

Application: 20/06775/WCM
Waste Combustion Plant – Westbury



WGAG / No Westbury Incinerator Group

OBJECTIONS to full Application 20/06775/WCM

Regardless of 'Case Officer Recommendation' or 'Principle of Development' we ask

that planning permission be refused

Please Note: Information notification of August 11th 2020 refers to new, full application as an:

"Amended energy from waste facility to that consented under planning permission 18/09473/WCM"

The wording, originating from applicant, is misleading and should thus be struck from all dealings in association with the decision making process with respect to this 'NEW & Full' application as previous permission relates to different plant, scale & technology.

Summary of objections:

- 1. Plan Inconsistent with UK Government & Wiltshire Council Directives, Policies & Strategies**
- 2. Unacceptable Impact of Additional HGVs and Other Vehicles**
- 3. Potential Nuisances & Disturbances from the Site Operation**
- 4. Negative Visual Impact of Plant**
- 5. Unknown Effects on Ecology & Biodiversity**
- 6. Contravenes Climate Change Policies**
- 7. Plant not certified as a R1 + EA permit application to be of 'High Public Interest'**
- 8. Potential risks to Air Quality & Public Health unacceptable**
- 9. Cumulative Impact of three Hills/NREL Waste Facilities at Northacre site not assessed**
- 10. Requirement for Public Consultation & Involvement not met**
- 11. Plan B – Alternatives & Changed Context**

WGAG/NWI Grounds for Objection: Section 1

Plan inconsistent with UK Government and Wiltshire Council Directives

Policies & Strategies

A: The plan is inconsistent with:

Wiltshire and Swindon Waste Core Strategy 2006 – 2026 Adopted 2009

Strategic Objective 4: Waste Hierarchy

‘To ensure the best use will be made of the waste produced in Wiltshire and Swindon by driving waste up the management hierarchy. This is to be delivered by aiming to achieve waste elimination and reduction, maximising re-use, recycling and composting, and energy recovery, strictly in that order of priority’.

The applicant states as a merchant venture they expect to bring in more than 243,000 tonnes of waste a year to the site. The feedstock is not identified other than by classification as commercial/industrial (over 75% of tonnage) and residual household waste. The waste will be purchased and processed to provide fuel for an outdated mode of energy production. The plant in order to run efficiently will have to operate 24 hours a day and therefore, the requirement to provide a source of feedstock will override the need to address the statutory requirements as stated in the above policy. **Therefore, the application has to be rejected on these material grounds.**

WCS5: Wiltshire and Swindon Waste Hierarchy and Sustainable Waste Management

‘In the interest of sustainable waste management, the Councils will seek to drive waste up the hierarchy by ensuring that developers demonstrate that the most sustainable option for waste management in Wiltshire and Swindon has been promoted.’

The applicant has failed to demonstrate the most sustainable option for waste management. It has failed to recognize the UK Commission on Climate Change as a factor in its business plans. This mandate means that gas generated electricity will be phased out and that energy generated from waste incineration is not considered carbon neutral and therefore, will not be suitable. The form of waste management put forward in this application is driven by market forces rather than consideration of the statutory requirement to adhere to the waste hierarchy.

WCS5: Wiltshire and Swindon Waste Hierarchy and Sustainable Waste Management

‘The Council will need to monitor planning applications to ensure that the policy is being used effectively and permissions are not being granted for waste management proposals that could have achieved a higher standing within the waste hierarchy’.

The current application runs against the above policy. There is overcapacity in the UK for treatment of waste (48 working plants in UK) and existing EfW plants operate in the region. The applicant states that they will bring in more than 243,000 tons from up to two hours’

drive away. The commercial and industrial waste needed to run the plant is not guaranteed and this feedstock will be contaminated and therefore, not fulfill statutory requirements to adhere to the waste hierarchy. **The applicant has failed to satisfy the above policy by presenting a waste management proposal that is defunct and which does not address the waste hierarchy and as such should be rejected.**

Pretreatment Regulations

Pretreatment Regulations require NREL to process the 243,000 tonnes of commercial/industrial and municipal waste. Pretreatment Regulations and Wiltshire Council's own waste policy will not be fulfilled if the commercial/industrial waste is not treated in an MBT plant. Significant recycling benefits accrued from treating the commercial/industrial waste will be lost. The current MBT is very limited in its ability to remove recyclates and should be replaced by a full MBT.

The waste combustion plan would allow the incineration of waste input from commercial, industrial and household sources. As such Wiltshire Council would not be following the guidance regarding strict adherence to the Waste Hierarchy.

This application has to be rejected on the above grounds. Alternative waste management proposals should be sought that will achieve a higher standing within the waste hierarchy.

B. The plan is inconsistent with, and fails to fully reflect guidance in:

Wiltshire Council Waste Development Control Policies 2009

Statement of Community Involvement Development Control Process 2.4 states,'

'In line with good practice, the Councils would strongly encourage developers to consult with the local community.'

Councillor Hawker who stated that the submission is 'very seriously controversial' called in this application. Therefore, **Statement of Community Involvement Control Process 2.4** merits close attention and should fully reflect 'good practice'. In this application, there is no evidence of good practice.

The level of communication and consultation with the community over such a controversial application is inadequate.

- Insufficient attention given to the Equality Act 2010. The company has failed to communicate with the local community through written paper based information and evidence of 'reasonable adjustments' to address this are not forthcoming.
- NREL's community involvement does not reflect the difficulties that Covid-19 and subsequent access to information has created.

- Application has great significance both locally and county wide, is highly controversial and of high public interest. To put it in context, previous applications for the use of this site by NREL for a waste combustion plant led to public meetings run by Westbury Town Council in which NREL took part & hundreds of people attended in person. The inadequate levels of opportunity for community involvement in this process through NREL engagement are against democratic principles and do not reflect good practice as strongly encouraged by the above policy.
- The one virtual meeting held on 7th July 2020 was not accessible to all members of the community. It was not an open forum and the company pre - selected questions submitted prior to the event. Registration was by email only and therefore, the right to anonymity in such engagements was denied.
- The planning application submitted contains more than 140 documents with more than 1000 pages of text and technical evidence. The timescale for a qualified and informed assessment of the information is inadequate for members of the community. The application was put in at a time of national crisis with restrictions on the ability of local government to perform its statutory duty to fully scrutinize planning applications.
- **The Westbury population as ‘stakeholders’ in this process have been denied clear and transparent information as a result of the above and therefore, the application should be rejected.**

This process is therefore not being conducted in accordance with this Core Policy.

Wiltshire and Swindon Waste Site Allocations Plan (2013) assesses sites for waste management up to 2026. Page 60 of the Plan includes the following statement which applies specifically to the Northacre development: “There is the potential for cumulative effects on air quality, biodiversity and geodiversity, human health and amenity, traffic and transportation. These cumulative effects with other waste site allocations matters will need to be fully scoped and assessed through any subsequent planning application process.”

However, the cumulative effects of the existing MBT plant and the proposed incinerator and waste sorting facility have not been addressed in this application. This is thought to be a serious omission, given the high potential for such impacts on employees, other Northacre businesses, Westbury residents and visitors, road network users, air quality and the environment.

C. Wiltshire Council has failed to obtain a scoping opinion under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011: Regulation 13

Wiltshire Council obtained a scoping opinion for the original incinerator application (14/2003/WCM), did not obtain one for 18/09473/WCM full planning application and has not for the current application, 20/06775/WCM.

A new scoping opinion would allow Wiltshire Council to obtain advice on, for example, waste disposal comparators related to for example, landfill, anaerobic digestion and waste reduction strategies.

WGAG/NWI considers that change of technology, procurement process and contractor information have not been sufficiently detailed in either the Non-Technical Summary, Revision of Layout and Design or Scoping documents, to allow the public to form a complete picture.

Policy drivers for WDC1: Key Criteria for Ensuring Sustainable Waste Management Development Include comments from previous consultations.

The present application does not include Trowbridge, Warminster or Frome Town Councils amongst its consultees. Changes to key elements since the original application in 2014 e.g. technology, operational capacity and waste tonnage increase and consequent haulage across the region merit greater consultation.

Wiltshire Core Strategy 32 - Westbury

5.166 states:

‘Westbury suffers from traffic issues, including congestion from the A350 which runs through the town centre, which is also designated as an AQMA. Further detailed work is needed to identify appropriate mitigation measures to alleviate existing traffic related issues which should be undertaken in partnership with the community.’

This application is inconsistent with 5.166 and Core Strategy 32. It will run against any mitigation measures put in place as part of AQMA.

Therefore, it should be rejected on these material grounds.

