Fitch Emma

From: Shlomo Dowen <shlomo.dowen@gmail.com>
Sent: 12 September 2018 12:07
To: Fitch Emma; Planning DC
Subject: UKWIN comments on the Officer's Report for application ref. S/3372/17/CW
Attachments: S_16_1055-ENVIRONMENT_AGENCY-623215 (3).pdf

Dear Emma,

We write on behalf of UKWIN to inform you that in our view the issues raised by UKWIN have not been been adequately addressed in the Officer's Report.

In order for the Planning Committee to be in a position to undertake a lawful assessment of the proposal in relation to local and national planning policies and to evaluate the likely environmental impacts of the proposal, further environmental information should be sought from the applicant in relation to the environmental impact of the facility as set out in our previous submissions.

In UKWIN's view the approach recommended in the Officer's Report is deficient as it does not seem to adequately acknowledge the shortcomings in the information provided to date by the applicant, nor does the Report highlight the real prospect that the proposal could have a significant adverse climate change impact due to the release of millions of tonnes of CO2 that would otherwise be sequestered in landfill.

UKWIN has made a number of technical submissions on these points to which the applicant has yet to respond, and the Officer's Report glosses over rather than properly resolving the many reasons why this proposal could be significantly worse in climate change terms than a typical waste incinerator and why it would not be safe to simply assume that the proposal would be better than landfill without a proper evidence base for such an assumption.

As noted at Paragraph 209 of the Government's Waste Review 2011: "...while energy from waste has the potential to deliver carbon and other environmental benefits over sending waste to landfill, energy recovery also produces some greenhouse gas emissions. It is important to consider the relative net carbon impact of these processes, and this will depend on the composition of feedstocks and technologies used".

Similarly, in the Lock Street decision where an Inspector refused planning permission for an Energy from Waste plant (APP/H4315/A/14/2224529) they noted that: "In certain circumstances generating electrical energy from waste can contribute to carbon emissions to a greater extent than depositing the same material as landfill. **It is therefore not a simple exercise to demonstrate that an EfW will have a positive effect on overall carbon emissions**". The applicant, and subsequently the Officer's Report, fails to adequately grasp the specific complexities of demonstrating that the proposal would have a positive climate change impact for the proposed composition and the proposed technology.

As noted in UKWIN's submission of 22nd August 2018:

> 37. [Due to the use of an unconventional feedstock] both the emissions of methane from landfill could be significantly lower and the CO2e emissions from the incinerator could be relatively higher than assumed by the applicant in their Updated Carbon Assessment.
>
> 38.It is factors such as this, which derive in part from the applicant's use of an unconventional waste feedstock, which highlight the importance of full details of the composition and its characteristics being provided and then for the analysis to be
> based on this composition rather than on default values which are likely to have been derived for a more conventional mixed waste feedstock such as unprocessed MSW.

39.To support their claims regarding electrical output, details on the gross calorific value (GCV) and NCV of the waste input should be accompanied by evidence of the plant's likely (GCV and NCV based) net efficiency for those inputs.

40. The applicant should therefore be expected to provide:

a) A Sankey energy balance diagram;
b) An energy flow diagram for the steam cycle (or, at the very least, details of the maximum temperature and the maximum pressure);
c) A firing/stoker diagram which shows the impact of changes in input CV and waste throughput on the electrical output; and
d) Details of the reduction in electrical output that would result from operating in CHP mode; and
e) Details of the actual efficiency performance of equivalent operational facilities.

As such, it cannot be satisfactory for the applicant to make claims about the environmental performance of their proposed plant without providing sufficient detail regarding the underlying technology and its performance and full detail of the climate change implications of using an unconventional feedstock.

The Officer's Report also seems to be improperly advising that the Committee relies upon estimates of climate change impacts that fail to adequately address the applicant's choice of technology and feedstock despite this approach going directly against the Government's advice to consider the implications of technology and feedstock on the relative net carbon impacts.

