

South East Waste Planning Advisory Group (SEWPAG)



Joint Position Statement: Permanent Deposit of Inert Waste on Land in the South East of England

Final November 2019 v7.0

This Joint Position Statement has been agreed at officer level by the following members of the South East Waste Planning Advisory Group (SEWPAG¹):

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

¹ The South East of England Waste Planning Advisory Group is a group made up of Waste Planning Authorities located in the South East England. The group is intended to co-ordinate planning for the management of waste across the south east of England. The group meets on a quarterly basis and meetings are also attended by representatives of the Environment Agency and the Environmental Services Association.

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1. Introduction

As with all wastes, the management of inert waste can involve a number of distinct activities but, unlike other wastes, ultimately, one of these activities frequently involves its permanent deposit on land. The permanent deposit of waste on land is often assumed to be a waste disposal activity, however, in many cases, inert waste can be deposited on land in a way that serves a useful purpose and so the term ‘disposal’ may be replaced by ‘recovery’. This Joint

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Position Statement (JPS) is intended to set out a consistent approach to the planning for the deposit of inert waste on land in the South East. In doing so, the note is intended to clarify how different approaches to the management of this material are controlled through the planning and environmental permitting systems.

While this JPS has been prepared by the Waste Planning Authorities in the south east of England, the correct interpretation of related activity (as a waste activity) is frequently a matter for non waste planning authorities (i.e. district and borough councils) to address. Therefore, separate agreements (or protocols) between individual Waste Planning Authorities and non waste planning authorities within their areas may help ensure that this Joint Position Statement is applied consistently across the South East.

This JPS supports the approach set out in the SEWPAG Memorandum of Understanding² (MoU) with regards to planning for the management of waste in the South East and is intended to present joint research and evidence which may be used to support the preparation and implementation of waste planning policies. This statement has been prepared with consideration of national planning policy and Planning Practice Guidance (PPG) and will help the production of future Statements of Common Ground (SCG(s)) for the authorities in the South East, where they are required.

The JPS includes:

- A joint evidence base, agreed by all SEWPAG member authorities, for use as a starting point for preparing plans and policies by identifying possible future needs for the permanent deposit of inert waste to land in the South East.
- Examples of current policy approaches in adopted Waste Local Plans in the South East of England concerning the permanent deposit of inert waste to land which may also be considered when developing strategies and policies in emerging plans.

SEWPAG is working to prepare an Annual Monitoring Report for the South East and ultimately any data in those reports will supersede the data presented in this JPS and should be referred to.

The Environment Agency, Environmental Services Association and Mineral Products Association have all contributed to the content of this document.

2. Background

2.1. What is meant by 'permanent deposit of inert waste'?

² To be replaced by the SEWPAG Statement of Common Ground

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Inert waste

Inert waste is defined in the Landfill Directive³ as “waste that does not undergo any significant physical, chemical or biological transformations”. Generally, in this document inert waste refers to waste derived from construction, demolition and excavation (C, D & E) activities. Inert waste derived from construction and demolition and that derived from excavation can be distinguished as set out below.

Inert waste arising from construction and demolition may include bricks, tiles, ceramics, glass and concrete. Some sorting and separation is generally needed to separate out the inert waste fractions from other non-inert wastes arising from the construction and demolition waste activity. This separation may take place on the site of production (e.g. separation and crushing of concrete frequently forms part of demolition activity) or takes place at a construction and demolition waste processing facility. The products from these activities include soils and recycled aggregates. There is an ‘end of waste’ quality protocol for recycled aggregate⁴ which means that aggregate produced from inert waste to a certain standard is no longer deemed to be a waste and so its transport and management is not subject to controls on waste management.

Excavation waste is defined as “naturally occurring soil, stone, rock and similar materials (whether clean or contaminated), which have been excavated as a result of site preparation

activities”⁵. Frequently such waste is transported directly from its point of production to its point of management (deposit) without any interim processing.

Inert excavation material can be used in such a way that it is not deemed to become a waste i.e. the material is never ‘discarded’ and so does not become waste. This is where the developer knows where the material is going to be used before it is excavated from the production site and that it is of a suitable quality and quantity which means it can be used at the receiving site. Management of material in this way is covered by an agreed industry protocol known as “The Definition of Waste: Development Industry Code of Practice”

³ European Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste

⁴ <https://www.gov.uk/government/publications/quality-protocol-production-of-aggregates-from-inert-waste>

⁵ Department of Communities and Local Government Survey of Arisings and Use of Alternatives to Primary Aggregates in England, 2005: Construction, Demolition and Excavation Waste

<https://webarchive.nationalarchives.gov.uk/20120919231332/http://www.communities.gov.uk/documents/planningandbuilding/pdf/surveyconstruction2005.pdf>

(DoWCoP). As material managed in accordance with DoWCoP does not become a waste it does not need to be planned for by waste planning authorities (See text box), however its use will be subject to planning controls applied by non-waste planning authorities (e.g. district and borough councils).

The future management of inert waste needs to be taken account of by waste planning authorities in their Waste Local Plans. This means estimating how much of this waste is currently being produced, how much will be produced in future and drafting policy which covers how, and where, it should be managed in future. Issues arising from the management of inert waste relate more to the quantities in which it produced and less to its chemical composition. In light of its benign nature it is more readily managed in a way that serves a useful purpose⁶.

Permanent deposit

The permanent deposit of inert waste on land takes place for a number of reasons including:

- Disposal of that material;
- restoration of mineral voids;
- engineering operations, including:
 - Land improvement/remediation schemes e.g. landraising to improve drainage of agricultural land;
 - landscaping e.g. to create particular landscaping enhancement and/or features;

 - acoustic bunding or bunding to mitigate visual impacts (by hiding) of development;
 - creation of features associated with recreational activities such as on golf courses or at rifle ranges;

Inert wastes have been extensively used for the restoration of mineral workings. For example an average, of approximately 55% of sand and gravel sites are restored to agriculture using inert waste to restore to original ground contours⁷.

⁶ N.B. In some circumstances naturally occurring contamination may need to be assessed to ensure any deposit does not pose environmental risk to the hydrogeology of the receiver site – for this reason not all materials are benign.

⁷ The Survey of Land for Mineral Workings in England, ODPM 2000, p.58.

2.2. Policy Context

2.2.1. Waste Framework Directive

The Waste Framework Directive (2008/98/EC) (as amended), sets requirements for the collection, transport, recovery and disposal of waste. The WFD includes a requirement to apply the 'waste hierarchy' when planning for waste management. The waste hierarchy prioritises different ways in which waste can be managed with the most sustainable method, prevention, at the top of hierarchy, and the least, disposal, at the bottom (See Figure 1 below).

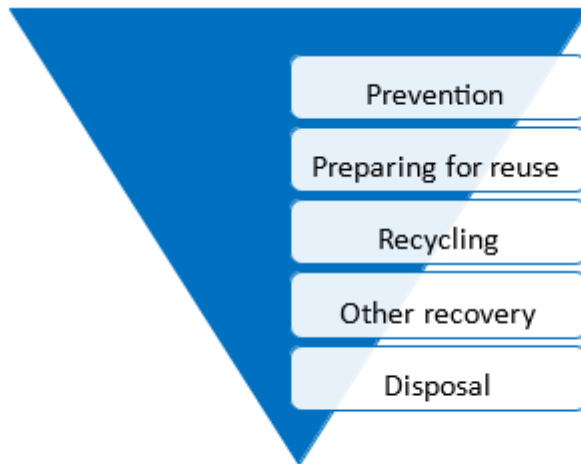


Figure 1 Waste hierarchy

The WFD defines 'recovery' as *"any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy."*

Importantly, the WFD recognises that 'backfilling' constitutes a 'recovery' rather than a 'disposal' activity *"where suitable non-hazardous waste is used for purposes of reclamation in*

excavated areas or for engineering purposes in landscaping. Waste used for backfilling must substitute non-waste materials, be suitable for the aforementioned purposes, and be limited to the amount strictly necessary to achieve those purposes".

The WFD sets the following target for the management of construction, demolition and excavation waste as follows: *"by 2020, the preparing for re-use, recycling and other material recovery, including backfilling operations using waste to substitute other materials, of nonhazardous construction and demolition waste excluding naturally occurring material*

defined in category 17 05 04⁸ in the list of waste shall be increased to a minimum of 70 % by weight.”

The WFD also requires waste planning authorities to have regard to the principles of ‘selfsufficiency’ and ‘proximity’. This means that WPAs should provide for the development of sufficient capacity and enable the delivery of such capacity in the right place at the right time.

2.2.2. Landfill Directive (1999/31/EC)

The Landfill Directive was introduced in July 1999 and defines landfill as waste disposal sites for the deposit of waste onto or into land. The Landfill Directive sets out requirements for the location, management, engineering, closure and monitoring for landfills. The Landfill Directive also includes requirements relating to the characteristics of the waste to be landfilled and sets out essentially three classes of landfill:

- Hazardous waste landfill,
- Non-hazardous waste landfill, and
- Inert landfill.

In accordance with the WFD, the Landfill Directive also states that “Whereas the recovery, in accordance with Directive 75/442/EEC⁹, of inert or non-hazardous waste which is suitable, through their use in redevelopment/restoration and filling-in work, or for construction purposes may not constitute a landfilling activity” (paragraph 15 of the Landfill Directive (1999/31/EC)). This means that backfilling (which may include the backfilling of a mineral void) may not be defined as ‘landfill’.

2.2.3. National Planning Policy Framework (2019)

The National Planning Policy Framework (NPPF) sets out Government’s planning policies for England. Although the NPPF does not contain specific waste policies, which are instead contained in the separate National Planning Policy for Waste (NPPW) (see below), WPAs preparing local plans and taking decisions on waste applications should have regard to relevant policies from the NPPF.

⁸ EWC code 17 05 04 is for ‘other soils and stones’

⁹ EEC Directive of 15 July 1975 on waste subsequently updated by the Waste Framework Directive

The NPPF states that “planning policies should ... ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place”¹⁰.

2.2.4. National Planning Policy for Waste (2014)

The National Planning Policy for Waste (NPPW) sets out the Government’s ambition to work towards a more sustainable and efficient approach to resource use and management, and is intended to help satisfy certain requirements of the WFD (Article 28) for members states to prepare a Waste Management Plan. The NPPW notes that the main responsibility for planning for waste lies with WPAs.

The NPPW states that “Positive planning plays a pivotal role in delivering this country’s waste ambitions through ... delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy”¹¹.

Under the NPPW, when a WPA is determining a planning application it should “ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary”¹².

This can create a tension between encouraging recycling of inert waste, which the waste hierarchy prefers, and encouraging the early completion of landfill/landraise sites and timely restoration of mineral workings. To a certain extent this is recognised by PPG that states: “The continued movement of waste up the Waste Hierarchy may mean that landfill sites take longer to reach their full capacity, meaning extensions of time limits to exercise planning permissions may be needed in some circumstances”¹³.

National Planning Practice Guidance

The NPPF and NPPW are supported by the national Planning Practice Guidance (PPG). The PPG sets out a list of matters which can be considered as waste operations, including landfill and land raising sites (such as soils to re-profile golf courses)¹⁴. The PPG states that “WPAs should be aware that the continued provision and availability of waste disposal sites, such as

¹⁰ National Planning Policy Framework Paragraph 204

¹¹ National Planning Policy for Waste Paragraph 1

¹² National Planning Policy for Waste Paragraph 7

¹³ National Planning Practice Guidance for Waste Paragraph: 048 Reference ID: 28-048-20141016

¹⁴ National Planning Practice Guidance for Waste Paragraph: 002 Reference ID: 28-002-20141016

landfill, remain an important part of the network of facilities needed to manage England's waste"¹⁵.

Management of inert excavation materials under the "The Definition of Waste: Development Industry Code of Practice" (DoWCoP)

The Definition of Waste: Development Industry Code of Practice ('DoWCoP') sets out good practice for the development industry to use when assessing whether excavated materials are classified as waste or not. It also allows the determination, on a site specific basis, when treated excavated waste can cease to be waste for a particular use. Further it describes an auditable system to demonstrate that this Code of Practice has been adhered to.

If materials are dealt with in accordance with this Code of Practice the Environment Agency (EA) considers that those materials are unlikely to be waste if they are used for the purpose of land development. This may be because the materials were never discarded in the first place, or because they have been submitted to a recovery operation which has been completed successfully so that they have ceased to be waste.

Good practice has three basic steps:

1. Ensuring that an adequate Materials Management Plan (MMP) is in place, covering the use of materials on a specific site;
2. Ensuring that the MMP is based on an appropriate risk assessment, that underpins the Remediation Strategy or Design Statement, concluding that the objectives of preventing harm to human health and pollution of the environment will be met if materials are used in the proposed manner; and
3. Ensuring that materials are actually treated and used as set out in the MMP and that this is subsequently demonstrated in a Verification Report.

