

Dear Mr Rigby,

Re: Objection to EcoPellets' plans for a Biomass Energy Plant at Peboc Industrial Estate, ref APP/L6805/A/12/2183072

I am writing on behalf of Biofuelwatch (www.biofuelwatch.org.uk). Our organisation object to EcoPellets' original planning application in August 2011 (see <http://www.biofuelwatch.org.uk/2011/biofuelwatch-objection-to-ecopellets-application-for-a-biomass-energy-development-llangefni/>) and we submitted additional comments, as part of our objection, in January 2012 (http://www.biofuelwatch.org.uk/2012/second_llangefni_objection/).

We write to confirm that our concerns and grounds for objecting to the application remain unchanged. Additionally, we would like to offer comments on claims made by EcoPellets as part of their Appeal submission in relation to the Proximity Principle for waste management and Sustainability.

Proximity Principle:

In their planning documents, EcoPellets state that the CHP plants would be primarily run on waste – one on industrial grade tallow, the other on waste wood. One of the grounds on which Isle of Anglesey Council rejected the application was that those waste products could be sourced nearby and that long-distance sourcing contradicts Policy 29 of the Ynys Mon Local Plan and the proximity principle set out in TAN21.

1) EcoPellets claim that the Council's conclusion is unreasonable because "*the proposed development contributes inherently to sustainable development as it helps to meet both national and regional targets for renewable energy supply, use of natural resources and waste material recovery*". This implies that that EcoPellets believe that the mere fact that a development includes renewable energy generation (which is in principle supported by government policy) overrides other planning considerations such as the proximity principle set out in local and national planning policy in relation to energy from waste.

Energy from waste-derived biofuels and waste wood are covered by both TAN21 and TAN8. Neither of those planning policy documents accords with EcoPellets' interpretation.

TAN21 states:

"4.3 The Assembly's preference is to maximise waste prevention, recycling and composting and to minimise incineration and disposal of waste to landfill. The principles and techniques set out in Section 3 should be used to guide the development of planning policy with a view to facilitating the establishment of an integrated waste management network." Energy recovery from waste presents the lowest preference for waste management, preferable only to waste disposal.

"3.1 The Proximity Principle states that waste should be treated and or disposed of as near to the source of origin as possible because transporting waste itself has an environmental impact. This principle recognises the need for us all to take responsibility for our own waste arisings and not be content with distributing it to other locations for disposal, even if there has always been a tradition of doing so. In order to deal with all local waste arisings wherever practicable, the principle also reinforces the need for an integrated network of facilities."

3.4 Local planning authorities have a duty to use these principles as set out in the various Directives in their strategic planning, and development control. This will ensure a holistic, forward looking and sustainable approach to waste planning in Wales.”

TAN8 states: “3.8 Some of the output from energy from waste plants is deemed to be "renewable" but the Assembly Government's priority is to see the amount of waste reduced with the energy recovery usually only coming after recycling and composting (anaerobic digestion is covered under the "composting" heading).

14.3 “The Assembly Government considers that a plant to recover energy from waste is acceptable only if:

- It forms part of an integrated approach and that it only recovers energy from residual waste that remains after as much recyclable and compostable material as practically possible has been removed;
- The need for it has been established as part of the development of the Municipal Waste Management Strategy and/or Regional Waste Plan which has been consulted upon with local communities at an early stage when all options can be considered;
- It represents the Best Practical Environmental Option for residual waste, taking into account transportation;
- It has been designed so as not to inhibit increasing recycling and composting rates at a later date (in expectation that the Assembly Government increases the targets further)...”

2) EcoPellets further claim: “*The utilization of recycled wood as a fuel for the solid biomass CHP plant will raise the management of this waste material up the Waste Hierarchy, from “Disposal” to “Energy Recovery” with associated environmental benefits. The Biomass Energy Plant will utilize some 400,000 tonnes of wood material per year with 150,000 tonnes expected to come from recycled and composted wood.* “

EcoPellets have never provided any evidence that the waste wood and waste tallow they propose to use for their CHP plants would otherwise be disposed.

