

## ***Response to REP2-011***

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# **UKWIN'S D3 COMMENTS ON APPLICANT'S ASSESSMENT OF ALTERNATIVE SOLUTIONS**

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### **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**

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## **NOVEMBER 2021**

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## **INTRODUCTION**

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1. As part of the applicant's Without Prejudice Habitats Regulations Assessment Derogation Case they provided an Assessment of Alternative Solutions (Applicant's Reference 9.28, Inquiry Reference REP2-011), dated 11<sup>th</sup> November 2021.
2. The applicant relies on that assessment to support their Imperative Reasons of Overriding Public Interest (IROPI) Case (Applicant's Reference 9.29, Inquiry Reference REP2-012), also dated 11<sup>th</sup> November 2021.
3. In particular, the applicant relies on REP2-011 for Stage 3 of their Shadow Habitats Regulations Assessment (HRA). Because UKWIN does not believe that the application meets the Stage 3 HRA requirements we do not believe that the proposal would ever reach Stage 4 of the HRA process.
4. In the event that the application were to reach Stage 4, then the case that UKWIN has already made regarding the lack of need for the proposed incineration capacity and how the claimed benefits have been overstated and/or under-evidenced by the applicant would be sufficient to demonstrate that the application would fail to meet Stage 4. As such there is no need for UKWIN to provide further evidence specifically on this point.
5. In light of this, UKWIN focuses only on HRA Stage 3 in this representation.

## **UKWIN'S COMMENTS ON THE APPLICANT'S ASSESSMENT OF ALTERNATIVE SOLUTIONS**

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6. 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.
7. It is noted in Draft EN-3 Paragraph 2.10.4 that: "the primary function of EfW plants is to treat waste".
8. This is a position endorsed by the incineration industry's trade body the Environmental Services Association (ESA). In their March 2021 Recovering energy from waste FAQs the ESA makes clear that, in their view: "...the primary function of energy recovery is to treat residual waste rather than generate energy".
9. It would therefore make sense for the key objective for the scheme proposed for Boston to be described as 'managing residual waste', with other outcomes described as 'claimed benefits' (or disbenefits) of the scheme.

10. In line with this more conventional approach to assessing alternative solutions, a consideration of alternatives would entail assessing whether or not there are alternative waste management options to treat the proposed feedstock.
11. Such alternatives could include treatment capacity either at a similar incineration facility located at a different port or a suite of existing or potential recycling, re-use and/or incineration facilities located throughout the UK.
12. Instead, the applicant, in their Assessment of Alternative Solutions, adopts an absurdly long list of oddly specific so-called '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.
13. Unsurprisingly, this seemingly contrived process ruled out numerous reasonable alternative waste management options, leaving only minor tweaks to the proposed scheme to be considered in the later stages of their shadow HRA Stage 3 assessment.
14. Each of the various objectives listed in REP2-011 Table 5-1 ('Overview of the Proposed Development's Objectives') could easily be met in alternative – and in many cases superior - ways when considered individually or by theme, as illustrated below:

- i. *Sustainable and renewable energy (To provide a sustainable and renewable form of energy recovery, to contribute towards meeting renewable targets and carbon emissions and is in line with the requirements of NPS EN-1 and EN-3)*

It is obvious that a genuinely sustainable source of wholly renewable energy, such as wind and solar, would better meet this objective, not least because unlike the Boston incinerator these forms of energy generation would not entail the release of significant quantities of fossil CO<sub>2</sub>.

- ii. *Waste management (To reduce the quantity of waste disposed to landfill)*

The top tiers of the waste hierarchy are the Government's preferred means for diverting waste from landfill.

We also note, in this respect, the concerns raised by the Environment Agency during the second Issue Specific Hearing regarding the potential for the incinerator bottom ash (IBA) and air pollutions control residues (APCr) to be landfilled in the event that

the aggregate proposed by the applicant either fails to meet end-of-waste criteria or is not considered permissible, e.g. due to legal prohibitions on mixing IBA and APCr.

*iii. Waste management (To reduce the quantity of waste exported abroad)*

As noted above, The top tiers of the waste hierarchy are the Government's preferred means for diverting waste from landfill.

