



Wheelabrator
TECHNOLOGIES



**Post Deadline 6 : Applicant's Response to KCC's Submissions
at Deadline 5**

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

PINS Ref: EN010083

**Document 14.3
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1 Introduction

1.1 Purpose of this document

- 1.1.1 This Document has been submitted following Deadline 6 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 Various Interested Parties had made submissions at Deadline 5, on the 19th June 2020. The Applicant provided a response to those submissions at Deadline 6 (on the 29th June 2020) within Document 14.2 – Applicant’s Response to Deadline 5 Submissions.
- 1.1.3 Kent County Council’s submissions were made following Deadline 5; they were accepted at the discretion of the Examining Authority and were published following Deadline 6.
- 1.1.4 The Applicant notes that the examination programme provides for responses on submissions at Deadline 6 to be made at Deadline 7, on the 5th August 2020. However the Applicant considers it would be beneficial to the progress of the Examination, particularly given the time remaining within the six month examination period, to provide a response to the KCC Deadline 5 submissions as early as possible and prior to Deadline 7.
- 1.1.5 The KCC Deadline 5 submissions can be viewed at:

<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 5 submissions from Kent County Council

2.1.1 The Deadline 5 submissions from KCC comprise the following:

- Comments on the Applicants Response to the Examining Authority’s Written Questions (ExQ1A)
 - Appendix 1: RAG Analysis of 1,000tonne plus wastes types that fall under HIC Waste Going to Landfill within Applicant Chosen Study Area (WDI 2018)
 - Appendix – Waste Planning Article (27th April 2020) – Covid-19: Recycling Rates and quality surge for Horsham
 - Appendix – BEIS – Renewable Energy Statistics – Data Sources and Methodologies
- Highways Response to the Draft Development Consent Order
- Response to Examining Authority Third Written Questions
 - Appendix 1 – Brookhurst Wood EfW Appeal Decision
 - Appendix 2 – WTI Representation
 - Appendix 3 – Junction Modelling

2.2 Comments on the Applicants Response to the Examining Authority’s Written Questions (ExQ1A)

- 2.2.1 In the Introduction to its letter of the 26th June 2020, responding to the Applicant’s response to ExQ1A, KCC argue that only the proposed increase in the generating capacity of K3 should be sought via a DCO application, with the proposed tonnage increase being sought via a S73 application to vary the existing consent.
- 2.2.2 The K3 element of the application seeks Development Consent for the full construction and operation of the K3 facility, to its proposed generating capacity of up to 75MW and with an annual waste throughput of up to 657,000 tonnes. The approach of seeking Development Consent for the construction and operation of the K3 facility was taken following discussions prior to submission with the Department for Business, Energy and Industrial Strategy and the Planning Inspectorate and was taken to ensure the K3 project could be properly categorised and consented under the Planning Act 2008. If granted the DCO would replace the existing planning permission as the operational consent for K3.
- 2.2.3 It is correct that the proposed increase in the generating capacity of K3 is not predicated on the proposed increase in tonnage throughput for K3; that has been made clear within the application (*‘The generating capacity of a waste-to-energy facility is not predicated on the amount of waste being processed per annum’*, Para 5.3.3, Planning Statement [APP-083]). However given the application seeks consent for the construction and operation of K3 in its entirety it is not appropriate or indeed possible to separate out the consideration and regulation of the annual tonnage throughput from the DCO application. In practice, this would require the construction of K3 to be consented under the DCO, but the throughput to be regulated as a condition of a separate planning permission for the same development. The Planning Act 2008 and TCPA 1990 regimes cannot duplicate each other, which is why the planning permission is being entirely superseded by the DCO. It is for the SoS to determine the requirements that are reasonable, necessary and proportionate for the granting of development consent. It is not reasonable, practicable nor lawful for KCC to cherry-pick out the parts of a nationally-significant development that it wishes to regulate to the exclusion of the SoS,
- 2.2.4 KCC then argue that WKN should be the subject of a separate application, to be determined by KCC. The Applicant considers it to be a fact, not an assertion, that WKN has been directed as being Nationally Significant by the Secretary of State through their S35 Direction and that WKN should therefore be treated as a development for which development consent is required. Similarly the reference by the Applicant to ‘the benefits to K3 and WKN being assessed comprehensively’ is not an assertion by the Applicant, it is a direct quotation from the reasons provided by the Secretary of State within their S35 Direction.

Q1A.1.2

- 2.2.5 The reference to net self-sufficiency in the local plan policy of Kent is a local approach. The Applicant agrees that it is one shared by other waste planning authorities, but they too are seeking to apply the European and national policy of self-sufficiency at a local level. Consequently, it is correct to refer to it as a locally derived principle.
- 2.2.6 At the European and national level, self-sufficiency is applied within no boundary other than that of the combined administrative area of the European Member states. At the local level, the concept of net self-sufficiency attempts to draw a boundary around the administrative area of the local planning authority. Consequently, the principles are the same, but their application is quite different.
- 2.2.7 KCC provides a useful overview of local plan making, which concludes with the belief that a single large facility would undermine locally developed strategies. The Applicant disagrees and in Appendix 1.2/1.8 [REP3-005] presents relevant content from the local plan documents of the authorities within the Study Area, focussing on matters of self-sufficiency and recycling. Appendix 1.2/1.8 demonstrates both that none of the authorities within the Study Area seek:
- to deliver self-sufficiency differently to that set out within the Applicant’s responses; nor
 - recycling at a level that exceeds that assumed within the WHFAR.
- 2.2.8 Consequently, it has been consistently demonstrated that the Proposed Developments will not prejudice the achievement of locally derived strategies.
- 2.2.9 KCC advises that it has been unable to understand the Applicant’s assessment of the Proposed Developments’ impact on waste management strategies across the Study Area. This has been achieved through:
- The WHFAR [APP-086] and Appendix A to Applicant’s Responses to Deadline 2 Submissions [REP3-003] which demonstrate that even assuming 65% recycling is achieved across the Study Area, there remains a need for the Proposed Developments and additional recovery capacity.
 - The Applicant’s response to EQ1A.1.2 [REP3-004] which confirms both: that none of the authorities within the Study Area seek to deliver self-sufficiency differently to that set out within the Applicant’s submissions; and that none seek to achieve a level of recycling that exceeds 65% by 2035.
- 2.2.10 The Applicant has robustly demonstrated that the Proposed Developments will not prejudice the achievement of locally derived strategies.

Q1A.1.3

- 2.2.11 KCC opens its response by referring the ExA to Waste Data Flow. The ExA will be aware the Applicant referred to Waste Data Flow in answering his question in its Response to Examining Authority’s Written Questions (ExQ1A¹) [REP3-004] at section 1.3, commencing on page 8 of that document.
- 2.2.12 KCC questions what the data is intended to portray:
- Table 1.13_1 presents the amount of LACW disposed to landfill by each of the authorities within the Study Area; the receiving landfill facility may be located within the Study Area or outside of it.
 - For example, in 2018/19, Essex sent 148,824 tonnes of LACW to landfill, the location of which is not specified in the source data.
 - Table 1.13._2 presents a further level of detail, reporting the LACW landfilled by each local authority in the Study Area at appropriate landfill facilities also located in the Study Area. It does not necessarily report all LACW generated within the Study Area and landfilled. The first column presents the originating local authority, which is followed by the tonnes of LACW disposed at each receiving landfill site, all of which are located within the Study Area.
 - For example, in 2017/18, Essex sent: 1,790 tonnes to Barling Marsh; 71,787 tonnes to Bellhouse; 2,541 to Pitsea; and 10 tonnes to Rainham.
 - However, this does not necessarily represent all the LACW generated within Essex as disposed to landfill. Table 1.3_1 reports that in 2017/18 Essex sent 105,129 tonnes of LACW to landfill, which indicates that some was disposed to landfill outside the Study Area.
- 2.2.13 The data presented at paragraph 1.3.14 is provided simply in response to ExQ1A.1.3. The text (and Table 1.3_2) preceding paragraph 1.3.14 is focussed on the LACW generated within the Study Area and disposed to landfill within the Study Area. Completing the picture for LACW disposed to landfill, paragraph 1.13.4 presented LACW generated within the Study Area and sent to landfill outside the Study Area. Paragraph 1.3.15 of Applicant’s Response to ExQ1A [REP3-004] (page 14) confirms ‘that the proportion of LACW sent to landfill is not a straightforward question’.
- 2.2.14 It is unclear why KCC would suggest that WTI is distancing itself from the WHFAR. Reference to HIC wastes is made in the WHFAR [APP-086] and is used in the Applicant’s Response to ExQ1 to answer ExQ1A.1.3. It is not possible to

¹ Hereafter referred to as ‘Response to ExQ1A’

quantify the LACW component of the waste landfilled in the Study Area solely using the HIC tonnage presented in Waste Data Interrogator because the dataset does not differentiate between LACW and industrial/commercial wastes. Hence, Table 1.3_1 presents LACW landfilled (data from LACW Statistics) as a proportion of HIC wastes landfilled (data from Waste Data Interrogator). The Applicant is consequently surprised that KCC has replicated the exercise using data from Waste Data Interrogator only.

