

PINS ref. EN010110 15.2 - Written Summary of the Applicant's Oral Submissions at ISH6

5n The ExA invited comments from Interest Parties and made particular reference to inviting comments from Ms Perryman.

Question 1

- In response to a query from Ms Perryman regarding hazardous loads and APC Residues, Ms Brodrick confirmed that the Applicant would respond in writing at Deadline 6.

Post-hearing note: The Applicant can confirm that the transportation of APCr which was referred to by Mrs Perryman is undertaken from the EfW CHP Facility in sealed containers. The Applicant has a duty of care to store the residue safely and may only use authorised businesses to collect and transport it to licenced facilities. The vehicle movements associated with APCr movements are calculated and assessed within ES Chapter 6 Traffic and Transportation [APP-033].

The Applicant has failed to answer my question:

I asked why the Applicant scoped out the movement of APC residues from further assessment.

The Applicant's response at ISH 6 made it clear they fully understood what I was asking:

"we're going to need to go back through our documentation to confirm the reasons why those those particular vehicle movements weren't considered to be a dangerous or hazardous load receptor for the purposes of the assessment in accordance with the guidance"

"we don't have the answer to hand, but will be in our written summary of our of the submissions made in this hearing."

By failing to accurately describe my question in their written summary, the irrelevance of the response given is concealed. Having first made this point in my written submission after OFH 1, it appears the Applicant is reluctant to answer why the APCr were scoped out from further assessment.

Question 2

- In response to a question regarding the availability of HGVs for road transport in the future once petrol and diesel vehicles are banned, Mr Carey commented that technologies will have developed by 2040 but that it's impossible to know now which technology will be developed to allow longer distance transport for HGVs. Nevertheless, one of the options would be hydrogen fuelled vehicles and technology may adapt to allow electric vehicles to travel longer distances.

Ms Brodrick indicated that some of the issues raised were outside of the scope of the DCO Application. The Applicant has set out the reasons for the location of the Proposed Development and produced a waste fuel availability assessment (Volume 7.3) (Rev 3) [REP5-019 (tracked); REP5-020 (clean)] which sets out why the Applicant considers there will be sufficient residual waste for the Proposed Development. Such waste will need to be collected regardless of the means of transport being used at the time. The Applicant has assessed the worst-case scenario from an emissions perspective which is the continued use of HGVs fuelled by fossil fuels.

Ms Brodrick's response is irrelevant. It's obvious the waste will need to be collected.

My question was asked because of "the Applicant's need to source the vast majority of their waste from much greater distances from the PD than other existing EfW facilities who are contracted to Local Authorities, or from waste arisings."

Clearly the Applicant has not considered the implications, but due to the PD's size, scale and remote location the impact is likely to be significant and needs serious scrutiny as part of this DCO.

Miss Perryman requested clarification on the Applicant's meaning of source in relation to waste. The Applicant stated that it would respond in writing.

[**Post Hearing Note:** A written response has been provided as Action Point 3, see Table 1.2].

Table 1.2 ISH 7 Action Points: Applicant's response

3 Applicant to clarify, at the request of Ms Perryman, the sources used for the waste data information included in the last version of the WFAA.

The sources of the waste data used in the latest (Revision 3) of the Waste Fuel Availability Assessment (WFAA) are set out in detail in Table 3.2 of the WFAA. In addition to this, the Applicant has prepared a note detailing a step-by-step process which was followed when analysing data in the Waste Data Interrogator to arrive at the figures set out in Table 4.2 of the WFAA – see WDI-Guide.pdf (presented in Appendix D of this document).

The Applicant has failed to answer my question:

I did not ask for “the sources used for the waste data information.”

It is unfortunate that the ExA's Action Point was worded incorrectly.

However, had the Applicant carried out their own due diligence and checked either the transcript or the replay, they would have realised the error and provided the correct answer:

My question at ISH 7 was really straightforward: **“May I ask for a simple clarification on the applicant's meaning of source in relation to waste ... When they refer to the word source is it where waste arises?”**

It's just the meaning of the word source, whether it applies to where the waste arises or what it applies to?”

In my clarification I made it very clear I was not asking for sources of data.

“I asked the Applicant for a simple clarification on the meaning of ‘source’ in relation to waste?”

Whether the word source refers to where waste arises?

The meaning as applied to the waste itself, not as in the source of waste data.”

Further Responses to Written Summary of the Applicant's Oral Submissions at ISH7

- In response to Ms Perryman asking if landfill figures include taking waste from London, Ms Brown advised that the data is based on Local Waste Planning Authority data. Waste does move across boundaries and waste does come from other parts of the country, but the WFAA is looking at how much waste is currently landfilled in the local authorities within the Study Area.

