

NORTH WALES REGIONAL WASTE PLAN REVIEW

DRAFT HAZARDOUS WASTE SUPPLEMENT:

REPORT OF CONSULTATION

North Wales Regional Waste Group

December 2005

Hazardous Waste Supplement: Report of Consultation

1. Introduction

- 1.1 This report sets out (i) the responses received and (ii) proposed changes to the consultation on the 'Hazardous Waste Supplement: Draft for Consultation' (October 2005). While comments were invited on any part of the Supplement, in order to guide the responses received, a series of questions were asked as part of the consultation exercise (see Appendix 1). All responses have been analysed and summarized in this report including those which did not correspond to the questionnaire format.
- 1.2 The six week consultation, which commenced Friday 14th October 2005 and ended on Friday 25th November 2005, forms part of a wider review of the Regional Waste Plan to be completed by 31st March 2007. 92 organisations were identified as having a stakeholder interest in hazardous waste matters, and received a copy of the consultation draft and questions. The same documents were also made available to the wider public on a dedicated section of the Regional Waste Plan website, which invited comments from any interested parties. A full list of stakeholders consulted is provided in Appendix 2.

2. Responses Received

- 2.1 A total of 3 responses were received during the consultation period (the main response came from EAW with multiple comments). These were from:

	Respondent Number
Environment Agency Wales	1
Snowdonia National Park	2
Chartered Institute of Waste Management (CIWM)	Made no comments

- 2.2 Further responses have subsequently been received from Flintshire County Council (Respondent Number 3). These comments however were not received within the specified consultation period. Whilst the comments are incorporated into this report, it is necessary for the Regional Technical Group to consider and agree whether such late comments are to be given due consideration.
- 2.3 All comments received appear in this report in a summarized form and are dealt with in the order of the Supplement paragraph numbers to which they relate. Respondent Numbers (RN) are noted against the comments. The full text of all responses received is available on request.

Para	RN	Comment Received	Recommended Response
All	1	EAW is disappointed that the HWS adds little to the already published Regional Waste Plan.	<p>WAG has identified a need to supplement the content of the RWP in relation to hazardous waste. Accordingly, the HWS updates and builds upon the relevant parts of the RWP where possible. EAW does not specify what it expects to see by way of additions/changes.</p> <p>No proposed changes.</p>
All	1	EAW agrees that risk assessment is part of the process but considers that clearer guidance could be provided with more detailed consideration of the issue.	<p>It is agreed that clearer guidance is needed on the implications of risk assessment for the planning process. Regional Waste Group unable to undertake that exercise.</p> <p>No proposed changes.</p>
All	1	The North Wales Supplement on hazardous waste makes many references to the lack of clarity in respect of the need for facilities as a result of uncertainty regarding quantities. EAW considers that as this part of the Regional Waste Plan is not requiring numbers of facilities to be identified and therefore the issue of uncertainty is not relevant to the provision of guidance on locational criteria.	<p>Comment noted.</p> <p>Comment requires clarification – 2 separate points: - uncertainty regarding quantities - locational criteria. These aspects are covered later.</p> <p>No proposed changes.</p>
All	1	The definition of hazardous waste has changed bringing in a wider range of materials that are not currently classified as hazardous. This is referred to in the text but no criteria separation between the different types of hazardous waste is given nor is any clarification given to the previously published plan which did not give enough planning guidance for this waste stream.	<p>Paragraphs 3.1 and 3.2 of the HWS discuss the change in the definition of hazardous waste.</p> <p>Detailed data on hazardous waste arisings is included in the new section ‘Background – Data on Hazardous Waste’.</p> <p>The HWS addresses the land-use planning issues in as robust and comprehensive a manner as is reasonably possible by:</p> <ul style="list-style-type: none"> - examining the existing controls of the land-use planning system and their implications; - discussing the need for, merits, desirability and achievability of, establishing locational criteria specific to each generic facility type; and - establishing locational criteria generic to all facility types. <p>No proposed changes.</p>

