (Boston Alternative Energy Facility) or by simply referring to waste regions (North Lincolnshire Green Energy Park) In this regard, it is anticipated that the Proposed Development will offer much needed capacity in the Study Area that moves the management of residual waste further up the waste hierarchy. Through reviewing the Local Plan evidence bases of those Waste Planning Authorities within the Study Area, it has been demonstrated that of the sixteen Waste Planning Authorities considered, only three (Central Bedfordshire, Bedford and Luton, who operate under one single Waste Local Plan) had any planned surplus in residual waste management capacity. The overwhelming majority of the WPA's considered had predicted planned shortfalls in residual waste management capacity. In this regard, it is considered that the Proposed Development is highly likely to make a positive contribution to the fulfilment of predicted Local Plan capacity shortfalls within the Study Area and to facilitate the movement of a proportion of the ~2.4 million tonnes of suitable residual waste that is presently landfilled up the waste management hierarchy.
Agenda Item 4 – Cumulative Effects		
Methodology for assessing cumulative effects 1 st – 3 rd paras	Mr Andrew Fraser-Urquhart KC drew the ExA's attention to the basis upon which the ExA might consider the issue of cumulative effects, noting it is a difficult area to define exactly how to assess cumulative impacts. Mr Fraser-Urquhart KC referred to a particular case: R(Leicestershire County Council) -v- Secretary of State for Communities and Local Government [2007] EWHC 1472 (Admin).	The Applicant's response on this point can be found in the Written Summary of the Applicant's Oral Submissions at ISH7 (Volume 15.2) [REP6-025] Agenda Item 4a.



Topic/Para	Representation	Applicant Comment
	<p>A copy of this case can be found in Appendix A of the Councils' Deadline 6 Submissions [CLA.D6.ISH6-7.AA]. This case raised the issues of how cumulative impacts were to be assessed, and at paragraph 41 of the judgement, Mr Justice Barton suggested examples:</p>	
	<p><i>(1) even though each individual area of potential impact was not objectionable yet each such feature was so close to objectionability that, although none could be said to be individually objectionable, yet because each was nearly objectionable, the totality was cumulatively objectionable; or</i></p>	
	<p><i>(2), one, two, three or four of the particular features were close to being objectionable and that would be an important matter to take into account when looking at the totality; or</i></p>	
	<p><i>(3) one particular combination of two or three otherwise unobjectionable features could cause objectionability in their totality; or</i></p>	
	<p><i>(4) ... there could be some unusual feature or some unusual combination of features such as to render that combination objectionable when the individual feature was not.</i></p>	
	<p>The Councils commend that authority to the ExA and suggest it forms a useful yardstick against which to judge cumulative impacts and the Applicant's assessment of them.</p>	



Table 2.2 Comments on Deadline 6 submissions from CCC and FDC: Comments on the Applicant's D5 Submissions [REP6-037]

Topic/ Para	Representation	Applicant Comment
2.3 Works Plan – Revision 3 [REP5-003]		
Boundaries of DCO and Works	This version of the Works Plans appears to have been superseded by the change application submitted by the Applicant, which seeks to broaden the DCO boundary at the junctions of New Bridge Lane with both Cromwell Road and Salter's Way. Accordingly, the works boundaries within the Order Limits would, if the Change Application is accepted, require to be updated to reflect the larger area of highway that is required to work within.	<p>The Works Plan (Volume 2.3) (Rev 3) [REP5-003] was submitted at Deadline 5 to correct a drafting error in the previous revision submitted at Deadline 3.</p> <p>Following the acceptance of the Change Application Request, a new version of the Works Plan (Rev6) has been submitted at Deadline 7.</p>
2.4 Access and Rights of Way Plan - Revision 5.0 [REP5-004]		
Boundaries of local highways	This version of the Access and ROW Plans appears to have been superseded by the change application submitted by the Applicant, which seeks to broaden the DCO boundary at the junctions of New Bridge Lane with both Cromwell Road and Salter's Way. Accordingly, the highway boundaries within the Order Limits would, if the Change Application is accepted, require to be updated to reflect the larger area of highway that is required to work within.	The Access and Public Rights of Way Plan (Volume 2.4) (Rev 5) [REP5-004] was submitted at Deadline 5 to address comments made by CCC about the extent of public highway. As with the Works Plan, the Access and Rights of Way Plan has been updated for Deadline 7 following the acceptance of the Change Application Request by the ExA as Rev6.
All Plans		
Boundaries of local highways – Plan 1 of 4	Following the discovery by CCC of new information about the highway boundary at the junction of Cromwell Road and New Bridge Lane, CCC and the Applicant have been in liaison about the effect this information has on the highway extent that is available for the Applicant to work within. This revised extent is reflected in the Applicant's Change Application	See the Applicant's response above.



Topic/ Para	Representation	Applicant Comment
	documents, but is not shown on this version of the Access and ROW Plans.	
3.1 Draft Development Consent Order - Revision 4.0 [REP5-005]		
Requirement 6 – Biodiversity Net Gain 6(2), page 37	The Councils welcome the rewording of Requirement 6 – Biodiversity Net Gain, and are satisfied that a minimum of 10% biodiversity net gain will be secured as part of the scheme.	Comment noted.
Requirement 29 – Origin of waste 29(2), page 44	<p>The paragraph states that “<i>waste transported into Waste Area 2 to a waste loading point is considered to have originated in Waste Area 2.</i>” If the waste originated outside of Waste Area 2 but was transported in, this should not be considered to have originated in Waste Area 2.</p> <p>Also we note the reference to a Waste Area 2 Plan, but cannot see this document, so cannot judge the size or location of Waste Area 2.</p>	<p>The drafting of Requirement 29 has been agreed with CCC and is correct. The drafting ensures that any waste processed in a transfer facility located within the Study Area (Waste Area 2), in the ordinary course of waste management, is able to send any of its residual waste to the Proposed Development.</p> <p>Were the drafting to be that it is considered not to have originated in Waste Area 2, this would be unworkable from a practical perspective as waste sent to a transfer station for processing (e.g., to remove recyclables) is not physically segregated within the transfer station by reference to or according to which waste planning authority the waste originates from.</p> <p>Paragraph 29(6) requires the Applicant to submit a Waste Catchment Report to the relevant planning authority every year. This Report will include the details of where the waste originates, detailing the total tonnage from each Waste Area. The Applicant will be responsible for collecting this data in so far as it is reasonably practical, and submitting to the local planning authority for monitoring. As this is secured by DCO Requirement, failure to</p>



Topic/ Para	Representation	Applicant Comment
		comply with the monitoring and reporting obligation will automatically constitute a criminal offence. The Applicant confirms that it submitted a Requirement 29 Waste Area Plan (Volume 15.9) [REP6-015] at Deadline 6.
Schedule 4 – streets subject to permanent alteration of layout Schedule 4, Table 2	Column 3 of Schedule 4 refers to works on Algores Way as being part of Work Number 4A, however CCC's understanding is that this work number refers to the proposed road improvements to New Bridge Lane. The symbology for work number 4A on the Works Plan does not seem to identify any part of Algores Way.	The Applicant has amended the draft DCO (Rev 6) (Volume 3.1) to correctly refer to Work No. 4B. This is submitted at Deadline 7.
Schedule 11 Part 6 – For the Protection of Internal Drainage Board Part 6	Noting this is for the IDB, CCC would recommend consulting with Middle Level Commissioners and Kings Lynn for any comments on this, as this will in effect disapply Section 23 of the Land Drainage Act (1991) around works to watercourses. From an LLFA perspective, this should not impact CCC as the Council are not the authorising body for consenting, however the wording in this is similar to that within other Orders and therefore CCC has no comments.	Note that CCC has no comment on Section 23 of the Land drainage Act (1991). Matters relevant to the Internal Drainage Boards have been subject to consultation with the Middle Level Commissioners and the Water Management Alliance acting for the Hundred of Wisbech IDB and King's Lynn IDB respectively. There are no outstanding matters relating to the Land Drainage Act (1991), as reflected in the signed SoCGs with the IDBs (Volumes 9.13 and 9.14) submitted at Deadline 7]
Schedule 11 Part 9 – for the protection of Cambridgeshire County Council as highway authority All	CCC continues to engage with the Applicant regarding finalisation of the draft protective provisions and believes the parties are approaching agreement. Outstanding issues still under discussion include the matter of compensation to the highway authority for damage caused to the highway by extraordinary levels of traffic, and the timescales allowed in the protective provisions for (i) approval of designs for highway works, and (ii) inspection of completed works prior to certification and adoption.	The Applicant has agreed to provide a commuted sum that will cover any additional maintenance costs of Cromwell Road and New Bridge Lane associated with the Proposed Development. The Applicant disagrees that its operational traffic volumes are extraordinary; should that be the case, there is an existing mechanism under s59 of the Highways Act 1980 under which CCC may recover additional maintenance costs from the Applicant.



