

## Summary of the Councils' Position at Deadline 8

### Purpose of this Submission

We are writing on behalf of Cambridgeshire County Council (**CCC**) and Fenland District Council (**FDC**), collectively referred to as '**the Councils**' regarding the MVV Medworth CHP Development Consent Order (DCO) Examination. The Councils consider it appropriate to set out their joint final position at the end of the Examination process, along with some additional contextual information. The Councils retain their overall stance of opposition to the grant of the DCO.

The document needs to be read in the context of the two separate motions that were individually and independently approved by elected Members of CCC and FDC to oppose the proposed development. Both Councils also sent letters to the then Secretary of State to make clear the Councils' opposition to these plans. The full details of the Council motions are set out in the Relevant Representations (RR) [**RR-002 and RR-003**] and the letters to the Secretary of State were included in the Appendices of the RR.

The Councils and Medworth CHP Ltd (the Applicant) have collaborated throughout the examination process and worked hard to reach an agreement and find solutions to most of the issues that have arisen as a result of the proposed development that is under examination. That said, there does remain a divergence between the Councils and the Applicant on some matters considered as priorities for our technical officers and consultants as well as local communities and Elected Members.

### Position at Deadline 8

Areas of agreement are set out in the comprehensive Statement of Common Ground (SoCG) between the Councils and the Applicant, which is due to be submitted at Deadline 8, but there are still some outstanding areas of disagreement.

The main issues which have been the subject of ongoing discussions are set out in the documents submitted at each deadline throughout the Examination and the matters that are not agreed are shown as either red or amber in our SoCG with the Applicant, along with relevant commentary. To avoid repetition, we do not set them out in full here, but it is clear from those documents and the summaries below, the remaining areas of particular concern and disagreement are: Alternatives; Traffic and Transport (deliverability of the project); Landscape and Visual Assessment; Climate Change (greenhouse gas emissions); Socio-Economic matters; and Waste matters.

## Areas of Disagreement

### Alternatives

The Applicant's submission **[REP5-037]** does not contain a list of alternative sites considered and the Councils' position remains that, at the very least, a shortlist of sites should be documented to demonstrate that there was consideration of alternative sites.

The Council is of the view that a proper assessment of alternative locations was not undertaken. Of the sites listed in **[REP5-037]**, these are either all existing, or have extant permission, but are under the ownership of another party. These sites are either not realistic alternatives or have not demonstrated what efforts have gone into overcoming constraints prior to ruling them out of their screening process, resulting in the proposal site being the only option. The Applicant has never provided an explanation of why Wisbech was chosen as the location for the proposed facility.

### Traffic and Transport

CCC, as the Local Highway Authority, agrees in principle to the Works No. 4A at the Newbridge Lane junction with Cromwell Road, subject to the detailed design being provided, reviewed and considered acceptable. CCC had raised concerns that the powers of acquisition included in the draft DCO would not provide sufficient means for all of the land required for the New Bridge Lane/Cromwell Road junction improvements to become highway, maintainable at public expense, specifically the land that is the subject of the Change Application (Change 1). The provision of sufficient land is necessary in order to maintain the traffic signal apparatus required at the junction. The terms of a Section 106 agreement have been agreed and in the event that the certificate enabling adoption of the highway for Change 1 is not resolved expediently, there are sufficient powers included within the DCO to undertake the works. CCC and the Applicant will continue to work together to resolve the adoption of the relevant Tesco's land as public highway.

CCC had previously raised concerns about the Applicant's stance regarding compensation for damage to the highway caused by traffic associated with the proposed development. The Applicant has agreed that a sum will be paid to CCC for future maintenance of the Highway which will form part of the section 278 agreement being drafted between the parties. CCC considers that such a mechanism is needed to manage this process and to provide clarity and certainty to both CCC and the Applicant on this matter.

The Councils have made it very clear that the Proposed Development must not in any way compromise the reopening of the March to Wisbech railway and seek further reassurance in the necessary agreements with Network Rail and the Applicant that this is secured.

## Landscape and Visual Impact Assessment (LVIA)

The SoCG sets out the Councils unresolved concerns in relation to the extent of the landscape and townscape effects resulting from the proposed development. The Councils remain of the view that the proposed mitigation cannot overcome the significant visual effects arising from the proposal and that the adverse effects identified in the LVIA will be the same at Operation Year 1 and Year 15.

