Agenda Item No:

Relevant Representations for Medworth MVV Energy from Waste Combined Heat and Power Facility Development Consent Order (DCO)

To:	Environment and Green Investment Committee
Meeting Date:	13 October 2022
From:	Steve Cox, Executive Director, Place & Sustainability
Electoral division(s):	Wisbech West
Key decision:	No
Forward Plan ref:	N/a
Outcome:	The Committee's endorsement of Cambridgeshire County Council's Relevant Representations produced by technical officers in response to the Medworth MVV proposals, to allow a submission to be made to the Planning Inspectorate (PINS) in line with the formal consultation deadline of 15 November 2022.
Recommendation:	It is recommended: (a) To endorse the draft Relevant Representations in Appendix 3 for submission to the Planning Inspectorate; and (b) Delegate to the Executive Director (Place and Sustainability) in consultation with the Chair and Vice Chair of the Committee the authority to finalise the technical officer responses and make changes to the themes within the Relevant Representations.

Officer contact:
Name: Deborah Jeakins
Post: Business Manager, County Planning, Minerals and Waste
Email: Deborah.Jeakins@cambridgeshire.gov.uk
Tel: 01223 715544

Member contacts:
Names: Cllr Lorna Dupré, Cllr Nick Gay
Post: Chair/Vice-Chair
Email: lorna.dupre@cambridgeshire.gov.uk / Nick.Gay@cambridgeshire.gov.uk
Tel: 01223 706398

1. Background

1.1 Medworth MVV are proposing an Energy from Waste (EfW) combined heat and power facility on land on the Algores Way Industrial Estate, to the west of Algores Way in Wisbech. The proposed development is the construction, operation, maintenance and decommissioning of an Energy from Waste (EfW) Combined Heat and Power (CHP) facility. The proposal is considered to be a nationally significant infrastructure project (NSIP) by virtue of the fact that the generation capacity of the Proposed Development exceeds 50MW, under section 15 (2) of the Planning Act 2008 (As amended).

1.2 As an NSIP application (for which a Development Consent Order (DCO) is required) the proposed EfW will be determined by the Secretary of State (for Business, Energy, and Industrial Strategy under delegated powers). Responsibility for accepting and examining the NSIP application rests with the Planning Inspectorate (PINS) on behalf of the Secretary of State.

1.3 The County Council has a distinct role in this process as one of the four 'host' authorities (with the others being Norfolk County Council, Fenland District Council and West Norfolk and Kings Lynn Borough Council). The Local Authorities have a role in informing the process and providing local specialist knowledge.

1.4 Medworth MVV has already undertaken its pre-application consultations with the general public, alongside pre-application discussions with key specialisms within the four 'host' authorities, to help inform their proposal prior to the submission of their application to PINS.

1.5 Appendix 1 sets out the six stages involved with a NSIP application and Appendix 2 clarifies the role of the local authority at each of the stages (excluding the decision). PINS guidance[1] is clear that a local authority and the local community are consultees in their own right. Whilst local authorities should have regard to what the community is saying, it is not intended that they necessarily adopt all of those views put to them. In this context, local authorities in particular must conduct themselves in line with the National Policy Statements and the relevant guidance.

1.6 The Environment and Sustainability Committee that took place on 25 June 2020 approved delegated authority for submitting documents to PINS where there is insufficient time to take them to Committee. This aligns with PINS guidance to local authorities. Some of the deadlines in the process can be as short as 14 days. It is noted that PINS as the Examining Authority may disregard late responses.

1.7 Medworth MVV submitted to PINS their application for a DCO in July 2022. PINS accepted the application for examination on 2 August 2022. As part of the current pre-examination stage of the process there is a relevant representation period. This is the first time during which comments on an application can be submitted to PINS for consideration by the inspector/inspectors (referred to as the Examining Authority (ExA)). For local authorities, the relevant representation should include a summary of what the local authority agrees and/or disagrees with in the application, what they consider the main issues to be, and their

[1] Planning Inspectorate (PINS) National Significant Infrastructure Project (NSIP) Guidance and Advice Notes; https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/

impact. The content of relevant representations is used by the Examining Authority to help inform their initial assessment of principal issues for examination.

1.8 Relevant representations opened for submission to PINS on 4 October 2022, with a closing date of 15 November 2022. Medworth MVV has arranged for the publication of the application and the Relevant Representation period in local and national newspapers, including the Fenland Citizen and Daily Mail.

1.9 Cambridgeshire County Council intend to submit a joint representation with Fenland District Council for this Relevant Representation stage to highlight the main issues and concerns to PINS and, if necessary, the final response will set out any areas where the views of the technical officers across the two authorities do not align. Whilst officers continue to work closely with colleagues in Norfolk, and endeavour, wherever possible, to align on our responses, Norfolk County Council and Kings Lynn and West Norfolk Borough Council are submitting their relevant representations on an individual basis; but are discussing the possibility of a joint Local Impact Report moving forward.

1.10 A draft of Cambridgeshire County Council's relevant representation produced by technical officers, which makes reference to specialist input from Fenland colleagues and outside agencies such as the Cambridgeshire Fire and Rescue Service to allow this to be submitted as a joint Cambridgeshire response, can be found in Appendix 3 of this report for the committee's consideration. If the recommendations within this paper are approved, it will allow officers to finalise the technical officer response and submit the Council's relevant representations to PINS to meet the deadline of 15 November 2022.

2. The Proposal

2.1 Medworth MVV proposes a new Energy from Waste combined heat and power facility with a maximum gross capacity of 58MW.

2.2 The proposed development includes a CHP pipeline, a 132kV electrical grid connection and access improvement works. The Proposed Development would be capable of handling up to 625,600 tonnes of waste per annum and aims to generate up to 53MWe of electricity (net) and up to 50MWth of usable steam (heat) energy. The proposed DCO application would also seek the compulsory acquisition of land and rights over land, including the power to take temporary possession of land for the Proposed Development.

2.3 Medworth MVV's DCO application can be found on The Planning Inspectorates website[2].

3. Planning Policy

3.1 The policy framework for determining an NSIP application is set out in Section 104 of the Planning Act 2008 (as amended)[3], set out below:

[2] PINS Project Page for Medworth MVV:
Medworth Energy from Waste Combined Heat and Power Facility | National Infrastructure Planning (planninginspectorate.gov.uk)
[3] Planning Act 2008 (as amended);
http://www.legislation.gov.uk/ukpga/2008/29/contents

In deciding the application, the Secretary of State must have regard to:

(a) any national policy statement which has effect in relation to development of the description to which the application relates (a "relevant national policy statement");
(aa) the appropriate marine policy documents (if any), determined in accordance with section 59 of the Marine and Coastal Access Act 2009;
(b) any local impact report (within the meaning given by section 60(3)) submitted to the Secretary of State before the deadline specified in a notice under section 60(2);
(c) any matters prescribed in relation to development of the description to which the application relates; and
(d) any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision.

3.2 The relevant documents in relation to this application from the Cambridgeshire perspective are the National Policy Statements for Energy and Waste; the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021); the Fenland Local Plan (May 2014); the Fenland emerging Local Plan; and any Local Impact Report submitted during the Examination. Norfolk County Council and Kings Lynn and West Norfolk Borough Council will have their own local plan policy documents that they will refer to. The National Planning Policy Framework (NPPF) 20214 is also a material consideration.

4. Main issues

4.1 The following is a summary of the main issues raised by technical officers that are included in full in the draft Relevant Representations response set out in Appendix 3.

4.2 Cambridgeshire County Council (CCC) has engaged in pre-application discussions with MVV to ensure that the final submission takes account of early concerns around the information and methodologies required to be able to fully assess their proposals. In the main this advice has been followed. However, as highlighted in Appendix 3 there are still some queries that need to be addressed to allow CCC to fully understand the impacts of the scheme and to form a view as to whether the mitigation measures proposed are sufficient.

4.3 The County Council seeks these matters to be resolved ahead of any consent being given to the scheme.

Key concerns

4.4 The following is a summary of the key concerns identified by technical officers and consultants. These concerns are presented in the order of the applicant's Environmental Statement (ES) chapters.

4.4.1. Traffic and Transport (ES Chapter 6)

[4] The National Planning Policy Framework (NPPF) (2021) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

CCC's Highways and Transport teams have provided initial comments and noted a number of concerns. These include, but are not limited to, incomplete streetlighting plans, improvements needed to existing roads to accommodate construction and operational traffic and engaging with the Council to secure the correct process for this, potential damage to the local road network and the need for appropriate compensation, highway boundaries and status, access routes, and Public Rights of Way. Further discussion on these concerns is to be undertaken with MVV and further clarifications will be sought. More information can be found in Section 3 of Appendix 3; albeit it should be noted that further information and comments are expected in relation to the Wisbech Area Transport Study and potential implications for the aspirations to the Wisbech Rail project, which will be updated ahead of submission.

4.4.2. Noise and Vibration (ES Chapter 7)

As part of their ongoing review of the relevant technical documentation associated with this application, Fenland District Council's (FDC) Environmental Health Officers have identified some areas which may benefit from further clarification. Officers intend to progress informal discussions with the relevant consultants from MVV directly over the coming weeks in order to clarify that the content of the documentation submitted is in accordance with the relevant legislation and technical guidance. This will then inform the final submission. More information can be found in Section 4 of Appendix 3.

4.4.3. Air Quality (ES Chapter 8)

A number of clarifications and errors were identified in the review by our Air Quality specialist that need to be addressed before the conclusions in the application submission can be accepted. However, based on the information submitted to date, it is anticipated that these should be able to be overcome in due course to allow the Planning Inspectorate (PINS) to consider the air quality effects ahead of reaching a final recommendation and a decision being made by the Secretary of State. More information can be found in Section 5 of Appendix 3.

4.4.4. Landscape and Visual (ES Chapter 9)

CCC has employed Landscape Architects to provide specialist comments on this matter. The assessment has concluded that there would be no significant landscape or townscape effects apart from locally significant effects within the landscape character area closest to the Proposed Development, known as the Wisbech Settled Fen landscape character area. However, as set out in Section 6 of Appendix 3, there would be some significant visual effects during construction and operation of the proposed development, including those arising from the decommissioning phase.

4.4.5. Historic Environment (ES Chapter 10)

CCC's Historic Environment Team have outlined the following as key areas to focus archaeological intervention on: the purported site of the Elm and Wisbech Leper Hospital; roddon surfaces to locate possible presence of archaeological occupation from various periods; and exposures of deep fen sequences to observe and map various known stages of fen development and locate any incipient soil horizons indicative of dry land conditions. The Outline Construction Environmental Management Plan requires additional details in relation to procedure and law in the event of the discovery of human remains. The proposed route of the underground cable alongside the A47 with a supporting monitoring and recording brief is welcome and acceptable. More information can be found in Section 7 of Appendix 3.

4.4.6. Biodiversity (ES Chapter 11)

The ecological assessment is comprehensive and well presented, and CCC's biodiversity team agree with the MVV assessment that there will be no significant impact on wildlife sites. Areas of concern, however, do include net loss in biodiversity

value, incomplete protected species surveys, lack of compensation and enhancement for protected species, lack of detail for assessment of habitats (priority habitats and those of county importance), and lack of priority habitat within the scheme appropriate for the location or to off-set losses. More detail can be found in Section 8 of Appendix 3.

4.4.7. Hydrology (ES Chapter 12)

CCC's Flood Team have noted the need for infiltration testing to be undertaken, as well as the need for a climate change allowance to be incorporated into the surface water management scheme to account for the 3.3% annual exceedance probability rainfall event, in accordance with the latest climate change peak rainfall intensity allowances. The applicant must provide justification for the use of pumps for surface water disposal, and the flood team also note concerns over and the need for refinement of Half Drain Times, Hydraulic Calculations, and Wider Drainage Proposals. More information can be found in Section 9 of Appendix 3.

4.4.8. Climate Change (ES Chapter 14)

Our Climate Change and Energy Services team, along with Environment Consultant's employed by CCC have expressed concerns over the very high level of greenhouse gas emissions from operation of the plant, and have also noted some inaccuracies in some of the figures presented by the applicant, particularly around the baseline scenario and avoided emissions from electricity generation. Clarifications and revisions will be sought from the applicant. Additionally, Carbon Capture and Storage (CCS) has not been included in the proposal. CCS is considered to be necessary in order to reach Net Zero. More information can be found in Section 10 of Appendix 3.

4.4.9. Socio-Economics (ES Chapter 15)

Fenland District Council (FDC) are leading on this matter and will be providing a response to this section of the Relevant Representations response. However, from earlier responses provided by FDC officers they have concerns that no amount of S106 contributions would outweigh the economic harm perceived to exist from these proposals.

