
***UNITED KINGDOM WITHOUT
INCINERATION NETWORK***



**UKWIN COMMENTS ON THE APPLICANT'S
DECEMBER 2020 REGULATION 25 SUBMISSION
INCLUDING THE ASSOCIATED STANDALONE
DOCUMENTS**

Proposed Development:

**East Midlands Energy Re-Generation (EMERGE) Centre and
associated infrastructure**

Proposed Location:

**Ratcliffe-on-Soar Power Station, Nottingham, Ratcliffe-on-Soar,
NG11 0EE**

Applicant:

Uniper UK Limited

Nottinghamshire County Council Planning Reference:

ES/4154

January 2021

INTRODUCTION

1. The United Kingdom Without Incineration Network (UKWIN) was founded in March 2007 to promote sustainable waste management.
2. UKWIN submitted a planning objection in August 2020 that focused on three main areas of concern:
 - The adverse climate change impact of the proposed EMERGE incinerator;
 - The need, or otherwise, for the proposed EMERGE incinerator capacity (of between circa 472,100 and 524,550 tonnes per annum) and associated adverse impacts; and
 - The adverse impacts of the proposed EMERGE incinerator on visual amenity and the actual and perceived openness of the green belt.
3. The Council's Regulation 25 request from November 2020 covered a number of matters relevant to UKWIN's objections, with the most relevant requests pertaining to the issue of need.
4. Having considered the Applicant's Regulation 25 submission and associated documents UKWIN would like to confirm that it **maintains its objection to the proposal** and reiterates its call for Nottinghamshire County Council to **refuse planning consent** based on the previously established areas of concern and policy conflicts (in addition to any other grounds for refusal that the Council determines to be appropriate given the circumstances).
5. To inform the determination of the application, we wish to provide a number of additional comments, as set out below.

ADVERSE CLIMATE CHANGE IMPACTS OF THE PROPOSAL

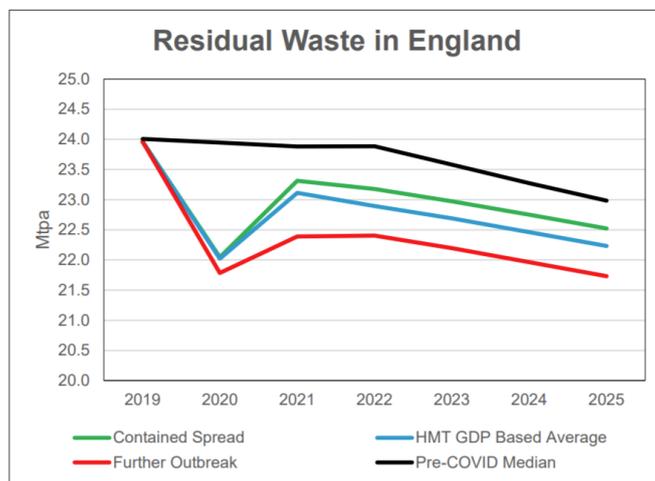
6. UKWIN notes that the Applicant has not disputed the arguments about the proposed facility's adverse climate change made within UKWIN's August 2020 objection, and nor have they addressed those concerns.
7. UKWIN's August 2020 objection set out how **the proposed EMERGE incinerator would have a net adverse climate change impact**, as it would result in the release of more greenhouse gasses (GHGs) when compared with sending the same waste to landfill.
8. More generally, UKWIN's August 2020 objection showed how the Applicant's claims of climate change benefits do not stand up to scrutiny.
9. The adverse climate change impacts of the proposal should weigh heavily against the proposal in the planning balance.