- 2.2.15 KCC’s submission then proceeds to break down wastes under the HIC classification that are reported to have been disposed to non-inert landfill facilities in the Study Area. The purpose for this is unclear; it neither answers ExQ1A.1.3, nor responds to the Applicant’s submissions.
- 2.2.16 Table 1.3_1 of the Applicant’s Response to ExQ1A [REP3-004] (page 10) presents HIC wastes landfilled within the Study Area, for years 2015 to 2018. In 2018, the tonnage is given as 1,781,213; the same figure as KCC shows as the non-inert/non-hazardous landfill type in its Table 1.
- 2.2.17 The Applicant has consistently referred to HIC wastes; introduced at paragraph 3.2.7 of the WHFAR [APP-086]. At paragraphs 3.2.20 and 21 the WHFAR states:

‘3.2.20 This fuel availability assessment focusses on the HIC wastes sent to non-hazardous landfill facilities, i.e. those wastes listed under Chapters 01, 02, 03, 08, 10, 11, 12, 15, 16, 18, 19 and 20 of the LoW. Whilst the HIC category in the WDI does contain waste that would be appropriate for combustion in the Proposed Development, they also contain some wastes that are not, for example Chapter 01 Mine and Quarry Wastes will contain soils and rock.

3.2.21 To avoid any potential for relying on an over-estimation of available fuel, the next step in this fuel availability assessment considers a more focused range of wastes within those identified as HIC wastes in the WDI.’

- 2.2.18 The Applicant is well aware that not all HIC waste will be suitable for incineration and consequently considers defined shortlisted wastes. As explained at paragraph 2.6.44 of the Applicant’s Responses to Deadline 4 Submissions [REP5-022] the four waste types chosen by the Applicant agree with those presented in EfW Statistics 2019².
- 2.2.19 Appendix A to Applicant’s Responses to Deadline 2 Submissions [REP3-003] presents the WHFAR analysis updated with 2018 data. This continues to demonstrate a robust case, that even when referencing the shortlisted waste types and assuming increased recycling will occur, there remains a substantial need for new recovery capacity.

² UK Energy from Waste Statistics – 2019, published by Tolvik Consulting in May 2020. Full copy of the report is provided at Appendix A to the Applicant’s Responses to Deadline 4 Submissions [REP5-023]

- 2.2.20 Consequently, all of KCC’s analysis (on pages 4 and 5 of its submission) has been previously been addressed by the Applicant.
- 2.2.21 In its conclusion, KCC has misunderstood ExQ1A.1.3. The question is not ‘how much feedstock might be sourced from LACW’ (as presented by KCC) but simply ‘what proportion of waste delivered to landfill within the Study Area comprises LACW?’. The ExA will be aware that the Applicant has addressed this question in Applicant’s Response to ExQ1A [REP3-004].
- 2.2.22 To address KCC’s point; the Applicant recognises that these wastes are subject to contracts, many of which are long-term. However, the continued disposal of these wastes to landfill is not a sustainable management route, especially when projects such as K3 and WKN can provide the treatment capacity required to recover energy and secondary aggregates, delivering both energy and waste management policy.
- 2.2.23 In its penultimate paragraph KCC makes the statement that ‘*the Applicant’s Table 1.3.1 show a declining trend indicating that the tonnages of waste suited to incineration with energy recovery sent to landfill in 2019 and beyond may be reducing over time.*’ This is not correct. The data in Table 1.3-1 shows total waste to landfill; it is not possible from that data to identify wastes suited for incineration.
- 2.2.24 It is possible to see it in Appendix A to Applicant’s Response to D2 Submission [REP3-003], where a decrease is seen in both HIC and shortlisted wastes disposed to landfill. This is a good outcome and is to be encouraged, through the provision of additional treatment capacity such as K3 and WKN. As shown in Appendix A to Applicant’s Responses to Deadline 2 Submissions [REP3-003] there remains 300,000 to 700,000 tonnes of fuel remaining even after considering the combined capacity proposed for K3/WKN. In addition to which, there are a further 260,000 to 330,000 tonnes of shortlisted wastes that have been generated within the Study Area and disposed to landfill outside. Appendix A to Applicant’s Responses to Deadline 2 Submissions demonstrates 0.5 to 1 million tonnes of need for new recovery capacity remaining after K3/WKN. Waste management in England is improving, not least as seen through a decreased wastes to landfill; however, this does not equate to no longer requiring new treatment capacity. In order to maintain progress, and meet carbon, energy and waste policy priorities, new recovery capacity remains one part of the essential infrastructure so urgently sought.

Q1A.1.7

- 2.2.25 KCC repeats its criticism that the Applicant’s approach could adversely affect other local plan strategies (to maximise recycling) and undermine the proximity principle. This is addressed above, under title Q1A.1.2 (p7) which confirms both: that none of the authorities within the Study Area seek to deliver self-sufficiency

differently to that set out within the Applicant’s submissions; and that none seek to achieve a level of recycling that exceeds 65% by 2035.

- 2.2.26 The proximity principle is addressed by the Applicant in both the WHFAR [APP-086] at section 4, and Appendix 1, Applicant’s Responses to WR [APP-011]. In short, K3/WKN are properly demonstrated to be one of the nearest appropriate installations to treat residual wastes, diverting them from landfill and recovering energy and secondary materials.

Q1A.1.10

- 2.2.27 KCC made similar comment (regarding differing value of ‘recovery’ facilities) in its Response to Further Written Questions [REP4-015] under ExQ1A.1.12, to which the Applicant has previously responded in Applicant’s Responses to Deadline 4 Submissions [REP5-022] (under title Q1A.1.12, on page 16). As KCC itself acknowledges in REP4-015 (second paragraph, page 7) ‘The waste hierarchy itself does not address such refinement...’. KCC is seeking to create an artificial distinction between energy recovery facilities.
- 2.2.28 The Applicant has demonstrated that K3/WKN are properly described as recovery facilities delivering renewable/low carbon energy and secondary aggregates, not least in its own response to ExQ1A.1.12 [REP3-004].
- 2.2.29 In Responses to Deadline 4 Submissions [REP5-022] the Applicant further demonstrates (including by reference to EfW Statistics 2019) that the modern, efficient, well-run recovery facilities that the Resources and Waste Strategy is seeking are being delivered in the UK by waste management operators that include the Applicant.
- 2.2.30 KCC concludes its submission at this point with a repeat of its suggestion that there will be a lack of fuel available to the Proposed Developments, referring to its Table 5 as demonstrating the consequent carbon impact. The Applicant has responded to KCC’s fuel availability criticisms previously, most recently in this submission under title of Q1A.1.3 above. Table 5 is, as described by KCC, ‘qualitative’. Qualitative assessments do have value, when they are accompanied by justification for the conclusions drawn and when they reflect policy and current evidence; unfortunately these are not available to Table 5.

Q1A.1.12

- 2.2.31 KCC simply places too much emphasis on the Applicant’s reference to the Renewable Energy Action Plan’s value of 62.5% biodegradable content for municipal waste. It is quoted simply as an example, alongside the EfW Debate

Guide³, which assumes between 50% and 66% biodegradable content in municipal waste. That the Applicant has taken a conservative approach is confirmed by KCC in its recognition (penultimate line on page 8) that a level of 45% biodegradable content has been assumed within the Carbon Assessment.

2.2.32 KCC introduces and then refers to the BEIS document ‘Renewable Energy Statistics - Data Sources and Methodologies’ [REP5-044] (‘BEIS Data Sources and Methodologies’) and presents Figure 1 within its submission, inferring that it is from the BEIS document. It is not. Figure 1 is produced by KCC to present its own interpretation of the data that is reported in the BEIS Data Sources and Methodologies.

2.2.33 On page 18, BEIS Data Sources and Methodologies considers the data relevant to municipal solid waste (‘MSW’) combustion; confirming that ‘Only the biodegradable component of MSW is counted as renewable.’ The Applicant has adopted this approach in its own carbon analysis.

2.2.34 BEIS Data Sources and Methodologies continues:

‘For several years, research estimated that UK domestic waste had a biodegradable content of 67.5 per cent +/-1 per cent and this accounted for about 62.5 per cent of the energy generated from its combustion. Further research in 2009 resulted in an upward revision to 63.5 percent.’

2.2.35 This indicates some level of fluctuation in the biodegradable content of waste, which is largely affected by the composition. A fact also recognised on page 18 of BEIS Data Sources and Methodologies, such that it concludes:

‘Additional research and evidence gathering indicated that the renewable content had fallen to 50 percent in 2014.’

As no time series data are available between 2009 and 2014, a linear change in composition over this period was assumed, see Table 5 below:

Table 5 biodegradable share of EfW

Years	Value	Source
Pre-2009	62.5%	Defra Study
2009	63.5%	Defra Study
2010	60.8%	Estimated (linear change between 2009 and 2014)
2011	58.1%	
2012	55.4%	
2013	52.7%	
2014+	50.0%	Various studies

³ ‘Energy from waste, A guide to the debate’, Defra, 2014.
<https://www.gov.uk/government/publications/energy-from-waste-a-guide-to-the-debate> [07.07.2020 @ 10:40] Introduced to the Examination in Applicant’s Responses to ExQ1 [REP2-009] Appendix 1, paragraph 5.

2.2.36 KCC has taken the assumption made by BEIS over a specific time (years 2010 to 2013) and drawn its Figure 1 to extend those assumptions over a further six years. This is not the approach presented in BEIS Data Sources and Methodologies; its use of ‘2014+’ indicates that it considers the measure of 50% biodegradable component of MSW remains relevant. This further demonstrates that the Applicant has used a conservative estimate of 45% in its own Carbon Assessment.

2.2.37 On page 9, KCC uses its Figure 1 (which it incorrectly attributes to BEIS) to substantiate its Table 5 (Qualitative Assessment of Carbon Impact of K3 expansion vs. WKN incinerator); confirming that Table 5 does not reflect relevant evidence.

