

C/o Ian Blake
Cool Planet Resources Ltd
The Dock Hub
Wilbury Villas
Hove
East Sussex
BN3 6AH
Email: ian.blake@cpresources.co.uk
Mobile: [REDACTED]

1 March 2020

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN
By email: WheelabratorKemsley@planninginspectorate.gov.uk

Dear Sir or Madam,

**Application by WTI/EFW Holdings Ltd for an Order Granting Development Consent for the Wheelabrator Kemsley (K3) Generating Station and the Wheelabrator Kemsley North (WKN) waste to energy facility
Representation from the South East Waste Planning Advisory Group**

This representation is submitted on behalf of the South East Waste Planning Advisory Group (SEWPAG). SEWPAG seeks to co-ordinate the planning of waste management within the south east and includes the following Waste Planning Authority members:

- Bracknell Forest Council
- Brighton & Hove City Council
- Buckinghamshire County Council
- East Sussex County Council
- Hampshire County Council (incorporating Southampton City, Portsmouth City and New Forest National Park Waste Planning Authorities)
- Isle of Wight Council
- Kent County Council
- Medway Council
- Milton Keynes Council
- Oxfordshire County Council
- Reading Borough Council
- Royal Borough of Windsor and Maidenhead
- Slough Borough Council
- South Downs National Park Authority
- Surrey County Council
- West Berkshire Council
- West Sussex County Council

- Wokingham Borough Council

The terms of reference for SEWPAG are included at Appendix 1.

SEWPAG recognises that it is not currently registered as an 'Interested Party' in relation to this application but would ask for this representation to be taken into consideration by the Examining Authority. SEWPAG also now requests to be registered as an Interested Party and be given the opportunity to appear at the forthcoming examination hearings. This belated request is a result of an oversight and is not in any way intended to frustrate the smooth passage of the examination.

The application encompasses two separate developments affecting the management of waste as follows:

1. Expansion of the currently permitted Sustainable Energy Plant (SEP) (Wheelabrator Kemsley (K3) Generating Station) to utilise an additional 107,000 tonnes per annum of residual waste as a fuel in the production of 'renewable energy' in an incineration process; and,
2. the construction and operation of a separate 42MW waste-to-energy facility known as Wheelabrator Kemsley North (WKN) fuelled by 390,000 tpa of residual waste arisings.

The two developments taken together therefore would therefore provide capacity for the management of 497,000 tonnes of residual waste per annum.

The application would provide such an amount of residual waste management capacity that it would have a strategic impact in that it will manage waste from a wider than local area. Indeed, under the heading 'Study Area', the 'Waste Hierarchy and Fuel Availability Report' notes the following:

'3.1.14 As a nationally significant infrastructure project, and one that is not predicated solely on the waste management demands of Kent, the Proposed Development is appropriately described as a regional facility.

3.1.15 Across the country, residual wastes can move long distances to find treatment, from very local facilities to those located overseas. However, it is not unreasonable to assume a travel time of approximately two hours before transport becomes too great an element of the overall management costs.⁹ This has been approximately applied to the Proposed Development to identify a Study Area comprising the following authority areas:¹⁰

- *East London, comprising Barking and Dagenham, Havering, Newham and Redbridge;*
- *East Sussex, including Brighton and Hove;*
- *Essex, including Southend-on-Sea and Thurrock;*
- *Kent, including Medway;*
- *South East London, comprising Bexley, Greenwich, Lewisham and Southwark; and*
- *South London, comprising Bromley, Croydon, Merton, Kingston-upon-Thames and Sutton.*
- *West Sussex.'*

Footnote 9: A two hour drive time has been selected and used approximately to identify a Study Area for this assessment. It should not be relied upon beyond that purpose.

Footnote 10: The selection of London boroughs is considered to be conservative, as a 2 hour drive time from the Application Site also encompasses boroughs located in west London.'

It is noted that although West Sussex is included within the above list Surrey, which is closer to the site than West Sussex is not. Regardless of this error, it is clear that this facility would affect the management of waste across a large part of the South East.

As paragraph 2.51 of the Waste Hierarchy and Fuel Availability Report notes, the National Policy Statement on Renewable Energy (NPS EN-3) states the following at paragraph 2.5.70 (with emphasis added):

*'The IPC should be satisfied, with reference to the relevant waste strategies and plans, that the proposed waste combustion generating station is in accordance with the waste hierarchy and of an appropriate type and scale **so as not to prejudice the achievement of local or national waste management targets** in England and local, regional or national waste management targets in Wales. Where there are concerns in terms of a possible conflict, evidence should be provided to the IPC by the applicant as to why this is not the case or why a deviation from the relevant waste strategy or plan is nonetheless appropriate and in accordance with the waste hierarchy.'*

It should be noted that NPS EN-3 also states the following in preceding paragraphs:

