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**UNITED KINGDOM WITHOUT  
INCINERATION NETWORK**

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**Application by AmeyCespa for Levitt's Field,  
Waterbeach Waste Management Park,  
Ely Road, Waterbeach, Cambridge**

*Application Reference: S/3372/17/CW*  
*Appeal reference: APP/E0535/W/19/3225123*

**UKWIN INTERESTED PARTY SUBMISSION**

**May 2019**

## **Introduction**

1. The United Kingdom Without Incineration Network (UKWIN) was founded in March 2007 to promote sustainable waste management.
2. This Interested Party submission focuses primarily on new material that post-dates our previous submissions, and on matters arising from the grounds of refusal and from statements made within the Appellant's pre-inquiry Statement of Case.
3. This submission is supplementary to the submissions made by UKWIN at the planning application stage, which remain relevant to the determination of the appeal.
4. Whilst UKWIN is not in a position to attend this inquiry in person, we would be happy to provide written answers to questions relating to matters arising from this submission and/or from any of our previous submissions.

## **UKWIN comments on the Council's Grounds of Refusal**

5. We believe that even if the Council has not stood by all of its Grounds of Refusal as reasons to dismiss this appeal, the concerns raised by the planning committee are legitimate and the matters they raise should be considered to be material planning considerations weighing against the development in the planning balance and therefore supporting dismissal based on the Council's remaining Ground of Refusal.

## **UKWIN comments on Appellant's Statement of Case**

### Overarching principles

6. Many of the claimed benefits cited in the Appellant's Statement of Case are disputed. Where the Appellant does not show that those benefits are likely to be delivered this should reduce the weight given to those claimed benefits.
7. In many cases, where the Appellant claims a benefit other parties, such as UKWIN, have provided evidence and arguments that the development would provide an overall disbenefit (e.g. with respect to Climate Change and Waste Hierarchy impacts).
8. UKWIN believes that the undisputed adverse impacts associated with the proposed development should be considered to outweigh the contested claimed benefits of the development proposal.

## Renewable energy

9. Paragraph 7.10 of the Appellant's Statement of Case claims: *"It has been estimated that between 50% and 60% of the waste managed at the facility would be biodegradable. The biodegradable fraction of the waste managed at the facility would contribute to the production of renewable energy. As such between 12.2MWe and 16.6MWe of the electricity generated by the Scheme would be classified as renewable"*.
10. Reference is made to the Appellant's expectations regarding how much of the feedstock would be biodegradable. We would expect the Appellant to assess the impact of the Government's proposals to encourage separate collection of food and garden waste (bio-waste) set out in the December 2018 Resources and Waste Strategy regarding the proportion of biodegradable material that would be considered 'residual' once efforts to separately collect all biodegradable material takes effect.
11. The Circular Economy Package, signed up to by the Government regardless of the outcome of Brexit, includes a requirement to separately collect bio-waste by the end of 2023, i.e. very early in the anticipated 30+ year lifetime of the proposed incineration facility.
12. We also note that biodegradable waste tends to have a lower calorific value than fossil-based feedstocks such as plastic, and as such even if half of the waste were to be biogenic (biodegradable) by weight then this would not mean that half of the energy generated would be from renewable sources.
13. As such clarification has not been provided through the Planning Application process UKWIN expects to see the Appellant provide relevant waste composition analysis to support any 'renewable energy' claims, including information on the expected energy content (calorific value) and biodegradability of the different waste stream fractions with appropriate sensitivity analysis.
14. Paragraph 7.12 of the Appellant's Statement of Case claims that: *"There is unequivocal government policy support for renewable energy"*, however UKWIN notes that the Government does not support renewable energy at any cost.

