

Planning Application Representation

UKWIN COMMENTS ON APPLICANT'S DEADLINE 1 WASTE SUBMISSIONS

Proposed Development:

Boston Alternative Energy Facility (BAEF)

Proposed Location:

Nursery Road, Boston, Lincolnshire

Applicant:

Alternative Use Boston Projects Limited

Planning Inspectorate Ref:

EN010095

Registration Identification Ref:

20028052

OCTOBER 2021



INTRODUCTION

1. The Applicant made a number of statements regarding waste in their Deadline 1 submissions dated 19th October 2021, including within their:
 - Comments on Relevant Representations (RRs);
 - 9.5: Addendum to Fuel Availability and Waste Hierarchy Assessment; and
 - Appendix 3 to 9.5: BAEF Effects on Waste Plans.
2. UKWIN responds to some of these comments below. Many of our critiques are set out in our Written Representation and so do not need repeating.

APPLICANT'S COMMENTS ON RELEVANT REPRESENTATIONS

3. On page 182 of their comments on RRs the Applicant, in response to UKWIN's RR, stated:

"...The Facility will provide an interim solution for the management of residual waste diverting it from overseas export and landfill while the UK transitions into a more circular economy in the future..."
4. While the Applicant refers to an 'interim solution' they are applying for permanent planning permission for a facility that would not commence full operations before 2026 at the earliest that could then operate for 30+ years, i.e. well beyond 2050.
5. While the Applicant refers to treating 'residual waste', the ongoing lack of detail regarding the source and composition of their intended feedstock raises serious concerns about the extent to which the feedstock would be comprised of material that could and should otherwise have been reduced, re-used, recycled, composted or substituted as distinct from exclusively comprising genuinely residual waste.
6. The Applicant has not ruled out the prospect that their proposal could act as a barrier to the transition to the circular economy to which they refer.
7. Temporarily exporting waste to Europe while UK recycling rates improve, or indeed biostabilising waste and sending it to landfill as a short-term low-CAPEX option, seem to offer far more flexible 'interim solutions' than creating 1.2 million tonnes of new incineration capacity that would in turn create a long-term feedstock demand to generate a return on investment.

ADDENDUM TO FUEL AVAILABILITY AND WASTE HIERARCHY ASSESSMENT

8. The Addendum is seriously flawed in numerous respects, and should be afforded no weight. Instead, adverse inferences should be drawn regarding the lack of need for the facility, its adverse impact on the waste hierarchy, and the non-compliance of the proposal with relevant waste plans.
9. These flaws include problems with the Applicant's methods for calculating:
 - Waste catchment;
 - Additional new EfW capacity; and
 - Impact of higher recycling rates reducing residual waste.

Waste catchment

10. The Applicant's 2-hour drive time appears to ignore the distance travelled by boat. Thus the Applicant fails to provide the necessary detail regarding real world practicalities of transferring material from any given port to Boston.
11. At Paragraph 1.7.1 of their Addendum the Applicant claims support for their approach from the 'Waste Hierarchy and Fuel Availability Assessment' carried out for the Wheelabrator Kemsley and Wheelabrator Kemsley North Waste to Energy facility.
12. However, while the cited document refers in footnote 10 to "*a 2 hour drive time from the Application Site*" it does not include a single reference to extending this to assuming that so long as an originating site is within 2 hours of a port it was considered a viable feedstock source. Indeed, the cited document does not contain a single use of the words 'port' or 'boat'.
13. The fact that the Applicant attempts to justify their approach by reference to a report that does not consider travel by ports could be indicative of there not being any genuine precedent for the Applicant novel approach.

Additional new EfW capacity

14. The Applicant adopts a base year of 2019 for Table 4-1 Summary of UK Fuel Availability for the Proposed Facility. For example, they use a 2019 UK figure for landfilled combustible waste of 12,502ktpa.
15. However, their Table 4-1 figure of 3,830ktpa for UK 'Fuel demand of additional new EfW (construction & commissioning phase) capacity' is too low and does not fully take account of the increased incineration capacity that occurred in 2019 and 2020.