4.4.10. Health (ES Chapter 16)

Officers in Public Health have reviewed the documents and expressed concerns regarding accuracy and breadth of data used and considered by the Applicant to draw health and wellbeing conclusions. References to data and policy being out of date have been highlighted and further information is needed regarding the impacts of decommissioning on human health. More information can be found in Section 12 of Appendix 3.

4.4.11. Major Accidents and Disasters (ES Chapter 17)

CCC's Emergency Planning Service will be considering the relevant aspects of the proposed scheme in liaison with the Cambridgeshire Fire and Rescue Service, and further details and clarifications will be sought as required.

4.4.12. Education

Whilst there is not a specific chapter in the Applicant's ES to address potential impacts on education, noting that Thomas Clarkson Academy is located nearby, officer's felt it was important to capture concerns from Education colleagues. These have been fed into a number of sections of the Relevant Representations in Appendix 3, namely Sections 3 (Traffic and Transport), 4 (Noise and Vibration), 5 (Air Quality), 6 (Landscape and Visual) and 15 (Cumulative Impact).

4.4.13. Waste Availability and Composition

The Relevant Representation comments in respect of minerals and waste policy will focus on the following policies of the Cambridgeshire and Peterborough Minerals and

Waste Local Plan (2021) (MWLP): Policy 3: Waste Management Needs and Policy 4: Provision of Waste Management, in relation to the potential for overprovision of recovery capacity; and a request for further evidence in respect of Policy 18: Amenity Considerations, the land uses in the immediate area, and the implications of the relatively recent introduction of Use Class E. Policy 1: Sustainable Development and Climate Change will also be relevant in guiding the Council's overarching response, as it touches on most areas of the proposed development. Other Development Management policies such as Policy 16: Consultation Areas (CAs), are also relevant, but these will be addressed through the relevant specialist topics within the Relevant Representation, and later the Local Impact Report. More information can be found in Section 14 of Appendix 3.

4.5 Appendix 3 has the current draft of the Relevant Representations that has been produced with input from specialist and technical officers and it expands upon the above. However, the document is still being finalised, and input and clarification from key consultees, including the Fire Service, is still to be added. Any additional detail or clarification will be provided to the Executive Director (Place and Sustainability) in consultation with the Chair and Vice Chair of the Committee for final sign off, as set out in recommendation (b) of this report.

5. NSIP Application Process

5.1 The DCO application has been accepted by PINS for examination which will be carried out in public. As part of this pre application stage the local authorities will be notified of the preliminary meeting to discuss procedural matters. After which an Examination timetable should be set, including deadlines for when information needs to be submitted to PINS. Agreement on any remaining issues should be sought and/or negotiations continued. There may also be the need to continue negotiation in respect of any compulsory acquisition affecting any local 'host' authority's land holdings or interests. Reaching agreement on as many issues as possible in advance of the examination is likely to lead to a more focused and expedient examination process for all participants.

5.2 During the Pre-Examination and examination stages, the local authorities will:

- Respond to the Examining Authority's (ExA's) written questions which are normally based on an initial assessment of the application, (including the principal issues of the proposed scheme), and the representations received from interested parties;
- Prepare and submit to PINS a Local Impact Report (LIR), setting out the likely impacts of the proposed scheme on the County Authority's area, by using local knowledge and robust evidence, and set out the relevant local planning policy framework and guidance;
- Prepare and submit to the Planning Inspectorate a Statement of Common Ground (SOCG), a joint written statement between the applicant and the County Council and/or other parties or 'host' authorities, setting out matters that they agree or are in disagreement on; and
- Represent the County Council and make oral representation at the issue specific hearing(s) and if necessary, the open floor hearing(s). The subject of the hearings is based on specific elements / issues of the application that are raised during the NSIP process.

5.3 There is also provision in the Planning Act 2008 (as amended) for the applicant to apply for

other consents, for example Compulsory Purchase Order (CPO) and drainage consents, deemed by a DCO.

5.4 To avoid any undue delay to the NSIP process and Examination it is important that the tight deadlines set out in the Examination Timetable are met. The delegated authority approved by Environment and Sustainability (E&S) Committee in June 2020 enables the County to meet tight deadlines. Irrespective of delegations passed to officers to meet the necessary timescales set by legislation, the following is proposed to be followed to ensure good practice and ensure an open and transparent decision-making process:

- Key documentation and updates to be provided to members of the Environment and Green Investment (E&GI) Committee that replaced the former E&S Committee and local County Councillors by e-mail at the earliest opportunity to ensure that key deadlines are known in advance and any comments on the documentation provided as early as possible, particularly during the 14 and 28-day deadlines;
- Responses to PINS to either be circulated to members of E&GI Committee and local County Councillors by e-mail for their records, or where time is permitting the draft response taken to E&GI Committee for endorsement; and
- Where deemed necessary, member briefings or specific topic meetings will be set up to provide guidance on the NSIP process and technical responses provided.

6. Alignment with corporate priorities

6.1 Environment and Sustainability

As this is not a County Council proposal there are no specific significant implications identified by officers for this priority. However, any NSIP response provided by the Council as a 'host authority' will (where applicable) ensure that the environmental information produced is capable of assessing this priority before a recommendation is provided by PINS and a decision reached by the Secretary of State.

6.2 Health and Care

See wording under 6.1 above.

6.3 Places and Communities

See wording under 6.1 above.

6.4 Children and Young People

See wording under 6.1 above.

6.5 Transport

See wording under 6.1 above.

7. Significant Implications

7.1 Resource Implications

The following bullet points set out details of significant implications identified by officers:

• Finance – As the application is handled by PINS no planning application fee is received from the applicant. Mechanisms to recover costs associated with any discharge requirements (like planning conditions) that would arise from any consent granted, or work undertaken by technical officers to address the concerns set out in Section 4 of this report are being discussed with MVV and wherever possible will be sought as part of the discussions for the DCO. This is in addition to existing pressures from other NSIP projects in Cambridgeshire. Unfortunately, confirmation of any formal agreements are yet to be finalised with MVV so the financial risks to the Council are yet unknown.

• Staff – As a statutory consultee in the initial NSIP process and post NSIP decision if granted, the resources to deal with the application are taken from the County Council statutory consultee staffing resources that are already stretched.

7.2 Procurement/Contractual/Council Contract Procedure Rules Implications

The following bullet points set out details of significant implications identified by officers:

• Procurement – Where specialist officer advice does not exist within the Council(s) relevant specialists have been procured to ensure that the Council(s) has guidance on the key specialist areas. This is to ensure the authorities have the relevant specialist advice to allow officer comments to be provided on technical matters.

• Contractual / Council Contract Procedures – Any specialist advice required to inform this project will need to ensure it meets Council procedures, in addition to the financial implications discussed in paragraph 7.1 above.

7.3 Statutory, Legal and Risk Implications

There are no significant implications for this priority, other than the financial and resource implications required to support this project, which has the potential to include significant legal advice. Officers are currently discussing the potential to share legal resources with colleagues at Fenland District Council, but to date this has not been formally confirmed. As such, there is the potential for additional financial pressures to be placed on the Council if we need to procure separate legal advice for this scheme.

7.4 Equality and Diversity Implications

An equality impact assessment has been undertaken and the potential impacts are reflected in the draft representation. The applicant's response to equality impacts will also be monitored as part of their DCO submission.

7.5 Engagement and Communications Implications

There are no significant implications for this priority that were not addressed as part of the Council's response on the Adequacy of Consultation to the Planning Inspectorate.

7.6 Localism and Local Member Involvement

The following bullet points set out details of implications identified by officers:

• Localism – As this proposal is deemed to be a Nationally Significant Infrastructure Project (NSIP) the decision will not be made by the County Council. It will be essential therefore that the Council as a statutory consultee provides the 'local' knowledge to help inform the Secretary of State's decision.
• Local Member Involvement – PINS guidance sets out the role of the local authority, and officers will ensure that local members are kept informed at key stages in the NSIP process.

7.7 Public Health Implications

There are no significant implications for this priority that are not capable of being addressed through comment on the applicant's DCO submission.

7.8 Environment and Climate Change Implications on Priority Areas

There are no significant implications for this priority that are not capable of being addressed through comment on the applicant's DCO submission.

Have the resource implications been cleared by Finance? Yes
Name of Financial Officer: Sarah Heywood

Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the LGSS Head of Procurement? Yes
Name of Officer: Clare Ellis

Has the impact on statutory, legal and risk implications been cleared by the Council's Monitoring Officer or LGSS Law? Yes
Name of Legal Officer: Fiona McMillan

Have the equality and diversity implications been cleared by your Service Contact? Yes
Name of Officer: Elsa Evans

Have any engagement and communication implications been cleared by Communications? Yes
Name of Officer: Sarah Silk

Have any localism and Local Member involvement issues been cleared by your Service Contact? Yes
Name of Officer: Emma Fitch

Have any Public Health implications been cleared by Public Health?
Yes
Name of Officer: Iain Green

8. Source documents

Planning Inspectorate (PINS) National Significant Infrastructure Project (NSIP) Guidance and Advice Notes;
https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/

NSIP Energy Policy Statements;
https://www.gov.uk/government/publications/national-policy-statements-for-energy-infrastructure

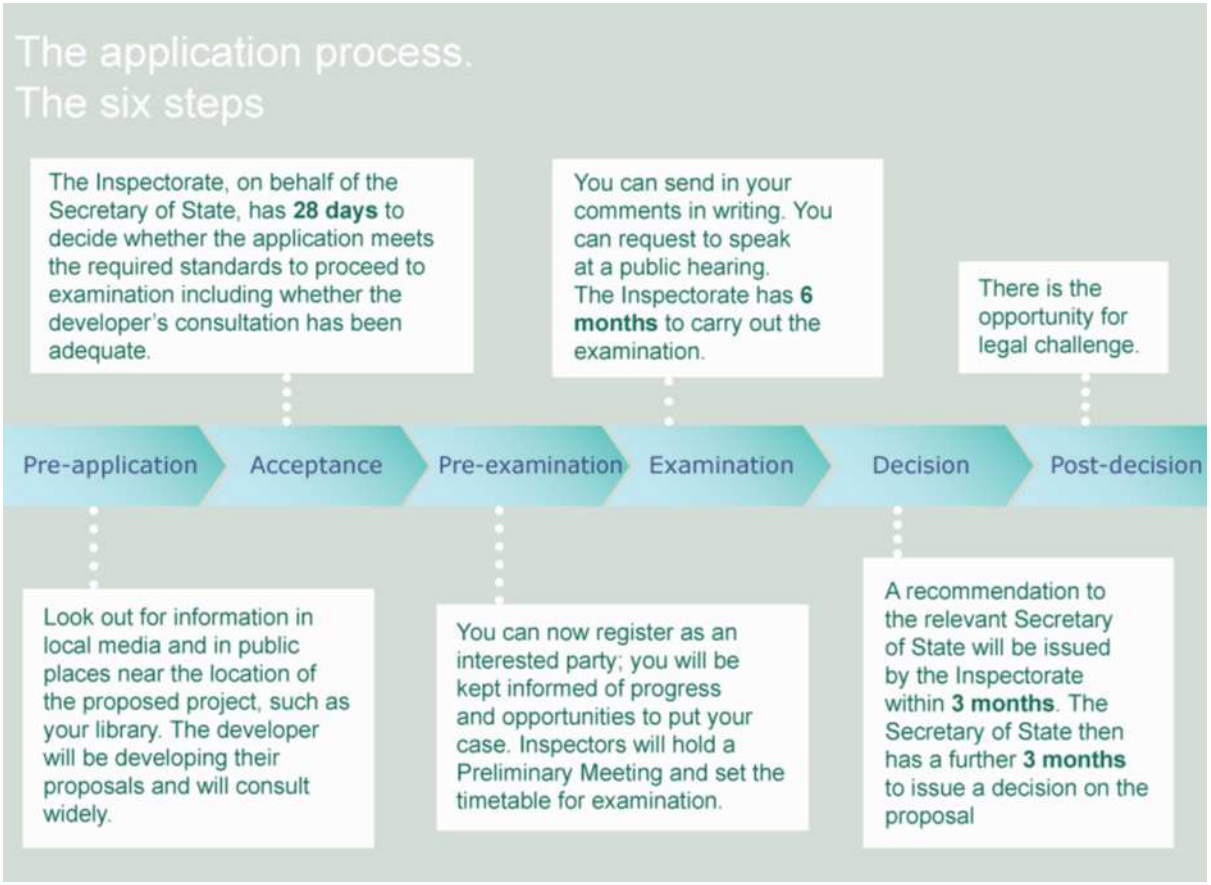
Planning Act 2008 (as amended);
http://www.legislation.gov.uk/ukpga/2008/29/contents

