

Open Report on behalf of Andy Gutherson - Executive Director for Place

Report to:	Planning and Regulation Committee
Date:	26 July 2021
Subject:	Application by Boston Alternative Use Boston Projects for an Development Consent Order granting Development Consent for The Boston Alternative Energy Facility at Riverside Industrial Estate, Boston – EN010095

Summary:

Planning permission is sought through the Development Consent Order (DCO) procedure by 'Alternative Use Boston' for the Boston Alternative Energy Facility at Boston. The proposal is to construct an Energy from Waste Plant that would have an annual throughput of 1.2 million tonnes of Refuse Derived Fuel that will be brought to the site by boat via the River Haven. The facility would have a total gross generating capacity of 102 MWe and it would deliver approximately 80 MWe to the National Grid.

The Council is required to engage in the process by proving confirmation of its views on the proposal and this report sets out the matters the Council is required to comment on and the Council's response to the Planning Inspectorate on the proposal

Recommendation:

That the Committee confirms that the proposed scheme is contrary to the policies of the Minerals and Waste Local Plan and the Planning Inspectorate is informed of the Council's objections to the scheme together with the conclusions of the other matters that fall under the responsibility of the County Council to comment on.

The Application

1. Planning permission is sought to construct an energy from waste facility that would have an annual throughput of 1.2 million tonnes of RDF transported to the Riverside Industrial Estate, Boston by boat. The Application Site covers 26.8ha and is split in to two components: the Principle Facility Site, containing operational infrastructure, (25.3ha) and an area containing habitat mitigation works (1.5ha) for wading birds.

2. The Applicant is seeking development consent for the construction, operation and maintenance of an energy from waste ('EfW') power station with a gross electrical output of up to 104 megawatts electric ('MWe') (delivering 80 MWe of renewable energy to the National Grid). The Facility includes a lightweight aggregate manufacturing plant, a new wharf and a feeding stock checking, processing and storage facility, two carbon dioxide recovery plants, and electrical export infrastructure to support the operational phase of the development on land at the Riverside Industrial Estate, located on the bank of The Haven in Boston. A separate Habitat Mitigation Area is also included as part of the Facility, located approximately 170 m south east of the Principal Application Site.
3. The development, if allowed, would be known as the 'Boston Alternative Energy Facility' with the following key themes:-
 - Generating reliable low carbon/renewable energy for Lincolnshire and the UK
 - Bridging the infrastructure gap in Lincolnshire and the UK
 - Replacing landfill - not recycling – and moving waste up the Waste Hierarchy
 - Maximising movement of waste by water and minimising traffic congestion
 - Tackling air quality and delivering carbon positive objectives
 - Facilitating private investment in Lincolnshire and the UK, avoiding the need for public subsidy and boosting the labour market and economy.
4. The Facility proposed to generate power from Refuse Derived Fuel (RDF) 1.2 million tonnes per annum transported by boat from various points across the UK in comparison to its existing shipment abroad or landfill. The facility would have a total gross generating capacity of 102 MWe and it would deliver approximately 80 MWe to the National Grid.
5. The 25.3ha Principal Application Site would be located at the Riverside Industrial Estate, Boston, Lincolnshire. The site is next to the tidal River Witham and down-river from the Port of Boston.
6. The 'thermal treatment' process for generating power converts the solid fuel into steam, which is then used to generate power using steam turbine generators.
7. The main features of the proposal would be:
 - wharf and associated infrastructure (including re-baling facility, workshop, transformer pen and welfare facilities);
 - RDF bale storage area, including sealed drainage with automated crane system for transferring bales;
 - conveyor system between the RDF storage area and the RDF bale shredding plant, part of which is open and part of which is under cover;
 - bale shredding plant;
 - RDF bunker building;
 - Thermal Treatment Plant comprising three separate 34 MWe combustion lines and three stacks;

- turbine plant comprising three steam turbine generators and make-up water facility;
 - air-cooled condenser structure, transformer pen and associated piping and ductwork;
 - lightweight aggregate (LWA) manufacturing plant comprising four kiln lines, two filter banks with stacks, storage silos, a dedicated berthing point at the wharf, and storage (and drainage) facilities for silt and clay;
 - electrical export infrastructure;
 - two carbon dioxide (CO₂) recovery plants and associated infrastructure;
 - associated site infrastructure, including site roads and car parking, site workshop and storage, security gate, and control room with visitor centre.
8. The design process has been iterative with the design evolving over the pre-application stage. The design process has been shaped by stakeholder input, consultation events and changes in technology, that have evolved from gasification to a conventional combustion-based thermal treatment EfW. Good design of the facility has been applied to ensure robustness, durability, usefulness and aesthetically pleasing appearance. The facility has been designed so as to ensure air quality considerations in terms of emissions, odour and dust are controlled through design, and operational control. Noise and vibration are controlled through the design of the facility and its cladding. The type of cladding, and colour will ensure durability and good appearance.
9. The Design and Access statement describes the alternative technology considerations that have further influenced layout and design. Consultation responses have influenced design in the following ways:
- Road transport movements associated with the transport of construction materials have been reduced. It is proposed to operate a concrete batching plant on site with raw materials transported in larger quantities. Aggregate will also be delivered by ship.
 - Noise is a key public concern. The Thermal Treatment plant has been configured to allow for repositioning of the air-cooled condenser (ACC) and turbine buildings to linear layout. Both are also located further from the nearest residential receptors.
 - Odour was a key issue arising from public consultation, therefore the layout accommodates a simple linear layout, which will allow for more efficient and safer construction, meaning also that less bales will be stored behind the wharf, thus reducing potential odour issues.
 - Individual stack heights will be higher than originally designed, this addressing public concerns about effective dispersion of the exhaust gases from the stack.
 - The Principal Application Site shape has dictated the arrangement of the main thermal treatment units. The site layout has been optimised for the Facility to enable the movement of waste throughout the facility to the thermal treatment plant. The aggregate facility is positioned next to The Haven to facilitate export of lightweight aggregate and import of the clay for use in the lightweight aggregate manufacturing process. The approximate location of the

thermal treatment facility; the lightweight aggregate facility and the proposed wharf have been essentially fixed by the site boundary.

10. The applicant's predicted environmental impacts of the development are set out below.

Air Quality Emissions

11. The Facility has been assessed and appropriate mitigation identified to ensure that the potential air quality effects on sensitive receptors from the construction, operation and decommissioning of the Facility have been fully addressed singularly and in combination with other existing or planned developments to ensure that potential effects are acceptable. It is considered that the Facility complies with air quality planning policy objectives in accordance with the NPS.

Biodiversity and Geological Conservation

12. The assessment of biodiversity and geological conservation has been undertaken to determine whether there are any potential impacts from the construction and operation of the facility on any such sensitive receptors.
13. There is some habitat loss necessitated by the scheme and biodiversity net gain is being investigated in order to ensure that there is no overall loss of biodiversity as a result of the proposed scheme. The biodiversity offset measures would provide similar habitat and also provide benefits for some of the protected bird species using the area. Mitigation measures are proposed for the avoidance of noise impacts on birds using the intertidal area for feeding and roosting and for avoidance of impacts on marine mammals and fish. The activities assessed included:
 14. Underwater noise effects from piling and dredging activities; Collision risk; Visual disturbance due to vessels and lighting; Increased noise levels; and Potential emissions of NO_x, SO₂, and deposition of nitrogen, acid and ammonia on sensitive habitats and species. Issues associated with biodiversity and geology have been fully considered in accordance with the NPS. Potential residual effects were assessed to not be significant.
 15. With respect to terrestrial ecology, the Principal Application Site and its immediate surroundings include a mixture of semi-improved grassland with scattered shrubs, areas of tall ruderals including nettles, intact hedgerows, hardstanding and areas of rubble. The development of the facility will result in the loss (temporary and permanent) of terrestrial habitat including: hedgerows; semi natural broad leaved woodland; scrub; semi improved neutral grassland; arable land; mudflat saltmarsh and earth banking, however landscape mitigation planting is incorporated within the facility which in turn will result in long-term benefits to both visual amenity and ecological receptors.

