

Waste & Recycling Topic Group Report
by Brig Oubridge, 11 Dec 2020

1. The scheduled group meeting on Wednesday 9th December was sparsely attended, with only Brig Oubridge, Christian Lange and Margaret Green present at the appointed start time of 7pm. After discussion focussing on the Westbury incinerator project, the meeting closed at about 7.40. This was unfortunate, as another member, Stephen Eades attempted unsuccessfully to join it at around 8pm. Despite these difficulties, some progress was made both in the meeting and in email exchanges afterwards.
2. There are two crucial decision points looming in regard to the proposed Westbury incinerator. Wiltshire Council will be considering the planning application from Northacre Renewable Energy Ltd (the front company of waste contractor Hills). This may be happening at the council meeting on Jan 13th, but could be delayed and we need confirmation one way or the other. Meanwhile, the Environment Agency will be considering the terms of an operating licence (Environmental Permit) for the plant if it is given the go-ahead. The EA has opened a consultation process in regard to this, which will continue until 22nd January, and will make its decision some time thereafter.
3. Christian agreed to contact Wiltshire Council's Carbon Reduction Officer, Ariane Crampton, who has put in an internal objection to the proposal on the grounds that it will result in an increase in carbon emissions, contrary to the council's and the government's climate change policies, and has requested that further information and data be obtained from Northacre regarding those projected emissions. Christian will attempt to find out from Ariane whether her intervention is likely to result in a delay to the council's consideration of the planning application, and whether she is able to confirm when that consideration is likely to take place.
4. Margaret agreed to follow up on information supplied by WCA's Andrew Nicolson listing previous Freedom of Information requests to Wiltshire Council regarding their waste management policies and practices, and to obtain copies of the answers she considers most likely to be relevant. These will then be studied to work out what further FoI requests need to be made, and how they may best be worded in order to obtain the desired information. (Andrew's helpful email has now been forwarded to Margaret to aid this process.)
5. Stephen confirmed by email that he had been the person who had spoken in regard to the threat of toxic emissions at the council's discussion of Northacre's previous plans in 2018, which had led to their rejection of that application, and that he would be taking a similar part in the present EA consultation. His email is appended to this report.
6. As Stephen's email points out, there are legal issues which require clarification as regards the division or overlapping of responsibility between the Environment Agency and Wiltshire Council in regard to emissions and public health in this case. In 2018, as those of us who were present at the Wiltshire Council meeting will recall, it was Stephen's presentation, together with the scale of public opposition evident in the number of people attending the meeting, which persuaded a sufficient number of councillors to turn down the application. However, they were then told by council planning officers that they could not refuse the plan on emission grounds, as the responsibility for regulating emissions lay with the Environment Agency. Stephen argued that this advice was wrong in law, as the council had an overriding responsibility for public health and the EA had not taken into account all the emissions, but the councillors (in Stephen's opinion, not understanding the law) followed the advice of their officers, and refused the application on the grounds of size and visual impact.

7. It seems clear that our aims should be to attempt to ensure that:

- (a) Wiltshire Council does not reach its decision ahead of the decision by the Environment Agency, so that it is clear in advance what types of emission the EA has taken into account;
- (b) the EA should take full account of the health effects of emissions of micro-particulates, the additional adverse health effects likely to be caused by plume grounding in the area around the plant, and the overall environmental and climate change effects of carbon dioxide emissions and their relation to national policy and international agreements on combating climate change, and should make clear in its report which, if any, of these factors it has taken into account in its decision;
- (c) Wiltshire councillors should understand that they have an overriding responsibility for ensuring public health, and are fully entitled in law to refuse the application on emissions grounds even if it has been granted a Permit by the EA, if in their opinion the EA has failed adequately to take into account any of the above considerations;
- (d) Wiltshire councillors should also understand that there is strong and vocal opposition throughout Wiltshire to the construction of any waste incinerator whether in Westbury or anywhere else in the county, and that any councillors who vote in favour of allowing any such scheme will be putting at risk their chances of retaining their seats at the 2021 local elections.

8. In order to achieve these aims:

- (a) WCA officers and members should lobby Wiltshire councillors to postpone consideration of the planning application until after the completion of the EA process.
- (b) WCA members and groups should be encouraged to make submissions to the EA consultation based on the above considerations regarding emissions and the inadequacy of data supplied by Northacre particularly in regard to plume grounding and micro-particulates.
- (c) WCA members and groups should be encouraged to lobby their local councillors by letter or email in regard to points 7(c) and (d) above, and WCA should help by providing specimen draft letters for this purpose. Members and groups should also be encouraged to write similarly to local papers, pointing out that this is an issue not just for Westbury residents but for the whole of Wiltshire.
- (d) WCA members should be encouraged to send questions and statements to forthcoming Wiltshire Council meetings on this topic.