EcoPellets’ amended Non-Technical Summary claimed: “*With more than 1 million tonnes of waste wood sent to landfill in 2011, there is ample supply of recycled wood available in Wales and North West England for supply to the plant.*” As the Planning Officer’s report which was endorsed by the Council states, EcoPellets advised that waste wood would be sourced primarily from Merseyside and Greater Manchester. Waste wood is in high demand, including by the wood panel industry and other biomass power station operators, as well as for use as animal bedding, mulches for soils, covering pathways and composting. Reports by WRAP (www.wrap.org.uk/sites/files/wrap/Wood%20waste%20market%20in%20the%20UK.pdf) and John Clegg Consulting (www.confor.org.uk/Upload/Documents/37_WoodFibreAvailabilityDemandReportfinal.pdf) both confirmed that already announced bioenergy demand for waste wood would soon outstrip the availability of waste wood arising – leaving nothing for other users. Specifically in the Northwest of England, from where EcoPellets advised previously that they would likely source most of the waste wood, Peel Energy has been granted planning consent to build two biomass power stations (in Davyhulme, Trafford and Ince Marshes, Cheshire) which between them would burn an estimated 400,000 tonnes of waste wood (out of 543,000 total arisings in 2009, according to WRAP). Those figures contradict EcoPellets’ claim that the waste wood would otherwise be disposed.

The same applies to tallow, even if EcoPellets’ comments on the Committee Report do not mention it:

EcoPellets stated in their amended Non-Technical Summary:

“Almost 50% of all industrial tallow, or 165,000 tonnes, is currently used for heating fuel in the UK. Estimates of the amount of tallow currently used in the UK range from 290,000 tonnes/year to 337,000 tonnes/year, with a conservative estimate of 240,000 tonnes/year available for industrial use. There is approximately 30,000 tonnes/year imported from Continental Europe and Ireland. “

This is partly based on a 2009 joint report by the Department for Transport and the Renewable Fuel Association

(http://webarchive.nationalarchives.gov.uk/20110407094507/http://www.renewablefuelsagency.gov.uk/sites/rfa/files/documents/Appendix_7_-_Tallow_Case_Study_200912231729.pdf). However, that report showed tallow being in high demand and did not suggest that any of it was being landfilled or incinerated without energy recovery.

A 2012 report by Ecofys, commissioned by the Department for Transport, shows that in 2011, only around 110,000 tonnes of Category 1 tallow were produced across the UK – far less than in 2008 (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/36982/tallow-review.pdf). Category 1 tallow is industrial tallow, i.e. tallow classed as too high risk to be used for energy purpose other than energy generation. Around 190,000 tonnes of Category 3 tallow were produced. Category 3 tallow is also be used in pet food, animal feed, pharmaceuticals, cosmetics and soap. Since EcoPellets speak of industrial tallow, we presume that they must mean Category 1 tallow only (although Category 2 tallow is also for industrial use only, none of it is produced in the UK). This means that the most recently reported volume of industrial tallow production across the UK is well below the volume used as heating oil in 2008. Any industrial tallow that EcoPellets might use in future would thus be tallow otherwise burned as heating oil or biodiesel – it would not otherwise be disposed.

3) EcoPellets further claim that the fact that the Environment Agency has granted an operational permit contradicts the Council’s argument that the development contradicts the proximity principle in relation to energy from waste facilities. However, permitting is done under the Waste Incineration Directive and is primarily concerned with operational conditions, such as Emission Limit Values. Compatibility with TAN21, the local plan and other planning policy are not matters for the Environment Agency but for planners. Sustainability, siting and accordance with waste-related policies and strategies are material concerns for the planning authority.

4) EcoPellets then state: *“Tallow and wood are not wastes but are valuable raw materials and recovered fuels which are paid for under long-term contract from the feedstock supplier.”* This entirely contradicts EcoPellets’ claims made above, as well as claims made throughout their planning application in relation to the feedstock for the CHP plants.

Their revised Non-Technical Summary explicitly speaks about *“the majority of the 175,000 tonnes of recycled wood which is defined as waste under the Waste Incineration Directive”* and *“22,500 tonnes of tallow which is defined as waste under the Waste Incineration Directive”*. As we have highlighted above, industrial tallow and waste wood are wastes which are in high demand from competing users, but this does not change the fact that they are wastes. Many types of waste have competing and productive uses and this is precisely why TAN21 and other planning policy documents emphasise the need for observing a waste hierarchy (with energy recovery being below other types of waste management) and the proximity principle.