THE NEED OR OTHERWISE FOR THE PROPOSED CAPACITY

10. UKWIN notes the Applicant has not disputed claims made in UKWIN's August 2020 objection regarding the issue of need, including about the Applicant's overestimate of future residual waste, underestimate of residual treatment capacity within the catchment area, and the application's various policy conflicts.
11. Neither the Applicant's Planning Statement nor their Summary of Tolvik Residual Waste Market Review Report technical note (the 'Tolvik Summary') provide sufficient justification or explanation regarding their chosen assumptions. The Applicant has also failed to provide sufficient sensitivity analysis. As such, the Applicant has not demonstrated that the basis for their claims of need are robust.
12. The Tolvik Summary states that: *"This summary document provides information on the Median scenario, which was selected as the most likely trajectory in terms of residual waste availability in the catchment area"*.
13. The Applicant has failed to adequately justify why the Median scenario was chosen, and why further information was not provided on the Policy Intervention scenario and for scenarios that better reflect the stated ambitions of both Central Government and Nottinghamshire County Council.
14. According to Paragraph 3.3.38 of the Planning Statement: *"In summary, by 2035 England only achieves 50.1 % household waste recycling under the Median scenario and, under the most optimistic Policy Intervention scenario, achieves 55.2 %, compared to the [Government's Resource and Waste] Strategy 'goal' of 65 %."*
15. As such, the Applicant appears to acknowledge that they have not modelled a scenario that would be in line with Government policy, and so they have not shown that the proposed development would be needed in such circumstances nor has the Applicant shown that the proposed development would not prejudice the achievement of 65% recycling by 2035.
16. It is worth noting that the proposed incinerator could be expected to remain in operation for 30 years or more and that, because the facility - if approved in 2021 - would be unlikely to complete commissioning much before 2025, the incinerator could be expected to be operational well beyond 2050.
17. It is likely that, if built, the proposed incineration facility would not only prejudice the achievement of the Government's 65% recycling target but would also prejudice the achievement of the Government's 25 Year Plan for the Environment, including the Government's aims to eliminate all avoidable plastic waste by the end of 2042 and to eliminate all avoidable waste by 2050. There is no indication that Tolvik or Uniper have taken these into account in their modelling, which only appears to go as far as 2035.
18. Given that the Applicant seeks permanent, rather than temporary, planning permission it is also notable that the Applicant's attempt to justify the need for the facility only appears to try to show a need up to 2035.

19. The Applicant's Statement claims in Footnote 3 that: *"These scenarios have been previously defined in Tolvik's publicly available reports, including 'Filling the Gap – The Future for Residual Waste in the UK' (February 2019) quoted in the Planning Statement"*.
20. The Applicant fails however to acknowledge that, whilst commercially and privately available, **the documents are not freely and publically available**. Little weight should be given to any reliance the Applicant makes upon such documents, and the Applicant's associated claims should be considered to be unsupported by the documents submitted in support of their planning application, and thus the claims remain unproven.
21. The Applicant also fails to state what caveats are included within Tolvik's Waste Market Review or within Tolvik's Filling the Gap report. As such, it cannot be said to be demonstrated that the claimed conclusions of the reports relied upon by the Applicant are relevant to this proposal.
22. The information provided by the Applicant also fails to demonstrate that their modelling takes adequate account of a range of foreseeable impacts arising from:
- The achievement of local recycling rates that reach or approach the Nottinghamshire Waste Core Strategy's ambition of 70% recycling or composting of all waste (as noted above);
 - The achievement of local recycling rates that reach or exceed the Resource and Waste Strategy's target of 65% recycling (as noted above);
 - The Brexit deal that has been agreed (which postdates the Tolvik Summary as well as Tolvik's Residual Waste Market Review and their February 2019 'Filling the Gap' report) having a depressing impact on both economic activity and population growth, thereby reducing waste arisings;
 - The diversion of plastic waste away from the residual waste stream as a result of the Plastic Packaging Tax and the diversion of a wide range of materials from the residual waste stream as a result of the Environment Bill (as set out in more detail below);
 - COVID-19 (which also postdates Tolvik's February 2019 'Filling the Gap' report and their Residual Waste Market Review) having a depressing impact on economic activity and on population growth thereby further reducing waste arisings (as set out in more detail below);
 - The adoption across England of residual waste reduction targets in line with Government statements (as set out in more detail below, and in UKWIN's August 2020 objection); and
 - The introduction of an incineration tax in line with Government promises regarding the use of such taxation to boost recycling rates (as set out in more detail below, and in UKWIN's August 2020 objection).