2.2.38 As is recognised in EfW Debate Guide (page 26, paragraph 62):

‘Energy from waste infrastructure has a long lifetime and changes in the composition and biogenic content of residual waste over time can affect both how efficiently a plant operates and its relative environmental impact. However, this does not have to mean maintaining a certain biogenic content or energy value at the expense of improved recycling. For example, introduction of separate collection of food waste for composting might reduce the biogenic content of residual waste. To balance this and maintain biogenic content, removal (by recycling) of fossil fuel components such as plastics would also be needed, ensuring the biogenic content remains sufficiently high with only the genuinely residual waste remaining. Hence the need to optimise the residual waste being used by energy from waste plant could potentially support and drive greater recycling across a range of materials.’

2.2.39 As an example of future changes to waste composition, in Applicant’s Responses to Deadline 4 Submissions [REP5-022] (at paragraph 2.6.20), the Applicant observes the growing number of plastic products that formerly used fossil fuel sources that are now made from plant-based sources. This practice may serve to increase the biodegradable component of waste in the future.

2.2.40 On page 9 of its submission, KCC seeks clarity on the recovery targets to which the Applicant has referred; these are contained within the Waste Framework Directive 2008, commonly referred to as the R1 target. Annex II of the Waste Framework Directive (provided at **Appendix A** to this document) presents the list of waste management facilities that can be classified as ‘Recovery Operations’; R1 is defined as ‘Use principally as a fuel or other means to generate energy*’. The asterisk is used to denote a footnote, which provides the targets (the R1 target or test) that must be achieved in order for the use of waste as a fuel to generate energy to be recognised as a recovery facility. The footnote states:

This includes incineration facilities dedicated to the processing of municipal solid waste only where their energy efficiency is equal to or above:

- 0,60 for installations in operation and permitted in accordance with applicable Community legislation before 1 January 2009,*
- 0,65 for installations permitted after 31 December 2008,*

using the following formula:

$$\text{Energy efficiency} = (E_p - (E_f + E_i)) / (0,97 \times (E_w + E_f))$$

In which:

E_p means annual energy produced as heat or electricity. It is calculated with energy in the form of electricity being multiplied by 2,6 and heat produced for commercial use multiplied by 1,1 (GJ/year)

E_f means annual energy input to the system from fuels contributing to the production of steam (GJ/year)

E_w means annual energy contained in the treated waste calculated using the net calorific value of the waste (GJ/year)

E_i means annual energy imported excluding E_w and E_f (GJ/year)

0,97 is a factor accounting for energy losses due to bottom ash and radiation.

This formula shall be applied in accordance with the reference document on Best Available Techniques for waste incineration.

- 2.2.41 Again, KCC seeks to compare WKN with fossil fuel power stations. The ExA will be aware that the Applicant responded to KCC’s Response to ExAQ1.6 [REP2-044] in its Response to Deadline 2 Submissions [RE3-003] (commencing on page 15).
- 2.2.42 Finally under ExQ1A.1.12 KCC claims that ‘*there is no express recognition of incineration with energy recovery as proposed at WKN as beneficial in policy, either national or local i.e. in Kent.*’ This is an interesting statement to make, not least considering that it is expressly identified as part of the desired energy infrastructure within both NPS EN-1 and NPS EN-3, prepared to give the policy framework for decisions on electricity generation from renewable sources (including energy from waste) ‘*which is an important element in the Government’s development of a low-carbon economy*’ (paragraph 1.1.1). It is also recognised as a key part of the waste management strategy put in place by the Resources and Waste Strategy [REP3-010]; efficient energy recovery

facilities such as K3/WKN are advocated over landfill, which is repeatedly recognised as the option of last resort. The benefit of energy recovery facilities such as WKN (and K3) are set out in the EfW Debate Guide; whilst not a policy document of itself, it was prepared to help explain policy relevant to energy from waste:

‘As an energy source, energy from waste has a number of potential advantages beyond its renewable content including:

- energy security*
- non-intermittent nature*
- variety of potential energy outputs’.*

([Paragraph 68])

‘Generating energy from waste rather than from these fossil fuels, as with other renewables, provides a domestically-derived energy source and gives the UK greater fuel security, greater energy independence and protection from fossil fuel price fluctuations. At a more local scale, where energy-intensive industries use waste as a fuel, they can directly benefit from this same independence from fossil fuel price fluctuations.’

2.2.43 (Paragraph 70)

2.2.44 Local Plan policy (both as adopted and soon to be adopted) also recognises the value of energy recovery from residual wastes:

Kent Minerals and Waste Local Plan

‘The Kent MWLP addresses this transition by seeking to rapidly provide a more sustainable option for the mixed non-hazardous waste that is going to landfill by identifying sites for energy recovery.’ (Paragraph 6.2.5)

‘Implementing Policy CSW 7 will result in reducing the amount of Kent non-hazardous waste going for disposal to landfill to less than 76,000 tpa by the end of the plan period. It will also assist in retaining existing non-hazardous landfill capacity in Kent at the end of the plan period for any non-hazardous waste that cannot be reused, recycled, composted or recovered. The reliance being placed upon a major increase in additional future capacity through the recovery of waste is regarded as being deliverable due to the responses received to the call for sites for the Waste Sites Plan, which include sufficient EfW proposals to meet the required additional capacity.’ (Paragraph 6.7.5)

[Policy CSW7 seeks to provide 562,500 tonnes of new recovery capacity, alongside recycling and compositing facilities]

'One of the fundamental aims of the Plan is to reduce the amount of MSW and C&I waste being sent to non-hazardous landfill. There will need to be a substantial increase in waste recovery capacity during the plan period if a rapid shift away from landfill is to occur.' (Paragraph 6.8.1)

Kent Minerals and Waste Local Plan Early Partial Review

Policy CSW4

'The strategy for waste management capacity in Kent is to provide sufficient waste management capacity to manage at least the equivalent of the waste arising in Kent plus some residual non-hazardous waste from London. As a minimum it is to achieve the targets set out below for recycling and composting and other forms of recovery.'

- 2.2.45 Finally, within BEIS Data Sources and Methodologies, the text setting out the biodegradable content of MSW is set within a broader section titled 'Wastes', the introductory paragraph to which (page 17) states:

'Domestic, industrial and commercial wastes represent a significant resource for materials and energy recovery. Unprocessed wastes may be combusted in purpose built incinerators or the waste can be processed into a range of refuse derived fuels (RDF) for both on-site and off-site use. RDF can be partially processed to produce coarse RDF that can then be burnt in a variety of ways. By further processing the refuse, including separating off the fuel fraction, compacting, drying and densifying, it is possible to produce an RDF pellet. This pellet has around 60 per cent of the gross calorific value of British coal. Only the biodegradable portion of waste is counted in renewables statistics although non-biodegradable wastes are included in this chapter as "below the line" items. The paragraphs below describe various categories of waste combustion in greater detail.'

- 2.2.46 BEIS clearly recognises the value of recovering energy (and materials) from the incineration of residual wastes.
- 2.2.47 KCC closes this section of its submission with a comment upon the Applicant's response to ExQ1A.1.13. WTI made no comment on whether the Coronavirus had affected recycling rates; it simply noted [REP3-004, page 20, paragraph 1.13.2] that local authorities are 'working through special provisions for dealing with' the pandemic. The special provisions the Applicant had in mind in writing that sentence was the practice of local authority officers taken out of their day jobs to provide telephone support to residents within their local authority area. That increased levels of recycling have been achieved in Horsham is to be applauded [REP5-043].

Q1A.1.16

2.2.48 The ExA will be aware that the Applicant has responded to these points previously, in Applicant’s Responses to ExQ1A [REP3-004].

2.2.49 In the Introduction (at paragraph xviii.) WKN is described as:

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.

2.2.50 The following text is given in response to Q1A.1.16:

Under normal operating conditions, both of K3 and the Kemsley Paper mill, the steam required for the mill’s operation would be provided by a combination of its on-site energy infrastructure (including K2 and the consented K4 CHP facility which is currently being constructed) and the K3 Proposed Development. WKN would be capable of providing steam to the mill via K3 during times when K3 is not operational, for instance during routine maintenance, as well as being CHP ready in order to supply heat to other customers in the area.

2.2.51 WKN has the demonstrated potential to supply steam to both current and future developments.

Q1A.1.17

2.2.52 Table 3.3 of the WHFAR [APP-086] presents the non-hazardous landfill facilities located in the Study Area that were active in the years 2015, 2016 and 2017. Table 3.3 shows that in this period:

- Beddington Farmlands Landfill Site closed;
- Lidsey, Mucking, and Pebblesham (northern quadrant) Landfill Sites only accepted inert or construction, demolition and excavation (CD&E) wastes, largely for restoration purposes;
- environmental permitting for Martells Quarry Landfill was changed to not allow the deposit of mixed municipal waste.

2.2.53 Data for 2018 confirms that landfill capacity within the Study Area for the disposal of municipal waste continues to decline.