All	1	<p>The data for hazardous waste generation is referred to in the text [but no] reference is given to breakdown into waste types. The detailed information on the different waste types is published by the Environment Agency on its website, through the hazardous waste interrogator for each year and EAW considers that the supplement would benefit from a more detailed analysis of the available information.</p> <p>Also more details on the activity of industry in terms of minimisation or reclassification would be beneficial to the document.</p>	<p>Detailed data on hazardous waste arisings as sought in the response is included in the new section 'Background – Data on Hazardous Waste' and Appendix A.</p> <p>No proposed changes.</p>
All	1	<p>Whilst the document refers to facilities for hazardous waste treatment, transfer and thermal treatment as 'footloose', some additional tentative guidance is given on types of locations that might be suitable for transfer stations, this guidance could be firmer and more detailed. The Regional waste Plans are not required to indicate actual locations for hazardous waste facilities but general locational criteria that will guide future proposals for hazardous waste treatment and disposal facilities. EAW considers that this objective has not been fully met by the document published for consultation. EAW also considers that the document does not provide a clear solution for organizations seeking to locate facilities for hazardous waste treatment or disposal or planning authorities seeking to produce local policies.</p>	<p>The HWS addresses the land-use planning issues in as robust and comprehensive a manner as is possible by:</p> <ul style="list-style-type: none"> - examining the existing controls of the land-use planning system and their implications; - discussing the need for, merits, desirability and achievability of, establishing locational criteria specific to each generic facility type; and - establishing locational criteria generic to all facility types. <p>No proposed changes.</p>
All	1	<p>EAW considers that there is sufficient detail on capacity of waste management facilities through the waste management licensing system and will be providing data on the capacity of all licensed facilities in time for the Review of the Regional Waste Plan.</p> <p>EAW considers that planning permissions should contain a capacity limit for each facility as this has a bearing on planning issues such as traffic.</p>	<p>Comment noted.</p> <p>Agreed – awaiting:</p> <ul style="list-style-type: none"> - Further data from EAW - WAG to issue standard request forms for LPAs to complete.
All	1	<p>EAW considers that considerably more work is required to deliver guidance on appropriate criteria for location of hazardous waste management facilities. Given the position of Wales in terms of lack of regional self-sufficiency in relation to hazardous waste management and the application of the proximity principle this Regional Waste Plan Hazardous Waste Supplement requires review. EAW suggests that the lead authority should negotiate additional time with the Welsh Assembly Government, with whom they have a contract to deliver this work, to deliver these</p>	<p>The HWS addresses these issues in as robust and comprehensive a manner as is possible by:</p> <ul style="list-style-type: none"> - examining the existing controls of the land-use planning system and their implications; - discussing the need for, desirability and achievability of, establishing locational criteria specific to each generic facility type; and

		requirements.	<p>- establishing locational criteria generic to all facility types.</p> <p>To investigate and research this further arriving at the more detailed guidance sought requires considerable time and technical / scientific expertise which is beyond the competence and resources available to Waste Plan Regional Co-ordinators.</p> <p>Matter for WAG to consider</p>
All	3	<p>The overall conclusion of the supplement is that there is insufficient information available to permit adequate forecasting of ... the types, capacities and locations of new facilities likely to be needed. This does not assist LPAs in producing policies ... relating to hazardous waste storage, treatment, transfer or disposal. Public reaction towards proposals for waste facilities in general is negative and such proposals require the positive support of regional and local policy. Failure to provide such support in the review of the NWRWP will prejudice the ability of the LPAs in the Region to deliver planning permissions for new facilities.</p>	<p>The HWS addresses these issues in as robust and comprehensive a manner as is possible by:</p> <ul style="list-style-type: none"> - examining the existing controls of the land-use planning system and their implications; - discussing the need for, desirability and achievability of, establishing locational criteria specific to each generic facility type; and - establishing locational criteria generic to all facility types. <p>To investigate and research further arriving at the more detailed guidance sought requires considerable time and technical / scientific expertise which is beyond the competence and resources available to Waste Plan Regional Co-ordinators. This is a matter for WAG to consider.</p>
All	3	<p>The Regional Waste Plan should be pitched at a level of broad policy statements and a steer to what facilities are likely to be required and set out broad locational criteria to facilitate necessary waste development proposals coming to fruition. The level of detail within the draft hazardous waste supplement perhaps exceeds that which is necessary for a regional plan.</p>	<p>Comment noted.</p> <p>Again the issues of uncertainty and commercial viability make broad policy statements fairly futile and specific allocations impossible.</p>
2.1	3	<p>The parties named should include the public.</p>	<p>The HWS is intended to be an aid to developers and LAs, by providing guidance on relevant issues and procedures, rather than an informative document for the public.</p> <p>No proposed changes.</p>
3.2	3	<p>Second bullet point; replace 'licenced' with</p>	<p>Proposed change - text amended.</p>

