Comments on any further information and submissions received by Deadline 2

UKWIN'S D3 COMMENTS ON REP2-023

REP2-023: 10.6 APPLICANT'S RESPONSE TO DEADLINE 1 SUBMISSION

Proposed Development:

Medworth EfW CHP

Proposed Location:

Land on the Algores Way Industrial Estate to the west of Algores Way in Wisbech, Fenland, Cambridge

Applicant:

Medworth CHP Limited

Planning Inspectorate Ref:

EN010110

Registration Identification Ref:

20032985

APRIL 2023

United Kingdom Without Incineration Network

UKWIN RESPONSE TO REP2-023 COMMENTS ON REP1-096

1. Electronic pages 23 and 24 of REP2-023 provide the Applicant's comments on UKWIN's REP1-096 Deadline 1 (D1) Post Hearing Submission. REP1-096 included the summary of UKWIN's Issue Specific Hearing 1 (ISH1) Oral Submissions and focused on Agenda Item 4 of ISH1 ('Need for the Development'). REP1-096 also included a number of supporting documents.
2. The Applicant's REP2-023 response was split into the topics of 'Waste need' and 'Climate change'. UKWIN's response below uses the same headings to refer to the respective portions of REP2-023.

Waste need

3. The Applicant states in REP2-023 that: "The Applicant submitted an updated version (Revision 2) of the WFAA (Volume 7.3) at Deadline 2. This updated document sets out:

   Consideration of the Government's Environmental Improvement Plan (EIP) to reduce residual waste arisings to 50% of 2019 levels.

   Consideration of the Government's Jet Zero Strategy and the move towards the production of sustainable aviation fuel (SAF)."
4. However, the Applicant's revised WFAA [REP2-009] fails to adequately consider the Government's Environmental Improvement Plan (EIP), the Government's Jet Zero Strategy, and the move towards the production of sustainable aviation fuel (SAF).
5. UKWIN's detailed comments on the Applicant's WFAA Revision 2 [REP2-009 & REP-010] are set out in a separate Deadline 3 (D3) submission, which includes a consideration of how the updated WFAA failed to adequately consider the matters raised by UKWIN in REP1-096.
6. Our separate submission also sets out how the Applicant's WFAA Revision 2 does not adequately "reflect latest available published data".
7. This includes the Applicant's failure to adequately address the concern raised in REP1-096 paragraph 61 that: "APP-094 considered quantities of waste sent to landfill in 2019 alongside historic levels of RDF export. Reliance on the Applicant's 2019 figures fails to reflect how new capacity has come online both during 2019 (which would have only been partially available for use during 2019) and subsequent to 2019. As such, in addition to considering new capacity that has arisen since the publication of APP-094, it is necessary to consider all relevant treatment capacity with the potential to treat waste sent to landfill or exported as RDF in 2019, whilst also accounting for the reductions in arisings described above".

8. We note that the Applicant's REP2-023 response does not directly dispute UKWIN's assertion that "it is likely that the quantity of residual waste that could be available as fuel in 2030 would be lower than the Applicant's 17.3 Mt figure" set out on paragraph 40 of REP1-096. This is explored further in UKWIN's separate submission on REP2-009 and REP2-010.

9. We also note that the Applicant completely fails to respond to UKWIN's assertion that assessment of waste availability should consider "co-incineration (e.g. cement kiln) capacity" (as per paragraphs 16, 18, 31 and 47 and 48 of REP2-023). This too is explored further in UKWIN's separate submission on REP2-009 and REP2-010.

10. The Applicant also fails to respond to UKWIN's request, made at paragraph 74 of REP1-096, for the Applicant to "elaborate upon the information provided in APP-041 electronic page 47 Graphic 14.2 Medworth Firing Capacity Diagram by clarifying in their updated WFAA: …(b) assuming 8,000 hours of operation per annum (as per Table 14.30 on electronic page 62 of APP-041), how much waste would be needed overall to meet this thermal input capacity based on the 'design point' and for the three MJ/kg scenarios for Net Calorific Values set out on electronic page 42 of the climate appendices [APP-088] (which range from 8.85 to 9.53 MJ/kg)…"

11. On electronic page 19 of REP2-023 the Applicant acknowledges that "waste throughput would increase as the CV decreased and conversely, waste throughput would decrease as the CV increased".

12. This is incompatible with the approach adopted by the Applicant in their REP2-023 Climate Data Appendix, which shows that the Applicant's Climate Change assessment assumes a fixed total waste input irrespective of the CV of the waste feedstock.

13. The Applicant has not ruled out the possibility that, with Net Calorific Values (NCVs) in line with the Applicant's 8.85 MJ/kg sensitivity case (let alone other NCVs), the waste feedstock requirement for the proposed Medworth incinerator could exceed 625,600 tonnes per annum, which is relevant to – yet insufficiently considered within – the Applicant's Waste Fuel Availability Assessment and the Applicant's consideration of the 'Rochdale Envelope' as per the Applicant's REP2-019 response to ExQ1 DCO1.2.5.

14. As set out below, the Applicant's "Appendix 10.6A – Climate Data", which accompanies REP2-023, does not allow for the sort of sensitivity analysis that would assist in answering UKWIN's questions and in assessing the waste hierarchy and climate change impacts of the proposal, including the relationship between waste composition, thermal requirements, and waste processing capacity, all of which are issues raised by UKWIN in our D1 and D2 submissions.

Climate change

15. The Applicant's REP2-023 response states (on electronic page 24): "The approach to quantifying GHG emissions from the construction, operation and decommissioning of the Proposed Development has been undertaken in line with the latest IEMA guidance for assessing GHG emissions and the infrastructure life-cycle modules set out in PAS 2080: Carbon Management Infrastructure".

16. As explored in some depth as part of UKWIN's Written Submission [REP2-066, electronic pages 7-21, paragraphs 9-115], there are numerous inconsistencies between the Applicant's approach to GHG assessment and relevant guidance set out in the IEMA guidance document cited by the Applicant [included on electronic pages 35-69 of REP2-066] and PAS 2080 [as quoted at paragraphs 21, 22, 23, 54 and 60 of REP2-066].

17. The Applicant states that they have provided a "full list of assumptions made in the GHG assessment is appended to the ES (Appendix 14B: Assumptions and limitations (Volume 6.4) [APP-088])" and that "The Applicant has submitted its GHG emissions assessment spreadsheets to the examination as Appendix 10.6A to this document".

18. These statements are incorrect. For the reasons set out in REP2-066, the Applicant has not set out all of its assumptions nor have they provided the actual assessment spreadsheets they used.

19. Neither APP-088 nor APP-041 nor REP2-023 provide sufficient information to enable third parties to fully understand the basis of many of the Applicant's claims or to assess the sensitivity of the Applicant's conclusions to changes in assumptions, system boundaries or methodology.

20. As set out in UKWIN's REP2-066 paragraph 4, what the Applicant has provided, in REP2-023 Appendix 10.6A, appears to constitute 'output' data and a disconnected list of sources and assumptions rather than spreadsheets with formulas that would enable a user to carry out sensitivity analysis or to confirm that the various calculations made are both mathematically correct and methodologically sound.

21. As also set out in REP2-066, at paragraph 5, no formulas were provided in REP2-023 Appendix 10.6A to show how the Applicant derives their outputs from their inputs, and whilst in some cases the relationship between inputs and outputs is obvious in others it appears that there simply are no connections between the two and/or that there must be unstated assumptions or inputs.

22. As set out in REP2-066 paragraph 6, UKWIN has provided an example of how the Applicant's REP2-023 Appendix 10.6A 'spreadsheets' neither address nor explain the discrepancy between their APP-088 electronic page 33 statement that "The EfW CHP Facility is designed to maintain a constant fuel thermal input capacity" and their compositional analysis (set out in APP-041, APP-088 and REP2-023 Appendix 10.6A) which appear to assume that in electricity-only mode a wide variety of NCV inputs (with fixed 8,000 hours of operational per annum and a fixed volume of 625,600 tonnes of waste feedstock) all result in the same 55MW net electricity generation output.

23. The varying NCV inputs of 9.53, 9.50 and 8.85 MJ/kg do not seem to have any impact on the outputs.

24. This raises questions regarding the validity of the Applicant's methodology which can apparently arrive at an output of 55MW for such a wide array of inputs.

25. The Applicant's methodology appears to fly in the face of the aforementioned REP2-023 statement (on electronic page 19) that "waste throughput would increase as the CV decreased and conversely, waste throughput would decrease as the CV increased".

26. As such, we maintain our D1 request for the Applicant to provide UKWIN and the Examination with an electronic copy (in unlocked and functional Excel spreadsheet format) of their climate change modelling data spreadsheet(s), as per APP-041 and APP-088, including both the central case modelled and the Applicant's various sensitivities so that interested parties (and the ExA) can:

    (a) see the full details regarding how the various results were derived from the source data by the Applicant, and the various assumptions and modelling processes used;

    (b) assess the outcome of adopting additional/alternative sensitivity scenarios to evaluate the impact of different assumptions; and

    (c) receive further elaboration upon the implications of the Medworth Firing Capacity Diagram with regard to the link between NCV/thermal input and MW/MWh output, especially within the context of the Applicant's chosen NCVs provided in APP-041 and APP-088, which range from 8.85 to 9.53 MJ/kg.

27. It appears that the Applicant does not dispute the importance of transparency, as set out by UKWIN, e.g. at paragraphs 53 and 55 of our REP1-096 submission. As such, we call upon the Applicant to provide the information previously requested to UKWIN in the interests of transparency.

28. While UKWIN has already provided detailed information about what we are requesting, UKWIN remains happy for the Applicant to communicate with us directly if they require further clarity regarding the information that is sought. This would allow for the information to be provided to UKWIN (and the Examination) as promptly as possible, without the significant delay that can arise from only communicating through responses published at a deadline that refers to submissions made at the previous deadline.

29. A more cooperative approach from the Applicant would be in the interests of the Examination as it would allow for UKWIN's concerns about the GHG impacts of the proposal to be more fully explored at an earlier stage of the examination process and would allow for the matters to be more comprehensively discussed at relevant Issue Specific Hearings.

30. Electronic pages 19 - 22 of REP2-023 provide the Applicant's comments on the Rt Hon Stephen Barclay MP's REP1-094 Deadline 1 (D1) Post Hearing Submission.

31. As previously noted by UKWIN, a number of the concerns raised in REP1-094 are shared by UKWIN.

Need for the facility/Waste Fuel Availability

32. The Applicant's REP2-023 submission directs Interested Parties to Revision 2 of the Waste Fuel Availability Assessment (the D2 WFAA) [REP2-009 and REP2-010].

33. The Applicant's D2 WFAA does not resolve the serious issues raised within REP1-094, nor is it clear from the brief reference on electronic page 19 of REP2-023 how the D2 WFAA was intended to address the criticisms of the Applicant's approach that were raised within REP1-094.

Alternative Technologies

34. Having reviewed the Applicant's REP2-023 response to REP1-094 UKWIN is of the view that the Applicant seems to have completely missed the point made in REP1-094 with regard to the consideration of alternatives.

35. The Applicant's REP2-023 response to REP1-094 states: **"The Applicant does not accept that mixed waste sorting in front of the EfW CHP Facility would result in reduced electrical output of 45MW gross and 41MW net. This is because the EfW CHP Facility will be designed to treat residual waste having a calorific value (CV) range from 9MJ/kg to 14 MJ/kg. In practice, this means that waste throughput would increase as the CV decreased and conversely, waste throughput would decrease as the CV increased Throughout this range of CV, the boiler steam production would remain at 100% and power output would therefore remain at 60MW gross and approximately 55MW net".**

36. The Applicant's assumption implies that it views the question of alternatives not as one of 'how to treat 630,000 tonnes of waste', but rather as an opportunity to reiterate their 'sales pitch' about how incineration is the only solution, and to suggest that mixed waste sorting would simply require the same facility to operate with greater throughput.

37. The Applicant's emphasis on electricity generation misses the point that, as is stated in EN-3 (March 2023) and elsewhere, "the primary function of EfW plants is to treat waste". The Applicant comes across as mysteriously reluctant to engage with the question of the alternative means available to treat their intended feedstock.

38. As is clear from EN-3 (2011, 2021, and March 2023) it is crucial for the Applicant to demonstrate that their proposed EfW capacity would not lead to excess residual waste capacity and would not prejudice movement up the waste hierarchy.

39. It makes no sense to adopt the approach to assessing alternatives that the Applicant is proposing, as this would result in requiring even more waste to be sourced to maintain MW output rather than reducing MW output to match the reduction in waste to be incinerated as more of that waste is treated at a higher level of the waste hierarchy.

40. As argued in the written representation from Equanimator provided on behalf of Rt Hon Stephen Barclay [REP2-064], notably in Appendix 4, if 630,000 tonnes of residual waste were available, and if the Applicant treated this material in line with the waste hierarchy, then around 20% of that waste would be made available for recycling, and the calorific value (CV) of each tonne of waste remaining would be lowered.

41. There is no reason why this impact could not be anticipated, with the proposed MW reduced to match the anticipated inputs.

42. The Applicant's peculiar interpretation of the requirement to assess alternatives would mean that the amount of residual waste – before mixed waste sorting – that would need to be available to allow the incinerator to generate 60MW gross and 55MW net, would be of the order 840,000 tonnes. This would simply exacerbate the unwelcome contribution that the facility would make to EfW overcapacity.

43. It should be noted that such a sorting system might well become more common in years to come. That would have the effect, as per Equanimator's written representation, of reducing the quantity of residual waste available (consistent with Government policy), increasing recycling (consistent with Government policy), and reducing the average calorific value of the remaining waste.

44. By ignoring such alternatives, the Applicant fails to respect the waste hierarchy and falls well short of fulfilling their duty to demonstrate that their proposed incineration capacity would adhere to the waste hierarchy.

45. The Applicant's REP2-023 response to REP1-094 goes on to state: **"Based on MVV's operational experience, the Applicant does not seek residual waste containing high amounts of plastics as this leads to increased operational costs due to higher consumable consumption and maintenance burden".**

46. If this were the case then it is curious that, within the context of considering alternative technologies that would better align with the waste hierarchy, the Applicant has not considered a technical solution combining mixed waste sorting – to remove plastics – with incineration (at a smaller scale).

47. The Applicant's REP2-023 response to REP1-094 also states: **"In Germany, where, in 2020, the recycling rate was approximately 20 percentage points higher than the average across Europe, and where the Applicant has been operating waste incineration facilities since the 1960s, there has been no such decrease in CV due to increased recycling rates. In fact, the opposite has been observed. The Applicant will provide further details at Deadline 3".**

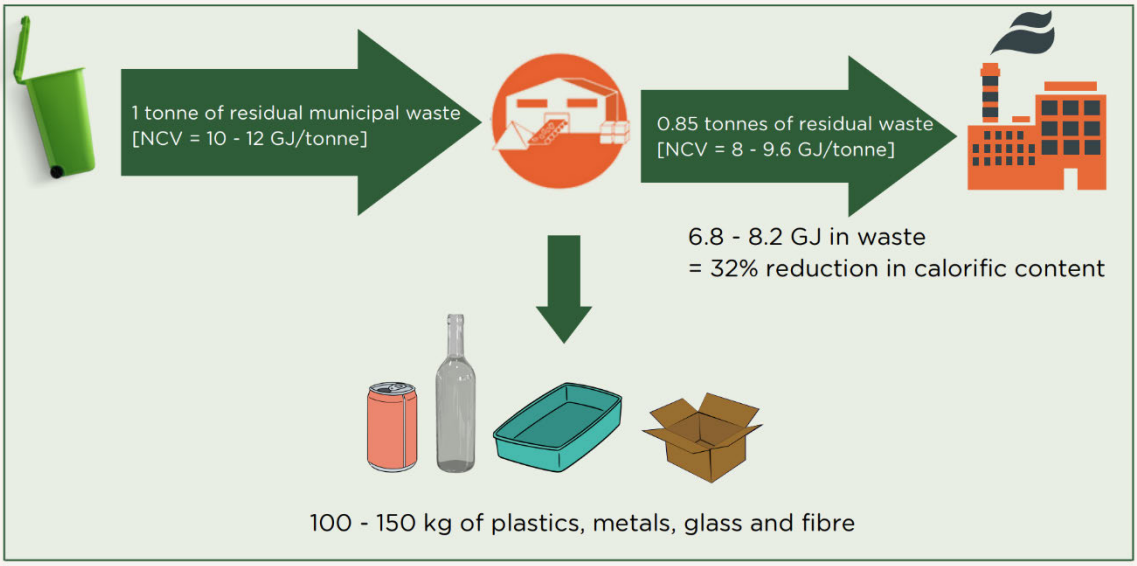
48. Once again, the Applicant appears to miss the point made, and therefore fails to address the issues raised, in REP1-094.

49. Whatever the calorific value is, and will be, in the UK, the removal of a large share of the remaining plastics would reduce that calorific value relative to what it would have been without sorting to remove plastics.

50. The Applicant's REP2-023 response to REP1-094 claims that they: **"cannot comment further on the estimated reduction in the quantity of waste of the order of 20% or the 32% reduction in waste calorific content as the study cited lacks explanation of these figures",** adding that: **"If further comment is required, the Applicant would welcome additional explanatory information on this point".**

51. UKWIN notes that the relevant report, entitled "The case for sorting recyclables prior to landfill and incineration", is a publicly available document. Figure 12 from electronic page 43 of that document is reproduced below:

Figure 12: Effect of MWS on Quantity and Calorific Value / Content of Waste



52. As can be seen from the chart, the modelling carried out for Reloop showed the impact of removing between 100 and 150 kg of plastics, metals, glass and fibre from a tonne of residual municipal waste.

53. The image depicts how, at the lower end of the modelled range, the removal of between 100 and 150 kg of plastics, metals, glass and fibre from a tonne of residual municipal waste would result in reducing the net calorific value of the waste:

    a) from 10 GJ/tonne to 8 GJ/tonne, which is equivalent to a reduction of 20%; or

    b) from 12 GJ/tonne to 9.6 MJ/tonne, which is equivalent to a reduction of 20%; and that

    c) at the upper end of the modelled range this would reduce the calorific value of the waste from 12 GJ/tonne to 8 GJ/tonne, which is equivalent to a 32% decrease.

54. Such findings are similar to work caried out in the past by UKWIN exploring the impacts of removing plastics from incinerator feedstock.

55. The impact on capacity or feedstock requirements of changes in feedstock composition will differ for each incinerator. However, we can get a sense of the scale of impact based on feedstock composition data published by Cory with respect to their Riverside incinerator.

56. The Riverside operator's feedstock composition analysis includes data on the respective contribution of dense plastic, plastic film, putrescibles and other waste types by weight and CV.

57. This data can be used to determine how much reducing one element of the waste stream would lower the CV, and therefore the increase in other waste categories (paper, card, wood, etc.) that would be necessary to deliver the same input CV.

58. Assuming that plastic film and dense plastics are completely removed from the feedstock and that all other categories increase proportionally, it would take around 31% more waste by weight to provide the same calorific value.

