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Attn. Cllr Clyde Loakes, Chair

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16 December 2021

URGENT LETTER RELATES TO MEETING 16 DECEMBER 2021

Dear Chair

Edmonton Incinerator, EcoPark, Advent Way, London N18 3AG

1. We are instructed by Stop Edmonton Incinerator Now (StEIN). StEIN is a coalition of groups and individuals opposed to the development of the proposed Edmonton incinerator ("**the Project**"), which is part of the North London Heat and Power Project.
2. Our client has asked us to write to raise concerns with the North London Waste Authority ("**NLWA**") in advance of the meeting on 16 December, during which the NLWA board is to confirm that the Project contract to build the Edmonton incinerator is to be awarded to the only remaining tenderer, Madrid-based Acciona ("**the Decision**"). Representatives will be addressing the meeting today but have asked us to write to you to ensure you have a written record of their concerns before the meeting. We include an Appendix to this letter with supporting documents, including a list of some of our client's related deputations, correspondence, and requests for information relating to the Edmonton incinerator (**Appendix 1**).
3. Our client's principal concerns relate to the high environmental costs of incineration as opposed to other means of treating waste and the overcapacity that a further incinerator will create in London. Our client is similarly concerned about the *environmental racism* and social injustice inherent in siting a new incinerator in areas of high racial diversity and poverty. NLWA has ignored the Climate Change Committee ("**CCC**") guidance regarding reducing incineration emissions and moving toward carbon capture and storage ("**CCS**") by the mid- or late 2020s. Our client also questions the business case for more incineration capacity.
4. For this letter, we refer to the report entitled North London Heat and Power Project Energy Recovery Procurement and dated 16 December 2021 ("**the Report**"). The Report contains information that is relevant to the NLWA's decision.

5. Prior to our instructions, our client instructed Alex Goodman and Nick Grant, Landmark Chambers on direct access. Counsel identifies the fiduciary duties a local authority owes its ratepayers and the possibility of legal proceedings where a LPA makes a decision to expend money in breach of this duty as a matter of public law since the LPA is approving expenditure of public and not private funds, see Roberts v Hopwood [1925] AC 578 as set out in School Facility Management Ltd v Governing Body of Christ the King College [2020] PTSR 1913, [301-302]. Many of our client's concern relate to the need for NLWA to have undertaken some form of cost-benefit analysis in deciding whether to continue with the Project and award the contract.
6. Counsel also notes the general public law principle that our client's considerations are capable of being material considerations which need to be taken into account in the decision to award the contract.
7. With respect to the following passages from the Report (in **bold**), our client raises the following points:
 - (i) **1.7.1. that the ERF remains the most beneficial technical and environmental solution.**
1.7.2. that the overall NLHPP cost forecast remains within the agreed budget in light of current and forecast expenditure
1.7.3. that the NLHPP provides the most economical waste disposal solution for the boroughs.

Our client notes that:

- a. 1.7.1: The business case must include a comparison of the environmental impact of building the Edmonton incinerator vs. not building the incinerator, building a state-of-the-art mixed-waste sorting facility to reduce north London's truly non-recyclable waste by up to 70%, and sending the truly non-recyclable waste for treatment to nearby energy-from-waste (EfW) plants with surplus capacity, noting that a recent Tomra white paper on pre-sorting says: 'Sending residual mixed waste directly to incineration or landfill without sorting plastics, metals, and other recyclable materials is no longer reasonable' (emphasis added).¹
- b. 1.7.2 and 1.7.3: The business case must include a breakdown of costs, including risk contingencies and anticipated costs such as incineration taxes should EfW incineration be integrated into the Emissions Trading Scheme as of 2022, as signaled by Government, and the costs of installing and operating CCS technology by the late 2020s, in line with guidance from the Climate Change Committee, as well as the cost of using surplus capacity in nearby EfW facilities, including in Bexley (particularly as the two Cory facilities are expected to operate with CCS by 2026), Sutton, Bermondsey, and Essex.
- (ii) **1.10. Levy projections show that while an increase in the levy is necessary, associated with the financing of new assets, this is a lower levy increase than would be required if the Authority did not develop a new facility and relied instead on bids from private companies outside the area to accept north London's waste.**

Our client requests supporting documentation for the assertion that the commercial EfW plants would cost the seven north London councils more than the Edmonton incinerator anticipated levies, given:

- a. growing overcapacity (and competition for feedstock) in London and throughout the UK;
- b. increases in the proportion of recycling; and
- c. decreases the amount of in non-recyclable waste are expected to drive down the cost of EfW incineration over time, and especially by the time the Edmonton incinerator would become operational.

(iii) 1.11. Alternative options for waste disposal are either unproven at the required scale or significantly less cost-effective

Our client notes that this assertion fails to take into consideration the latest technology in mixed-waste sorting facilities, and notes that the NLWA has yet to assess the relative cost, impact on waste, and impact on revenue generation through recycling of such a facility in Edmonton, despite a) numerous requests from our client, b) the proven ability of such facilities to reduce the current amount waste that currently goes to disposal by at least 53% (based on the most recent Defra assessment of the proportion of *readily* recyclable materials that are currently sent to landfill or incineration²) and up to 70% or beyond, and c) recycling assessments that indicate that north London could generate about £70 million per year in revenue through the use of a mixed-waste sorting facility (see **Appendix 2** and **Appendix 3**).

