

Comments on responses to the ExA's ExQ2

UKWIN'S D7 COMMENTS ON REP6-032

REP6-032: DEADLINE 6 SUBMISSION - 9.24 - APPLICANT'S RESPONSE TO THE EXAMINING AUTHORITY'S SECOND WRITTEN QUESTIONS (EXQ2)

Proposed Development:

North Lincolnshire Green Energy Park

Proposed Location:

**Flixborough Wharf, Flixborough Industrial Estate,
North Lincolnshire**

Applicant:

North Lincolnshire Green Energy Park Limited

Planning Inspectorate Ref:

EN010116

Registration Identification Ref:

20031828

MARCH 2023



UKWIN'S COMMENTS ON THE APPLICANT'S REP6-032 RESPONSE TO EXQ2 ANNEX A

Applicant's REP6-032 Response	UKWIN Comments
Annex A	
Year of likely first operation of the proposed development: 2026	<p>The Applicant's stated year of 2026 does not appear to be explained in the accompanying notes.</p> <p>The Applicant's Environmental Statement Chapter 14, submitted at Deadline 6, includes the following [REP6-022, paragraph 4.2.1.2, electronic pages 33-34]: "The first element of the Project, the ERF, is planned to come into operation in 2028". (emphasis added)</p> <p>It is unclear why the Applicant uses both a 2026 and a 2028 year for commencement of operations in two different Deadline 6 submissions.</p> <p>With the Examination due to close in the middle of May 2023, it is reasonable to expect a decision by the end of 2023.</p> <p>If construction starts in 2024 and runs for approximately 36 months this seems to offer some potential for commencement late in 2027. However, as there would need to be a commissioning (testing) period after the plant has been constructed, 2028 would be more realistic estimate of the year the plant would enter full operations.</p>
There is no adopted policy requirement to demonstrate available capacity for Energy Recovery Facilities (ERF)	<p>UKWIN noted in REP6-042 paragraphs 38-40 that the Applicant had yet to provide any substantive response to UKWIN's case set out on electronic pages 14-17 of UKWIN's REP4-042 that a failure to demonstrate a need for the facility or overcapacity provides grounds for refusal. The Applicant's Deadline 6 submissions have not rectified this failing.</p>

**Applicant's REP6-032
Response**

UKWIN Comments

The only reference to capacity is in draft NPS EN3 which states at paragraph 2.10.5 that: "the proposed plant must not result in over-capacity of EfW waste treatment at a national or local level." A revised consultation draft of NPS EN3 is anticipated in Q1/Q2 2023. However, notwithstanding that this is not a policy requirement, the Applicant has sought to demonstrate that the Proposed Development will not lead to overcapacity at a national or local level.

As above, the draft NPS EN-3 is not the only basis for the 'need to demonstrate need', as there are statements within existing EN-1 and EN-3 and within Government statements that all make clear that harm to the waste hierarchy and recycling targets should be avoided, and based on the Government's stated position on the need to avoid incineration overcapacity it is necessary to ensure that these are not undermined by allowing excess incineration capacity to be consented and built.

The Government launched a consultation on an updated draft EN-3 on the 30th of March 2023. Paragraphs 3.7.6 and 3.7.7 (page 15) are updated versions of paragraph 2.10.4 and 2.10.5 under the heading of 'Factors Influencing site selection and design' and the sub-heading of 'Waste treatment capacity'.

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."

As such, rather than dropping the previous language, 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.

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

**Applicant's REP6-032
Response**

UKWIN Comments

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 when we set out the Government's stated position that incineration overcapacity needs to be avoided.

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

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".

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 add further such statements.

This explains why 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.

**Applicant's REP6-032
Response**

UKWIN Comments

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).

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".

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".

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

It is important to consider the potential for EfW overcapacity within in 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).

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".