2.2.54 It would be advantageous (in carbon terms at least) for waste to travel further to a recovery facility than to use a more proximate landfill facility. However, as

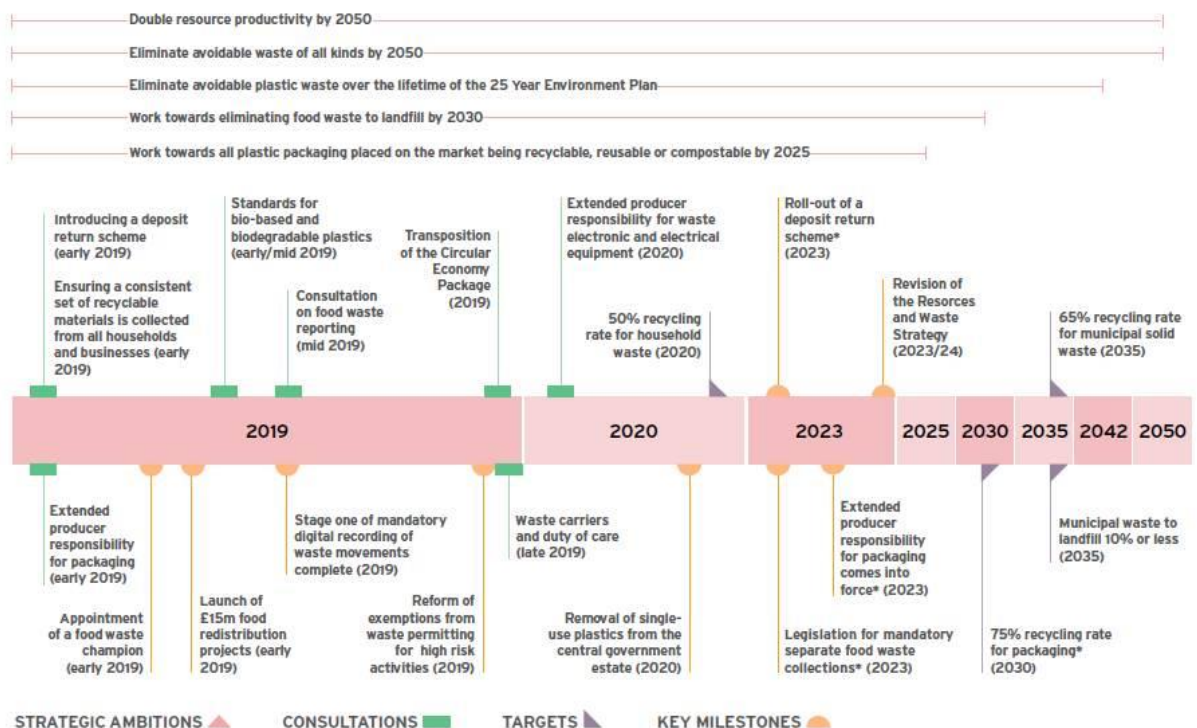
demonstrated by the WHFAR [APP-086] and Appendix A to Applicant’s Responses to Deadline 2 Submissions [REP3-003] there remains a need for new recovery capacity, even assuming 65% recycling is achieved.

2.2.55 The Applicant does not recognise any shortcomings in its Carbon Assessment. An Assessment of Transport Related Carbon Impacts [REP5-015] was prepared in June 2020 and submitted to the Examination in response to ExQ1A.1.17.

Q1A.1.18

2.2.56 The Resources and Waste Strategy [REP3-010] presents no firm timetable for implementation of the identified initiatives. Page 13 of the Resources and Waste Strategy presents the original timeframe for the identified initiatives.

KEY MILESTONES



2.2.57 As the Applicant noted in Applicant’s Responses to ExQ1A [REP3-004] (at paragraph 1.18.2) ‘detailed proposals on the measures that the Government intends to pursue are expected to be released for consultation later this year’. This statement recognises the delay that has occurred to the consultation that was scheduled to have been carried out this summer, but which have been delayed.

Q1A.1.20

- 2.2.58 Policy CSW4, as presented in KCC’s submission and amended in the Early Partial Review does not set a cap on the capacity of recovery facilities; the text explicitly states that the strategy seeks ‘As a minimum’ to achieve the targets (applying to both recycling and recovery) as set out. This means that more recovery could be achieved, and this would be desirable so as to reduce the amount of waste disposed to landfill.
- 2.2.59 KCC presents the Early Partial Review as its up-to-date plan and the Proposed Developments have been shown to align with it (as well as with national and adopted local policy). Consequently, there remains no expectation for the Applicant to demonstrate quantitative or market need.
- 2.2.60 Notwithstanding this position, the level of need across the Study Area has been demonstrated in the WHFAR [APP-086] and Appendix A to Applicant’s Responses to Deadline 2 Submissions [REP3-003].

Q1A.1.21

- 2.2.61 It is entirely logical that the Local Plan will be subject to locally focussed amendment; it is a Local Plan, prepared to address issues local to the relevant administrative area over which it applies.
- 2.2.62 The Applicant’s example regarding self-sufficiency would appear to have been too simply set out. The principle of self-sufficiency is understood (at both the national and local level) to mean that waste can travel across administrative boundaries; it does not have to be treated in the area within which it was generated. Within national legislation and policy documents, the principle means that waste can travel across country borders and across the European Union.
- 2.2.63 The same principle applies at the local level; waste can travel from one authority to another for treatment. However, the application of that principle is affected by the locally focussed amendment (the application of ‘net’) because that change seeks to limit the tonnage so that any one authority does not manage any more waste than it produces, regardless of the capacity or opportunities for capacity, that it can provide.
- 2.2.64 This limitation does not apply to self-sufficiency at the national level. This point is addressed in Response to ExQ1.1.4 presented at Appendix 1 of Applicant’s Responses to ExQ1 [REP2-009] (principally at paragraphs 4, 5 and 6), which demonstrates that such movement can bring benefits.

Q1A.1.23

- 2.2.65 The ExA will be aware the Applicant answered his question in its Response to ExQ1A [REP3-004]. The response is given at section 1.23, commencing on page 28 of that document.
- 2.2.66 KCC’s suggestion that there is a risk of ‘double-counting’ fuel availability with the Riverside Energy Park has been previously addressed in Applicant’s Response to Submissions at Deadline 3 [REP4-008] (at page 15, under title ‘Paragraph 34’).
- 2.2.67 The ExA will also be aware of the Applicant’s Assessment of Transport Related Carbon Impacts [REP5-015] submitted in response to ExQ1A.1.17 at Deadline 5 (provided as Appendix D to REP5-011).

Q1A.1.28

- 2.2.68 KCC is correct to identify our error in this response.
- 2.2.69 The bullet point relevant to Medway Borough Council (for 2017/18) should read (the amended text is in bold type):

*For Medway Borough Council the total LACW arisings was **131,702** tonnes (Table 1 referenced above) but the total LACW managed by **Medway Borough Council** was 130,573 tonnes, of which 12,543 tonnes was landfilled (Table 2 referenced above)."*

- 2.2.70 Data for 2018/19 data is now available and presented for information. It indicates that all the tonnages of LACW (reported as generated, managed and disposed to landfill) within Kent and Medway increased:
- For Kent County Council the total LACW arisings was 711,460 tonnes (Table 1 referenced above) but the total LACW managed by Kent County Council was 721,188 tonnes, of which 12,050 tonnes was landfilled (Table 2 referenced above).
 - For Medway Borough Council the total LACW arisings was 134,215 tonnes (Table 1 referenced above) but the total LACW managed by Medway Borough Council was 134,723 tonnes, of which 14,465 tonnes was landfilled (Table 2 referenced above)."

Q1A.1.33

- 2.2.71 As concluded under ExQ1A.1.3 above (page 8), the reduction in waste going to landfill is:

'... a good outcome and is to be encouraged, through the provision of additional treatment capacity such as K3 and WKN. As shown in Appendix A to Applicant’s Responses to Deadline 2 Submissions [REP3-003] there remains 300,000 to 700,000 tonnes of fuel remaining even after considering the combined capacity proposed for K3/WKN. In addition to which, there are a further 260,000 to 330,000 tonnes of shortlisted wastes that have been generated within the Study Area and disposed to landfill outside. Appendix A to Applicant’s Responses to Deadline 2 Submissions demonstrates 0.5 to 1 million tonnes of need for new recovery capacity remaining after K3/WKN. Waste management in England is improving, not least as seen through a decreased wastes to landfill; however, this does not equate to no longer requiring new treatment capacity. In order to maintain progress, and meet carbon, energy and waste policy priorities, new recovery capacity remains one part of the essential infrastructure so urgently sought.'

Q1A.1.34

- 2.2.72 KCC is correct, the Applicant does not identify the waste need assessments prepared as part of the Early Partial Review. As is clear from the Applicant’s reviews of the waste need assessment [REP3-014 and 015] they are considered to underestimate the wastes present within Kent.
- 2.2.73 The Inspector of the EPR makes no comment on these reviews; as observed in Applicant’s Response to Submissions at Deadline 4 [REP5-022] (under title Q1a.1.4, on page 15) he makes very little comment on waste policy matters at all.

Q1A.1.35

- 2.2.74 The reference to gate fees across Europe comes from the on-line article written by Clarity, the link to which is provided at footnote 12 (Applicants Response to ExQ1A.1.35 [REP3-004], page 36). The article is provided at **Appendix B** of this response.
- 2.2.75 As previously identified (discussed in detail above under title Q1A.1.3, page 9), in considering solely those wastes within the Study Area there remains 300,000 to 700,000 tonnes remaining to be diverted from landfill or export as RDF, even after considering increased recycling (to 65%) and the combined capacity proposed for K3/WKN. In addition to which, there are a further 260,000 to 330,000 tonnes of shortlisted wastes that have been generated within the Study Area and disposed to landfill outside.
- 2.2.76 It is a fact recognised by both the Applicant and KCC that the export of RDF to mainland Europe is declining; nevertheless, over the first five months of 2020,

nearly 780,000 tonnes of RDF have been exported from England. Locally, RDF exported from facilities within the Study Area is reported at just under 890,000 in both 2017 and 2018 (see Appendix A to Applicant’s Responses to Deadline 2 Submissions [REP3-003]). The combined capacity of the Proposed Developments is 497,000 tonnes per annum; sufficient only to manage 56% of this fuel.