Wiltshire Core Policy 35

Existing employment sites

‘Wiltshire’s Principal Employment Areas (as listed in the Area Strategies) should be retained for employment purposes within use classes B1, B2 and B8 to safeguard their contribution to the Wiltshire economy and the role and function of individual towns. Proposals for renewal and intensification of the above employment uses within these areas will be supported. Within the Principal Settlements, Market Towns, Local Service Centres and Principal Employment Areas proposals for the redevelopment of land or buildings currently or last used for activities falling within use classes B1, B2 and B8 must demonstrate that they meet, and will be assessed against, the following criteria:i. The proposed development

will generate the same number, or more permanent jobs than could be expected from the existing, or any potential employment use.'

The applicant states that 40 jobs will be in place post construction of the incinerator. This is NOT a significant number. This part of the waste industry is as a low density employer.

Therefore, the application cannot be approved on the grounds of economic improvement for the local population. Retail outlets would employ more.

Wiltshire Core Strategy 60 Sustainable Transport

'The council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire'. Wiltshire Council states that it will in seek to influence the routing of freight within and through the county.

Without an independent transport assessment this will not be achieved and therefore, the application must be rejected as there are no comparable studies only that provided by the applicant.

The transport assessment commissioned by NREL is unclear in both the number of HGV movements needed to access the site and the MBT plant coupled to it. It is misleading in its use of new vehicular movements in addition to those of previous approved application (18/09473/WCM) thereby avoiding giving realistic figures. The transport of toxic bottom ash from the site to contractors and the impact of more than 20,000 traffic movements is unacceptable.

Wiltshire Core Strategy 62 Development Impacts on Traffic Network

'Developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages. Proposals for new development should not be accessed directly from the national primary route network outside built-up areas, unless an over-riding need can be demonstrated.'

The applicant has failed to provide sufficient evidence to the Westbury community and others that the development will not impact the road network and that any mitigation measures will do anything other than move vehicles onto roads unsuitable for the transportation of many more tons of waste into and around the county.

D: The plan is inconsistent with the following regulations and directives

Town & Country Planning Act Regulations 2017 requires the EIA to assess the effects on population and health. The long term and cumulative effects of air pollution on communities requires Wiltshire Council to apply the precautionary principle in relation to this application.

Waste Framework Directive Article 16 The principles of self-sufficiency and proximity (commonly referred to as the 'proximity principle') set out in Article 16 of the Waste Framework Directive, Local planning authorities are required, under regulation 18 of the 2011 Regulations to have regard to these requirements when exercising their planning functions relating to waste management.

Under the **Localism Act 2011**, Wiltshire Council has a clear duty to protect the health of its residents.

E: The plan is inconsistent with:

The National Planning Policy Framework (Planning balance)

Requires a planning balance of economic, social and environmental objectives in mutually supportive ways to ensure net gains across each objective. (NPPF p.5):

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

WGAG/NWI Grounds for Objection: Section 2

Unacceptable Impact of Additional HGV and other vehicles:

Air Quality- Traffic Movements – Transport Assessment

Wiltshire and Swindon Waste Development Control Policies, Development Plan Document 2009 page 9, states:

“Options for sustainable transportation should be encouraged in order to reduce the impacts of transporting waste through Wiltshire and Swindon. Protect human health from adverse impacts”

The EU Transport Council definition of sustainable transport defines a sustainable transport system as a system that:

‘...allows the basic access and development needs of society to be met safely and in a manner consistent with human and ecosystem and health. Promoting equity within and between successive generations.’

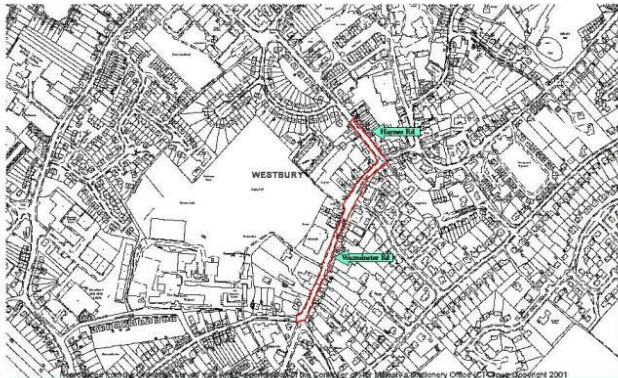
Air Quality

In 2001 Wiltshire Council declared an Air Quality Management Area for Westbury.

Since December 1997, each local authority in the UK has been carrying out a review and assessment of air quality in their area. This involves measuring air pollution and trying to predict how it will change in the next few years. The aim of the review is to make sure that the national air quality objectives will be achieved throughout the UK by the relevant deadlines. These objectives have been put in place to protect people's health and the environment.

Information on any progress on the Air Quality Action Plan is not available on the Council's website. It would appear there is no monitoring or data collected in the AQMA. However, it is safe to say this air quality will not have improved since the AMQA was declared, as it is accepted that traffic volume and thus pollution, has increased significantly since 2001.

Air Quality Management Area - Westbury



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The protection of Westbury residents' health is of paramount importance, as evidenced by the AQMA. Taking data from the applicant's Transport Assessment, an extra daily 53 HGVs plus the extra trucks which have been diverted from using their normal route through Bath will exacerbate an already volatile and dangerous situation.

NREL's application would appear to contravene a Sustainable Transport system and therefore must be rejected.

Transport Assessment

This is a new application and not an amendment to the previous one or of the original one, (given approval in 2015, and which expires in any case in September 2020).

The Transport Plan refers throughout to the previous application and quotes this continuously. However, the previous approved gasification unit has not been built (which reported an extra 41.5 daily HGVs travelling to and from the site) and is therefore immaterial.

Consequently, if this new application is approved, the total number of daily HGVs will be $12 + 41.5 = 53.5$ extra HGVs using our roads to and from the incinerator; approximately a third or 18 a day of these, will travel through the middle of Westbury.

In addition, since the previous application, planning consent (19/10253) has been granted to the feed mill on the industrial estate to increase traffic movements to 144 per week. Incremental increases such as this are important and should be considered and compared to the baseline situation (before any consent for the gasification plant was granted i.e. pre-2014 levels).

The heavy goods vehicles arriving and departing the site will have a payload of between 8 and 22 tonnes carrying:

- Household waste
- Commercial waste
- Bottom incinerator ash
- Limestone
- Ammonium hydroxide

(Highly toxic whether it is inhaled, ingested, or absorbed through the skin. It is also a highly corrosive chemical and a skin, eye, and respiratory irritant. Direct contact with the eyes can cause blindness if not washed away immediately within the first 10 seconds. The vapours are extremely irritating to the eyes. When skin contact occurs, it can cause burns and blisters. Ammonia is also toxic when ingested and extremely corrosive to tissue. Inhalation can cause a cough, bronchial spasms, and even lung damage. Extreme caution and care must be exercised when using it or transporting it) <https://www.tannerind.com/PDF/Ammonium-Hydroxide-SDS.pdf>

- Fuel oil
- Particles collected from the flue gas bag filters

Traffic Assessment – Inadequate

Regarding the requirement to carry out a Traffic Assessment (TA), NREL's consultant report Clause 10.2.38 states:

"This ES chapter draws traffic data from a TA prepared during government travel restrictions imposed to counter the spread of the Covid 19 virus, so it is based on representative traffic data already in the public domain, which is entirely adequate to allow the planning application to be determined"

The very recent increase in HGVs travelling through Westbury due to the diversion in Bath have therefore not been included in NREL's representative traffic data. As BANES Council states:

- **"Approximately 600 vehicles over 18 tonnes use the bridge each day. It is estimated that just over a third of all HGVs that currently use the bridge are travelling through Bath rather than having made a delivery or begun their journey in the city."**

<https://www.bathnes.gov.uk/services/streets-and-highway-maintenance/roadworks/major-transport-schemes/cleveland-bridge>

In summary:

- Baseline data is inadequate and does not reflect what existed before the original 2014 application was approved.
- Baseline traffic figures do not reflect or integrate traffic increases as a result of the bridge closure in Bath and are therefore flawed.

The Transport Assessment is therefore flawed and the application be refused.

Wiltshire and Swindon Waste Development Control Policies. Development Plan Document 2009, page 10:

“Waste management development must ensure that the impacts of transporting waste are avoided or sufficiently mitigated. This relates to the safety and capacity of the highway network”

NREL’s transport assessment states:

“All HGV traffic approaches from the north, controlled by weight and height restrictions”.

The company is making assumptions about traffic approaches and use of the highway that is not born out in reality.

In practice:

- Quantities of HGV traffic will have gone through Westbury to get to this northerly point at Yarnbrook.
- All HGV traffic leaving site will go north to join the A350. Once this traffic reaches the A350 at Yarnbrook, there is no control over what proportion of vehicles then travel through Westbury.
- The operators make the assumption that *only* 30% of HGVs will use this route there is no certainty that this will remain the same in future as new contracts are obtained and ever-increasing volumes of waste are sourced.
- Not all HGVs will arrive/leave at an even frequency during the day and evening (as averaged in the report). There will inevitably be clusters of HGVs arriving/leaving, primarily during normal working hours.

