Wheelabrator TECHNOLOGIES

Deadline 4: Applicant's Response to Submissions at Deadline 3

Wheelabrator Kemsley (K3 Generating Station) and Wheelabrator Kemsley North (WKN) Waste to Energy facility Development Consent Order

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Contents

1 Introduction

1.1 Purpose of this document

1.1.1 This Document has been prepared at Deadline 4 of the Examination by the Planning Inspectorate into an application by WTI/EFW Holdings Ltd (a subsidiary of Wheelabrator Technologies Inc – "WTI") under the Planning Act 2008 for a Development Consent Order (a "DCO") for the construction and operation of the Wheelabrator Kemsley ("K3") and Wheelabrator Kemsley North ("WKN") waste-to-energy generating stations on land at Kemsley, Sittingbourne in Kent.

1.1.2 This Document provides the response by the applicant to the Deadline 3 submissions made to the Examining Authority by Interested Parties.

1.1.3 For ease and completeness this document briefly summarises the proposed development and identifies the application site before providing the applicant's response to relevant Deadline 3 submissions. The Deadline 3 submissions are not replicated within this document but can be viewed on the project page of the Planning Inspectorate's website:

https://infrastructure.planninginspectorate.gov.uk/projects/south-east/wheelabrator-kemsley-generating-station-k3-and-wheelabrator-kemsley-north-wkn-waste-to-energy-facility/?ipcsection=docs

1.2 Context

1.1.1 The application for a Development Consent Order seeks consent for the construction and operation of a 75MW waste-to-energy facility, 'the Wheelabrator Kemsley Generating Station' ("K3") and for the construction and operation of a 42MW waste-to-energy facility, 'Wheelabrator Kemsley North' ("WKN").

1.1.2 K3 is a waste-to-energy facility located adjacent to and east of the DS Smith Kemsley paper mill, to the north of Sittingbourne, Kent. Planning permission was granted for K3 in 2012 by Kent County Council with a generating capacity of 49.9MW and a waste processing capacity of 550,000 tonnes per annum. The facility became operational in Q2 2020.

1.1.3 The applicant has identified that K3 would be capable of processing an additional 107,000 tonnes of waste per annum and, without any change to the external design, generating an additional 25.1MW of electricity. However, in order for the K3 project to be properly categorised and consented under the Planning Act 2008 the applicant is required to seek consent for the construction of K3 at its total generating capacity of 75MW (i.e. 49.9MW consented + 25.1MW upgrade), together with the separate proposed total tonnage throughput of 657,000 tonnes per annum (550,000 consented + 107,000 tonnage increase).

1.1.4 The proposed new Waste-to-Energy plant, Wheelabrator Kemsley North (WKN), would be a single 125Mwth line facility capable of processing 390,000 tonnes of waste per annum, with a generating capacity of 42MW. WKN is not therefore a Nationally Significant Infrastructure Project (NSIP) by virtue of its generating capacity.

1.1.5 Instead WTI made a formal application on the 1st June 2018 to the Secretary of State (SoS) for Business, Energy and Industrial Strategy under Section 35 of the Planning Act 2008 for a direction as to whether the project is nationally significant. The SoS issued their direction on the 27th June 2018 confirming that WKN is to be considered and treated as a development which requires development consent due to its context with other nationally significant projects in the vicinity, the benefits to K3 and WKN being assessed comprehensively through the same DCO process and the removal of the need for separate consents to be sought.

1.1.6 A single Development Consent Order is being sought for K3 and WKN through a single application to the Planning Inspectorate (PINS), prior to being determined by the Secretary of State (SoS) for Business, Energy and Industrial Strategy.

1.3 The Site and its surroundings

1.3.1 The K3 and WKN sites lie to the north-east of the village of Kemsley, which itself sits at the north-eastern edge of Sittingbourne in Kent. The K3 and WKN sites lie immediately to the east of the Kemsley Paper Mill, a substantial industrial complex which is operated by DS Smith.