Furthermore, we note the Committee on Climate Change's June 2020 Progress Report to Parliament, which makes clear that increased recycling, rather than increased domestic incineration capacity, "will be key to phasing out waste exports".

*iv. Local employment and skills (To nurture and develop skills within Lincolnshire / To create 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.

This matter is covered in further detail in UKWIN's Response to REP2-006 (UKWIN'S D3 Comments on the applicant's D2 comments on UKWIN'S D1 Written Representation).

*v. Transport infrastructure (To minimise adverse impacts on the function and efficiency of strategic transport infrastructure / To minimise carbon emissions associated with transportation)*

A series of smaller facilities located nearer to where the waste arises would have lower adverse impacts on the function and efficiency of strategic transport infrastructure than the proposed Boston facility.

*vi. Location (To develop the Facility at a location that aligns with local planning policy)*

Building an incinerator at a more suitable site in a location where there is greater demand for residual waste treatment would better meet this objective.

*vii. Waste (To minimise waste and apply the principles of waste hierarchy)*

As previously set out by UKWIN, this large-scale proposal for an electricity-only incinerator with an unclear feedstock in an area which already has high levels of incineration capacity would fail to minimise waste arisings and could prejudice the waste hierarchy.

15. The applicant rules out a facility at an alternative location outside of Lincolnshire in REP2-011 Table 7-2 ('Screening the long list of potential solutions') for the primary reason that it would not create jobs in Lincolnshire and Boston ("This option would be contrary to the local objective of providing employment and skills benefits within Lincolnshire and Boston").
16. The applicant appears to have overlooked the obvious point that locating the proposed facility elsewhere would then support job creation 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.
17. The applicant has not provided a reasonable justification for ruling out the use of one or more alternative locations as an alternative to their current proposal.
18. In their REP2-011 Table 8-1 ('Step 4: assessing the feasibility of short-listed options') the applicant rules out the alternative option of reducing the amount of RDF required on the claimed basis that such a reduction would not be technically feasible, stating:

*"A higher calorific value (CV) would result in a lower feedstock requirement to achieve the same capacity to the National Grid. However, the design case for the Facility is a calorific value (CV) of 10.1 MJ/kg, which is based on a midrange value based on a range of calorific values (8-14 MJ/kg). It is not guaranteed that this value could be increased particularly as waste CV values could vary over the operational phase of the Facility. Therefore, it is not technically feasible to assume a higher CV would be available and could be utilised over the entire operational phase of the Facility".*
19. This attempt at justification is not reasonable, not least because the applicant is free to simply lower the electrical output of their proposed facility to reflect a reduced level of feedstock.
20. It should be noted that across the UK there are many examples of incinerators treating RDF that operate at levels of feedstock input that are well below 1.2 million tonnes per annum.
21. One need not assume higher CV in order to reduce the level of RDF input, one simply needs to reduce the anticipated design output lowering the capacity to the National Grid.
22. Alternatively, the same National Grid capacity could be achieved through two or more smaller incineration facilities, and/or through other forms of electricity generation.

23. As Refuse Derived Fuels are not normally sent to landfill, there are numerous alternative residual waste treatment options that would have a lesser effect on the integrity of the European sites under consideration.
24. The Boston proposal amounts to a proposal to burn RDF destined for other incinerators (that could be expected to be more efficient, either because they are part of an existing Combined Heat and Power (CHP) scheme and/or because their parasitic load is lowered than that of the Boston facility) to be burnt instead at a new facility.
25. There is no overriding public interest in burning RDF in Boston instead of in existing facilities capable of burning RDF, including existing CHP plants.
26. Even if additional RDF processing capacity were required in the UK, it would not have to be at this specific port and it would not even have to be at one large facility rather than a suite of smaller plants located closer to the origins of residual waste arisings.
27. Just as there are preferable alternatives with respect to residual waste treatment, there are also preferable alternatives when it comes to generating genuinely renewable and low carbon energy. Yet, the applicant scopes out a consideration of alternative ways of generating energy, saying (at REP2-011 Paragraph 4.4.2) that: “...*an alternative would not include an alternative form of energy generation...*”.
28. Based on the various shortcomings outlined above it is clear that the applicant provided a genuine evaluation of reasonable alternative solutions, fatally undermining their Habitats Regulations Assessment Derogation Case.