Topic/ Para	Representation	Applicant Comment
6.4 Environmental Statement - Chapter 6 - Traffic and Transport Appendix 6A - Outline CTMP - Revision 5.0 [REP5-011]		
Management of PROWs during construction 7.2.5	The Councils are content with the amended wording to this paragraph.	The Councils' agreement to the wording is noted.
Highway Condition Surveys 7.4.2	The Councils are content with the amendments regarding condition surveys for the highway and PROW network.	The Councils' agreement is noted.
Former level crossing on new Bridge Lane 7.4.8	The Councils are content with the amended wording to the extent that is provided, but as Network Rail have now agreed, without prejudice, to the documentation of permissive bridleway rights over the crossing it would be helpful for clarity for the CTMP to include wording along the lines of: <i>'if permissive access over the former level crossing is agreed with Network Rail the terms of the arrangement and any signage will be agreed with Cambridgeshire County Council and Network Rail.'</i>	The Applicant has updated the Outline CTMP (Volume 6.4) (Rev 7) at Deadline 7 to include the requested wording at paragraph 7.4.8.
6.4 Environmental Statement - Chapter 11 - Biodiversity Appendix 11M - Biodiversity Net Gain Assessment - Revision 4 [REP5-015]		



Topic/ Para	Representation	Applicant Comment
<p>River unit modelling – water voles</p> <p>3.3.7</p>	<p>The Councils welcome the commitment from the Applicant that off-site River units are first targeted at enhancing local water vole habitats within the Host Authority areas within the Biodiversity Net Gain Assessment.</p> <p>However, this commitment has not been reflected within the Outline Biodiversity Net Gain Strategy (Annex C). The Councils are concerned that opportunities to address their concerns regarding compensation for water vole may be missed at the detailed stage – given that the Biodiversity Net Gain Strategy to be secured under Requirement 6 needs to be substantially in accordance with the Outline BNG Strategy, but not the wider BNG Assessment document.</p> <p>The Councils have raised this issue with the Applicant. The Applicant has proposed revised wording of Annex C – Outline BNG Strategy (to be submitted at Deadline 6), which is expected to fully resolve this matter.</p>	<p>The Applicant understands that this matter has now been resolved. The Outline Biodiversity Net Gain Strategy Volume 6.4) ES Chapter 11 Biodiversity Appendix 11M, Biodiversity Net Gain [REP6-008] was updated at Deadline 6. A new paragraph 4.2.2 was added to confirm that the Applicant agrees to the principle that off-site River units are first targeted at enhancing local water vole habitats.</p>
<p>Annex C – Outline Biodiversity Net Gain Strategy</p> <p>4.2.7</p>	<p>The Councils welcome the adjustment of the hierarchy for the BNG delivery mechanism. Wisbech has very limited nature conservation resources and, therefore, the Councils welcome the focus of off-site BNG on sites local to the Proposed Development.</p> <p>The Councils hope that local solutions that support both BNG and opportunities for local residents to access nature (NMU provision) can be found that may complement one another.</p>	<p>The Councils' support is noted.</p>
<p>14.2 Applicant's Response to the ExA's Written Questions (ExQ2) - Revision 1.0 [REP5-032]</p>		
<p>Table 2.1. General and Cross-Topic Questions</p>		



Topic/ Para	Representation	Applicant Comment
S106 Community Impact Mitigation package	The Councils agree with the Applicant's statement made at Deadline 5. The Councils provided an update on progress with the community mitigation package at ISH6 on 26 June, with which the Applicant agreed. Please see the Councils' post-hearing submissions at D6 for further details [CLA.D6.ISH6-7.S].	Please refer to the response to 45 th paragraph, above. For further information on the status of the Section 106 and Section 111 agreement to secure the proposed mitigation, please refer to the Applicant's response to GCT.3.1 and GCT.3.1 of the ExAQ3, (Volume 16.2).
GCT.2.2	The Councils wish to highlight that they see securing permissive access over the former level crossing on New Bridge Lane as an essential element of the mitigation package, notwithstanding that this will not sit within the s106 Agreement due to fact that it involves Network Rail as a third party. The Councils are hopeful that permissive access will be secured, but are not yet clear as to whether that will be achievable within the timescale of the Examination.	

Table 2.4. Biodiversity, Ecology and the Natural Environment

BNG and public access	Please see the Councils' response to the updated Environmental Statement Annex C – Outline Biodiversity Net Gain Strategy [REP5-015] above	See the Applicant's relevant responses above.
BIO.2.2		

Table 2.5 Climate Change

Maximum adverse case composition	The Council agrees that reduced biogenic carbon and no reduction in plastics would be a scenario in which GHG emissions for the EfW plant would be higher than the GHG emissions from sending this waste to landfill. The additional sensitivity analysis to be presented at Deadline 6 ought to confirm to what extent that affects the assessment, alongside other scenarios.	In response to ISH 4 Action Point No.7 [EV-059] , the Applicant has discussed further sensitivity analysis with Cambridgeshire County Council (CCC). Appropriate waste composition scenarios, Landfill Gas (LFG) capture rates (52% and 85%), and scenarios considering the decarbonisation of the UK electricity grid were agreed. This analysis was submitted at Deadline 6 Applicant's Response to ISH4 Action Point 7 Technical Note Climate
CE.2.2		



Topic/ Para	Representation	Applicant Comment
		Additional Sensitivity Assessment (Volume 15.7). A number of the scenarios assessed showed that GHG emissions for the EfW plant would be higher than the GHG emissions from sending this waste to landfill. In this document, the likelihood of each of the scenarios arising is discussed and the Applicant confirms that the assessment of GHG emissions presented in the original ES (the ES Case) is considered to be a reasonable and appropriate approach for the Proposed Development.
Table 2.7 Cumulative Effects		
Cumulative effects CE.2.2	The Council agrees with the Applicants response to CE 2.2, and it is agreed that cumulative effects are acceptable and non-significant.	The Councils' agreement with the Applicant's response is noted.
Table 2.8 Draft Development Consent Order		
S.278 agreement; Protective Provisions DCO.2.2	CCC continues to engage with the Applicant regarding both the draft protective provisions, and the terms of a s.278 agreement, and believes both are close to being agreed.	The Applicant welcomes and agrees with the comment that CCC believes both the protective provisions and s278 agreement are close to being agreed.
Article 12.3 DCO.2.12	CCC is content with the Applicant's response to the Examining Authority's question and has Page 5 of 7 no further comment.	CCC's agreement is noted.



Topic/ Para	Representation	Applicant Comment
Table 2.9 Landscape and Visual		
Visible plumes LV.2.4	The Applicants' response is noted. In addition to the Applicants response on this aspect, it is recorded at para 9.5.44, page 9-48 of the LVIA [APP-036] that "The ZTV for the visible plume in Figure 9.6: Visible Plume ZTV (Volume 6.3) shows that with a maximum possible height of 159m above FFL (90m high chimneys and 69m high plume) the ZTV becomes less fragmented. This is because the localised screening from built development, narrow shelterbelts and smaller areas of tree cover would become less effective at screening views".	The Applicant notes that the ZTV indicates the worst-case theoretical visibility in terms of geographical extent. Visibility of a plume would be a very rare occurrence and under the worst-case scenario, only 7.2% of plumes would be visible. The combination of meteorological conditions that would be required for a plume to be visible would be more likely to arise at night (as reported at paragraph 9.9.14 of ES Chapter 9 Landscape and Visual (Volume 6.2) [APP-036]).
Table 2.12 Socio-Economic and Population		
Community Impact Mitigation package SPC.2.3	Please see the Councils' response to GCT.2.2.	See the Applicant's relevant response in Table 3.1 of the Applicant's comments on the responses to the ExA's Written Questions (ExQ3) (Volume 15.8) [REP6-027] . The Applicant is confident that the Section 106 Agreement with CCC can be completed prior to the end of the Examination.
Table 2.13 Traffic and Transport		
Extent of adopted highway affected by change application TT.2.7	CCC is content that the Applicant, in its Change Application, is seeking appropriate powers to facilitate the construction of works outside the current highway boundary. However, concern remains that there is no mechanism in place to secure the dedication of such an area as highway maintainable at public expense. In particular, the works required at the junction of Cromwell Road and New Bridge Lane require new traffic signals to be installed outside the	CCC refer to one plot of land that is currently owned by Tesco that has been included within the Order Limits as part of the Change Application. This land is subject to an existing s106 Agreement with Tesco and will be dedicated as public highway on the issue, by CCC, of a provisional certificate. The Applicant does not consider that it is its responsibility to interfere with this process, but notes that CCC could issue a partial provisional certificate with agreement of Tesco, or alternatively could carry out any



