Portland Energy Recovery Facility

Appeal Against the Refusal of Planning Permission by Dorset Council

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Planning Policy & Need / Benefits
PPF22: REBUTTAL Proof of Evidence of Nick Roberts

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1.0 INTRODUCTION

1.1 Scope of Rebuttal Evidence

1.1.1 This rebuttal proof responds to the evidence of the Council and The Portland Association (PA), a constituent of the Rule 6 party. It relates primarily to planning matters, including need, but also introduces, as an Appendix (NR19), a note produced Arup in relation to noise and tranquillity. This provides commentary on the proof prepared by Mr Clive Bentley on behalf of Stop Portland Waste Incinerator (SPWI), the other constituent of the Rule 6 party.

1.1.2 I also note, at the time of finalising this rebuttal, a further, third submission has been made by UKWIN. I have not been able to consider this in the time available and I (and the Appellant) reserve my position on this document.

1.1.3 The rebuttal responds to the submitted proofs in the following order:

- The evidence of Mr Potter in relation to 'need' and other waste matters.
- The evidence of Ms Hart in relation to planning matters more widely.
- The evidence of Ms Tulett also in relation to planning matters.
- The appended response to Mr Bentley's proof on noise and tranquillity.

2.0 MR POTTER'S EVIDENCE

2.1 Appendix 1 Need and Waste Quantities

2.1.1 The starting point for much of Mr Potter's evidence is that there is and, in the future, will be less residual waste in the Dorset Waste Plan (DWP) area than either the Plan indicates, or the Appellant has stated. He says the same is true of the regional position and nationally, then finding that no new ERF capacity is required. The basis for his contentions is the Assessment of Need in his Appendix 1.

2.1.2 Sections of Mr Potter's Appendix 1 duplicate the Council's 'Outline Statement on Waste Need' (CD11.9). By reference to Mr Potter's Appendix 1, I have already addressed his work through to paragraph (para) A1.18 (including his Table 3) in my Appendix NR8 (attached to my main proof). In this Appendix (and in paras 3.4.28-3.4.32 of my main proof), I show why I believe the Tolvik figures are to be preferred and that the baseline 2022 residual waste figure for Dorset / BCP is in the region of 261,000 – 294,000 tonnes, circa 100,000 tonnes higher than Mr Potter's numbers in his Appendix 1.

2.1.3 What is particularly notable, is that in his Appendix 1 Table 3, Mr Potter identifies 178,500 tonnes of **total residual waste** arising in Dorset / BCP in 2021 and 184,100 tonnes in 2022. This **total residual waste** includes all residual LACW and C&I waste. However, by reference to his Table 1 in his main proof (page 13), he identifies 183,938 tonnes of residual LACW (presumably for either 2021 or 2022, though he does not say). This figure explicitly excludes C&I waste (as it is a LACW managed figure). I have no explanation for the significant mismatch in Mr Potter's numbers, but his residual LACW figure (Table 1 his main proof) is actually very close to that which Tolvik identify in my Appendix NR9 (for LACW waste in 2021/22) i.e. 190,238 tonnes (BCP = 107,006 & Dorset = 83,229). In 2021 there was just under 101,000 tonnes of residual C&I waste generated in Dorset / BCP (refer to my Appendix NR9). Adding this to the LACW only residual waste volume of 183,938 tonnes included in Mr Potter's Table 1 gives a total residual waste figure of 284,938 tonnes. This is within the 261,000 – 294,000 tonnes volume that I submitted as the correct range as part of my main proof.

2.1.4 From his para A1.19 to A1.20, Mr Potter's Appendix goes beyond the Council's 'Outline Statement on Waste Need' (CD11.9) and then applies the DWP growth to

his lower baseline figure to get the 'Updated Capacity Shortfall' in his Table 4, which gives a figure of 83,697 tonnes shortfall in 2033. I comment on this table / figure as follows:

i. They are based upon a 2022 baseline figure of 204,000 tonnes which is not the correct starting point which should be 294,000 tonnes (this being the upper end of Tolvik's estimate and in my opinion the appropriate figure for planning capacity).

ii. He subtracts the existing waste management capacity based on Table 7 of the DWP. As I explain in para 3.3.2 of my main proof, this existing capacity (or at least the 125,000 tonnes shown in 2028 and 2033) relates to the Canford MBT plant. This is actually only intermediate treatment, not true (final) residual waste management capacity. In short, whilst 125,000 tpa of residual waste might go in the front end of the MBT plant, circa 95,000 tpa of residual waste comes out of the back end. This still requires management in a true residual waste treatment facility i.e. an ERF, or needs to be disposed of in landfill. Mr Potter simply ignores the 95,000 tpa coming out of the MBT plant which inevitably skews his figures.

2.1.5 As such, I consider that Mr Potter's Table 4 is seriously flawed and not of any material assistance to understanding the actual need.

2.1.6 In his Appendix paras A1.21 to A1.22, Mr Potter again goes beyond the Council's 'Outline Statement on Waste Need' (CD11.9) and then applies, I believe, a tapered introduction of the halving of residual waste by 2042, the outcome of which is shown in his Table 5, and gives a figure of 25,316 tonnes shortfall in 2033. This table is also flawed:

i. Given it is derived from his Table 4, it still includes the same incorrect 2022 baseline figure and ignores the circa 95,000 tpa MBT output.

ii. In terms of approach, and specifically relevant considerations in relation to future waste quantities, Mr Potter's work can be compared to that in my long-term sub-regional market need scenario – see para 3.4.37 onwards in my main proof and my Appendix NR10. In short, the modelling work contained in my proof carried out by Tolvik adopts:

a. Tolvik's definition of residual waste which results in circa 30% less waste than DEFRA's 2019 baseline for residual waste, on which the 2042 halving target is based.

b. a 0.75% per annum reduction in Household Waste per person and that C&I Waste generation is 1% below forecast GDP growth. These are in line with best achieved previous trends in England and represent far more conservative 'growth' rates than those adopted by Mr Potter in his Tables 4 and 5.

c. mixed LACW and C&I residual waste quantities which are consistent with an overall halving of total residual waste by 2042 from 2019 levels subject to a maximum recycling rate of 75% (in the case of both waste streams). The 75% rate being consistent with figure quoted by Mr Potter in the Council's 'Outline Statement on Waste Need' (CD11.9) at paragraph 1.14 and repeated in para A1.30 of his Appendix 1.

iii. Further, unlike Mr Potter's work, my modelling work also accounts for population change.

2.1.7 Thus, when I conclude in para 3.4.39 of my main proof that the development of the Appeal Proposal is compatible with meeting future long-term residual waste management requirements, within a sub-regional context, I have taken an equal or more conservative approach than Mr Potter to the key variables which will influence future residual waste quantities.

2.1.8 Mr Potter asserts, in his para A1.22, that the figure of 25,000 tonnes of capacity shortfall in 2033 is 'more up to date and reliable'. Based on the foregoing, this is plainly not correct. It is an unreliable figure for all of the reasons I give, not least because it ignores the circa 95,000 tpa of residual waste coming out of the MBT plant.

2.1.9 Similarly, his assertion in the same paragraph that given the Parley ERF consent (which is actually for a 50,000 tpa ERF, not 60,000 tpa), that *"…it might be said this capacity gap has already been met"* is equally incorrect. In short:

i. The need is far greater than 50,000 tpa.

ii. The Parley ERF consent is simply an unimplemented planning permission granted in 2022 for an ERF proposal that has no Environmental Permit. As para 7 of National Planning Policy for Waste (NPPW – CD9.2) provides, when determining waste applications, and even assuming the Waste Local Plan is out of date (which I do not believe it is), the decision maker should only consider the extent to which the capacity of **existing operational** facilities would satisfy any identified need. This is for the very good reason that there are and have been vastly more ERF planning applications granted than ERFs built. Further, something in the order of 10% of the ERFs built in the UK have failed to operate, either at all, or at anywhere near their planned capacity.

iii. For the reasons set out in para 4.2.15 of my main proof, I consider that there is no practical prospect of delivering an ERF on the Parley site in its currently consented form.

2.1.10 I do not comment on Mr Potter's regional analysis (his paras 1.24-1.27), as this simply repeats the position in the Council's 'Outline Statement on Waste Need' (CD11.9) and I believe my contemporary sub-regional analysis (paras 3.4.37-3.4.41 of my main proof and my Appendices NR9, NR10 and NR11) should be preferred.

2.1.11 The final part of Mr Potter's Appendix 1 is his consideration of National Need (his para A1.28 onwards). I comment in brief as follows:

i. As per para 3.4.17 v. of my main proof, this section ignores the current waste management challenge / imperative, that in 2021 in the UK 11.65Mt, of waste suitable for ERF treatment, was either landfilled or exported to overseas ERFs, with a tiny fraction being subject to 'alternative' forms of residual waste treatment (in the order of a couple of hundred thousand tonnes). The RDF export figure was circa 1.6Mt in 2021. Hence circa 10 million tonnes of residual waste went to landfill.

ii. It further ignores the Government's clearly stated ambition of eliminating biodegradable waste from landfill by 2028, which would significantly increase ERF demand.

iii. In terms of future residual waste reduction, his paras A1.29-A1.31, the Tolvik sub-regional modelling takes full account of the long-term residual waste reduction in line with the Commission's conclusions.

iv. It completely ignores that by the quoted dates of 2042 and 2050, a very significant portion of the UK's existing ERF capacity will be well beyond its design life and will have closed, whether because of age and / or reduced efficiency, or (more likely) regulatory change. As an example, the Edmonton ERF in North London, with a Permitted capacity of 620,000 tpa, is planned to close in 2025.

2.1.12 A final discrete point on Mr Potter's Appendix 1 relates to his para 1.12. Here he claims a comment made in The Third Annual Monitoring Report for The Resource & Waste Strategy that: *"...in 2017 an estimated 53% of residual waste (by weight) consisted of readily recyclable materials, with only 8% being completely unavoidable"* actually constitutes the Government's latest advice on the proportion of waste that can be recycled. He is wrong, and he was wrong when he made precisely the same point in his proof at the Northacre ERF appeal 12 months ago in relation to the same quotation appearing in Second Annual Monitoring Report. It is plainly a side comment on the theoretical, not an assessment of the achievable.

2.1.13 I suggest that, as in para 3.4.18 of my main proof, DEFRA's detailed recycling modelling for the Environment Act Impact Assessment report – April 2022 (CD9.25 at section 4.1 on page 24) offers a far more robust assessment of the Government's view on the proportion of waste that can be recycled. This finds that with the implementation of known policy interventions (consistent collections by local authorities; a deposit return scheme; and extended packing producer responsibility) the recycling rate for household waste would increase to 52% by 2035 and for what is termed non-household municipal waste (i.e. C&I waste) to 59% by 2035.

2.2 Main Proof

Waste Hierarchy

2.2.1 Turning to Mr Potter's main proof, the first substantive part is his section 3, part 1 dealing with the waste hierarchy. At paras 3.3-3.6 Mr Potter claims that:

i. There is an element of competition between sending waste for recycling and to an ERF facility.

ii. Without intervention the fate of materials in the waste would be left to the market to decide and ERF is generally cheaper than recycling.

iii. Were the Appeal Proposal to be built, waste risks being locked into management by a method nearer the bottom of the hierarchy as decisions to invest in the sorting capacity needed to deliver the statutory recycling targets is deterred.

iv. The Government response on the consultation on simpler recycling somehow demonstrates the direct tension between ERFs and improving recycling.

