

Comments on Planning Application

UKWIN PLANNING OBJECTION TO THE THORNTON CLEVELEYS INCINERATOR PROPOSAL

Proposed Development:

Proposed development of an Energy Recovery Centre and associated infrastructure

Proposed Location:

**Land at Hillhouse Business Park, Bourne Road,
Thornton-Cleveleys**

Applicant:

Sesona Hill House Ltd

Planning References:

LCC/2023/0003

19TH JANUARY 2026



BASIS FOR BRINGING MATTER BACK TO PLANNING COMMITTEE

1. The Committee Report of 16th July 2025 stated:

“Although the Development Control Committee resolved to approve this application at their April 2024 meeting, that resolution was subject to the completion of a Section 106 agreement relating to a financial contribution towards highway works and off site biodiversity net gain. Since that date, the agreement has been progressed to the point where a final version has now been agreed. However, due to the elapse of time since the application was considered before a planning permission is granted it is necessary to consider any changes in policy or additional representations that may have implications for the proposal.”

2. This logic was based on the legal requirement that all material planning considerations must be considered prior to planning consent being issued, and the legal precedent in *Kides v South Cambridgeshire DC* and affirmed in *R(Dry) v West Oxfordshire DC* that this includes a requirements to bring matters back to the Planning Committee if new material considerations arise subsequent to the resolution to grant planning permission.
3. Given that the Decision Notice has still yet to be issued, the same logic now applies to two new material planning considerations not previously considered in either the original April 2024 meeting or the subsequent July 2025 meeting.
4. In summary, these additional material considerations which will need to be considered are:
 - a) The 1st September 2025 decision by Planning Inspector Diane Lewis to refuse planning permission (dismiss the appeal) for the Archers Fields Energy Recovery Facility due to that proposal’s poor performance against the tests set out in Defra’s December capacity note and the accompanying Ministerial Statement (PINS Reference APP/Z1585/W/24/3357445), which provides useful guidance on how the Defra Note ought to be interpreted with respect to heat export viability and carbon capture readiness; and
 - b) The December 2025 updates to the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3), both of which came into force on 6th January 2026 and can be considered material planning considerations, and are relevant to the consideration of local, regional and national overcapacity, how this should be assessed, and how such concerns constitute a material planning consideration.

ARCHERS FIELDS DECISION CLARIFICATION ON DEFRA'S NEW REQUIREMENTS FOR HEAT EXPORT AND CARBON CAPTURE

5. The application by Archers Fields Energy Recovery Ltd (Clearaway) for Land South of Archers Fields Close, Burnt Mills Industrial Estate, Basildon, Essex (APP/Z1585/W/24/3357445) was refused by Planning Inspector Diane Lewis on the 1st of September 2025 when the appeal against the Council's refusal of planning permission was dismissed.
6. Key grounds for dismissal of the appeal were based on the proposal's poor performance against the policies set out in Defra's December 2024 Capacity Note and the accompanying Ministerial Statement.
7. This makes the Archers Fields decision one of the most recent planning decisions to apply the policies of Defra's Capacity Note and accompanying Ministerial Statement to a non-NSIP incineration proposal, setting a key precedent by demonstrating how conflicts with the Capacity Note policies can justify refusal of planning permission for non-NSIP proposals.
8. A number of the deficiencies highlighted in terms of the Archers Fields proposal's poor performance against Government Policy also apply to the Thornton-Cleveleys proposal, justifying refusal of planning permission.
9. While various statements regarding the visual impact of the development and the adverse impact on the character of the area might be relevant, UKWIN's submission focuses specifically on the need to show both viable heat use and carbon capture readiness in line with the Capacity Note and accompanying Ministerial Statement, as well as on how they were applied to Archers Fields, and how they should apply to the Thornton-Cleveleys proposal.

Heat use viability and carbon capture readiness

10. The Executive Summary of Defra's Capacity Note summarises the Government's position on carbon capture readiness as follows:

*...For those energy recovery developments we do need, we will only support projects that offer the **best efficiency** and are future proofed towards supporting our net zero objectives. This means that **further developments must be able to demonstrate that making use of the heat they produce is viable and that they can be built carbon capture ready**, in accordance with the government's 'decarbonisation readiness' requirements once they come into force. (**emphasis added**)*

11. The Archers Fields Planning Inspector found that the appellant's efforts to demonstrate their proposal's consistency with the Capacity Note requirements were inadequate, stating as follows:

140. The appellant relies on a planning condition to ensure the ERF 'will supply heat to local businesses (including the MRF)'. The proposed condition on heat export provides for a Combined Heat and Power Feasibility Review to assess potential commercial opportunities for the use of heat from the plant, continuing the review process until all of the reasonably available heat for export is utilised.