Topic/ Para	Representation	Applicant Comment
	<p>area that is currently highway. These signals will need to be maintained by CCC as the Highway Authority from the date on which they become operational. However, as part of the designed signal infrastructure is to be installed in land that is currently not highway (i.e., it remains private land), it will not be within CCC's authority to access and manage the apparatus. CCC does not yet have an understanding of how the Applicant proposes to resolve this</p>	<p>outstanding works itself, in order to adopt the relevant area of land as public highway and recover the costs from Tesco under the terms of the existing agreement.</p>
<p>Extraordinary levels of traffic TT.2.11</p>	<p>CCC notes that the Applicant's response demonstrates a substantial percentage increase in HGV traffic on highway links 2 and 3 during the operational phase of the Proposed Development. This is sufficient evidence of the potential for damage to be caused to the highway through extraordinary new levels of traffic, and CCC retains its request for the clauses of section 59 of the Highways Act 1980 to be referenced in either the DCO or the OTMP, to ensure there is an agreed mechanism for CCC to recover any costs it incurs in repairing highway damage that is attributable to the proposed development</p>	<p>The Applicant's position remains as previously stated which is that whilst the percentage increase in HGVs along New Bridge Lane in particular is relatively high in percentage terms, this reflects an increase over a low baseline, that is, there is a low level of HGV traffic which currently uses the highway given that it is not a through road. Total levels of traffic would not be extraordinary in the opinion of the Applicant.</p> <p>As per the Applicant's response on this matter in Table 2.1 above, the Applicant has agreed that any damage caused by construction of the Proposed Development will be remedied. This will be secured through a Section 278 agreement with CCC and/or protective provisions included within the DCO. In addition, the Applicant has agreed to the provision of a commuted sum to cover future maintenance costs in respect of Cromwell Road and New Bridge Lane.</p> <p>The Applicant does not consider that its traffic will be extraordinary and, should CCC demonstrate this to be the case, the mechanism provided by s59 of the Highways Act 1980 remains available to it to recover any additional repair costs.</p>
<p>14.3 Applicant's Comments on the ExA's Schedule of Changes to the Draft Development Consent Order - Revision 1 [REP5-033]</p>		



Topic/ Para	Representation	Applicant Comment
Art. 13 Temporary prohibition or restriction of use of streets and public rights of way Page 7	The Councils welcome the ExA proposed addition of subsection (7) which it considers will provide assurance around reinstatement of any PROW affected by the construction works.	The Councils' agreement to this addition is noted.
Schedule 8 – Land in which only new rights etc; may be acquired – Table 8 Page 12	The Councils welcome the proposed amendments with respect to PROW, which it considers add clarity and provide protection for the local highway authority.	The Councils' agreement to the amendment is noted.
14.4a Applicant's Comments on the Deadline 4 Submissions: Part 1 Statutory Parties - Revision 1.0 [REP5-034]		
6.4 Environmental Statement – Appendix 6A – Outline CTMP (Rev 3) [REP3-014]		
Road closures and diversions – non-motorised users 7.2.1 – 7.4.8	The Councils welcome the amendments and refers to its response to 6.4 Environmental Statement - Chapter 6 - Traffic and Transport Appendix 6A - Outline CTMP - Revision 5.0 [REP5-011] at 7.2.5, 7.4.2 and 7.4.8 above	The Councils' agreement to the amendments is noted.
6.4 Environmental Statement – Appendix 11m – Biodiversity Net Gain Assessment (REV 3) [REP3-018]		



Topic/ Para	Representation	Applicant Comment
3.2 Habitat loss and wider visual landscape impact affecting NMUs Page 41-42	The Councils are content that significant progress is being made on the matter of mitigation in some compensation for the adverse visual impact and habitat loss affecting NMUs and local communities within the surrounding landscape. The Councils refer to their updated position on these matters at GCT.2.2 in their response to 14.2 Applicant's Response to the ExA's Written Questions (ExQ2) - Revision 1.0 [REP5-032] above.	The Councils' satisfaction with progress is noted.
7.12 Outline Construction Environmental Management Plan (REV 3) [REP3-022]		
5.8 – Protection of PROW during construction Page 43	The Councils refer to their response at 7.2.5, 7.4.2 and 7.4.8 in its response to 6.4 Environmental Statement - Chapter 6 - Traffic and Transport Appendix 6A - Outline CTMP - Revision 5.0 [REP5-011] 11.3 Applicant's Comments On The Written Representations.	The Applicant refers to its relevant response given at items 1- 3 in Table 3.1 of the Applicant's comments on the Deadline 5 Submissions: Part 1 Statutory Parties [REP6-028] . In summary, the Outline CTMP was updated at Deadline 5 (Rev 5) [REP5-011] to address CCC/FDC comments.
11.3 Applicant's Comments On The Written Representations: Part 1 Statutory Parties (REV 1) [REP3-039]		
LV 3.2 to 3.9 3.2, 3.4, 3.6, 3.7 and 3.8 – Impact on local communities and users of the PROW and local road network	The Councils refer to their updated position on these matters at GCT.2.2 in their response to 14.2 Applicant's Response to the ExA's Written Questions (ExQ2) - Revision 1.0 [REP5-032] above.	<p>The Applicant refers to its relevant response in Table 3.1 of the Applicant's comments on the responses to the ExA's Written Questions (ExQ2) [REP6-027]. In summary, the Section 106 Heads of Terms (Rev 2) document was submitted at Deadline 6 [REP6-031]. The solicitors for the Applicant and CCC have been negotiating the draft agreement.</p> <p>For further information on the status of the Section 106 Agreement, please refer to the Applicant's response to GCT.3.1 and GCT.3.1 of the ExAQ3, (Volume 16.2).</p>



Topic/ Para	Representation	Applicant Comment
11.4 Applicant's Comments On The Responses To The ExA's Written Questions (ExQ1) [REP3-041]		
Public Rights of Way (PROW) and NON-Motorised Users (NMUs) Page 17	The Councils refer to their updated position on these matters at GCT.2.2 in their response to 14.2 Applicant's Response to the ExA's Written Questions (ExQ2) - Revision 1.0 [REP5-032] above, and at 7.2.5, 7.4.2 and 7.4.8 in its response to 6.4 Environmental Statement - Chapter 6 - Traffic and Transport Appendix 6A - Outline CTMP - Revision 5.0 [REP5-011] above.	The Applicant refers to its responses above, a Section 106 Heads of Terms (Rev 2) document was submitted at Deadline 6 [REP6-031] together with an updated Outline Community Benefits Strategy (Volume 7.14) [REP6-016] which sets out the Applicant's commitment to delivering the mitigation package sought by CCC/FDC. For further information on the status of the Section 106 and Section 111 agreement to secure the proposed mitigation, please refer to the Applicant's response to GCT.3.1 and GCT.3.1 of the ExAQ3, (Volume 16.2) .
11.5 Applicant's Comments On Deadline 2 Submissions [REP3-042]		
5.10 and 5.15 – New Bridge Lane Level Crossing – NMUs Page 52	The Councils refer to their updated position on these matters at GCT.2.2 in their response to 14.2 Applicant's Response to the ExA's Written Questions (ExQ2) - Revision 1.0 [REP5-032] above.	The Applicant refers to its relevant responses above. The Applicant is endeavouring to secure permissive access with Network Rail. The Applicant has updated the Outline Construction Traffic Management Plan (OCTMP) at Deadline 7 to include a reference at paragraph 7.4.8 to CCC's involvement in agreeing the terms of any arrangement and associated signage, should permissive access be granted.
14.7 Applicant's Response to ISH4 Action Point 6 - Revision 1.0 [REP5-038]		
Combined Heat and Power (CHP) 2.4	The Council notes that the delivery of CHP is dependent on securing a customer supply agreement. Therefore it is, at this stage, uncertain whether or not CHP will become operational	The Applicant refers to the Applicant's Response to ISH4 Action Point 6: Technical Note: Combined Heat and Power and Carbon Capture Delivery Readiness (Volume 14.7) [REP5-038] . In Summary, this document demonstrates that the CHP and carbon capture (CC) elements of the Proposed Development have been appropriately considered for DCO Application stage and are



Topic/ Para	Representation	Applicant Comment
		<p>capable of being delivered, including a list of embedded design measures that must be implemented prior to Final Commissioning of the EfW CHP Facility.</p> <p>The Applicant considers that the Proposed Development is not only compliant with applicable national policies relating to CHP and CC (as set out in the National Policy Statement Tracker [REP3-031]) but exceeds the current legal and policy requirements for this type of facility. The Applicant therefore considers that positive weight in the planning balance can be attributed to the ability of the Proposed Development to deliver CHP and CC in the future.</p>
Carbon Capture and Storage (CCS) 3.3	The Council notes that the draft DCO secures reserve space and readiness monitoring reporting, but does not require a CCS facility to be actually built or operated. It is therefore extremely uncertain whether or not CCS will ever become operational	See response to Combined Heat and Power (CHP) 2.4, above.