9. Since the meeting, we have also received notification of the following webinar:

An organisation central to challenging the operation of existing and the building of new incinerators is UK Without Incineration (UK WIN). UK WIN has just held a virtual seminar on incineration hosted by Andrew Murrison MP and with a very informative presentation by UK WIN's director, Shlomo Downen. There is a summary of this seminar, follow the link below. I can recommend it. It explains the context the Westbury proposal very clearly.

You can read more about the meeting, and you can watch Dr Murrison's opening remarks, UKWIN's presentation (and accompanying report), and John Grogan's insights, by visiting:
<https://ukwin.org.uk/policy/>

Appendix: email from Stephen Eades

Dear Brig,

Many thanks for your email, and sorry I could only link up after the meeting had concluded.

Regarding the EA and Hills' Env. Permit application - yes, I will be following that up in the name of Wiltshire and North Wiltshire Friends of the Earth. The FOE person in 2018 to whom you refer in your email was probably myself.

I have attached for your consideration two EA documents regarding this Env Permit application. The first, dated 27 November, outlines clearly the issues which the EA will consider in the Env Permit application and those which it will not, i.e. are therefore for determination by WC under the planning process. Study this carefully.

Of note, the fact that emissions of ultrafine particles (0.1 microns and smaller) which are not regulated under the Industrial Emissions Directive (IED) and BAT (Best Available Technology regulations). These ultrafine particles will be toxically contaminated by other materials vaporised in the burning process (e.g. mercury, chlorine, etc), and these particles are so small (almost atomic in size) that they pass readily into the bloodstream via the lung should they be breathed in (ref. Advice to Directors of Public Health published by DEFRA/PHE/LGA, March 2017, copy attached).

There are two important points to note:

1. The people living at Studland Park (Westbury escarpment) are at the same elevation as the top of the incinerator's chimney. Therefore when, due to local weather conditions, the wind is blowing in their direction (i.e. northerly quadrant) and the plume is travelling horizontally rather than rising vertically (due to weather inversion - see google for an explanation) then these people will be experiencing this emission.

Also, people experience this emission if the plume comes to ground - known as a plume grounding - due to a weather inversion locally (note: the escarpment plays a significant role in this regard). When this happens people in Westbury who are downwind of this plume grounding emission (which can occur anywhere depending on the wind direction prevailing at the time) will experience the undiluted emission from the chimney.

Note: NREL/Hills Env Statement is very poor on 'plume grounding' events, and plume grounding events occurred quite regularly when the cement works was working (its chimney being the same height as the incinerator's).

2. WC Planning ignored all these issues in the previous Hills incinerator planning applications, informing WC Strategic Planning Committee members that these issues were regulated by the EA and not WC, and therefore were not planning issues and hence not grounds for refusal. This advice (incorrect advice) went unchallenged during the meetings by WC elected members because they simply do not know their planning law.

The second of the two EA documents, dated 7 December, provides with a link to all the documents NREL/Hills have submitted in support of their Env. Permit application. These make interesting reading and warrant close study - particularly regarding air quality and IED/BAT. I will not go into the details now, but once you've had a look at them I am very happy to discuss their weaknesses with you.

The matter you and the WCA now have to consider is how to persuade Wiltshire Council (Development Management Team, Mike Wilmott):

1. To engage in the Env. Permit Public Consultation currently being run by the EA and open for submissions until 22nd January. WC is a statutory consultee, but will they engage?

2. If WC engage, then WC can ask the EA about whether ultrafine particles will be regulated by the EA - if not, does the EA regard this as a planning issue for WC?; and, will the EA examine the plume grounding model supplied by NREL/Hills and, if not, is this again a planning issue for WC?

I put these matters to you as questions because WC have been adept at avoiding their legal planning obligations in the previous applications by Hills and, unless they are held to meeting these legal planning obligations they will likely do so on this occasion too.

So, this is a fundamental question the WCA must ask itself: How is it going to get WC to meet its full legal planning obligations, and be prevented from avoiding them?

Ariane Crampton runs the Climate Emergency Team, not Development Management (aka. as Planning to you and me). Development Management is run by Mike Wilmott. All Ariane will know is whether her department's block of the planning application proceeding because of CO2 concerns is still in force or likely to be lifted. if lifted or likely to be so, then the planning application can proceed.

Will WC delay the planning applicaation until the outcome of the env. permit application is known? There is not doubt that an Env. Permit will be issued, the only questions is what will be its terms e.g. will it require ultrafine particle filters to be fitted or will it say that is nothing to do with the EA?

Knowing WC Development Management, they will want to proceed regardless of whether the Env. Permit has or has not ben issued, arguing that this is a wholly separate issue from planning. In a factual sense this is true, but only so if WC meets its full obligation to consider all planning issues and not try to hoodwink elected members into thinking some planning issues are not planning issues when they are, e.g. ultrafine particles and WC's previous history in this regard.

More than enough here for the moment for the WCA to consider. Happy to discuss further.

Stephen Eades
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