

Update Report to Planning Committee – 6 March 2023

Proposal:	Plans to develop a new Energy from Waste (EfW) Combined Heat and Power (CHP) facility generating electricity and steam, (and associated grid connections) on land at Algores Way, Wisbech.
Location:	Wisbech, Cambridgeshire, with associated grid connections in west Norfolk.
Applicant:	Medworth CHP Ltd
Case Officer:	Lorna Gilbert – Principal Planner

SUMMARY

This is an update on the Medworth Development Consent Order that was submitted to the Planning Inspectorate in July 2022, for a new energy from waste plant in Wisbech. The plant is located within Fenland District Council and Cambridgeshire County Council's area, with the underground cabling connecting to a substation in Norfolk. The application is being assessed by the Planning Inspectorate who are the Examining Authority, and are assessing it on behalf of the Secretary of State. It is a nationally significant infrastructure project, so is going through an Examination process in accordance with strict procedural guidelines. This process has a number of deadlines and timescales to meet, and is due to conclude in August 2023.

The preliminary meeting, to discuss the programme and timetable of the Examination took place on 21 February 2023. Following this, one of the issue specific hearings, and two open floor hearings have also taken place.

Members will be aware that at the Council meeting on 25 February 2021, a motion was passed to object to the principle of the proposal for an energy from waste facility in Wisbech. A further Notice of Motion re-stating opposition to the scheme to reassure residents of the council's consistency in this is due to be considered at council on 9 March 2023.

This in principle objection from the Council has been repeated and confirmed in other responses to the Planning Inspectorate, as part of this formal process.

Recommendation: That the planning committee:

1. Note the report and update on the examination process;
2. If any councillors would like to submit additional comments to be included in the Appendices of the Council's Written Representation submission, then these need to be sent to either lorna.gilbert@west-norfolk.gov.uk or stuart.ashworth@west-norfolk.gov.uk by Monday 20th March 2023;
3. Agree that in order to meet the tight deadlines, set by the Examining Authority as part of the formal process, it is requested that any further submissions required, are to be agreed with the Portfolio Holder for Development and Regeneration.

1.0 Background

- 1.1 Members will be aware that the project known as the Medworth Energy from Waste combined power and heat plant facility, was submitted for a Development Consent Order (DCO) to the Secretary of State, in July 2022. It was submitted to the Secretary of State as it qualifies as a Nationally Significant Infrastructure Project (NSIP), due to the amount of electricity the plant generates. The DCO, which is similar to a grant of planning permission, will be heard at an Examination carried out in public by the Planning Inspectorate, who will make a recommendation to the Secretary of State, who in turn will make the final decision. The Examination will be carried out under the procedural rules relating to such NSIP projects, specifically the Infrastructure Planning (Examination Procedure) Rules 2010.
- 1.2 The energy from waste plant is located off Algores Way in Wisbech, Cambridgeshire, but the associated grid connection is in west Norfolk. It connects to a sub-station in Walsoken.

2.0 Update

- 2.1 The public facing parts of the Examination opened with the Preliminary Meeting, one Issue Specific Hearing and two Open Floor Hearing sessions, which took place between the 21st and 23rd February 2023.
- 2.2 The Preliminary meeting was to discuss the initial assessment of the principal issues to be discussed at Examination, the draft timetable put forward, and arrangements for the Examination. The next day, the 22 February, there was the first of the Issue Specific Hearings, relating to the need for the proposed development, alternatives and issues relating to compulsory acquisition.
- 2.3 On the evening of the 22 February, and on the 23 February, there were Open Floor Hearing Sessions, where Councillors (including from this Council), members of the public and other interested parties, were able to put their case to the appointed Inspector.

3.0 Next Steps

- 3.1 The next deadline (set out in the current timetable as Deadline 1) set by the Examining Authority is the 10th March 2023, and this is when the Council will participate or submit some or all of the following:
 - A joint Local Impact Report with Norfolk County Council;
 - Draft Statement of Common Ground;
 - A summary (no more than 1500 words) of the Relevant Representations already submitted;
 - Post-hearing submissions, including written submissions of oral cases from the previous Open Floor Hearings; and
 - Details of Interested Parties to be heard at a subsequent Open Floor Hearing.
- 3.2 At the 24th March 2023 Examining Authority deadline (Deadline 2), the Council will need to submit:
 - Written Representations (WR's).
- 3.3 Many of the Issue Specific Hearings will not need officers to attend from this authority, although that will be depend on the issue to be discussed on any given session. The proposed Statement of Common Ground (SoCG) which is required to be completed and includes this council, is a document that will evolve through the process, and will not be finalised until the summer. The Examination is due to

conclude in August 2023.