To confirm that steps 1 and 2 have been taken, a "Qualified Person" reviews the relevant project documents and provides a Declaration to the EA prior to the use or dispatch of materials.

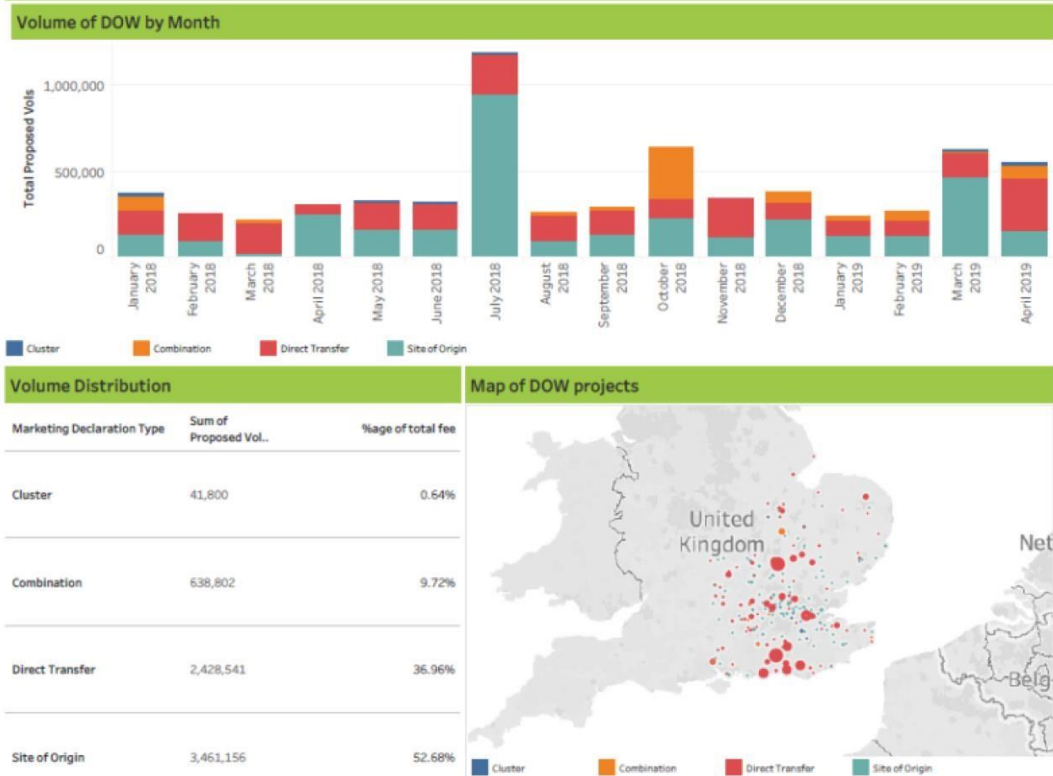
More information is available in the CL:AIRE Guidance Bulletin 3¹⁶.

The amount of waste managed under DoWCoP is illustrated below:

¹⁵ National Planning Practice Guidance for Waste Paragraph: 048 Reference ID: 28-048-20141016

¹⁵ ¹⁶ <https://www.claire.co.uk/projects-and-initiatives/dow-cop/28-framework-and-guidance/112-guidance-bulletin-3-dowcop>

DOW Data as of: 30/04/2019



Source: CL:AIRE

'Recovery' or 'Disposal'

Activities which involve the permanent deposit of inert waste to land may be considered to be 'disposal' or 'recovery' operations and this can depend on whether the activity is being considered from a planning or an environmental permitting perspective. Furthermore, within the context of Environmental Impact Assessment, disposal may include recovery. Clarity is important as policies in Waste Local Plans generally distinguish between disposal and recovery activities.

For an activity to be considered 'recovery' the main purpose of using the waste materials must be to substitute for non-waste materials (natural resources) which would have been utilised to achieve the development. If the primary purpose of depositing the inert waste is the management of that waste then the activity is classed as disposal.

The Defra guide to the Waste Framework Directive¹⁷ considers the difference between disposal and recovery operations and states: "The key feature of a recovery operation is that its principal objective is to ensure that the waste serves a useful purpose by replacing other

¹⁷ 'Environmental Permitting Guidance The Waste Framework Directive', Defra, October 2009

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substances which would have had to be used for that purpose (thereby conserving natural resources". Further information is contained in Environment Agency Guidance.

Recovery operations will therefore involve the 'beneficial use' of waste material in such a manner that it substitutes for a non-waste material. Whether the deposit of inert waste to land constitutes a disposal or recovery operation therefore depends on the specific characteristics and true purpose of the development. For example, if it is proposed that inert waste is being recovered by its deposit on land for the purpose of creating a golf course it can be expected that there will be a business plan associated with the development of the golf course that demonstrates that this is a viable proposition and so the activity is a genuine recovery activity. Another example would be the remediation of a degraded historic landfill to a sustainable after-use which brings about a substantial improvement in the quality of the land.

Depending on the details of the development, the permanent deposit of inert waste within a mineral void can be considered to be disposal or recovery. If more than the minimum requisite waste material, and/or unsuitable waste material, is used in the restoration of a mineral void then this will be a disposal activity and classed as a landfill. However, where the local plan provides for the backfilling of the mineral void for a specific after-use and the development facilitates the same using the minimum volume of inert waste necessary then it should be deemed to be 'recovery'. One of the main factors affecting the decision will be the existence of a clear requirement for a certain quantity of material to be deposited within the void. Such a requirement can include a planning condition associated with a mineral working that requires its restoration by increasing the levels within the void. This position was clarified by the 'Methley' case¹⁸. In light of this case, new guidance on the deposition of waste on land as a recovery activity was published by the Environment Agency on GOV.UK on 18 October 2016¹⁹.

Landfill is generally considered to be a disposal activity but it should be noted that the Landfill Directive identifies that the deposit of suitable inert material or waste which is used in redevelopment/restoration and filling-in work, or for construction purposes may not constitute a landfilling activity.

It is important to note that developers may seek to avoid activities involving the permanent deposit of inert waste being classed as disposal as such a classification may incur landfill tax²⁰. Furthermore operational controls associated with an Environment Permit allowing landfill may be tighter than those allowing recovery.

¹⁸ [R \(Tarmac Aggregates Limited\) v The Secretary of State for Environment, Food and Rural Affairs and The Environment Agency \[2015\] EWCA Civ 1149](#)

¹⁹ <https://www.gov.uk/guidance/waste-recovery-plans-and-permits>

²⁰ The restoration of quarries using inert waste is exempt from Landfill Tax

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Waste Local Plans should be clear about when development involving the permanent deposit of inert waste on land is considered to be disposal and when it will be considered recovery. To avoid confusion between the planning and permitting regimes it is important that the use of the terms, 'disposal', 'recovery', 'landfill' and 'backfilling' are consistent with their use in the WFD and Landfill Directive.

Activities (regardless of whether they are disposal or recovery) involving the permanent deposit of inert waste on land will likely require planning permission from the Waste Planning Authority²¹. A non-waste development involving material managed under DoWCoP will require planning consent from the Local Planning Authority (which, in a two-tier area, will be the District or Borough Council).

The current planning and environment permitting controls on activities involving the permanent deposit of inert waste on land are summarised in Appendix A.

2.3. Demonstrating Joint Working

2.3.1. Localism Act 2011

Section 110 of the Localism Act sets out a 'Duty to Cooperate' in relation to planning of sustainable development, under which planning authorities are required to engage constructively, actively, and on an ongoing basis in any process where there are crossboundary issues or impacts. This includes waste management and the preparation of waste local plans.

2.3.2. Meeting the Duty to Cooperate

Section 33A(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities and other public bodies to consider entering into agreements on joint approaches. There is no definitive list of actions that constitute effective cooperation.

However, the NPPF notes that in order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addresses and progressed in cooperation.

²¹ The Town and Country Planning (Prescription of County Matters) (England) Regulations 2003 prescribe that, "The (i) use of land, (ii) the carrying out of building, engineering or other operations, (iii) or the erection of plant and machinery used or proposed to be used wholly or mainly for the purposes of recovering, treating, storing, processing, sorting, transferring or depositing of waste; and (b) the use of land or the carrying out of operations for any purpose ancillary to any use or operations specified in (a), including the formation, laying out, construction or alteration of a vehicular access to any public highway, are county matters."

In terms of planning for waste management facilities, the NPPW states that WPAs should “work collaboratively in groups with other waste planning authorities and in two-tier areas with district authorities, through the statutory duty to cooperate, to provide a suitable network of facilities to deliver sustainable waste management”²².

The NPPW also states²³ that WPAs should work jointly and collaboratively with each other to collect and share data and information on waste arisings, and take account of:

- (i) Waste arisings across neighbouring waste planning authority areas;
- (ii) Any waste management requirement identified nationally, including the Government’s latest advice on forecasts of waste arisings and the proportion of waste that can be recycled.”

The PPG advises that strategic policy-making authorities “should produce, maintain, and update one or more statement(s) of common ground, throughout the plan-making process”²⁴. Further to this the PPG states that actions which are expected to be documented in a statement of common ground include “producing or commissioning joint research and evidence to address cross-boundary matters”²⁵

At the examination of Local Plans, plan making authorities will need to submit comprehensive and robust evidence of the efforts made to cooperate and any outcomes achieved. The Inspector will use “all available evidence including statements of common ground, Authority Monitoring Reports, and other submitted evidence ... to determine whether the duty has been satisfied”²⁶.

This JPS assembles information which contributes to (or meets requirements for) the types of documents set out above insofar as they are concerned with the planning for the permanent deposit of inert waste across local authority boundaries in the south east. This JPS is a useful stage in the process of establishing a common baseline prior to building a strategy (or strategies) agreed between waste planning authorities in the south east (via Statements of Common Ground).

2.4. SEWPAG Memorandum of Understanding

²² National Planning Policy for Waste Paragraph 3

²³ National Planning Policy for Waste Paragraph 2

²⁴ National Planning Practice Guidance for plan-making Paragraph: 001 Reference ID: 61-001-20180913

²⁵ National Planning Practice Guidance for plan-making Paragraph: 007 Reference ID: 61-007-20180913).

²⁶ National Planning Practice Guidance for plan-making Paragraph: 023 Reference ID: 61-023-20180913

SEWPAG has a Memorandum of Understanding²⁷ (MoU) to which all SEWPAG members are signatories. The MoU demonstrates how SEWPAG authorities intend to work together and aims to:

- Ensure that planned provision for waste management in the South East of England is coordinated, as far as is possible, whilst recognising that provision by the waste management industry is based on commercial considerations; and
- Ensure that the approach to waste planning throughout the South East is consistent between WPAs, whilst reflecting local circumstances and needs.

Under the MoU SEWPAG member authorities agreed to plan for net self-sufficiency (paragraph 7.2). If WPAs cannot achieve or do not intend to achieve net self-sufficiency this is a matter to be agreed outside the MoU.

With regards to the wider issue of landfill as a method of dealing with waste, paragraph 7.6 of the MoU states SEWPAG authorities agree that the challenge to be addressed is to implement the waste hierarchy and to enable better, more sustainable, ways of dealing with waste to reduce the current dependence on landfill.

Paragraph 6.3 of the MoU sets out the joint approach and states that there will “continue to be a need for some landfill capacity to deal with waste in the South East, particularly in the short and medium term before new recycling and treatment facilities are built and become operational”.

3. Capacity for managing inert waste through permanent deposit to land in the South East of England

3.1. C, D & E Waste arisings

3.1.1. Introduction

There is no requirement on businesses to submit records of Construction, Demolition & Excavation waste produced and hence estimating quantities for a specific county, with any degree of accuracy, is a challenge.

Estimates of arisings can be prepared using a ‘Point of management’ method that uses data related to the management of C, D & E waste. This is a Defra method primarily based on records of waste delivered to, and removed from, permitted waste facilities submitted by operators to the Environment Agency (EA). The EA collates this data in its ‘Waste Data Interrogator’ (WDI) on an annual (calendar year) basis. This data is supplemented by data for wastes managed at permitted sites that don’t report through the WDI and recycled

²⁷ Updated April 2017

aggregate production. Defra has developed a methodology for measuring C, D & E Waste arisings across the UK to report on progress made towards meeting the revised Waste Framework Directive (rWFD) target to recover²⁸ 70% C&D waste by 2020²⁹.