Applicant's REP6-032 Response	UKWIN Comments
<p>... some resilience is necessary in the system to ensure as least waste as possible is going to landfill. A system which is operating at under capacity for Energy from Waste (EfW) will result in additional waste in landfill. The optimum position is therefore to have a slight overcapacity in EfW facilities to ensure that there is no residual waste.</p>	<p>The Applicant is offering a view that diverges from both existing and emerging Government policy. The logic behind the Applicant's statement is questionable, not least because of the option to export RDF to address feedstock shortfalls in neighbouring countries, and because of the scope for increasing the capacity of existing domestic EfW facilities. Furthermore, the Applicant fails to quantify the level of over-capacity they see fit to rely upon in the face of clear government states about the need to avoid EfW over-capacity.</p> <p>The Applicant's stated position that incineration overcapacity is something they believe to be desirable indicates that there is a high likelihood that the Applicant would build the facility even if, at the time of construction, they thought that it would result in incineration overcapacity. This exacerbates the concerns previously raised by UKWIN that consenting the proposed facility would result in the creation or exacerbation of incineration overcapacity at a local and/or national level in contravention of Government policy.</p>
<p>Facilities such as that proposed are tightly controlled to only take RDF and therefore are a direct replacement for landfill, rather than reducing recycling rates</p>	<p>UKWIN does not agree with this statement.</p> <p>As previously noted, RDF has no strict definition and is basically just waste which has gone through a process, e.g. a modicum of metals removal or de-watering.</p> <p>Furthermore, as previously noted, RDF does not go to landfill. It is, by definition, waste which has been made into a fuel. As such, targeting RDF does not target waste which would otherwise go to landfill.</p> <p>Finally, as incineration rates in England are already high, in order to meet recycling and residual waste reduction targets it is necessary to divert waste from landfill and incineration to recycling.</p>

Applicant's REP6-032 Response	UKWIN Comments
	<p>As such, even if the plant were only targeting waste which had historically gone to landfill this would not constitute a 'tight control' that would ensure that no waste would be incinerated which would otherwise have been reduced, re-used, recycled or composted within the lifetime of the facility.</p>
<p>Projections for residual waste arising are for a 'base case' where recycling and waste reduction targets are met</p>	<p>Despite claiming the contrary, as set out by UKWIN in REP6-042 and REP6-043, the Applicant's 'base case' is not in fact consistent with available residual waste falling in line with UK Government waste reduction targets.</p> <p>If capacity assessments are based on recycling and residual waste reductions targets being missed, then this could become a 'self-fulfilling prophecy' because more incineration would be consented and investment in the top tiers of the waste hierarchy would be undermined. As such, for the purposes of assessing 'need' it is necessary to assess proposals on the basis that Government recycling and waste reductions will be met rather than missed. The Applicant claims that they are assuming 55% recycling 2035 in their 'lower recycling case' which would fly in the face of the Environment Act's 65% target.</p> <p>Furthermore, it is not certain that the Applicant's lower recycling case is actually based on even the 55% target for 2035 being achieved due to the methodology and assumptions used to convert recycling targets into available residual waste arising figures.</p>
<p>The Applicant remains of the view that Government expects the EfW sector to decarbonise as part of the wider Net Zero policy, and</p>	<p>As the Applicant says, the requirement for carbon capture (decarbonisation) readiness would apply to new facilities. That is a far cry from any such requirement applying to all existing plants, which is what AFRY historically appeared to have assumed.¹ As such, the Government's proposals could not reasonably be expected to result in the closure of a significant number of operational EfW plants.</p>

¹ Although the Applicant subsequently re-framed their argument in this regard to talk about economic arguments although the reasonableness of this revised argument has been disputed by UKWIN

**Applicant's REP6-032
Response**

UKWIN Comments

the Government's recent consultation [Footnote 1: "Decarbonisation Readiness: Consultation on updates to the 2009 Carbon Capture Readiness requirements", Department for Energy Security & Net Zero, March 2023] on decarbonisation readiness reinforces this view by extending carbon capture readiness obligations to all new EfW facilities.

The Applicant has not included consented projects which have not yet commenced construction on the basis of its interpretation of available capacity

For the avoidance of doubt, UKWIN's REP6-043 figures do not include consented incineration capacity which has yet to enter construction.
For the purposes of assessing the potential for incineration overcapacity and harm to recycling, some weight should be given to the fact that incineration capacity would be higher if any of the currently consented capacity were constructed.

