



## Medworth Energy from Waste Combined Heat and Power Facility

Comments on Revised Waste Fuel Availability Assessment (REP5-019)  
on behalf of Wisbech Town Council

Title

Medworth Energy from Waste Combined Heat and Power Facility –  
comments on revised Waste Fuel Availability Assessment – REP5-019

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Wisbech Town Council

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# 1 Introduction

- 1.1 These comments are submitted on behalf of Wisbech Town Council in response to the revised Waste Fuel Availability Assessment submitted by the Applicant at Deadline 2 (24<sup>th</sup> March 2023) in support of the Development Consent Order (DCO) application for the construction, operation and maintenance of an Energy from Waste (EfW) Combined Heat and Power (CHP) Facility on a site off Algores Way, Wisbech, Cambridgeshire.
- 1.2 The facility would be capable of processing up to 625,600 tonnes of waste per annum and would have a generating capacity of over 50 MW.
- 1.3 Wisbech Town Council continue to object to the application principally on the basis that there is no need for the facility to meet residual waste requirements within the Study Area and to include such an over-provision in recovery capacity will jeopardise the achievement of recycling targets and would be contrary to emerging Government policy set out in the National Policy Statement for Renewable Energy Infrastructure (EN-3).

## 2 Revised Waste Fuel Availability Assessment (WFAA)

### *Policy Context*

- 2.1 The Applicants refer to the Overarching National Policy Statement (NPS) for Energy EN-1 and the National Policy Statement for Renewable Energy Infrastructure EN-3 as providing the primary basis for decisions on nationally significant renewable energy infrastructure and note the importance of draft NPS EN-1 and EN-3 in the decision making process. This is not disputed; however the Applicant is very selective in its consideration of conformity with national policy.
- 2.2 Reference is made in paragraph 2.2.15 of the WFAA (REP5-019) to paragraph 4.1.3 of draft EN-1 as reinstating the presumption in favour of granting consent to applications for energy NSIPs but yet no mention is made of the fact that the very same paragraph includes an important caveat namely that the presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused.
- 2.3 Draft NPS EN-3 published in March 2023 contains relevant policies that would override the presumption in favour of applications for energy infrastructure. As well as making it clear that the primary function of EfW plants is to treat waste, applicants much 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 or commercial and industrial sources. The proposed plant must also 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 (paragraphs 3.7.6 - 3.7.7). This latter point is re-iterated at paragraph 3.7.29 and 3.7.55.
- 2.4 Wisbech Town Council maintains its position that the proposed Medworth EfW CHP facility will compete with greater waste prevention, re-use or recycling and will result in over-capacity of EfW waste treatment and as such the presumption in favour of energy infrastructure relied upon by the Applicant will not apply.

### *Origin of Waste*

- 2.5 The study area relied upon by the Applicant is critical to determining the level of over-capacity. The Applicants have included a requirement in the draft DCO relating to the origin of waste. This only seeks to ensure that 17.5% of the total 625,600 tpa processed at the site will come from within 75km of the site i.e. only 125,120 tpa. The remaining 82.5% or 516,120 tpa could originate from anywhere beyond 75km. Not only is Waste Area 2 not defined at this stage, but requirement 29(2) also allows for waste transported into Waste Area 2 to a waste loading point, to have originated in Waste Area 2.
- 2.6 The suggestion that Cambridgeshire County Council have agreed the drafting of Requirement 29, without an understanding of the definition of Waste Area 2 is surprising as this is critical to its operation. If this information was available when the wording was being discussed, then this should have been included at Deadline 5.

