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Your reference: EN010083

5 August 2020

Dear Mr Kean

Re: Application by Wheelabrator Technologies Inc. for an Order Granting Development Consent for the Wheelabrator Kemsley Generating Station (K3) and Wheelabrator Kemsley North (WKN) Waste to Energy Facility Development Consent Order (DCO) – Additional Submission at Deadline 7

Kent County Council (KCC) provides the following additional Deadline 7 submission to draw attention to the Climate Change Committee Progress Report entitled *Reducing UK emissions Progress Report to Parliament* laid before Parliament 25 June 2020 and the Secretary of State's decision on the appeal against refusal of planning permission of Waterbeach Waste Management Park issued 15 June 2020

Climate Change Committee Progress Report – Reducing UK emissions Progress Report to Parliament June 2020 (Appendix 1)

The Climate Change Committee Progress Report represents the latest advice to Government regarding necessary actions for the UK to achieve the carbon emission reductions enshrined in law via the Climate Change Act. It expressly identifies the need to address emissions from waste incineration (page 22) and includes the following key action (page 34): "*Examine the impact of waste targets on the utilisation of (and need for further) energy from waste plants, and issue a set of guidance notes to help align local authority waste contracts and planning policy to these targets.*" This action is intended to prevent lock into fossil based feedstock. This is within the context of the fact that "*...more local authority waste is now incinerated for energy than recycled or composted in England*" (page 79).

Whilst the report acknowledges that "*in England, the Environment Bill will establish extended producer responsibilities on products, set up deposit return schemes, provide resource*

efficiency information, and mandate separate collections of recyclable/compostable materials from households and businesses (starting in 2023 and fully rolled out by 2035)", it expressly states that "local councils should however be carefully considering the fossil emissions from waste to energy plants, and how these plants will retrofit CCS [Carbon Capture Storage] in the future, plus the impact of waste reductions and improved recycling" (page 123)¹.

In order to assist in this task, it states that "Defra should also plan how waste reduction and higher recycling rates will impact the utilisation of (and need for further) energy from waste plants, and via a set of guidance notes, help align local authority waste contracts and planning policy to these findings." (page 183).

The Report clearly identifies that "fossil emissions from energy from waste plants are growing rapidly (currently at 6.8 MtCO₂e/yr) and will continue to do so in the near term. Once built, the main emissions mitigation option from these plants will likely be CCS, even at modest plant scales.... New plants (and plant expansions) above a certain scale should only be constructed in areas confirmed to soon have CO₂ infrastructure available and should be built 'CCS ready' or with CCS" (page 184).

The Report also reiterates that in the Government Contract for Difference support scheme to renewables, "...Energy from Waste incineration support under Pot 1 is only available for plants with CHP..." emphasising that waste incineration without Combined Heat and Power (CHP) is not to be classed as renewable.

Secretary of State's Decision on the Appeal against refusal of permission of Waterbeach Waste Management Park.

A copy of the Decision letter and Inspector's Report is provided in Appendix 2.

The Secretary of State dismissed the appeal for a waste recovery facility at Waterbeach Waste Recovery Facility (WWRF), which comprised the erection and operation of a CHP ready energy from waste facility exporting 24.4MW electricity using up to 250,000 tonnes of residual waste per annum as feedstock.

The County Council would like to draw attention to the following extracts from the Inspector's Report:

"Renewable and low carbon energy and climate change

31. The Secretary of State has carefully considered the Inspector's assessment at IR548-562. For the reasons given in those paragraphs, he agrees with the Inspector that there is some doubt about the extent to which the WWRF would help to reduce carbon emissions over the lifetime of the scheme compared with alternative means of dealing with waste and other ways of generating the same amount of energy (IR561). He agrees with the Inspector at IR562, that the scheme would be likely, over its lifetime, to provide GHG and climate

¹ *These measures are aimed at achieving Defra's Waste & Resources Strategy (WRS) target of a 64% recycling rate by 2035 in England." (page 120) which ought to rectify the current dominance of incineration over recycling.*

change benefits of moderate significance, and that this benefit should be given moderate weight in the planning balance " (emphasis added).