141. The [heat export] condition, as drafted, would provide no assurances on securing heat export once the ERF becomes operational...The condition does not meet the six tests.

142. The ECC Committee Report noted it is not unusual at this stage of the development process for there to be no committed consumers. However, as it stands there is a lack of clarity and uncertainty over the level of heat export that would be achievable, whereas the Defra note requires that a proposal 'must be able to demonstrate that making use of the heat they produce is viable...'

143. The appellant confirmed the ERF is designed to be carbon capture ready and is planned with the necessary infrastructure and space to accommodate the technology... the appellant stated land has been acquired for siting the carbon capture and storage equipment to facilitate the retrofitting of the technology.

144. The appellant's information on this element of 'decarbonisation readiness' is short on detail and lacks consistency, which is surprising in view of the reported trial of the technology and the matters raised in the written representations by UKWIN. The appellant's case primarily consists of general statements unsupported by documentary evidence. The proposed main building and office block, circulation and parking space, water tank and pump house take up practically all the space on the site. There is no indication on the submitted layout plan where the bolt-on module would be sited. Notwithstanding initial assurances it emerged expansion of the site would be required but the land in question was not clearly identified. The carbon capture technology under consideration is not explained, nor is there consideration of any potential barriers to use of a retrofit bolt-on module. The economic feasibility has not been explored. With reference to the Defra note, the proposal has not demonstrated that the ERF would be carbon capture ready and ready to respond to the government's 'decarbonisation readiness' requirements when they come into force.

12. Despite the appellant's efforts to show compliance with respect to heat export and carbon capture, the appellant's failure to convincingly do so was cited by the Inspector as weighing strongly against the proposal in the planning balance, as follows:

*173. ...the Defra note is clear that for the energy recovery developments we do need, projects should only be supported that offer the best efficiency and are future proofed towards supporting the net zero objectives. **The proposal is inadequate in demonstrating that making use of the heat generated would be viable and the development can be built carbon capture ready. The position on heat export and carbon capture weighs strongly against the scheme in view of the requirements for new waste incinerators set out in the Defra note. (emphasis added)***

13. This is relevant for the Thornton-Cleveleys proposal.

14. In the 16th July 2025 Thornton-Cleveleys Committee Report it is stated that:

*The proposed facility is designed to enable heat in the form of hot water to be extracted from the combustion process for use by local heat users. It is proposed that the development would **be Combined Heat and Power ready**, to ensure that if heat export were to **become viable** within the local area and heat offtake agreements were made, the proposed development could be a provider of heat to the local community or businesses and further offset carbon emissions from alternative heat sources. (emphasis added)*

15. This indicates that the proposal was being assessed for its CHP 'readiness', whereas the Archers Fields precedent makes clear that the Capacity Note requires the higher bar to be applied, i.e. whether or not CHP should be considered 'viable'.

16. The line "*if heat export were to become viable*" in the Committee Report suggests that heat export is not currently viable.

17. This, in turn, means the proposal does not meet the requirement for CHP viability called for by the Defra Capacity Note when read in light of the Archers Fields decision, and ought now to be refused and re-submitted in the event that CHP ever becomes viable on this site.

18. The minutes of the July 2024 Committee Meeting quote the applicant as telling the Planning Committee: "*The committee will be pleased to hear that we have already engaged with Victrex PLC to consider the possibility of supplying heat direct from our plant to their neighbouring chemical processing facilities.*"

19. Merely engaging a third party regarding the *possibility* of heat export falls well short of demonstrating that making use of the heat generated would be viable. Furthermore, as made clear within Paragraphs 140-141 of the Archers Fields decision, planning conditions – such as those proposed for Thornton-Cleveleys – are not adequate to ensure that the policy is met.
20. Moving on to carbon capture, in the minutes of the July 2024 Committee Meeting the applicant was quoted as stating: “...we are already engaged with carbon capture specialists to see what can be retrofitted in the future. Given our considerable distance from the carbon capture hub at Hynet near Liverpool, that would [not] be easy, but we have some solutions already.”
21. This indicates that carbon capture would be challenging and that work to look into the prospect of retrofitting carbon capture technology is at a less advanced stage than that which was deemed unconvincing and overly vague in Archers Fields.
22. As such, both with respect to carbon capture and CHP, in the words of the Archers Fields refusal, the applicant’s “*position on heat export and carbon capture weighs strongly against the scheme in view of the requirements for new waste incinerators set out in the Defra note*”.
23. This justifies refusal of the Thornton-Cleveleys EfW incinerator application.