The applicant's approach, and that the approach set out in the Officer's Report, appear to unjustifiably rely upon generic assessments and assumptions based on more conventional plants and conventional feedstocks. This does not provide a sound basis for assessing the overall environmental impact of the proposal. Furthermore, technical comments about areas where we believe that the applicant did not follow the best methodology for calculating their emissions have not been fully addressed either by the applicant or the Officer.

If all incinerators were inherently better than landfill for all feedstocks then this is what the Government would have said in their guidance, but the reality is that the Government's view is that each proposal requires bespoke assessment based on the specific circumstances of the proposal, including the feedstock, technology and indeed the currently anticipated marginal energy mix in relation to displaced electricity.

Our understanding is that to date the applicant has not provided sufficient information regarding their proposed technology and the climate change implications of their proposed feedstock. Indeed, some of the information they have provided appears to be contradictory and lacking in internal consistency.

In relation to the 2011 EIA Regulations, the term "environmental statement" is defined under §2 of the 2011 EIA Regulations as meaning: "a statement (a) that includes such of the information referred to in Part 1 of Schedule 4 as is reasonably required to assess the environmental effects of the development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile, but (b) that includes at least the information referred to in Part 2 of Schedule 4".

UKWIN has been involved in numerous planning applications for incinerators and we have built up a good amount of knowledge as to what it would be reasonable to expect of an applicant, and to date the applicant has yet to provide what we would believe to be adequate information in relation to the climate change impacts.

The Officer's Report is simply wrong to state that: "8.224 The calculations undertaken by the applicant all show that the operation of

the proposed EfW plant would result in a net reduction in greenhouse gas emissions when compared to landfill. These calculations have taken account of the challenges made by UKWIN and a range of carbon savings (lower than originally submitted) have been supplied".

Not only do some of the applicant's own calculations, when corrected for methodological criticisms by UKWIN, actually show that the proposal would be worse than landfill (as per previous UKWIN submissions), but the applicant does not address any of the new issues raised in our 22nd August 2018 submissions. The Officer appears to rely too heavily on other decisions in relation to other feedstocks, other technologies and other marginal energy mixes, rather than on trying to ensure that there is an adequate understanding of the actual impact of the specific proposal to be considered by the Planning Committee.

In the absence of the information we have requested to date, and in light of the inconsistencies and uncertainties with regard the information provided by the applicant as highlighted by UKWIN, we believe that the submissions provided by UKWIN are sufficient to demonstrate that there is a realistic prospect that the proposal could have a significant adverse climate change impact and that the climate change deficiencies of the proposal should be given significant weight in the determination of this planning application.

In relation to Greenhouse Gas (GHG) emissions, global warming potential (GWP) and the Climate Change Impacts of the proposal, the Environmental Statement fails to adequately provide the following information required under the 2011 EIA Regulations:

a. an estimate of GHG emissions (Schedule 4, Part 1(1)(c) of the 2011 EIA Regulations);
b. the environmental effects of the main alternatives on climate change studied by the applicant (Part 1(2));
c. the description of the likely significant climate change effects of the development on the environment (Part 1(4)), including the forecasting methods used to assess these effects on the environment;
d. the data required to identify and assess the main climate change effects which the development is likely to have on the environment (Part 2(3)), including assumptions about feedstock composition throughout the lifetime of the proposed facility;
e. an indication of any difficulties encountered by the applicant in compiling this information (Part 1(6)); and
f. the related non-technical summaries (Part 1(6) and Part 2(5)).

With respect to the development, the Officer's Report errs at Paragraph 8.300 by seeming to read into the EA's consultation submissions support for the development which does not exist. We note that the EA does not consider issues such as climate change and that the EA leaves such issues to the Waste Planning Authority. As such, as with the Lock Street facility which was refused permission by an Inspector despite a lack of objection from the EA, refusing planning permission on climate change grounds would be entirely consistent with the EA's submission as planning consultee.