1.3.2 In April 2018 DS Smith lodged an application for a Development Consent Order (DCO) which would allow for the construction and operation of 'K4', a gas fired Combined Heat and Power Plant within the Kemsley Mill site. This DCO was granted on 5th July 2019.

1.4 Proposed Development

Wheelabrator Kemsley – K3

1.4.1 Planning permission was granted for K3 in 2012 by Kent County Council under reference SW/10/444. As consented and being constructed, K3 can process up to 550,000 tonnes of waste each year and has a generation capacity of 49.9MW. K3 will export electricity to the grid and will supply steam to the DS Smith Kemsley Paper Mill. The construction of K3 began in 2016 and it became operational in Q2 2020.

1.4.2 WTI has identified that K3 would be capable of processing an additional 107,000 tonnes of waste per annum and, without any change to the external design, generating an additional 25.1MW of electricity.

1.4.3 The 2018 consultation and publicity sought views from interested parties on an application for consent for that power upgrade and increased tonnage

throughput, without any construction works being required, as an extension to the K3 facility under Section 15 of the Planning Act 2008.

1.4.4 However, in order for the K3 project to be properly categorised and consented under the Planning Act 2008 the applicant is now seeking consent for the construction of K3 at its total generating capacity of 75MW (49.9MW consented + 25.1MW upgrade), together with the separate proposed total tonnage throughput of 657,000 tonnes per annum (550,000 consented + 107,000 tonnage increase).

1.4.5 A further consultation was undertaken in 2019 to advise S42 consultees and notify the public through a number of S48 notices that construction and operation of K3 was now being sought as part of the DCO, in the context of the K3 facility already being substantially constructed at that time.

1.4.6 As the K3 facility is now operational the effect in reality of the proposed application ('the practical effect') would be the K3 facility as consented but generating an additional 25.1MW, together with being able to process an additional 107,000 tonnes of waste per year.

Wheelabrator Kemsley North – WKN

1.4.7 WKN would be an entirely new and separate waste-to-energy facility on land to the north of K3, which is currently being used as the K3 construction laydown area. WKN would provide clean, sustainable electricity to power UK homes and businesses via the National Grid distribution network and would have the ability to export steam should a user for that steam become available.

1.4.8 WKN would have a generating capacity of 42MW and a waste processing capacity of 390,000 tonnes per annum and be a self-contained and fully enclosed facility with its own reception hall, waste fuel bunker, boiler, flue gas treatment, turbine, air-cooled condensers, transformers, office accommodation, weighbridge, administration building, car parking and drainage. WKN would have its own grid connection to allow for the exporting of electricity to the national grid.

2 Deadline 3 submissions from Interested Parties

2.1.1 Deadline 3 submissions were made by the following Interested Parties:

- Environment Agency (21st April 2020);
- Natural England (22nd April 2020);
- Marine Management Organisation (22nd April 2020);
- SEWPAG (22nd April 2020);
- Kent County Council (24th April 2020).

2.1.2 Each of those submissions is addressed in turn within this Statement.

2.2 Environment Agency (21st April 2020)

2.2.1 The EA do not make any specific comments; the Applicant is continuing to review the draft SoCG with the EA and anticipate that being signed as soon as it is appropriate to do so.

2.3 Natural England (22nd April 2020)

2.3.1 The Applicant notes the comments by NE regarding the updated HRA and air quality assessment/ecological assessment. The Applicant is continuing to review the draft SoCG in order for a signed version to be submitted as soon as it is appropriate to do so.

2.4 Marine Management Organisation (22nd April 2020)

2.4.1 The Applicant notes that the comments made by the MMO have been reflected by the ExA in the ExQ2, to which specific responses are being provided at Deadline 4, and has not therefore replicated those responses within this document.

3 SEWPAG (22nd April 2020)

Introduction

3.1.1 SEWPAG's response to ExQ1A [REP3-019] responds to the ExQ1A by cross referring to the relevant question number. The same referencing system is used here.

