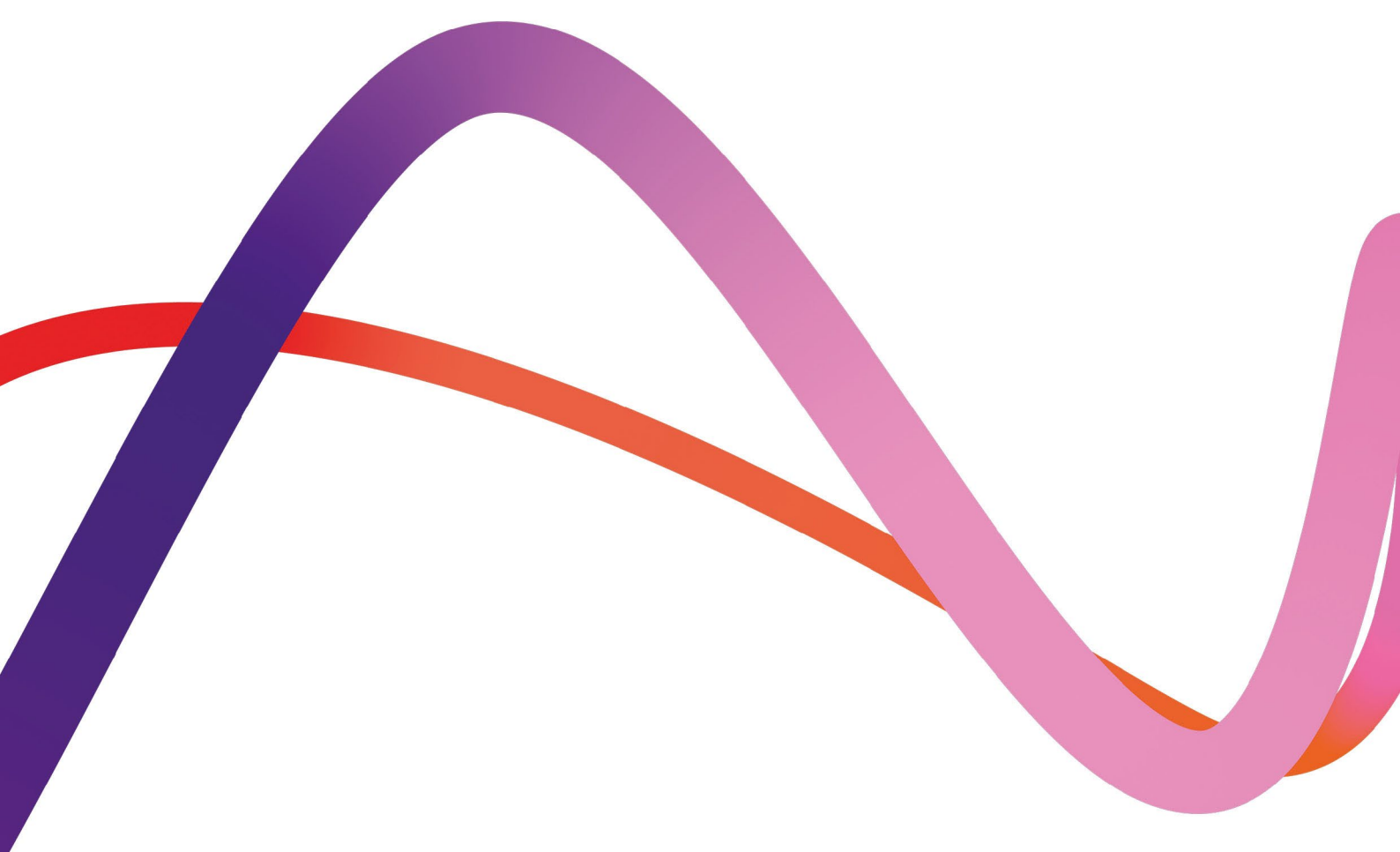


# Medworth Energy from Waste Combined Heat and Power Facility



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February 2024



## **Applicant's comments on the 19 January 2024 representations**

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# 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 and closed on 21 August 2023. The Examining Authority's recommendation was submitted to the Secretary of State on the 21 November 2023 and now the Secretary of State invites comments on information provided in response to the request for information of 10 January 2024.

1.1.2 This document, submitted for the Secretary of State's deadline (4 February 2024), contains the Applicant's comments on submissions submitted in respect of the 10 January 2024 letter from the following Statutory Parties and Interested Parties:

- C1-002: Jane Horscroft;
- C1-003: Simon Ridgewell;
- C1-004: Borough Council of King's Lynn and West Norfolk;
- C1-005: Norfolk County Council;
- C1-006: Fenland District Council;
- C1-007: Cambridgeshire County Council; and
- C1-008: Councillor Samantha Hoy.

1.1.3 **Table 2.1** provides the Applicant's comments on submissions made in response to the 10 January 2024 letter.



## 2. Applicant's response to representations submitted in response to the Secretary of State's letter 10 January 2024

**Table 2.1: Applicant's response to representations submitted in response to the Secretary of State's letter 10 January 2024**

ID	Statutory/ Interested Party	Comment	Applicant Comment
C1-002a	Jane Horscroft	<p>To who it may concern. The incinerator plan for Wisbech is deeply flawed in many ways.</p> <p>My main objections are:</p>	<p>The Applicant disagrees with the sentiments expressed by the Interested Party and refers to the responses at <b>C1-002b</b> to <b>C1-002h</b>.</p>
C1-002b	Jane Horscroft	<p>It would be built on a flood plain which is there for a reason.</p>	<p>This matter was not included within the Secretary of State's letter of 10 January 2024, but was addressed during the Examination. To assist the Secretary of State, the Applicant refers to <b>Item 5a (Water Environment), Written Summary of the Applicant's Oral Submissions at ISH5, Volume 12.2c [REP4-021]</b>, which states:</p> <p><i>"The Flood Risk Assessment (FRA) (Appendix 12A FRA Volume 6.4 [APP-084]) was prepared in accordance with NPS EN-1, EN-3 and EN-5, the National Planning Policy Framework, and all other relevant national and local policy and guidance. The Applicant has undertaken extensive consultation with Environment Agency, Lead Local Flood Authorities, Middle Level Commissioners [on behalf of the Hundred of Wisbech Internal Drainage Board (IDB)] and Water Management Alliance Commissioners [on behalf of the King's Lynn IDB] to discuss the assessment approach and embedded measures. The approach for flood risk in particular was agreed with the Environment Agency and confirmed in the Draft Statement of Common Ground (SoCG) submitted at Deadline</i></p>



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			<p>3 [REP3-026] and which has since been approved by the Environment Agency and an updated version will be submitted at Deadline 4.</p> <p><i>All potential sources of flooding have been considered, including the risks posed to and from the Proposed Development, over the full development lifetime. Tidal flooding from the River Nene represents the greatest potential flood risk posed to the Proposed Development. This is associated with parts of the Proposed Development, including essential infrastructure within the EfW CHP Facility, being located in Flood Zone 3a.</i></p> <p><i>The assessment was based on flood mapping and detailed tidal flood modelling information provided by the Environment Agency. Where a risk has been identified, sufficient flood risk management measures, in line with best practice, have been proposed. These measures include raising finished floor levels for the EfW Facility above the modelled flood level, stand-off distances from edge of IDB drains and appropriate design of watercourse crossings to maintain existing flow conveyance. The assessment concludes that the Proposed Development, with the proposed flood risk management measures, would not be subject to an unacceptable level of flood risk, nor would it increase flood risk elsewhere. The approach taken in this FRA is considered to be proportionate to the risk and appropriate to the scale, nature and location of the project".</i></p> <p>The following organisations have confirmed that there are no likely significant effects on hydrology (including flood risk) during the construction, operation or decommissioning of the Proposed Development, taking account of the embedded mitigation measures:</p> <ul style="list-style-type: none"> <li>• In its role as the Local Lead Flood Authority, Cambridgeshire County Council (CCC), see <b>Table 12.3 (Agreement Log: Hydrology)</b> of the <b>Statement of Common Ground (SOCG), Volume 9.4B [REP8-011]</b>,</li> </ul>



