Part 6. How the AWRP application fails to demonstrate 'need'

This report explains how the AWRP application fails to demonstrate need, contrary to the applicant's claims, and includes the following sections:

Introduction

6.1 The AWRP scheme will cause significant harm; indeed, the applicant accepts this with regard to landscape and visual impact. Furthermore, this harm cannot be satisfactorily mitigated. It is therefore necessary for the applicant to demonstrate that the need for this facility is sufficient to outweigh the harm it will cause.

6.2 Clearly, there is a need for NYCC and CYC to manage municipal waste and be mindful of the waste hierarchy. But there is **not** a need for the type or size of facility proposed at this location.

6.3 The applicant therefore fails to justify a "need" for this facility on the following grounds:

1. Failure to demonstrate the financial viability of the scheme.
2. Failure to demonstrate that the need for this particular technology is greater than that for alternatives that would cause less harm.
3. Failure to justify the capacity of the plant, which is too large.
4. Failure to justify the proposed location of the facility.

Failure to demonstrate the financial viability of the scheme

6.4 The applicant does not provide a business case to support their application. This is despite strong public interest in the financial details, as the public will pay for a significant component of the scheme and carry the financial burden if the business fails. It is wrong that the applicant should claim a £320 million saving from the scheme, cite the rising cost of landfill tax, refer to potential revenue sharing with the Councils from electricity generation, and then not provide the details.

6.5 Further, now that the financial contract has been signed, commercial confidentiality can no longer be cited as grounds not to provide an open and transparent assessment of the claimed financial viability of the scheme.

6.6 NYCC normally requires details of economic impact to justify commercial or market need. The *North Yorkshire Planning Authorities Validation Requirements NYPA15: Minerals and Waste Applications* states that "If the proposal involves minerals or waste development with

special characteristics or properties, or is needed to fulfil a specific commercial or market need, applicants should provide details so that this factor may be taken into consideration."

6.7 Moreover, under Regulation 4 of the Town and Country Planning (Applications) Regulations, NYCC can require applicants to supply further information necessary to enable it to determine the application. It should do so, as this is in the public interest and material to the planning decision.

Failure to demonstrate that need for this technology is greater than for alternatives that would cause less harm

6.8 AWRP will cause harm because of its technology, notably the heavy reliance on an incinerator. Other technological solutions would deliver higher recycling and lower capital and operating costs.

6.9 The applicant leans heavily on PPS10 and its emphasis that a solution should be sustainable in terms of its environmental, economic and social perspective, as well as deliverable, available and suitable to meet needs identified. AWRP fails to comply because it is not sustainable and its scale is not justified by need – instead, it appears to be motivated by a desire to maximise financial gain.

The AWRP incinerator cannot be classed as a "renewable" source of energy.

6.10 AWRP is not a "renewable" form of energy, according to these definitions from EU Directive 2009/28/EC (23 April 2009) on promoting energy from renewable sources:

(a) "energy from renewable sources" means energy from renewable non-fossil sources, namely wind, solar, aerothermal, geothermal, hydrothermal and ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases",

And "biomass" as:

(e) "biomass" means the biodegradable fraction of products, waste and residues from biological origin from agriculture (including vegetal and animal substances), forestry and related industries including fisheries and aquaculture, as well as the biodegradable fraction of industrial and municipal waste.

6.11 Under these definitions, only energy generated from the biodegradable fraction of industrial and municipal waste can be considered as being derived from a "renewable source".

6.12 Because the incinerator will burn about 50% (see below) of non-biodegradable waste, and because its combustion and associated energy generation will be less efficient than other technologies (e.g. CHP), the EU definition of "energy from renewable sources" **cannot** be applied to the AWRP incinerator. Therefore AWRP **cannot** be classified as a "renewable energy" facility.

6.13 In the UK, PPS1 defines renewable energy thus: "Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass".

6.14 Again, this does **not** include the incineration of municipal waste.

6.15 PPS22 "Renewable energy" defines renewable energy in precisely the same way:

"Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass",

additionally defining biomass as:

"the biodegradable fraction of products, waste and residues from agriculture (including plant and animal substances), forestry and related industries, as well as the biodegradable fraction of industrial and municipal waste".

6.16 However, PPS22 – the key Planning Policy Document on "Renewable Energy" - states quite clearly that it does **not** apply to incinerators such as that planned for Allerton Park:

"Policies in this statement therefore cover technologies such as onshore wind generation, hydro, photovoltaics, passive solar, biomass and energy crops, energy from waste (but not energy from mass incineration of domestic waste), and landfill and sewage gas."
(underlining added)

6.17 PPS22 does **not** apply to energy from waste derived from the mass incineration of domestic waste. This is precisely what the AWRP incinerator intends to do, so PPS22 **cannot** be used to support the AWRP scheme, despite the applicant's claims.

6.18 The applicant correctly notes (1.1.63) that the recent decision of the Secretary of State on the Rufford Inquiry in Nottinghamshire cast doubt over the whether a waste combustion/energy recovery facility was a renewable energy scheme, and thereby could not benefit from the concessions made to renewable energy schemes in terms of landscape impact or justification of need. In that case, the Secretary of State agreed with the inspector's view that the proposal would not be a renewable energy scheme, in line with PPS22 as outlined above.

6.19 But the applicant then seeks to confuse the issue by referring to another case, the recent appeal by SITA Cornwall Ltd. In paragraph 55 of the SITA decision, the Secretary of State says: "Although the national planning policies within PPS22 deal with EfW technologies, the foreword to the document is clear that these do not include the mass incineration of domestic waste".

6.20 This goes on to state that the SITA scheme can be deemed "renewable". The AWRP applicant claims that this indicates that definitions are confused and that AWRP can be classified as renewable energy generation.

6.21 But the applicant fails to note that the SITA scheme will operate as a CHP facility. Paragraph 106 of the Secretary of State's SITA report notes that:

"there are three drying plants in the immediate vicinity (Parkandillick and Treviscoe operated by Imerys and the Goonvean driers) (as SITA/1/3 makes clear, the appellant has agreed heads of terms with Goonvean and is in discussions with Imerys) which are heavy energy users and dependent on a constant and secure source of energy, together with the potential to supply heat to the Eco-town in the future".

