



12 June 2022

To: Secretary of State for Levelling Up, Housing and Communities Michael Gove (correspondence@levellingup.gov.uk and michael.gove.mp@parliament.uk)
Patrick Mc Dermott (patrick.mcdermott@levellingup.gov.uk)

cc: Sir Iain Duncan Smith MP (iain.duncansmith.mp@parliament.uk)
North London Waste Authority Chair Cllr Clyde Loakes (cldr.clyde.loakes@walthamforest.gov.uk)
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Minister of State for Business, Energy and Clean Growth Greg Hands MP (handsg@parliament.uk)
Chancellor of the Exchequer Rishi Sunak (public.enquiries@hmtreasury.gov.uk and rishi.sunak.mp@parliament.uk)
Prime Minister Boris Johnson (publiccorrespondence@cabinetoffice.gov.uk and boris.johnson.mp@parliament.uk)

Your Ref: 16100514

For DLUHC investigators: issues of concern related to the North London Waste Authority (NLWA)

Dear Secretary of State,

Thank you for the letter sent by Patrick McDermott on your behalf, dated 3rd May 2022 regarding the Stop the Edmonton Incinerator Now (StEIN) coalition's request you inspect and intervene in the North London Waste Authority. While you state in your letter that you are not aware of any evidence of failure on the part of the NLWA, our coalition welcomes your subsequent decision to examine NLWA accounts to determine whether the plans for the North London Heat and Power Project (NLHPP) represent value for money, as reported in the Islington Tribune. Having gathered extensive documentation, StEIN members are happy to support DLUHC's investigation. We expect DLUHC officials to scrutinize, at a minimum, the following issues (see annexes to this letter):

- I. **Issues related to the Edmonton incinerator contract**
- II. **Issues related to Mazars' review of NLWA accounts**
- III. **NLWA governance issues**
- IV. **Issues related to NLWA communications**

As you are undoubtedly aware, **the knock-on effects of NLWA's fiduciary failures and false emissions claims reach far beyond the local population.** NLWA continues to use misleading assertions – such as that landfill would “be worse for the environment”¹ than the incinerator – to **deceive its own board, local politicians, the public, and government bodies.** Most recently, **NLWA misled the UK Municipal Bonds Agency (UKMBA),** which announced its intention to issue its debut “green” bond for the Edmonton incinerator, although this project does not qualify as low-carbon. **NLWA's reckless misinformation campaign undermines the credibility of the UKMBA and could potentially affect confidence among investors.** Unless steps are taken to address ongoing misrepresentation of energy-from-waste incineration, “this exercise [will have] helped ensure that the NLWA will find it easy to access the markets in the future”.²

The StEIN coalition now looks to you, as Secretary of State for DLUHC, to prevent NLWA from doing more damage than it already has. Yours faithfully,

Carina Millstone, on behalf of Stop the Edmonton Incinerator Now (notoxicsmoke@gmail.com)

¹ See <http://www.northlondonheatandpower.london/faqs/about-the-project/what-are-the-alternative-ways-to-treat-non-recyclable-waste/>. An expert assessment shows the plant's emissions would be twice as bad for the environment from its first day of operation – and nearly 4 times as bad by the end of its operational life. See <https://www.dominichogg.com/hoggblog/should-incineration-attract-finance-from-green-bonds>.

² Correspondence released by the UKMBA in response to a FOIA request (available upon request).

Annex

Issues of concern related to the North London Waste Authority (NLWA)

9 June 2022

Submitted to DLUHC by the Stop the Edmonton Incinerator Now coalition

For more information, please write to notoxicsmoke@gmail.com.

