

Written summary of oral case

UKWIN ISH2 ITEM 6 COMMENTS ON ENVIRONMENTAL MATTERS

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

NOVEMBER 2021



INTRODUCTION

UKWIN is grateful to the Examining Authority for the opportunity to contribute to the second Issue Specific Hearing (ISH2), held on Wednesday 24th November 2021, and we now provide a written summary of the oral case made with respect to ISH2 Agenda Item 6 ('Any other environmental matters').

The three environmental matters UKWIN addressed in our oral representation were:

- Impact on the waste hierarchy and proximity principle;
- The applicant's IROPI argument; and
- Climate change impacts.

IMPACT ON THE WASTE HIERARCHY AND PROXIMITY PRINCIPLE

National policy

Further to the Examining Authority's [PD-008, Q12.0.7] reference to the way that "emerging draft NPSs are potentially capable of being important and relevant considerations in the decision-making process" and further to the Examining Authority's invitation for the applicant to "Identify any aspects of the proposed development which could be affected by wording in the draft energy NPSs, which are currently at consultation stage, by comparison to the currently designated energy NPSs", UKWIN notes how Draft EN-3 Paragraphs 2.10.4 and 2.10.5 are relevant; these Paragraphs read as follows:

"2.10.4 As the primary function of EfW plants is to treat waste, applicants must demonstrate that proposed EfW plants are in line with Defra's policy position on the role of energy from waste in treating municipal waste.

"2.10.5 The proposed plant must not result in over-capacity of EfW waste treatment at a national or local level."

As UKWIN will set out in our Deadline 3 submission, the Government's clarification adds emphasis to the current requirement in EN-1 Paragraphs 2.17.3 and 2.17.4¹ that applicants are expected to be robust in making the case that there is a waste management demand for the project and that the proposed capacity would not prejudice recycling and the waste hierarchy.

¹ EN-1: "2.17.3 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.

2.17.4 The application should set out the extent to which the generating station and capacity proposed is compatible with, and supports long-term recycling targets, taking into account existing residual waste treatment capacity and that already in development".

The Government is using the emerging NPSs to re-emphasise how a general need for energy generation, or for renewable energy, does not exempt applicants from the requirement to demonstrate a waste management justification for proposed new incineration capacity.

UKWIN is aware of the applicant's general response to the Examining Authority's questions [9.25 Appendix A; REP2-009], and UKWIN's position remains that the applicant has failed to demonstrate a waste management need for their proposed new incineration capacity, and that the applicant has not ruled out likely adverse impacts on the waste hierarchy and the proximity principle and by extension the environment.

In light of these serious conflicts with existing and emerging Government policy, we believe the application for the DCO should be refused.

Critiquing the applicant's need assessments

UKWIN wishes to draw the Examining Authority's attention to a range of shortcomings in the applicant's need assessment. In particular, the applicant overlooks some existing and emerging residual waste management capacity; the applicant ignores improvements to C&I recycling; and the unresolved inconsistencies with respect to the applicant's intended feedstock.

Missing out on existing/consented capacity

As set out in UKWIN's Comments on the Applicant's Deadline 1 Waste Submissions [REP2-058, Paragraphs 14 – 20] the applicant misses out more than 1.8 million tonnes of additional UK incineration capacity that is currently operational, in commissioning, and/or under construction (i.e. 'total existing incineration capacity').

Ignoring improvements to C&I waste recycling yet relying on the same C&I waste as incinerator feedstock

It should be noted that the term 'municipal waste' is used to describe both household waste and other waste that is similar in composition.

As set out in the same Deadline 2 submission from UKWIN [REP2-058, Paragraphs 21-31] the applicant's need assessment uses as its starting point the level of municipal waste sent to landfill in 2019.

Despite this landfilled municipal waste having comprised around 55% commercial & industrial waste, and despite the UK Government's 65% recycling target including such C&I waste alongside household waste, the applicant only took into account the impact of improvement to household recycling.

The applicant's Document 9.5, REP1-018, Paragraph 3.2.7 states that "The modelling is focused on household waste only and does not include any recycling of commercial and industrial wastes due to poor data availability." – The applicant does not use 'poor data availability' as a reason to exclude C&I waste arisings from their primary assessments of feedstock availability, but only to exclude the impacts of improvements in C&I recycling rates on available feedstock

This means that the applicant overestimated - by millions of tonnes per annum - the quantity of residual waste that would arise, and the amount of RDF that would be available for the Boston incinerator, were Government recycling targets to be met. This raises obvious waste hierarchy and proximity principle concerns.

Feedstock mismatch/inconsistency (only a small fraction would meet their specification)

UKWIN has yet to see an adequate explanation from the applicant regarding the issue we set out in our original written representation [REP1-018] that the categories of waste which the applicant is relying on to demonstrate available feedstock (e.g. landfilled municipal waste) is significantly broader than the applicant's characterisation of the feedstock that they would accept at their proposed facility, as set out for the purpose of arguing that the applicant would only be treating post-MRF non-recyclable waste [REP-018 paragraphs 17-32].

These unresolved inconsistencies with respect to the applicant's intended feedstock undermine the confidence that can be placed in both the figures used in the applicant's need analysis and in their assessments of the impacts on the waste hierarchy.

