

Gloucestershire Waste Core Strategy Examination

Further Written Statement

on behalf of

New Earth Solutions Group Ltd (543)

In respect of

Issue 1: Legal requirements, evidence base and relationship to plans and strategies.

Introduction

This further written statement has been prepared in response to the Inspectors issues and questions. Care has been taken in order to avoid repeating previous representations or core reference documents.

Introduction to New Earth Solutions Group Ltd

New Earth Solutions Group Ltd (NESG) is a waste treatment and renewable energy company, whose core business is the diversion of waste away from landfill and the recovery of value from the waste stream.

NESG design, build, finance and operate fully enclosed waste treatment and renewable energy facilities. New Earth has established a network of facilities throughout the UK. NESG has secured numerous contracts with Local Authorities to treat non-hazardous waste arising from households and commercial businesses.

NESG acquired an existing in-vessel composting facility at Sharpness Docks in Gloucestershire in February 2009. The company has invested in the facility, upgrading plant and infrastructure to improve environmental performance. The established facility is capable of treating up to 48,000 tonnes of food and green waste per annum and producing a PAS100 compost.

NESG actively participated in the preparation of the Gloucestershire Waste Core Strategy. Representations were submitted at the following stages:

- Call for sites June 2009;
- Consultation on sites November 2009;
- Site Options consultation November 2010; and
- Publication February 2011.

Brett Spiller (author of this statement)

I am a Chartered Member of the Royal Town Planning Institute and have in excess of ten years experience gained in Local Government, consultancy and the corporate sector.

I am also a Member of the Chartered Institute of Waste Management, having attained full membership in 2009.

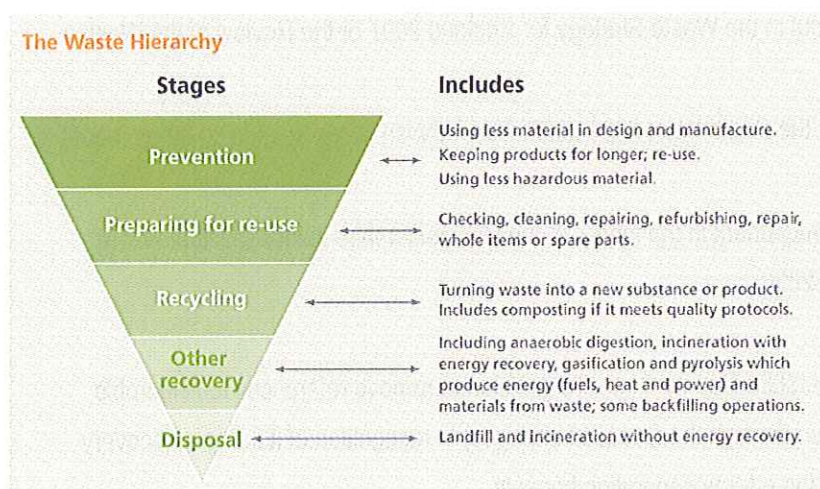
I submit this further written statement in my capacity as Group Planning Manager at New Earth Solutions Group Ltd.

Issue (1) legal requirements, evidence base and relationship to plans and strategies.

Question 1, Paragraph (ii)

NESG is disappointed that GCC has not sought to provide greater definition of 'waste disposal' and 'waste recovery' activities through the focussed changes.

Within the emerging DPD, waste disposal is treated as being synonymous with landfill. Strategic Objective 4 serves to reinforce this perception. NESG would point out that other disposal activities do exist, including incineration. This is aptly recognised and described in the Review of the Waste Strategy for England 2011:



The Review of the Waste Strategy for England has been informed by the revised Waste Framework Directive which differentiates between disposal and recovery activities. In the case of incineration, this is discerned by means of an efficiency equation (known as the R1 co-efficient). Existing incinerators must score 0.6 or more to qualify as a recovery activity. New incinerators must score 0.65 or more to qualify as a recovery activity. Incinerators that fail to meet these thresholds should be regarded as a disposal activity. For ease of reference I herewith attach a copy of the relevant extract from the Waste Framework Directive.

Paragraph 2.52 of the emerging DPD implies that incineration will be a recovery activity where it generates heat and power. Whilst it is highly likely that new and / or existing incinerators would need to generate both heat and power to meet the R1 co-efficient, it does not follow that all incinerators that generate heat and power will. In this respect, paragraph 2.52 of the emerging DPD is misleading. It fails to recognise that incinerators can still be a disposal operation – indeed the overwhelming majority in the UK are a disposal operation. No reference is made to incineration in Strategic Objective 4 or in the section entitled 'Disposal' (paragraphs 4.115-4.129 of the

emerging DPD). As a result the Sustainability Appraisal fails to adequately assess disposal options other than landfill.

This might seem a subtle point, but it is critically important to the interpretation of subsequent policies, notably Policy WCS4. If applied without reference to the R1 co-efficient, proposals for new incinerators could well run counter to the aim of pushing waste up the hierarchy towards recovery, recycling and re-use.

With this possibility in mind, the emerging DPD could not be said to be consistent with national guidance and other 'relevant strategies', including:

- National planning guidance, in particular the first bullet point of paragraph 3: Key Planning Objectives of PPS10: Planning for Sustainable Waste Management 2011.
- The waste hierarchy as set out in the Waste Strategy for England 2007 or the Review of the Waste Strategy for England, 2011.
- Regional Waste Strategy for the South West 2004-2020: from rubbish to resource in so far as it adopts the waste hierarchy.
- Section 2 entitled Waste management in the future, of the Gloucestershire Joint Municipal Waste Management Strategy 2007-2020.