**Applicant's REP6-032
Response**

UKWIN Comments

Table 4: North Lincolnshire

While the Applicant does not include any existing incineration capacity in their North Lincolnshire table, UKWIN includes 56,000 tonnes of capacity at the Newlincs EfW Plant, as this operational incinerator is located on the South Marsh Road in Stallingborough, Grimsby. This means that the Newlincs EfW Plant is only around an 8-minute drive from North Lincolnshire along the A1173, and only around a 30-minute drive from the proposed Flixborough incinerator along the M180.

While all 56,000 tpa of capacity for Newlincs was included for North Lincolnshire in UKWIN's assessment, none of the 190,000 tpa of operational Lincolnshire EfW Plant capacity at North Hykeham was included in UKWIN's assessment for North Lincolnshire.

For North Lincolnshire, although a portion of North Lincolnshire's waste is likely to contribute to the feedstock used for cement kilns elsewhere in the country (especially if the proposed North Lincolnshire incinerator is not built), no North Lincolnshire waste was attributed by UKWIN to co-incineration.

Even without the inclusion of Newlincs' 56,000 tpa of capacity, the 760,000 tpa North Lincolnshire incinerator would provide significantly more incineration capacity than there would be available residual waste in North Lincolnshire means that there could be significant local incineration overcapacity even if no account were taken of capacity outside of North Lincolnshire such as Newlincs and North Hykeham.

Whatever the precise level of EfW, co-incineration, and waste-to-fuel capacity available to North Lincolnshire, it is clear that North Lincolnshire would have ready access to nearby waste treatment capacity without the need to rely on either landfill or the proposed additional capacity.

**Applicant's REP6-032
Response**

UKWIN Comments

2. Household residual waste arising is projected forward as follows:

- Overall household waste arising is projected to grow from 2020 figure of 26.1mte pro-rata to population growth, where population projections by region are taken from ONS.
- The Applicant then assumed recycling rate increases linearly from 2020 value to 65% in 2035 and then linearly to 70% in 2042
- For North Lincolnshire we have assumed population growth in line with all of Yorkshire of Humber

No mention is made by the Applicant of assuming that residual waste and municipal residual waste (and therefore the waste available as a fuel) will fall in line with the 2027 and 2042 targets. Furthermore, the methodology seems to assume that total waste will grow rather than fall.

The Resources and Waste Strategy states on internal page 141 that: "We want to minimise the amount of waste we create because a portion of it will be lost to the circular economy and so have to be replaced by using virgin materials with associated carbon emissions. Or, where it is recycled, it will entail emissions that could have been avoided if the waste had not been generated in the first place".

The point being made by the Government is that recycling is not an adequate substitute for waste minimisation. The Applicant does not appear to appreciate this, e.g. their 70% recycling rate in 2042 is not an adequate substitute for achievement of the Government's waste minimisation ambitions.

Because the Applicant has not provided tables showing their calculations, it is unclear whether or not the Applicant's latest calculations take into account any reductions in waste generated per person and if so, how they take this into account to show compliance with the waste hierarchy and Government efforts to minimise waste arisings.

UKWIN set out in in REP2-108 that the Applicant's Appendix A to REP1-006 assumed 4% reduction of waste generated per person until 2030 in their Rev 1 Waste Fuel Available Assessment. We stated that there seemed to be no good reason to assume that waste reduction would stop in 2030.

Assuming that waste will grow in line with population growth fails to take into account waste minimisation. As UKWIN put it in REP2-108: "The Assessment should assess an ongoing fall in household waste per person".

Applying a 70% recycling figure for 2042 based on an inflated waste arisings figure is not the same as meeting the government's target to halve residual waste sent to landfill or incineration by 2042.

**Applicant's REP6-032
Response**

UKWIN Comments

4. Residual C&I waste is then projected forwards as follows:

- Assume overall C&I waste volume grows in line with economic growth [Regional and country economic indicators", House of Commons Library, May 2021] (applied from 2019 figure as this is not affected by Covid lockdowns)

- Assume recycling rate trends linearly to 80% by 2035 then stays at this level

- For North Lincolnshire the Applicant assumes that the proportion of Yorkshire & Humber C&I waste attributable to North Lincolnshire stays constant

- For North Lincolnshire the Applicant assumes that the proportion of Yorkshire &

As with household arisings, no mention is made of assuming that residual waste and municipal residual waste (which includes C&I waste of similar composition to household waste, and therefore the waste available as a fuel) will fall in line with the 2027 and 2042 targets.

