



PLANNING APPLICATION SUPPORTING STATEMENT

Executive Summary

by

Veolia Environmental Services (South Downs) Ltd.

for

Variation of planning condition 38 of Planning Permission LW/462/CM (EIA), in order to remove the catchment boundary restriction.

Newhaven Energy Recovery Facility, North Quay, Newhaven, BN9 0AB

22nd October 2014

Executive Summary

Background to the Application

Veolia Environmental Services (VES) operates the Integrated Waste Management Service (IWMS) for East Sussex County Council (ESCC) and Brighton & Hove City Council (BHCC). This is a long term contract providing a sustainable approach to managing the area's municipal waste through a combination of recycling, composting and residual treatment facilities.

In 2007 planning permission was granted for an Energy Recovery Facility (ERF) at Newhaven with a nominal operating capacity of 210,000 tonnes per annum (tpa) of waste based on 85% availability with a maximum permitted capacity of 242,000 tpa. Construction began in May 2008 and the facility has been operational since mid-2011.

The availability of the ERF has improved year on year as a result of improved maintenance regimes and component reliability such that currently and in the future, availability is expected to achieve 95% and an operational throughput close to the maximum of 242,000 tpa.

The increased availability of the plant is occurring in parallel with a decline in waste volumes, resulting from continued reductions in total waste produced, and increases in the rates of reuse, composting and recycling. In order to maintain the operational efficiency of the plant 'top-up' waste will increasingly be required to bridge the gap between the quantity of suitable municipal waste and the plant capacity. Maintaining the operational efficiency of the plant is important because it maximises energy generation and revenue share with the Council's.

What the Application is for

This planning application seeks permission for the variation of planning condition 38 of Planning Permission LW/462/CM (EIA), in order to remove the catchment boundary restriction on the sources of residual waste which currently restricts the sources of waste to the '*the administrative areas of East Sussex County and Brighton & Hove City*'

No changes are proposed to the permitted capacity of the ERF or to the primary requirement of the ERF to serve the requirements of the IWMS contract with East Sussex and Brighton & Hove Councils'.

What Inputs can Newhaven ERF accept?

The Newhaven ERF is designed to run at 'optimum capacity' making use of it's maximum availability and hence efficiency. The feedstock or fuel is principally targeted at household black bag waste, although inputs of Commercial and Industrial (C&I) waste are equally suitable so

long as they meet the ERF design input criteria as well as those imposed by the Environmental Permit.

It is a requirement of the contract with East Sussex and Brighton and Hove City Councils that the ERF will continue to take all residual MSW waste from within the East Sussex, Brighton and Hove administrative areas. Whilst some 'top-up' waste from Commercial and Industrial sources within East Sussex, Brighton & Hove will continue to take place, this application seeks permission to extend the catchment area for the importation of 'top-up' waste.

Why is there not enough waste from East Sussex and Brighton and Hove?

Since the ERF was originally conceived the volume of household 'black bag' waste has reduced as recycling has increased. This reflects the significant efforts made both by the Waste Collection Authorities and the Waste Disposal Authorities in partnership with Veolia in the administration of its contract to develop and expand Integrated Waste Management services.

Actions being taken by the Waste Collection Authorities to improve recycling to meet Government targets such as the Joint Waste Collection Contract (Eastbourne BC, Hastings BC, Rother DC and Weladen DC) and Food Waste Collections (Lewes DC) in conjunction with the services and facilities provided by Veolia will in the future divert further material for recycling and composting away from both landfill and recovery through the ERF.

Whilst there remains C&I waste generated within the East Sussex, Brighton and Hove administrative areas, operational experience has shown that it is difficult to guarantee that there will be sufficient quantity of the right type and at the right time to maintain the plant at full operational capacity, particularly as the ERF is not designed to deal with general skip waste or large volumes of material such as wood or plastic.

The 'optimum capacity' of the ERF is based on the design rate of the plant (tonnes per hour) and the availability (number of hours in the year it is operational). The nominal availability is 85% giving a throughput of 210,000 tonnes per year, but as a result of improved, maintenance and component part reliability, availability of the ERF is typically working at 90-95% availability such that the plant is operating close to the maximum throughput of 242,000 tonnes per year.

Continuing improvements in the rates of reuse, composting and recycling and a continued reduction of all waste types has led to a consequential overall decline in suitable waste volumes available for the ERF. With greater availability of the plant and an overall decline in suitable waste it is increasingly more difficult to maintain the plant at

optimum capacity. The changes sought will therefore maintain supply of suitable 'top up' waste to maintain plant efficiency and electricity generation at optimum levels.

How is the Commercial and Industrial Waste in the East Sussex and Brighton and Hove areas currently managed?

Previous studies completed on behalf of the County Council have suggested that there are adequate volumes of C&I waste with a maximum of circa 80,000 tonnes that could potentially be available to meet any shortfall in household 'black bag' waste.

There are a number of operators within the area that provide commercial waste collection services and all aim to increase recycling and reduce the amount that goes to landfill. There is no longer any landfill within East Sussex or Brighton and Hove area since the Pebsham landfill closed in 2013 so anything that requires landfilling goes out of the County or City.

To reduce the volume of C&I waste going to landfill most operators maximise recycling and also remove the combustible waste. Waste from commercial and industrial customers often has high percentages of plastic and wood which are shredded to produce a Refuse Derived Fuel (RDF) which are exported for use to power district heating systems most of which are in Scandinavia. The Newhaven ERF is not designed to take RDF.

Whilst the ERF is receiving some C&I waste of a suitable type there is unlikely to be any increase in volumes as recycling increases across this sector.