DECEMBER 2025 REVISION TO EN-1 AND EN-3

24. National Policy Statements (NPSs) EN-1 and EN-3 were updated in December 2025, formally coming into force on the 6th of January 2026.
25. The 2025 revisions replaced the previous versions of these National Policy Statements which had come into force in January 2024.

Materiality of EN-1 and EN-3 to non-NSIP EfW incinerator applications

26. The Revised 2025 EN-1 notes that:

1.2.1 In England, this NPS, in combination with any relevant technology specific NPSs, may be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended).

1.2.2 Whether the policies in this NPS are material, and to what extent, will be judged on a case-by-case basis and will depend upon the extent to which the matters are already covered by applicable planning policy. For the purposes of applications made under the Planning Act 2008, this NPS in conjunction with any of the relevant technology specific NPSs are the primary policy for Secretary of State decision making.

27. The National Planning Policy for Waste has not been updated since October 2014, despite the 2018 Resource and Waste Strategy's statement (on page 73) that:

We will work with Metro Mayors, local authorities in urban areas and other relevant organisations and stakeholders to: ...Work to align the National Planning Policy for Waste and planning practice guidance with the Resources and Waste Strategy and continue to maintain building regulations guidance to support its objectives...

28. This means that the National Planning Policy for Waste has yet to be updated to reflect statements in the Resources and Waste Strategy such as:

Residual waste is the mixed material that is typically incinerated for energy recovery or landfilled. Much of the products and materials contained in this waste could have been prevented, reused or recycled.

29. The National Planning Policy for Waste and its associated guidance has yet to be updated to reflect key waste policy and strategy documents, such as:

- a) the Resources and Waste Strategy from 2018 and its acknowledgement that much of residual waste “*could have been prevented, reused or recycled*”;
- b) The Environmental Targets (Residual Waste) (England) Regulations 2023 target that “*by the end of 31st December 2042 the total mass of residual waste for the calendar year 2042 does not exceed 287 kilograms per head of population in England*”;
- c) Defra's Capacity Note from December 2024, which includes various requirements for new energy from Waste capacity as part of a “*crackdown*” on waste incineration (the term used in the accompanying Ministerial press release);
- d) the Clean Power 2030 Action Plan from December 2024, and its clarification that incineration is neither low carbon nor is Energy from Waste being relied on to meet clean power ambitions; and
- e) the Environmental Improvement Plan (EIP) 2025, which was published 1st December 2025, and its interim 2030 targets for residual waste reduction.

30. As such, significant weight should be given to policies within EN-1 and EN-3 that seek to increase the restrictions on new Energy from Waste (EfW) capacity, especially when they help implement the above policies and strategies.

31. Similarly, significant weight should be given to how EN-1 and EN-3 adopt the Clean Power 2030 conclusion that EfW incineration is not low carbon.
32. Key policies and statements from the revision to EN-1 and EN-3 are set out below, accompanied by brief explanations of their relevance to the Thornton-Cleveleys proposal, showing how this material change in circumstance now justifies refusal of the application.

Incineration no longer benefits from being considered 'low carbon'

33. The April 2024 Committee report for the Thornton-Cleveleys incinerator stated:

*National Policy Statement for Energy (EN-1) 2024 – although principally relating to nationally significant infrastructure projects, NPS EN-1 recognises that there is a pressing national need to move away from out-dated fossil fuel based generation and increase the volume of energy supplied from **low carbon sources**. (emphasis added)*

34. In stark contrast to this, the updated versions of EN-1 and EN-3 make it clear that incineration is no longer considered a source of low carbon energy.

35. Paragraph 4.2.17 of EN-1 now explicitly states:

EfW developments are not critical to meeting the Clean Power 2030 Mission and therefore CNP [Critical National Priority] policy does not apply to applications for EfW projects

36. The reason for this change in position is set out in the Appraisal of Sustainability Report that accompanied EN-1 which states as follows:

*Infrastructure projects relevant for Clean Power 2030 can be deemed Critical National Priority (CNP), with a presumption in favour of consent. This means that **Energy from Waste projects will no longer benefit from CNP policy as they do not meet the definition of a clean power technology in the Clean Power 2030 Action Plan**. (emphasis added)*

37. The Clean Power 2030 Action Plan's Technical Annex (December 2024) states:

*A significant fraction of the residual waste incinerated is fossil-based, particularly plastics. These fossil-based materials produce significant CO₂ emissions when burned. **We are not treating EfW as low carbon because of these significant CO₂ emissions**. (emphasis added)*

38. As such, the Thornton-Cleveleys proposal should be revisited and reassessed in light of the policy shift that makes clear that EfW incineration is no longer considered a low carbon technology.