This annex outlines the following four categories of concern:

- I. **Issues related to the Edmonton incinerator contract**
 - II. **Issues related to Mazars' review of NLWA accounts**
 - III. **NLWA governance issues**
 - IV. **Issues related to NLWA communications**
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I. Issues related to the Edmonton incinerator contract

The NLWA Board, comprising two councillors from each of the seven NLWA constituent councils – Barnet, Camden, Enfield, Hackney, Haringey, Islington, and Waltham Forest – voted in December 2021 to proceed with the construction of a replacement incinerator in Edmonton by agreeing to award the contract to Spanish firm Acciona, despite the following red flags:

1. **Non-competitive tendering.** NLWA received only one bid: Acciona's. Of the two other bidders in the tender process, one dropped out and the other merged with Acciona.³ Competitive bidding should have been possible given that the incineration industry is known to be strong. (See also point 7, below, on inadequate due diligence.)
2. **Failure to ensure competitive pricing.** Campaigners had notified the NLWA Board that the contract price was 20%–40% higher than comparable recent contracts. At that time, the cost was estimated at £764 million in 2019 prices, but industry media outlets subsequently revealed that it was even higher: £800 million.⁴ The contract thus represents poor value for money for the taxpayer. NB: The frequently cited figure of £1.2 billion refers to the whole complex (EcoPark), which includes the Edmonton incinerator.
3. **Failing bid.** NLWA itself gave Acciona's bid a very poor overall score (36 points out of 100) and an even lower commercial score (4 out of 30, or 13%), both of which stand in stark contrast to the high contract price.
4. **Lack of confidence among politicians.** National and local politicians – including two of NLWA's own board – questioned the bidding process and the quality and value of the bid.

³ See <https://www.endswasteandbioenergy.com/article/1725826/ewb-insight-report-august-2021>.

⁴ See [https://www.endswasteandbioenergy.com/article/1749431/uk-edmonton-efw-contract-confirmed-worth-7993m#:~:text=The%20financials%20of%20the%20Edmonton,799.3m%20\(%E2%82%AC951m\)](https://www.endswasteandbioenergy.com/article/1749431/uk-edmonton-efw-contract-confirmed-worth-7993m#:~:text=The%20financials%20of%20the%20Edmonton,799.3m%20(%E2%82%AC951m)).

5. **Failure to meet PWLB conditions.** The Public Works Loan Board does not permit loan recipients to finance commercial projects. Nevertheless, the incinerator’s capacity was planned based on an assumption that at least 128,000 tonnes (18%) of the volume of waste to be incinerated would be secured through additional contracts, in addition to the waste collected by the north London boroughs. A related concern involves NLWA’s plans to increase the amount of commercial and industrial (C&I) waste to be managed, as it is unclear how these plans would develop in a competitive market and what impact they would have on NLWA eligibility for PWLB loans.⁵
6. **Lack of scrutiny.** Six of NLWA’s seven constituent boroughs failed to assess the Acciona contract. Haringey Council was the only one to scrutinize the contract, with the result that neither of the two Haringey NLWA Board members voted for it. One of them, Haringey’s finance director, said he was not satisfied that it represented value for money.
7. **Inadequate due diligence.** NLWA’s due diligence process failed to unearth Acciona’s poor performance record. Reports show that, among other things, “Acciona has underperformed and consistently failed to meet its contractual obligations, which include delivering the project on time and within budget.”⁶ In addition, Acciona reportedly offered protesting workers new contracts “if they accept only a quarter of what they are owed”.⁷ Separately, NLWA apparently failed to recognize or take account of the risk that Acciona could form a consortium with another shortlisted bidder, Hitachi Zosen Inova (HZI), even though media accounts readily show that the two companies had previously formed a consortium to build a waste incinerator in western Australia. Their collaboration could arguably have been seen as likely if due diligence had been conducted properly prior to the selection of bidders. In the event, the two companies did form another consortium for the Edmonton bid and Acciona became the lead (and only) bidder.
8. **Failure to comply with CCC guidance.** Before voting to proceed with the Acciona contract, the NLWA Board members heard expert evidence on: the actual (significantly higher) carbon figures of the proposed plant; how execution of the proposed contract would undermine the UK’s net-zero targets by exacerbating overprovision of energy-from-waste incineration capacity and associated greenhouse gas emissions; and how building the proposed Edmonton plant would defy explicit Climate Change Committee (CCC) guidance.
9. **Impeding the transition to a circular economy.** Before voting to proceed with the Acciona contract, the NLWA Board members received evidence that the contract was at odds with recycling targets and the transition to a circular economy, since the proposed plant would perpetuate the linear economy, destroy resources, and draw funding away from efforts to reduce, reuse, and recycle.
10. **Social and racial injustice.** The proposed plant entrenches a pattern of socially unjust siting of polluting infrastructure in one of the most deprived wards in the UK.⁸

⁵ See http://northlondonheatandpower.london/media/mxljblm3/ad05-05_fuel_management_assessment_lores.pdf.