Waste required to compensate for the removal of plastic film and dense plastic, based on the Riverside incinerator feedstock profile

	Original % by weight	Original % by CV	% of this to assume for future composition	Future % by weight	Future % by CV
Paper and card	27.83%	27.80%	156%	43%	43%
Plastic film	8.51%	18.67%	0%	0%	0%
Dense plastic	7.77%	17.28%	0%	0%	0%
Textiles	3.43%	5.25%	156%	5%	8%
Misc. Combustible	9.55%	12.26%	156%	15%	19%
Misc. Non-Combustible	5.39%	0%	156%	8%	0%
Glass	4.52%	0%	156%	7%	0%
Putrescibles	26.44%	16.35%	156%	41%	26%
Ferrous Metal	1.58%	0%	156%	2%	0%
Non-ferrous Metal	1%	0%	156%	2%	0%
Hazardous	1.21%	0%	156%	2%	0%
Fines	2.77%	2.39%	156%	4%	4%
	100%	100%		**130.6%**	100%

59. The figure of 130.6% suggests the need for a 30.6% increase in waste by weight to provide the same calorific value.

Climate Change (non-fossil CO2 emissions):

60. The Applicant's REP2-023 response to REP1-094 includes the following: **"The assessment of methane emissions for landfill in ES Chapter 14: Climate Change (Volume 6.2) [APP-041] assumes that rather than all non-fossil (biogenic) carbon being turned into methane, only a proportion of the non-fossil carbon in residual waste is turned into methane. Therefore allowance has been made for the proportion of non-fossil carbon sequestered in landfill, which has been deducted from the landfill emissions".**

61. Whilst it is correct to say that "only a proportion of the non-fossil carbon in residual waste is turned into methane" it is incorrect to suggest that the Applicant's calculations made allowances for the proportion of non-fossil carbon sequestration in landfill.

62. The Applicant's calculations, despite their claim, did not made a deduction in relation to the non-fossil carbon which is sequestered in the landfill.

63. This matter is addressed both in UKWIN's REP2-066 submission (at paragraphs 81-88) and in evidence from Equanimator provided on behalf of Rt Hon Stephen Barclay [REP2-064], notably in Appendix 5, as summarised in Table 2 (on electronic page 122 of REP2-064).

64. This failure is decisive in the comparative analysis, because when the calculations are adjusted to properly account for the sequestration of biogenic carbon in landfill then the GHG impact of landfill is reduced by 171,846 tonnes per annum, which makes the incinerator proposed for Medworth significantly worse than landfill with respect to GHG performance.

65. In addition to the relevant evidence provided by UKWIN at paragraphs 81-88 of REP2-066 and the evidence contained within REP2-064, further evidence on the importance of accounting for biogenic carbon sequestration was set out in REP1-096 (electronic pages 104-127) as part of UKWIN's Good Practice Guidance for Assessing the GHG Impacts of Waste Incineration.

66. Despite UKWIN's REP1-096 evidence on this topic the Applicant has similarly chosen to ignore, rather than meaningfully engage, regarding this crucial issue.

Climate Change (grid decarbonisation)

67. The Applicant's REP2-023 response to REP1-094 states: **"…For the purposes of the assessment in the ES, to provide a conservative estimate of avoided emissions it was assumed that rather than displacing electricity generated by fossil fuels, the electricity generated by the EfW CHP Facility (Proposed Development case) and LFG (without Proposed Development case) would displace UK Grid Average electricity generation…"**

68. The Applicant's REP2-023 response to REP1-094 then enters into discussion about comments from various bodies such as Cambridgeshire County Council and the Climate Change Committee.

69. Statements made by both these bodies indicate that they would expect the Applicant to consider a case where the source of electricity assumed to be displaced is progressively decarbonised.

70. Despite this, the Applicant maintains as its Core Case the displacement of grid average electricity as it was in 2021 even though the facility proposed for Medworth could not reasonably be expected to become operational until 2027 at the earliest.

71. The approach taken by the Applicant in its Core Case is at odds with Government guidance produced by the Department for Energy Security and Net Zero and by the Department for Business, Energy & Industrial Strategy.

72. The Government produces a suite of guidance under the title "Green Book supplementary guidance: valuation of energy use and greenhouse gas emissions for appraisal".

73. According to the Government, these documents constitute: “Supplementary guidance to Treasury’s Green Book providing government analysts with rules for valuing energy usage and greenhouse gas emissions”.

74. The suite of documents includes:

    a) Valuation of energy use and greenhouse gas emissions for appraisal (last updated January 2023);

    b) Background documentation for guidance on valuation of energy use and greenhouse gas emissions (last updated January 2023); and

    c) Data tables 1 to 19: supporting the toolkit and the guidance (updated 17 April 2023, to fix formatting errors).

75. The assertion that the Applicant’s approach is inconsistent with Government policy is well made in the evidence in REP2-064, notably Appendix 5.

76. The Applicant’s Core Case is simply not ‘the Core Case’ – it is not for the Applicant to decide its own methodology for evaluating their project when clear methodological guidance from Government already exists.

77. It would be perverse for the Secretary of State to accept the Applicant’s assumptions, chosen to favour their proposal, in preference to the methodology indicated by Government, not least because the Government’s methodology would take account of the continued decarbonisation of the electricity supply.

78. Further evidence showing that the Applicant’s approach is inconsistent with good practice and inconsistent with Government guidance is set out in UKWIN’s evidence, including within paragraphs 44-57 of UKWIN’s Written Representation [REP2-066] in a sub-section entitled ‘Decarbonisation of the electricity grid’, and on electronic pages 138-149 of REP1-096 which is the relevant section of UKWIN’s Good Practice Guidance for Assessing the GHG Impacts of Waste Incineration.

79. The Applicant goes on to claim that: **“Displacement of conventional fossil fuels is the most likely scenario for the EfW CHP Facility”.**

80. Such an assertion is completely wrong and without foundation.

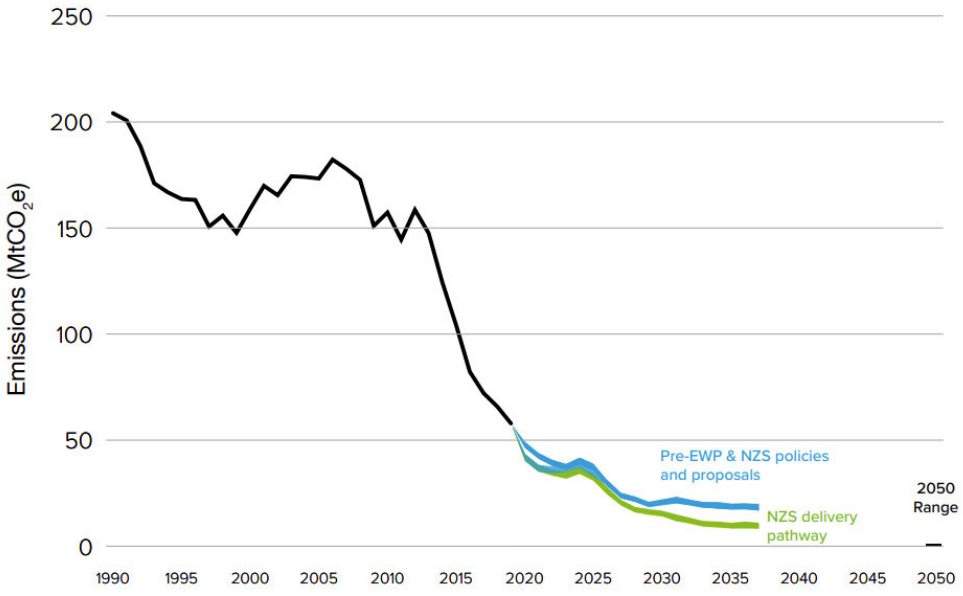
81. However, even if the facility proposed for Medworth did end up replacing CCGT, it is likely to be replacing abated CCGT (i.e. CCGT with carbon capture), yet the Applicant has only assessed the impact relative to unabated CCGT.

82. As UKWIN pointed out at paragraph 51 of our Written Representation [REP2-066]: “It is also notable that the Applicant’s sensitivity analysis considers only unabated CCGT, meaning that the Applicant has not assessed the climate impacts for the energy that would be generated by the proposed Medworth incineration plant relative to CCGT with carbon capture, despite the prospect of such technology being in place during the 40-year lifetime of the proposed facility”.

83. The Applicant’s failure to align their counterfactual with those recommended for use by Government is further evidenced by reference to EN-1 (March 2023) paragraph 3.3.15, and to page 96 og the Government’s Net Zero Strategy (October 2021), which both read: “Based on our whole-system modelling, by 2050, emissions associated with power could need to drop by 95-98 per cent compared to 2019, down to 1-3 MtCO2e. In the interim, to meet our NDC and CB6 targets, we expect emissions could fall by 70-75 per cent by 2030 and 80-85 per cent by 2035, compared to 2019 levels. These figures are based on an indicative power sector pathway contributing to the whole-economy net zero and interim targets”.

84. In other words, halfway through the life of the proposed Medworth facility, overall GHG emissions from the power sector will need to be vanishingly small, which can be seen by reference to Figure 17 of the Government’s Net Zero Strategy, reproduced below:

Figure 17: Indicative power emissions pathway to 2037



Source: BEIS analysis

85. The Applicant’s assumption that the Medworth facility would be displacing unabated fossil fuel powered generation is implausible and out of step with the power sector decarbonisation trajectory necessary for the UK to meet our net zero commitment.

Comments on any further information and submissions received by Deadline 2

UKWIN'S D3 COMMENTS ON REP2-009 AND REP2-010

REP2-009: 7.3 WASTE FUEL AVAILABILITY ASSESSMENT (CLEAN) - REV: 2.0
AND REP2-010: 7.3 WFAA (TRACKED CHANGES) - REV: 2.0

Proposed Development:
Medworth EfW CHP

Proposed Location:
Land on the Algores Way Industrial Estate to the west of Algores Way in Wisbech, Fenland, Cambridge

Applicant:
Medworth CHP Limited

Planning Inspectorate Ref:
EN010110

Registration Identification Ref:
20032985

APRIL 2023

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INTRODUCTION

1. REP2-009 and REP2-010 provide the Applicant's updated baseline positions and conclusions with respect to their national and local waste fuel availability assessment. This submission comments on these updated conclusions. For convenience, this submission refers to both REP2-009 and REP2-010 as 'the D2 WFAA' in anticipation of further revisions at future deadlines.
2. In REP1-096 UKWIN set out the following series of factors to be taken into account as part of the updated Waste Fuel Availability Assessment (WFAA):
    a) Accounting for UK Government recycling and residual waste targets being met at local and national levels;
    b) Accounting for domestic incineration capacity from 2019 onwards (including the need to account for co-incineration and waste-to-SAF capacity); and
    c) b) Accounting for the impact of changes in waste composition on waste processing capacity.
3. UKWIN's comments on REP2-009 and REP2-010 include an assessment of the extent to which the Applicant's updated WFAA adequately accounts for these factors.
4. UKWIN comments on the recent publication of revised draft National Policy Statements EN-1 and EN-3 and the Applicant's REP2-009 comments on the waste hierarchy as these are relevant to the adequacy and implications of the updated WFAA.
5. REP2-009 ExQ1 PP.1.1 asks the Applicant: "Can the Applicant confirm how other energy projects have been taken into consideration in relation to need and which projects have been considered?".
6. In its response the Applicant states: "For both the local and national analysis of fuel availability, the updated WFAA submitted at Deadline 2 has sought to consider other energy projects in terms of EfW capacity and the extent to which there is a need for additional residual waste management capacity by reviewing the capacity of these EfW projects both in the Study Area and in England: All operational capacity; All capacity under construction; All consented capacity (but not built); and Capacity in the planning system…"
7. As set out below, the Applicant's D2 WFAA does not actually draw on information about all operational capacity operational under construction, and it does not meaningfully consider any consented capacity that has not been bult to reach their conclusions with respect to local and national need assessments. Other matters have also not been adequately considered.

COMMENTS ON THE UPDATED NATIONAL ANALYSIS

Geographical scope of National Assessment

8. The Applicant's national analysis focuses on UK-wide figures rather than on England. This means that the Applicant does not assess whether or not there is overcapacity within England, only within the UK more broadly.

9. At REP2-066 paragraph 160 UKWIN provided information which indicates incineration overcapacity across England based on a residual waste arisings scenario consistent with meeting the Government's residual waste reduction targets.

National baseline figures for residual waste

10. The Applicant's national analysis starts at paragraph 5.1.1 of the D2 WFAA by providing figures for total residual waste but not for municipal residual waste. As set out in UKWIN's Deadline 2 comments on REP2-023, this means that much of this waste would not be suitable for incineration.

11. However, confusingly these figures appear not to have been used by the Applicant as they then pivot to using a figure from Tolvik's 2021 Waste Statistics document where Tolvik estimated EfW inputs represented 52% of the UK Residual Waste Market in 2020 and 56% of the market in 2021.

12. These 52% and 56% figures from Tolvik are then used as the basis for the Applicant's assertion at paragraph 5.1.5 of the D2 WFAA that total residual waste arisings in the UK were 27.1 million tonnes in 2020 and 26.5 million tonnes in 2021 (which then fed into the Applicant's Table 5.1 'UK Residual Waste Disposals 2020 and 2021' on electronic page 75 of the D2 WFAA).

13. As such, the Applicant's position about UK residual waste arisings is based on a single line in a Tolvik document that does not state the methodology used to arrive at that figure.

14. Even if Tolvik's figures were correct, Tolvik is vague regarding what their UK residual market waste figures are intended to represent.

15. The Tolvik statement refers to the 'UK Residual Waste Market', but it is unclear the extent to which that market includes C&I waste which is not municipal C&I waste, or more generally waste which is not combustible or which for some other reason is not suitable, or not available, for use as incinerator feedstock.

16. As Tolvik's use of the term 'UK Residual Waste Market' is unclear, the availability and suitability for incineration of the waste within that stream is similarly unclear.

17. This means that the Applicant's reliance upon these figures may overstate the apparent amount of waste fuel potentially available for the Medworth plant and for incinerators more generally.

18. In the Applicant's fuel scope section, they state at paragraph 3.2.17 of the D2 WFAA that "…because it does not combust, rubble could not be managed at the Proposed Development and so needs to be discounted in this assessment".

19. Later in that section, at paragraph 3.2.20 the Applicant states that: "because HIC waste covers a wide cross section of waste types (as illustrated in the list above), this WFAA has taken into account the fact that parts of this stream will not be suitable for use as a fuel source at the Proposed Development e.g., rubble and soils. In recognition of this, and to avoid an over-estimation of available fuel, this assessment has excluded those waste types that are not suitable for combustion at the Proposed Development".

20. Those statements were made with respect to the 'local' assessment which made use of the Waste Data Interrogator, but the Applicant does not appear to have carried out a similar exercise for excluding such waste from the national (or 'UK-wide') analysis.

21. As such, despite the statements in their D2 WFAA, the Applicant has not ruled out having included in their assessment of UK residual waste quantities of waste which they elsewhere acknowledge ought to be excluded from such assessments.

22. Even if the Applicant's use of the Tolvik data was broadly correct (and we cannot know with certainty), the total amount of UK residual waste that the Applicant highlights could include wastes which are not actually suitable for incineration (and are therefore sent to landfill).

23. There is no value in providing incineration capacity for waste that is unsuitable for incineration, especially when doing so is likely to result in overcapacity.

Historic management of waste

24. The Applicant states at paragraph 5.1.7 of the D2 WFAA that: "As noted above, in May 2022, the report entitled 'UK Energy from Waste Statistics – 2021', Tolvik Consultancy Ltd, updated this position and noted that in respect of residual waste, in 2020, 14.07 million tonnes (52%) were managed via EfW, rising to 14.85 million tonnes in 2021 (56%). It is assumed that the remainder was either (a) exported as RDF (see below); or (b) disposed of to landfill".

25. As per the section above on the national baseline, in it is unclear how relevant the 'UK Residual Waste figures' are to an assessment of waste fuel availability as Tolvik's analysis focused on the UK rather than England, and on all residual waste rather than just the sub-section which might be suitable for use as incinerator feedstock.

26. The Applicant's paragraph 5.1.7 assumption that the remainder that was not treated at a municipal waste incinerator was either exported as RDF or disposed of to landfill, which informs Table 5.1 of the D2 WFAA, is not safe.

27. According to Tolvik's UK EfW Statistics for 2021 (published in May 2022) cited by the Applicant: "In 2021 the tonnage of SRF under EWC code 19 10 12 sent to cement and lime kilns in the UK was an estimated 375kt – broadly similar to the figure over recent years".

28. This means that even the Tolvik report cited by the Applicant acknowledges that not all of the residual waste that was not incinerated went to landfill in 2020. However, the Applicant has not provided an estimate of how much of the residual waste would have gone for dedicated biomass or other treatment facilities, such as co-incineration at cement kilns, etc.

29. According to Tolvik's UK Dedicated Biomass Statistics for 2019 (published April 2020): "Tolvik estimates that in the calendar year 2019, 2.55Mt of Recycled Wood was sent to UK biomass, a 6.7% increase on the 2.30Mt in 2018-19".

30. While Tolvik names the category "Recycled Wood", as this wood is sent to dedicated biomass facilities for burning, it is not recycled.

31. The D2 WFAA does not estimate how much of the claimed 48% in 2020 would have been sent to UK biomass plants. As such, even if the Applicant's figure for total UK Residual Waste, EfW and RDF export were correct, this would not provide an accurate estimate of how much was landfilled in a given year.

32. Added to this is the fact that the Applicant's 1.8 million tonne figure for RDF export is based exclusively on English RDF exports and not on the whole of the UK, as is acknowledged in the text within the Applicant's 'Graphic 4' on electronic page 74 of the D2 WFAA.

33. For the reasons set out above, the Applicant's claim at paragraph 5.3.1 of the D2 WFAA that "in 2020 11 million tonnes of residual HIC waste was disposed of to landfill" is not supported by sound evidence nor by an explicitly detailed coherent methodology.

34. Furthermore, even if 11 million tonnes of HIC waste was landfilled in 2020 that does not mean that all this waste would (a) still be produced in the future, (b) not be recyclable/compostable, (c) be suitable for incineration, and (d) be available for incineration.

35. Finally, even if waste were historically exported as RDF, that does not mean that those exports did not contain the type of material that could in the future be collected for recycling or composting (or material which could be substituted with material which is more readily recyclable or compostable, or minimised).

36. As such, evidence of the historic export of waste for RDF is not proof of a future demand for burning that waste domestically. And, even if it were, domestic waste capacity has increased since the RDF was exported, and more new waste incineration is under construction and in commissioning.

COMMENTS ON THE UPDATED LOCAL ANALYSIS

37. The D2 WFAA's Table 4.4 claims that around 2.4 million tonnes of 'potentially suitable' ('in scope') waste was generated in the Study Area in 2021 and was subsequently landfilled.

38. Even if the Applicant's assessment is correct with respect to the levels of waste within the spatial scope that was historically sent to landfill, this does not mean that such waste would:

    a) still be produced in the future,

    b) not be recyclable/compostable, and

    c) be available for incineration.

39. The Applicant does not assess how much residual waste treatment capacity within the Study Area came online in 2021, nor how much residual waste treatment capacity has subsequently come online, entered construction, or began commissioning.

40. It is also important to consider that Waste Local Plans that pre-date the 65% municipal recycling target and/or those that pre-date the target to reduce municipal residual waste by 29% by 2027 and to halve residual waste by 2042 may not fully take into account the latest Government measures and policy expectations.

41. It is therefore crucial to assess whether the proposed 625,600 tonnes of new waste incineration capacity would be needed in the event the Government's 65% municipal recycling target, and the Government's 2027 and 2042 residual waste reduction targets, are met at a local level, and not just at a national level.

42. In REP2-066 paragraph 160, UKWIN provided information which indicates incineration overcapacity across the WFAA Study Area based on a residual waste arisings scenario consistent with meeting the Government's residual waste reduction targets.

43. The Applicant plans to operate the facility for forty years, meaning that any capacity shortfall, if one exists at all after the facility has been commissioned, would be likely to be of a very short duration and therefore cannot justify the adverse climate impacts associated with the plant's construction and long-term operation.

44. At D1 UKWIN set out our concerns about the incompatibility of the proposal with meeting UK Government recycling and residual waste reduction targets at local and national levels. UKWIN provided further evidence on these matters in REP2-066, where we provided evidence that even without the new capacity proposed for Medworth there can be expected to be EfW overcapacity at both England-wide and WFAA Study Area levels should the Government's 2027 and 2042 targets be met.