		'permitted'.	
3.4	3	WAC has applied since 16 July 2005.	Proposed change – text amended to read 'has applied'.
3.5	3	Line 3 ... regulations implemented in July 2005 ...	Proposed changes – text amended.
4.2	3	The conclusion that 3 LAs have already met the target is not justified. It can only be said that at the time that Table 1A was produced the three LAs were on course to meet the target.	Comment noted. Proposed changes – amend text to read 'three LAs ... are on course to meet the target'.
5.5	3	If a development is EIA development, then Permitted Development rights are extinguished ... The conclusion is that the comments in 5.5 and 5.5 (duplicated paragraphs, different content) and Appendix C are open to challenge, and in particular the second bullet point of the first para 5.5 which states that planning permission is not required for a change of use within an existing building or site ...	This apparent anomaly is being examined elsewhere as to its validity. Will await the outcome. No proposed changes.
5.6	3	We understand that CLOPUD is currently under challenge in the European Court on the grounds that it is development consent and requires EIA.	Comment noted at this stage. No proposed changes.
6.5	3	Other problems associated with CA sites include litter, vermin, odour and crime. Note that the paragraph formatting has gone awry and this refers to the second paragraph 6.5.	Proposed changes – insert '... litter, vermin, odour and crime' and amend paragraph numbering.
6.9	1	a) EAW agrees that locational criteria for hazardous waste transfer may be different between types of hazardous waste and it would not be impossible to produce different criteria for different types of hazardous waste. b) However, hazardous waste has a very detailed definition through the list of wastes and EAW considers that it could be separated into types of waste where the risks are perceived as being similar to non hazardous and those where additional planning safeguards should be put in place. It would therefore be possible to provide guidance on the different types of locations for the different types of transfer stations.	a) Comment noted. b) In light of the conclusions in para 5.11 of the HWS, as well as points above, there would be very little benefit in conducting such an exercise. No proposed changes.
6.9	2	It is agreed that a risk assessment should be carried out for any proposals for transfer stations handling hazardous waste.	Comment noted.
6.9	3	Full assessment of environmental effects should be carried out for any facility dealing with hazardous waste, or any other wastes.	Agreed. No proposed changes.
6.10/6.20	3	Delete the last sentence "footloose", because the same can be applied to the location of any waste facility, whether serving a local or regional market.	Amendment not necessary. No proposed changes.

6.11	2	It is generally agreed that it would be neither meaningful nor possible to establish more detailed locational criteria for hazardous waste transfer stations, although generic guidance would be useful.	<p>Comment noted.</p> <p>To investigate and research further arriving at the more detailed guidance sought requires considerable time and technical / scientific expertise which is beyond the competence and resources available to Waste Plan Regional Co-ordinators. This is a matter for WAG to consider.</p>
6.11	3	The handling, keeping and storage of certain hazardous wastes may introduce the risk of significant hazards in the event of accident, such as spillages, releases, and fire, which could render the location incompatible with other industrial uses, especially those that are manufacturing or handling “sensitive” products. Again, remove reference to “footloose”.	<p>Comment noted.</p> <p>Amendment not necessary.</p> <p>No proposed changes.</p>
6.15	1	<p>a) EAW does not agree that general locational criteria cannot be improved upon in relation to hazardous waste treatment facilities. EAW considers that locational criteria for facilities that treat for example cathode ray tubes may need to be different to those required for treatment of acids. But, with reference to the list of wastes, it would be possible to provide generic locational criteria for different types of facilities treating the different types of waste.</p> <p>b) EAW considers that local issues would need to be addressed within each authority in relation to their Unitary Development Plan or Local Development Plan and their implementation of the guidance within the Regional Waste Plan.</p>	<p>a) The HWS addresses these issues in as robust and comprehensive a manner as is possible by:</p> <ul style="list-style-type: none"> - examining the existing controls of the land-use planning system and their implications; - discussing the need for, desirability and achievability of, establishing locational criteria specific to each generic facility type; and - establishing locational criteria generic to all facility types. <p>No proposed changes.</p> <p>b) Comment noted.</p>
6.15	2	In some parts of Wales there are large single producers of hazardous waste. Hazardous waste treatment facilities, if they have not been already been provided, should be located in close proximity to these producers.	<p>Comment noted.</p>
6.21	3	<p>Use of secondary fuels is regarded by the EAW as co-incineration, rather than hazardous waste incineration.</p> <p>Line 3 refers to Appendix C, defining use of secondary fuels as ancillary to another industrial process and therefore not requiring planning permission. This is contradicted by the ‘Use in a secondary blended fuel’ section of Appendix C, which identifies it as Schedule 1 EIA development, requiring planning permission.</p>	<p>Comment noted.</p> <p>This apparent anomaly is being examined elsewhere as to its validity. Will await the outcome.</p>

