



Preliminary Environmental Information Report

Chapter 5: Legislation and Policy

June 2021

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with energy.**



Report for

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5. Legislation and Policy

- 5.1.1 This chapter of the Preliminary Environmental Information Report (PEIR) presents a summary of the legislative and policy context relevant to the Proposed Development.
- 5.1.2 Under the Planning Act 2008 ('2008 Act'), projects will be defined as Nationally Significant Infrastructure Projects (NSIPs) if they meet certain criteria. With respect to the Proposed Development, it is classified as an a NSIP as it comprises an onshore generating station with a generating capacity of more than 50MW¹. Accordingly, a Development Consent Order (DCO) is required to authorise the Proposed Development². The Proposed Development also includes "associated development" for the purposes of the 2008 Act³, being development associated with the EfW CHP Facility, including the Grid Connection.
- 5.1.3 The 2008 Act requires that DCO applications must be determined in accordance with the relevant National Policy Statements (NPSs), subject to limited exceptions⁴. The NPSs provide the overarching principles relevant to major energy infrastructure and the policies against which applications Nationally Significant Infrastructure Projects (NSIPs), should be determined.
- 5.1.4 An assessment of the Proposed Development in terms of compliance with planning law and policies, would be provided in a separate report accompanying the DCO application.
- 5.1.5 Terms and abbreviations used within this chapter are defined in **Appendix 1F: Terms and Abbreviations**.

5.2 Consultation and stakeholder engagement

- 5.2.1 The assessment has been informed by consultation responses and ongoing stakeholder engagement. An overview of the approach to consultation is provided in **Chapter 4: Approach to the EIA**.
- 5.2.2 A summary of the relevant responses received in the EIA Scoping Opinion in relation to policy and legislation and confirmation of how these have been considered within the assessment to date is presented in **Table 5.1** below.

Table 5.1 Summary of EIA Scoping Opinion responses in relation to legislation and policy

Consultee	Issue raised	Response
PINS	The Inspectorate advises that Applicants make effort to ensure that relevant	The implications of the implications of the United Kingdom's exit from the European Union are described in Section 5.3

¹ 2008 Act s 15 (2)

² 2008 Act s 31

³ 2008 Act s 115 (2)

⁴ 2008 Act s 104



Consultee	Issue raised	Response
	consultation documents provide a clear description of the applicable legal position and any known changes likely to arise as a result of the exit process. Similarly, the Applicant should make effort(s) to ensure that assessments undertaken for the ES are prepared on the basis of known or likely changes in legal requirements prior to submission of any DCO application.	
PINS	The relevant NPSs may include environmental requirements for NSIPs, which Applicants should address within their ES.	A summary of the relevant NPS topics and confirmation of how these would be addressed in the DCO application is set out in Table 5.2 .
Cambridgeshire County Council	In the event that not all planning policy matters are fully addressed in the EIA/ES, then a separate Planning Statement should also be produced.	An overarching summary of the relevant legislative and policy context is provided in this Chapter and in the individual environmental topic chapters (6 to 18). A separate report would be provided with the DCO application to demonstrate compliance with all relevant planning policies, and further establishing the need for the Proposed Development in the context of the NPSs and local planning policy.
Cambridgeshire County Council	It is stated in the scoping report at paragraph 2.1.13 that a statement on the need for the proposed development would be provided as part of the DCO application. This should take account of the existing and emerging planning policy, and in the case of the emerging Minerals and Waste Local Plan, the Council's Waste Needs Assessment November 2019.	The need for the Proposed Development would be detailed in an accompanying report supported by a Waste Fuel Availability Assessment and submitted with the DCO application.
Cambridgeshire County Council	In addition to the site being allocated under Policy SSP W1C for Waste Recycling and Recovery, it is also safeguarded through a Waste Consultation Area designated under Policy SSP W8D, and the	The planning policies applicable to the EfW CHP Facility Site including any safeguarding have been described in Section 5.5 .



Consultee	Issue raised	Response
	overarching Core Strategy Policy CS30 Waste Consultation Areas. This is not mentioned in the scoping report.	
Cambridgeshire County Council	Para 3.3.2 is incorrect, as the allocated site Algores Way, Wisbech is not allocated through the Core Strategy, but the Site-Specific Proposals Plan, under Policy SSPW1C, not Policy WC1.	The planning policies applicable to the Site including planning allocations have been described in Section 5.5 .
Cambridgeshire County Council	As the scoping report approaches planning policy on a subject basis, it does not necessarily capture all the policies which are relevant to this proposal. One such policy is Core Strategy Policy CS29: The Need for Waste Management Development and the Movement of Waste. Another policy omitted is the overarching Policy CS2 Strategic Vision and Objectives for Sustainable Waste Management, which also needs to be taken into account in the EIA/ES or in a Planning Statement	The need for the Proposed Development would be detailed in an accompanying report supported by the Waste Fuel Availability Assessment submitted with the DCO application. Consideration would be given to the relevance of CS2 and CS29 of the Core Strategy.
Cambridgeshire County Council	The Algores Way, Wisbech site is safeguarded through the above Plan as a Waste Management Area, under Policy 10: Waste Management Areas. Policy 16: Consultation Areas addresses the Consultation Area around the site, which is not mentioned in the scoping report. The Waste Management Area and the associated Consultation Area is shown on the Proposed Submission Policies Map.	The planning policies applicable to the Site including planning allocations have been described in Section 5.5 .
Cambridgeshire County Council	The ES should fully consider how the proposal sits within the policies of both the current local Plan and the Emerging Local Plan	A report separate to the ES would be submitted with the DCO application and would set how the Proposed Development sits in the context of the current and emerging Local Plans for all the host authorities.



