

Response to REP 9.55

UKWIN'S D5 COMMENTS ON APPLICANT'S RESPONSE TO UKWIN'S ORAL SUBMISSION AT ISH2 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

JANUARY 2022



NATIONAL POLICY STATEMENTS

1. No explanation has been offered by the applicant to support their assertion that *“EN-3 (2021) paragraph 2.10.4 is not a relevant consideration relating to site selection for applicants...”*.
2. It would be highly irregular for Government to include paragraphs in their policies that serve no purpose whatsoever, and the applicant appears to ascribe to this paragraph no meaningful purpose.
3. It remains the case, as set out in previous submissions, that Government has set out expectations regarding their requirements for applicants to demonstrate a need for proposed incineration capacity at a proposal location, and that the applicant has failed to satisfy these requirements.
4. The applicant’s repeated references to EN-3 (2021) paragraph 2.17.7 do not help their case, not least because the applicant fails to demonstrate accordance with the waste management targets, nor have they demonstrated that, whilst conflicting with those targets, their proposed capacity is nonetheless appropriate.
5. The applicant appears to argue that EN-3 (2021) paragraph 2.10.5 should be ignored because taking it into account would harm their case. Furthermore, the applicant appears to argue that Government must have somehow erred in proposing a policy that could limit the expansion of incineration capacity.
6. This interpretation flies in the face of Government statements and decisions which make it clear that they hope to see waste incineration reducing and not increasing.
7. UKWIN noted several examples of such Government statements in our Deadline 1 submission from October 2021 (REP1-068), including that:
 - i. Rebecca Pow, then Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs, said in February 2020 that: *“...the measures in the Resources and Waste Strategy and the Environment Bill will enable a paradigm shift, in relation to reducing, reusing and recycling our waste, that should limit the amount that ever has to go to incineration and landfill” (emphasis added); and*
 - ii. In the House of Commons on 28th March 2019 John Grogan MP questioned Michael Gove, asking: *“Most studies now indicate that we have an excess of incineration capacity to deal with residual waste. Is there not a danger that, if we build more incinerators, waste that would otherwise be recycled will be diverted to those incinerators?”* and the then Environment Secretary acknowledged this danger by responding: *“That is a fair point”*.

8. On 28th January 2020 Rebecca Pow, speaking on behalf of the Government, told Parliament that: *"...we seek to minimise the amount of waste that goes to incineration or landfill..."*¹
9. The statements outlined above provide clear examples of how Government is not opposed to the notion that limiting waste incineration is a desirable policy goal, and how Government recognises that allowing incineration to expand without appropriate controls could be harmful to their national recycling ambitions.
10. Government has not spoken these words as mere rhetoric; they are reflected in current and emerging policy and were applied in planning decisions for proposed nationally significant incineration infrastructure.
11. As set out in the same UKWIN submission, the Government's intention to limit incineration capacity is consistent with their Wheelebrator Kemsley North decision, where the Secretary of State justified refusal of permission for an incinerator by agreeing with the Examining Authority that *"...the [incinerator] projects would divert a significant proportion of waste from recycling rather than landfill"* due to the scale and location of the development proposal.
12. As of December 2020, the UK had 70 incinerators (operational or under construction) with a combined headline capacity of 20.20 million tonnes.²
13. The applicant's arguments at REP 9.55 paragraph 2.2.3 are flawed due to their failure to recognise that it would be reasonable to conclude that any future role Government sees for waste incineration relates primarily to making the best use of this substantial amount of existing capacity, rather than allowing unlimited new incineration capacity, with new capacity facing a high bar due to concerns about local and national over-capacity.
14. Such an approach would also be in line with the advice Government received from the Committee on Climate Change (CCC), as referred to in our October 2021 submission, who told Parliament in June 2021 that: *"If EfW usage is left to grow unchecked, EfW emissions will quickly exceed those of the CCC pathway while undermining recycling and reuse efforts"*.³
15. The applicant has not disputed the fact that such Government statements have been made, nor that such statements support UKWIN's interpretations of EN-3 and draft EN-3.