23. On the 13th of January 2021 the Exchequer Secretary stated on behalf of the Government that: *"From April 2022, the Plastic Packaging Tax will encourage the use of recycled plastic instead of new material within plastic packaging. This will create greater demand for recycled plastic, and in turn stimulate **increased levels of recycling** and collection of plastic waste, **diverting it away from landfill or incineration.**"*¹ [Emphasis added]
24. This statement is in line with the Government's Policy Paper on the Plastic Packaging Tax, updated on the 26th of November 2020, which regarding the policy objective of the tax states that: *"The tax will provide a clear economic incentive for businesses to use recycled material in the production of plastic packaging, which will create greater demand for this material and in turn stimulate **increased levels of recycling** and collection of plastic waste, **diverting it away from landfill or incineration.**"* [Emphasis added]
25. The Plastic Packaging Tax is one of many examples of the measures being implemented by Government as part of their move towards a more circular economy. Other such measures include Extended Producer Responsibility, mandatory separate food waste collection, and the mandatory separate collection of a wider range of dry recyclable materials for recycling.
26. In November 2020 Tolvik published their COVID-19 and UK Waste Sector: Autumn 2020 briefing which included modelling of the impacts of COVID on residual waste arisings.
27. According to the briefing: *"Figure 19 shows the impact the forecasts on the projected tonnages of total Residual Waste in England... These forecasts have been compared against Tolvik's median projection for England immediately prior to the COVID-19 outbreak"* - Figure 19 is as follows:



Mt	2020	2023	2025
Contained Spread	22.0	23.0	22.5
HMT GDP Based Average	22.0	22.7	22.2
Further Outbreak	21.8	22.2	21.7
Pre-COVID Median	23.9	23.6	23.0

Figure 19: Projected Residual Waste in England Source: Tolvik analysis

¹ <https://questions-statements.parliament.uk/written-questions/detail/2020-12-17/131178>

28. According to the briefing: *"These projections suggest that the long term impact of COVID-19 on Residual Waste in England is projected to result in a reduction of between 0.5Mtpa and 1.3Mtpa with the central scenario being 0.8Mtpa lower."*
29. It should be noted that, sadly, there have been further COVID-19 outbreaks and stricter lockdown measures since November 2020, meaning that Figure 19's lowest (red) line, associated with a 'Further Outbreak' (1.3Mtpa reduction) scenario, appears to be the most relevant.
30. Despite having relied upon Tolvik for its Filling the Gap Report and Residual Waste Market Review, the Applicant has provided no consideration of that consultancy's subsequent report that indicates that these earlier projections may now be out-of-date.
31. A Government statement from October 2020 (which also postdates Tolvik's February 2019 'Filling the Gap' report and the Residual Waste Market Review) noted that with respect to the Environment Bill's Environmental Targets²:
- "Residual waste generally refers to the waste collected from households or businesses in a black bag or wheelie bin. This is usually sent for incineration at an energy recovery plant or to landfill. Some is also sent overseas as refuse derived fuel. **Reducing residual waste** would help address the environmental impacts of treatment, which can include air (including greenhouse gases), soil and water pollution. **Reducing residual waste** can be achieved by **preventing waste from occurring in the first place**, or by **recycling the waste we do generate into secondary materials** (a more sustainable alternative to extracting and processing raw materials)...
- "...We will explore whether a reduction in the per capita tonnage of residual waste could be the basis for a robust, meaningful target whilst continuing to support frequent and comprehensive household waste and recycling collections..."**
- "...Other resources and waste powers sought in the Environment Bill will support attainment of long-term targets. These focus around waste prevention measures and achieving high recycling..."** [Emphasis added]
32. As discussed in further detail in UKWIN's August 2020 objection, the Government has made clear that if their proposed recycling and waste reduction measures are less effective than hoped then they will consider imposing an incineration tax to divert waste from incineration to recycling.
33. This means that even if the Government's other proposed measures turn out to be insufficient to reach 65% recycling, it can be anticipated that the Government would introduce additional measures, such as an incineration tax, to help ensure that their ambitions are realised.