Where will the out of area waste come from?

Veolia has operations throughout the UK with significant operations in neighbouring and nearby counties. Haulage costs are expensive so this will be the limiting factor in the distance waste travels.

What tonnage of waste will come from outside East Sussex and Brighton and Hove?

Currently the tonnage of residual waste from East Sussex and Brighton and Hove is approximately 200,000 tpa so we will annually need somewhere between 30,000 and 42,000 tonnes of top up waste from commercial sources. Approximately 20,000 tonnes of commercial waste currently comes from within East Sussex and Brighton and Hove area so somewhere in the region of 10,000 to 20,000 tonnes per annum might come from outside the area.

Will there be an increase in vehicle movements?

No change is being sought to the maximum permitted capacity of the ERF so the overall level of vehicle movements will not change. Indeed

the bulk haulage of material from Waste Transfer Stations can be expected to reduce rather than increase, vehicle movements.

Furthermore, since becoming operational there have been two significant changes that have reduced the number of vehicle movements associated with the operation of the ERF. Firstly, the grant of planning permission in 2011 for the transfer of the Incinerator Bottom Ash by rail has removed 24 movements per day from the local roads. Secondly, there have been changes to the way the Waste Collection Authorities collect waste involving a reduction in the volume of waste being direct delivered by Refuse Collection Vehicle (RCV) and an increase in the amount imported via a Transfer Station by bulker. Both of these changes have reduced the traffic movements such that average HGV movements are currently approximately 140 per day, based on a throughput of approximately 230,000 tpa, compared to the 224 movements per day predicted at the time of the application. Even if the throughput of the ERF increased in line with greater availability to the maximum 242,000 tpa the additional movements would only amount to 8 per day.

What would happen if permission was refused?

Operation of the ERF at below full capacity would result in reduced plant efficiency, lost opportunities to maximise energy recovery of low carbon and part renewable electricity generation and income to ESCC and BHCC from the sale of power to the grid.

Waste Management – More detail on recent changes

Since planning permission was granted for the ERF in November 2007 there have been a number of important functional, economic and policy changes as well as appeal decisions and Defra guidance that are significant to the determination of the current application:

- The economic recession since 2008 has resulted in a general decline in the volumes of all waste types.
- The current forecasts for Municipal Solid Waste (MSW) contained in the adopted East Sussex and Brighton and Hove Mineral and Waste Plan shows for 2015/16 a low forecast of 361,000 tpa compared to that predicted in the former Waste Local Plan of 438,000 tpa.
- The total MSW in the ESCC and BHCC area for 2012/13 was 359,690 tonnes.
- The MSW recycling rate continues to increase and currently 2012/13 stands at 36% with targets of 45% by 2015/16 and 55% by 2025/26.
- In 2012 the ERF treated 226,766 tonnes and in 2013 it treated 232,200 tonnes. Of the 2013 waste inputs 200,963 tonnes was MSW and 31,237 tonnes was Commercial & Industrial waste.

The proposed change to the planning condition also reflects Government guidance on the effective and efficient use of existing capacity, restrictive catchment boundaries as well as a number of relevant Appeal decisions.

- Government advice and guidance makes it clear that there is no requirement for each authority to be self-sufficient in all types of waste infrastructure facility, that they should plan for net self-sufficiency, but there should not be barriers to transporting waste to existing infrastructure or receiving waste from another area.
- Government inspectors and the Secretary of State have in many recent appeal cases confirmed that conditions restricting the geographic source of waste at ERFs are contrary to the objectives of the 'proximity principle' as defined in the Waste Framework Directive and are anti-competitive.
- Other existing residual waste infrastructure within the SE7 group of authorities is not similarly restricted making the market unbalanced, which also has the potential for waste to be managed contrary to the proximity principle in facilities further away.
- The proposal will ensure that the ERF continues to operate at its optimum design capacity assisting, in accordance with Government guidance, to ensure that the maximum value is obtained from residual waste suitable for energy recovery; and which also meets the energy policy objectives to maximise renewable, low carbon and diverse sources of energy supply.

This proposal is in accordance with national planning policies for waste and energy, is in conformity with the policies of the Development Plan and therefore comprises sustainable development which should accordingly be supported. The variation will not divert locally generated residual waste away from the facility but will instead ensure that the facility remains able to run at optimal capacity and efficiency, maximising generation of low carbon and partly renewable energy, to the benefit of the nation and the Councils of East Sussex, Brighton and Hove.

Conclusion

Veolia acknowledges that this application maybe of concern to local communities and wishes to reassure them that the Newhaven ERF will always give priority to the waste from the East Sussex and Brighton and Hove areas. For this reason in proposing a revision to condition 38 Veolia has proposed that the wording of the revised condition should acknowledge this. The revised wording of condition would follow the same form of wording as that which has been approved at Veolia's Hampshire ERFs. The new condition would read as follows:

Waste imported to the Energy Recovery Facility shall be restricted to waste collected by the Waste Collection Authorities in the administrative areas of East Sussex County Council and Brighton & Hove City Council and to such other municipal and commercial waste only where capacity remains at the Facility that is not required to meet the needs of the waste collection authorities in the administrative areas of East Sussex County Council and Brighton & Hove City Council. The Energy Recovery Facility shall have a nominal capacity of 210,000 tonnes per annum (based on 85% availability) with up to a maximum of 242,000 tonnes of waste delivered for combustion in any one year. For the avoidance of doubt nominal capacity is the processing capacity of the plant under normal operating conditions taking account of its annual average availability due to planned maintenance events and other plant shutdowns.