(iv) 1.14. The intended peak capacity of the ERF at 700,000 tonnes per annum provides the most reliable solution for north London's self-sufficiency in waste disposal. The ERF can operate at lower tonnages than the peak capacity whilst still meeting electricity and heat supply commitments

Our client notes that if the above-mentioned mixed-waste facility were installed, the amount of waste that is currently going to incineration (roughly 500,000 tonnes or below) would drop by at least 50%, obviating the need for a 700,000-tonne facility (which is 30% greater than the current plant's operational capacity of 540,000 tonnes) and the associated expense. The client also observes that:

- a. the NLWA's business case includes reliance on income from treating 128,000 tonnes from outside north London, with that amount dropping to around 88,700 tonnes by 2050.³ This calls into question the claim of "self-sufficiency" — which, either way, pertains to "net" self-sufficiency for London, rather than north London. In this context, it may be worth noting that the London Plan does not specifically cover sorted waste that is sent for recycling outside of London under the net self-sufficiency guidance. Should the Edmonton incinerator be built, recyclates would be shipped into and out of London, like some unrecyclable waste.
- b. Our client also notes that there is no legislative barrier to sending waste to commercial incinerators such as the Cory plants in Bexley, so long as the normal procedures are followed and the companies running the plants agree to make the capacity available at an acceptable price. Other nearby plants include one in Hoddesdon and Slough.
- c. After Mayor Sadiq Khan dropped his judicial review of the Cory 2 incinerator in Bexley in September 2020, City Hall forecast 950,000 tonnes of incineration *overcapacity* for London if both the Edmonton plant and the Cory 2 facility were to be built. This is confirmed in an email from Anne-Marie Robinson, Principal Policy Manager, Greater London Authority, to XR Zero Waste, dated 16 November 2020, see **Appendix 4**), which is expected to have surplus capacity, along with other EfW incinerators near Edmonton, especially as waste arisings dwindle and overcapacity grows, meaning

that there is no expected shortage of EfW capacity to treat north London's waste reliably.

- d. the current Edmonton incinerator plans are tantamount to building overcapacity in London.
- e. actual waste arisings are significantly lower than predicted in the NLWA's 2015 application for building consent, meaning that the proposed plant is considerably larger than required to treat north London's non-recyclable waste.⁴

(v) **3.4. The evaluation criteria for the procurement were set at the start of the process, and details are contained in the report in Appendix A. This split the criteria into three workstreams: Quality and Management, Technical, and Commercial.**

Given the significant environmental impact of the proposed plant — in terms of both CO₂ emissions and air pollution, among other toxins — our client asks to see a detailed description of the methodology employed to derive the weighting criteria used for the assessment and, in particular, an explanation of the choice to accord only 1% of the points to “environmental management” (category B7 in Annex A: ISFT Weightings). The principal concern is that a “1% weighting for environmental management” does not begin to assess the environmental impacts of incineration and effectively hides the fact the incinerator will impact on a racially diverse community with a high degree of poverty, and consequently distorts the true cost-benefit analysis.

(vi) **3.24. The DCO sets out the key design principles including that the ERF will utilise the highest performing proven technology; will meet the strict requirements of the applicable emission directives and environmental permit; and result in no significant environmental effect on the surrounding area.**

Our client notes that:

- a. The World Health Organization has clearly stated that there is no safe level of exposure to particulates.⁵
- b. NLWA has a duty to compare the emissions of the proposed plant not to the emissions of the current plant as a baseline, but rather to consider the baseline without incineration emissions. In this scenario, north London's truly unrecyclable waste would be treated in EfW incinerators that are not sited in densely populated areas, such as the Cory plants in Bexley or other ones within 50 miles of Edmonton, as our client has suggested on previous occasions.
- c. Based on our client's meeting with Acciona on 26 October 2021, it is our client's understanding that the proposed abatement technology would cut NO_x emissions to 80 mg/Nm³, which is mid-range in terms of BREF limits for NO_x (50–120 mg/Nm³), although BREF guidelines state that the lower end (50 mg/Nm³) is achievable through the use of SCR, as has already been demonstrated elsewhere for some time. Section 5.15 the Report says “**the SCR system can achieve a NO_x emission as low as to 30 mg/Nm³**”. Our client seeks assurances that if the incinerator proceeds, enhanced abatement measures will be deployed to ensure that emissions would be reduced to at most 50 mg/Nm³ rather than 80 mg/Nm³.

- d. At the same meeting with Acciona, it also is our client's understanding that CO (carbon monoxide) and TOC (total organic carbon) emissions will be significantly higher than those from the current plant. Our client notes that if the plant were to remain unbuilt, these pollution-related concerns would fall away.
- e. As has been pointed out repeatedly by Black Lives Matter and other Stop the Edmonton Incinerator Now coalition members, EfW plants in the UK are three times more likely to be sited in the most deprived areas,⁶ such as Edmonton, whose racially diverse population has experienced a Covid mortality rate that is 40% higher than the national average.
- f. A growing body of scientific evidence links long-term exposure to air pollution with a greater risk of serious medical conditions and premature death, including from infectious diseases. Building a new plant in densely populated Edmonton reinforces environmental racism and social injustice. These concerns have also been highlighted by the All-Party Parliamentary Group on Air Pollution, which recently released a report on air pollution from waste incinerators.⁷ This point is particularly relevant to section 10.4 of the Report (**10.4. In coming to a decision Members must take into account the Authority's Equalities Duty under the Equality Act 2010. In summary, these legal obligations require the Authority, when taking decisions about its function, to have due regard to the need to (1) eliminate discrimination**). This point also calls into question the NLWA's assertion, in the second table of Appendix B, that the project "**demonstrates the commitment to real social value**".

- (vii) **4.5. The conclusion of this work is that the contract would, if entered into as bid, offer value for money. The submitted price would be materially higher if the procurement were to be rerun. The contract provides a fair market rate for the work.**

It is our client's understanding that the cost is significantly higher than that of other state-of-the-art incinerators. Our client requests information on comparable EfW incinerator projects, including the second Cory facility in Bexley. See also point (ix), below.

- (viii) **5.4. As would be the case with the outcome of any procurement and the subsequent contract agreement, there are residual contract risks which the Authority will retain. These are detailed in Appendix C.**

Since this Appendix C is confidential, it is not possible for the public to understand the risks to which this project exposes taxpayers. Our clients request more clarity on this point, including with respect to the likelihood of a partial or total stranded incineration asset in Edmonton (as StEIN members have sought in vain to ascertain through FOIA and other requests), given that a) the NLWA has stated that it would not import waste from elsewhere and b) the Cory Group expects CCS to be available at its Bexley facilities by 2026, in line with the Climate Change Committee guidance and years before it would be available in Edmonton, if at all.