5) EcoPellets then claim that tallow has been declassified as a Waste Incineration Directive waste by 2011 amendments to the Animal By-Products Regulations and that its use for combustion should no longer be considered waste disposal. The legislative change referred to are the Animal By-Products (Enforcement) (Wales) Regulations 2011 (<http://www.assemblywales.org/bus-home/bus-third->

assembly/bus-guide-docs-pub/bus-business-documents/bus-business-documents-doc-laid/sub-ld8452-e.pdf?langoption=3&tll=SUB-LD8452%20-%20The%20Animal%20By-Products%20%28Enforcement%29%20%28Wales%29%20Regulations%202011). Those regulations are based on the 2009 EU Animal By-Products Regulations. They allow rendering plants to use tallow that is not defined as waste under the Waste Framework Directive as fuel without being approved under the Waste Incineration Directive (<http://wales.gov.uk/topics/environmentcountryside/ahw/animalbyproducts/?lang=en>). We cannot see how this would be relevant to the proposed development. EcoPellets themselves, in their planning documents, have made it clear that they would burn tallow as a waste product under the WID and the Environment Agency has granted a permit for this under the WID.

Sustainability of the proposed pellet plant

The proposed development includes a 100,000 /year pellet plant which would require around 200,000 green tonnes of wood a year. The pellets are to be produced from virgin wood – small debarked roundwood logs, according to the amended non-technical summary. The Planning Committee report highlighted the fact that wood would be imported long distance, at least part of the way by HGV.

EcoPellets claim: *“This is not the case, here is no mention of the import of wood in the Application and there is no need to do so as there is ample local wood availability. The Application is made for a 100,000 tonne wood pelleting plant for which the official government figures show is the currently available and unused local forest wood resource in Mid and North Wales. Extension of the development to a 200,000 tonne plant would be a matter for future consideration. The Forestry Commission Wales Timber Marketing Strategy 2011-2016 confirms the annual availability of over 750,000 tonnes of low-quality biomass material suitable for wood fuel each year which the FCW is itself marketing.”*

The Planning Committee report highlights the fact that different information has been provided at different stages of the planning process and that EcoPellets advised the Planning Officer on 21st July 2011 that virgin wood was to be sourced from Scotland and Canada and in December 2011 that it would be sourced from Cumbria and Scotland and transported by ship and then HGV.

The Forestry Commission Wales Timber Marketing Strategy makes no mention of “over 750,000 tonnes of low-quality biomass material suitable for wood fuel each year”. It states that the entire production of marketable stemwood across Wales is 770,000 tonnes of a year – that is stemwood available for all uses, including sawmills. The Strategy document also says: *“We will produce additional biomass by harvesting branches, tops and arisings from arboricultural and maintenance work.”* However, EcoPellets’ amended Non-Technical Summary makes it clear that they require roundwood for producing high quality pellets.

The Forestry Commission’s ‘Eforestry’ website on potentially available woodfuel resources across the UK shows that the total production of small roundwood in both forest districts combined for 2017-2021 is only 45,899 tonnes a year (<http://www.eforestry.gov.uk/woodfuel/FWSPECIES.do>). Although those figures are given in oven dried tonnes, they are still less than half than the 100,000 oven dried tonnes which EcoPellets have stated they will require for pellet production. Furthermore, those 45,899 tonnes include all wood of this type produced in both forest districts combined – not wood that is actually available. Small roundwood (defined by the Forestry Commission as stemwood with less than 14 cm diameter) is in high demand from other users, including for woodchips and other pellet plants. This would include the already existing and consented dedicated biomass power stations and pellet plants in Wales (e.g. the Western Bioenergy

plant in Margam, the UPM Shotton CHP plant, the proposed and consented Llynfi biomass plant, the wood pellet plants consented in Newport and in Rhymney). In their amended Environmental Statement, EcoPellets define small roundwood as being roundwood of less than 20cm diameter. However, as the Forestry Commission points out on their Eforestry website: *“It is unlikely that energy-end markets will be sufficiently profitable to allow stemwood greater than 14cm diameter and of good form to be diverted from their existing markets of sawn timber to new energy markets.”*

The evidence of total relevant wood production in the two forest districts cited by EcoPellets, coupled with the fact that they previously advised the planning department that forest wood would be imported from the north of the UK and possibly from Canada indicates to us that their claims about sourcing from nearby are not credible. We agree with the Planning Committee’s assessment that this development, reliant upon long-distance transport of roundwood for pellet production, would not be sustainable.

Yours sincerely,

Almuth Ernsting
Biofuelwatch Co-Director