

Response to REP2-009

UKWIN'S D3 COMMENTS ON APPLICANT'S RESPONSE TO THE EXA'S WRITTEN QUESTION Q12.0.7

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

1. As part of the applicant's responses to the Examining Authority's (ExA's) Questions they provided their response to Written Question Q12.0.7 (Applicant's Reference 9.25, Inquiry Reference REP2-009), dated 11th November 2021.
2. Q12.0.7 asked 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, compared with to the currently designated energy NPSs.
3. UKWIN provides a number of comments in light of the applicant's review of the draft energy NPSs.

COMMENTS ON APPLICANT'S REVIEW OF DRAFT NPSS

4. Further to the Examining Authority's PD-008 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 that draft EN-3 Paragraphs 2.10.4 and 2.10.5 are of particular relevance.
5. 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."
6. The applicant's comments on these paragraphs are as follows:

"The Proposed Development is a national infrastructure scheme not looking to directly take local waste or meet local waste management capacity requirements, but to take waste from UK ports that would normally be exported overseas or landfilled. The available capacity of refuse derived fuel (RDF) which could be transported to the Facility is assessed within the Addendum to Fuel Availability and Waste Hierarchy Assessment (document reference 9.5, REP1-018)".

7. The applicant's comments fail to adequately grapple with the expectations and implications of this draft policy, especially in light of comments from UKWIN and others regarding the problems with the applicant's need case.
8. This failure to treat the policy with the significance it deserves is particularly surprising given that Richard Marsh from BDB Pitmans, who represented the applicant at the Examination Hearings, has publicly commented on the importance of this part of the draft energy policy.
9. It has been reported that Mr Marsh observed that the draft EN-3 requirement that *"an energy from waste plant must not result in over-capacity of EfW waste treatment at a national or local level"* was *"not as favourable as had been hoped"*, adding that: *"...this wording would mean they [promoters of new EfW waste treatment schemes] will need to be robust in making the case that there is demand for the project"*.¹
10. UKWIN agrees with the analysis that the wording would mean that a robust case would be needed in demonstrating a demand for the project.
11. However, UKWIN is not at all not surprised by this requirement given the importance of increased recycling and the move to the circular economy set out in the Resources and Waste Strategy as well as the current requirement in EN-1 Paragraphs 2.17.3 and 2.17.4 that:

"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".
12. The Government therefore appears to be 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 robustly demonstrate a waste management justification for proposed new incineration capacity and that it is important that promoters of new EfW waste treatment schemes demonstrate that their proposed capacity would not prejudice recycling and the waste hierarchy.

¹ Richard Marsh as quoted in a Planning Resource article 'Five key proposed changes to planning for major energy projects' by Joey Gardiner dated 23rd September 2021.

13. UKWIN's position remains that the applicant has so far failed to demonstrate, let alone robustly 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.
14. In light of these serious conflicts with existing and emerging Government policy, we believe the application for the DCO should be refused.