16. According to pages 19-20 of the Tolvik report cited by the Applicant¹ UK incineration input tonnage for 2019 was around 12,696ktpa, which reflects not only the non-availability of operational plants but also the fact that some incineration plants only became operational part-way through 2019.
17. To compare the 2019 landfill rates with future incineration capacity one would have to compare the 12,696ktpa UK incineration input tonnage figure with the total existing UK incineration capacity currently operational, in commissioning, and/or under construction (i.e. 'total existing incineration capacity') as at the end of 2020 (or more recently).
18. The Applicant provides a figure for total existing UK incineration capacity for 2020 of 20,386ktpa in Table 3-1, and then argues that this should be reduced by 10% (to reflect the 90% utilisation rate), which would bring 2020 total UK incineration capacity down to 18,347ktpa.
19. The difference between 18,347ktpa and 12,696ktpa is 5,651ktpa. This means that the impact of new incineration feedstock demand is around 1,821ktpa greater than the 3,830ktpa figure assumed by the Applicant.
20. These concerns regarding the Applicant's methodology would apply to any waste catchment.

Impact of higher recycling rates reducing residual waste

21. Household waste represents around 45% of total residual municipal waste, with the other 55% comprising commercial & industrial (business) waste.
22. Despite the Government's recycling targets applying to all municipal waste, and despite the Applicant's landfill figures being based on the combustible fraction of all municipal waste, the Applicant only took into account the impact of meeting Government recycling targets on the household fraction of the residual municipal waste.
23. As such, the Applicant's need assessment fails to take account of around half of the waste that can be expected to be diverted by improved business recycling.
24. This means the Applicant underestimated the impact of recycling by millions of tonnes per annum, thus significantly overestimating the material which would be left to treat were the 65% recycling target to be achieved for municipal waste.

¹ Tolvik (2021) UK Energy from Waste Statistics 2020

Calculation of the 45% fraction of household waste to municipal waste:

25. To estimate the fraction of residual waste which is household waste in England one can compare Government figures for the household fraction of residual municipal waste with Government figures for total residual municipal waste in England.
26. The 2016/17 figure for total residual household waste in England was 12.5Mt², and the 2016 figure for total residual municipal waste in England was around 27.8Mt³.
27. 12.5 is 45% of 27.8, meaning household waste makes up around 45% of total residual municipal waste. This would also mean that non-household MSW in 2016 represented around 15.3Mt, or 55% of the total.

Confirmation that the Applicant is only taking into account household waste recycling:

28. Table 4-1 of the Applicant's addendum subtracts a figure of 5,147kt for 'Higher recycling rates reducing residual waste'.
29. This 5,147kt figure was presumably derived using Table 3-2 by subtracting the total residual household waste figure for 2025 (based on 65% recycling) from the total residual household waste figure for 2019 (based on 46.2% recycling), i.e. 14,225kt - 9,078kt = 5,147kt.
30. As such, the Applicant only takes account of a reduction in residual household waste even though the Applicant's figures for landfilled waste include significant quantities of non-household waste that could also be expected to reduce in line with Government recycling targets.
31. These concerns regarding the Applicant's methodology would apply to any waste catchment.

APPENDIX 3 TO 9.5 - BAEF EFFECTS ON WASTE PLANS

32. In their 9.5 addendum the Applicant states:

To address point 2.5.70 that consideration has been given to strategies and plans, a comprehensive review has been undertaken of 189 waste planning authorities within England, Northern Ireland, Scotland and Wales. The results of this are presented in full as Appendix 3 of this report. The review concludes that the proposed Facility would be in compliance with the relevant waste plans of the waste planning authorities from which the Facility is likely to obtain its feedstock.

² Defra's Statistics on waste managed by local authorities in England in 2016/17

³ As per the Government's December 2020 Resources and Waste Strategy (Figure 8 on page 78 of the Technical Annex).