Wiltshire and Swindon Waste Development Control Policies. Development Plan Document 2009 states:

Strategic Objective 3 – The Environment

4.1 National policy in the form of Planning Policy Statement 23: Planning and Pollution Control outlines that the Precautionary Principle should be applied where there are threats of serious or irreversible damage. Lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation. The precautionary principle should be invoked when:

- There is good reason to believe that harmful effects may occur to human, animal, or plant health or to the environment.
- The level of scientific uncertainty about the consequences or likelihood of the risk is such that best available scientific advice cannot assess the risk with sufficient confidence to inform decision making.

WGAG/NWI Grounds for Objection: Section 3

Potential Nuisances & Disturbances from the Site Operation:

Noise – Vibration – Odours – Flies

Noise

It is the responsibility of Wiltshire Council as Local Planning Authority to ensure that this development is appropriately designed so that it does not have an unacceptable impact on Westbury. This development will generate significant amounts of noise.

Although undertaking a noise survey and assessment as part of the planning application process will incur a financial cost for a developer, the costs of remedying any noise problems after a development has been completed, are likely to be much higher.

Practitioners will be aware that the previous policy and technical advice on planning and noise matters, which was contained in PPG 24 has been cancelled. New concepts (now contained in NPPF), such as ‘LOAEL’ *Lowest Observed Adverse Effect Level* and ‘SOAEL’ *Significant Observed Adverse Effect Level*. have been introduced to the assessment, management and control of noise via the planning system. However, whilst new policy objectives have been introduced, supporting technical advice and guidance is largely missing and Government has advised that it does not intend to provide such technical guidance.

What is clear is that with the Government’s localism agenda and the introduction of the national planning changes, they expect noise policy to be driven by local authorities.

National Planning Policy Framework (NPPF) was first published in March 2012 and sets out the Government’s planning policies for England and how these are expected to be applied. The framework states (among other commitments) that the planning system should contribute to and enhance the natural and local environment by: “preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or **noise** pollution or land instability.

The express inclusion of noise in the NPPF means that it is a material planning consideration for local planning decisions.

“Extract: Can noise override other planning concerns? It can, where justified, although it is important to look at noise in the context of the wider characteristics of a development proposal, its likely users and its surroundings, as these can have an important effect on whether noise is likely to pose a concern.”

Paragraph: 002 Reference ID: 30-002-20190722

Revision date: 22 07 2019

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1. Baseline Noise Data

Throughout the NREL report, resultant noise levels are calculated against background or baseline noise levels. Noise generated from a piece of equipment is assessed as being significant or not and is compared with the background (baseline) noise level and a resultant plus or minus level is quoted.

An example from the NREL report, clause 7.5.29 table 7.24:

Location: Brook Cottage

Night-time

Predicted noise level 33dB

Assessed baseline noise level 27dB

Noise change +5.5d

B: This change in noise level is based on the difference between the two noise levels and in this case, there is an increase of 5.5dB. Thus, the importance of correct baseline noise levels is shown, as indeed is the predicted noise level. Neither are guaranteed to be actual levels and can be affected by many different factors.¹

¹ For clarity I have omitted the quoted units for the noise levels which are quoted as LAeqdB 15mins. This is the average noise over a 15 min. period and may be more or less than the value predicted.

NREL's 49 page report on Noise and Vibration in which baseline levels of background noise are calculated, are based on historical data (due to COVID-19 restrictions and the assumption that this application is an amendment to a previously approved application).

Extracts read:

*"7.3.21 The baseline levels have been based on historical data due to the restrictions on movement and effective operation of local businesses and therefore **any update has not been possible**. The historical data however is based on agreed positions and methodology.*

*7.4.2 Due to the restriction of movement and operation of business during the Covid 19 period, the above baseline sound **survey study work is considered to be appropriate** to reference as this was carried out in the vicinity of the Site, to determine existing representative background and residual sound levels for a similar facility and the latest survey was undertaken less than 2 years ago.*

*7.4.1 The following sources of data have been used in order to support and undertake analysis of baseline levels and noise predictions: a) **Baseline sound 2014** by Enzygo for the planning submission for the proposed Gasification Facility (planning consent ref. 14/12003/WCM). b) Baseline sound data from a survey undertaken."*

And similarly:

7.4.2 states: *“survey work is considered to be appropriate”*.

7.3.21 states: *“any update has not been possible”*

7.4.1 states: *“Baseline sound data from a survey undertaken in October 2014*

COVID 19 restrictions apply to all and everybody, both private and professional. However, with a proposal of this magnitude, assumptions and calculations based on historical data or made during ‘lockdown’ cannot be considered acceptable or typical.

data from a survey undertaken in October

NREL has not presented contemporary, reliable information to enable the planning authority to make an informed decision on the proposal, therefore it must be rejected.

2. Source of Noise

Noise from the proposal will be generated from many different sources including the following:

- *“Air cooled condenser fans operating at an overall sound power level of 97dB(A) (6 fans at 89dBW each fan).*
- *Fan stack & roof vents reduced by a further sound power level of 88dB(A)*
- *At flue exit point of stack and vent.*
- *Turbine air cooler fans – overall sound power level of all fans operating designed to a level of 88dB(A).*
- *Conveyor enclosed to a design level of 65dB(A) @ 1m along its length from Northacre Facility to MBT.*
- *Site operating traffic.”*

The report states that HGVs delivering and collecting from the plant and mobile plant vehicles not fitted with non-tonal reversing alarms (i.e. broadband type noise alarms) are a source of repetitive and irritating noise.

The developer has assumed noise levels based on actual noise levels measured at other similar sites in the UK and from advice provided from “Technology Providers” who are involved in the detailed design of such developments. These noise levels as such are not true, accurate measurements of the proposal, they are assumed noise levels and should be treated with caution, rather than accepted as read by the Planning Authority.

To mitigate these noise levels the developer is proposing to use acoustic materials and devices in order to reduce the figures. However, there will be numerous times when doors are open, vehicles are used with tonal warning devices (as currently) and changing atmospheric conditions, resulting in sound transmissions above those predicted in the report.

No mention is made of the close proximity of the Arla milk factory which has a vertical 50 metre high hard surface wall some 30 metres from the Air Cooler Condenser (ACC) structure. Noise from the ACC could be reflected, setting up an echo and amplification of the noise from the 6 large cooling fans of the condenser. Tests should be undertaken to replicate this situation.

To put things in perspective, the noise generated from the ACC is 6 fans at 89dB(A) each, creating an overall (predicted) noise level of approx. 97dB(A). The sound of a Boeing 737 or DC-9 aircraft at one nautical mile (6080 ft) before landing is measured at 97dB.

The report uses terms like *predicted, assumed inherent, library data, similar plant, assumed inherent mitigation*, throughout, which should be taken into consideration when the proposal is considered.

3. Equipment with High Noise Emissions

This proposal is for a 243,000 tonne / year power generating station with an electrical output to the national grid of some 28.6 MW (predicted). This is the size of a small power station and consists of very substantial structures, two of which are:

1. A 160 metre (500ft approx.) long conveyor mounted 22.38m high at its highest point.
2. An Air-Cooled Condenser structure 37m x 30m approx. mounted on stilts and standing 10m approx. above ground level. (N.B. as scaled from the submitted drawings).

The high-level conveyor noise level of 65dBA is judged to be 'not significant'. "The conveyor has a high level of attenuation and is completely enclosed." However, without these attenuation measures it is a source of major noise should the system fail in any way.

Regarding the ACC this is an enormous structure approximated to $\frac{3}{4}$ the footprint of Westbury's Lidl supermarket. The top of the structure stands some 23 metres (75.4ft) above ground level. It has 6 giant axial fans each of approx. 12ft diameter.

Low pressure steam exhausted from the turbine is fed to the ACC, cooled and returned as feed water for the steam boiler. The noise generated from the six fans is 99.87dBA, a very significant figure.

The developer plans to erect a Wind Screen above the fans with a predicted sound pressure level of 97SWL. These 6 giant fans will be running 24 hours, 7 days a week. The figure of 97SWL (Sound Power Level) of the fans can be translated to the more familiar dBA (decibels) with logarithmic mathematics. However, more simply the value of 97SWL equates to the following:

100 SWL.....Blaring radio

90 SWLVoice, sustained shouting.2

2 Woods Practical Guide to Fan Engineering, BB Daly, 3rd Edition

4. Summary

This application should therefore be refused on the following material grounds:

- The applicant's 49 page report on noise and vibration report requires independent expert analysis on acoustics. If this is not undertaken by Wiltshire Council planning department the report will receive insufficient scrutiny and the council fail in its duty.
- Baseline noise levels based on historical data and assumptions are not valid. If the developer is unable to produce contemporary data due to COVID 19 restrictions, then the application should be refused.
- The developer has assumed noise levels based on actual noise levels measured at other similar sites in the UK and from advice provided from Technology Providers, who are involved in the detailed design of such developments. These noise levels as such are not true, accurate measurements of the proposal, they are assumed noise levels and should be treated with caution and challenged by the Planning Authority.
- The developer has quoted the following comparison between daytime and night-time operational noise levels:

"it can be seen that the magnitude of the impact during night-time periods (final column of table) shows that the maximum change in noise level is +3.5dB LAeq which indicates slight magnitude of impact. The predicted level of effect would therefore be minor and not significant"

"Table 7.29: Predicted Cumulative Noise Levels from the Northacre Facility & Permitted WTS Facility during Daytime Receptor Position (The table shows a negligible to slight impact in terms of BS4142:2014+A1:2019 (ref. Table 7.11) and negligible impact relating to residual sound levels (i.e. ref. Table 7.12). The cumulative effect is therefore neutral to minor and not significant".