¹ Hansard - Westminster Hall debate on Industrial and Commercial Waste Incineration (UK Parliament, 28 January 2020)

² As per 'UK Energy from Waste Statistics – 2020' published by Tolvik in May 2021 based on Annual Performance Reports submitted to the respective regulators

³ 'Progress in reducing emissions: 2021 Report to Parliament' (CCC, 24 June 2021)

THE APPLICANT'S NEED ASSESSMENTS / ISOCHRONE ASSUMPTIONS / WASTE PLANS

16. The applicant has yet to rectify the serious methodological failings and implausible assumptions identified by UKWIN, and these shortcomings continue to undermine the applicant's conclusions with respect to need.
17. For example, the applicant mistakenly continues to count all C&I waste that historically went to landfill as available feedstock without making any provision for some of this material being recycled instead. While it might be justifiable for the applicant to provide a range of several possible scenarios in terms of improvements to C&I recycling, to simply to exploit any uncertainty to assume no recycling would take place is not credible.
18. With respect to the applicant's approach to waste catchment and the 2-hour isochrone from the ports, the additional documents referred to by the applicant do not support the approach that they have adopted for Boston, and therefore UKWIN maintains our view that the applicant's proposed approach is entirely unrealistic and should not be relied upon to assess need for the proposed incineration capacity.

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE IMPACTS

19. Repeating previously made assertions falls well short of actually addressing the points raised by UKWIN regarding the inadequacy of the applicant's GHG assessments to date.
20. For the avoidance of doubt, according to the applicant's own submissions, it can be expected that the vast majority of the CO₂ generated by the proposed incinerator would be released into the atmosphere and not captured. Furthermore, some or all of the CO₂ that would be captured would subsequently be released rather than being permanently stored.
21. At REP 9.55 paragraph 3.1.7 the applicant expresses an interest in following the detailed "workings and assumptions that supported the derived UKWIN's figure of up to 572 grammes of fossil CO₂ per kWh", and UKWIN is more than happy to provide these (overleaf).
22. As noted in Footnote 3, on page 5 of UKWIN's November 2021 Written summary of oral case (REP3-039), the figure of 572gCO₂/kWh was derived by dividing the fossil CO₂ (assumed by the applicant) by the electricity exported (as assumed by the applicant).

23. As noted in our oral submission, this calculation was based on the upper end of the applicant's assumed fossil composition (i.e. the applicant's scenarios 3 and 6) which, as set out by UKWIN in paragraphs 22-27 of REP2-057, is the most likely of the proposed feedstock carbon composition assumptions assessed by the applicant.

**Calculation of carbon intensity of exported electricity
based on the applicant's assumptions**

| Item | Value | Unit | Source / Calculation | |
|----------|--|----------------|--|--|
| A | Total CO ₂ Emissions from Thermal Treatment with CO ₂ Recovery | 609,649 | Tonnes of CO ₂ per annum | Applicant's Table 21-7 of APP-059 (6.2.21 Environmental Statement - Chapter 21 - Climate Change) |
| B | Fossil fraction of waste feedstock | 60% | Percentage | Applicant's Table 1: Waste Composition Emissions Analysis from Page 4 of REP1-019 |
| C | Fossil CO₂ emitted | 365,789 | Tonnes of Fossil CO₂ | A x B |
| D | Electricity export capacity | 80 | MWe | Applicant's Paragraph 21.4.24 of APP-059 |
| E | Hours of operation | 8,000 | Hours per annum | Applicant's Paragraph 21.4.35 of APP-059 |
| F | Electricity exported | 640,000 | MWh | D x E |
| G | Grams of fossil CO₂ per kWh exported | 572 | Fossil carbon intensity | (C ÷ F) x 1,000 (to convert tonnes into grams and MWh into kWh) |

(Numbers shown rounded for readability)

24. While the precise carbon intensity depends on the feedstock composition, generation efficiency and parasitic load, it can be concluded, as shown above - based on the information submitted by the applicant to date - that it is highly likely that the development would have a high carbon intensity and would hamper efforts to decarbonise the electricity supply.
25. Turning to Paragraph 3.1.7 of the applicant's submission, we agree with the applicant that the primary purpose of the facility is waste management rather than energy generation (despite the name of the facility mentioning 'energy' but not 'waste'), however we do not believe that this excuses the poor carbon performance of the energy that would be exported.
26. In response to Paragraph 3.1.8 of the applicant's submission, we do not see any inconsistency with giving little or no weight to unproven claimed benefits that depend largely on the assumed alternative fate of the waste, while also giving significant weight to likely adverse climate impacts that can be readily anticipated based on the applicant's assessments.
27. It is reasonable to conclude that the Boston proposal comes with both the likelihood of climate disbenefits and uncertainty regarding claimed benefits based on the information provided by the applicant, and this conclusion is supported by the detailed evidence provided by UKWIN.