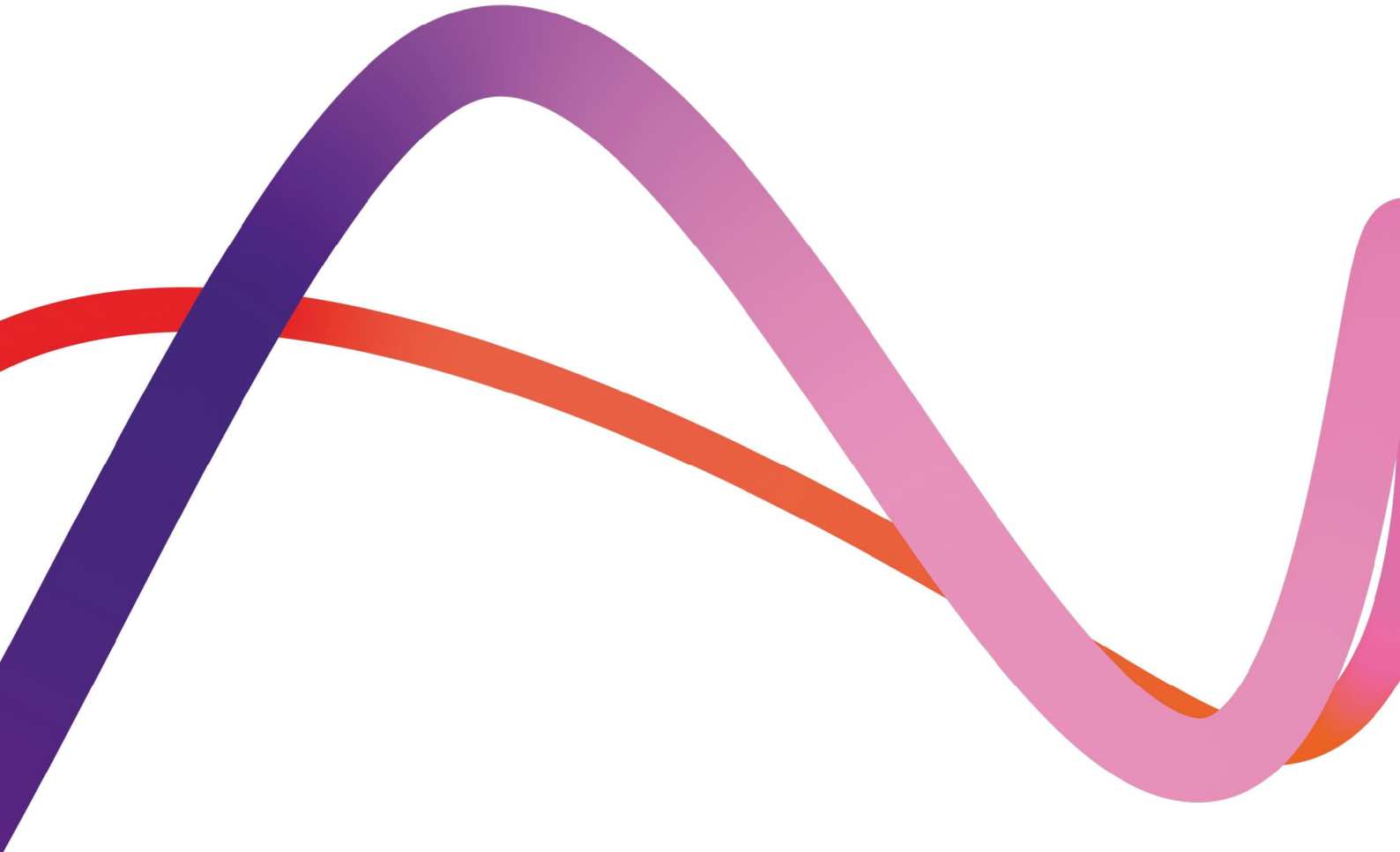


Medworth Energy from Waste Combined Heat and Power Facility



PINS ref. EN010110
Document Reference Vol.20.2
Revision: 1.0
January 2024



Applicant's response to the Secretary of State's letter 10 January 2024

**We inspire
with energy.**



1. Applicant's response

Table 2.1 Applicant's response to the Secretary of State's letter 10 January 2024

Para ref	Statement/Question	Applicant Comment
REQUEST FOR INFORMATION		
1	Following the completion of the Examination on 21 August 2023, the Examining Authority submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State on 21 November 2023. In accordance with section 107 of the Planning Act 2008, the Secretary of State has three months to determine the application.	Noted.
2	There are issues on which the Secretary of State requests the Applicant, National Highways, Eastern Power Networks, Cadent Gas Limited, Fenland District Council, Wisbech Town Council, Cambridgeshire County Council, Norfolk County Council and the Borough Council of King's Lynn and West Norfolk to provide updates or information as appropriate.	Noted.
The Applicant		
3	The Applicant is invited to provide any additional information to evidence that	The Applicant's Combined Heat and Power Assessment (Volume 7.1) [APP-097] describes the work which it undertook prior to submission of the DCO application to identify opportunities for



Para ref	Statement/Question	Applicant Comment
	<p>opportunities for Combined Heat and Power (CHP) have been fully explored, including how the Applicant has worked with the local planning authority (LPA) and other organisations to identify opportunities for CHP in line with designated NPS EN-1 para 4.6.7. The Applicant should also update on whether any contracts have been secured with potential customers.</p>	<p>CHP customers. Informed by the BEIS National Heat Map (see Section 6.2 of the Combined Heat and Power Assessment (Volume 7.1) [APP-097] and with an understanding of CHP operations developed as a result of experience operating CHP systems at some of its other plants in the UK and Germany (see Section 1.2 of the Combined Heat and Power Assessment (Volume 7.1) [APP-097]), it identified potential users located in proximity to the EfW CHP Facility Site.</p> <p>As stated in the Examination the Applicant will not comment on the nature of commercial negotiations with any potential customers. This said, the Applicant did receive sufficient technical information in 2020 to allow it to carry out the preliminary design of the steam connections to potential customer sites, and use this information in the Combined Heat and Power Assessment (Volume 7.1) [APP-097] see Section 6.2. However, it would be unusual for there to be any discussions on the commercial terms of heat supply agreement unless and until the development consent or planning permission for any CHP project is approved, see Agenda Item 5, Written Summary of the Applicant's Oral Submissions at ISH4 (Volume 12.2b) [REP4-020] and Recording of Issue Specific Hearing 4 (ISH4) on Environmental Matters – Part 4 – Wednesday 17 May 2023 [EV-046]. As the Applicant's parent company in Germany has experienced, it can take time for contracts to be secured and over the life of a project heat customers will come and go. As an example, the Applicant encloses a copy of the MVV Press Release (6 January 2024) demonstrating that the agreement on the supply of heat (steam) from the Applicant's sister company's Dundee facility (commissioned early 2022) to an adjacent customer was not signed until 2023, see Appendix 1).</p> <p>Irrespective of the above, the fact remains that there are a number of large heat users in very close proximity to the EfW CHP Facility Site that are ,in addition to those companies mentioned in the Combined Heat and Power Assessment (Volume 7.1) [APP-097]. If the DCO is made, and the EfW CHP Facility be constructed, it will be CHP Ready (Draft DCO Requirement 25 Rev 7 Volume 3.1 [REP8-004]). If the DCO is made, the Applicant will re-engage with potential customers in accordance with the Action Plan (see Section 10 of the Combined Heat and Power Assessment (Volume 7.1) [APP-097]. The economics of energy supply are such that the Applicant is very confident that demand for the low carbon heat and power from the EfW CHP Facility will be strong and that it will prove to be far more economical alternative to the present use of natural gas.</p>