15. The UK Bioenergy Strategy (April 2012) notes that: *“...Bioenergy is not automatically low carbon, renewable or sustainable...”*, that: *“...it is essential that bioenergy which contributes to our short and medium term targets, such as the 2020 renewable energy targets, also puts the UK in a good place for longer term decarbonisation...”*, and that: *“The amount of residual waste from municipal and commercial sources is expected to decline gradually to 2030 as policies to encourage better environmental and energy outcomes succeed (i.e. waste prevention, reuse and recycle)...”*
16. This is especially relevant in relation to evidence provided by UKWIN regarding the significant adverse climate change impacts that would derive from the incineration of the fossil element of the feedstock (i.e. the plastics), which could mean that the plant could hamper the longer-term decarbonisation of the electricity supply.
17. Furthermore, Paragraph 66 of the Government’s Energy from Waste Guide states: *“Energy from waste as defined in this guide is not the only way waste contributes to renewable energy targets. Anaerobic Digestion is the best available means of dealing with separately collected food waste producing renewable energy and a valuable fertiliser. Energy from landfill gas capture and from anaerobic digestion of sewage sludge also contribute to the achievement of renewable energy targets”*.
18. As such, whatever the waste treatment method used, processing the material that would be used as feedstock for the proposed incinerator would result in renewable electricity being generated.
19. As noted on page 23 of the Government’s National Waste Management Plan for England, and on Paragraph 196 of the Government Review of Waste Policy in England 2011, Anaerobic Digestion followed by composting is the Government’s preferred method for treating food waste.
20. It is also the case that biodegradable material sent to landfill is then used as part of landfill gas capture, which is then used to generate energy.
21. Finally, the NPPF Guidance on ‘Renewable and low carbon energy’ notes that: *“In shaping local criteria for...considering planning applications...it is important to be clear that...cumulative impacts require particular attention...; [and] ...protecting local amenity is an important consideration which should be given proper weight in planning decisions.”*

22.Paragraph 7 of the National Planning Policy for Waste specifically states that:  
*"When determining waste planning applications, waste planning authorities should... consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B; ...ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located..."*

#### Need

23.Paragraph 6.48 of the Appellant's Statement of Case claims: *"The planning application demonstrated clear evidence of a need for the development both in terms of national and local waste management and in terms of sustainable renewable energy provision. The Appellant will demonstrate further why that need still exists and the weight that should be given to it in determination of the Appeal"*.

24.Paragraph 7.4 of the Appellant's Statement of Case claims: *"The fundamental objective of the Scheme is to divert residual waste which cannot be recycled or reused and would otherwise be disposed of to landfill, further up the waste hierarchy"*. The Appellant has neither demonstrated that there is a need for more residual waste treatment capacity nor that their proposed plant would be sufficiently flexible to meet such a need.

25.The feedstock that any given plant could treat depends on the technology chosen. As the Appellant has yet to provide sufficient detail regarding the proposed technology there is no way to know what sort of waste types the plant could accept, and no way to demonstrate that the proposed facility would in fact be diverting from landfill rather than from more efficient incineration plants or, as UKWIN has found elsewhere, diverting waste management from higher tiers of the Waste Hierarchy such as recycling and composting.

26.Because the Appellant has not shown that their proposal is consistent with an up-to-date Local Plan, we draw the Inspector's attention to paragraph 7 of the National Planning Policy for Waste: *"When determining waste planning applications, waste planning authorities should: - only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals **are not consistent with an up-to-date Local Plan**. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need..." (emphasis added)*

27. Paragraph 26 of Inspector Middleton's Lock Street Decision (Planning Inspectorate ref APP/H4315/A/14/2224529) which refused planning consent for an Energy from Waste facility stated that: *"...the National Planning Policy for Waste (NPPfW) expects applicants to demonstrate the quantitative or market need for new waste management facilities where proposals are not consistent with an up to date LP. I conclude that the overall need for the proposal has not been clearly demonstrated."*
28. According to the Government's National Planning Policy Framework Guidance on Waste: *"..Waste planning authorities should ensure that waste disposal facilities and facilities for the recovery of mixed municipal waste collected from households are appropriately sited to ensure compliance with the proximity principle..."* (Paragraph: 055 Reference ID: 28-055-20141016, Revision date: 16 10 2014).
29. On the 28<sup>th</sup> of March 2019, in the House of Commons, John Grogan MP addressed the Secretary of State for the Environment, Michael Gove, as follows: *"Most studies now indicate that we have an excess of incineration capacity to deal with residual waste. Is there not a danger that, if we build more incinerators, waste that would otherwise be recycled will be diverted to those incinerators?"* and the Environment Secretary acknowledged: *"That is a fair point"*.
30. On the 9th of May 2019 Thérèse Coffey (The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs) told the House of Commons that: *"...[Defra's] assessment is that additional residual waste energy capacity above that already planned to 2020 should not be needed if we achieve our recycling targets"*.
31. Another relevant point in relation to the need and Waste Hierarchy questions is that the Appellant has not demonstrated that their proposal would operate as an R1 (Recovery) facility. As such, the proposed facility should be classed as being at the disposal tier (D10) at the bottom of the Waste Hierarchy, meaning that if it were diverting waste from R1 incinerators the proposed facility would be driving waste management down the Waste Hierarchy as defined at Annex A of the National Planning Policy Framework.
32. Paragraph 49 of the Government's Energy from Waste Guide sets out how: *"...All municipal waste incinerators were and are deemed as disposal activities (D10) unless and until they are shown to meet the requirements of R1. This is why the term R1 often crops up in the debate about how good an energy from waste plant might be and how it compares to other options"*.