ID	Statutory/ Interested Party	Comment	Applicant Comment
C1-002c	Jane Horscroft	There are 3 endangered and protected species on the proposed site.	<ul style="list-style-type: none"> <li>• In its role as the Local Lead Flood Authority, Norfolk County Council (NCC), see <b>Table 12.3 (Agreement Log: Hydrology)</b> of the <b>SOCG, Volume 9.4A [REP7-016]</b>;</li> <li>• In its role as an IDB, the Hundred of Wisbech IDB, see the <b>SOCG, Volume 9.13 [REP7-018]</b>;</li> <li>• In its role as an IDB, the King's Lynn IDB see the <b>SOCG Volume 9.14 [REP7-019]</b>; and</li> <li>• The Environment Agency, see <b>Table 3.11 (Agreement Log: ES Chapter 12 – Hydrology)</b> of the <b>SOCG, Volume 9.7 [REP4-010]</b>.</li> </ul> <p><b>Section 3.3 (National Policy Statements)</b> of the <b>Planning Statement, Volume 7.1 [APP-091]</b>, demonstrates that the Proposed Development is fully compliant with NPS EN-1, EN-3 and EN-5 adopted in 2011 and current at the time of submission and examination on the matter of flood risk.</p> <p>The Applicant's <b>National Policy Statement Tracker, Volume 9.18 [REP3-031]</b> and <b>[REP7-038]</b> confirmed continued compliance with the draft EN-1, EN-3 and EN-5 published in March 2023.</p> <p>NPS EN-1 is most relevant to flood risk and the Applicant considers that the Proposed Development also complies with recently designated NPS EN-1 (17 January 2024) and the flood risk policy referenced in paragraphs 5.8.13 to 5.8.42.</p> <p>This matter was not included within the Secretary of State's letter of 10 January 2024, but was addressed during the Examination. To assist the Secretary of State, the Applicant refers to <b>ID29</b> of the <b>Applicant's Comments on Deadline 6 submissions Part 2 Other Interested Parties, Volume 16.4b [REP7-029]</b> for further information on how the Applicant assessed protected species including (but not limited to), spined loach, water voles and turtle doves.</p>



ID	Statutory/ Interested Party	Comment	Applicant Comment
			<p>In summary, <b>ES Chapter 11: Biodiversity, Volume 6.2 [AS-008]</b> provides an assessment of effects on the natural environment including protected sites, habitats and species. No potential negative significant effects have been identified. Mitigation would be secured via the <b>Outline Landscape and Ecology Management Strategy (Figure 3.14), Volume 6.3 [REP2-026]</b> and the <b>Landscape and Ecology Management Plan, Volume 7.7 [REP3-021]</b> secured by <b>Requirement 5, Schedule 2, Draft DCO [REP8-004]</b>.</p> <p>The Applicant's commitment to undertaking pre-construction surveys for protected species, and to consult Natural England regarding licensable mitigation if impacts are unavoidable, are set out in the <b>Outline Construction Environment Management Plan<sup>1</sup>, Volume 7.12 [REP6-012]</b> (secured via <b>Requirement 10, Schedule 2, Draft DCO, Volume 3.1 [REP8-004]</b>).</p> <p>The following organisations have confirmed that there are no likely significant effects on biodiversity (including protected species) during the construction, operation or decommissioning of the Proposed Development taking account of the embedded mitigation measures:</p> <ul style="list-style-type: none"> <li>• Natural England, see <b>SOCG, Volume 9.9 [REP4-011]</b>;</li> <li>• CCC and Fenland District Council (FDC), see <b>Table 11.3 (Agreement Log: Biodiversity)</b> of the <b>SOCG, Volume 9.4B [REP8-011]</b>; and</li> <li>• NCC and the Borough Council of King's Lynn and West Norfolk (BCKLWN), see <b>Table 11.3 (Agreement Log: Biodiversity)</b> of the <b>SOCG, Volume 9.4A [REP7-016]</b>.</li> </ul>

<sup>1</sup> See Section 5.10 (Biodiversity) of the Outline Construction Environmental Management Plan, Volume 7.12 [REP6-012]



ID	Statutory/ Interested Party	Comment	Applicant Comment
C1-002d	Jane Horscroft	There would be 300+ lorries a day coming to Wisbech which would cause pollution levels to be even higher than they are now.	<p>This matter was not included in the Secretary of State's letter of 10 January 2024, but was addressed during the Examination. To assist the Secretary of State, the Applicant understands the Interested Party raised this matter in its Relevant Representation [RR-339] to which the Applicant responded at page 187 to 193 in the <b>Applicant's Comments on the Relevant Representations – Part 5 Other Interested Parties and 3(b) Statutory Parties – Relevant Representations RR-300 – RR-399, Volume 9.20 [REP1-032]</b>. In summary:</p> <p><b>Vehicle numbers to the EFW CHP Facility Site</b>  <b>Table 6.14</b> and <b>Table 6.15, ES Chapter 6: Traffic and Transport, Volume 6.2 [APP-033]</b> presents information on anticipated weekday and weekend vehicle movements to and from the Efw CHP Facility Site. In summary, once operational there would be 362 two-way weekday traffic movements, 78 of which would be the movement of staff cars and light good vehicles and 284 heavy goods vehicles (HGV). Traffic movements at weekends are lower: 32 staff cars and light vehicles and 64 HGVs per day.</p> <p>The HGV vehicle movements presented in <b>Table 6.14</b> and <b>Table 6.15</b> include those associated with waste and consumable deliveries and the export of Incinerator Bottom Ash (IBA) and Air Pollution Control residues (APCr) to suitable licenced facilities.</p> <p>The vehicle movements described above have been assessed within <b>ES Chapter 6 Traffic and Transport, Volume 6.2, [APP-033], Appendix 6B Transport Assessment (TA), Volume 6.4 [APP-073]</b> and <b>Appendix 6B Transport Assessment (TA) Assessment Addendum, Volume 13.3 [REP7-024]</b>.</p> <p>The relevant highways authorities for Cambridgeshire, see <b>Table 6.3 (Agreement Log: Traffic and Transportation)</b> of the <b>SOCG, Volume 9.4B [REP8-011]</b> and Norfolk, see <b>Table 6.3 (Agreement Log: Traffic and Transportation)</b> of the <b>SOCG, Volume 9.4A [REP7-016]</b> and</p>





ID	Statutory/ Interested Party	Comment	Applicant Comment
			<p>National Highways, see <b>SOCG, Volume 9.15 [REP7-020]</b> confirm, there will be no likely significant traffic and transport effects during the construction, operation or decommissioning of the Proposed Development taking account of the embedded mitigation measures.</p> <p><b><u>Vehicle emissions included within the air quality assessment</u></b> The environmental impacts of the Proposed Development including air quality have been assessed. <b>ES Chapter 8: Air Quality, Volume 6.2 [APP-035]</b> includes (but not limited to) detailed dispersion modelling from the chimney and includes traffic modelling of HGVs during construction and operation, to predict potential impacts on human and ecological receptors. The air quality assessment was undertaken considering air quality objectives for a series of pollutants including metals and particulate matter (PM), set for the protection of human health and ecological sites and concludes that effects are not significant.</p> <p>CCC and FDC, see <b>Table 8.3 (Agreement Log: Air Quality)</b> of the <b>SOCG, Volume 9.4B [REP8-011]</b>, NCC and the BCKLWN, see <b>Table 8.3 (Agreement Log: Air Quality)</b> of the <b>SOCG, Volume 9.4A [REP7-016]</b> and the UK Health Security Agency, see <b>Table 3.4 (Agreement Log: ES Chapter 16 – Health)</b> of the <b>SOCG, Volume 9.8 [REP2-013]</b>, confirm that there will be no likely significant effects on air quality during the construction, operation or decommissioning of the Proposed Development, taking account of the embedded mitigation measures.</p>
C1-002e	Jane Horscroft	The road infrastructure around Wisbech cannot cope with more traffic. There are frequent accidents on the A47 which close the road for many hours. According to MVV they would only use the A47 to come into Wisbech. This is a lie as the lorries would come in any route they could use, going onto unsuitable roads for lorries.	This matter was not included in the Secretary of State's letter of 10 January 2024, but was addressed during Examination. To assist the Secretary of State, the Applicant understands the Interested Party raised this matter in its Relevant Representation <b>[RR-339]</b> to which the Applicant respond at <b>page 187 to 193</b> in the <b>Applicant's Comments on the Relevant Representations – Part 5 Other Interested Parties and 3(b) Statutory Parties – Relevant Representations RR-300 – RR-399, Volume 9.20 [REP1-032]</b> . In summary:



ID	Statutory/ Interested Party	Comment	Applicant Comment
			<p><b><u>Highway capacity</u></b></p> <p>The environmental impacts of the Proposed Development including HGV traffic associated with construction and operations, have been assessed and reported in <b>ES Chapter 6: Traffic and Transport, Volume 6.2 [APP-033]</b> accompanied by <b>Appendix 6B Transport Assessment (TA), Volume 6.4 [APP-073]</b> and <b>Appendix 6B Transport Assessment (TA) Assessment Addendum, Volume 13.3 [REP7-024]</b>. Between these documents, daily and peak hourly assessments are provided including detailed link and junction assessment for both the operational and construction periods, as appropriate. The junction assessment includes a highways safety assessment, identifying accident hot spots and how the increases in traffic at these locations as a result of the Proposed Development can be managed safely. The Proposed Development also includes improvements to New Bridge Lane (<b>Works No. 4A, Schedule 1, Draft DCO, Volume 3.1 [REP8-004]</b>) which provide for road widening, extending the existing footpath to the EfW CHP Facility, pedestrian crossing points, a signalised junction (at Cromwell Road) and reducing the road speed from the national speed limit to 30mph. With these improvement measures in place<sup>2</sup> the assessments conclude that there will be no significant residual effects resulting from the increase in HGV traffic.</p> <p>Where necessary, embedded mitigation, such as onsite HGV queuing lanes, is included within the design of the Proposed Development, see <b>ID 30 (Vehicle queuing area) on Figure 3.6 (EfW CHP Facility Site Layout)</b> of the <b>ES Chapter 3: Description of the Proposed Development Figures, Volume 6.3 [APP-049]</b> and the operational management plans will ensure that the EfW CHP Facility will continue to be operated appropriately on an ongoing basis. The management plans related to traffic and transportation are secured by DCO Requirements (<b>Schedule 2, Draft DCO, Volume 3.1 [REP8-004]</b>) and include:</p>

<sup>2</sup> The agreed form of the Section 278 Agreement is included as Schedule 3 (The Highways Agreement) in the signed Section 106 Agreement, see Volume 19.3 (a) to (c)



ID	Statutory/ Interested Party	Comment	Applicant Comment
			<ul style="list-style-type: none"> <li>• <b>Requirement 10</b> – Construction Environmental Management Plan (CEMP), includes a requirement for a Construction Staff Travel Plan;</li> <li>• <b>Requirement 11</b> – Construction Traffic Management Plan (CTMP) including route restrictions to reduce impacts to Wisbech Town and surrounding villages<sup>3</sup>;</li> <li>• <b>Requirement 12</b> – Operational Traffic Management Plan (OTMP) including route restrictions to reduce impacts to Wisbech Town and surrounding villages<sup>4</sup>; and</li> <li>• <b>Requirement 15</b> – Operational Travel Plan.</li> </ul> <p>The relevant highways authorities for Cambridgeshire, see <b>Table 6.3 (Agreement Log: Traffic and Transportation)</b> of the <b>SOCG, Volume 9.4B [REP8-011]</b> and Norfolk, see <b>Table 6.3 (Agreement Log: Traffic and Transportation)</b> of the <b>SOCG, Volume 9.4A [REP7-016]</b> and National Highways, see <b>SOCG, Volume 9.15 [REP7-020]</b> confirm, there are no likely significant traffic and transport effects during the construction, operation or decommissioning of the Proposed Development, taking account of the embedded mitigation measures.</p>
C1-002f	Jane Horscroft	The proposed site is extremely close to a secondary school and several primary schools. It is also very close to housing estates, factories producing food, arable fields and Wisbech town centre.	This matter was not included in the Secretary of State's letter of 10 January 2024, but was addressed during the Examination. To assist the Secretary of State, the Applicant understands the Interested Party raised this matter in its Relevant Representation <b>[RR-339]</b> to which the Applicant respond at <b>page 187 to 193</b> in the <b>Applicant's Comments on the Relevant Representations – Part 5 Other Interested Parties and 3(b)</b>

<sup>3</sup> For a map of the proposed construction routes and restrictions, see Figure 4.1 (EfW CHP Facility and TCC construction routes and restrictions), of the Outline Construction Traffic Management Plan, Volume 6.4 [REP1-011]

<sup>4</sup> For a map of the proposed operational routes and restrictions see Figure 2.1 (Operational traffic routes and restrictions), of the Outline Operational traffic Management Plan, Volume 7.15 [REP6-017]



ID	Statutory/ Interested Party	Comment	Applicant Comment
			<p><b>Statutory Parties – Relevant Representations RR-300 – RR-399, Volume 9.20 [REP1-032].</b> In summary:</p> <p><b><u>Air Quality Assessment</u></b>                      The environmental impacts of the Proposed Development including air quality have been assessed. <b>ES Chapter 8: Air Quality, Volume 6.2 [APP-035]</b> includes (but not limited to) detailed dispersion modelling from the chimney, potential metal deposition on land, and includes traffic modelling of HGVs during construction and operation, to predict potential impacts on human and ecological receptors. The air quality assessment was undertaken considering air quality objectives for a series of pollutants including metals and particulate matter (PM), set for the protection of human health and ecological sites and concludes that effects are not significant.</p> <p>A full list and figure of the 338 modelled sensitive receptors can be found in <b>Annex C, Appendix 8B: Air Quality Technical Report, ES Chapter 8: Air Quality, Volume 6.4 [REP2-006]</b> and <b>Figure 8.3, ES Chapter 8: Air Quality Figures, Volume 6.3 [APP-052]</b> respectively. Human Receptors included (but not limited to), residential properties, primary and secondary schools, e.g., Elm Road Primary School, the TBAP Unity Academy and Thomas Clarkson Academy and, residential care homes, hospitals and places of worship.</p> <p>Appended to the Air Quality Assessment is a <b>Human Health Risk Assessment (HHRA), ES Appendix 8B: Air Quality Technical Report, Annex G, Volume 6.4 [REP2-006]</b>. The HHRA considers the potential effects arising from chimney emissions upon humans. The HHRA assumes that people (the receptors) would eat food grown in the local area and considers potential impacts from the bioaccumulation of, for example, polychlorinated dibenzofurans (PCDD/Fs) and dioxin-like PCBs in the food chain. The assessment concludes that potential effects are not significant.</p>