MVV Medworth website;
https://www.mvv-medworthchp.co.uk/

PINS Project Page for MVV Medworth NSIP Project;
https://infrastructure.planninginspectorate.gov.uk/projects/Eastern/Medworth-Energy-from-Waste-Combined-Heat-and-Power-Facility/

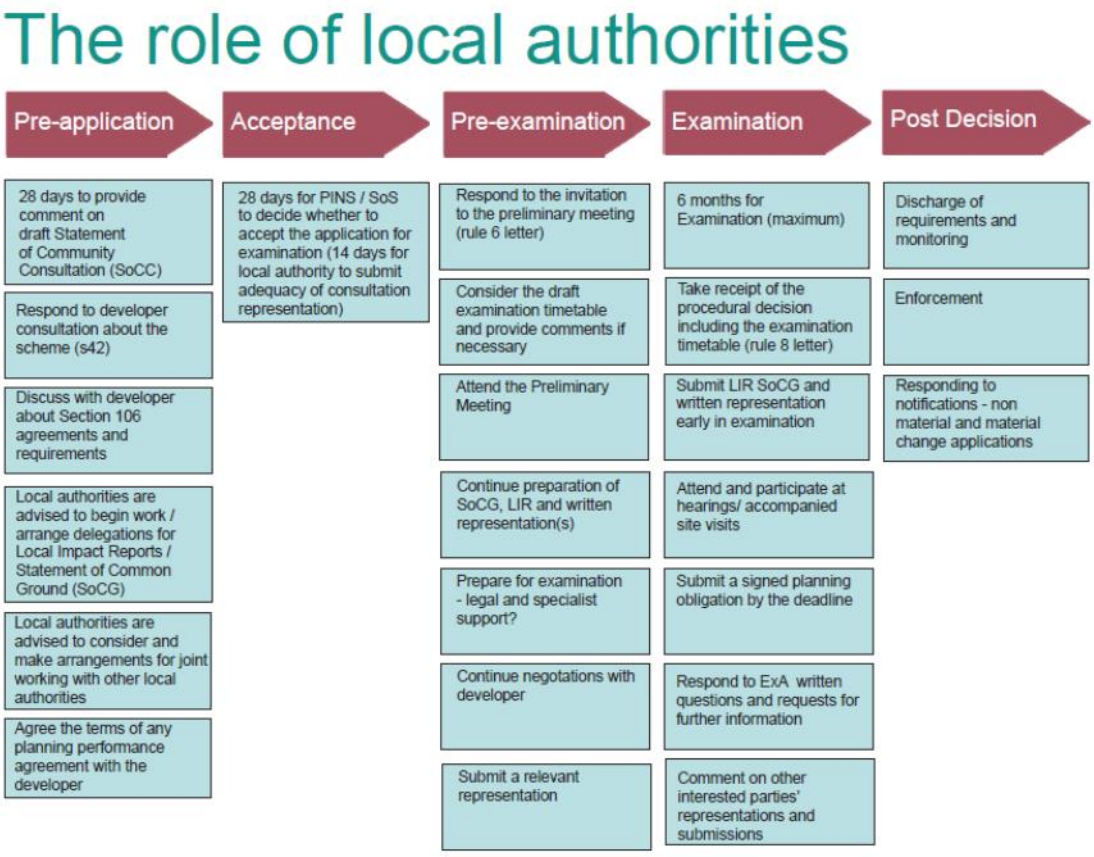
The National Planning Policy Framework (NPPF) (2021)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

Appendix 1 - The six steps of the NSIP DCO process under the 2008 Act



Source PINS website https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/03/Application-process-diagram2.png

Appendix 2 - The role of local authorities



Source PINS Advice Note 2 https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/03/Advice_note_2.pdf

Appendix 3 – Cambridgeshire County Council Draft Relevant Representations

Contents

1 Introduction

1.1 Throughout the pre-submission period Cambridgeshire County Council (CCC) has worked closely with the other host local authorities: Norfolk County Council, Fenland District Council and Kings Lynn and West Norfolk Borough Council. The four local authorities have submitted separate responses to the applicant's non-statutory and statutory consultations. To simplify matters for the Planning Inspectorate (PINS) (the examining body) and all parties, the four local authorities are in discussions around, if possible, submitting a joint Local Impact Report (LIR) at Deadline 1.

1.2 We will also endeavour, where possible, to pool resources during the examination, with local authorities taking the lead on topics which relate to their functions or to expertise in their geographical area. These arrangements are for practical purposes to avoid undue duplication, and all local authorities reserve the right to express their views individually if they consider it necessary.

1.3 Notwithstanding the above, Norfolk County Council and Kings Lynn and West Norfolk Borough Council are submitting their relevant representations on an individual basis to ensure that PINS is fully informed of the matters of concern to those authorities and the communities and interests that they represent. Cambridgeshire County Council intend to submit a joint representation with Fenland District Council for this relevant representation stage and, if necessary, the response will set out any areas where the views of the technical officers across the two authorities do not align.

2 Summary

2.1 Cambridgeshire County Council (CCC) has engaged in pre-application discussions with MVV to ensure that the final submission takes account of early concerns around the information and methodologies required to be able to fully assess their proposals. In the main this advice has been followed. However, as highlighted in the sections below, there are still some queries that need to be addressed to allow CCC to fully understand the impacts of the scheme and to form a view as to whether the mitigation measures proposed are sufficient.

2.2 The County Council seeks these matters to be resolved ahead of any consent being given to the scheme.

Key concerns

2.3 The following chapters provide the key concerns identified by technical officers.

12 Health
13 Major Accidents and Disasters
14 Waste Policy including Waste Availability and Composition
15 Cumulative Impacts

2.4 The remainder of this document gives further details of CCC's comments. Additional detail will follow in the LIR.

2.5 The headings below align with the Environment Statement (ES) chapter headings. However, the comments under these headings may make reference to other relevant parts of the application.

2.6 Whilst there is not a specific chapter in the Applicant's ES to address potential impacts on Education, noting that Thomas Clarkson Academy is located nearby, officer's felt it was important to capture concerns from Education colleagues. Comments from colleagues in Education have therefore been included throughout these chapters, specifically in Sections 3 (Traffic and Transport), 4 (Noise and Vibration), 5 (Air Quality), 6 (Landscape and Visual) and 15 (Cumulative Impacts).

3 Traffic and Transport (ES Chapter 6)

Cambridgeshire County Council Highway Development Management

3.1 Matters relating to the crossing and use of the former railway line should be referred to the Transport Strategy Team in relation to the aspirations of the Wisbech Area Transport Strategy in relation to the Wisbech Railway project being funded by the Cambridgeshire and Peterborough Combined Authority and delivered by Cambridgeshire County Council. These comments are made without prejudice to the comments of the Transport Assessment Team in respect of trip generation and distribution, which may impact upon off-site junction layout/ geometry. In relation to Operational Access Figures 6.18i & 6.18ii, the comments below relate to proposed access infrastructure.

Newbridge Lane Access

3.2 The principle of widening/ extension of Newbridge Lane is acceptable. However, there is an iteration of the access drawings available which are overlaid with topographic data and these should be submitted as part of the DCO for consideration. For roads required for DCO works, highway boundary information should be sought from the Local Highway Authority (LHA), if it has not already been obtained. Highway boundaries should be marked on Access and Rights of Way (ROW) sheets and clearly included in the legend.

3.3 Access arrangements to the site/ access to affected premises and properties does not take into account the potential need to turn east from accesses towards the A47, when the aspirations of the South Wisbech Broad Concept Plans are realised and a link is formed to a new roundabout on the A47 (See FDC https://www.fenland.gov.uk/BC).

3.4 Visibility splays should be shown for all properties/ accesses affected by the widening proposals.

3.5 Proposals only show provision of tactile paving at the junction Newbridge Lane/ Cromwell Road junction and it is unclear (i) if any greater junction improvements are necessitated as

part of the Transport Assessment process, or (ii) whether the existing junction is geometrically adequate to cater for the increased HCV usage.

3.6 Tactile paving is shown north of the Salters Way junction crossing south-west to north-east, but not across the Salters Way junction itself.

3.7 Street lighting is proposed (in principle), but only shown between the site access and the Salters Way junction. Street lighting must form part of a comprehensive system, and the remainder of Newbridge Lane will need to be lit to the Cromwell Road junction

3.8 Officers have been unable to locate access drawings showing AutoTrack of accesses and junctions.

3.9 The existing carriageway of Newbridge Lane is highly unlikely to be of suitable construction for retention and will need to be removed in its entirety or completely reconstructed to the County Council Distributor road specification, particularly beyond the unit adjacent Salters Way.

3.10 The proximity of the Newbridge Lane widening to adjacent drains and culverts will require greater clarity and detail in the fullness of time in relation to their proximity to the highway in terms of construction and safety.

3.11 A reduction in the speed limit to 30mph is appropriate, particularly given the future context of the link through to the A47 as part of the Wisbech Broad Concept Plan (BCP). This will require a separate Traffic Regulation Order and will necessitate the implementation of the comprehensive street lighting system linking to Cromwell Road.

Algores Way Access

3.12 The Algores Way linking to the site is not a public highway beyond Brittania Way and, to the best knowledge of the LHA, is owned by Fenland District Council. The County Council therefore has no statutory function as in relation to these streets, and any streets created by the DCO therein cannot legally be created as public highway.

Volume 3.1 Draft DCO

3.13 The proposed DCO will require review by County Council Managers and legal representatives. However, Article 12 does not provide for certification by the LHA that any alterations to means of access are acceptable. The proposed DCO establishes no timeline or process for the inspection and approval of works affecting or joining the highway, nor does it address the requirement to engage with the LHA during the design process. This is unacceptable to CCC who will, after completion of works, resume its statutory maintenance responsibilities for the affected highways. The LHA request engagement in respect of this matter. Protective provisions requested and could be expanded to include a sub-clause relating to any new or altered means of access that are proposed to connect to the public highway as mentioned in Article 12, covering the right of the LHA to review the design, construction and completion of such works, prior to certification that such works are acceptable and the institution of a maintenance period, broadly in the sequence below.

(i) Right of the LHA to review and comment upon detailed design of works affecting the road network,

(ii) the right to observe and make representation to the undertaker regarding ongoing works that affect the highway,
(iii) the ability of the LHA to inspect and approve the completed works within the highway,
(iv) the requirement of the undertaker to obtain certification from the LHA that works are satisfactory and can be adopted,
(v) the provision of a 'maintenance period' of a minimum of 12 months to follow adoption, during which time the LHA can require the undertaker to resolve any defects in the construction of newly completed works.

Further, the payment of reasonable fees, commitment to any commuted sums, commitment to undertake condition/ dilapidation surveys of highways, are to be discussed and agreed.

3.14 Consents and approvals (S278 works and highway dedications), payment of reasonable fees, commitment to commuted sums, commitment to undertake condition/ dilapidation surveys of highways, are to be discussed and agreed.

Appendix 6A Outline Construction Traffic Management Plan

3.15 Comments on the Outline Construction Management Plan will be included in the relevant representation once the Transport Assessment Team has confirmed their acceptance of trip generation and distribution.

3.16 Detailed Combined Heat and Power (CHP) accesses/ connection points to CHP1, CHP2 to Weasenham Lane are required.

Volume 7.15 Outline Operational Traffic Management Plan

3.17 Further comment on the above will be included once the Transport Assessment Team confirm acceptance of trip generation and distribution.

Cambridgeshire County Council Public Rights of Way (PROW)

3.18 The Draft DCO, Article 11 (Power to alter layout, etc., of streets) does not make provision for certification by the LHA that any alterations to the highway are acceptable, despite the extensive proposed alterations included in Schedule 4 of the draft DCO. The draft DCO establishes no timeline or process for the inspection and approval of works affecting the highway, nor does it address the requirement to engage with the LHA during the design process. This is unacceptable to CCC who will, after completion of works, resume its statutory maintenance responsibilities for the affected highways.

3.19 The draft DCO should be amended to include protective provisions for the LHA at various points in the delivery of works that affect the public highway network. Indicatively, the LHA would require protections of the nature outlined below (although engagement with the LHA should be undertaken to define a comprehensive list). (i) Right of the LHA to review and comment upon detailed design of works affecting the road network, (ii) the right to observe and make representation to the undertaker regarding ongoing works that affect the highway, (iii) the ability of the LHA to inspect the completed works within the highway, (iv) the requirement of the undertaker to obtain certification from the LHA that works are satisfactory and can be adopted; (v) the provision of a 'maintenance period' of a minimum of 12 months to follow adoption, during which time the LHA can require the undertaker to

resolve any defects in the construction of newly completed works.