- (ix) **8.4.3 Commercial [...] Termination for Convenience: The Authority has agreed to an enhanced payment to the Contractor in the event that the Authority cancels the contract in the 12 months following contract signature. The Authority has proposed 5% of the Contract Price which would have been payable to the Contractor for the first six months following termination. The**

tenderer had requested 5% for the first 12 months following termination and was considering the Authority's proposal.

and

7.5 Closing dialogue [...] the indicative price provided by the Tenderer was higher than anticipated

Our client is concerned that Acciona's score is extremely low at 36 out of a possible 100 points. Our client also seeks to understand why the price was significantly higher than would have been predicted based on the estimated cost of the Cory Group's new incinerator: £500 million for a 655,000-tonne facility,⁸ compared to an estimated £755 million for the 700,000-tonne Edmonton plant based on the Report. **Appendix 5** shows Acciona's contract price is not, as Section 6.2 says, "**representative of current pricing levels in the market.**" Indeed, the price per 1,000 tonnes of capacity is 20% to 40% higher than prices of other current EfW projects, even though three plants have the same technology vendors.

Since Acciona asked for a higher price than the NLWA anticipated, our client is asking for explanations as to the low score and the high price, and assurances that the risk of possible international settlement action by Acciona has been properly factored into the risk assessment.

Our client also asks that the NLWA clarify how Acciona came to be the sole bidder for the Project. In this regard our client requests clarity regarding reports that CNIM was a "nominal" bidder and never really interested in this tender,⁹ and details on why the NLWA selected HZI and Acciona as separate bidders even though they had formed a consortium to build a waste incinerator in western Australia before the Edmonton tender process began. The fact that HZI dropped out of the tender process to form yet another consortium with Acciona for the Edmonton project raises questions as to whether their collaboration could arguably have been seen as likely if due diligence had been conducted prior to the selection of bidders.

(x) Appendix B: [...] The Value for Money for the ERF is the foundation for a rational and well-made decision to award the ERF Works EPC Contract to Acciona to be made.

As noted in point 6(i), above, our client argues that no value-for-money assessment and no business case is complete unless it factors in the costs and benefits of integrating the most advanced mixed-waste sorting facility into the Edmonton complex, given that such a facility would help the NLWA slash treatment costs by drastically reducing the amount of waste to be disposed of, while also generating an estimated £70 million per year via high-quality recycling.¹⁰ To date, the NLWA has not assessed the most relevant facilities, such as those currently operating in Northwich, UK, and Norway, as sustainability expert Dr Rembrandt Koppelaar, of the StEIN coalition, has presented via deputations, including the one to the full Haringey Council on 22 November 2021.

(xi) Appendix B: [...] A full risk analysis has been completed in accordance with its declared progressive position.

Our client indicates that there is a lack of evidence, despite FOIA and other requests, that the councils comprising the NLWA have factored national policy measures into their forward planning, even though DEFRA specifies that local authorities 'judge

their capacity needs at local level, and **need to factor national policy measures being implemented into their forward planning**, including measures introduced in the Environment Act.¹¹ Such measures include ones designed to drive down waste through consistent collections, deposit-return schemes, extended producer responsibility, and separate food and garden waste collections, as well as measures to reduce and prevent waste and encourage reuse and repair. Not factoring the impact of these measures into forward planning would constitute an indefensible failure to follow Government guidance.

- (xii) ***Appendix D: 1.2. This report provides a summary of the review of the business case for future waste disposal and confirms that the replacement ERF at the Edmonton EcoPark remains the most environmentally, socially, and financially responsible waste management solution for north London residents. It confirms that the alternatives will lead to higher net carbon emissions and cost significantly more than building a replacement ERF.***

In addition to points raised above, our client notes that:

- a) to date, the NLWA has not made public any financial assessment (or technical feasibility assessment) for CCS;¹²
- b) the Cory Group has already notified the Planning Inspectorate of its intent to submit a development consent order application for its massive CCS project in Bexley, which the company says will 'deliver 1.5 million tonnes of CO2 savings by 2030';¹³
- c) if north London's councils were to agree to pause and review the current plans, it would be possible to look into the cost of available surplus capacity in the nearly CO2-free Cory facilities (and other plants) for treating north London's waste, and to assess north London's potential CO2 savings.

Additionally, it would be responsible to assess this option before voting to proceed with the Edmonton plans, especially since the NLWA does not appear able to follow the Climate Change Committee (CCC) guidance regarding CCS. The CCC has called for the halving of incineration emissions in the UK and for all EfW plants to be equipped with CCS by the late 2020s, but NLWA is talking about the mid-2030s and has not set a target date.

The Edmonton incinerator's emissions — about 700,000 tonnes per year at full capacity — would be equivalent to those of 250,000 additional diesel cars on the road, during a climate and ecological emergency. Our client also points out that Section 4.6, which says that "[o]nce CCUS has been implemented, the ERF will be a priority waste asset able to operate if non-CCUS plants are required to cease operation", indicates that Edmonton may be required to close if it does not install CCS. Our client requests proof that this risk has been properly assessed.

- (xiii) ***2.4. Prior to the decision to award the ERF contract based on a successful procurement process, it is necessary to revalidate the business case, primarily related to determining that the ERF remains the most beneficial solution for disposal of north London's waste.***

Our client is not satisfied that the revalidation took critical factors into consideration and requests another assessment prior to the Decision. In particular, our client asks for an evaluation of factors such as — but not limited to — the costs and benefits of

a state-of-the-art mixed-waste sorting facility (with optical near-infrared sorting stations) and affiliated recycling revenue; the financial cost and CO2 savings associated with treating north London's truly non-recyclable waste in Bexley and/or elsewhere; and benefits of accelerating the transition to a circular economy, in part through boosting employment in the reuse and repair sectors, which already generate 15 times more jobs than the disposal sector. Our client is happy to (re)send the NLWA a full set of factors to consider. As stated in Section 7.9 of the Report, the assessments "*do not assume any investment in relation to "pre-treatment" of waste, which would increase costs further.*" Our client does not accept that costs would be increased and asks for an independent review that factors in pre-treatment.