2.2.2 On this basis he concludes (para 3.7) it can be expected the Appeal Proposal would move the management of waste down the hierarchy.

2.2.3 I respond as follows:

a) With regard to points i, ii and iii above, as identified previously, we are living in a reality where in 2021 circa 11.65Mt of the UK's residual waste was either landfilled or exported to overseas ERFs. The competition, such that it is, is with landfill and overseas export to European ERFs.

b) As per para 4.4.2 iii of my main proof, specifically relative to the Appeal Proposal, it would be capable of moving that portion of Dorset / BCP's residual waste which is being landfilled up the waste hierarchy and free up ERF capacity in out of county facilities enabling them to divert more waste from landfill. Thus, it would support the delivery of the Waste Hierarchy.

c) Further, as explained in para 3.4.10 i-ii of my main proof:

- The presence or otherwise of ERF capacity has no material bearing on recycling rates which are a result of the separation / segregation of waste material primarily at source / the point of collection and / or agglomeration, prior to transfer for residual treatment. I do not accept that any individual or organisation would actively choose to put their recyclable waste in the

'residual waste bin', as opposed to the 'recycling container', just because their county has developed an ERF. The Inspector for the Northacre ERF decision considered this very point (based upon similar evidence from Mr Potter). He evaluated the matter in paras 59-63 of his decision (CD10.1) concluding that (para 62): *"…based on the current evidence before me, I am not persuaded that the proposed development* [a 243,000 tpa ERF] *would lead to a demonstrable reduction in the recycling of waste"*.

- From a commercial perspective, the cost of managing the waste in the 'residual waste bin' is far greater than that in the 'recycling container'. Mr Potter is simply incorrect that ERF is generally cheaper than recycling.[1] It is the other way around and will be even more so when ERFs are brought within the UK Emissions Trading Scheme (ETS) from 2028.

- Irrespective of the above, the Appeal Proposal would be a merchant facility that will be open to suppliers / aggregators of waste who are presently sending their residual waste elsewhere, whether that be landfill or more distant or overseas ERF. If the quantities of residual waste they generate decrease, because of increased front-end recycling, they will simply send less residual waste to the Appeal Proposal. There are no long-term 'lock-ins'.

d) The Government consultation on simpler recycling (to which Mr Potter refers) is specifically focussed on avoiding the need to invest in relatively expensive sorting equipment for recycling, as its focus is on delivering more effective source segregation i.e. people put their recyclables in dedicated bins, these are then collected and the recyclables bulked and sent directly to the reprocessor.

[1] WRAP (The Waste and Resources Action Programme) an NGO whose work focusses on the Circular Economy publish an annual gate fee report comparing the cost of alternative waste treatment options. In their 16th report for 2022/23 (see my Appendix NR17) they show a net median gate fee for Materials Recovery Facilities (MRFs) of £16 per tonne (mean £10 per tonne). The net cost being after the value of the recyclables is accounted for. Even the gross median cost (excluding the income from the recyclables) is £79 per tonne (mean £75 per tonne). It also shows food waste treatment costs in In-Vessel Composting as being a median of £54 per tonne when mixed with green waste (mean £63) and a median of £65 per tonnes when fully segregated (mean £69). Food waste treatment via Anaerobic Digestion has a median cost of £13 per tonne (mean £16). However, segregated food waste collection can have a high collection cost, particularly at set up, on the basis a low volume of material is being collected from a high number of properties. ERF costs are shown as £103 per tonne (median and mean) and are thus higher than all recycling options.

e) Mr Potter concerns regarding a lack of intervention, and the fate of materials being left to the market (his para 3.4), is unjustified as the very interventions he lists in that paragraph are already in place. Further, as per para 3.4.18 of my main proof, DEFRA is also committed to a number of other recycling interventions including: consistent collections by local authorities; a deposit return scheme; and extended packing producer responsibility.

2.2.4 My Potter's claim (in his para 3.6) that the Government response on the consultation on simpler recycling somehow demonstrates a direct tension between ERFs and improving recycling is at best misconceived. It does no such thing.

2.2.5 In short, the Government is introducing a simpler approach to recycling with the single objective of increasing the national recycling rate. Mr Potter inappropriately relies on one facet of the overall measures, which only relates to the collection of food waste (not any other the other numerous recyclables) in what will be exceptional circumstances. The relevant part of the consultation response states:

"Collection of food waste: where there are long-term residual waste disposal contracts

The government's position is that all local authorities should implement food waste collections by the end of March 2026. However, we recognise that there are exceptional circumstances in which specific local authorities may need longer due to long-term waste disposal (mechanical biological treatment and energy from waste) contracts that run beyond 31 March 2026. Government is not prepared to meet the costs of breaking long-term contracts.

Defra will proactively work with local authorities to provide transitional arrangements where needed to avoid contract-breaking..."

2.2.6 This is clearly a sign that the Government pressing on with new measures for recycling in recognition that there could be ***exceptional circumstances*** where prior existing contracts involving MBT or ERF might somehow preclude the separate collection of food waste.

2.2.7 Despite my involvement in numerous long-term waste management contracts involving ERF development (see para 1.1.4 of my main proof), I am not aware of any instance where segregated food waste collection could be prohibited under contract

because the contract includes ERF capacity. I can only speculate (with some prior knowledge) that there may be long-term contracts involving MBT where the biodegradable / biogenic content of the waste may need to fall within a specified range (such that effective biological treatment can take place) and the removal of food waste from the general residual waste stream could affect meeting that specification.

Self-Sufficiency

2.2.8 In his paras 3.8 and 3.9 Mr Potter does not address the legal definition of self-sufficiency (see paras 4.3.8-4.3.12 in my main proof which shows it relates to the UK as a whole) and states that it is "normally" interpreted as 'net' self-sufficiency. I disagree, but do agree that in delivering self-sufficiency, the DWP has an aspiration (included in Policy 1) to deliver net self-sufficiency. Such an approach is not unusual in Waste Local Plans despite the concept having no basis in national policy.[2]

2.2.9 In his paras 3.8-3.11 generally, and by reference to his Appendix 2, Mr Potter advances the case that, whilst he accepts the DWP area is not *"fully achieving net-self-sufficiency overall"* (his para 3.8), if you somehow balance the flows of all waste types through all types of facilities and the total amount generated equals the total amount passing through DWP area facilities, then somehow net-self-sufficiency is achieved. Taking this approach, he effectively says, the DWP area is nearly but not quite net self-sufficient.

[2] There is no reference to net self-sufficiency in the Waste (England and Wales) Regulations 2011, or NPPW, or in any other national policy document of which I am aware. I have set out the interpretation of 'self-sufficiency' by reference to paragraph 65 of 'Energy from Waste: A Guide to the Debate' (at paragraph 4.3.14 of my main proof). As there described, and as can be seen from paragraph 4 (4) of Part 1 of Schedule 1 of the Waste (England and Wales) Regulations 2011 above, self-sufficiency applies to the UK as a whole. Net self-sufficiency is a concept devised by WPAs for the purposes of their Waste Local Plans. It should not be confused with the waste management principle of 'self-sufficiency', which is, as the Guide and National Planning Policy for Waste (see CD9.2 at paragraph 3 4th and 5th bullets for example) make clear, is not something that applies to individual Waste Planning Authorities. The matter was fully considered by the Inspector at the Northacre ERF appeal, on the basis of similar evidence given by Mr Potter, in his paras 64 and 65 (see CD10.1). He concluded in the latter para that: *"While there is an underlying principle of waste being managed close to its source, there is no implication of local authorities needing to be self-sufficient in handling waste from their own area."*

2.2.10 This approach is most evident in his Appendix 2 at paragraphs A2.1-A2.3 and in Table 1, where waste passing through Transfer Stations in the DWP area is balanced against non-inert waste going to EfW outside of the DWP area.

2.2.11 This appears to be an invented approach that if consideration is given to inerts and recyclables, and there is a quasi-mass-balance, a WPA is then able to ignore the different types of waste requiring management. Taken to its logical conclusion, if the DWP authorities imported 2.5 million tpa of non-DWP inert waste (say soils) and landfilled it in Dorset, on that approach they would not have to provide facilities for the management of any other type of waste. The approach does not comply with the waste hierarchy or the requirement (elsewhere relied on by Mr Potter) of driving waste management up that hierarchy. As NPPW paragraph 3 states (in respect of plan making): *"drive waste management up the waste hierarchy (Appendix A), recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal"*.

2.2.12 Mr Potter's adoption of this approach is not new. He gave evidence at the Northacre ERF appeal in November 2022 resulting in the decision provided as CD10.1 and followed the same line of argument. In this case his quasi mass-balance approach resulted in Wiltshire meeting a claimed 'net-self-sufficiency'. The relevant sections of his proof stated:

"5.28 An adjunct to the proximity principle is the principle of 'net self sufficiency'. The principle of 'net self sufficiency' states that a waste planning authority should plan for capacity in its area that would be sufficient to manage the quantity of waste it anticipates arising within the Plan area over the period of the Waste Local Plan. This principle has been adopted by Wiltshire Council and is set out in WCS1 of the Wiltshire Waste Core Strategy. It should be noted that WCS1 extends beyond Wiltshire's own needs by referring to sub-regional apportionments set out in the Regional Spatial Strategy which now no longer exist and therefore do not need to be provided for in the same way. It also states that:

> *"Need will be met locally whilst balancing the importation and exportation of waste within the principles of sustainable development and in accordance with the principles of sustainable transport."*

The focus on meeting need locally whilst accounting for flows into and from Wiltshire is consistent with the approach to net self sufficiency adopted by WPAs across England since withdrawal of the regional strategies.

5.29 An assessment of the net self sufficiency of Wiltshire using data for 2020 is presented in Appendix 1 to this Proof. This demonstrates that Wiltshire makes more than ample provision for the management of a quantum of waste equivalent to that produced in Wiltshire (accounting for inward and outward flows) and there is no need for the development of additional capacity to ensure this balance is maintained in future.

5.30 If the Appeal proposal were to be developed it would disrupt plans put in place by other Waste Planning Authorities, drawing in waste from further afield with it consequential adverse effect of HGV emissions and highway impacts".

2.2.13 At paragraph 70 of his decision letter, the Inspector concluded: *"I have carefully considered the arguments presented by Mr Potter in paragraphs 5.27 to 5.30 of his proof of evidence. However, in light of the above, I do not find these persuasive"*.

2.2.14 Finally in this part of Mr Potter's proof, at his para 3.11 he states: *"It is notable that the Northacre EfW plant in Wiltshire has been granted consent recently and this was predicated upon waste being received from Dorset and BCP too"*. This statement is factually incorrect. I gave the evidence on need at the Northacre ERF appeal and can confirm the correct position.