33.Paragraphs 54 of the Government's Energy from Waste Guide states: *"The distinction between having R1 status or having a plant being classified as a disposal facility is important for planning purposes and in the application of the proximity principle"*.

34.As noted at paragraph 7 of the National Planning Policy for Waste: *"When determining waste planning applications, waste planning authorities should: ... expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy"*.

#### Climate change

35.Paragraph 7.4 of the Appellant's Statement of Case claims that the development: *"...would give rise to significant climate change benefits by diverting waste from landfill and thereby reducing greenhouse gas emissions and by offsetting the need for fossil fuel power generation..."*

36.As per paragraph 30 of the Inspector's Report for the aforementioned Lock Street decision it is 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..."*

37.UKWIN has already provided evidence that the proposal would constitute one of the circumstances noted by Inspector Middleton where an incinerator would have a worse climate change impact than landfill.

38.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"*.

39.One of the factors suggesting that the proposed facility would be worse than a typical incinerator compared to landfill relates to the unusual nature of the proposed feedstock (post-MRF residue and/or IVC rejects). Another potential factor is the unspecified technology, which has not been shown to be as efficient as claimed.

40. As noted in UKWIN's August 2018 Comments on the Applicant's Second Response to UKWIN and Updated Carbon Assessment dated 26<sup>th</sup> July: *"It seems that Table 4 of the Updated Carbon Assessment is based on 'default emissions factors' for CH<sub>4</sub> (methane) without any consideration of the reduction in methane emissions that would result from bio-stabilisation via the biological treatment aspect of the MBT processes. As such, the applicant could be significantly overestimating the release of methane from landfill."*

*"Furthermore, there are outstanding questions regarding the extent to which other waste streams would biodegrade in landfill. For example 7,400 tonnes of the waste throughput is said to be waste wood and 15,700 tonnes is said to be IVC Oversize, which whilst biogenic do not significantly degrade in landfill (due to the behaviour of the lignin within the waste wood and oversized 'garden waste' associated with the IVC rejects)."*

*"This adds approximately an additional 10% to the aforementioned 17%, meaning that a large proportion of the biogenic content of the anticipated feedstock may well not release the levels of methane anticipated in the Updated Carbon Analysis, and that the landfilling of this material would act as a carbon sink to store the carbon, in sharp contrast to the proposed incinerator which would immediately release all of the carbon."*

*"Thus both the emissions of methane from landfill could be significantly lower and the CO<sub>2</sub>e emissions from the incinerator could be relatively higher than assumed by the applicant in their Updated Carbon Assessment."*

*"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."*

*"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."*



41. Similarly, we would expect the Appellant to be required to clearly demonstrate the calorific value of the anticipated feedstock (throughout the anticipated lifetime of the facility), and the efficiency of the plant to treat such waste, so that their claimed levels of electricity generation can be assessed based on documents such as those set out at paragraph 40 of our aforementioned August 2018 submission.
42. A significant proportion of the energy generated would be from burning plastic, which is a fossil fuel, and as such the development would perpetuate rather than prevent fossil fuel power generation.
43. On 23<sup>rd</sup> January 2017 Resource Minister Thérèse Coffey stated: *"My hon. Friend the Member for Rugby referred to energy from waste. I caution against some of what he said. In environmental terms, it is generally better to bury plastic than to burn it"*.
44. Defra's Chief Scientific Adviser similarly told EFRACOM in January 2018 that: *"If there is one way of extinguishing the value of the materials fast, it's to stick it in an incinerator and burn it. Now it may give you energy at the end of the day, but actually some of those materials, even if they are plastics, with a little bit of ingenuity, can be given more positive value"*.
45. Defra's Chief Scientific Adviser then went on to say: "And one of the things that worries me is that we are taking these materials, we're putting them in incinerators, we're losing them forever, and actually we're creating carbon dioxide out of them as well, which is not a great thing, when in fact we could be long-term storing them until we have the innovative technologies to re-use them and to turn them into something that is more positively valued. And this brings me to a more general point about landfill...landfill is actually a very low marginal-cost method for storing materials – highly resistant materials such as plastics and metals – for a long period of time. If we cannot extract the value from them now, so one caveat I would put around the current direction of travel on landfill, is that we shouldn't lose sight of the fact that in a few decades time, or maybe a bit longer, we might be mining our landfill sites for the resources they contain, and rather than put some of those resources into incinerators and just lose them forever we might want to think differently about the landfill sites". (emphasis added)