The Applicant relies heavily on referencing the WFAA upon which their entire 'need' case rests but there is a significant disconnect between the Planning Application for the PD, which is theory, and how they would make it work in practice.

The Applicant has consistently failed to demonstrate how they would or could specifically target the waste they have relied on in the WFAA that is currently being landfilled.

The Applicant's WFAA dismisses where the waste arises and focuses solely where waste is landfilled. This fails to take into account that in 2020 authorities' facilities in the East of England took just over 5 million tonnes of London's HIC waste - around: 3.1m tonnes to Thurrock, 1.2m to Hertfordshire, 452,000 to Essex & Southend, 222,000 to Cambs & P/boro, 152,000 to Norfolk, 80,000 to Bedfordshire, 10,000 to Suffolk.

However, Requirement 29 of the dDCO stipulates that waste from Waste Area 1 and waste from Waste Area 2 must originate in those areas.

Therefore, around 5 million tonnes of waste has potentially been identified in the WFAA which arises outside of both Waste Area 1 and 2.

Without pointlessly referring to the WFAA or NPSs, how can the Applicant realistically and workably ensure compliance with these requirements without total and utter reliance on the compliance and integrity of others, which would come under pressure due to the PD competing for waste on price?

Requirement 29 of the dDCO also stipulates that at least 17.5% of the waste for the PD must originate from within 75km of the EfW CHP Facility Site. (I note this figure appears to be based on the maximum throughput of the PD - 625,000, rather than the 523,500 (approx) the Applicant states it would be designed to handle.)

Whilst the Waste Collection Authorities are the District/Borough Councils, the Waste Disposal Authorities are the County Councils (in two-tier administrations)

Waste Area 1 does not cover any county entirely, even some District Councils are split by the 75km boundary.

Waste Disposal Authorities sited in Waste Area 1 are: Cambridgeshire, Peterborough City, Bedfordshire and North Northamptonshire Unitary Authority.

Of those four, Peterborough City has its own EfW facility, and both Bedfordshire and North Northamptonshire UA are both in closer proximity to the Rookery Farm EfW facility at Stewartby, which they are both currently using. The west/northwestern edge is in closer proximity to EfW facilities near Lincoln, Nottingham, Loughborough (Newhurst), Atherstone (Baddersley).

It has not been adequately demonstrated how Waste Area 1 complies to the proximity principle, or any evidence that the PD would not have a significant adverse impact on other existing EfW facilities, even before looking further afield to Waste Area 2.

- In response to Ms Perryman comments about diverting waste from other EfW Facilities..... Mr Turner noted that with regard to Norfolk waste, this is a matter for Norfolk, and **the Proposed Development is not dependent on Norfolk's waste.**

Whilst the Applicant says the PD is not dependent on Norfolk's waste they have not demonstrated how they would conform to the requirement to source a minimum 17.5% from within Waste Area 1, whilst conforming to the proximity principle, if the PD is not dependent on Norfolk's waste.

Given that Norfolk is not wholly within Waste Area 1, and waste must originate from within that area, the Applicant has failed to demonstrate how they would or could only take part of any county's waste?

Particularly in light of what Carey told the ExA at ISH3 (pt1):

“we would not deal directly with waste authorities. We would simply act as a subcontractor to private sector companies that would then tender for that waste.

We have not had direct discussions with any waste local authority, but **it's likely that that tender would require the private sector companies that tender for that waste to take all of the authority's waste ...**”

The Applicant has pointlessly referred to the WFAA whenever challenged on pretty much anything despite consistently failing to robustly demonstrate how they could or would specifically target the waste they have relied on in the WFAA, solely originating from Waste Area 1 and 2, and currently being landfilled.

The Applicant has also repeatedly failed to robustly demonstrate that in practice the PD will not have a significant adverse impact on other facilities or burn waste that could not be treated further up the waste hierarchy with better recycling.

I reiterate a comment made in a previous submission:

This was taken from MVV's website:

“The power plant at Ridham Dock incinerates around 172,000 tonnes of waste and non-recyclable timber a year ...

The plant will be fuelled by waste timber and non-recyclable timber, as well as by processed and contaminated timber, such as plywood, chipboard, old furniture and construction site timber. **This material from within the region in south-east of England was previously incinerated elsewhere ...**”

By their own admission MVV are not moving waste up the waste hierarchy, their plant has not been used for a capacity shortfall, neither are they generating new electricity at their Ridham Dock facility. They are simply removing another incinerator's feedstock and energy generation for their own profitable gains and this planning application has repeatedly shown itself to have the same intent.

I addressed the other points in my Deadline 6 submission.