6.29	1	EAW considers that it is unnecessary to make provision for incineration in the North Wales region given the detailed consideration of hazardous waste incineration, the capacity for hazardous waste incineration in the adjacent North West England region and the discussion of the position in relation to use of secondary fuels.	Comment noted.
6.29	2	If there was a market led demand for the incineration of hazardous waste then operators would provide the necessary facilities. Some specific locational criteria may be required for hazardous waste incinerators. The potential for a regional EfW plant should be explored.	Comment noted. The HWS considers that it is unnecessary to make provision for a regional EfW plant, given the available capacity in North West England and the doubt regarding commercial viability for further similar facilities in N Wales. No proposed changes.
6.29	3	It is necessary, in view of the above comments on 6.21, to make some provision for HTI in North Wales if only as a contingency.	Comment noted. The HWS considers that it is unnecessary to make provision for a regional HTI plant, given the available capacity in North West England. No proposed changes.
6.38	3	This is misleading; the quote appears to indicate that there are many SNRHW cells now available for development as and when required. This is not the case in Wales.	The quote is intended to highlight the current uncertainties of future arisings and provides important contextual information. No proposed changes.
6.43	1	EAW supports the principle that landfill should be limited to those hazardous wastes whose final disposal cannot be achieved in any other way	Comment noted.
6.43	2	Landfill should be the final option in waste management, however it may well be the Best Practical Environmental Option (i.e. the option that meets a given set of objectives at the most benefit or least damage to the environment in the long as well as the short term) for some wastes.	Comment noted.
6.43	3	The policy expressed by the first bullet point implicitly prohibits the use of BPEO as a determining principle.	Para 6.38 acknowledges that for some wastes it is likely that the BPEO will continue to be disposal to landfill. No proposed changes.
6.43	1	a) EAW considers that because of the potential problems in siting Stabilised Non-Reactive Hazardous Waste cells at the existing landfills that this policy is a delaying tactic to avoid considering the issue. The guidance issued by EAW in relation to the landfill directive makes it	a) This paragraph does not refer to developing cells on top of cells, but rather to new, separate cells within the facility boundary. b) Comment noted.

		<p>very unlikely that such cells can be permitted on top of pre-existing wastes.</p> <p>b) There are also concerns that with the potential for major construction projects being undertaken in North Wales on sites with a former history of heavy industry there is a high likelihood of considerable quantities of hazardous materials coming to light and requiring some form of management or disposal. As things stand currently these materials will be required to be transported considerable distances for disposal and as a result there is a serious issue in relation to sustainability, the commercial aspects of provision is considered in detail but the impact of transport costs are not.</p> <p>c) It is also a serious concern to EAW that the reduction in the amount of landfill void capacity in the whole of Wales as a result of closures required to implement the technical aspects of the landfill directive appears to be ignored by this policy statement. The closures required by the landfill directive will have to be put in place by 2007 at the latest and therefore this issue will overtake the current review of the Regional Waste Plan.</p> <p>d) EAW's view, therefore, is that locational criteria should be put in place for all types of landfill in the Regional Waste Plan. As this supplement deals with hazardous waste it should address the locational criteria for both Solid Non-Reactive Hazardous Waste and other solid hazardous wastes for which landfill would be appropriate by reference to the Waste Acceptance Criteria document published.</p>	<p>c) Comment noted.</p> <p>d) The HWS addresses these issues in as robust and comprehensive a manner as is possible, by establishing locational criteria generic to all facility types.</p> <p>To investigate and research further arriving at the more detailed guidance sought requires considerable time and technical / scientific expertise which is beyond the competence and resources available to Waste Plan Regional Co-ordinators. This is a matter for WAG to consider.</p> <p>Transport may be via public transport in such locations (eg Deeside) and so may be manageable and sustainable.</p>
6.43	2	<p>The need to secure landfill capacity for Stabilised Non-Reactive Hazardous Waste at existing sites depends on numerous factors such as forecasts of future SN-RHW arisings, suitability of the landfill site etc. There may be benefits in exploring the possibility of a new regional (North Wales) landfill for such wastes.</p>	<p>Comment noted.</p> <p>To investigate and research further arriving at the more detailed guidance sought requires considerable time and technical / scientific expertise which is beyond the competence and resources available to Waste Plan Regional Co-ordinators. This is a matter for WAG to consider.</p>
6.43	3	<p>It has not been demonstrated that the development of SNRHW cells in existing landfills is a practicable or preferable option in planning terms. Any such proposal would be Schedule 1 EIA development and would need to be considered in relations to the existing landfill permissions; it would probably require a fresh planning application for the site as a whole.</p>	<p>Comment noted.</p> <p>Supports the point raised previously.</p>