- (xiv) ***5.11. The plant will operate two independent process lines or grates with a maximum throughput capacity of 43.75 tonnes per hour (tph), equivalent to 350,000 tonnes per annum (tpa) per processing line over the anticipated 8,000 operating hours each year, or 700,000 tpa for the ERF as a whole. The advanced moving grate system means that the ERF will have the ability to "turn down" its throughput to 70% of the maximum design capacity meaning that it will have the ability to operate at a throughput of 490,000 tpa. At this level, the Authority would continue to meet its heat and power supply obligations.***

Our client is concerned about the implications of a reduction of truly non-recyclable waste below the 490,000-tonne threshold. Such a reduction would be desirable in the sense that it would be a sign that north London is transitioning towards a more circular economy, but our client seeks reassurances that homes that would depend on the incinerator for (unnecessarily carbon-intensive) heat would not be cut off from a heat source and that efficiency standards could be maintained without incentivizing the incineration of recyclables. What would happen, for example, if waste were to drop to below 250,000 tonnes per year, as would be anticipated with proper recycling infrastructure and reduce, reuse, recycle campaigns and investment? On this point, our client wishes to note that comparisons with gas boilers are misleading and inappropriate in view of the ongoing decarbonization of the National Grid. Energy from a waste incinerator is already four times more carbon-intensive than energy from the grid, and its carbon-intensity will continue to grow as the grid decarbonizes.

- (xv) ***5.19 The net CO2 emissions from the facility have been calculated to be approximately 28,000t per annum.***

Our client wishes to stress that the Department for Business, Energy and Industrial Strategy (BEIS) altered the methodology to be applied for calculating CO2 emissions in October 2021. The new guidance, *Valuation of energy use and greenhouse gas*,¹⁴ underpins the Treasury's Green Book. Our client asks whether the NLWA was unaware of this significant change. If applied, this methodology shows that the proposed Edmonton incinerator would emit more than 210,000 tonnes of *fossil* CO2 per year. This figure does not include biogenic emissions, which IPCC guidance indicates must be reported alongside fossil CO2. Our client is deeply disturbed by the NLWA's failure to provide honest, public information on this critical issue as the globe faces climate and ecological systems collapse.

- (xvi) ***5.30 Operating the ERF at lower capacity will be more expensive than operating at full capacity, primarily due to the loss of energy income from heat and electricity and also the loss of third-party gate fees. However, this would also be accompanied by the lower cost of treating recyclate and its associated income streams.***

Our client notes that in this section, NLWA admits that operating at a lower capacity is expensive. The NLWA appears willing to consider downsizing in the future, but doing so will come at extra cost. Our client asks why the NLWA is not seeking to avoid these extra costs by downsizing now, before construction begins.

(xvii) 8.3 Value optimisation: Table 7 (page 19)—Redundant Continuous Monitoring System: Option for CEMs system to be simplified subject to demonstration of required performance and acceptance by the Environment Agency.

Our client asks for reassurances that the “value opportunities” listed in Table 7 do not weaken pollution monitoring or the NLWA’s ability to implement punitive measures on the contractor, as they look like efforts to cut costs by curbing environmental and other checks.

Our client would like to draw attention to two sets of recommendations presented during a meeting of the All-Party Parliamentary Group for Air Pollution on 14 September 2021, which members of the NLWA attended. As discussed below, one set of recommendations is based on a meta-study for longitudinal cohort health studies; the other relates to the Stockholm Convention. Our client asks for the NLWA to provide evidence that both sets of recommendations have been taken into consideration in evaluating the “value opportunities”.

Unlike the limited studies often cited by EfW proponents, a significant meta-study¹⁵ published by Wiley in 2019 assesses 93 scientific research papers and corroborates the plausibility of a causal link between waste incineration and birth defects and miscarriage. This study finds that there is insufficient evidence to conclude that any incinerator is safe; and observes that it is premature to conclude that new technologies improve EfW safety.

This study goes on to make three recommendations, calling for a precautionary approach to licensing and monitoring incinerators; independent third-party population studies and long-term surveillance cohort studies as a condition of applying for a licence; and incinerator design that meets the Stockholm Convention guidelines, meaning that incineration is eliminated as far as possible through enhanced reuse and recycling, which links to Tomra and other experts’ recommendations that licences not be granted to any incinerator that is not extracting recyclate before burning.¹⁶

The second set of recommendations relates to the Stockholm Convention. Signatories to the Stockholm Convention, including the United Kingdom, must dispose of waste in the way that POP content is not just reduced but destroyed. The Convention recommends avoiding the burning of PVC and other chlorine-containing compounds, which are a significant source of dioxins, and it recommends avoiding incomplete combustion, which is caused by the burning of flame-retardant chemicals that are found in many fabrics and home furnishings. The Convention’s key recommendation is to eliminate incineration as far as possible by implementing enhanced reuse and recycling. Dioxins pose a health risk on contact and can be carried on ultrafine particles through the air for hundreds of miles, so there is a dispersion effect from high chimneys. They bioaccumulate in crops, insects, animal fatty tissue, eggs, and dairy, meaning that they enter the food chain and can end up being consumed by humans. The environmental statement for the Edmonton incinerator states that no monitoring is undertaken for dioxins (or furans) in the north London boroughs and that the only monitoring station for dioxins in London is in

Westminster, but that no data has been available since 2010. Our client requests a full accounting of the ways in which the NLWA sought to eliminate incineration as far as possible by implementing enhanced reuse and recycling, including how the NLWA justifies not implementing state-of-the-art mixed-waste sorting technology.

Please ensure that these comments are fully considered by the Board at today's meeting and that the information requested in this letter is provided to us by 15 January 2022.

Yours faithfully

Richard Buxton Solicitors.

Richard Buxton Solicitors

Environmental, Planning and Public Law

cc. Acciona S.A. (via email only)
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Notes

¹ See <https://solutions.tomra.com/mws-white-paper>.