- 2.2.77 The Applicant is surprised that KCC does not find local policy in support of provision of renewable/low carbon energy sources; it is an integral part of sustainable development which should be promoted by, inter alia, the Local Plan. The Applicant can find many references local to both Kent County Council and Swale Borough Council recognising the need for reduced carbon emission and seeking alternative energy sources. These have been set out in Appendix C though the list is not intended to be exhaustive.

Q1A.1.36

- 2.2.78 The Applicant notes KCC’s criticism of its response to this question; however, it is not clear what else KCC is expecting to see in the Applicant’s answer.
- 2.2.79 Considering the availability of RDF, the Applicant has previously identified (not least directly above, in responding to Q1A.1.35):

‘RDF exported from facilities within the Study Area is reported at just under 890,000 in both 2017 and 2018 (see Appendix A to Applicant’s Responses to Deadline 2 Submissions [REP3-003]). The combined capacity of the Proposed Developments is 497,000 tonnes per annum; sufficient only to manage 56% of this fuel.’

- 2.2.80 Further, the WHFAR [APP-086] and Appendix A to Applicant’s Responses to Deadline 2 Submissions [REP3-003] identify substantial tonnage of wastes disposed to landfill within the Study Area (1.29 million tonnes to 1.8 million tonnes in 2018), and further residual waste generated within the Study Area and disposed to landfill outside (260,000 to 330,000 tonnes in 2018).
- 2.2.81 These data are considered to demonstrate a substantial market demand.
- 2.2.82 Under this response, KCC also refers to ExQ1A.1.37. The ExA will be aware that the Applicant has responded both to his question Applicant’s Responses to ExQ1A [REP3-004] (page 38) and to KCC’s Response to ExAQ1A REP5-022] (page 20). KCC presents no new information, and the Applicant does not believe there is any new capacity that needs to be considered further.

Q1A.1.38

2.2.83 As identified above (under Q1A.1.20) Policy CSW4, as presented in KCC’s submission and amended in the Early Partial Review does not set a cap on the capacity of recovery facilities; the text explicitly states that the strategy seeks ‘As a minimum’ to achieve the targets (applying to both recycling and recovery) as set out. This means that more recovery could be achieved, and this would be desirable so as to reduce the amount of waste disposed to landfill.

2.2.84 KCC has suggested previously that the Government may seek to introduce a tax on incineration. The Government’s desire to get the most out of waste, to encourage recycling and deliver the waste hierarchy has been openly expressed since at least the Government’s review of waste policy published in 2011:

‘... Where appropriate, consideration will be given to taxes in waste policy that can support the implementation of the waste hierarchy – reflecting the environmental benefits of shifting waste up the hierarchy.’
(Government Review of Waste Policy, 2011, page 13, final paragraph under title Waste – The Economic Rationale for Action).

2.2.85 These are not new concepts, though the incineration tax is yet to come to fruition; perhaps because recycling is improving within England and Wales. Implementation of the waste hierarchy is a concept wholly incorporated into the Applicant’s submissions, most clearly demonstrated through the WHFAR [APP-086] and Appendix A to Applicant’s Responses to Deadline 2 Submissions [REP3-003] both of which incorporate recycling at 65%, a level of recycling targeted to occur in 2035, another fifteen years into the future.

2.2.86 The Applicant is content to include Policy CSW4 of the Early Partial Review and requested by KCC. It states:

‘The strategy for waste management capacity in Kent is to provide sufficient waste management capacity to manage at least the equivalent of the waste arising in Kent plus some residual non-hazardous waste from London. As a minimum it is to achieve the targets set out below for recycling and composting and other forms of recovery.’

2.2.87 The Proposed Developments will enable KCC to meet and exceed the targets for other recovery and consequently reduce wastes disposed to landfill.

Q1A.1.39

2.2.88 Paragraph 1.39.4 of Applicant’s Responses to ExQ1A [REP3-004] is simply reflecting upon the words of the Waste Framework Directive that are set out in paragraphs 1.39.2 and 1.39.3 of that document. The text of the Waste Framework Directive provides a distinct structure for waste management

practice, but it is not absolute; it recognises that decisions will take ‘into account’ a number of factors.

- 2.2.89 The Applicant’s original response to ExQ1A.1.21 is clarified above (under title Q1A.1.21, page 20).
- 2.2.90 The Applicant repeats its assertion that, as a local policy, the principle of net self-sufficiency should receive less weight than the waste hierarchy.

Q1A.1.40

- 2.2.91 The Applicant has responded to these points previously, under Q1A.1.20:
- 2.2.92 Policy CSW4, as presented in KCC’s submission and amended in the Early Partial Review does not set a cap on the capacity of recovery facilities; the text explicitly states that the strategy seeks ‘*As a minimum*’ to achieve the targets (applying to both recycling and recovery) set out in the following table. This means that more recovery could be achieved, and this would be desirable so as to reduce the amount of waste disposed to landfill.
- 2.2.93 KCC presents the Early Partial Review as its up-to-date plan and the Proposed Developments have been shown to align with it (as well as with national and adopted local policy). Consequently, there remains no expectation for the Applicant to demonstrate quantitative or market need.
- 2.2.94 Notwithstanding this position, the substantial level of need across the Study Area has been demonstrated in the WHFAR [APP-086] and Appendix A to Applicant’s Responses to Deadline 2 Submissions [REP3-003].
- 2.2.95 KCC suggests that because the NPS can be a material consideration for applications under the Town and Country Planning Act, then, using a similar approach, local policy should gain ‘significant weight’. This approach both fails to recognise the primacy of the NPS, and that a consideration can be ‘material’ without benefitting from significant weight.
- 2.2.96 In short, KCC makes no substantive comment on this point that needs to be considered further.

Q1A.1.45

- 2.2.97 KCC’s response to the Applicant’s text is informed by a misunderstanding of the Applicant’s submissions made to date. As clarified above (under title of Q1A.1.3, page 9), the Applicant has taken an appropriate and conservative assessment of residual wastes within the WHFAR [APP-086] and the update provided at Appendix A to Applicant’s Responses to Deadline 2 Submissions [REP3-003].

- 2.2.98 The ExA will be aware of the comprehensive response provided by the Applicant (in Applicant’s Response to ExQ1A [REP3-004]) to his question. The examples provided are just that, examples to illustrate the (likely multifarious) route travelled by wastes from producer to final fate. Details of the waste suppliers to the Proposed Developments are not relevant.
- 2.2.99 As recognised by KCC, market forces/economic viability influence implementation of the waste hierarchy; this is also recognised in the Waste Framework Directive (relevant text provided at Applicant’s Response to ExQ1A [REP3-004] paragraph 1.39.2). This is all part of understanding energy recovery facilities as one element of a network of management capacity, such that the waste hierarchy can be delivered and disposal to landfill (as the option of last resort) avoided.
- 2.2.100 There is nothing in the Applicant’s submissions to indicate that it would require a 25 year contract with any waste supplier.

Q1A.1.48

- 2.2.101 The Applicant accepts that the ability to manage and process IBA at Ridham Dock cannot be relied upon until such time as a planning permission exists for the proposed IBA facility at Ridham and that facility is delivered. The Applicant stated in its response to Q1A.1.48 that Fortis would be processing the IBA arising from K3 via their existing facility in Hampshire until such time as a facility could be provided at Ridham. The transport modelling undertaken for K3 and WKN assumes a worst case scenario in that respect, of all vehicles associated with the transportation of IBA needing to travel to and from K3/WKN via the wider road network.
- 2.2.102 Q1A.1.17 addressed paragraph 1.4.7 of the WHFAR which states ‘there is a carbon burden associated with the transport of fuel to the facilities’ and asked ‘what is the quantification of that burden and how if at all would this burden be affected if fuel were taken more locally than is envisaged in the proposed application but in accordance with KCC and SEWPAG policies’. The ‘Carbon Burden from Waste Transportation’ [Appendix D of REP5-011 – the Applicant’s Response to ExQ3] therefore dealt directly with that point and provides an assessment of the carbon burden associated with the transport of fuel to the facilities from different distances, not the transportation of IBA.

2.3 Highways Response to the Draft Development Consent Order

2.3.1 In Kent County Council’s letter dated 26th June 2020, providing a response to the Requirement 10 in the dDCO, Kent County Council state *‘reference has been made to 416 movements per day. The Council disputes that the applicant has adequately demonstrated this level of movements being generated in association with the development. The County Council does not consider that this Requirement adequately encourages use of Ridham Docks. It is considered that the movements should be reduced accordingly, to take into account the ability to use the docks’*. KCC also raise concerns regarding the Rail and Water Transportation Strategies.

Applicants Response:

2.3.2 The K3 planning application was submitted in 2010 and was granted consent in March 2012 under planning application reference SW/10/444. Condition 3 of this consent permitted up to 258 HGV movements per day to travel to from the site via the public highway, with the facility processing up to 550,000 tonnes of waste per annum. There have been some non-material amendments and variations to that consent, one of which (SW/18/503317) in 2018 varied the wording of Condition 3 to permit up to 348 HGV movements per day via the public highway to enable a higher proportion of waste to be delivered by RCVs. KCC therefore accepted in 2018 that 348 HGV movements was a reasonable reflection of the movements required for K3 based on an annual throughput of 550,000 tonnes.

2.3.3 The practical effect of the DCO being sought would allow K3 as consented and currently being built to operate to an upgraded power generation level of 75MW (an additional 25.1MW) and to process 657,000 tonnes of waste per annum (an additional 107,000 tonnes) above and beyond that permitted under its existing planning permission.