The increase in noise level at night is predicted to be +3.5dBA LAeq and its effect is 'minor and not significant', according to the report. However, the unit of measurement quoted is very important, as it represents an average value over a period of time. And it is important to note that the night-time period is quoted as 15 minutes, compared to one hour during the day. Of course, an average over 15 minutes could give an entirely different final figure.

Why has the applicant measured the night-time noise over a much shorter time period?

- The applicant should be asked to clarify and justify all of these important points, in particular how frequently the doors will be opened during the operating hours.

The application combines operations with that of the adjacent MBT. However it would appear that no attempt has been made to include the noise already generated from the MBT, including as currently experienced, the constant bleeping of reversing vehicles and the metallic grating of skips being dragged along the ground, audible from all over Westbury.

General: Noise and disturbance

The Noise Impact Assessment documents with this application are all dated 2014 and do not give information on present noise levels at the site. The Assessment bases the predicted noise from the gasification plant on the RODECS technology which is no longer relevant since the applicant has stated that the gasification technology would be different. **The assessment is therefore no longer valid.**

The cumulative Noise Impact of the proposed gasification plant, proposed waste sorting station (18/03366/WCM) and existing MBT plant have not been addressed as the assessment was written without considering the Waste Sorting Station consented in July 2018.

The Noise Impact Assessment (page 36) states:

“8.4. Cumulative Effects Consideration

As detailed within Section 1.5 Enzygo is not aware of any schemes either permitted or within the planning system within the immediate area of the NRE site that could result in any cumulative effects relating to noise. As such no cumulative assessment has been undertaken. “

On the same page it is noted that the site is already in breach of BS and WHO guidelines on noise levels.

Within Table 8-4 it can also be seen that all the receptors considered within the area are already in breach of the BS8233 and WHO guidelines, and the proposed development would not significantly change the situation.

The plan is therefore not acceptable as it fails to comply with noise guidelines.

Smells, dust and fumes

There would inevitably be smells and fumes resulting from heat treatment of mixed domestic and commercial waste in massive quantities. This would have a detrimental effect on the air breathed by local residents, and thus on their quality of life. Smells believed to be from the current MBT operation already reach as far as Dilton Marsh at times, as well as affecting those living closer to Northacre. It is not acceptable to permit a plant that would further damage residents' quality of life.

Dust would be created by the on-site operation, but also by the numerous truck movements which would generate tyre dust, adding to an unhealthy atmosphere on the routes they would travel.

Flies

Members of this Group were shocked to hear the reports of those living in the vicinity of the Northacre MBT plant regarding terrible infestations of flies they experience during warmer months of the year. The problem also apparently affected surrounding businesses as well as residents and seemed difficult for the operator to resolve until summer 2018, prior to consideration of the last planning application. Whilst some improvement measure may have been taken, there is lack of confidence in a consistent approach from the operator. WGAG/NWI opposes the establishment of another plant which is likely to worsen what has

been an intolerable situation, given that thousands more tonnes of waste would be brought to the site.

The impacts of fire, explosion and chemical toxicity are evidenced in a paper by Andrew Rollinson in the Journal of Loss Prevention in the Process Industries, number 54 (2018).

WGAG/NWI Grounds for Objection: Section 4

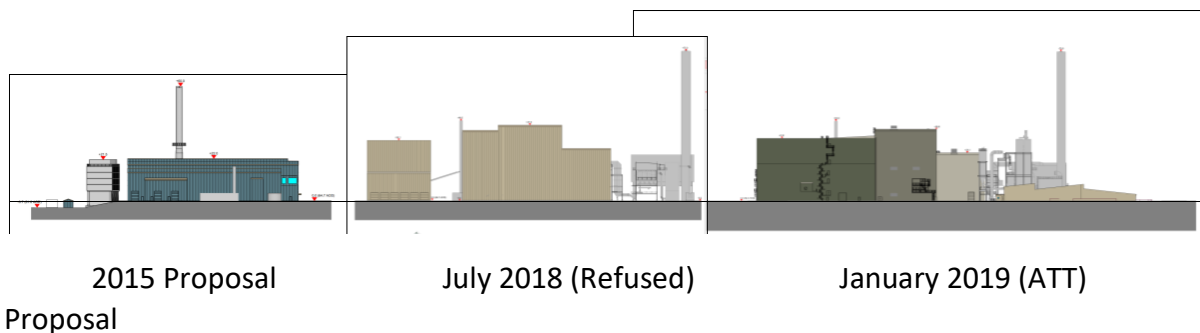
Negative Visual Impact of Plant:

Increased Scale, Height, Massing and Dominance of the Construction – Exacerbated by increased scale from prior proposals (refused on scale!) - Proximity to housing - Impact on people, businesses & public amenity

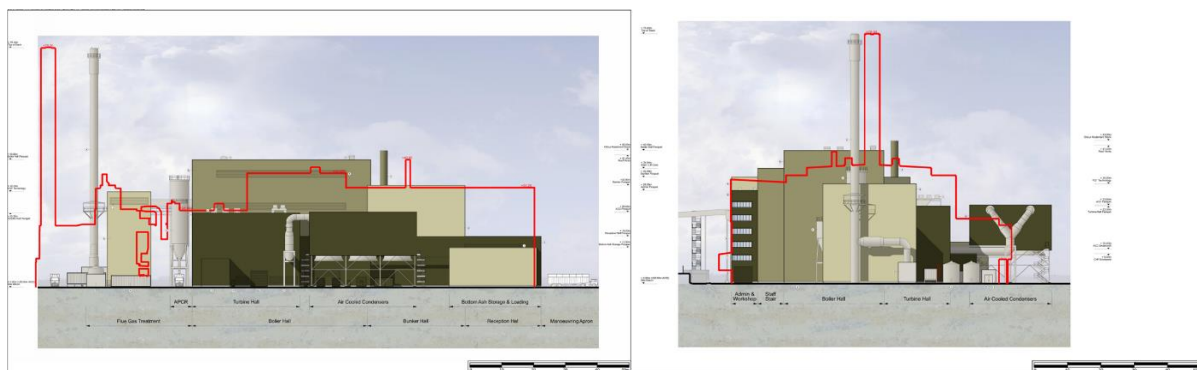
In July 2018 Wiltshire Council's Strategic Planning Committee REFUSED to allow the construction of an ATT/ Gasification facility 'at this site' on the following grounds:

"The proposed development, by reason of its height, bulk and location on rising ground on the edge of the built-up area, would have an adverse impact on the appearance of the area. This would conflict with Core Policy 51 in the Wiltshire Core Strategy, which seeks to protect, conserve and enhance the visual amenity of the landscape"

This statement, ignored in the subsequent approval of plant in January 2019, STILL APPLIES fully to all previous applications and 'case in point' particularly to the current Application 20/06775/WCM which is larger still in terms of scale height, massing & dominance of Construction than any plant planned for this site that have gone before.



The structure of the New Proposed Moving Grate Incinerator Plant is even larger than previous proposals, the stack is now 75 metres high and there is a 160 metre long conveyor belt rising to a height of nearly 23 metres. The movement of waste from the MBT on this giant conveyor compared to the original plan to house a Home Recycling Centre is monstrous and will be highly visible.



2020 (Moving Grate Incinerator) with 2019(ATT) superimposed as red line

This expanded main structure with a 75 metre chimney stack would dominate the landscape for miles around, It would be viewed from every approach to the town e.g. the A350 from Warminster, and even from the A36 Bath to Warminster, and the higher points of Bradford on Avon.



The massive white 'Arla' Building (visible across the region) will be entirely hidden by the Incinerator



Existing 'Arla' Building

**"Is 'Highly Visible' across
the region"**

Hills Group 'ATT' Building

**"Will be 'Almost Invisible'
on the landscape"**

This slide from Hills 2019 application shows how the smaller (ATT proposal) totally dwarfed the massive white Arla building. Both quotes are taken directly from Chair of the Strategic Planning Committee shortly after the permission was granted. (Source: BBC Wiltshire Radio News)



A typical Westbury View from lower land with the 'Arla' building dead centre.