² In its latest monitoring report of its Resources and Waste Strategy, DEFRA reports: 'In 2017, an estimated 53% of residual waste consisted of *readily recyclable* materials, with only 8% being completely unavoidable. This represents a significant opportunity to further decrease the amount of residual waste produced in England' (emphasis added). Defra concludes that while while 53% is recyclable today with current technologies, about 90% of materials in residual waste streams are either recyclable or could be replaced with materials that can be recycled, based on existing technologies and those under development (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1036297/resource-waste-monitoring-progress-second-edition-nov-2021.pdf).

³ See pp. 2, 3, 14, 15 in http://northlondonheatandpower.london/media/mxlb3/ad05-05_fuel_management_assessment_lores.pdf.

⁴ See p. 7 of <https://ukwin.org.uk/files/pdf/UKWIN-2020-Edmonton-VfM.pdf>.

⁵ See <https://www.theguardian.com/environment/2021/sep/22/who-cuts-guideline-limits-on-air-pollution-from-fossil-fuels>.

⁶ See <https://www.theguardian.com/environment/2020/jul/31/uk-waste-incinerators-three-times-more-likely-to-be-in-deprived-areas> and <https://unearthed.greenpeace.org/2020/07/31/waste-incinerators-deprivation-map-recycling/>.

⁷ See <https://www.theguardian.com/environment/2021/dec/14/mps-call-for-halt-to-britains-incinerator-expansion-plans> and <https://appgaq.files.wordpress.com/2021/12/211208-waste-incineration-and-public-health-appg-air-pollution-report.pdf>.

⁸ See <https://www.bloombergquint.com/technology/london-draws-667-million-trash-to-power-investment-from-cory>.

⁹ See <https://www.endswasteandbioenergy.com/article/1725826/ewb-insight-report-august-2021>.

¹⁰ This estimate is based on calculations presented by StEIN member Dr Rembrandt Koppelaar. At a minimum, StEIN seeks NLWA's assessment of the possible revenue stream based on the installation of cutting-edge (4th-generation) mixed-waste sorting facilities.

¹¹ DEFRA: 'We are currently assessing, at a national level, planned incinerator capacity against expected future residual waste arisings so we can understand what future incineration capacity may be required following implementation of key commitments in the Resources & Waste Strategy. This further assessment of residual waste treatment capacity needs will be published in coming months. [...] Local Authorities have Waste Local Plans in which they consider their area's waste infrastructure needs. **LAs judge their capacity needs at local level, and need to factor national policy measures being implemented (e.g. through the RWS [Resources and Waste Strategy]) into their forward planning**' (DEFRA statement for APPG on Air Pollution meeting on 14 September 2021, which NLWA received as its representatives participated in the event).

¹² See <https://www.nlwa.gov.uk/ourauthority/scheme-of-publications/request-information-about-potential-carbon-capture-and-storage>.

¹³ See <https://www.corygroup.co.uk/media/news-insights/cory-announces-plans-worlds-biggest-energy-waste-decarbonisation-project/>.

¹⁴ See https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1024040/valuation-energy-use-greenhouse-gas-background-documentation.pdf.

¹⁵ See <https://onlinelibrary.wiley.com/doi/full/10.1111/1753-6405.12939>.

¹⁶ See <https://solutions.tomra.com/mws-white-paper>.

Appendix 1

Major correspondence and deputations related to pause and review of NLHPP

Date	Correspondence/deputation, link
15-Dec-2021	Letter to NLWA board members and Enfield Council Leaders - Edmonton incinerator and Acciona contract, Letter to NLWA board members and Enfield Council Leaders - Edmonton incinerator and Acciona contract
10-Dec-2021	Emails relating to meeting between NLWA and campaigners on 10th Dec 2021, EfW Forum at the Cypriot Community Centre update. Meeting between NLWA and campaigners 10th Dec
1-Dec-2021	All-Party Parliamentary Group on Air Pollution REPORT, Pollution from Waste Incineration: A Synopsis of Expert Presentations on Health and Air Quality Impacts
30-Nov-2021	Letter from Cllr Peray Ahmet, Leader of Haringey Council, to Martin Capstick, Managing Director, NLWA, Haringey Council calls for pause and review of Edmonton incinerator plans in order to reduce environmental impacts
22nd Nov 2021	Haringey Full Council Meeting, Lib Dem motion out of time, Deputation from Rembrandt, Tania, Pamela Harling cut short
21-Aug-2021	Letter sent to Chief Exec of Enfield Council Ian Davis from 90 Enfield residents and community groups, Pause and review request or Edmonton Incinerator rebuild
18-Aug-2021	Letter sent to Acciona, Open letter calling on Acciona to withdraw its bid to build an ERF in Edmonton.
24-Jun-2021	Deputation given at June 2021 NLWA AGM, Deputation from Delia Mattis, Black Lives Matter Enfield calling for the plans to expand the Edmonton incinerator to be paused
24-Jun-2021	Deputation given at June 2021 NLWA AGM, Deputation request from Betty Hales & Nadia Amara, Chingford residents, for NLWA to pause and reconsider the need to replace the current incinerator with a bigger one
24-Jun-2021	Deputation given at June 2021 NLWA AGM, Deputation request from Dr Edward Tranah, local resident relating to the proposed re-build of the Edmonton EcoPark
24-Jun-2021	Deputation given at June 2021 NLWA AGM, Deputation request from Felicity Premru, North London Trades Union and LESE TUC Environmental Sustainability and Just Transition Network calling for a pause and review of the North London Heat and Power Project
24-Jun-2021	Deputation given at June 2021 NLWA AGM, Deputation request from Monica Caruso, EnCaf Youth requesting a pause and review for the expansion of the Edmonton energy-from-waste facility
24-Jun-2021	Deputation given at June 2021 NLWA AGM, Deputation request from Carina Millstone, environmental campaigner for NLWA board to recognise the irreconcilable tension between their continued support for the rebuild & expansion of the Edmonton incinerator & the urgent need to decarbonise our economy
24-Jun-2021	Deputation given at June 2021 NLWA AGM, Deputation request from Helen Karamallakis, Edmonton Constituency Labour Party calling for NLWA to carry out an environmental and social impact assessment of the proposed new Edmonton incinerator
24-Jun-2021	Deputation given at June 2021 NLWA AGM, Deputation request from Ben Griffith, Islington Environmental Emergency Alliance in support of calls for a pause in the new incinerator project and an independent expert review
24-Jun-2021	Deputation given at June 2021 NLWA AGM, Deputation request from Aurora Yaacov, Enfield residents calling for NLWA to pause and review plans for a replacment energy recovery facility at Edmonton
28-Apr-2021	FOI to NLWA from Climate Action Group in Enfield, Request for information about funding of NLHPP, alternatives considered and emissions
7-Apr-2021	FOI to NLWA, Request for information about the use of landfill by NLWA
5-Apr-2021	FOI to NLWA, Enquiry about circular recycling opportunities for plastics
1-Apr-2021	FOI to NLWA, Request for information to substantiate the conclusion that the current energy-from-waste facility at Edmonton needs replacing
1-Apr-2021	FOI to NLWA, Request for residual waste forecasts since 2017
1-Apr-2021	FOI to NLWA, Request for information about the allocation of costs of the North London Heat and Power Project (NLHPP)
23-Mar-2021	FOI to NLWA, Request for information about the potential for carbon capture and