Table 2.3 Applicant's comments on CCC/FDC Response to ISH6 and ISH7 Action Points [REP6-036]

Action Point	Representation	Applicant Comment
Table 1.1 – Response to ISH6 Action Points		
1 Addressed to Cambs CC and Fenland DC and Applicant	The Councils have carefully considered the impact of the Proposed Development upon local communities within the vicinity of the scheme. The Proposed Development is on the southern fringe of	See the Applicant's responses above as to its commitment to delivering the Mitigation Package that CCC is seeking. The Applicant is confident that arrangements for securing the mitigation will be agreed with CCC by the close of the Examination, although



Action Point	Representation	Applicant Comment
<p>Written clarification of how the Local Community Mitigation Package in REP5-045 meets the statutory tests for planning obligations i.e NPPF paragraph 57 and confirmation that the S.106 agreement will be complete within the Examination timetable.</p>	<p>Wisbech town, which is set within the open Fenland landscape characterised by fine Georgian architecture but as an area has few public rights of way (PROW), low levels of biodiversity, poor access to nature and poor public health outcomes. The PROW that do exist are therefore highly valued and they are exceptionally sensitive to any negative impact upon them.</p> <p>Paragraph 100 of the NPPF requires planning decisions to protect and enhance public rights of way and countryside access, and to take the opportunity to provide better facilities for users such as new links in the PROW network.</p> <p>The Councils consider that there will be moderate to significant visual adverse impact upon local communities and users of the public rights of way (PROW) network in the immediate vicinity and within a 5km radius in a sweep from the SW to SE of the Proposed Development that cannot be mitigated so as to make the Proposed Development acceptable in planning terms. The adverse visual impact will create a significantly greater sense of industrialisation of the southern side of Wisbech, affecting people's enjoyment of their rural landscape with its broad Fenland views, which is likely to impact upon their mental and physical wellbeing. The Proposed Development will also result in a significant adverse impact on the physical environment along New Bridge Lane for non-motorised users (NMUs) due changes in road layout and the introduction of HGVs servicing the site during operation. This could discourage local</p>	<p>establishing permissive rights at the former level crossing at New Bridge Lane, is also dependent upon the agreement of Network Rail and is subject to their timeframes for responding. The Applicant continues to seek agreement with Network Rail on this matter and will update the ExA as to the position.</p> <p>See also the Applicant's response to ISH6 Action point 1 set out in Table 1.2 of the Written Summary of the Applicant's Oral Submissions at ISH6 [REP6-024]. For further information on the status of the Section 106 and Section 111 agreement to secure the proposed mitigation, please refer to the Applicant's response to GCT.3.1 and GCT.3.1 of The Applicants response to the ExAs Written Questions (ExAQ3), (Volume 16.2).</p>



Action Point	Representation	Applicant Comment
	<p>residents from using the route on foot and bicycle for functional and leisure purposes, similarly impacting their wellbeing.</p> <p>The proposed Local Community Mitigation Package will help to offset this adverse impact by providing:</p> <ul style="list-style-type: none"> • Improvements and enhancements to the public rights of way network and local road NMU connectivity for the four parishes within the 5km radius directly visually impacted in the SW – SE sweep south of the Proposed Development. This would be delivered by a dedicated project officer who will identify 1-2 new paths per parish through consultation with the local community and undertake the requisite legal processes to create them. The person will also work with the Councils' Rights of Way Officers and local communities to identify and undertake improvements to the existing network, improving local connectivity for NMUs. • The establishment of permissive rights for NMUs over the former level crossing on New Bridge Lane to formalise longstanding usage and resolve uncertainty for NMUs, enabling safer NMU access to Cromwell Road facilities for communities in the New Drove area. • A commitment to securing public access within the ecological site(s) to be provided as part of the Applicant's Biodiversity Net Gain requirements as close to the Proposed Development site as 	



Action Point	Representation	Applicant Comment
	<p>possible, for the health and wellbeing of local communities directly affected.</p> <p>The Councils consider that this Mitigation Package is more than proportionate to the scale of the development, taking into account the deprived nature of the area and paucity of PROW in the area. The Mitigation Package is necessary in order to go Page 4 of 7 towards compensating the local community and NMUs for the adverse impacts upon them arising from the Proposed Development. It will achieve this through improving the community's natural and physical environment and public access within it, which in turn should help to engender a sense within the communities that they are valued and to motivate them to extend their use of the enhanced PROW network. In turn this will encourage them to lead active lifestyles, ultimately contributing to better public health outcomes. It is the Councils' view that the Mitigation Package will therefore meet the requirements of both NPPF para 57 and NPPF para 100.</p> <p>The Councils are confident that the section 106 Agreement will be completed by the close of the Examination.'</p>	
<p>5</p> <p>Applicant and Cambs CC</p>	<p>Discussions between the Applicant and Cambridgeshire Highways Authority are ongoing. The latest position is that as part of the proposed off-site S278 Works certain commuted maintenance sums will need to be provided to the County Council for highway infrastructure works</p>	<p>As stated in the responses above, the Applicant has agreed to the provision of a commuted sum to cover any future maintenance costs relating to Cromwell Road and New Bridge Lane. New Bridge Lane and Cromwell Road. The S278 Agreement provides that the commuted sum must be calculated in accordance with the Councils' adopted Commuted Maintenance Sum Policy. Both the Applicant's</p>



Action Point	Representation	Applicant Comment
<p>To continue to engage in relation to road maintenance and potential contributions and update the ExA until an agreement has been reached.</p>	<p>deemed to be extraordinary, and to address a potential future maintenance burden to the Authority, as outlined in the Councils' adopted Commuted Maintenance Sum Policy.</p> <p>Such sums may include, but not be limited to, the following:</p> <ul style="list-style-type: none"> • Retaining structures i.e, adjacent the drains on New Bridge Lane; • Culverts and other structures beneath the highway requiring technical approval/ AIP; • Traffic signals maintenance/ replacements and commissioning; • Non-standard kerb types; <p>Drainage intervention such as pollution or flow control devices; and,</p> <ul style="list-style-type: none"> • Barriers/ bollards or other lockable devices. <p>The nature and value of the sums will depend upon the detailed design of the off-site infrastructure, technical approvals, and the subsequent approved tender value for the works. Accordingly, it is not possible to determine what the sums may comprise, or the value during the DCO Examination. However, it is key that the need for such sums is reflected in the suite of legal documents that are associated with and support the decision.</p> <p>For the avoidance of doubt, commuted sums do not relate to standard infrastructure (i.e. kerbs/ asphalt/ street lighting etc), and excludes payment of technical fees for approvals (i.e. inspections/</p>	<p>and CCC's solicitors are progressing the drafting of the s278 agreement and it is close to being agreed.</p> <p>See also the Applicant's response to ISH6 Action point 5 set out in Table 1.2 of the Written Summary of the Applicant's Oral Submissions at ISH6 [REP6-024].</p>



Action Point	Representation	Applicant Comment
	<p>agreement management/ signals assessments/ structural Approval in Principle etc).</p> <p>In relation to the potential damage to highways through the period of construction, this lies outside of the Commuted Sum process. MVA has accepted in the CTMP (REP5-012) that streets comprising New Bridge Lane, Cromwell Road, Weasenham Lane and Algores Road (private street), will be subject to Condition Surveys and remedial works, where there is reasonable evidence that the deterioration is related to the construction period and/or traffic associated with the site, will be rectified by the applicant. Again, it is not considered reasonable or possible to anticipate the nature and extent of any such damage in advance of the works, or establish what figure would be adequate to address the necessary remediation.</p>	

Table 1.2 – Response to ISH7 Action Points

<p>5 Cambs CC</p>	<p>This case has been submitted as Appendix A of the Councils' Deadline 6 submissions [CLA.D6.ISH6-7.AA].</p>	<p>Noted.</p>
<p>As part of its post-hearing submission, Cambs CC to submit cumulative effect extracts from judgement of Mr. Justice Burton on The Queen on the</p>		



Action Point	Representation	Applicant Comment
Application of Leicestershire CC v SoS CLG.		
7 Cambs CC BCKLWN Fenland DC To confirm agreement with the Long and Short List now included in the Applicant's proposal.	Fenland District Council is happy with the Applicant's approach to their short and long list of projects, and Fenland District Council is also in agreement on how these have been included and addressed as part of the proposal i.e. that no significant inter-project effects would occur as a result of the Proposed Development (as set out in the SoCG).	Fenland District Council's agreement is noted.



