



Kent Minerals and Waste Local Plan 2024-39

KCC engagement with FCC Environment regarding proposed deallocation of Norwood Farm extension

The table below summarises Kent County Council's consultation and associated discussions with FCC Environment (FCC) on the proposed deallocation of Norwood Farm extension (policy CSW5) for the landfill of hazardous waste.

Appendices are included which include records of the engagement. Other records can be found in documentation already within the examination library.

Date	Engagement	Record
20.03.23	Targeted email from KCC to FCC (and other interested parties) seeking views on whether the allocation of land was still justified	Appendix 1
30.03.23	Email from Mat Nicholson to KCC in response to the above email from KCC	Appendix 1
March 2023	Bryan Geake discussion with FCC concerning the proposed deallocation.	Appendix 1
July 2023	Response to Regulation 18 consultation on Further proposed changes (13 June to 25 July 2023)	See Reg 22 Statement (SD04)
06.10.23	Virtual meeting between FCC and KCC to discuss the proposed deallocation	Appendix 2
February 2024	Regulation 20 representation from Waste Recycling Group (Central) Limited (Trading as FCC Environment UK Limited) and S W Attwood & Partners in response to Reg 19 Plan	See summary of representations (SD16a)

Kent County Council
10 September 2024

Appendix 1

From: Bryan.Geake@kent.gov.uk 
Subject: RE: Review of the Kent Minerals and Waste Local Plan 2013-30 - Consultation on potential deallocation of Norwood Farm
Date: 3 April 2023 at 15:34
To: Chloe.Miles@kent.gov.uk
Cc: ian@bppconsulting.co.uk, sharon.thompson@kent.gov.uk, Caroline.Maclean@kent.gov.uk

Hi Chloe

Review of the Kent Minerals and Waste Local Plan 2013-30 - Consultation on potential deallocation of Norwood Farm

I think that this is the only one in relation to the proposed changes to the waste policy content. Essentially, they do not agree with the deletion of the policy. I had a long chat with the guy at FCC. They understand the point but think the technology to recover and use the EfW flue residues is still too immature to warrant deletion of the Strategic Waste Site (Policy CSW 5).

Bryan Geake *BSc Hons (Geol), MSc, MRTPI*

Bryan Geake | Principal Planning Officer | Minerals and Waste Planning Policy | Growth, Environment and Transport | Kent County Council First Floor, Invicta House, County Hall, Maidstone, Kent ME14 1XX | Telephone: 03000 413376 | www.kent.gov.uk/planning

From: Chloe Miles - GT GC <Chloe.Miles@kent.gov.uk>
Sent: Monday, April 3, 2023 3:28 PM
To: ian <ian@bppconsulting.co.uk>; Bryan Geake - GT GC <Bryan.Geake@kent.gov.uk>; Sharon Thompson - GT GC <sharon.thompson@kent.gov.uk>; Caroline Maclean - GT GC <Caroline.Maclean@kent.gov.uk>
Subject: FW: Review of the Kent Minerals and Waste Local Plan 2013-30 - Consultation on potential deallocation of Norwood Farm

Hello all,

For info - please see rep below from FCC in relation to the informal consultation on the deallocation of Norwood. I haven't yet confirmed receipt, but will do so after we have discussed tomorrow.

This is the only rep that I have seen so far (Bryan - unless you have been sent any directly?).

Thank you,

Chloe

Chloe Miles | Planning Officer | Planning Applications Group | Kent County Council | Invicta House, Maidstone, ME14 1XX | Tel: 03000 415718 | www.kent.gov.uk

From: Nicholson, Matthew <Mat.Nicholson@fccenvironment.co.uk>
Sent: Thursday, March 30, 2023 1:59 PM
To: MWLP - GT <MWLP@kent.gov.uk>
Cc: Bryan Geake - GT GC <Bryan.Geake@kent.gov.uk>
Subject: RE: Review of the Kent Minerals and Waste Local Plan 2013-30 - Consultation on potential deallocation of Norwood Farm

Good Morning Chloe

Further to your email please see below our comments in relation to the proposed removal of policy CSW5.