[storage on the North London Heat and Power Project \(NLHPP\) energy recovery facility.](#)

3-Mar-2021 FOI to NLWA, [Request for the waste strategy for 2021 onwards and the Annual Monitoring Report for 2019-20](#)

1-Feb-2021 FOI to NLWA, [Request for details of the waste sent to the Edmonton Ecopark energy-from-waste facility which originated from outside of north London](#)

19-Nov-2020 FOI to NLWA, [Request for information about the tonnage of recycling NLWA managed in 2018/19 & 2019/20 and the proportion sent to energy recovery.](#)

16-Nov-2020 Letter to MP Boris Johnson from XR Zero Waste, [Letter to MP Boris Johnson from XR Zero Waste](#)

20-Sep-2020 Letter to Boris Johnson from 70+ GPs, [Open Letter to Boris Johnson from 70+ GPs to pause and review rebuild of Edmonton Incinerator](#)

16-Sep-2020 FOI to NLWA, Request for information about emissions from the Edmonton energy-from-waste facility

25-Jun-2020 Deputation at NLWA 2020 AGM, [Deputation request from Kate Osamor MP to voice concerns of her constituents on the NLHPP and ask the NLWA to pause the project and commission an independent review prior to proceeding with procurement activities.](#)

25-Jun-2020 Deputation at NLWA 2020 AGM, [Deputation from Malcolm Stow requesting that NLWA consider the plausible and practical alternatives \[to the NLHPP\]: Recycle reuse renew](#)

25-Jun-2020 Deputation at NLWA 2020 AGM, [Deputation request from Cllr S. Pearson that the Authority reassess the proposals to construct the NLHPP](#)

25-Jun-2020 Deputation at NLWA 2020 AGM, [Deputation by Dr. Rebecca Redwood, GP and others to North London Waste Authority against the Edmonton incinerator rebuild](#)

25-Jun-2020 Deputation at NLWA 2020 AGM, [Deputation to NLWA from Cllr Tammy Palmer and Cllr Bob Hare, LB Haringey requesting a pause on this \[NLHPP\] project](#)

25-Jun-2020 Deputation at NLWA 2020 AGM, [Deputation from Cllr Vicki Pite on behalf of 7 Enfield councillors seeking a pause and independent review of the procurement of the Edmonton ERF \(incinerator\).](#)

25-Jun-2020 Deputation at NLWA 2020 AGM, [Deputation made by Pinkham Way Alliance asking NLWA to consider whether to press on with the NLHPP or to take the time to pause and reconsider](#)

24-Jun-2020 Deputation given at June 2021 NLWA AGM, [Deputation request from Councillor Emma Best AM, Londonwide Assembly Member & Endlebury Ward Councillor \(Waltham Forest\)](#)

20-May-2020 Letter from XR to all North London Councillors, [XR rebuttal to NLWA refusal to pause and review the Edmonton incinerator rebuild](#)

1-May-2020 UKWIN reports on Value for Money review of replacement Edmonton EfW plant [UKWIN reports on Value for Money review of replacement Edmonton EfW plant](#)

23-Apr-2020 FOI to NLWA, [Request for information about prior sorting of material before it reaches the ERF, minimum tonnages, carbon savings, emissions and pollution control of the replacement facility.](#)

20-Mar-2020 Letter to all Enfield Councillors from XR Enfield. The same letter was sent to all councillors in North London, [Pause and review request from Enfield XR](#)

1-Mar-2020 Letter from XR to all Councilors in North London, [Pause and review request for NLHPP](#)

25-Nov-2019 [Impacts of the NLHPP future services - public health, cost reducing innovation: I am writing to you to ask about the London Borough of Enfield's support of the proposed rebuild of the current Edmonton incinerator.](#)

3-Jul-2019 Letter to NLWA, [Letter to express concerns of concerns about the plans to rebuild the Edmonton incinerator and its close proximity to residents in a highly populated area](#)

8-May-2019 Letter to NLWA, [Request to reassess the North London Heat and Power Project](#)

Appendix 2: The Way Forward, presented by Dr Rembrandt Koppelaar at Haringey Council forum on 22 November 2021

Waste Prevention and Recycling as **the way forward** instead of rebuilding the Edmonton incinerator

The Edmonton incinerator in Enfield has been operational since 1971 and is at the end of its life. Rather than commissioning a new incinerator we argue that emphasis needs to instead be placed on reaching recycling targets and accelerating North London's transition to a circular economy. We are living in a climate emergency and already are seeing some of the severe impacts unfolding. North London needs to move forward by swiftly doubling down on waste prevention and increasing its recycling rates.

Our alternative four action point plan as described further down will:

- Ensure we can meet climate emergency targets by preventing the incineration of the majority of plastics.
- Ensure we reach the London Mayor's 65% recycling target by 2030 and shift to a 100% circular economy by 2050.
- Create a large income stream for North London from the sales of recycled plastic granules right here at our doorstep.
- Ensure the historic social and racial injustice of incinerator air pollution in Edmonton comes to an end.