2.2.15 Like my sub-regional analysis for this appeal, the Northacre need assessment looked at a Study Area comprising multiple local authority areas and then considered need by reference to several operational (or 'certain') ERF facilities. In the Northacre case, the Study Area comprised: Wiltshire, Swindon; Somerset; Gloucestershire; Bristol, South Gloucestershire Bath & NE Somerset, North Somerset; Dorset, Bournemouth, Christchurch & Poole (BCP); Hampshire, Southampton; and West Berkshire. Across this area consideration was given to the capacity of 8 ERF plants. The assessment then modelled future residual waste quantities across the entire Study Area and matched this to ERF capacity across the Area (the process is described by the Inspector in his decision letter CD10.1 at paras 51-54). At no point was the Northacre ERF 'predicated' on receiving Dorset / BCP waste.

Proximity Principle and the DWP Spatial Strategy

2.2.16 The balance of Mr Potter's proof covers the proximity principle and the DWP spatial strategy, albeit under three section headings (Sections 3, 4 and 5). In his proof, Mr Potter conflates the proximity principle and the spatial strategy. I believe this is wrong for reasons which I will explain.

2.2.17 I have dealt with the proximity principle and the DWP spatial strategy extensively in my main proof (paras 4.3.7-4.3.18) and do not propose to repeat that evidence. For the reasons given there, the DWP adopts the legal definition of the proximity principle. Thus it only relates to mixed municipal waste collected from private households and requires that: *"The waste infrastructure network must enable waste to be managed in one of the nearest appropriate facilities, through the most appropriate methods and technologies, in order to ensure a high level of protection of the environment and public health"*. I then describe the Government's interpretation of the principle as set out in 'Energy from Waste: A guide to the debate' (CD9.8), and that the approach I have set out and adopted was endorsed by the Inspector at the Northacre ERF appeal.

2.2.18 Given that 100% of Dorset's / BCP's residual waste is currently subject to final (fate) management outside of the Dorset / BCP area and is going to out of county ERFs, out of county landfill and overseas ERF, delivery of the Appeal Proposal simply cannot be in breach of the proximity principle.

2.2.19 Thus, the real focus on this part of Mr Potter's evidence actually relates to the DWP spatial strategy. I address the spatial strategy in my main proof para 4.3.17 i-v. and do not repeat it. In short, Mr Potter focusses on 4 allocated sites and aside from a couple of isolated comments which I will address, his focus is on 'waste miles'.

2.2.20 First, as per paras 4.2.5 and 4.3.17ii of my main proof, Mr Potter's approach is entirely predicated on non-existent 'theoretical' waste facilities being located on the allocated sites, particularly Canford Magna. The allocations in the extant and previous Waste Local Plans have failed to deliver operational residual waste treatment capacity on the southeastern allocations for over 17 years in the case of Canford Magna and Binnegar and circa 5 years for the Parley site. The Parley site cannot physically deliver a plant that could fulfil the identified need in any event.

2.2.21 Secondly, it is difficult to understand what Mr Potter's 'Waste Miles – Table 1' (page 13 of his proof) actually shows and what assistance it can provide to the inquiry. By way of comment:

i. As per my para 2.1.3 above, firstly he has identified as much LACW residual waste in Table 1 as entire residual LACW and C&I waste combined in his Table 3 in his Appendix 1. I find his numbers irreconcilable.

ii. It would have been more helpful to show the difference in waste miles between waste travelling to the Appeal Site and where it actually currently goes for management i.e. places such as Bridgewater in northern Somerset, Slough, various parts of Hampshire, the Netherlands and Sweden. Putting a finger in the air and (wildly) guessing that the additional journey distances might average out at an additional 150 miles, for Mr Potter's 184,000 tonnes of waste, the Appeal Proposal would result in a saving of 27,600,000 waste miles. I place no reliance on this figure, but it will undoubtedly be a large number.

iii. Waste miles are a very unhelpful proxy for transport impacts, as without understanding vehicle payloads, which Mr Potter's Table 1 ignores, there is no real understanding of effects.

2.2.22 The final two points I respond to on Mr Potter's proof are his paras 3.23-3.24 and his para 3.29. In the former, he identifies the new residual waste tonnages considered suitable for management at each of the 4 sites when allocated. Looking at these:

i. The constraints at Parley are so great it has only managed to secure permission for a 50,000 tpa ERF, which is completely undeliverable in my opinion (see para 4.2.15 i-xi in my main proof).

ii. Canford is only identified for a 25,000 tpa facility, yet the Council and Mr Potter rely on a undetermined planning application for a 260,000 tpa ERF, which (see para 4.2.21 of my main proof and my Appendix NR13), would result in very significant adverse impacts on nationally important planning constraints (see para 4.2.21 i-xiv in my main proof and Appendix NR13).

iii. Mannings Heath is not large enough to deliver an ERF.

iv. At no stage have proposals for residual waste treatment capacity come forward at Binnegar in the past 17 years of allocation.

2.2.23 Mr Potter goes on in his para 3.24 to state that: *"…. all the above sites were assessed individually on the basis of accepting a significantly smaller tonnage than that now proposed to be managed by the Appeal proposal. This suggests that the intention was not to provide for the full amount of capacity gap projected at the end of the Plan period at a single site, rather that provision would be made by step-wise intensification"*.

2.2.24 This is a very helpful clarification of the Council's position. In short:

i. The Council's position is that **all** of the aforementioned allocated sites were assessed, and thus allocated, on the basis of accommodating / accepting a **significantly** smaller tonnage than would be managed by the Appeal Proposal.

ii. It must therefore follow that the site allocated on the basis of an assessment of the smallest tonnage i.e. Canford Magna at 25,000 tpa was never envisaged or considered suitable (by an order of magnitude) to accommodate a 260,000 tpa ERF (as now proposed), which would handle 42% more waste per annum than the Appeal Proposal.

iii. That nature of the allocations is such that they are really only suited to step-wise intensification, an approach which no one has ever tried to physically deliver in any form, very probably on the basis that in the current era, residual waste treatment facilities are rarely if ever built at a small scale.

iv. It is not possible to intensify a use on a site when the use does not already exist. In this regard it is noted that than none of the allocated sites currently contains a true residual waste management facility / use.

2.2.25 Thus, should it be determined that there is a need for a circa 200,000 residual waste treatment facility, the Council's position can be noted that the 4 allocated sites were not allocated on the basis of delivering a facility of this scale and are not suited for such a proposal, the intention of the allocations simply being for smaller scale 'step-wise' intensification. As such Insets 7-10 in the waste plan (Parley, Canford, Mannings Heath and Binnegar) were clearly not considered and examined as

allocated sites for the purposes of an ERF of size that, alone, could meet Dorset's need.

2.2.26 Finally, at para 3.29, Mr Potter states that no space is actually identified for the Appeal Proposal to deliver future carbon capture, but there is such space identified for the Canford ERF. Stephen Othen deals with this point for the Appeal Proposal. In terms of the Canford ERF, as per para 4.2.21 xiii. Of my main proof, the land available for development in the allocation is very limited and its boundaries are constrained by existing buildings (the MBT plant) and existing vegetation which must be retained under the terms of the allocation (Development Consideration no. 2). In this context, the area set aside for potential delivery of a future carbon capture plant (which does not form part of the application), is already purposed for another use and less than half the space such a plant requires. Thus, a carbon capture 'ready' scheme cannot be delivered on this site.

2.2.27 In my Appendix NR13 (on page 82 of the Appendix bundle) I have challenged the Canford ERF applicant to produce a design for a deployable carbon capture technology in the 900m^2 space shown as available. I am not surprised that Canford ERF applicant has not been able to rebut the position that carbon capture can be deployed at Canford, because it technically is impossible, and therefore undermines their application for a 'CCS ready EFW plant…'.

3.0 MS HART'S EVIDENCE

3.1 Main Proof

3.1.1 At the outset it should be noted that whilst there are many parts of Ms Hart's evidence with which I disagree, I do not seek to rebut them all for number of reasons including that:

i. I have already rebutted the point made in relation to Mr Potter's evidence above.

ii. She draws / relies on conclusions of the Council's other technical witnesses, with whom the Appellant disagrees, and the countervailing position is addressed by the Appellant's technical witnesses.

iii. The point is already clearly addressed in my original evidence.

3.1.2 At para 8.13 she states that the DWP identifies that residual waste in the Plan area was being managed through a combination of transfer stations, recovery facilities and landfill (disposal) sites. Waste, residual or otherwise, cannot be managed through a transfer station: it is simply a means of handling waste for onwards transportation (see DWP para 7.30 which recognises this). Further, with the exception of the intermediate treatment MBT facility at Canford, none of Dorset / BCP residual waste is managed within the DWP area.

3.1.3 From 8.25 onwards Ms Hart considers the spatial strategy. I have already set out my assessment of the failure of the allocated sites to deliver operational residual waste management capacity and the patent unsuitability of allocations to accommodate a scheme of the scale of the Appeal Proposal.

3.1.4 In her para 8.31, Ms Hart states that allocation of the four sites in the DWP (CD7.1) is consistent with the principle of co-location of waste management facilities and the consideration of cumulative impacts as key considerations, in accordance with paragraph 4 of the NPPW (2014) (CD9.2). I note that para 4 of NPPW lists the 'principle' of using industrial sites ahead of the 'principle' of co-location as a locational criterion. Further co-location relates to both with other waste management facilities and with ***other complementary activities*** (i.e. co-location with complementary non-

waste activities is of equal relevance to co-location with waste facilities). Nowhere does NPPW para 4 reference cumulative impacts.

3.1.5 Further, para 4 of NPPW (see Ms Hart at para 8.32) states: *"Where a low carbon energy recovery facility is considered as an appropriate type of development, waste planning authorities should consider the suitable siting of such facilities to enable the utilisation of the heat produced as an energy source in close proximity to suitable potential heat customers"*. I note the requirement is 'suitable siting' for 'potential' customers. The Appeal Proposal demonstrably delivers in these respects better than any of the allocations.

3.1.6 Surprisingly, in considering the virtues of the allocated sites by reference to NPPW, Ms Hart fails to recognise para 6, which states: *"Green Belts have special protection in respect to development. In preparing Local Plans, waste planning authorities, including by working collaboratively with other planning authorities, should first look for suitable sites and areas outside the Green Belt for waste management facilities that, if located in the Green Belt, would be inappropriate development."* This is particularly pertinent in relation to the two of the four allocated sites (Parley and Canford Magna) on which Ms Hart relies, which are located in the Green Belt. Further, DWP Policy 21 specifically requires applicants for development on these sites to demonstrate that no alternative non-Green Belt sites exist.

3.1.7 Ms Hart's paras 8.33-8.41 cover self-sufficiency. She adopts Mr Potter's inappropriate 'mass-balance' net self-sufficiency approach and his Appendix 1 assessment of waste quantities. I have already dealt with these issues above in connection with Mr Potter's evidence.

3.1.8 At para 8.38, like Mr Potter, she indicates that the consented Parley ERF has a 60,000 tpa capacity. Its thermal treatment capacity is actually 50,000 tpa (as Ms Tulett correctly identifies at her para 2.33) and I reproduce the relevant extracts from the application's Environmental Statement below.

"3.2.2 The proposed ERF will receive up to 60,000 tonnes of non-hazardous residual waste per annum over the weighbridge, which will then be subject to sorting and pre-processing within the ERF building. From this input, approximately 10,000 tonnes

will include paper and card materials, which are suitable for recycling.[3] The remaining 50,000 tonnes of the residual waste would be subject to low-emission thermal combustion within the proposed ERF, assuming a net calorific value (NCV) of 10.5 MJ/kg for the waste fuel.