33. However, as set out below, there are many reasons to conclude that the review does not support the stated conclusion and that the proposal would in fact conflict with a number of relevant waste plans.

34. It should also be noted that the review opens by referring not to 2.5.70 but rather to EN-3 paragraph 2.5.66:

"An assessment of the proposed waste combustion generating station should be undertaken that examines the conformity of the scheme with the waste hierarchy and the effect of the scheme on the relevant waste plan or plans where a proposal is likely to involve more than one local authority".

35. The review does not include any reference to 2.5.70.

36. In summary, problems identified by UKWIN include the way that:

- By enlarging the waste catchment to include such a wide area the Applicant may be underestimating the extent to which they would source feedstock from Waste Authorities located nearer the plant, thus underestimating the adverse impact that the facility would have on recycling rates at those nearer Authorities;
- The review's claim regarding historic precedent for their adopted approach has not been demonstrated, and nor would such precedent be particularly relevant given the changes in circumstance since 2015. Furthermore, it is not clear that the review actually follows its stated approach; and
- Many waste plans adopt the principle of 'net self-sufficiency' for waste management which would be incompatible with the centralised approach proposed by the Applicant.

Adverse impact on waste plans from nearer Waste Authorities

37. The review of waste plans fails to address the obvious threat to nearby Waste Authority waste plans posed by the introduction of more than 1 million tonnes of incineration capacity.

38. We note the position maintained by Lincolnshire County Council (LCC), e.g. as set out in their Initial Statement of Common Ground (SoCG) with AUBP, that insufficient information has been provided by the Applicant to underpin the Applicant's claims regarding either the national need for the proposed new incineration capacity or compliance with LCC's waste plan (in particular Policy W1).

39. We also note the concerns raised by LCC regarding proximity (see more, below), and the Waste Authority's view that "there is [sufficient] existing capacity for current levels of municipal waste in Lincolnshire".

40. Paragraph 1.4 of the review states:

"...it is anticipated that the majority of the refuse derived fuels transported to the Facility will be sourced from authority areas located in Yorkshire and the Humber; the North East, North West and the South East of England".

41. It is striking that the review does not include the East Midlands as an anticipated source of feedstock in preference to more distant regions such as the North West.

42. The area defined in paragraph 1.4 is very broad, covering approximately 44% of the population of England (or 52% including the East Midlands), and there is no indication regarding the anticipated distribution of feedstock sources within this area in the review.

43. No consideration is given within the review or elsewhere by the Applicant regarding adverse impacts on recycling in the event feedstock is sourced from a more concentrated area nearer Boston.

44. If the Applicant's assumption is correct, that relatively little feedstock would originate from Lincolnshire and the rest of the East Midlands, then - in line with the proximity principle - this raises obvious questions about why the Applicant has chosen to site their facility in Boston, rather than in any of the ports located closer to their main sources of waste.

Basis of approach

45. The review claims to follow the approach used for Ferrybridge Multifuel 2 but the Fuel Availability and Waste Hierarchy Assessment⁴ is not publically available and has not been provided by the Applicant, and in any case it pre-dates the Resources and Waste Strategy and the 2021 Waste Management Plan for England and their 65% recycling target.

46. Additionally, the paragraph cited in the review as endorsing their approach⁵ does not even mention this approach.

47. While it is correct that the ExA concluded in 2015 that at that time, with respect to the Ferrybridge proposal, sufficient evidence was before the Examination to support compliance with EN-3 section 2.5, the ExA does not explicitly endorse the approach adopted.

48. Furthermore, even if that approach was acceptable in 2015 this not only pre-dates current recycling targets but also was applied to the context of a UK which had a far lower level of incineration capacity.