(Please do not again 'insult our community' with talk of almost invisible buildings)

Bearing in mind the 'highly visible' errors made when making the decision in 2019 to grant permission for a smaller (ATT) plant it is clear that the current more massive proposal for more basic technology be refused upon these grounds alone without question:

Taking the smaller 2019 (ATT) as example:

- **More visually intrusive building** in this NRE plan 3, compared to the original Hills plan 1. Height of main buildings increased by 30% to 37.8 metres with a 75-metre chimney would produce massive structures dominating the landscape. Would be viewable from The White Horse and many high points in Westbury and surrounding villages. Also on approaches to the town (e.g. the station and A350 from Warminster).
- The Arla Dairy building is already unsightly and this plan, together with Hills' proposed Waste Management Facility and existing MBT plant, would produce a massive development out of proportion with the overall character of the town.
- **Massing of facilities** in close proximity still risks providing **poor access for emergency vehicles**. No assessment of site based on fire and emergency procedures. Dorset & Wiltshire Fire & Rescue services were not consulted.

- **Visual impact of massed industrial buildings** impacts Westbury's amenities in respect of leisure facilities and tourism, particularly related to the White Horse.

Environmental Statement Document

3.5 Design and access

"The proposed design has adopted a 'form follows function' approach to minimise the volume and massing of the buildings to reduce their visual impact from both nearby and distant receptors."

The current design is almost twice the height of the original 2014 plan, standing at 36.8m and together with the 75m stack would tower over the surrounding area.

National Planning Policy Framework (NPPF) in 2012 states:

"Waste management facilities in themselves should be well-designed, so that they contribute positively to the character and quality of the area in which they are located. Poor design is in itself undesirable, undermines community acceptance of waste facilities and should be rejected."

Although the siting of this facility is on the Northacre Trading Estate, it is close to open farmland, housing and to the train line and station. Ultimately it is on the edge of a rural area with medieval farms and field systems on its doorstep. One of the first views that train passengers would see on approaching Westbury would be the combined view of the incinerator, MBT and the WTS (Waste Transfer Station).

The National Planning Policy for Waste states that:

"Waste planning authorities should assess the suitability of sites and/or areas for new or enhanced waste management facilities against:

- *the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality".*

Together with the MBT plant and the WTS approved in July 2018, the proposed waste incinerator plant would lead to an over development of the site. This will create a block of unsightly square buildings and with its stack would have a significant negative visual impact on Westbury.

Currently the view from the White Horse and the ancient monument of 'Bratton Camp' is dominated by the 'Arla Dairies' building. The combined effect of this and the new design of the waste incineration plant, which is of similar height, together with its 75m stack would significantly worsen this view. NREL images show the proposed plant would dwarf the existing Arla building (white construction behind chimney stack).



NREL / Hills own Slide showing the smaller proposed (ATT) in position from January 2019

Your decision should therefore be one of consistency with the July 2018 REFUSAL

WGAG/NWI Grounds for Objection: Section 5

Unknown Effects on Ecology & Biodiversity:

Inadequate Environmental Impact Assessment - Net Gain in Biodiversity - Bats

The applicant has elected not to undertake formal Environmental Impact Assessment Scoping with Wiltshire Council. It is the written opinion of Wiltshire Council's planning authority that scoping should be undertaken. (See Environmental Statement chapter 2.0 para 2.4.2 and 2.4.3.)

The applicant is resubmitting an earlier environmental assessment dating back 2014. The survey effort was and still is inadequate e.g. the impact on bat special areas of conservation and recent bat surveys have been ignored. The incinerator site is in the impact zone of a horseshoe bat roost detailed in Wiltshire Council's own Bat Special Areas of Conservation Planning Guidance (2015). Since this guidance was written other horseshoe roosts in Westbury have been recorded. See section on bats below.

A new scoping opinion should have been produced for this application because this is a new planning application, not a revision or variation of any earlier one.

Demonstrable net gain in biodiversity required

Since 2014 environmental legislation has changed and Wiltshire Council now requires a demonstrable net gain in biodiversity on major developments which has not been provided. The Council recommends using the DEFRA biodiversity metric to calculate the likely effect on biodiversity. No such calculation has been submitted by the applicant or their consultants.

Local authorities have a duty of care under the NERC Act 2006 to protect biodiversity.

Bats

The proposed plant would have 24/7 perimeter lighting and turbine noise which would be very disturbing to bats and other nocturnal species. The plant falls within the buffer zone of a core Greater Horseshoe Bat Roost which is part of an internationally designated bat Special Area of Conservation. Wiltshire Council's Bat Special Areas of Conservation Planning Guidance (2015) specifies a roost at Dilton Marsh as part of the Bradford on Avon SAC core roosts and shows that the incinerator site is within the 4000m buffer zone for this roost. Since 2015 other core roosts have been discovered in Westbury. The survey results would have been available to the applicant's ecological consultants if they had requested the records from WSBRC as they claim. However, the impact on the Bat SAC is not considered in any report.

Core Policy 32 for the Westbury area states:

"all development will be required to maintain the integrity of the Bath and Bradford Bats Special Area of Conservation (SAC), having particular regard to the Wiltshire Bats SAC Guidance. "

Greater Horseshoe bats are specially protected species under Annex ii of the EU and UK Habitat Regulations.

Brook Farm has a high potential as a bat roosting site. The network of hedgerows along Biss Brook are good foraging territory and wildlife corridors.

Wiltshire Core Policy 57 ('Ensuring high quality design and Place Shaping') requires the retention and enhancement of existing important landscaping and natural features, including trees, hedgerows and watercourses.

Biodiversity net gain

Under Wiltshire Core Policy 50 and NPPF guidance there should be a net gain in biodiversity from major planning applications with compensation and offset of biodiversity the least desirable option.

Zoonotic diseases and habitat encroachment

As the coronavirus pandemic has demonstrated (confirmed by research informing David Attenborough's 'Extinction, the facts') zoonotic diseases are likely to jump to humans when bat habitat is encroached.

Has Wiltshire Council undertaken a risk assessment on this matter?

Inadequate Environmental Survey and Assessment

On ecological impacts from incinerator emissions the applicant admits there 'there is no statutory definition of what level of effect is to be regarded as significant and there is often not a single, definitive, correct answer as to whether an effect is significant or not (ES, Chapter 2.0, para 2.5.15).

The applicant has commissioned Argus Ecology to produce an interpretation of the likely effects of incineration on air quality and the effect of emissions of nitrogen oxides, cadmium, ammonia etc. on the local ecology (see Technical Appendix 8.5).

The Argus report relies entirely on the emissions modelling data provided by Fichtner's Emissions Modelling report in Technical Appendix 8.3.

Fichtner's modelling is based on meteorological data for Lyneham which is some 30km from Westbury with a different elevation and topology and is therefore cannot provide an accurate assessment of likely effects.

Where is the data?

The applicant has applied to build waste incineration facilities in Westbury over a period of six years. They have had time in which to gather specific meteorological data for Westbury. The MBT plant, other local manufacturing facilities with environmental permits, local airfields (e.g. Keevil) or the MOD must have data for wind direction and speed, rainfall etc. which would be more accurate than that from Lyneham.

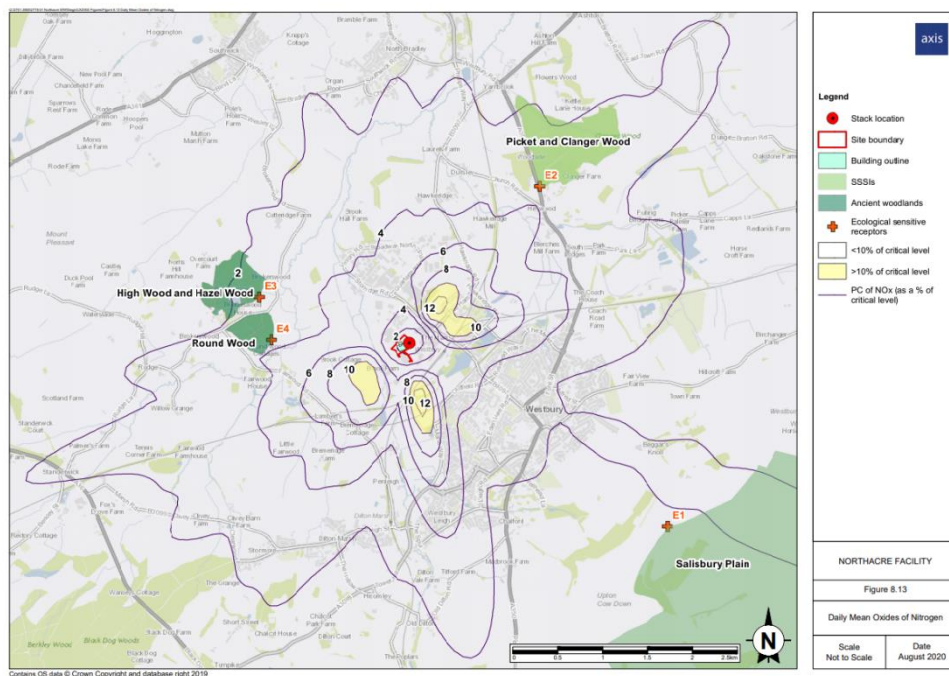
Argus Ecology's Ecological Interpretation relies entirely on Fichtner's air quality emissions modelling and Fichtner's 'Stack Source data' in Table 8 of Technical appendix 8.3. Fichtner do not say where this data comes from. Is it based on a catch-all standard model for all kinds of incinerator?