Para ref	Statement/Question	Applicant Comment
		<p>The suitability of the EfW CHP Facility Site as a location for CHP production and supply is further enhanced by Fenland District Council's plans for the southern part of Wisbech which are set out in draft within the Draft Fenland Local Plan 2022. The Draft Local Plan identifies all land south of New Bridge Lane to the A47 and all land east of New Drove to the A47 for employment/non-residential use (draft allocations LP37.01, 37.04, 37.06 and 37.07), see Appendix 2 for an extract of Insert Plan 28 of the Fenland Draft Local Plan (August 2022)). Draft allocation LP37.01 is the largest of the four allocations and would comprise 66Ha of Class B and Class E land with a potential for live/work units. The remaining draft allocations reflect extant planning permissions for 29 business units (LP37.04), storage and distribution (LP37.06) and employment and storage (LP37.07).</p> <p>Consistent with the advice contained within NPS EN-1 paragraph 4.6.12, (and paragraph 4.8.19 of the NPS EN-1 November 2023) there is a reasonable possibility that the new employment development referenced could be connected into a CHP system operated by the Applicant to provide a low carbon heat and power solution.</p> <p>On the matter of engagement with relevant planning authorities, extensive technical engagement with officers took place, see the signed Statements of Common Ground with FDC and CCC [REP8-011] and NCC and BCKLWN [REP7-016]. However, the local authorities made it clear during the pre-application process and Examination that they refused to engage with the Applicant other than when statutorily required to do so (see RR-001 to RR-004). Neither the local authorities nor the LEP (see below) have suggested any potential customers to the Applicant. Notwithstanding the lack of engagement by the relevant planning authorities to date on this issue, the Applicant is hopeful that should the DCO be granted then engagement with these organisations to investigate opportunities to provide a local heat and power network into the proposed new employment areas would prove successful due to the economic advantages of CHP over existing fossil fuel forms of heat and power.</p> <p>Homes England (previously the Homes and Communities Agency) were consulted at:</p> <ul style="list-style-type: none"> • Non-Statutory Stage 1 Consultation – see the Appendix B (Non-Statutory Stage 1 Consultation: Consultation Feedback Report) of the Consultation Report (Volume 5.1) [APP-019]; • Non-Statutory Stage 1b Consultation – see the Appendix C (Non-Statutory Stage 1b Consultation: Consultation Feedback Report) of the Consultation Report (Volume 5.1) [APP-020]; and



Para ref	Statement/Question	Applicant Comment
		<ul style="list-style-type: none"> Statutory Stage 2 Consultation – see the Consultation Report (Volume 5.1) [APP-018]. <p>Homes England did not submit a representation to the Applicant at either non-statutory or statutory consultation nor is the Applicant currently aware of any major residential projects involving Homes England within the vicinity of Wisbech Town.</p> <p>Located approximately 40km south of the EfW CHP Facility Site and outside of the Study Area for the Combined Heat and Power Assessment (Volume 7.1) [APP-097], Northstowe an urban development of 10,000 new homes is Homes England's closest major development to the EfW CHP Facility Site. The Applicant considers this development to be located too far away from the EfW CHP Facility Site to be viable.</p> <p>Cambridgeshire and Peterborough Combined Authority (CPCA) which includes the Business Board, the Local Enterprise Partnership (LEP), were consulted at:</p> <ul style="list-style-type: none"> Non-Statutory Stage 1 Consultation – see Appendix B (Non-Statutory Stage 1 Consultation: Consultation Feedback Report) of the Consultation Report (Volume 5.1) [APP-019]; Non-Statutory Stage 1b Consultation – see Appendix C (Non-Statutory Stage 1b Consultation: Consultation Feedback Report) of the Consultation Report (Volume 5.1) [APP-020]; and Statutory Stage 2 Consultation – see the Consultation Report (Volume 5.1) [APP-018]. <p>Early in the project (January and February 2020), additional correspondence was sent to the Mayor of the CPCA to introduce and offer a meeting to discuss how the Medworth EfW CHP Facility could assist in delivering strategic projects that the CPCA were involved with, including energy opportunities. Appendix 3 provides relevant correspondence. Unfortunately, the Mayor of the CPCA did not reply to the Applicant's invitation.</p> <p>The CPCA submitted a representation to the Non-Statutory Consultation; summarised in Section 6.4.1 to 6.4.2 of the Non-Statutory Stage 1 Consultation: Consultation Feedback Report (Volume 5.1) [APP-019]. Regarding CHP matters the CPCA expressed concern that the CHP Connection Corridor (Works No. 3A and 3B) might compromise the ability to reopen the March to</p>



Para ref	Statement/Question	Applicant Comment
		<p>Wisbech Railway. This is not the case as demonstrated by Network Rail removing their holding objection on 22 November 2023¹.</p> <p>The Mayor of the CPCA submitted a representation to the Applicant's Statutory Consultation, however beyond objecting, no substantive comments concerning CHP opportunities were received, see Section 4.2.54, 12.2.9 and 18.2.22 of the Consultation Report (Volume 5.1) [APP-018].</p> <p>In conclusion, the Combined Heat and Power Assessment (Volume 7.1) [APP-097] demonstrates that the Applicant did explore opportunities with existing business and relevant organisations within the Study Area of the Combined Heat and Power Assessment (Volume 7.1) [APP-097]. The Applicant has also identified future opportunities for CHP on allocated employment land south and east of the EfW CHP Facility Site. The economic and environmental benefits of CHP using residual waste as a fuel versus natural gas are such that the Applicant remains extremely confident that, should the DCO be granted, restarted discussions with potential users will be positive and ultimately contracts will be secured. Furthermore, the Applicant's Initial Phase of the Action Plan (Section 10.1 of the Combined Heat and Power Assessment (Volume 7.1) [APP-097]) includes re-engagement with potential customers and organisations, such as relevant local authorities to review strategic opportunities.</p> <p>The location of the EfW CHP Facility remains one of the best locations for CHP within the East of England Region. Further information on the Applicant's position with regard to CHP and applicable national policy can be found within the Applicant's Closing Position Statement on Waste paragraphs 3.2 to 3.6 (Volume 18.5) [REP8-020].</p>
4	<p>The Executive Summary of the CHP Assessment identifies that Lamb Weston and Nestlé Purina are potential customers for CHP, but also states that there are no formal agreements in place for the export of heat from the EfW facility at this stage. The CHP Assessment goes on to note that an outline</p>	<p>As stated in paragraph 10.1.3 of the Combined Heat and Power Assessment (Volume 7.1) [APP-097], the Action Plan (which is distinct from the CHP review, secured by Draft DCO Requirement 25 (Volume 3.1) [REP8-004]) would be aligned with the overall EfW CHP Facility construction programme, with the initial phase commencing alongside the preliminary engineering and design works and having a duration of 17 months. The intermediate phase would commence at month 13 of the construction programme and have a duration of 24 months. The final phase would commence on completion of construction and commissioning. ES Chapter 3 Description</p>

¹ For further information on the Applicant and Network Rail's agreed position, see the signed **Statement of Common Ground between Medworth CGHP Ltd and Network Rail (Volume 8.2) [REP8-010]** and Network Rail's correspondence withdrawing its holding objection to the DCO – see **Volume 19.2** submitted to the Secretary of State on 30 November 2023.



Para ref	Statement/Question	Applicant Comment
	Action Plan has been proposed and has been put into three phases. The Secretary of State invites the Applicant to provide a timescale for the implementation of the three phases for the Action plan.	of the Proposed Development (Volume 6.2) [APP-030] Graphic 3.23: Construction Programme Summary has been updated to include this additional information, see Appendix 4 .
Protective Provisions		
5.	National Highways is invited to confirm whether it has formally withdrawn its objection following the agreement that was reached in relation to compulsory acquisition and property matters.	Section 3.7 (Compulsory acquisition and property matters) of the Statement of Common Ground between the Applicant and National Highways (Volume 9.15) [REP7-020] , confirms agreement between the parties was reached. Furthermore, this SoCG confirms agreement on all matters.
6.	Eastern Power Networks are invited to confirm whether the protective provisions included in the draft DCO at Schedule 11, Part 4 have been agreed.	The DCO contains protective provisions in respect of Eastern Power Networks plc (Part 4 of Schedule 11) and the Applicant and EPN have entered into an Option for Lease in respect of the Applicant's Substation adjacent to the point of connection at the Walsoken DNO Substation. The Applicant has been in contact with Eastern Power Networks plc in response to the Secretary of State's Request for Information dated 10 January 2024 and Eastern Power Networks requested a number of amendments to the protective provisions. The agreed set of protective provisions for inclusion in Part 4 of Schedule 11 together with copies of the email from EPN confirming agreement are enclosed at Appendix 5 . The agreed protective provisions have also been provided in the correct format for inclusion in the DCO.
7.	Cadent Gas Limited is invited to confirm whether protective provisions included in the draft DCO at Schedule 11, Part 3 have been agreed.	The DCO contains protective provisions in respect of Cadent Gas Limited (Part 3 of Schedule 11) and the Applicant and Cadent Gas Limited have concluded a confidential side agreement. The Applicant has been in contact with Cadent Gas Limited in response to the Secretary of State's consultation and Cadent Gas Limited has confirmed that it is satisfied with the DCO as drafted and the measures contained in the confidential side agreement, (a confirming email is enclosed at Appendix 5).
Compulsory Acquisition		