3.20 Article 12 Construction and maintenance of new or altered means of access, does not make provision for certification by the LHA that any alterations to means of access are acceptable. It establishes no timeline or process for the inspection and approval of works affecting or joining the highway, nor does it address the requirement to engage with the LHA during the design process. This is unacceptable to CCC who will, after completion of works, resume its statutory maintenance responsibilities for the affected highways. CCC would request engagement from the applicant in respect of this matter. Protective provisions requested as part of item 3.19 above could be expanded to include a sub-clause relating to any new or altered means of access that are proposed to connect to the public highway as mentioned in article 12, covering the right of the LHA to review the design, construction and completion of such works, prior to certification that such works are acceptable and the institution of a maintenance period, broadly in the sequence requested to help resolve the concerns raised at point 3.18 above.

3.21 Article 13 - Temporary prohibition or restriction of use of streets and public right of ways, does not impose any requirement on the undertaker to consult with the LHA, or seek its approval, prior to temporarily closing or diverting any highways. Such works could impact the adjoining public highway network for which CCC is both the local highway authority and the street authority. It would be reasonable for the undertaker to consider this impact in collaboration with CCC. CCC would request amendment of Article 13 to include a requirement on the undertaker to consult with the LHA prior to enacting any temporary closures of highways, and to observe any reasonable requests made by the LHA in respect of the timing of such closures.

3.22 Schedule 6, Part 1, Those parts of the access to be maintained at the public expense, specifies that new accesses A3, A4 and A5 (as labelled on the Access and Rights of Way Plan sheet number 1 of 4), are to be maintained at public expense. This is unacceptable to CCC as these accesses are not connected to any publicly maintainable highways. Case law following the decision in *Kotegaonkar v Secretary of State for the Environment, Food and Rural Affairs (2012)* is clear that "a way that can only be accessed by crossing private land… cannot be created as, or continue to exist as, a highway"[5]. Therefore, it cannot be considered that highway rights exist in those areas and they cannot be adopted by the LHA as highway maintainable at public expense.

3.23 It is unclear whether parcel A3 is connected to the publicly maintainable section of Algores Way, but parcels A4 and A5 are, according to CCC's legal highway records, remote from any other public highway. This serves to emphasise the importance of showing the extent of the public highway on the Access and Rights of Way plans, as raised below.

The draft Access and Rights of Way Plans

3.24 Highway boundaries. A number of highways that are affected by the draft Order have been identified in the Access and Rights of Way sheets, but the highway boundaries are not shown on the plans. It is important for this to be shown so that the highway authority can understand the extent of the highway that will be affected by the proposed works. As an example, only part of Algores Way forms part of the highway maintainable at public

[5] S Sauvain, R Stockley, N Westaway, *Highway Law*, Sixth Edition (2022), Sweet & Maxwell, London, p.5.

expense, but no indication of this is given on the Access and Rights of Way Sheets.

3.25 It is recommended that, if not already done, the applicant seeks to obtain highway boundary information from the LHA, for the roads affected by the proposed works. Highway boundaries then to be marked on a new iteration of the Access and Rights of Way plans, and clearly detailed in the associated legends.

3.26 Highway status. The Access and Rights of Way plans use a number of different colours to indicate different named roads within the Wisbech urban area. While the use of different colours is helpful in identifying different named roads, it is a distraction from the more important details shown on the plan. The name of a highway has no bearing on its status and so it is considered unnecessary to have multiple different coloured roads on the same plan.

3.27 Furthermore, it is inadequate to refer to roads by name only. Their legal status (i.e. whether or not they form part of the public highway) also needs to be indicated on the Access and Right of Way plans. This is vital to define the assets for which the LHA is responsible and thus where it may or may not need to make representations to the applicant/undertaker or at a possible public inquiry. For this reason, the plans should also make distinction between highways that are maintained by the LHA, and those that are the responsibility of National Highways (i.e. trunk roads). CCC would request that colours for different named roads are removed from the Access and Rights of Way plans, unless the colours are strictly necessary for reference to the draft DCO schedules or other wording. Failing this, the colours of the roads should be muted so as not to distract from the other information shown on the map sheets, and if the colours are to remain, clarity should be provided that the colour of a given road does not give any indication as to its legal status as a public highway. As noted above, the provision of highway boundaries on the plans would clarify this matter by clearly showing areas that fall within the highway maintainable at public expense. Such boundary plans should also include a distinction between the LHA-maintained highways, and those maintained by National Highways.

Environmental Statement, Chapter 6, Traffic and Transport, Appendix 6A.

3.28 CCC requires confirmation that Wisbech Byway 21 and Elm Byway 6 will not be used as a haul road, as was originally proposed.

Design and Access Statement

3.29 The Design & Access Statement makes no reference to the byways 266/21 and 72/6 at all. This is a problem; the applicant needs to demonstrate that impact on the byway and the byway users has been fully considered, since the A47 provides the connectivity between the two byways. e.g. closure during construction, or provision of safe crossing points, (noting that an Equality Impact Assessment has been prepared by the Council). However, if this has not been considered by the applicant, then they will need to reassess, and provide details of the impact to the LHA for consideration. If it has been considered, CCC requests sight of the assessment of the impact of the works on the aforementioned byways.

3.30 Further comments on Traffic and Transport will be included once the County Council's Transport Assessment and Transport Strategy teams and the Fenland District Council Transport Development team have reviewed the application submission and confirmed any comments or concerns that they wish to raise.

Cambridgeshire County Council Education Capital comments and wider educational concerns raised in relation to the Cambian Education Foundation Learning Centre (CEFLC) and the Riverside Meadows Academy (RMA) by Fenland District Council

3.31 Thomas Clarkson Academy (TCA) provides secondary education to around 1,200 pupils aged 11-16 and a further 270 pupils aged 17-18. The TCA is situated off Corporation Road, Wisbech approximately 750 metres from the northern boundary of the application site. The application site is approximately 1km from the nearest school building on the TCA site and the southern boundary of school is defined by a row of trees. There is an aspiration, by the Department for Education, to build a new Free School for 600 pupils on part of TCA campus, to the southwest of the main school buildings.

3.32 The application site is proposed to be serviced by five key routes – all five routes would be via New Bridge Lane. Table 6.16 on 6-53 contains a schedule of the type of vehicles that will be used and the percentage that will use each route. Route 1 (New Bridge Lane – B198 Cromwell Road (South), A47 (West), A1 (M)) will accommodate most of the vehicle's movements (60%) particularly from HGVs. The Outline Construction Traffic Management Plan (CTMP) contains strategies and measures to mitigate the impact from associated traffic movements on the local network during construction and during operational phases of the development. The proposal is anticipated to generate 362 number vehicle movements per day during the operational phase (78 staff and light vehicles, and 284 HGVs). This is a significant amount of additional traffic for the local road network to accommodate. There is no reference or acknowledgement in Chapter 6 of the Environmental Statement of The TCA which is located on the main road into the commercial estate where the application site is located.

3.33 Whilst the proposal is to create a new access from New Bridge Lane, a significant amount of the non-HGV traffic will be using the existing road network passing the TCA site and also in close proximity to the Cambian Education Foundation Learning Centre (CEFLC) and the Riverside Meadows Academy (RMA) school locations. Therefore this will potentially have an impact on all these schools, particularly during peak times (drop off and pick up times) and to not acknowledge the location of these schools is of concern.

3.34 Whilst the HGVs movements during the construction and operation stages of the proposed development will be routed via New Bridge Lane. This does not include the contractor, staff, visitor, and other associated traffic that would approach the site from the north via Algores Way. There are therefore concerns that need to be considered further in respect of traffic movement associated with the construction and operational stages. The potential direct and indirect effects of traffic movement, including noise and air quality is proposed to be dealt with by mitigation measures. It is of concern that there is a significant amount of reliance of the mitigation measures being robustly and properly installed and followed.

4 Noise and Vibration (ES Chapter 7)

4.1 As part of their ongoing review of the relevant technical documentation associated with this application, Fenland District Council's (FDC) Environmental Health Officers have identified some areas which may benefit from further clarification. Officers intend to progress informal discussions with the relevant consultants from MVV directly over the coming weeks in order to clarify that the content of the documentation submitted is in accordance with the relevant

legislation and technical guidance. This will then inform the final submission.

Cambridgeshire County Council Education Capital comments and wider educational concerns raised in relation to the Cambian Education Foundation Learning Centre (CEFLC) and the Riverside Meadows Academy (RMA) by Fenland District Council

4.2 The Noise and Vibration Chapter (7) of the Environmental Statement does not identify the Thomas Clarkson Academy (TCA) as a noise sensitive receptor even though it is within 750 metres of the site and closer to the CHP Connection works. Whilst it is standard practice for a study area to be up to 300 metres, this is not a maximum and is only “normally sufficient” according to the relevant British Standard. The study area section does not acknowledge sensitive receptors such as the TCA and especially the external areas associated with the Academy’s play areas and sports pitches.

4.3 The TCA and Free School site falls within the study area for the EfW CHP as identified on figure 7.5 (Operational Noise Study Area). However, no long term or short-term monitoring is proposed to assess the impact of the proposed development on the school even though the southern boundary of the TCA site where the existing MUGA (Multi-Use Games Area) is located is identified as a ‘Noise Sensitive Receptor’. Whilst the noise modelling results suggest that noise levels will be between 35-40Db, given that the TCA should be regarded as a sensitive receptor, some acknowledgement and further consideration, along with monitoring to mitigate any real-time impact should be provided. Furthermore, on the basis that only short-term monitoring is proposed for the CEFLC and RMA school sites this also needs to be given further consideration and longer-term mitigation.

4.4 The baseline assessment has used noise monitoring data from November 2021 which is within the Covid-19 lockdown period and therefore should not be considered a true representation of the baseline noise levels.

4.5 The concern is that the proposed development will lead to increased noise levels and exhaust emissions from additional HGVs and associated vehicle movements from the proposed development along the local road network used by the TCA and potentially the Free School. The Outline Construction and Environmental Management Plan (OCEMP) also proposes measures to reduce construction noise including using quieter plant, programming activities to avoid overlapping with other intensive works. Therefore, the implementation of mitigation measures in the OCEMP and their performance will be key to ensuring the noise and exhaust emission levels do not further impact air quality in and around the TCA and Free School site.

5 Air Quality (ES Chapter 8)

5.1 Cambridgeshire County Council employed an Air Quality Consultant to provide specialist comments on the MVV DCO application and their comments have been summarised in paragraphs 5.2 to 5.22 below to just highlight the major issues, with further detail of a number of other issues to follow in the Local Impact Report (LIR). A critical review was carried out on behalf of Cambridgeshire County Council (CCC) to ensure that the conclusions to be presented in the Local Impact Report are robust, the review covers: whether the scope of the assessment submitted by the applicant is sufficient; whether the air quality chapter of the ES and supporting documents are based on an appropriate

methodology (i.e. is it ‘fit for purpose’); the identification of any errors or omissions; whether the assessment of the overall significance of the proposed development is appropriate, and whether appropriate criteria have been adopted; and whether the mitigation measures proposed are appropriate.

5.2 Where errors or omissions were identified, they were categorised as either a Minor, Moderate or Major Issue. The Minor issues, which in isolation would be unlikely to affect the conclusions of the assessment will be included in the LIR because there is the potential for multiple minor issues to combine to invalidate the reported conclusions. The Moderate issues are weaknesses that have been identified which, individually, may or may not affect the conclusions, and therefore details of these will be included in the LIR. The Major issues are set out in full in the following paragraphs because any one individual failing would be highly likely to invalidate the reported conclusions.

Major Issues

5.3 In Paragraph 8.4.14 and Annex 8B of the ES it states: “A four-month co-location study was undertaken with a triplicate diffusion tube location (site 14) installed alongside the automatic monitor from August to November 2021. This co-location study was used to determine a diffusion tube adjustment factor of 0.69.”
Many of the factors which cause diffusion tube bias vary by season (and so the bias in one part of the year will be different from that for the annual mean). In these circumstances, where monitoring was carried out for an 11 month period in a calendar year (January to November 2021), it would have been more appropriate to have applied a bias adjustment factor derived from monitoring carried out throughout 2021 rather than a short 4-month period. The National Diffusion Tube Bias adjustment spreadsheet v 06/22 contains 34 studies using diffusion tubes prepared using 20% TEA in water and 16 studies using 50% TEA in acetone. The factors derived using these studies are 0.84 and 0.82. Applying these factors would have resulted in higher measured concentrations presented in Table 8.8 and model verification factors, which would have resulted in higher modelled annual mean NO2 concentrations and greater impacts as a result of the development. This has therefore led to an underrepresentation of the impacts of the Proposed Development.

5.4 In Table 8.26 and 8.27 and Appendix 8B, no consideration has been given to the new benzene 24-hr Environmental Assessment Level of 30 µg/m3.