45. As set out at paragraph 168 of REP2-066: "…when considering the Applicant's WFAA Study Area, the 625,600 tonnes of new waste incineration capacity proposed for Medworth could be expected to result in overcapacity of around 921,000 tonnes in 2027 and around 4,774,000 tonnes by 2042".

46. As set out at paragraph 169 of REP2-066: "…when considering the whole of England, the 625,600 tonnes of new waste incineration capacity proposed for Medworth could be expected to result in overcapacity of more than 3.3 million tonnes in 2027 and more than 10.7 million tonnes by 2042".

47. While the Applicant's D2 WFAA touches on some of the issues raised by UKWIN, the revisions reinforce rather than resolve our concerns.

48. Paragraphs 2.2.32 - 2.2.34 of the D2 WFAA acknowledge the 2042 and 2027 waste reduction targets set out in the Environmental Improvement Plan 2023 ('the EIP'). Notably however, this section of the Applicant's D2 WFAA does not refer to the EIP target to reduce **municipal** residual waste by 29% by 2027 (i.e. to 333kg/person) which is set out on internal page 148 of the EIP [electronic page 148 of REP1-096].

49. This municipal residual waste reduction target was noted as a key target by UKWIN at paragraphs 38 and 43 of REP1-096.

50. In fact, the Applicant provides no mention whatsoever of the Environmental Improvement Plan's 29% reduction target for 2027 within their latest submission, despite their proposed feedstock for Medworth being comprised primarily of municipal waste within the terms of how municipal waste is defined within the target (i.e. "waste from households plus waste similar in composition to household waste, such as commercial waste", as per internal page 148 of the EIP).

51. Rather than focusing specifically on the municipal target, the Applicant instead discusses a broader target, i.e. the target to reduce English residual waste (which includes both municipal and non-municipal waste) to 25.5 million tonnes by 2027.

52. For example, at paragraph 5.2.20 of the D2 WFAA the Applicant states: "The adoption of the 'median' and 'Circular Economy' scenarios also sits well with the provisions of **the recently published Environmental Improvement Plan (EIP) 2023, which seeks the total mass of residual waste not exceeding 25.5 million tonnes by the beginning of 2028**". (**emphasis added**)

53. The 'median' and 'Circular Economy' scenarios referred to by the Applicant relate to Tolvik's November 2017 UK Residual Waste 2030 Market Review's '55% household recycling' and 'Circular Economy target' scenarios and resulted in assumed 2030 UK-wide residual waste of 24.5Mt and 21.0Mt respectively.

54. However, internal page 2 of Tolvik's 2030 Market Review stated that: "The focus of the reports and this review is upon Residual Municipal Waste – being Residual Waste which can be treated alongside residual Household Waste".

55. This is reflected in the Applicant's Table 5.3 which refers to "Household waste" and "Municipal C/I Waste", i.e. the Tolvik-derived residual waste listed as '2030 Residual waste' include the municipal fraction of C&I, not the total non-mineral C&I stream.

56. As such, the appropriate EIP figure to use would not be the 25.5 million tonnes of residual waste in 2027 set out on internal page 147 of the EIP (which includes all non-mineral waste, and not just household waste and the municipal fraction of C&I waste), but the 333kg per capita figure for municipal residual waste in 2027 set out on internal page 148 of the EIP.

57. As set out by UKWIN from paragraph 38 of REP1-096, the 333kg figure can be converted to tonnes of municipal residual waste per annum by applying the ONS population forecast of 58,061,002.

58. Applying the 333kg figure to the population forecast for 2027 would result in 19.33Mt of total municipal residual waste in England.

59. This equates to 17.40Mt of municipal residual waste assuming 90% of the total figure (to account for the non-combustible fraction of the total, e.g. ceramics, rubble, soil, etc. in line with the acknowledgment by the Applicant at Paragraph 3.2.20 of the D2 WFAA that not all HIC is suitable for use as a fuel source); 16.43Mt assuming 85% of the total figure; and 15.47Mt assuming 80% of the total figure.

60. As per Table 5.3 of the D2 WFAA, the Circular Economy figure is based on Tolvik's 2017 residual waste figure of 21.0 million tonnes for 2030, and the 'high recycling' scenario is based on Tolvik's 2017 residual waste figure of 17.3 million tonnes for 2030. As such, in line with UKWIN's comments at paragraph 40 of REP1-096, the Applicant's 'Median' or 'Central' scenario of 21.0 million tonnes per annum in 2030 (which Tolvik call the '55% household scenario') has not been shown to be compatible with the reductions of waste required to meet the EIP's target to reduce municipal residual waste to 333kg per person by 2027 which reflects a figure of 17.40Mt (not all of which would be suitable for incineration).

61. As set out in REP1-096, if England is to meet its 2027 targets and be on course to meeting its 2042 target then the amount of residual waste suitable and available for incineration could be expected to be much lower than the levels which the Applicant suggest are compatible with meeting the targets.

62. In line with paragraph 40 of REP1-096, while the Applicant's "high recycling" scenario could be considered more plausible, it is likely that the quantity of residual waste that could be available as fuel in 2030 would be lower than the Applicant's 17.3Mt figure. This is because residual waste can be expected to fall from the 2027 level as progress is made towards achieving the Government's 2042 target and because not all residual waste would be suitable for incineration.

63. Part of the reason why the quantity of residual waste in 2030 can be expected to be lower than in the Applicant's 'high recycling' scenario is that, as set out on Table 5.3 of the D2 WFAA, the Applicant's / Tolvik's scenario was premised on average annual growth of 0.4% and 0.5% for household and municipal C&I waste, whereas the UK Government is aiming for significant reductions in waste and residual waste.

64. This means that the level of ambition for residual waste reduction in the Applicant's 'high recycling' scenario is insufficiently high to be compatible with the UK Government's ambitions.

65. The Government's residual waste reduction ambition is not only set out in the EIP, but also in the Resources and Waste Strategy (which was published in December 2018, and therefore post-dated Tolvik's November 2017 Residual Waste Market Review) as per paragraph 131 of REP2-066.

66. The 2018 Resources and Waste Strategy sets out how the Government's desired direction of travel is to be reducing 'Total waste generated' and 'Total residual waste generated per capita' and increasing 'Household waste recycling', 'Municipal waste recycling' and 'Commercial and industrial waste recycling'.

67. While there is a desire for less landfilling set out within the Resources and Waste Strategy, this can be achieved through the top tiers of the waste hierarchy as there is no explicit statement about a desire for an increase in volumes of waste incinerated.

68. As previously set out by UKWIN, given the high levels of existing and emerging waste incineration capacity across the UK, any increase in incineration capacity is likely to divert the management of waste from the top tiers of the waste hierarchy rather than from landfill.

69. Indeed, according to Rebecca Pow, speaking as the UK Government's Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs: "I want to set the record straight: as my right hon. Friend the Member for Romsey and Southampton North (Caroline Nokes) highlighted, our focus as a Government is on 'reduce, reuse, recycle'. We are sticking to that, as well as to the drive towards an ever more circular economy, which many Members touched on. That means extracting maximum value from our resources, then recovering and regenerating products and materials at the end of their lifespan. Through that, we seek to minimise the amount of waste that goes to incineration or landfill, which certainly are at the bottom of the waste chain...Policies aimed at diverting waste away from landfill mean that, in addition to recycling gains, the volume of waste being treated at energy-from-waste plants has increased. Of course, however, the aim with all the measures in the waste and recycling strategy is to bring that down".[1]

70. Because the Applicant is relying on Tolvik's historic analysis – which pre-dated the Resources and Waste Strategy, let alone the EIP's target for 2027 – it is not surprising that it reflects an outdated estimate of future arisings, thereby undermining the Applicant's assessment of compatibility with local and national recycling residual waste reduction targets.

71. With respect to the Environment Act's 2042 target to halve residual municipal waste relative to a 2019 base year, the D2 WFAA is brazen in its apparent denigration of, and failure to robustly explore the potential impact of, the achievement of this legally binding Government target.

72. At paragraph 5.2.21 of the D2 WFAA the Applicant mischaracterises the Environment Act's 2042 target as a 'stretch target', and at paragraphs 5.2.22 and 5.2.23 the Applicant seeks to cast doubt on the achievability of the target.

73. The Applicant's full frontal assault on a key element of the Government's existing waste policy is unwarranted and unhelpful.

[1] Hansard. Westminster Hall debate on Industrial and Commercial Waste Incineration. UK Parliament, 28 January 2020

74. Firstly, we turn to the Environmental Targets (Residual Waste) England Regulations 2023 [REP1-06 electronic pages 77-82].

75. The Regulations state that: “In accordance with section 4(1) and (2) of the 2021 Act, the Secretary of State has sought advice from persons the Secretary of State considers to be independent and to have relevant expertise, and is satisfied that the target in these Regulations can be met”.

76. This confirms the Government’s position that the target to reduce residual waste is achievable.

77. Furthermore, the Regulations state that: “The residual waste long-term target is that by the end of 31st December 2042 the total mass of residual waste for the calendar year 2042 does not exceed 287 kilograms per head of population in England”.

78. As such, the residual waste reduction target is not a ‘stretch’ target, but a legally binding long-term target.

79. Additionally, the Explanatory Note to the Regulations states that: “These Regulations, which apply to England, set a long-term target in relation to the reduction of residual waste, which is within the priority area of resource efficiency and waste reduction under section 1 of the Environment Act 2021 (c.30). The Regulations specify the standard to be achieved in respect of the target and the date by which it **must be achieved**”. (**emphasis added**)

80. This not only confirms the importance of these targets, but also that they are targets that “must be achieved”.

81. At Paragraph 5.2.22 of the D2 WFAA the Applicant’s claims that “…a fundamental factor is that the EIP neither includes a clear strategy nor puts the required funding in place to set out how a halving of residual waste by 2042 will be achieved - especially given the stagnating municipal recycling rates already discussed in this assessment”.

82. It is not for the Applicant to seek to undo Government policy simply because the policy is unhelpful to its application (much as it seems evident that the Applicant wishes for exactly that outcome).

83. The UK Government ran a public consultation on the Environmental Targets which resulted in more than 81,000 responses. These responses were then considered in advance of the Government’s decision to adopt the 2027 and 2042 targets for residual waste reduction.

84. The appropriate place for challenging the residual waste reduction target was as part of the relevant consultation, and not at an NSIP Examination.

85. Far from constituting a “fundamental factor”, the Applicant’s arguments say more about the Applicant’s lack of understanding of the Government’s policy position than about the policy itself.

86. Firstly, there is no requirement for the EIP to set out how the target would be achieved.

87. The Government's position is that the targets can be achieved, and if the development proposed for Medworth would provide capacity that would be incompatible with the achievement of the targets then that can justify refusal of the application.

88. Secondly, the EIP sets out numerous measures to support recycling and residual waste reduction. As set out in REP1-096 electronic pages 53, Government measures to achieve the residual waste reduction targets include commitments to:

    a) Implement consistent recycling for households and businesses, to boost recycling rates.

    b) Introduce a Deposit Return Scheme for plastic and metal drinks containers from October 2025 to drive very high recycling rates, to incentivise citizens to do their civic recycling duties and bring positive recycling behaviours into public consciousness.

    c) Implement packaging Extended Producer Responsibility from 2024 to move the cost of dealing with household packaging waste from taxpayers and councils to the packaging producers.

    d) Mandate recycling labelling for packaged products by 31 March 2026 except for plastic films and flexible which we will mandate by 31 March 2027.

    e) Ban the supply of single-use plastics like plastic plates and cutlery from October 2023. We will also explore options further, including with stakeholders, for the potential for technological innovation in the production of coffee cups, and behavioural science in how they are used.

    f) Introduce a mandatory digital waste tracking service to modernise existing waste record keeping and implement reforms to the waste carriers, brokers and dealers regime and bring forward legislation to tackle abuse of certain types of waste exemptions.

89. According to internal pages 1 and 26 of the 2021 Waste Management Plan for England: "The major waste reforms set out in the [Environment] Bill [now the Environment Act] will support the achievement of a 65% recycling target for municipal waste by 2035" and "These measures are expected to increase recycling from households from current levels to 65% by 2035".

90. Thus, the Government also expects the 65% target to be met both for household waste and municipal waste (which includes both household waste and the fraction of commercial waste which is similar to household waste).

91. The UK Government's commitment to halving residual waste, and their conviction that such reductions are achievable, are also set out within Defra's Environment Act Targets Impact Analysis: Waste Reduction, which notes the following:

    a) "The modelled trajectories…provide further evidence that our proposed target ambition level is ambitious but achievable and that our illustrative policy pathway is a sensible illustration of the level of waste reduction that may be achieved";

    b) "A legally binding long-term target gives a clear signal to industry of the direction of future government policy. This will increase investor confidence and encourage industry to invest in infrastructure and research that will improve the circularity of the economy"; and

    c) "The target will be met by using a range of government policy levers. These levers could include regulation that puts in place rules and standards that producers must follow which will encourage all of industry to improve their products recyclability, repairability and reusability".

92. Given the long-term nature of these statutory targets, it is quite reasonable for the Government to leave some of the decisions regarding which government policy levers to use beyond those already set out in the Resources and Waste Strategy and EIP to the next Parliament. However, it is clearly the Government's position that such levers exist and that the targets can and will be met using such levers.

93. Endorsing the desirability of this increased level of ambition, the Government – in their consultation document for the target – explained how: "Tackling residual waste reduces the environmental impacts of treatment, including air, soil, and water pollution…It is more sustainable to prevent waste completely and, where waste is unavoidable, to recycle it...The proposed target can drive both waste minimisation and recycling of unavoidable waste..."

94. Given the numerous benefits of reducing residual waste, it is not surprising that the Government has adopted a long-term statutory residual waste reduction target and that the Government anticipates that further levers will be adopted to achieve this target.

95. Another reason to have confidence in the anticipated reduction in residual waste is that much of what is currently treated as 'residual waste' is actually recyclable or compostable.

96. This fact is explored in depth in UKWIN's Good Practice Guidance, including at pages 150-164 of REP1-096, and in UKWIN's Written Representation (WR), including the section of the WR entitled 'Defra's concerns regarding the recyclability of residual waste' [REP2-066 paragraphs 144-147].

97. As noted on electronic page 155 of REP1-096, the Government explained in January 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".

98. It is not surprising that the impacts of this 'paradigm shift' have not been felt prior to the measures set out in the Resources and Waste Strategy and Environment Bill being enacted, but these measures – and additional measures – can be expected to be implemented in the coming years, thus negating the relevance of assessing historic English recycling rates that pre-date the introduction of such measures.

99. Now that it has been shown that the 2042 target ought to be given serious consideration, we turn to the Applicant's assessment of the impact of achieving that target.

100. Paragraph 5.2.24 of the D2 WFAA states: "Current Office for National Statistics (ONS) population predictions are that in 2043, there will be approximately 61,744,098 people in England – and at 287kg of residual waste per head, this equates to 17.72 million tonnes of residual waste. Whilst current operational and 'in construction' EfW capacity equates to 19.4 million tonnes (as predicted by Tolvik in 2022), inevitably by 2042, a large proportion of the existing capacity will be decommissioned and/or require upgrading – particularly the older/smaller non-R1 compliant facilities. With this in mind, it is considered that even in the unlikely event of the EIP stretch target of halving residual waste by 2042 being achieved, there remains a clear need for the capacity offered by the Proposed Development".

101. This statement is far from reassuring for a multitude of reasons. For example:

    a) the 287kg per head figure which underpins the Applicant's 17.72Mt figure relates to all residual waste (excluding major mineral waste). For the reasons set out above, the actual focus should be on the municipal residual waste fraction of this total (and even then, only on the available combustible portion of that fraction).

As UKWIN set out in REP1-096 paragraph 46, if municipal residual waste halves per person between 2019 and 2042 (as the target relates to 2042 and not to 2043) total municipal residual waste per person would be 234.5kg in 2042, and depending on the fraction of that municipal residual waste deemed suitable for use as a fuel (e.g. excluding glass, ceramics, grit and gravel, soil, rubble, etc. in line with the acknowledgment by the Applicant at Paragraph 3.2.20 of the D2 WFAA that not all HIC is suitable for use as a fuel source) the quantity of waste suitable for use as incinerator feedstock would be in the order of 11.26Mt – 12.66Mt (far below the 17.72 million tonne residual waste figure stated by the Applicant).

b) There is no evidence that a significant quantity of existing capacity would be taken offline, and even if some of the existing capacity is no longer available in 2042 that capacity may be expected to remain online in the run-up to 2042 when municipal residual waste could be expected to be significantly lower than 2027 in order for the 2042 target to be met.

c) The Applicant's D2 WFAA statement fails to consider non-incineration uses for the residual waste that might otherwise be available for incineration, such as the waste being used to for co-incineration in cement kilns or as feedstock for waste-to-SAF schemes, which could undermine the justification for additional municipal waste incineration capacity.

102. In light of the above, it is clear that the Applicant has failed to adequately assess the impacts of the 2027 and 2042 residual waste reduction targets on future residual waste arisings.

103. These failures undermine the Applicant's latest assessment of compatibility with local and national recycling and residual waste reduction targets.

104. In relation to their national analysis conclusions, on electronic page 84 of the D2 WFAA, the Applicant states: “Operational EfW capacity by the end of 2026 was predicted to be 19.4 million tonnes”.

105. This statement is not based on the Applicant’s own assessment of ‘Energy from Waste Capacity Data’ set out in Appendix C (which states that there will be 18.89 Mtpa of capacity for England alone), but instead on a statement in Tolvik’s 2022 EfW Statistics document (which reported on 2021 data).

106. According to Tolvik, the 19.4Mtpa figure was based on “the EfWs listed in Appendix 1” of Tolvik’s 2022 report, which set out capacity for incinerators that were Operational, in Commissioning or In Construction as of December 2021.

107. As such, there is no indication that these figures take into account facilities that entered construction or increased their capacity after December 2021.

108. For example:

a) The 595,000 tpa of capacity at Rivenhall in the East of England which entered construction around November 2022. D2 WFAA Appendix C acknowledges that capacity as being under construction, but it was not listed in the Tolvik report.

b) Tolvik’s 2022 report using 2021 data listed Protos as having a permitted capacity of 410ktpa, but the permit was varied in January 2023 to increase this capacity to 500,000 tpa (EA Ref. EPR/LP3132FX/V007). The Applicant’s D2 WFAA Appendix C lists the lower 410ktpa figure.

c) Tolvik’s 2022 report using 2021 data listed Riverside Resource Recovery Facility as having a permitted capacity of 785ktpa, but in September 2022 the Environment Agency granted a permit variation increasing capacity to 850ktpa. Ref: EPR/BK0825IU/V009

109. We also note that the Applicant does not mention the various dedicated biomass facilities that either are already burning MSW/RDF, or that are intending to burn MSW/RDF, such as Aviva’s plants in Hull and Boston (both of which incinerated RDF in 2022, and together represent a combined capacity of around 173,000 tonnes per annum), and the Port Clarence plant (where the operator has applied to the Environment Agency for a permit variation to enable the facility to incinerate up to 330,000 tonnes of RDF per annum).

110. While these three illustrative examples on their own account for more than half a million tonnes of incineration capacity, such plants were not mentioned in Tolvik's EfW Statistics report and therefore are not reflected in Tolvik's 19.4Mtpa figure.

111. As such, while the Applicant claims to take into account the latest data their approach does not take the most recent data into account.