Para ref	Statement/Question	Applicant Comment
8.	With regard to the compulsory acquisition powers for a right of access over Algores Way, the Secretary of State invites the Applicant and Fenland DC to update their position on this matter.	<p>The Applicant confirms that the position in respect of the right of access over Algores Way is as set out in the Written Summary of the Applicant's Oral Submissions at CAH 1 & 2 [REP3-037] at Item 3 (in particular under the headings 'Fenland District Council' and 'All other APs listed'). Item 4 of that document confirms the reasons why the power of compulsory acquisition of rights is being sought over Algores Way, being the minimum land interest necessary to ensure the Proposed Development can be implemented and in recognition of the decision of the local highway authority to not adopt this street as public highway. Item 4 further confirms how the right of access being sought by the Applicant will be held in common with, and will not conflict or interfere with, the existing access rights of any other users of the unadopted section of Algores Way.</p> <p>The Applicant confirms that it remains willing to negotiate a voluntary agreement with Fenland District Council (FDC) for a formal right of access. In this regard, on receipt of the Request for Information dated 10 January 2024, the Applicant contacted FDC. A representative on behalf of FDC confirmed that FDC remained unwilling to enter into any discussions for a voluntary agreement, including doing so on a without prejudice basis.</p> <p>The Applicant's position therefore remains that the power to compulsorily acquire rights along the unadopted section of Algores Way is necessary to ensure that there is no impediment to the delivery of the Proposed Development.</p>
Outstanding issues		
9.	The Secretary of State invites the Applicant to provide an update on any other outstanding matters which may have been resolved since the close of the examination between the Applicant and any of the LPAs or any other interested party.	<p><u>Legal agreement update:</u></p> <p>We draw the Secretary of State's attention to the Applicant's letter and enclosures submitted on 30 November 2023 (the Applicant's Volume 19 documents), confirming:</p> <ul style="list-style-type: none"> On 4 October 2023, the Applicant entered into a S106 Agreement and S111 Agreement with Cambridgeshire County Council. The S106 Agreement includes an agreed form of S278 Agreement to be entered into prior to the commencement. On 15 November 2023, the Applicant entered into an Option for Lease with Eastern Power Networks plc (part of UK Power Networks (UKPN)) for the land required for the Applicant's Substation adjacent to the point of connection at the Walsoken DNO Substation.



Para ref	Statement/Question	Applicant Comment
		<ul style="list-style-type: none"> On 21 November 2023, Network Rail and the Applicant entered into a framework agreement in relation to the protection of Network Rail's assets. This has enabled Network Rail to withdraw its objection to the DCO Application. <p>Appendix 6 lists the Volume 19 documents; these are resubmitted for the avoidance of doubt.</p> <p><u>Environment Permit update:</u> The Applicant submitted its Environmental Permit application to the Environment Agency (EA) on 5 August 2022. It was confirmed by the EA as duly made on 13 April 2023.</p> <p>Since the close of the Examination, the EA has confirmed that it is minded to grant the Environmental Permit to the Applicant for the EfW CHP Facility. This will allow operation of the Installation at the EfW CHP Facility Site, subject to the conditions in the Environmental Permit. The EA consider that, in reaching their decision, it has into account all relevant considerations and legal requirements and that the Environmental Permit will ensure that a high level of protection is provided for the environment and human health. Consequently, on 11 January 2024 the EA commenced a 6-week 'minded to approve' public consultation. Once this consultation closes (22 February 2024) and subject to a review of any final representations, the Applicant anticipates the Environmental Permit will be issued shortly afterwards. Appendix 7 lists the following EA documents; these are separately submitted:</p> <ul style="list-style-type: none"> Appendix 7a (Volume 20.3): Draft Environmental Permit Decision Document (EPR/HP3441QA); and Appendix 7b (Volume 20.4): Draft Environmental Permit (EPR/HP3441QA). <p><u>Project deliverability:</u> Representing an investment of around £450 million², the Applicant's commitment to delivering the Proposed Development is reinforced by the Applicant's decision to commence, in January 2024, the tender process to secure an EPC Contractor.</p> <p><u>National Policy Statement update:</u> The Applicant's letter to the Secretary of State dated 30 November 2023 noted the publication of the Overarching National Policy Statement (NPS) for Energy (EN-1) as well as NPS EN-3 and</p>

² See **Section 2** of the **Funding Statement (Volume 4.2)** [APP-016]



Para ref	Statement/Question	Applicant Comment
		<p>NPS EN-5 published in November 2023, and which followed the close of the Examination. The Applicant notes that NPS EN-1, EN-3 and EN-5 were designated on 17 January 2024. The Applicant's letter noted that transitional arrangements apply yet it considered the November 2023 NPSs to be important and relevant. Reference was given to Section 4.2 of EN-1 relating to critical national priority (CNP) infrastructure noting that the Medworth EfW CHP Facility constitutes 'low carbon infrastructure' and is therefore CNP infrastructure, (see paragraph 4.2.5, first bullet).</p> <p>NPS EN-1 November 2023 at paragraph 4.2.7 states that the policy (CNP) applies following the normal consideration of the need case, the impacts of the project and the application of the mitigation hierarchy. It is therefore relevant to the Secretary of State's decision making and specifically in reference to any residual mitigation impacts which may have been identified following mitigation. The Applicant has identified a substantial suite of mitigation measures, (including both embedded mitigation and additional mitigation) and these are to be found within each of the environmental topic chapters of the Environmental Statement (Volume 6.2).</p> <p>NPS EN-1 at paragraph 4.2.12 makes reference to the monitoring and reporting of mitigation and compensation. This is adequately addressed within Draft DCO requirements with the following containing either within the requirement itself or within the relevant management plan or document, the requirement for monitoring:</p> <ul style="list-style-type: none"> • Requirement 5 Landscape and Ecology Management Plan; • Requirement 6 Biodiversity Net Gain; • Requirement 10 Construction Environmental Management Plan; • Requirement 11 Construction Traffic Management Plan; • Requirement 14 Waste Hierarchy Scheme; • Requirement 15 Operational Travel Plan; • Requirement 16 Odour Management Plan; • Requirement 19 Noise Management; • Requirement 21 Employment and Skills Strategy; • Requirement 23 Carbon Capture Readiness Monitoring Report; • Requirement 25 Combined Heat and Power; • Requirement 27 Local Air Quality Monitoring Strategy and • Requirement 29 Origin of Waste.



Para ref	Statement/Question	Applicant Comment
		<p>Finally, cumulative impacts of multiple developments with residual impacts (NPS EN-1 paragraph 4.2.12) are considered within ES Chapter 18: Cumulative Effects (Volume 6.2) [APP-045].</p> <p>In conclusion, the Applicant considers that Section 4.2 of EN-1 is important and relevant to the Secretary of State's decision. The approach taken by the Applicant is considered to consistent with this policy. Residual impacts following mitigation have been identified along with measures to monitor and report the application of such mitigation. Residual impacts do not relate to HRA or MCZ sites. Consistent with paragraph 4.2.14 therefore, the Secretary of State can be satisfied that the Applicant's assessment has demonstrated that the policy requirements discussed above have been met. As such the CNP presumption that in all but the most exceptional circumstances consent should not be refused on the basis of residual impacts identified should apply (paragraph 4.2.15).</p>
10.	<p>Responses to the requested information should be submitted by email only to: Medworth@planninginspectorate.gov.uk by 23.59 on 19 January 2024.</p>	Noted.
11.	<p>Responses will be published on the Medworth EfW Facility project page of the National Infrastructure Planning website as soon as possible after 19 January 2024:</p> <p>https://infrastructure.planninginspectorate.gov.uk/projects/eastern/medworth-energy-from-waste-combined-heat-and-power-facility</p>	Noted.
12.	<p>This letter is without prejudice to the Secretary of State's consideration of whether to grant or withhold development consent for the Medworth EfW Facility or any part of the project. Nothing in this letter is to be taken to imply what the eventual decision might be or what final</p>	Noted.

12 Applicant's response to the Secretary of State's letter 10 January 2024



Para ref	Statement/Question	Applicant Comment
	conclusions the Secretary of State may reach on any particular issue which is relevant to the determination of the application.	

Appendix 1 – MVV Press Release 6 January 2024



6th December 2023 - for immediate use

Innovation is heating up in east Dundee

MVV Environment Baldovie Ltd (MVV) has started to heat Michelin Scotland Innovation Parc (MSIP) with steam from its new energy from waste combined heat and power facility.

This is the first energy from waste heating system of its kind in mainland Scotland. Energy recovered from combustion of domestic waste is to be employed to heat the Innovation Parc, using an over ground pipeline to supply heat from the energy from waste facility direct to MSIP.

As part of this project MVV have been accredited under the Renewable Heat Incentive (RHI) scheme which provides benefits for heat use from renewable sources.