Consultee	Issue raised	Response
Cambridgeshire County Council	The ES needs to fully consider all parts of Policy 1 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.	A report, separate to the ES, would be submitted with the DCO application and would set how the Proposed Development sits in the context of the current and emerging Local Plans for all the host authorities.
Cambridgeshire County Council	The EIA/ES (or a Planning Statement) should ensure that all relevant policies are taken into account, including Policy 3 Waste Management Needs and Policy 4: Providing for Waste Management. Consideration should be given as to how the proposal sits against these policies, and other relevant evidence documents supporting the Local Plan, including the Waste Needs Assessment, November 2019 and Developing a Spatial Strategy for Waste Management Provision, November 2019.	A report, separate to the ES, would be submitted with the DCO application and would set how the Proposed Development sits in the context of the current and emerging Local Plans for all the host authorities.
Cambridgeshire County Council	The statement on the need for the development should take account of the existing and emerging planning policy, and in the case of the emerging Minerals and Waste Local Plan the Council's Waste Needs Assessment November 2019.	The need for the Proposed Development would be detailed in an accompanying report supported by the Waste Fuel Availability Assessment submitted with the DCO application. It would reflect the most up to date position with regard to the emerging Minerals and Waste Local Plan and the Council's Waste Needs Assessment November 2019.
Cambridgeshire County Council	The EIA/ES should address whether there is a need for an Energy from Waste facility when other existing and developing technologies for reducing waste and generating energy more sustainably are accounted for and show that this demonstrated need outweighs any negative implications in terms of emissions (and the climate emergency) and identify how these implications would be addressed.	The need for the Proposed Development would be detailed in an accompanying report supported by the Waste Fuel Availability Assessment submitted with the DCO application
Wisbech Town Council	The Town Council commented that the	Noted. The need for the Proposed Development would be detailed in an



Consultee	Issue raised	Response
	Proposed Development is not needed in Wisbech.	accompanying report supported by the Waste Fuel Availability Assessment submitted with the DCO application.

5.3 Legislative context

Planning Legislation

- 5.3.1 The 2008 Act establishes the nature and scale of development that is, or forms part of, a NSIP and for which development consent is required. The Proposed Development is a NSIP under Part 3 Section 14 of the 2008 Act by virtue of the fact that it comprises a generating station located in England and has a generating capacity of over 50 megawatts (see section 15(2) of the 2008 Act). It, therefore, requires an application to be submitted for a DCO.
- 5.3.2 The 2008 Act was amended through the adoption of the Localism Act 2011, which transferred decision-making responsibilities to the relevant Secretary of State (SoS) which for the Proposed Development is the Secretary of State for Business, Energy and Industrial Strategy (BEIS). Under the Localism Act 2011, the Planning Inspectorate (PINS) is responsible for the NSIP planning process and would examine the application for the Proposed Development (the 'Medworth EfW CHP Facility DCO' Application) and make a recommendation to the SoS to grant or refuse consent. On receipt of the report and recommendation from PINS, the SoS would then make the final decision on whether to grant the Medworth EfW CHP Facility DCO.
- 5.3.3 Sections 42, 47 and 48 of the 2008 Act place a duty on the Applicant to publicise and consult on the proposed application, before it can be submitted. This PEIR forms part of the suite of documents being consulted on by the Developer through the statutory pre-application consultation process.

Environmental Legislation

- 5.3.4 A summary of relevant environmental legislation is provided below. This summary is not exhaustive, and each individual environmental aspect chapter describes the legislation, policy and guidance relevant to its assessment (**Chapters 6 to 18**).
- 5.3.5 Any changes to relevant legislation would be updated and considered as the EIA process proceeds towards submission of the DCO Application.

Applicable EU Directives given effect in UK domestic legislation

- 5.3.6 UK environmental legislation is derived from a range of sources (including European Union (EU) directives, regulations and agreements) which are outlined in this Chapter. On 31 December 2020 the UK exited the European Union following the expiry of the "transition period", as provided for by the European Union (Withdrawal)



Act 2018⁵ (Withdrawal Act 2018). Sections 2-3 of the Withdrawal Act 2018, as amended, provide that direct EU legislation, and EU-derived domestic legislation, continue to have effect in UK domestic law after that date. In summary, the interpretation of any retained EU law is to be the same as it was before that date, insofar as the retained EU law remains unmodified in UK law and regulations have not been made providing otherwise (s. 6(3) of the Withdrawal Act 2018).

5.3.7

The following Directives, as they have been given effect in UK domestic legislation, are therefore relevant to the Proposed Development and are referred to where required in the relevant PEIR environmental topic **Chapters 6 to 18**:

- EIA Directive (2011/92/EU)⁶ (as amended by EIA Directive 2014/52/EU)⁷;
- Habitats Directive (92/43/EEC)⁸;
- Landfill Directive (1999/31/EC)⁹;
- Waste Framework Directive (2008/98/EC)¹⁰;
- The Industrial Emissions Directive (2010/75/EU)¹¹;
- The Waste Incineration Directive (2000/76/EC)¹²
- Energy Efficiency Directive (2012/27/EU)¹³;
- Air Quality Directive (2008/50/EC)¹⁴;
- Industrial Emissions Directive (2010/75/EU)¹⁵;
- Birds Directive (2009/147/EC)¹⁶;
- Medium Combustion Plant Directive (2015/2193/EU)¹⁷; and

⁵ European Union Withdrawal Act 2018. C 16.

⁶ European Union (2011). Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment.

⁷ European Union (2014). Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment.

⁸ European Union (1992). Directive 92/43/EEC of the European Parliament and of the Council of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora aims to promote the maintenance of biodiversity, taking account of economic, social, cultural and regional requirements.

⁹ European Union (1999). Directive 1999/31/EC of the European Parliament and of the Council of 26 April 1999 on the landfill of waste.

¹⁰ European Union (2008). Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives.

¹¹ European Union (2010). Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emission.

¹² European Union (2000). Directive 2000/76/EU of the European Parliament and of the Council of 4 December 2000 on waste incineration

¹³ European Union (2012). Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC.