A better solution for North London to reach existing targets. Our four action point plan will allow North London to reach 65% recycling by 2030, advance to 85% by 2040 and aspire to zero waste by 2050. Only 280,000 tonnes of residual waste incineration by 2030 would remain that can be dealt with using existing incineration capacity and landfill, further declining to 120,000 tonnes by 2040 and close to zero by 2050. A solution aligned with legislative changes and the latest technologies.

1. Setup of a £10 million per year waste prevention, reuse and recycling improvement fund

Managed by the North London Waste Authority the fund will enable local authorities and local community organisations to rapidly scale collection service improvements, waste prevention efforts, and awareness campaigns. Financed from packaging producers' payments to the local authorities from the Extended Producer Responsibility (EPR) scheme that will be in place by 2024. Based on DEFRA calculations the EPR scheme will transfer £900 million per year to local authorities across the UK.

Today the NLWA invests less than a million pounds per year from its revenues in waste prevention campaigns and recycling collection improvements.

NLWA expenditure	2019/20	2020/21
Waste Prevention Programme	512	296
Communications Campaign	82	9
Other Recycling Initiatives	189	94
Total waste prevention and recycling gains	783	399
Total NLWA expenditure	59,017	61,512

The North London zero waste to incineration fund would scale up activity by a factor of 15. To rapidly reach 65% recycling by 2030 and 85% by 2040.

2. Invest in a 700,000 tonne mixed waste sorting and plastics recycling facility at the EcoPark

The latest technologies allow for the sorting, purification and recycling of many materials in black bag refuse. An integrated mixed waste sorting and plastics recycling plant can recover and recycle the majority of plastics and nearly all metals, drink cartons, and paper & card. Recovery of these materials would reduce North London's total residual waste stream by up to 22%. By adding organics recovery with Anaerobic Digestion an additional 48% of North London's residual waste (food and garden waste) can be transformed into biogas for energy and digestate for compost. **Mixed waste recovery can reduce residual waste disposal needs by up to 70% for North London and bring substantial recycled plastics sales income.**

In Norway the IVAR IKS facility recovers 82% of black bag plastics at 98% purity and turns this into recycled plastic pellets.



In Northwich, England, the Renaissance facility recovers 70% of black bag waste for recycling of plastics and metals and biogas production.



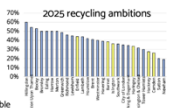
In de Wijster, the Netherlands, out of 800,000 tonnes of residual waste 35% is recovered into biogas and digestate, and 12.5% is turned into recycled plastics, metals and drink cartons.



3. Swiftly enhance our council's Reduction and Recycling Plans (RRPs) + leverage legislative changes

North London is lacking in recycling ambition
The majority of London's councils target recycling above 40% by 2025 and seven at or above 50%. The targets of the NLWA boroughs are:

- Camden 26%
- Hackney 27.5%
- Haringey 33.4%
- Islington 36.0%
- Barnet 38.4%
- Enfield 44.0%
- Waltham Forest not available



The UK has set a target of 65% recycling by 2035, and the Greater London's Authority by 2030, across household, commercial and industrial wastes. The NLWA and 7 North London councils' ambition should be to reach these targets and leverage upcoming legislative changes to this end.

The UK government aims by 2025 to have in place:

1. Deposit return schemes for containers
2. Separate stream collection of recyclables
3. Mandatory food waste collections
4. A £200 per tonne plastics packaging tax
5. Extended bans on single use plastics
6. Textiles + packaging producer responsibility
7. Waste prevention targets
8. Collections for all plastics packaging

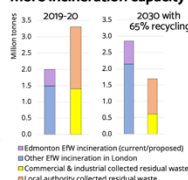
4. Ensure any remaining residual waste is disposed in the most environmentally friendly manner


London will have 2.15 million tonnes per year incinerator capacity by 2025 when excluding Edmonton. There are 3 other incinerators in Bexley, Sutton and Bermondsey, and a 4th being built by Cory also in Bexley will start operations in 2025. **The Cory incinerators at Bexley will be equipped with Carbon Capture and Storage (CCS) in 2026 to capture 1.5 million tonnes of CO2 emissions.** The NLWA from Islington already sends wastes to Cory's Northumberland Wharf transfer station from where it can be transported by barge to Bexley's incinerator. Sufficient capacity will be available for disposing of residual waste in these incinerators with CCS technology.

3% of residual wastes are inert and will need to be landfilled or turned into a product for road or building construction, similar to incinerator's bottom ash.

27% of residual black bag wastes are textiles, unrecyclable plastics, sanitary wastes, wood, glass, furniture and mattresses. These would be incinerated until their separate collection is boosted for reuse and recycling. The NLWA has already put in place in 2021 a mattress recycling scheme.

London does not need more incineration capacity



This four point action plan has been developed by:  **XR ZERO WASTE** www.xrzerowaste.uk

Appendix 3

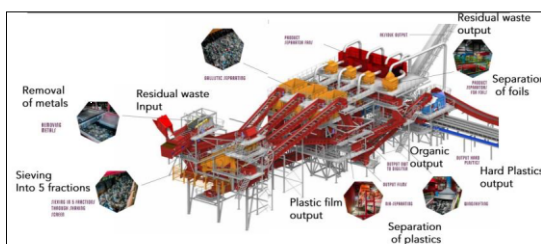
Cost and benefit comparison: EfW incinerator (NLWA plan) vs. turbocharged recycling via a mixed-waste sorting facility, as shared with Haringey NLWA councillors

Too Expensive

Costs and income - for an alternative for 700,000 tonnes of waste

Context: prior to a serious professional review of alternatives these figures have been taken from published papers and industry knowledge to inform North London residents of today's options not considered by the NLWA

Low carbon - soonest - option	£M	£M	NLWA's current Plan
Investment capital for latest Mixed Residual Waste sorting and extraction technology and anaerobic digestion capacity	-£350.0	-£764.5	Investment in incinerator*