3. Comments on Deadline 6 submissions from Wisbech Town Council

Table 3.1 Comments on Deadline 6 submissions made by Wisbech Town Council – Issue Specific Hearing 7 – 27th June 2023 [REP6-039]

Topic/ Para	Representation	Applicant Comment
Waste Issues		
1	It is Wisbech Town Council's contention that the development proposal is not in accordance with the waste hierarchy or the proximity principle and is not of an appropriate type and scale.	<p>The Applicant disagrees with the sentiments expressed by Wisbech Town Council. The updated WFAA Rev 3.0 [REP5-020] robustly demonstrates that the Proposed Development will not result in an over-supply of EfW capacity at either the local/ regional level or national level. Indeed, the Proposed Development will offer up to 625,500 tonnes per annum of much needed capacity that would:</p> <ul style="list-style-type: none"> • Deliver implementation of the waste hierarchy – a cornerstone of England's waste management policy and legislative framework - and divert waste from continued management at the bottom of the waste hierarchy (i.e., landfill) up to having value (in the form of electricity recovered from it); and • Facilitate management within England of significant quantities of residual HIC waste exported for management abroad. This would allow waste to be managed in accordance with the proximity principle – a further fundamental pillar of England's waste management policy and legislative framework. <p>Please also refer to the Applicant's response to PND.3.5 and GND.3.6 of the ExAQ3, (Volume 16.2).</p>



Topic/ Para	Representation	Applicant Comment
Waste catchment area		
2	The waste catchment area has been manipulated by the Applicant in an attempt to justify the facility. As a consequence of this, residual waste will need to be imported significant distances to the proposed facility.	With the exception of the removal of Milton Keynes from the Study Area, there have been no changes to the application and definition of the Study Area in the WFAA Rev 3.0 [REP5-020] and its robustness for demonstrating a localised need for the Proposed Development. The Study Area has been identified by reference to a two-hour drive time from the Proposed Development site, a methodology that is consistent with other EfW NSIPs including the Boston Alternative Energy Facility.
3	The Applicant's methodology for defining the waste catchment area has been inconsistently applied. Milton Keynes has now been removed from the study area as it is not within the two hour drive time and neither is it within the former East of England planning region but West Northamptonshire remains within the study area when it is also outside the two hour drive time and is also not within the former East of England planning region.	<p>The only notable change to the localised Study Area defined in the updated WFAA Rev 3.0 [REP5-020] from the previous version of the document is the removal of Milton Keynes. As outlined in paragraph 3.2.9 of the WFAA Rev 3.0 [REP5-020], following discussion with Statutory and Interested Parties, the Applicant agreed that this Waste Planning Authority area should be excluded from further consideration. This is because the boundary of this Waste Planning Authority area is at the limit of the indicative 2-hour drive time of the Proposed Development and also due to the fact that the Waste Planning Authority area falls within a different region (the South-East) to all other waste planning areas forming the Study Area.</p> <p>In terms of West Northamptonshire, this remains in the Study Area as it falls within the indicative 2-hour travel time catchment. Furthermore, whilst it is noted that West Northamptonshire is not within the former East of England planning region, it is within the former East Midlands planning region, parts of which are included within the Study Area.</p>



Topic/ Para	Representation	Applicant Comment
4	The justification for including data from authorities outside the two hour catchment area on the basis that data is only available on a regional basis does not bear scrutiny. The Applicant has included some authorities from the former East Midlands planning region, suggesting it is entirely possible to disaggregate the data to district level.	The Applicant remains fully committed to the application and definition of the Study Area in the WFAA Rev 3.0 [REP5-020] and its robustness for demonstrating a localised need for the Proposed Development. Importantly, waste data relating to commercial and industrial waste arisings – a much larger waste stream than the household/ municipal stream - are presented by the Environment Agency on a regional and Waste Planning Authority (WPA) basis. Furthermore, Regional Technical Advisory Bodies (groupings of Waste Planning Authorities on the basis of the former planning regions) continue to meet and plan for future waste management needs. Waste data for commercial and industrial waste is only available at a Waste Planning Authority level (which is County or Unitary authorities). Data is not collated at a District level for commercial and industrial waste.
5	If the approach is to remove authorities that are not within the two hour catchment at all, then Luton, Leicester City and West Northamptonshire should be removed alongside Milton Keynes. The removal of Milton Keynes only is a cynical attempt by the Applicant to inflate the residual need given that Milton Keynes currently has a surplus of waste management capacity of 193,000 tpa.	See response to paragraph 3 above.
<i>Implications of Environmental Improvement Plan</i>		
6	The Applicant has similarly manipulated the data for national need when considering the implications of the Environmental Improvement Plan and have not considered the implications of the requirements of the EIP at the local level.	Whilst it is recognised that the ambitious national residual waste reduction targets will ultimately need to be reflected in the plan making of the WPA's in the Study Area, it is also noted that the achievement of such ambitious targets is reliant on Government action and funding to facilitate a reduction in the generation of residual waste. Whilst the Applicant fully supports waste reduction initiatives, it is also mindful that future plans must be deliverable and



Topic/ Para	Representation	Applicant Comment
		<p>based upon up-to-date evidence. In this regard, the WFAA has demonstrated that the Study Area currently sends almost 2.4 million tonnes of suitable residual waste to landfill each year - a trend that is unlikely to change without financial and other policy incentives – the details of which are yet unknown.</p> <p>Even if the Government's ambitious residual waste reduction targets of halving residual waste by 2042 are achieved, based on the existing amount of suitable residual waste that is currently landfilled in the Study Area – ~1.2 million tonnes of suitable material would remain – material that could be treated further up the waste hierarchy by the Proposed Development.</p> <p>In this regard, it is considered that based on current evidence, the Proposed Development will not compete with greater targets for waste prevention, re-use or recycling at a local level.</p> <p>Please also refer to the Applicant's response to PND.3.7 of the ExAQ3, (Volume 16.2).</p>
7	<p>It is entirely possible to calculate the target waste per head using ONS population projections for local authorities rather than simply for England. As the draft NPS EN3 makes it clear that the proposed plant must not compete with greater waste preventions, re-use, or recycling, or result in over-capacity of EfW waste treatment at a national or local level, it is incumbent on the Applicant to consider the implications for the EIP targets for the reduction in residual waste at the local level.</p>	<p>See response to paragraph 6 above.</p>



Topic/ Para	Representation	Applicant Comment
<i>Proximity Principle</i>		
8	The Applicants have included a requirement in the draft DCO relating to the origin of waste. This only seeks to ensure that 17.5% of the total 625,600 tpa of the waste processed at the site will come from within 75km of the site i.e. only 125,120 tpa. The remaining 82.5% or 516,120 tpa could originate from anywhere beyond 75km. Not only is Waste Area 2 not defined at this stage, but requirement 29(2) also allows for waste transported into Waste Area 2 to a waste loading point, to have originated in Waste Area 2.	<p>Please refer to responses above that clarifies the drafting of Waste Area 2 which is the Study Area in the WFAA (Rev 3) [REP5-020].</p> <p>The Waste Area Plan (Volume 15.9) [REP6-015] clearly shows Waste Area 1 and Waste Area 2.</p> <p>Please also refer to the Applicant's response to PND.3.5 and PND.3.6 of the ExAQ3, (Volume 16.2).</p>
9	Requirement 29 does nothing to ensure that waste is managed in accordance with the proximity principle, i.e. to manage waste at facilities located as close as reasonably possible to where waste is generated, to reduce the need to travel and to encourage communities to take responsibility for the waste they produce. The suggestion by the Applicant in paragraph 2.3.5 of the WFAA (June 2023) that Requirement 29 guarantees compliance with the proximity principle is ludicrous.	<p>The Applicant considers that Requirement 29 will ensure compliance with the proximity principle as it ensures that a minimum of 80% of the waste fuel originates from within the local area, defined in the WFAA (Rev 3) [REP5-020] as the Study Area. In addition, waste originating from outside Waste Area 2 may still comply with the proximity principle where the Proposed Development is the closest energy recovery waste treatment facility to the point of waste origin.</p> <p>Please also refer to the Applicant's response to PND.3.5 and PND.3.6 of the ExAQ3, (Volume 16.2).</p>
10	The Applicant stated at ISH7 that waste was unlikely to be transported beyond the two hour catchment for commercial reasons i.e. it would be too expensive to transport waste significant distances, and for this reason, the fact that Requirement 29 would allow for waste to be imported from locations beyond the two hour catchment, the reality is that this would not occur in practice. If that is the case (which seems likely), the Applicant cannot then	The Applicant remains fully committed to the application and definition of the Study Area in the WFAA Rev 3.0 [REP5-020] and its robustness for demonstrating a localised need for the Proposed Development. Indeed, the appropriateness of this Study Area has been accepted by CCC, who have agreed it as a basis for the waste catchment requirement (Requirement 29).



