



Press Release

9 July 2024

Council reaffirms commitment to residents despite Wisbech incinerator legal battle loss

Fenland District Council Members have reaffirmed their commitment to representing residents' views on the Wisbech incinerator, despite the Council losing its legal battle to halt the development.

Following expert legal advice, and in keeping with the Council's pledge to challenge the incinerator at every turn, the authority applied for judicial review of the Secretary of State's decision to award planning permission for the Medworth Energy from Waste Combined Heat and Power Facility at Algores Way, Wisbech.

However, a High Court judge last week sadly refused the judicial review application.

Deeply disappointed with this decision, the Council sought further advice of experienced King's Counsel barristers and considered all options available to them.

The legal advice was very clear that there are no further realistic grounds to oppose the incinerator decision with a judicial review.

Therefore, after much reflection and difficult discussions, the Council has resolved that although entirely justified to challenge the case to this point, the prospect of overturning the judge's decision is not realistically possible.

In a joint statement, Council Leader Cllr Chris Boden and Wisbech members Cllr Steve Tierney, Cllr Susan Wallwork and Cllr Sam Hoy said: "Given the judge's recognition that there were several deficiencies in Secretary of State's decision to approve the incinerator, the Council was clearly justified in pursuing an application for judicial review. It was a decision we took knowing the majority of the public also expected us to fight to the end.

"Despite submitting the strongest possible case, the judge ruled against our application. We put forward robust legal arguments against the application at every stage, but our views and the views of our residents have been ignored.

"We owed it to the people of Wisbech and Fenland to do everything in our power to attempt to overturn this decision and stop the incinerator from going ahead, and that is what we have done. It is with great sadness that our application for judicial review was refused.

“We understand that this outcome will be disappointing to many of our residents who supported the judicial review and the fight against the incinerator.

“Whilst the judge has brought our legal challenge to an end, we will continue to seek alternative avenues to address the concerns raised. We will work tirelessly throughout the development consent process to ensure that our community’s voices are heard and that the effects of the incinerator are minimised to the greatest possible degree.”

Despite widespread opposition, the Medworth Energy from Waste Combined Heat and Power Facility was granted permission by the Secretary of State in February 2024.

Council Members acted quickly when the decision was published, with an urgent motion unanimously agreed at Full Council on 26 February 2024 to instruct expert legal advisors to understand if there were grounds to challenge the decision.

The Council challenge was merited as the judge, in considering the Council’s application for judicial review, found multiple deficiencies in the Secretary of State’s decision. However, none of these deficiencies was considered to be so significant that the application for judicial review was permitted to proceed.

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Notes to Editors

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