Dust, Odour, Artificial Light, Smoke, Steam and Insect Infestation

16. The assessment of Dust, Odour, Artificial Light, Smoke, Steam and Insect Infestation considerations has been undertaken to ascertain the potential impacts of the Facility.
17. The design of the scheme has evolved to include a series of embedded mitigation measures to militate against potential impact on receptors from dust and odour. The control of odour is integral to the Facility. With respect to potential odour, the assessment highlights that potential odour effects associated with construction phase of works are not significant.
18. The construction and operation of the Facility is not predicted to lead to any significant effects during its operation which would require additional mitigation measures. As the Facility would be required to operate under the provisions of an Environmental Permit (administered by the Environment Agency), this is considered to be an adequate mechanism to ensure that significant impacts are not experienced. Potential infestation would be managed in principle by the conditions imposed by the Environmental Permit for the Facility.
19. Other than for a short period at start up using black start generators, to allow the EfW to get to operating temperature there will be no smoke emissions. Smoke generation at start up would be allowed under the Environmental Permit, but only at notifiable times. Dependent upon ambient external air temperature, water vapour emissions will on occasions be visible from the Facility stacks (but will not result in loss of amenity (air or visual) to sensitive receptors. The Facility would operate 24 hours a day therefore artificial lighting will therefore be required during the hours of darkness to fulfil health and safety requirements. With mitigation measures applied including operation controlled in accordance with an Environmental Permit, the potential residual effects of the development from dust, odour, artificial light, smoke, steam and insect infestation will not be significant.
20. Full and appropriate consideration has been given to issues associated with Dust, Odour, Artificial Light, Smoke, Steam and Insect Infestation. It has been demonstrated that singularly and in combination with other existing or planned developments, predicted effects are not significant given the mitigation embedded through design or operational practice built in the DCO.

Flood Risk

21. The Flood Risk Assessment that accompanies this application confirms that, based on flood risk management techniques, the risk of flooding is considered low and the Principal Application Site is appropriate for development in accordance with the National Planning Statements. As part of this assessment a sequential and exceptions test has been carried out. In the context of the Principal Application Site being assessed as a suitable location for industrial, energy and waste facilities

and the locational requirements of the Facility, it is concluded that these tests have been appropriately demonstrated.

Historic Environment

22. There are no designated assets within the Application Site. A total of six Listed Buildings are within 1 km, whilst four Scheduled Monuments and a further 22 Grade II* and I Listed structures are found within 3 km. These heritage features include: Wybert's Castle; Slippery Gowt Sluice; Maud Foster Sluice; the Parish Church of St Nicholas; St Botolph's Church tower and the conservation areas of Skirbeck and Wyberton.
23. Non-designated assets within 1 km are predominantly medieval to modern in date, mostly in the form of buried deposits associated with farmsteads. The most notable non-designated asset is the 'Roman Bank'. There is potential for heritage assets and archaeological remains to be present associated with The Haven mudbanks and the foreshore.
24. Heritage input into the design of the layout of the facility has been provided, to ensure avoidance of impact to the historic environment where possible. The Facility has been designed with the historic environment in mind, particularly in minimising any potential impacts to the setting of nearby heritage assets.
25. The Environmental Statement (ES) assessment of effects adopts a 'worst case' approach upon the heritage assets identified with respect to construction, operation and decommissioning of the wharf and the facility. With the application of mitigation measures specific to each asset assessed where required, residual impacts in all cases were considered not to be significant.
26. The Landscape and Visual Impact Assessment (LVIA) that supports this DCO application identifies predicted landscape and visual effects that would arise from the construction stage of the development and at both the early and long-term operational stages of the facility. With respect to landscape, the construction and decommissioning stages will be the most disruptive, where activities would be temporary and seen in the context of existing surrounding industrial uses. The construction stage effects on the Principal Application Site and immediate environs with the incorporation of mitigation are not likely to be significant.
27. During operation, the overall effects on the landscape character are not likely to be significant. The long-term establishment of proposed landscaping will introduce some beneficial effects on the landscape character. The proposed Habitat Mitigation Area will include minor ground level works requiring limited use of plant and equipment over a very short period of time. There will be no built development within this area and the Habitat Mitigation Area is not therefore included within the scope of the assessment.

28. With respect to visual considerations, during both construction and operation, representative viewpoint analysis indicates that significant effects would be limited to receptors in close proximity to the Principal Application Site, typically within 500m of the site boundary. Plumes would be visible though they would only occur during certain meteorological conditions.
29. Residential properties, the Skirbeck Conservation Area, and users of the footpath routes and recreational boats along The Haven are in close proximity to the Principal Application Site and would obtain close range, open views towards the Facility. Close range and high- level construction and operational activity when viewed from four locations: one from the north bank of the Haven; close to St Nicholas's church; Looking east from Marsh Lane; and east of Slippery Gowt would incur effects which are significant in Environmental Impact Assessment (EIA) terms. Effects during the early operational stages of the facility when viewed from Slippery Gowt would be slightly reduced in comparison to the construction stage of development.
30. The development is a major new development in an area which is already subject to significant large scale industrial activity of a similar character. Full and proper consideration has been given to the potential effects of the development on the local landscape and on views. It is considered that the scheme singularly and in combination with other existing or planned developments accords with planning policy guidance including the objectives in the NPS.
31. Riverside Industrial Estate is characterised by industrial land and activities including a recycling centre, a household waste recycling centre and warehouses. The site itself currently comprises mainly semi-improved grassland and vacant former agricultural land with access roadways.
32. One sensitive land use, the Havenside Local Nature Reserve on the opposite bank of The Haven is located near to the Principal Application Site. In addition to this, a local public rights of way (PROW) network routes from north to south within the Principal Application Site but does not intersect with the Habitat Mitigation Area.
33. During site surveys, potential contaminants including metals and metal compounds, petroleum hydrocarbons, fuel ash, inorganic contaminants and asbestos were identified as potential contaminants of concern that could be present on the Application Site due to historic uses at the Industrial Estate. The site has been used for agricultural purposes, however it is not considered to function as best and most versatile agricultural land. The significance of the effect upon agricultural soils is considered to be negligible during construction.
34. With respect public rights of way, the DCO application details the proposed stopping up of PROW and identifies the alternative routes.