2.3.4 Applying the same proportion of HGV movements to annual waste throughput gives a total of up to 416 HGV movements per day via the public highway. The additional 107,000 tonnes per annum is therefore predicted to generate up to 68 HGV movements per day via the public highway.

2.3.5 The Applicant provided a full response to matters relating to the Rail and Water Transportation Strategy in its responses to ExQ3 [REP5-011]. The response provided to Q3.11.4 in particular is relevant to KCC’s Highways Response at Deadline 5, as it demonstrates that KCC were satisfied in 2018 when consenting the S73 application for the K3 facility that the condition requiring the provision of a rail strategy remained appropriate and relevant.

2.3.6 The position taken within the K3/WKN application in respect of HGV movements on the public highway reflects that taken within the original K3 application, which is that highways impacts have been assessed on the basis of all waste

being transported by road, whilst providing for a mechanism of continued review of the ability to deliver waste by alternative methods.

2.4 Response to Examining Authority Third Written Questions

ExQ3.1.1

- 2.4.1 Both the ExA and KCC refer to the ‘Brookhurst Wood EfW plant’. Reference to Appendix 1 of the KCC response [REP5-039] confirms that both parties are referring to the recycling, recovery and renewable energy facility approved on appeal (reference APP/P3800/W/18/3218965) on land at Former Wealden Brickworks, Langhurstwood Road, Horsham, West Sussex.
- 2.4.2 The appeal decision first appears in KCC’s Deadline 2 submission [REP2-044] to which WTI has previously responded, most comprehensively in Applicant’s Response to Submissions at Deadline 2 [REP3-003] at paragraphs: 2.5.7; 2.5.38 & 39; 2.5.42 to 44; and 2.6.4.

Q3.11.5

- 2.4.3 In response to Q3.11.5 (*‘what further assessments have been made arising from the exchange of vehicle movement data from the Applicant’s site at Ferrybridge and the Waste to Energy site in Allington’*), Kent County Council provided a brief summary of their analysis to the Allington data they have received and concluded: *‘This evidence indicates that the operation of such plants may well be 24/7 but the related traffic movements would nevertheless still be likely to be confined to the hours of 0700 to 1800’*.

Applicants Response:

- 2.4.4 At the outset, the Applicant is not in receipt of the Allington data and would welcome the opportunity to review it. The applicant issued the data obtained at its Ferrybridge Multifuel 1 (FM1) facility to Kent County Council and Highways England on 02/07/2020.
- 2.4.5 At this stage the Applicant responds as follows. For the reasons set out in Section 6 of the Transport Assessment (Document 3.1, ES Volume 2, Appendix 4.1: Transport Assessment), the movement of vehicles at Waste-to-Energy facilities differ between one-another for a range of reasons, including their unique waste contracts and circumstances.
- 2.4.6 The Allington Waste to Energy facility is primarily a municipal facility, whereby the vast majority of its waste inputs is household waste via RCVs direct or via articulated HGVs from a Waste Transfer Station (WTS). Household waste is collected from kerbsides during daytime periods and is delivered either to a treatment facility (e.g. a Waste to Energy facility) or to a WTS for onward transport to a treatment facility also during daytime periods. A WTS that transports household waste therefore does not require operations over a 24/7 period because its inputs are all during daytime periods and thus HGV exports (to a treatment facility) are also during daytime periods.

- 2.4.7 The applicant is therefore not surprised that all HGV movements at Allington are during daytime periods, indeed, this can be expected due to its municipal nature.
- 2.4.8 The K3 and WKN Proposed Developments will not be municipal and, rather, will accept commercial and industrial waste, thus being a key differentiator from the operations at Allington, whereby different waste vehicle movements can be expected.

Q3.13.8

- 2.4.9 Q3.13.8 (The ExA acknowledges HE’s willingness to assist in an ASI to include Strategic and Local Road Networks during the AM and PM peaks and at other times. Pending any eventual ASI that might be possible, please provide the transport modelling evidence referred to in your reply to ExQ2.11.1 [REP4-029] by D5 that shows the current and forecast positions for: a) the M2J5, A249 Key Street and A249 Grovehurst junctions; b) permitted works under the M2J5 Highways Act Examination; c) KCC-led works to A249/A2 Key Street; and d) KCC-led works to A249 Grovehurst junction due to be modelled/ designed/ agreed/ constructed by around 2024).
- 2.4.10 Kent County Council provide an update on the A249 Grovehurst junction improvements and states: *‘the improvements are enabled through grant funding and all developments that benefit from the improvements are required to make financial contributions to the schemes. It would therefore be unreasonable for this application to benefit from mitigation being paid for by housing developments, particularly when delivered in advance of them. The modelling does not include movements related to this application, as at the time of completion, the application is not considered to be committed’.*

Applicants Response:

- 2.4.11 The K3 planning application was submitted in 2010 and was granted consent in March 2012 under planning application reference SW/10/444. This predates the Housing Infrastructure Fund (HIF) Expression of Interest submitted by KCC to the Ministry of Housing, Communities and Local Government in September 2017 by a number of years, at which time the consented K3 was a committed development.
- 2.4.12 Based upon correspondence within the planning applications for housing developments in the local area, the Applicant notes that those developers and Kent County Council consider the traffic generated by the consented K3 to be negligible. The Applicant notes that traffic growth rates were applied as part of future year traffic projections and that those developers and Kent County Council considered these growth rates would make an allowance for all such negligible traffic flows.

- 2.4.13 This is evident from the North West Sittingbourne planning application (Planning Ref: 18/502190/EIHYB) (Policy MU1 of the Local Plan for a minimum of 1,500 dwellings on land at North West Sittingbourne).
- 2.4.14 The Transport Assessment prepared for its planning application (Ref: 18/502190/EIHYB) forecasts future year traffic flows by applying traffic growth rates to the base traffic flows and then adding new traffic demand generated by significant new development. Its Transport Assessment stated:
- ‘SW/10/0444 Kemsley Paper Mill – A review of the 2010 ES shows only a modest level of traffic generation from the proposed Kemsley Mill development during the morning and evening peak hours. It has been considered reasonable to assume that the background traffic growth factors make an allowance for this’.*
- 2.4.15 The position adopted by the Transport Assessment for the North West Sittingbourne allocation was that K3 was not a significant traffic generator and that the K3 traffic flows did not need to be specifically accounted for within its traffic forecasting.
- 2.4.16 This was accepted by Kent County Council as a reasonable assumption in their consultation response on that application and the Transport Assessment for the North West Sittingbourne allocation considers the traffic generated by K3 in this manner.
- 2.4.17 The traffic flows generated by the Practical Effects of the K3 Proposed Development and the WKN Proposed Development are similar to that of the consented K3 (the consented K3 is predicted to generate 42 vehicle movements during the weekday peak hours, whilst the Practical Effects of the K3 Proposed Development and the WKN Proposed Development are estimated to generate up to 30 vehicle movements during the weekday peak hours).
- 2.4.18 Based on the other developers and Kent County Councils view of the consented K3, it must also be the case that the Practical Effects of the K3 Proposed Development and the WKN Proposed Development are also not a significant traffic generator and thus considered similarly.
- 2.4.19 The Applicant notes that traffic growth rates are utilised in the latest modelling work that Kent County Council provided at Appendix 3 to their responses to Q3.13.8. This is consistent with previous modelling and makes an allowance for sites such as the K3 and WKN Proposed Developments whilst acknowledging them not being a significant traffic generator.

Appendix A

Annex II of the Waste Framework Directive

ANNEX II

RECOVERY OPERATIONS

- R 1 Use principally as a fuel or other means to generate energy (*)
- R 2 Solvent reclamation/regeneration
- R 3 Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes) (**)
- R 4 Recycling/reclamation of metals and metal compounds
- R 5 Recycling/reclamation of other inorganic materials (***)
- R 6 Regeneration of acids or bases
- R 7 Recovery of components used for pollution abatement
- R 8 Recovery of components from catalysts
- R 9 Oil re-refining or other reuses of oil
- R 10 Land treatment resulting in benefit to agriculture or ecological improvement
- R 11 Use of waste obtained from any of the operations numbered R 1 to R 10
- R 12 Exchange of waste for submission to any of the operations numbered R 1 to R 11 (****)
- R 13 Storage of waste pending any of the operations numbered R 1 to R 12 (excluding temporary storage, pending collection, on the site where the waste is produced) (*****)

(*) This includes incineration facilities dedicated to the processing of municipal solid waste only where their energy efficiency is equal to or above:

- 0,60 for installations in operation and permitted in accordance with applicable Community legislation before 1 January 2009,
- 0,65 for installations permitted after 31 December 2008,

using the following formula:

$$\text{Energy efficiency} = (E_p - (E_f + E_i)) / (0,97 \times (E_w + E_f))$$

In which:

E_p means annual energy produced as heat or electricity. It is calculated with energy in the form of electricity being multiplied by 2,6 and heat produced for commercial use multiplied by 1,1 (GJ/year)

E_f means annual energy input to the system from fuels contributing to the production of steam (GJ/year)

E_w means annual energy contained in the treated waste calculated using the net calorific value of the waste (GJ/year)

E_i means annual energy imported excluding E_w and E_f (GJ/year)

0,97 is a factor accounting for energy losses due to bottom ash and radiation.

This formula shall be applied in accordance with the reference document on Best Available Techniques for waste incineration.

(**) This includes gasification and pyrolysis using the components as chemicals.

(***) This includes soil cleaning resulting in recovery of the soil and recycling of inorganic construction materials.