¹⁴ European Union (2008). Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe.

¹⁵ European Union (2010). Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions.

¹⁶ European Union (2009). Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds.

¹⁷ European Union (2015). Directive 2015/2193/EU of the European Parliament and of the Council of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants.



- Environmental Liability Directive (2004/35/EC)¹⁸.

5.3.8

The purpose of the EIA Directive is to ensure that when an authority giving consent for a particular project makes its decision, it does so in the knowledge of any likely significant effects on the environment. The EIA Directive and national EIA Regulations (see below) set out a procedure that must be followed for certain types of project before they can be consented. An EIA provides for the systematic assessment of a project's likely significant environmental effects for consideration by both the public and the relevant competent authority before a decision is made. Further information of the process of EIA is provided in **Chapter 4: Approach to the EIA, Section 4.2** which also sets out regulatory definition for preliminary environmental information.

National Legislation

5.3.9

The following regulations are relevant to the Proposed Development and are referred to where required in the relevant PEIR topic **Chapters 6 to 17**:

- The Infrastructure Planning (Applications Prescribed Forms and Procedure (APFP)) Regulations 2009¹⁹;
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended)²⁰;
- Air Quality (England) Regulations 2000²¹;
- Control of Pollution Act 1974 (COPA) (as amended)²²;
- Environmental Protection Act 1990 (as amended)²³;
- Conservation of Habitats and Species Regulations 2017²⁴;
- Wildlife and Countryside Act 1981 (as amended)²⁵;
- The Natural Environment and Rural Communities Act 2006 ('NERC') (as amended)²⁶;
- Flood and Water Management Act 2010²⁷;
- Water Environment (Water Framework Directive) (England and Wales) Regulations 2017²⁸;
- The Environmental Permitting (England and Wales) Regulations 2016 (as amended)²⁹;

¹⁸ European Parliament (2004). Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage.

¹⁹ The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. SI 2009 No. 2264.

²⁰ The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. SI 2017 No. 572.

²¹ The Air Quality (England) Regulations 2000. SI 2000 No. 928.

²² The Control of Pollution Act (CoPA) 1974. SI 1974 c.40.

²³ The Environmental Protection Act 1990. SI 1990 c.43.

²⁴ The Conservation of Habitats and Species Regulations 2017. SI 2017 No. 1012.

²⁵ The Wildlife and Countryside Act 1981. SI 1981 c.69.

²⁶ The Natural Environment and Communities Act 2006. SI 2006 c.16.

²⁷ The Flood and Water Management Act 2010. SI 2010 c.29.

²⁸ The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. SI 2017 No. 407

²⁹ The Environmental Permitting (England and Wales) Regulations 2016. SI 2016 No. 1154.



- The Planning (Listed Buildings and Conservation Areas) Act 1990³⁰
- The Water Resources Act 1991³¹;
- The Land Drainage Act 1991³²; and
- The Water Act 2003³³.

5.4 National planning policy context

National Policy Statements

- 5.4.1 Section 104 of the 2008 Act applies in cases where a NPS has effect and is therefore applicable to the Proposed Development as NPS EN-1 and NPS EN-3 (see below) apply to energy from waste schemes, and NPS EN-5 is relevant to the Grid Connection. The Secretary of State's decision on the DCO application for the Proposed Development must therefore be made in accordance with the relevant designated NPSs, unless one or more of the exceptions set out in Section 104 (subsections 4 to 8) of the 2008 Act applies.
- 5.4.2 The National Policy Statements relevant to the Proposed Development are:
- Overarching National Policy Statement for Energy³⁴ (EN-1);
 - National Policy Statement for Renewable Energy Infrastructure³⁵ (EN-3); and
 - National Policy Statement for Electricity Networks Infrastructure³⁶ (EN-5).
- 5.4.3 In addition to the NPS, the Secretary of State is required to have regard to factors such as any local impact report provided by a relevant local authority, the desirability of preserving a listed building or its setting (where relevant), and any other matters which the Secretary of State considers to be both important and relevant to his decision.
- 5.4.4 The NPSs relevant to the Proposed Development were produced by the former Department of Energy and Climate Change (DECC), now the Department for Business, Energy and Industrial Strategy (BEIS), and designated in July 2011.
- 5.4.5 NPS EN-1 sets out the Government's policy for the delivery of major energy infrastructure in England and Wales. It recognises that there is a requirement to provide new energy infrastructure to meet the need for 59GW of new electricity capacity across the UK by 2025.
- 5.4.6 Paragraph 4.1.2 states that given the level and urgency of need for infrastructure covered by Part 3 of NPS-EN1, the decision maker should start with a presumption in favour of granting consent to applications for energy NSIPs. The presumption applies unless any more specific policies set out in relevant NPSs clearly indicate

³⁰ The Planning (Listed Buildings and Conservation Areas) Act 1990 SI 1990 c.17.

³¹ The Water Resource Act 1991. SI 1997 c.57.

³² The Land Drainage Act 1991. SI 1991 c.59.

³³ The Water Act 2003. SI 2003 c.37.

³⁴ Department of Energy and Climate Change (2011). Overarching National Policy Statement for Energy (EN-1).

³⁵ Department of Energy and Climate Change (2011). National Policy Statement for Renewable Energy Infrastructure (EN-3).

³⁶ Department of Energy and Climate Change (2011). National Policy Statement for Electricity Networks (EN-5).



that consent should be refused, subject to the provisions of Section 104 of the PA 2008.