Furthermore, the Councils remain concerned that the embedded environmental measures proposed in respect of the Residential Visual Amenity Threshold (RVAT) for 10 New Bridge Lane would not be sufficient to overcome or sufficiently mitigate the prominence of the proposed development. The Councils' view remains that the RVAT for 10 New Bridge Lane would be breached, as set out in the CCC/FDC LIR **[REP1-074]**.

## Climate Change

The Councils remain concerned that the proposed development is likely to lead to significant greenhouse gas emissions, in the region of 11 million tonnes of CO<sub>2e</sub> over the plant's 40-year lifetime. This is incompatible with a net zero pathway, the only way that this could be compatible would be to install and operate Carbon Capture and Storage (CCS) technology on commencement of operation of the facility. Setting aside an area for potential future development is insufficient. Even comparing the emissions from the proposed development with current and future landfill emissions, there is no certainty on what the outcome would be. The Applicant's original assessment of the emissions in the Environmental Statement was incorrect, it did not take into account the future decarbonisation of the electricity grid. As shown in Table A.3 of the Applicant's Technical Note in Appendix 9.2C of **[REP1-036]**, the carbon impact of the proposal is 2.8 million tonnes CO<sub>2e</sub> higher than the figure originally claimed and the difference between landfill and burning, even in the Applicant's corrected figures, is negligible.

Grid decarbonisation is already a key part of UK government policy to achieve its legally binding commitment to net zero carbon and therefore, the inclusion of future grid decarbonisation should have been regarded as the core scenario from the outset. Furthermore, there is significant uncertainty regarding the quantity of future emissions, which can vary enormously and will depend heavily on the composition of the waste, as evidenced in the Applicant's additional sensitivity analysis **[REP6-030]** and the Council's response to it, which both agree that reducing plastics would reduce the emissions from EfW.

Finally, the baseline 'without development' scenario is very uncertain. This project cannot be regarded as replacing an existing development, since there is no existing development either on that site or elsewhere that this proposal replaces. In any case, when comparing two scenarios that both have very high carbon emissions, concluding that one is lower than the other, is not akin to the proposed development itself achieving below net zero carbon. For that reason, it is not appropriate to *only* look at the difference between this proposal and a hypothetical alternative scenario; the total emissions from the proposed development of approximately 11 million tonnes CO<sub>2e</sub> also need to be regarded as an issue in their own right.

## Socio-Economic Matters

The Councils remain of the view that the proposal will adversely impact existing nearby businesses, especially during the construction phase. It is considered that when Alorges Way is subject to works, it will be very disruptive for those nearby businesses. In addition, the Councils consider that there is an absence of certainty regarding the stated economic benefits of the scheme. Finally, it is considered that the physical scale and appearance of the development on the edge of Wisbech is likely to detract and discourage people from wanting to visit the historic market town, resulting in impacts to local businesses and the wider Wisbech town centre.

## Waste matters

CCC and the Applicant have agreed alterations to the Development Consent Order in relation to additional criteria to ensure waste is managed as far up the waste hierarchy as possible, as well as an additional requirement in relation to the catchment areas from which waste can be received. However, whilst CCC considers these changes to be essential they still provide minimal assurance only and do not equate to the proximity principle and waste hierarchy being observed. CCC remains of the view that the proposed facility is disproportionately large when compared with the local waste need and the local community being asked to host the facility, and that waste will need to travel significant distances to fuel the facility. Furthermore, the proposal is not compliant with local waste planning policy as it will undermine the delivery of more localised recovery capacity within the region which would be more sustainable and have been built on local consensus through the local plan system.

In all other areas, good progress has been made between the Councils and the Applicant, and the position in respect of the drafting of legal agreements is as summarised below:

### Section 106, Section 278 and Section 111 legal agreements

S106: The Heads of Terms of the Section 106 legal agreement has been submitted **[REP6-031]** and CCC and the Applicant continue to work to finalise the legal agreement.

S278 and S111: Solicitors each acting on behalf of CCC and the Applicant are preparing the draft agreement to deliver the Outline Community Benefits Strategy and expect to be able to provide a further update to the ExA before the close of the Examination.

The Councils hope that the ExA finds the above final position statement helpful and would like to acknowledge the work of both the panel of appointed Inspectors and the wider Planning Inspectorate case team throughout the examination.