Noise and Vibration

35. A Noise and Vibration Assessment addresses the impact of the facility in relation to road and vessel traffic and vehicle trips, vibration and piling associated with temporary and permanent plant equipment during the construction, operation and decommissioning of the Facility.
36. The Facility has been designed to incorporate standard industry practices for this type of development. The principles of Best Available Techniques (BAT) have been applied in designing the facility and for any sound emitting mobile and fixed plant. The principle of BAT ensures that suitable mitigation measures are embedded into the design and operation of the Facility.
37. Impacts associated with day time construction and decommissioning were not considered to be significant. For construction, the operation of piling rigs and ancillary equipment is expected to produce the greatest vibration impacts however given the separation distances between the sources of vibration and the nearest sensitive receptors the peak particle velocity levels would be below the British Standard criteria. As a result, the impact would not be significant. During construction, the residual noise effect during a peak construction traffic scenario is predicted to not be significant.
38. Analysis of the predicted operational noise levels identified the Air Cooled Condensers as the dominant noise source, along with the Wharf handling cranes, the transformer at the Power Export Zone, Building, Chillers and Transformers. With the application of mitigation measures as required, residual effects at noise sensitive receptors are not significant.
39. Operation of the Facility is not predicted to produce significant vibrational impacts due to embedded engineering design to minimise vibrational effects on the plant at source, thus minimising transmission of vibration to the surrounding structures and environment. It has been demonstrated that with the inclusion of mitigation where this is required, the impact of the Facility singularly and in combination with other existing or planned developments will not be significant. Furthermore, the choice of technology and proposed configuration of plant and associated infrastructure embeds mitigation into the Facility avoiding significant adverse impacts on the health and quality of life of nearby receptors. The Facility accords fully with NPS in that the application has provided a description and assessment of the of the noise and vibration generating aspects of the development
40. The Assessment sets out the clear socio-economic benefits of the Facility predicted as a result of its construction and operation. Its primary benefit is its contribution towards energy security on a local, regional and national level and other benefits relating to facility are identified as being direct and indirect employment benefits, increases in spending in the local economy and together, these are expected to make a contribution towards boosting the economy.

41. The development of the Facility is in accordance with NPS-EN1 in that it provides both local and regional socio-economic benefits. Most notably it will contribute to the provision of renewable energy and waste management practices on a national level. It will also provide direct and indirect employment opportunities, in different specialisms, and it is committed to training and education programmes. Most significant weight should be given to this as a benefit of the facility in securing long term sustainability.

Traffic and Transport

42. The Assessment identifies the traffic movements associated with construction, operation and decommissioning and assesses their impact on local road links and junctions, traffic flows and pedestrian amenity. Additionally, it assesses the impact of the Facility to divert the PROW network that passes through the Principal Application Site. The Facility will also include embedded mitigation measures to reduce the impact of the Facility where necessary.
43. The decision to locate the Facility at the Riverside Industrial Estate was based on development plan allocation, availability and its location in proximity to The Haven. Location next to the Haven enables RDF to be transported to the site by water and allows aggregate material generated by the power generation process to be transported from site by boat. The ability to transport materials by water will significantly reduce the potential impact of the facility upon the local road network.
44. With mitigation measures embedded within the scheme and additional measures identified by the assessment, the residual impacts of traffic movements associated the Facility upon sensitive receptors are assessed to be not significant.

Waste Management

45. A waste assessment supports this application. It identifies several embedded mitigation measures to both reduce potential impacts of waste and the measures that can be implemented to eliminate or reduce the anticipated quantity of waste sent to landfill by implementing the Waste Hierarchy. These measures would increase reuse, recycling or recovery opportunities, thereby reducing the effect of significant environmental impacts. A Site Waste Management Plan (SWMP) will be prepared prior to construction to record any decisions given to materials resource efficiency when designing and planning the works. The construction of the Facility will operate in accordance with a SWMP minimising the amount of waste produced and sent for disposal. The construction works on the Habitat Mitigation Area will not generate any waste materials requiring disposal.
46. The Energy from Waste facility will be Waste Framework Directive R1 compliant, recovering energy for distribution to the Grid. Ash and air pollution control residues will be processed to a marketable form as an aggregate.

47. Greenhouse gas emissions associated with provision of the Facility would be lower or similar when compared to existing waste treatment streams. The 6th Carbon Budget, published in December 2020, was the first Carbon Budget to be released following the adoption of the 2050 Net Zero target by the UK Government, which sets a limit on GHG emissions released in the period 2033 - 2037. Approximately 20% of emissions are projected to arise from industrial sources, and 10% from grid electricity in the 6th Carbon Budget (CCC, 2020). It is anticipated that the Facility will operate during this five year period, therefore annual GHGs arising from activities associated with the Facility were compared to the emission limit set out in the 6th Carbon Budget.
48. Gross GHG emissions arising from operation of the Facility are predicted to contribute approximately 0.06% per year to the 6th UK Carbon Budget (or 0.3% over the five year period). As such, the Facility is not considered to have a significant effect on the UK meeting its Carbon Budgets that are implemented up to 2032.
49. Greenhouse gas emissions arising from the Facility, accounting for the offset of savings elsewhere in the UK energy generation sector, will not impact the UK's ability to meet its 2050 carbon reduction targets. The Facility will sustainably manage the waste it produces and well as provide a sustainable means of managing waste, all in accordance with the Waste Hierarchy and the NPS.

Water Quality and Resource

50. The Facility has the potential to impact on The Haven, as a nearby water body, on the existing surface water and on the water courses at the Application Site. With respect to onshore development, the potential impacts of the construction and operation of the Facility on water resources and flood risk receptors have been identified and their significance is assessed. The following key potential impacts addressed for the construction stage were: Direct impacts on drainage systems; Increased sediment supply; Accidental release of contaminants; Changes to surface water runoff and flood risk. In addition, the following impacts were addressed for the operation stage: Changes to surface water runoff and flood risk and supply of fine sediment and other contaminants.
51. Following the application of embedded measures to manage sediment, pollution and drainage none of these potential effects were determined to be significant.

Navigation

52. Methodologies proposed for the construction and operation of the Facility, which are considered to provide mitigation of relevance to navigational safety on The Haven, include: carrying out capital and maintenance dredging of the wharf from land, using land-based equipment; and, carrying out construction of the wharf from land. To manage the potential impacts which could arise from the construction and operation of the Facility it is proposed that a Navigation

Management Plan (NMP) will be produced in conjunction with the Port of Boston to manage navigational safety.

53. The residual effects of the Facility upon navigational considerations have been assessed. Following the incorporation of mitigation measures within the scheme, the effects of the Facility on navigation will not be significant apart from operational effects due to the increased number of vessels using The Haven, and the increased use of the turning circle affecting the fishermen.

Habitat Mitigation Site

54. The Habitat Mitigation Area covers 1.5ha and is located approximately 170m to the south east of the Principal Application Site, encompassing an area of saltmarsh and small creeks at the margins of The Haven. This area would consist of habitat mitigation works for Redshank and other bird species comprising of improvements to the existing habitat through the creation of small features such as pools/scrapes and introduction of small boulders within the Habitat

Construction, Lifetime and Decommission

55. The construction period for the whole development is anticipated to be up to 48 months. Material would be delivered both by road and shipment on the River Witham. The Facility is designed to operate for at least 25 years, after which it may be decommissioned. The wharf structure would replace a section of the current primary flood defence bank and will form a permanent structure that is not anticipated to be decommissioned. The features to be provided on the Habitat Mitigation Area would also not be subject to decommissioning

Site and Surroundings

56. The 26.8 hectare (ha) Application Site for the Facility is located approximately 2 km to the south east of Boston town centre and comprises two components:
1. Principal Application Site, covering 25.3ha and would contain all of the operational infrastructure;
 2. Habitat Mitigation Site, which would 1.5ha and located approximately 170 m to the south east of the Principal Application Site, encompassing an area of saltmarsh and small creeks at the margins of The Haven that would be enhanced.
57. The Principal Application Site is neighboured to the west by the Riverside Industrial Estate and to the east by The Haven, a tidal waterway of the River Witham between The Wash and the town of Boston. The A16 highway is approximately 1.3 km to the west.