6.22 The applicant has not brought the CHP aspect of the SITA scheme into their application because it undermines their case for AWRP. The application fails to include any agreements for CHP use and no possibility of an eco-town (or equivalent CHP user) being co-located in the future.

6.23 The applicant's claim that the SITA decision supports AWRP being classified as "renewable energy" is **wrong**.

6.24 Because AWRP cannot be classified as "renewable energy", the applicant must justify why a proposal for such development must be sited in a particular location.

6.25 The applicant's claim that AWRP will be "R1" compliant is also **inappropriate**. First, there is no evidence for this claim. Indeed, a facility can only be classified as "R1" compliant *after* it has been established and begun operating. For planning purposes, the applicant could provide the data that are required to verify their claim to be R1 compliant but fail to do this.

6.26 Second, "R1" classification only means that the facility is a "recovery" facility and not a "disposal" facility. This does **not** mean that the facility is efficient or generates "renewable energy".

6.27 The applicant claims "R1" compliance to say that AWRP moves waste one step up the waste hierarchy, above "Disposal". But this is a limited move - other proposals could treat waste higher up the hierarchy which should be considered from a top-down, not bottom-up, perspective.

6.28 The applicant must demonstrate that the need for the incinerator outweighs the harm the facility will cause, including compared with alternative technologies such as MBT.

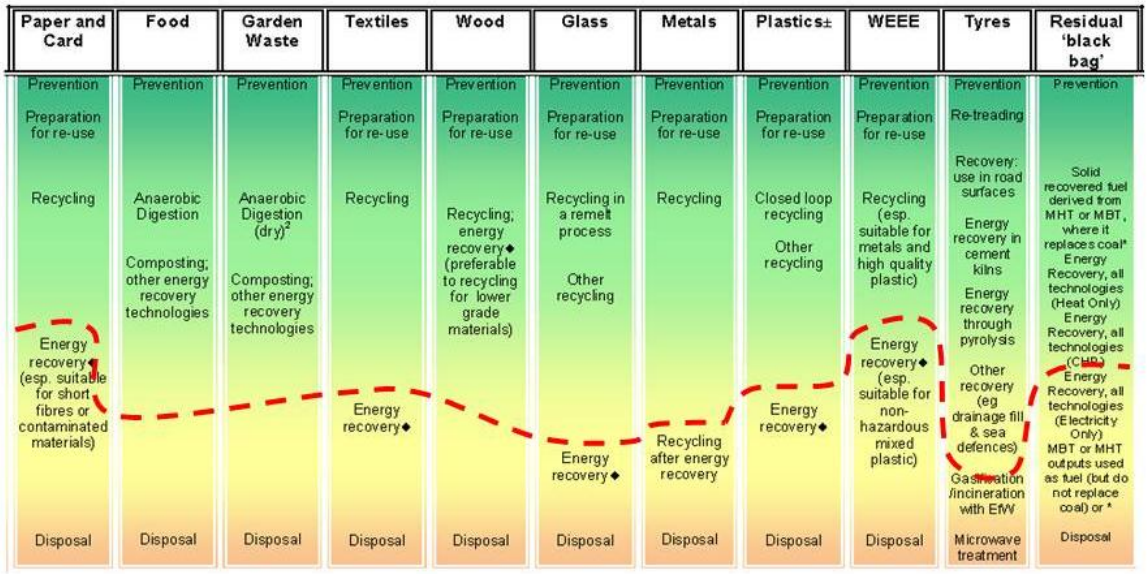
AWRP is not an efficient form of generating energy either

6.29 The proposed incineration of 85% of waste entering AWRP for the next 25 years **cannot** be considered an "efficient" means of generating energy.

6.30 Incinerating biomass generates energy that replaces non-renewable energy sources (e.g. from oil, gas or coal). But this **cannot** justify mass burning, which is a mis-use of valuable resources which should be re-used, recycled and recovered and **only then, if all else fails**, disposed of by *the most efficient* form of EfW (call it the "best available technique").

6.31 The Government's 2011 Waste Review emphasises that waste should be seen as a resource to be recovered and recycled and only disposed of if there is absolutely no alternative. This supports EfW **only** "*where appropriate and for waste which cannot be recycled*". Energy recovery is therefore the last resort before landfill, **not** the first choice of technology.

6.32 It is not efficient to incinerate 85% of waste received, including much biodegradable and potentially recyclable material. Much more can be treated with alternative technologies that are higher up the waste hierarchy, in line with the Government's guidance note on implementing the waste hierarchy (see figure below). For almost every type of waste, incineration without CHP ranks bottom, barely above landfill. (The dashed red line separates the incinerator, as the dominant component of the AWRP, from other technologies).



6.33 The Government's 2011 Waste Review states that, with EfW, the aim must be to **"***get the most out of genuinely residual waste, not to get the most waste into energy recovery.*" By seeking to burn very large volumes of municipal waste, much of which could be recycled, the applicant fails to follow national policy. This application tries to get the most waste into energy recovery by burning 85% of the waste that enters the gates of the facility - precisely what the Government discourages.

6.34 And this waste proposed for AWRP is not g*enuinely* residual waste. Even after kerbside recycling, further material recovery is possible with the appropriate technology. For example, much C&I waste is ideal for recycling because a) it is not contaminated by food waste and can therefore be easily sorted, and b) it is pre-sorted. Despite this, the applicant seeks to direct all C&I waste straight into the incinerator with no pre-treatment.

As inefficient and non-renewable, AWRP's energy generation is low priority

6.35 The UK Government and EU **prioritise only the most efficient forms of energy recovery**. The AWRP incinerator is **not** one of these and therefore should be refused.

6.36 EU Directive 2009/28/EC of 23 April 2009 on the promotion of the use of energy from renewable sources states:

- "In order to reduce greenhouse gas emissions within the Community and reduce its dependence on energy imports, the development of energy from renewable sources should be closely linked to increased energy efficiency." (paragraph 5)
- "The improvement of energy efficiency is a key objective of the Community, and the aim is to achieve a 20 % improvement in energy efficiency by 2020…..Energy efficiency and energy saving policies are some of the most effective methods by which Member States can increase the percentage share of energy from renewable sources." (paragraph 17)
- "It will be incumbent upon Member States to make significant improvements in energy efficiency in all sectors in order more easily to achieve their targets for energy from renewable sources." (paragraph 18)

6.37 The UK Government's 2011 Waste Review refers frequently to the need for more efficient means of obtaining energy from waste:

- "Government supports efficient energy recovery from residual waste which can deliver environmental benefits, reduce carbon impacts and provide economic opportunities"….