*2.5.67 The application should set out the extent to which the generating station and capacity proposed contributes to the recovery targets set out **in relevant strategies and plans, taking into account existing capacity.***

*2.5.68 **It may be appropriate for assessments to refer to the Annual Monitoring Reports published by relevant waste authorities** which provide an updated figure of existing waste management capacity and future waste management capacity requirements.*

*2.5.69 **The results of the assessment of the conformity with the waste hierarchy and the effect on relevant waste plans** should be presented in a separate document to accompany the application to the IPC."*

(Note the use of plural term 'waste plans' in paragraph 2.5.69)

In response to this expectation the report states, at paragraph 3.5.2: *'Section 4 of this report addresses national and local policy.'*

However, the Report only considers local policy in terms of the Kent Minerals and Waste Local Plan and related Early Partial Review (The Inspector's report on which is expected soon). It does not consider the local policy on waste management in any of the areas listed above.

Each authority located in the south east mentioned above has its own local waste planning policy which is concerned with arranging for an equivalent amount of waste arising in its area. This approach follows that set out in the SEWPAG Memorandum of

Understanding (MoU)¹ that includes the expectation that each WPA in the south east will plan for the management of waste on the basis of 'net self sufficiency'. Indeed, as recognised in the Waste Hierarchy and Fuel Availability Report itself (at paragraph 4.3.7) this approach underpins Kent County Council's adopted Waste and Minerals Local Plan. This principle is therefore addressed by Waste Local Plan policies including allocations of suitable sites.

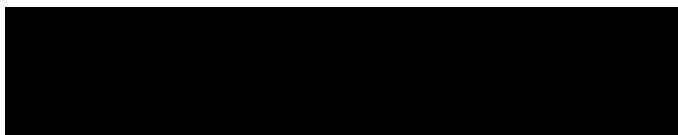
The need for additional facilities in each Waste Local Plan takes account of the need to manage waste in accordance with the Waste Hierarchy. Annual monitoring reports also provide the latest information on arisings and waste management capacity in each area. As the Waste Hierarchy and Fuel Availability Report does not consider the Waste Local Plans of the areas from where waste will be sourced it cannot be said to have met the requirements of NPS EN-3 by adequately assessing *"that the proposed waste combustion generating station is in accordance with the waste hierarchy and of an appropriate type and scale so as not to prejudice the achievement of local or national waste management targets in England and local, regional or national waste management targets in Wales"*

As no assessment has been undertaken of how the facility would impact on the planned arrangements for the management of waste arising in the source areas it appears that the application has not met the requirements of NPS EN-3 as set out above. SEWPAG's main concern in this regard is that, without completing an assessment in accordance with EN-3 it is not clear whether the facility would result in excessive recovery capacity that would prejudice the achievement of recycling as planned for in Waste Local Plans.

SEWPAG consider that the Waste Hierarchy and Fuel Availability Report should clarify the source of the waste and assess how this proposal might impact on affected WPA areas and fit with the related waste local plan requirements for new waste infrastructure (including that needed to meet minimum recycling targets). Going forward it is important that the authorities mentioned above are specifically consulted on this detailed assessment which should show this proposal is consistent with their adopted and emerging waste local plans.

I trust these comments are of use and that, as requested above, you are able to register SEWPAG as an Interested Party to this application.

Yours sincerely,



Ian Blake

Chair
South East Waste Planning Advisory Group

¹ SEWPAG is currently replacing the MoU with a Statement of Common Ground that retains the net self sufficiency principle.

Appendix 1 – SEWPAG Terms of Reference

SOUTH EAST WASTE PLANNING ADVISORY GROUP (SEWPAG)

TERMS OF REFERENCE

Version 3.0 (Final)

January 2018

GENERAL

The South East Waste Authority Planning Advisory Group (SEWPAG) comprises Waste Planning Authorities (WPAs) in the south east of England², the Environment Agency, representatives from similar fora in London and the east of England and waste industry representation through the Environmental Services Association (ESA). It is a non-executive body, funded directly by the WPA members.

SCOPE OF THE GROUP

SEWPAG exists to help WPAs to plan for waste management taking account of the wider strategic cross boundary waste issues in the south east and in doing so helps them fulfil their statutory plan making ‘Duty to Co-operate’ responsibilities³; giving effect to the Government’s stated intention to encourage WPAs to work together in groups in order that they may carry out their individual responsibilities more effectively.

AIM

The overall aim of SEWPAG is to ensure that meaningful, collaborative joint working between WPAs, the Environment Agency and the waste industry (represented by the ESA) within the South East of England on strategic waste management issues is undertaken diligently and on an ongoing basis for the mutual benefit of those authorities.

OBJECTIVES

- To ensure that policies and plan preparation takes full account of the strategic and cross boundary issues associated with the management of waste (not just within the south east) and ensuring that these are addressed in the most appropriate manner as part of the Duty to Co-operate.
- To develop and share best practice and initiate joint working to aid the process of preparing and reviewing emerging waste policy and relevant Waste Local Plans.
- To provide a wider response to relevant consultations e.g. on neighbouring areas’ plans for waste management.
- To maintain an information exchange and communication link with other relevant forums (including other similar regional waste planning groups etc.) to further the groups’ interests and action plans.

