

Bristol Friends of the Earth objection to Viridor's Planning Application 09/04470/F

Bristol Friends of the Earth object to Viridor's application 09/04470/F, on the following grounds:

1. This application is contrary to the West of England Joint Waste Core Strategy
2. The proposed incinerator will result in importation of waste from outside the sub-region
3. The local authorities closest to the site will not use the waste facility
4. Adverse climate change impacts
5. The proposal will not maximise energy recovery from waste
6. The proposal does not include plans to supply heat so cannot be a Combined Heat and Power Plant as described and is therefore 'disposal' under the EU Waste Directive
7. There is no local market for secondary aggregates from incinerator wastes
8. The proposal will create additional hazardous waste from non-hazardous waste, which will require treatment outside the area
9. No proper public consultation
10. Flood risk
11. Adverse impacts on protected wildlife species
12. Cumulative impacts of this proposal alongside other similar proposals for the area

These points are addressed in more detail below.

1. This planning application is contrary to the West of England Joint Waste Core Strategy.

The incinerator will provide surplus waste processing capacity, when compared to the West of England region's identified need.

The West of England Joint Waste Core Strategy has identified the additional capacity required to process the region's waste, up until 2026. Under the strategy, the Avonmouth area has been assigned 390,000 tpa additional waste capacity, with four other waste sites of smaller capacity distributed across the WoE. New Earth Solutions already have planning permission to build a 200,000 tpa MBT (Mechanical Biological Treatment) plant in Avonmouth. Cyclamax have planning permission to create a 125,000 tpa MRF and gasification plant. Ethos Recycling, who operate the former Compact Power pyrolysis plant in Avonmouth, have planning permission to extend the capacity of its plant. Viridor have applied to build a site handling a total of 500,000 tpa waste. This would provide an excess to the WoE identified capacity of around 465,000 tpa. This does not take into account the simultaneous application by SITA, to build a 400,000 tonne energy recovery centre (by incineration) plant, just over the border in South Gloucestershire. This plant is also in the Avonmouth area as defined under the Joint Waste Core Strategy – giving a potential over-supply of 865,000 tonnes of waste per year.

This proposal should not be considered separately from the SITA proposal for a similar sized facility. Under the Core Waste Strategy – a statutory planning document covering the sub-region – all planning applications for waste plants should be considered jointly by the authorities. In particular where, as with this case, two plants of similar capacity are submitted concurrently to two adjacent planning authorities, for virtually adjacent land sites, applications must not be considered in isolation – and should not end up becoming a race for which planning authority can get the application considered first. In order to be considered correctly the cumulative environmental assessment and cumulative strategic environmental assessment which are missing must be in place.

2. The incinerator will import waste rather than process only locally-generated waste.

The Government 'Waste Strategy for England 2007' applies the proximity principle to waste management. Waste should be treated as close to where it is generated as possible. As shown in point 1 above, Viridor's plant will provide excess capacity for the region; therefore Viridor will inevitably have to seek customers from outside the region. This will lead to increased vehicle movements, and Avonmouth will have to deal with both the vehicle- and waste treatment pollution impacts, produced as a result of other regions' failure to increase recycling, and process their own waste close to home.

Viridor are intending to import pre-treated Commercial and Industrial waste. Such waste may have been processed by MBT into refused-derived fuel, miles away from Viridor's incinerator. It is not clear in the planning application what this waste actually is and where it comes from. This should be covered in the Environmental Assessment, as the pre-processing methods and distance travelled have big implications for the climate-change impacts of Viridor's operation, and the likely make-up of the waste will affect the direct air pollution that comes from the incinerator.

3. The local authority closest to the site, will not use the Viridor facility.

Bristol City and B&NES have policies for MSW that prevents them from using incineration as a means of treating their residual municipal waste. The four WoE authorities have signed an interim contract with New Earth Solutions (Phase 2 of the Joint Residual Waste Strategy) to treat 120,000 tpa of WoE waste from April/May 2011–2016, with an option to extend that contract for a further 4 years. Viridor intend their incinerator to be operational by 2014 – midway through New Earth Solutions' WoE contract. Viridor's application states that it receive 58,000 tpa municipal waste by refuse collection vehicle. South Gloucestershire Council signed a 25-year contract for waste disposal with SITA in 2000. SITA have their own disposal routes, and are highly unlikely to use Viridor's facility, especially when they hope to build their own incinerator, also in Avonmouth.

Waste for Viridor's plant will not be coming from Bristol, so this application does not fulfil the proximity principle for dealing with waste.