3.1.2. Methodology

The amount of C, D & E waste arising in London and the South East was calculated applying the following equation³⁰:

$$C, D \& E \text{ waste} = \text{Inputs to permitted facilities} + \text{outputs from permitted facilities} + \text{recycled aggregates} + \text{exemptions}$$

To assess C, D & E waste arisings at a regional level the national methodology³¹ was modified to reflect local circumstances. In particular:

- Values for waste classed as C, D & E waste managed through permitted sites in London and the South East in 2017 were taken as those reported in the WDI with steps taken to deduct possible double counting and, capture wastes that may have been reclassified as a consequence of processing through intermediate (e.g. transfer) sites. Deductions were made based on the following questions:
 - Does the site receive C,D&E waste from London or the South East?
 - Does the total of C,D&E waste outputs amount to less than the C,D&E waste inputs?
 - Does the site have outputs classed under Chapter 19?
 - What is the difference/shortfall and can that be made up by Chapter 19 waste?
- Adding an estimate of the quantity of waste that may have gone to sites in London and the South East at exempt sites. This is done by reviewing the number of sites which are registered for U1 exemptions for use in construction, as follows:
 - Establish the population of registered exemptions by reference to the Environment Agency 'register of exemptions'.

²⁸ 'Recovery' includes recycling

²⁹ Methodology for estimating annual waste generation from the Construction, Demolition and Excavation (C, D & E) Sectors in England, March 2012

³⁰ Note that when preparing their Waste Local Plans, WPAs may choose to use different methods when calculating arisings of C, D & E waste.

³¹ Department for Environment, Food and Rural Affairs (DEFRA), 2012, Methodology for estimating annual waste generation from the Construction, Demolition & Excavation (CD&E) Sectors in England

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- Applying an estimated value for the quantity of waste managed at the U1 exemption from previous research³².
- Adding an estimate of the quantity of waste converted to recycled aggregate in London and the South East. This value has been based on the value used in the London Local Aggregate Assessment (2017) and the South East Aggregates Monitoring Report.

The method uses information from several key sources as outlined in

Table 1 below.

Table 1 Data used for calculating Construction, Demolition & Excavation (C, D &E) waste

Data Needed	Data source
Waste dealt with by transfer and treatment facilities	Environment Agency Waste Data Interrogator
Waste sent to landfill sites	Environment Agency Waste Data Interrogator
Waste managed under exemptions	Environment Agency public register of exempt sites WRAP 2008 Estimate and local survey
Waste recycled as aggregate	South East Aggregates Monitoring Survey Report 2017

3.1.3. C, D & E waste arising trends

Quantities of C, D & E waste managed at permitted sites in the South East of England and London are set out in the tables below. The source of this data is the Environment Agency Waste Data Interrogator.

Table 2 C,D&E waste arising in the South East and former planning region it was managed based on methodology set out in section 3.1.2

C,D&E waste arising in the South East and managed:	2016	2017
Within South East		11,318,000
South East to elsewhere		1,059,000
South East to London		984,000
Total		13,360,000

³² Surrey County Council survey of exempt sites in 2016

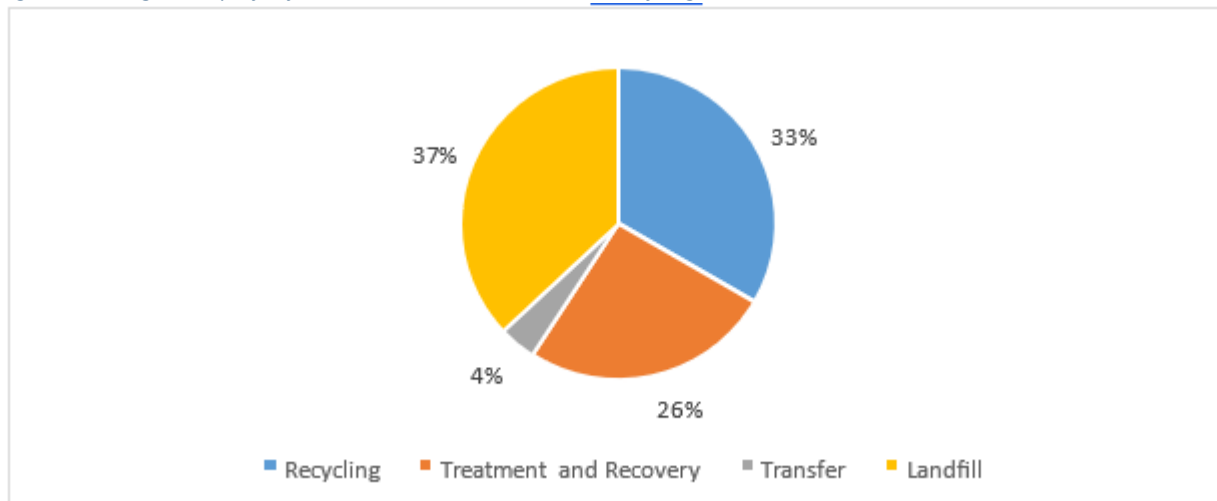
Table 3 C,D&E waste arising in London and former planning region it was managed based on methodology set out in section 3.1.2

C,D&E waste arising in London and managed:	2016	2017
Within London	4,046,000	4,294,000
London to elsewhere	3,872,000	3,782,000
London to South East	2,353,000	2,291,000
Total	10,271,000	10,367,000

3.1.4. C, D & E waste management

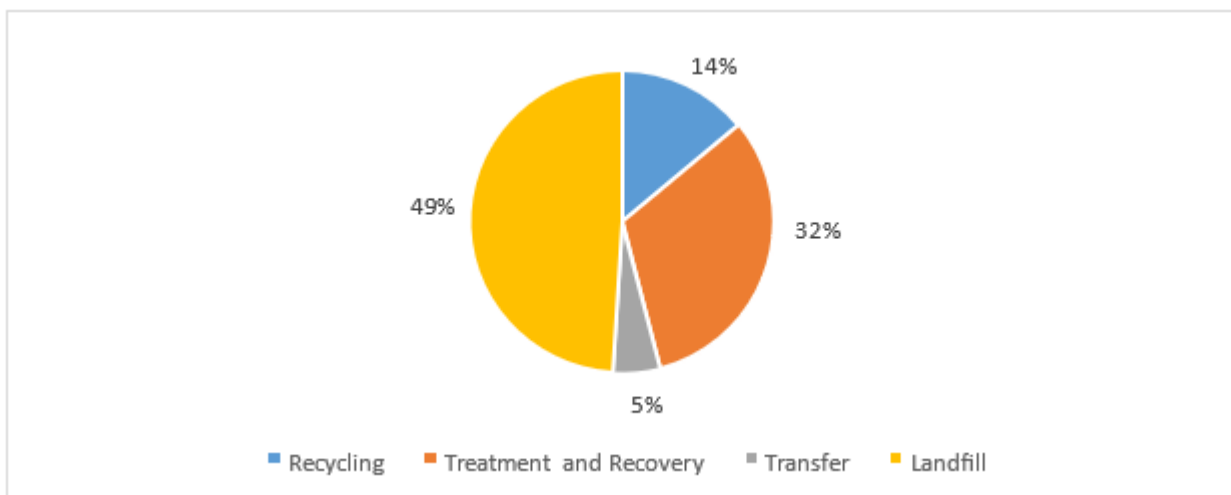
Of the estimated waste managed at permitted sites in the south east, shown in Figure 2, a large proportion of C, D & E waste is sent to sites classified by the EA as landfill (37%) though this is mostly to restore old mineral workings which may be taken to constitute a ‘beneficial use’ by planning authorities and is exempt from landfill tax.

Figure 2 Management profile for C, D & E waste in the South East of England



A similar exercise for London shows that 49% of estimated C, D & E waste is sent to Landfill, mainly to sites outside of the London Plan area.

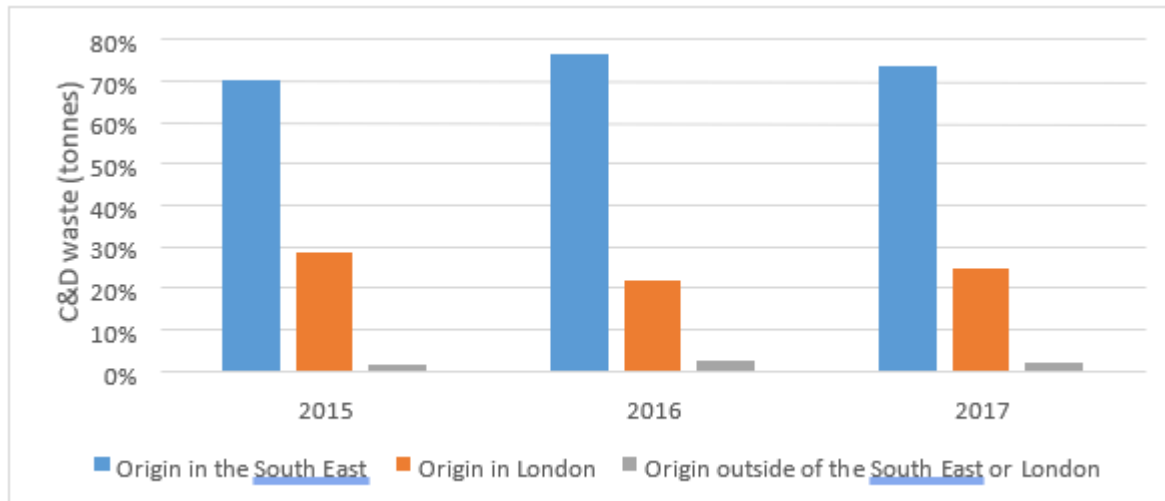
Figure 3 Management profile for C, D & E waste in London



3.1.5. C, D & E waste to landfill

Analysis of those facilities identified in the South East of England permitted as inert landfill (Appendix B) show that approximately 25% of waste received at those sites comes from London (Figure 4).

Figure 4 Origin of C, D & E waste managed at facilities in the South East identified by the EA as inert landfill



Of these sites over 95% are old mineral workings

3.2. Declining landfill capacity and ongoing need

Historically, landfill capacity in the South East has been tied to the number of mineral workings in the region and the need to restore these mineral workings. Traditional

restoration schemes have required large amounts of material to fill the void which has resulted once the mineral is extracted.

The location of active inert landfill sites in the South East are displayed in Figure 6 below.

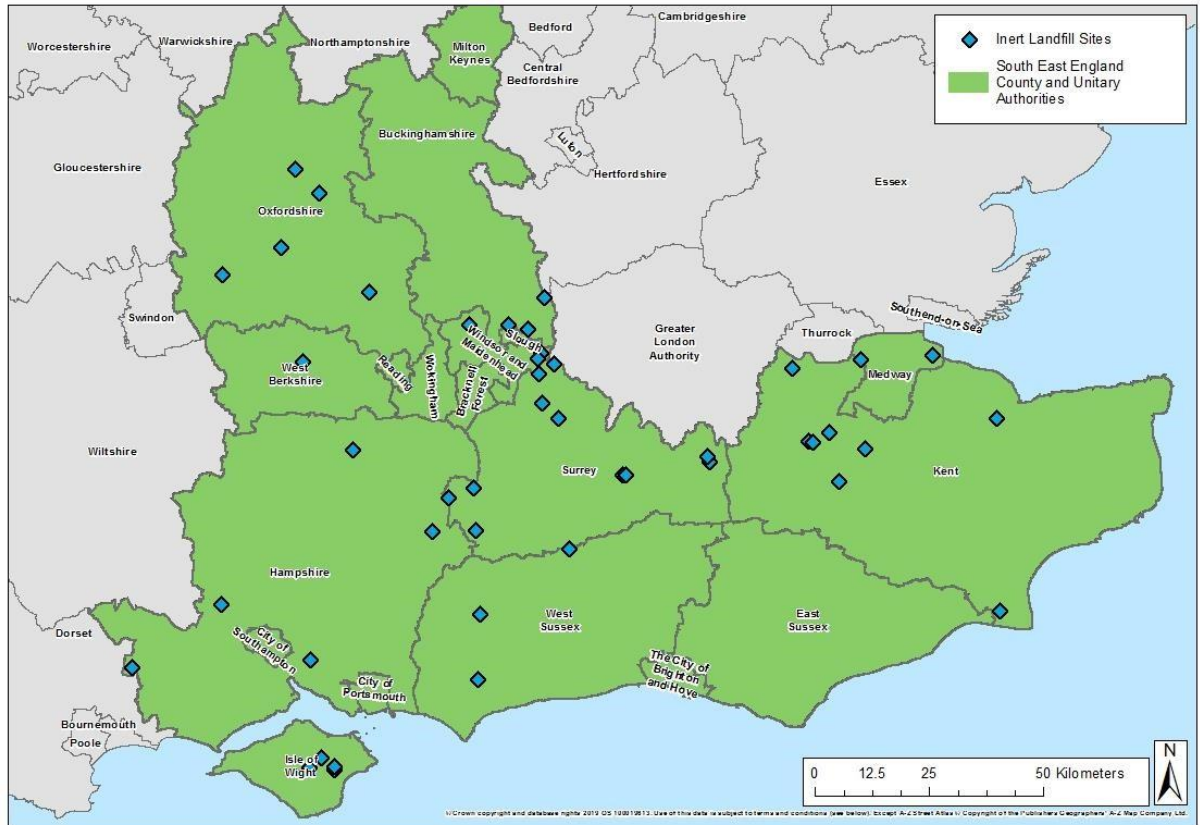


Figure 5 Inert landfill sites in the South East

As with non-hazardous landfill, declining capacity of inert landfill is not surprising. Disposal, as a method of waste management, is now seen as an option of last resort. Landfill Tax was introduced as part of the Finance Act 1996 to discourage the disposal of waste to landfill and encourage more sustainable ways of managing waste. As Figure 6 shows, landfill tax has been successful in diverting waste away from landfill by significantly increasing the costs of landfilling and resulting in increased amounts of waste being managed through recycling and other recovery techniques.