- 5.4.7 NPS EN-3 is relevant to the Proposed Development since it applies to nationally significant energy from waste infrastructure in England and Wales with over 50MW electrical generating capacity.
- 5.4.8 NPS EN-5 is relevant to the Proposed Development since it applies to electricity networks in England with a voltage of 132 kilovolt (kV) or higher which are carried on towers/poles or buried underground, as well as associated infrastructure including substations.
- 5.4.9 The UK Government announced a review of the energy NPS within the Energy White Paper³⁷. The Energy White Paper confirms that the current NPSs remain in force during the review process and are therefore the applicable policy against which the Proposed Development should be assessed and which form the basis of the SoS decision under s.104 of the 2008 Act. Potential changes to the energy NPSs would be monitored leading up to the submission of the DCO application.
- 5.4.10 A summary of the relevant NPS topics and confirmation of how these have been addressed in the PEIR, and would be further addressed in the DCO application, is set out in **Table 5.2** below.

Table 5.2: Relevant NPS Topics

Topic	Relevant PEIR Chapter	How this is addressed in the PEIR and where relevant the subsequent DCO application.
Overarching National Policy Statement for Energy (EN-1)		
4.2 Environmental Statement – cumulative effects	Chapter 18: Cumulative Effects Assessment	A preliminary cumulative effects assessment has been provided as part of the PEIR, setting out the proposed methodology for identifying plans / projects for inclusion in the assessment, and identifying any likely significant cumulative effects. It provides a preliminary assessment of likely significant inter-project effects. An updated assessment would be provided as part of the ES accompanying the DCO application.
4.2 Environmental statement - flexibility	Chapter 3: Description of the Proposed Development; and Chapter 4: Approach to the EIA	The PEIR has been carried out on the basis of maximum design parameters, which would be reviewed in light of consultation responses and where appropriate revised for the purposes of the ES A description of the Proposed Development for the purposes of the PEIR, including these maximum parameters is available in

³⁷ HM Government (2020). Energy White Paper: Powering our Net Zero Future.



Topic	Relevant PEIR Chapter	How this is addressed in the PEIR and where relevant the subsequent DCO application.
4.3 Habitat and Species Regulations	Draft Habitat Regulations Assessment Screening Report	<p>Chapter 3: Description of the Proposed Development.</p> <p>A Habitat Regulations Assessment (HRA) Report would be submitted as part of the DCO application, including sufficient information to inform an Appropriate Assessment (if required). A record of engagement with Natural England would be provided in the Report. A Draft Habitat Regulations Assessment Screening Report identifying sites for consideration in the HRA accompanies this PEIR.</p>
4.4 Alternatives	Chapter 2: Project Alternatives	<p>Chapter 2 of the PEIR includes a description of the main alternatives considered and the main reasons why choices were selected. This would be further refined for the ES which would accompany the DCO application.</p>
4.5 Good design	Chapter 3: Description of the Proposed Development	<p>Chapter 2 of the PEIR explains the process of design iteration undertaken to date whilst Chapter 3 describes the design of the Proposed Development. These chapters would be updated following statutory consultation and submitted as part of the ES. A separate statement setting out the design principles would be provided as part of the DCO application.</p>
4.8 Climate change Adaptation	Chapter 3: Description of the Proposed Development, Chapter 12: Hydrology and Chapter 14: Climate Change	<p>The PEIR sets out a preliminary assessment of how the projected impacts of climate change have been assessed and the design measures built into the development to ensure climate resilience. This would be further refined for the ES which would accompany the DCO application.</p>
4.13 Health	Chapter 16: Health	<p>The PEIR provides a preliminary assessment of adverse health impacts and proposed mitigation measures to avoid and reduce these impacts. This would be further refined for the ES.</p>
5.2 Air quality and emissions	Chapter 8: Air Quality	<p>The PEIR includes a description of baseline air quality levels, the changes to these levels, significant air emissions and any proposed</p>



Topic	Relevant PEIR Chapter	How this is addressed in the PEIR and where relevant the subsequent DCO application.
		mitigation measures. This would be further refined for the ES.
5.3 Biodiversity and geological conservation	Chapter 11: Biodiversity and Chapter 13: Geology, Hydrogeology and Contaminated Land	The PEIR includes a preliminary assessment of the effects on designated and non-designated sites of ecological and geological importance, and habitats and species along with any identified mitigation measures. This would be further refined for the ES.
5.4 Civil and military aviation and defence interests	Chapter 3: Description of the Proposed Development	<p>The Scoping Opinion included consultation responses from the relevant consultees. Chapter 3 references the intention to instal aviation lighting in response to the comments raised.</p> <p>Any further engagement with the Ministry of Defence, the Civil Aviation Authority, NATS and any aerodrome potentially affected resulting from statutory consultation would be provided in the ES.</p>
5.6 Dust, odour, artificial light, smoke, steam and insect infestation	Chapter 8: Air Quality and Chapter 9: Landscape and Visual.	<p>A Statement of Statutory Nuisances would be provided as part of the DCO application.</p> <p>The preliminary assessment of dust emissions is considered in the assessment of air quality Chapter 8 of the PEIR.</p> <p>The impacts of artificial light are identified in PEIR Chapter 9. A final assessment would be presented in the ES which would accompany the DCO application.</p>
5.7 Flood risk	Chapter 12: Hydrology and Appendix 12A: Draft Flood Risk Assessment	<p>A Flood Risk Assessment has been provided as Appendix 12A in the PEIR. This would be finalised following statutory consultation and presented as an ES Appendix.</p> <p>Engagement undertaken with the Environment Agency in relation to the Flood Risk Assessment is presented within Appendix 12A and any additional consultation would be reported in the document which would accompany the DCO application.</p>