MVV, part of the MVV Energie group of companies, treat the non-recyclable waste from the Dundee and Angus area, generating around 10 MW of electricity, which is currently exported to the grid. The waste is burnt at high temperatures in controlled conditions and the heat generated is used to turn water into steam, which drives a turbine to generate electricity. Some of the steam is taken from the turbine and sent to MSIP, and in doing so overall energy efficiency is increased. MSIP use the steam to heat low pressure hot water, which is circulated to air heaters, radiant panel heaters and radiators throughout the various buildings. Even if the turbine is off, so long as the boiler is running, MVV can still confidently provide MSIP with steam from the turbine bypass station.

Paul Carey, managing director of MVV, said, *"We are really proud of our team on site who have worked hard to enable this scheme to be implemented in a safe and sound manner. It improves overall energy efficiency for both MVV and MSIP, and is a small but important part of our joint journey towards net zero."*

Greig Coull, CEO of MSIP, said, *"At MSIP we strive to create an innovation parc that is, itself innovative. By receiving steam from the adjacent energy from waste combined heat and power facility we will not only be kept warmer over the coming winter months, but also reduce our carbon footprint. This fits perfectly with the wider ambition of MSIP, to be Scotland's home for sustainable innovation"*



MVV has long term plans in the UK and at the Baldovie facility in Dundee, where they have a 25-year contract with Dundee City Council and Angus Council and under which they continue to look at opportunities to reduce greenhouse gas emissions and improve energy efficiency. This working partnership is focused on supporting Scotland's just transition to becoming a net zero nation by 2045, both working locally to support the future workforce and surrounding community.

Press queries may be directed to Paul Carey, Managing Director, on [REDACTED]

Note to Editors

MVV at a glance

With around 6,500 employees and annual sales of around Euro 4.2 billion, MVV is one of Germany's leading energy companies. Our activities focus on providing a reliable, economical and environmentally friendly supply of energy to our industrial, commercial and private household customers. Here, we cover all stages of the energy value chain: from energy generation, energy trading and energy distribution to operating distribution grids through to our sales activities and environmental energy and energy-related service businesses. We are also investing in our future grid capability, modernising our generation plants and innovative green technologies.

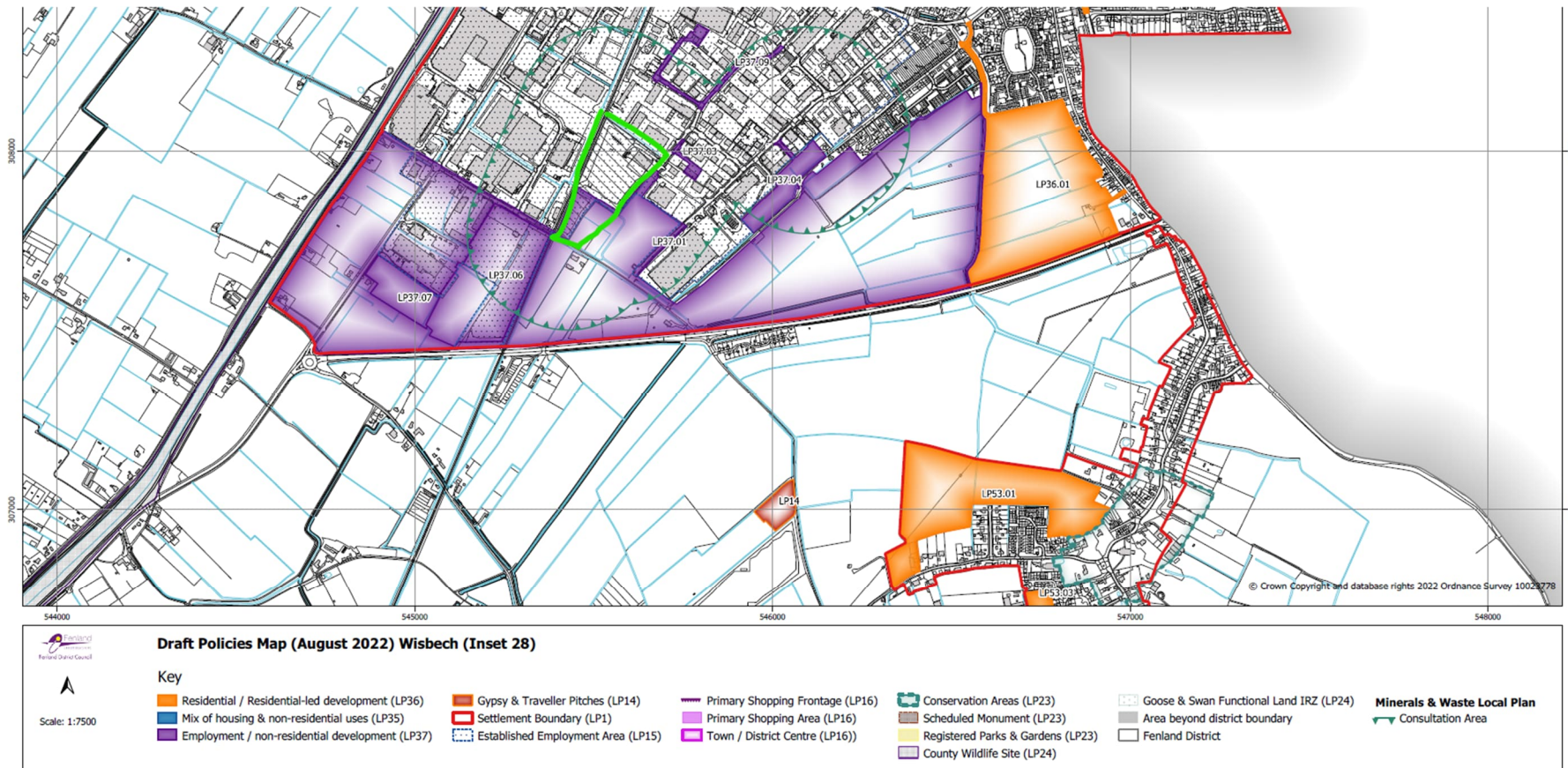
We are pioneers of the energy turnaround and, with our Mannheim Model, have committed to a strategic course which will make us climate neutral by 2040 and, as one of the first energy companies in Germany, climate positive from then on. We are consistently promoting the heat turnaround, the electricity turnaround and the associated expansion in renewable energies, as well as green products and solutions for our customers. As certified by the international "Science Based Targets initiative" (SBTi), our climate targets are consistent with the 1.5-degree trajectory. According to the prestigious rating agency ISS, we are also one of the world's four best energy companies when it comes to sustainability. In all our activities, we can count on the mature competence and expertise of our employees. They stand to benefit from secure and attractive jobs in future as well.

MVV is a company in the Rhine-Neckar Metropolitan Region of Germany, but the MVV Group has operations worldwide. MVV entered the UK market in October 2008, bidding primarily for public sector waste contracts across the country. Now established as a responsible and growing group of companies in the UK, MVV operates three EfW and Biomass facilities treating over 600,000 tonnes of household residual waste and biomass a year.

Ends



Appendix 2 – Extract of Insert Plan 28 of the Fenland Draft Local Plan (August 2022)



Note: The EfW CHP Facility Site is outline in green

Appendix 3 – Applicant's correspondence to the Mayor of the CPCA (January to February 2020)



Please reply to:
c/o Devonport EfW CHP Facility, Creek Road, Plymouth, PL5 1FL

Mayor Palmer
Cambridgeshire & Peterborough Combined Authority
Incubator 2
The Boulevard
Enterprise Campus
Alconbury Weald
Huntingdon
PE28 4XA

MVV Environment Limited
Registered Office:
1 Wood Street
London
EC2V 7WS

By email to [REDACTED]

17th January 2020

Dear Mayor Palmer,

**Medworth Energy from Waste Combined Heat and Power
(EfW CHP) Facility Project**

Paul Carey
[REDACTED]

Managing Directors:
Paul Carey
Mike Turner
Uwe Zickert

Registration Number:
6709860

We would like to introduce our company and proposal for the Medworth EfW CHP Facility project, which we propose for Wisbech. After careful consideration we have commenced a rigorous process to prepare an application to apply for a Development Consent Order, consequently would like to discuss this with the Cambridgeshire and Peterborough Combined Authority.

About MVV

MVV Environment Limited is a UK based company with many years of broad experience and expertise in the development and operation of modern and efficient energy from waste plants. MVV Environment Limited is part of the MVV Group, one of the leading energy companies in Germany.

In Germany and the UK, MVV is also one of the market leaders providing waste management services, dealing with residual waste and recovering the energy within for useful purposes. We produce energy in the form of electricity or useful heat, as steam or hot water, for use in local industry or for the local grid. We have a good record of doing this in our facilities in Germany, the Czech Republic, and here in the UK in Plymouth, Sittingbourne and Dundee.