3.1.2 Not all of the comments made by SEWPAG are responded to. This should not be taken as indicating that the Applicant agrees with those comments, it is simply that they have been addressed previously and appear to need no further comment.

ExQ1A.1.22

3.1.3 SEWPAG's response to ExQ1A.1.22 is relevant only to plan making. No local authority has control over the waste management market and neither can it predict or dictate where waste will be managed, other than in relation to Local Authority Collected Waste.

3.1.4 Consequently, the sentence that '*The key consideration will be the extent to which the receiving authority is able to accommodate the waste capacity requirements of the exporting authority*' is not entirely correct, and fails to recognise that waste management is market driven.

3.1.5 The key consideration for local planning authorities in terms of plan making is to provide clarity and flexibility in its policy and sufficient site allocations to provide appropriate opportunities for waste management provision to be made.

ExQ1A.1.24

3.1.6 SEWPAG states that its concern is how the 'facilities might impact on local planning' and how the 'market may respond to adopted Plans'. The first concern is answered by reference to the Waste Hierarchy and Fuel Availability Report [APP-086, the 'WHFAR']. This Report, as further explained at Appendix 3 to Applicant's Response to Written Representations [REP2-011] and Section 2.6 of Applicant's Response to D2 Submissions [REP3-003] provides both the assessment that is sought by NPS EN-3 and demonstrates that the waste hierarchy is achieved by K3/WKN; consequently the impact of the Proposed Developments is to deliver local plan policy.

ExQ1A.1.44

3.1.7 In response to ExQ1A.1.44 SEWPAG suggests that the annual monitoring reports of all the waste planning authorities within the SEWPAG should considered. This appears to be inconsistent with SEWPAG's response to ExQ1A.1.40 which

solely recognises planning policy of Kent County Council, the host authority, as the relevant development plan policy.

4 Kent County Council (24th April 2020)

4.1 Introduction

4.1.1 KCC's Deadline 3 Submission [REP3-020] responds to various documents submitted by the Applicant at Deadline 2. This response has been structured to follow that of KCC's Deadline 3 Submission [REP3-020].

4.2 KCC response to Applicant's Response to LIR [REP2-010]

Background and History

4.2.1 KCC advise that they consider the treatment of HGV movements generated by Incinerator Bottom Ash (IBA) to be outstanding. The applicant has therefore set out a history of these HGV movements to provide clarity.

4.2.2 K3 was granted consent in 2012 (reference: SW/10/444). That consent permitted a throughput of 550,000 tonnes per annum (tpa) of non hazardous waste and incorporated an IBA treatment facility to stabilise up to 165,000 tpa of IBA generated by K3.

4.2.3 The Transport Assessment prepared in support of the original K3 planning application set out the (then) estimated HGV movements associated with the IBA treatment facility. The consent allowed for IBA to be transferred from K3 to the ash treatment facility via conveyor for processing. Once processed, the resultant Incinerator Bottom Ash Aggregate (IBAA) would then be transported off-site, for example, for use as a construction material.

4.2.4 The Transport Assessment prepared in support of the original K3 planning application set out the estimated HGV movements on its page 23, as replicated below:

- Maximum annual export of IBAA: 165,000 tonnes;
- Average HGV load of 20 tonnes;
- Giving 8,250 HGVs per annum or 16,500 HGV movements per annum;
- Ash removals Monday-Friday and Saturday morning (5.5 days per week or 287 days per year); and
- Average of 58 HGV movements per day (29 movements Saturday).
- These 58 HGV movements per day formed part of the 258 HGV movements per day that were consented.

4.2.5 Following this, a non-material amendment was made under PAG/MC/SW/10/444/R and granted in September 2013. This included, amongst

other things, the replacement of the IBA treatment facility building with a firewater tank, landscaping and a surface water attenuation pond. In essence, this non-material amendment removed the IBA treatment facility.

4.2.6 Subsequently, a separate planning consent was granted (planning ref. KCC/SW/0265/2016) for the construction of a standalone IBA treatment facility with a throughput of 140,000 tpa adjacent to K3 on the land which is subject to the WKN Proposed Development.