Topic	Relevant PEIR Chapter	How this is addressed in the PEIR and where relevant the subsequent DCO application.
5.8 Historic environment	Chapter 10: Historic Environment	A preliminary assessment of the effects on the historic environment including a description of the heritage assets, a desk based archaeological assessment, and an assessment of the significance of impact on heritage assets is provided in the PEIR. This would be further refined for the ES.
5.9 Landscape and visual	Chapter 9: Landscape and Visual	The PEIR includes a preliminary assessment of the impacts on landscape character in accordance with relevant guidance, and the potential impact on views and visual amenity.
5.10 Land use including open space, green infrastructure and Green Belt	Chapter 13: Geology, Hydrogeology and Contaminated Land and Chapter 15: Socio-economics.	<p>The PEIR includes a description of the anticipated impact of the Proposed Development on existing and proposed land uses.</p> <p>It also includes a preliminary assessment of the impact on agricultural land and soil resources.</p> <p>This would be further refined for the ES.</p>
5.11 Noise and vibration	Chapter 7: Noise and Vibration	<p>The PEIR includes a preliminary assessment of operational noise. An operational noise assessment including the requirements set out in EN-1 would be provided in the ES. The relevant standards and guidance would be used in the assessment.</p> <p>The PEIR also contains a preliminary assessment of the noise impacts on protected species and other wildlife.</p> <p>The PEIR also demonstrates how noise mitigation has been embedded into the design of the Proposed Development.</p> <p>These assessments would be further refined for the ES.</p>
5.12 Socio-economic	Chapter 15: Socio-economics	The PEIR includes a preliminary assessment of socio-economic impacts, including the creation of jobs and training opportunities, the impacts on local services and tourism, and the impact of the influx of workers. The existing socio-



Topic	Relevant PEIR Chapter	How this is addressed in the PEIR and where relevant the subsequent DCO application.
		economic conditions are described, and consideration given to relevant local planning policies. This would be further refined for the ES.
5.13 Traffic and transport	Chapter 6: Traffic and Transport	The PEIR includes a preliminary transport assessment in accordance with the requirements of EN-1. This would be further refined for the ES.
5.14 Waste management	Chapter 3: Description of the Proposed Development; and draft Construction Environmental Management Plan	The PEIR includes a description of the measures proposed for managing waste, and the ability of waste management facilities to accommodate this waste. Waste minimisation measures are set out in the draft Construction Environmental Management Plan (CEMP) which accompanies the PEIR. This would be further refined following statutory consultation and would be submitted as part of the DCO application.
5.15 Water quality and resources	Chapter 12: Hydrology	<p>The PEIR includes a description of the impact of the Proposed Development on water quality, water resources and the physical characteristics of the water environment in accordance with the requirements set out in EN-1. This would be further refined for the ES.</p> <p>A Water Framework Directive assessment would also be provided to demonstrate the regard had to River Basin Management Plans.</p>
National Policy Statement for Renewable Energy (EN-3)		
2.3 Climate change adaptation	Chapter 12: Hydrology and Appendix 12A: Draft Flood Risk Assessment, Chapter 14 Climate Change;	The PEIR chapters referenced identify the potential effects arising from climate changes and the measures taken to ensure adaptation/resilience. These would be developed in response to statutory consultation and the finalisation of the relevant assessments and would be reported in the ES.
2.4 Good design	Chapter 2: Alternatives, Chapter 3: Description of the Proposed Development;	A statement establishing the design principals would be provided as part of the DCO application setting out how the Proposed Development as applied 'good design' criteria.



Topic	Relevant PEIR Chapter	How this is addressed in the PEIR and where relevant the subsequent DCO application.
		<p>The PEIR sets out how good design has been considered in respect to landscape and visual amenity, and in the design of mitigation for noise and ecology. It also explains the alternative designs considered and the reasons for the selection of the preferred design in Chapter 2. This would be further refined for the ES.</p>
2.5 Fuels	Draft Waste Fuel Availability Assessment	<p>The Waste Fuel Availability Assessment submitted with the DCO application would set out the fuel types processed by the EfW CHP Facility and outline conformity with the waste hierarchy. A draft is available as part of the PEIR.</p>
2.5 Combustion plant types and scale	Chapter 3: Description of the Proposed Development, Chapter 6: Traffic and Transport and Chapter 8: Air Quality	<p>The PEIR contains a preliminary assessment of the maximum throughput of the Facility. This would be confirmed in the description of the Proposed Development for the ES.</p>
2.5 Transport Infrastructure	Chapter 3: Description of the Proposed Development, and Chapter 6: Traffic and Transport	<p>A description of the access improvement works is provided in the description of the Proposed Development as part of the PEIR, and the impacts of these works have been preliminarily assessed in all relevant chapters of the PEIR. These would be further refined for the ES.</p>
2.5 Combined Heat and Power ('CHP')	Chapter 3: Description of the Proposed Development	<p>A CHP Connection has been incorporated into the design of the Proposed Development. This has been described and assessed in the PEIR and the assessments would be further refined for the ES.</p>
2.5 Flexibility in the project details	Chapter 3: Description of the Proposed Development	<p>Design flexibility would be sought in the DCO, the ES would justify why this flexibility is sought, and provide a description of the maximum design parameters. A description of the Proposed Development for the purposes of the PEIR is available in Chapter 3: Description of the Proposed Development.</p>
2.5 National designations	Chapter 9: Landscape and Visual and Chapter 11: Biodiversity.	<p>The PEIR contains a preliminary assessment of the impact on any designated sites within the relevant study areas. This would be further refined for the ES.</p>