112. The Applicant's 19.4Mtpa figure is used as one half of their D2 WFAA claim (found on electronic page 83 and reflected in the conclusion on electronic page 84) that: "…by 2030, there is anticipated to be between 21.0 and 24.5 million tonnes of residual HIC waste in the UK requiring management. However, up to 2026 (and beyond) there is only anticipated to be around 19.4 million tonnes of operational EW capacity – which gives **a shortfall of between 1.6 million tonnes and 5.1 million tonnes**". (emphasis in original)

113. As noted above, the 21.0-24.5Mt arisings estimates for 2030 were based on Tolvik's '55% household' and 'Circular Economy target' scenarios which are out of step with the levels of residual waste reduction required to meet the UK Government's residual waste reduction targets.

114. As such, it appears that the Applicant is simultaneously overstating future residual waste arisings whilst understating future residual treatment capacity.

115. The extent to which the Applicant overstates the supposed need for their proposed capacity is exacerbated by the Applicant's failure to consider non-MWI (Municipal Waste Incineration) residual treatment capacity, as set out below.

The need to account for non-MWI capacity

116. As set out above:

a) the Applicant's figures for residual waste arisings in 2030 are based on Tolvik estimates which, apart from not being consistent with meeting Government targets, are based on a wider category of 'municipal waste' rather than on the portion of that waste that could reasonably be considered potential incinerator feedstock (that would not be used for other purposes such as for co-incineration in cement kilns);

b) the Applicant's assessment of the 2042 arisings figures is based on all residual waste (excluding major mineral waste) and not just municipal waste, let alone the relevant fraction of this waste; and

c) the Applicant's 16.49Mtpa 2027/2030 capacity figure is for 'UK Residual Waste' but it is unclear what types of waste this includes.

117. Given these factors, it is important to consider that some of the 'residual' waste might, if it is not reduced or reused or recycled, be treated through residual waste treatment routes other than Municipal Waste Incineration.

118. The 17.3Mtpa, 21.0Mtpa and 24.5Mtpa figures in Table 5.2 of the D2 WFAA are all based on a Tolvik report for the ESA published in November 2017 ('UK Residual Waste: 2030 Market Review').

119. Figure 31 of that Tolvik report compared Tolvik's 2030 estimates (of 17.3Mtpa, 21.0Mtpa and 24.5Mtpa) not against incineration capacity, but against a mix of capacity capable of treating that waste.

120. In addition to 'Dedicated EfW', additional EFW, and RDF Export, Tolvik's own use of those 2030 estimates accounted for the following median values:

a) 0.8Mt of MBT Impact (ranging from 0.5 – 1.4)

b) 0.6Mt of IED Biomass (ranging from 0 – 1.2)

c) 0.7 Mt of Co-incineration (ranging from 0.6 – 1.0)

121. The table showing this is reproduced below:

Mt	Median	Range Down	Range Up
Dedicated EfW	14.5	(0.2)	0.8
MBT Impact	0.8	(0.3)	0.6
IED Biomass	0.6	(0.6)	0.6
Co-Incineration	0.7	(0.1)	0.3
UK Capacity	**16.6**	**(1.2)**	**2.3**
Additional EfW prior to 2022	2.0	(0.1)	0.4
RDF Export	2.5	(0.5)	0.5
Total	**21.1**	**(1.8)**	**3.2**

Figure 29: Projected Total 2030 Residual Waste Treatment Capacity

122. This means that Tolvik's report acknowledged a mean 2.1Mt of non-MWI capacity (ranging from 1.1Mt to 3.6Mt of non-MWI residual waste treatment capacity) which – based on Tolvik's methodology – contributed to the 2030 capacity gap or level of overcapacity.

123. As such, it would be appropriate to modify Tolvik's estimate of 19.4Mt of capacity by 2026, which the Applicant uses for their 2030 capacity estimate, to include:

a) 535.5ktpa of additional capacity at Rivenhall (assuming 90% availability);

b) 58.5ktpa of additional capacity at Riverside (assuming 90% availability);

c) 81ktpa of additional capacity at Protos (assuming 90% availability);

d) 455.2ktpa of capacity at the two aforementioned Aviva and Port Clarence facilities (assuming 90% availability);

e) 600ktpa of IED Biomass capacity (which is only 100ktpa more than the amount which has already been converted to MWI but not included in Tolvik's 19.4Mtpa figure as noted above); and

f) 700ktpa of co-incineration capacity

124. Making these six adjustments increases the estimated future residual waste treatment capacity from the 19.4Mt specified in the D2 WFAA Table 5.3 for 2030 to more than 21.83Mt.

125. As such, based on figures from the Tolvik evidence relied upon by the Applicant combined with recent information applied in line with Tolvik's approach, it appears that in adjusted 'Circular Economy' and 'High recycling' scenarios based on those listed in Table 5.3 of the D2 WFAA there would clearly be incineration overcapacity, even without the additional 625,600 tonnes of additional capacity proposed for Medworth.

Waste-to-SAF capacity

126. At Paragraph 5.2.26 of the D2 WFAA the Applicant acknowledges that three Government-funded alternative aviation fuel projects are intending to convert household waste into Sustainable Aviation Fuel (SAF).

127. The Applicant does not provide any quantification of how much household waste these three waste-to-SAF plants (i.e. those associated with Fulcrum, Altalto, and Lighthouse Green Fuels) might require as feedstock in the event they go ahead.

128. In REP2-066 paragraph 166 UKWIN estimated that "Waste-to-SAF projects that have been awarded funds under the Government's Advanced Fuel Fund are expected to use approximately 600,000 tonnes of municipal residual waste would be available as a fuel in 2027, rising to 2.1 million tonnes by 2042".

129. This is based on 600ktpa for Fulcrum from 2027, 500ktpa for Altalto from 2028, and 1,000ktpa for Lighthouse Green Fuels from 2028 (with the years based on the UK Government's announcement and the figures based on statements made by the operators).

130. The Applicant's comments at 5.2.28 of the D2 WFAA seems to be referring to capacity within the context of an appraisal of alternatives to the proposed Medworth incinerator (i.e. whether or not the waste-to-SAF schemes represent "a credible alternative to the Proposed Development"), whereas UKWIN's evidence is focused on the issue of the waste-to-SAF projects competing for the same feedstock, and more broadly of incineration capacity competing with waste-to-SAF capacity and vice versa.

131. The Applicant's D2 WFAA neither assessed the impact of this waste-to-SAF capacity becoming available nor the potential impact of their proposed capacity on the waste available for those projects within the national waste context.

132. Within a more local context, given that the Medworth plant is intended to treat RDF as part of its feedstock, the waste used to create the RDF could be coming from outside the WFAA area and the Medworth plant could be competing with other means of treating that same residual waste, including those waste-to-SAF projects.

133. The Applicant notes at 5.2.28 that there are a number of barriers to investment for waste-to-SAF projects.

134. The UK Government has attempted to address some of those barriers through grant funding. However, by creating or exacerbating incineration overcapacity at a national level, the Medworth plant could be posing additional barriers that could threaten the viability of waste-to-SAF projects.

135. The Applicant notes that waste-to-SAF capacity might not come online until 2027, but that is roughly when (or even before) the Medworth plant would become operational. As such, at that time Medworth could be directly competing with such plants for feedstock.

136. It is also worth noting that the Applicant's reference, at the fourth bullet of paragraph 5.2.28, to "the impact of ROC expiry" may be misleading for several reasons.

137. Firstly, as far as UKWIN is aware, contracts for Renewable Obligation Certificates (ROCs) run for 20 years from the date of accreditation, meaning that currently operational accredited schemes can expect to continue to receive ROCs for the next decade or more.

138. Secondly, the ROCs programme is not the only support mechanism in place for such plants. Other forms of support include Contracts for Difference (CfD), as is the case for the Drakelow "ACT" plant.

139. Thirdly, the idea that gasification plants would rather shut down than compete with waste-to-SAF seems farfetched. A large proportion of the costs of thermal treatment plants lies with construction, and as such it seems unlikely that operators would simply shut down due to competition.

140. However, the Applicant's argument that there could be a 'fight for feedstock' is plausible and the argument supports UKWIN's position that allowing the incineration capacity at Medworth could make waste-to-SAF plants less likely to come forwards, despite the importance of these waste-to-SAF projects to the Government's Jet Zero ambitions.

141. As set out on paragraph 2.9 of the UK Government's 17th of April 2023 Response to the independent report on Developing a UK Sustainable Aviation Fuel Industry: "…a key determinant in the effective supply of low carbon fuels, such as SAF, is the availability of sufficient quantities of suitable feedstocks to produce them. Availability is limited by competition for feedstocks across the wider energy and transport sector".

142. This comments on the independent report published alongside the Department for Transport's response, and presumably responds to the statement on page 9 of that independent report that: "...some of the resources that SAF could use have an alternative application that is incremental to and (if unabated) higher carbon than other technologies (for example waste incineration to generate electricity) but have scarcity value as feedstocks in hard to decarbonise sectors..." and the statement on page 25 of the report that: "Waste and other biogenic feedstocks should be prioritised to address the challenges of the hardest to abate sectors".

143. As such, rather than stating that sourcing waste feedstock for waste-to-SAF would not be an issue because waste-to-SAF could simply displace gasification capacity, the Government and the associated independent report highlight how the availability of waste feedstock is a concern with respect to the development of UK's waste-to-SAF sector.

144. Thus, the Applicant's failure to assess the impact of their proposed capacity on the emerging waste-to-SAF sector, within the context of national EfW overcapacity, constitutes yet another serious failing of the D2 WFAA, which serves to demonstrate how the Applicant's suggested approach is out of step with Government thinking on this matter.

145. Furthermore, the Applicant's acknowledgement of a potential 'fight for feedstock' raises the concern that allowing the Medworth plant's proposed 625,600 tonnes of new waste incineration capacity could end up competing with recycling.

146. This weakens the Applicant's already unsubstantiated case that their plant would only be treating waste which would otherwise be landfilled or exported.

IMPACT OF CHANGES IN WASTE COMPOSITION ON WASTE PROCESSING CAPACITY

147. Paragraph 5.1.19 of the D2 WFAA states: “Latest data in respect of waste management capacity for residual HIC waste is set out in the Tolvik report entitled ‘UK Energy from Waste Statistics – 2021’, (May 2022). Specifically, Figure 6 of this report states that EfW throughputs at the end of 2020 were 14.07 million tonnes, which increased to 14.85 million tonnes by the end of 2021…”

148. This means that the Applicant, at paragraph 5.1.19 of the D2 WFAA, provides information on the quantity of waste processed, and not on waste treatment capacity.

149. When comparing how much waste was treated at incinerators in 2021 against the total permitted capacity, it is important to take into account how:

a) some of those plants were still in commissioning during 2021 and/or may only have been fully operational for part of the year, meaning that the amount treated in 2021 did not reflect the capacity potential of those plants; and

b) changes in waste composition (and associated changes in calorific value (CV) of the feedstock) might result in those EfW plants treating a higher quantity of waste in the future.

150. Paragraph 5.1.20 of D2 WFAA states: “It should be noted however, that the Tolvik 2022 report draws a distinction between ‘operational’ capacity and ‘headline’ capacity – the latter including projects seeking planning consent, projects which have planning consent or for which planning consent has been refused but some form of appeal/new submission is expected”.

151. This concept is relied upon by the Applicant in their Table 5.2, which seems to contrast ‘Operational capacity’ with ‘Headline capacity’.

152. It appears that the Applicant’s figure of 2.3Mt of ‘Headline Capacity’ was derived by calculating the difference between the ‘Total Permitted Capacity’ figure of 21.67Mt for 2021 in Figure 2 of Tolvik’s 2022 report (for 2021 EfW Statistics) and the 19.4Mt capacity figure set out in Figure 32 in that report.

153. This D2 WFAA statement from the Applicant is misleading, and appears to conflate two different issues:

a) the extent to which it is reasonable to rely on facilities’ permitted capacity and the extent it is fair to assume that future incineration rates will deviate from that ‘headline’ figure; and

b) consideration of capacity which has yet to enter construction.

154. Figure 2 of Tolvik's report on 2021 EfW Statistics report is entitled 'Headline Capacity (as at December 2021)' with the accompanying text stating that: "The Total Permit Capacity of those EfWs which were fully operational or in late stage commissioning was 17.31Mtpa with a further 4.37Mtpa of EfW capacity either in construction or about to commence construction".

155. As such, the 'Total Permit Capacity' figure for the end of 2021 of 21.67Mt represents only plants that were fully operational or in late stage commissioning at the end of 2021. Importantly, the figure does not include capacity that was "consented and not built and in planning" as implied by Table 5.2 of the D2 WFAA.

156. Indeed, as stated by Tolvik, Figure 32 of Tolvik's 2021 EfW Statistics report, i.e. which shows the 19.4Mt figure, is "based upon the EfWs listed in Appendix 1", and that list does not include any facilities that had yet to enter construction as of December 2021.

157. Tolvik's 19.4Mt figure for 2026 was in effect an assumption that around 90% of historically permitted capacity which was operational or under construction in December 2020 would be available to process waste in 2026. It was not an estimate of how much might be available if additional capacity came online.

158. As far as UKWIN is aware, Tolvik's projected 19.4Mt 'UK Operational Capacity' figure for 2026 (which the Applicant uses for 2030 in their D2 WFAA) assumes a consistent calorific value of the waste to be used as incinerator feedstock.

159. Paragraph 5.1.20 of the D2 WFAA states: "…this WFAA places reliance operational rather than headline capacity". As such, the WFAA fails to acknowledge that looking at historic rates of waste processed may underestimate future operational capacity because changes in composition can reduce calorific value and therefore increase feedstock requirements.

160. UKWIN set this out in detail at paragraphs 63-74 of REP1-096, where we noted that feedstock changes in Wales (where the national recycling rate for municipal solid waste (MSW) exceeded 65% in 2021) meant that the maximum capacity of the Cardiff incinerator was increased from 350,000 tpa to 425,000 tpa because of the "lower average calorific value of waste is being generated - meaning more waste is needed to maintain the energy output" and that the expectation is that England will follow a similar trajectory to that traversed by Wales, with more waste feedstock required to feed a given incinerator.

161. Paragraph 2.2.17 of the D2 WFAA stated: “NPS EN-1 and EN-3 are presently undergoing review, with drafts published for consultation in September 2021. The consultation ended on 29 November 2021, but the Government has not yet published its response. The emerging draft NPS EN-3 includes some subtle changes to policies for EfWs – most notably that:

- A new EfW must not result in over capacity of EfW waste treatment at a national or local level (paragraph 2.10.5).
- An application for a new EfW must set out the extent to which it would be compatible with and support long-term recycling targets, taking into account existing treatment capacity and capacity already in development (paragraph 2.17.4)”.

162. Paragraph 2.2.18 of the D2 WFAA stated: “The emerging draft NPS and other national and local policies (which are outlined in the remainder of this section) will be relevant and important considerations that the Secretary of State will consider in reaching his decision (s.104 (2) of the Planning Act 2008)”.

163. The Applicant is correct to highlight the relevance and importance of the principles set out in paragraphs 2.10.5 and 2.17.4 of the September 2021 draft of EN-3.

164. One planning professional who has worked on behalf of Applicants for EfW NSIPs commented on the significance of the draft EN-3 requirement, noting how "an energy from waste plant must not result in overcapacity of EfW waste treatment at a national or local level" was "not as favourable [for the EfW industry] as had been hoped", observing that: "…this wording would mean they [promoters of new EfW schemes] will need to be robust in making the case that there is demand for the project".[2]

165. UKWIN’s REP2-066 set out how contradictions with policy statements such as those found at paragraphs 2.10.5 and 2.17.4 of the September 2021 draft of EN-3 indicate how the proposed Medworth development conflicts with key elements of current and emerging Government policy which seek to promote reduction, re-use and recycling over EfW and which seek to avoid EfW overcapacity at a local and national levels.

[2] 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.

166. On 30th March 2023 the UK Government published its responses to the consultations on the September 2021 versions of EN-1 and EN-3 and launched a new consultation on updated drafts of EN-1 and EN-3.

167. Paragraphs 3.7.7 and 3.7.7 (page 15) in the March 2023 draft of EN-3 are updated versions of the aforementioned paragraphs 2.10.4 and 2.10.5 of the previous draft. They appear under the heading of 'Factors Influencing site selection and design' and the sub-heading of 'Waste treatment capacity'.

168. The March 2023 draft updates the earlier 2021 proposals as follows:

> "~~2.10.4~~ 3.7.6 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 waste from municipal ~~waste~~ or commercial and industrial sources.
>
> ~~2.10.5~~ 3.7.7 The proposed plant must not compete with greater waste prevention, re-use, or recycling, or result in over-capacity of EfW waste treatment at a national or local level."

169. As such, rather than dropping the previous language and the requirement for applicants to provide a 'robust' demonstration of demand for need for proposed new EfW capacity, we see how the Government's updated version of draft EN-3 strengthens the language regarding the potential for EfW to harm waste prevention, re-use, and recycling.

170. The Government's latest consultation is 'more focused' on a narrow range of topics, none of which relate to statements regarding the need to avoid incineration overcapacity or to the need to prevent incineration competing with the top tiers of the waste hierarchy.

171. As such, it appears that the Government's position on these matters remains clearly in line with previous Government statements made to Parliament as highlighted by UKWIN's Written Representation [REP2-066] which sets out the Government's stated position that incineration overcapacity needs to be avoided.

172. This position is made explicit in the Government's March 2023 response to the previous consultation (an extract of which accompanies this submission).

173. On page 38 of their March 2023 response to the previous consultation, in relation to “biomass and energy from waste”, the Government notes how “Several responses questioned the inclusion of waste capacity in EN-3 as a consideration that should influence site selection. Additionally, responses pointed out a perceived contradiction between this consideration and the principle set out in EN-1, which states that it is not the government’s intention to propose limits on any new electricity infrastructure that can be consented in accordance with the energy NPSs. Some respondents also expressed a view that additional EfW capacity was urgently required, whilst others expressed a conflicting view that there is over-capacity for EfW and called for a moratorium”.

174. Despite these pleas from the incineration industry about the supposed urgency to allow new incineration capacity and the ‘apparent’ conflict between restricting incineration and the principles of EN-1 about not placing limits on new energy infrastructure, the Government decided not only to maintain statements about avoiding incineration overcapacity, but to strengthen those statements and to add further such statements.

175. This explains why the Government explicitly prioritises protecting the top tiers of the waste hierarchy over and above adding to electricity generation capacity, and why incineration which could compete with the top tiers of the hierarchy and/or result in overcapacity ought to be refused irrespective of any contribution to energy generation capacity.

176. The Government’s prioritisation of residual waste reduction over energy generation is further reinforced by the introduction of two new paragraphs in the Government’s revised EN-3 (paragraphs that, like the updated paragraphs 3.7.6 and 3.7.7, are not the focus of further consultation).

177. The first of these new paragraphs (on page 18, under the ‘Technical considerations’ heading and the ‘Commercial aspects of waste combustion plants’ sub-heading) reads: “3.7.29 Applicants must ensure EfW plants are fit for the future, do not compete with greater waste prevention, re-use, or recycling and do not result in an over-capacity of EfW waste treatment provision at a local or national level”.

178. The second of these new paragraphs (on page 21, under the ‘Impacts’ heading and ‘‘Waste management’ sub-heading) states: “3.7.55 Applicants must ensure proposals do not result in an over-capacity of EfW waste treatment provision at a local or national level”.

179. These two new paragraphs unambiguously place the burden of proof onto the Applicant.

180. UKWIN would also like to draw attention to paragraph 3.7.45 of EN-3 (March 2023) which retains the new paragraph from EN-3 (2021) which stated: “Applicants 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”.

181. EN-3 (2011) paragraph 2.5.67 refers to ‘recovery targets’ and this includes recycling (i.e. materials recovery) targets, but its successor paragraph in EN-3 (March 2023), i.e. paragraph 3.7.45, explicitly places the burden of proof on the applicant to demonstrate that their proposal would be compatible with, and would support, long-term recycling targets.