58. The Principal Application Site is accessed by road via the Riverside Industrial Estate's existing road network from Nursery Road. Access to the site from the west to Marsh Lane is gained from Bittern Way.
59. The Principal Application Site comprises undeveloped and previously developed land enclosed by a network of drainage ditches and forms part of a wider emerging industrial/commercial area.
60. The eastern margins of the Principal Application Site are defined in part by a primary flood defence bank along The Haven. Large and small industrial business units are located to the north, west and south of this site.

Main Planning Considerations

European Context

61. The revised Waste Framework Directive (rWFD) came into force on 12 December 2008 established the overarching framework for management of waste across the EU. It required member states to introduce "*measures to protect the environment and human health by reducing or preventing the adverse impacts of the generation of waste and reducing overall impact of resource use and improving the efficiency of such use.*"

The key element in relation to waste management is Article 4 (1) of the rWFD which introduced a 5 point waste hierarchy based on the priority order of:-

- Prevention;
- Preparing for re-use;
- Recycling;
- Other recovery (e.g energy recovery); and
- Disposal (i.e landfilling or incineration without recovery)

The emphasis of the hierarchy in the rWFD was a preference for waste prevention; and the confirmation that waste treatment involving energy generation is a recovery operation (subject to it achieving energy recovery efficiency expressed as R1 of 0.65 or more²).

On 31 December 2020 the UK exited the "implementation period" provided for by the European Union (Withdrawal) Act 2018 (Withdrawal Act 2018). S. 2-3 of the Withdrawal Act 2018, as amended, provides that direct EU legislation, and EU-derived domestic legislation, continue to have effect in domestic law after that date. In summary, the interpretation of any retained EU law is to be the same as it was before that date, insofar as the retained EU law remains unmodified in UK law and regulations have not been made providing otherwise (s. 6(3) of the Withdrawal Act 2018).

National Context

The rWFD was incorporated into national legislation, in England and Wales, by the Waste (England and Wales) Regulations 2011 (as amended) (the 'Waste Regulations 2011').

The Waste Regulations 2011 require, in Schedule 1, at paragraph 2(1), that the waste hierarchy, as set out in the rWFD, is applied by the appropriate authority as a 'priority order' in waste prevention and management policy.

Schedule 1, at paragraph 2(2) requires that when applying the waste hierarchy, the appropriate authority must ensure that it:

- “(a) encourages the options that deliver the best overall environmental outcome, which may require specific waste streams to depart from the hierarchy where this is justified by life-cycle thinking on the overall impacts of the generation and management of such waste;*
- (b) takes into account:*
 - i. the general environmental protection principles of precaution and sustainability,*
 - ii. technical feasibility and economic viability,*
 - iii. protection of resources, and*
 - iv. the overall environmental, human health, economic and social impacts.”*

The 'appropriate authority' in England is defined in Regulation 3, as the Secretary of State for the Environment, Food and Rural Affairs.

This regulation has subsequently been enshrined in national waste management and planning policy as follows:

The National Planning Statements (NPS) EN-1 and EN-3 provide the primary basis for decisions on nationally significant renewable energy infrastructure. At section 2.5, NPS-EN-3 sets out the policy principles in relation to waste combustion.

NPS EN-1 sets out the Government's policy for the delivery of major energy infrastructure in England and Wales. It recognises that there is a requirement to provide new energy infrastructure to meet the need for 59GW of new electricity capacity across the UK by 2025.

Paragraph 4.1.2 states that given the level and urgency of need for infrastructure covered by Part 3 of NPS-EN1, the decision maker should start with a presumption in favour of granting consent to applications for energy NSIPs. The presumption applies unless any more specific policies set out in relevant NPSs clearly indicate that consent should be refused, subject to the provisions of Section 104 of the Planning Act 2008.

NPS EN-3 is relevant to the Proposed Development since it applies to nationally significant energy from waste infrastructure in England and Wales with at least 50 MW electrical generating capacity.

NPS EN-3 makes clear that waste combustion generating stations ‘need not disadvantage reuse or recycling initiatives where the proposed development accords with the waste hierarchy.’

The NPSs are the overarching policy document which the decision on the Proposed Development must be made in accordance with other national and local policies.

The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for development can be produced.

In respect of waste, the NPPF states that natural resources should be used prudently and waste minimised (paragraph 8(c)). The document cross references the detailed guidance provided in the National Planning Policy for Waste (2014) (paragraph 4).

The associated Planning Practice Guidance (PPG) provides further information in support of the implementation of England’s national planning policy. Most notably, the PPG sets out the importance of driving waste up the waste management hierarchy i.e. reduce; reuse; recycle; recover; and then dispose.

The National Planning Policy for Waste (NPPW) sets out government planning policy for waste – and specifically, the ambition to work towards a more sustainable and efficient approach to resource use and management.

National Planning Policy for Waste (NPPW), published in October 2014

Seeks the:-

“delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy ...

Providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle⁴” (paragraph 1).

The Waste Management Plan for England 2021

This sets out a range of policy drivers, of which the most relevant to this application are:

Implementation of the waste hierarchy is both a guide to sustainable waste management and a legal requirement (page 14);

The provision of the right waste infrastructure in the right place at the right time (page 39); and

The need to reflect the 'proximity principle' – this is within the context of the requirement to establish an integrated and adequate network of waste disposal installations for recovery of mixed municipal waste collected from private households. The requirement includes where such collection also covers waste from other producers. The network must enable waste to be disposed of, or be recovered, in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health. The network shall be designed in such a way as to enable a movement towards the aim of self-sufficiency in waste disposal and the recovery of waste. However, consideration must be given to the geographical circumstances or the need for specialised installations for certain types of waste. This principle must be applied when decisions are taken on the location of appropriate waste facilities. (page 40).

This strategy, which focuses on municipal waste only, sets out the national commitment to preserve the stock of material resources by minimising waste, promoting resource efficiency, and moving towards a circular economy. It sets out the need to use resources efficiently and reduce the amount of waste society creates.

This strategy highlights the significance of the implementation of the waste hierarchy to achieve sustainable waste management practices.

Local Plan Policy

Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies 2016 (CSDMP) was adopted on 1 June 2016 and as an adopted document the policies contained therein should be given great weight in the determination of planning application. The key policies of relevance in relation to the waste hierarchy and waste strategy are as follows (summarised):-

Policy W1: Future requirements for new waste facilities.

The County Council through the site location document identify locations for a range of new or extended waste management facilities within Lincolnshire where they are necessary to meet the predicted capacity gaps for waste arisings in the County up to and including 2031 as presented in Table 9, subject to any new forecasts published in the Council's Annual Monitoring Reports.

Policy W3 : Spatial Strategy for New Waste Facilities

Proposals for new waste facilities , including extensions to existing waste facilities will be permitted in and around the following main areas...subject to the criteria of Policy W4:

Boston

Policy W4 Locational Criteria for New Waste Facilities in and around main urban areas.

Proposals for new waste facilities , including extensions to existing waste facilities in and around the main urban areas set out in Policy W3 will be permitted provided that they would be located on:

- Previously developed and/or contaminated land; or
- Existing or planned industrial/employment land and buildings; or
- Land already in waste management use; or
- Sites allocated in the Site Location Document; or
- In the case of biological treatment the land identified in Policy W5.

Proposals must accord with all relevant Development Management Policies set out in the Plan.

