

# FENLAND DISTRICT COUNCIL PRESS RELEASE

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## Consideration of legal challenge in bid to block Wisbech incinerator

Fenland District Council will decide on Monday (Feb 26) whether to seek legal advice on a potential challenge to the Secretary of State's decision to allow Wisbech incinerator to be built.

The Medworth CHP Ltd energy from waste combined heat and power facility at Algores Industrial Estate in Wisbech was given the go ahead by Secretary of State for the Department for Energy Security and Net Zero Clare Coutinho MP on Tuesday (Feb 20) despite widespread opposition in and around Fenland.

The incinerator was opposed by Fenland District Council, Wisbech Town Council, Cambridgeshire County Council, Norfolk County Council, and the Borough Council of King's Lynn and West Norfolk, as well as local action groups and hundreds of residents because of its scale and potential negative impacts on residents.

Cllr Steve Tierney, district councillor for Wisbech South, has put forward a motion to Fenland's full council, which says: "This decision is a slap in the face for the local democratic process and has resulted in real fear and understandable anger in the local community."

The Secretary of State's decision cannot be appealed but there may be a chance to challenge it at judicial review.

The motion before Fenland District Council asks members to agree to "authorise officers to instruct legal counsel with appropriate expertise to provide their opinion in respect of this decision and the way in which it has been made by the Secretary of State, specifically to advise whether there are any grounds for a judicial review to be sought to overturn this decision, and the likelihood that any such judicial review would be successful."

The motion proposes that officers discuss with Wisbech Town Council, Cambridgeshire County Council, Norfolk County Council, King's Lynn and West Norfolk Borough Council and Cambridgeshire and Peterborough Combined Authority whether they would contribute towards the cost of a judicial review should it be possible to pursue one.

The Secretary of State's decision prompted Fenland District Council's leader Cllr Boden to request chairman of the council Cllr Nick Meekins to judge it an exceptional development justifying an amendment to the agenda of Monday's Full Council meeting, permitting the motion to be put before the meeting.

This afternoon (Wednesday, February 21), the Secretary of State's decision was removed from the Planning Inspectorate's website.

A message appeared that said: "We have removed previously published content."

“Clarification is being sought on the Medworth Energy from Waste Combined Heat and Power Facility Development Consent Decision. A further update will be provided in due course.”

Following the Secretary of State’s decision on Tuesday (Feb 20) the company behind the Medworth ‘Energy from Waste Combined Heat and Power (EfW CHP) Facility’ MVV, issued the following statement: “The Medworth EfW CHP Facility will recover useful energy in the form of electricity and steam from over half a million tonnes of non-recyclable municipal (household), commercial and industrial waste each year.

“It has a generating capacity of over 50 megawatts; the steam and electricity can be used locally and excess electricity will be exported to the grid.

“MVV’s Managing Director, Paul Carey, said: ‘We look forward to going ahead with this project, in accordance with the requirements of the Development Consent Order. We want to assure the local community that we will be a good neighbour as we build and operate the new facility, as we have already demonstrated at our facilities in Plymouth and Dundee’.”

In full, the motion, which will go before Fenland’s full council on Monday (Feb 26), says:

“Notification was received last week that Claire Coutinho MP, the Secretary of State for Energy Security and Net Zero, has granted development consent for the proposal by MVV Environment to build a massive waste-to-energy incinerator on the Algores Industrial Estate in Wisbech, despite the overwhelming opposition of local residents, councillors and councils.

“This decision is a slap in the face for the local democratic process and has resulted in real fear and understandable anger in the local community. Fenland District Council has always been against these plans and provided strong arguments against the proposal.

“Fenland District Council stands with local residents in seeking to oppose development of this incinerator and re-affirms the council’s opposition to this.

“The decision by the Secretary of State is not able to be appealed. However, the decision can potentially be challenged by means of a judicial review if the decision can be shown to have been made irrationally and/or without proper process having been followed.

“Fenland District Council therefore authorises officers to instruct legal counsel with appropriate expertise to provide their opinion in respect of this decision and the way in which it has been made by the Secretary of State, specifically to advise whether there are any grounds for a judicial review to be sought to overturn this decision, and the likelihood that any such judicial review would be successful.

“Council instructs officers to begin conversations with Wisbech Town Council, Cambridgeshire County Council, King’s Lynn and West Norfolk Borough Council, Norfolk County Council and the CPCA to establish what their contribution would be to the costs of a Judicial Review if there are grounds to pursue such action.

“Furthermore, Council issues an invitation to Claire Coutinho to visit Fenland, as soon as possible on whatever date her diary commitments allow, so that a formal meeting may be held at which she would be invited to explain in greater detail her rationale for approving the proposed incinerator, and at which she will be invited to respond to questions and statements from Fenland District councillors about her decision.”

Further details of the Wisbech Incinerator proposal and developments to date at:  
[www.fenland.gov.uk/wisbechincinerator](http://www.fenland.gov.uk/wisbechincinerator)

Read the Secretary of State's decision letter and see all the related documents on the Planning Inspectorate website at  
<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/medworth-energy-from-waste-combined-heat-and-power-facility/>

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