Heat use viability requirement and three year delivery timeframe

39. With respect to heat networks, EN-1 and EN-3 state:

EN-1 3.3.38 *As the primary function of EfW plants, or similar processes, is to treat waste, applicants must demonstrate that proposed facilities meet the strict criteria set out by government, that their projects: ...Demonstrate that making use of the heat they produce is viable and they can connect to a heat network within three years of the plant's operation.*

EN-1 4.11.12 *The Secretary of State should be satisfied that appropriate network connection arrangements are/will be in place for a given project regardless of whether one or multiple (linked) applications are submitted.*

EN-3 2.7.36 *In accordance with Section 4.11 in EN1, any application to the Secretary of State must include information on how the generating station is to be connected and whether any environmental issues are likely to arise from that connection.*

EN-3 2.7.17 *Applications related to biomass and EfW facilities must detail how the plant will maximise the amount of heat available and provide heat to a heat network within three years of entering operation.*

EN-3 4.8.17 *The Secretary of State should not give development consent unless satisfied that the applicant has provided appropriate evidence that CHP is included or that the opportunities for CHP have been fully explored.*

40. This confirms that the viability of any associated heat network should be explored in detail prior to planning consent being issued and that planning permission should be withheld if it cannot be shown that CHP is viable and that heat can be exported within three years of commencement of operation.
41. As this is a policy that derives from the 'strict criteria' set out in the Defra Capacity Note - which is not NSIP-specific - significant adverse weight should attach to any conflict with this requirement.
42. The requirements in EN-1 and EN-3, which derive from the Defra Capacity Note, present a far higher bar than demonstrating mere 'CHP readiness' and means that it is not appropriate to simply explore potential heat export viability later, e.g. as part of a planning condition, as was previously assumed to be sufficient for the Thornton-Cleveleys proposal.

Carbon capture readiness requirements

43. With respect to carbon capture and storage (CCS) and carbon capture readiness (CCR), EN-1 states:

EN-1 4.9.14 *Carbon capture facilities could be significant in size – they may require additional space to the generating facility which will need to be included within the design and EIA. For example, the main direct contact cooler, CO₂ absorber column and regenerator towers in post-combustion plants can be tall, but the overall size will be dependent on the technology and design.*

EN-1 4.9.28 *In order to assure the Secretary of State that a proposed development is CCR, applicants must demonstrate that their proposal complies with guidance issued by the Secretary of State in November 2009 or any successor to it. The guidance requires:*

- *that sufficient space is available on or near the site to accommodate carbon capture equipment in the future;*
- *the technical feasibility of retrofitting their chosen carbon capture technology;*
- *that a suitable area of deep geological storage offshore exists for the storage of captured CO₂ from the proposed combustion station;*
- *the technical feasibility of transporting the captured CO₂ to the proposed storage area; and*
- *the economic feasibility within the combustion station's lifetime of the full CCS chain, covering retrofitting, transport and storage.*

EN-1 4.9.29 *Government envisages that the technical feasibility study for retrofitting CCS equipment will take the form of a written report and accompanying plant designs which:*

- *make clear which capture technology is currently considered most appropriate for retrofit in the future to the power station*
- *provide sufficient detail to enable the EA or NRW to advise the Secretary of State on whether the applicant has sufficiently demonstrated there are no currently known technical barriers to subsequent retrofit of the declared capture technology.*

EN-1 4.9.29 *The assessment of technological feasibility could be against either:*

- *an appropriate reference document; or*
- *by the provision of sufficient technical detail by the applicant in their submitted plans and discussions with the advisory body.*

EN-1 4.9.31 *Applicants should conduct a single economic assessment which encompasses retrofitting of capture equipment, CO₂ transport and the storage of CO₂. Applicants should provide evidence of reasonable scenarios, taking into account the cost of the capture technology and transport option chosen for the technical CCR [Carbon Capture Readiness] assessments and the estimated costs of CO₂ storage, which make operational CCS economically feasible for the proposed development.*

EN-1 4.9.32 *The preparation of an economic assessment will involve a wide range of assumptions on each of a number of factors, and government recognises the inherent uncertainties about each of these factors. There can be no guarantee that an assessment which is carried out now will predict with complete accuracy either in what circumstances it will be feasible to fit CCS to a proposed power station or when those circumstances will arise, but it can indicate the circumstances which would need to be the case to allow operational CCS to be economically feasible during the lifetime of the proposed new station.*

EN-1 4.9.33 *A model assessment structure is suggested in CCR guidance, although this is not the only way which the assessment could be addressed. Applicants must justify the capture, transport and storage options chosen for their proposed development.*