- "We will need to have sufficient infrastructure in place to support increasingly efficient recovery that is flexible enough to adapt to changing feedstocks over time…"
- "We are aiming to get the most energy out of the residual waste, rather than to get the most waste into energy recovery"….
- "Maximising the potential for growth in continuous generation available from energy from waste will require both better use of the available residual waste and development of high efficiency flexible infrastructure.
- "The potential for deploying more efficient electricity generation could further enhance the renewable energy derived from this waste".

6.38 These national and international policies show that EfW + CHP is preferable to AWRP's adoption of conventional "electricity only" EfW.

There are better alternatives to AWRP in terms of environmental impact

6.39 For all these reasons, alternative technologies should be adopted and AWRP refused planning permission.

6.40 Biodrying (thermal) MBT or other MBT with biostabilisation of the residue (or even disposal by landfill or via EfW) is much more sustainable for managing waste. These methods treat waste as a resource and are significantly higher up the waste hierarchy than incineration. MBT already delivers affordable and sustainable long-term solutions for local authorities in the UK and abroad.

AWRP will not be able to develop CHP because there is negligible heat demand locally

6.41 DEFRA Guidance Note on Article 6 of the WID states (paragraph 4.39) that CHP potential

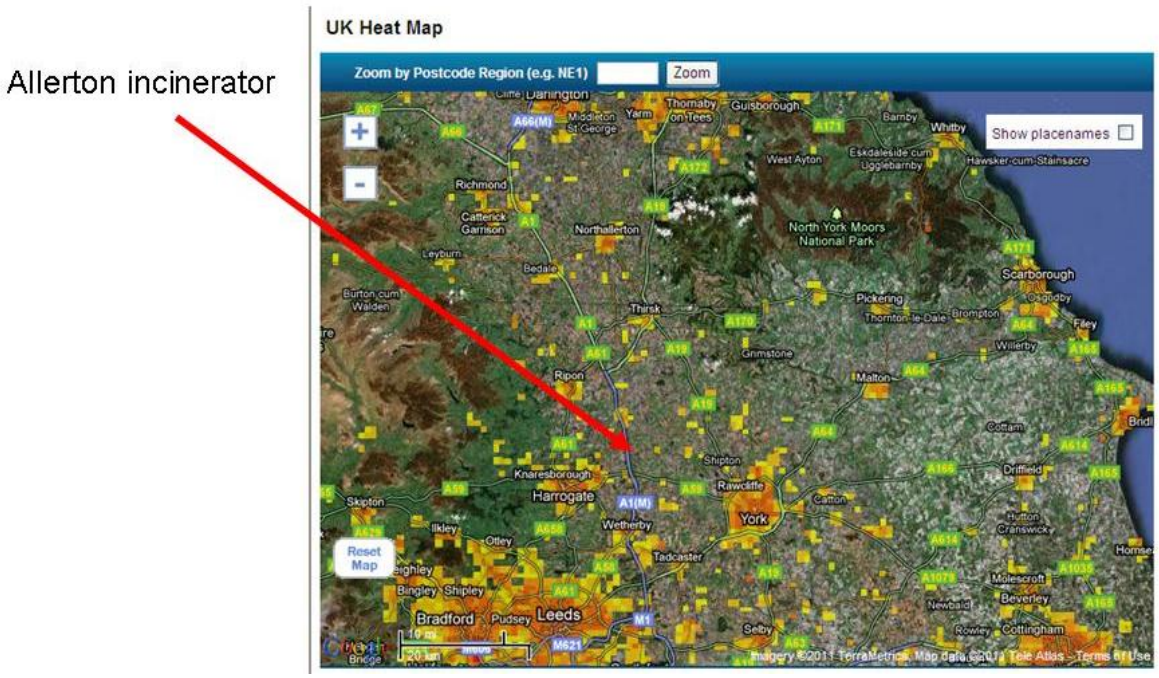
"should be considered at the early planning stage, when sites are being identified for such facilities, to ensure that maximising energy recovery through the use of CHP is included as a factor in the decision".

6.42 Because of this, the applicant claims that AWRP will be CHP "compliant" and that potential heat recovery will be used in the future. This is nonsense. There is no hope of large heat demand arising in this countryside location and the applicant provides no map of local heat demand to justify this claim, despite the Government promoting such tools.

6.43 Below is such a map (from the DECC website), for considering this application. The shading shows the demand for heat, with red and orange denoting high heat demand. If there is no colour, there is no heat demand.

6.44 Even after he has extended the normally accepted areas for assessment the applicant cannot show a proven demand. The map below shows that there is **negligible heat demand** near the Allerton Park site - thus CHP has no validity here. It also shows where there is heat demand, which is far from the site. CHP facilities therefore should not be located in the open countryside where there is no heat demand, but close to urban and industrial areas, shaded red and orange on the map. In fact, the map clearly shows that the high demand area is York.

The demand for heat in North Yorkshire



AWRP will therefore fail to meet energy efficiency policies in future

6.45 AWRP will lock NYCC and CYC long-term into highly inefficient waste management and go against EU, Government and local targets to reduce carbon emissions in future.

6.46 The EU Renewable Energy Directive 2009/28/EC sets a 20% target for improving energy efficiency by 2020. A draft revision under consultation (June 2011) encourages Member States to use energy more efficiently at all stages. It barely mentions the mass burning of residual municipal waste, but emphasises CHP roll-out:

"New electricity generation installations and existing installations which are substantially refurbished or whose permit or licence is updated should be equipped with high-efficient CHP units to recover waste heat stemming from the production of electricity. This waste heat could then be transported where it is needed through district heating networks. To this end, Member States should adopt authorisation criteria to ensure the location of installations in sites close to heat demand points." (paragraph 22)

This is particularly relevant to York.