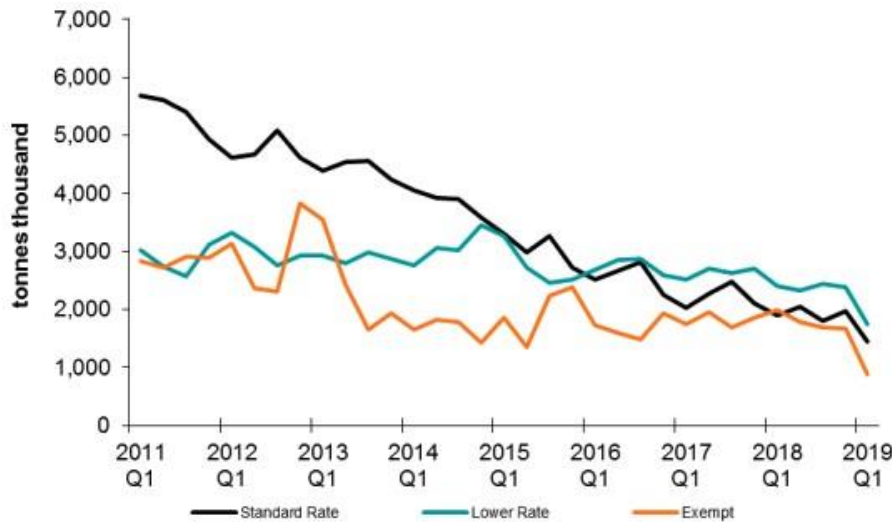


Figure 6 Quantity of landfill at different landfill tax rates (Source: UK Landfill Statistics, April 2019, HMRC)

Declining landfill capacity is also partly a function of the introduction of the Groundwater Directive and Landfill Directive which make the development of inert landfill more onerous and expensive, restricting opportunities. The result is that the capacity for the deposit of inert waste to land is decreasing. Inert landfill capacity and inputs to inert landfill in the South East from 2015 to 2017 are shown in Appendix B and Appendix C respectively.

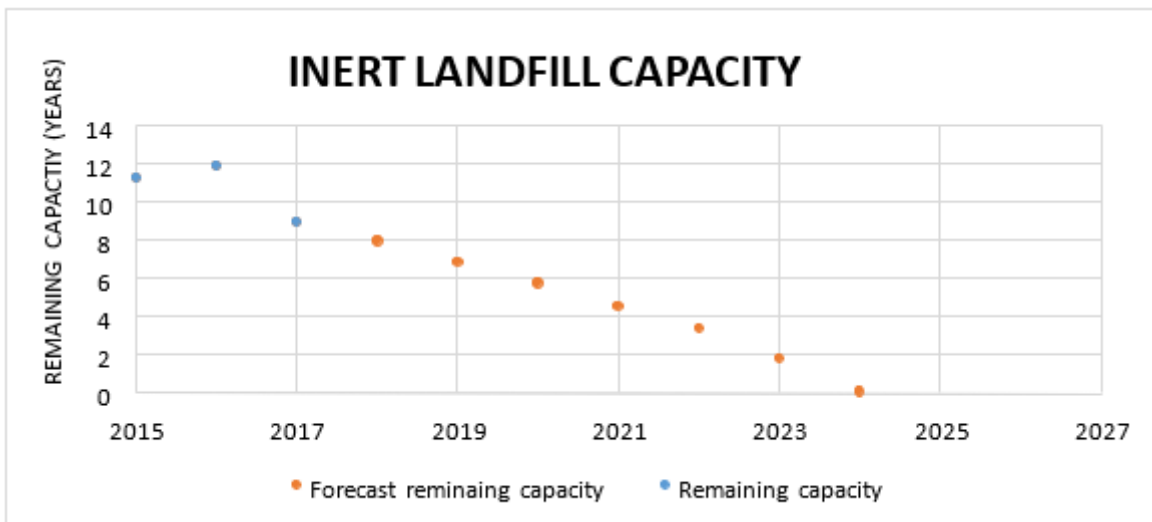


Figure 7 Remaining inert landfill capacity based on 2017 EA Waste Data Interrogator and site information for inert landfill

The EA assessment of inert landfill capacity does not take into account constraints and opportunities such as:

- Temporary planning consents which have an end date and premature closures.
- Market factors such as other sites closing or a lack of material which could increase or decrease rates of fill.

- Capacity which may be provided for deposit of inert waste via exempt activities and those classed as recovery.

The estimated projection in Figure 7 includes an assumption that the remaining waste which needs to be managed once a facility closes will need to be managed at one of the nearest appropriate locations and that this location will be elsewhere in the South East. However, it is quite possible that inert waste could be transported to facilities outside of the South East.

3.3. Allocated facilities to come forward

Table 4 includes allocated sites or allocated extensions to existing sites in adopted mineral local plans which have not yet been developed. There may be reasons that mean these sites may not actually be developed.

Table 4 Planned sites for minerals with a proposed restoration scheme involving deposit of material to land in the South East of England

Facility Name	Authority	Estimated Void (cubic metres)	Start Date (if known)
Hamm Court Farm	Surrey	560,000	-
Milton Park Farm	Surrey	1,700,000	-
Whitehall Farm	Surrey	590,000	-
Homers Farm	Surrey	540,000	-
Watersplash Farm	Surrey	680,000	-
Chalk Lake	Medway	400,000	-
Commissioners Road	Medway	463,600	-
Manor Farm	Medway	900,000	-
Wasing Lower Farm	West Berkshire	1,250,000	-
Extension to West Hoathly Brickworks (allocated in MLP)	West Sussex	Unknown (2-3 years supply)	Early 2020s
North Park	Buckinghamshire	1,500,000	Early 2020s
Slade Farm North	Buckinghamshire	700,000	Mid 2020s – Permission Dec 2018, fill of phasing from year 5.

Facility Name	Authority	Estimated Void (cubic metres)	Start Date (if known)
Total:		9,283,600 ³³	

3.4. Conclusions

If no new capacity becomes available, and annual inputs occur at the same rate as those reported in 2017, existing inert landfill capacity in the South East will be exhausted by 2024³⁴ or 2025 (Figure 7)³⁵. However, there are a number of factors (highlighted above) that will affect this date.

Over the next 10 years a number of inert landfill facilities are planned to close or are likely to close due to restoration being completed. At the same time, based on mineral workings allocated in adopted or emerging minerals plans, it can be expected that a number of new facilities will be opened creating additional void which may require restoration via the deposit of inert waste.

4. The Issue

4.1. Overview

The issues affecting permanent deposit of inert waste on land in the South East of England are as follows:

4.2. The need to restore mineral workings

As explained above, the beneficial use of C, D & E waste for inert fill, where this is necessary, can be categorised as a waste recovery operation where it is shown that the principal purpose of the activity is for the use of waste to replace other non- waste materials.

In general, inert material derived from C, D & E waste is a valuable resource and when used in mineral site restoration as inert fill (or as capping material for landfilling or landraising activities), is considered to be a recovery, rather than a disposal, operation. 2015 case law (the Methley case) clarified that the use of inert waste for quarry restoration is considered to be disposal unless it is shown that such use is obligated in some way (e.g. by planning

³³ (excluding extension to West Hoathly Brickworks)

³⁴ This assumes a conversion factor for the remaining capacity of 0.87 tonnes per cubic m³ but it should be noted that in reality the conversion rate will vary depending on the nature of the waste, the forecast waste capacity remaining is therefore a general estimate.

³⁵ Based on the Regional Picture Report 2016 <https://www.gov.uk/government/publications/waste-management-forengland-2016>

condition), in which case it may be deemed a recovery operation³⁶ by the Environment Agency (EA). This clarification of the Waste Framework Directive has meant that the EA now more frequently requires an Environmental Permit for landfilling to be obtained before backfilling of mineral voids with inert waste can take place. Where the material is shown not be a 'waste' (under 'DoWCOP') an Environmental Permit is not required.

This clarification regarding the interpretation of the Waste Framework Directive is affecting the development of inert landfill for the following reasons:

- Inert landfills operating under an Environmental Permit can only receive waste that meets certain 'Waste Acceptance Criteria' (WAC).
- Through the Groundwater Directive all inert landfills are must be lined with clay due to the risk of that the inert waste received at sites is contaminated with non-inert material.

Due to the costs associated with landfill lining some mineral operators have decided to restore their sites with non-hazardous waste as this attracts a higher gate fee and a different WAC testing regime³⁷ applies. The result is that potentially in the future more mineral sites will be utilised for landfill of non-hazardous (non-inert) waste rather than inert waste as this would likely attract a higher gate fee.

The Minerals Product Association³⁸ consider that this approach is impacting on the industry's ability to restore of mineral workings because:

- Landfill operations are generally not allowed in river floodplains where almost all of the UKs sand and gravel is sourced from.
- Landfill operations have an 'onerous regulatory burden' (e.g. requirements for lining and landfill gas management).
- Landfill is discouraged as a way of managing waste in Waste Local Plans and so categorisation of restoration activity as 'landfill' may make it harder to obtain planning permission.

The above factors may be taken into account by mineral operators when deciding on whether to offer backfilling as a restoration option for mineral workings in the South East.

4.3. Location of C, D & E Recycling facilities with mineral workings

³⁶ Minerals Product Association The need for inert wastes to restore aggregate mineral workings Position Statement from the Quarry Products Association June 2006, available at: <https://mineralproducts.org/documents/inertfull.pdf>

³⁷ WAC testing is a limit above which materials are judged before the Landfill class is changed or waste deposit prevented. It specifies the waste acceptance at that class of landfill, not the specific waste acceptance criteria that could be built into a planning permission or site specific permit.

³⁸ Minerals Product Association Policy Briefing: The Need to Restore Mineral Sites with Inert Waste June 2015, available at: https://mineralproducts.org/documents/Policy_Briefing_The_Need_to_Restore_Mineral_Sites_with_Inert_Waste_Jun_15.pdf (N.B. Some of the statements made in this briefing are out of date due to the Methley case).

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A significant proportion of existing inert C, D & E waste recycling facilities are located on land associated with mineral workings. The recycling activity generally involves treatment, such as crushing and screening, which produces a soil like material and an aggregate. The residual derivative, or product of the recycling process, is an inert soil like material that can be used to restore the mineral working within which the recycling activity is situated and so these facilities usually benefit from temporary permissions associated with the timescale for mineral extraction and site restoration. Such CDE waste processing operations are generally very efficient³⁹ meaning that the majority of the processed material leaves the site for a use elsewhere and only a small quantity is retained for use in restoration.

While temporary permission for inert C, D & E recycling operations may be encouraged, this must also take into account the need for timely restoration of mineral workings. Depending on their exact composition, the deposit of residues from CDE recycling used in the restoration of old mineral workings may require an environmental permit for either inert or non-inert landfill or recovery. The combined impact of policies which encourage recycling and the difficulties associated with backfilling using the residues of C, D & E waste recycling, results in a further decrease in the availability of material to restore mineral workings and inevitably slows down the pace of restoration contrary to NPPF policy which encourages the earliest possible restoration.

Due to the difficulties associated with restoration of minerals sites by backfilling with inert waste, as set out above, no fill or low-level restoration approaches may need to be accepted more frequently by mineral planning authorities. Such forms of restoration may be inherently beneficial, for example by providing opportunities for recreation and flood storage. Consequently, this means that in the future there is likely to be fewer proposals for restoration by backfilling resulting in reduced voidspace for the management of inert waste which may align with increased recycling rates of C&D waste.