EN-1 4.9.34 *If granted consent, operators of the power station will be required to:*

- *retain control over sufficient additional space on or near the site on which to install the carbon capture equipment and the ability to use it for that purpose.*
- *submit update reports on the technical aspects of its CCR status to the Secretary of State for DESNZ. These reports will be required within three months of the commercial operation date of the power station (so avoiding any burden on the operator with an unimplemented consent) and every two years thereafter. Should CCS equipment be retrofitted to the full capacity of the plant, the obligation to provide such reports will lapse.*

EN-1 4.9.37 *If the Secretary of State, having considered these assessments and other available information including comments by EA [Environment Agency] or NRW [Natural Resources Wales], concludes that it will not be technically and economically feasible to retrofit CCS to a proposed plant during its expected lifetime, then the proposed development cannot be judged to be CCR and therefore cannot receive consent.*

44. The applicant for the Thornton-Cleveleys proposal comes nowhere near providing sufficient detail to comply with the sort of requirements expected by the Defra Capacity Note as now set out in the revised EN-1.

45. As such, unless significantly more information can be provided, the proposed Thornton-Cleveleys incinerator “cannot receive consent”.

Need to demonstrate need and avoid regional and national overcapacity

Requirements of EN-1 and EN-3 regarding consideration of waste need

46. In relation to the need to demonstrate need and to avoid regional and national overcapacity EN-1 states:

EN-1 3.3.38 *As the primary function of EfW plants, or similar processes, is to treat waste, applicants must demonstrate that proposed facilities meet the strict criteria set out by government, that their projects:*

- *Meet a clearly defined need to facilitate the diversion of non-recyclable waste away from landfill, or enable the replacement of older, less efficient waste incinerators; ...*

EN-1 3.3.40 *...The availability of feedstock will reduce over time in accordance with the statutory residual waste reduction target [Footnote: See: The Environmental Targets (Residual Waste) (England) Regulations 2023]. Proposals must therefore be in accordance with meeting this statutory target.*

EN-1 5.15.6 *Applicants must ensure that all proposals align with circular economy objectives. In England, applicants must demonstrate that development proposals are in line with Defra’s policy statement on the role of EfW in treating residual waste.*

EN-1 5.15.18 *The Secretary of State should have regard to any potential impacts on the achievement of resource efficiency and waste reduction targets set under the Environment Act 2021 and circular economy objectives.*

47. Adding further detail, EN-3 states:

EN-3 2.7.8 *Applicants must demonstrate how their application accords with The Environmental Targets (Residual Waste) (England) Regulations 2023. This will require applicants to demonstrate that their proposal does not hinder the Government achieving higher recycling rates (for example by relying on ‘locking in’ material that may be recyclable) or rely on a residual waste volume of more than 287 kilograms of non-major mineral residual wastes per head of population in England by the end of 31st December 2042. Applicants in England must demonstrate that they are meeting a residual waste treatment need that cannot be met by existing EfW facilities and EfW facilities in active development.*

EN-3 2.7.50 *Applicants should set out how they intend to ensure that recyclable materials, including those that may be recyclable in the future, will be separated and sent for appropriate treatment. In accordance with the waste hierarchy, recyclable material must not be combusted. Applicants must ensure that their proposals do not result in the ‘lock in’ of material that may be recyclable, preventing the movement of material up the waste hierarchy.*

EN-3 2.7.52 *Applicants should set out the extent to which the generating station and capacity proposed is compatible with, and supports the statutory, long-term residual waste reduction target for England, taking into account existing residual waste treatment capacity and that already in development. Applicants should also consider the declining availability of residual waste arisings in context of the government’s commitment to transition to a circular economy.*

EN-3 2.7.54 *Where EfW developments are developed to enable the replacement of older, less efficient facilities, capacity should not necessarily be replaced like for like and must reflect updated waste management capacity needs.*

EN-3 2.7.55 *The results of the assessment of the conformity with the waste hierarchy and the effect on relevant waste plans should be included in the application to the Secretary of State.*

EN-3 2.7.63 *Applicants must ensure proposals do not result in an overcapacity of EfW waste treatment provision at a local or national level.*

EN-3 2.7.88 *The Secretary of State should not grant consent to an EfW development unless they are satisfied that the proposals will meet a clearly defined need to facilitate the diversion of non-recyclable waste away from landfill or enable the replacement of an older, less efficient waste combustion facility. The Secretary of State should be satisfied that a proposed EfW development is feasible for the duration of its proposed lifecycle in light of ambitions and targets to drive declining residual waste volumes. The Secretary of State should therefore be satisfied that an EfW plan is not of a scale that relies on material that disincentivises good waste management practices (e.g. separation of waste) or material that is recyclable, now or in the future, using BAT.*