6.47 In future, the public sector will be expected to lead the way in energy efficiency. Annex III *Energy efficiency requirements for purchasing products, services and buildings by public bodies* states that public bodies that purchase products, services or buildings shall, "where a product is covered by a delegated act adopted under Directive 2010/30/EU or Commission Directive implementing Directive 92/75/EEC, purchase only the products that comply with the criterion of belonging to the highest energy efficiency class while taking into account cost-effectiveness, economical feasibility and technical suitability, as well as sufficient competition".

6.48 AWRP will not address this requirement nor ensure sufficient competition for the next 25-30 years. And this drive for greater efficiency and carbon reduction will only ratchet up in future, leaving AWRP even further behind policy priorities.

AWRP will also fail to meet carbon reduction policies in future

6.49 Carbon reduction is now a huge priority for policy – here are some examples.

UK Government's 2007 Energy White Paper:

"We need a shift towards energy sources and generation technologies that produce much less or no carbon".

Paragraph 4.16:"CHP is an efficient form of providing heating and electricity at the same time. CHP's overall fuel efficiency is around 70-90% of the input fuel - much better than most power stations which are only up to around 40-50% efficient. It enables a very wide range of energy users, from heavy industry down to individual homes, to save money and help the environment by reducing overall carbon emissions. It is also the cornerstone of many community energy schemes, providing heating, electricity and in some cases cooling to a wide range of users."

PPS1 (Climate Change Supplement)

Page 5: "CHP is an efficient form of decentralised energy supply providing heating and electricity at the same time. CHP's overall fuel efficiency can be around 70-90% of the input fuel, depending on heat load; much better than most power stations which are only up to around 40-50% efficient."

UK Government 2011 Waste Review:

"In many cases, carbon acts as a good proxy for the overall environmental impacts of waste: generally speaking, the higher up the waste hierarchy waste is treated, the smaller the greenhouse gas impacts." The proposed solution is not high up the waste hierarchy.

6.50 Efficient energy generation to minimise carbon impacts is essential for the future. But AWRP does **not** provide this. The application's representation of AWRP as *"maximising opportunities for renewable and low-carbon energy recovery in a sustainable manner"* is **wrong**.

6.51 CHP schemes do contribute to reducing carbon and so are included in incentive schemes for renewable energy. The Renewables Obligation (RO) supports renewable electricity generation, including CHP plants fuelled by biomass, energy crops and waste. But AWRP involves the mass incineration of domestic waste and is **not** eligible under the RO scheme, reflecting its low standing against more efficient and less polluting forms of energy.

6.52 Defra's 2011 report *'The economics of waste and waste policies'* states that "the emissions from waste combustion of non-biogenic material (via any technology including mass-burn incineration) are also not comprehensively reflected in the price of disposal… such installations are creating GHG emissions without paying the relevant price." Mass-burn incineration therefore **goes against** policies to de-carbonise the economy. EfW without CHP is a sub-optimal means of disposing of the biodegradable element of residual municipal waste.

6.53 Other current incentives offered by Government to build low carbon renewable energy include those directed at AD and CHP, notably the Renewable Heat Incentive. This does **not** apply to the AWRP incinerator.

6.54 EU and UK energy efficiency carbon reduction targets will only increase in future. The applicant fails to justify the need for AWRP against these targets. NYCC and CYC do not need an over-sized incinerator to burn 85% of the county's waste.

Failure to justify the capacity of the plant, which is too large

6.55 AWRP is unnecessarily large when considered against the need for disposal of the counties municipal waste, and should be refused planning permission.

6.56 The applicant states that AWRP will process up to 320,000 tonnes of waste per year. But the potential capacity is much higher. AWRP will have three components:

Mechanical Treatment	62,080	tonnes per year (based on 12 hours per day use)
AD	40,000	tonnes per year
Incinerator	320,000	tonnes per year

6.57 There is no explanation why an MT plant of this scale can only recover a guaranteed 5% recyclates. Efficient MT plants can recycle and recover >70% waste, especially if segregated.

6.58 Together, the above capacity totals around 600,000 tonnes per year, if the MT plant operates only 12 hours per day. If the MT operates on the same 24 x7 basis as the incinerator, then total capacity increases to 850,000 tonnes per year. But the application assesses the impacts on traffic, noise etc. on a much lower capacity, which is potentially misleading.

6.59 NYCC and CYC currently generate around 260,000 tonnes of municipal waste per year. AWRP is therefore **much larger than is needed**, under both scenarios.

AWRP greatly exceeds the regional 'need'

6.60 The applicant fails to demonstrate that AWRP is best suited to meet regional needs, mindful of the waste hierarchy and the Government's 2011 Waste Review.

6.61 The RSS does **not** support "need" for the type and scale of plant in this application. The applicant fails to identify a strategic case other than for providing more capacity.

6.62 Capacity for waste treatment in the region and adjacent areas is increasing and could meet NYCC/CYC waste demands by treating waste higher up the waste hierarchy than AWRP. Efficient mechanical sorting combined with MBT and AD could significantly reduce waste volumes, avoiding the need to build another huge incinerator.

6.63 MBT and AD facilities can treat much higher volumes of waste than AWRP, e.g. the new MBT under construction at Barnsley, Doncaster and Rotherham which will process 260,000 tonnes of municipal waste per year. The small proportion of waste remaining can be dealt with via smaller-scale regional incineration or landfill, instead of a huge new incinerator at AWRP.

6.64 Nowhere does the applicant refer the RDF incinerator being constructed at Ferrybridge, not far from Allerton Park and close to other 'Preferred Sites' identified by NYCC. This failure shows that the application is seeking to build the biggest facility he possible can, regardless of the likely demand from NYCC and CYC.

AWRP is not justified by sub-regional strategy

6.65 The JMWMS was revised as 'Let's Talk Less Rubbish' in June 2006 and contains the policies, aims and targets for 2006-2026. But the JMWMS is out-dated and contains no plans beyond 2026, that is, beyond the AWRP contract period. Consequently, most of its objectives are already out of date or will be by 2015 when AWRP begins operating.

