



Department for
Energy Security
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Chris Preston
Deputy Director, Resources and Waste
Department for Environment Food and Rural Affairs
2 Marsham Street
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Your Ref:

[BY EMAIL]

Date: 20 September 2024

Dear Chris,

Summary: The Department for Energy Security and Net Zero (DESNZ) seeks an update from Defra in respect of waste incineration capacity in England and what this means for new Energy from Waste plants. This is currently unclear following a temporary pause in the issuing of permits for new plants, to allow for a review to be carried out, by the previous Government earlier this year. Whilst the new Government has set out its intention to consider the role of waste incineration in the context of circularity, economic growth, and reaching net zero, it has not as yet made any statement on the timing of this. A development consent decision is due to be taken shortly on the North Lincolnshire Green Energy Park project, which is Nationally Significant Infrastructure under the Planning Act 2008. The relevant National Policy Statement makes explicit reference to the Government's policy position on the role of energy from waste.

Timeline

4 April 2024: The then Environment Minister, Mark Spencer, issued a Ministerial Direction to the Environment Agency, to temporarily pause the determination of certain environmental permits for new waste incineration facilities. The pause took effect on 5 April 2024. The Minister also announced that Defra officials would lead a piece of work considering the role of waste incineration in the management of residual wastes in England.

22 May 2024: General Election announced.

24 May 2024: End of Direction and pause to environmental permitting of certain types of new waste incineration facilities.

5 July 2024: New Government formed.

18 July 2024: DESNZ Secretary of State, Ed Miliband, issued a Written Ministerial Statement (WMS) announcing an extension to 18 October 2024 of the statutory deadline for deciding the North Lincolnshire Green Energy Park development consent application, *‘to allow for the Department for Environment, Food and Rural Affairs to consider the evidence gathered by its review into the role of waste incineration capacity in the management of residual wastes in England’*.¹ The WMS was published on the [projects pages](#) of the Planning Inspectorate’s website on 19 July 2024.

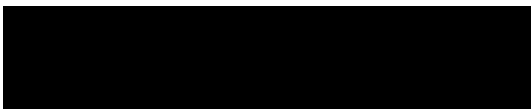
Issue

Any statement of policy or new data regarding residual waste infrastructure capacity would be relevant to the Secretary of State for Energy’s decision on the North Lincolnshire Green Energy Park development consent application made under the Planning Act 2008 (“2008 Act”). Section 104(2) of the 2008 Act requires the Secretary of State, in deciding an application, to have regard to any relevant National Policy Statement (“NPS”). NPS EN-1 states that since *‘the primary function of EfW plants, or similar processes, is to treat waste, applicants must demonstrate that proposed facilities are in line with the government’s policy position on the role of energy from waste in treating residual waste’*, which is set out by Defra. EN-1 then goes on to state, *‘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’*.

Any updates you can provide following the change of Government concerning residual waste infrastructure capacity are, therefore, likely to be pertinent to the decision on whether to grant development consent. This could include any intentions regarding the publication of any evidence arising from the review, and any other statement around the policy and capacity issues. Please could you let us have any information (including a statement that no new policy or data is to be published, if that is the case) by Monday 30 September.

We look forward to receiving your response.

Yours sincerely,



John Wheadon
Head of Energy Infrastructure Planning
Department of Energy Security & Net Zero

¹ <https://hansard.parliament.uk/commons/2024-07-18/debates/2407182800015/EnergyInfrastructurePlanningProjects>