4. Climate change impacts.

The climate change analysis provided by Viridor as part of the application misleads the planning authority by comparing the application with inappropriate waste treatment options.

In Viridor's WRATE (climate change) analysis, they compare EfW against MBT with RDF (Refuse-Derived Fuel), and against MBT with RDF sent to landfill. This is not a reasonable comparison. The reason why MBT is being made to score badly in this WRATE assessment, is attributable to the RDF process, where energy is needed in order to make the fuel. There is no need to process MBT residue into Refuse-Derived Fuel, to then send this fuel to landfill. Additional energy-input would not be required where 'stabilised residue' is the finished product. Viridor are comparing their EfW against other undesirable technologies, rather than against best practice.

A study by Eunomia, Bristol-based waste consultants, conducted on behalf of Friends of the Earth, concluded:

- **Recycling is better than incineration in terms of climate change.**
- **Waste incinerators are being sold to the public and local authorities as a source of green electricity, yet the fact that they produce fossil fuel derived greenhouse gases is rarely mentioned.**
- **This research shows that, currently, electricity-only incinerators produce 33% more fossil fuel derived CO₂ per unit energy generated than a gas fired power station.** By 2020, with increases in recycling and improved technology, these incinerators will be almost as polluting in terms of CO₂ emissions as new or refitted coal fired power stations, and 78% worse than new gas power stations.
- **It makes no sense to promote this type of technology when there are better waste management options available.** Incinerators that generate heat have similar efficiency to gas-fired plants – but only if the heat is really used.
- **The best option in terms of climate and resources is to phase out residual waste, ensuring that all waste is reusable, recyclable or compostable.**
- **However, residual waste will continue to exist for some time, so must be dealt with.** This research shows that one of the best options from a climate point of view is an MBT process that extracts both the metals and plastics with the stabilised residual going to landfill.

This recommended method is exactly what the WoE local authorities are going to follow for their municipal waste strategy – working on reduction and recycling, then using MBT with stabilised residue going to landfill. If this is best-practice for municipal waste, why should we settle for less when dealing with commercial and industrial waste?

5. Viridor's plant will not maximise energy recovery from waste.

Viridor plan to handle 500,000 tpa waste at Avonmouth. 150,000 tonnes will be processed via the MRF to remove some recyclables, with 60,000 tonnes emerging after sorting, to be sent to the incinerator. The incinerator capacity is 350,000 tpa, so 290,000 tpa of waste will go straight to the incinerator without being processed on site to remove any residual recyclables. It is possible that Viridor intend only to treat pre-sorted Commercial waste in this way, but it seems highly unlikely that there will be **no** further recyclable material within this 290,000 tonnes. It is unclear from the planning application why Viridor are applying for 500,000 tpa capacity, when their figures show their intention to process 150,000 tpa via the MRF + 290,000 tpa direct to the incinerator = 440,000 tonnes total.

The waste hierarchy – as adopted in the Joint Waste Core Strategy – states that waste should be processed, in order of preference, by:

Waste prevention
Re-use
Recycling/composting
Energy recovery
Disposal

By not sorting all waste (both pre-treated and untreated waste) coming into their plant, Viridor will not be maximising recycling.

By not having a heat customer lined-up for their waste heat (see point 6.), they are not maximising the energy recovery from the waste. Their set-up moves their operation more towards the 'disposal' end of the waste hierarchy. Reuse or recycling recovers far more energy from materials than burning them for electricity generation.

6. Viridor's plant is very unlikely to deliver CHP (Combined Heat and Power) and indeed they have no plans to do so.

Using the heat from waste incineration is an essential part of the energy recovery process and as a result the Government has specifically excluded waste plants that do not use Combined Heat and Power systems from its Renewable Energy classification.

Research shows that, currently, electricity-only incinerators produce 33% more fossil fuel derived CO₂ per unit energy generated than a gas fired power station. By 2020, with increases in recycling and improved technology, these incinerators will be almost as polluting in terms of CO₂ emissions as new or refitted coal fired power stations, and 78% worse than new gas power stations.

The document entitled 'heat plan' submitted by Viridor makes no firm plans for heat utilisation and describes an inadequate attempt to identify and recruit heat customers. Their undertaking a single cold call letter is inadequate.

Viridor's so-called heat plan implies that CHP is being or will be delivered at both this and other of their incineration plants. However they have no heat customers for this proposed incinerator.