The JMWMS aims were:

- **By 2008:** To produce less waste per person than the average for England and Wales. To contain average household waste arisings so that residents generate less per head than Shire counties on average. To reduce annual average growth per head in waste to zero %.
- **By 2010:** To recycle or compost 40% of household waste.
- **By 2013:** To reduce the amount of waste produced in York and North Yorkshire so as to make us one of the best performing areas in the country. To recycle or compost 45% of household waste. To divert 75% of municipal waste from landfill.
- **By 2020:** To recycle or compost 50% of household waste by 2020.

6.66 The JMWMS is outdated because it has only one specific target beyond 2013 and none beyond 2020. The Strategy states that it will be "completely reviewed in 2010/11" – this has not yet happened. There are no predictions of waste volumes anywhere in the document.

6.67 Therefore, the strategy **cannot** be used as to justify the "need" for AWRP because it provides no relevant targets.

6.68 The application should be refused until the new Core Minerals and Waste Strategy, on which consultation is now well under-way, is complete.

The predicted volumes of waste arising in future are wrong

6.69 Nowhere does the applicant justify AWRP's scale other than to cite waste predictions provided by NYCC and CYC. These predictions do not form part of any formal waste strategy, they are only "best guesses" and are seriously flawed. They do **not** demonstrate 'need.'

6.70 Two key assumptions underpin the NYCC/CYC waste predictions:

- The rate of growth in municipal waste, and;
- The effect of population growth.

The rate of growth in municipal waste

6.71 The application assumes growth in waste in future but provides no independent evidence or argument to support this.

6.72 This assumption does **not** reflect trends in the last decade or the Government strategy for waste prevention. Defra data show that municipal waste peaked nationally in 2004/05 and has since been falling.[1] Trends for Yorkshire and Humberside reflect those of England as a whole. Waste volumes will fall and not rise in the future.

6.73 The Government Waste Strategy 2007 aimed to decouple waste growth from economic growth, contrary to NYCC/CYC assumptions. The strategy includes a specific target to reduce household residual waste from 22.2 million tonnes in 2000 to 15.8 million tonnes in 2010, with a further aspiration to reach 12.2 million tonnes in 2020. This is equivalent to reducing household residual waste by 45% between 2000 and 2020. C&I waste reduction is also supported by the Courtauld Commitment that aims to reduce household food and drink packaging waste by 4% by December 2012. The application ignores these targets and trends.

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[1] Defra, *Waste Data Overview*, June 2011.

6.74 The devolved Governments of Wales and Scotland have already set legal targets for household waste recycling of 70%. It is reasonable to assume that England will follow soon, with targets for household recycling reaching 65% in the next 25 years. The application ignores this and excludes waste reduction through prevention in their forecasts, despite prevention being at the top of the waste hierarchy.

6.75 In summary, the application is **wrong** to assume that waste arisings will continue to increase. National and EU targets will force waste down, not up, in future.

Population growth

6.76 NYCC/CYC contend that a large facility is needed because the region's population will increase by 2040 and thus so will waste volumes. This is **not** justified.

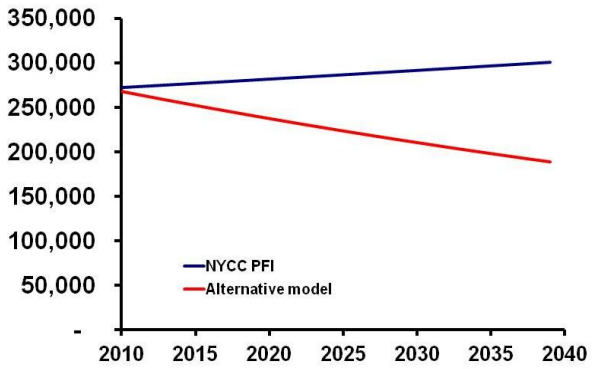
6.77 Using data from the Office for National Statistics (May 2010) we estimate that the population of CYC and NYCC will rise by about 150,000 between 2015 and 2040.

An alternative prediction for Municipal Waste

6.78 A more likely scenario for waste volumes in the next 25 years can be built (see graph below), by assuming that:

- household waste recycling rises from 50% to 60% by 2020 and 65% by 2030;
- waste arisings fall by 0.25% per year for 25 years, for reasons given above;
- population growth is as predicted by NYCC; and
- municipal waste volumes rise as predicted by NYCC.

6.79 By only assuming somewhat higher recycling and a modest fall in waste arisings, the predicted waste volumes for disposal would fall such that by 2035 AWRP would 'need' to handle only 200,000 tonnes of waste, 100,000 tonnes **less** per year than assumed by the applicant. The real 'need' is therefore at most for a facility that is only **two thirds** of the size in the application.



6.80 The decision by NYCC to award a contract to AmeyCespa in December 2010 is quite distinct from a decision on this planning application. Thus, at the Council Meeting of December 15th 2010, which determined to award the contract to AmeyCespa, County Councillor Clare Wood (Cabinet Member with responsibility for waste and sponsor of this proposal) stated quite clearly at the outset of the deliberations: *"Whether it is the right technology in the right location is a planning matter and one that needs to be put to the back of our minds today".*

6.81 **We have demonstrated that the application is neither for the right location nor for the right technology.**

Municipal versus Commercial and Industrial waste

6.82 In 2011, DEFRA changed the definition of Municipal Waste to include more commercial and industrial waste. The applicant has used this to try to justify the excessive size of AWRP.

6.83 But significant commercial waste is not included in the NYCC/CYC *Let's Talk Less Rubbish,* the OJEU, the OBC or the PFI Waste Contract Descriptive Document. Therefore, by invoking the new definition of municipal waste to justify the scale of the plant, the applicant is changing the contract agreement and thus effectively invalidating the procurement process. This could lead to challenge by unsuccessful tenderers or the EU competition directorate.

6.84 Various key documents relating to the PFI contract make this clear:

The PFI Outline Business Case (Sept 2006) states that the Reference Project "encompasses the services associated with managing municipal waste including transfer, recycling, composting, the treatment of residual waste (recovery) and landfill disposal" (page 10). It does not include a significant component of commercial waste.

The OJEU (Sept 2007) states "The PSP [Private Sector Partner] will be responsible for the treatment of residual municipal waste so as to attain statutory and non-statutory targets (particularly, but not limited to, the diversion of biodegradable municipal waste from landfill)." There is no reference to the handling of additional commercial waste above and beyond that already included in the municipal waste for which NYCC are legally responsible.