In contrast, NESG welcome Gloucestershire County Council's decision to remove references to Anaerobic Digestion in Policy WCS2 (as amended through the focussed changes) in recognition of it being a 'recovery' operation and the chance to highlight the energy generation benefits.

Proposed change

In the interest of both clarity and conformity, NESG respectfully request that the distinction between incineration disposal and recovery activities be made clear by:

- Amending paragraph 2.52 to state:
'There are a number of other recovery options designed to deal with the remaining 'residual' waste that is not re-used, recycled or composted. This includes both pre-treatment technologies including MBT and autoclave as well as thermal technologies including incineration pyrolysis and gasification. Incineration can also qualify as a recovery operation where it complies with Annex II of the revised Waste Framework Directive. This requires a high level of efficiency and usually involves the generation and use of heat and power. If the definition cannot be met, Incineration will be regarded as a disposal operation'.

- Making reference in paragraph 2.54 to incineration being a disposal operation, albeit that it can also be considered a recovery operation where it complies with Annex II of the Waste Framework Directive.
- Amending paragraph 3.10 to state:
'Only if none of these can be achieved should waste be disposed of to landfill or incineration as a last resort'.
- Ensuring that Policy WCS4 is consistent in referring to '... residual waste recovery ...' by amending the second sentence of the fourth paragraph as follows:
'Planning Permission for strategic residual waste recovery facilities will only be'
- Adding a new paragraph at para's 4.115-4.129 to explain that incineration is also a disposal operation, albeit that it can also be considered a recovery operation where it complies with Annex II of the Waste Framework Directive.
- Adding a definition of 'incineration and energy recovery' to the glossary of terms to state:
'Incineration can qualify as a recovery operation where it complies with Annex II of the revised Waste Framework Directive.'

ANNEX I

DISPOSAL OPERATIONS

- D 1 Deposit into or on to land (e.g. landfill, etc.)
- D 2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.)
- D 3 Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
- D 4 Surface impoundment (e.g. placement of liquid or sludgy discards into pits, ponds or lagoons, etc.)
- D 5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
- D 6 Release into a water body except seas/oceans
- D 7 Release to seas/oceans including sea-bed insertion
- D 8 Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12
- D 9 Physico-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12 (e.g. evaporation, drying, calcination, etc.)
- D 10 Incineration on land
- D 11 Incineration at sea (*)
- D 12 Permanent storage (e.g. emplacement of containers in a mine, etc.)
- D 13 Blending or mixing prior to submission to any of the operations numbered D 1 to D 12 (**)
- D 14 Repackaging prior to submission to any of the operations numbered D 1 to D 13
- D 15 Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage, pending collection, on the site where the waste is produced) (***)

(*) This operation is prohibited by EU legislation and international conventions.

(**) If there is no other D code appropriate, this can include preliminary operations prior to disposal including pre-processing such as, inter alia, sorting, crushing, compacting, pelletising, drying, shredding, conditioning or separating prior to submission to any of the operations numbered D1 to D12.

(***) Temporary storage means preliminary storage according to point (10) of Article 3.

ANNEX II

RECOVERY OPERATIONS

- R 1 Use principally as a fuel or other means to generate energy (*)
- R 2 Solvent reclamation/regeneration
- R 3 Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes) (**)
- R 4 Recycling/reclamation of metals and metal compounds
- R 5 Recycling/reclamation of other inorganic materials (***)
- R 6 Regeneration of acids or bases
- R 7 Recovery of components used for pollution abatement
- R 8 Recovery of components from catalysts
- R 9 Oil re-refining or other reuses of oil
- R 10 Land treatment resulting in benefit to agriculture or ecological improvement
- R 11 Use of waste obtained from any of the operations numbered R 1 to R 10
- R 12 Exchange of waste for submission to any of the operations numbered R 1 to R 11 (****)
- R 13 Storage of waste pending any of the operations numbered R 1 to R 12 (excluding temporary storage, pending collection, on the site where the waste is produced) (*****)

(*) This includes incineration facilities dedicated to the processing of municipal solid waste only where their energy efficiency is equal to or above:

— 0,60 for installations in operation and permitted in accordance with applicable Community legislation before 1 January 2009,
— 0,65 for installations permitted after 31 December 2008,

using the following formula:

Energy efficiency = $(E_p - (E_f + E_i)) / (0,97 \times (E_w + E_f))$

In which:

E_p means annual energy produced as heat or electricity. It is calculated with energy in the form of electricity being multiplied by 2,6 and heat produced for commercial use multiplied by 1,1 (GJ/year)

E_f means annual energy input to the system from fuels contributing to the production of steam (GJ/year)

E_w means annual energy contained in the treated waste calculated using the net calorific value of the waste (GJ/year)

E_i means annual energy imported excluding E_w and E_f (GJ/year)

0,97 is a factor accounting for energy losses due to bottom ash and radiation.

This formula shall be applied in accordance with the reference document on Best Available Techniques for waste incineration.

(**) This includes gasification and pyrolysis using the components as chemicals.

(***) This includes soil cleaning resulting in recovery of the soil and recycling of inorganic construction materials.

(****) If there is no other R code appropriate, this can include preliminary operations prior to recovery including pre-processing such as, inter alia, dismantling, sorting, crushing, compacting, pelletising, drying, shredding, conditioning, repackaging, separating, blending or mixing prior to submission to any of the operations numbered R1 to R11.

(*****) Temporary storage means preliminary storage according to point (10) of Article 3.