EN-3 2.7.116 *The Secretary of State should be satisfied, with reference to the relevant waste strategies and plans, that the proposed EfW plant is in accordance with the waste hierarchy and of an appropriate type and scale so as not to prejudice the achievement of local or national waste management targets in England.*

48. The Post-Adoption statement for the Energy NPS Update 2025 states:

...the NPSs were strengthened by additional text that recognises that energy from waste (EfW) proposals must meet statutory waste reduction targets and not compete with waste prevention, reuse or recycling. It is also clarified that this type of infrastructure (EfW) is not subject to CNP and is not critical to Clean Power 2030.

49. The 2025 Updates to EN-1 and EN-3 establish various tests that must be passed to demonstrate compatibility with the Defra Capacity Note's requirement that *"we will only support the development of further residual waste treatment infrastructure where they meet a clearly defined need to facilitate the diversion of non-recyclable waste away from landfill, or enable the replacement of older, less-efficient facilities"*.

50. These policies confirm the following Government positions:

- a) EfW facilities have the potential to compete with greater waste prevention, reuse, and recycling, and this must be avoided.
- b) New residual waste treatment capacity can result in overcapacity of EfW waste treatment provision at a local and/or national level, and this must be avoided.
- c) EfW capacity may be incompatible with long term recycling targets, and developments that would be incompatible with achieving long term recycling targets must be avoided.

- d) EfW capacity may be of an inappropriate type or scale, meaning proposals for new EfW incineration capacity could prejudice the achievement of local or national waste management targets, and this must be avoided.
 - e) EfW incineration proposals may be incompatible with the statutory target to halve residual waste by 2042, and this must be avoided.
 - f) It is necessary to consider both existing residual waste treatment capacity as well as any and all capacity that is “already in development” and to compare this operational and emerging capacity against “declining residual waste” in line with achievement of the relevant waste minimisation and increasing recycling targets.
 - g) It is for the planning system (and not the permitting regime) to address these possibilities and to act to prevent EfW overcapacity at local and/or national levels.
 - h) The applicant is responsible for providing evidence to demonstrate compliance with the new strict requirements, and in the absence of clear evidence of compliance planning permission should be refused.
51. As the updates to EN-1 and EN-3 in this regard are implementing the Defra Capacity Note, which is not limited to NSIP developments, significant weight should be given to these policies that seek to avoid incineration overcapacity and that explicitly and deliberately make it clear that assessment should be made on the baseline scenario assumption that the recycling and residual waste reduction targets would be met.

Consideration of the Thornton-Cleveleys proposal against the Capacity Note’s waste need requirements in light of the revision to EN-1 and EN-3

52. As the original planning documents for the Thornton-Cleveleys incinerator proposal pre-dated Defra’s Capacity Note those documents did not attempt to demonstrate compliance with the Defra Capacity Note’s new requirements.
53. The July 2025 Committee Report includes the applicant’s attempt to show compliance with the Defra Capacity Note, but this attempt falls well short of addressing the requirements of that Capacity Note when read in the context of the 2025 revisions to EN-1 and EN-3.
54. The applicant’s historic submission also pre-dates the emergence of additional incineration capacity which has subsequently entered construction and/or active development thereby increasing the threat of national and sub-national incineration overcapacity.
55. Paragraph 15 of the July 2025 Committee Report reflects how the applicant sets out their position on Defra’s Capacity Note.

56. Contrary to the policy position established by EN-1 and EN-3 for how to interpret Defra's Capacity Note requirement to show a need for the capacity, the applicant's submission:
- a) Fails to show that the proposed new residual waste treatment capacity would be consistent with the achievement of long-term recycling and residual waste reduction targets.
 - b) Fails to consider both existing residual waste treatment capacity as well as any and all such treatment capacity that is "already in development" and to compare this operational and emerging capacity against anticipated "declining residual waste" in line with achievement of the relevant waste minimisation and increasing recycling targets.
 - c) Fails to show that the proposal would not result in local, regional or national residual waste treatment overcapacity.
57. As such, the development proposal should be refused due to being inconsistent with the new strict requirements set out in Defra's Capacity Note as understood in light of the clarifications provided in EN-1 and EN-3 regarding the level of detailed evidence required to demonstrate compliance with the policy, and due to the applicant's failure to demonstrate consistency with this key Government policy.