Our ultimate parent company is MVV Energie AG, from Mannheim. The City of Mannheim is our majority shareholder. The group of companies therefore has a very strong municipal and regional basis. The Lord Mayor of the city is

also the Chairman of the Supervisory Board of our company, and two of our projects are for councils in the UK, so we very much understand the day to day affairs of a local authority.

We have a skilled team across Germany and the UK, including experts in energy from waste technology, planning, community engagement and operations and maintenance. We have the ability to develop and deliver projects with our own staff and financial resources.

The Medworth Project

We would like to build, own and operate an energy from waste combined heat and power facility in Wisbech, on land already in use for waste management on the Algores Way industrial estate. This is, of course, in the Medworth Ward of Wisbech Town and Fenland District councils. We believe it is the best place in the region to house such a facility where the energy can be used by local industry. We have an option to lease the land and have already begun discussion with Nestle Purina, who have twice visited our facilities, Lamb Weston and Lineage.

The proposed energy from waste combined heat and power facility will divert over half a million tonnes of non-recyclable waste from landfill every year, generating over 50 megawatts of electricity and offering the opportunity to supply steam to existing and future local factories.

Our project would divert residual waste from landfill, saving on greenhouse gases and displacing the use of fossil fuel generated energy, especially local heat. With our projects to date, we have proven that a facility like ours will not impact the environment adversely, and indeed can bring sustainable benefits to the local economy and community. Up to 700 jobs will be created in the construction phase, and MVV would employ around 40 permanent skilled staff for the life of the facility. There will be further local spend on maintenance and other services in the local economy; we estimate to be in the region of £5 million a year.

I attach further information on the project, including an initial portrayal of how the facility would look. Our project website address is mvv-medworthchp.co.uk/.

Next Steps

Our proposal involves the generation of over 50 megawatts of energy; therefore, it is a Nationally Significant Infrastructure Project. The planning process is administered by the Planning Inspectorate (PINS), and the Secretary of State for Business, Energy and Industrial Strategy will make the ultimate decision.

On the 4th December 2019, we submitted our EIA Scoping Report to PINS, and on the 13th January 2020 received a Scoping Opinion. These documents can be viewed on PINS project website at infrastructure.planninginspectorate.gov.uk/projects/eastern/medworth-energy-from-waste-combined-heat-and-power-facility/.

On the 16th December 2019 we introduced our project to officers at Cambridgeshire County Council, Fenland District Council and Norfolk County Council. Attendees highlighted that Cambridgeshire and Peterborough Combined Authority are preparing the Local Transport Plan, which includes improvements to the highway network around south Wisbech and reopening the March to Wisbech railway line.

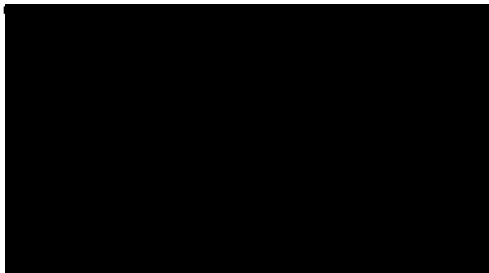
To introduce our project, understand the status of the Wisbech projects and see how our proposal can assist in delivering strategic objectives, we would like to arrange a meeting with you or your representatives.

We hope that we can meet soon and share our ideas with you, answer your questions and develop a collaborative process as we prepare our DCO planning application. If this is acceptable to you, please contact Tim Marks in the first instance or [REDACTED]

Yours sincerely



Paul Carey
Managing Director



Tim Marks
Planning Manager

cc. contactus@cambridgeshirepeterborough-ca.gov.uk
LTP@cambridgeshirepeterborough-ca.gov.uk



Medworth EfW CHP Project
Frequently Asked Questions

What is the project?

MVV are proposing a new, state of the art, energy from waste combined heat and power facility (EfW CHP), to be built on the existing waste management site on the Algores Way industrial estate. Given its location, we have adopted the name "Medworth" after the ward in which the site sits.

The Medworth EfW CHP Facility will recover useful energy in the form of electricity and steam from over half a million tonnes of non-recyclable (residual) municipal waste each year. Generating over 50 megawatts, the electricity will be sent to the grid or to major industries in the area, offering them competitive energy supplies. Steam will also be available at competitive levels, allowing users to switch off their conventional fossil fuelled boilers.

What is Energy from Waste?

Currently in the UK, approximately nine million tonnes of non-recyclable (or residual) waste per year is still going to landfill or being shipped abroad for disposal. This is not sustainable and we should be treating this waste as a resource. Non-recyclable waste can be used as a fuel and be a cornerstone of a modern, resource-efficient circular economy. As an alternative to landfill, thermal treatment and efficient recovery of energy offers a number of advantages including environmental and financial benefits.

Energy from Waste (or EfW) is the generation of electricity and/or usable heat from non-recyclable waste that would otherwise go to landfill in the UK, or to other countries as 'Refuse Derived Fuel' which is then burned to generate electricity and/or heat abroad. Like any power plant, the heat from the burning waste is used to boil water and generate steam which turns a turbine to drive a generator. Efficiencies can be increased if some of the steam can be used for heating, for example in industrial processes such as cooking food.

As a solution to divert waste from landfill, EfW is much cheaper because there is no landfill tax associated with it. Within Cambridgeshire and Peterborough currently around 500,000 tonnes of non-recyclable waste per year is landfilled, more so in the wider region.

Whilst the EfW process produces carbon dioxide (CO₂) from the safe combustion of waste at high temperatures, this solution actually reduces greenhouse gas emissions compared to landfill or exporting waste. Landfill sites produce methane, which is 25 times worse than CO₂ as a greenhouse gas and exporting waste requires it to be shredded, baled and transported far greater distances than treating it locally. Shredding, baling and transport all generate more CO₂, which can be avoided with a local solution.



Who are MVV?

MVV Environment is part of the MVV Energie group of companies, providing sustainable and efficient solutions for waste-fired energy generation to publicly and privately-owned waste disposal companies as well as to Local Authorities.

The UK business retains the overall group ethos of 'belonging' to the communities we serve whilst benefitting from over 50 years' experience gained by our German sister companies. In the UK, MVV currently consists of five separate companies:

- MVV Environment Limited – the UK development company and core business support functions
- MVV Environment Baldovie – diverting 110,000 tonnes per annum of residual waste from landfill for Dundee City and Angus councils
- MVV Environment Devonport – diverting 200,000 tonnes per annum of residual waste from landfill for the South West Devon Waste Partnership as well as 50,000 tonnes per annum of residual waste for private waste disposal companies
- MVV Environment Ridham – generating energy from 175,000 tonnes per annum of waste wood that would otherwise be landfilled or exported for energy generation abroad
- MVV Environment Services – the UK electricity trading subsidiary of MVV

Our largest project in the UK so far is the Devonport Energy from Waste Combined Heat and Power Facility in Plymouth. Since 2015, this modern and efficient facility has been using around 250,000 tonnes of household, commercial and industrial residual waste per year to generate electricity and heat, notably for Her Majesty's Naval Base Devonport in Plymouth. In the "Partnership Awards" (a renowned award scheme in the UK), our facility was awarded first prize in three categories – in the overall "Best Project" category, in the "Best Waste/Water/Energy Project" category and in the "Best Local Management Team" category.

In Dundee, we have taken over the existing Baldovie Energy from Waste facility and are in the process of developing a new, state of the art facility. From 2020, each year, it will use up to 110,000 tonnes of municipal, commercial and industrial waste as fuel for the generation of usable energy.

Biomass is another key focus of our activities in the British market and demonstrates our responsibility towards society when it comes to promoting the use of renewable energy. Our biomass power plant at Ridham Dock, Kent, uses 175,000 tonnes of waste and non-recyclable wood per year to generate green electricity and potentially heat as well.

Why Medworth / Wisbech?

The proposed site is in the Medworth Ward of Wisbech and Fenland councils. Some of the non-recyclable waste from the east of England region is currently exported to continental Europe where it is used as fuel in Energy from Waste facilities. MVV look to bring their expertise to the area and create a new business for Wisbech to avoid transporting the waste overseas and to generate renewable energy for local businesses.



The industrial area in the Medworth Ward offers the perfect opportunity to achieve high efficiencies with Combined Heat and Power (CHP). This means that some of the steam produced by burning the waste could be used for heating or industrial processes, avoiding the use of fossil fuels. Such steam supplies would also increase the efficiency of the proposed facility by increasing the amount of energy put to good use. We have already started talking to local companies about the opportunities to do this.