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			<p>CCC and FDC, see <b>Table 8.3 (Agreement Log: Air Quality)</b> of the <b>SOCG, Volume 9.4B [REP8-011]</b>, NCC and the BCKLWN, see <b>Table 8.3 (Agreement Log: Air Quality)</b> of the <b>SOCG, Volume 9.4A [REP7-016]</b> and the UK Health Security Agency, see <b>(Agreement Log: ES Chapter 16 – Health)</b> of the <b>SOCG, Volume 9.8 [REP2-013]</b>, confirm there are no likely significant effects on air quality (including odour) during the construction, operation or decommissioning of the Proposed Development taking account of the embedded mitigation measures.</p> <p><b><u>Local Air Quality Monitoring Strategy</u></b> Cognisant of local concerns expressed in Relevant Representations (see <b>Applicant's Comments on the Relevant Representations: Part 1 to 7, Volume 9.2 [REP1-029 to REP1-034]</b> surrounding air quality and health impacts and whilst the <b>ES Chapter 6: Air Quality (Volume 6.2) [APP-035]</b> and <b>ES Chapter 16: Health (Volume 6.2) [APP-043]</b> conclude, there are no significant impacts, (a view reflected by the UK Health Security Agency's Relevant Representation <b>RR-023</b>), in consultation with the relevant local authorities (see <b>page 10 to 11 and 40 to 41</b> of the <b>Applicant's Comments on the Relevant Representations Part 1 – Local Authorities and 3(a) Statutory Parties, Volume 9.2 Part 1 [REP1-028]</b>, the Applicant, developed a local air quality monitoring strategy; the <b>Outline Local Air Quality Monitoring Strategy (Volume 9.21) [REP4-015]</b>. This strategy will ensure that local air quality impacts can be identified when they occur and then mitigated. This is secured by <b>Requirement 27, Schedule 2</b> of the <b>Draft DCO (Volume 3.1) [REP8-004]</b>.</p> <p><b>ID 8.3.4, Table 8.3 (Agreement Log: Air Quality)</b> of the <b>CCC and FDC SOCG, Volume 9.4B [REP8-011]</b>, and <b>ID 8.3.4, Table 8.3 (Agreement Log: Air Quality)</b> of the <b>NCC and BCKLWN SOCG, Volume 9.4A [REP7-016]</b> confirm the content of the <b>Outline Local Air Quality Monitoring Strategy (Volume 9.21) [REP4-015]</b> and <b>Requirement 27, Schedule 2</b> of the <b>Draft DCO (Volume 3.1)</b> is agreed.</p>



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			<p><b>Environmental Permit</b> All EfW facilities in England require an Environmental Permit from the Environment Agency to operate. The <b>Draft Environmental Permit, Volume 20.3</b> for the EfW CHP Facility and accompanying <b>Decision Document, Volume 20.4</b> have been published by the Environment Agency. The Environment Agency considers that, in reaching its decision, it has taken 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.</p>
C1-002g	Jane Horscroft	Major factories have said they will not support the incinerator which would probably mean they will leave Wisbech and that would cause job losses [sic].	The Applicant is not aware of any plans for any business to relocate out of Wisbech as a direct result of the Proposed Development and no evidence has been submitted to corroborate this speculation.
C1-002h	Jane Horscroft	<p>An incinerator has recently been passed in Boston, which is 30 miles away, and there is also an incinerator in Peterborough. There is no need for another incinerator locally which is clearly not appropriate for the area.</p> <p>Please let common [sic] sense prevail and not give permission to for this monstrosity to be build [sic].</p>	<p>This matter was not included in the Secretary of State's letter of 10 January 2024, but was addressed during the Examination. To assist the Secretary of State, the Applicant refers to, <b>Paragraph 5.9, Closing Position Statement on Waste Need, Volume 18.5 [REP8-020]</b>, which confirms the capacity offered by the recently approved Boston Alternative Energy Facility (BAEF) has been considered in the <b>Waste Fuel Availability Assessment (WFAA), Volume 7.3 [REP5-020]</b> (see <b>paragraph 5.1.23</b>), and that there remains a clear need for the waste management capacity provided by the Proposed Development.</p> <p>Concerning the operational EfW facility in Peterborough, this facility and capacity is considered within the Applicant's <b>WFAA, Volume 7.3 [REP5-020]</b>; see <b>Appendix C Energy from Waste Capacity Data</b> of the <b>WFAA</b>. The need for the Proposed Development has been established having full regard to waste management facilities in the local area.</p> <p>For the reasons summarised in the <b>Applicant's Closing Position Statement of Waste Need, Volume 18.5 [REP8-020]</b> supported by the</p>



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			<p>detailed evidence contained in the <b>WFAA, Volume 7.3 [REP5-020]</b>, and the analysis in the Applicant's <b>National Policy Statement Tracker, Volume 9.18 [REP1-052], [REP3-031] and [REP7-038]</b> the Proposed Development is fully compliant with NPS EN-1 and EN-3 (2011), current at the time of submission and examination and the draft versions (published in March 2023).</p> <p>Regarding the recently designated NPS (17 January 2024) the Applicant's consideration on the matter of critical national infrastructure and the Proposed Development's policy compliance is set out in <b>para ref 9 Applicant's response to the Secretary of State's letter 10 January 2024, Volume 20.2</b>. Concerning NPS EN-3 (17 January 2024) paragraphs 2.7.42 to 2.7.46 on the importance of demonstrating need for the project, the <b>WFAA and Applicant's Closing Position Statement of Waste Need</b>, referenced above, demonstrate policy compliance that targets for reuse and recycling, conformance with the waste hierarchy and with long-term recycling targets. Also consistent with NPS EN-3 (17 January 2024), the Proposed Development is in conformity with the relevant waste plan (Cambridgeshire) as evidence in the SOCG between Medworth CHP Ltd and Cambridgeshire County Council and Fenland District Council (<b>ID 21.1.4 and ID 21.1.5, Table 21.1 (Agreement Log: Waste Matters), Volume 9.4B [REP8-011]</b>).</p> <p>In conclusion, the Proposed Development is compliant with both the applicable NPS (2011), and the recently designated NPS EN-1 and EN-3 (17 January 2024) on the matter of waste need.</p>
C1-003	Simon Ridgewell	I have seen the sectary [sic] of state letter just published, I am forwarding the reply I received [sic] from nestle that they will not be using any stream from the proposed inclinerator [sic]	The Applicant refers the Secretary of State to its response at <b>Para ref 3 of the Applicant's response to the Secretary of State's letter 10 January 2024, Volume 20.2</b> . In summary, the Proposed Development is 'future fit'. It is designed to generate and deliver heat and power to local industry, which would replace natural gas as a fuel and deliver additional GHG emissions savings. <b>Requirement 25 (combined heat and power)</b> ,



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C1-004	Borough Council of King's Lynn and West Norfolk	<p>I refer to your letter dated 10th January 2024 regarding the above.</p> <p>Insofar as points 6 and 9, I can confirm that the Borough Council has had no further negotiation with the Applicant since the close of the Inquiry on 21 August 2023. Any</p>	<p><b>Schedule 2, Draft DCO, Volume 3.1 [REP8-004]</b>, secures that the EfW CHP Facility will include the necessary embedded design measures to be able to provide CHP. The ability to connect to and deliver CHP to local industry is secured, and the Applicant has identified three potential customers to date (see <b>Section 6.3</b> of the <b>Combined Heat and Power Assessment, Volume 7.6 [APP-097]</b>).</p> <p><b>Section 3.3 (National Policy Statements)</b> of the <b>Planning Statement, Volume 7.1 [APP-091]</b>, demonstrates that the Proposed Development is fully compliant with NPS EN-1, EN-3 and EN-5 adopted in 2011 and current at the time of submission and examination on the matter of CHP.</p> <p>The Applicant's <b>National Policy Statement Tracker, Volume 9.18 [REP3-031]</b> and <b>[REP7-038]</b> and the <b>Closing Position Statement on Climate, Volume 18.6 [REP8-020]</b>, confirmed continued compliance with the draft EN-1, EN-3 and EN-5 published in March 2023.</p> <p>In conclusion, the Proposed Development is fully compliant both with the applicable NPS (2011) and recently designated (17 January 2024) NPS EN-1 and EN-3 on the matter of CHP. The NPS requires that evidence is provided to demonstrate that opportunities have been fully explored and confirms that contracts for heat do not have to be negotiated in advance. The Applicant's evidence is contained within the <b>Combined Heat and Power Assessment, Volume 7.6 [APP-097]</b>.</p>
			<p>The Applicant also confirms that the signed <b>SOCG</b> between the Applicant, NCC and BCKLWN, <b>Volume 9.4A [REP7-016]</b> remains the agreed position between the parties.</p>