3.2.3 The 10,000 tonnes of recyclable material would be bulked, loaded on to HGVs and exported off the Site to a company which purchases the recycling offtake".

3.1.9 Ms Hart's paras 8.42-8.49 claims to cover the proximity principle, but in reality, like Mr Potter, she reverts to the spatial strategy. She also adopts Mr Potter's 4.2 million additional waste miles when the Appeal Proposal is compared to a theoretical solution which does not exist. I have already dealt with these points above.

3.1.10 Ms Hart's paras 8.50-8.78 covers claimed advantages or benefits of the Appeal Proposal. I particularly note her para 8.51 where it states: *"… the Appellant's argument disregards the fact that the allocated sites were subject to considerable scrutiny and examination in the course of the preparation of the Waste Plan (CD7.1), which identified that they were suitable for the waste management need identified in the Plan, i.e. for the treatment of residual waste, whether this is by means of energy recovery or another process of technology"*.

3.1.11 I disagree and point out that her committee report and evidence disregard the fact (not even referenced) that the two allocated sites on which she relies are located within the Green Belt, which is a very significant constraint on their ability to deliver any new development and there is a specific policy requirement that in order to justify the grant of permission, very special circumstances need to be demonstrated, which must include demonstrating the lack of any alternative suitable non-Green Belt sites. She also fails to identify that the allocations were made based on a suitability assessment for limited tonnages, all of which are materially less that the waste tonnage that the Appeal Proposal would manage.

[3] This claim further undermines the credibility of the Parley proposal as you simply cannot mechanically extract the paper and card fraction from mixed residual municipal waste that has been sat in a wheely bin for up to 2 weeks, then compacted in a Refuse Collection Vehicle and then probably further mixed and compacted passing through a waste transfer station. Further, anything that was manually 'picked out' would be so contaminated that it would almost certainly be rejected by a paper reprocessor.

3.1.12 At para. 8.51 Ms Hart then refers to the Parley ERF consent and the undetermined Canford ERF application. Her position with regard to that application, and indeed that of the Council, is very curious. She effectively cites the application as demonstrating the efficacy of the allocation, but fails to acknowledge on the basis of her and Mr Potter's evidence that the Canford ERF should be robustly refused because:

i. It is 235,000 tpa larger than the 'correct' residual waste treatment capacity gap in 2033 (that being only 25,316 tpa – see her para 8.38).

ii. As I identify in my para 2.2.25 above, the Council's position as expressed by Mr Potter is that the allocation is really only suited to 'step-wise' intensification and handling only a further circa 25,000 tpa.

3.1.13 I note that a large part of this section of Ms Hart's proof relies on the evidence of Mr Norton. Stephen Othen's rebuttal explains the shortcomings of Mr Norton's work in relation to his diminution of the benefits of Shore Power and the potential district heating network (DHN).

3.1.14 At her paragraph 8.75 Ms Hart seeks to downplay the benefits of the dispatchable renewable energy that would be produced by the Appeal Proposal by way of saying:

i. The renewable component is likely to reduce going forward due to increased food waste collections.

ii. The quantity of renewable energy is not significant.

iii. The renewable energy seemingly lacks some sort of relevance as she says the sector recognises that the primary purpose of an ERF is waste disposal not power/energy production.

3.1.15 I respond as follows:

i. Whilst not universal, segregated food waste collection has been common and on the increase for many years. Dorset Council already operates food waste collection and within BCP, Bournemouth and Christchurch also already provide the service. The evidence to date shows that the effects of segregated food waste collection are more than offset by the removal of fossil fuel based wastes (plastics) from the residual waste stream. Reference to Tolvik's EfW Statistics for 2022 (CD12.2) pages 6 and 7 show a steady

decrease in non-biogenic CO_2 emissions per tonne of waste treated over the past 5 years and that the biogenic content of CO_2 emitted from UK EfWs remains comfortably above 50%.

ii. Paragraph 158 of the Framework states (emphasis added): *"When determining planning applications for renewable and low carbon development, local planning authorities should:*
a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and ***recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions****…."* Clearly Ms Hart's position is not consistent with this national policy.

iii. The third point is the most remarkable and highlights Ms Hart's predisposition against ERFs. First, whilst Ms Hart (and indeed the Government or anyone else are entitled to their own view), I disagree that that 'the sector' views the primary purpose of ERF is waste disposal, having worked for most of 'the sector' for the past 25 years and, as referenced below, it is not a 'disposal' solution. Quite simply ERFs straddle two sectors and both are of equal importance as the name "ERF" indicates (as does "EFW"). A very significant and increasing portion of the UK EfW fleet is developed, owned, operated by energy and energy infrastructure investment companies, as opposed to traditional waste management companies. Further, larger ERFs (>50MW) are consented (via Development Consent Orders) by Department for Energy Security and Net Zero, as opposed to DEFRA, who have responsibility for waste. Clearly, so far as renewable energy is concerned, it is of equal value irrespective of its source. Finally, the Appeal Proposal will be an R1 compliant ERF and thus it would not be classed as a waste 'disposal' facility, but as a 'recovery' facility – precisely because of its energy generation.

3.1.16 An additional, supplemental point on the energy / renewable energy importance of the Appeal Proposal is demonstrated through the publication of the Overarching National Policy Statement for Energy (EN-1) on 22nd November 2023. The publication versions on EN-1 and EN-3 still need to be approved in the Houses of Parliament, which should be a rubber stamping exercise, so whilst not carry fully

statutory weight, I believe they should be afforded very significant weight relative to their purpose. As with the previous version of EN-1, it can be a material planning consideration for applications considered under the 1990 Act (para 1.2.1).

3.1.17 EN-1 outlines the general and net zero energy objectives in paras 2.3.3 - 2.3.5 as follows (extract and emphasis added):

"2.3.3 Our objectives for the energy system are to ensure our supply of energy always remains secure, reliable, affordable, and consistent with meeting our target to cut GHG emissions to net zero by 2050, including through delivery of our carbon budgets and Nationally Determined Contribution. This will require a step change in the decarbonisation of our energy system.

2.3.4 Meeting these objectives necessitates a significant amount of new energy infrastructure, both large nationally significant developments ***and small-scale developments determined at a local level…****.*

2.3.5 The sources of energy we use are changing. Since the industrial revolution, our energy system has been dominated by fossil fuels. That remains the case today. Although representing a record low, fossil fuels still accounted for just over 76 per cent of energy supply in 2020.26 We need to dramatically increase the volume of energy supplied from low carbon sources".

3.1.18 EN-1 then sets out (sub-section 4.2) the critical national priority (CNP) for low carbon infrastructure. Such infrastructure includes (para 4.2.5 1st bullet): "… anaerobic digestion and other plants that convert residual waste into energy, including combustion, provided they meet existing definitions of low carbon…".

3.1.19 From para 4.2.17 onwards, EN-1 then sets out the ground breaking details around how the Secretary of State will take as the starting point for decision-making that such infrastructure is to be treated as if it has met any tests which are set out within the NPSs, or any other planning policy, which requires a clear outweighing of harm, exceptionality or very special circumstances, including where development in nationally designated landscapes requires exceptional circumstances to be demonstrated; and where substantial harm to or loss of significance to heritage assets should be exceptional or wholly exceptional.

3.1.20 Clearly the Appeal Proposal at 20.1MW installed capacity is not an NSIP (i.e.>50MW) and does not benefit from the 'treatment' described above. It is also recognised that there are 'need' requirements around such larger plants (EN-1 paras 5.15.6 - 5.15.7 and footnote 36). Nevertheless, I do not believe that the planning benefits and presumptions in favour of energy and low carbon energy infrastructure have every been afforded greater weight or importance in a planning context.

3.1.21 I have 3 further limited responses to make on the remainder of Ms Hart's proof.

3.1.22 At para 8.144 she states that she has: *"…been informed that Dorset Council Waste (then Dorset Waste Partnership) undertook a site feasibility assessment of Portland Port but following this decided not to proceed with the location as a waste management site"*. Whilst I take Ms Hart's statement at face value, she provides no supporting evidence. This would have been helpful as it is unclear to what precisely she is referring, at what time, and for what purpose any feasibility assessment was undertaken (and by whom). I am not aware that any part of the Council acting in its function of Waste Planning Authority (WPA) for the purposes of the DWP has undertaken a site feasibility assessment for the purposes of prospective allocation. However, I am advised there were discussions between Portland Port and the Dorset Waste Partnership acting as Wate Disposal Authority (WDA) over land at the Port. I have seen the text of an email dated 10th September 2018 from Karyn Punchard a Director at the Dorset Waste Partnership. In this she stated:

"We are now in a position to update you on our plans following the feasibility work we conducted back in June. Thank you for your patience during this time whilst we have reviewed and considered our position. The port and it facilities represent considerable potential for development for waste management and other industrial applications. Our work has concluded that the site could feasibly be developed to deliver a processing and export facility. However within our current contract procurement time window (2020/21) coupled with the Brexit derived unknowns in the RDF export market, we do not feel progressing a development at this time is the correct move for the Dorset Waste Partnership or Dorset Council from next April.

This is not to say the port is completely excluded from our plans and we would like to retain dialogue with you as we look toward a longer term strategy. The intention of the current procurement/ contracting exercise is to see us through to the expiry of all the major residual waste contract in Dorset (2027). From this point there is the

potential to benefit from the scale that this combined volume brings. Therefore once we have completed the current procurement project we will embark on asking the question about what Dorset needs after 2027. We anticipate this work to commence as early as 2020 which will again see an assessment of available and prospective infrastructure. Having seen and understood the port in more detail allows it from this point forward to be incorporated in our strategic thinking on a more informed basis.

Thank you for yours and your colleagues time across the three visits, I have personally appreciated looking at the Port from a different perspective, and understanding what it can offer. We look forward to working with you again when we start our longer term projects in the coming years."

3.1.23 As far as the Appellant is aware, this is the only waste facility 'feasibility assessment' which has been referred to, and that the Appeal Site or its environs were not 'assessed' for purposes related to the suitability for allocation contrary to Ms Hart's understanding.

3.1.24 At her para 8.146, Ms Hart states: *"While the provision of an ERF plant in Dorset would contribute towards achievement of net Self-Sufficiency for Dorset, the data shows that current consented capacity in the region is sufficient to ensure Self-Sufficiency in ERF capacity, and the latest national data (for NIC) shows that there is more than sufficient ERF capacity to meet future needs, nationally"*.

3.1.25 Apart from my disagreement on the regional and national need position, explained already, it is difficult to reconcile how the Appeal Proposal can be found (on the Council's assessment) to be in conflict with the spatial strategy and proximity principle; yet all of Dorset / BCP's residual waste is sent to other ERFs across the Southwest region[4] and this is considered acceptable in the context of the Council's views on the spatial strategy and proximity principle. Further, in adopting such an approach, 'net self-sufficiency' for the DWP area (see above) appears then to be abandoned in favour of a new, previously unmentioned, concept of 'Regional Self-Sufficiency'.

[4] In Table 7 of his Appendix 1, Mr Potter identifies the other operational ERFs as being at Avonmouth, Cornwall (St Denis), Exeter, Gloucester, Devonport, Bridgewater and Severnside (South Gloucestershire).