⁶ See <https://www.nsnews.com/local-news/metro-vancouver-cuts-ties-with-acciona-on-north-shore-sewage-treatment-plant-construction-4520655>.

⁷ See <https://www.pressreader.com/uk/the-press-and-journal-aberdeen-and-aberdeenshire/20220211/282449942441390>.

⁸ See <https://www.theguardian.com/environment/2020/jul/31/uk-waste-incinerators-three-times-more-likely-to-be-in-deprived-areas>.

11. **Failure to update data.** The contract for the Edmonton incinerator was signed after the expiry, in 2020, of the North London Joint Waste Strategy, which recommended pre-sorting of mixed waste prior to incineration – guidance that NLWA have refused to follow. Moreover, the contract is based on flawed data⁹ that predate climate emergency declarations, the UK’s net-zero targets, and national and municipal recycling targets. The failure to integrate current data on new capacity and policy trends in waste management plans and priorities is likely to turn the incinerator project into an expensive white elephant in the future.

II. Issues related to Mazars’ review of NLWA accounts

The NLWA finance update for 2021/22,¹⁰ released by NLWA in December 2021 and quoted below, raises a series of questions:

1. **Did NLWA communicate cost increases to Mazars?** NLWA should have notified Mazars of the increase in Acciona’s contract price – from the expected £680 million to £800 million – since Mazars reports: “We revise materiality for the financial statements as our audit progresses should we become aware of information that would have caused us to determine a different amount had we been aware of that information at the planning stage.” If the contract figures have not been communicated to Mazars, then the accounts reflect material misstatements and the Mazars report does not consider the material cost implications of relevant risks (see point 4, below).¹¹
2. **Did NLWA management override controls to ensure swift approval of the contract?** Mazars identifies “management override of controls” as one of three significant risks. NLWA management repeatedly dismissed experts, politicians, and campaigners who called for the installation of pre-sorting technology that would extract plastics and other valuable materials from the incineration waste stream.¹² In so doing, NLWA management appears to have overridden controls with the aim of proceeding with the Acciona contract and preventing any investigation of evidence that pre-sorting would enhance value for money through significantly increased recycling revenue.
3. **Has Mazars assessed NLWA’s value-for-money work?** In its section on “Status of the VFM work”, Mazars states: “We have yet to commence our planning and risk assessment work.” NLWA released this document after its Board voted (12 to 2) to execute the Acciona contract, meaning that Mazars may not have undertaken critical value-for-money assessments prior to the vote. It is unclear whether such an assessment has since been carried out.

⁹ See <https://www.dominichogg.com/hoggblog/should-incineration-attract-finance-from-green-bonds>.

¹⁰ See <https://www.nlwa.gov.uk/sites/default/files/2021-12/04%20Finance%20Update%20%28signed%29.pdf>.

¹¹ As Mazars notes: “Based on the draft 2020/21 accounts the overall materiality for the year ended 31 March 2021 is £1.436m for the Group accounts and £1.13m for the Authority.”

¹² See, for example, <https://appgaq.files.wordpress.com/2021/12/211208-waste-incineration-and-public-health-appg-air-pollution-report.pdf>.