182. It is important to consider the potential for EfW overcapacity within the context of the UK Government's targets to halve residual waste by 2042 and to reduce municipal residual waste per person by 29% by 2027, especially in light of the EN-1 (March 2023) statement on the need to consider duties under the Environment Act 2021 in relation to environmental targets (which includes the waste reduction targets, as set out below and in the accompanying extract).

183. Page 54 of EN-1 (March 2023) states (under the ‘Assessment Principles’ section and ’Environmental Principles’ sub-section): “4.2.29 Through the Environment Act 2021 the Government has set 13 legally binding targets for England covering the areas of: biodiversity; air quality; water; resource efficiency and waste reduction; tree and woodland cover; and Marine Protected Areas. The Secretary of State must consider duties under the Environment Act 2021 in relation to environmental targets and have regard to the policies set out in the Government’s Environmental Improvement Plan for improving the natural environment”.

184. The evidence set out above supports the conclusion set out in UKWIN’s Written Representation [REP2-066] that the Medworth proposal conflicts with both extant and emerging national policy statements in relation to issues of ‘waste need’.

WASTE HIERARCHY PROTECTIONS

185. It appears from statements made by the Applicant on electronic pages 95 and 96 of the D2 WFAA [REP2-009] that the Applicant is relying on their draft proposed DCO Requirement 14 to "ensure that the Proposed Development complies with the waste hierarchy" and allay concerns about the potential waste hierarchy impacts of the scheme raised by stakeholders.

186. A similar statement is made by the Applicant in their REP2-019 response to ExQ1 PND.1.5 where the Applicant claims: "Compliance with the waste hierarchy is secured via Requirement 14 in the Draft DCO (Volume 3.1)".

187. Such an approach is deeply flawed, as Requirement 14 does little more than require that "the types of waste and permitted EWC codes to be accepted at the authorised development as specified by the Environmental Permit" which would already be a requirement under the permitting regime.

188. The EWC code does not prevent mixed waste from being incinerated which might otherwise have been collected in a different manner to divert waste to recycling or processed in a manner to extract additional recyclates.

189. UKWIN notes the North Lincolnshire Examining Authority's (ExA's) recent criticisms of a similarly worded draft Requirement proposed for the North Lincolnshire Green Energy Park (NLGEP) as part of the current NSIP Examination (Planning Inspectorate Ref: EN010116).

190. The NLGEP ExA's Schedule of recommended amendments to the Applicant's draft DCO Revision 5 [NLGEP REP6-004], published on 6th April 2023, recommends the removal of a corresponding requirement (which had been NLGEP dDCO Requirement 15) on the basis that: "Requirement 15 as drafted does not meet the tests of precision, necessity, or enforceability in the ExA's view".[3]

191. To provide context for the NLGEP ExA's recommendation we set out below a number of comments from North Lincolnshire Council (NLC) and UKWIN, made as part of the NLGEP Examination, regarding the proposed NLGEP Waste Hierarchy Scheme.

192. While the evidence was for the NLGEP examination, the situation with respect to the Medworth proposal is sufficiently similar to lead to the conclusion that requirements such as Medworth's draft DCO Requirement 14, cannot be relied upon to "ensure that the Proposed Development complies with the waste hierarchy" as the Applicant's D2 WFAA asserts.

[3] Available on the Planning Inspectorate website at https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010116/EN010116-001126-North%20Lincolnshire%20Green%20Energy%20Park%20ExAs%20Scheduled%20Changes%20DCO%20.pdf

193. Based on these extracts, set out below, it should be clear that not only is a Waste Hierarchy Scheme requirement unlikely to protect the hierarchy because it does not provide much additionality over the Waste Regulations 2011 requirements, but that the EWC Code system does not ensure that the top tiers of the waste hierarchy could not be adversely impacted by local, regional or national EfW overcapacity.

194. This leads to the conclusion that protecting the waste hierarchy by not allowing excess capacity from being consented is necessary, and that this is the role of the planning system rather than the permitting system.

Submission from North Lincolnshire Council (NLC) to the NLGEP Examination regarding the NLGEP Waste Hierarchy Scheme

195. The following quotes are taken from the North Lincolnshire Council's (NLC's) responses to the NLGEP ExA's second written questions (ExQ2) Issued 2nd March 2023[4]:

Q2.17.0.3 Draft Requirement 15 the waste hierarchy scheme (WHS)

1. Does the use of the terms 'reasonably possible' or 'encourage' provide precision that allow the LPA to enforce the terms of Requirement 15 if necessary?

NLC do not consider that these terms are precise or would allow for enforcement of the requirement. We are currently discussing the Articles and Requirements presented in the dDCO in order to provide an updated position on these matters as part of the SoCG.

2. The effectiveness of the WHS would appear to rely on recyclable or re-usable waste being removed by persons upstream of the proposed development as it has no separation facilities. Does it follow that this relies upon contractual agreements between the waste transferor and the undertaker as indicated at R15 b) and d)?

NLC would agree that the effectiveness of the WHS [Waste Hierarchy Scheme] would appear to rely on recyclable or re-usable waste being removed by persons upstream of the proposed development.

This is not something that would be enforceable by the LPA and would rely upon the contractual agreements between the waste transferor and the undertaker.

[4] Available on the Planning Inspectorate website at https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010116/EN010116-001074-North%20Lincolnshire%20Council%20-%20Responses%20to%20the%20ExA%E2%80%99s%20ExQ2.pdf

SECURING CONSISTENCY WITH THE WASTE HIERARCHY THROUGH THE USE OF A DRAFT REQUIREMENT

196. UKWN noted that when concerns are raised about the impact of new incineration capacity on recycling rates as part of the permitting process the Environment Agency (EA) responds within their permit decision documents by stating that this is a matter that falls outside of the scope of Environmental Permitting because it is a planning matter.[5]

197. An incinerator proposed for Horsham was granted planning permission on appeal in February 2020 (PINS Ref APP/P3800/W/18/3218965), and that facility is designed to process 180,000 tonnes of feedstock per annum. Permit EPR/CB3308TD/V002 was determined on 16th November 2022, and provided responses to a number of concerns regarding recycling and incineration overcapacity.

198. On page 109 of the Horsham permit decision document we read how: "The consultation responses received were wide ranging and a number of the issues raised were outside the Environment Agency's remit in reaching its permitting decisions. Specifically, questions were raised which fall within the jurisdiction of the planning system, both on the development of planning policy and the grant of planning permission. Guidance on the interaction between planning and pollution control is given in the National Planning Policy Framework. It says that the planning and pollution control systems are separate but complementary. We are only able to take into account those issues, which fall within the scope of the Environmental Permitting Regulations" [EPR].

199. This principle was then invoked on the following page of the decision document (page 110) in the section on representations from North Horsham Parish Council, where the "request for evidence to be provided that the National Planning Policy Framework is being adhered to" was met with the response from the Environment Agency that: "Wider issues of policy are outside our remit. We have to assess the environmental impacts of what is proposed which is an activity that can be authorised under EPR".

[5] Available on the Planning Inspectorate website at https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010116/EN010116-000910-c.pdf

200. As can be seen from the submitted extracts…further comments from the public included “Concern over whether Incineration is the best way to deal with the waste”, “Concern that incineration reduces recycling”, “Concern that incineration is a barrier to the circular economy”, and “Concern that the UK already faces incineration overcapacity”.

201. These concerns about recycling, incineration overcapacity and barriers to the circular economy were all met with similar responses from the Environment Agency, setting out how the EA did not have the power to refuse to issue environmental permits on such grounds because their role was limited to enforcing the Environmental Permitting Regulations (EPR), and this meant that “Wider issues of waste policy are outside our remit”

202. Based on our experience of Cory’s Riverside Energy Park Waste Hierarchy Scheme, we can expect the draft DCO requirement for North Lincolnshire would amount to merely relying on the existing legal duties such as Regulation 12 of the Waste Regulations 2011, and on the goodwill of suppliers, but with extra steps.

203. The draft Requirement for North Lincolnshire (proposed Requirement 15) does not, and cannot, obviate the harm caused to the waste hierarchy and the Government’s recycling and residual waste reduction ambitions by the introduction of incineration capacity that would result in English incineration capacity exceeding the level of genuinely residual waste available to burn.

204. What can obviate that harm is to refuse planning consent for the capacity proposed for North Lincolnshire.

DETAILED ANALYSIS OF THE RIVERSIDE WASTE HIERARCHY SCHEME

205. Accompanying this submission is London Borough of Bexley Council’s letter confirming that Requirement 16 [of the Riverside Energy Park DCO] had been discharged. This decision was made based on a scheme and a determination that that scheme satisfied the requirements for Requirement 16.

206. This means that, when considering the implications of imposing a similar condition for a different DCO (i.e. for the NLGEP), those considering the North Lincolnshire proposal can benefit from something that those determining the Riverside Energy Park consent did not, which is a copy of a scheme that complied with a Waste Hierarchy Scheme condition.

207. The approved Riverside Waste Hierarchy Scheme appears to provide very little additionality in practice. To assess, this, we consider a key element of the scheme which begins at electronic page 17 of the document.

208. Requirement 16(2)(b) requires that: “The arrangements that must be put in place for ensuring that as much reusable and recyclable waste as is reasonably possible is removed from waste to be received at the authorised development, including contractual measures to encourage as much reusable and recyclable waste being removed as far as possible”.

209. While this may appear reassuring, in practice the Scheme amounts to very little. The Scheme’s response to this requirement includes paragraph 3.3.9 on electronic page 18 which requires waste type restrictions in the permit are adhered to and the Waste Regulations 2011 is adhered to. This offers no meaningful additionality, as legal requirements would need to be met in any case, and as set out below these legal requirements would not prevent the incinerator from adversely impacting on recycling rates.

210. Paragraph 3.3.9 includes a mechanism asking suppliers to set their own targets for improving the percentage of reusable and recyclable waste removed from the supplier’s waste stream. This implies that there will be both reusable and recyclable material that would not be removed, and the mechanism does not require any specific level of recyclate removal.

211. Furthermore, Paragraph 3.3.9 makes clear that it is for the supplier to self-report any breaches of the target, even though it is not in their interests to be thorough in this regard. The Scheme goes on to explain how the consequences of the supplier missing their self-set targets are minimal, with a mechanism for agreeing more time to meet with the self-set targets, and with the prospect that no specific timescales might be set – so, suppliers may be given unlimited time to meet their previously missed self-set targets.

212. It is difficult to see how any local authority tasked with enforcing such a requirement would be able to do so effectively. There is no mechanism, for example, for the local authority to be involved in the process of setting the targets or monitoring their degree compliance, or the process of extending any deadlines for compliance.

213. It is hard to see how either the operator or the local authority would be able to determine whether or not a supplier was breaching the Environmental Management System if they failed to self-report their non-compliance.

214. As such, even if the Scheme did include specific targets for removing recyclable and reusable material from the waste stream, it is difficult to see how this would be enforced.

215. And even if there were suspicions regarding possible unreported non-compliance due to the nature of the material being received by the operator, there seems to be no obvious mechanism for the operator to require their supplier to demonstrate compliance.

216. And even if there were such a mechanism, there is also no clear way for a local authority to require the operator to act on any such suspicions.

217. Suffice it to say, it appears that the Scheme's attempt to respond to the requirement for "ensuring that **as much** reusable and recyclable waste **as is reasonably possible** is removed from waste to be received at the authorised development, including contractual measures to encourage **as much** reusable and recyclable waste being removed **as far as possible**" appears to be an admission that once one builds an incinerator, not much is actually possible because the operator is reliant on the goodwill and co-operation of suppliers who would be able to send their waste elsewhere if they could not conveniently send it to the proposed incinerator, and therefore there is little leverage that the operator can have over their suppliers in terms of requiring best practice.

218. This means that any requirement strong enough to have a significant impact on the reusability and recyclability of the feedstock would not be considered 'practicable' or 'possible' given the commercial realities of waste treatment.

219. As such, the only way to ensure that incineration capacity does not adversely impact upon Government ambitions in terms of recycling, reuse, and residual waste reduction is to heed the Government's warnings about the need to avoid incineration overcapacity by refusing to grant new planning permissions for new incineration capacity that threatens such Government ambitions.

REGULATION 12 OF THE WASTE REGULATIONS 2011

220. …The Waste Regulations applies only 'on the transfer of waste', and so cannot be relied upon to guarantee waste is collected and processed to prevent reusable and/or recyclable material being used as incinerator feedstock.

RESTRICTIONS FROM THE ENVIRONMENTAL PERMIT

221. Permits restrict waste to certain waste types or waste codes, but these codes include mixed waste and processed waste, meaning such restrictions cannot prevent residual waste streams that contain material that is either recyclable or that could alternatively have been collected for re-use or recycling from being part of the incinerator feedstock.

222. The permitting system's inability to prevent material that could have been collected for recycling, or residual waste that includes recyclable material, from being incinerated explains why (as noted above) the Environment Agency responds to concerns about recycling in permit decision documents by stating that this is a matter that falls outside the remit of the permitting system and that therefore such concerns fall within the planning system.

Department for Energy Security & Net Zero

Consultation Response | Planning for New Energy Infrastructure

Draft National Policy Statements for energy infrastructure

March 2023

deliver our de-carbonisation and other objectives including to deliver the scale of deployment needed for Carbon Budget 6 and Net Zero?

Summary of responses

Responses were received from a range of stakeholders and contained a mixture of generic and technology specific points. A few suggested that more focus was needed on improving community engagement across all technologies and one organisation suggested that priority should be given in the NPS to the development of small hydroelectric power systems

Responses to this question on offshore wind specifically, related to environment, mitigation, and compensation; planning, consent, and licencing; hydrogen and CCUS; and fishing. Regarding compensation, the key area of concern was the risk of project-level compensation being 'used up,' with many calling for a more strategic approach to compensation. Similarly, a few respondents suggesting that guidance be produced to ensure developers engage with local communities and resolve issues ahead of a DCO being granted. Several respondents also stressed the importance of technologies for the future energy mix which are not included in the draft NPS. Some stated that the NPS should not favour the deployment of offshore wind at the detriment other technologies important to achieving net zero.

Government response

The government recognises the importance of ensuring that the voices of local communities are heard to secure successful outcomes from NSIPs both from a local and national perspective. We encourage all developers to actively participate in meaningful engagement with communities at the early stages of the planning process to deliver better outcomes for communities and will deliver any necessary changes to the NSIP regime through the National Infrastructure Planning Reform Programme.

The government acknowledges the valuable contribution of hydropower to the UK energy mix over many decades. However, planning applications for any new hydro projects coming forward are likely to be less than 50MW capacity and as such would be considered outside of the NSIP regime.

Our responses to the specific points raised in relation to offshore wind are as follows. The compensation text has been strengthened and agreed with Defra. In addition, there is ongoing government work to develop policies around strategic compensation which will be reflected in separate guidance alongside the NPS once completed. The current guidance (compensation guidance developed by Defra) is referred to in the text.

Q14. Do you have any other comments on the amendments to EN-3?

Summary of responses

We received responses from a range of stakeholders, again covering a mixture of generic as well as technology specific issues.

Some respondents suggested that a national land use strategy should be considered to ensure developments are directed to the most appropriate places and suggested that further weight should be given to local considerations. A few respondents were concerned that insufficient

emphasis is given in EN-1 and EN-3 to significant impacts on visual amenity and health and well-being arising from large infrastructure.

On biomass and energy from waste the following points were made:

A number of respondents took the opportunity to raise concerns addressed in Question 8 around sustainability and recategorising EfW in the NPS. The importance of combining carbon capture with EfW and biomass technologies was highlighted as a priority by some respondents, referencing the contribution this could make to net zero targets, and the need for BECCS to deliver genuine GHG emission savings over appropriate timescales was noted. Several respondents also noted the need to update the NPS to reflect the forthcoming expansion to Carbon Capture Readiness (also known as Decarbonisation Readiness), which will bring certain biomass and waste combustion plants within scope of the policy. In addition, there were concerns about the discharge of cooling water from biomass combustion plants as a risk to water quality.

A number of responses questioned the position of Energy from Waste (EfW) within EN-3 alongside other renewable forms of energy. There were conflicting views expressed about whether EfW is better than landfill in carbon terms. Some respondents highlighted that EfW is not low carbon. Some responses urged that priority should be further up the hierarchy – on recycling and reducing residual waste arising. Several responses questioned the inclusion of waste capacity in EN-3 as a consideration that should influence site selection. Additionally, responses pointed out a perceived contradiction between this consideration and the principle set out in EN-1, which states that it is not the government's intention to propose limits on any new electricity infrastructure that can be consented in accordance with the energy NPSs. Some respondents also expressed a view that additional EfW capacity was urgently required, whilst others expressed a conflicting view that there is over-capacity for EfW and called for a moratorium.

Offshore wind

There were a few responses relating to offshore wind, which covered the need for a co-ordinated approach between interested parties; repowering and decommissioning; and visual impacts. Several of the responses reiterated the need for good collaboration. This included developers working together in the event of cumulative impacts, especially in relation of biodiversity. A few of the respondents also questioned how repowering and decommissioning would be managed, with calls for a consistent 'baseline' situation that the applicant could compare their project to, to determine their future course of action.

Government Response

The government considers that there are already satisfactory arrangements in place for considering local considerations in decisions on NSIP infrastructure. Under the NSIP process, relevant local authorities will be consulted on both the proposal and how the local community should be consulted at the pre application stage.

EN-1 and the relevant technology sections of EN-3 set out the potential impacts of energy infrastructure on visual amenities and health and wellbeing and provide clear guidance on how these should be taken into account by the Secretary of State when assessing applications.

Determination of an Application for an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2016

Decision document recording our decision-making process

The Permit Number is: EPR/CB3308TD

The Permit Variation Number is: EPR/CB3308TD/V002

The Applicant / Operator is: Britaniacrest Recycling Limited

The Installation is located at: Wealden Works 3Rs Facility, Former Wealden Brickworks, Langhurstwood Road, Horsham, West Sussex, RH12 4QD

What this document is about

This is a decision document, which accompanies a permit.

It explains how we have considered the Applicant's Application, and why we have included the specific conditions in the permit we are issuing to the Applicant. It is our record of our decision-making process, to show how we have taken into account all relevant factors in reaching our position. Unless the document explains otherwise, we have accepted the Applicant's proposals.

We try to explain our decision as accurately, comprehensively and plainly as possible. Achieving all three objectives is not always easy, and we would welcome any feedback as to how we might improve our decision documents in future. A lot of technical terms and acronyms are inevitable in a document of this nature: we provide a glossary of acronyms near the front of the document, for ease of reference.

Preliminary information and use of terms

We gave the application the reference number EPR/CB3308TD/V002. We refer to the application as "the **Application**" in this document in order to be consistent.

The number we have given to the permit variation is EPR/CB3308TD/V002. We refer to the permit variation as "the **Permit Variation**" in this document.

The Variation Application was duly made on 08/04/2021.

The Applicant is Britaniacrest Recycling Limited. We refer to Britaniacrest Recycling Limited as "the **Applicant**" in this document. Where we are talking about what would happen after the Permit is granted (if that is our final decision), we call Britaniacrest Recycling Limited "the **Operator**".

Britaniacrest Recycling Limited's proposed facility is located at Wealden Works 3Rs Facility, Former Wealden Brickworks, Langhurstwood Road, Horsham, West Sussex, RH12 4QD. We refer to this as "the **Installation**" in this document.

of monitoring for hydrogen fluoride, heavy metals and dioxins is not sufficient and should be more frequent.	require the operator to carry out a programme of dioxin and mercury monitoring over a period of frequency agreed with the Environment Agency. The operator shall submit a report to the Environment Agency with an analysis of whether emissions can be considered stable. Monitoring frequency will only be reduced if this can be demonstrated. Periodic measurement of HF will be carried out at the ERF. Continuous measurement of HF is not proposed on the basis that the acid gas abatement system will operate to a design guarantee that the emission limit for HCl will not be exceeded.
Concern about existing odour issues at the Biffa site nearby to the proposed facility and therefore limited confidence on the proposed control measures for odour.	We are satisfied that the proposed control measures will prevent any significant emissions of odour from the site. Section 6.5.4 has further details.
Comments about noise and dust impacts from construction.	Emissions produced by construction are not within our remit.
Reference to their recommendation for monitoring of dust during the construction phase.	Emissions produced by construction are not within our remit.
Note 1: We have reworded the 'responses received' section of this table to make it clear that we received and took into account responses from both the Planning and Environmental Health Departments of Horsham District Council.	