UKWIN noted in REP2-108 that it would not be appropriate to assume that C&I waste would rise in line with projected economic growth as this does not account for the Government's ambitions with respect to 'decoupling'.

Government's 2011 Waste Review set out how: "A key aim of this review is the decoupling of waste from economic growth". The ambition to decouple waste arisings from economic growth is reflected in multiple Government metrics, including those used for the Government's December 2018 Resources and Waste Strategy.

For example, the Resources and Waste Strategy includes the following:

- a) Raw material consumption:** Reduce £ GVA [Gross Value Added] per tonne. "We need to guard against consuming finite raw materials and use them efficiently. This is echoed by the commitment in the 25 Year Environmental Plan to double resource productivity by 2050";
- b) Total waste generated:** Reduce tonnes per capita. "We want to minimise the amount of waste we create because a portion of it will be lost to the circular economy and so have to be replaced by using virgin materials with associated carbon emissions..."; and
- c) Total residual waste generated per capita:** Reduce tonnes per capita. "We want to minimise the amount of residual waste that we create because it is a loss to the circular economy and so will have to be replaced by using virgin materials with associated carbon emissions. Residual waste is also an indicator of avoidable waste in that residual waste will include material that could have been recycled".

Applicant's REP6-032 Response	UKWIN Comments
<p>Humber C&I waste attributable to North Lincolnshire stays constant</p>	<p>In relation to the applicant's suggestion that it is preferable to ignore the 2020 figures and use economic projections based on 2010-2019 rather than 2020 ignores the fact that projections of future economic activity should be informed by the impact of Covid. As set out in REP2-108 the November briefing had lower Annual GVA projections for England, East Midlands and Yorkshire and Humber.</p> <p>As before, overestimating waste arisings figures means that the estimates are not actually based on 80% recycling by 2035 but are in effect based on lower levels of recycling being applied.</p>
<p>6. The tables below set out our assumptions EfW facilities in operation (Table 6) or under construction (Table 5):</p> <ul style="list-style-type: none"> - Capacity (kte/yr), derived from EA permit - Assumed capacity factor. <p>For operating plant this is based on historic data as reported by Tolvik, averaged across last three years. For new plants we assume 90%...</p>	<p>In REP6-042 and REP6-043 UKWIN set out why it would be appropriate to use permitted capacity and assume that plants would continue to operate rather than rely on historic throughput rates.</p> <p>Using permitted capacity rather than applying the capacity factors would increase the assumed capacity by around 12% compared to the figures used by the Applicant.</p>
<p>6. The tables below set out our assumptions EfW facilities in operation (Table 6) or under construction</p>	<p>While the Applicant refers here to press stories it is unclear which stories they are referring to as none were cited.</p>

Applicant's REP6-032 Response	UKWIN Comments
<p>(Table 5): ... Assumed closure date if < 2043: AFRY assessment based on press stories or assumed operating lifetime of 50 years</p>	<p>The Applicant has still not provided any solid evidence that there are plans to abandon sites currently being used to operate existing incinerators rather than either extending the life of existing plants through refurbishment and/or creating replacement facilities on the same site.</p> <p>For example, it was reported on the 3rd of April 2023 that Stoke on Trent Council are looking for an operator to continue to operate the existing Coventry incinerator until 2030 (not until 2028 which is when the Applicant assumes it would be closed) and that the existing Coventry incinerator will only be decommissioned once a replacement at the same site is in place which is “reported to be expected to come into operation by 2029.”²</p>

² 'Search for operator to run Stoke-on-Trent's 1970s waste incinerator' (Phil Corrigan, 9 April 2023), a copy of which accompanies this submission.

