

FENLAND DISTRICT COUNCIL

PRESS RELEASE

March 14, 2024

Council putting ‘every effort’ into incinerator fight

Fenland District Council is ‘expending all possible energies on reviewing the Secretary of State’s decision to allow the development of an incinerator in Wisbech’, its Leader has said.

Fenland District Council voted unanimously in support of a motion at its Full Council meeting on February 26 to review legal grounds to fight the Secretary of State’s decision to grant planning permission to the Medworth Energy from Waste Combined Heat and Power Facility in Wisbech.

Cllr Chris Boden, Fenland District Council Leader, said: “The Council has instructed pre-eminent infrastructure barristers to review the lengthy decision and to research the legal grounds on which a judicial review could be launched.

“The Council remains absolutely committed to doing everything in its power to fight this decision on behalf of local people.

“Throughout the lengthy public enquiry, Fenland District Council, along with Wisbech Town Council and other local authorities, made significant representations to the Planning Inspectorate to provide grounds as to why the facility was unsuitable for Wisbech.

“Unfortunately, our views were not listened to and we are pursuing all possible legal channels to understand if there are legal grounds to challenge this decision.”

The Council has not yet sent a pre-action protocol letter (a letter to the Secretary of State stating the reasons judicial review is being sought). The Council has taken legal advice on this procedural aspect of the process, and it would not be appropriate to engage in pre-action correspondence at this stage, given the timescales to challenge the decision. This position will affect neither the Council’s ability to seek judicial review nor the timescales for seeking permission from the Court.

The Council has a six-week period, from the date of publication of the Secretary of State’s decision, in which to make an application for judicial review of the decision. The Council will notify the public as soon as it is able to do so if, having taken advice from its legal team, it intends to seek permission for judicial review of the Secretary of State’s decision.

“The Council is aware of compulsory acquisition letters sent by MVV, the operator of the potential energy from waste facility, received by businesses and residents in the vicinity of the proposed facility,” added Cllr Boden.

“The Council has also been served with the same papers. We understand this is very unsettling and distressing for residents, business owners and members of the public in receipt of these letters.

“The Council cannot provide legal advice to anyone in receipt of these letters, however we are in the process of appointing specialist surveyors to assist us with understanding what the letter means for the Council’s buildings and assets and how we might wish to respond.

“Residents affected by the CPO should seek their own advice from a member of one of the relevant professional bodies such as The Royal Institution of Chartered Surveyors and the Law Society to ensure they take the most appropriate action for their own individual circumstances.”

Whilst the council is considering all relevant advice it is not appropriate to provide a running commentary. For that reason, it is unlikely to be able to comment further until the process is concluded.

- The Royal Institution of Chartered Surveyors may be able to assist with identifying a suitably qualified surveyor, see: www.ricsfirms.com/helplines/compulsory-purchase/
- The Law Society can help with finding legal advice: <https://solicitors.lawsociety.org.uk/>

ENDS

Notes to Editors

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