What is a 'Nationally Significant Infrastructure Project'?

Nationally Significant Infrastructure Projects (NSIPs) are large scale developments relating to energy, transport, water and/or waste which meet certain thresholds set out in the Planning Act 2008.

The Medworth EfW CHP Facility is an NSIP because it would have a capacity of more than 50 megawatts.

What is a Development Consent Order?

A Development Consent Order (DCO) is a special type of planning permission for developments that are considered to be NSIPs. The process for obtaining a DCO is set out in the Planning Act 2008. Instead of the local planning authority, DCO applications are dealt with by the Planning Inspectorate (PINS). PINS examine the application and make a recommendation to the Secretary of State whether to approve or refuse the application. The Secretary of State then makes the decision.

There are six stages in the DCO process:

1. Pre-application
2. Acceptance
3. Pre-examination
4. Examination
5. Recommendation and Decision
6. Post-decision

An overview of each of these stages, including how you would be involved in each stage is set out on the [PINS website](#).

What is the Planning Inspectorate?

The Planning Inspectorate, (PINS), deals with National Infrastructure Project planning applications in England and Wales. Their job is to make decisions about land use and other planning-related issues in a fair, open and timely manner. They implement the government's aims of sustainable development through shaping positive local planning and supporting economic growth in relation to energy, transport, water and waste.

PINS implement government policy whilst carefully considering the interests of developers, local citizens and other interested parties.



What happens next?

We are developing the proposals for this project and it is especially important that we seek the views of local people and local councils. Our history as a public utilities company in Germany endures in our approach to new developments and we understand how important local people are to any new project.

We will hold a consultation, where you will be able to have your say on the project and MVV staff will be available to answer questions and explain what the project will entail. Our consultation will provide you with the opportunity to influence and comment on the project, whether you agree with it, disagree with it, or believe it can be improved. The consultation will welcome comments and questions from the local community and businesses as well as a range of other stakeholders.

The Planning Inspectorate has published a series of Frequently Asked Questions about the Community Consultation period, which you can find here: <https://infrastructure.planninginspectorate.gov.uk/application-process/frequently-asked-questions/>

What are the benefits to the local community?

The Medworth EfW CHP Facility would, if approved, be able to supply electricity and heat to certain businesses in the local area, offering those companies lower energy costs and a renewable energy alternative to using fossil fuels.

If the development is approved, it will generate up to 700 jobs throughout the construction period as well as requiring additional goods and services which MVV will always endeavour to source locally. In addition, we will work with local schools, colleges and universities to offer opportunities to upskill local young people in the areas of construction, engineering, waste management and sustainability.

Beyond construction, the completed facility would employ about 40 staff in a range of skilled roles. In addition to the full-time staffing requirements, we would also need other goods and services such as cleaning, catering and maintenance staff, all of which will generate further local employment.

How will MVV engage with the local community?

Our history as a public utilities company in Germany endures in our approach to new developments and we understand how important local people are to any new project. Throughout the consultation and consideration process, we will employ local companies and hire local venues to hold events in order to better understand the community we are joining.

Throughout any development, we always aim to act considerately and listen carefully to the opinions of those around us. We will employ a Community Liaison Manager from the local area so that there is always someone to communicate with face-to-face. We have always operated an 'open door' policy both during the planning and development process and beyond.

As the Facility will be both a waste management plant and a power plant, we will develop an education programme for local schools, colleges and universities with a focus on waste, resources and renewable energy. Community visits to the Facility will also be encouraged to



develop a more personal sense of responsibility towards waste management and the need to reduce the amount of waste we produce.

Our priorities as a business are always people, environment, profit – in that order. Our staff, customers and communities are of the utmost importance and we want to hear from you.

How can I find out more?

Our project website will be up and running in the next few weeks. In the meantime you can email us on medworth@mrvuk.co.uk if you have any questions.

How can I have my say?

An online form will be available on our website and in due course public consultation events will be widely advertised. These will be held at a variety of venues in the Wisbech area to facilitate attendance and benefit local businesses.



1st November 2019

MVV proposes new energy facility for Wisbech

UK-based company MVV Environment Ltd has announced plans for a new energy from waste combined heat and power facility generating electricity and steam on land at Algores Way, Wisbech. If its plans are successful, a new company, to be called 'MVV Environment Medworth,' will be looking to employ local people to help build, operate and maintain the facility. MVV's Managing Director, Paul Carey, said: "This is an exciting time for MVV in the UK. We have demonstrated our ability to deliver such projects in Plymouth, Sittingbourne and Dundee, and look forward to engaging with the local community to explain our proposals and seek their views." MVV Environment Ltd is part of the MVV Group, one of the leading energy companies in Germany.

The proposed energy from waste combined heat and power facility will divert over half a million tonnes of non-recyclable waste from landfill every year, generating over 50 megawatts of electricity and offering the opportunity to supply steam to local factories. The total investment will be more than £300 million, and it is anticipated that construction will take around three years, during this time employing up to 700 people.

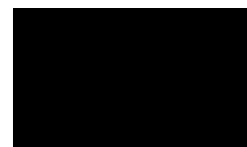
The completed facility will have a 40-year life span and employ about 40 full time equivalent staff in a range of skilled roles. In addition, numerous indirect jobs will be created in the areas of maintenance, cleaning, catering and other goods/services. The value of these will be in the region of at least £5 million per year, with further significant sums such as business rates paid to the local community.

The planning process will involve extensive consultation with all stakeholders. MVV recognises the importance of local people and knowledge to any new project and throughout the consultation period MVV staff will be available to answer questions and explain what the project will entail, as well as how new employment opportunities will be created. MVV will make further announcements in the near future, including the setting up of a project specific website where further information will be available.

Press queries may be directed to Paul Carey, Managing Director,



MVV Energie AG
Kommunikation und Marke
Luisenring 49
68159 Mannheim





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Note to Editors

About MVV

With a work force of almost 6000 employees and an annual turnover of around € 4 billion, MVV's core business comprises the distribution of energy, natural gas and water in Mannheim and other cities, the generation of Energy from Waste (EFW) and other energy projects with a focus on renewables such as onshore wind power and energy efficiency.

MVV Umwelt, a subsidiary company of MVV, has over 50 years' experience in building and operating waste management facilities in Germany, and is one of the top three companies in Germany in its field. "Umwelt" is the German word for environment, so it operates as MVV Environment in the United Kingdom. In Germany, MVV Umwelt operates five EFW (taking residual household waste) and Biomass (taking waste wood) facilities, treating 1.6 million tonnes of waste and biomass a year.

MVV entered the UK market in October 2008, bidding primarily for public sector waste contracts across the country. Now established as a responsible and growing group of companies in the UK, MVV operates three EFW and Biomass facilities treating over 500,000 tonnes of household residual waste and biomass a year. MVV is in the pre-application stage of developing its fourth project in Wisbech to deliver a joint waste management solution and combined heat and power facility in the Medworth ward of Fenland District Council.

Ends



From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Medworth Energy from Waste Combined Heat and Power Facility Project
Date: 21 February 2020 21:14:34
Attachments: [20200117_CPCA.001.pdf](#)

Dear Mayor Palmer,

I write further to our letter 17th January, attached for your convenience.

On 16th March, we will commence a the first part of a two stage consultation process with interested parties and the local community. The consultation will include a series of public exhibitions in the weeks commencing 30th March and 20th April, where myself and members of our team will be available to listen to concerns, explain our proposals and answer questions. In due course, we shall confirm to you the dates and locations of each exhibition, and hope that you will be able to attend one of them. However, since our planning application falls under the Development Consent Order process, there are several strategic considerations that we would like to share with the Cambridgeshire and Peterborough Combined Authority. These include;

- transportation;
- energy; and
- business and growth.

In addition to the exhibitions, we would welcome an opportunity to meet you and/or your team to discuss this major project. We would be happy to meet at your offices, or one of our existing energy from waste facilities in the UK, where ewe could demonstrate what we do and the benefits of energy from waste in the local community.

We look forward to hearing from you.