4. **Is Mazars aware of significant risks that NLWA omitted from its risk register?** While NLWA duly presented its risk register¹³ at its March 2022 meeting, it excluded the following very substantial risks:
- a. **Dwindling feedstock.** There will be insufficient waste to incinerate in Edmonton – whether from north London or elsewhere – due to enhanced Government legislation under the Environment Bill. Defra aims to *halve* residual waste by 2042 (compared to 2019),¹⁴ which corresponds to a recycling rate of around 70%–75% and therefore a disposal rate of at most 25%–30% (north London current exhibits the inverse relationship). As a result, there will be a decrease in the income from selling electricity generated by energy-from-waste incineration.
 - b. **Uncosted carbon capture rates.** Once carbon capture becomes mandatory, as advised by the Climate Change Committee, north London residents will have to pay millions of additional pounds for the Edmonton plant, while income from generated electricity will drop.
 - c. **Availability of more affordable, lower-carbon heat options.** Owners of local heat networks – particularly in Enfield and Haringey – will find low-carbon sources of heat and will not pay NLWA for heat.
5. **Why hasn't Mazars carried out an asset management assessment?** During the 10 February 2022 NLWA meeting, Managing Director Martin Capstick noted that he couldn't advise the NLWA Board with respect to taking decisions that incorporate assets because no asset management assessment had been done.¹⁵
6. **Is Mazars best suited to assess NLWA accounts?** At the 10 February 2022 NLWA meeting, a Board member from Haringey (Cllr Isidoros Diakides) asked the NLWA to not reappoint Mazars without considering the decision.¹⁶ NLWA Vice-chair Peter Zinkin of Barnet suggested extending the contract with the current auditors prior to the new appointment. At the March meeting, NLWA's financial adviser proposed continuing with the Mazars contract.¹⁷
7. **What factors have caused ongoing delays in the analysis of NLWA accounts?** Timely finalization of the audited accounts has been an issue since 2019. Approval of the 2020/21 figures has yet to be issued. While Covid will have caused some delayed, other companies and auditors appear to be meeting deadlines, raising questions about what other matters might be affecting the analysis and completion of NLWA statements.

¹³ See <https://www.gov.uk/government/news/delivering-on-the-environment-act-new-targets-announced-and-ambitious-plans-for-nature-recovery>.

¹⁴ See <https://www.nlwa.gov.uk/sites/default/files/2022-03/02%20Annual%20Risk%20Review%20%28Signed%29.pdf>.

¹⁵ See https://camden.public-i.tv/core/portal/webcast_interactive/641121 (skip to 30:20).

¹⁶ See https://camden.public-i.tv/core/portal/webcast_interactive/641121 (segment from 25:00 to 27:20).

¹⁷ See <https://www.nlwa.gov.uk/sites/default/files/2022-03/01%20Appt%20of%20External%20Auditor%20%28Signed%29.pdf>.

III. NLWA governance issues

The following points relate to NLWA's lack of transparency, its dysfunctional culture, and its failure of scrutiny and accountability.

1. **Ambiguous standing orders.** NLWA's standing orders lack clarity on the NLWA Board's regulatory responsibility and relationships with the constituent boroughs, allow continuous reappointment of the chair (see point 3, below), and leave it unclear whether NLWA or the constituent boroughs are responsible for boosting recycling rates.
2. **No minimum criteria for NLWA Board members or responsibility for constituent councils.** A suitably balanced board is fundamental to effective decision-making, but there is no indication that the seven councils select their respective board members in line with NLWA needs. Indeed, the NLWA Board's failure to carry out corporate oversight functions is evidenced by the lack of minimum criteria that councillors must fulfil to be appointed to the Board, such as having relevant knowledge and experience in the areas of waste management, scrutiny of public functions, or sustainability. Some opposition councillors in Enfield have criticized the use of special responsibility allowances as rewards,¹⁸ fuelling the perception of inappropriate rewards. Further, in the context of a legal challenge of the contract execution with Acciona, constituent councils stated in legal documents that they should not be co-defendants because the contract decision was made by NLWA and not by them. This position indicates where responsibility lies while also pointing to a lack of associated accountability, particularly to local taxpayers.
3. **Ineffectual scrutiny due to turnover of NLWA Board members.** The chair of the NLWA Board, Cllr Clyde Loakes of Waltham Forest, has led NLWA for 14 years (since June 2008). There is no cap on a chair's time in office, such that he is likely to be reappointed on 23 June 2022. In contrast, other Board members are replaced relatively frequently, before they have time to understand the complex financial and technical issues involved, and sometimes before crucial votes (including on the Edmonton incinerator contract). The deputy chair lost his seat in the local elections of May 2022, yet there do not appear to be any succession plans, appointment criteria, or related training planned for his or other vacated roles on the NLWA Board, further undermining the scrutiny function of the Board.
4. **Dysfunctional culture.** The chair's behaviour has at times been publicly autocratic, unprofessional, and dismissive of experts. Members of the public and elected officials alike have described the chair as "rude" and "misogynistic".¹⁹ Board members seem unable to question the chair's decisions, which contributes to a dysfunctional culture.
5. **A history of mismanagement.** The same management that is now in place oversaw previous plans for a replacement incinerator that collapsed at considerable and ongoing cost to the taxpayer. Tens of millions of pounds were lost in an attempt to use an unsuitable site at Pinkham Way (a £40 million liability), pointing to gross mismanagement.
6. **Conflicts of interest.** A conflict of interest arises from the fact that certain members of the NLWA Board are also paid non-executive board members of LondonEnergy Ltd, which is wholly owned by NLWA and benefits significantly from NLWA contracts to run the Edmonton incinerator. A recent wholesale change to the make-up of the LondonEnergy