ID	Statutory/ Interested Party	Comment	Applicant Comment
		unresolved matters identified within the finalised Statement of Common Ground, which for clarity, defer to the County Council's comments as Minerals and Waste Authority, remain outstanding.	
C1-005a	Norfolk County Council	Further to your letter of 10 January 2024, the County Planning Authority can confirm it has no further updates since the closure of the examination to make the Secretary of State aware of. If you need any further information, please do not hesitate to contact me.	The Applicant acknowledges NCC's statement. The signed <b>SOCG</b> between the Applicant, NCC and BCKLWN, <b>Volume 9.4A [REP7-016]</b> remains the agreed position between the parties.
C1-006a	Fenland District Council	On behalf of Fenland District Council, I reply to your letter of 10th January 2024 regarding the above.	-
C1-006b	Fenland District Council	Fenland District Council maintains its strong objection in principle to the proposed Medworth Scheme which reflects the significant concerns of the local community. The Council has passed the following motion:	-
C1-006c	Fenland District Council	Incinerators are actually wasteful.  They burn much of what it otherwise recyclable and their demand for fuel can sometimes result in a reduction in recycling due to their need to bid for more and more waste. This means that it becomes typical for incineration to lead to a reduction in recycling and discourages efforts to preserve resources	This matter was not included in the Secretary of State's letter of 10 January 2024, but was addressed in the Examination. To assist the Secretary of State, the Applicant refers to its response to a similar comment by FDC at <b>page 50 and 119 (Waste Need)</b> of the <b>Applicant's Comments on the Relevant Representations Part 1 – Local Authorities, Volume 9.2 [REP1-028]</b> and the <b>WFAA, Volume 7.3 [REP5-020]</b> and <b>Closing Position Statement on Waste Need Volume 18.5 [REP8-020]</b> . In summary:



ID	Statutory/ Interested Party	Comment	Applicant Comment
		and creates incentives to generate more waste.	<p>The focus of the <b>WFAA, Volume 7.3 [REP5-020]</b> is solely on the availability of residual waste i.e., that part of the waste stream that is left over after reuse, recycling and other forms of recovery have taken place. The fraction of the household and commercial waste stream that is referred to in the <b>WFAA</b> as 'residual' is waste that cannot be managed in any other way apart from incineration (with or without energy recovery) or landfill. Additionally, and importantly, the <b>WFAA</b> considers the need for the Proposed Development in the context of how much residual waste will require management in the future at a local level (see <b>Section 4</b> of the <b>WFAA</b>) and national level (see <b>Section 5</b> of the <b>WFAA</b>). The need for the Proposed Development has been demonstrated within the <b>WFAA</b> once the achievement of national targets for the recycling and reuse of waste has been taken into account, given the levels of residual waste that remains likely to require management in the future.</p> <p>For the reasons summarised in the <b>Applicant's Closing Position Statement of Waste Need, Volume 18.5 [REP8-020]</b> supported by the detailed evidence contained in the <b>WFAA, Volume 7.3 [REP5-020]</b>, and the analysis in the Applicant's <b>National Policy Statement Tracker, Volume 9.18 [REP1-052], [REP3-031]</b> and <b>[REP7-038]</b> the Proposed Development is fully compliant with NPS EN-1 and EN-3, specifically paragraph 2.5.70<sup>5</sup> (2011), current at the time of submission and examination and the draft versions (published in March 2023).</p> <p><b>Paragraphs 3.2.18 to 3.2.22 (The Waste Hierarchy) of Appendix 9.2D Technical Note Response to the Waste Fuel Availability Assessment Representations, Volume 9.2 [REP1-036]</b>, responds to FDC's comments about the compliance of the Proposed Development with the principles of the waste hierarchy, highlighting:</p>

<sup>5</sup> For waste combustion generating stations in England, the requirements of the recently designated EN-3 (17 January 2024) at paragraph 2.5.70 (Waste Management) remain unchanged.



ID	Statutory/ Interested Party	Comment	Applicant Comment
			<ul style="list-style-type: none"> <li>• The Applicant fully supports the reduction of waste, reuse of waste and recycling of waste and the Proposed Development will not prevent recycling;</li> <li>• In compliance with the waste hierarchy the Proposed Development will move waste away from landfill and generate low carbon energy;</li> <li>• The Proposed Development is designed to accept residual waste only i.e., waste that remains after source separation of recyclables or processing to recover any such viable recyclable material; and</li> <li>• The <b>WFAA</b> has considered the achievement of national targets to increase reuse and recycling; there remains a need for the Proposed Development.</li> </ul>
			<p>To promote an understanding of the waste hierarchy, the Applicant's Community Liaison Manager<sup>6</sup> will oversee the implementation of the Employment and Skill Strategy. <b>Bullet Point 1</b> at <b>Paragraph 5.1.2</b> of the <b>Outline Employment and Skill Strategy, Volume 7.8 [APP-099]</b> includes a commitment to deliver:</p>
			<p><i>“A waste education programme for primary and secondary schools including site tours for a wide range of students and community groups, with a focus on the waste hierarchy.”</i></p>
			<p>To deliver the commitments to support the waste hierarchy, the Applicant draws the attention of the Secretary of State to the following DCO requirements, see, <b>Schedule 2, Draft DCO, Volume 3.1 [REP8-004]</b>:</p>
			<ul style="list-style-type: none"> <li>• <b>Requirement 14</b> – Waste hierarchy scheme</li> <li>• <b>Requirement 21</b> – Employment and skills strategy</li> <li>• <b>Requirement 24</b> – Community liaison manager</li> </ul>

<sup>6</sup> To be qualified to degree level education or equivalent experience, see Table 5.1: Indicative positions and experience, Outline Employment and Skills Strategy, Volume 7.8 [APP-099]



ID	Statutory/ Interested Party	Comment	Applicant Comment
C1-006d	Fenland District Council	<p>Waste Incineration is not a renewable source of energy.</p> <p>Incinerator companies are marketing “waste-to-energy” as a source of renewable energy. But unlike other renewables the fuel does not</p>	<ul style="list-style-type: none"> <li>• <b>Requirement 29</b> – Origin of waste</li> </ul> <p>The Applicant also refers to the Community Benefits Strategy: <b>Outline Community Benefits Strategy, Volume 7.14 [REP7-014]</b>. Whilst the final Community Benefits Strategy will be agreed with the community and published on the Applicant’s website (see <b>paragraph 1.4.2 to 1.4.3</b>), one of the Applicant’s proposals (<b>Bullet Point 4 at paragraph 3.1.6</b>) is to organise:</p> <p><i>“Educational events including on waste reduction, promotion of the waste hierarchy and STEM subjects”.</i></p> <p>The Applicant notes that NPS EN-1, EN-3 and EN-5 were designated on 17 January 2024 and draws attention to the response at <b>para ref 9</b> in the <b>Applicant’s response to the Secretary of State’s letter 10 January 2024, Volume 20.2</b>. Section 4.2 of EN-1 (17 January 2024), relating to critical national priority (CNP) infrastructure, confirms that plants that convert residual waste into energy (such as the Medworth EfW CHP Facility) constitute ‘low carbon infrastructure’. The Medworth EfW CHP Facility is therefore CNP infrastructure (see paragraph 4.2.5, first bullet).</p> <p>In conclusion, the Proposed Development remains compliant with the recently designated NPS EN-1 and EN3 (17 January 2024) on the matter of the waste hierarchy and being of an appropriate type and scale so as not to prejudice the achievement of local or national waste management targets in England.</p>
			<p>This matter was not included within the Secretary of State’s letter of 10 January 2024 but was addressed during the Examination. To assist the Secretary of State, the Applicant refers to its response to a similar comment by FDC at <b>page 50 (Waste Need)</b> of the <b>Applicant’s Comments on the Relevant Representations Part 1 – Local Authorities, Volume 9.2 [REP1-028]</b>. In summary:</p>