Insubstantial evidence of ecological impacts

Argus Ecology state (p.9) 'There are no currently accepted thresholds for assessing the magnitude of air quality effects on ecological receptors'.

Based on Fichtner's unsubstantiated data, Argus Ecology (Appendix 8-5) screened out the impacts on any Special Areas of Conservation, SSSIs, Ramsar and Natura 2000 sites on Salisbury Plain. There are several such sites within the required 10km screening zone on the edge of the Plain.

Fichtner's plume grounding maps do not extend far enough to see what their modelling predicts for these areas but the NOx map shows a funnel effect of pollutants rising onto the Plain.



Argus Ecology found that 'The magnitude of impact which might result in a significant ecological effect is likely to depend on baseline conditions and sensitivity of the receiving environment'.

They found that Picket and Clanger Wood SSSIs currently significantly exceed the environmental standards for background levels of ammonia and nitrogen deposition (p.23). They found that the incinerator would result in a small increase in ammonia and nitrogen deposits. They confirmed the sensitivity of the epiphytic lichen on old hazel coppice habitats, rare moths etc on these sites but then concluded that the effects would not be significant because they predict unspecified 'broader scale trends' which allow them to conclude that these will not cause harm.

Cadmium, arsenic and chromium – ecological effects not considered

Fichtner's emissions modelling found that there would be high emission levels of cadmium, arsenic and chromium but that these would be 'no worse than a currently permitted facility'. They do not say which facility. The ecological impact of these pollutants on the local ecology has not been assessed.

Cumulative impact not assessed

Salisbury Plain is famous for being the largest expanse of unimproved chalk down land in Europe and is protected by national and European legislation.

The cumulative impact of nitrogen deposition impact on Salisbury Plain calcareous grassland habitats has not been considered. Fichtner's Carbon Assessment (Technical Appendix 4.1) states that the incinerator would emit 30.9 tonnes of gross CO₂e per hour which equates to more than 243000 tonnes of GROSS CO₂e per annum including a high percentage of nitrous oxides.

Regardless of any allowable 'carbon offsetting', this is the tonnage which would enter the atmosphere at Westbury.

The prevailing wind would carry emissions onto the rare calcareous grasslands, Sites of Special Scientific Interest and Special Areas of Conservation that the military do so much to protect.

Low nitrogen levels are essential for the maintenance of flora and fauna of these sensitive and internationally designated habitats. The 75m incinerator stack would be on a level with the rare grassland habitats on the edge of the Plain.

The prevailing west- south-west wind would blow emissions from the 75m stack directly onto three SSSIs (Bratton Downs, Upton Cow Down and Salisbury Plain) as well as Salisbury Plain Special Area of Conservation and Salisbury Plain Special Protected Area.

The application plant site is 65m above sea level. The top of a 75m chimney would therefore be at 140m i.e. on contours level with or below these SSSIs. Any change in the acidity of the protected chalk grasslands and ancient woodland habitats could adversely affect the biodiversity of these areas which are priority habitats for the brown hairstreak butterfly, marsh fritillary butterfly, corn bunting, lapwing, redshank, hen harrier, hobby, quail and stone curlew. The SAC contains important orchid sites and juniper scrub.

The precautionary principle should be applied in absence of any accurate model.

Climate change impacts on ecology

Fichtner has produced a carbon assessment in technical appendix 4.1 which makes a spurious comparison between the net carbon impact of landfill/CCGT with incineration and concludes that there is a 'net benefit' from incineration.

See technical appendix 4.1:

<https://unidoc.wiltshire.gov.uk/UniDoc/Document/File/MjAvMDY3NzUvV0NNLDE0MTc1ND>
[A=](#)

Tim Hill (CEng) has written a response to the Fichtner carbon assessment which is amongst the public submissions documents and is in the climate change section of this document. He demonstrates that the carbon 'benefit' from incineration would be marginal at best and certainly not sustainable over the lifetime of the plant.

Consultation

Has Natural England been consulted about this development and its potential harmful effect on ecology and climate change?

MOD Estates Safeguarding is on the list of consultees, but does this include the ecologists?

Has the EA or MOD got baseline monitoring of NOx and air quality in place and how would the impact of the incinerator be monitored?

A great deal of public money and volunteer effort is spent by the MOD on protecting the grassland habitats on the Plain and in planning for climate change.

WGAG/NWI Grounds for Objection: Section 6

Contravenes Climate Change policies:

The responsibility for considering the relative CO2 emissions across disposal methods is that of the local authority not the Environment Agency – Misnaming NREL

Carbon emissions

The applicant has commissioned Fichtner Consulting Engineers to produce a Carbon Assessment of the carbon dioxide emissions from the incinerator.

See technical appendix 4.1.

(<https://unidoc.wiltshire.gov.uk/UniDoc/Document/Search/DSA,913589>)

The incinerator application is incompatible with Wiltshire Council's and the UK government's carbon reduction commitments for the following reasons:

1. In July Wiltshire Council's cabinet approved a carbon reduction appendix to their **Business Plan to 2027**.¹ In this the Council commits to making the 'county of Wiltshire' carbon neutral by 2030, "In February 2019 Wiltshire Council resolved to acknowledge the climate emergency and to seek to make the county of Wiltshire carbon neutral by 2030. A Climate Emergency Task Group was set up to gather evidence and come up with recommendations on achieving net zero. Wiltshire Council's Cabinet subsequently committed to make the council carbon neutral by 2030".

2. Gross Carbon Emissions of 243,615 tonnes per annum – this is what will go into the atmosphere

Fichtner's carbon assessment states that the incinerator would emit 30.9 tonnes of CO₂e per hour at a net calorific value (NCV) of 10.5 MJ/kg. The operating hours will be 7884 hours per annum. This gives a **total of 243,615 tonnes of CO₂ emissions per year x 25 years of operation = over 6 million tonnes of CO₂e into the atmosphere.**

243,000 tonnes of waste into Westbury per annum, 243,615 tonnes of CO₂ into the sky above Westbury.

3. Offsetting – true or false?

Fichtner's carbon assessment tries to prove that these CO₂ figures can be offset to show that the incinerator would bring a 'benefit' of 58000 tonnes less carbon dioxide per annum compared to putting all 243,000 tonnes into landfill. The 'benefit' is achieved by assuming that landfill gas capture is 68% efficient (which is based on one model only) and that all waste would go to landfill.

Fichtner fail to compare the incinerator's carbon emissions with options other than landfill.

Fichtner say landfill is 'the most likely destination for waste' which is incorrect.

Less than 20% of Wiltshire's waste is currently landfilled and it is Wiltshire and Government policy to reduce this.

The comparison should be with other available methods of waste disposal which are higher up the waste hierarchy than landfill and incineration. For further critique of Fichtner's calculations please see the objection from Tim Hill (Ceng) [link to online comments]

'Renewable' Energy???

Fichtner incorrectly imply that the incinerator would be an renewable energy plant e.g. Para 2 of the Carbon Assessment:

"It is considered that the construction of the Facility would have little effect on how other renewable energy plants operate .."

The electricity generated by the plant would at best, be partly renewable because it will be burning **fossil-based carbon materials (e.g. plastics) which are not considered renewable**, mixed with biogenic carbon-based materials (e.g. wood) which are considered to have a short-term effect on the atmosphere and can be considered renewable.

It is unknown what proportions of fossil and biogenic carbon (biomass) will be present in the feedstock.

Not defined as renewable under the National Planning Policy Framework

The NPPF definition of renewable energy is: "those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels)."

There is no proof that in practice the incinerator would be low carbon compared with the conventional use of fossil fuels (i.e. compared with gas fired power stations or landfill).

Are NRE really expecting us to believe that a plant which is less efficient than a conventional gas fired power station and exporting a minute amount of electricity, will produce a growing net carbon benefit to Wiltshire over its 25 year life?

The Fichtner 'model' cannot be accurate because the nature of the feedstock is unspecified and there are too many variables over the 25 year of the plant to guarantee that it will be of any carbon benefit at all.

Misnaming

Northacre Renewable Energy Limited is there spectacularly and possibly illegally misnamed and advertised under the Trades Descriptions Act, The Consumer Protection from Unfair Trading Relations legislation 2008 and Wiltshire Trading Standards .

Trades descriptions Act 1968

para 2 (1) <https://www.legislation.gov.uk/ukpga/1968/29>

Trade description.