¹⁸ See <https://www.enfieldindependent.co.uk/news/18557704.spending-hikes-enfield-councillor-allowances-slammed/>.

¹⁹ See, for example, <https://www.hackneygazette.co.uk/news/clyde-loakes-refuses-to-carry-out-cost-review-of-edmonton-3664366>.

board raises questions regarding its balance, recruitment process, and ability to oversee a project of national significance valued at more than £1 billion. These questions are essentially the same ones raised regarding the NLWA Board.

7. **Lack of scrutiny by constituent councils.** In the context of a recent legal challenge, NLWA constituent councils stated in legal documents that they had no powers to scrutinize major decisions, such as the Acciona contract for the Edmonton incinerator. Freedom of information requests reveal the councils' failure to conduct individual financial risk assessments in relation to the proposed plant.
8. **Lack of accountability.** In principle, NLWA is accountable to Parliament. In practice, however, it is accountable to no one. On 9 February 2022, during a parliamentary debate dedicated to NLWA and the Edmonton incinerator, Sir Iain Duncan Smith said of the project: "Nobody seems to say that they will take responsibility for it in Government or local government. It appears that the only body that is capable of reviewing or changing the project is the North London Waste Authority itself. In a way, it sets the exam question and answers it for itself every time. That cannot be right. I hope that my right hon. Friend the Minister [Greg Hands MP of BEIS] will give us some inkling as to whether the Government think that the project carrying on is right."²⁰
9. **Lack of transparency.** NLWA has long resisted scrutiny and appears to have cultivated an internal culture of secrecy. In 2015, a draft memorandum of understanding proposed that the NLWA Board should conduct and maintain proceedings in secret. This proposal was challenged and changed. Nevertheless, internal controls and processes lack transparency (see point 10, below).
10. **Strained relationship with LondonEnergy Ltd.** An EY assessment of the working relationship between NLWA and its wholly owned subsidiary, LondonEnergy Ltd, is not publicly available, despite Freedom of Information requests for its release. It is said to contain negative information relating to individual(s) and potential risk to commercial contracts. The report's issuance coincided with the exit of a long-term managing director, a change in finance leadership, and significant upheaval in LondonEnergy's board membership, suggesting that the public would benefit from access to its findings. On a related note, the public has a right to know the decision-making that led the highest-paid director of LondonEnergy in 2020 to earn £620,000 before additional pension contribution. That salary is 100% higher than in 2019, following a 50% increase on the previous year's salary. It is difficult to understand on what basis NLWA agreed to such a high salary given the local councils' very tight budgets and the fact that NLWA is a public body in a non-competitive statutory business, meaning that it does not need to hunt for clients – the councils – or make the main strategic decisions, which are made by the councils. Similarly, local taxpayers have a right to know whether the LondonEnergy's non-executive directors receive payments from the emoluments, reported as nearly £1 million for 2020.²¹
11. **Misrepresentation of the incinerator as a "green" ("low-carbon") investment opportunity.** NLWA efforts to borrow money for the Edmonton incinerator from the Treasury's Public

²⁰ See <https://hansard.parliament.uk/commons/2022-02-09/debates/8E2B28D5-A048-446D-98E5-282C27BDD9E7/EdmontonEcoparkProposedExpansion>.