ID	Statutory/ Interested Party	Comment	Applicant Comment
		<p>come from infinite natural processes. On the contrary, it is source from finite resources.</p>	<p>National Policy Statements (NPS) EN-1 and EN-3 regard EfW facilities with a capacity of more than 50MW as nationally significant renewable energy infrastructure. Energy from Waste is the generation of partly renewable (low carbon) electricity and/or usable heat from non-recyclable waste (please also see the response at <b>C1-006c</b>). The EfW CHP Facility provides an option for the management of residual waste that remains after the removal of waste that can be reused or recycled. This moves the management of waste higher up the waste hierarchy than the alternative 'without Proposed Development' scenario, in which waste is sent to landfill. The Proposed Development would recover useful energy in the form of electricity and steam from over half a million tonnes of non-recyclable (residual), non-hazardous municipal, commercial and industrial waste each year.</p> <p>The Proposed Development remains compliant with the recently designated NPS EN-1 and EN3 (17 January 2024) on the matter of low carbon energy.</p>
<b>C1-006e</b>	Fenland District Council	<p>Burning waste is hazardous for citizens' health and the environment. Even the most advanced technologies cannot avoid the release of vast amounts of pollutants that contaminate air, soil and water, and end up entering the food chain. Incinerators are major emitters of carcinogenic pollutants as well tiny particles of dust that can lead to decreased lung function, irregular heartbeat, heart attacks, and premature death.</p>	<p>See response at <b>C1-002f</b>.</p>



ID	Statutory/ Interested Party	Comment	Applicant Comment
C1-006f	Fenland District Council	Burning waste creates less employment opportunities than recycling. Incinerators offer relatively few jobs when compared to recycling. The large footprint of a huge Incinerator could clearly produce more jobs as regular manufacturing space. The idea that the Incinerator is a valuable job creator for local people is bluster.	<p>This matter was not included in the Secretary of State's letter of 10 January 2024, but was addressed during Examination. To assist the Secretary of State, the Applicant refers to <b>Table 15.3 (Agreement Log: socio-economic, tourism, recreation and land use)</b> of the <b>SOCG between Medworth CHP Ltd and CCC and FDC, Volume 9.4B [REP8-011]</b>. In summary:</p> <p>The Applicant has given full consideration to the potential for significant socio-economic effects. The assessment and the conclusions reached are set out within <b>ES Chapter 15: Socio economics, Tourism, Recreation and Land Use, Volume 6.2 [APP-042]</b>. The assessment concludes that the adverse effects of the Proposed Development would not be significant (see <b>Table 15.22</b>) due to the mitigations identified in <b>Table 15.23</b>. This includes the <b>Employment and Skills Strategy</b> (secured by <b>Requirement 21, Schedule 2, Draft DCO, Volume 3.1 [REP8-004]</b>). The assessment also finds that the Proposed Development will deliver significant positive effects in relation to local employment and the local supply chain during the construction phase.</p> <p>At the request of CCC and FDC (see <b>Section 1.1 (Background)</b> of the <b>Section 106 Heads of Terms, Volume 15.8 [REP6-031]</b>, the Applicant has entered into a Section 106 and Section 111 agreement. The agreement includes provisions for the benefit of the community, health and environment of Wisbech and its environs, which the Applicant considers addresses some of the concerns raised by FDC (see the signed <b>Section 106 Agreement, Volume 19.3</b> and the <b>Section 111 Agreement, Volume 19.4</b>).</p>
C1-006g	Fenland District Council	The World is embracing Zero Waste, and Incineration is a backwards step. "Waste-to-energy" is often described as a good way to extract energy from resources, but in fact it works against the circular economy,	See response at <b>C1-006c</b> .



ID	Statutory/ Interested Party	Comment	Applicant Comment
		producing toxic waste, air pollution and for those that are concerned about Climate Change - contributing to it.	
C1-006h	Fenland District Council	<p>Wisbech Roads will be heavily affected.</p> <p>An Incinerator of the size proposed would create hundreds of additional large lorry journeys daily creating significant additional congestion and wear and tear on already busy roads.</p>	See response to <b>C1-002d</b> and <b>C1-002e</b> .
C1-006i	Fenland District Council	<p>Wisbech Rail is under threat.</p> <p>Wisbech' long held hope to re-open its rail line has been championed by the Mayor of Cambridgeshire and Peterborough, the local MP and all local Councils. Millions of pounds have been invested to get to the current point. The proposed location of the Incinerator limits the potential options for a new rail station and cuts off part of the potential route it could take.</p>	<p>The Applicant initially responded to this matter at <b>page 118 to 119 (Traffic and Transport)</b> of the <b>Applicant's Comments on the Relevant Representations Part 1 – Local Authorities (Volume 9.2) [REP1-028]</b>. The principle that the Proposed Development will not compromise the reopening of the railway <u>is agreed</u> with FDC, see <b>ID 6.3.8 of Table 6.3 (Agreement Log: Traffic and Transportation)</b> of the <b>SOCG, Volume 9.4B [REP8-011]</b>. In <b>Table 6.3</b>, FDC (and CCC) sought further reassurance on the following matters which are confirmed in the <b>SOCG between Medworth CHP Ltd and Network Rail, Volume 8.2 [REP8-010]</b>:</p> <ul style="list-style-type: none"> <li>• Permissive access for non-motorised users over Network Rail's land on New Bridge Lane shall be retained if the DCO is made. Secured with Network Rail – see <b>ID 3.5.1 of Table 3.4 (Agreement Log: Compulsory Acquisition)</b>.</li> <li>• In addition to access for the Proposed Development across Network Rail's land on New Bridge Lane, access rights shall be secured for 10 New Bridge Lane (Title Number: CB407068) and land adjacent to the east of the disused railway (Title Number:</li> </ul>



ID	Statutory/ Interested Party	Comment	Applicant Comment
			<p>CB360004). Secured with Network Rail – see <b>ID 3.5.2 of Table 3.4 (Agreement Log: Compulsory Acquisition)</b>.</p> <p>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, see <b>Volume 19.2</b>.</p> <p>The Applicant confirms that, under the terms of its framework agreement with Network Rail, in the event the railway is reopened for use, the Applicant will be responsible for the costs associated with a new crossing or overbridge of New Bridge Lane and, if required, the adoption of the new crossing as public highway.</p> <p>As highlighted throughout the pre-application and Examination phase of the project, the Applicant supports the reopening of the March to Wisbech Railway.</p>
<b>C1-006j</b>	Fenland District Council	<p>In 2019, Wisbech Town Council's motion to oppose the Incinerator project met with nearly unanimous support. An original local campaign opposing the Incinerator has since been joined by a second Campaign doing the same thing. Rallies, public meetings and large campaigns are in place.</p> <p>Many Environmental Groups are opposed to Incineration due to the issues already discussed. The public are overwhelmingly opposed to the building of an Incinerator in Wisbech.</p>	<p>Whilst noting the sentiments expressed by FDC at <b>page 97 (Planning)</b> of the <b>Applicant's Comments on the Relevant Representations Part 1 – Local Authorities, Volume 9.2 [REP1-028]</b>, should the Secretary of State make the DCO, the Applicant's commitment to community engagement and waste education will be in place for the lifetime of the Proposed Development. In addition to the Applicant's parent company's experience of operating EfW facilities and engaging with the community, the following commitments are secured by Requirements, see <b>Schedule 2, Draft DCO, Volume 3.1 [REP8-004]</b>:</p> <ul style="list-style-type: none"> <li>• <b>Requirement 22</b> – Employ a Community Liaison Manager;</li> </ul>