The PFI Waste Contract Descriptive Document (Sept 2007) covers (page 8):

- Acceptance of residual MSW [Municipal Solid Waste] delivered to the Treatment Plant(s);
- Treatment of residual MSW to achieve the Contractual BMW [Biological Municipal Waste] and landfill Diversion targets.

6.85 It does **not** include handling additional commercial waste and specifically excludes "*waste directly collected by the WCAs [Waste Collection Authorities] under separate arrangements*" i.e. commercial waste (page 24).

6.86 Finally, the summary statement regarding the **NYCC PFI** reported by DEFRA (Sept 2009) refers solely to municipal waste – not additional commercial waste.

6.87 Judged against the original definition of "Municipal waste", the application **fails** because it is significantly over-sized and fails to justify the need for a facility of this size.

Failure to justify the proposed location of the facility

6.88 The applicant considers that a single site solution is preferable to a multi-site solution. This is wrong and **no** detailed evidence is given for this.

The Sustainability Assessment does not support a single site

6.89 It contains a lengthy table of unsubstantiated statements that can be readily challenged.

6.90 A revised version of this table is given at the end of this report, giving more realistic scores and showing that multiple sites are preferable, alongside alternative methods of waste disposal. A multi-site approach would also directly align with the JMWMS which indicated preference for more than one site (as did the most recent County-wide public consultation).

The applicant fails to justify the criteria to define the "preferred Area".

6.91 Access and transport are the two prime criteria used to define the "preferred Area". The application states: " while other factors must be assessed once sites have been identified, traffic and access (including the ability to identify a site which minimises vehicle miles, and thus carbon emissions), are the only criteria to offer significant support to all four sustainability aims".

6.92 This is **flawed**. The assessment criteria should have been weighted using mixed criteria and including carbon minimisation as stated in the Government's 2011 Waste Review, and CHP. A fuller assessment would rule out all sites that lack a heat demand, including Allerton Park and would require a more thorough assessment of sites in the City of York area where CHP demand exists.

The choice of search criteria is contrary to policy.

Defra Environmental Permitting Guidance on The Waste Incineration Directive (2010) states that "Opportunities to maximise the potential for improving heat recovery through the provision of district heating or process steam should be carefully considered."

The choice of a single site is contrary to public opinion.

6.93 Public consultation has shown that the vast majority (c. 80%) of NYCC and CYC residents would prefer multiple sites.

6.94 As part of developing the "Let's Talk Less Rubbish" Strategy in late 2005, a leaflet was sent to around 90% residents of NYCC and CYC. This was the last occasion on which the public were given a (limited) opportunity to express their views regarding waste management options. The consultation comprised 2944 consultees and the key results were:

- 55% of North Yorkshire residents preferred MBT and then RDF to incineration, rather than solely incineration.
- 79% of North Yorkshire residents preferred multiple facilities, to minimise impacts.
- Only 20% residents favoured fewer facilities to reduce cost.

In June 2006, the new "Let's Talk Less Waste" strategy was adopted. It states that:

"Consultation on the draft Strategy considered two options for the treatment of the residual fraction of municipal waste. Either to send all of the waste to Energy from Waste (Incineration) plant/s or to pre-treat the waste first to recover more recyclable materials in an MBT plant, and to produce a fuel for burning in a smaller EfW plant/s. The results of the public consultation on this Strategy did not show a strong preference overall for either option".

6.95 **This is incorrect**. The public consultation showed a significant preference for MBT first and second for smaller EfW plant/s, with a very strong preference for multiple facilities to deal with waste locally and reduce transport impacts.

6.96 The Outline Business Case (OBC) in 2006 for the PFI credits specified as its Reference **both** a Mechanical Biological Treatment ("MBT") facility and an Energy from Waste ("EFW") facility. Referring to public consultation, the OBC says that:

"The BPEO process and outcomes were tested with residents of North Yorkshire during a series of workshops (one in each District) held during March 2005. However, no clear technology preference emerged from the workshops for the County Council, with the public appearing to prefer a combination of EfW and MBT rather than rely on one technology or

one plant for the whole county. Public preference therefore was for a number of facilities and combination of technologies. This was confirmed by the public consultation exercise undertaken in late 2005."

6.97 The OBC conclusion **is misleading** and ignores a) the small number of consultees on the BPEO (19 and 14 members of the public attended the two workshops), b) the large number consulted more recently over the "*Let's Talk Less Rubbish*" Strategy, and c) their clear preference for multiple sites.

6.98 The Strategy does not specify a single or multiple site solution, merely noting that 1-3 sites are likely be needed. The AWRP application is for a single site solution using EfW with an MT and an AD. This is clearly contrary to the public preference for more than one site expressed in December 2005 and contrary to the Reference Case in the OBC in September 2006.

The outcome of the area/site search was predetermined

6.99 The search exercise was predetermined by NYCC decisions taken in 2006, at the start of the procurement process that limited any possible site search conclusion to only two sites.

6.100 This is because, in 2006, NYCC began preparing its Minerals and Waste Development Framework. Its Site Allocations Documents identified areas/sites where waste development may be acceptable in principle. 28 sites were considered for waste management and eight were taken forward as 'preferred options' based on consultation. These eight sites were:

- Allerton Park Quarry
- Burn Airfield
- Dalton Industrial Estate
- Farnham Quarry
- Gateforth Park
- Gascoigne Wood Colliery
- Jackdaw Crag
- Tancred

6.101 However, when NYCC started the procurement process by issuing the OJEU and Draft Contract in 2006, it indicated that it intended to commence baseline monitoring of air quality, noise, wildlife and groundwater conditions. This is because a planning application would require environmental monitoring data for at least 12 months.

6.102 But rather than monitoring all eight potential sites, NYCC only monitored two – Allerton Park and Dalton Airfield.

6.103 In response to an FOI request by Marton cum Grafton Parish Council (N4145) about the necessary long-term base-line monitoring required to support a planning application, NYCC replied:

"North Yorkshire County Council (NYCC) commissioned Enviros Consulting Ltd (Enviros) to carry out a range of environmental assessment work at both Allerton Park Quarry and Burn Airfield between October 2007 and November 2009.