Best regards/Mit freundlichen Grüßen

Paul Carey
Managing Director



MVV in the UK: developing and operating resource recovery projects with MVV Umwelt GmbH

MVV Environment Ltd, 1 Wood Street, London, EC2V 7WS - Managing Directors: Paul Carey, Mike Turner, Uwe Zickert

MVV Environment Baldovie Ltd, Forties Road, Dundee, DD4 0NS - Managing Directors: Paul Carey, Mike Turner, Uwe Zickert

MVV Environment Devonport Ltd, Devonport EfW CHP Facility, Creek Road, Plymouth, Devon, PL5 1FL - Managing Directors: Paul Carey, Mike Turner, Uwe Zickert

MVV Environment Ridham Ltd, Ridham Dock Biomass Facility, Lord Nelson Road, Ridham Dock, Iwade, Sittingbourne, ME9 8FQ - Managing Directors: Paul Carey, Mike Turner, Uwe Zickert

MVV Environment Services Ltd, 1 Wood Street, London, EC2V 7WS - Managing Directors: Paul

Carey, Mathias Reith, Mike Turner, Uwe Zickert

MVV Umwelt GmbH, Otto-Hahn-Str. 1, 68169 Mannheim, Germany - Managing Director: Dr. Christian Hower-Knobloch, Dr. Joachim Manns; Supervisory Board Chairman: Dr Hansjörg Roll
www.mvvuk.co.uk

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You can find out how we process your data on our website: "Contact us by e-mail or in any other way" at https://www.mvw.de/en/mvw_energie_gruppe/datenschutz.jsp. The companies responsible within the meaning of the General Data Protection Regulations are those listed above.



Appendix 4 – Construction Programme

Medworth EFW CHP Facility
Construction Programme Summary (including the CHP Action Plan)

January 2024

Construction activity	Month																																															
	-5	-4	-3	-2	-1	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36							
EfW CHP Facility, TCC, access Improvements and Water Connections																																																
Preliminary engineering and design																																																
Mobilisation and site set up																																																
Access Improvements (New Bridge Lane)																																																
Demolition and Site clearance																																																
Civils work																																																
M&E																																																
Plant Installation																																																
Commissioning and testing																																																
CHP pipeline construction																																																
CHP Action Plan: Initial Phase																																																
CHP Action Plan: Intermediate phase																																																
CHP Action Plan: Final phase 1																																																
Mobilisation and site set up																																																
Construction																																																
commissioning and testing																																																
Grid connection construction																																																
Mobilisation and site set up																																																
Construction																																																
Commissioning and testing																																																
Water Connections																																																
Mobilisation and site set up																																																
Construction																																																
Commissioning and testing																																																

Notes:
For further details of the CHP Action Plan, see Section 10, Combined Heat and Power Assessment (Volume 7.6) [APP-097]
¹ continues until decommissioning of the EFW CHP Facility

Appendix 5 – Eastern Power Networks

PART 1

FOR THE PROTECTION OF EASTERN POWER NETWORKS

Application

33. For the protection of EPN as referred to in this Part of this Schedule the following provisions have effect, unless otherwise agreed in writing between the undertaker and EPN.

Interpretation

34. In this Part of this Schedule—

“alternative apparatus” means alternative apparatus adequate to enable EPN to fulfil its statutory functions in a manner no less efficient than previously;

“apparatus” means electric lines and electrical plant (as defined in section 64(1) of the Electricity Act 1989(a)), belonging to or maintained by EPN;

“EPN” means Eastern Power Networks plc (company number 02366906) whose registered office is at Newington House, 237 Southwark Bridge Road, London SE1 6NP;

“functions” includes powers and duties;

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over or upon land;

“plan” or “plans” include all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe the works to be executed; and

“specified works” means any of the authorised development which—

(a) will or may be situated within 15 metres measured in any direction of any apparatus the removal of which has not been required by the undertaker under sub-paragraph 39(2) or otherwise; or

(b) may in any way adversely affect any apparatus the removal of which has not been required by the undertaker under sub-paragraph 39(2) or otherwise.

On street apparatus

35. This Part of this Schedule does not apply to apparatus in respect of which the relations between the undertaker and EPN are regulated by the provisions of Part 3 of the 1991 Act.

Apparatus in restricted streets and public rights of way

36. Regardless of the temporary alteration, diversion or restriction of use of any street or public right of way under the powers of article 13 (temporary prohibition or restriction of use of streets and public rights of way), EPN is at liberty at all times to take all necessary access across any such restricted, altered or diverted street or public right of way and to execute and do all such works and things in, upon or under any such street or public right of way as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the restriction, alteration or diversion was in that street or public right of way.

Protective works to buildings

37. The undertaker, in the case of the powers conferred by article 20 (protective works to buildings), must exercise those powers so as not to obstruct or render materially less convenient the access to any apparatus or the ability of EPN to perform its statutory duties.

Acquisition of land

38. Regardless of any provision in this Order or anything shown on the land plans, the undertaker must not acquire any apparatus otherwise than by agreement.

(a) 1989 c. 29.

Removal of apparatus

39.—(1) If in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any apparatus is placed or requires that apparatus is relocated or diverted, that apparatus must not be removed under this Part of this Schedule and any right of EPN in that land must not be extinguished until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of EPN in accordance with sub-paragraphs (2) to (6).

(2) If, for the purpose of executing any specified works in, on or under any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, the undertaker must give to EPN no less than 28 days' written notice of that requirement, together with a plan and section of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order EPN reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), afford to EPN the necessary facilities and rights for the construction of alternative apparatus in other land of the undertaker and subsequently for the maintenance and use of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2) in the land in which the alternative apparatus or part of such apparatus is to be constructed, EPN must, on receipt of a written notice to that effect from the undertaker, as soon as reasonably possible use reasonable endeavours to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed save that this obligation does not extend to the requirement for EPN to use its powers of compulsory acquisition unless it elects to do so.

(4) Any alternative apparatus to be constructed in land of the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between EPN and the undertaker or in default of agreement settled by arbitration in accordance with paragraph 47 (arbitration).

(5) EPN must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with paragraph 47 (arbitration), and after the grant to EPN of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

(6) Regardless of anything in sub-paragraph (5), if the undertaker gives notice in writing to EPN that the undertaker desires itself to execute any work, or part of any work in connection with the construction or removal of apparatus in any land of the undertaker, that work, instead of being executed by EPN, must be executed by the undertaker without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of EPN.

Facilities and rights for alternative apparatus

40.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to EPN necessary facilities and rights in land for the construction and maintenance of alternative apparatus in substitution for apparatus to be removed, those facilities and rights must be granted upon such terms as may be agreed between the undertaker and EPN and must be no less favourable on the whole to EPN than the facilities and rights enjoyed by it in respect of the apparatus to be removed, unless otherwise agreed by EPN, such agreement not to be unreasonably withheld or delayed.

(2) If the facilities and rights to be afforded by the undertaker and agreed with EPN under sub-paragraph (1) in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are less favourable on the whole to EPN than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the matter may be referred to arbitration in accordance with paragraph 47 (arbitration) and the arbitrator must make such provision for the payment of compensation by the undertaker to EPN as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus

41.—(1) Not less than 56 days before the commencement of any specified works, the undertaker must submit to EPN a plan of the works to be executed.

(2) The plan to be submitted to EPN under sub-paragraph (1) must include a method statement and describe—

- (a) the exact position of the works;
- (b) the level at which the works are proposed to be constructed or renewed;
- (c) the manner of the construction or renewal of the works;
- (d) the position of all apparatus; and
- (e) by way of detailed drawings, every alteration proposed to be made to such apparatus.

(3) The undertaker must not commence any specified works until EPN has given written approval of the plan and works so submitted.

(4) Any approval of EPN given under sub-paragraph (3)—

- (a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraph (5); and
- (b) must not be unreasonably withheld or delayed.

(5) EPN may require such modifications to be made to the plan as may be reasonably necessary for the purpose of securing its apparatus against interference or risk of damage or for the purpose of providing or securing proper and convenient means of access to any apparatus. EPN may also require the undertaker to enter into a separate asset protection agreement before the undertaker is able to carry out the works.

(6) Specified works must be executed in accordance with the plan submitted under sub-paragraph (1) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (5) by EPN for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and EPN will be entitled to watch and inspect the execution of those works where reasonably practicable to do so and in accordance with any relevant health and safety legislation.

(7) Any requirements made by EPN under sub-paragraph (5) must be made within a period of 28 days beginning with the date on which the plan is submitted to it.

(8) If EPN in accordance with sub-paragraph (5) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 33 to 35 and 38 to 40 apply as if the removal of the apparatus had been required by the undertaker under paragraph 39(2).

(9) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of any specified works, a new plan instead of the plan previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan.

(10) The undertaker is not required to comply with sub-paragraph (1) in a case of emergency but in that case it must give to EPN notice as soon as is reasonably practicable and a plan of those works as soon as reasonably practicable subsequently and must comply with sub-paragraph (6) in so far as is reasonably practicable in the circumstances.

(11) In sub-paragraph (10), works that are carried out “in a case of emergency” means such works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property.