Topic/ Para	Representation	Applicant Comment
	rely on waste beyond the two hour drive time as being genuinely available to the facility. They cannot have it both ways. As set out in detail in previous submissions, if the Applicant is restricted to receiving waste from within the two hour drive time, there will be insufficient waste to justify a facility of this size	

Table 3.2 Comments on Deadline 6 submissions made by Wisbech Town Council– Comments on Revised Waste Fuel Availability Assessment [REP5-019] on behalf of Wisbech Town Council [REP6-038]

Topic/Para	Response	Applicant Comment
1. Introduction		
1.1	These comments are submitted on behalf of Wisbech Town Council in response to the revised Waste Fuel Availability Assessment submitted by the Applicant at Deadline 2 (24th March 2023) in support of the Development Consent Order (DCO) application for the construction, operation and maintenance of an Energy from Waste (EfW) Combined Heat and Power (CHP) Facility on a site off Algore Way, Wisbech, Cambridgeshire.	N/A
1.2	The facility would be capable of processing up to 625,600 tonnes of waste per annum and would have a generating capacity of over 50 MW.	The Applicant can confirm the EfW CHP facility would be capable of processing 625,600 tonnes of residual waste.



Topic/Para	Response	Applicant Comment
1.3	Wisbech Town Council continue to object to the application principally on the basis that there is no need for the facility to meet residual waste requirements within the Study Area and to include such an over-provision in recovery capacity will jeopardise the achievement of recycling targets and would be contrary to emerging Government policy set out in the National Policy Statement for Renewable Energy Infrastructure (EN-3).	See the Applicant's response to these points set out below.
2. Revised Waste Fuel Availability Assessment (WFAA)		
Policy Context		
2.1	The Applicants refer to the Overarching National Policy Statement (NPS) for Energy EN-1 and the National Policy Statement for Renewable Energy Infrastructure EN-3 as providing the primary basis for decisions on nationally significant renewable energy infrastructure and note the importance of draft NPS EN-1 and EN-3 in the decision making process. This is not disputed; however the Applicant is very selective in its consideration of conformity with national policy.	The WFAA Rev 3.0 [REP5-020] alongside the Planning Statement [(Volume 7.1) APP-091] and the National Policy Statement Tracker (Volume 9.18) consider all relevant national and local planning policy and demonstrates that the Proposed Development complies fully with all relevant policy.
2.2	Reference is made in paragraph 2.2.15 of the WFAA (REP5-019) to paragraph 4.1.3 of draft EN-1 as reinstating the presumption in favour of granting consent to applications for energy NSIPs but yet no mention is made of the fact that the very same paragraph includes an important caveat namely that the presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused.	Noted. Reference is made in paragraph 2.2.15 of the WFAA Rev 3.0 [REP5-020] to paragraph 4.1.2 (not 4.1.3) of the draft EN-1. It is not considered that any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused – see response to 2.3 below. In this regard, the caveat cited by Wisbech Town Council is not considered to be relevant.



Topic/Para	Response	Applicant Comment
2.3	<p>Draft NPS EN-3 published in March 2023 contains relevant policies that would override the presumption in favour of applications for energy infrastructure. As well as making it clear that the primary function of EfW plants is to treat waste, applicants must demonstrate that proposed EfW plants are in line with Defra's policy position on the role of energy from waste in treating waste from municipal or commercial and industrial sources. The proposed plant must also not compete with greater waste prevention, re-use or recycling, or result in over-capacity of EfW waste treatment at a national or local level (paragraphs 3.7.6 - 3.7.7). This latter point is re-iterated at paragraph 3.7.29 and 3.7.55.</p>	<p>At the national level, the analysis in the WFAA Rev 3.0 [REP5-020] demonstrates that by 2028, even if the Government's ambitious interim residual waste reduction targets set out in their 2023 Environmental Improvement Plan are achieved there is anticipated to be 21.4 million tonnes of residual HIC waste in England requiring management. Based on operational capacity available by 2027, there would remain a minimum shortfall of 3.5 million tonnes of residual HIC capacity in England.</p> <p>At the local level, the WFAA Rev 3.0 [REP5-020] demonstrates that there are currently 2.4 million tonnes of suitable residual waste that is sent to landfill in the Study Area. This is material that is left over after the implementation of waste reduction and recycling initiatives and therefore has the potential to be managed further up the waste hierarchy and/or at a location that is more proximate to the point of arising. Looking ahead to the position over the next approximately 15-years, the evidence bases which underpin the development planning framework for waste across the spatial scope of this assessment, identifies an indicative shortfall of non-landfill HIC residual waste management capacity of 1.5 to 2.6 million tonnes per annum. These identified needs take account of the implementation of waste reduction, reuse and recycling initiatives.</p> <p>With the above points in mind, the Applicant considers the WFAA Rev 3.0 [REP5-020] clearly demonstrates full compliance with the provisions of NPS EN-3 in the context that the Proposed Development will not compete with greater waste prevention, re-use or recycling, or result in over-capacity of EfW waste treatment at a national or local level.</p>



Topic/Para	Response	Applicant Comment
2.4	Wisbech Town Council maintains its position that the proposed Medworth EfW CHP facility will compete with greater waste prevention, re-use or recycling and will result in overcapacity of EfW waste treatment and as such the presumption in favour of energy infrastructure relied upon by the Applicant will not apply.	Noted. See response to 2.3 above. Please also refer to the Applicant's response to PND.3.7 of the ExAQ3, (Volume 16.2) .
Origin of Waste		
2.5	The study area relied upon by the Applicant is critical to determining the level of overcapacity. The Applicants have included a requirement in the draft DCO relating to the origin of waste. This only seeks to ensure that 17.5% of the total 625,600 tpa processed at the site will come from within 75km of the site i.e. only 125,120 tpa. The remaining 82.5% or 516,120 tpa could originate from anywhere beyond 75km. Not only is Waste Area 2 not defined at this stage, but requirement 29(2) also allows for waste transported into Waste Area 2 to a waste loading point, to have originated in Waste Area 2.	Please refer to responses above that clarifies the drafting of Waste Area 2. The Waste Area Plan (Volume 15.9) [REP6-015] clearly shows Waste Area 1 and Waste Area 2.
2.6	The suggestion that Cambridgeshire County Council have agreed the drafting of Requirement 29, without an understanding of the definition of Waste Area 2 is surprising as this is critical to its operation. If this information was available when the wording was being discussed, then this should have been included at Deadline 5.	Waste Area 2 is defined by reference to the Study Area identified in the WFAA [REP5-020] . The Waste Area Plan (Volume 15.9) [REP6-015] clearly shows Waste Area 1 and Waste Area 2.
2.7	Requirement 29 does nothing to ensure that waste is managed in accordance with the proximity principle, i.e. to manage waste at facilities located as close as	Please see above responses.



Topic/Para	Response	Applicant Comment
	<p>reasonably possible to where waste is generated, to reduce the need to travel and to encourage communities to take responsibility for the waste they produce. The suggestion by the Applicant in paragraph 2.3.5 of the WFAA (June 2023) that Requirement 29 guarantees compliance with the proximity principle is ludicrous.</p>	
2.8	<p>The Applicant is reliant on the study area defined in the WFAA to demonstrate that it will not result in over-capacity of EfW treatment at a local level to justify the need for the facility, but then only committing to a very small proportion of the total waste processed at the facility to have originated from within this area.</p>	<p>The Applicant has committed to a minimum of 80% of the waste treated at the Proposed Development originating from Waste Area 2, this being the Study Area identified in the WFAA [REP5-020]. This is the majority of waste that will be treated at the EfW CHP Facility.</p>
2.9	<p>The ability to process over 500,000 tpa which could have originated from anywhere in the country, would be at odds with the requirements in the NPS as there is no safeguards to ensure that the development will not prejudice the achievement of local or national waste management targets if there has been no assessment of the implications for those targets in the first place.</p>	<p>As outlined in paragraph 2.3.5 of the WFAA Rev 3.0 [REP5-020], the Applicant has committed to “not less than 80% of the waste processed” to come from within the Study Area. This draft Requirement, which has been agreed with Cambridgeshire County Council, means that ~500,000 tonnes of material must come from within the local Study Area identified in the WFAA Rev 3.0 [REP5-020] and guarantees the Applicant’s commitment to compliance with the proximity principle.</p> <p>In terms of the Proposed Development prejudicing the achievement of local or national waste management targets - see response to 2.3 above.</p> <p>Please also refer to the Applicant’s response to PND.3.5 and PND.3.6 of the Applicant’s response to the ExA’s Written Questions (ExAQ3), (Volume 16.2).</p>