UKWIN'S COMMENTS ON THE APPLICANT'S REP6-032 RESPONSES TO EXQ2 ON CLIMATE CHANGE

ExQ2	Applicant's REP6-032 Response	UKWIN Comments
Section 6 – Climate Change		
<p>Q2.6.0.1 Carbon Capture Requirements</p> <p>The SoS has recently issued the Keadby 3 decision which includes at Requirement 33 a restriction on the gas fired power station being commercially operational only when the carbon capture and compression plant was commercially operational.</p> <p>(i) While the ExA understands there is a different position set out in NPS EN-1 for schemes generating in excess of 300MW, does the approach the SoS has taken indicate a shift in emphasis to ensure compliance with the Climate Change Act?</p> <p>(ii) If there has been a shift would this necessitate a greater need for carbon capture in this scheme?</p>	<p>The Applicant's position regarding CCS has not changed as a result of the Keadby 3 DCO and its requirements. At present, there is no requirement for energy from waste facilities with a capacity of < 300 MWe to be carbon capture ready or carbon capture enabled.</p> <p>Whilst the government is considering including EfWs in the UK ETS, the discussions to date indicate that a decision on regulating decarbonisation of this sector is likely to be made around 2028 at the earliest. To demonstrate a carbon benefit, Keadby 3 required the implementation of carbon capture and storage from the outset, hence the need for</p>	<p>It is interesting to note that while the Applicant has acknowledged that the 910 MW Keadby 3 CCGT plant (which, like the proposed NLGEP, is proposed for North Lincolnshire) would have carbon capture and storage from the outset, the Applicant's D6 submission does not provide sensitivity analysis of their original Climate Assessment to show how assuming the NLGEP incineration plant would be displacing abated CCGT rather than unabated CCGT would impact their APP-054 central and sensitivity analyses.</p> <p>We further note that the Keadby 3 DCO requires capture and "geological storage" of "a minimum rate of 90% of the carbon dioxide emissions of the generating station operating at full load".</p> <p>This is very different from what is proposed in Requirements 18 and 19 of the DCO for the North Lincolnshire incinerator.</p> <p>REP6-005 refers to the capture of 54,387 tonnes of CO₂ or 8.37% of the weight of the ERF waste (feedstock) throughput, whichever is the lower. However, in sharp contrast to Keadby 3, the DCO for the proposed incinerator does not require ANY of that CO₂ to be permanently stored.</p>

ExQ2	Applicant's REP6-032 Response	UKWIN Comments
	<p>requirement 33 of the DCO. NLGEP has already committed to the scale of carbon capture and storage required to demonstrate a net carbon benefit, as explained in ES Chapter 6 – Climate [APP-055]. Requirement 19 of the dDCO [REP5-005] commits the facility to the scale of carbon capture required.</p>	<p>According to APP-054, it is an “engineering design assumption” that only 5,723 tonnes of CO₂ would be stored in concrete blocks by carbonisation and the remaining 48,664 tonnes would be used temporarily in horticulture but not be stored.</p> <p>Capturing “8.37% of the weight of the ERF waste throughput per annum” does not even require 8.37% of the CO₂ to be captured, as each tonne of carbon incinerated produces 3.67 tonnes of CO₂.</p> <p>As set out by UKWIN in REP2-110, at 36% carbon content (% mass) - the central figure assumed by the Applicant's Climate Assessment (APP-054) - capturing 8.37% of the weight of the feedstock would mean capturing only 6.34% of the CO₂ (and storing around 0.67% of the total CO₂ produced).³ This does not take into account other greenhouse gas emissions from the plant, so it would be an even lower fraction of the total GHG emissions.</p> <p>In terms of the temporal scale of the commitment, we note that according to Requirement 18 of the proposed NLGEP DCO the CCUS plant (Work No. 1B) does not need to be constructed and commissioned until 6 months after the commissioning of the ERF (Work No. 1).</p> <p>As UKWIN noted in REP2-110: “the incinerator's hot commissioning phase...could last for 6 months or more. During the commissioning phase waste and fuel would be processed...”</p>

³ $8.37 \div (0.36 \times 44/12) = 8.37 \div 1.32 = 6.34$

ExQ2	Applicant's REP6-032 Response	UKWIN Comments
		<p>This means that the incinerator could be combusting waste for around a year before the CCUS requirement would kick in.</p> <p>As noted above, it appears that the CO₂ captured would primarily be used for horticultural purposes and then the CO₂ would be re-emitted.</p> <p>The Concrete Block Manufacturing Facility (Work No. 2(b)) contains the small amount of carbon capture with storage, but this only needs to be constructed and commissioned within 12 months of the commissioning of the CCUS element (Work No. 1).</p> <p>This would mean that the NLGEP incineration plant might be combusting waste for around two years before any carbon could actually be stored (and there would be no requirement for how much carbon would need to be stored in concrete blocks).</p> <p>However, even this requirement to operate the Concrete Block Manufacturing Facility (CBMF) is uncertain, as it is stated in the proposed DCO Requirement 18 that "these timescales may be amended where it has been demonstrated to the satisfaction of the relevant planning authority that the alternative timescales sought are unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement".</p>