3.1.26 At para 8.147 Ms Hart asserts that: *"Contrary to the Appellant's claims very little RDF is now exported abroad..."*. At the time of writing this rebuttal, 'Let's Recycle' has just reported:

"Provisional data published by the Environment Agency yesterday (20 November [2023]*) showed that 1,158,891 tonnes of RDF were exported from England in January- September 2023, compared with 1,058,711 during the same period in 2022.*

The figures shows that the spike in RDF exports in England this year is continuing. The last dataset published by the Agency in August, covering the first half of the year, showed that RDF exports were up 7% year-on-year".

3.1.27 Extrapolating the latest 9 month data for the full year, equates to 1,545,188 tonnes of RDF export. Based on its nominal capacity, this would equate to just under 8.5 no. ERFs of the scale of the Appeal Proposal being required to avoid 'offshoring' this UK residual waste. Ms Hart may disagree, but I believe that is not a ***very little*** amount.

3.1.28 Finally, at para 9.3, Ms Hart indicates that the distance from Bridgewater to Canford Magna is actually 67 miles. By reference to my Appendix NR18, the fastest route shown in dark blue (admittedly by car but following main roads) is via the A37 and measures 76.6 miles (123.3 kms). Most notably, this routes via Dorchester, only 14 miles from the Appeal Site.

4.0 MS TULETT'S EVIDENCE

4.1 Main Proof

4.1.1 As per my approach to rebutting Ms Hart's evidence, I do not comment on all of Ms Tulett's evidence, and such lack of comment should not be taken to mean I agree with her position.

4.1.2 In her para 2.6, Ms Tulett relies on a Council infographic to support her assertion that Dorset is currently exporting a small amount of waste to Europe. This information clearly only relates to Dorset LACW and not BCP LACW or any C&I waste from either of the authorities' areas. As per Table 3.2 (page 32) in my main proof, in 2022 a total of circa 70,768 tonnes of RDF was exported from the DWP area to Europe. This is entirely due to a lack of ERF capacity in the UK, as evidenced by the fact that in 2021 11.65Mt of waste suitable for ERF treatment, was either landfilled or exported to overseas ERFs. There was no unused operational UK ERF capacity.

4.1.3 At paras 2.56-2.60 Ms Tulett provides comment around the change in waste codes to include the treatment of residual waste not in the form of RDF. In response, I draw attention to Stephen Othen's Appendix SO8 and respond that:

i. The range in waste CV which the Appeal Proposal can accept would all combust at a minimum of 850^{o}C in accordance with the Permit requirements.

ii. Some waste processes for the formation of RDF involve reducing the moisture content of the waste, others do not. The Appeal Proposal will be capable of combusting waste with a range of CVs (and moisture content), with this range encompassing a CV reflective of unprocessed residual municipal waste, up to that a well processed RDF.

iii. At the lowest forecast waste CV (i.e. minimal RDF and primarily non-RDF waste) the Appeal Proposal would combust 202,000 tpa and result in a maximum daily HGV traffic flow of 80 movements per day. This is entirely consistent with what was applied for at the planning application stage. The 80 HGV movements per day will be controlled by planning condition.

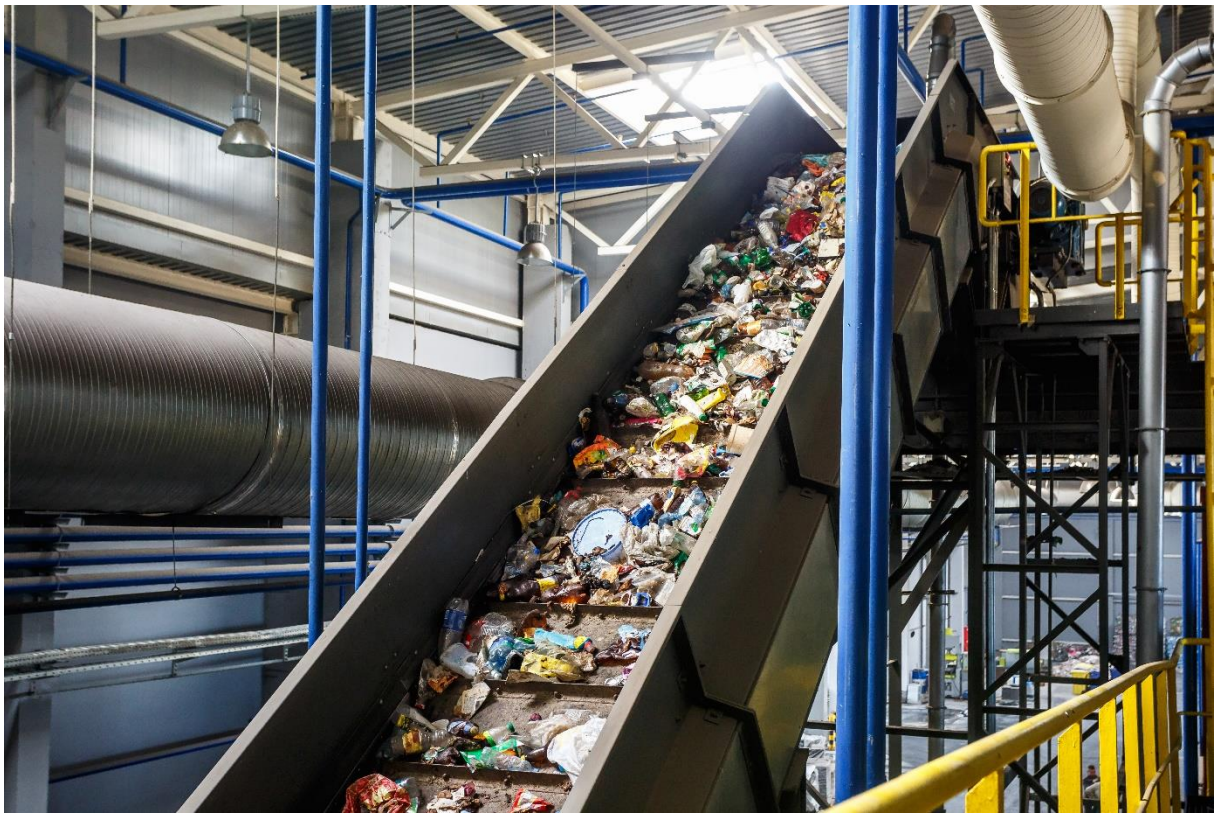
4.1.4 In Ms Tulett's para 3.11 she introduces the proof prepared by Mr Clive Bentley in relation to noise and tranquillity. In response to this as my Appendix NR19, I provide

a rebuttal note produced Arup in relation to the noise and tranquillity issue. There is no merit in the claim that the Appeal Site relates to a tranquil area and there would be a loss of tranquillity. The Appeal Site is part of the port.

Appendix NR17 Extract of Gate Fees Report 2022/23 - WRAP March 2023

GATE FEES REPORT 2022/23

COMPARING THE COSTS OF ALTERNATIVE WASTE TREATMENT OPTIONS



WRAP's sixteenth Gate Fees Report analyses the gate fees charged for a range of waste treatment, recovery and disposal options as reported by local authorities.

Project code: PSE500-021
Research date: November 2022 – January 2023 **Date:** March 2023

About WRAP

WRAP is a climate action NGO working around the globe to tackle the causes of the climate crisis and give the planet a sustainable future.

Our core purpose is to help you tackle climate change and protect our planet by changing the way things are produced, consumed, and disposed of.

Document reference:
(Please use this reference when citing WRAP's work): [WRAP, 2023, Banbury, Gate Fees report 2022/23: Comparing the costs of alternative waste treatment options]

Research designed and written by: Daniel Roberts, Griff Palmer, and Oliver Bell from WRAP, and Anna Collingridge, Tom Crick, Christine Batty and Peter Jones, Eunomia Research and Consulting,

1.0 Executive summary

The Gate Fees Report 2022/23 summarises the findings of WRAP's sixteenth annual gate fees survey. The survey covers gate fees charged to Local Authorities (LAs) in the UK for a range of municipal waste recycling, recovery, and disposal options, for the year 2022.

The aim of the Gate Fees Report 2022/23 is to increase price transparency and, by improving the flow of information, improve efficiency in the waste management market. A lack of market information may reduce a local authority's ability to make informed decisions on waste management options.

For the first time select survey responses were shared with Defra in order to help inform modelling for the packaging Extended Producer Responsibility (EPR) scheme. Where explicit permission was granted, responses were shared with Defra. All data from the gate fees survey used in the packaging EPR will undergo additional quality assurance and cross-checking. The data will be used to support modelling for the packaging EPR, alongside other sources of data that are being collected to cover gaps not covered by the gate fees survey.

Methodology

Data gathering for this survey was conducted between November 2022 and January 2023. All local authorities in the UK were targeted including all Unitary Authorities (UAs), Waste Disposal Authorities (WDAs), Waste Collection Authorities (WCAs) and Joint Waste Authorities (JWAs). Also targeted were private sector operators of waste management facilities, and senior managers of large waste management companies operating within the UK market. The waste treatment/disposal routes targeted for gate fees were:

- Materials Recovery Facility (MRF);
- In-Vessel Composting (IVC);
- Anaerobic Digestion (AD);
- Energy from Waste (EfW); and
- Non-hazardous landfill (NHLF).

Responses were received from or on behalf of 266 Local Authorities (LAs), representing 62% of all LAs in the UK. Responses were received from 66% of English WDAs, covering 72% of WCAs and responses were received on or behalf of 82% of local authorities in Northern Ireland. However, responses were received from only 34% of Scottish authorities and 50% of Welsh authorities. The response rate is lower for some treatment/disposal options in some parts of the UK because some of the treatment types are less prevalent in those areas.

The 2022/23 survey has followed a similar approach to previous years in attempting to obtain gate fee and related data for waste management facilities through an annual survey conducted online, with a focus on maximising responses.

This year, efforts were made to provide a clearer distinction between bulking, storage and haulage costs. In line with a change to the survey made last year, net and gross gate fees for Materials Recovery Facilities were also distinguished: where a revenue sharing mechanism is in place, the two can differ greatly when material prices are high and therefore comparing net and gross gate fees against one another may lead to incorrect assumptions on the range of prices and some loss of granularity in the data. Collecting net and gross gate fees separately also allows for comparison against other factors to examine if the use of net or gross gate fees correlates with other behaviours or responses.

The approach taken aimed to further improve the accuracy of the data and the level of insight it provides.

Key findings

Summary gate fee data reported by local authorities for 2022/23 for a range of waste management processes are presented below.

Materials Recovery Facilities (MRFs)

The gate fee results for MRFs are summarised in Table 1 below.

Table 1: Summary of UK MRF gate fees reported by local authorities, 2022 (£/tonne)

Gate fee type	Median (£/t)	Mean (£/t)	Mode[1] (£/t)	Range[2] (£/t)	Response count
Gross	79	75	85.01 to 90	-36 to 133	108
Net	16	10	15.01 to 20	-83 to 106	126

- The results spanned a wide range of values, with significant variations arising from a number of contract/service delivery factors explored more fully within the report.
- The upward trend in MRF gate fees continues. The median gross UK MRF gate fee for contracts sorting two or more materials is £79/tonne (for a range of -£36 to £133/tonne), compared to £60/tonne in 2021/22 and £43/tonne in 2019/20.
- The median gross UK gate fee for contracts commenced since 1st April 2022 (£58/tonne) is lower than the median gate fee for all current contracts across the UK by £21/tonne. However, this insight based on only seven relevant responses for contracts commenced since 1st April 2022 and should be treated with caution.