Commentary on applicant statements regarding Defra Capacity Note

58. As noted above, paragraph 15 of the July 2025 Committee Report the applicant sets out their position on Defra's Capacity Note.
59. It is worth commenting on a number of these statements to help set the record straight on Defra's Capacity Note and the relevant requirements.
60. ***Definition of municipal waste***
61. At paragraph 15, first bullet, the applicant states:

The assessment undertaken does not consider treatment needs for non-municipal residual wastes.

62. For the avoidance of doubt, it should be noted that 'municipal waste' includes commercial and industrial waste of a similar composition to household waste and is not limited to Local Authority Collected Waste.
63. The glossary to Defra's Capacity Note makes clear that: "*Municipal waste refers to household waste and that from other sources which is similar in nature and composition to household waste, including 'household-like' waste generated by businesses and collected by private contractors.*"

64. ***Lack of national and regional demand for new incineration***

65. At paragraph 15, second bullet, the applicant states:

The data in the note suggests that whilst the country is approaching a point where national residual waste treatment capacity is sufficient to manage municipal residual wastes, there are regional variations.

66. The Capacity Note is very clear that:

The evidence presented in this note demonstrates that England is on track to send less than 10% of municipal waste to landfill by 2035, at least in terms of residual waste infrastructure provision. This is based on modelling the implementation of:

- *Extended Producer Responsibility for packaging in 2025*
- *Simpler Recycling for non-micro businesses in 2025, households in 2026, and micro businesses in 2027 – which will require collections for dry recyclable materials and food and garden waste, unless a transitional arrangement applies*
- *a Deposit Return Scheme for drinks containers in 2027...*

The modelling undertaken demonstrates that, following implementation of these policies, there will therefore be sufficient residual waste infrastructure capacity to treat forecast municipal residual waste arisings at a national level.

67. In terms of regional variations, the North West region is not one of the two regions identified in the subsequent paragraph from the Defra Capacity Note which states:

The evidence presented in this note does however identify that there are certain areas in England, in particular the East Midlands and East of England, where alternative treatment options to landfill for municipal residual wastes are required.

68. As such, the Defra Capacity Note indicates that there is already sufficient residual waste treatment capacity both at a national level and within the North West without relying on the proposed Thorton-Cleveleys capacity.

69. ***Incomplete and out-of-date nature of the due diligence report***

70. At paragraph 15, fourth bullet, the applicant states:

As part of the project development, the applicant carried out independent due diligence by instructing Waste Management Facilities Limited to investigate the waste market to demonstrate the need for the proposed development. The report was completed in January 2025.

71. This report has not been available to consultees for comment, and until it has been subject to consultation no weight in the planning balance should be afforded to this report and its conclusions.
72. Furthermore, any waste market report from January 2025 would need to be updated to take account of:

- a) The updated EN-1 and EN-3 policies from December 2025, including the clarification that account needs to be taken of all capacity in active development (which would increase residual waste treatment capacity), and that assessments should be made based on the assumption that residual waste reduction targets will be met.

This ‘scopes in’ plants such as:

- The c. 750 ktpa South Humber Bank (Stallingborough, Yorkshire and the Humber) incinerator which has yet to enter construction but should be considered to be in active development.
 - The c. 500 ktpa Protos Energy Recovery Facility (Ince Marshes, Cheshire, North West), which was granted Track 1 CCUS funding from the UK Government, which entered construction in October 2025 and which – although highly relevant – may not have been included in the January 2025 Waste Market report as it had yet to enter construction in January 2025. Protos’ planning consent refers to this North West facility as “regional scale” plant, indicating it is intended to take waste from the whole of the North West region.
 - The c. 350 ktpa Immingham Energy from Waste plant in Grimsby (Yorkshire and the Humber), which obtained its permit in December 2024 which has yet to enter construction but should be considered to be in active development.
- b) The interim residual waste reduction targets for 2030 adopted in December 2025 (which would decrease potentially available incinerator feedstock).
- c) New incineration capacity which has entered active development since January 2025, including:
- The grant planning permission in March 2025 for the c. 750 ktpa North Lincolnshire Green Energy Park in Yorkshire and the Humber.
 - The c. 600 ktpa MedwayOne Energy Hub in Kent (South East), which was granted an environmental permit in August 2025, confirming its status as being in active development.