5.5 In Table 8.31, it states the maximum daily HF concentration occurs at E1. Table 8B.H27 indicates that a higher concentration is modelled at E8. The impacts have therefore been underrepresented in Table 8.31.

5.6 In Table 8B4.3 Odour concentration 3,000 OUe/m3, the source of this assumption should be provided.

5.7 With reference to Table 8B4.3 Odour release rate 133,333 OUe/m3, based on the other parameters stated in this table, the odour release rate appears to be incorrect.

5.8 In Paragraph 4.2.21 Diesel generator emissions, no consideration is given to the impact of generator testing, which is required regularly throughout the year in accordance with manufacturer’s instructions.

5.9 Paragraph 4.3.5 identifies that NWP data for the period 2015-2019 has been used in the chimney model. The roads model is verified against monitoring data from 2021 and therefore the meteorological data should also be taken from the same year. The met data year used for the traffic model does not appear to be stated anywhere in the documentation.

5.10 In Paragraph 4.10.2, it states “As emissions of relevant pollutants associated with chimney discharges from the EfW CHP Facility are below reporting thresholds for other Part A(1) installations in the local area, it is not proposed to specifically include their emissions in the dispersion model. However, as all Part A(1) installations are included in Defra’s national mapped estimates of background concentrations which were used as part of the assessment, such emissions were considered indirectly.” Depending on the dispersion characteristics and location of nearby sensitive receptors, point sources can have a locally significant impact when emissions are below the EA reporting thresholds. For example, the specific source associated with the nearby AQMA designation for SO2 and PM10 is not identified. Figures 8.5 and 8.6 indicate that the impacts of the proposed development could overlap with the AQMA and therefore the potential for combined impacts with this and any other point sources should be considered further.

5.11 In Graphic 8B5.1 Modelled Road Links, there is no justification for the area included/not included in the modelled road links. Therefore, it is not possible to determine whether a suitable study area has been selected.

5.12 In Graphic 8B5.1 Modelled Road Links, the modelled road links do not extend to roads adjacent to the SACs and therefore the combined influence upon designated ecological sites of emissions from additional traffic generated by the development and the stack does not appear to have been adequately taken into consideration in the assessment. Additional traffic on roads such as the A47 and A141 directly adjacent to Nene Washes, and the A1122 adjacent to Ouse Washes have not been considered.

5.13 With reference to Graphic 8B5.1 Modelled Road Links, as mentioned in the review of the PEIR, all roads within 200m of receptors should be included in the road traffic model to ensure that total predicted environmental concentrations are representative of actual conditions. The road network shown does not include all road links within 200m of receptors and therefore the Predicted Environmental Concentrations will have been underestimated at these locations.

5.14 In Table 8B5.4 % (Modelled-Monitored)/Monitored, there appear to be some errors in this table as the percentages presented do not correspond with the modelled and monitored values in the table.

5.15 In Table 8B6.1 PM10 24-hr max PC as % of AQAL = 0%, based on the values presented, this value is incorrect .

5.16 In Table 8B6.1 PEC, the lack of baseline concentrations in these tables makes it impossible to determine whether the PECs have been calculated correctly.

5.17 In Table 8B6.1 and others, Concentrations of metals, PAH and PCB. The concentrations are presented at an insufficient number of significant figures to allow meaningful

comparison with the EAL. For example the Chromium VI EAL is 0.0002 µg/m3 but the PC is stated as <0.01 µg/m3, which is 5,000% of the EAL.

5.18 In Table 8B6.2 Annual mean PC (traffic) at R96 PM10 = <0.01 µg/m3, PM2.5 = 0.05 µg/m3, there appear to be some errors in this table because the PM10 PC from traffic should be greater than the PM2.5 PC.

5.19 In Table 8B6.2 Annual mean PC (traffic) ammonia annual = 0.01 µg/m3 and 1-hr = 0.01 µg/m3, there appear to be some errors in this table because the annual mean and 1-hr contributions should be different values.

5.20 In Table 8B6.5 Annual NOx PC 0.34 µg/m3 = 1.0% of the Critical Level, this is incorrect, 0.34 µg/m3 is actually 1.1% of the Critical Level.

5.21 In Table 8B6.10 Maximum predicted odour concentration at human receptors during abnormal operation, a figure should be provided showing concentration contours to determine whether there are any locations where short-term exposure could occur at higher concentrations.

Conclusion

5.22 The methodology outlined in the ES is generally acceptable, although a number of clarifications and errors are identified in this review that need to be addressed before any conclusions on the likely significance of air quality effects can be determined. The apparent errors in the reporting of the results highlights the need for rigorous Quality Assurance and checking of all model inputs and results presented in the ES. There may be additional errors that have not been highlighted in this review and therefore a full review of all inputs and results should be completed by the applicant prior to submission of updated documentation.

Cambridgeshire County Council Education Capital comments and wider educational concerns raised in relation to the Cambian Education Foundation Learning Centre (CEFLC) and the Riverside Meadows Academy (RMA) by Fenland District Council

5.23 In terms of odour and dust, specific reference has been made to an automatic monitoring station being installed at the TCA. However, it is unclear from the submission who will monitor this and how the result of monitoring will be reported to the TCA. Based upon the information provided, without the proposed mitigation measures, the proposed development could cause unacceptable adverse effects in respect of odour and dust on the TCA and the proposed Free School site, in addition to the CEFLC and RMA school sites. While enhanced mitigation and monitoring should be a requirement, the implementation of any proposed mitigation measures and monitoring of their performance will be essential for all the school sites.

6 Landscape and Visual (ES Chapter 9)

6.1 Cambridgeshire County employed Landscape Architects to provide specialist comments on the MVV DCO application and their comments are contained in paragraphs 6.2 to 6.7 below.

6.2 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. The Proposed Development has a generating capacity of over 50 megawatts and the electricity would be exported to the grid. The Proposed Development would also have the capability to export steam and electricity to users on the surrounding industrial estate. The maximum parameters of the main building are 52m in height, 177m in length and 102m in width. The maximum parameters of the 2 chimneys are 90m in height with a maximum width of 3.2m. The external elevations of the buildings would be clad in flat panels of contrasting bands and will adopt a palette of grey tones with lighter grey cladding used for the highest parts of the EfW CHP Facility.

Submitted Information

6.3 Chapter 9 of the Environmental Statement includes a Landscape and Visual Impact Assessment which presents the Environmental Assessment of the likely significant effects of the Proposed Development with respect to landscape and visual impacts, including impacts upon townscape. The methodology (appendix 9B) used to prepare the LVIA contained within Chapter 9 is based on the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3) (Landscape Institute (LI) & Institute of Environmental Management & Assessment (IEMA), 2013). Included additionally within Chapter 9 is a Residential Visual Amenity Assessment (RVAA). The RVAA examined eight individual or small groups of properties identified within 500m of the boundary of the main building at the EfW CHP Facility. The methodology for the Residential Visual Amenity Assessment is presented separately from the LVIA Methodology within Appendix 9K: Residential Visual Amenity. Chapter 9 is supported by 12 appendices that contain the extensive volume of baseline information and the detailed assessments with summaries included within the main body of Chapter 9 at sections 9.5 and 9.9 and the information is supported by 46 Figures.

Viewpoints and Photomontage

6.4 30 representative viewpoints were used to aid assessment of the effects. Photomontage or wireframes of the proposed development were generated for a selection of these viewpoints. The LVIA States that photomontages have been produced in accordance with Landscape Institute Technical Guidance Note 06/19, it should be noted that the technical specifications of these images still requires interrogation.

Summary of LVIA Assessment Findings

6.5 The landscape and visual assessment considered the potential effects of the Proposed Development on: the character of the landscape, the character of the town of Wisbech; and, views from numerous different locations within the Study Area. The views include: residential areas, groups of dwellings or individual properties; Footpaths, cycleways and visitor attractions; and, roads (including different sections of the same road). Table 9.10 of the LVIA sets out the Landscape and Visual Receptors that were ‘Scoped in’ for assessment within the LVIA and significant effects during construction, operation and decommissioning were identified for the following receptors:

- Residents of 9 and 10 New Bridge Lane;
- Residents of No. 25 Cromwell Road would see the construction and final form of the middle and upper sections of the EfW CHP Facility above existing commercial buildings;
- A small number of properties on the northern edge of Begdale;
- People walking along a section of the Nene Way – south of Wisbech;

- Cyclists using a stretch of the Sustrans National Cycle Route 63 heading into Wisbech approximately 1.3km from the EfW CHP Facility;
- People walking along Halfpenny Lane towards Wisbech would experience shortlived close distance views;
- Bank/Narrow Drove/Broad Drove at a distance of 1-2.9km would see upper parts of the main building and chimneys once the EfW CHP Facility had been constructed;
- Vehicular users of the A47 eastbound (to Wisbech) which would be short-lived and when operational, seen in the context of the existing cold store and other buildings; and
- Vehicular users of the B198 Cromwell Road (southwest of Wisbech town centre) although during both construction and operation the Proposed Development would be seen in the context of existing buildings and would be often screened by them in close-up views.

6.6 Significant effects were identified during the operation period for Recreational users of the Public Right of Way 'The Still', south of Leverington for the operational phase only and at a distance of 1.8km to 2.8km where users would see the EfW CHP Facility as a low focal point above a short section of the south-eastern horizon above the intervening vegetation.

Conclusions

6.7 The Consultant's assessment has concluded that there would be no significant landscape or townscape effects apart from locally significant effects within the landscape character area closest to the Proposed Development, which is the Wisbech Settled Fen landscape character area. As set out above, there would be many significant visual effects during construction and operation. Significant effects have also been identified to arise from the decommissioning phase.

Cambridgeshire County Council Education Capital

6.8 In the Landscape and Visual Assessment (Chapter 9) of the Environmental Statement, it states that the pupils and staff at the TCA would experience a 'Very Low' and 'Low' magnitude of change at both construction and operational phases. The only elements of the proposal that would be visible from the TCA would be the 90 metre chimney columns and upper section of the building. Even though no viewpoints have been prepared from TCA or Weasenham Lane, there will be a change to the skyline when looking south from the TCA and Free School site, although they would be of low level of magnitude.

7 Historic Environment (ES Chapter 10)

7.1 A series of documents pertinent to the archaeology of the scheme has been reviewed, including: Volume 6.2 ES Chapter 10 Historic Environment; Volume 6.3 ES Chapter 10 Historic Environment Figures; and, Volume 6.4 ES Chapter 10 Historic Environment Appendices including Appendix 10B1 Baseline Desk Study Report. A comprehensive, although repetitious account of the small amount of archaeological data set out in these volumes concludes that impacts to known and potential archaeological evidence has already occurred within the Combined Heat & Power site and is unlikely to occur in the Grid Connection route as this has now largely moved to being in the verge of the A47 where archaeological work has already taken place. We agree with this conclusion and are pleased to see that new land take for the cable will be limited thereby eliminating the need for archaeological evaluation and mitigation schemes.

7.2 There are key areas to focus archaeological intervention on, firstly including the purported site of the Elm and Wisbech Leper Hospital (Cambridgeshire Historic Environment Record reference MCB4765), founded in 1378 at the parish boundary. Here, the applicant considers that there will be a medium likelihood of the presence of contemporary and related remains (Volume 6.4 ES Chapter 10 Historic Environment Appendices - Appendix 10B1 Baseline Desk Study Report, 5.2.3). Secondly, the sequence of varied environments evident in geotechnical cores/ borehole data for the EfW CHP Facility Site indicate the interplay between freshwater and marine environments in this historic intertidal zone (see Volume 6.2 ES Chapter 10 Historic Environment Table 10.2). The prehistoric to Roman sequence remains relatively unknown apart from in connection with roddonised palaeoriver channels, that afforded dryland conditions once infilled. It is these roddon surfaces that will require archaeological focus in the cable trench or within the site.

7.3 Embedded Environmental Measures Table 10.13 (Volume 6.2 ES Chapter 10, 10.7) shows how Listed Buildings along the Grid Connection route will no longer be affected as the cable will now be underground and along the A47 verge. As above, this also ameliorates the impact on buried deposits and archaeological heritage assets as the impacts have previously been caused by road and service works. There is provision for a Written Scheme of Investigation (WSI) for monitoring and recording work included in the Outline CEMP (vol 7.12). This is welcome and acceptable, however we advise that any WSI is led by a brief prepared by CCC's Historic Environment Team to ensure that the county's archaeological priorities and requirements are met, which should be responded to by the appointed archaeological contractor.