Topic	Relevant PEIR Chapter	How this is addressed in the PEIR and where relevant the subsequent DCO application.
2.5 Air Quality and emissions	Chapter 8: Air Quality	The PEIR includes a preliminary assessment of emissions to air and demonstrates compliance with the Waste Incineration Directive (as it applies in UK domestic legislation). This would be further refined for the ES.
2.5 Landscape and visual	Chapter 3: Description of the Proposed Development, Chapter 9: Landscape and Visual	The PEIRs includes a preliminary assessment of the landscape and visual impacts of the Proposed Development. Consideration is also given to landscaping mitigation. This would be further refined for the ES. 'Good design' would be employed, and the architectural treatment of the Facility would be described in the DCO Application.
2.5 Noise and vibration	Chapter 3: Description of the Proposed Development and Chapter 7: Noise and Vibration	The PEIR contains a preliminary assessment of sources of noise relevant to EfW CHP Facilities and consider the impact on amenity. Mitigation measures built into the design of the Proposed Development are described in the PEIR. This would be further refined for the ES.
2.5 Odour, insect and vermin infestation	Chapter 3: Description of the Proposed Development, Chapter 8 Air Quality	Chapter 3 of the PEIR describes the measures embedded into the design to address odour and infestation. Chapter 8 considers the potential for environmental effects based upon the odour control measures proposed. These would be confirmed and updated for the ES. A Statement in respect of Statutory Nuisances would be provided as part of the DCO application.
2.5 Waste management	Draft Waste Fuel Availability Assessment	The draft Waste Fuel Availability Assessment is submitted with the PEIR. The final document submitted with the DCO application would outline conformity with the waste hierarchy and the effect of the Proposed Development on the relevant waste plans.
2.5 Residue management	Chapter 3: Description of the Proposed Development; and draft Construction Environmental Management Plan	The PEIR includes a description of the production and disposal of residues.



Topic	Relevant PEIR Chapter	How this is addressed in the PEIR and where relevant the subsequent DCO application.
National Policy Statement for Electricity Networks (EN-5)		
2.4 Climate change adaptation	Chapter 3: Description of the Proposed Development, Chapter 12: Hydrology and Chapter 14: Climate Change	The PEIR describes whether the Proposed Development would be vulnerable to climate change, and measures proposed to ensure resilience. The PEIR also considers the impact of flooding, particularly for substations, the effects of wind and storms on overhead lines, the effect of higher average temperatures on potential transmission losses, and the impact of earth movement or subsidence caused by flooding or drought for underground cables. These would be further refined for the ES.
2.5.2 Consideration of good design	Chapter 3: Description of the Proposed Development	A Design and Access Statement would be provided as part of the DCO application setting out how the Proposed Development has applied 'good design' criteria.
2.7 Biodiversity and Geological Conservation	Chapter 11: Biodiversity and draft Habitat Regulations Assessment Screening Report	The impact of the Proposed Development and any in-combination proposals on biodiversity, including ornithology receptors, is considered as part of the PEIR and would be further refined for the ES and in the HRA.
2.8 Landscape and Visual	Chapter 9: Landscape and Visual.	The PEIR sets out how the overhead line has been routed and designed to minimise landscape and visual effects, including the consideration given to National Grid's Guidelines for the Routeing of New High Voltage Overhead Transmission Lines (known as "the Holford Rules").
2.10 Noise and Vibration	Chapter 7: Noise and Vibration	The PEIR includes a preliminary assessment of rain induced noise due to overhead lines. This would be further refined for the ES.
2.10 Electric and Magnetic Fields (EMFs)	n/a	The EMF effects of the Grid Connection would be assessed within the ES following the selection of the route option.



National Planning Policy Framework

- 5.4.11 Regard would also be had to the National Planning Policy Framework³⁸ (NPPF). Whilst paragraph 5 of the NPPF states that it does not contain specific policies for NSIPs, the NPPF itself may be considered by the Secretary of State to be an “important and relevant” consideration to its decision in accordance with S104 of the 2008 Act. The NPPF sets out the Government’s economic, environmental and social planning policies for England and how these should be applied. The NPPF helps inform decision-making on planning applications as well as the production of local and neighbourhood plans.
- 5.4.12 The NPPF is supported by The National Planning Practice Guidance³⁹ (NPPG). The NPPG is available as a web-based resource.
- 5.4.13 Although the NPPF does not contain policy relating to NSIPs, it does include policies pertinent to generic development management considerations and some of its principles may be considered where relevant to the Proposed Development. These principles are concerned with protection and conservation of the natural and built and historic environment, climate change and flooding as well as sustainable growth, development and a strong, competitive economy.
- 5.4.14 The individual environmental topic chapters include a summary of the NPPF paragraphs relevant to them.

National Planning Policy for Waste

- 5.4.15 The National Planning Policy for Waste⁴⁰ (NPPW), published in October 2014, sets out the Government’s ambition to develop a more sustainable and efficient approach to resource use and management. It should be read in conjunction with the NPPF.
- 5.4.16 NPPW provides the planning framework to enable local authorities to put forward strategies that identify sites and areas suitable for new or enhanced facilities to meet the waste management needs of their areas.
- 5.4.17 NPPW Paragraph 1 states that “positive planning plays a pivotal role in delivering this country’s waste ambitions” through:
- delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy;
 - providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle;
 - ensuring that waste management is considered alongside other spatial planning concerns;

³⁸ Ministry of Housing, Communities & Local Government (2019). National Planning Policy Framework.

³⁹ Ministry of Housing, Communities & Local Government (2019). Planning Practice Guidance. Available online at <https://www.gov.uk/government/collections/planning-practice-guidance> [Accessed 8 April 2021].

⁴⁰ Department for Communities and Local Government (2014). National Planning Policy for Waste.



- helping to secure the re-use, recovery and disposal of waste; and
- ensuring the design and layout of new development and other infrastructure complements sustainable waste management.

5.5 Local Planning Policy Context

5.5.1 In deciding applications, the Secretary of State is also required to have regard to any other matters which the Secretary of State thinks are both important and relevant to the decision. Paragraph 4.1.5 of NPS EN-1 clarifies that Development Plan Documents or other documents in Local Development Frameworks may be both important and relevant considerations to the Secretary of State's decision making. However, as confirmed by NPS EN-1 (paragraph 4.1.5), any conflict between the National Policy Statements and local policy is resolved by the principle that policy of the National Policy Statements 'prevails'. Weight may also be given to emerging planning policy according to their stage of preparation, the level of objections and the degree of consistency with the relevant NPS.