4.4. Excavation waste

The majority of CDEW going to licensed landfills is clean excavation waste.

DCLG⁴⁰ estimated that the total unprocessed clean excavation waste used or disposed of in licensed landfills in England in 2005 was approximately 20,529,000 tonnes. The same report estimated that 9,008,000 tonnes was used for the restoration of mineral workings⁴¹. This clean excavation waste makes up approximately 70% of total C,D&E waste used for restoring mineral workings.

³⁹ It is estimated that 90% of C&D waste can be recycled.

⁴⁰ Department of Communities and Local Government Survey of Arisings and Use of Alternatives to Primary Aggregates in England, 2005: Construction, Demolition and Excavation Waste Table 5.3

⁴¹ Department of Communities and Local Government Survey of Arisings and Use of Alternatives to Primary Aggregates in England, 2005: Construction, Demolition and Excavation Waste Table 5.6

Hence, deposit of such waste on land may not necessarily involve disposal and instead is more likely to be used for beneficial purposes (and so may be classed as 'recovery' if it meets the relevant tests in the Waste Framework Directive), particularly in the restoration of old mineral workings.

Between January 2018 and April 2019, CLA:RE authorised the management of approximately 7 million tonnes of inert material under DoWCoP in London, the south east and east of England. While this material may have previously been used in the restoration of mineral workings, this approach is consistent with the application of the waste hierarchy which identifies waste prevention as the most beneficial approach.

4.5. London's waste

Waste arising in London is planned for by individual London Borough planning authorities or groupings of such authorities. The Local Plans of these boroughs include policies on waste management which must be in general conformity with the London Plan. The London Plan considers all the waste arising in London and apportions a certain quantity of household and commercial and industrial waste to each Borough for forward planning purposes. However, the London Plan does not apportion Construction, Demolition and Excavation Waste.

The current London Plan (March 2016) sets a reuse and recycling target of 95% of construction, demolition and excavation waste by 2020. The GLA's suggested changes to the draft of the New London Plan⁴² (December 2017) includes the same target but suggest a revision such that the target does not include excavation waste because *"it is recognised that the particular characteristics of excavation waste are such that it is extremely difficult to recycle this waste stream"*⁴³.

A report concerned with C, D & E waste⁴⁴ which informs the draft new London Plan indicates that a large proportion of inert waste is recycled or beneficially reused, but that *"in provisioning for future waste management requirements, the disposal of [C, D & E waste] to landfill is however a continuing concern – particularly given the finite landfill void available at existing facilities"*.

The analysis highlights that the majority of C, D & E waste which originates in London and which is destined for landfill, is exported outside the capital for disposal. In particular, *"substantial volumes of London's inert waste are accepted at landfills in the South East and*

⁴² The report of the Examination in Public of the London Plan was published on 8 October 2019. This report concludes that the proposed waste policies in the new London Plan taken together with the changes proposed by GLA during the examination are satisfactory and can be adopted by the Mayor. Adoption of the new London Plan is anticipated in Spring 2020.

⁴³ GLA Early Suggested Changes to the London Plan (Paragraph 9.7.4A)

⁴⁴ Greater London Authority Waste Forecasts & Apportionments – Task 2 May 2017 (Paragraph 2.4)

*East of England*⁴⁵. The report estimates that in 2015, landfills in the South East received 1.5 Mt of inert waste from London (East of England received 2.2 Mt) and assumes that if “disposal rates remain constant at current levels, inert landfills in the South East have capacity adequate for a further 14 years operation”⁴⁶.

This compares to the more pessimistic projections estimated in this JPS (see section 3.2). The report recognises that “disposal of [C, D & E waste] generated in London is therefore also contingent on continuing availability of void at these facilities”⁴⁷. The draft new London Plan (December 2017) notes that “when it is intended to export waste to landfill outside of London, it will be important to show that the receiving authority has the capacity to deal with waste over the lifetime of the development.”⁴⁸

The GLA’s proposed changes are intended to reflect this situation with regard to the London Plan’s target to achieve net self-sufficiency by 2026 through the insertion of the following text:

“The term net self-sufficiency is meant to apply to all waste streams, with the exception of excavation waste. The particular characteristics of this waste stream mean that it will be very challenging for London to provide either the sites or the level of compensatory provision needed to apply net self-sufficiency to this waste stream.”

The changes also propose including an expectation that such material will be put to ‘beneficial use’ with inclusion of a definition of this term as follows:

Beneficial use (excavation waste): The placement of excavation waste to land in a way that

- *provides environmental benefits, particularly through the restoration of priority habitat, flood alleviation or climate change adaptation/mitigation; OR*
- *contributes towards the restoration of landfill sites and mineral workings while*
- *minimising adverse impacts to the environment or communities (for example transport, air quality and other considerations); AND*
- *demonstrating that the waste cannot be recycled or treated and managed in a more sustainable way.*

A target of achieving a minimum of 95% beneficial use of excavation waste is also proposed as an additional target within policy SI7.

5. Planning for London’s Excavation Waste

⁴⁵ Greater London Authority Waste Forecasts & Apportionments – Task 2 May 2017 (Paragraph 2.4.2)

⁴⁶ Greater London Authority Waste Forecasts & Apportionments – Task 2 May 2017 (Paragraph 2.4.2)

⁴⁷ Greater London Authority Waste Forecasts & Apportionments – Task 2 May 2017 (Paragraph 2.4.2)

⁴⁸ The draft new London Plan (Paragraph 9.7.5)

5.1. The London Plan

Non-hazardous excavation wastes, which includes clean inert excavated materials (such as subsoils and clayey materials arising from tunneling), cannot easily be ‘recycled’ but can be put to a beneficial use in engineering operations for example in conjunction with land reclamation or coastal defences. It is possible, and preferred, that such operations take place within London, however for large infrastructure projects⁴⁹ (such as Crossrail 2 and HS2) the significant quantities of excavation waste arising mean that large quantities are likely to be exported for management in neighbouring areas.

5.2. C, D & E waste arising in London

Estimates produced in this report (see Table 3) suggest that 10,367,000 tonnes of C, D & E waste was produced in London in 2017 of which 22% of this total was managed in the South East of England and 12% specifically at landfill facilities in the South East of England (

Table 5).

Table 5 Estimated C, D & E waste arising in London based on reconcile methodology⁵⁰

	Recycling	Treatment and Recovery ⁵¹	Transfer	Disposal to land	Subtotal
Within London	1,400,000	1,219,000	101,000	1,574,000	4,294,000
London to elsewhere	60,000	1,248,000	237,000	2,237,000	3,782,000
London to South East	35,000	819,000	153,000	1,284,000	2,291,000
Total	1,495,000	3,286,000	491,000	5,095,000	10,367,000

⁴⁹ It is suggested that the following quantities of excavation waste have arisen and may arise from the following key infrastructure projects (Source: SLR consulting report (Task 2 - CDEW and Hazardous Waste Forecasts) (May 2017)):

- Crossrail (2009-2018) – 6 million tonnes;
- HS2 (2018-2025) – 19.7 million tonnes;
- Thames Tideway Main Tunnel (2016-2022) – 4.7 million tonnes;
- Northern Line Extension (2016-2020) – 1 million tonnes

⁵⁰ See section 3.1.2

⁵¹ Including recovery to land e.g. use of waste on/in land, backfilling, restoration where this is not classified as landfill
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The exact amount of inert waste exported from London to be managed in the South East in future is not clear. However, data underpinning the new London Plan suggest that overall 10,925,000 tonnes of C, D & E waste will be produced in London in 2030⁵².

Based on this figure and assuming that similar amounts of C, D & E waste are sent to the South East from London approximately 2,414,000 tonnes of C, D & E waste originating in London would require management in the South East of England and approximately 1,353,000 tonnes would require management at landfill facilities in the South East of England.

Table 6 C, D & E waste arising in London which is likely to be managed in the South East of England

	2020	2025	2030	2035
C D & E total arisings in London	10,072,000	10,497,000	10,925,000	11,356,000
Projected to be managed in South East	2,226,000	2,320,000	2,414,000	2,510,000
Projected to be managed as landfill in South East	1,247,000	1,300,000	1,353,000	1,406,000

These values are based on waste reported at facilities permitted by the Environment Agency whereas significant quantities of inert waste can be managed by activities that are exempted from permitting requirements and so actual quantities arising and being managed are likely to be much higher. This is supported by data⁵³ underpinning the new London Plan which notes that material (particularly excavation waste) is loaded to bulk haulage vehicles at the point of arising, and exported directly out of London.

Ongoing reliance on inert landfill facilities in the South East of England in the medium/long term is not possible and it is essential that London meets its recycling targets. In addition, WPAs in the wider south east⁵⁴ may need to prepare a planning policy position that anticipates and accommodates exports of inert excavation waste from London. This may include planning policies that recognise that waste will travel across administrative borders to be managed at one of the nearest appropriate installations.

With the large number of significant infrastructure projects planned in London including HS2, Crossrail2, Vauxhall Nine Elms and Silvertown tunnel construction, it can be expected

⁵² Table C1: Intermediate Projected arisings of Construction, Demolition and Excavation Waste, and Hazardous Waste, SLR consulting report (Task 2 - CDEW and Hazardous Waste Forecasts) May 2017

⁵³ SLR consulting report (Task 2 - CDEW and Hazardous Waste Forecasts) (May 2017) https://www.london.gov.uk/sites/default/files/task_2_-_cdew_and_haz_waste_forecasts.pdf

⁵⁴ 'Wider South East' includes south east and east of England

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that significant quantities of inert waste will be exported to the South East of England for management for some time to come. More information is needed on the type, amount and timing of waste arising from these projects. This information needs to be provided to enable WPAs in the South East of England to ensure capacity is available to manage these waste arisings.

Ongoing dialogue between planning authorities in London and the South East is essential to ensure that excavation waste from London is properly planned for.

6. Best Practice in Planning Policy for Permanent Deposit of Inert Waste on Land

Generally, for deposit of inert waste to land, sites are allocated for mineral extraction in Mineral Local Plans requiring restoration schemes which include some element of inert fill e.g. restoration to agriculture. These sites are listed in Table 4.

However, it is important that Waste Local Plans include appropriate criteria based policies to enable the permanent deposit of waste to land, particularly where this is considered to be recovery e.g. for the timely restoration of mineral workings. This will enable the WPAs to demonstrate how they are allowing for the management of inert waste by its permanent deposit on land.

A criteria based policy approach has been adopted by a number of WPAs in the South East of England for recovery and/or disposal operations involving the permanent deposit of inert waste to land. These policies have been tested at examination and have been found sound. These policies acknowledge that sites for inert landfill facilities may come forward in the future and that policies need to be flexible to deal with any proposals which do come forward.

6.2. Examples of criteria based policy approach

Examples of criteria based policies from adopted Local Plans in the South East of England (Appendix D) are outlined below:

- Policy WMP 8b of the East Sussex Waste and Minerals Local Plan (February 2013)
- Policy CSW 12 of the Kent Minerals and Waste Local Plan (July 2016)
- Policy W8 of the West Sussex Waste Local Plan (April 2014)

7. Conclusions

Inert excavation waste is often not easily recycled but lends itself to beneficial uses involving the permanent deposit of this material. Such uses can be classed as 'recovery' rather than 'disposal', for example, the restoration of mineral voids where it meets the criteria for being

classed as recovery. It is considered that 100% of inert excavation waste that cannot be recycled can be put to some beneficial use and this should be set as a target in plans.

The number and capacity of permitted facilities which involve the permanent deposit of inert waste on land is declining across the South East of England. The available voidspace is under pressure from construction activity in the south east and continued exports of large quantities of inert waste from London.

As a counter balance to the issue of declining void space mentioned above, increased recycling rates of C, D & E waste and lack of suitable material mean that existing void space is taking longer to fill i.e. some quarries are taking longer to restore than expected.

The tension between the need to achieve timely restoration of existing mineral workings and the desire to increase rates of recycling of inert material creates a challenge for waste planning in balancing options to identify optimum approaches.

The tightening of environmental permitting requirements has meant that the permanent deposit of inert material deemed to be waste is more likely to require an environmental permit (either for disposal or recovery). Such permits include a need for more rigorous, and more costly, preparation and management of such sites.