(****) If there is no other R code appropriate, this can include preliminary operations prior to recovery including pre-processing such as, inter alia, dismantling, sorting, crushing, compacting, pelletising, drying, shredding, conditioning, repackaging, separating, blending or mixing prior to submission to any of the operations numbered R1 to R11.

(*****) Temporary storage means preliminary storage according to point (10) of Article 3.

Appendix B

Clarity Article – Future of RDF exports to Europe from the UK – 26th July 2017

Future of RDF exports to Europe from the UK

26 Jul 2017



In June we said goodbye to Tom Hatch, our student placement who spent 12 months working within our waste and recycling division, where he assisted our **waste to fuel operations**. As part of his continued studies at Brighton University, Tom researched the RDF market, reviewing the growth of exports into Europe since 2010, and analysing the debates on what lies ahead for the industry.

RDF exports 2010 - 2015

The UK has been exporting significant quantities of refuse derived fuels (RDF) into European markets since 2010. Although exports of RDF were relatively insignificant prior to this, between 2010 and 2011 the number of businesses that were permitted to export RDF into Europe increased from just 3 to 12. It is clear that 2010 was a flash point for the rapid increases of RDF exports to mainland Europe.

There are a variety of reasons that have been attributed to this increase. Firstly, it began to make economic sense for RDF waste producers to export material to mainland Europe rather than utilise the other options for residual waste in the UK. A Waste & Resource Action Programme (WRAP) report in 2011 found that landfill gate fees in the UK, inclusive of landfill tax were on average £76 per tonne, whereas gate fees across European RDF facilities were between €30- €50 per tonne. This is clearly a significantly cost saving, even when considering the favourable exchange rates for the pound during this period. It is important to note, however, that additional costs such as transport, fuel and permits must be added to the gate fee.

As well as the obvious economic benefits, there are also arguments for the environmental benefits to exporting RDF as opposed to sending the material to landfill, even with increased travel distances. Research carried out on behalf of Dutch energy firm Afval argued that RDF remains more environmentally beneficial than landfill if the waste travels 2,300 kilometres (km) by boat or 1265km by road. An RDF Industry Group report issued in 2015 also claimed that there would be “virtually no environmental benefit to domestically processing the RDF currently being exported from the UK.”

The rapid rise of UK RDF exports to the continent can also be attributed to demand for feedstock from Energy from Waste facility's (EfW's), especially from the Netherlands and Germany.

The exportation of UK waste as RDF remains a contentious topic, with strong opinions on both sides of debate. Those who support the exportation of RDF argue that there is limited capacity to treat the residual waste produced in the UK. However, a counter argument to this is that if there is a continuation of RDF exports the UK's development of RDF processing facilities will be hindered.

Current Situation (2016/17)

Environment agency figures show that exports of waste derived fuels from England exceeded 3 million tonnes in 2016. While this material consisted predominantly of RDF, there are also growing levels of solid recovered fuel (SRF).

The latest data shows that the UK's RDF exports are beginning to level out. In 2014, the amount of waste derived fuels (WDF) exported had grown by 750,000 tonnes from the previous year, but between 2014 and 2015, exports rose by 450,000 tonnes, showing that growth rates are declining. This has been attributed to the fact that facilities in North/West Europe are at capacity, and as a result the UK is producing significantly more RDF than we can export.

The Netherlands is the largest importer of the UK's RDF, taking in around half of all exported material, with Germany and Denmark making up the majority of the rest.

It has been suggested that RDF exports have now peaked, and any additional growth and extra tonnages in the waste to fuel export market are due to SRF exports. However, there is evidence of new contracts being signed between UK firms and facilities in Europe, including a contract to export 170,000 tonnes of RDF to Sweden. This shows that material is still available to be exported, and the demand remains in Europe. The key drivers of this deal are said to be the increases in landfill tax, which rose to £86.10 on the 1 April 2017 and is due to rise to £88.95 next year. So, with the landfill tax continuing to rise annually it may push more of the UK's material overseas via exports.

Implications of Brexit on RDF exports

The UK's decision to leave the European Union on the 24 June 2016 was expected to have many repercussions, especially to the import/export market. Moving legislation away from Brussels could see the UK change their waste management policies. The UK could be inclined to set aside EU targets, such as the waste framework directive, which in the event of a hard Brexit could be abandoned.

Large amounts of the UK waste industry recycling regulations are derived from EU legislation, and the news that the UK was going to leave the EU created fears of enormous holes where EU legislation currently sits, or a watering down of environmental legislation.

However, the government put to rest many of these post Brexit concerns in March with confirmation of the Great Repeal Bill, which means the whole body of existing environmental laws derived from EU legislation will be maintained within UK law. Perhaps one of the most important part of EU legislation that will impact RDF exports is landfill legislation, the government has said that these parts of legislation will continue to apply at least until alternative legislation is in place. There are also several international treaties, such as the Basel convention and the UK's membership to the OCED organisation, that will continue to support the UK's export arrangements.

Will Brexit affect demand for UK RDF?

Brexit will not only impact upon the competitiveness of exports for UK based companies, but also the attractiveness of UK material to the European EfW facilities. The EU RDF export market is argued to be robust, and according to the director of Dutch financial consultancy, there is a "high degree of certainty going forward; Brexit or no Brexit."

Attributing three main reasons to this, he says that there has been a large quantity of financial investment already sunk into European EfW facilities that cannot be removed. With capital already

invested into the EfW infrastructure, there will be a continued desire to fill existing capacity. Ports and logistics chains will also continue to be subject to efficiency improvements, due to increasing volumes of material being exported. Finally, he comments that UK waste companies are viewed as dependable and trustworthy business partners. This means the European EfW facilities can be sure that there will be a steady stream of RDF, providing them with some business certainty. In addition, there is concern as to whether EU countries will apply an import levy, or the UK government would apply an export levy, either of which could have an effect on export prices and tonnages.

Brexit could, however, have negative implications on the EU's demand for UK RDF. EU targets regarding waste composition have historically been difficult. This means that even though the UK is no longer part of the EU, waste exports will still have to meet these specifications if they wish to continue exporting to mainland Europe. The UK exporters will have little to no say with regards to material specification.

Export costs have also been increasing, which along with the UK landfill tax increases, could assist UK-based waste to energy developments to attract funding. Whilst there are several new facilities at various stages of planning, construction and commissioning, with circa 9m tonnes of suitable waste for fuel production still going to landfill, there is a long way to go before the UK can cease exports.

Summary

It is evident that the UK remains a vital part of the European RDF market. As negotiations continue into the UK's exit from the EU, some of the uncertainty around future legislation and trade agreements will become clearer, but with cost being the key motivator, many expect exports of RDF material to European facilities to continue for as long as it makes economic sense to do so.

Author: Tom Hatch

Divert waste from landfill

Clarity provides cost-effective [waste to fuel solutions](#), facilitating the diversion of waste from landfill to energy from waste plants (EfW). If you are a waste producer or an energy from waste facility and would like to know more about the services we provide, [contact us](#) on 0845 129 7177 to hear about our expanding network, and discover how we can help.



Previous

[Our responsibility to protect the industry](#)

Next



[Five steps for a greener office](#)

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Appendix C

Local policy in support of the provision of renewable/low carbon energy sources

Kent Minerals and Waste Local Plan 2013-30 (July 2016), not amended by the Early Partial Review

- *The main aims of the Plan are to drive waste up the Waste Hierarchy (see Figure 18) enabling waste to be considered as a valuable resource, while at the same time providing a steady supply of minerals to allow sustainable growth to take place. It will also ensure that requirements such as a Low Carbon Economy (LCE) and climate change issues are incorporated into new developments for minerals and waste development in Kent.*
(Paragraph 3.0.2, part of the Spatial Vision for Kent)
- *The Plan will play a key role in the delivery and maintenance of Kent’s infrastructure; it will support the construction industry, as well as help protect the environment. It will also contribute to achieving a low carbon economy with sustainability at its heart.*
(Foreward by Cabinet Member for Environment and Transport, page vi)
- *Throughout the plan period 2013-2030, minerals and waste development will:*
 - *1. Make a positive and sustainable contribution to the Kent area and assist with progression towards a low carbon economy.*
(Spatial Vision for Minerals and Waste in Kent, page 32)
 - *10. Encourage waste to be used to produce renewable energy incorporating both heat and power if it cannot be re-used or recycled.*
(Spatial Vision for Minerals and Waste in Kent, page 33)
- *2. Ensure minerals and waste developments contribute towards the minimisation of, and adaptation to, the effects of climate change. This includes helping to shape places to secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy and associated infrastructure.*
(Strategic Objectives for the Minerals and Waste Local Plan, page 35)
- *13. Use waste as a resource to provide opportunities for the generation of renewable energy for use within Kent through energy from waste and technologies such as gasification and aerobic/anaerobic digestion.*
(Strategic Objectives for the Minerals and Waste Local Plan, page 36)
- *Sustainable design initiatives can be achieved by a variety of means such as the incorporation of renewable energy, energy management systems, grey water recycling systems, sustainable drainage systems, energy efficient appliances and the use of recycled and recyclable building materials. Policy DM 1 supports some of the key priorities in the County Council’s environmental strategy. (paragraph 7.1.2)*
- *Proposals for minerals and waste development will be required to demonstrate that they have been designed to:*
 - *1. minimise greenhouse gas emissions and other emissions*

- *2. minimise energy and water consumption and incorporate measures for water recycling and renewable energy technology and design in new facilities where possible*
(Policy DM 1, Sustainable Design)