Policy DM2: Climate Change

Proposals for minerals and waste management developments should address the following matters where appropriate:

Minerals and Waste

- Identify locations which reduce distances travelled by HGVs in the supply of minerals and the treatment of waste unless other environmental/sustainability and, for minerals , geological considerations override this aim

Waste

- Implement the Waste Hierarchy, and in particular reduce waste to landfill
- Identify locations suitable for renewable energy generation
- Encourage carbon reduction/capture measures to be implemented where appropriate.

Although most of the Development Management policies will have some relevance, when it comes to considering the impacts of this project as the Committee is considering the application in relation to the Council's role as Waste Planning Authority and therefore only the directly related waste policies are set out in this section.

Lincolnshire Minerals and Waste Local Plan: Site Location (2017) – the policies contained therein should be given great weight in the determination of planning applications. The key policy of relevance from this document is (summarised):

Policy SL3 Waste Site and Area Allocations

Future requirements for new waste facilities in order to meet capacity gaps, in accordance with Policy W1 of the Core Strategy and Development Management Policies document will be provided through:

... the granting of planning permission for waste uses within the following areas where the applicant can demonstrate that the proposal is in accordance with the development plan:

Of relevance to this proposal is Area WA22-80 Riverside Industrial Estate, Boston which is where this application is located.

Consultation

62. The application documents have been shared with the County Council services listed below. The responses provided are set out below.

- Minerals and Waste Policy Team - as Minerals and Waste Planning Authority for Lincolnshire
- Highways and Transportation – as Local Highways Authority for Lincolnshire;
- Waste – as Waste Disposal Authority;
- Public Rights of Way – as Local Highways Authority;
- Surface Water Flooding and Drainage – as Lead Local Flood Authority for Lincolnshire;
- Sustainability; and
- Cultural Heritage

(a) Minerals and Waste Policy Team - The application is being promoted as energy from waste facility and whilst it is asserted that the facility will be a form of energy recovery it will still involve approximately 1.2 million tonnes of additional waste recovery capacity being constructed in Lincolnshire.

The County Council will draw the Inspectors attention to its concern that no information has been provided on the need for this facility other than the assumption that there is a national need for additional recovery capacity to deal with RDF but little detail is then provided to consider the impact on the objectives of the Lincolnshire Minerals and Waste Local Plan or national waste policies. What detail is provided appears to be based on data from south-east England but it is not clear about the composition of the RDF to be brought to the facility. For instance what proportion of the RDF will be of materials that could be treated higher up the waste hierarchy and how much of the RDF will constitute biomass.

The 2016 Minerals and Waste Local Plan sets out that there is only a modest need for additional capacity for energy recovery from waste and the latest Lincolnshire Waste Needs Assessment (July 2021) confirms that there is no requirement for additional energy recovery in Lincolnshire until at least 2045.

Policy W1 of the Minerals and Waste Local Plan sets out that the Site Locations document will identify locations for a range of facilities to meet the predicted capacity gaps. In the supporting text to this policy, table 10 converts the capacity gaps into the predicted requirements for new facilities. This envisaged a new energy recovery facility would be required for LACW and C&I waste with an annual capacity of 200,000 tonnes. The latest Authority Monitoring Report indicates such a facility is still needed although with a reduced annual capacity of around 100,000 tonnes. A new EfW facility of that size that deals only with imported waste would not necessarily undermine that policy as it could still help to achieve overall net self-sufficiency. In the case of this project, however, the capacity is of an order of magnitude greater – so is far bigger than what was planned. Furthermore, during the preparation of the LMWLP no need was identified for a major strategic site of this nature to deal with imported waste (either through consultation on the draft plan or through the statutory Duty to Cooperate).

The recently completed Lincolnshire Waste Needs Assessment has reassessed the waste management needs of the County and confirms no new facilities will be required for LACW/C&I waste, which negates the need altogether for a new facility. The proposal is inconsistent with the future requirements as set out in Policy W1 and therefore inconsistent with the plan and Policy SL3 of the Site Location document.

The project will use an area of land identified for the provision of waste facilities to deal with Lincolnshire waste and this proposal is not promoting receiving any waste arising from Lincolnshire. RDF produced in Lincolnshire will need to be sent out of the County to be processed whilst the facility is drawing in RDF from other parts of the country conflicting with the "proximity principle" and therefore is also contrary to Policy DM2 Climate Change of the Minerals and Waste Local Plan.

Finally Planning Practice Guidance (on-line) at ID: 28-006 describes the "proximity principle" by reference to Article 16 of the Waste Framework Directive which requires that waste should be disposed of or recovered "in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health." The Council submits that it has not been demonstrated that the project accords with the statutory requirement of Article 16.

- (b) Highways and Transportation (Lincolnshire County Council) - The County Council as Local Highway Authority has been involved in a number of meetings with the developer pre-submission. The submitted highway details both faithfully record and update the pre-application discussions and meeting that have taken place.

As recorded within the submission, the single most beneficial aspect of this project, in transportation terms, is the intention to convey all the fuel, the vast majority of the residual, post-combustion waste and a large proportion of the bulk of the construction materials to and from the site by boat, rather than by road transport.

The principal 'product' from the process will of course leave the site along electricity supply cables. In those respects, the vehicle movements associated with the operation of the proposed facility would be likely to be considerably fewer than those of a B2 or B8 use on the same footprint within this allocated Employment site.

The initial plans for the construction phase have been refined and improved so that now the first part of the wharf is constructed at the beginning of the programme specifically to allow aggregate and reinforcement materials, to also be conveyed to the site by boat, and thereby further reduce road transport to probably less than that which would be required for the construction of an equivalent sized B2 or B8 commercial facility on the site.

The Transport Assessment element of the Environmental Statement examines the conventional road transportation impacts of the proposed development, both during the construction phase – which will be the most impactful – and the operational phase. It finds that the proposed development would not be expected to result in an unacceptable impact upon highway safety or a severe residual cumulative impact upon the capacity of the existing local highway network. The Highway Authority concurs with that conclusion and do not consider that any off-site highway improvements would be required, through Planning Obligations, to make the proposal acceptable in planning terms.

The access into the Application Site would be formed onto what is a privately maintained road – the Public Highway ends at Nursery Road and at Bittern Way – so the details of that site access will be agreed with the owner of the private road, rather than with the Highway Authority.

The site is within the Allocated Employment area of Riverside Industrial Estate which enjoys close proximity, and relatively good quality road connection, to the Principal Highway Network via the A16. However the submission includes an Outline Construction Traffic Management Plan that seeks to mitigate, as much as is possible, the adverse impacts of the construction phase of the development on the highway network. This

includes prohibiting the use of the A52 corridor through Boston for construction and delivery vehicles, a strategy for construction staff parking and a joint pre-commencement inspection of the local highway network with Highway Authority Officers and a commitment to repair any highway damage that occurs as a direct consequence of the construction process.

In terms of surface water flood risk, a detailed surface water drainage strategy for both the construction phase and the operation of the proposed facility has yet to be prepared, so this detail would need to be covered by a suitably worded requirement.

In transportation terms, this is massively reliant on the facility being fed by a sea-borne fuel supply and that the Highway Authority would not be supportive of an operation of the scale proposed if, for example, the cost of transportation of feedstock by boat should become prohibitively costly and a switch to road-borne transportation of feedstock was to be proposed in order to keep the facility running. The local highway network here would simply not be suitable for that scenario and therefore it is necessary to ensure that there is no possibility of this taking place using a suitably worded requirement or Planning Obligation.