Topic/Para	Response	Applicant Comment
2.10	Notwithstanding the above, Wisbech Town Council maintains its previous position that the Applicant is relying on waste from areas significantly beyond the two-hour drive time catchment. This is unsustainable and contrary to the proximity principle.	See response to 2.9 above.
Waste Hierarchy		
2.11	The requirement to examine the conformity of the scheme with the waste hierarchy and the effect of the scheme on the relevant Waste Local Plans is included at paragraph 3.7.44 of draft EN-3.	<p>This requirement is noted. Indeed, the WFAA Rev 3.0 [REP5-020] demonstrates full compliance with this policy as the Proposed development would facilitate the movement of 2.4 million tonnes of suitable residual waste that is presently disposed of to landfill within the Study Area further up the waste management hierarchy.</p> <p>Compliance with the waste hierarchy is further secured by Requirement 14; a similar requirement was included in the recent Boston Alternative Energy Facility Order 2023 being Requirement 18 of that Order.</p>
2.12	The Applicant states that it can guarantee its commitment to compliance with the waste hierarchy through proposed amendments to Requirement 14 of the draft DCO (REP5-019). The NPS does not require a 'commitment' to compliance with the waste hierarchy, rather it requires conformity with it. Requirement 14 will not ensure conformity with the waste hierarchy	The Applicant disagrees with the comment, noting that a failure to comply with the Requirements of the DCO is automatically a criminal offence. A similar Requirement was included in the recent Boston Alternative Energy Facility Order 2023 and is therefore considered to be appropriate and acceptable by the Secretary of State.
2.13	There is a discrepancy in the wording of Requirement 14 between that in the draft DCO (REP5-005) and that included in the WFAA (REP5-019). It is not clear which version of the wording is correct and has been agreed	Requirement 14(1) requires the undertaker to "submit to the relevant planning authority for approval" a waste hierarchy scheme. The details of what the waste hierarchy scheme must include is set out in sub-paragraph (2). Sub-paragraph (3) then requires the



Topic/Para	Response	Applicant Comment
	<p>with Cambridgeshire County Council. The wording in the WFAA for Requirement 14 does not include a requirement for the approval of the waste hierarchy scheme from the relevant planning authority and therefore as drafted would be difficult to enforce and certainly could not be relied upon to demonstrate conformity with the waste hierarchy.</p>	<p>planning authority to consult with the Environment Agency before approving any scheme submitted under sub-paragraph (1). Finally, sub-paragraph (4) requires the waste hierarchy to be implemented as approved. This approvals process ensures that the relevant planning authority agrees and approves the waste hierarchy scheme and is capable of enforcing the scheme.</p>
2.14	<p>Setting aside the above issue, it is not clear how the Applicant can submit the waste hierarchy scheme prior to commissioning, when it is required to include under Requirement 14 (2), details of a record of the tonnage of any waste identified by the undertaker prior to tipping at the authorised development and rejected as being suitable for recycling, reuse or both. Prior to commissioning no waste will have been processed at the site.</p>	<p>The Waste Hierarchy Scheme under Requirement 14 sets out the details of the relevant operational procedures, tonnages, etc will be recorded. Paragraph (i) confirms that records are to be kept for the purposes of demonstrating compliance with the waste hierarchy scheme, allowing inspection of the records by the relevant planning authority. The Waste Hierarchy Scheme is agreed, and then populated with the relevant data as set out in sub-paragraph (2) throughout the lifetime of the Proposed Development.</p>
2.15	<p>The amendments to Requirement 14 also include a record of the tonnages of waste considered suitable for recycling, reuse or both that has been diverted further up the waste hierarchy by persons who also send waste to be processed at the authorised development, as far as practicable. It is not clear what relevance this has on the applicant's ability to comply with the waste hierarchy or how the Applicant would be able to obtain this data from a third party (it is not clear whether this is intended to be a contractual requirement or simply a reliance on goodwill) and what assurances could be given as to the accuracy of this data.</p>	<p>Requirement 14 is based on the drafting of Requirement 16 of The Riverside Energy Park Order 2020, and a similar Requirement was included in the recent Boston Alternative Energy Facility Order 2023. The and is therefore considered to be appropriate and acceptable by the Secretary of State.</p> <p>Please also refer to the Applicant's response to DCO.3.1 of the ExAQ3, (Volume 16.2).</p>



Topic/Para	Response	Applicant Comment
2.16	The suggestion that the waste hierarchy scheme would minimise recyclable and reusable waste received at the authorised development is open to interpretation and suggests that it would be permissible to process some recyclable and reusable waste, which would be contrary to the waste hierarchy. The requirement should include details of the amount of waste identified by the undertaker as being suitable for recycling, reuse or both prior to tipping and accepted at the authorised development. This information should be publicly available and submitted to the relevant planning authority at least quarterly	The details forming the Waste Hierarchy Scheme have been agreed with CCC. The Applicant also notes that a similar Requirement was included in the recent Boston Alternative Energy Facility Order 2023 and is therefore considered to be sufficient by the Secretary of State. The Applicant considers this Requirement to be appropriate and to ensure that the Proposed Development will comply with the waste hierarchy.
Study Area		
2.17	It is clear that the Applicant is now attempting to distance itself from its own Study Area definition. This is despite the fact that it recognises that it is necessary to define a Study Area in order to demonstrate that there is a need for the proposed waste management capacity (paragraph 3.2.2 WFAA - REP5-019).	Paragraph 3.2.2 of the updated WFAA Rev 3.0 [REP5-020] remains unchanged from the previous version of the document. The Applicant remains fully committed to the application and definition of the Study Area in the WFAA Rev 3.0 [REP5-020] and its robustness for demonstrating a localised need for the Proposed Development.
2.18	Initially the Applicant was reliant on a two hour travel time for an HGV. When this did not give the Applicant sufficient waste, this was then extended to all authorities which made up the former East of England planning region as waste data is generally presented on a 'regional' basis. The Applicant had no difficulty including data for Milton Keynes in its previous assessment, despite the fact that it was outside the two hour travel time and the fact that it was not part of the former East of England planning region, indicating that it is entirely possible to disaggregate data to individual authority areas. Milton	The only notable change to the localised Study Area defined in the updated WFAA Rev 3.0 [REP5-020] from the previous version of the document is the removal of Milton Keynes. As outlined in paragraph 3.2.9 of the WFAA Rev 3.0 [REP5-020] , following discussion with Statutory and Interested Parties, the Applicant agreed that this Waste Planning Authority area should be excluded from further consideration. This is because the boundary of this Waste Planning Authority area is at the limit of the indicative 2-hour drive time of the Proposed Development and also due to the fact that the Waste Planning Authority area falls within a different region



Topic/Para	Response	Applicant Comment
	Keynes has now been removed on the basis that it was not in the two hour travel time and was not part of the former East of England planning region.	(the South-East) to all other waste planning areas forming the Study Area.
2.19	It is now suggested that a significant proportion of waste may come to the facility from outside the approximate two hour travel time area. This is despite the fact that the Applicant makes it clear that it used its own professional judgement on commercial viability to define the two hour Study Area, noting that at distances over two hours travel time become increasingly expensive for those seeking to dispose of waste.	As noted above under 2.18, with the exception of the removal of Milton Keynes from the Study Area, there have been no changes to the application and definition of the Study Area in the WFAA Rev 3.0 [REP5-020] and its robustness for demonstrating a localised need for the Proposed Development.
2.20	The Study Area is no longer the commercially viable two hour drive time, nor the East of England former planning region, rather it includes the entire waste planning authority regardless of the planning region (as Leicestershire, Lincolnshire, Northamptonshire and Rutland are also included) if any part (however small), is within two hour drive time or if any part is within the East of England former planning region even if none of the waste planning authority is within the two hour catchment (e.g. Luton and Leicester City). This cannot be considered to be consistent with the proximity principle.	As noted above under 2.18, with the exception of the removal of Milton Keynes from the Study Area, there have been no changes to the application and definition of the Study Area in the WFAA Rev 3.0 [REP5-020] and its robustness for demonstrating a localised need for the Proposed Development.
2.21	The former planning region is irrelevant to the consideration of need for the facility or compliance with the proximity principle. The two hour drive time should be the limits of the Study Area and the amount of waste available within that area is as set out in Wisbech Town Council's previous representation.	The former planning regions are a relevant consideration for the WFAA Rev 3.0 [REP5-020] as data relating to commercial and industrial waste arisings – a much larger waste stream than the household/ municipal stream - are presented by the Environment Agency on a regional and Waste Planning Authority (WPA) basis. Furthermore, Regional Technical Advisory Bodies (groupings of Waste Planning Authorities on the basis of the former planning