⁴ Document reference no 5.9 PINS Reference EN010061

⁵ Paragraph 4.33.29 of the Ferrybridge Examining Authority (ExA) Recommendation Report

49. It remains unclear how the review actually follows the approach set out in paragraph 1.3:
- "The approach was to establish if there were considerations which reflect upon management in accordance with the waste hierarchy or that waste plans sought to restrict the movement of waste to outside the plan areas."*
50. For example, most of the review consists of selective quotes from waste plans followed by a formula of words to the effect that *"It is considered that the Facility will not have a material effect on the plan"*, without being accompanied by an adequate explanation of how the conclusion was reached.
51. The conclusions may or may not have relied on unstated and potentially incorrect assumptions regarding, for example:
- that little feedstock would be sourced from the area (when a higher than acceptable proportion of waste arising in one area could be used as feedstock for the Boston incinerator);
 - that the Boston facility would have a significant positive climate change impact (when this is disputed by UKWIN and others);
 - that only non-recyclable waste would be sourced from that area (when evidence shows that most material currently used as incinerator feedstock could have been recycled);
 - that the Boston proposal would not prejudice the development of local recycling or incineration capacity (see below); and/or
 - that the Boston facility would operate as R1 (when the Boston plant has not been awarded R1 status - see below).
52. Without knowing the basis for the conclusions it is impossible to assess the soundness of the logic used to arrive at those conclusions.
53. In some cases the review concludes the development would not have an effect on the policies of the plan without commenting on overall compliance with the plan. For example, in Herefordshire it is simply stated that *"It is considered that the Facility would not impact the policies within the adopted UDP and the emerging MWLP"*.
54. Furthermore, for some waste plans the review does not provide any conclusion whatsoever. For example, the Staffordshire entry notes *"The Council seeks to minimise the movement of waste by ensuring that it is managed as locally as possible"* but does not go on to state whether or not the Boston capacity would have a material effect on that local plan.

Net self-sufficiency

55. Whilst the review acknowledges that many waste plans adopt the principle of 'net self-sufficiency' the review fails to rule out the prospect that the proposed 1.2 million tonnes of capacity might discourage the introduction of re-use, recycling, composting, or residual treatment infrastructure to support the waste plans' net self-sufficiency aspirations.
56. Given that local plans focus on development proposals within their area, it is of little value to observe that a plan does not have a specific policy against waste exports. What is relevant therefore is that these plans seek to achieve net self-sufficiency and that the development would go against these ambitions.
57. Similarly, the acknowledgement within such plans that there might be some level of cross-border movement is not the same as endorsing the construction of capacity which could result in significant increases in waste exports over great distances.
58. Increased demand for incineration feedstock from outside of a plan area could adversely impact the economic viability or contractual ability to build more local recycling or residual waste treatment capacity.
59. UKWIN's WR set out how incineration poses a threat to recycling, pointing to Defra's acknowledgment that much of what is currently in the residual waste stream is recyclable, noting how for Wheelabrator Kemsley North the Secretary of State agreed that "...the [incinerator] projects would divert a significant proportion of waste from recycling rather than landfill" risking the achievement of the recycling targets within the Waste Local Plan.
60. The review fails to adequately consider how the Applicant's centralised approach would fail to comply with the proximity principle endorsed within many waste plans.

R1 status and the Wheelabrator Kemsley North ExA report

61. As noted in UKWIN's WR, the Wheelabrator Kemsley North refusal is a material planning consideration, and the review fails to take account of the associated concerns that R1 ('Other Recovery') status should not be taken for granted:

4.10.119. The Applicant...said that R1 accreditation could not be gained at this time. As is clear from the Government's guidance on applications for R1 status, an application can be made based on design data...The response to ExQ4...was based on assumptions on its design and performance used for the purposes of the R1 calculation which indicated energy recovery efficiency value was over 0.65...

4.14.59. It is not in dispute that Project K3 and Project WKN are both facilities proposed for the incineration of waste with energy recovery, which if they achieved R1 status, would represent Other Recovery facilities for the purposes of the waste hierarchy which sit above 'disposal'. The decision whether R1 status is achieved or not, is a matter for the EA. I cannot with a high level of confidence assume that either project within the Proposed Development would achieve R1 status.

62. As far as we are aware the Applicant has not secured Design-stage R1 certification for the plant, and should therefore be treated as a disposal facility for the purpose of placement within the waste hierarchy.