- 2.7 Requirement 29 does nothing to ensure that waste is managed in accordance with the proximity principle, i.e. to manage waste at facilities located as close as reasonably possible to where waste is generated, to reduce the need to travel and to encourage communities to take responsibility for the waste they produce. The suggestion by the Applicant in paragraph 2.3.5 of the WFAA (June 2023) that Requirement 29 guarantees compliance with the proximity principle is ludicrous.
- 2.8 The Applicant is reliant on the study area defined in the WFAA to demonstrate that it will not result in over-capacity of EfW treatment at a local level to justify the need for the facility, but then only committing to a very small proportion of the total waste processed at the facility to have originated from within this area.
- 2.9 The ability to process over 500,000 tpa which could have originated from anywhere in the country, would be at odds with the requirements in the NPS as there is no safeguards to ensure that the development will not prejudice the achievement of local or national waste management targets if there has been no assessment of the implications for those targets in the first place.
- 2.10 Notwithstanding the above, Wisbech Town Council maintains its previous position that the Applicant is relying on waste from areas significantly beyond the two-hour drive time catchment. This is unsustainable and contrary to the proximity principle.

#### *Waste Hierarchy*

- 2.11 The requirement to examine the conformity of the scheme with the waste hierarchy and the effect of the scheme on the relevant Waste Local Plans is included at paragraph 3.7.44 of draft EN-3.
- 2.12 The Applicant states that it can guarantee its commitment to compliance with the waste hierarchy through proposed amendments to Requirement 14 of the draft DCO (REP5-019). The NPS does not require a 'commitment' to compliance with the waste hierarchy, rather it requires conformity with it. Requirement 14 will not ensure conformity with the waste hierarchy.
- 2.13 There is a discrepancy in the wording of Requirement 14 between that in the draft DCO (REP5-005) and that included in the WFAA (REP5-019). It is not clear which version of the wording is correct and has been agreed with Cambridgeshire County Council. The wording in the WFAA for Requirement 14 does not include a requirement for the approval of the waste hierarchy scheme from the relevant planning authority and therefore as drafted would be difficult to enforce and certainly could not be relied upon to demonstrate conformity with the waste hierarchy.
- 2.14 Setting aside the above issue, it is not clear how the Applicant can submit the waste hierarchy scheme prior to commissioning, when it is required to include under Requirement 14 (2), details of a record of the tonnage of any waste identified by the undertaker prior to tipping at the authorised development and rejected as being suitable for recycling, reuse or both. Prior to commissioning no waste will have been processed at the site.
- 2.15 The amendments to Requirement 14 also include a record of the tonnages of waste considered suitable for recycling, reuse or both that has been diverted further up the waste

- hierarchy by persons who also send waste to be processed at the authorised development, as far as practicable. It is not clear what relevance this has on the applicant's ability to comply with the waste hierarchy or how the Applicant would be able to obtain this data from a third party (it is not clear whether this is intended to be a contractual requirement or simply a reliance on goodwill) and what assurances could be given as to the accuracy of this data.
- 2.16 The suggestion that the waste hierarchy scheme would minimise recyclable and reusable waste received at the authorised development is open to interpretation and suggests that it would be permissible to process some recyclable and reusable waste, which would be contrary to the waste hierarchy. The requirement should include details of the amount of waste identified by the undertaker as being suitable for recycling, reuse or both prior to tipping and accepted at the authorised development. This information should be publicly available and submitted to the relevant planning authority at least quarterly.

#### *Study Area*

- 2.17 It is clear that the Applicant is now attempting to distance itself from its own Study Area definition. This is despite the fact that it recognises that it is necessary to define a Study Area in order to demonstrate that there is a need for the proposed waste management capacity (paragraph 3.2.2 WFAA - REP5-019).
- 2.18 Initially the Applicant was reliant on a two hour travel time for an HGV. When this did not give the Applicant sufficient waste, this was then extended to all authorities which made up the former East of England planning region as waste data is generally presented on a 'regional' basis. The Applicant had no difficulty including data for Milton Keynes in its previous assessment, despite the fact that it was outside the two hour travel time and the fact that it was not part of the former East of England planning region, indicating that it is entirely possible to disaggregate data to individual authority areas. Milton Keynes has now been removed on the basis that it was not in the two hour travel time and was not part of the former East of England planning region.
- 2.19 It is now suggested that a significant proportion of waste may come to the facility from outside the approximate two hour travel time area. This is despite the fact that the Applicant makes it clear that it used its own professional judgement on commercial viability to define the two hour Study Area, noting that at distances over two hours travel time become increasingly expensive for those seeking to dispose of waste.
- 2.20 The Study Area is no longer the commercially viable two hour drive time, nor the East of England former planning region, rather it includes the entire waste planning authority regardless of the planning region (as Leicestershire, Lincolnshire, Northamptonshire and Rutland are also included) if any part (however small), is within two hour drive time or if any part is within the East of England former planning region even if none of the waste planning authority is within the two hour catchment (e.g. Luton and Leicester City). This cannot be considered to be consistent with the proximity principle.
- 2.21 The former planning region is irrelevant to the consideration of need for the facility or compliance with the proximity principle. The two hour drive time should be the limits of the Study Area and the amount of waste available within that area is as set out in Wisbech Town Council's previous representation.