There are severe constraints on the ability of producers of inert excavation waste in London to manage this waste within London and export of such waste for management within the South East will continue for the foreseeable future. However, inert waste arising in London can be used to restore mineral workings in the South East of England and so is not necessarily discouraged. Indeed, the achievement of timely restoration of such development is important and the availability of appropriate material, which may not be produced in sufficient quantities locally, is key to this. However, without replenishment, inert landfill capacity in the South East could be exhausted by as early as 2024. Therefore, capacity provision in the South East should continue to be monitored and will need to be taken into account by WPAs when preparing related planning policy. Such policy should recognise the potential benefits of depositing inert waste associated with development that results in positive outcomes such as a healthier and more attractive environment; flood risk alleviation and nature conservation.

Individual SCGs may be also be prepared between individual WPAs where particular movements of waste requiring deposit of inert waste in a recovery or disposal operation exist which require specific recognition. This is likely to be the case between London Authorities and authorities in the South East in recognition of the unique waste needs of London⁵⁵.

⁵⁵ National Planning Practice Guidance for Waste Paragraph: 043

Several examples of policies from adopted waste local plans in the South East of England are included in Appendix D.

This document sets out technical information as part of a JPS with respect to the management of inert waste in the South East of England. The document is supported by members of SEWPAG at officer level and information on inert landfill will be reviewed and updated annually in the SEWPAG Annual Monitoring Report (AMR).

Appendix A – Controls on activities involving the permanent deposit of inert excavation waste on land

Activity	Source of material	Planning control ⁵⁶ (inc. rationale)	EA permit requirement ⁵⁷	Position within Waste Hierarchy	Landfill Tax liability
Backfilling ⁵⁸ a mineral void for purpose of restoring the land following mineral extraction specified in approved restoration plan	Construction site – clean inert excavation waste C, D, E Waste recycling facility	Waste Planning Authority (WPA)/Minerals Planning Authority (MPA) Planning condition specifying need for restoration of mineral site by backfilling to particular levels (e.g. existing ground or low level) Covered by policy on ‘beneficial use’ of inert waste	Environment Permit (Recovery ⁵⁹) required	Recovery	Specific exemption

⁵⁶ PPG (Waste Chapter Para 002) sets out a list of matters which can be considered as waste operations, including landfill and land raising sites (such as soils to reprofile golf courses). PPG (Waste Chapter Para 048) states that “WPAs should be aware that the continued provision and availability of waste disposal sites, such as landfill, remain an important part of the network of facilities needed to manage England’s waste”.

⁵⁷ Waste exemptions are set out in Schedule 3 of the Environmental Permitting (England and Wales) Regulations 2016

⁵⁸ In the Waste Framework Directive (as amended) “backfilling” means “any recovery operation where suitable non-hazardous waste is used for purposes of reclamation in excavated areas or for engineering purposes in landscaping. Waste used for backfilling must substitute non-waste materials, be suitable for the aforementioned purposes, and be limited to the amount strictly necessary to achieve those purposes”.

⁵⁹ Recovery has a unique legal definition under the Waste Framework Directive and case law has indicated that there must be planning “obligations” or else substitution tests met to demonstrate genuine recovery activity. Recovery sites are sustainable re-use activities and thereby enable beneficial re-use of waste materials. For more details see <https://www.gov.uk/guidance/waste-recovery-plans-and-permits>.

Activity	Source of material	Planning control ⁵⁶ (inc. rationale)	EA permit requirement ⁵⁷	Position within Waste Hierarchy	Landfill Tax liability
Deposit of material within a mineral void or on any land where the main purpose is disposal of surplus material ⁶⁰	Construction site – clean inert excavation waste C, D, E Waste recycling facility	WPA/MPA Covered by policy on inert landfill	Environment Permit (Landfill) required	Disposal	Landfill tax applies at £2/tonne
Deposit of material for use as daily cover on a landfill site	Construction site – clean inert excavation waste C, D, E Waste recycling facility	WPA. The planning permission for the landfill site may include a condition requiring that deposited waste is covered on an ongoing basis to avoid odours, vermin, litter, fly infestations, fires and dust.	The need for cover of deposited to avoid odours and dust material will be stipulated as a condition of the Environment Permit. A permit for disposal may include specific recovery activities for final restoration layers above the cap, but daily	Recovery or disposal	Imported materials used for landfill engineering of basal and side slopes are exempt from LF tax.

⁶⁰ N.B. This scenario is unlikely, as ‘disposal’ of inert waste may not be permitted by planning policy as it may be considered that there is no reason why such waste cannot be managed further up the hierarchy i.e. recovered in some way.

Activity	Source of material	Planning control ⁵⁶ (inc. rationale)	EA permit requirement ⁵⁷	Position within Waste Hierarchy	Landfill Tax liability
			cover and ad hoc engineering materials may be deemed disposal.		

Activity	Source of material	Planning control ⁵⁶ (inc. rationale)	EA permit requirement ⁵⁷	Position within Waste Hierarchy	Landfill Tax liability
Agricultural land raising e.g. to improve drainage	C, D, E Waste recycling facility Construction site – clean inert excavation waste	WPA/MPA Covered by policy on ‘beneficial use’ of inert waste	Land-spreading or land reclamation permit	Recovery	Not applicable

Activity	Source of material	Planning control ⁵⁶ (inc. rationale)	EA permit requirement ⁵⁷	Position within Waste Hierarchy	Landfill Tax liability
Agricultural land raising e.g. to improve drainage	Clean material excavated on site of use and/or specifically sourced for the purpose of the development	Other LPA (not a WPA matter) Development is covered by planning permission for a non-waste development	Not required. Covered by DoWCoP.	Materials re-use (Waste prevention (as the 'material' has been managed in a way that avoids it becoming waste))	Not applicable
Landscape enhancement features/land sculpture	C, D, E Waste recycling facility Construction site – clean inert C D E waste	WPA/MPA - covered by policy on 'beneficial use' of inert waste. Other LPA (not a WPA matter) where activity forms part of a non-waste development (covered by planning permission for the non-waste development).	Environment Permit (Recovery) required Depending on type of inert waste being used and its quantity then the activity may be exempt from the need for an Environment Permit under exemption 'U1' ⁶¹ .	Recovery	Not applicable

⁶¹ U1 (Use of waste in construction) exemption: “*construction*” means the carrying on of building or engineering work which includes the repair, alteration, maintenance or improvement of an existing work and preparatory or landscaping works; U1 allows for management of the following types of inert waste: Waste from mineral non-metalliferous excavation, Waste gravel and crushed rock (with specific exemption), Waste sand and clays, Shellfish shells from which the soft tissue or flesh has been removed, Waste ceramics, bricks, tiles and construction products (after thermal processing), Waste concrete and concrete sludge, Concrete, Bricks, Tiles and ceramics, Mixtures of concrete, bricks, tiles and ceramics (with specific exemption), Dredging spoil (with specific exemption), Track ballast (with specific exemption), Glass, Minerals (for example sand, stones), Aggregates only. There are different thresholds on the quantity of waste that may be used. For more details see <https://www.gov.uk/guidance/waste-exemptions-using-waste>

Activity	Source of material	Planning control ⁵⁶ (inc. rationale)	EA permit requirement ⁵⁷	Position within Waste Hierarchy	Landfill Tax liability
Landscape enhancement features/land sculpture	Clean material excavated on site of use and/or specifically sourced for the purpose of the development	Other LPA (not a WPA matter) Development is covered by planning permission for a non-waste development	Not required. Covered by DoWCoP.	Materials re-use (Waste prevention (as the 'material' has been managed in a way that avoids it becoming waste))	Not applicable

Activity	Source of material	Planning control ⁵⁶ (inc. rationale)	EA permit requirement ⁵⁷	Position within Waste Hierarchy	Landfill Tax liability
Acoustic bunding or bunding to mitigate visual impacts (by hiding) of development	C, D, E Waste recycling facility Construction site – clean inert excavation waste brought to site	WPA/MPA - covered by policy on 'beneficial use' of inert waste. Other LPA (not a WPA matter) where activity forms part of a non-waste development (covered by planning permission for the non-waste development).	Environment Permit (Recovery) required. Depending on type of inert waste being used and its quantity then the activity may be exempt from the need for an Environment Permit under exemption 'U1'.	Recovery	Not applicable

Activity	Source of material	Planning control ⁵⁶ (inc. rationale)	EA permit requirement ⁵⁷	Position within Waste Hierarchy	Landfill Tax liability
Acoustic bunding or bunding to mitigate visual impacts (by hiding) of development	Clean material excavated on site of use and/or specifically sourced for the purpose of the development	Other LPA (not a WPA matter) Development is covered by planning permission for a non-waste development	Not required where bunds are required as part of development. Covered by DoWCoP.	Materials re-use ((Waste prevention (as the 'material' has been managed in a way that avoids it becoming waste))	Not applicable
Creation of features associated with recreational activities such as mounding on golf courses and bunds at rifle ranges.	C, D, E Waste recycling facility Construction site – clean inert excavation waste brought to site	WPA/MPA - covered by policy on 'beneficial use' of inert waste. Other LPA (not a WPA matter) where development is fully purposed and supported by a business plan and supporting evidence for actual use as such, not an aspiration to create a leisure facility but with no true business plan which shows viability of use post deposit	These should be fully purposed and supported by a business plan and supporting evidence for actual use as such, not an aspiration to create a leisure facility but with no true business plan to enable use post deposit. Recovery permit	Recovery	Not applicable
Creation of features associated with recreational activities such as mounding on golf courses and bunds at rifle ranges.	Clean material excavated on site of use and/or specifically sourced for the purpose of the development	Other LPA (not a WPA matter) Development is covered by planning permission for a non-waste development	Not required. Covered by DoWCoP.	Materials re-use ((Waste prevention (as the 'material' has been managed in a way that avoids it becoming waste))	Not applicable

Appendix B – Permanent Deposit of Inert Waste on Land in the South East

Table 7 Summary of inert landfill inputs by site based on the Environment Agency Waste Data (WDI) Interrogator in tonnes

Sites highlighted in yellow are those not matched to a site in the WDI so these may have planning permission but have not started operating

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Herons Nest Landfill	Land at Heron's Nest, Station Road, Theale, Reading	Alan Hadley Ltd.	Berkshire	West Berkshire	35,806	-	-
Moores Farm Quarry	Moores Farm, Pingewood, Reading. RG30 3UH	Caversham Restoration Ltd.	Berkshire	West Berkshire	9,025	26,918	4,791
Kennetholme Quarry	Kennetholme Farm, Bath Road, Midgham, Reading. RG18 9DR	Grundon Waste Management Ltd.	Berkshire	West Berkshire	112,394	89,770	75,485
Copyhold Farm Landfill	Priors Court Road, Curridge RG16 9DR	Raymond Brown Minerals & Recycling Ltd	Berkshire	West Berkshire	37,597	1,966	-

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Hindhay Quarry	Hindhay Quarry, Furze Platt Road, Pinkneys Green, Maidenhead, Ber, SL6 6NL,	Summerleaze Limited	Berkshire	Windsor and Maidenhead	-	-	-
Horton Brook Quarry	Horton, Slough, Berkshire SL3 0LP	Jayflex (Aggregates) Ltd	Berkshire	Slough	195,420	203,355	64,680
Hythe End Farm Landfill	Hythe End Road, Wraysbury TW19 5AW	Charles Morris Fertilizers Limited	Berkshire	Windsor and Maidenhead	-	-	-
Kingsmead Landfill	Kingsmead Landfill, Stanwell Road, Horton, Berkshire, SL3 9PA	Cemex UK Materials Limited	Berkshire	Windsor and Maidenhead	189,762	-	-

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
All Souls Farm Quarry	Wexham Park Lane. Wexham SL3 6LX	Tarmac Ltd	Buckinghamshire	South Buckinghamshire	112,200	57,707	52,541
Beechwood Nurseries Landfill	Farnham Lane, Farnham Royal, Berkshire SL2 3SD	Summerleaze Limited	Buckinghamshire	Slough	103,688	-	-

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Denham Park Farm	Denham Park Farm, Denham Green, Buckinghamshire, UB9 5DL,	Ingrebourne Valley Ltd	Buckinghamshire	South Buckinghamshire	155,612	11,581	86,090
Bleak Hill 1 Landfill Site	Nea Road, Ringwood BH24 3PL	Cemex UK Ltd	Hampshire	New Forest	130,530	43,781	59,515
Kingsley Quarry	Sandybridge Farm, Main Road, Kinglsey, Hants, GU35 9NQ,	Sita U K Limited	Hampshire	East Hampshire	38,731	-	-
Manor Farm Landfill Site	Manor Farm, Tadley RG26 5HW	G. B. Foot Ltd	Hampshire	Basingstoke and Deane	-	-	-
Roke Manor Quarry	Shootash, Romsey, Hampshire, SO51 6GA,	Raymond Brown Minerals And Recycling Limited	Hampshire	Test Valley	-	172,329	149,761
Rookery Farm Landfill	Botley Road, Burridge SO31 1BL	Raymond Brown Eco Bio Limited	Hampshire	Fareham	-	-	-