1 Mode is the gate fee range (in £5 increments) which received the most responses in the survey data.
2 Range lists simply the ranges between the maximum and minimum data points in the survey data collected.

- The median gate fee falls when the income from commodity sales is accounted for in the net gate figures (£16/tonne). This compares to a net gate fee excluding transport of £18/tonne in 2021/22.
- Responding authorities were asked if their gross gate fee had changed in the last 12 months, with 87% saying 'Yes'. 52% said that it had increased by more than 5%, while 20% reported a decrease of more than 5%. 15% suggested a smaller change (i.e. no more than a 5% increase or decrease). Only 13% reported no change.
- Of those providing an explanation for the change, 56% stated inflation increase or price review, 32% said changes to the value of materials collected and 20% cited changes to contract.
- 51% of authorities stated that their input contamination must not exceed 15% of total material input.
- 24% of authorities stated that their MRF provider monitors and enforces excessive contamination more proactively compared to last year.
- 52% of authorities said that their contract includes an element of contractor risk share, where the risks associated with the sale of recycled material, primarily commodity value and material quality, are shared.
- Authorities were asked if they envisaged changing their collection method for dry recyclables at the next available opportunity. Of the 92 that responded, 28% said 'Yes' and 72% said 'No'.
- None of the responding authorities planned to move to a commingled collection. 32% said that they would change to a system described as 'Twin stream system (Stream 1 = paper and cardboard; Stream 2 = glass, metal and plastic containers)', with a further 20% stating that they would move to a system described as 'Material presented in at least three containers at the kerbside'. Amongst the authorities proposing to change their system, 58% said they were currently using a commingled methodology.

In-vessel Composting (IVC)

The gate fee results for IVCs are summarised in Table 2 below.

Table 2: Summary of UK IVC gate fees reported by local authorities, 2022 (£/tonne)

Gate fee type	Median (£/t)	Mean (£/t)	Mode (£/t)	Range (£/t)	Response count
Mixed food & green waste	54	63	40.01 to 45	34 to 112	38
Green waste only	79	67	75.01 to 80	26 to 112	39
Food waste only	65	69	110.01 to 115	22 to 112	27

- 'Mixed food and green waste' and 'Green waste only' were the most common materials reprocessed, with a median figure of £54/tonne for mixed food and green waste and £79/tonne for green waste only. This is very slightly lower than the 2021/22 median figure of £55/tonne for mixed food and green waste but considerably higher than the 2021/22 median figure of £30/tonne for green waste only.

- The 2022/23 median gate fee for food waste only was £65/tonne, slightly higher than the 2021/22 figure (£63/tonne).

- Only four responding LAs have commenced new IVC contracts processing mixed food and garden waste since 1st April 2022 and therefore the gate fees provided should not necessarily be viewed as representative of current contracts. The median gate fee (£65/per tonne) for these authorities is higher than the overall UK median (£54/tonne). Only one responding LA commenced a new contract processing 'Green waste only' since 1st April 2022.

- Authorities were asked whether their gate fee had changed in the last 12 months, with 93% saying 'Yes' and 7% 'No'. 79% of respondents cited inflation as one of the reasons for the change.

- Authorities were asked how their gate fee has changed, with 60% stating that it had 'increased', 7% saying it had 'decreased' and 27% suggesting 'limited change (i.e., no more than a 5% increase or decrease)'. 7% said there had been no change.

Anaerobic Digestion (AD)

The gate fee results for AD facilities are summarised in Table 3 below. There were no responses for LAs using AD to reprocess mixed food and green waste.

Table 3: Summary of UK AD gate fees reported by local authorities, 2022 (£/tonne)

Gate fee type	Median (£/t)	Mean (£/t)	Mode (£/t)	Range (£/t)	Response count
Food waste	13	16	10.01 to 15	-26 to 71	78

- The median UK gate fee for food waste sent to AD was £13/tonne (for a range of -£26 to £71/tonne). This is significantly lower than the median UK gate fee of £30/tonne in 2021/22. Only five responding authorities had commenced new AD contracts for food waste only since 1st April 2022. The median gate fee (-£15/per tonne) for these authorities was lower than the overall UK median (£13/tonne).

- In total, 3 contracting authorities, representing 9 LAs, provided a negative gate fee, signifying that this is not a single authority anomaly but is occurring across multiple authority AD contracts. These contracts also all commenced recently, and it is not clear if these results are anomalous to this year's survey. It is recommended that LAs exercise caution when considering these figures as these values may not be reflective of future costs.

- Authorities were asked whether the AD gate fee had changed in the last 12 months. A total of 27 responded, with 59% answering 'Yes' and 41% 'No'.
- When asked how the gate fee had changed, 15% said it had 'decreased' whilst 15% said there had been 'limited change' (i.e., no more than a 5% increase or decrease). 30% responded to say there had been an 'increase' and 41% stated there had been no change.
- Authorities were asked for the reason(s) for the change (with the option to select more than one response). 55% stated that it was related to an 'inflation increase'. 52% of respondents said that there were 'changes to operating costs' and another 32% selected 'change in value of energy generated'.

Energy from Waste (EfW)

The gate fee results for EfW facilities are summarised in Table 4 below.

Table 4: Summary of UK EfW gate fees reported by local authorities, 2022 (£/tonne)

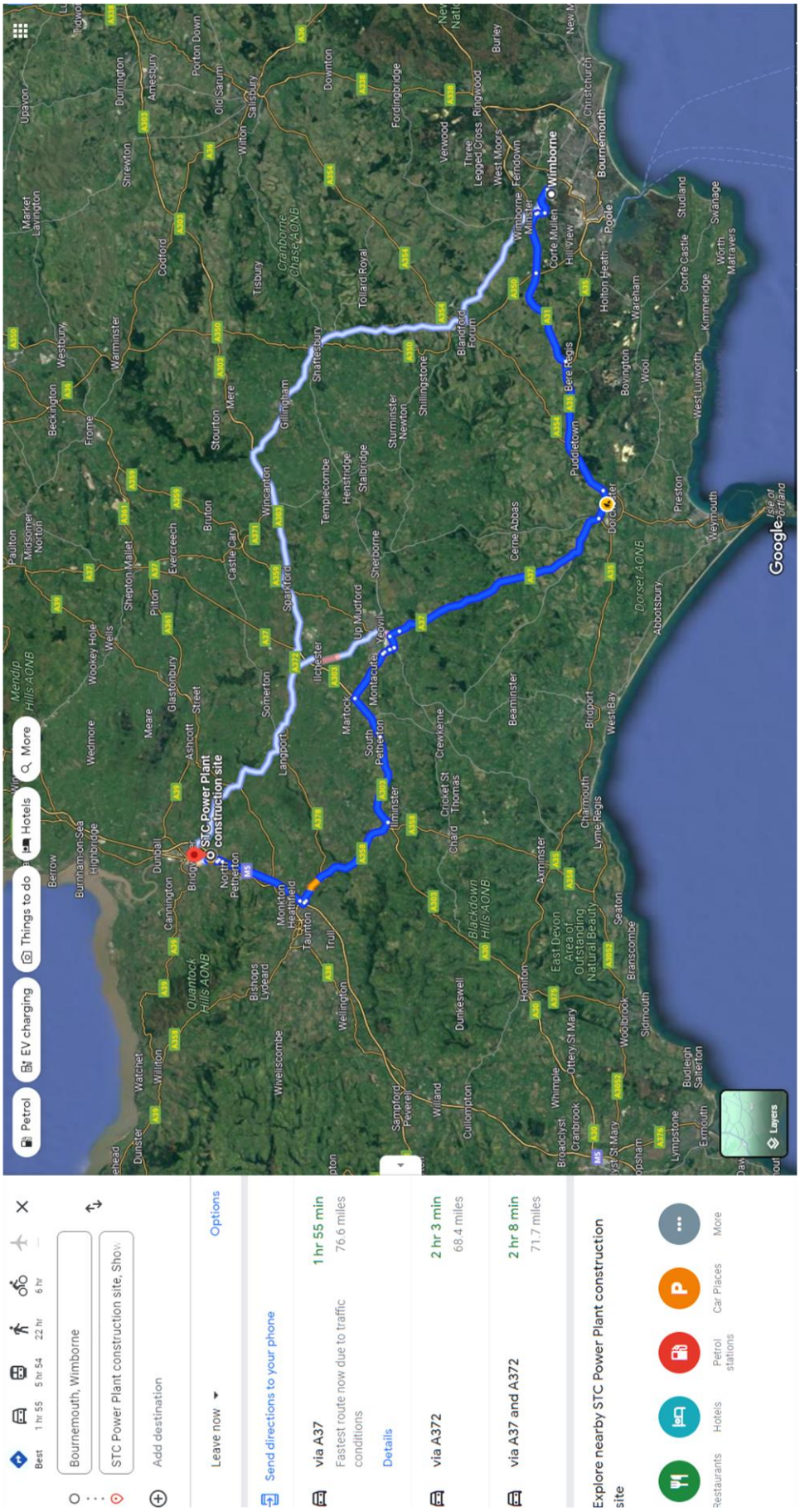
Gate fee type	Median (£/t)	Mean (£/t)	Mode (£/t)	Range (£/t)	Response count
EfW	103	103	115.01 to 120	45 to 175	46

- The median UK gate fee for waste sent to EfW facilities was £103/tonne (for a range of £45 to £175/tonne). This compares to a UK median gate fee of £95/tonne in the 2021/22 survey report.
- No authority responding to the survey had commenced a new EfW contract since 1st April 2022.
- Authorities were asked whether the gate fee had changed in the last 12 months. A total of 58 authorities responded, with 91% answering 'Yes' and 9% 'No'.
- When asked how the gate fee had changed, 55% suggested it had 'increased' whilst 34% said there had been 'limited change' (i.e., no more than a 5% increase or decrease). 9% stated there had been 'no change' and only 2% of respondents said there had been a 'decrease'.
- Authorities were asked for the reason(s) for the change (with the option to select more than one response). 84% cited 'inflation increases' and 20% stated changes to operating costs. The remaining responses were either 'Increase in value of energy generated' (5%) or 'other' (5%) with these responses covering themes including contract waste inputs or increased costs arising from changes to taxation of red diesel.

Non-hazardous Landfill (NHLF)

The gate fee results for NHLF facilities are summarised in Table 5 below.

Appendix NR18 Distance / Route Canford Magna to Bridgewater ERF


Petrol
EV charging
Things to do
Hotels
More
STC Power Plant construction site
Bournemouth, Wimborne
STC Power Plant construction site, Show
Add destination
Leave now
Options
Send directions to your phone
via A37
1 hr 55 min
76.6 miles
Fastest route now due to traffic conditions
Details
via A372
2 hr 3 min
68.4 miles
via A37 and A372
2 hr 8 min
71.7 miles
Explore nearby STC Power Plant construction site
Restaurants
Hotels
Petrol stations
Car Parks
More
Layers
Google

Appendix NR 19 Arup Note in Relation to Noise and Tranquillity

ARUP

Review of Tranquillity Assessment

Project title	Powerfuel Portland
Job number	267701-15
File reference	ARUP-N01-267701-15
cc	
Prepared by	David Hiller, Ben Cox, Holly Cowperthwaite
Date	21 November 2023
Subject	Review Arup's noise impact studies and Mr Clive Bentley's proof of evidence and report "*Assessment of the effect of the operation of a proposed waste incinerator on the sound character and tranquillity at Portland*" PINS reference: APP/D1265/W/23/3327692

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arup.com

This document provides a summary of the noise impact assessments undertaken by Arup and reviews Clive Bentley's proof of evidence and supporting report.