² See Appendix A

³ Section 110 of the Localism Act

- To keep abreast and share information on issues and best practice outside of the South East of England, and on policy development and implementation in such areas that will have an impact on the South East.
- To provide a forum for sharing general information and experience on policy issues.
- In order to provide an information base for strategy and the preparation of Waste Local Plans, in conjunction with the Environment Agency, SEWPAG will:
 - Assemble and collate information for the South East of England on arisings, movements (within and into/out of the South East), management and disposals of waste and on existing and proposed provision of waste management facilities;
 - Identify gaps in information requirements and co-ordinate any necessary survey work (subject to available resources);
 - As appropriate, and to the extent that resources allow, provide advice on future waste management requirements in the South East, and identify and evaluate options for meeting those requirements in terms of likely quantities of waste and the nature and distribution of waste management capacity, in accordance with the National Planning Policy for Waste (NPPW), National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG), and having regard to:
 - likely trends in waste arisings, movements, deposits and management practices;
 - changes in waste management practice;
 - the adequacy of existing and proposed waste management capacity;
 - strategies and planning policies for waste management and Environment Agency policies;
 - cross-boundary waste movements and management provision and the waste strategies of adjoining areas;
 - the SEWPAG Memoranda of Understanding on planning for waste management in the South East; and
 - any apparent disparity between requirements and provisions for waste management within the South East.
- To monitor annually changes in waste management within each authority area using any best practice agreed by SEWPAG and report back on wider trends within the South East of England through the forum.

MEMBERSHIP

Formal membership of SEWPAG shall comprise nominated officer representatives from the following organisations:

- Waste Planning Authorities (see Appendix A);
- Central Government (Department of Communities and Local Government) – 1 representative;
- Environment Agency – 1 representative;

- Waste Management Industry – 1 representative from The Environmental Services Association;
- East of England Waste Technical Advisory Body – 1 observer representative;
- London Waste Planning Forum – 1 observer representative.

Representatives from other organisations (e.g. Environmental Services Association (ESA)) and additional representatives from constituent organisations may be co-opted as and when particular input or expertise is required.

ADMINISTRATION

Chair

The Chair of the group is provided via a consultancy agreement initially contracted on an annual basis with the option of extending for a further 2 years in annual increments. The chairperson fulfils the duties of chair, supporting the functions and purposes of SEWPAG.

Project Management Subgroup

A Project Management Subgroup of constituent WPAs will oversee the management of SEWPAG including its budget and priorities.

Business Plan

SEWPAG's priorities are reviewed and set on an annual basis by the Project Management Subgroup in an annual 'business plan'. The deliverables of these priorities are reviewed and endorsed by the Subgroup the following quarter, and progress reviewed on a quarterly basis. Priorities may be subject to change in light of any national policy or legislation requirements which arise.

WORKING GROUPS

Working groups may be set up from time to time to research, consider and report back to SEWPAG on specific issues. Such working groups may include nominated co-opted representatives in addition to SEWPAG members.

CONSULTATION

Consultation shall be carried out with appropriate stakeholders in waste management, such as waste disposal authorities, waste collection authorities, other waste management industry interests, and voluntary, environmental and community interest groups through the preparation of individual local plans using any relevant best practice; to ensure that relevant interests are taken into account, particularly in identifying and considering options for future strategy and for meeting future waste management requirements.

MEETINGS

Meetings of SEWPAG will not normally be open to the press and members of the public, but minutes of meetings will be made public. Agenda papers and minutes will be circulated to those constituent WPAs within the South East that are not directly represented on SEWPAG.

Meetings will generally be held on a quarterly basis. The frequency of meetings may change in light of business plan requirements.

Meetings will be generally be hosted by constituent WPAs on a voluntary basis. Meetings may be combined with visits to sites of interest.

ANNUAL REVIEW

This terms of reference including arrangements for chairing and administering SEWPAG and a review of membership and its effectiveness will be reviewed annually, towards the end of each year by the Project Management Subgroup.

Appendix A - South East Waste Planning Authorities

Bracknell Forest Council
Brighton & Hove City Council
Buckinghamshire County Council
East Sussex County Council
Hampshire County Council
Isle of Wight Council
Kent County Council
Medway Council
Milton Keynes Council
New Forest National Park Authority
Oxfordshire County Council
Portsmouth City Council (represented by Hampshire County Council)
Reading Borough Council
Royal Borough of Windsor and Maidenhead
Slough Borough Council
South Downs National Park Authority
Southampton City Council (represented by Hampshire County Council)
Surrey County Council
West Berkshire Council
West Sussex County Council
Wokingham Borough Council