- The c. 500 ktpa Redcar Energy Centre in the North East, which was granted an environmental permit in May 2025, confirming its status as being in active development.
- The c. 450 ktpa Tees Valley Energy Recovery Facility in the North East, which was granted an environmental permit in July 2025, confirming its status as being in active development.
- The c. 300 ktpa Kirk Sandall incinerator (Doncaster, Yorkshire and the Humber), where it was reported in December 2025 that the project was about to reach financial close, confirming its status as being in active development.
- The c. 240 ktpa Northacre Renewable Energy Centre (Westbury, South West), where it was reported in June 2025 that the project was making progress and had formally entered construction, confirming its status as being in active development.
- The c. 240 ktpa Selby Energy Recovery Plant (Yorkshire and the Humber), which was granted a planning variation in October 2025 to help make way for construction to commence, confirming its status as being in active development.
- The c. 230 ktpa Swadlincote Energy Recovery Facility (Derbyshire, East Midlands), which was granted planning permission on appeal in August 2025 and which was issued an Environmental Permit in December 2025, confirming its status as being in active development.
- The c. 225 ktpa Alpha Grimsby Renewable Energy Centre (Grimsby, Yorkshire and the Humber), which was granted a planning variation in April 2025, confirming its status as being in active development.
- The c. 200 ktpa Portland Port incinerator (Dorset, South West), which was granted an Environmental Permit in February 2025 and whose planning permission was confirmed following a legal challenge in November 2025, confirming its status as being in active development.
- The c. 87 ktpa Hill Barton Energy Generation Facility (Exeter, Devon, South West) which was granted money from the UK Government's Green Heat Network Fund in February 2025, confirming its status as being in active development.
- The c. 75 ktpa Kidderminster Energy Park (Worcestershire, West Midlands), which reported having begun construction in December 2025, confirming its status as being in active development.

- The c. 60 ktpa Parley incinerator (Dorset, South West), where it was reported in August 2025 that the developer was considering applying for an increase in capacity to 105 ktpa, confirming its status as being in active development.

73. Whilst much of the capacity listed above is not located in the North West region, there are no known restrictions that could prevent some or all of this residual waste treatment capacity to process waste feedstock that is also the subject of the Thornton-Cleveleys application.

74. Taken as a whole, the millions of tonnes of capacity that appears not to have been considered in the applicant's January 2025 due diligence report ought to be considered in any updated report which should be published and subject to public consultation.

75. Irrelevance of historic local waste management data

76. At paragraph 15, fifth bullet, the applicant states:

The report concluded that the data supports the need and capacity for the proposed development which has a working capacity of 90,000 tonnes per annum: Waste availability from municipal sources is in excess of 2.2 million tonnes in the area. Lancashire is still sending 215,714 tonnes to landfill each year, with the figure increasing again based on the last 2 year trend (from 2022, the latest set of figures available). The figure is actually closer to 340,000 tonnes per year.

77. No provenance is given for the 2.2 million tonne waste availability figure, but presumably this does not take into account the impact of either Simpler Recycling measures or the Government's residual waste reduction targets.

78. Indeed, it is not clear whether or not this 2.2 million tonne figure relates to residual waste or to overall waste (which includes waste which was recycled or composted).

79. Presumably much of this waste is either currently sent to one or more existing incinerator or will be sent to one of the many incinerators currently under construction once the capacity comes online.

80. Looking at what was historically sent to landfill is irrelevant from the context of a plant that would not be operational for a number of years and that would continue to be operational for decades.

81. As such, it is not clear what if any feedstock would actually be available for the proposed Thornton-Cleveleys incinerator in the short, medium or long term.

82. Backward-looking assessments do not demonstrate that the new incineration capacity proposed for Thornton-Cleveleys would not result in local, regional or national incineration overcapacity once existing capacity (operational, under construction, and in active development) has been taken into account, alongside the downward trend for residual waste arisings, in line with Government policies and recycling and waste minimisation targets.

83. ***National level capacity assessment***

84. At paragraph 15, sixth bullet, the applicant states:

It is the applicants view that addressing waste capacity at a national scale risk fostering regional capacity surpluses and deficits which result in carbon intensive, costly and disruptive transportation of waste at ever greater distances.

85. Whilst the applicant may wish to argue against Government policy, it is clear that the consideration of this planning application should be informed by all material planning considerations, including those associated with the policy to avoid EfW incineration overcapacity at both local and national levels.

86. Exacerbating overcapacity at a national level could give rise to the importation of waste (e.g. in the form of RDF or SRF) from overseas in order to provide feedstock for existing and emerging EfW incinerators.

87. As such, if the goal is to limit 'waste miles' then avoiding local, regional, and national incineration overcapacity remains an important and relevant planning consideration.

88. Given the applicant's failure to provide a comprehensive, transparent, and up-to-date feedstock availability assessment that takes into account all relevant policies, e.g. pertaining to recycling rate increases and residual waste reductions, the applicant has not ruled out the prospect that their proposed c. 100 ktpa of new waste incineration capacity would not serve to undermine the achievement of recycling and waste reduction targets, and that a grant of planning permission could contribute to just the sort of incineration overcapacity the Government is so keen to avoid.