Response Received from South Downs National Park Authority on 28/05/2021	
Brief summary of issues raised:	**Summary of action taken / how this has been covered**
No comments provided	No action required

We did not receive responses from the Health and Safety Executive or the Food Standards Agency.

2) Consultation Responses from Members of the Public and Community Organisations

The consultation responses received were wide ranging and a number of the issues raised were outside the Environment Agency's remit in reaching its permitting decisions. Specifically, questions were raised which fall within the jurisdiction of the planning system, both on the development of planning policy and the grant of planning permission.

Guidance on the interaction between planning and pollution control is given in the National Planning Policy Framework. It says that the planning and pollution control systems are separate but complementary. We are only able to take into account those issues, which fall within the scope of the Environmental Permitting Regulations.

a) Representations from Local MP and Parish Council

Representations were received from North Horsham Parish Council, who raised the following issues.

Response Received from North Horsham Parish Council on 17/06/2021	
Brief summary of issues raised:	**Summary of action taken / how this has been covered**
Concerns that no consideration has been given to turbulence created by aircraft impacting particulate emissions.	We are satisfied that turbulence caused by aircraft is unlikely to have a significant impact on particulate emissions from the site and therefore did not require the operator to consider this within their risk assessment.
Concerns over emissions from vehicular movements impacting on air quality.	The environmental risks from vehicle movements on site have been assessed in the air quality risk assessment and we consider the risk not to be significant.
Concern over vehicles generating odour.	We are satisfied that adequate control measures have been proposed to minimise emissions of odour from the operation of vehicles on the site. Section 6.5.4 has further details.
Concern over vehicles causing noise.	Only noise from traffic movements on the installation are within the remit of the Environmental Permitting Regulations. We audited the Applicant's final noise assessment. We are satisfied that the revised noise assessment was appropriate and that noise will not be a significant issue. Pre operational condition PO9 requires final confirmation of sound power levels of the air cooled condensers on site to ensure that the noise risk is in line with that assessed as part of the permit application.
Concern about vehicles causing a safety hazard and loss of amenity for residents.	Movement of vehicles outside of the installation is not within our remit.
Concern about vehicles using the site causing congestion.	Movement of vehicles outside of the installation is not within our remit. The location of the site is an issue relevant for the planning process.
Request for evidence to be provided that the National Planning Policy Framework is being adhered to.	Wider issues of policy are outside our remit. We have to assess the environmental impacts of what is proposed which is an activity that can be authorised under EPR.
Confirmation that the Council also support the concerns raised by the No Incinerator 4 Horsham Community Group.	See section (b) below for details of this response and a summary of actions taken / how this has been covered.

Statement that there have been many accidents on the nearby A road.	Wider issues relating to transport are not within our remit.
Comment that no sustainable transport options have been considered as part of the proposal.	Wider issues relating to transport strategy are not within our remit.
Concern that electrically powered vehicles should be used on site wherever possible.	Electrically powered vehicles are not a technique listed within the latest guidance or BAT Conclusions for the sector. An EMS is required to be maintained on site which includes frequent review of site operations and continual improvement in performance throughout the life of a permit.
Concern that the planning application for the proposed incinerator was dealt with by one local authority and the housing development by another.	The planning application process is not within our remit.
Comment that the site selected by the applicant is not appropriate for the proposal due to the size constraints.	Consideration of the location of the proposal is a planning consideration and is not within our remit.
Concern about the use of the land around the site.	Consideration of the location of the proposal is a planning consideration and is not within our remit.
Concern over the accuracy of the Application documents.	Where we required any clarification we requested this from the Applicant. We are satisfied that the documents including any amendments and clarifications are accurate. The Permit requires the plant to be operated as described in the Application.
Concern for in-combination impacts with other industry which may apply for an Environmental Permit.	Background levels of pollutants are taken into account within the environmental risk assessment.
Concern over whether Incineration is the best way to deal with the waste.	We have to assess the environmental impacts of what is proposed which is an activity that can be authorised under EPR wider issues of waste policy are outside our remit. It is argued that Incineration is not an environmentally sustainable technology and therefore almost by definition cannot be considered to be the Best Available Technique (BAT). Mass burn incineration at this scale is considered BAT provided it meets the requirements (as set out in the BREF and BAT conclusions.) See section 6 of this decision document for more details.
Concern that incineration reduces recycling.	We have to assess the environmental impacts of what is proposed which is an activity that can be authorised under EPR. Wider issues of waste policy are outside our remit.
Concern that incineration is a barrier to the circular economy.	We have to assess the environmental impacts of what is proposed which is an activity that can be authorised under EPR. Wider issues of waste policy are outside our remit.

Concern that the UK already faces incineration overcapacity.	We have to assess the environmental impacts of what is proposed which is an activity that can be authorised under EPR. Wider issues of waste policy are outside our remit.
Statement that if the proposal is not recovery, it should not be defined as a Recycling, Recovery and Renewable Energy development as this is misleading to the public.	The Applicant included an R1 assessment containing details relating to the proposed design of the plant and this indicated that the design of the plant could be considered a recovery operation. R1 status would need to be reapplied for during operation to validate the parameters used in the original R1 assessment in order for the plant to be categorised as a recovery operation.
Concern over litter.	Waste will be delivered in enclosed delivery vehicles and tipped into the bunker within the reception building. We are satisfied that based on the proposed control measures set out in the Application that impacts from litter are unlikely to occur. See section 6.5.3 on fugitive emissions for further information.

Riverside Energy Park
Waste Hierarchy Scheme

In accordance with Requirement 16, Schedule 2,
Riverside Energy Park Order 2020 (as amended)

CORY

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1. Introduction

1.1 Introduction

1.1.1 This document is the Waste Hierarchy Scheme ('WHS') for the commissioning and operation of Riverside 2[1] ('the Authorised Development') and has been prepared in accordance with Requirement 16 of the Riverside Energy Park Order (2020) as amended ('the Order'). The Riverside Energy Park Order 2020 was made by the Secretary of State on 9th April 2020. This has been amended by the Riverside Energy Park (Correction) Order 2021 that came into force on 10 March 2021.

1.1.2 The Order grants the Undertaker powers to construct, operate and maintain an integrated energy park comprising complementary energy generating development (with energy from waste being the largest component) and an associated Electrical Connection that will run from Riverside 2 and terminate at the Littlebrook substation in Dartford.

1.1.3 Schedule 2 of the Order presents 33 Requirements, conditions that must be met at various stages of the Authorised Development being constructed, commissioned and operated. Requirement 16: Waste Hierarchy Scheme is set out in full at Section 1.2 below; in short it states that, prior to commissioning a scheme shall be submitted to and approved by the relevant planning authority which sets out the arrangements for maintenance of the waste hierarchy and which aims to minimise recyclable and reusable waste received at the Authorised Development.

1.1.4 This WHS has been prepared by Cory to seek approval from London Borough of Bexley ('LBB') as the relevant planning authority for Requirement 16: Waste Hierarchy Scheme.

1.2 The Authorised Development

1.2.1 The Authorised Development is prescribed at Schedule 1 of the Order, comprising the following Work Numbers:

- Work No. 1A: an energy recovery facility with a capacity to process up to 805,920 tonnes of waste per calendar year;
- Work No. 1B: an anaerobic digestion system with a capacity to process up to 40,000 tonnes of waste per calendar year;
- Work No. 1C: solar photovoltaic panels and, should a steam turbine building be constructed as part of Work No. 2, on all or part of the steam turbine building forming part of Work No. 2;
- Work No. 1D: a battery storage facility;
- Work No. 1E: a building with roof enclosing and/or supporting all or part of Work Nos. 1A, 1B, 1C and 1D;
- Work No. 2: a cooling system comprising air-cooled condensers and a steam turbine (if not constructed and installed as part of Work 1A);

[1] Facilities across the Riverside campus are being rebranded such that Riverside Resource Recovery Facility is called Riverside 1, and Riverside Energy Park called Riverside 2.

- Work No. 3: combined heat and power equipment;
- Work No. 4: an electrical substation;
- Work No. 5: supporting buildings and facilities;
- Work No. 6: supporting infrastructure;
- Work No. 7: pipes and cables, from Work No. 6;
- Work No. 8: temporary construction compounds;
- Work No. 9: an electrical connection; and
- Work No.10: the electrical connection to the Littlebrook substation.

1.2.2 The full text of Requirement 16 as set out at Schedule 2 of the Order is:

Waste hierarchy scheme

(1) Prior to commissioning, the undertaker must submit to the relevant planning authority for approval a scheme, which sets out arrangements for maintenance of the waste hierarchy in priority order and which aims to minimise recyclable and reusable waste received at the authorised development during the commissioning and operational period of the authorised development (the "waste hierarchy scheme").

(2) The waste hierarchy scheme must include details of—

(a) the type of information that must be collected and retained on the sources of the residual waste after recyclable and reusable waste has been removed;

(b) the arrangements that must be put in place for ensuring that as much reusable and recyclable waste as is reasonably possible is removed from waste to be received at the authorised development, including contractual measures to encourage as much reusable and recyclable waste being removed as far as possible;

(c) the arrangements that must be put in place for ensuring that commercial suppliers of residual waste operate a written environmental management system which includes establishing a baseline for recyclable and reusable waste removed from residual waste and specific targets for improving the percentage of such removed reusable and recyclable waste;

(d) the arrangements that must be put in place for suspending and/or discontinuing supply arrangements from commercial suppliers who fail to retain or comply with any environmental management systems;

(e) the arrangements that must be put in place for the provision of an annual waste composition analysis undertaken by the undertaker, with the findings submitted to the relevant planning authority within one month of the sampling being undertaken; and

(f) the form of records that must be kept for the purpose of demonstrating compliance with (a) to (e) and the arrangements in place for allowing inspection of such records by the relevant planning authority.

(3) The waste hierarchy scheme must be implemented as approved under sub-paragraph (1).

Integrated Energy Park

1.2.3 The integrated energy park will be constructed on the Main REP Site, land immediately adjacent to Cory's existing Riverside 1 located at the northern end of Norman Road in Belvedere, within the London Borough of Bexley and will complement Cory's existing operations. A Site Plan is provided at Appendix A. The energy park will predominantly generate electricity via an Energy Recovery Facility ('ERF'). The ERF will provide thermal treatment of residual (non-recyclable) commercial and industrial ('C&I') waste and local authority collected waste ('LACW') which together comprise municipal waste.

1.2.4 The integrated energy park will also include:

- Anaerobic Digestion facility: to process food and green waste. Outputs from the Anaerobic Digestion facility will be transferred off-site for use in the agricultural sector as fertilizer, or as an alternative (where appropriate) used as a fuel in the ERF to generate electricity;
- Solar Photovoltaic Installation: to generate electricity, to be installed across a wide extent of the roof of the Main REP Building;
- Battery Storage: to store and supply additional power to the local distribution network at times of peak electrical demand, to be integrated into the Main REP Building; and
- On Site Combined Heat and Power ('CHP') Infrastructure: to provide an opportunity for local district heating for nearby residential developments and businesses. Riverside 2 will be CHP-Enabled with necessary on site infrastructure included within the Main REP site.

Electrical Connection

1.2.5 REP will be connected to the electricity distribution network via a new 132 kilovolt ('kV') underground electricity cable connection.

1.2.6 The Order includes an electrical connection route to connect Riverside 2 to the existing National Grid Littlebrook substation located south east of the Main REP Site, in Dartford. The route will be located within the administrative boundaries of both LBB and Dartford Borough Council and will run from a new substation within the Main REP Site.

Construction Compounds

1.2.7 Temporary Construction Compounds are located on Norman Road that will comprise hard standing, vehicle parking, material laydown, accommodation block(s), new or altered accesses and construction fabrication areas.

1.2.8 Temporary construction compounds are also situated at the horizontal directional drilling location (adjacent the River Darent in Dartford) to be used exclusively by the Principal Contractor for the Electrical Connection.

The Undertaker

1.2.9 Riverside Energy Park Limited, trading as Cory, is the Undertaker for Riverside 2[2].

1.2.10 Cory is registered in England with registered address at 5th Floor, 10 Dominion Street, London, United Kingdom, EC2M 2EF.

1.2.11 As one part of a larger group, Cory has provided essential services and infrastructure to the people of London, and has operated barges along the River Thames, since the 1800s. Today, the company provides a wide range of resource management services to a number of different clients, including waste transfer, sorting for recycling, and energy recovery, and still uses barges to transport waste and ash. These services are provided across a number of key sites: the materials recycling facility located at Wandsworth; a number of river-based transfer stations; and energy recovery currently takes place at Riverside 1.

1.2.12 Further information on Cory is available at [redacted]

The development and construction programme

1.2.13 At the time of writing, the proposed construction programme is anticipated to run from 2022 to 2024, with the ERF being fully operational in 2025.

[2] Riverside Energy Park Limited (company number 11536739) is a wholly owned subsidiary of Cory Environmental Holdings Limited (company number 5360864). On 4 January 2022, the benefit of the Order was transferred from Cory Environmental Holdings Limited to Riverside Energy Park Limited in accordance with article 9 of the Order.

2. Context

2.1 Overview

2.1.1 Requirement 16 was proposed by the Undertaker during the DCO Examination, following discussions held during the issue specific hearing on environmental matters and in response to concerns raised by the Greater London Authority ('GLA') in its submissions.

2.1.2 In his letter of 9 April 2020, the Secretary of State considers the matter in some detail, concluding (paragraphs 4.8 to 4.10):

4.8 EN-1 makes clear that "Only waste that cannot be re-used or recycled with less environmental impact and would otherwise go to landfill should be used for energy recovery". The Government's Resources and Waste Strategy, published in 2018, sets out how we will minimise the damage caused to our natural environment by reducing and managing waste safely and carefully. The ambition for the future of waste management in England is to ensure that we preserve material resources through a reduction in the generation of waste and by moving towards a circular economy. It also aims to manage any residual waste in a way that maximises its value as a resource whilst minimising environmental impacts. Accordingly it gives the view that while energy from waste (EfW) should not compete with greater waste prevention, re-use or recycling, it does play an important role within the waste hierarchy by diverting waste that cannot be reused or recycled from landfill, which is generally considered the least favourable method of managing waste.

4.9 The Secretary of State notes that during the examination, the Applicant introduced a new requirement, Requirement 16, which will ensure the maintenance of the waste hierarchy in priority order by minimising recyclable and reusable waste received by the Development, and failure to comply with this requirement would put the Applicant in breach of the Order. The Secretary of State agrees with the ExA that this should ensure the Development will not breach the principals of the waste hierarchy. The Secretary of State also agrees with the ExA that projections on the availability of waste fuel stock is subject to uncertainty, and that the Applicant's projections took into account the Mayor of London's policies on reducing waste arising and increased recycling and reuse rates [ER 5.2.34], and the issue of whether or not the volume of waste fuel stock available will allow the Applicant to make use of the total capacity of the Development is a commercial matter for the Applicant [ER 5.2.37].

4.10 After having regard to the consideration set out in Chapter 3 [ER 3.1.3 - 3.1.11] of the ExA's Report, and in particular the conclusions on the principle of the Development in ER 4.4.1 – 4.4.5 and the ExA's findings in Chapter 5 of the Report, the Secretary of State is satisfied that making the Order would be consistent with EN-1 and EN-3. Taken together, these National Policy Statements set out a national need for development of new nationally significant electricity generating infrastructure of the type proposed by the Applicant. The Secretary of State notes that the ExA is satisfied that the Applicant has given consideration to design and to alternatives to the Development, and that the requirements of EN-1 in this regard have been met [ER 4.4.6].

2.2 Policy and strategy relevant to the Waste Hierarchy Scheme

2.2.1 The waste hierarchy is a well-established policy principle, delivering objectives of both the Waste Framework Directive[3] and the Landfill Directive[4], and seeking to prevent or reduce the negative effects on the environment and people from waste management. The focus is rightly placed on higher levels of the waste hierarchy, reducing the amount of waste produced and looking to re-use or recycle this resource.

2.2.2 However, not all waste can be managed in this way and consequently the Government supports the efficient recovery of residual waste. The EfW Debate Guide[5] confirms this approach, recognising that (page 2):

'*In future we are aiming to prevent, reuse and recycle more of our waste, so the amount of residual waste should go down. However, energy from waste will remain important.*

To maintain the energy output from less residual waste resource we will need to:

- *divert more of the residual waste that does still exist away from landfill and capture the renewable energy*
- *continue the drive towards better, higher-efficiency energy from waste solutions.*'

2.2.3 This integrated approach of delivering waste treatment facilities alongside other development to deliver sustainable communities is a consistent theme throughout NPPW[6]. Not least, the opening paragraph confirms that waste management makes a positive contribution to sustainable communities, sustainable development and resource efficiency:

'*Positive planning plays a pivotal role in delivering this country's waste ambitions through:*

- delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy (see Appendix A);

- ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;

- providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle;

- helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and

[3] https://www.legislation.gov.uk/eudr/2018/851/article/1

[4] https://ec.europa.eu/environment/topics/waste-and-recycling/landfill-waste_en

[5] Energy from waste: a guide to the debate, Defra, Updated 2014. https://www.gov.uk/government/publications/energy-from-waste-a-guide-to-the-debate

[6] National planning policy for waste, DLUHC/MHCLG, October 2014. https://www.gov.uk/government/publications/national-planning-policy-for-waste

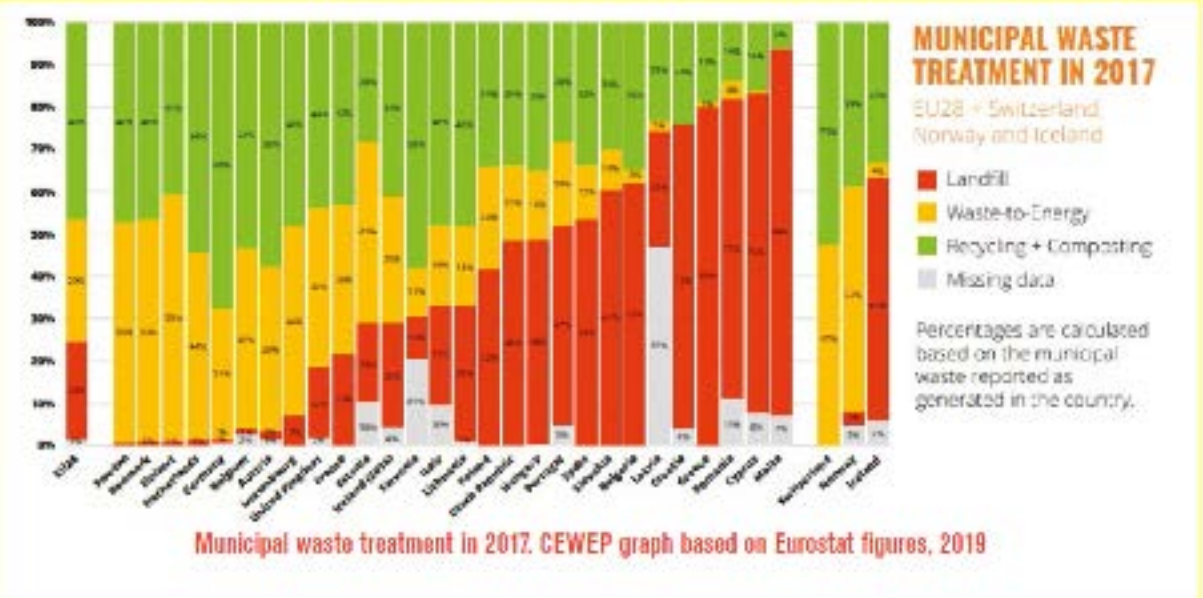
- ensuring the design and layout of new residential and commercial development and other infrastructure (such as safe and reliable transport links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste.'