ID	Statutory/ Interested Party	Comment	Applicant Comment
C1-006k	Fenland District Council	The Incinerator proposal is of such a large size that it bypasses the usual Planning route through local Councils and instead will be decided directly at Government level. This means local people and local Councils have very limited opportunities to make their views known. It is important that local people see that Fenland District Council as an organisation understands the strength of public opinion against the Incinerator and that it is willing to stand up and be counted in the campaign to try and prevent it ever happening.	<ul style="list-style-type: none"> <li>• <b>Requirements 10<sup>7</sup> and 12<sup>8</sup></b> – Establish a Community Liaison Group to maintain direct engagement with interested residents and local businesses and organisations; and</li> <li>• <b>Requirement 21</b> – Deliver the Employment and Skills Strategy<sup>9</sup>.</li> </ul> <p>This matter was not included within the Secretary of State's letter of 10 January 2024, but was addressed during Examination.</p> <p>Whilst noting the sentiments expressed by FDC at <b>page 97 (Planning)</b> of the <b>Applicant's Comments on the Relevant Representations Part 1 – Local Authorities, Volume 9.2 [REP1-028]</b>, the Applicant refers to the response <b>DP03 (Local Democratic Powers)</b> in the <b>Summary of Oral Submissions made by Interested Parties at Open Floor Hearings 1 and 2 and the Applicant's Response, Volume 9.23 [REP1-056]</b> and for a summary of local engagement undertaken by the Applicant see <b>CO01 (Inadequate breadth of consultation), Volume 9.23 [REP1-056]</b>. In summary;</p> <ul style="list-style-type: none"> <li>• By virtue of the scale of the Proposed Development it is a Nationally Significant Infrastructure Project, therefore, to be determined by the Secretary of State;</li> <li>• The Planning Act 2008 process provides various means and extensive opportunities for local people and local authorities to make their views known, including during the pre-application consultation stage and through written submissions and hearings during Examination; and</li> <li>• Having reviewed the matter of the adequacy of consultation, the Planning Inspectorate (on behalf of the Secretary of State) accepted the DCO Application for the Proposed Development for</li> </ul>

<sup>7</sup> See paragraph 3.5.20 to 3.5.24 (Stakeholder Engagement) of the Outline Construction Environmental Management Plan, Volume 7.12 [REP6-012]

<sup>8</sup> See paragraph 2.5.1 to 2.5.2 (Site familiarisation and liaison) of the Outline Operational Traffic Management Plan, Volume 7.15 [REP6-017]

<sup>9</sup> The Outline Employment and Skills Strategy, Volume 7.8 [APP-099] accompanies the DCO Application



ID	Statutory/ Interested Party	Comment	Applicant Comment
C1-006I	Fenland District Council	With regard to the question of Algores Way, the applicant is no longer proposing the CPO of the road from the District Council with the intention of then having it adopted by the County Council as Highway Authority. As the County Council stated that they would not adopt the road, instead, it is now proposed by the applicant that they be granted Temporary Possession Rights with the road being passed back to the District Council on the completion of the improvement works. This was the revised proposal as presented by the applicant to the Examination. The Council will not voluntarily give Temporary Possession Rights to the applicant given the Council's objection in principle to the development. The applicant is fully aware of this and hence the applicant has not made an approach to reach an agreement.	<p>Examination, see <b>Notification of Decision to Accept Application [PD-001]</b>.</p> <p>The Applicant refers the Secretary of State to its response at <b>Para ref 8 of the Applicant's response to the Secretary of State's letter 10 January 2024, Volume 20.2</b>.</p> <p>The Applicant wrote to FDC on 9 June 2022 stating a preference to enter into a voluntary agreement and making an offer for the land. FDC responded on 23 June 2022 confirming they were not prepared to enter into discussions for a voluntary agreement, see <b>Appendix A</b>.</p> <p>As highlighted by correspondence on 18 January 2024 (see <b>Appendix B</b>) the Applicant remains willing to negotiate a voluntary agreement with FDC for a formal right of access.</p>
C1-007a	Cambridgeshire County Council	I am writing on behalf of Cambridgeshire County Council (the Council) in response to the Secretary of State's Request for Information on the Medworth EfW Facility, set out in a letter dated 10 January 2024.	-
C1-007b	Cambridgeshire County Council	The Council wishes to update the Secretary of State regarding the Section 106, 111, and 278 legal agreements, which were outstanding	The Applicant agrees with CCC's statement and refers the Secretary of State to the following documents:



ID	Statutory/ Interested Party	Comment	Applicant Comment
		<p>matters at the close of the Examination in August 2023. The Section 106 and Section 111 agreements have both been signed by all parties and completed. The Section 278 agreement has been agreed with the Applicant and is attached to the Section 106 agreement, to be signed and sealed as required, should consent be granted.</p>	<ul style="list-style-type: none"> <li>• <b>Volume 19.3a</b> – Completed Section 106 agreement (including agreed form of section 278 agreement) – signed by the Applicant;</li> <li>• <b>Volume 19.3b</b> – Completed Section 106 agreement (including agreed form of section 278 agreement) – signed by the landowner;</li> <li>• <b>Volume 19.3c</b> – Completed Section 106 agreement (including agreed form of section 278 agreement) – signed by CCC;</li> <li>• <b>Volume 19.4a</b> – Completed Section 111 agreement – signed by the Applicant; and</li> <li>• <b>Volume 19.4b</b> – Completed Section 111 agreement – signed by CCC.</li> </ul>
C1-007c	Cambridgeshire County Council	<p>For the avoidance of doubt, as of the date of this letter, the Council, as a local planning authority (LPA) for County matters and Minerals and Waste Planning, have not had any discussions with the Applicant regarding the potential opportunities for Combined Heat and Power and do not at this stage intend to do so.</p>	<p>CCC's position reflects the Applicant's understanding. The Applicant refers the Secretary of State to its response at <b>Para ref 3</b> of the <b>Applicant's response to the Secretary of State's letter 10 January 2024, Volume 20.2</b> which states:</p> <p><i>“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 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”.</i></p>



ID	Statutory/ Interested Party	Comment	Applicant Comment
C1-008	Councillor Samantha Hoy	We can confirm that to the best of our knowledge, no change has taken place since evidence was given in the enquiry by Nestle Purina and Lamb Weston where they said they had no intention of taking electricity from the incinerator. They said they have no contract to do so and to the best of our knowledge this is still the case.	Should the DCO be made, as part of the CHP Action Plan ( <b>Section 10</b> of the <b>Combine Heat and Power Assessment, Volume 7.6 [APP-097]</b> ), the Applicant will re-engage with CCC to investigate opportunities for CHP.  See response at <b>C1-003</b> .



# Appendix A Correspondence between the Applicant and Fenland District Council 9 June 2022 and 23 June 2022



**From:** [Paul Carey](#)  
**To:** [paulmedd](#) [REDACTED]  
**Cc:** [Gerran McCrea](#)  
**Subject:** Medworth Energy from Waste Combined heat and Power Facility - offer to purchase land  
**Date:** 09 June 2022 15:09:00  
**Attachments:** 09 June 2022 Letter to FDC.pdf  
 10038750-22-01 FDC Land Plan.pdf

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Dear Mr Medd

Please see the attached letter and plan for your consideration.

Regards

Mit freundlichen Grüßen

Paul Carey  
 Managing Director



[Call me on Teams](#)

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

MVV Environment Ltd, Devonport EfW CHP Facility, Creek Road, Plymouth, Devon, PL5 1FL -

Managing Directors: Paul Carey, Peter Knapp, Mike Turner

MVV Environment Baldovie Ltd, Forties Road, Dundee, DD4 0NS - Managing Directors: Paul

Carey, Peter Knapp, Mike Turner

MVV Environment Devonport Ltd, Devonport EfW CHP Facility, Creek Road, Plymouth, Devon,

PL5 1FL - Managing Directors: Paul Carey, Peter Knapp, Mike Turner

MVV Environment Ridham Ltd, Ridham Dock Biomass Facility, Lord Nelson Road, Ridham Dock,

Iwade, Sittingbourne, ME9 8FQ - Managing Directors: Paul Carey, Peter Knapp, Mike Turner

MVV Environment Services Ltd, Devonport EfW CHP Facility, Creek Road, Plymouth, Devon, PL5

1FL - Managing Directors: Paul Carey, Peter Knapp, Mathias Reith, Mike Turner

MVV Umwelt GmbH, Otto-Hahn-Str. 1, 68169 Mannheim, Germany - Managing Directors: Dr.