- (c) Public Right of Way as Local Highway Authority (Lincolnshire County Council)
- The application documents contend that the "PROW appear infrequently used", however unsure of when this survey was undertaken. Recent pandemic related recreational and health based access walking has significantly increased usage of many paths across the country and is widely recognised. This is especially likely to be the case in urban and urban-fringe locations such as the proposal area. The relevant paths have been closed for some time by the Environment Agency to enable the barrage construction and bank raising works and so usage was likely to be considerably less than in normal times.

There is a net loss of approximately 1 km of public rights of way across the scheme with no indication of any specific mitigation to offset this loss. It is suggested that it may be a prudent opportunity to undertake improving the rights of way from London Road to Lealand Way (Boston PF14/1 and 14/2) for them to be created as cycleway /footway and appropriately surfaced to provide safer commuting access to the Industrial Estate and recreation purposes which could be secured by an appropriately worded requirement or Planning Obligation.

Clearly there will be need to appropriately programme the temporary closure orders and subsequently required extensions for the works proposed that will affect the old sea bank including the installation of a temporary footbridge to keep walkers away from construction traffic.

- (d) Waste Management (Lincolnshire County Council) - Lincolnshire County Council as the Waste Disposal Authority (WDA) has a statutory duty to seek provision for dealing with domestic waste disposal arising in Lincolnshire.

Although the proposal offers greater disposal capacity it is unlikely that this will be made available to LCC, this is not required by LCC and nor does the authority expect there to be a need for this beyond current arrangements and long-term contracts. Also the residual waste material deposited at the Boston Waste Transfer Station will not meet the specification of RDF that is set out in the application documents. The acceptance of such residual waste would conflict with the waste hierarchy measures the applicant is putting in place to ensure recyclable materials are not brought to the facility. Consequently it is concluded that the proposed facility treatment facility will not be able to receive untreated waste from the Boston Waste Transfer Station and therefore no weight can be given to this option.

In addition RDF waste from Lincolnshire would only appear to be able to be accepted at the facility if it was taken out of Lincolnshire to a port serving this facility and put on a boat for transportation which would not be commercially viable or sustainable.

Around 180,000 tonnes of this domestic waste is handled and converted to energy through the energy from waste plant at North Hykeham and the County Council only expects the amount of waste being taken to North Hykeham to fall in the future once mandatory food waste collections are introduced from 2024. Therefore, the WDA does not need additional waste capacity now or expected to in the medium to long-term period.

- (e) Sustainability (Lincolnshire County Council) -

Carbon Dioxide Emissions

The main concern about this application is around the carbon emissions produced from the burning of Refuse Derived Fuel and the impact of this on the ability to reach the Net Zero Carbon target by 2050. If this plant is developed it will significantly impact on Lincolnshire's ability to reach a net zero carbon status by 2050.

The Committee on Climate Change report on the 6th Carbon Budget in 2020 concluded that "the growth in EfW plants could see the waste sector's emissions rise if they continue to be built without the option of Carbon Capture and Storage."

This proposal is for exactly that - an EfW plant with no Carbon Capture and Storage.

Although the application presents the combustion of RDF as a renewable energy source – the fact is that carbon dioxide will be produced from the burning of RDF and it will be emitted to the atmosphere and will therefore contribute towards climate change.

A study for Zero Waste Scotland in 2020, (“The climate change impact of burning municipal waste in Scotland”, October 2020) found that burning residual municipal waste in Energy from Waste plants in Scotland in 2018 had an average carbon intensity of 509 gCO₂/kWh. This rate is nearly twice as high as the carbon intensity of the UK marginal electricity grid average, which was 270 gCO₂/kWh in 2018. Since 2018 the carbon intensity of the electricity grid has fallen again and the 2020 figure was just 181 grams of CO₂ per kilowatt-hour. This carbon intensity rate will continue falling in the coming years as the amount of renewable energy increases and the Hinckley Point nuclear plant comes online.

Therefore, it is highly likely that the electricity produced from the proposed plant will be a high carbon option and will have a carbon intensity well above the national electricity grid.

The Zero Waste Scotland report concludes that "Energy from Waste carbon intensities would remain above the grid average even if the plants were converted to Combined Heat and Power systems, demonstrating that EfW can no longer be considered a low carbon technology in the UK."

It should be noted that while the proposed plant will have the capability of providing waste heat (Combined Heat and Power) there are no plans for it to do so as there are no sites nearby that have a high enough heat demand to connect to a heat network and unlikely that any recipient for this heat will be available in the foreseeable future. Therefore, the waste heat will be vented to the atmosphere.

Changes to the Waste Composition

One of the main environmental drivers for choosing Energy from Waste facilities over landfill disposal is that EfW plants have lower emissions of greenhouse gases. However, the Zero Waste Scotland report compared the carbon impacts of sending one tonne of residual municipal waste to either EfW or landfill. It found that average EfW impacts were 15% lower than landfill in 2018. However, changes in waste composition mean that EfW impacts are expected to rise. Small changes in the waste composition could push EfW impacts above landfill, leading to unnecessary climate change emissions.

In terms of waste composition, the study found that if the proportion of plastic in residual municipal waste increases from 15% to 17%, greenhouse emissions per tonne for incinerators rises to the same level as landfill. There

are likely to be extensive changes in the household waste composition as the government is planning to mandate local councils to separately collect food waste from 2024. This will significantly reduce the amount of organic matter in the refuse derived fuel produced in the UK. As a result the proportion of plastic in the RDF will be higher meaning that Energy from Waste plants are likely to become the worst environmental option for disposing of municipal waste.

A report for Tolvik Consulting in 2019 " UK Energy from Waste Statistics – 2019" highlighted that there is currently limited consistency in the way in which the carbon impact of EfW is calculated both in the UK and Europe. Whilst it is acknowledged that setting the basis for calculation is potentially complex, it appears that analysis is currently being used more as an exercise to promote a particular project or theme, rather than as a robust assessment of environmental performance.

The overall issue with carbon dioxide emissions is that there does not appear to be any basis to claim that the proposed RDF facility will have any benefit in terms of reducing carbon emissions. In fact it is likely to become the worst environmental option for dealing with residual municipal waste.

Carbon Capture and Storage

One way of reducing the carbon emissions from industrial processes is to use a carbon capture and storage system. These types of system have been talked about for many years but producing a commercial system that can capture and store carbon economically has proved to be problematic. There are planned to be large scale carbon capture systems around the Humber Estuary and on Teesside. These are large scale facilities that have a density of heavy industry nearby and government financial support. It is unlikely that there will be the density of heavy industry around Boston to justify a carbon capture system. As a result it is likely that the carbon emissions from the plant will be emitted into the atmosphere.

The Sixth Carbon Budget Report from the Climate Change Committee specifically states that carbon emission reduction targets from the waste sector will not be met if EfW plants are built without carbon capture and storage systems.

Is it Really Renewable Energy?

The application describes the plant as generating renewable energy. The application states "The Facility is an EfW plant that would generate approximately 102 MWe (gross) of renewable energy".

However, a report from the Government department DEFRA ("Energy from waste - A guide to the debate", February 2014) states that "Energy from residual waste is only partially renewable due to the presence of fossil based

carbon in the waste, and only the energy contribution from the biogenic portion is counted towards renewable energy targets and only this element is eligible for renewable financial incentives".

As a result only the biogenic proportion of the waste can be counted as contributing to renewable energy targets. Plus as established above the organic/biogenic content of UK produced RDF is likely to fall considerably when separate collections for food waste are introduced in 2024 and that the plant will be burning RDF comprising contaminated material from materials recycling facilities.