7.4 Sections 10.9.5 to 10.9.9 estimate the impact to potential archaeological assets and paleoenvironmental contexts assuming the assets will be of low heritage significance and the impacts as not significant. In this context and due to the extant impacts of the current site's development and use impacts, we agree with this statement and approve the provision at 10.9.8 for monitoring and recording of the mixed freshwater and marine deposit sequence with the objective of seeking incipient soils indicative of drier land conditions able to host human activity and by researching the surfaces of roddonised prehistoric river channels, in accordance with the East of England Research Framework agenda: Question: Multi 08 - How can we better realise the archaeological potential of the fenland? An earlier recommendation was to align the deposit sequence in the boreholes with the quaternary deposits recorded for this part of the fenland region, which would need geoarchaeological or specialist geological input. This small area of work will remain a requirement, along with acquiring absolute dates for peat horizon contacts and any incipient soils identified in the cores and/or during ground works.

7.5 Fenland District Council's Conservation Officer and Historic England will provide comment on the impact to Conservation Areas and Listed Buildings as we do not comment on these matters in relation to infrastructure schemes. We are awaiting this information which will be included in the final submission. There are no scheduled monuments in Cambridgeshire that will be directly or negatively affected by the scheme.

7.6 The Outline Construction Environmental Management Plan (Volume 7.12) contains a section for the Historic Environment at 5.9. For this scheme, it is satisfactory but requires an additional note to ground crews in the event of discovering human remains as the

treatment of human remains is protected by law, specifically the Burial Act of 1857 and the disused Burial Grounds Act of 1884 (amended 1981).

8 Biodiversity (ES Chapter 11)

8.1 Overall, the ecological assessment is comprehensive and well presented. We agree with MVV's assessment that there will be no significant impact on wildlife sites. However, we are concerned about the following:

- Net loss in biodiversity value;
- incomplete protected species surveys (water vole and great crested newt);
- lack of compensation and enhancement for protected species (water vole);
- more details required for assessment of habitats (priority habitats & those of county importance);
- lack of priority habitat within the scheme appropriate for the location or to off-set losses (open mosaic habitat / hedgerows); and
- wording of DCO requirement(s).

Net loss in biodiversity value

8.2 Our main concern is that the scheme will result in a net loss in biodiversity value, with a loss of approx. -10% area-based habitats, -22% linear based habitats (hedgerows) and -12 river-based habitats (hedgerows). This includes loss in biodiversity value for priority habitat (hedgerows), local BAP habitat (ditches) and scrub (see BNG assessment). This does not accord with the policy 20 of Minerals and Waste Local Plan which requires development to deliver biodiversity net gain in habitats / species that is proportionate to the scale of the development.

8.3 We are pleased that the scheme has committed to addressing this issue through off-site compensation, but no information is provided about how this will be delivered. The applicant has proposed a Biodiversity Net Gain requirement (6) within the draft DCO, but this only requires the production of a BNG strategy. We seek that this is reworded to capture the requirement for off-site compensation for loss of biodiversity value (particularly priority habitats and those of local importance), along with the implementation of the scheme and management/ monitoring until habitats have reached their target condition. The BNG requirement should also monitor whether or not the expected on-site BNG targets will be met, at both the detailed design stage, construction and operational stage.

8.4 We also believe it would be helpful if the Applicant explored options for off-site compensation during the Examination period, so that we have more confidence that a scheme will be delivered. We would suggest a meeting with local authority ecologists and key NGOs (RSPB, Wildlife Trust) in the area that are involved within BNG or might know about potential sites.

Priority habitats

8.5 There will be a loss in value of priority habitats – hedgerow (as mentioned above) which needs to be compensated.

8.6 Clarification is sought as to why ephemeral habitats identified along the disused railway line are not identified as priority habitat - open mosaic habitat on previously developed land.

Habitat of county importance

8.7 The Applicant should confirm whether or not the habitats within the scheme have been assessed against the County Wildlife Site criteria. For example, scrub (criteria 1b) or habitat mosaic along the disused railway.

Water Vole

8.8 Water Vole will be adversely affected by the scheme as a result of habitat loss due to culverting of D24 within the EfW and we are disappointed that the scheme fails to incorporate any compensatory measures to address this loss in habitat. We therefore seek inclusion of enhancement to ditch D24 (affected to ditch) and ditch D26 and support of water vole as part of the Outline Landscape and Ecology Strategy. Both of these ditches are suboptimal due to maintenance and effluent. We would expect the scheme to address this issue, particularly any run off etc., as part of the scheme design.

8.9 In addition, we are concerned that not all ditches have been surveyed. We are currently within the survey season for water vole and therefore, consider it reasonable to seek that the Applicant undertake the outstanding WV surveys ASAP, so that the full impact of the scheme on Water Vole can be determined.

8.10 We have not been able to find a lighting plan for the scheme. The Applicant should confirm whether or not dark corridors will be retained along the ditches that support water vole (e.g. D24 and D26 on the EfW site). It would be helpful to have a plan showing the dark corridors as part of the outline lighting strategy to confirm that there will be no illumination of these features.

Great Crested Newt

8.11 Some of the ditches that will be affected by the proposals have not been surveyed for the presence of Great Crested Newt (GCN) and therefore the full impact on this protected species cannot be determined. The Applicant has proposed to undertake pre-commencement surveys, however, we are concerned about what will happen is GCN are found because it is unlikely that any impacts can be addressed within the habitat currently proposed within the red-line boundary. We are also concerned that off-site compensation through the Cambridgeshire GCN District Level Licensing scheme is unlikely, given it only deals with loss of ponds and there is limited capacity within Fenland. We seek that the Applicant undertake GCN surveys of these ditches, so that the full impact of the scheme on GCN can be determined. In addition, we seek clarification on how the current scheme will be able to mitigate loss of GCN habitat.

Bats

8.12 We have not been able to find a lighting plan for the scheme. The Applicant needs to confirm whether or not dark corridors will be retained along the CHP corridor, as well as the ditches located within and at the boundaries to the EfW site. It would be helpful to have a plan showing the dark corridors as part of the outline lighting strategy, so that it can be confirmed these features will not be illuminated.

Outline Landscape and Ecology Strategy

8.13 We will review the Outline Landscape and Ecology Strategy in more detail, however, seek clarification as to why brownfield habitat has not been promoted for adjacent to the railway corridor because it could help to address the loss of ephemeral habitat, which include a number of interesting species. The applicant has not included compensation for loss of

water vole habitat and ditches identified to support / potentially support water vole have not been identified or been enhanced as part of the scheme which would provide opportunities to improve water quality and/or improve foraging opportunities / plant diversity.

9 Hydrology (ES Chapter 12)

9.1 The following comments are from the Local Lead Flood Authority (LLFA) and relate to flood risk and surface water drainage. The availability and use of water resources for the operation of the plant is not a matter for CCC to comment on but will be considered by the Environment Agency so far as it relates to water resource efficiency and through their permitting regime.

9.2 Surface water discharge
It is noted some areas of infiltration are proposed. Infiltration testing will be required for the LLFA to support this as a point of discharge. It is acknowledged that this is the second stage on the drainage hierarchy, however, there must be infiltration testing in line with BRE365 to support this. If infiltration is not feasible, then discharge into a watercourse will be required. The minimum acceptable rate is 1×10^{-6} m/s measured off three repeat tests in each pit, and there must be at least 1.2m between the base of any infiltration feature and peak groundwater levels.

9.3 The LLFA expects that as much water is reused within the scheme as possible, in line with the drainage hierarchy. This could be through techniques such as rainwater harvesting for grey water within any part of the proposed facilities. It must be clearly demonstrated within the submissions that the rainwater reuse has been fully covered and utilised as widely as possible.

Climate Change Allowance

9.4 Climate change allowances have been applied to the 1% Annual Exceedance Probability (AEP) storm event. However, in accordance with the latest climate change peak rainfall intensity allowances, a climate change allowance should be incorporated into the surface water management scheme for the 3.3% annual exceedance probability rainfall event. The allowance used should be based on the lifetime of the development.

Pumping of surface water

9.5 It is acknowledged that pumping may be required where levels do not permit a gravity outfall. However, justification must be provided for the reasoning for the use of pumps for surface water disposal. Surface water is proposed to be pumped from the Temporary Construction Compound (TCC). Pump failure modelling would be required for any pumped discharge, modelling full pump failure, with 50% capacity in attenuation during the critical duration 1% AEP storm.

Pumped groundwater

9.6 The additional volumes for the maximum volume of groundwater pumped from deep excavations must be available within the receiving body, be it a basin, tanks or watercourse.

Half Drain Times

9.7 It is noted that some of the half drain times are exceeding 24 hours within the system. These should be retained as close to 24 hours as possible. Where this is not feasible, the

LLFA would accept the available capacity within the system has suitable capacity to receive a follow up 1 in 10-year storm after 24 hours.

Hydraulic Calculations

9.8 Acknowledging the submitted calculations are calculating the volume attenuation required, performance calculations for the 100%, 3.3% and 1% AEP storms should be provided including a suitable allowance for climate change on the 3.3% and 1% AEP storm. There should be no surcharging in the 100% AEP storm and no water outside the system in the 3.3% AEP storm including climate change. Low levels of flooding may be acceptable during the 1% AEP storm including an allowance for climate change, however, this must be managed safely within the red line boundary, keeping the future users of the facility safe, and mitigating any risk of flooding of the development, or adjacent land and property.

9.9 Caution should be taken with the diameters of flow controls. Generally, the minimum acceptable diameter from open attenuation is 75mm, to reduce the risk of blockage from litter and debris. From completely closed systems, such as permeable paving or underdrained swales, this can be as low as 20mm in line with the CIRIA SuDS Manual.

Wider drainage proposals

9.10 Details for all parts of the scheme, such as drainage layout and calculations are required. It is noted that the Outline Drainage Strategy focusses on the main facility. However, there are temporary works to the highways and the Walsoken Substation that should be provided.

10 Climate Change (ES Chapter 14)

County Council Climate Change and Energy Services

10.1 The baseline scenario assumes that, without the development, all of the 625,000 tonnes of waste would go to landfill every year for the 40 years of operation. However, this seems very unlikely in any scenario. The vast majority of emissions in the 'without development' scenario are from methane from landfill. The calculation of these emissions is imprecise and actual emissions from landfill could vary enormously depending on the biogenic carbon content of the waste composition, and how the particular landfill sites are managed. This total should therefore be treated with caution and regarded as uncertain.

10.2 Construction emissions (embodied carbon) are a significant source of emissions, estimated at over 48,000 tonnes CO2e. Consideration should be given to minimising use of high-carbon materials such as concrete, steel etc, use of low carbon construction methods and materials, such as more use of recycled/reclaimed materials, electrical plant/tools, and locally sourced items.

10.3 Greenhouse Gas (GHG) emissions from operation of the plant are very high, at over 280,000 tonnes CO2e per year, or over 11 million tonnes CO2e over the 40-year lifetime. The vast majority of these emissions are from burning the fossil carbon content of the waste (such as plastics). The actual emissions could vary a lot depending on the particular composition of the waste material.

10.4 The stated avoided emissions from energy generation are incorrect, as the figures provided by the applicant use a single constant carbon intensity of UK electricity to be offset over the 40-year period. This ignores the forecast gradual decarbonisation of the UK electricity grid over time.

10.5 Carbon Capture and Storage (CCS) has not been included in the proposal. CCS is probably necessary in order to reach net zero.

10.6 The scale of emissions is huge, in both scenarios, with and without. the main source of emissions from either waste disposal method (landfill or incineration) are in the same ballpark of around 11 million tonnes CO2e over 40 years. The composition of the waste is the deciding factor as to which method is lower carbon. In general, fossil carbon waste (such as plastics) generate fewer emissions (actually none) if landfilled, but high emissions if burned. Whereas biogenic carbon waste (such as paper, food and garden waste) generate fewer emissions if burned (by converting methane to CO2) (although recycling/composting would be even better) but high emissions if landfilled. The assumptions made therefore can easily tip the balance as to which is favourable.

10.7 The magnitude of changes in GHG emissions as a result of the Proposed Development have been assessed with reference to national policy and national emissions reductions. However, this methodology means that almost no project ever would be regarded as significant, since no site on its own would ever emit a high % of the whole UK's GHG emissions. The Environmental Statement refers to the latest IEMA guidance, which states that:

> "GHG emissions have a combined environmental effect that is approaching a scientifically defined environmental limit, as such any GHG emissions or reductions from a project might be considered to be significant… The crux of significance therefore is not whether a project emits GHG emissions, nor even the magnitude of GHG emissions alone, but whether it contributes to reducing GHG emissions relative to a comparable baseline consistent with a trajectory towards net zero by 2050".

However, this guidance does not seem to have been followed. It is not clear how the proposed development could be consistent with a trajectory towards net zero by 2050 or a 1.5 degrees warming scenario.