- 2.22 Even if the need for a facility of the scale proposed could be justified, geographically, Wisbech is not well located to serve the needs of the wider region. It is some distance from the larger centres of population and would require waste to be transported significant distances to be processed.

#### *Local Analysis*

- 2.23 Previous representations submitted by the Town Council included detailed commentary on the local analysis provided by the Applicant alongside Wisbech Town Council's estimates of the amount of waste potentially available in the catchment. These estimates have not been recalculated based on the revised WFAA, however Wisbech Town Council's position remains as previously outlined.
- 2.24 The figures presented in Tables 4.1, 4.2 and 4.3 are reliant to a great extent on waste outside the commercially viable transport time (two hour drive time) and therefore it is unrealistic to consider it to be genuinely available to the proposed facility. Furthermore, the data presented in the WFAA for 2021/2022 is not representative of future requirements given the direction of Government policy to significantly reduce residual waste by 2028 with further reductions required by 2042 or the fact that a number of new facilities have opened (Rookery South) or will be opened in the study area before the facility at Wisbech (Rivenhall and Newhurst).
- 2.25 All of the waste planning authorities within the study area (with the exception of Lincolnshire and Rutland) have declared a climate emergency and are working towards achieving carbon neutrality including through procurement practices. By way of example, Hertfordshire CC has committed to implement sustainability criteria into the renewal of waste contracts (Sustainable Hertfordshire Strategy 2020) and therefore it is highly unlikely that it would award a contract for treatment of LACW at the proposed facility given that the vast majority of the county is outside the two hour travel time. This requirement is likely to become more prevalent in waste contracts going forward as local authorities attempt to meet their commitments to carbon neutrality. The report prepared by Tolvik on UK Energy from Waste Statistics – 2022, states that over 76% of all EfW inputs were derived from residual LACW and therefore any restrictions to waste contracts in the future will significantly impact the ability of the Applicant to operate a facility of the scale proposed.
- 2.26 There are significant fluctuations in the amount of waste landfilled from Bedford and Central Bedfordshire in particular (Tables 4.3 and 4.4 of WFAA) such that the total figure cannot be relied upon as an indicator of residual waste in the long term. Both authorities have awarded the contract for disposal of LACW to Veolia, utilising the EFR at Rookery South. As the facility only opened in January 2022, it is likely that the amount of waste landfilled from these authorities will decrease in the future.
- 2.27 The amount of LACW going to landfill from the Eastern region is heavily influenced by the position in Essex, which on its own, accounts for more than half of the waste sent to landfill from the region. This will undoubtedly reduce with the opening of the Rivenhall Waste Management Facility in 2025.

#### *Waste Planning Authority Waste Requirements*

- 2.28 Wisbech Town Council's comments on future residual waste requirements are as set out in previous representations and are not repeated here. However, it should be noted that



reliance on an assessment of the evidence base supporting Waste Local Plans to forecast future requirements is inherently flawed as it does not take into account Government targets set out in the EIP to reduce the amount of residual waste by 50% by 2042.

## 3 Conclusion

- 3.1 The emerging NPS makes it very clear that 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.
- 3.2 It is Wisbech Town Council's contention that the proposed facility will result in over-capacity of EfW waste treatment and as a result will prejudice the achievement of recycling targets contrary to the waste hierarchy and will lead to the transport of waste from significant distances, contrary to the proximity principle.