² <https://www.gov.uk/government/publications/environment-bill-2020/august-2020-environment-bill-environmental-targets>

34. The introduction of such measures would predictably result in less waste going to incineration, which in turn would free up incineration capacity across England, including across the whole of the catchment area being considered for this application.
35. The Applicant has not addressed the implications of this prospect within their submission, nor have they shown any consideration regarding how such measures would impact on future recycling rates and on the rates of residual waste arising across the catchment area, and the volume of material available for use as incinerator feedstock.
36. The anticipated reduction in waste arisings and the associated reduction in residual waste available for use as incinerator feedstock are accompanied by an anticipated increase in waste incineration capacity across the "*circa 2-hour drive time*" catchment area depicted in Figure 1 of the Tolvik Summary.
37. It should be noted that the Tolvik Summary relies upon old and out-of-date data sources that primarily originate from 2017. Furthermore, the data used is misleading in parts, because the authors omit a number of existing EfW facilities within the catchment area, and because their assumed capacity fails to reflect the trend towards increased capacity at existing incinerators.
38. Waste incineration facilities are designed to manage a range of feedstocks with a range of calorific values. The lower the calorific value (CV) of the feedstock the larger the volume of material that the incinerator can process. As high-CV plastics are increasingly being diverted from the residual waste stream operators are 'over-clocking' their capacity limits and are being granted permission to process additional capacity.
39. As Tolvik put it in their June 2019 'UK Energy from Waste Statistics' report³, "**Permits and planning consents continue to be increased for existing EfWs – by as much as 20% over the original consented capacity**", and the ongoing nature of this trend is reflected in Tolvik's June 2020 EfW Statistics report⁴ as follows: "*As reported last year, **operators continue to look to increase consents for existing EfWs...Care will be needed going forward not to prejudice stakeholders, who may come to view such increases not as a (positive) consequence of optimisation but as part of a deliberate developer strategy to create a larger facility by 'stealth'***". [Emphasis added]
40. The fact that existing incineration facilities are increasing their headline / operational capacity in line with increases to their operational capacity adds weight to UKWIN's arguments about the Applicant's failure to demonstrate the need for their proposed new incineration capacity in their proposed catchment area and the way that this failure should weigh against the proposal.

³ https://www.tolvik.com/wp-content/uploads/2019/06/Tolvik-EfW-Statistics-2018-Report_July-2019-final-amended-version.pdf

⁴ <https://www.tolvik.com/wp-content/uploads/2020/05/Tolvik-UK-EfW-Statistics-2019-Report-June-2020.pdf>

41. The Applicant's position is weakened considerably by their failure to include the actual capacity of existing incinerators within their proposed catchment area, and by their omission of several existing incineration facilities that are located within a "circa 2-hour drive time".
42. When more realistic capacity figures for the incinerators included in Figure 16 of the Tolvik Summary is considered we find a discrepancy of between 802,000 and 952,000 tonnes per annum (depending on how one treats the Sinfin Road ACT), i.e. an underreporting of nearly 1 million tonnes of annual incineration capacity that would be available within the catchment area in 2025 (see Annex below).
43. And when the capacity of a number of EfW facilities not listed in Figure 16 of the Tolvik Summary but located within a "circa 2-hour drive time" of the proposed facility (assumed to be at NG11 0EE) is factored in, then the Applicant's supporting documents appear to have omitted more than 3.4 million tonnes of annual EfW capacity (excluding the 150,000 capacity associated with the Sinfin Road ACT) that would be located within the catchment area in 2025 (see Annex below).
44. For the reasons set out above, the Applicant's latest submissions fail to satisfactorily address the issues UKWIN set out in August 2020, and the Tolvik Summary coupled with the passage of time give rise to a number of additional areas of concern that support UKWIN's original objection based on the notion that need for the proposed incineration capacity has not been demonstrated and that the proposal would conflict with a range of local and national policies, strategies, targets and ambitions.

ADVERSE VISUAL AMENITY IMPACTS OF THE PROPOSAL

45. UKWIN notes that the Applicant has not disputed the relevance of the planning decisions cited by UKWIN where planning applications for incinerators were refused by the Secretary of State on visual amenity and Green Belt grounds.