Kent Minerals and Waste Local Plan, amended by the Early Partial Review

- *The application of the Waste Hierarchy is most appropriate to producers of waste when assessing how to manage waste. The Kent MWLP has to plan for all forms of waste management in the Waste Hierarchy to make this possible. While it is anticipated that there will be a transition over time to forms of waste management at the higher end of the Waste Hierarchy, there will still be a need for disposal at the end of the plan period for difficult to treat wastes, or wastes such as asbestos for which there is no present alternative. The Kent MWLP addresses this transition by seeking to rapidly provide a more sustainable option for the mixed non-hazardous waste that is going to landfill by identifying sites for energy recovery. Due to other recovery being at the lower end of the Waste Hierarchy, the total amount of new energy recovery capacity to be permitted will be capped. It is envisaged that this method of waste management will become displaced as recycling and waste processing become more economically viable.*
(paragraph 6.2.5)
- *Policy CSW 7 provides a strategy for the provision of new waste management capacity for non-hazardous waste. The policy will increase the provision of new waste management capacity for recovery while recognising the need to drive waste up the hierarchy.*
(paragraph 6.7.1)
- *Implementing Policy CSW 7 will result in reducing the amount of Kent non-hazardous waste going for disposal to landfill to less than 76,000 tpa by the end of the plan period. It will also assist in retaining existing non-hazardous landfill capacity in Kent at the end of the plan period for any non-hazardous waste that cannot be reused, recycled, composted or recovered. The reliance being placed upon a major increase in additional future capacity through the recovery of waste is regarded as being deliverable due to the responses received to the call for sites for the Waste Sites Plan, which include sufficient EfW proposals to meet the required additional capacity.*
(paragraph 6.7.5)
- *One of the fundamental aims of the Plan is to reduce the amount of MSW and C&I waste being sent to non-hazardous landfill. There will need to be a substantial increase in waste recovery capacity during the plan period if a rapid shift away from landfill is to occur.*
(Paragraph 6.8.1)

Early Partial Review of the Kent Minerals and Waste Local Plan

- *The application of the Waste Hierarchy is a legal requirement under the Waste (England and Wales) Regulations 2011. It is anticipated that there will be a transition over time to forms of waste management at the higher end of the Waste Hierarchy. The Kent MWLP addresses this transition by seeking to rapidly provide a more sustainable option for the mixed non-hazardous waste that is going to landfill by applying ambitious but achievable landfill diversion targets presented in Policy CSW 4.*
(paragraph 6.2.5)
- *To meet the Kent MWLP objective of reducing the amount of waste being landfilled, the Plan is using policies to drive a change in the way that waste is managed in Kent. Enabling the change in perception of waste from being something that has to be disposed to something that can be used as a resource will be helped by the development of additional capacity further up the hierarchy.*
(paragraph 6.4.1)

Swale Local Plan 2017

- *The National Planning Policy Framework (NPPF) recognises that planning plays a key role in reducing greenhouse gas emissions, adapting to climate change and supporting the delivery of renewable and low carbon energy and looks to local planning authorities to pro-actively address this in policies and in determining planning applications. **(7.23)** The NPPF states that planning authorities should plan for new development in locations and ways which reduce greenhouse gas emissions, support energy efficiency improvements to existing buildings and when setting any local requirements for a building's sustainability do so in a way consistent with the Government's zero carbon building policy and adopt nationally described standards. **(7.24)** As part of its efforts to boost economic growth and housing supply, the Government has simplified housing standards through the Housing Standards Review. This is driven through Building Regulations and prevents planning authorities imposing local requirements on the construction of new dwellings. The Government has also withdrawn the Code for Sustainable Homes, and set the energy performance requirements in Building Regulations at a level equivalent to the outgoing Code for Sustainable Homes Level 4. The Building Research Establishment (BRE) runs the Building Research Establishment Environmental Assessment Method (BREEAM). This scheme is not affected by Government changes and will continue as before. The BRE are now developing the Home Quality Mark, which may allow differentiation in sustainable house building, similar to the former Code for Sustainable Homes. To complement mandatory Building Regulations, the new system does include additional optional Building Regulations on water, access and space - referred to as the new 'national technical standards'.*
(paragraph 7.6.1)
- *Having considered the evidence and opportunities within Swale, Policy DM 19 and Policy DM 20 set out the Council's approach to creating a more sustainable built*

environment. These policies work alongside the Government’s approach of using layout, orientation, design and density to minimise energy consumption. It promotes district heating, waste reduction, green infrastructure, mixed-uses and adaptable buildings in new and existing development. They recognise the potential for low and zero carbon energy production within the Borough and expect all development to respond to the energy opportunities outlined in the Renewable Energy study and presented in the Swale Energy Opportunities Map (Map 7.6.1). These policies, along with Policy DM 21 also recognise the role of improving the water and energy efficiency of the existing stock and reusing existing structures where appropriate. This is particularly important with reference to conserving our historic environment. English Heritage have published some useful guidance on Climate Change and the Historic Environment which should be used and referenced in planning applications involving the energy and water efficiency improvements of existing stock, and in particular historic buildings. The Environment Agency has also published a range of documents to help people and businesses conserve water and better manage their water demand.

(Paragraph 7.6.7)

- *2. Development proposals should, where appropriate, be located, oriented and designed to take advantage of opportunities for decentralised, low and zero carbon energy, including passive solar design, and, connect to existing or planned decentralised heat and/or power schemes.*
(Policy DM 19)
- *The National Planning Policy Framework (NPPF) emphasises the responsibility that all communities have in contributing to energy generation from renewable and low carbon sources and that local planning authorities should have a positive strategy to promote energy from these sources whilst ensuring that adverse impacts are addressed. The NPPF also asks local authorities to consider identifying suitable areas for renewable and low carbon energy and its infrastructure to help secure the development of such sources, as well as where development can draw its energy supply from decentralised, renewable or low carbon energy and the co-location of potential heat customers and suppliers. Furthermore, the NPPF urges local authorities to support community-led initiatives for such schemes.*
(Paragraph 7.6.12)
- *The NPPF also explains how applicants for energy developments do not need to demonstrate the need for renewable and low carbon energy and that local planning authorities should approve applications if impacts are acceptable as even small-scale projects make a contribution to cutting greenhouse gas emissions.*
(paragraph 7.6.13)
- *Planning Practice Guidance aims to assist local councils in developing policies for renewable energy in their local plans, and identifies the planning considerations for a range of renewable sources such as active solar technology, solar farms and wind turbines. It points out that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate*

investment in new jobs and businesses. It stresses the role of the planning system in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable and sets out particular considerations for different renewable energy typologies.

(Paragraph 7.6.14)

- *Kent County Council (KCC) commissioned AECOM to undertake a renewable energy resource and opportunity study for Kent. As a result of this study, which was completed in 2012, and together with actions from the County Council’s Renewable Energy Select Committee and priorities from the Kent Environment Strategy, Renewable Energy for Kent : An Action Plan for Delivering Opportunities, 2013-18 has been produced. In an effort to realise the County’s renewable energy potential and achieve Kent’s commitment to a 60% reduction in carbon emissions on 1990 levels by 2030 the plan sets out a series of work packages which include: skills and training; public sector leading by example; planning and development; business and innovation; community energy; focus on wind energy and focus on bioenergy. The plan has a five year time horizon from 2013-18 and lead partners have agreed to take on respective work packages and work with other stake holders on delivery.*
(Paragraph 7.6.16)

Renewable Energy for Kent An Action Plan for Delivering Opportunities 2013-2018⁴

Renewable energy is now an integral and growing part of our energy mix. Key national targets are instrumental in this uptake including the UK’s target to reduce greenhouse gas emissions by 34% by the year 2020 and a binding European Union target requiring 15% of the UK’s total energy demand being sourced renewably in the same timeframe. In Kent a commitment has been made to a 60% reduction in carbon emissions on 1990 levels by 2030. Kent partners have already helped enable significant opportunities for renewable energy to be deployed across public, private and voluntary sectors in Kent. This currently produces around 640GWh of renewable energy annually (3.1% of our energy usage) with this figure increasing as new developments are installed. The growth is also good for our economy and it has been estimated that 19,600 people in Kent are currently employed in renewable and low carbon technology related industries, with this sector expanding nationally at around 5% per year. It is important that we continue to build on these successes and take further action to realise our potential as a County. The first step is to understand our resources and develop a co-ordinated approach to the generation of renewable energy.

(Introduction, page 2)

⁴ https://www.kent.gov.uk/_data/assets/pdf_file/0020/11954/Renewable-Energy-Action-Plan-August-2013.pdf
[07.07.2020 @ 16:36]

Kent County Council website⁵

KCC recognises the UK environment and climate emergency and will continue to commit resources and align its policies to address this. Through the framework of the Energy and Low Emissions Strategy, KCC will facilitate the setting and agreement of a target of net-zero emissions by 2050 for Kent and Medway.

KCC will by May 2020, set an accelerated target with associated action plan for its own estate and activities including those of its traded companies using appropriate methodologies. KCC will in addition deliver a Kent and Medway Climate Change Risk and Impact Report and develop and facilitate adoption of a subsequent Kent and Medway Climate Change Adaptation Implementation Plan by the end of March 2020.

Swale Borough Council website⁶

Councillors have voted to declare a climate and ecological emergency in Swale.

A [motion](#) was passed at last night’s full council meeting which committed the council to acting to reducing carbon emissions and make space for nature.

The vote means the council will aim to make its own operations carbon neutral by 2025 and work with businesses, residents and organisations so the whole borough hits this ambitious target by 2030.

⁵ <https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/environmental-policies/climate-emergency> [07.07.2020 @ 16:38]

⁶ <https://www.swale.gov.uk/climate-change-emergency-declared/> [07.07.2020 @ 16@40]