Viridor mention Southmead Hospital as a potential heat customer, but this new-build project falls outside the desirable 5km delivery radius from the incinerator. It seems unlikely that this is going to be an effective option given the costs of installing such a long supply pipe for a single customer – the heat needed in a hospital would not be viably provided this way.

Viridor have a poor track-record of lining-up heat customers for their plants. They have planning permission for one plant in Exeter, with no heat customer – despite being located on/adjacent to an industrial estate. Their plant in Slough is under construction, with no intention to supply heat at the outset. The Derriford Hospital incinerator referred to in their 'heat plan' is not comparable to the current application being a small clinical incinerator receiving waste from and returning heat to the hospital. (Derriford is also in Plymouth not Exeter as stated in the document!)

A reading of Viridor's applications across the UK show that these descriptions of how they 'could' supply heat in Exeter and Slough are repeatedly used to bolster their applications, yet they have failed to sign up a customer in all the time they have been planning these proposals. It is notable that in November 2009 when they submitted this application they were saying in regard to the Exeter incinerator that "discussions with ... potential users are to be held". Their application to East Lothian Council in May 2008 also used the Exeter example. This would seem to be somewhat disingenuous that they are always about to talk to users and certainly if that is their track record it is clearly not successful in gaining heat customers.

More detailed and thorough work is required on this 'plan' before the application can be determined.

There is a poor history of retro-fitting CHP to EfW incinerators. Incinerator operators will say in applications that heat delivery is possible, but in practice, it is rarely delivered. It is worth noting the SELCHP – South East London CHP was built under just these circumstances and they have never secured a heat customer despite being in a very built up area of London.

Whilst we totally oppose this application, if the council is minded to approve it, it will be essential that really effective legal and financial measures are put in place to enable the cost-effective retrofitting of heat utilisation.

8. There is no local market for secondary aggregate.

Viridor state that using bottom ash generated through incineration, they will produce approximately 90,000 tpa of recycled aggregate for the local market. There is already a surplus of supply vs demand for such secondary aggregate, with only around 40% of currently-produced bottom ash finding a market in this way.

9. Treatment of hazardous waste.

There is nothing in Viridor's plans to deal with the on-site treatment of hazardous waste. Fly ash produced by incineration is hazardous waste. Unless Viridor plan to immediately transport any fly ash off the site, there needs to be provision for the safe storage of the ash on-site. The nearest disposal sites for hazardous waste are in Gloucestershire and Swindon. The Gloucestershire site's original PPC permit indicated that the site only had a hazardous waste lifetime until 2012. In addition they have a temporary dispensation in relation to their treatment of APCR (Air Pollution Control Residues – fly ash residues) as their process is unable to meet the EU Waste Acceptance Criteria.

The next nearest site is in Cheshire – and even if it were acceptable to export this toxic waste to the north of England, the Cheshire repository this is only a hazardous waste store, not a disposal site.

10. Inadequate public consultation.

We consider that both the applicant and the Council have failed to meet the Council's Statement of Community Involvement. Inadequate advice was given to Viridor regarding who might be appropriate consultees, but in addition, the applicant failed to contact sufficient communities of interest and geography. This is not the first time Viridor has applied to build an incinerator and they should have been very well aware of the geographical reach they should have been contacting as well as the environmental interest groups such as Friends of the Earth.

In addition, Viridor's consultation period was concurrent with SITA's consultation on their South Gloucestershire ERC proposals, which will inevitably have led to confusion amongst potential respondents.

Viridor's public consultation has only consisted of:

- a) Two public exhibitions in Avonmouth and Hallen (running for one mid-week day each, from 3–7.30pm), with a total of attendance of 36 people
- b) Contact with the Bristol Planning Network, who advised that they in turn contact Avonmouth Community Council, Avonmouth and Kingsweston Neighbourhood Partnership and Shirehampton Community Action Forum. The BPN did not recommend that Viridor consult with any city-wide/sub-regional groups such as the Avon Wildlife Trust, Bristol Civic Society, Greenpeace, Bristol Against Mass-Burn Incineration etc. Nor did it suggest consultation with any communities that will be affected by wind-borne pollution from the incinerator, including the Wildfowl and Wetlands Trust.
- c) A consultation website and phone line. Viridor admit that they had no correspondence via their consultation system, either by letter, email or phone. Given their experience of public concern in other localities where they have planned/built incinerators, this should have alerted them to the failure of their communications and consultation work.

It is our opinion that their consultation has been totally inadequate, and extremely low-profile. People did not engage with the consultation process, because they did not know it was happening. Viridor failed to adequately inform and consult interested parties.

