

**SUMMARY REBUTTAL PROOF OF EVIDENCE TO NI4H
PLANNING
MR CHRISTOPHER LECOINTE**

On behalf of Britaniacrest Recycling Limited

Rebuttal Proof of Evidence of Mr C Lecointe

Summary Rebuttal Proof of
Evidence
To Ni4H

October 2019

Contents

1	INTRODUCTION.....	4
2	SUMMARY REBUTTAL TO NI4H.....	5
3	CONCLUSION.....	8

1 INTRODUCTION

- 1.1 This is a Summary of my Rebuttal Proof of Evidence to address one section in the planning evidence prepared by Maureen Darrie on behalf of Ni4H, dated 1st October 2019.
- 1.2 I do not seek to deal with all matters raised the Ms Darrie's proof as most can be dealt with during the normal course of the Inquiry. However, I do address section 9 – Greenhouse Gas Emissions, as to rebut this largely technical argument I must rely, in part, upon technical evidence by others if I am to draw correct policy conclusions. In particular, my evidence relies on an additional technical appraisal undertaken by Mr Dan Smyth of RPS, found at Appendix 1 of my rebuttal proof. This also deals with this electrical output of the facility.

2 SUMMARY REBUTTAL TO NI4H

2.1 Ms Darrie, on behalf of Ni4H, makes a case in summary that:

“ The assessment carried out by Only Solutions concludes that the EfW plant would emit significant quantities of fossil CO₂, the energy generated would be ‘high carbon’, and that if the Appeal is upheld, the EfW would result in the release of more GHG than sending the same waste directly to landfill, contrary to both national and local planning policy.”

2.2 Her case does not deal with the renewable component of the appellants facility but instead is focused on the carbon issue. It is predicated upon the need to define the level of carbon being produced by the appellants proposed facility, and to demonstrate that it is not ‘low carbon’ and indeed that the scheme is ‘high carbon’. Having developed that argument she then concludes that as such “ *the electricity that would be generated by the proposed EfW plant would hamper efforts to decarbonise the electricity supply*” and, therefore, “*would be contrary to the Policies 24 and 36 of the Local Plan, and Policy W12 of the Waste Local Plan, para 1 of the National Planning Policy for Waste, and the NPPF*”.

2.3 In summary my response to these points are set out below.

2.4 Ms Darrie does not deny that the appellant’s facility will accept waste that is at least partially from renewable sources, and therefore, is able to supply low carbon renewable energy that is urgently needed and supported by Government policy. To the extent that low carbon renewable energy is produced from the facility, it will not ‘*hamper*’ the Government’s policy of decarbonising the electricity supply. National Grid is responsible for managing and balancing supply from various sources and they are obliged to progressively move towards, and in effect favour, low carbon sources where these are available, over fossil

- based sources – on that basis electricity produced by the appellants facility will be preferred over fossil fuel generating stations.
- 2.5 As Ms Darrie is silent on the facility’s obvious low carbon renewable energy benefits, she does not weigh this important benefit into the planning balance nor therefore into her conclusion.
- 2.6 The term ‘Low Carbon’ (or indeed Ni4H’s reference to ‘High Carbon’) as referred to in policy is not defined. There is no numerical threshold level of carbon above or below which one can or should judge the acceptability of EfW’s in planning terms. This is so given that national planning policy does not require a carbon assessment to be undertaken or be ‘measured’ for such schemes; that the factors affecting such an assessment rely on assumptions, not certainty’s, and so a degree of caution is required to ensure one does not imply a level of accuracy that does not exist; and, that to the extent that an EfW’s general carbon credentials are relevant, they are but one measure against which the scheme should be judged, not least because such facility’s perform not just a vital energy function but also a key waste management function to.
- 2.7 Mr Smyth’s note on carbon attached to my proof, and the additional note to appendix 1 of my rebuttal proof, demonstrates that with different assumptions, which we believe on the balance of probability are more likely in terms of carbon outputs, show that the scheme is low carbon when measured against coal, and is preferential to landfilling. We accept that a comparison against coal as a fuel and landfill as a disposal route have limited relevance as these two options are fast closing down as realistic options. That being the case, there is no better alternative (that is policy compliant), than to make a comparison of the level of carbon emitted by a similar facility elsewhere.
- 2.8 The logical conclusion to be drawn from Ms Darrie’s evidence is that the waste that is already permitted to be supplied to the appeal site should instead be sent to landfill or continue to export it, as she sees no benefits from treating waste in

the way proposed by the appellant nor in producing renewable energy from the facility.

- 2.9 Ms Darrie refers to Policies 24 (which uses the phrase ‘minimise greenhouse gases’) and Policy 36 (uses the phrase ‘maximise the potential for carbon reduction’)) in the Horsham Planning Framework 2015. She does not mention Policy 35 in that Plan but this explicitly refers to Climate Change and amongst the measures set out to minimise climate change impacts it refers to ‘*Measures which reduce the amount of biodegradable waste being sent to landfill..*”.
- 2.10 Ms Darrie also refers to Policy W12 of the Waste Local Plan, para 1 of the National Planning Policy for Waste, and the NPPF. Again, these policies contain very similar messages in respect of carbon emissions i.e. including mitigating against, or minimising or helping to reduce.
- 2.11 I see no conflict with these policies. The appellants proposals will minimise/help to reduce carbon emissions when compared to fossil fuels, it is to be preferred over landfill, and the contribution it makes in terms of renewable energy is regarded as low carbon, and this is enough in policy terms.

3 CONCLUSION

- 3.1 In this rebuttal I have addressed the policy issues arising out of the Ni4H position in respect of Greenhouse gases, Ms Darrie's section 9 in her main proof.
- 3.2 I have relied upon technical support from Mr Daniel Smyth and his submission at Appendix 1 in my Rebuttal Proof. Also relevant to this issue is the Secretary of State's decision in the Drax Power station DCO (new CD ref to be added). This gives a clear and current view on how policy should be interpreted in the context of energy facilities and how the carbon debate needs to be dealt with. Need is proven and so the presumption in favour of low carbon renewable energy technologies such as EfW, prevails over any carbon assessment.
- 3.3 There are other matters that I have not offered a view on in this rebuttal, but these will be dealt with in the normal course of the Inquiry.
- 3.4 Whilst it can be argued that the advantages of EfW are not as attractive as they once were in terms of CO₂ emissions compared to landfilling and when measured against fossil fuel energy generation, they are still justified, more attractive than the alternative, and still supported in policy terms.