- 3.4 The Examining Authority's Rule 6 letter contains a draft timetable (Appendix 1) with further scheduled dates, along with other information about the Examination. However, it should be noted that the timetable is subject to change. This can be viewed at: [EN010110-000960-Rule 6 letter doc.pdf \(planninginspectorate.gov.uk\)](#)
- 3.5 A copy of the current draft timetable is attached to this update report as appendix 1.

4.0 Recommendation

That the planning committee:

1. Note the report and update on the examination process;
2. If councillors would like to submit additional comments to be included in the Appendices of the Council's Written Representation submission, then these need to be sent to either lorna.gilbert@west-norfolk.gov.uk or stuart.ashworth@west-norfolk.gov.uk by Monday 20th March 2023;
3. Agree that in order to meet the tight deadlines, set by the Examining Authority as part of the formal process, it is requested that any further submissions required, are to be agreed with the Portfolio Holder for Development and Regeneration.

APPENDIX 1

Draft Examination Timetable

The Examining Authority (ExA) is under a duty to **complete** the Examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The Examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at hearings.

Item	Matters	Date
1.	Procedural Deadline A Deadline for receipt by the ExA of: <ul style="list-style-type: none">• Written submissions on the Examination Procedure and Timetable• Requests to be heard orally at the Preliminary Meeting• Request to participate in the Issue Specific Hearing 1 (ISH1) on 22 February 2023 (See Annex F of this letter)• Requests to participate at the Open Floor Hearings (OFH1 or OFH2), on 22 and 23 February 2023, including which OFH you wish to speak at (See Annex G of this letter)• Suggested locations for site inspections (Accompanied and/or Unaccompanied), including reason for nomination, issues to be observed and whether the location(s) can be observed and accessed through public land	9 February 2023
2.	Preliminary Meeting	Tuesday, 21 February 2023 at 10:00am
3.	Issue Specific Hearing (ISH) 1 on the scope of the Proposed Development and Alternatives (see Annex F of this letter)	Wednesday, 22 February 2023 at 10:00am
4.	Open Floor Hearing (OFH) 1 (see Annex G of this letter)	Wednesday, 22 February 2023 at 6:00pm

5.	Open Floor Hearing (OFH) 2 (see Annex G of this letter)	Thursday, 23 February 2023 at 10:00am
6.	Issue by the ExA of: <ul style="list-style-type: none"> • Examination Timetable Publication by the ExA of: <ul style="list-style-type: none"> • The ExA's Written Questions (ExQ1) 	As soon as practicable following the Preliminary Meeting
7.	Deadline 1 For receipt by the ExA of: <ul style="list-style-type: none"> • Comments on Relevant Representations (RRs) (see Annex H of this letter) • Summaries of all RRs exceeding 1500 words (see Annex H of this letter) • Post-hearing submissions including written submissions of oral cases as heard on OFH1, OFH2 and ISH1 • Applicant's draft itinerary for Accompanied Site Inspection (ASI) (if required) • Local Impact Report(s) (LIRs) • Draft Statements of Common Ground (SoCG) (see Annex H of this letter) • Draft Statement of Commonality (SoC) of SoCG (see Annex H of this letter) • The Compulsory Acquisitions (CA) Schedule (see Annex H of this letter) • Draft National Policy Statement (NPS) Tracker (see Annex H of this letter) • Draft Application Document Tracker (see Annex H of this letter) • Updated BoR and schedule of changes to the BoR in clear and tracked versions • Notification by Statutory Parties of their wish to be considered as an IP by the ExA • Requests by Interested Parties to be heard at a subsequent Open Floor Hearing (OFH) 	10 March 2023

	<ul style="list-style-type: none"> • Requests by Affected Persons (defined in section 59(4) of the Planning Act 2008) to be heard at a Compulsory Acquisition Hearing (CAH) • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any information/submissions accepted by the ExA 	
8.	<p>Deadline 2</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Response to the ExA's ExQ1 • Written Representations (WRs) • Summaries of all WRs exceeding 1500 words • Comments on LIR(s) • Status of Negotiations with Statutory Undertakers • An updated version of the draft Development Consent Order (dDCO) in clean, tracked and Word versions (if required as a result of the ExA's ExQ1) • Updated BoR and schedule of changes to the BoR (if required) in clear and tracked versions • Comments on the Applicant's draft itinerary for the ASI • Draft Application Document Tracker (if required) • Any further information requested by the ExA under Rule 17 of the Examination Rules • Comments on any further information/submissions received by Deadline 1 	24 March 2023
9.	<p>Issue Specific Hearing (ISH2)</p> <p>On the draft Development Consent Order</p>	Wednesday 12 April 2023