Expenses and costs

42.—(1) Subject to the following provisions of this paragraph, the undertaker must repay to EPN within 28 days of receipt of an itemised invoice from EPN all expenses reasonably and properly incurred or to be incurred by EPN in, or in connection with—

- (a) the inspection, removal, alteration, relaying, replacing or protection of any apparatus or the construction of any alternative apparatus which may be required in consequence of the execution of any specified works;
- (b) the acquisition of facilities and rights or exercise of statutory powers for any apparatus or alternative apparatus in consequence of the operation of any of these provisions;
- (c) the cutting off of any apparatus from any other apparatus, or the making safe of any redundant apparatus, in consequence of the exercise of any power conferred by this Order affecting EPN's apparatus;
- (d) the survey of any land, apparatus or works, the superintendence and monitoring of works and the installation or removal of any temporary works reasonably necessary in consequence of the exercise of any power conferred by this Order affecting EPN's apparatus; and
- (e) any other work or thing rendered reasonably necessary in consequence of the exercise of any power conferred by this Order affecting EPN's apparatus.

(2) There must be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule, that value being calculated after removal.

(3) If in accordance with the provisions of this Part of this Schedule—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with paragraph 47 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to EPN by virtue of sub-paragraph (1) must be reduced by the amount of that excess.

(4) For the purposes of sub-paragraph (3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus must not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole must be treated as if it also had been agreed or had been so determined.

(5) Any amount which apart from this sub-paragraph would be payable to EPN in respect of works by virtue of sub-paragraph (1), if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on EPN any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, is to be reduced by the amount which represents that benefit.

43.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any specified works, any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of EPN, or there is any interruption in any service provided, or in the supply of any goods, by EPN, the undertaker must—

- (a) bear and pay within 28 days of receipt of an itemised invoice from EPN the cost reasonably and properly incurred by EPN in making good such damage or restoring the supply; and

- (b) indemnify EPN against any other losses, expenses, demands, proceedings, damages, claims, penalty or costs properly incurred by or recovered from EPN, by reason or in consequence of any such damage or interruption or EPN becoming liable to any third party as aforesaid other than arising from any default of EPN.

(2) The fact that any act or thing may have been done by EPN on behalf of the undertaker or in accordance with a plan approved by EPN or in accordance with any requirement of EPN or under its supervision will not, subject to sub-paragraph (3), excuse the undertaker from liability under the provisions of sub-paragraph (1), unless EPN fails to carry out and execute the works properly with due care and attention and in a skilful and workman like manner or in a manner that does not accord with the approved plan agreed by EPN in accordance paragraph 39(4) and paragraph 41(3)

(3) Nothing in sub-paragraph (1) will impose any liability on the undertaker in respect of—

- (a) any damage or interruption to the extent that it is attributable to the neglect or default of EPN, its officers, servants, contractors or agents;
- (b) any part of the specified works carried out by EPN in the exercise of any functions conferred by this Order pursuant to a transfer or grant under article 8 (consent to transfer benefit of Order); or
- (c) any indirect or consequential loss of any third party (including but not limited to loss of use, revenue, profit, contract, production, increased cost of working) arising from any such damage or interruption, which is not reasonably foreseeable.

(4) EPN must give the undertaker reasonable notice of any such third party claim or demand and no settlement, admission of liability or compromise must be made without the consent of the undertaker and, if such consent is withheld, the undertaker will have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

(5) EPN must, in respect of any matter covered by the indemnity given by the undertaker in this paragraph, at all times act reasonably and in the same manner as it would as if settling third party claims on its own behalf from its own funds.

(6) EPN must use its reasonable endeavours to mitigate in whole or in part and to minimise any costs, expenses, loss, demands, and penalties to which the indemnity under this paragraph applies and if reasonably requested to do so by the undertaker EPN must provide an explanation of how the claim has been minimised.

Enactments and agreements

44. Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and EPN in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

Cooperation

45.—(1) Where in consequence of the proposed construction of any part of the authorised development, the undertaker or EPN requires the removal of apparatus under paragraph 39(2) or EPN makes requirements for the protection or alteration of apparatus under paragraph 41(4), the undertaker must use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and taking into account the need to ensure the safe and efficient operation of EPN's undertaking and EPN must use its best endeavours to co-operate with the undertaker for that purpose.

(2) For the avoidance of doubt whenever EPN's consent, agreement or approval is required in relation to plans, documents or other information submitted by the undertaker or the taking of action by the undertaker, it must not be unreasonably withheld or delayed.

Access

46. If in consequence of the exercise of the powers conferred by this Order the access to any apparatus is materially obstructed the undertaker must provide such alternative means of access to that apparatus as will enable EPN to maintain or use the apparatus no less effectively than was possible before the obstruction.

Arbitration

47. Any difference or dispute arising between the undertaker and EPN under this Part of this Schedule must, unless otherwise agreed in writing between the undertaker and EPN, be determined by arbitration in accordance with article 46 (arbitration).

Email from EPN

From: [REDACTED]@owernetworks.co.uk>
Sent: [REDACTED]
To: [REDACTED] Claire Brodrick

Subject: [EXTERNAL] RE: Medworth EfW DCO - Request for Information [PM-AC.FID4175918]

Dear Alison

Thanks, the PPs are agreed.

Kind regards
Francesca

From: Alison Dablin [REDACTED]
Sent: Thursday, January [REDACTED]
To: Maran, Francesca [REDACTED] Claire Brodrick

Subject: RE: Medworth EfW DCO - Request for Information [PM-AC.FID4175918]

[External]: Please note this email has been sent to you by an external source. Please use caution when clicking on links or attachments.

Hi Francesca

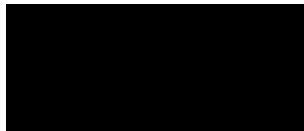
Please find attached the requested undertaking and updated PPs. We have accepted your changes with only minor changes (showing in tracked) and a few queries, mostly seeking to confirm the cross-references.

Please could you advise if these are now agreed?

Kind regards

Alison

Alison Dablin
Associate



For Pinsent Masons LLP

PA(s) : [REDACTED]

Pinsent Masons supports agile working, so please don't feel you need to respond to this email outside your working hours.



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Email from CMS acting on behalf of Cadent Gas Limited

From: [REDACTED]
Sent: Wednesday, January 17, 2024 2:46 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: [EXTERNAL] Medworth EfW DCO - Request for Information [PM-AC.FID4175918] [CMCK-UK.FID116049475]

Hi Alison,

Are you intending to make a submission. If so, I am happy for it to record the following:

The DCO contains protective provisions in respect of Cadent Gas Limited and the Applicant and Cadent Gas Limited have concluded a confidential side agreement. The Applicant has been in contact with Cadent Gas Limited in response to the Secretary of State's consultation and Cadent Gas Limited has confirmed that it is satisfied with the DCO as drafted and the measures contained in the confidential side agreement.

Regards,

Rob

Robert Garden
Of Counsel



CMS Cameron McKenna Nabarro Olswang LLP | Cannon Place, 78 Cannon Street | London EC4N 6AF | United Kingdom

[cms.law](https://www.cms.law)
[cms-lawnow.com](https://www.cms-lawnow.com)

Appendix 6 – 30 November 2023 letter and attachments to the Secretary of State (Volume 19 documents)

Separately attached, the Volume 19 documents consist of the following.

Reference	Document	Reason
19.1	Covering Letter	The covering letter outlines the content of the Applicant's updates to the Secretary of State (November 2023)
19.1	Covering Letter (redacted)	As above.
19.2	Network Rail's withdrawal of objection and protective provisions	Network Rail's withdrawal of objection notification and agreed protective provisions
19.3a	Section 106 Agreement (Medworth CHP Limited)	Completed Section 106 agreement (including agreed form of section 278 agreement) – signed by the Applicant
19.3b	Section 106 Agreement (Albora Developments Limited)	Completed Section 106 agreement (including agreed form of section 278 agreement) – signed by the landowner
19.3c	Section 106 Agreement (Cambridgeshire County Council)	Completed Section 106 agreement (including agreed form of section 278 agreement) – signed by Cambridgeshire County Council
19.4a	Section 111 Agreement (Medworth CHP Limited)	Completed Section 111 agreement – signed by the Applicant
19.4b	Section 111 Agreement (Cambridgeshire County Council)	Completed Section 111 agreement – signed by Cambridgeshire County Council

Appendix 7 – Draft Decision Document and Draft Environmental Permit

Separately attached documents.

Reference	Document	Reason
20.3	Appendix 7a: Draft Decision Document (EPR/HP3441QA)	The Environment Agency's Draft Decision Document for the Medworth EfW CHP Facility, recording the decision making process and how all relevant factors have been considered.
20.4	Appendix 7b: Draft Environmental Permit (EPR/HP3441QA)	The Draft Environmental Permit to operate the Medworth EfW CHP Facility.