11. Flood risk.

The proposed site for the EfW by incineration plant/MRF facility is in Flood Zone 3. Planning guidelines suggest that this is suitable for waste treatment facilities, but not for hazardous waste plants. As we have already mentioned, Viridor have not given any details of how they will deal with hazardous fly ash. The Environment Agency notes that some incinerator bottom ash (IBA) will be hazardous and each EfW will need to test and report on the Incinerator Bottom Ash content. Given that this is planned to handle a large proportion of commercial waste, and 'pre-treated' waste – there will be a greater likelihood of this being hazardous after burning. Applying the precautionary principle must be paramount and the combination of the intention to store toxic fly ash on site as well as store, treat and manufacture using IBA is simply untenable in a flood plain.

12. Protected species.

- a) **Water voles** A site survey at the old Sevalco site, has revealed that water voles – a protected species – are resident on the site. Viridor’s technique for moving those voles to more convenient ditches seems rather brutal – strimming to scare the voles into moving into newly-cut ditches.
- b) **Proximity to a Ramsar site on the Severn Estuary** Ramsar sites are recognised under the Ramsar Convention on Wetlands of International Importance – especially as key waterfowl habitats. The old Sevalco site is close to a Ramsar site on the Severn Estuary, which itself is recognised under the EU directive on the Conservation of Wild Birds as an SPA (Special Protection Area). The rain-out rates for pollution at Avonmouth, are already higher than regulations permit. Any new developments in the area that add to that pollution will obviously impact upon protected wildlife areas, and will need to demonstrate that their emissions will not exceed 1% of the permissible load.

13. Cumulative effects of other proposed developments in the Avonmouth area.

Viridor’s application needs to be taken into consideration along with the cumulative impacts of other current applications in the area. No cumulative environmental impact assessment has been provided nor has this been addressed in the Environmental Statement accompanying the application.

In terms of waste over-provision, the application needs to be considered alongside SITA’s application to build a 400,000 tpa EfW by incineration plant to handle commercial and industrial waste. The site proposed for this plant is just a little bit further along the Severn estuary, over the South Gloucestershire border.

In terms of transport impacts, the application needs to be considered alongside SITA’s incinerator and New Earth Solutions’ MBT plant.

In term of air pollution impacts, the application needs to be considered alongside SITA’s incinerator; two biomass power stations at the Royal Portbury Dock; and 4WB’s application to build a power station fuelled by jatropa or palm oil. The biofuel power station will emit PM10 particulate pollution – as will the two incinerators. These plants are likely to have road traffic impacts, as even if all their fuel arrives by ship/pipeline, their residues will need to be taken away by road.

Viridor say that: “The facility will also help Bristol and surrounding Local Authorities to meet their landfill directive targets and avoid costly penalties, which may otherwise have to be met by increasing council tax” (from vol.1 section 5.10 of application) but in reality, the Local Authorities will NOT use the facility. If Viridor help any councils to avoid increasing council tax, these will not to be WoE councils, but it is our area that will suffer the direct pollution from the plant. Given that Viridor must be well aware that not only do they not have any disposal contract with the authorities, but that they will not incinerate their waste, this is entirely misleading and should not be considered as any form of justification for this application.

Viridor say that their “MRF will utilise latest sorting technology to help local authorities and businesses achieve their recycling targets” and that the plant “will maximise the recovery of resources through recycling and the production of energy in the form of electricity and heat” (vol.1 section 6.0) . However Viridor’s figures show that not all waste going into the plant will be processed through the MRF, so how can they maximise recycling? And if there is no heat customer lined-up at the start of construction, then how can heat recovery be maximised? Again, this is misleading as Viridor have no heat customer nor much likelihood of one in the foreseeable future and this would appear to be just a statement to support their application which is untrue and without substance.

Viridor say that their plant “will satisfy the principle of sub-regional self sufficiency helping the West of England to be at the forefront of sustainable waste management” (vol.1 section 6.0) but if the waste is not coming from the WoE; there is no local market for secondary aggregate; and hazardous ash has to be disposed of in other authority areas; then how is this helping sub-regional self sufficiency? Once again Viridor seems to be unaware of the content of its own proposals nor the waste strategies, policies and contract situation. This is a speculative proposal which is poorly researched, has not been consulted upon, is lacking in factual accuracy and consistency and would seem to be written in such a way as to maximise its planning credentials at the expense of the veracity of the content.

Jane Stevenson

Co-ordinator, Bristol Friends of the Earth