We have also discussed the email below with Bryan Geake and initially there was some confusion as to whether your email below is forming part of an existing Reg 18 or if it is an initial proposal for discussion to be incorporated into a proposed later Reg 18. We understand through discussion with Bryan that it is the latter and that this is an initial informal enquiry and that you are seeking to engage in discussion with FCC about the thoughts set out in your email of 20th March. Our response below is therefore provided in this context but if we have misunderstood please let us know so we can respond formally.

FCC remains committed to the ongoing use and continued development of Norwood Landfill for the disposal of certain hazardous wastes. This is a regionally important facility, which provides direct support for energy recovery facilities in the South East (and particularly the south east sub-region of the South East), by virtue of providing a robust and proximate disposal facility for hazardous residues arising from the waste combustion process. The site remains in constant use and the sole reason that input tonnages have not materially increased following the grant of permission ref: SW/20/505208 in December 2020, which allowed the management of waste other than those arising from Allington EfW facility, is that FCC has been waiting circa 12 months for the Environment Agency to process the site's Environmental Permit variation to add specific new ash waste types to the permit.

Whilst it is possibly not entirely necessary at this stage, due to the confusion over which Reg 18 we are being consulted on, we have taken the step of reviewing the current Regulation 18 consultation documents, most pertinently the proposed tracked change version of the 'Refreshed' M&WLP and the supporting Sustainability Appraisal. We note that Policy CSW 5 and its supporting text are unchanged from the current Local Plan (the early partial review 2020), with the sole exception of a minor change of wording in para 6.4.2, which FCC supports. However, FCC does recommend a further slight amendment to para 6.4.2 to reflect the aforementioned planning permission. Specifically (suggested changes in red):

6.4.2 The landfill at Norwood Quarry on the Isle of Sheppey accommodates the hazardous ~~flue~~ ash residues from the Allington EfW facility, that features heavily in the Waste Disposal Authority's (WDA) ~~Management Unit (WLU)~~ contracts for residual LACW ~~MSW~~, and also from other similar plants. However, ~~but~~ it has limited consented void space remaining.

According, with regard to Policy CSW 5 and its supporting text, FCC supports the Regulation 18 consultation version 'Refreshed' M&WLP. We support the retention of CSW5 however, we respectfully request that consideration be given to the above very minor amendment to the text in para 6.4.2.

In relation to the email below from Chloe Miles on 20th March 2023 titled: **Potential Deallocation**

of Land at Norwood for Development of Landfill for Hazardous Flue Dust (ash) Residue. The content of this email appears to be contrary to the Reg 18 consultation referred to above and clearly is seeking comments/views on the removal of policy CSW5 and the deallocation of land at Norwood for development of landfill for hazardous flue dust (ash) residue. In relation to this proposal we strongly disagree with this suggestion and the speculative basis on which this proposal appears to be founded i.e. *that the proposal may be contrary to the Waste Hierarchy with alternative forms of hazardous waste treatment being viable and available.*

FCC strongly believes (in line with the current Regulation 18 consultation draft) that the continued allocation at Norwood Landfill is wholly justified and necessary to maintain flexibility within the MWLP for the following reasons:

1. There is not at present sufficient alternative hazardous waste treatment capacity. Therefore, to remove the strategic allocation now is premature and makes the M&WLP less flexible without any contingency if new treatment capacity does not get developed.
2. The retention of the policy in the MWLP does not discourage the development of alternative treatment activities but it does at least provide for development of a disposal point in the event no new treatment methods and capacity are developed within the plan period. Ultimately what happens to this specific waste stream is not controlled by this policy but rather it is driven by the market, the availability of cost effective treatment options with sufficient capacity and, if the treatment is intending to produce aggregate outputs as a 'product' a well defined end market for the product with sufficient demand.
3. At present, the available hazardous waste treatment and alternative hazardous landfill disposal are located at significant distance from Kent, meaning waste is having to travel very long distances for recovery / disposal.
4. At current input rates for Norwood FCC has void until circa 2038. However, as referenced previously, the site's inputs are still only coming from Allington, pending the Permit variation from the EA. This will introduce a new Permit waste code which will allow us to bring in hazardous Biomass Bottom Ash (BBA) from MVV and this would approximately double the site's inputs and therefore all current site void would be consumed by around 2030 leaving 9 years remaining of the new M&WLP period without a guaranteed hazardous disposal option within the County.
5. New EfW capacity is under construction in the sub-region and as this comes on line, demand for outlets for hazardous waste residues will only increase.
6. Finally, the Council consulted on a proposed update to the W&WLP between October and December 2022. Reference to the document summarising the responses received, and the Council's position on the responses, shows a single representation in relation to Norwood Quarry / Landfill. This came from Swale Borough Council (ID22) who confirmed it: "Supports the plans continued proposals to extend Norwood Quarry on Sheppey for waste disposal as previously adopted". The County Council's response is "Noted". Hence, there is also nothing arising from the consultation carried out to date which points towards a case for deallocation.

We trust that this response is of assistance and fully clarifies FCC's position on the Norwood allocation. Please do not hesitate to contact me should you have any queries and we would welcome the opportunity to discuss further if that would be of assistance..

Kind regards

Mat

Mat Nicholson – Planning and Permitting Manager (South)

Head Office: 01302 303030 | Mobile: 07920823792 | Email: Mat.Nicholson@fccenvironment.co.uk
FCC Environment, 3 Sidings Court, White Rose Way, Doncaster. DN4 5NU |
<http://www.fccenvironment.co.uk/>

From: MWLP - GT <MWLP@kent.gov.uk>

Sent: 20 March 2023 08:49

Cc: MWLP - GT <MWLP@kent.gov.uk>

Subject: Review of the Kent Minerals and Waste Local Plan 2013-30 - Consultation on potential deallocation of Norwood Farm

Dear Sir/Madam,

**Draft Kent Minerals and Waste Local Plan 2023-38
Potential Deallocation of Land at Norwood for Development of Landfill for
Hazardous Flue Dust (ash) Residue**

Kent County Council is in the process of updating its planning policy for waste management (and minerals supply) that is currently set out in the adopted [Kent Minerals and Waste Local Plan 2013-30](#). As part of updating the Plan we are reviewing the need to retain Policy CSW5 (Strategic Site for Waste) which allocates land at Norwood Quarry Landfill site, Isle of Sheppey for restoration by landfilling with hazardous (flue) dust ash residues from Energy from Waste plants. This development would extend the life of an existing landfill at the location dedicated to accepting this waste stream which is now expected to be exhausted by 2038.

The Kent Minerals and Waste Local Plan promotes the management of waste in accordance with the waste hierarchy and, while disposal is not ruled out, retaining a specific allocation may no longer be consistent with the waste hierarchy. This is because an extension to the existing landfill may no longer be needed because more preferable opportunities for managing hazardous (flue) dust ash residues further up the waste hierarchy are now viable and available.

As an organisation which may have an interest in such development we would be grateful to receive your views on whether the specific allocation of land for such development is still justified.

I'd be grateful to receive your comments **by Friday 31 March 2023**. Ultimately if the Council propose to remove Policy CSW5 there will be an opportunity to comment formally during a public consultation scheduled to take place in June/July later this year. Further opportunities to make representations will follow with the matter being considered at an independent examination at which representations may be made.

If you have any queries regarding the above please contact a member of the Minerals and Waste Planning Policy team via 03000 422370 or mwlp@kent.gov.uk.