5.5.2 A description of the relevant Plans is provided below.

Cambridgeshire County Council

5.5.3 The EfW CHP Facility, CHP Connection, Access Improvements and part of the Grid Connection are located within Cambridgeshire County Council's administrative area. The current adopted development plans relevant to this area include:

- The Cambridgeshire and Peterborough Minerals and Waste Core Strategy⁴¹ and Proposals Map C: Mineral Safeguarding Areas (adopted by Cambridgeshire County Council and Peterborough City Council on 19 July 2011); and
- Site Specific Proposals Development Plan Document⁴² (adopted by Cambridgeshire County Council and Peterborough City Council on 22 February 2012).

5.5.4 The EfW CHP Facility Site is currently allocated in the Site-Specific Proposals Plan, under Policy SSPW1C as a waste management area. It is also located in a Waste Consultation Area designated under Policy SSP W8D, and the overarching Core Strategy Policy CS30 Waste Consultation Areas.

5.5.5 Cambridgeshire County Council and Peterborough City Council are in the process of reviewing their joint Minerals and Waste Development Plan. Consultation on the Proposed Submission (Publication) Draft Local Plan⁴³ took place between 15 November 2019 and 9 January 2020. Policy 10 of the Draft Plan safeguards the EfW CHP Facility Site for waste management use.

⁴¹ Cambridgeshire County Council and Peterborough City Council (2011). Cambridgeshire and Peterborough Minerals and Waste Development Plan.

⁴² Cambridgeshire County Council and Peterborough City Council (2012). Site Specific Proposals Development Plan Document

⁴³ Cambridgeshire County Council and Peterborough City Council (2019). Cambridgeshire and Peterborough Minerals and Waste Local Plan Proposed Submission (Publication) Draft.



- 5.5.6 On 24 March 2020 the Councils submitted the new Cambridgeshire and Peterborough Minerals and Waste Local Plan to the government for examination.
- 5.5.7 During the examination a number of proposed changes (Main Modifications) to the Minerals and Waste Local Plan were identified. The councils consulted on the suggested modifications between 4 November and 15 December 2020 and following this consultation submitted the representations received, and the Councils' responses⁴⁴ to the inspector in January 2021.
- 5.5.8 The Inspectors Report on the Examination of the Cambridgeshire and Peterborough Minerals and Waste Local Plan⁴⁵ published on 26 March 2021 concluded that the Plan is sound, subject to a number of main modifications. The report's content remains under consideration by the respective councils; however, the Developer understands that subject to ratification by the councils, the Plan is likely to be adopted before submitting the DCO for the Proposed Development. The Developer would monitor the situation in the period leading up to the submission of the DCO application and consideration would be given to the extent to which the Proposed Development complies with the relevant policies. This consideration would be set out in a report which accompanies the DCO application.

Supplementary Planning Documents

- 5.5.9 The following Supplementary Planning Documents (SPDs) are relevant to the Proposed Development:
- Location and Design of Waste Management Facilities SPD⁴⁶ (July 2011); and
 - Cambridgeshire Flood and Water Supplementary Planning Document⁴⁷ (2016).
- 5.5.10 The Location and Design of Waste Management Facilities SPD guides the location and design of waste management facilities in Cambridgeshire and Peterborough and seeks to ensure high quality facilities in design and operation. It sets out principles on good planning and design and provides guidance in terms of location.
- 5.5.11 It is expected that this document would be updated as part of the emerging Minerals and Waste Local Plan. This would be monitored in the period leading up to the submission of the DCO application.
- 5.5.12 The Flood and Water SPD provides guidance on the implementation of flood and water related policies in each Cambridgeshire authority's respective local plan. It includes advice on how to address flood risk in the planning process including specific guidance on the principles of managing flood risk with the emphasis that it should be considered at all stages of the planning process.

⁴⁴ Cambridgeshire County Council and Peterborough City Council (2021). Cambridgeshire and Peterborough Minerals and Waste Local Plan Draft Schedule of Councils' Post Submission Suggested Modifications.

⁴⁵ The Planning Inspectorate (2021). Report to Cambridgeshire County Council and Peterborough City Council. Report on the Examination of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

⁴⁶ Cambridgeshire County Council and Peterborough City Council (2011). Cambridgeshire County Council and Peterborough City Council Supplementary Planning Document: The Location and Design of Waste Management Facilities.

⁴⁷ Cambridgeshire Local Planning Authorities (2016) Cambridgeshire Flood and Water Supplementary Planning Document.



Fenland District Council

- 5.5.13 The EfW CHP Facility Site, CHP Connection, Access Improvement and part of the Grid Connection are also located within Fenland District. The current adopted development plan relevant to this area is the Fenland Local Plan⁴⁸ (adopted May 2014).
- 5.5.14 A number of site allocations are included in the plan and those close to the Proposed Development site such as West, South and East Wisbech have been reviewed to inform the cumulative effects assessment in **Chapter 18**.
- 5.5.15 The Fenland Local Plan is also under review and the Issues & Options Consultation Document⁴⁹ was consulted upon between 11 October 2019 to 21 November 2019.
- 5.5.16 The consultation document asked a number of questions which included how the district should grow, including questions on the Government target of 11,550 homes for the district, whether settlement boundaries should be hard or flexible and how growth should be distributed across the settlements. It also sought to canvass opinion on the sort of policies that the new local plan should consider, referring to topics such as health, renewable energy, energy efficiency, low carbon and greenhouse gas reduction along with policy topics concerned with good design, the environment, housing and employment.
- 5.5.17 Informed by consultation, a draft version of the Local Plan was due to be published for public consultation in summer 2020. However, due to the ongoing COVID-19 pandemic, the preparation of the Local Plan was delayed. Consultation on the draft local plan was due to take place in February 2021, but this has yet to take place. The progress of this Local Plan would be monitored during the preparation of the ES.