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Knighton Sandpit Landfill	Newchurch PO36 0NS	Knighton Sandpit Limited	Isle of Wight	Isle of Wight	17,506	9,170	7,830

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Lower Knighton Landfill	Lower Knighton Road, Newchurch PO30 0NS	Reynolds and Read Ltd	Isle of Wight	Isle of Wight	17,506	9,170	7,830
Lynn Pit Landfill	Briddlesford Road, Down End PO30 2PD	Westridge Developments Ltd	Isle of Wight	Isle of Wight	45,403	41,879	49,506
St Georges Down Quarry	Newport, Isle Of Wight, PO30 3BX,	Wight Building Materials Limited	Isle of Wight	Isle of Wight	-	-	-
Allens Bank, Lydd	Allens Bank, Lydd	Brett Aggregates Ltd	Kent	Shepway	-	-	-

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Alpha Lake	Brett Aggregates, North Sea Terminal, Salt Lane, Cliffe, Kent, ME3 7SX,	Brett Aggregates Limited	Kent	Medway	-	-	-
Arnolds Lodge Landfill	Hale Street, East Peckham, Tonbridge TN12 5HL	J Clubb Limited	Kent	Tonbridge and Malling	73,613	72,210	8,082
Borough Green Inert Landfill	Borough Green Sand Pit, Sevenoaks TN15 8HJ	Borough Green Sand Pits Ltd	Kent	Tonbridge and Malling	-	-	-
Borough Green Landfill	Wrotham Road, Sevenoaks TN15 8DN	Robert Body Haulage Limited	Kent	Tonbridge and Malling	349,842	348,609	397,252
Ham Farm Landfill	Ham Road, Faversham ME13 7TS	Brett Aggregates Ltd	Kent	Swale	-	2,737	-

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Hermitage Quarry Inert Landfill	Hermitage Lane, Maidstone ME16 9NT	Gallagher Aggregates Limited	Kent	Tonbridge and Malling	355,578	214,676	327,715
Perry's Farm	Grain Road, Isle of Grain, Rochester ME3 0AW	J Clubb Limited	Kent	Medway	-	-	-
Stone Pit II, Dartford	St James Lane, Stone, Dartford DA9 9DT	Seer Restoration Ltd	Kent	Dartford	221,522	425,398	283,066
Wrotham Quarry At Addington	Wrotham Quarry, Trottiscliffe Road, Addington Wrotham, Kent, ME19 5DL,	Ferns Surfacing Limited	Kent	Tonbridge and Malling	-	-	-
EWELME 2	Wallingford OX10 6PJ	S Grundon (Waste) Ltd	Oxfordshire	South Oxfordshire	1	1,118	37
Shellingford Quarry Landfill	Stanford-in-the-Vale SN7 8HE	Multi - Agg Limited	Oxfordshire	Vale of White Horse	127,015	79,051	122,816

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Shipton Quarry	Shipton Quarry, Shipton On Cherwell, Oxfordshire, OX5 3EL,	Alan Hadley Limited	Oxfordshire	Cherwell	177,358	173,073	205,566
Upwood Quarry	Upwood Quarry, Besselsleigh, Abingdon, Oxfordshire, OX13 5DW,	Hills Quarry Products Limited	Oxfordshire	Vale of White Horse	30,715	112,843	79,141
Woodeaton Quarry	Mckenna Environmental Limited, Woodeaton Quarry, Noke, Woodeaton, Oxfordshire, OX3 9TJ,	Mckenna Environmental Limited	Oxfordshire	Cherwell	61,860	-	-

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Addlestone Quarry Landfill	Addlestone Quarry, Byfleet Road, Weybridge KT15 3LA	RMC MATERIALS LTD	Surrey	Runnymede	54,036	38,343	88,336
Alton Road Sand Pit	Alton Road Sand Pit, Alton Road, Wrecclesham, Farnham, Surrey, GU10 5EL,	Earthline Limited	Surrey	Waverley	127,427	-	-

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Betchworth Sand Quarry Landfill	Reigate Road Quarry, Reigate Road, Betchworth RH3 7HB	J & J Franks Ltd	Surrey	Reigate and Banstead	165,227	193,087	147,001
Homefield Landfill Site	Homefield Sandpit, Guildford Road, Farnham GU10 1PG	Chambers Runfold Plc	Surrey	Waverley	26,807	25,247	57,537
Laleham Quarry	Littleton Lane, Shepperton TW17 0NF	Brett Aggregates Limited	Surrey	Spelthorne	-	240,538	232,263
Mercers South	Nutfield		Surrey	Tandridge	14,470	-	83,263
Oxted Quarry Landfill	Chalk Pit Lane, Oxted RH8 0QW	Southern Gravel Limited	Surrey	Tandridge	143,455	-	4,783
Oxted Sandpit	Barrow Green Road		Surrey	Tandridge	-	-	-

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
stanwell III landfill	Staines TW19 7XT	Cappagh Public Works Limited	Surrey	Spelthorne	6,048	14,450	21,796
Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Stock Farm Stone Quarry	Hyde Lane, Farnham GU10 2LP	TJ Landfill	Surrey	Waverley	46,606	-	-
Boxgrove Landfill	Tinwood Lane, Earham, Chichester, West Sussex, PO18 0NB	Inert Waste Recycling Limited	West Sussex	Chichester	181,722	-	56,961
Pendean Landfill	Oaklands Lane, Midhurst GU29 0ER	Cemex UK Materials Limited	West Sussex	Chichester	65,687	98,283	50,732
Rudgwick Landfill Site	Rudgwick Brickworks, Lynwick Street, Rudgwick, West Sussex, RH12 3DH	Restoration to Agriculture Ltd	West Sussex	Horsham	202,219	-	-
Subtotal					3,632,38	2,707,289	2,724,376

Appendix C – Inert landfill Capacity in the South East

Table 8 Remaining void for inert landfill facilities in the South East of England based on Environment Agency returns for remaining void space (updated by MPA)

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Copyhold Farm Landfill	Priors Court Road, Curridge RG16 9DR	Raymond Brown Minerals & Recycling Ltd	Berkshire	West Berkshire	2,000	5,530	5,530
Hindhay Quarry	Hindhay Quarry, Furze Platt Road, Pinkneys Green, Maidenhead, Ber, SL6 6NL,	Summerleaze Limited	Berkshire	Windsor and Maidenhead	-	250,000	250,000
Horton Brook Quarry	Horton, Slough, Berkshire SL3 0LP	Jayflex (Aggregates) Ltd	Berkshire	Slough	811,600	747,000	623,318
Hythe End Farm Landfill	Hythe End Road, Wraysbury TW19 5AW	Charles Morris Fertilizers Limited	Berkshire	Windsor and Maidenhead	60,000	60,000	60,000
Kingsmead Landfill	Kingsmead Landfill, Stanwell Road, Horton, Berkshire, SL3 9PA	Cemex UK Materials Limited	Berkshire	Windsor and Maidenhead	4,340,000	4,340,000	4,340,000

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
All Souls Farm Quarry	Wexham Park Lane. Wexham SL3 6LX	Tarmac Ltd	Buckinghamshire	South Buckinghamshire	69,000	39,819	30,815
Beechwood Nurseries Landfill	Farnham Lane, Farnham Royal, Berkshire SL2 3SD	Summerlease Limited	Buckinghamshire	Slough	-	400,000	352,500

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Denham Park Farm	Denham Park Farm, Denham Green, Buckinghamshire, UB9 5DL,	Ingrebourne Valley Ltd	Buckinghamshire	South Buckinghamshire	1,888,419	1,802,329	1,646,717
Bleak Hill 1 Landfill Site	Nea Road, Ringwood BH24 3PL	Cemex UK Ltd	Hampshire	New Forest	992,578	1,626,479	1,495,949
Kingsley Quarry	Sandybridge Farm, Main Road, Kinglsey, Hants, GU35 9NQ,	Sita U K Limited	Hampshire	East Hampshire	-	140,000	109,016

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Manor Farm Landfill Site	Manor Farm, Tadley RG26 5HW	G. B. Foot Ltd	Hampshire	Basingstoke and Deane	223,000	223,000	223,000
Roke Manor Quarry	Shootash, Romsey, Hampshire, SO51 6GA,	Raymond Brown Minerals And Recycling Limited	Hampshire	Test Valley	-	-	551,200
Rookery Farm Landfill	Botley Road, Burridge SO31 1BL	Raymond Brown Eco Bio Limited	Hampshire	Fareham	879,885	879,885	879,885
Knighton Sandpit Landfill	Newchurch PO36 0NS	Knighton Sandpit Limited	Isle of Wight	Isle of Wight	347,298	352,933	356,562
Lower Knighton Landfill	Lower Knighton Road, Newchurch PO30 0NS	Reynolds and Read Ltd	Isle of Wight	Isle of Wight	203,127	195,610	178,104

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Lynn Pit Landfill	Briddlesford Road, Down End PO30 2PD	Westridge Developments Ltd	Isle of Wight	Isle of Wight	Closed	28,270	28,270
St Georges Down Quarry	Newport, Isle Of Wight, PO30 3BX,	Wight Building Materials Limited	Isle of Wight	Isle of Wight	-	-	300,000
Allens Bank, Lydd	Allens Bank, Lydd	Brett Aggregates Ltd	Kent	Shepway	-	-	Pre-operational
Alpha Lake	Brett Aggregates, North Sea Terminal, Salt Lane, Cliffe, Kent, ME3 7SX,	Brett Aggregates Limited	Kent	Medway	-	-	Pre operational
Arnolds Lodge Landfill	Hale Street, East Peckham, Tonbridge TN12 5HL	J Clubb Limited	Kent	Tonbridge and Malling	19,418	15,000	50,000
Borough Green Inert Landfill	Borough Green Sand Pit, Sevenoaks TN15 8HJ	Borough Green Sand Pits Ltd	Kent	Tonbridge and Malling	170,035	860,000	781,150

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Borough Green Landfill	Wrotham Road, Sevenoaks TN15 8DN	Robert Body Haulage Limited	Kent	Tonbridge and Malling	2,293,793	2,171,493	1,974,881
Ham Farm Landfill	Ham Road, Faversham ME13 7TS	Brett Aggregates Ltd	Kent	Swale	115,000	115,000	115,000 (site now restored)
Hermitage Quarry Inert Landfill	Hermitage Lane, Maidstone ME16 9NT	Gallagher Aggregates Limited	Kent	Tonbridge and Malling	324,467	870,828	693,039 ⁶²
Perry's Farm	Grain Road, Isle of Grain, Rochester ME3 0AW	J Clubb Limited	Kent	Medway	50,000	50,000	50,000
Stone Pit II, Dartford	St James Lane, Stone, Dartford DA9 9DT	Seer Restoration Ltd	Kent	Dartford	1,309,084	1,001,541	735,516

⁶² KCC data suggests 8.6 million based on information provided by operator

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Wrotham Quarry At Addington	Wrotham Quarry, Trottiscliffe Road, Addington Wrotham, Kent, ME19 5DL,	Ferns Surfacing Limited	Kent	Tonbridge and Malling	-	-	Pre operational
Bowling Green Farm	Stanford in the Vale	Hills Quarry Products	Oxfordshire	Vale of White Horse	-	-	950,000
Gill Mill Quarry	Ducklington	Smiths of Bletchington	Oxfordshire	West Oxfordshire	1250000	1,250,000	950, 000
Caversham Quarry	Eye & Dunsden	Lafarge Ltd	Oxfordshire	South Oxfordshire	860000	860,000	860,000
EWELME 2	Wallingford OX10 6PJ	S Grundon (Waste) Ltd	Oxfordshire	South Oxfordshire	133,300	133,300	133,300

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Shellingford Quarry Landfill	Stanford-in-the-Vale SN7 8HE	Multi - Agg Limited	Oxfordshire	Vale of White Horse	1,750,000	1,630,000	1,561,343
Shipton Quarry	Shipton Quarry, Shipton On Cherwell, Oxfordshire, OX5 3EL,	Alan Hadley Limited	Oxfordshire	Cherwell	1,850,000	1,740,000	1,644,131
Upwood Quarry	Upwood Quarry, Besselsleigh, Abingdon, Oxfordshire, OX13 5DW,	Hills Quarry Products Limited	Oxfordshire	Vale of White Horse	415,000	353,304	339,455
Woodeaton Quarry	Mckenna Environmental Limited, Woodeaton Quarry, Noke, Woodeaton, Oxfordshire, OX3 9TJ,	Mckenna Environmental Limited	Oxfordshire	Cherwell	-	-	400,000
Addlestone Quarry Landfill	Addlestone Quarry, Byfleet Road, Weybridge KT15 3LA	RMC MATERIALS LTD	Surrey	Runnymede	679,916	615,058	551,145
Alton Road Sand Pit	Alton Road Sand Pit, Alton Road, Wrecclesham, Farnham, Surrey, GU10 5EL,	Earthline Limited	Surrey	Waverley	-	2,593,000	2,524,000