Schedule of Powerfuel Portland Reports Prepared by Arup

Portland Energy Recovery Facility Noise Impact Assessment - AAc/267701-15/R01
23rd July 2020

Noise impact assessment to assess operational noise, construction noise and vibration, and road traffic noise generated by the proposed scheme. The assessment was submitted in support of the planning application, to Dorset Council.

Due to restrictions and changes in noise level during the coronavirus pandemic, it was not possible to undertake a baseline noise survey.

Data measured by others was used as a basis for the assessment, which verified that a solution to delivery of the scheme, while achieving acceptable noise limits, would be viable. The assessment concluded that the proposed scheme would not result in any significant effects.

Portland Energy Recovery Facility Noise Impact Assessment - AAc/267701-15/R01 Rev A
26th August 2020

Revised following Client review.

Portland Energy Recovery Facility BS4142 Noise Impact Assessment - AAc/267701/R03
7th May 2021

This report responded to the Environment Agency's letter reference EPR/AP3304SZ/A001 dated 20 April 2021 which requested further assessment of noise impact for the proposed scheme, in line with British Standard 4142:2014+A1:2019: *Methods for rating and assessing industrial and commercial sound.*

A baseline sound survey was undertaken by logging continuously from Friday 16 to Tuesday 20 April 2021. This was supplemented by short term measurements during the typically quiet periods of day and night at three further locations.

The assessment showed the predicted rating sound levels from the ERF to be below the background levels at the locations assessed. In absolute terms the levels were also low, indicating that the effect of noise from operation of the ERF would be not significant.

Portland Energy Recovery Facility BS4142 Noise Impact Assessment - AAc/267701/R03a
21st May 2021

Minor corrections to R03.

Portland Energy Recovery Facility BS4142 Noise Impact Assessment - AAc/267701/R04
17th October 2023

This report responds to Environment Agency's letter dated 08 September 2023 in relation to Environmental Permit reference EPR/AP3304SZ/A001, which requested further assessment in relation to the Bibby Stockholm migrant accommodation barge.

An initial baseline noise survey was undertaken in April 2021 at a time when some, but not all, of the COVID-19 pandemic restrictions had been eased. For this reason, and because of the passage of time, a new second baseline noise survey was undertaken from Wednesday 13th to Thursday 21st September 2023.

The assessment showed the predicted rating sound levels from the ERF to be above the background levels by 3dB at the Bibby Stockholm and at properties along Verne Common Road. Practicable mitigation measures have been designed and applied to the stack and to the façade of the turbine hall to reduce the overall noise emission level from the ERF to below background at all assessment locations. These mitigation measures will not change the external dimensions or appearance of the buildings compared to the application drawings.

In absolute terms, the assessed noise levels are low, indicating that the effect of noise from the operation of the ERF with the additional mitigation would be not significant.

Comments on the Proof and Report

The following comments refer to the document titled *"Assessment of the effect of the operation of a proposed waste incinerator on the sound character and tranquillity at Portland"*, referred to herein as 'the report', prepared by Clive Bentley, an Acoustic Consultant and Partner at Sharps Acoustics dated 6th November 2023 and prepared on behalf of Stop Portland Waste Incinerator. This report is appended to Mr Bentley's proof of evidence ('the proof') dated 7th November 2023 (PINS reference: APP/D1265/W/23/3327692 / LA Reference: WP/20/00692/DCC).

Planning Policy Context

The National Planning Policy Framework[1] (NPPF) requires that planning policies and decisions should "*identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason*". This is reflected in Proof paragraph 2.7, however, Mr Bentley states that he is not qualified to comment on whether these paths are "prized for their recreation and amenity value due to their tranquillity" Furthermore, there is no evidence given that Portland is tranquil or prized for tranquil spaces. The Campaign to Protect Rural England tranquillity map[2], shows the location in Portland to be around the middle or towards the least tranquil end of the colour scale.

The report paragraph 2.6 states that "*Paragraph 185 of the NPPF requires that: … relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.*" No evidence is provided in the report demonstrating that this section of footpath is "prized" for its recreational and amenity value, so under NPPF guidance, if it is not "prized", it does not require protecting on this basis alone. The report paragraph 2.7 quotes from the West Dorset, Weymouth & Portland Local Plan "*Policy ENV1, 'Landscape, seascape and sites of geological interest'…*" yet this paragraph makes no mention of noise or sound. The report paragraphs 2.7 and 2.8 also refer to the Doreset Waste Plan that refers to "*Proposals within an AONB"*, yet the Isle of Portland is not within the Dorset AONB, so the guidance is not applicable to the locations assessed. Furthermore, the guidance makes no reference to noise or sound.

[1] https://www.gov.uk/government/publications/national-planning-policy-framework--2

[2] https://www.cpre.org.uk/wp-content/uploads/2019/11/tranquillity_map_england_regional_boundaries_1.pdf

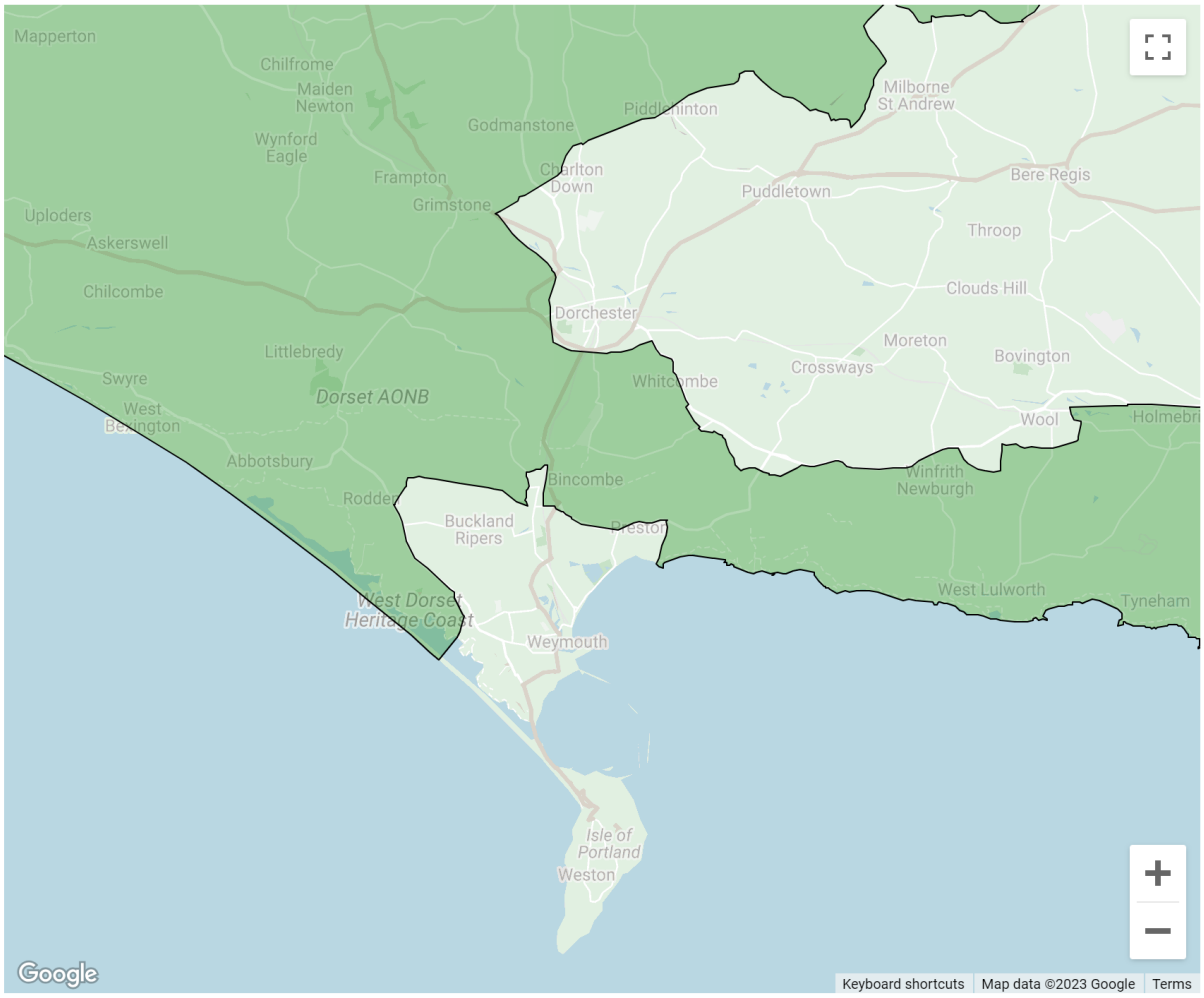

Figure 1: Dorset AONB (dark green) taken from landscapesforlife.org.uk

Measures of Tranquillity

Section 2 in the report describes the definition of 'tranquillity', stating in paragraph 2.5 that tranquillity is *"A place that is perceived to be natural and relatively quiet engenders a calmer, more serene state of mind"* and expands in paragraph 2.9 by listing factors that influence tranquillity, including "*neighbourhood tranquillity*", "*perceived safety*", "*weather conditions*" and "*smells*". However, the report does not weigh the importance of 'sounds' against these other factors in the assessment of tranquillity. For a site to regarded as 'tranquil', presumably all these additional factors must contribute to some degree; this is not addressed in the report.

Furthermore, there is no mention of how the neighbourhood tranquillity has been considered. The surrounding area is predominantly heavy industry around the port, but also includes a local helicopter operations centre on the west side: the report acknowledges that noise from the port is audible across much of the study area and the addition of helicopter movements and the active

military training facilities at Lulworth are likely to further increase noise levels around the neighbouring areas of Portland.

Perceived safety, which is also a contributor to the tranquillity assessment, on the Isle of Portland is compromised by the existence of the HMP The Verne[3], the 'derelict' feel of the empty construction sites and half-built apartment blocks[4] and the mooring of the Bibby Stockholm[5] at the port.

The typical weather conditions around Portland oppose the '*comfort*' requirement of tranquillity. The island experiences generally unsettled weather conditions, with rain throughout the year and some strong winds. Even the summer months typically experience wet conditions as shown in Figure 2.