Supplementary Planning Documents

- 5.5.18 The following SPDs are relevant to the Proposed Development:
- Delivering and Protecting High Quality Environments in Fenland⁵⁰ (July 2014).
- 5.5.19 The document expands upon adopted Local Plan policies providing additional guidance on how development can secure good design. Local Plan policies expanded upon include those concerned with biodiversity, landscaping, local distinctiveness and character. There is also guidance on how to provide for waste management facilities at development and the importance of measures to avoid harmful effects.

Other relevant strategies

- 5.5.20 The Wisbech Access Strategy⁵¹ (WAS) is a package of individual transport schemes that aim to improve the transport network in Wisbech and support new housing and

⁴⁸ Fenland District Council (2014). Fenland Local Plan.

⁴⁹ Fenland District Council (2019). Fenland Local Plan 2019-2040 Issues and Options Consultation.

⁵⁰ Fenland District Council (2014). Delivering and Protecting High Quality Environments in Fenland

⁵¹ Fenland District Council (2018). Wisbech Access Strategy. Available online at: <https://www.fenland.gov.uk/wisbechaccess#:~:text=The%20Wisbech%20Access%20Strategy%20is%20a%20package%20of,address%20the%20current%20problems%20on%20the%20transport%20network> [Accessed 8 April 2021].



employment growth as identified within the Fenland Local Plan and the Kings Lynn and West Norfolk Local Plan.

5.5.21 Transport schemes within the WAS relevant to the Proposed Development include:

- A47 Cromwell Road;
- A47 Elm High Road;
- A47 Broadend Road; and
- Southern Access Road.

5.5.22 These schemes are taken into consideration within **Chapter 6: Traffic and Transport**.

Norfolk County Council

5.5.23 The Grid Connection would be partially located within the boundary of Norfolk County Council. The current adopted Minerals and Waste Development Framework relevant to this area includes:

- Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010 – 2026⁵² (adopted 2011);
- Waste Site Specific Allocations Development Plan Document⁵³ (DPD) (adopted 2013); and
- Revised PDF policies map⁵⁴ and the revised interactive policies map⁵⁵.

5.5.24 Collectively these documents provide the policy framework against which planning application for waste (and mineral) development would be assessed. They include site allocated for waste management facilities. The site allocations have been reviewed to inform the cumulative effects assessment **Chapter 18**.

5.5.25 This current Framework is under review and aims to consolidate the above documents, and the Minerals Site Specific Allocations Development Plan Document into a single Plan. As currently written the documents

5.5.26 A draft Preferred Options document⁵⁶ was subject to consultation between September to October 2019. Consultation on the pre-submission draft publication was due to occur in February / March 2021, but at the time of PEIR publication it has yet to take place. The adoption of the plan is anticipated to take place in June

⁵² Norfolk County Council (2011). Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010 – 2026.

⁵³ Norfolk County Council (2013). Waste Site Specific Allocations Development Plan Document.

⁵⁴ Norfolk County Council (2017). Revised Policies Map (PDF).

⁵⁵ Norfolk County Council (2017). Adopted Revised Policies Map. Available online at: <https://norfolk.opus4.co.uk/planning/localplan/maps/globalmap#/x:599779/y:312750/z:0/b:15/o:1253,o:1254,o:1255,o:1256,o:1257,o:1258,o:1259,o:1260,o:1261,o:1262,o:1263,o:1264,o:1265,o:1266,o:1267,o:1268,o:1271,o:1272,o:1273,o:1274,o:1275,o:1276,o:1277,o:1278,o:1279,o:1280,o:1281,o:1282,o:1283,o:1284,o:1285,o:1286,o:1287,o:1288,o:1289,o:1290,o:1291,o:1292,o:1293,o:1294,o:1295,o:1297,o:1298,o:1299,o:1300,o:1301,o:1302,o:1303,o:1304,o:1305,o:1306,o:1307,o:1308,o:1309,o:1479,o:1480,o:1481,o:1482,o:1483,o:1490,o:1491,o:1492,o:1493,o:1494> [Accessed 8 April 2021].

⁵⁶ Norfolk County Council (2019). Preferred Options Consultation Document.



2022⁵⁷. The progress of this local plan would be monitored during the preparation of the ES.

King's Lynn and West Norfolk Borough Council

5.5.27 The Grid Connection would be partially located within the boundary of King's Lynn and West Norfolk Borough Council. The current adopted Local Plan comprises of:

- The Core Strategy⁵⁸ (adopted in 2011); and
- The Site Allocations and Development Management Policies Plan⁵⁹ (adopted 2016) which includes the site specific allocations such as Wisbech Fringe - Land east of Wisbech (west of Burrowgate Road) the identification of which has informed the selection of the Grid Connection Options and is considered within the cumulative effects assessment, **Chapter 18**.

5.5.28 The adopted Core Strategy is currently under review. A draft Local Plan⁶⁰ was subject to consultation from 4 March 2019 to 29 April 2019. Publication of the pre-submission draft of the plan for consultation is due to take place in 2021 with the adoption of the Local Plan review anticipated to take place in early 2023⁶¹. The progress of this local plan would be monitored during the preparation of the ES.

⁵⁷ Norfolk County Council (2019). Minerals and Waste Development Scheme. Available online at: <https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning-policies/minerals-and-waste-development-scheme> [Accessed 30 March 2021].

⁵⁸ King's Lynn and West Norfolk Borough Council (2011). Local Development Framework - Core Strategy.

⁵⁹ King's Lynn and West Norfolk Borough Council (2016). Site Allocations and Development Management Policies Plan.

⁶⁰ King's Lynn and West Norfolk Borough Council (2019). Draft Local Plan Review 2019. Available online at: <https://west-norfolk.objective.co.uk/portal/lpr2019/lpr2019?pointId=5170767> [Accessed 30 March 2021].

⁶¹ King's Lynn and West Norfolk Borough Council (2021). Local Development Scheme. Available online at: https://www.west-norfolk.gov.uk/info/20214/emerging_local_plan_review/500/local_development_scheme [Accessed 30 March 2021].