(1) A trade description is an indication, direct or indirect, and by whatever means given, of any of the following matters with respect to any goods or parts of goods, that is to say —

(a) quantity, size or gauge.

(b) method of manufacture, production, processing or reconditioning.

(c) composition.

Para 3

3 False trade description.

(1) A false trade description is a trade description which is false to a material degree.

(2) A trade description which, though not false, is misleading, that is to say, likely to be taken for such an indication of any of the matters specified in section 2 of this Act as would be false to a material degree, shall be deemed to be a false trade description.

(3) Anything which, though not a trade description, is likely to be taken for an indication of any of those matters and, as such an indication, would be false to a material degree, shall be deemed to be a false trade description.

(4) A false indication, or anything likely to be taken as an indication which would be false, that any goods comply with a standard specified or recognised by any person or implied by the approval of any person shall be deemed to be a false trade description, if there is no such person or no standard so specified, recognised or implied.

Will Wiltshire Council Trading Standards look into who is going to be buying this 'renewable' energy?

Comments by T.Hill on the Carbon Assessment by Fichtner Consulting Engineers and the implications for the application.

1. 'The basis by which the ErF CO2e emissions have been offset

Fichtner's report assumes that the ErF electricity output will replace CCGT output.

However, the ErF output is, presumably, intended as a base load source whereas CCGT output is increasingly utilised on a rapid response basis to supply peak demand and / or cover for renewables when the latter are affected by weather conditions.

Presumably, again, the applicant is not expecting that the ErF will be utilised to provide short notice back up.

The Fichtner report assumes that CCGT sourced power (carbon factor 0.349kgCO₂e/KWh) will be that source replaced throughout the life of the ErF.

The marginal source that the Government specifies demonstrates a carbon factor falling from 0.233 gmCO₂e/KWh in 2023 to 0.029gmCO₂e/KWh in 2047.

Moreover, the actual GRID carbon factor has fallen dramatically (as more renewable sources come on line) from 2014 (when it was 0.447gmCO₂e/KWh) to 2019 (when the Grid carbon factor was 0.215gmCO₂e/KWh) and in 2020 to date, to 0.192gmCO₂e/KWh

(<https://www.nationalgrideso.com/news/introducing-our-carbon-intensity-app>)

See my appendices A1 and A2.

2. Landfill; Gas capture Rate

Fichtner have chosen to adopt a landfill gas recovery percentage of 68 and claim justification from Golder Associates 2014 report to DEFRA, 'Review of Landfill Emissions Methane Modelling'. Fichtner appear to have overlooked Appendix C (DIAL Analysis) page 6 where it is argued that a lifetime capture rate of 75% is realistic. Internet enquiry 'landfill gas recovery 75%' brings ample supporting evidence.

As regards landfill emissions, the key factor is not capture percentage but the non captured (fugitive) percentage and as the captured percentage increases the non captured percentage, and therefore the methane emissions, falls relatively very rapidly.

See my appendices A1 and A2.

3. Other options

- 3.1 Fichtner have compared the carbon emissions of incineration with those of landfill. They have not considered the alternative of increased recycling (Wiltshire achieved a mediocre 43.9% in 2018 – 2019).

Chapter 3 of the ES considers only other incineration technologies in the context of alternative options.

- 3.2 Comparing incineration with landfill is a comparison between two heavyweight CO₂e emitting waste disposal processes. Neither are appropriate in a society challenged by climate change. The arguments that 'residual waste is inevitable' assume a) present levels of municipal waste recycling that vary for England (2018 – 19) from 17% up to 65%, b) the continuing inclusion in waste of 'unrecyclable' plastics and c) the absence of a deposit return system for drinks bottles.

4 Comments – Summary of conclusions from my appendix A

Fichtner's conclusions as to the carbon benefits of incineration over landfill are illusory at best.

Based on the BEIS marginal long run grid generation carbon factors and a landfill gas collection rate of 75%, over 25 years from 2023, the incinerator (assuming that Fichtner's carbon in waste proportions, incinerator and landfill gas generating plant efficiencies are correct) would emit 160,355 tonnes more CO2e than landfill.

Technologies that can recycle all plastic types are now becoming available and minimising source segregation requirements and the UK governments are progressing legislation requiring deposit return of drinks bottles.

5 Implications for the Application

Wiltshire's Waste Core Strategy defines sustainable development as 'Development which is sustainable in that it meets the needs of the present without comprising the ability of future generations to meet their own needs'.

Had there been a definitive prospect for substantial heat export, the proposed ErF could have been judged much more sustainable in climate change terms. As it is the applicant is asking Wiltshire to consent to a wholly unsustainable development that is seriously inconsistent with ensuring the ability of future generations to meet their own needs.

It is not even consistent with its implied objective of replacing electricity from CCGT sources.'

Tim Hill CEng

WGAG/NWI Grounds for Objection: Section 7

Plant not certified as a Recovery Facility as opposed to Disposal

Design Stage R1 Planning Condition & EA Permit

WGAG / NWI are aware that an environmental permit has been applied for in regard to this Moving Grate Incineration plant.

A Design Stage R1 Planning Condition is required in line with previous decisions by the Secretary of State and other local authorities to promote movement of waste management up the Waste Hierarchy, in line with local and national policies, if planning consent is given. As set out in the Government's Energy from Waste Guide and as elaborated upon in further detail in the European Commission's 'Guidance on the interpretation of key provisions of Directive 2008/98/EC on waste', inefficient Energy from Waste (EfW) plants are classified as 'Disposal' at the bottom of the Waste Hierarchy rather than as 'Other Recovery', even in cases where some energy is generated.

Under Schedule 1 Part 2 of the Environment Permitting Regulations, NREL have applied for an Environmental Permit which we have called to be treated as of 'HIGH PUBLIC INTEREST' to maximise available scrutiny.

Incineration plants are automatically deemed to be disposal operations (D10). The operator has to make a successful application for R1 status. If and until the Northacre plant gains formal R1 status, it is regarded as a disposal operation.

Wiltshire Council has a statutory obligation to apply the Waste Hierarchy - WCS5: Wiltshire and Swindon Waste Hierarchy and Sustainable Waste Management.

Therefore, the current application will not fulfil this obligation as it is a D10 disposal operation – placing this operation at bottom of hierarchy. The switch to less advanced technology is problematic also and to this end, Wiltshire Council must require the Environmental Permit process to be treated as of 'High Public Interest'.

WGAG/NWI Grounds for Objection: Section 8

Potential Risks to Air Quality & Public Health unacceptable:

Precautionary Principle to be adopted

When the first application was approved in 2015, it was for a technology believed to be cleaner & safer (indeed, the applicant made much of this being far preferable to the traditional incinerator now being proposed), and at a time when there had been less scientific research into the effects of fine particulates such as those emitted by vehicles and incinerators.

It is not clear whether the Environment Agency will inform Wiltshire Council that the Agency is unable to regulate PM2.5 as law appears to lag behind research.

Wiltshire Council, with its Duty of Care towards the public must apply The Precautionary Principle; There have been no examples of emissions of pollutants to the atmosphere near to, or in this instance adjacent to residential areas that have not been shown to have been misguided over longer time frames!

Wiltshire Council has a legal duty of care to Wiltshire residents under its Public Health and Public Safety obligations.

The air quality report commissioned by the applicant and carried out using the ADMS modelling system is highly generic. The ADMS modelling process is carried out using data supplied from a variety of sources which are then fed into a computer program. The program simply tries to predict the behavior of the plume from the stack, given local weather, local terrain, local pollution records, density and rate of input pollutants and stack dimensions.

- The weather records used are from RAF Lyneham. This is not local to Westbury.
- The local terrain rises sharply onto the plain; this would cause anomalies which are beyond the programme to deal with effectively.
- Current records of local pollution are limited to the major road NO2 levels, hardly a thorough baseline or accurate input to the programme.
- Worst of all, the input pollutant levels provided for the software are not specific to the actual technology NREL wishes to use. No allowance is made for the type of fuel stock that would be used. The pollutants entering the stack (and then distributed by it) would depend on the fuel being burnt and the technology (failures, start-up and all) that is burning the fuel.
- The only accurate information that the software can rely on in this list is the Stack height.

- A better indicator of plume behaviour is the industrial record of earlier smoke stacks which deposited on the town in former years.

In some conditions the plume from the stack would come down to earth. This is called a Plume Grounding event and represents a hazardous time for the public as the emissions would be concentrated at ground level. The report deals with Plume Grounding events only when the Plume is visible. The Plume is invisible for 97% of the time and therefore the Plume Grounding events are likely to occur at a much greater frequency than we are led to believe. This omission casts a serious doubt over the validity of the Air Quality report.

The methodology for modelling this is flawed, but local people know the likely pattern, based on present smells (from the adjacent MBT plant) and smoke from former industrial stacks. The design of the stack would still be lower than the escarpment at Westbury White Horse. The height of the Plain above Westbury is approximately 225m. The height of land at Northacre approximately 69m, the stack at the proposed plant, 75 metres. The height at the top of the stack is therefore 81m below the top of the escarpment.