It seems disingenuous to state that the plant is producing renewable energy.

Combined Heat and Power

One way of reducing the environmental impact of EfW systems is to use the waste heat from the process in an energy network. Adding an energy network/combined heat and power system to the EfW plant reduces the carbon intensity significantly. However, as noted above this reduction in carbon intensity is not below the UK average for marginal grid electricity.

The proposed plant would have the capability of feeding a CHP system but the application notes that "based on the low heat demand in the surrounding area and taking into account the distance and sparse nature of heat users resulting in technical and commercial challenges for proposed routes, the Facility will be designed as CHP ready and will not be developed as a CHP scheme until such loads become available that running with CHP is considered economically feasible".

Therefore, this option of significantly reducing the environmental impact of the EfW facility by using a heat network has been lost.

Experience from other EfW plants shows that once a facility has been constructed without a heat network connection it is very unlikely to have one installed at a later date. It would be much cheaper to install the necessary pipework connections during the initial construction of the plant. This is illustrated by the Council's EfW plant at North Hykeham which when becoming operational in 2012 had a similar arrangement. Despite extensive attempts to find a recipient for this heat to date nothing suitable has been found and unlikely any opportunity to use this heat will be identified during the lifetime of the plant. So whilst this is a possibility the likelihood of such a user being identified is so low that very little if any weight should be attached to this commitment.

Carbon Tax and Incineration Tax

Over the last decade there have been significant falls in the carbon intensity of electricity but many other parts of the economy have only made limited progress in making the carbon reductions necessary to tackle climate change. In order to meet the 2050 zero carbon targets the government is increasingly likely to introduce financial measures to encourage businesses to reduce their environmental impacts.

Potential financial drivers include carbon taxes and an incineration tax. The 2018 Waste Strategy for England suggested that "Should wider policies not deliver the Government's waste ambitions in the long-term, we will consider the introduction of a tax on the incineration of waste. Incineration currently plays a significant role in waste management in the UK, and the Government expects this to continue. However, Budget 2018 set out the Government's long term ambition to maximise the amount of waste sent to recycling instead of incineration and landfill."

Habitat Loss

The construction of the facility will require the loss of habitat areas alongside the River Witham/Boston Haven. Although the scheme includes an option to enhance existing habitat areas there will still be the loss of an important wetland site. It is welcomed that the principle of biodiversity net gain is being used.

There are also concerns that the site will have an on-going impact on wildlife as it is planned to have 24 hour operation and will be floodlit during hours of darkness.

Transport Impacts

The plan is for the RDF to be brought to the site by ship from elsewhere in the UK. If the RDF is produced in the UK there will be the possibility that it could be brought in by road transport in exceptional circumstances. There needs to be a firm commitment that the RDF can only be brought to site by ship.

- (f) Cultural Heritage (Lincolnshire County Council) - Following the Council's response in 2019, geophysical survey of specific areas covering 12.7ha of the 26.8ha site has been undertaken which identified areas of potential interest, the conclusion of which states:

It would be expected that the geophysical survey be followed by a programme of trial trenching including those parts of the site not covered by the survey. These results are required to provide an evidence base sufficient to produce a reasonable, appropriate and fit for purpose mitigation strategy to deal with the archaeological impacts of the development. Given the

nature of the site this should also include detailed provision for dealing with the paleoenvironmental remains.

There is no basis to justify this as an appropriate level of archaeological mitigation and this is not in accordance with NPPF or EIA regulations as laid out below.

The Outline Written Scheme of Investigation specifically states that *"With the exception of the geophysical survey carried out in August 2020 the delivery of the archaeological mitigation and further investigations will be undertaken post-consent. This approach has been consulted on with the cultural heritage stakeholders"* (1.1.17). This is not the case, the Council's Historic Environment Team have not been consulted and would not support such an approach as it is contrary to both the NPPF and EIA regulations. The archaeological advisor to Boston Borough Council, was consulted by telephone regarding the desk based assessment and, after providing initial advice, has not seen any further information.

This site has not been subject to evaluation and the site-specific archaeological potential has not been determined, therefore there is currently insufficient information to allow for an informed planning recommendation to be made.

Given this the comments regarding the Cultural Heritage made on the 17th of July 2019 still stand:

"The desk based assessment (Appendix 8.1) assesses the potential as low to moderate but no site specific intrusive field evaluation has been undertaken to inform such a statement. Without evaluation there is no evidence base of information sufficient to inform the identification of significant deposits or to ascertain their extent.

The proposed mitigation (A8-1-13) deals only with currently known archaeology and offers very limited and reactive mitigation measures – which include evaluation only *"If areas of archaeological interest are identified during the monitoring and assessment of geotechnical works."* This is entirely inappropriate and insufficient.

It is expected the Environmental Statement (ES) to contain sufficient information on the archaeological potential to inform a reasonable evaluation strategy to identify the depth, extent and significance of the archaeological deposits which will be impacted by the development. The results of these are required in order to inform mitigation in a meaningful way to produce a fit for purpose strategy which will identify what measures are to be taken to minimise the impact of the proposal on archaeological remains.

As it stands the supporting documents are not in accordance with the requirements of the NPPF or EIA Regulations.

The ES should include a reasonable and appropriate level of evaluation to allow sufficient understanding of the archaeological potential which will be impacted by the proposal in order to allow for an informed planning recommendation to be made which is not currently the case."

Discussion and Conclusion

63. The application before the Committee today is different to planning applications the Committee normally determines as the County Council is the decision maker on waste development applications as the Waste Planning Authority. In this case the application is made under the procedures of the 2008 Planning Act and therefore the Council's comments on the application are required to be reported to the Planning Inspectorate for consideration during the examination stage of the application. Whilst the Council can make observations on any element of the proposal this report has focused on the Council's areas of responsibility.
64. The County Council is the Waste Planning Authority for Lincolnshire and so is responsible for planning for the management of waste within Lincolnshire. The Council adopted the Minerals and Waste Core Strategy and Development Management policies in 2016 followed by the Site Location document in 2017.
65. The principles underpinning planning for waste are established in national policy and practice. This includes the proximity principle for waste that is intended to be brought to this facility, planning for net self sufficiency and the movement of waste up the waste hierarchy. These principles emanate from legal requirements and are reflected in adopted policy in the Minerals and Waste Local Plan.
66. This proposal would result in a further 1.2 million tonnes of waste recover capacity being provided in Lincolnshire. This is far in excess of that projected in the Core Strategy document and updated in the recently published Waste Needs Assessment for Lincolnshire. Furthermore, the proposal does not propose to receive any waste from Lincolnshire. Whilst it is possible for this to be achieved it would require the waste collected at the adjacent County Council Waste Transfer Station to be transferred to another location to be processed to remove material that does not meet the RDF specification. This would then need to be transferred by road to a port facility (outside Lincolnshire) serving this development to be loaded on to a boat to be transported to the site as no deliveries of the feedstock by road would be permitted. This would not be feasible in either sustainability or cost terms. So on that basis it can reasonably concluded that the facility would not be able to accept any waste from Lincolnshire and therefore not contribute to any capacity gaps identified in the Local Plan.
67. In terms of consistency with Government Policy for energy and waste at this time it is considered that the application does not provide sufficient detail to show that

the application is in accordance with such policy. In relation to energy policy the comments in relation to sustainability above set out why Officers consider on the evidence presented by the applicant to date there is an inconsistency with Government energy policy with particular respect to a requirement to show how the scheme conforms with the waste hierarchy and effect of the scheme in relation to the relevant Waste Local Plan. For this reason it is considered that the application conflicts with Policy DM2 of the Minerals and Waste Local Plan.