Topic/Para	Response	Applicant Comment
		regions) continue to meet and plan for future waste management needs.
2.22	Even if the need for a facility of the scale proposed could be justified, geographically, Wisbech is not well located to serve the needs of the wider region. It is some distance from the larger centres of population and would require waste to be transported significant distances to be processed.	The Applicant's rationale for selecting Wisbech for the proposed development is set out within ES Chapter 2 Alternatives (Volume 6.2) [APP-029] .
Local Analysis		
2.23	Previous representations submitted by the Town Council included detailed commentary on the local analysis provided by the Applicant alongside Wisbech Town Council's estimates of the amount of waste potentially available in the catchment. These estimates have not been recalculated based on the revised WFAA, however Wisbech Town Council's position remains as previously outlined.	Noted. The Applicant's previous responses to the points made by the Town Council remain valid in this regard.
2.24	The figures presented in Tables 4.1, 4.2 and 4.3 are reliant to a great extent on waste outside the commercially viable transport time (two hour drive time) and therefore it is unrealistic to consider it to be genuinely available to the proposed facility. Furthermore, the data presented in the WFAA for 2021/2022 is not representative of future requirements given the direction of Government policy to significantly reduce residual waste by 2028 with further reductions required by 2042 or the fact that a number of new facilities have opened	<p>The figures presented in Tables 4.1, 4.2 and 4.3 of the WFAA Rev 3.0 [REP5-020] are based wholly on the Study Area defined in the local assessment.</p> <p>Furthermore, detailed consideration is given in the updated WFAA Rev 3.0 [REP5-020] to the availability of fuel over the next 15+ years – see paragraphs 4.2.19 to 4.3.23 of the WFAA Rev 3.0 [REP5-020]. Additionally, the assessment gives full cognisance to new facilities that have opened (Rookery South) or will be opened in the study area before the Proposed Development (Rivenhall and Newhurst).</p>



Topic/Para	Response	Applicant Comment
2.25	<p>(Rookery South) or will be opened in the study area before the facility at Wisbech (Rivenhall and Newhurst).</p> <p>All of the waste planning authorities within the study area (with the exception of Lincolnshire and Rutland) have declared a climate emergency and are working towards achieving carbon neutrality including through procurement practices. By way of example, Hertfordshire CC has committed to implement sustainability criteria into the renewal of waste contracts (Sustainable Hertfordshire Strategy 2020) and therefore it is highly unlikely that it would award a contract for treatment of LACW at the proposed facility given that the vast majority of the county is outside the two hour travel time. This requirement is likely to become more prevalent in waste contracts going forward as local authorities attempt to meet their commitments to carbon neutrality. The report prepared by Tolvik on UK Energy from Waste Statistics – 2022, states that over 76% of all EfW inputs were derived from residual LACW and therefore any restrictions to waste contracts in the future will significantly impact the ability of the Applicant to operate a facility of the scale proposed</p>	<p>Noted. The vast majority of Local Authorities across England are declaring climate change emergencies. In recognition of this, the Applicant has agreed Requirement 29 as to the origins of waste which will ensure that at least 80% of all the material processed by the Proposed Development will be sourced from within the Study Area (which is indicatively based on a two-hour drive time).</p> <p>It is presumed that a balance of factors will be considered when applying sustainability criteria for the procurement of services to manage residual waste, which the proposed EfW CHP Facility can support, particularly with respect to application of the waste hierarchy. The Local Government Association has produced guidance to support local councils implement a pathway to achieving net zero¹, which identifies that <i>“Applying principles of the waste hierarchy and circular economy to procurement strategies will help to minimise carbon emissions whilst also cutting cost”</i>. The EfW CHP Facility would be treating the residual waste remaining after other measures for reducing waste related GHG emissions have been applied (i.e. reducing waste generated, recycling and alternative forms of energy recovery). The EfW CHP Facility would therefore move the management of residual waste up the waste hierarchy and support a reduction in net GHG emissions when compared to landfill, the alternative option for managing residual waste. This will be an important aspect when considering the overall implementation of sustainability criteria for the procurement of waste services and plans to achieve carbon neutrality.</p>

¹ Local Government Association (2021). Councillor workbook – The local path to net zero: <https://www.local.gov.uk/publications/councillor-workbook-local-path-net-zero>



Topic/Para	Response	Applicant Comment
2.26	There are significant fluctuations in the amount of waste landfilled from Bedford and Central Bedfordshire in particular (Tables 4.3 and 4.4 of WFAA) such that the total figure cannot be relied upon as an indicator of residual waste in the long term. Both authorities have awarded the contract for disposal of LACW to Veolia, utilising the EFR at Rookery South. As the facility only opened in January 2022, it is likely that the amount of waste landfilled from these authorities will decrease in the future.	The WFAA Rev 3.0 [REP5-020] is based upon robust, publicly available sources, which have long been used by Waste Planning Authority for determining current and future waste needs. Furthermore, as noted in 2.24 above, the assessment gives full cognisance to new facilities that have opened (Rookery South) or will be opened in the study area before the Proposed Development (Rivenhall and Newhurst). Even accounting for these new facilities, the local assessment continues to conclude a shortfall of up to 2.6 million tonnes per annum for the East of England alone.
2.27	The amount of LACW going to landfill from the Eastern region is heavily influenced by the position in Essex, which on its own, accounts for more than half of the waste sent to landfill from the region. This will undoubtedly reduce with the opening of the Rivenhall Waste Management Facility in 2025.	The WFAA Rev 3.0 [REP5-020] takes full account of the capacity offered by the consented (and under construction) facility at Rivenhall in Essex. Even considering this new capacity, the updated WFAA Rev 3.0 [REP5-020] 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). Responses 6-11 of Table 4.1 in the Applicant's comments on the Deadline 4 Submissions: Part 1 Statutory Parties (Volume 14.4a) [REP5-034] provide further comment in respect of this point of representation.
Waste Planning Authority Waste Requirements		
2.28	Wisbech Town Council's comments on future residual waste requirements are as set out in previous representations and are not repeated here. However, it should be noted that reliance on an assessment of the evidence base supporting Waste Local Plans to forecast	Please refer to the Applicant's response to PND.3.7 of the ExAQ3, (Volume 16.2) .



Topic/Para	Response	Applicant Comment
	future requirements is inherently flawed as it does not take into account Government targets set out in the EIP to reduce the amount of residual waste by 50% by 2042.	
3. Conclusion		
3.1	The emerging NPS makes it very clear that the proposed plant must not compete with greater waste prevention, re-use or recycling, or result in over-capacity of EfW waste treatment at a national or local level.	See response to 2.1 to 2.4 above.
3.2	It is Wisbech Town Council's contention that the proposed facility will result in overcapacity of EfW waste treatment and as a result will prejudice the achievement of recycling targets contrary to the waste hierarchy and will lead to the transport of waste from significant distances, contrary to the proximity principle.	<p>The Applicant disagrees with the statements made by Wisbech Town Council. The updated WFAA Rev 3.0 [REP5-020] robustly demonstrates that the Proposed Development will not result in an over-supply of EfW capacity at either the local/ regional level or national level. Indeed, the Proposed Development will offer up to 625,500 tonnes per annum of much needed capacity that would:</p> <ul style="list-style-type: none"> • Deliver implementation of the waste hierarchy – a cornerstone of England's waste management policy and legislative framework - and divert waste from continued management at the bottom of the waste hierarchy (i.e., landfill) up to having value (in the form of electricity recovered from it); and • Facilitate management within England of significant quantities of residual HIC waste exported for management abroad. This would allow waste to be managed in accordance with the proximity principle – a further fundamental pillar of England's waste management policy and legislative framework.

79 Applicant's comments on the Deadline 6 Submissions: Part 1 Statutory Parties



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Appendix A Decision Notice LPA Ref: F/YR05/0841/F (10 New Bridge Lane)

Application No: F/YR05/0841/F
Date Registered: 25 July 2005
Applicant: Mr & Mrs Britain

Name and Address Agent/Applicant

Peter Humphrey Associates Ltd
30 Old Market
Wisbech
Cambs PE13 1NB

Address to which the application relates :
10 New Bridge Lane Wisbech
Cambridgeshire PE14 0SE

Parish : Wisbech Town Council

Application Type : Full

Description of Proposal :
Removal of Condition 01 of planning
permission WB/67/106/D (Erection of a
bungalow) relating to agricultural
occupancy

Town and Country Planning Act 1990

Permission to carry out the above development in accordance with the application plans, drawings and any clarifying or amending information submitted by you is **Granted** subject to any conditions set out below.

1

The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependents.

Reason

The site lies in an area where residential development would only be permitted under exceptional circumstances. This permission ensures the retention of the dwelling for the benefit of the agricultural economy of the area.

APPLICATION INFORMATIVES

1

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 this application has been determined in accordance with the development plan which consists of the Cambridgeshire and Peterborough Structure Plan adopted September 2003, the Fenland District Wide Local Plan adopted August 1993 and the Fenland District Wide Interim Statement Of Proposed Changes approved January 2001.

Policies of relevance to the decision include: P5/5, H17

All material planning considerations have been taken into account and none are individually or cumulatively of such significance as to outweigh the decision reached on this application.

2

The plans and drawings the subject of the decision notice are those submitted as part of the original planning application.

Date of Decision: 14 September 2005



Development Manager
Fenland Hall, County Road, March. PE15 8NQ

IMPORTANT – Please read the notes on the reverse side of this decision notice

