

Annex A

Development Control Committee Update Sheet – 16 October 2019

Item 4 – LCC/2019/0021 – Heysham Energy Recovery Facility

Additional submission from the applicant

The applicant has submitted a letter issued to them from the Environment Agency that provisionally certifies that the proposed development would be an R1 recovery operation under the terms of the Waste Framework Directive based on design data.

Further representation from UK Without Incineration Network (UKWIN)

UKWIN raise concerns about a paragraph in the officer's report, which states: *"There are no planning policies to seek to specifically limit greenhouse gases from individual development proposals of this nature in relation to climate change. The key focus of overarching policy is to provide opportunities for holistic change by promoting a move away from landfill, promoting the decentralization of energy production and reducing the reliance on primary won fossil fuels such as oil, coal and gas. With this in mind it is considered that there are no grounds for refusal in relation to climate change matters."*

UKWIN suggest that the planning application can be refused on the basis of adverse climate change impact, which is a material consideration to indicate that planning permission should be refused. UKWIN infer that the proposal is also contrary to Policy NPPF1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan as it would not lead to a reduction of carbon emissions and would have unacceptable climate change/environmental impact.

UKWIN state that the Environmental Impact Assessment Regulations 2017 require consideration of climate change impacts and likely significant effects. UKWIN consider that, it makes no sense that the Regulations would be required to consider potential harm to climate change or estimate the nature and magnitude of greenhouse gas emissions if an unacceptable climate change impact could not play a part in the determination of the planning application.

UKWIN identify Paragraph 8 of the NPPF and reference to achieving sustainable development and environmental objectives.

Reference is made to comments from Greg Clark in 2012 as former Minister of State, Communities and Local Government, and Stephen Williams in 2015, as the Parliamentary Under Secretary of State with a thrust that no development can take place that is unsustainable. As such UKWIN argue that the development can also be refused on the basis that it is unsustainable because it runs contrary to the need to move to a low carbon economy set out in the National Planning Policy Framework and more broadly the proposal runs contrary to the environmental objective of the National Planning Policy Framework.

Advice

In terms of the Applicant's additional submission, this is further evidence that the facility could achieve waste recovery status within the waste hierarchy framework. Nevertheless, should permission be granted it is considered that the recommended condition on this matter should remain to allow for further scrutiny.

In relation to the additional comments from UKWIN, the original position set out in the report is maintained that there would be no grounds for refusal in terms of climate change bearing in mind relevant development plan policy, government policy, guidance and legislation.

UKWIN make reference to the requirements of the Environmental Impact Assessment Regulations 2017 and climate change matters. However, the Regulations only require an assessment of factors likely to be significantly affected by the development. The proposed development is not likely to generate greenhouse emissions that would have a significant impact on climate change in a global context and therefore this is not included in the applicant's Environmental Statement. A carbon assessment is included but the purpose of that is to evaluate the relative carbon impact of processing the waste in the proposed facility, compared to disposal in a landfill.