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Betchworth Sand Quarry Landfill	Reigate Road Quarry, Reigate Road, Betchworth RH3 7HB	J & J Franks Ltd	Surrey	Reigate and Banstead	439,000	389,000	200,000
Homefield Landfill Site	Homefield Sandpit, Guildford Road, Farnham GU10 1PG	Chambers Runfold Plc	Surrey	Waverley	1,373,265	1,146,623	1,102,992

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Laleham Quarry	Littleton Lane, Shepperton TW17 0NF	Brett Aggregates Limited	Surrey	Spelthorne	979,000	979,000	979,000
Mercers South	Nutfield		Surrey	Tandridge	-	-	-
Oxted Quarry Landfill	Chalk Pit Lane, Oxted RH8 0QW	Southern Gravel Limited	Surrey	Tandridge	2,386,475	2,381,692	2,238,824

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Oxted Sandpit	Barrow Green Road		Surrey	Tandridge	-	-	-
stanwell III landfill	Staines TW19 7XT	Cappagh Public Works Limited	Surrey	Spelthorne	113,439	101,154	101,154
Stock Farm Stone Quarry	Hyde Lane, Farnham GU10 2LP	TJ Landfill	Surrey	Waverley	33,800	33,800	22,025
Boxgrove Landfill	Tinwood Lane, Eartham, Chichester, West Sussex, PO18 0NB	Inert Waste Recycling Limited	West Sussex	Chichester	640,000	417,078	417,078
Pendean Landfill	Oaklands Lane, Midhurst GU29 0ER	Cemex UK Materials Limited	West Sussex	Chichester	-	-	-

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
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Rudgwick Landfill Site	Rudgwick Brickworks, Lynwick Street, Rudgwick, West Sussex, RH12 3DH	Restoration Agriculture Ltd	to West Sussex	Horsham	580,071	270,732	246,000
Subtotal					27,581, 970	31,068,458	30,100,899

Appendix D – Examples of criteria based policies

Example 1: Policy WMP 8b of the East Sussex Waste and Minerals Local Plan (February 2013)

Deposit of Inert Waste on Land for Beneficial Uses

Proposals for the deposit of only inert waste on land will be permitted, subject to other policies of the Development Plan for the area, where relevant, where it is demonstrated that the proposal:

- a. conforms with Policy WMP 8a (a, c, d); and
- b. is an engineering operation such as that which forms part of a comprehensive scheme for restoration of suitable previously developed land or minerals sites; or
- c. significantly enhances other development or its setting; or
- d. would result in appropriate measurable improvement to the use or operation of agricultural and/or forestry land; and
- e. the resulting final landform, landscape and afteruse enhances the environment and is sympathetic to the land uses, landscape, visual amenity and nature conservation interests of the site and the surrounding area including its landscape character; and the minimum volume of inert material is used to achieve necessary improvements; and
- f. where appropriate, the proposal includes ancillary on-site facilities for the recovery of the waste which can be managed by methods further up the waste hierarchy.

Example 2: Policy CSW 12 of the Kent Minerals and Waste Local Plan (July 2016)

Inert Waste Management in Kent

Planning permission for the disposal of inert waste will be granted where:

1. it can be demonstrated that the waste cannot be managed in a more sustainable way
2. it is for the restoration of landfill sites and mineral workings
3. environmental benefits will result from the development, in particular the creation of priority habitat
4. that sufficient material is available to restore the site within agreed timescales
5. the proposal avoids causing unacceptable adverse impacts to the environment or communities

Example 3: Policy W8 of the West Sussex Waste Local Plan (July 2013)

Recovery Operations involving the Depositing of Inert Waste to Land

Proposals for recovery operations involving the depositing of inert waste to land (including for the continuation in duration, or the physical extension of, existing operations) will be permitted provided that:

- (a) the proposal results in clear benefits for the site and, where possible, the wider area;
- (b) the material to be used is only residual waste following recycling and/or recovery or it is a waste that cannot be recycled or treated;
- (c) there is a genuine need to use the waste material as a substitute for a non-waste material that would otherwise have to be used;
- (d) the material to be reused is suitable for its intended use;
- (e) the amount of waste material to be used is no more than is necessary to deliver the benefits identified under (a);
- (f) there would be no unacceptable impact on natural resources and other environmental constraints;
- (g) the proposal accords with Policy W13 (Protected Landscapes);
- (h) any important mineral reserves would not be sterilised; and
- (i) restoration of the site to a high quality standard would take place in accordance with Policy W20.

Appendix E - Glossary

Term	Definition
Aggregates	A basic material used in construction and principally consist of primary aggregates – sand, gravel and crushed rock. In addition, some recycled and secondary materials are used for construction purposes. These include construction, demolition and excavation (C, D & E) waste, bituminous materials such as road planings, mineral wastes such as colliery spoil and slate waste, other industrial wastes including pulverised fuel ash and blast furnace slag.
Biodegradable Waste	Waste that is able to decompose through the action of bacteria or other microbes, including materials such as paper, food waste and garden waste.

Term	Definition
Catchment	The geographical area served by a particular waste management activity. This will vary according to the adequacy of transport links and the economics of transporting different types of waste.
Circular Economy	A circular economy is an alternative to a traditional linear economy (make, use, dispose) in which we keep resources in use for as long as possible, extract the maximum value from them whilst in use, then recover and regenerate products and materials at the end of each service life.
Construction, Demolition and Excavation (CD&E) Waste	The combined waste produced from earth moving activities, demolition of existing buildings/structures and construction of new buildings/structures. It mostly comprises brick, concrete, hardcore, subsoil and topsoil, but can also include timber, metals and plastics.
Department for Environment, Farming and Rural Affairs (DEFRA)	The UK government department responsible for policy and regulations on environmental (including waste management), food and rural issues.
Development Plan	The development plan has statutory status as the starting point for decision making. Section 38(6) of the <i>Planning and Compulsory Purchase Act 2004</i> and Section 70(2) of the TCPA 1990 require that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For waste proposals within Surrey the development plan comprises waste development plan documents and local plans and development plan documents as prepared by the Districts and Boroughs of the County as well as neighbourhood plans.
Development Plan Documents (DPDs)	These are planning policy documents which make up the Local Plan. Development plan documents include the core strategy, site-specific allocations of land and, where needed, area action plans. There will also be an adopted policies map which illustrates the spatial extent of policies that must be prepared and maintained to accompany all DPDs.
Disposal	Disposal means any waste management operation which is not 'recovery' even where the operation has a secondary consequence, the reclamation of substances or energy.
Duty to Cooperate (DtC)	A legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local and Marine Plan preparation in the context of strategic cross boundary matters. Waste management is considered to be a strategic cross boundary matter.

Term	Definition
Hazardous waste	<p>Controlled waste that is dangerous or difficult to treat, keep, store or dispose of, so that special provision is required for dealing with it. Hazardous wastes are the more dangerous wastes and include toxic wastes, acids, alkaline solutions, asbestos, fluorescent tubes, batteries, oil, fly ash (flue ash), industrial solvents, oily sludges, pesticides, pharmaceutical compounds, photographic chemicals, waste oils, wood preservatives. If improperly handled, treated or disposed of, a waste that, by virtue of its composition, carries the risk of death, injury or impairment of health, to humans or animals, the pollution of waters, or could have an unacceptable environmental impact. It should be used only to describe wastes that contain sufficient of these materials to render the waste as a whole hazardous within the definition given above.</p> <p>Defined in the Hazardous Waste (England and Wales) Regulations 2005 (as amended).</p>
Household waste	<p>This is waste from a domestic property, caravan, and residential home or from premises forming part of a university or school or other educational establishment and premises forming part of a hospital or nursing home.</p>
Inert waste	<p>Inert waste means waste that does not undergo any significant physical, chemical or biological transformations. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health. The total leachability and pollutant content of the waste and the ecotoxicity of the leachate must be insignificant, and in particular not endanger the quality of surface water and/or groundwater¹.</p> <p>Non-inert (including non-hazardous) waste is all other waste other than as identified above.</p>
Landfill and Landraise	<p>The term landfill relates to waste disposal mainly below ground level (by filling a void) whereas landraise refers to waste disposal mainly above pre-existing ground levels. They are generally the least preferred method of waste management.</p>
Local Plan	<p>The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. Current core strategies or other planning policies, which under the regulations would be considered to be development plan documents, form part of the Local Plan. The term includes old policies which have been saved under the 2004 Act.</p>
Ministry of Housing Communities and Local Government (MHCLG)	<p>The government department responsible for the planning system and creating national planning policy and guidance.</p>
National Planning Policy Framework (NPPF)	<p>The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. Amongst other things it sets out the Government's policy on preparing Local Plans.</p>

Term	Definition
National Planning Policy for Waste (NPPW)	Adopted in October 2014, this document sets out the government's detailed waste planning policies.
Net self-sufficiency	To provide enough waste management facilities to manage the equivalent amount of waste arising within the Plan Area.

Term	Definition
Non-inert Waste	This is a waste that will biodegrade or decompose, releasing environmental pollutants. Examples include: wood and wood products, paper and cardboard, vegetation and vegetable matter, leather, rubber and food processing wastes.
Other Recovery	'Other Recovery' is not specifically defined in the revised Waste Framework Directive, although 'energy recovery' is referenced as an example. It can be assumed by their exclusion in the definition of recycling, that processing of wastes into materials to be used as fuels or for backfilling can be considered 'other recovery'.
Pollution	Anything that affects the quality of land, air, water or soils, which might lead to an adverse impact on human health, the natural environment or general amenity. Pollution can arise from a range of emissions, including smoke, fumes, gases, dust, steam, odour, noise and light.
Planning Practice Guidance (PPG)	Government guidance intended to assist practitioners in interpreting the National Planning Policy Framework.
Recovery	Recovery means any waste management operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.
Recovery to Land	This is considered to be the use of inert material for a genuine beneficial use such as landscape and/or amenity improvements.
Recycling	Recycling means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. Includes the reprocessing of organic material but not energy recovery or the reprocessing into materials that are to be used as fuels or for backfilling operations.
Residual waste	The elements of the waste streams that remain following recovery operations. Residual waste usually needs to be managed by disposal e.g. landfill.

Term	Definition
Restoration	Process of returning a site or area to its former or future use following mineral extraction. It includes processes that take place before and during mineral extraction (stripping and protection of soils) and operations after extraction up until the after-use is established on the site.
Reuse	The commercial sector can reuse products designed to be used a number of times, such as reusable packaging. Household items can be refillable containers or reuse plastic bags. Reuse contributes to sustainable development and can save raw materials, energy and transport costs.
Site Waste Management Plan	<p>A plan which sets out how resources will be managed and waste controlled at all stages of a construction project, including:</p> <ul style="list-style-type: none"> • What types of waste will be generated. • How the waste will be managed. • Which contractors will be used to ensure the waste is correctly recycled or disposed of responsibly and legally.
Tonne	Metric Ton. 1000 kilos, equal to 2004 lbs.
tpa	Tonnes per annum.
mtpa	Million tonnes per annum.
Waste	Any substance or object that the holder or the possessor either discards or intends or is required to discard.
Waste arisings	This is the amount of waste produced in a given area during a given period of time, usually reported as tonnes per annum (tpa).
Waste Framework Directive (WFD)	An EU Directive which provides the overarching legislative framework for the collection, transport, recovery and disposal of waste. It defines certain terms, such as 'waste', 'recovery' and 'disposal' to ensure that a uniform approach is taken across the EU.
Waste hierarchy	A concept devised by the Waste Framework Directive (2008/98/EC) conveying waste management options in order of preference; waste prevention (most preferred) followed by reduction, recycling, recovery and disposal (least preferred).

Term	Definition
Waste Management Industry	This comprises businesses and not-for-profit organisations carrying out the collection, treatment and disposal of waste.
Waste Planning Authority (WPA)	The local authority responsible for waste development planning and control. These are unitary authorities, including National Park Authorities, and county councils in non-unitary areas.
Waste streams	Waste produced by different sectors and with different composition such as 'commercial and industrial' or 'hazardous'.
Waste Transfer	Process where waste is taken from waste producers, and taken for treatment, recycling and/or disposal.
Waste Transfer Station (WTS)	Part of waste transfer network which enables materials to be sorted and organised before being sent on for final processing.