ExQ2	Applicant's REP6-032 Response	UKWIN Comments
		<p>Given the fact that there is no requirement for a specific level of carbon capture through the CBMF plant, it might be difficult for the Council to argue that any level of delay would materially impact the environmental effects of the development, especially in light of the huge levels of CO₂ emissions from the plant that would be released with or without the CBMF plant (especially when the DCO does not even require the captured carbon to be permanently stored).</p> <p>Given these uncertainties, no weight should be given to the potential for the proposal to provide carbon capture, and the GHG of the NLGEP impacts should be assessed on the basis that no CO₂ would be captured or stored, as there are no requirements that would ensure a specific level of benefit would actually be delivered.</p>

ExQ2	Applicant's REP6-032 Response	UKWIN Comments
<p>Q2.6.0.2 Carbon Capture Requirements</p> <p>(i) Can the Applicant and EA advise whether they consider there is sufficient land available within the DCO to accommodate additional carbon capture facilities to meet the outputs from the development proposed should they be deemed necessary in the future.</p> <p>(ii) Are you aware of any barriers that would prevent such future installation?</p>	<p>...The proposed facility is equipped with sufficient space to allow for capture of the fossil portion of the carbon dioxide, which would be a capture philosophy in line with that provided at Keadby 3. Assuming (in line with ES Chapter 6 – Climate [APP-055]) 58.4% biogenic carbon in the RDF, capturing non-biogenic carbon would require a capture volume of 270,400 tpa...</p>	<p>The Applicant does not actually articulate where the supposed Keadby 3 'capture philosophy' is set out. Presumably the Applicant is attempting to apply the fact that the Keadby 3 plant only emits fossil CO₂ to imply that only the equivalent of the NLGEP's fossil CO₂ ought to be required to be captured.</p> <p>However, to the extent that the Keadby 3 capture philosophy is about decarbonising the electricity supply, the approach relates to the wider decarbonisation goal rather than any individual plant.</p> <p>As such, a capture approach that allowed new EfW plants which are 'carbon neutral' in terms of collecting only the fossil CO₂ (and no more than this) could hamper efforts to decarbonise because these so-called 'carbon neutral' EfW plants would come at the expense of later EfW plants that might collect more CO₂ and therefore do more to decarbonise the electricity supply.</p> <p>The ExA's Q2.6.0.1 does not explicitly require a 'Keadby 3' approach in any case, and instead discusses the ability of the NLGEP to meet any future carbon capture requirements that might be imposed in the future.</p> <p>The Government's Decarbonisation Readiness (DR) guidelines consultation published on 13th March 2023 proposes 90-95% capture rate for new plants, not a capture rate for only the fossil CO₂.</p>

ExQ2	Applicant's REP6-032 Response	UKWIN Comments
		<p>Indeed, given that the DR guidelines are also intended to apply to new biomass plants it would not make sense for it to apply only to the fossil fraction as biomass is considered 100% renewable.</p> <p>According to electronic page 18 of the DR consultation document: "We propose that CCUS decarbonisation is defined at a minimum 90% capture rate for DR. This is in line with the eligibility for a DPA [Dispatchable Power Agreement]. However, for capture plant proposals where BAT guidance applies, the plant would be required to be capable of achieving BAT [best available techniques] to pass. For example, for post-combustion carbon capture (PCC) utilising amine-based technology, this requires plants to demonstrate a design CO₂ capture rate of at least 95%".</p> <p>According to page 58 of the consultation document, if the DR is applied then there would be no exceptions to allow for less than 90% capture: "As noted in Section 2.3, we would however not consider any solutions below 90% capture rate of CO₂ generated by the facility to be DR. This is in line with the eligibility for a DPA".</p>