4.2.7 To ensure operational flexibility, the application was prepared on the basis of IBA arriving from off-site via HGV and then IBAA being exported off-site via HGV over a seven day working week. The IBA application set out and sought consent to enable 42 daily HGV movements, however, when granting consent, the permission allowed for 84 daily HGV movements.

4.2.8 Beyond this, the DCO application for the K3 and WKN Proposed Developments have been prepared. Paragraph 5.19 of the Transport Assessment subject to this Examination states:

> *'WKN Proposed Development will sit on the site of the IBA facility and WTI are making an application to vary part of the K3 license to reflect the removal of the IBA. Therefore, the movements associated with the IBA facility have not been included in the baseline'.*

Understanding the Movement of IBA

4.2.9 As things stand, there is no valid planning consent for the treatment of IBA. The facility that formed part of the original K3 consent was removed as part of a non material amendment. The separate IBA planning consent has since expired and in any event was located on the site of the WKN Proposed Development to which this application relates.

4.2.10 The IBA treatment facility that formed part of the original K3 consent enabled IBA to be delivered via conveyor, thus there were no HGV movements associated with the delivery of IBA within the planning consent. IBAA would have been exported via HGV. Thus, the IBA treatment facility that formed part of the original K3 consent had associated HGV movements relating to the export of IBAA only. This comprised 29 empty HGVs arriving per day and 29 laden HGVs exporting IBAA per day, totalling 58 HGV movements per day. These 58 daily HGV movements form part of the current consent for K3.

4.2.11 On the basis of there not being a current IBA treatment facility on site, the IBA produced by K3 needs to be exported off site to a suitable facility. This therefore generates HGV movements onto the highway network.

4.2.12 The number of HGV movements by this is approximately the same as that generated by the export of IBAA that is already included within the consent (58 daily HGV movements).

4.2.13 The current consent allows for 58 daily HGV movements to export IBAA from the IBA treatment facility. Without an IBA treatment facility, 58 daily HGV movements are required to export IBA from K3.

4.2.14 Therefore, the removal of the IBA treatment facility as part of the non material amendment has no effect on the HGV movements generated by the consented K3. K3 will still generate the same number of daily HGV movements.

4.2.15 The separate IBA planning consent that has since expired is separate from all other consents and its HGV movements are not included in any scenarios.

4.2.16 Thus, the HGV movements associated with IBA as part of this DCO application is appropriate and the baseline and assessment scenarios in relation to IBA is appropriate.

Planning Application for an IBA Treatment Facility at Ridham Dock

4.2.17 The applicant recognises that a separate planning application has been submitted to KCC for an IBA treatment facility at Ridham Dock.

4.2.18 K3 needs to be able to operate as a standalone facility. Therefore, K3 needs to be able to import waste and export IBA accordingly independently of other facilities with suitable allowances for HGV movements accordingly. The HGV movements generated by K3 (inclusive of the 58 daily HGV movements for IBA) are therefore required to enable K3 to continue to operate in the event of changes in the supply chain.

4.2.19 No changes to the HGV movements generated by K3 are therefore proposed as a result of the separate planning application at Ridham Dock.

4.3 KCC response to Applicant's Comments on Written Representations [REP2-011]

4.3.1 This section of KCC's Deadline 3 Submission [REP3-020] responds to the Applicant's submission by cross referring to the paragraph number. The same referencing system is used here.

4.3.2 Not all of the comments made by KCC are responded to within this submission. Any such omission should not be taken as indicating that the Applicant agrees with the comments made by KCC; it is simply that they have been addressed previously, or appear to be vexatious. In either circumstance it is considered the comment needs no further response.

Paragraph 7

4.3.3 The Applicant is aware that the Early Partial Review (EPR) of the Minerals and Waste Local Plan (MWLP) has, with the addition of some modifications, been found sound such that it can now be adopted by KCC as the extant local plan.