²¹ LondonEnergy's financial statement states: "The highest paid director received a remuneration of £619,624 (2019 - £313,687)." It reports £984,000 in emoluments. See section 9 in <https://find-and-update.company-information.service.gov.uk/company/02732548/filing-history/MzMxMTE0Mzk3NGFkaXF6a2N4/document?format=pdf&download=0>.

Works Loan Board and the UK Municipal Bonds Agency (UKMBA) are based on misleading claims that the project qualifies as “green”, although the EU and emerging UK taxonomies of sustainable finance exclude energy-from-waste incineration. The terms of the UKMBA’s proposed green bond for the incinerator are not publicly available, meaning that taxpayers have not been able to evaluate whether the bonds are indeed “green” or “greenwash”.²² The UKMBA’s recent, long-overdue reply to a FOIA request indicates that the bonds do not meet the minimum criteria for green bonds. Lawyers are now considering next steps. (See also Section IV.2, below.)

12. **Absence of limits on borrowing.** NLWA relies on north London taxpayers to provide a certainty of returns, even if the Edmonton incinerator becomes a financial failure or white elephant. Sir Iain Duncan Smith said at the above-cited parliamentary debate of 9 February 2022: “The Government tell me that they do not have the power to intervene, but it seems that the waste authority has an unlimited demand for money.” The certainty of returns has allowed the Public Works Loan Board to lend from the Treasury with no scrutiny.
13. **Failure to follow government guidance on risk management.** NLWA does not appear to have followed government guidance on the risk management aspect of “setting up projects for success”, particularly prior to awarding the contract for the Edmonton incinerator. Specifically, there is no indication that: a) NLWA’s risk assessment was independently reviewed and verified; b) the assessment takes into account the nature and scale of the risks across the whole life of the asset,²³ such as the risk of non-compliance with likely future legislation around net zero targets or social value; c) other stakeholders were involved; or that d) a formal qualitative and quantitative assessment of risk was carried out within the environmental (EIA) and equality impact (EqIA) assessments.²⁴ Similarly, there is no evidence that: a) the governance framework establishes accountability for the management of risk between sponsor, client and the market; b) the catastrophic (low-probability, high-impact) risks that could affect the project are understood by the sponsor, client, market, and the asset manager or that they are being monitored; c) the governance framework requires that risk exposure be considered when making decisions; d) the criteria for risk escalation are clear and include cost, time, quality, and safety, as well as wider economic, environmental, and social matters; or that e) the contingency budget is allocated with reference to risk exposure.²⁵
14. **Uncontrolled financial burden on the taxpayer.** NLWA’s poor recycling record, its unwillingness to plan for reduced waste volumes in line with Defra legislation, and its rejection of technology that can retrieve valuable, recyclable materials from the incineration waste stream all lead to excessive costs for taxpayers and poor value for money.

²² See <https://www.dominichogg.com/hoggblog/should-incineration-attract-finance-from-green-bonds> and <https://www.environmental-finance.com/content/analysis/a-burning-issue.html>.

²³ In correspondence that can be shared upon request, an NLWA Board member (who has since lost his seat) indicated that NLWA’s analysis extended to 2033/34 – covering less than one decade of the plant’s operational life.

²⁴ See slides 18 and 19 of

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1031040/Risk_Management_Module_FINAL.pdf.

²⁵ See slides 15 and 20 of

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1031040/Risk_Management_Module_FINAL.pdf.

