

**Portland Energy Recovery Facility  
(ERF)**

**SUPPLEMENTARY STATEMENT OF  
CASE**

Appellant: Powerfuel Portland Limited

October 2023

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1. This document is a Supplementary Statement of Case (**SSoC**) prepared on behalf of Powerfuel Portland Limited (**PPL**), the Appellant in relation to the proposed Portland Energy Recovery Facility (**ERF**), located within Portland Port, off Castletown, Portland, Dorset (the **Appeal Site**). The appeal relates to the refusal by Dorset Council of the Portland ERF planning application (ref: WP/20/00692/DCC) and has been validated by the Planning Inspectorate (ref: APP/D1265/W/23/3327692).
2. The submitted planning application forms for the Appeal Proposal, at Box 20, stated that the proposal would have a maximum operational throughput of 202,000 tonnes per annum (**tpa**) of waste from municipal<sup>1</sup> and commercial and industrial sources.
3. The documents submitted in support of the planning application described how the waste to be treated would be refuse derived fuel (**RDF**) derived from the aforementioned sources, and that all waste received at the ERF would be classed as 'residual waste' having been subject to pre-treatment.
4. The Appellant now wishes to make clear for the purposes of the appeal, for reasons outlined below, that the waste which it proposes could be treated at the Appeal Proposal would be RDF and also residual waste from the same municipal and commercial and industrial sources. As previously, all of the waste has been subject to pre-treatment, which includes by way of source segregation and / or further mechanical and / or biological treatments.
5. Whilst in the short and medium term much of the waste likely to be treated in the Appeal Proposal would be residual waste in the form of RDF, there are several factors which point towards there being decreasing RDF production over time and increased direct thermal treatment of residual waste. These include:
  - i. An ongoing increase in UK EfW capacity i.e. more EfW plants being built, noting that residual waste (as opposed to RDF) makes up circa 62% of UK EfW throughput (in 2020) and most UK EfW operators prefer to take waste in this form.

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<sup>1</sup> At the time the application was submitted 'municipal waste' was a common term for waste collected by local authorities, in line with the UK's original interpretation of that meaning. However, the UK has adopted the broader EU interpretation of 'municipal' waste as being waste collected by local authorities and that from other sources which is similar in nature and composition i.e. similar commercial and industrial wastes. Thus, municipal waste now comprises Local Authority Collected Waste (LACW) and similar commercial and industrial wastes.

- ii. A decrease in RDF export due to factors including: point i. above; EU countries imposing taxes such as the Netherlands €31-per-tonne tax on the import of waste into the country for incineration; and Brexit. The consequence being a smaller market for baled RDF production necessary for the trans-frontier movement of waste.
  - iii. An impending near elimination of the disposal of biodegradable waste in landfill. The call for evidence on the introduction of this ban in 2028 closed in July 2023 and the Government is currently considering the submitted evidence. A consequence of this will be that any non-combustible residual waste fraction from RDF production will become a problem waste, best resolved through not creating it in the first place and sending the residual waste direct to EfW.
6. The waste that would be treated would be the same in overall content and would be from the same source; RDF simply being residual waste that has prepared to a customer specification, whether that be via shredding or baling or some other activity. Accordingly, the inclusion of residual waste not in the form of RDF has no consequences in relation to the assessment of the effects of thermally treating the waste e.g. the air quality dispersion modelling is unaffected as are its results.
7. Once the Environmental Permit has been issued by the Environment Agency (EA) an application for the variation of the Permit will be made to add additional waste codes related to pre-treated residual waste. The EA has stated that it is too late in their determination process to add the waste codes at this juncture. Hence, a subsequent variation application will be required but will not be problematic.
8. For these reasons, the Appellant proposes that the Appeal Proposal should treat RDF and residual waste (from the same sources), not in the form of RDF, and its case should be read in the light of that proposal.