10.	Compulsory Acquisitions Hearing (CAH1)	Thursday 13 April 2023 (am session)
11.	Compulsory Acquisitions Hearing (CAH2)	Thursday 13 April 2023 (pm session)
12.	Deadline 3 For receipt by the ExA of: <ul style="list-style-type: none"> • Post-hearing submissions including written submissions of oral cases • Comments on WRs • Updated SoCG • Updated SoC • An updated version of the dDCO in clean, tracked and word versions (if required as a result of the ExA's commentary) • Updated BoR and schedule of changes to the BoR (if required) • Updated CA Schedule (if required) • Comments on dDCO • Comments on responses to ExQ1 • Draft Application Document Tracker (if required) • Any further information requested by the ExA under Rule 17 of the Examination Rules • Comments on any further information/submissions received by Deadline 2 	Tuesday 25 April 2023
13.	Publication by the ExA of: <ul style="list-style-type: none"> • ExA's final itinerary for the ASI (if required) 	Friday 28 April 2023
14.	Publication by the ExA of: <ul style="list-style-type: none"> • Report on the Implications for European Sites (RIES) and any associated questions (if required) 	Tuesday 9 May 2023

	<ul style="list-style-type: none"> ExA's commentary on, or schedule of changes to, the dDCO (if required) 	
15.	Compulsory Acquisitions Hearing (CAH3) (if required)	Wednesday 10 May 2023
16.	Accompanied Site Inspection (ASI) (if required)	Thursday 11 May 2023
17.	Issue Specific Hearing (ISH3) On Environmental Matters	Tuesday 23 May 2023
18.	Issue Specific Hearing (ISH4) On Environmental Matters	Wednesday 24 May 2023
19.	Issue Specific Hearing (ISH5) On Environmental Matters	Thursday 25 May 2023
20.	<p>Deadline 4</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> Post-hearing submissions including written submissions of oral cases Comments on the ExA's commentary on, or schedule of changes to, the draft DCO (if required) Updated Status of negotiations with Statutory Undertakers Updated CA Schedule (if required) Comments on the RIES (if published) Requests by Affected Persons (defined in section 59(4) of the Planning Act 2008) to be heard at a Compulsory Acquisition Hearing (CAH) Requests by Interested Parties to be heard at a subsequent Open Floor Hearing (OFH) and participate at an Issue Specific Hearing (ISH) Draft Application Document Tracker (if required) Any further information requested by the ExA under Rule 17 of the Examination Rules 	Wednesday 31 May 2023

	<ul style="list-style-type: none"> Comments on any further information/submissions received by Deadline 3 	
21.	Publication by the ExA of: <ul style="list-style-type: none"> The ExA's Written Questions (ExQ2) (if required) 	Monday 5 June 2023
22.	Deadline 5 For receipt by the ExA of: <ul style="list-style-type: none"> Responses to ExQ2 (if published) Updated SoCG Updated SoC Draft Application Document Tracker (if required) An updated version of the dDCO in clean, tracked and word versions (if required as a result of the previously held Hearings) Any further information requested by the ExA under Rule 17 of the Examination Rules Comments on any further information/submissions received by Deadline 4 	Friday 16 June 2023
23.	Dates reserved (if required) for: <ul style="list-style-type: none"> Any Compulsory Acquisition Hearing Any Issue Specific Hearing Any Open Floor Hearing 	Week commencing 26 June 2023
24.	Deadline 6 For receipt by the ExA of: <ul style="list-style-type: none"> Comments on responses to ExQ2 (if published) Post-hearing submissions including written submissions (if required) Final SoCG Final SoC Updated Status of negotiations with Statutory Undertakers 	Wednesday 12 July 2023

	<ul style="list-style-type: none"> List of matters not agreed where SoCG could not be finalised Final Status of Negotiations with Statutory Undertakers An updated version of the dDCO in clean, tracked and word versions (if required) Comments on the dDCO Draft Application Document Tracker (if required) Comments on any further information/submissions received by Deadline 5 Any further information requested by the ExA under Rule 17 of the Examination Rules 	
25.	Publication by the ExA of: <ul style="list-style-type: none"> ExA's Further Written Questions (if required) 	Friday 21 July 2023
26.	Deadline 7 <ul style="list-style-type: none"> Response to Further Written Questions (if published) Final dDCO to be submitted by the Applicant in the SI template with the SI template validation report Final updated BoR and schedule of changes to BoR Final Guide to the Application Final Status of Negotiations CA Schedule Final NPS tracker Comments on any additional information/submissions received by Deadline 6 Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	Friday 04 August 2023
27.	Deadline 8 For receipt by the ExA of:	Friday 18 August 2023

	<ul style="list-style-type: none"> • Comments on responses to further Written Questions (if published) • Comments on any further information/submissions received by Deadline 7 • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	
28.	The ExA is under a duty to complete the Examination of the application by the end of the period of six months	Monday 21 August 2023

Source: [EN010110-000960-Rule 6 letter doc.pdf \(planninginspectorate.gov.uk\)](#)