The County Council has consistently raised doubts within its submissions to this Examination about the true carbon benefits of the combined K3/WKN DCO proposal, particularly with respect to WKN. The Secretary of State's finding referenced above reinforces this view. It should be noted that that the Inspector's view regarding the benefits of the proposed development at Waterbeach was considered without the possibility of the feedstock being sourced from offshored Refused Derived Fuel (RDF) as proposed in the combined K3 / WKN Proposed Development. The County Council considers that the Proposed Development represents a poor performing solution in terms of carbon emissions as currently set out in the submitted application documents.

"Waste management

32. ...Further, for the reasons given in IR567, the Secretary of State agrees with the Inspector that there is potential for a significant tonnage of waste to be transported long distances, which would be at odds with the application of the proximity principle" (emphasis added).

This statement confirms the view that long distance transport of combustible feedstock would be contrary to the proximity principle and as such, in breach of the Waste Framework Directive. Whilst the combined K3/WKN DCO proposal models a 2hour isochrone, the applicant states within its response to ExA Q3.1.5 (REP5-011 paragraph 1.5.2) that where the applicant chooses to source fuel for the proposed development is a commercial matter. The County Council would like to raise concern on the likelihood of the proposed feedstock assessment presented in the WHFOR being implemented. If waste is to be sourced from further afield, the breach of the principle would be greater, along with the associated carbon emissions.

The Secretary of State concluded:

"38. The Secretary of State considers employment and economic benefits carry moderate weight, green-house gas and climate change benefits carry moderate weight and waste management benefits carry moderate weight."

The Secretary of State conclusion gives a helpful indication as to the weight to be given to climate change issues and compliance with local and national waste planning policy in such decisions; both being 'moderate'. It should be noted in the Waterbeach decision, the comparator for management of the feedstock by incineration was landfill, whereas in the case of WKN at least it would be the management of RDF within Kent currently going to mainland Europe to fuel combined heat and power plants. This approach, according to the applicant's own Carbon Assessment, would result in a poorer outcome from a carbon point of view, as reported in the Greenhouse Gases and Climate Change Chapter of the supporting Environmental Statement. Para 6.10.5 of the Environmental Statement states in the following terms "... the higher energy generation efficiency of CHP means that the electricity-only WKN Proposed Development would not achieve carbon savings compared to that baseline, notwithstanding the greater transport-related GHG emissions from waste export."

This conclusion, when read against the recommendations of the Climate Change Committee Report to limit new energy from waste plants and ensure those that are consented have Carbon Capture and Storage and are located in "CO2 ready locations", all confirm that consenting the combined K3/WKN DCO proposal would be contrary to the most current advice expressly targeting waste incineration emissions as critical to meeting legally binding emission reduction targets.

In connection with ExAQ3.2.2 concerning the weight to be accorded to the Applicant's proposals for CHP in the context of each of the K3 and WKN Proposed Developments taken separately, the ExA may find the following excerpt from the Inspector's report at IR559 helpful that states, *"in the absence of a heat user that could make effective use of the heat consistently throughout the year it is difficult to see how a viable CHP scheme could be achieved here. I consider that more substantial evidence about likely commitments from potential heat users would be necessary for any meaningful weight to be given to the CHP benefits of the WWRF. Otherwise, I find that it is a potential that should not be given much weight in determining this appeal."*

The position in respect of the provision of CHP and heat use at the proposed plant at Waterbeach is similar to that at the WKN plant (see WTI response to ExA Q3.2.2, para 2.2.2). The County Council considers, therefore, that as ExA attributed limited weight to the potential for heat use at Waterbeach, a similar approach should be taken for the current DCO determination – i.e. that the matter be accorded little or no weight in the consideration of the proposed development.

The County Council will continue to work with the Applicant and Examining Authority and welcomes the opportunity to comment on matters of detail throughout the Examination.

Should you require any additional information or clarification, please do not hesitate to contact me.

Yours sincerely



Barbara Cooper

Corporate Director – Growth, Environment and Transport

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Appendix 1: Climate Change Committee Progress Report – Reducing UK emissions Progress Report to Parliament June 2020
Appendix 2: Decision letter and Inspector's Report