When the movement of air is in the direction of Salisbury Plain the emissions plume would be contained within this green wall and suspended over the town and countryside when there is an inversion. When the wind is in this direction and the plume is contained by the escarpment and subsequently grounds, the toxins and particulates from the emissions would be dumped on Westbury and the farmland around it.

Particulates

The report also fails to provide any information about the sub 2.5 micron particulates that are coated with toxins and that have been shown to be very harmful to health as they penetrate so deeply into our systems. All incinerators emit particulates and the effect would be cumulative, combining with the current levels of pollution.

When the first application was approved in 2015, it was for a different technology, and at a time when there had been less scientific research into the effects of fine particulates such as those emitted by vehicles and incinerators.

It is not clear whether the Environment Agency will inform Wiltshire Council that the Agency is unable to regulate PM2.5 and below. If the Agency cannot and will not regulate PM2.5 and below then Wiltshire Council must do so under the planning application/consent regulations. Wiltshire Council has a legal duty of care to Wiltshire residents under its Public Health and Public Safety obligations.

What the Air Quality report does show is that for 20-25% of the year the wind would blow the plume straight over Westbury Town. For a larger proportion of the year the wind will blow the plume over the new houses being planned very close to the plant, or on towards Bratton and Edington.

Public health concerns about particle emissions were sufficiently powerful for government policy on diesel vehicles to be reversed. Defra's Air Quality guidance to local authorities,

and Wiltshire Council's Public Health policy, are both concerned about the effects of pollutants on residents' health.

In November 2018, Public Health England published Health Matters: Air Pollution guidance. In which it states, 'Local authorities have a statutory role in assessing and improving air quality.'

https://www.gov.uk/government/publications/health-matters-air-pollution/health-matters-air-pollution?fbclid=IwAR3039Q9ntOydcQcwr5EUZ_lq5BqF0C_ojsWmclu0-Wh39OhLqMdgqM7eOQ

Whatever the merits of waste treatment processes per se, this plant should not be sited close to residential areas where it could impact adversely on human health.

It is expected that Wiltshire Council will exercise the 'Precautionary Principle' as recommended by Dr Andrew Murrison MP and not permit a development where there is any risk of detriment to health.

Safety of plant in operation

No initial HAZOP has been carried out to establish hazards that might impact the local population in the event of failures of the plant. Without provision of plant type, number in operation, length of time in service and the type of material throughput it is impossible to say what hazards are likely. Potential issues with ATT plant are gas leakage which could impact the local environment in a number of ways, from air pollution through to explosion; plant stoppages through tarring which would mean potential downtime causing significant waste storage issues.

WGAG/NWI Grounds for Objection: Section 9

Cumulative Impact of three Hills / NREL Waste

Facilities at Northacre not assessed:

Joint impact of Mechanical & Biological Treatment Plant, Waste Transfer Station and proposed Moving Grate Incinerator Facility

‘Wiltshire and Swindon Waste Site Allocations Plan (2013)’ assesses sites for waste management up to 2026. Page 60 of the Plan includes the following statement which applies specifically to the Northacre development: “There is the potential for cumulative effects on air quality, biodiversity and geodiversity, human health and amenity, traffic and transportation. These cumulative effects with other waste site allocations matters will need to be fully scoped and assessed through any subsequent planning application process.”

However, the cumulative effects of the existing MBT plant and the proposed plant and waste sorting facility have not been addressed in this application in addition to This is thought to be a serious omission, given the high potential for such impacts on employees, other Northacre businesses, Westbury residents and visitors, road network users, air quality and the environment.

In addition the increase in traffic caused by the additional local planning applications, approved since the original EfW application, for example by the feed mill consent, be assessed on a cumulative basis, in terms of the total impact on Westbury’s traffic and air quality data.

WGAG/NWI Grounds for Objection: Section 10

Requirement for Public Consultation & Involvement not met:

No consultation on current plans

‘Statement of Community Involvement Development Control Process 2.4 states’

‘In line with good practice, the Councils would strongly encourage developers to consult with the local community.’

Reference to the “pre-application consultation process” is a complete misnomer. Consultation, is a process by which the public’s input on matters affecting them is sought. Its main goals are in improving the efficiency, transparency and public involvement in large-scale projects. It usually involves notification (to publicise the matter to be consulted on), consultation (a two-way flow of information and opinion exchange) as well as participation (involving interest groups in the drafting of policy or legislation).

The motions that NREL went through were nothing more than a means of sharing their proposals in advance. They failed to answer the majority of questions asked of them, simply ignoring the issues. If the mandatory consultation process follows the same lines, then it will be making a mockery of the planning process

NREL are using Covid-19 as an excuse for the way the consultation has been conducted. There are numerous online platforms that allow full community engagement in any community consultation leading up to a planning application. Instead NREL have, like their incineration technology, preferred a process pulled from the archives, and presented it as a PowerPoint. The entire process was a complete waste of time, and the technology that they used was fractured and hard to connect to.

WGAG / No Westbury Incinerator Group and others have raised numbers of questions and submitted requests for clarification. Most of these have elicited a response from NREL simply referring the enquirer to look at the FAQ or wait for the application.

This process is therefore not being conducted in accordance with this Core Policy.

WGAG/NWI Grounds for Objection: Section 11

Plan B – Alternatives

Changed context in Westbury since designation as Strategic Waste Site in 2013 and Plan 1 approved in 2015 – Housing

The alternative to building the incinerator in Westbury: PLAN B

1. Send waste from Wiltshire to other existing incinerators in the South West (Avonmouth, Gloucester (Javelin Park), Southampton) and Slough.

Increase the use of rail to transport waste. This avoids the carbon impact of the incinerator's construction and reduces the HGV footprint compared to the present disposal methods. This is in line with the Waste Regulations which require local authorities to manage all waste in accordance with the waste hierarchy and identify measures for continuous improvement.

2. Combine the above with increased recycling, composting and anaerobic digestion. Reduce consumption.

3. Follow the Wiltshire Council Business Plan's carbon reduction addendum and work with other public sector organisations to promote businesses which are sustainable e.g. single use plastic recycling,

"The council is engaging with other public sector organisations through the Wiltshire Public Service Board and with businesses through the Swindon and Wiltshire Local Enterprise Partnership (SWLEP). The SWLEP has published its emerging Local Industrial Strategy which includes commitments to improving the strategic energy infrastructure, decarbonising our economy and helping to deliver the national climate change targets. The council will continue to engage with communities to work collaboratively towards achieving the country's decarbonisation goal."²

1. Wiltshire Council Business Plan carbon reduction addendum 21st July 2020

https://www.wiltshire.gov.uk/media/2684/Business-plan-2017-27/pdf/Business_Plan_2017-2027_with_2020_addendum_on_Climate_Change.pdf?m=637310086332970000

2. SWLEP industrial strategies on energy and rail:

<https://swlep.co.uk/about/our-strategies/lis>

Housing Allocation and Building

Since the previous application Wiltshire Council have identified 6 sites in Wiltshire as having air quality below the required standard. Westbury has been identified as a location of poor air quality but as yet the Unitary Authority has failed to produce any plan to improve that air quality. It has produced an overall list of aspirations but no specific targets or measures to improve air quality.

The current application should not be considered until Wiltshire Council can identify and measure how the increased traffic generated by this proposal can be assessed with and measured against its air quality improvement plan. **If Wiltshire are unable to provide an air quality improvement plan for Westbury, then this application should be deferred until it can.**

Hills' land was designated as one of Wiltshire's Strategic Waste sites in 2013. Since then Wiltshire Council have pursued their housing strategy, imposing a disproportionate share of the county's new housing allocation to the town. When Plan 1 was approved in 2015 the immediate area around the site was mainly commercial/industrial, adjacent to agricultural land. In the last five years permission has been granted for over 1,300 new homes in Westbury, within the potential 'plume grounding' zone. This expands the boundaries of the residential town which had already experienced massive housebuilding over the previous ten years. New developments house hundreds of families with young children, and the area is therefore no longer suited to large-scale waste disposal facilities.

In just one important example due to size and proximity: **The Sailing Lake development of 300 new houses**, approved for construction by Linden Homes Western (beside Westbury Station) is located, at its nearest point, approximately 500 metres from the proposed plant. An estimated 1,000 more adults and children would be living at that site alone than was envisaged at the time Wiltshire Council granted approval for the original ATT plan, which, in its most current application for a moving rate incinerator has become a much more contentious development.

Westbury Gasification Action Group / No Westbury Incinerator Members, along with all Local Town and Parish Councils' request that Wiltshire Council Officers and Strategic Planning Committee Members give due consideration to their grounds for objection as detailed herein, and that they refuse this permission for the construction of a Moving Grate Incineration Plant at the Northacre site.



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