4.3.4 The Applicant confirms that policy of both the EPR and MWLP have been considered appropriately within the submitted Application.

Paragraph 9

4.3.5 Section 4, and particularly section 4.3, of the Waste Hierarchy and Fuel Availability Report [APP-086, the 'WHFAR'] addresses waste policy relevant to the waste hierarchy and the Proposed Developments. It does not simply state that the waste hierarchy and local policy is met, but draws upon the analysis presented in the rest of the WHFAR to demonstrate it.

4.3.6 This demonstration was supplemented by the Applicant at Appendix 1 to Applicant's Response to Written Representations [REP2-011] and Section 2.5 of Applicant's Response to D2 submissions [REP3-003].

Paragraph 12

4.3.7 The Applicant will respond to Paragraph 12 when KCC's response to ExQ1A.1.47 is available.

Paragraph 15

4.3.8 The WHFAR [APP-086] has fully considered the waste hierarchy and addressed the relevant test, set out at paragraph 2.5.70 of such that it is demonstrated that the Proposed Developments are '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…'

4.3.9 This demonstration was supplemented by the Applicant at Appendix 1 to Applicant's Response to Written Representations [REP2-011] and Section 2.5 of Applicant's Response to D2 Submissions [REP3-003].

4.3.10 There is no requirement on the Applicant to justify the benefits of the Proposed Developments by means of a life cycle assessment. This is not sought in either of the National Policy Statements, in any relevant development plan policy or by the Waste (England and Wales) Regulations 2011 (as amended) (the 'Waste Regulations 2011').

Paragraph 17

4.3.11 The four shortlisted waste types used within the WHFAR [APP-086] are not intended to specify the only waste types that the Proposed Developments would accept. They have simply been used to inform the assessment of the fuels available to K3/WKN.

4.3.12 As identified in response to ExQ1A.1.30 (Applicant's Response to ExQ1A [REP3-004] section 1.30):

> *'Paragraph 3.2.33 of the WHFAR [APP-086] highlights potential reasons why the estimated available fuel could be an underestimate. It could well be argued that the 63,500 tonnes of waste from the Furniture, Paper and Cardboard Manufacturing Sector should be added to the shortlisted wastes. However, as the methodology in the WHFAR was based on four specific LoW codes, it was considered disingenuous to simply add this additional waste stream to the figures derived through the detailed methodology. It seemed more appropriate to highlight that other wastes are available that could be fuels for K3/WKN, in addition to the identified shortlisted wastes.'*

4.3.13 Some wastes categorised as 19.12.12 may have a low calorific value. However, as explained above there are other wastes that would be appropriate for incineration that have not been included in the fuel availability assessment. Consequently, the WHFAR presents a proportionate, reasonable and robust assessment of the fuel available to the Proposed Developments.

Paragraph 19

4.3.14 The WRAP Gate Fee Reports are focussed on providing information relevant to local authorities. However, contrary to the assertion made, the data contained within them is not limited to the gate fees charged to local authorities under contract. The WRAP Gate Fee Reports also include information gained through market intelligence and from commercial operations. Not least, as explained in the introduction to the 2013 Report:

> *'Following the survey work, interviews were carried out with senior managers of waste management companies (WMCs). The interviews were aimed at 'sense checking' the gate fees acquired as part of the survey work, and to provide additional understanding of the various market drivers.'*

4.3.15 The WHFAR, appropriately, only compares gate fees as this is the information presented in WRAP's Gate Fee Reports. As the WRAP Gate Fee Reports are the only such reference known to the Applicant, and WRAP is a wholly credible source, it is a relevant and important comparison to make.

Paragraph 20

4.3.16 At this point of their D2 Submission, KCC posits that it is '*questionable*' whether waste will be moved out of landfill, suggesting that it '*is more probable that the proposed plant will provide an onshore facility for refuse derived fuel (RDF) currently exported to more energy efficient plants …*'. This assertion fails to understand the information that has been presented within the submitted Application.