Detailed reports were issued in the form of Planning Packs at each bidding stage to the relevant participants."

6.104 The Planning Packs therefore steered potential tenderers to sites that NYCC Officers considered most suitable. Those tendering could have searched further afield, but it is unlikely they would have been able to meet NYCC's deadlines, because collecting data takes time.

6.105 The data provided thus effectively predetermined the potential solutions in favour of one or (at most) two large facilities. It also precluded a multi-site approach involving more than two facilities.

6.106 Whoever took this decision in NYCC effectively rewrote the Waste Site Allocations Document outwith the planning process. This decision was fundamentally undemocratic.

6.107 This partly explains why the applicant's search criteria and outcomes are **flawed**. Despite an initially long lists of possible sites, data provision means only two sites were seriously considered by NYCC.

6.108 The applicant only seriously consider one site – Allerton Park. The other site for which data was provided - Burn Airfield - was therefore considered suitable by NYCC but is barely considered by the applicant, who dismisses Burn Airfield as being outside of the "optimal geographical area".

6.109 In summary, NYCC "guided" applicants to consider only two sites, one of which (Burn Airfield) the applicant totally ignores. The application therefore **fails** to develop appropriate search criteria and therefore ignores potentially suitable alternative sites and methods of waste disposal.

Re-assessment criteria for determining single, dual or multiple sites

There are many stronger reasons to promote a multi-site approach than there are for a single site solution.

i) SINGLE SITE

	Environmental - This aim seeks to protect and enhance the environment. **AmeyCespa**	**Our view**	**Economic - This aim seeks to promote a strong, stable and productive economy.** **AmeyCespa**	**Our view**
Single site	- Enables a coordinated approach to environmental mitigation, thereby helping to achieve the sustainability objective which seeks to protect and enhance the quality of the environment.	- Results in significant environmental harm due to excessive transport costs. Extensive public consultation over the current JMWMS "Let's Talk Less Waste" was overwhelmingly (79%) in favour of a multi-site approach so that waste would be treated locally and transport impacts minimised.	- Sustainability objective seeks to promote a strong, stable and productive economy. It confirms that economic development can deliver environmental and social benefits to ensure a prosperous economy. The single site solution allows for benefits of economies of scale.	- This claim can equally be applied to a multi-site approach. Increased flexibility in treatment (within and across County borders) can deliver a strong and stable economy that is able to adapt to changes in waste volume and composition, as well as emerging markets in recovery and re-use. A single site solution invites an over-sized facility with less flexibility and unnecessarily high capital investment.
	- Increasing the quantity of treatments offered and waste accepted does not necessarily reduce the environmental impacts, given the minimum size required for the elements of plant etc required.	- Increasing the quantity of treatments will reduce environmental impacts if those technologies are environmentally better than that planned. Thermal mechanical biological treatment can increase waste recovery and recycling over the AmeyCespa plan and drive waste higher up the waste hierachy.	- Enables greater economic efficiency and maintenance reductions.	- The planned EfW facility has one of the worst efficiency ratings of all forms of power production. To ensure the plant operates 24x7, it is grossly over-specified with two lines for the Mechanical Treatment plant (which only operates at 50% capacity) and two lines for the incinerator itself.

	Environmental - This aim seeks to protect and enhance the environment. AmeyCespa	Our view	Economic - This aim seeks to promote a strong, stable and productive economy. AmeyCespa	Our view
	- Single site allows a coordinated approach to waste delivery, maximising efficiency of bulking at transfer stations.	- A coordinated approach will work just as well with a multi-site approach which could still benefit from bulking at transfer stations but significantly save on onward transport costs.	- Ensures for reduced capital expenditure costs.	- This claim is not justified against other technologies. Some MBT plants operate with significantly less capital expenditure. PFI schemes are widely recognised as costly and poor value for money.
	- Greater ability to be flexible to changing technological solutions and to offer variety of environmental incentives.	- 85% of the waste entering Allerton Park will be incinerated. It has NO flexibility once built because of the large capital investment. It will HAVE to operate 24x7 to be economical. It compromises a key element of sustainable development by hindering future generations from developing alternative waste solutions.	- Reduces cost from co-locational benefits and reduced transportation given output from one process is input into another.	- Requires significant additional transport costs associated with disposal of IBA, which constitutes c. 25% of the waste volume entering the incinerator. Significant volumes of Hazadous waste is generated and will require transport off-site.
	- Greater benefits through co-location of complementary uses as advocated through PPS10	- Ignores potential to use facilities for disposal located outside of the County. This is contrary to Government Policy (Waste Review 2011)	- Potential for greater likelihood of heat and power off take opportunities further injecting financial opportunities.	There is no viable heat demand at Allerton Park or in the immediate vicinity. The applicants' claims of CHP-readiness are meaningless. Without CHP, this facility results in significant greenhouse gas emissions that could be avoided with alternative approaches.

	Social - Sustainability objective seeks to develop strong, vibrant cohesive communities. AmeyCespa	Our view	Natural Resources - Sustainability objective seeks to ensure the efficient and prudent use of natural resources. AmeyCespa	Our view
Single site	- Sustainability objective seeks to develop strong and vibrant communities. Single site solution can help ensure significant inward investment to enable social cohesion and inclusion.	No proof and nonsense. The existing communities are vibrant and strong. Spreading the investment of a multi-site approach could benefit several communities. The scheme is unnecessarily expensive and will deprive investment in other areas of public activity that support the economy. There is no evidence that this scheme will enable social cohesion and inclusion.	- The use of a single site solution minimises the use of natural resources by maximising output while minimising resources used.	- This claim has no justification or evidence base. Solutions that are higher up the waste hierarchy offer significant environmental benefits that this application fails to realise. Transport costs are unnecessarily high.
	- Financial injections from high capital expenditure can be filtered through to local community more efficiently. - Perceived issues can give rise to short term negative social impacts upon local communities.	Nonsense marketing jargon. No evidence is provided to support this claim and it is unclear what this means. A single site scheme with a huge incinerator will blight the landscape and have long term negative impacts on the local communities and environment.	- The development of a single site offers greater opportunity to maximise the ability to utilise renewable resources by taking opportunity offered by economies of scale.	- This claim has no justification or evidence base. A large incinerator in the open countryside destroys natural resources and does not recover them.
	- Can provide the platforms for community engagement and involvement as well as providing the financial opportunities to enable identified community initiatives to materialise.	This can apply equally to multi-site approaches. Indeed, it could be argued that multi-site approaches will be more beneficial through promoting such arrangements.	- Single site solution provides the best opportunity for economically viable CHP and electrical oft-take given the ability to maximise energy creation.	- There is no evidence that CHP can be viable at this location. This renders the scheme highly inefficient and wasteful of resources. The technical solution does not ensure the efficient or prudent use of natural resources. Waste is a resource, not something to be burnt.