The EA letter to Swindon Borough Council in relation to the Keypoint proposal (07 July 2017, attached) states (with emphasis added):

> "When responding to planning applications for proposed new energy from waste plants **we only comment** on land use planning aspects which may have an impact on our decision to issue an environmental permit for the facility. **We cannot comment on the need for the plant or the sustainability of a particular choice of technology** or waste disposal method, nor its position in the waste hierarchy.
>
> "We do **not comment** on the use of models to justify the need for a plant against other disposal options or whether the assumptions made in them are correct as **these are matters for the waste planning authority**...

> "Under IED **we are not required to** consider the relative CO2 emissions compared with other disposal methods, for example a landfill where the carbon may be “stored in the ground” **as these are matters for the waste planning authority**"

This makes it clear that the issues raised by UKWIN and others are ones which the EA does not even consider as part of their consultation responses, and so it is inappropriate for the Officer's Report to cite the EA's response to the planning application as a shield against valid and serious criticisms of the sustainability of the proposal, including criticisms that has been supported by technical evidence.

We trust that you will seriously consider this latest submission from UKWIN, which should be treated as a late objection.

We remain happy to answer any questions arising from our various submissions.

Kind regards,
Shlomo
on behalf of UKWIN

creating a better place

Environment Agency

Mrs Rhian Morris
Swindon Borough Council
Planning Services
Wat Tyler House Beckhampton Street
Swindon
Wiltshire
SN1 2JG

Our ref: WA/2016/122998/03-L02
Your ref: S/16/1055

Date: 07 July 2017

Dear Mrs Morris

Erection of a renewable energy centre with associated plant, infrastructure, associated works and a B8 warehouse with associated plant and a vehicular access

Keypoint, Thornhill Road, South Marston, Swindon

I am writing in relation to the above site and your query regarding the WRATE modelling tool.

General position
When responding to planning applications for proposed new energy from waste plants we only comment on land use planning aspects which may have an impact on our decision to issue an environmental permit for the facility. We cannot comment on the need for the plant or the sustainability of a particular choice of technology or waste disposal method, nor its position in the waste hierarchy.

We do not comment on the use of models to justify the need for a plant against other disposal options or whether the assumptions made in them are correct as these are matters for the waste planning authority.

This facility will require an Environmental Permit under the Environmental Permitting Regulations 2010. In determining such an application, we will expect the applicant to have assessed the proposed technology against best available techniques (BAT) as set out in the Industrial Emissions Directive (IED) and European BAT reference documents. This will include an assessment of Global Warming Potential against the net energy recovered by the facility, including any alternative incineration technologies which may have been considered. Under IED we are not required to consider the relative CO^2 emissions compared with other disposal methods, for example a landfill where the carbon may be “stored in the ground” as these are matters for the waste planning authority.

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We also require air dispersion modelling to be submitted with permit applications for energy from waste plants and any model used must be appropriate and independently validated.

We will also consider whether the stack height represents BAT for the installation and identify if we have any concerns in this respect to the relevant planning authority as this may have an impact on land use planning matters.

Keypoint, Swindon
Specifically in relation to this proposed facility, we do not have any concerns at this stage in relation to the proposed stack height. The applicant has used the ADMS package to look at the potential effect of emissions from its stack on the surrounding environment and not the WRATE tool. WRATE can be used to assess different waste management options and is not an air quality modelling tool.

Whilst we do not recommend the use of any particular air quality modelling software, ADMS is commonly used and is known to be validated and we accept its use when accompanied by an appropriate justification.

We cannot comment on the assumptions in the WRATE tool or its validity as we do not require its use for permitting matters and do not own the tool.

If I can be of any further assistance, please contact me directly.

Yours sincerely

Miss Sarah Green
Sustainable Places - Planning Advisor

Direct dial 0208 474 9253
Direct e-mail planning_THM@environment-agency.gov.uk

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