Isochrone assumptions and associated assumptions

Furthermore, UKWIN would like to draw the Examining Authority's attention to underlying problems with the applicant's 2-hour isochrone assumptions. These problems have implications not only with regard to feedstock availability and localised impacts on recycling rates, but also to the proximity principle and associated environmental impacts.

As per UKWIN's Comments on the Applicant's Deadline 1 Waste Submissions [REP2-058, Paragraphs 10 – 13], the applicant's suggestion that their 2-hour isochrone assumption is somehow consistent with the approach used in the Wheelabrator Kemsley inquiry is potentially misleading.

While the 'Waste Hierarchy and Fuel Availability Assessment' carried out for the Wheelabrator Kemsley inquiry does indeed refer, 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.

The fact that the applicant attempts to justify their novel and self-serving approach by reference to a report that does not consider travel by ports could be indicative of there not being any genuine precedent for extending the concept of a 2-hour isochrone to include importing waste from nearly the whole of the UK.

HIGH LEVEL CRITIQUE OF APPLICANT'S IROPI ARGUMENT

As UKWIN will set out in our Deadline 3 submission, the applicant's approach to assessing alternatives is wholly inadequate, and falls well short of demonstrating that there are no viable alternatives to the scheme proposed for this capacity at this location. As such, the applicant fails to demonstrate that there is any overriding reason to allow the environmental harm that this plant could cause.

It is noted in Draft EN-3 Paragraph 2.10.4 that: "the primary function of EfW plants is to treat waste", which is a position endorsed by the incineration industry's trade body the Environmental Services Association².

It would therefore make sense for the key objective for this scheme to be described as 'managing residual waste', with other outcomes described as 'claimed benefits' (or disbenefits) of the scheme.

In line with this more conventional approach, a consideration of alternatives would entail assessing whether or not there are alternative waste management options to treat the proposed feedstock, either at a similar incineration facility located at a different port or at a suite of existing or potential recycling, re-use and/or incineration facilities located throughout the UK.

Instead, the applicant, in their Assessment of Alternative Solutions [9.28; REP2-011], adopts an absurdly long list of oddly specific 'key' objectives that conveniently match the applicant's claimed benefits for the proposed scheme, and they then carry out their assessment on the basis that only a facility which would meet all those objectives at a single location would be acceptable.

Unsurprisingly, this seemingly contrived process ruled out numerous reasonable alternative waste management solutions and leaves only minor tweaks to the proposed scheme to be considered in the later stages of their assessment.

Each of the various objectives listed in Table 5-1 could easily be met in alternative – and in many cases superior - ways when considered individually or by theme.

² "...the primary function of energy recovery is to treat residual waste rather than generate energy." Recovering energy from waste FAQs, March 2021

For example, the applicant suggests that the scheme to add a further 1.2 million tonnes of incineration capacity in Boston arose in order to provide employment opportunities within Lincolnshire. Far more jobs are created through repair and through recycling than through incineration, yet the applicant fails to consider these reasonable and preferable alternatives approaches to job creation in Lincolnshire.

The applicant rules out alternative locations outside of Lincolnshire in Table 7-2 for the primary reason that it would not create Lincolnshire and Boston jobs. But surely locating the proposed facility elsewhere would then support jobs being created elsewhere in the country - so would still have the benefit of creating jobs - and this would leave the application site available for other uses, which could potentially create yet more jobs.

GHG EMISSIONS AND CLIMATE CHANGE IMPACTS

Pages 56, 69 and 71 of the Applicant's Comments on Written Representations [9.22; REP2-006] refers to how "the outcomes of the Climate Change chapter in the ES" was that it is "likely that GHG emissions from the Facility [proposed for Boston] would be lower or **similar** when compared to landfilled waste streams". Having **similar** climate change impacts to landfill is hardly an accolade.

As set out by UKWIN in our Written Representation [REP1-068] and in our comments on the applicant's supplementary climate change report [REP2-057], it remains the case that we view the circumstances in Boston, in terms of claimed carbon benefits, as being analogous to those with respect to Wheelabrator Kemsley North. In that case, the Secretary of State agreed with the Examining Authority that, given the uncertainties in the applicant's assessment of carbon benefits, those claimed carbon benefits should carry little weight in the assessment of the application.

The applicant clarified on page 58 of Document 9.22 [REP2-006] that: "The calorific value of the waste feedstock and CO₂ content of the exhaust were based on the same assumption..." As a result of this clarification, we can now estimate³ that the fossil carbon intensity of the exported electricity would be higher than the carbon intensity for CCGT⁴, and could be as high as around 572gCO₂/kWh – which is many times higher than the current and future grid average⁵. Thus, the carbon intensity associated with the facility proposed for Boston should weigh heavily against the proposal in the planning balance.

³ By dividing the fossil CO₂ by the electricity exported, and this will be included in our Deadline 3 submissions. To summarise, the applicant assumes that between 40% and 60% of the carbon would be fossil-based.

⁴ 371gCO₂/kWh assumed by the applicant.

⁵ Of between 138 gCO₂/kWh in 2021 and 6 gCO₂/kWh in 2049.