2.2.4 National policy recognises that recovery capacity (such as that provided at Riverside 2) should not prejudice recycling rates. NPS EN-3[7] requires that '*the proposed waste combustion generating station is in accordance with the waste hierarchy and of an appropriate type and scale so as not to prejudice the achievement of local or national waste management targets in England*'.

2.2.5 Evidence submitted by Cory at the DCO Examination demonstrated that there remains a policy driven need for additional residual waste management capacity within London to complement new re-use and recycling facilities and to ensure the Capital has the right network of infrastructure provision.

2.2.6 This position has subsequently been corroborated by a report titled 'No Time to Waste' was published in July 2020 by the think tank Policy Connect. This cross-party supported report addresses the perceived conflict between recovery and recycling head on, stating (at pages 17 and 18):

'*There are often claims that EfW inhibits recycling rates, however this inquiry found no evidence to support this. Conversely, countries with higher reliance on EfW than landfill, often provide evidence that EfW goes hand in hand with the best recycling performances. The below graph visualises the proportion of waste sent to either landfill, EfW, or recycled, by European countries in 2017. In contrast to claims that EfW hampers recycling, the below shows that the countries with the highest and above average recycling rates, are the ones with more EfW and less landfill.*



Municipal waste treatment in 2017. CEWEP graph based on Eurostat figures, 2019

[7] National Policy Statement for Renewable Energy Infrastructure (EN-3), DECC, July 2011. https://www.gov.uk/government/publications/national-policy-statements-for-energy-infrastructure

Parts of the UK have replicated this trend albeit at a more localised scale. Buckinghamshire achieves well above average recycling rates (57% in 2014/15, compared to a national average of 43.7%), and this is alongside a move to EfW reliance for their residual waste, and the associated cost savings.'

2.2.7 It also notable that LBB, the highest performing authority in London for recycling, consistently achieving 50% and more, delivers this level of performance alongside using Riverside 1 for recovery from its LACW residual waste stream.

2.2.8 Recovering energy from residual waste, the role delivered by the ERF, is a core element of the waste hierarchy, supported by European, national and local policy. It is notable that the most recent expression of Government's intentions for waste management, the RWS[8] expands the concept to fully recognise waste as a resource; something that should be valued and not simply treated or disposed of. '*Our Strategy is framed by natural capital thinking and guided by two overarching objectives*:

1 To maximise the value of resource use; and

6 To minimise waste and its impact on the environment.' (page 17)

2.2.9 Valuing resources to gain these benefits is achieved through a lifecycle approach and delivery of the circular economy. The RWS confirms (at page 26) that reusing and recycling materials helps to reduce the need for virgin raw materials and prevent the impacts of its manufacture:

'*But it's not just in material reuse that the circular economy delivers benefits. It's also relevant to energy generation and savings. Incineration of non-recyclable or contaminated waste (such as food packaging) can generate energy. Bio-waste can also be used to make bio-gas, a renewable energy source*' (page 26).

2.2.10 The Government's recent Response to CCC 2021[9], repeats its recognition of the important role that energy recovery facilities (such as Riverside 2) play, working alongside waste minimisation initiatives and waste recycling facilities. The accumulation of all these elements needs to be delivered in order to achieve the waste hierarchy.

2.2.11 Consequently, whilst the waste hierarchy is a policy consideration, regulation of it falls to the Environment Agency. Regulation 12 of the Waste Regulations 2011[10] establishes the duty in relation to the waste hierarchy. The duty is placed on an '*establishment or undertaking which imports, produces, collects, transports, recovers or disposes of waste, or which as a dealer or broker has control of waste must, on the transfer of waste, take all such measures available to it as are reasonable in the circumstances to apply the following waste hierarchy as a priority order.*'

2.2.12 Regulation 18 of the Waste Regulations 2011 requires a planning authority to have regard to Articles 13 and 16 (in part) of the Waste Framework Directive. Article 13 is concerned with the protection of human health and the environment. Article 16 is

[8] Resources and Waste Strategy for England, Defra, December 2018
https://www.gov.uk/government/publications/resources-and-waste-strategy-for-england

[9] Government Response to the Climate Change Committee, Progress in Reducing Emissions - 2021 Report to Parliament, October 2021.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1026734/government-response-ccc-progress-report.pdf

[10] www.legislation.gov.uk/uksi/2011/988/contents/made

concerned with the principles of self-sufficiency and proximity. Neither addresses the waste hierarchy, which is set out at Article 4. Consequently, the waste hierarchy is a policy consideration, but not a matter to be regulated by the planning domain.

2.2.13 As is seen through the following discussion of upcoming initiatives, Government recognises the need for an effective infrastructure network to deliver the waste hierarchy and expects those producing and collecting waste to be more engaged to deliver the next increase in recycling rates.

2.3 Initiatives relevant to the Waste Hierarchy Scheme

Introduction

2.3.1 The RWS was the first significant waste policy intervention by the Government in over a decade. It placed the Circular Economy as a central pillar of the Strategy, to be delivered through headline objectives. This approach is aimed at giving a clear, longer-term strategy to deliver resource efficiency and waste management in line with the 25 Year Environment Plan[11].

2.3.2 The eight headline objectives are:

1. Sustainable production, with measures related to:
    - confirm the 'polluter pays' principle and extend producer responsibility for packaging, ensuring that producers pay the full costs of disposal for packaging they place on the market;
    - stimulate demand for recycled plastic by introducing a tax on plastic packaging with less than 30% recycled plastic; and
    - set minimum requirements through eco-design to encourage resource efficient product design.
2. Helping consumers take more considered actions, including providing consumers with better information on the sustainability of their purchases and banning plastic products where there is a clear case and alternatives exist.
3. Resource recovery and waste management, with measures on:
    - ensuring a consistent set of dry recyclable materials is collected from all households and businesses to improve recycling rates;
    - reducing greenhouse gas emissions from landfill by ensuring that every householder and appropriate businesses have a weekly separate food waste collection;
    - working with business and local authorities to improve urban recycling rates; and
    - driving greater efficiency of energy recovery facilities.
4. Tackling waste crime, including increasing awareness of waste regulations toughening penalties for waste criminals.

[11] www.gov.uk/government/publications/25-year-environment-plan

5. Cutting down on food waste, including looking at more effective redistribute food and consulting on legal powers to introduce food waste targets and surplus food redistribution obligations.
6. International leadership, much of which is focused on managing the wider implications of plastics in the environment.
7. Research and innovation, covering areas such as:
   - the development of standards for bio-based and biodegradable plastics; and
   - support further investment in resource efficient technologies.
8. Measuring progress, data, monitoring and evaluation, with measures related to
   - a new approach to data on resources and waste; and
   - moving away from weight-based towards impact-based targets and reporting, focusing initially on carbon and natural capital accounting.

2.3.3 The range of matters addressed through each of the headline objectives demonstrates the Government's recognition that a number of different parties and different approaches will be required to achieve the waste hierarchy and transition successfully to a Circular Economy.

2.3.4 Notably, there is a focus on research and new approaches for the future; a recognition that this transition will not happen immediately but over time and reliant upon delivery of new initiatives throughout the life cycle of material, from its development to its management as a waste.

2.3.5 In short, the focus areas area not restricted to one element of waste management but involve priorities cutting across research, design, plastics and food waste, and informing consumer actions.

2.3.6 Of particular relevance to Requirement 16 and this WHS are the recent consultations (2019 and 2021) in relation to new legislative proposals for consistency in waste collection.

Collection Consistency First Consultation (2019)

2.3.7 The Environment Act 2021[12] is a wide-ranging piece of primary legislation aimed at improving air and water quality, tackling waste, increasing recycling, halting the decline of species and improving the natural environment. Notably, it sets the legal framework for greater consistency in recycling collections in England; not least defining what/how waste must be separated and when deviation from these requirements can be implemented.

2.3.8 Four conditions for household waste collection arrangements are presented:

1. 'Recyclable household waste' must be collected separately from other household waste, with six 'recyclable waste streams' defined:
   a. glass;
   b. metal;
   c. plastic;

[12] https://www.legislation.gov.uk/ukpga/2021/30/pdfs/ukpga_20210030_en.pdf

d. paper and card;

e. food waste; and

f. garden waste.

2. 'Recyclable household waste' must be collected for recycling or composting.

3. 'Recyclable household waste' in each recyclable waste stream must be collected separately. Although, two or more recyclable waste streams may be collected together where:

   a. it is not technically or economically practicable to collect recyclable household waste in those recyclable waste streams separately, or

   b. collecting recyclable household waste in those recyclable waste streams separately has no significant environmental benefit.

   However, the collection of dry recyclable streams and organic streams together is not permitted.

   Where two or more recyclable waste streams are to be collected together, the waste collector will be required to prepare a written assessment setting out why the criteria for not separately collecting each recyclable waste stream applies.

4. 'Recyclable household waste' that is food waste must be collected at least once a week.

2.3.9 The Environment Act 2021 places similar requirements on commercial and industrial waste (which is similar in nature and composition to household waste) with the duty placed on the collector of the waste. The difference for commercial and industrial wastes are:

- recyclable waste streams do not include garden waste; and
- the collection frequency for food waste is not specified.

2.3.10 Consequently, the first consultation focussed on the requirement for households and businesses to present dry recyclables and food waste separately from residual waste for collection and recycling and on a minimum service standard for local authority household waste collections. For households, the proposals included the collection of the same set of dry materials for recycling, and to have a separate weekly collection of food waste (separate from garden waste where practicable) from 2023. For businesses, the proposals consider segregation of dry recyclates and food waste, measures to reduce costs and improve data capture /management. The aim of the proposals is to incentivise quantity and quality of material collected to achieve higher recycling levels, and to address householder confusion.

Collection Consistency Second Consultation (2021)

2.3.11 The detail of the materials to be included under each of the 'recyclable waste streams' will be included in secondary regulation (expected to be published by the end of 2022) along with statutory guidance on how to comply with the requirements.

2.3.12 This was essentially the topic of the second consultation, which set out the government's thinking on these areas and sought responses to the proposals presented, including how the Environment Act 2021 powers should be used and how the associated policies should be implemented.

2.3.13 The consultation document gave a clearer picture of future collection standards and preferred collection methodologies, including:

- Arrangements for each dry recyclable waste stream, for example:
  - paper and card would not include disposable cups, with the Government minded in statutory guidance to recommend that paper and card are kept separate from other recyclable waste streams;
  - metal will include aluminium foil, aluminium food trays and aerosols; and
  - plastic will include plastic film (which should be phased-in for collection from households by 2026/27) and should include food and drink cartons.
- Exemptions for plastic & metal and glass & metal to be collected together from households without the need for a written assessment.
- Statutory guidance and minimum service standards, including:
  - examples of technically & economically practicable and no significant environmental benefit; and
  - completion of the written assessment.

2.3.14 The consultation also proposes a hierarchy of collection methodologies:

- Waste collectors should consider whether a kerbside sort or multi-stream system is practicable in the first instance.
- Waste collectors should consider whether a twin-stream collection system can be offered.
- If a twin-stream collection approach is not practicable, a co-mingled collection service could be considered as a last resort.

Conclusions

2.3.15 The two consultations give a good insight into the practical measures that are intended to be put into place to deliver the Circular Economy, including improved recycling as one element of the waste hierarchy.

2.3.16 The Government's focus is rightly on the front end of the system – collection. Improvement in the way that waste is collected will enable a greater range, and a greater proportion, of materials currently being discarded to be recycled instead. These actions demonstrate the Government's approach to delivering the waste hierarchy, which itself will impact on the residual wastes being delivered to energy recovery facilities such as Riverside 2.

2.4 Cory's role in the waste hierarchy

2.4.1 The Secretary of State concluded that the Authorised Development delivers the waste hierarchy. The ERF diverts residual waste away from disposal to landfill (the option of last resort) to recover both renewable/low carbon energy (electricity and heat) and secondary materials (aggregates and metals).

2.4.2 REP operates a one element of the infrastructure necessary to deliver the waste hierarchy; it is an important element, but it is located toward the back end of the network. Riverside 2 will receive the residual wastes that remain after production and collection by numerous other parties; it is the actions of these parties, making use of

available facilities, that will determine the extent of segregation and recycling that is undertaken to the wastes before those that remain are delivered to Riverside 2.

2.4.3 As part of its current operations, Cory is already involved in recycling activities. It operates two household waste and recycling centres ('HWRC') on behalf of the Western Riverside Waste Authority and the London Borough of Tower Hamlets, and a material recycling facility ('MRF') in Wandsworth. In 2020, the MRF separated 71,000 tonnes of dry material recyclates into 15 categories (including five different types of plastic) for onwards recycling. The HWRC provide local communities with a safe way to discard their unwanted goods, many of which can be reused or recycled.

2.4.4 The HWRC in Wandsworth is home to ReWork, a reuse workshop run by Groundwork, a community action initiative. ReWork repairs and services thousands of items before passing them on to charity retailers and social enterprises who sell them at affordable prices. Trainees at the workshop refurbish around 4,500 electrical items per year, including washing machines, fridges, cookers, microwaves and other household electrical goods, many of which are donated by the local community. These appliances, which would have been scrapped, recycled or sent to landfill, are returned to full working order and given a second life.

2.4.5 Through these activities, Cory already plays an important role in helping to ensure that more materials are recycled, supporting the UK Government's ambitious target to get the UK's recycling performance to more than 65 per cent.

2.4.6 The Cory Sustainability Report 2020/21[13] recognises Cory's 125 year history, evolving from a coal distribution company on the River Thames into one of the UK's leading waste management, recycling and energy recovery companies. Recycling rates is identified as a key topic to be addressed, such that the Company makes a commitment to exploring opportunities to remove plastics from the residual waste received at Riverside.

2.4.7 Experience from the waste management industry to date demonstrates that the best way to reduce the plastic content in waste is to reduce the amount of plastic produced and consumed, and so to ensure plastic does not enter the residual waste stream in the first place.[14]

'We hope that the plastics packaging tax and Extended Producer Responsibility system will lead to less plastics being produced, more plastics being recycled and, ultimately, less plastic ending up in residual waste. We are currently hearing many announcements from consumer brands and other businesses committing to using more recycled plastics. Creating end markets for recycled plastics will make recycling economically viable, and will help to build public confidence in recycling, ensuring that these materials get put in the recycling bin rather than end up in residual waste.' [page 14]

2.4.8 The pathway [page 18] presents a clear commitment to '*support initiatives to remove plastic from waste at the front end*'. To do this, Cory is currently preparing a campaign to work with relevant parties to influence plastic use.

[13] [redacted]

[14] A net-zero greenhouse gas emissions strategy for the UK recycling and waste sector, Environmental Services Association, 2021, page 35

2.4.9 The first step in this campaign starts with data gathering. Cory has commissioned an in-depth composition analysis to assess the plastic breakdown in the residual waste entering Riverside 1 from households and businesses in London. This will include a specific focus on plastics that fall outside kerbside recycling schemes, as well as their sources and uses. This research will be used to inform messaging that will highlight the types, sources and uses of plastics that Cory believes should be limited in production/ consumption, or new recycling services be provided, for example by way of reverse logistics for business waste. In short, this information will assist Cory to determine the focus for its future campaigns and investment decisions.

2.4.10 There are numerous parties involved in the generation and management of waste, starting with those designing products and packaging, to those buying the products and their treatment of those goods, through those collecting and treating wastes. The Sustainability Report also presents Cory's role in its local communities, providing training, funding and experiences to encourage sustainable waste management today and future generations interest in the resource management of tomorrow.

2.4.11 Created in 2009, GRESB is the global environmental, social governance ('ESG') benchmark for financial markets, composed of an independent foundation and a benefit corporation. GRESB is a mission-driven and industry-led organization that provides actionable and transparent ESG data to financial markets. It collects, validates, scores and benchmark ESG data to provide business intelligence, engagement tools and regulatory reporting solutions for investors, asset managers and the wider industry.

2.4.12 In 2021, Cory gained accreditation from GRESB as an infrastructure sector leader. GRESB provides a consistent framework to measure the ESG performance of individual assets and portfolios based on self-reported data. Performance assessments are guided by what investors and the wider industries consider to be material issues, and they are aligned with the Sustainable Development Goals, the Paris Climate Agreement and major international reporting frameworks.

2.4.13 Cory is already an industry leader and it continues to look afresh at new initiatives to maintain its position within the resource management sector.

3. The Waste Hierarchy Scheme

3.1 Introduction

3.1.1 Requirement 16 is specific about the details that should be included within the Waste Hierarchy Scheme.

3.1.2 Each detail is addressed in this section, which is also accompanied by proposals for monitoring and review.

3.2 Requirement 16(1)

3.2.1 This document presents the required scheme that sets out the arrangements for maintenance of the waste hierarchy in priority order and which aims to minimise recyclable and reusable waste received at the Authorised Development.

3.3 Requirement 16(2)

(a) The type of information that must be collected and retained on the sources of the residual waste after recyclable and reusable waste has been removed

3.3.1 REP will receive residual municipal waste from both local authorities (LACW) and businesses (C&I waste). Cory is taking part in multiple local authority procurement processes and progressing multiple, highly developed, confidential discussions with numerous reputable C&I waste suppliers for long term waste supply contracts for Riverside 2. Cory will also enter into shorter term contracts with C&I waste customers to their residual waste at Riverside 2.

3.3.2 The generation of waste and its initial segregation is undertaken by the waste producer. The processes of collection from the waste producer, and any further sorting, are undertaken by local authorities (such as the above London Boroughs) and commercial waste management companies. Those bodies then deliver the waste to Cory; they are waste suppliers to the Undertaker.

3.3.3 Most waste (currently c.85%) will be received from waste suppliers through one of Cory's riparian transfer stations, where it will be bulked up into containers prior to delivery to Riverside 2 along the River Thames by barge. Some waste will be delivered by road. However it is delivered, the wastes received are those that remain after it has been collected and segregated for recycling, with both activities undertaken by parties unrelated to Cory.

3.3.4 The waste composition analysis (discussed further at Requirement 16(2)(e)) will provide the information to be collected and retained on these sources of waste.

(b) The arrangements that must be put in place for ensuring that as much reusable and recyclable waste as is reasonably possible is removed from waste to be received at the authorised development, including contractual measures to encourage as much reusable and recyclable waste being removed as far as possible

3.3.5 Section 2 of this WHS has presented the role of Riverside 2 as one element within the network of infrastructure necessary to deliver the waste hierarchy. It is clear that Government expects waste producers and collectors to engage more fully in segregating wastes to enable improved recycling.

3.3.6 REP will receive the residual waste (that which remains after recycling) for recovery, so diverting it from landfill and ensuring the greatest value is gained from that waste for as long as possible.

3.3.7 An Environmental Permit has been gained for Riverside 2 (reference: EPR/GP353QS, dated 17.07.2020, 'the Riverside 2 EP'). At paragraph 2.3.4, the Riverside 2 EP states that waste shall only be accepted if:

a) it is of a type and quantity listed in schedule 2 tables S2.2 and S2.3; and

b) it conforms to the description in the documentation supplied by the producer or holder; and

c) it having been separately collected for recycling, it is subsequently unsuitable for recovery by recycling.

d) the facility has sufficient free capacity to store and treat the waste.