10.8 In any case, the significance of carbon emissions should not be decided by whether these are lower than an alternative landfill scenario, but by whether emissions align with a net zero trajectory. Council Officers do not agree with the conclusion that the Proposed Development will have a 'beneficial Significant effect'. The IEMA guidance states that "Only projects that actively reverse (rather than only reduce) the risk of severe climate change can be judged as having a beneficial effect."

Environment consultants employed by Cambridgeshire County Council

10.9 With reference to paragraph 14.5.1, the change in GHG emissions between the proposed EfW CHP facility and the 'alternative baseline' of landfill should be contextualised against the UK carbon budgets, but that should not be it. No project on its own is large enough to appear 'significant' when compared to UK carbon budgets. This project should also be contextualised against local / regional carbon budgets, as well as the CCCs waste carbon trajectory which are more pertinent comparisons.

10.10 In paragraph 14.6.1, MVV are saying that 'the magnitude of changes in GHG emissions' will essentially determine whether this project impact the UK's ability to meet its 2050 net zero target. IEMA states that it's not just the magnitude that matters in determining significance, it is more about the trajectory of annual emissions from the proposed development, and whether these are in line with a 1.5-degree trajectory.

10.11 Paragraph 14.6.1 mentions the Waste Planning Authorities (WPA). Do the regional WPAs have GHG aspirations/targets/goals that are net zero aligned? If not, aligning to these WPAs is not good enough as they lock in more GHG than is compatible with a net zero trajectory and Policies and Strategies can simply lag behind.

10.12 With reference to Table 14.15, is there a reason why CCS is not part of the application? Is this a cost issue? I believe that the CCC suggest that CCS is necessary to be net zero.

10.13 Our Environment consultants disagree with the two statements in paragraph 14.8.25. Adverse effects are not based on the Proposed Development emitting more emissions than the 'without Proposed Development' scenario, it is to do with whether these emissions over the lifetime of the project reduce and align with the net zero trajectory. A beneficial effect is defined by IEMA as a project that sequesters emissions from the atmosphere i.e. CCS. This is not the case right now, unless there is a commitment from the developer to install CCS.

10.14 In Table 14.23, construction transport emissions are reported in $ktCO_2e$ (carbon dioxide equivalents) however it is understood that the Defra Emissions Factors Toolkit used to estimate transport emissions only reports in carbon dioxide (CO_2).

10.15 Paragraphs 14.9.37 to 39, this section compared the emissions of electricity generation between the proposed development and the UK Grid. Has MVV considered if the UK Grid itself already incorporates EfW within the grid mix – hence the comparison might not be as black and white as suggested here.

10.16 With reference to Table 14.31, it is not clear whether, in the carbon calculations for the 'without Proposed Development' and 'with Proposed Development' the gradual decarbonisation of the grid been taken into consideration.

10.17 Paragraphs 14.9.49 & 14.12.2 conclude that the Proposed Development will have a 'beneficial Significant effect'. However, the 2022 IEMA guidance that is quoted clearly explains that the only projects that can be viewed as 'beneficial' are projects result in avoided or removed GHG emissions (see page 25 in the guidance). This project does not substantially exceed net zero requirements and avoided emissions and removed/ sequestered emissions should not be confused. MVV did contextualise the Proposed Scheme's carbon emissions with the CCC national budgets, but IEMA suggests further comparisons as very few projects are ever going to anything but a small fraction on national carbon budgets. For example, the Tyndall Centre for Climate Change Research (2022) presented carbon budgets at a local authority level https://carbonbudget.manchester.ac.uk.

10.18 With reference to the EIA scoping, Table 14.A.1, land use change should be scoped out as its unlikely that carbon emissions associated with excavation works and sequestration are likely to be very small / immaterial. However, the point made that land use change is usually calculated on a national level needs explanation.

10.19 Appendix 14B Assumptions and limitations table (page 34) "offsetting of electricity generation from landfill gas and from the EfW CHP facility": the assumption made here is that electricity from LFG would displace the UK of average grid electricity. Is this the case, is there a situation where the LFG generated electricity would instead be part of the grid

electricity generation mix lowering the average (182g/kwh)?

10.20 In Appendix C Sensitivity Analysis, paragraph 1.1.4: footnote links to 65 and 56 are not correct and the source for the following is queried: CCGT 380tCO2/GWh; UK Grid 182tCO2/GWh; 2035 UK Grid 23tCO2/GWh; and 250 UK Grid 6tCO2/GWh.

11 Socio-Economics (ES Chapter 15)

11.1 Fenland District Council are leading on this matter and will be providing a response to this section of the Relevant Representations response. However, from earlier responses provided by FDC officers they have concerns that no amount of S106 contributions would outweigh the economic harm perceived to exist from these proposals.

12 Health (ES Chapter 16)

12.1 The current advice on possible health effects from Energy from Waste Facilities as stated by the Health Protection Agency[6] (now UK Health Security Agency) conclude that "Modern, well managed incinerators make only a small contribution to local concentrations of air pollutants. It is possible that such small additions could have an impact on health but such effects, if they exist are likely to be very small and not detectable." As the UK Health Security Agency (formally the Health Protection Agency) are the technical experts on this type of facility we would seek confirmation that they have been formally consulted on this application.

12.2 As part of the response to the EIA/ES Scoping request Public Health recommended that as some of the environmental impacts to human health will be addressed as part of the EIA/ES, however, many of the wellbeing and mental health aspects of human health may not, therefore the applicant was requested to undertake and submit a Health Impact Assessment commensurate with the scale of the development as part of the application. The applicant has chosen not to do this but to incorporate the health impacts within a health assessment as part of the environmental statement and has cross referenced other technical chapters of the ES/EIA when necessary, whilst this is acceptable it makes Chapter 16 difficult to read as most of the technical findings on which the assessment is based are not included within this Chapter.

Data

12.3 The Desktop Data Table (Table 16.5) lists the JSNA's as a data source but hasn't specified which JSNA's were used or if they are Cambridgeshire or Norfolk JSNA's. This was requested as part of the Scoping Request response and has not been addressed. In particular the Cambridgeshire JSNA core data set and the Cambridgeshire Transport and Health JSNA should have been explicitly used and referenced. The data contained in these JSNA should form part of the baseline evidence base on human health to supplement health data already proposed as part of the ES/EIA.

[6] "The Impact on Health of Emissions to Air from Municipal Waste Incinerators", Advice from the Health Protection Agency 2010 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/335090/RCE-13_for_web_with_security.pdf

12.4 Officers query why Data used in the initial scoping request has not been included within the ES/EIA e.g. Child Health Data, economy and employment, Indices of Deprivation.

12.5 Section 16.5.31 mentions ONS Data. The ONS population Data has recently been updated following the latest release and therefore considerable population growth won't have been accounted for in the initial assessments.

12.6 Section 16.5.9 uses data captured during the Covid Pandemic to assess economic activity in Fenland, this data may not be representative of economic activity due to various government schemes to address employment during Covid. In addition, the data is given at District Council Level, if this data is not available at the study area level or below it should be stated as such.

12.7 Table 16.6 gives the local GP Practices and if they are accepting new patients, it would be helpful to include the Primary Care Network (PCN) these practices are in as GP capacity is also measured by PCN.

Policy

12.8 Reference to the Draft joint Health and Wellbeing Strategy 2020-2024 is out of date. This strategy was not progressed and has been replace by a new joint ICS/Health and Wellbeing Strategy. One of the key themes of the new Strategy is Environment which should have been considered as part of the application

Health Assessment

12.9 As part of the formal response to the scoping request Public Health requested the status and use of the disused railway line be ascertained and scoped into the Health Assessment is it is used by local residents, even it is not a formally adopted PROW, this appears not to have been done.

12.10 Sections 16.6.4 and 16.9.72 have not adequately assessed the health impacts during decommissioning which will not be the same as construction impacts. There will be additional impacts due to decommissioning the combustion equipment which may or may not pose a risk to human health, more information is needed from the applicant to justify the position that there are no health impacts during decommissioning.

12.11 In Table 16.7, Screening exercise for the consideration of effects on physical and mental health and wellbeing, the following areas of the screening exercise have not been addressed or need improvement:

- Access to local public and key services, this should be scoped in and any potential increase in demand on local service should be assessed.
- Physical security, Public Health disagree that there will be "no anticipated impacts". Construction sites by their nature often become targets for theft and crime and therefore should be considered (impacts during construction phase only), therefore this should have been scoped into the assessment.
- The connection to grid is to take place at night therefore what are the potential; health impacts due to noise and what are the proposed mitigation measures, therefore this should have been scoped into the assessment.
- The assessment has not included the potential for impacts on mental health from perceived pollution from the operational plant, however this has been further addressed under embedded environmental issues.

12.12 Some of the health receptors identified in Table 16.8 have not been addressed in table 16.7 and should be, these include: the potential for health impacts associated with community perception and risk, which is wider than electro-magnetic etc. e.g. there is a local concern from emissions and pollutants; and, increase in demand for health services.

12.13 The proposed operational operating hours of the plant, once commissioned, of 07.00 to 20.00 is long and may generate Mental Health impacts on local residents. The hours of operation have not been assessed as a health impact and should be included.

12.14 Section 16.9.23 mentions the possible installation of a crossing, can the applicant confirm if this will be delivered or if it is an aspiration/proposal.

12.15 Table 16.13 should list the mitigation measures to understand exactly what mitigation is proposed, as the Health Assessment cross references other sections and documents it is difficult to ascertain exactly what mitigation measures are being proposed to address any adverse health impacts.

12.16 Public Health welcome the proposal to set up a liaison committee and employ a community liaison officer, the applicant is asked to confirm how long this community liaison officer post is for.

12.17 Public Health welcome inclusion of an employment and skills strategy, particularly if it can address some of the health impacts due to unemployment in the local area as employment status and well paid employment are key determinants of health outcomes and health inequality.

12.18 Public Health welcome the Outline Community Benefits Strategy and the proposed approach. Should consent be granted Public Health would welcome a discussion with the applicant on how health benefits can be included in the criteria for assessing application as part of the sponsorship proposals.

13 Major Accidents and Disasters

13.1 CCC's Emergency Planning Service will be considering the relevant aspects of the proposed scheme in liaison with the Cambridgeshire Fire and Rescue Service, and further details and clarifications will be sought as required.

14 Waste Policy matters, including Waste Availability and Composition

14.1 The proposal is for an Energy from Waste Facility which will be able manage 625kt of non-hazardous combustible waste to be located at Algores Way, Wisbech. It will produce 60MW_e (of which 6MW_e will be consumed by the plant) of electrical power, and 55 MW_{th} of available steam for export. The minimum amount of waste to produce that power does not appear to be stated within the documentation. The study area for the Waste Fuel Availability Assessment [APP-094] is based on two-hour drive time. This encompasses the entirety of Cambridgeshire, Peterborough, and Rutland. It partially covers Lincolnshire,

Northamptonshire (as of 1 April 2021, North Northamptonshire and West Northamptonshire), Bedford, Central Bedford, Hertfordshire, Essex, Suffolk, and Norfolk. A map showing the extent can be found on page 22 of the APP-094.

14.2 Existing capacity for recovery in the Cambridgeshire and Peterborough Minerals and Waste Local Plan (MWLP) Area is currently limited. The MWLP (2016 to 2036) Waste Needs Assessment (2019) (WNA19) sets out that in 2017 537kt (kilo-tonnes) of waste was disposed to non-hazardous landfill (including stable non-reactive hazardous waste (SNRHW), and it is forecast that this will rise to 602ktpa (kilo-tonnes per annum) in 2021 before declining to 476ktpa by 2036. This is set out in Table ES1 of the WNA19 and expressed as a total need for non-hazardous landfill in the second table of Policy 3: Waste Management Needs of the MWLP. Of that waste, approximately 114ktpa is local authority collected waste, which is already subject to contract, an allowance between 79ktpa in 2015, declining to nil by 2026 has been made for London's waste, and the remainder is commercial and industrial waste. The Council acknowledge that is likely that a significant proportion of the waste identified above could be recovered using thermal treatment.

14.3 This response focuses the following areas of particular concern: compliance with the MWLP (2021); consideration of the potential effect of a concentration of provision of recovery capacity for combustible non-hazardous waste within Cambridgeshire; Proximity to and compatibility with neighbouring uses, and Use Class E. These and other topics will be further developed within the LIR.

Compliance with Policies 3 and 4 of the MWLP / Waste Availability and effect on Minerals and Waste Local Plans

14.4 As the proposal is for an energy facility, the framing of the waste need is as if there is an adequate feedstock of waste for the facility. To demonstrate this the Applicant has submitted a Waste Fuel Availability Assessment (WFAA) [APP-094]. This document considers both waste arisings within the study area designated within the WFAA [APP-094], existing capacity of energy recovery facilities within the study area and within England. It does not appear to consider other forms of recovery capacity.