Christian Hower-Knobloch, Uwe Zickert; Supervisory Board Chairman: Dr. Hansjörg Roll

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

The Chief Executive  
Fenland District Council  
Fenland Hall  
County Road  
March  
PE15 8NQ

**Medworth CHP Limited**  
Registered Office:  
Devonport EfW CHP Facility  
Creek Road  
Plymouth  
PL5 1FL

www.mvvuk.co.uk

Managing Directors:  
Paul Carey  
Peter Knapp  
Mike Turner

Registration Number:  
13130012

9<sup>th</sup> June 2022

Dear Sir

**PROPOSED MEDWORTH ENERGY FROM WASTE COMBINED HEAT AND POWER FACILITY – SUBJECT TO CONTRACT**

We are preparing to submit our application for a Development Consent Order (DCO) to PINS in April and this will include a request for compulsory acquisition powers and temporary use powers for the land required for, or to facilitate, the Energy from Waste CHP facility. As you will be aware, our proposals include land owned by Fenland District Council (FDC).

The attached plan identifies the land owned by FDC that will be included within our DCO application. Part of this land is required for the Energy from Waste CHP facility (shown coloured pink); part of the land is required temporarily for construction purposes (shown coloured green); part of the land is required for works to discharge surface water from the Energy from Waste CHP facility (shown coloured blue); and part of the land is required to regularise the situation regarding the extent of the public highway on Algores Way (shown coloured yellow).

We would prefer to enter into a voluntary agreement with FDC to purchase the land required for the EfW CHP facility (shown coloured pink) and the temporary construction compound (shown coloured green) (together "the Land"); rather than use the compulsory acquisition route. We therefore hereby offer, for the sum of [REDACTED] to purchase from FDC the entirety of the Land (subject to contract). We would also pay your reasonable and properly incurred legal and surveyor fees associated with the purchase up to a limit of [REDACTED]

We would be happy to discuss this offer with you either by phone, Teams meeting, or in person. In the meantime, if you would like to discuss anything raised in this letter, please do feel free to contact us.

Yours sincerely

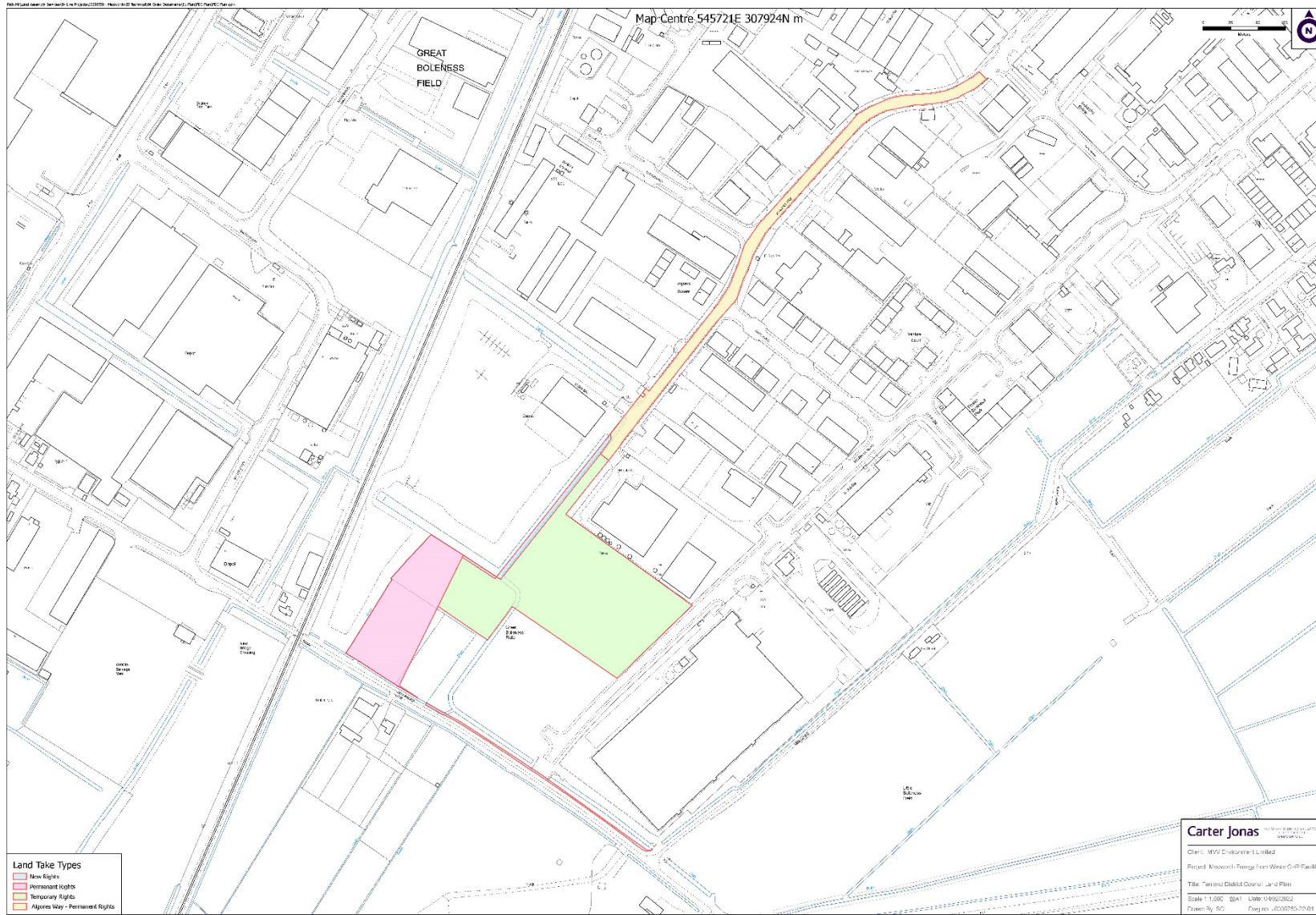
[REDACTED signature]

Paul Carey  
Managing Director

[REDACTED signature]

Gerran McCrea  
Head of Development

Attachment: J0038750-22-01 FDC Land Plan







Mr P Carey  
Managing Director  
Medworth CHP Limited  
Devonport EFW CHP Facility  
Creek Road  
Plymouth  
PL5 1FL

23<sup>rd</sup> June 2022

Dear Mr Carey

**Re: PROPOSED MEDWORTH ENERGY FROM WASTE COMBINED HEAT AND POWER FACILITY  
WITHOUT PREJUDICE**

I refer to your letter and attachment of the 9<sup>th</sup> June 2022 addressed to Paul Medd, Chief Executive Officer for Fenland District Council, which has been passed on for my attention.

As you are aware from previous discussions the position of Fenland District Council was and remains that the Council objects to the development you propose on a number of grounds including but not limited to the potential impact on the local communities and on the safeguarded route for a future Wisbech rail link.

Throughout the weeks of correspondence MVV have failed either to demonstrate a need for a CPO and have failed to prove that a CPO would be in the public interest.

The company has never questioned the importance of the future rail link and moreover no alternative has been proposed.

In view of the above I consider that to engage in further talks would serve no useful purpose.

Therefore the Council are not prepared to enter discussions surrounding the voluntary transfer of any land which may be sought for the delivery of the proposed facility.

Your sincerely

Mark Greenwood MRICS  
Manager Property, Assets and Major Projects



# Appendix B Email to Fenland District Council 18 January 2024



**From:** [Tim Marks](#)  
**To:** [Nick Harding](#)  
**Subject:** Medworth - SoS REF letter  
**Date:** 18 January 2024 16:46:00

Nick,

Further to our discussion earlier this week, our response to para ref 8 of the SoS letter of 10 January 2024, below.

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 &amp; 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>

As highlighted, we remain willing to enter discussions for a voluntary agreement.

Kind regards / Mit freundlichen Grüßen

Tim Marks  
 Head of Planning  
 MWV Environment Limited



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