3.3.8 The Riverside 2 EP specifies both the types of waste to be received and that waste that has been separately collected for recycling should not be received unless it is subsequently unsuitable for that fate.

3.3.9 Cognisant of Requirement 16, the Undertaker has drafted into its template waste supply agreement the following clause 'Environmental Management System', which states:

'**1.1 Environmental Management System**

1.1.1 The Supplier shall supply to the Offtaker prior to the Waste Supply Commencement Date (and 20 Business Days prior to the end of each Contract Year thereafter) a report which sets out:

1) in respect of the immediately following Contract Year, a proposed baseline amount of recyclable and reusable waste to be removed from the Supplier's waste stream prior to delivery of Waste to the Offtaker;

2) targets for improving the percentage of reusable and recyclable waste removed from the Supplier's waste stream;

3) details of the Supplier's compliance with:

i. paragraph 12 of the Waste (England and Wales) Regulations 2011; and

ii. paragraph (i) and (ii) above in respect of the then current Contract Year (other than in respect of such report to be delivered prior to the Effective Date),

*such report being the "**Environmental Management System**".*

1.1.2 If the Supplier fails to comply with any of its proposals contained in an Environmental Management System, it shall notify the Offtaker in writing. Representatives of the Supplier and the Offtaker shall meet within 14 days of receipt of the Offtaker's notice to discuss the non-compliance of the Environmental Management System and attempt in good faith to agree how the Supplier can comply with its Environmental Management System. To the extent that an agreement is reached between the Parties as a result of such discussions, the terms of such agreement shall be documented in writing and shall be implemented by the Parties in accordance with the timescales

agreed, or if no specific timescales are agreed, as soon as reasonably practicable.'

3.3.10 The Undertaker retains the right to change the precise wording used within its contracts with waste suppliers but commits to retaining a clause of this nature unless otherwise approved through a Requirement 27 application.

3.3.11 The Riverside 2 template waste supply agreement also includes strict specifications for the type of waste that is to be delivered to the facility in order to meet the Riverside 2 EP and ensure it is the type of waste that can be treated at the facility. The waste specification states, *inter alia*, that '*All Waste shall be waste originating from Municipal, Commercial and Industrial Waste (as each is defined in section 75 of the Environmental Protection Act 1990) which shall be in accordance with European Consolidated Waste Catalogue code 20-03-02 contained in the Environmental Permit and any other waste codes permitted by the Environmental Permit (provided that such other waste codes are agreed by the Parties in writing).*' here are contractual penalties for supplying 'off-specification' waste.

(c) The arrangements that must be put in place for ensuring that commercial suppliers of residual waste operate a written environmental management system which includes establishing a baseline for recyclable and reusable waste removed from residual waste and specific targets for improving the percentage of such removed reusable and recyclable waste

3.3.12 Comprehensive due diligence is undertaken prior to contracting with a new waste supplier, including such tasks as: an audit of wastes handled by the supplier; review of the European Waste Codes attributed to wastes handled by the supplier; and a site visit to the supplier's premises. Consequently, Cory observes, first hand, how waste is received and handled on site, and what is sent out.

3.3.13 In addition, there is a duty on waste suppliers to correctly complete the waste transfer notes, identifying the wastes received at their sites and as deposited elsewhere. Spot checks are undertaken of the wastes being delivered, with a priority given to those loads received from a new waste supplier.

3.3.14 Cognisant of Requirement 16, the Undertaker has drafted into its template waste supply agreement the following clause 'Environmental Management System', which states:

'**1.1 Environmental Management System**

1.1.1 The Supplier shall supply to the Offtaker prior to the Waste Supply Commencement Date (and 20 Business Days prior to the end of each Contract Year thereafter) a report which sets out:

1) in respect of the immediately following Contract Year, a proposed baseline amount of recyclable and reusable waste to be removed from the Supplier's waste stream prior to delivery of Waste to the Offtaker;

2) targets for improving the percentage of reusable and recyclable waste removed from the Supplier's waste stream;

3) details of the Supplier's compliance with:

i. paragraph 12 of the Waste (England and Wales) Regulations 2011; and

ii. paragraph (i) and (ii) above in respect of the then current Contract Year (other than in respect of such report to be delivered prior to the Effective Date),

*such report being the "**Environmental Management System**".*

1.1.2 If the Supplier fails to comply with any of its proposals contained in an Environmental Management System, it shall notify the Offtaker in writing. Representatives of the Supplier and the Offtaker shall meet within 14 days of receipt of the Offtaker's notice to discuss the non-compliance of the Environmental Management System and attempt in good faith to agree how the Supplier can comply with its Environmental Management System. To the extent that an agreement is reached between the Parties as a result of such discussions, the terms of such agreement shall be documented in writing and shall be implemented by the Parties in accordance with the timescales agreed, or if no specific timescales are agreed, as soon as reasonably practicable.'

3.3.15 The Undertaker retains the right to change the precise wording used within its contracts with waste suppliers but commits to retaining a clause of this nature unless otherwise approved through a Requirement 27 application.

(d) The arrangements that must be put in place for suspending and/or discontinuing supply arrangements from commercial suppliers who fail to retain or comply with any environmental management systems

3.3.16 Spot checks will be undertaken on loads delivered to Riverside 2, particularly from new suppliers. The supplier of any rejected load will be advised of the contractual requirement to deliver only residual waste to Riverside 2 and that further breaches of such requirement may lead to cancellation of the contract.

3.3.17 As specified in relation to Requirement 16(2)(b) and (c) a new clause has been added to the template waste supply agreement requiring submission of the Environmental Management System. This includes the steps to be taken by the waste supplier should there be a failure to comply with that provision.

3.3.18 The template waste supply agreement also includes a general clause that enables the Undertaker to terminate the contract in the event of a default. Those that are relevant to Requirement 16, i.e. for persistent breach of any provision in the agreement or because a breach results in a breach of the Undertaker's planning and/or permitting restrictions (which are defined terms within the agreement) are set out here:

'**1.2 Event of Default means the occurrence at any time in relation to a Party (the "Defaulting Party") of any of the following events:**

1.2.1 in respect of the Supplier;

1) ...

2) the Supplier breaches any obligation under this Agreement three or more times during a rolling six month period;

3) ...;

4) *a breach by the Supplier or its Sub-contractor of any of its obligations under this Agreement which results in a breach of the Planning and Permitting Restrictions and as a direct result of such breach the Competent Authority:*

   i. *takes enforcement action against the Offtaker and such enforcement action adversely affects (or is reasonably likely to adversely affect) the Offtaker's ability to perform the Offtake Services; or*

   ii. *issues a notification that if such breach is not remedied it is likely to result in enforcement action being taken against the Offtaker which is reasonably likely to adversely affect the Offtaker's ability to perform the Offtake Services and, where the notification specifies a time period within which the breach must be remedied, the Supplier has failed to remedy such breach within that time period,*

5) *…;'*

3.3.19 The Undertaker retains the right to change the precise wording used within its contracts with waste suppliers but commits to retaining a clause of this nature unless otherwise approved through a Requirement 27 application.

(e) The arrangements that must be put in place for the provision of an annual waste composition analysis undertaken by the undertaker, with the findings submitted to the relevant planning authority within one month of the sampling being undertaken.

3.3.20 Waste composition analysis is currently undertaken annually for Riverside 1; the details are submitted to Ofgem. The most recent analysis available (completed for calendar year 2020) is provided at Appendix B.

3.3.21 Sampling is undertaken in January of each year. A sampling plan is derived from the tonnage data of the previous 12 months, with representative samples taken from each collection point (whether that be a waste transfer station, direct delivery from local authority or direct delivery from trade supplier).

3.3.22 Both compositional and chemical analysis is undertaken of the waste samples.

3.3.23 The report is generally issued within one month of analysis.

3.3.24 It is proposed that this analysis is extended to incorporate the ERF at Riverside 2. The consequent report will be submitted to LBB, in addition to its submission to Ofgem.

(f) The form of records that must be kept for the purpose of demonstrating compliance with (a) to (e) and the arrangements in place for allowing inspection of such records by the relevant planning authority.

3.3.25 Compliance with Requirement 16(2)(a) and (e)will be demonstrated through the annual waste composition analysis.

3.3.26 Compliance with Requirement 16(2) b) (c) and (d) are demonstrated within this WHS and no further records are considered relevant or reasonable beyond annual confirmation that they still apply (to be provided with the annual waste composition analysis).

3.3.27 Not least, information regarding the waste suppliers and the contract held with them is subject to commercial confidentiality. Consequently, this information would not be provided to the relevant planning authority; however, if LBB chooses to inspect

records in relation to the agreements for waste supply it would be accommodated to do so, by prior appointment with Cory.

3.3.28 In any event, a material change to any element of this WHS would require approval through a Requirement 27 application.

3.3.29 Further, the Sustainability Report 20/21 demonstrates that Cory is at the forefront of the resource management sector and is looking to be actively involved in the future of waste generation, not least through its commitment in relation to removing plastic from residual waste.

3.4 Requirement 16(3)

3.4.1 The waste hierarchy scheme shall be implemented as approved.

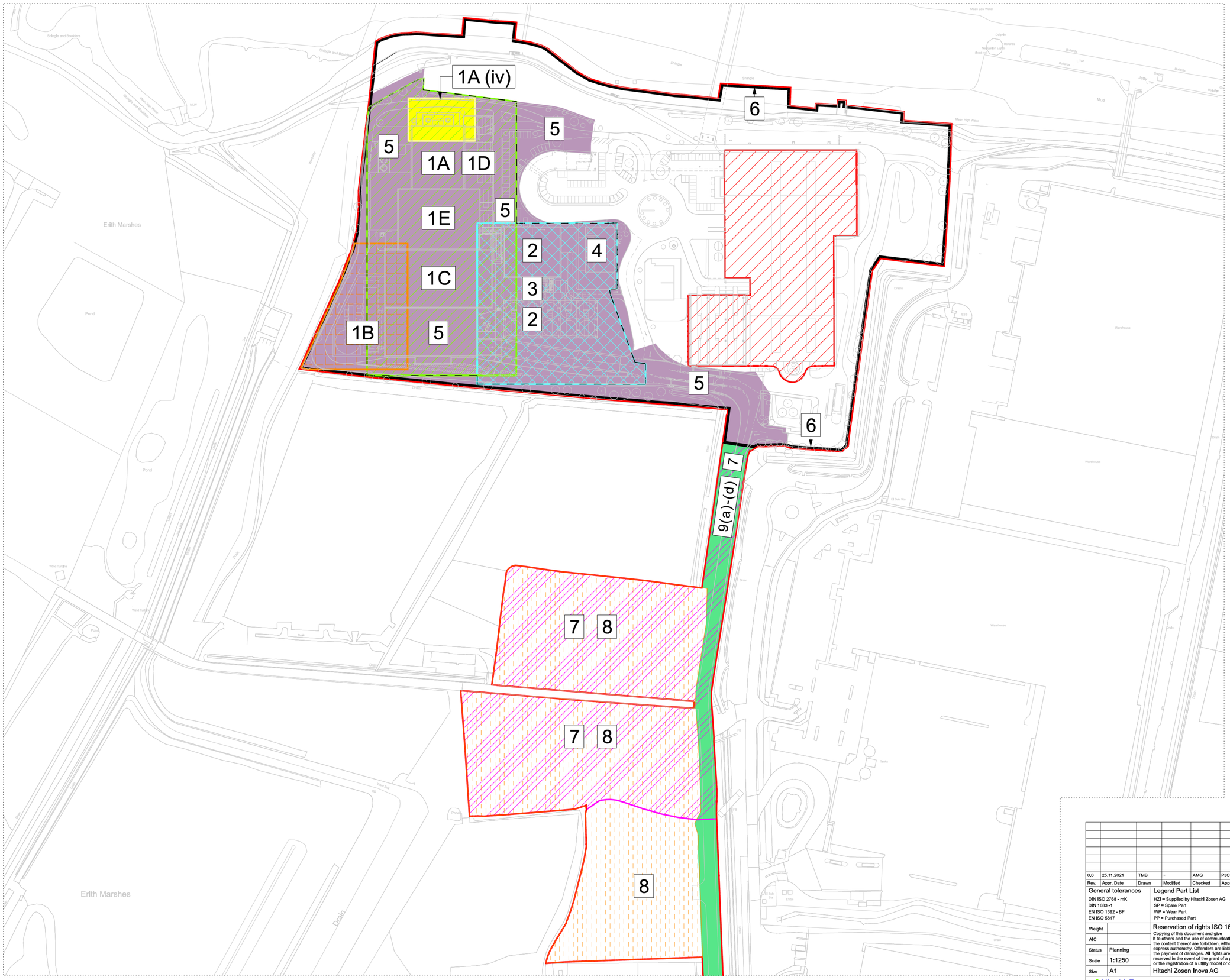
Riverside Energy Park
Waste Hierarchy Scheme

In accordance with Requirement 16, Schedule 2, Riverside Energy Park Order 2020 (as amended)

Appendix A

CORY

A1



NOTES

WORK PLAN BOUNDARIES AND REFERENCES TAKEN FROM DOCUMENT REFERENCE 2.2

: ORDER LIMITS

: AREA NOT INCLUDED IN DEVELOPMENT CONSENT ORDER

: LOCAL AUTHORITY BOUNDARY

LIMITS OF DEVIATION	WORK No.	AUTHORISED DEVELOPMENT
	1A	AN ENERGY RECOVERY FACILITY EXCLUDING WORK No. 1A(iv)
	1A (iv)	UP TO TWO EMISSION STACKS
	1B	AN ANAEROBIC DIGESTION SYSTEM
	1C	SOLAR PHOTOVOLTAIC PANELS ON ALL OR PART OF WORK No. 1E AND, SHOULD A STEAM TURBINE BE CONSTRUCTED AS PART OF WORK No. 2, ON ALL OR PART OF THE STEAM TURBINE BUILDING FORMING PART OF WORK No. 2, SWITCHGEAR, INVERTERS, TRANSFORMERS, AND PERMANENT EQUIPMENT FOR MAINTENANCE
	1D	A BATTERY STORAGE FACILITY
	1E	A BUILDING WITH ROOF ENCLOSING AND/OR SUPPORTING ALL OR PART OF WORK NUMBERS 1A, 1B, 1C AND 1D
	2	WORKS TO CONSTRUCT A COOLING SYSTEM COMPRISING AIR-COOLED CONDENSERS AND, IF NOT CONSTRUCTED AND INSTALLED AS PART OF WORK No. 1A, A STEAM TURBINE, ELECTRICAL GENERATOR AND A STEAM TURBINE BUILDING
	3	WORKS TO CONSTRUCT AND INSTALL COMBINED HEAT AND POWER EQUIPMENT INCLUDING HEAT EXCHANGERS, PIPEWORK, INCLUDING FLOW/RETURN PIPEWORK, VALVING, PUMPS, PRESSURISATION AND WATER TREATMENT SYSTEMS
	4	WORKS TO CONSTRUCT AN ELECTRICAL SUBSTATION INCLUDING CIRCUIT BREAKER, AND TRANSFORMER, BUSBAR SECTIONS, INTEGRATED PROTECTION SCHEME AND UNINTERRUPTIBLE POWER SUPPLIES
	5	WORKS TO CONSTRUCT AND INSTALL SUPPORTING BUILDINGS AND FACILITIES
	6	WORKS TO CONSTRUCT AND INSTALL SUPPORTING INFRASTRUCTURE
	7	WORKS TO CONSTRUCT AND INSTALL FROM WORK No. 6 PIPES AND CABLES
	8	TEMPORARY CONSTRUCTION COMPOUND
	9(a)-(d)	AN ELECTRICAL CONNECTION

CORY RIVERSIDE ENERGY

0m 20m 40m 60m 80m 100m

Scale 1:1250 @ A1

0.000m = 2.970m AOD

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Discipline Architectural | Job No 16111

Doc. Name
VAA-WA-58000001_0.0
WORK PLAN BOUNDARIES

Rev.	Appr. Date	Drawn	Modified	Checked	Approved	Modification
0.0	25.11.2021	TMB	-	AMG	PJC	ISSUED FOR REQUIREMENT 27

General tolerances
DIN ISO 2768 - mK
DIN 1683 -1
EN ISO 1392 - BF
EN ISO 5817

Legend Part List
HZI = Supplied by Hitachi Zosen AG
SP = Spare Part
WP = Wear Part
PP = Purchased Part

Weight
AIC
Status Planning
Scale 1:1250
Size A1

Hitachi Zosen INOVA
Hitachi Zosen Inova AG

Project Name
Riverside Energy Park
Belvedere
London

Work Plan Boundaries

Project-Nr	Document No.	Revision
16111	58000001	0.0

Replaced by: | Replaced for: | Sht:1 /1

Do not scale

Development Management
Planning Department
Place
Civic Offices, 2 Watling Street,
Bexleyheath, Kent, DA6 7AT
Telephone 020 8303 7777

The person dealing with this matter is: Ian Smith
Direct Dial: [redacted]
Email: [redacted]@bexley.gov.uk

Our Application Reference Number: 19/00998/ALA17

Date: 20 April 2022

Mr R. Wilkinson
c/o Miss K. Berry

BY EMAIL

Dear Miss Berry,

Re: Submission to discharge Requirement 16 Waste Hierarchy Scheme, Schedule 2 of the Riverside Energy Park Order 2020 (as amended).

The decision on this application to determine the above requirement in full has been made on the basis of the following submitted plans and documents:

RELEVANT PLANS/DOCUMENTS

- Application Form.
- Cover Letter.
- Document titled "Riverside Energy Park Waste Hierarchy Scheme in accordance with Requirement 16, Schedule 2, Riverside Energy Park Order 2020 (as amended)" and appendix B.

Paragraph 16 of Schedule 2 of the Infrastructure Planning (Riverside Energy Park Order, 2020 states that:

(1) Prior to commissioning, the undertaker must submit to the relevant planning authority for approval a scheme, which sets out arrangements for maintenance of the waste hierarchy in priority order and which aims to minimise recyclable and reusable waste received at the authorised development during the commissioning and operational period of the authorised development (the "waste hierarchy scheme").

(2) The waste hierarchy scheme must include details of—

(a) the type of information that must be collected and retained on the sources of the residual waste after recyclable and reusable waste has been removed;

(b) the arrangements that must be put in place for ensuring that as much reusable and recyclable waste as is reasonably possible is removed from waste to be received at the authorised development, including contractual measures to encourage as much reusable and recyclable waste being removed as far as possible;

(c) the arrangements that must be put in place for ensuring that commercial suppliers of residual waste operate a written environmental management system which includes establishing a baseline for recyclable and reusable waste removed from residual waste and specific targets for improving the percentage of such removed reusable and recyclable waste;

(d) the arrangements that must be put in place for suspending and/or discontinuing supply arrangements from commercial suppliers who fail to retain or comply with any environmental management systems;

(e) the arrangements that must be put in place for the provision of an annual waste composition analysis undertaken by the undertaker, with the findings submitted to the relevant planning authority within one month of the sampling being undertaken; and

(f) the form of records that must be kept for the purpose of demonstrating compliance with (a) to (e) and the arrangements in place for allowing inspection of such records by the relevant planning authority.

(3) The waste hierarchy scheme must be implemented as approved under sub-paragraph (1).

The submitted details pursuant to Requirement 16 set out a waste hierarchy strategy which aims to minimise recyclable and reusable waste. It is considered that the submitted details cover parts a-f of part 2 of the requirement and accordingly, it is considered that this requirement is satisfied. The Undertaker should be remined that in order to fully comply with the requirement the development must be undertaken in accordance with the details approved herein.

Given the above, it is considered that paragraph 16 of Schedule 2 (Waste Hierarchy Scheme) of the Infrastructure Planning- Riverside Energy Park Order, 2020 has been satisfied.

Yours faithfully

[redacted]

Mr R Lancaster
Head of Planning & Regulatory Services