Annual Operational cost	-£15.4	-£25.7	Operating the incinerator
Cost of disposing of truly residual waste	-£19.7	-£1.4	Bottom Ash for roads etc
Sale of extracted plastic	£67.4	£3.5	Profit sharing from Recyclers
Sale of extracted metal	£10.7	£1.8	Metal from bottom ash
Sale of electricity from Biogas	£27.5	£43.9	Electricity from incineration
Sale of Digestate (will be more in future)	£0.0	£0.5	Sale of heat
Income from alternative**	£70.5	£22.6	Income from proposal**

* at 2019 prices, assuming that the decrease in the contingency is due to the increased cost

**Excluding inflation from 2019, Loan Repayments and profit sharing income from Biffa

POSITIVE REVENUE & LOWER CAPITAL OUTLAY

Appendix 4

GLA forecast for 950,000 tonnes of EfW overcapacity in London

RE: questions from XR re: implications of the Cory Riverside Judicial Review

From: Anne-Marie Robinson (anne-marie.robinson@london.gov.uk)

To: tania_inowlocki@yahoo.com

Cc: Paul.McNamee@london.gov.uk; Shirley.Rodrigues@london.gov.uk; Carl.Ridgers@london.gov.uk; Andrew.Dunwoody@london.gov.uk

Date: Monday, November 16, 2020, 06:45 PM GMT+1

Hi Tania

Shirley asked me to respond to you on the question below.

We can confirm that the modelling that supported the development of the London Plan and London Environment Strategy did not include the second Cory facility. That modelling showed that if London achieves the reduction and recycling targets there will be a surplus energy from waste capacity of 153,000 tonnes. The DCO for the second Cory facility set a capacity of approximately 806,000 tonnes; if the maximum capacity is delivered through this development it will therefore lead to a forecast surplus capacity of approximately 950,000 tonnes.

To be clear, the North London Heat and Power Project facility in Edmonton was approved by the Mayor's predecessor and, after an unsuccessful judicial review of the decision, the time period for statutory challenge has now expired.

I hope this is clear.

Kind regards

Anne-Marie

From: Tania Inowlocki <tania_inowlocki@yahoo.com>

Sent: 15 November 2020 20:59

To: Shirley Rodrigues <Shirley.Rodrigues@london.gov.uk>

Cc: Shlomo Downen <shlomo.downen@gmail.com>; Caroline Russell <Caroline.Russell@london.gov.uk>; Leonie Cooper <Leonie.Cooper@london.gov.uk>; Nicky Gavron <Nicky.Gavron@london.gov.uk>; Carl Ridgers <Carl.Ridgers@london.gov.uk>

Subject: Re: questions from XR re: implications of the Cory Riverside Judicial Review

Dear Shirley,

Many thanks for your message and for taking the time to respond to my questions. If you don't mind, I would like to clarify one point.

The new London Plan says (on p. 244): "Modelling suggests that if London achieves the reduction and recycling set out above, it will have sufficient Energy from Waste capacity to manage London's non-recyclable municipal waste, once the new Edmonton and Beddington Lane facilities are operational."

My question is: **Can the Mayor's Office confirm that the above calculation assumed that the second Cory facility would not be built and, if so, can you confirm that the combined incineration capacity at the sites in Beddington (300,000 tonnes), Cory (800,000 tonnes), and Edmonton (700,000 tonnes) exceeds the capacity needs presented in the London Plan by roughly 800,000 tonnes?**

If that is the case, then the Edmonton incinerator's capacity would not be required to manage London's non-recyclable municipal waste.

I would be very grateful if you could get back to me soon as I will be making a deputation to Camden Council on Monday evening (16 November 2020).

On another note, you may be interested to know that on Monday, 16 November, at 1pm, XR Zero Waste will be issuing an open letter to the Prime Minister (plus a 40-page annex) on transitioning to a circular economy without more waste incineration. I am attaching the embargoed press release and open letter for your information. You'll be able to find all related documents as of 1pm tomorrow on our new website:

Appendix 5

Comparison of contract values for incinerators to be commissioned in the same timeframe as the NLHPP Edmonton Energy Recovery Facility by technology providers Hitachi Zosen Inova AG & Indaver - Ranked by cost from lowest to highest

EfW plant	Size tonnes	Financing route	Contractor /technology provider	Valuation	Est. cost per 1,000 tonnes capacity	Sources
Skelton Grange EfW Leeds - To be operational by 2025	410,000	Private investment	HZI	Announced cost of £250 million	£0.61 million	https://buildindigital.com/hitachi-zosen-inova-to-build-250m-energy-from-waste-incinerator-near-leeds/#:~:text=Hitachi%20Zosen%20Inova%20(HZI)%20has,Wheelabrator%20UK%20and%20Multifuel%20Energy). https://www.constructionenquirer.com/2021/07/09/hzi-to-build-250m-skelton-grange-efw-incinerator/
Cory Riverside Energy Park – Construction to start in 2022 to be operational in 2025	650,000	Private investment	HZI	- Announced cost of £500 million - Transaction value of 629.50 million USD (£474 million) in acquisition of Cory by 4 investors	£0.77 million	https://www.bioenergy-news.com/news/green-light-for-riverside-energy-park-near-london-uk/ https://www.corygroup.co.uk/future-growth/riverside-energy-park/ https://ijglobal.com/articles/134147/acquisition-of-cory-riverside-energy-uk https://www.corygroup.co.uk/media/news-insights/cory-riverside-energy-confirms-hzi-partner-integrated-energy-park/
Newhurst EfW Operational by 2023	350,000	Private investment	HZI	Announced cost of £295 million	£0.84 million	https://www.letsrecycle.com/news/biffa-achieves-financial-close-on-its-first-efw/
Rivenhall Essex (Braintree) operational by 2025	600,000	Public investment	Indaver	Announced cost of £500 million	£0.83 million	https://www.indaver.com/en/news-media/news-detail/press-release-indaver-on-a-steady-course-on-expanding-internationally/
NLHPP Energy Recovery Facility operational by 2027	700,000	Public investment	Acciona (EPC) + HZI (technology provider)	Tender costs estimated at £755 million based on NLWA documents	£1.08 million	https://www.nlwa.gov.uk/sites/default/files/2021-12/03%20ERF%20Procurement.pdf