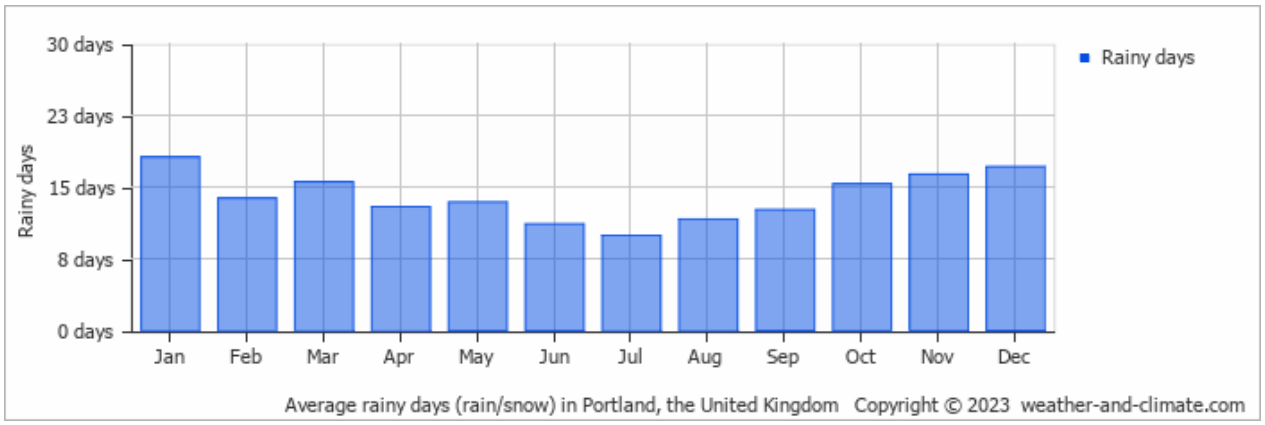

Figure 2: Count of rainy days for the Isle of Portland as reported by weather-and-climate.com.

A weather station report[6] suggests that a typical 7-day average windspeed for the Isle of Portland could be around of 5m/s, which for context is the practical limit for environmental sound measurements. This is significantly higher than during the single Sunday during which Mr Bentley's tranquillity survey was undertaken and would negatively affect the reported tranquillity. The measured survey results in Figure 9 and 11 of Appendix B of Arup's report[7] show how adverse weather affects ambient and background sound levels.

[3] Recent media reports: https://www.dorset.live/news/dorset-news/dorsets-sex-offenders-prison-verne-6966300 & https://www.mirror.co.uk/news/uk-news/residents-living-next-door-uks-29721427

[4] Media reports: https://www.dorsetecho.co.uk/news/13898065.portland-councillors-pushing-for-isle-eyesore-to-be-transformed-into-housing/

[5] Recent media reports: https://www.theguardian.com/uk-news/2023/oct/19/first-asylum-seekers-return-to-bibby-stockholm-barge & https://www.bbc.co.uk/news/uk-england-dorset-67147277

[6] https://weather.gladstonefamily.net/site/03857

[7] Report reference: AAc/267701/R04 '*BS4142 Noise Impact Assessment*' 17 October 2023

The report claims in paragraph 2.10 that using only sound is "*... a reliable prediction of how people rate the degree of tranquillity for most locations ...*" but does not evidence this nor define which locations would or would not be appropriate to make this assumption. There is no evidence presented that justifies why sounds are a good proxy for tranquillity in the location.

Tranquillity Measurements

The tranquillity assessment has been reported against two different baseline conditions. This suggests a very selective approach to the assessment and is considerably different to the approach taken to the assessment of environmental sound impacts for Planning, where the likely significance of any adverse (or beneficial) effects consider the overall sound environment, separated only for day and night periods (and evening for construction works). No justification for has been given for separating busy and not busy periods in the report. For example, Proof Paragraph 2.5 reports that the loss of tranquillity depends upon *"whether one considers it against baseline conditions when the port below the study area is busy (and noisy) or whether it is not busy ..."*. Separating the assessment into two has meant that the greatest possible change in tranquillity has been assessed, even though this is only a temporary condition and does not represent the overall situation. This selection of conditions under which to make the assessment that yield an outcome skewed towards the objector's case is also inconsistent with the approach to the assessment of industrial sound adopted by British Standard BS 4142:2014+A1:2019 and with the prediction of industrial noise undertaken with International Standard ISO 9613:2, where both take a reasonable worst-case approach.

The measurement period over which the noise survey was undertaken is noted in the report paragraph 3.2 as "*... between 1550 hours and 1700 hours on the 14th and between 0930 and 1630 hours on the 15th*." These measurements are not continuous: paragraph 3.3 states that they were made "*...for periods between 5 minutes and 20 minutes.*" With such short-term measurements, made over a very narrow period of time, it requires justification as to how this can be considered with confidence to be representative of 'typical' conditions in Portland. Furthermore, it is unclear how conditions other than those under which the measurements took place would affect the tranquillity. The effect of weather conditions or any comment on the representativeness of the conditions during the survey is not given. Additionally, in Appendix B of the report it is stated that "*The more time spent making these observations, the more reliable the results*", yet no justification or evidence is presented to demonstrate how one Sunday and one hour on one Saturday is enough for the results to be deemed "reliable".

This selective approach to measurement is again suggested in report paragraph 3.3, where it is added that "*... spot checks were also made where such additional information was deemed to be of use.*" It is not stipulated which conditions were "*deemed to be of use*" or why they might be 'useful' in the assessment. Furthermore, the report paragraph 2.11 notes that measurements were taken to establish "*the proportion of the time during which only natural sounds are present...*" However, the 'proportion of time' needed to assess reliably whether a site is tranquil has not been ascertained, therefore it is difficult to prove that the period of the survey was representative.

The report Table 3.1 declares that the port was "*inaudible*" at Location 4 and 5. It is not therefore clear how the author could be sure that the port was indeed noisy at the same time.

The live firing ranges at Lulworth and their potential impact on tranquillity are also not mentioned in the report. There was no firing scheduled at Lulworth on the 14th or 15th of October[8], when the noise measurements were conducted. However, live firing occurs frequently: typically, all weekdays and one weekend per month[9], and can last until midnight for three nights per week. The firing has been reported to be audible across Dorset and has caused complaints from Dorset residents[10].

Tranquillity in Other Planning Decisions

The examples of how tranquillity assessments have been presented in other planning contexts presented in Appendix D of the report suggest that the tranquillity has little to no impact upon the outcome of the planning decisions.

For Daw Mill Colliery, the Planning Inspector mentions avoiding "*significant adverse impacts*" on health and quality of life. 'Significance' in the Planning context requires an evidence-based, magnitude of change to be defined. This is not the case for the tranquillity assessment. No thresholds are presented that can reasonably determine when a change in tranquillity becomes "significant" in the planning context.

For the A303, the tranquillity assessment effectively opposed the scheme, suggesting that putting the road in a tunnel provided little to no improvement in the tranquillity of the site. However, the DCO was still approved. The tranquillity of a site was therefore not a deciding factor in the planning decision here either.

Tranquillity Assessment Results

The report confirms that the tranquillity at the cemetery would not be affected by operation of the ERF. Therefore, it is only a public footpath leading to a dead end that would see a reduction in tranquillity. The report paragraph 6.2 states that the "*ERF would have a negligible effect on the first 100-150 metres …*" and that to experience tranquillity, one would need to walk 150m along a path that currently does not lead anywhere.

The predictions of noise from the ERF undertaken by the author, referenced in the report paragraph 2.17, describe that they "*…could be combined with existing characters and levels …*" to predict the future tranquillity. However, the predictions adopt a reasonable worst-case approach, contrary to the survey that was undertaken in fair weather conditions and at selective times when port noise was minimal . For a true representation of the ERF noise contribution, the noise

[8] https://www.gov.uk/government/publications/lulworth-access-times/lulworth-range-walks-and-tyneham-village-access-times-2023

[9] https://www.gov.uk/government/publications/lulworth-firing-notice/lulworth-range-firing-times-november-2023

[10] https://www.bournemouthecho.co.uk/news/17275962.loud-banging-noises-heard-dorset-lulworth-ranges/

modelling should be undertaken assuming the same weather conditions as were present during the survey, rather than the moderate downwind assumption adopted in the International Standard: particularly with the wind, as the prevailing wind direction is generally from the west / southwest, directly oppose the assumptions in ISO9613:2 of moderate, downwind conditions.

The report paragraph 6.4 describes the locations at and beyond Location 4 as 'excellent' tranquillity. However, they are very close to Portland Bunkers, which appears to be an operational fuel bunker. Satellite imagery suggests there is a fuel line that runs from this area down to Balaclava Bay, so would likely make noise and potentially smell of fuel when operating, as well as being visually intrusive human activity, but this facility is not mentioned in the report.

In the same area as Portland Bunkers, paragraph 6.12 of the report and Proof paragraph 2.6 identify areas with excellent existing tranquillity but highlights that *"sound emitted from the proposed ERF would result in… users of the proposed permissive path not experiencing the excellent tranquillity which would otherwise be present for much of its length"*. This section of path with existing excellent tranquillity has no permitted right of way; it is currently not accessible to members of the public and therefore cannot provide any public recreational or amenity value. It is not clear why locations that are not publicly accessible have been identified and assessed in the report.

These locations are presented on Figure A4 and A5 of the report, even though they are not accessible to the public. As such, the assumed tranquillity here cannot be considered 'lost' as it presently cannot be experienced. Conversely, the report suggests in Figure A6 and A7 that opening the ERF, which would reinstate public access to that location, would ultimately provide public access to areas with 'fair' tranquillity, which could be regarded as a beneficial impact of the scheme.

In Proof paragraph 2.6 and report paragraph 6.12, it is noted that the proposed scheme would result in *"a small but potentially important loss (a reduction from "excellent" to "good" tranquillity) at the northern end of footpath S3/81"*. There is no explanation of why this small loss in tranquillity might be "potentially important", particularly given that the assessment identifies that good tranquillity will remain with the ERF operational.

The Proof concludes in paragraph 2.7 with the statement that *"there would be a clear and perceptible loss of tranquillity in the study area due to the proposed operation of the incinerator, especially during periods when there is less activity at the port"*. This contradicts the earlier statement in report paragraph 6.2, which states that the "*ERF would have a negligible effect on the first 100-150 metres …*" and that, in paragraph 6.7, "*If the ERF were operational at the same time as the port is noisy, this would have little effect on the tranquillity within the Cemetery…*" and again in paragraph 6.8, "*When the port is not noisy, if the ERF were operational, this would have little effect on the good tranquillity found at the cemetery…*". Regardless of these inconsistent statements, the author has not provided evidence or justification as to whether any loss of tranquillity is significant or not or whether tranquillity should be protected in the study area.

The port, and operation of the port, make noise. The report in paragraph 3.5 notes that "*When a noisy pump or other mechanical system was in operation onboard a ship, this produced a pronounced, tonal sound which reduced the tranquillity score significantly."* When the port is not

operating, it will make much less noise. This is true in many scenarios; a road is very quiet when there are no vehicles on it, an airport is relatively quiet when no aeroplanes are moving, yet it cannot be argued that a major road is tranquil because a small proportion of the time it has no vehicles on it. The effect of the noise from port operations need to be quantified over time; there is no evidence to verify whether the measurements represent a typical or atypical Sunday at the port.

Furthermore, the observation in report paragraph 3.6 that *"The port appeared to be noisy for about 50% of the time"* suggests that even under ideal weather conditions tranquillity would only be 'good' for some of the time. There is no further qualification of this 50% assumption even though the description of the methodology in report Appendix B states that it *"is therefore important that the values observed are considered alongside other information about the pattern of noise source occurrence."* It would be useful to see evidence of how this has been corroborated, if at all.

DOCUMENT CHECKING

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Signature