	Social - Sustainability objective seeks to develop strong, vibrant cohesive communities. AmeyCespa	Our view	Natural Resources - Sustainability objective seeks to ensure the efficient and prudent use of natural resources. AmeyCespa	Our view
		The expected fall in waste volumes over the next 30 years will introduce significant financial instability to NYCC and CYC. Changes to EU and National regulations regarding climate change risk additional economic costs and associated instabilities.		
		Less capital intensive, simpler technologies provide potential for more flexible and hence more economically stable solutions.		

(ii) TWO SITES

	Environmental - This aim seeks to protect and enhance the environment. **AmeyCespa**	**Our view**	**Economic - This aim seeks to promote a strong, stable and productive economy.** **AmeyCespa**	**Our view**
Two site	- Likely to provide a greater range of environmental impacts over two rather than single site.	- Not proven. This will be technology dependent. Two sites could significantly reduce environmental impacts by reducing transport of waste, and by requiring smaller facilities.	- Increased capital expenditure and less opportunity to benefit from economies of scale than through single site solution.	- Not proven. The BPEO study and subsequent discussions with partners and key stakeholders suggest one EfW plant and two MBT plants as the preferred way forward for the area.
	- Unlikely to enable reduced scaled facility than a single site due to minimum requirements for plant.	- This is non-sense. It implies that an incinerator HAS to be enormous to be financially viable – hence a single site is required. This may be true but is not a valid reason for a single site, especially given that there are more suitable alternative technologies.	- Increased plant operational cost over more than one site.	- Not proven. This depends on the technology used. Multi-sites could be significantly cheaper and reduce risk and hence improve economic stability.
	- Potential benefits from greater proximity to waste arisings; however, given output from one process is input into another, these benefits are limited.	- This is correct – multi-sites have potential for greater proximity to waste arisings. Output from one process is NOT necessarily input to another.	- Increased transportation costs due to correlation of constituent elements of the process	- Not true. Two sites would significantly reduce transport costs and adhere to the “proximity principle”.

	Social - Sustainability objective seeks to develop strong, vibrant cohesive communities. **AmeyCespa**	**Our view**	**Natural Resources - Sustainability objective seeks to ensure the efficient and prudent use of natural resources.** **AmeyCespa**	**Our view**
Two site	- Will assist in providing investment over wider area than single site, but to a lesser degree.	- Will significantly enhance benefits of major investment into the economy of North Yorkshire. Multi-site approach will complement the RSS that seeks to promote economic development of urban areas and to protect rural areas.	- Likely to result in greater use of natural resources than a single site solution.	- The claim is not proven and technologically dependent. Greater recycling and recovery will be significantly better for the environment and will ensure the efficient and prudent use of resources.
	- Opportunities for social inclusion by generating platforms for community engagement. Less opportunity for community initiatives to materialise given less financial investment across more than one site.	- The current contract is £1.4 billion. There is plenty of opportunity to spread the benefits of this scheme to more communities. A second or third educational facility in city centres would significantly raise awareness of recycling and of waste as a resource.	- Less opportunity to provide economically viable CHP opportunities than a single site solution.	- There is no market for CHP at Allerton park – there could be at other locations, closer to the point of waste generation (urban areas).

(iii) MULTIPLE SITE

	Environmental - This aim seeks to protect and enhance the environment. **AmeyCespa**	**Our view**	**Economic - This aim seeks to promote a strong, stable and productive economy.** **AmeyCespa**	**Our view**
Multiple site	- Likely to provide a greater range of environmental impacts over multiple sites than two or single site solution.	Not proven. The opposite will occur depending on technology chosen. Area-scale environmental impacts will be significantly reduced with smaller facilities located away from the open countryside.	- Further increased capital expenditure than less opportunity to benefit from economies of scale than single or two site solution.	Why so? Capital expenditure would be less if multiple sites using different technologies (e.g. Thermal MBT) were used.
	- Cumulative effect and impact of a number of sites would be greater than a single site given the necessary infrastructure requirements at each site.	Not proven. Infrastructure requirement at Allerton Park is enormous already and smaller facilities can deliver the waste objectives of NYCC and CYC.	- Increased operational costs than single or two site solution.	Who so? Other technologies are more flexible and able to adapt to changing waste markets. They can operate over shorter contract periods and offer greater financial security.

	Social - Sustainability objective seeks to develop strong, vibrant cohesive communities.	Alternative view	Natural Resources - Sustainability objective seeks to ensure the efficient and prudent use of natural resources.	Alternative view
Multiple site	- May assist in providing investment to local areas, but to a lesser degree than single or two site solution.	Agree – multiple sites will definitely provide investment to more local areas than a single site. This is irrefutable.	- Further increase of use of natural resources on a number of sites than two or single site solution.	- Disagree and not proven. Depends on technology. Multiple sites within and beyond the county could significantly save on capital investment costs.
	- Reduced opportunities for social inclusion and community initiatives to materialise, given less financial investment across more than one site.	Multiple sites will increase opportunities for social inclusion initiatives and opportunities for local communities to take responsibility for the management of the waste they produce (“proximity principle”).	- Further restricts the opportunity for electrical or heat off-take given the necessary capital infrastructure costs weighed against the likely renewable energy outputs.	- CHP is red-herring in this application. Multiple sites provide the potential to reduce transport costs, develop cheaper, more flexible approaches to waste recovery that operate higher up the waste hierarchy than incineration. EfW has significant embedded environmental costs that are not presently recognised in their cost.