ANNEX - SUMMARY OF OMITTED WASTE INCINERATION CAPACITY IN CATCHMENT AREA

Facility	Permit No	Status	Applicant Capacity	Omitted Capacity	Permitted Capacity	Source / Notes
INCINERATORS LISTED IN FIGURE 16 OF THE TOLVIK SUMMARY						
Tyseley	WP3239SJ	Operational	355,000	45,000	400,000	EA permitted capacity (Waste Data Interrogator (WDI) 2019)
Coventry	NP3739PD	Operational	275,000	40,000	315,000	EA permitted capacity (WDI 2019)
Dudley	AP3435SD	Operational	93,000	12,000	105,000	EA permitted capacity (WDI 2019)
Eastcroft	EP3034SN	Operational	170,000	18,000	188,000	EA reported tonnes processed in 2019 (WDI 2019 permitted capacity is 260ktpa)
Sheffield	BM4082IY	Operational	229,000	16,000	245,000	EA permitted capacity (WDI 2019)
Hanford (Stoke)	QP3234SX	Operational	181,000	29,000	210,000	EA permitted capacity (WDI 2019)
Wolverhampton	AP3835SM	Operational	109,000	9,000	118,000	EA permitted capacity (WDI 2019)
North Hykeham	FP3739FS	Operational	167,000	23,000	190,000	EA permitted capacity (as per Annual Performance Report 2019)
Four Ashes	HP3431HK	Operational	337,000	3,000	340,000	EA permitted capacity (WDI 2019)
Peterborough	NP3638ZS	Operational	81,000	4,000	85,000	EA permitted capacity (WDI 2019)
Ferrybridge FM1	SP3239FU	Operational	320,000	355,000	675,000	EA permitted capacity (WDI 2019)
Milton Keynes ACT	UP3937ZZ	Operational	86,000	8,000	94,000	EA permitted capacity (WDI 2019)
Sinfin Road ACT	KP3236HW	Mothballed	150,000	-150,000	0	Not expected to become operational
Ferrybridge FM2	XP3833DK	Operational	320,000	355,000	675,000	EA permitted capacity (WDI 2019). WDI 2019 states: "Plant came out of commissioning Oct 2019"
Baddersley	XP3730QZ	Pre-Operational	95,000	35,000	130,000	EA permitted capacity (WDI 2019)
SUBTOTAL FOR PLANTS IN FIGURE 16			2,968,000	802,000	3,770,000	

Facility	Permit No	Status	Applicant Capacity	Omitted Capacity	Permitted Capacity	Source / Notes
INCINERATORS NOT LISTED IN FIGURE 16 OF THE TOLVIK SUMMARY						
Kirklees	BJ6178IX	Operational	0	150,000	150,000	Less than 2 hours from NG11 OEE. EA permitted capacity (WDI 2019)
Grimsby	BT4249IB	Operational	0	56,000	56,000	Less than 2 hours from NG11 OEE. EA permitted capacity (WDI 2019)
Greatmoor EfW	UP3734HT	Operational	0	345,000	345,000	Less than 2 hours from NG11 OEE. Permitted capacity as per 2019 Annual Performance Report
Battlefield	XP3239GF	Operational	0	102,000	102,000	90 minutes from NG11 OEE. EA permitted capacity (WDI 2019)
Runcorn	RP3638CG	Operational	0	1,100,000	1,100,000	Less than 2 hours from NG11 OEE. EA permitted capacity (WDI 2019)
Ardley	FP3134GU	Operational	0	326,300	326,300	90 minutes from NG11 OEE. Permitted capacity as per 2019 Annual Performance Report
Javelin Park	CP3535CK	Operational	0	190,000	190,000	Circa 2 hours from NG11 OEE. EA permitted capacity (WDI 2019)
Newhurst	TP3036KB	Under Construction	0	350,000	350,000	Less than 30 minutes from NG11 OEE. Permitted capacity increased to 350ktpa in May 2019 as per EPR/TP3036KB/V004. Reported to be under construction in July 2020 at https://www.letsrecycle.com/news/latest-news/smartestenergy-signs-newhurst-efw-deal/
SUBTOTAL FOR PLANTS NOT IN FIGURE 16			0	2,619,300	2,619,300	
TOTAL FOR INCINERATORS IN CATCHMENT			2,968,000	3,421,300	6,389,300	