4.3.17 The WHFAR [APP-086] indicates clearly that a far greater proportion of the fuel is expected to be derived from wastes currently disposed to landfill than from RDF exported out of facilities in Kent. This balance has the potential to change

over time, as more facilities are set up to create RDF out of wastes, but the WHFAR accurately reflects the current situation.

4.3.18 Further, KCC does not consider the benefits of utilising that RDF domestically. Paragraphs 2.5.38/39 of the Applicant's Response to D2 Submissions [REP3-003] addresses the Britanniacrest Appeal[1] (introduced by KCC in its D2 Submission [REP2-044], page 17). The Inspector of this appeal considered there to be at least transport related carbon benefits from the on-site incineration of waste and concludes that such a facility is '*likely to deliver carbon savings when a wider view is taken …*' and so mitigate the impact of climate change.

4.3.19 Paragraph 2.5.46 of the Applicant's Response to D2 Submissions [REP3-003] introduces the Carbon Assessment prepared for the REP DCO[2] (the REP DCO Carbon Assessment is provided at Appendix B to REP3-003). The Carbon Assessment demonstrates that energy recovery facilities such as that of the REP DCO and K3/WKN are properly to be recognised as renewable/low carbon energy generating stations that will make an important contribution to a secure and diverse domestic supply. In granting the REP DCO the Examining Authority and Secretary of State also addressed objections made in relation to carbon balances and comparisons made with other facilities. Again, the decision makers recognise that '*The Proposed Development delivers a positive contribution to meeting the national need for additional electricity generation capacity identified in EN-1.*' (Examining Authority's Report[3], paragraph 9.2.5)

4.3.20 The Applicant has shown the carbon benefits relevant to the Proposed Developments through the analysis already submitted to this Examination; no further modelling is required. Paragraph 2.5.4 of Applicant's Response to D2 Submissions [REP3-003] summarises this work, demonstrating that, through treating residual wastes and onshoring RDF, K3/WKN will deliver renewable/low carbon energy alongside economic investment and the resultant societal benefits.

Paragraph 25

4.3.21 There would appear to have been a misunderstanding in KCC's reading of the WHFAR [APP-086]. Paragraph 4.1.8 of the WHFAR is simply unpacking the

[1] Appeal ref: APP/P3800/W/18/3218965, made by Britanniacrest Recycling Ltd

[2] Riverside Energy Park Development Consent Order, granted 9 April 2020. https://infrastructure.planninginspectorate.gov.uk/projects/london/riverside-energy-park/

[3] Riverside Energy Park Examining Authority's Report of Findings and Conclusions and Recommendation to the Secretary of State for Business, Energy and Industrial Strategy, 9 January 2020. https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010093/EN010093-001043-Riverside%20Energy%20Park%20recommendation%20report%20final%20version.pdf

Directive, explaining a purpose of the proximity principle. It is not intended to imply that waste managed at K3/WKN would otherwise be managed outside the European Union.

4.3.22 KCC also questions whether RDF should be subject to the proximity principle. The Applicant would first refer to the previous comments (not least those immediately above, made in response to paragraph 20) that irrespective of whether the proximity principle should apply or not, the onshoring of RDF brings many advantages that are lost through its continued export to mainland Europe.

4.3.23 In any event, on its production RDF does not immediately cease to be a waste. There are specific tests that must be met to make sure that a waste has achieved 'end of waste' status and consequently no longer be subject to waste management legislation.

Paragraph 34

4.3.24 KCC is correct to identify that the REP DCO is not restricted in terms of where it can source fuel; they can be gained from beyond London. KCC also references the document titled 'The Project and its Benefits Report'[4] (the 'PBR', Document 7.2, APP-103) which (at Annex A) incorporates the fuel availability assessment undertaken for the REP DCO.

4.3.25 A proper reading of the PBR means one recognises that it (similar to the WHFAR) found a range of outcomes, including the likelihood of more than 1 million tonnes of residual wastes generated within London that should be diverted from landfill. In addition, the high-level review of the waste management needs across Essex, Hertfordshire, Kent, Norfolk, Suffolk, and Surrey identified a further 2 million tonnes of residual wastes to be diverted from landfill.