14.5 Paragraph 4.1.5 of National Policy Statement EN-1, relating to the delivery of energy infrastructure, states that Development Plan Documents, (such as Minerals and Waste Local Plans) may be both important and relevant considerations. Policy 3: Waste Management Needs of the MWLP sets out that Cambridgeshire County Council and Peterborough City Council seek to achieve net self-sufficiency in respect of waste management provision, the policy goes on to set out the capacity gap that the Plan seeks to meet in a table. The information within this table is based on the WNA2019 and it, and the supporting text demonstrate that for the Plan Period (2021 – 2036), the Plan Area is net self-sufficient in respect of Local Authority Collected (also known as Municipal) Waste (LACW), Commercial and Industrial (C&I) waste, and Construction, Demotion and Excavation Waste (CDEW); albeit relying on the disposal of some waste to landfill. The Policy initially presents the situation without the PREL Energy Park / Peterborough Green Energy Project (PGEL) being built, with PGELs capacity reflected in brackets underneath the relevant capacity figures, under Other Recovery – Treatment and energy recovery processes etc. Policy 3 goes onto state that:

> …The net capacity figures in the table above are not ceilings for recycling, treatment or recovery of waste. As such, proposals will, in principle (and

> provided they are in accordance with Policy 4: Providing for Waste Management), be supported if any of the following scenarios apply: …
> (c) it moves waste capacity already identified in the above table up the waste hierarchy.

14.6 The text in Policy 3 criteria (c) refers to moving waste capacity identified in the table up the waste hierarchy. This can be interpreted as either displacing existing capacity, for example, a recovery facility becomes a recycling facility with the same capacity; or, that the waste managed by the facilities that provides that capacity is treated higher up the waste hierarchy than presented in that table, which would be more in keeping with the National Planning Policy for Waste. The Council uses the second interpretation, this also reflects national policy. And this is also reflected in paragraph 3.39 which states that:

> …the Councils are supportive, in principle, of proposals to move waste as high up the hierarchy as possible to ensure that opportunities to move as much waste away from landfill can be achieved over the plan period.

In this context, the support of criterion (c) is dependent on moving waste that would otherwise be disposed of further up the waste hierarchy, likewise criteria (a) required the development to:

> "… assist in closing a gap identified in the table, provided such a gap has not already been demonstrably closed…"

14.7 Consideration of these criteria is complicated by the proposed PGEL which is a 595ktpa energy recovery facility that, if constructed, would result in the Plan Area being able to recover that waste. Planning permission has been granted and although work has been done on site which constitutes implementation of the permission, the bulk of construction has not commenced. There is a condition attached to the permission (condition 28) for PGEL which states that a minimum of 80% of the feedstock must originate from (a) an area within 32km radius of the site; or (b) an area within the administrative boundary of Peterborough; or (c) an area within the administrative boundary of Cambridgeshire. PGEL is referred to as Storeys Bar Road, Fengate, Peterborough in Appendix C of the Waste Fuel Availability Assessment (page unnumbered) and is included in the total of consented and not built capacity within the study area.

14.8 If the PGEL project were to be abandoned, then the MVV proposals could foreseeably meet criteria (c) of Policy 3, and potentially contribute to criteria (a). The Applicant's documentation (WFAA [APP-094] Page 36 Table 4.4) identifies 236,031 tonnes of suitable waste originating from within Cambridgeshire. The Council has not yet reviewed the exact content of this figure, but assuming that this is material that cannot be treated further up the waste hierarchy, this would still result in a significant overprovision of recovery capacity, well beyond the net self-sufficiency provided for within the MWLP, and would require the importation of waste from surrounding areas to the value of at least 390,000 tonnes (or 350,000 allowing for Peterborough). These figures do include LACW (Municipal) waste, as well as C&I waste, both of which may be subject to existing contracts of various lengths. The Council will further expand on the potential sources of waste and the distances involved in transporting this waste in the LIR.

14.9 The proposed facility is envisioned to be of a regional scale ,sourcing waste from the East of England and the East Midlands. For any waste facility, Policy 1 of the MWLP: Sustainable Development and Climate Change, is a key consideration. Given the scale of this facility, and the potential impact of moving the waste involved, Policy 1, Section 4.8 Climate Change of NPS EN-1 and NPPF paragraphs 153 – 158 (Planning for climate change), should all be key considerations in any decision. This will be expanded on in the LIR.

14.10 The support of Policy 3 is contingent of being in accordance with Policy 4: Providing for Waste Management, which is comprised of two elements, the first requires the movement of waste up as far up the waste hierarchy of possible, and the second sets out the criteria for suitable locations for waste facilities, it states.

> "In line with Objective 2 of this Plan, the Councils aim to actively encourage, and will in principle support the sustainable management of waste, which includes encouraging waste to move as far up the waste hierarchy as possible, whilst also ensuring net self-sufficiency over the Plan area. In order to ensure this aim can be met, waste management proposals must demonstrably contribute towards sustainable waste management, by moving waste up the waste hierarchy; and proposals for disposal must demonstrate that the waste has been pre-treated and cannot practicably be recycled. Proposals which do not comply with this spatial strategy for waste management development must also demonstrate the quantitative need for the development."

In this context, the applicant is presenting this development as a power station that requires waste for fuel, and they have sought to demonstrate that there is adequate fuel available. However, they have not addressed the requirement of Policy 4 that the waste should be moved up the waste hierarchy as far as possible. Consequently, even though the proposal may meet the second element of Policy 4 in terms of location, it does not currently meet the first, which in turn means that the proposed development is not in accordance with Policy 3 or Policy 4 of the MWLP. The Council recognises that until the nature of waste changes, some recovery capacity will be required, but in respect of this part of Policy 4 the Council is seeking that the applicant demonstrate that waste that could be treated further up the waste hierarchy would not be recovered.

14.11 Noting the above, the Council also wishes to highlight a tension in the project between seeking to reduce the distance that waste travel by sourcing waste that could be managed further up the waste hierarchy or bringing in waste over longer distances that is only suitable for recovery. The Council would like to explore the implications of this and how it could be resolved through the Examination.

Net self-sufficiency

14.12 Paragraph 3 of the National Planning Policy for Waste (NPPW) requires Waste Planning Authorities to identify in their Local Plans sufficient opportunities to meet the identified needs of their area for the management of waste streams. Having acknowledged that there will be a degree of cross-boundary movement of waste for a given area, the waste management capacity of an amount of waste which is equivalent to the amount arising in that Waste Local Plan area will be provided. This does not necessarily mean that the capacity must be of the type of waste arising in the area. Cambridgeshire are signatories to the Memorandum of Understanding between the Waste Planning Authorities of the East of

England (March 2019), which sets out that the signatories seek to provide for net self-sufficiency in waste management capacity. This means that the signatories can plan in confidence that they only are required to meet the need of their area, unless it has been explicitly raised by another authority; and that by planning to provide for the needs of only that area, there is an appropriate distribution of waste management facilities in locations proximate to the waste arisings. An over provision in one area is likely to result in other areas being unable to meet the requirement to provide for net self-sufficiency, or alternatively to result in an overprovision of waste management capacity, should it be planned for, but there be an overprovision in another area.

Site selection

14.13 Volume 6.2 ES Chapter 2 Alternatives (page 7), it states that an essential siting criteria for the facility was a requirement for additional EFW capacity and that:

> "CCC also had the second highest amount of HIC waste from commercial sources disposed to non-hazardous landfill in the East of England (approximately 236,000 tonnes of waste suitably for use as fuel in an EfW). A current shortfall in HIC treatment capacity was therefore identified in Cambridgeshire, together with a predicated shortfall up to 2035 and beyond (excluding permitted but non-operational capacity)."

One of the main reasons for the site selection is, therefore, predicated on the PGEL facility not being constructed. The Chapter goes on to identify waste need from surrounding counties, which would also provide a fuel supply. It is not documented if sites other than those in Wisbech were considered, and if so, which sites those were. This is particularly key for, what is proposed to be a facility accepting waste on a regional scale, and the potential long distance vehicle movements and associated carbon emissions.

14.14 If both the proposed development and PGEL are constructed, this would result in approximately 1.2 million tonnes per annum of recovery capacity, in the Peterborough and Wisbech areas, which are 25km apart. This would result in a more than significant overprovision of waste recovery capacity, that can only be supplied by road. In the event PGEL was not subject to a catchment restriction, it is likely that it would operate within a similar area to this proposal. Therefore, the Council believes it would assist the Examination, if the Applicant were to produce:

a) a map or series of maps showing the location of waste currently being disposed of to landfill, the key road linkages, and the location of existing and permitted EFWs and their capacities (if the existing and permitted were distinguished on the map this would also be helpful).
b) A statement explaining how the proximity principle will operate in practice, e.g., what is there to prevent the operator accepting a contract to manage waste from locations outside the study area such as London?

Compatibility with surrounding land uses

14.15 Policy 18: Amenity Consideration of the MWLP seeks to protect the amenity of surrounding uses. Although some of the surrounding uses are detailed in Volume 7.5 Design and Access Statement, this provides more of an illustration of character of the local area, and is not a comprehensive land use survey. With the instruction of Land planning Use Class E (Commercial, Business and Service), there is the potential for incompatible uses to be introduced into sites that were historically industrial in nature (B2/B8/B1). Land within Use Class E Commercial may be used for any of the following uses and changing between the uses within Use Class E is not considered to be development and therefore does not require planning permission.

a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public, (shops & Post Offices etc.)
b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises, (cafes & restaurants)
c) for the provision of the following kinds of services principally to visiting members of the public—

(i) financial services, (banks & building societies)
(ii) professional services (other than health or medical services), or (estate & employment agencies etc.)
(iii) any other services which it is appropriate to provide in a commercial, business or service locality,

d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner, (Doctors, clinics & health centres, acupuncture clinic etc.) ,
f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
g) for—

(i) an office to carry out any operational or administrative functions, (Offices)
(ii) the research and development of products or processes, or
(iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. (Light Industrial)

14.16 The land planning use of most of the units in the immediate area appear to mainly be B2/B8, but some may be considered Use Class E and a local assessment would be required to establish the local land uses. Examples may include the Brewers Decorator Centre, 92 Boleness Rd, PE13 2RB, or Taymor Plumbing Supplies, 2 Algores Way, PE13 2TQ, which could be considered Use Class E. Another incompatible use, may be the Cambian Education Foundation Learning Centre, Unit 3, Anglia Way, PE13 2TY but further more in depth assessments may be required.

14.17 Without a baseline of surrounding land uses, it is difficult to ascertain what the permitted uses are and, if any of the uses listed under Use Class E could be established in close proximity to the proposed development, without the need of planning permission. Furthermore, the implications of potential for interactions between the land uses, is not possible to assess. For example, assessments based on activities currently undertaken near to the site may not remain accurate if there were to be a significant increase in the number of members of public visiting a nearby location (which could be achieved within a Class E land use). In this context the effect of paragraph 187 which sets out the ‘Agent of Change’ may also be relevant, where significant effects are identified.

14.18 The Council is of the view that it would assist the Examination if the Applicant were able to provide:

a) A survey of the local area to identify the local land uses and set out the worst-case scenario for the land uses currently permitted. And update any relevant assessments, to reflect how the area could develop within the current permitted uses;

or

b) An explanation as to the sensitivity of the different uses within Use Class E, and how land use conflict would be resolved if a sensitive activity within Use Class E was established in close proximity to the EfW

15 Cumulative Impacts

15.1 The Cambridgeshire County Council Education Capital team has concerns regarding the Cumulative Effects Assessment (Chapter 18) of the Environmental Statement, which assesses the inter-related effects of other known potential projects in the area with the proposed development, whilst acknowledging that the methodology used to scope the inter-related effects has been agreed with the host authorities. The Fenland Education Campus (CCC/21/215/FUL) on Barton Road has been identified as one of the projects in the cumulative assessment. The site of the proposed Free School, which is significantly closer has not been assessed. Although this is understandable with the proposals still at feasibility stage and as such not in the public domain. If the Free School site were to be assessed, it should be assessed under the same considerations as the Fenland Education Campus in terms of hydrology, air, noise, landscape and visual, biodiversity, historic environment, socio-economics; land contamination, and construction traffic.

15.2 The cumulative assessment factors in the other assessments on air quality, noise and vibration, traffic and transport, climate change, and health. No significant inter-related cumulative effects were identified subject to the implementation and robustness of the mitigation measures. It is considered that the cumulative assessment has considered the key issues, but concerns are raised with the traffic and transport and air quality assessments as they do not accurately assess the potential impact on the TCA or the proposed Free School site, alongside the wider school sites discussed in sections 3, 4 and 5 of this response.