I look forward to hearing from you.

Kind regards,

Minerals and Waste Planning Policy Team

Appendix 2 Draft Note of Meeting Between KCC and FCC 06.10.23

The draft note of a virtual meeting between FCC and KCC to discuss the proposed deallocation is set out below. This note was preparer. By KCC and shared with FCC for comment, however FCC did not agree with the contents and so the notes was never finalised.

Update to Kent Minerals and Waste Local Plan – Proposed Deletion of Policy CSW5

KCC/FCC Teams Call

Date: 06.10.2023

Attendees: Matt Nicholson (FCC)

Alan Potter (BPP for KCC)

Ian Blake (BPP for KCC)

Chloe Miles (KCC)

1. Introductions:

MN (Planning & Permitting Manager (Southern Region)). Apologies from Alistair Hoyle (Axis).

2. Update on KMWLP progress

Reg 19 version of the updated KWMLP is to be considered by Kent County Council Environment & Transport Committee on 15th November and Full Council on 14 December.

FCC has been inputting to the process and this included a previous meeting with KCC where the necessity of the Norwood allocation had been discussed.

3. Overview of proposed change to CSW 5 and rationale

AP explained context, KCC reviewing all strategic allocations for minerals and waste included in KMWLP adopted in 2016, as the allocations were originally proposed over a decade ago. MN understood context has changed in that time.

4. FCC/Axis comments

FCC does not accept that existence of the allocation will undermine developments of alternative ways of managing air pollution control residues. FCC does not accept that there is sufficient hazardous waste management capacity in region. MN noted that inputs to Norwood are about to double in light of change to the Environmental Permit that will allow APCr from the MVV biomass facility at Ridham Dock. This means the site only has 8 years left and MN thought it takes 5-10 years for a new treatment facility to come on stream.

MN mentioned that deletion of the allocation would also remove certainty regarding supply of clay. IB noted that the Plan did not identify supply of engineering clay as a key issue as it was quite widespread and so it could be sourced from other locations and policies in plan that allow for clay extraction,

MN confirmed that tests set in Para 3.5 (of the consultation document) were not insurmountable for FCC to meet should it wish to progress an application for an extension to Norwood.

MN confirmed that there is no apparent difference between the remaining waste from Allington going to Norwood and that which is already being diverted. Much goes to a treatment works where it used to neutralise acids but this facility was some distance away.

MN said site would be exhausted in 8 years but AP noted that the Report provided by FCC to comply with condition on void remaining and lifetime suggested otherwise. MN was not aware of this report. AP shared screenshot of report.

MN said demand for secondary materials generated from APCr e.g. concrete blocks also needs to be factored in and that this is uncertain.

FCC also operates Great Moor Bucks energy from waste facility in Southern Region - MN not sure of fate of APCr - AP enquired if there was any chance this would go to Norwood if consented? i.e. Can there be any assurance that waste that is currently managed out of landfill would not be drawn back in if consented? MN unable to confirm, but would be down to transport cost and gate fees.

MN thinks there is a higher landfill tax for hazardous waste?

IB asked if an extension to Norwood was granted, would that then be the end of the site because it was likely that treatment capacity would be developed? MN couldn't confirm as circumstances and market changes e.g. society could start producing more hazardous waste than is currently the case.

AP asked if continued landfilling of biomass ash rely on the Waste Acceptance Criteria (WAC) derogation? MN believes so.

MN understood that the latest Govt position was set out by the hazardous waste hierarchy guidance from the Resources & Waste Strategy 2018, looking to get hazardous waste producers to move waste up the hierarchy.

MN noted there was a difference between policy and commercial reality. FCC has no plans to develop APCr treatment capacity (instead of developing Norwood landfill).

5. Next steps

CM to check circulation list for consultation for MN and MN to provide FCC general address.

6. AOB

MN advised that FCC will be seeking pre-application advice on Norwood extension application imminently.