68. In respect of Government's evolving waste policy, which is set out in its Resource and Waste Strategy, this seeks to bring forward measures to promote recycling nationally and require more of the material that is anticipated to be the feedstock for this facility to be recycled rather than landfilled transported abroad or incinerated in facilities such as is proposed by this application. The developer has not provided information to set out how these emerging changes to the wider strategic policy framework for waste will impact on the RDF feedstock that it is dependent on.
69. In summary it is concluded that the proposal to import RDF to Boston for energy recovery from other locations within the UK is contrary to both national and local waste planning policies. In respect to the Minerals and Waste Local Plan the policy is contrary to policies W1 and DM2 and therefore it is recommended that the Council objects to the application on waste policy, energy efficiency and carbon impacts grounds.
70. In relation to the other topics that fall within the responsibility of the County Council there are some areas of concerns in relation for further details that are necessary to assess the impact of the proposal on historic assets and therefore at this time it is recommended the Council should also object to the application on the grounds of lack of information to fully assess the cultural heritage impacts of the application.
71. With regard to highways and transportation, as set out above, subject to a condition (requirement), being imposed restricting deliveries to the site by road then no objection is raised to the application.
72. In relation to Public Rights of Way whilst there is some concern but it is considered that this can be addressed through a suitably worded condition or Planning Obligation so no objection is raised to the application on its impact on Public Rights of Way.
73. In relation to surface water flooding, a detailed surface water drainage strategy for both the construction phase and the operation of the proposed facility has yet to be prepared, so this detail would need to be covered by a suitably worded requirement. However sufficient information has been provided to give confidence that this can be agreed through a planning requirement (condition) and therefore no objection is raised to the application in respect to surface water flooding.

74. In relation to other matters such as economic development, landscape and visual impact, noise, air quality and ground investigation these issues are left to Boston Borough Council to respond to the Planning Inspectorate on.

RECOMMENDATION

- (A) That the County Council objects to the application for Development Consent due to the application being contrary to the Minerals and Waste Local Plan (2016) with respect to policies W1 and DM2. In addition an objection is raised to the Cultural Heritage information provided as this is not sufficient adequately to assess the level of evaluation to allow sufficient understanding of the archaeological potential which will be impacted by the proposal in order to allow for an informed planning recommendation. Subject to appropriately worded requirements no objection is raised by the County Council as Local Highway and Lead Local Flood Authority.
- (B) That the Head of Planning in Consultation with the Chair and Vice-Chair of the Planning and Regulation Committee be given delegated Authority to amend the Council's response to this application during the Examination Process should further information be provided that addresses the objections identified in (A) above.

Appendix

These are listed below and attached at the back of the report	
Appendix A	Committee Plan

Background Papers

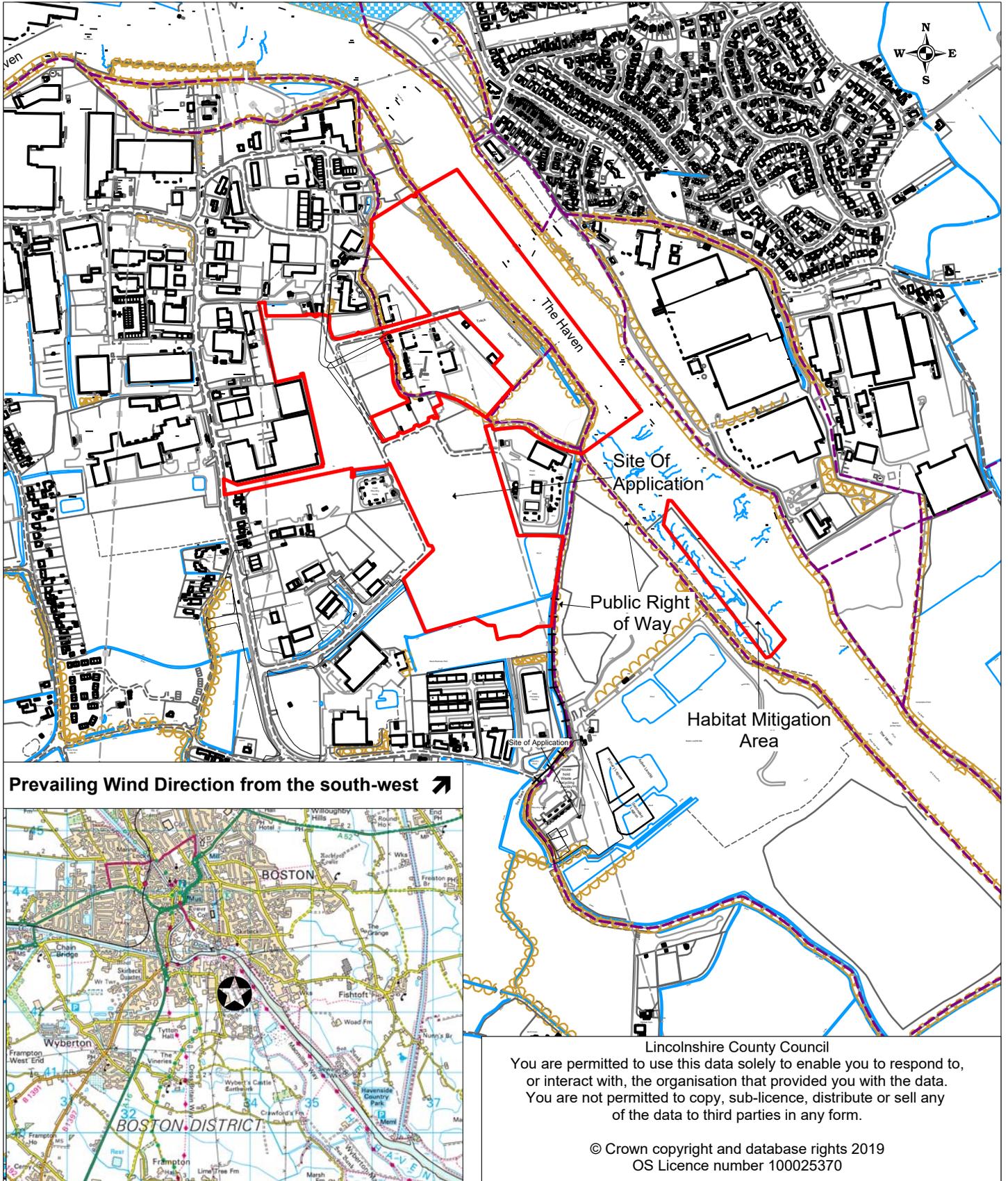
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Development Consent Documents	Nationally Significant Infrastructure Projects website https://infrastructure.planninginspectorate.gov.uk/
National Planning Policy Framework (2019) Waste Framework Directive Waste Management Plan for England	The Government's website www.gov.uk
Lincolnshire Minerals & Waste Local Plan (2016)	Lincolnshire County Council's website www.lincolnshire.gov.uk

This report was written by Neil McBride, who can be contacted on 01522 782070 or neil.mcbride@lincolnshire.gov.uk

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 26 JULY 2021



Location:
 Riverside Industrial Estate
 Boston

Description:
 Application by Alternative Use Boston Projects for an order granting development consent for the Boston Alternative Energy Facility

Scale: 1:10,000

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