4.3.26 Even operating at its maximum capacity of 805,920 tonnes per annum, the consenting of the REP DCO still leaves a substantial amount of residual wastes to be diverted from landfill through comparable facilities, including K3/WKN.

Paragraph 43

4.3.27 The RWS encourages efficiency in energy recovery facilities, and this includes the promotion of using waste heat; however, it does not require heat utilisation.

4.3.28 The strategy put in place by the RWS is intended to deliver both the waste hierarchy and the circular economy; efficient energy recovery facilities such as K3/WKN are advocated over landfill, repeatedly recognised as the option of last resort.

[4] https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010093/EN010093-000281-7.2%20The%20Project%20and%20its%20Benefits%20Report.pdf

Paragraph 48

4.3.29 The Applicant is not hiding any special '*knowledge of the recycling rates being achieved across the South East*'. Paragraph 48 of Applicant's Response to WR [REP2-011] is simply reflecting on the information provided within the Tolvik report being considered in paragraph 48.

4.3.30 Paragraph 46 of Applicant's Response to WR [REP2-011] is referencing work presented in the RWS Evidence Annex. It refers to the continued export of 3.2 million tonnes of RDF to mainland Europe, as gained from Table 6.2 of the Digest of Waste and Resources Statistics 2018[5] [**Appendix A to this document**] in which Defra reports the amount of RDF exported from England and Wales over years 2010 to 2017. Table 6.2 shows that in years 2016 and 2017, 3.2 million tonnes of RDF were exported; this is believed to be a source of data for Defra's internal analysis presented in the RWS Evidence Annex.

4.3.31 Paragraph 48 of Applicant's Response to WR [REP2-011] is referencing Tolvik's 2030 Market Review (provided at Appendix 1-32 of Applicant's Response to ExQ1A [REP3-009]). It refers to the continued export of 2.5 million tonnes of RDF to mainland Europe as this is the amount of RDF that Tolvik assumes will still be exported at year 2030 (see the 2030 Market Review: first bullet on page 3 of Executive Summary; Figure 29; and Figure 31).

Paragraph 59

4.3.32 Paragraph 59 of Applicant's Response to WR [REP2-011] is not contradictory, it is simply being misunderstood.

4.3.33 Paragraph 59 is responding to section 6b 'Carbon Impacts' of Annex 1 to KCC's WR [REP1-009] (page 7). The first full paragraph of this section states:

> *'The comparative scenario adopted relates to the landfilling of all waste that would otherwise be managed through the proposed plant. Given that the waste will either arise in Kent (in which case a proportion would be diverted from recycling) or further afield (in which case it will have been otherwise planned for through the Local Plan making processes), it is simply not the case that without this facility, waste will be landfilled. This is also supported by the fact that, in reality, the supply of landfill capacity within the feedstock catchment area identified by the proposer is dwindling, so in practical terms, there is simply not enough capacity to manage the target feedstock by landfill.'*

4.3.34 Paragraph 59 is simply stating that, apart from the assumption that recycling will increase in the future, it is otherwise reasonable to assume that wastes currently

[5] Digest of Waste and Resources Statistics – 2018 Edition, Defra, May 2018. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/878124/Digest_of_Waste_and_Resource_Statistics_2018_v2_accessible.pdf

disposed to landfill will continue to do so and that RDF exported to Europe will continue to do so, albeit such an assumption is less certain. Therefore, it is entirely reasonable to assume that these fuels are available to the Proposed Developments.

4.3.35 Consequently, we are saying that the Proposed Developments provide the opportunity for waste sent to landfill to be diverted and for RDF currently exported to mainland Europe to be managed domestically. This is the fundamental premise of fuel supply to K3/WKN as energy generating stations.

Paragraph 61

4.3.36 This is addressed in the Applicant's Response to ExQ1A.1.12 [REP3-009].