IV. Issues related to NLWA communications

1. **More ads than action.** NLWA spends a disproportionate amount of its budget on communications, and particularly on greenwashing (see the next point).
2. **Greenwashing (misinformation).** Independent research²⁶ and documents provided in the context of the above-mentioned legal challenge²⁷ indicate that NLWA misled its board members about the proposed plant's greenhouse gas emissions, carbon intensity, and carbon capture readiness. In March 2022, NLWA beat out stiff competition from the oil and gas industry to win "Greenwasher of the Month".²⁸ NLWA's misinformation covers topics such as how energy-from-waste (EfW) incineration relates to the climate emergency; carbon emissions figures for electricity and heat; capacity and recycling; the maturity of mixed-waste extraction technology; the viability of carbon capture technology; recycling facilities; comparisons between landfill and EfW incineration; jobs in incineration vs. the circular economy; the waste hierarchy; food waste and anaerobic digestion; air quality and levels of NO_x and particulates at ground level; the impact of EfW incinerators on air quality; reviews and consultations; and the effect of incineration on recycling rates (documentation available upon request). Examples include:
 - a. **Misrepresentation of carbon intensity:** NLWA presents the Edmonton incinerator as "a vital part of the solution for tackling the Climate Emergency" and the energy it would generate as "low-carbon". Such distortions are likely to hoodwink the UK Municipal Bonds Agency and the investment community, among others, into thinking that the project qualifies for "green bonds" when "it is simply not green".²⁹
 - b. **Misrepresentation of greenhouse gas emissions:** NLWA says the Edmonton incinerator will emit less CO₂ than landfill, when it would actually emit twice as much at the start of its operational life, and close to 4 times as much towards the end of its life.³⁰
 - c. **Misrepresentation of alternatives:** NLWA publicly argues that the alternative to a new incinerator in Edmonton would be increased use of landfill, when NLWA's own procurement assessment (of 16 December 2021) shows that north London's waste would actually go to other incinerators if the Edmonton plant were not built.³¹ Moreover, NLWA has dismissed the widely recognized need for pre-sorting technology to extract plastics and other recyclables from the incineration stream (pre-sorting reduces CO₂ emissions and toxic air pollution, while simultaneously boosting recycling revenue and reducing waste arisings).
 - d. **Misrepresentation of waste treatment capacity:** NLWA has made no effort to avert waste incineration overcapacity in London, despite the Mayor's forecast that London will have an estimated 250,000 tonnes more incineration capacity than required to process its waste if recycling targets are met and if the Edmonton plant remains *unbuilt*. That forecast translates into 950,000 tonnes of surplus capacity if the

²⁶ See <https://www.dominichogg.com/hoggblog/should-incineration-attract-finance-from-green-bonds>.

²⁷ See <https://stop-edmonton-incinerator.org/judicial-review-pre-action-letter-sent-to-nlwa/>.

²⁸ See <https://www.greenwash.earth/hall-of-fame>.

²⁹ See <https://www.dominichogg.com/hoggblog/should-incineration-attract-finance-from-green-bonds>.

³⁰ See

<https://static1.squarespace.com/static/5fac6c36040eba5dc1b46766/t/62582306b13846610205e7dd/1649943305722/Eligibility+of+Incineration+for+Green+Bonds+Final+Version.pdf>.

³¹ See clause 7.8 in <https://www.nlwa.gov.uk/sites/default/files/2021-12/03%20ERF%20Procurement.pdf>.

Edmonton plant *is* built.³² NLWA knowingly decided to proceed with the construction of incineration overcapacity in London – and thus with CO2 emissions in excess of those anticipated by the London Plan – despite the Government’s draft Energy National Policy Statement 3, which stipulates that the construction of a planned waste incinerator *must not result in overcapacity* at the national or local level (see para 2.10.5).³³

³² See Appendix 4 in <https://stop-edmonton-incinerator.org/wp-content/uploads/2021/12/Letter-from-Richard-Buxton-Solicitors-to-NLWA-16.12.21.pdf>.

³³ See para. 2.10.5 in https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1015236/en-3-draft-for-consultation.pdf.