6.44	3	The environmental effect of a mono-disposal landfill for asbestos in relation to, for example, smells and vermin will be less than those of a site accepting bio-degradable wastes. However, the impacts on local health may be very much less acceptable.	<p>Comment noted.</p> <p>Appendix B states that locations should take account of potential dust pollution. Para 6.46 also notes that engineering and operational criteria will need to take account of releases into the atmosphere.</p> <p>No proposed changes.</p>
6.45	1	EAW supports the principle that no additional locational criteria need to be applied to landfills for Stable Non-Reactive Hazardous Waste.	Comment noted.
6.45	2	Any new landfill for SN-RHW should be located close to where most of the waste originates.	Comment noted.
6.47	3	The term 'dedicated' is usually employed to mean a facility which is developed for a particular industrial user and to which only that user has access.	<p>Comment noted.</p> <p>Proposed changes – replace 'dedicated' with 'devoted'.</p>
6.48	1	EAW supports the principle of locating a landfill for non-stabilised hazardous waste in a clay environment, but it is possible to provide suitable containment in non clay deposits provided that the requirements of both the landfill directive and the groundwater directive are met.	Comment noted.
6.48	2	It is agreed that there would be advantage in locating a landfill for non-stabilised hazardous waste in a clay environment. Site containment will be an important factor in determining the suitability of any new landfill for SN-RHW.	Comment noted.
7.5	1	EAW supports the 'Positive Location Criteria' but suggests that more detail could be given in respect of specific types of facilities and waste types.	<p>The HWS addresses these issues in as robust and comprehensive a manner as is possible by:</p> <ul style="list-style-type: none"> - examining the existing controls of the land-use planning system and their implications; - discussing the need for, desirability and achievability of, establishing locational criteria specific to each generic facility type; and - establishing locational criteria generic to all facility types. <p>To investigate and research further arriving at the more detailed guidance sought requires considerable time and technical / scientific expertise which is</p>

			beyond the competence and resources available to Waste Plan Regional Co-ordinators. This is a matter for WAG to consider.
7.5	2	With regard to “proximity” hazardous waste facilities should be close to producers of hazardous waste. With regard to “existing land uses” hazardous waste management facilities should not exacerbate any pre-existing (historic) contamination of “Brownfield Land”.	Proposed changes: - insert “facilities should, where feasible, be situated close to producers of hazardous waste” - insert “without exacerbating any historic contamination”
7.6	1	EAW supports the ‘Negative Location Criteria’ but suggests that more detail could be given in respect of specific types of facilities and waste types.	The HWS addresses these issues in as robust and comprehensive a manner as is possible by: - examining the existing controls of the land-use planning system and their implications; - discussing the need for, desirability and achievability of, establishing locational criteria specific to each generic facility type; and - establishing locational criteria generic to all facility types. To investigate and research further arriving at the more detailed guidance sought requires considerable time and technical / scientific expertise which is beyond the competence and resources available to Waste Plan Regional Co-ordinators. This is a matter for WAG to consider.
7.6	2	No additional ‘Negative Location Criteria’ are required.	Comment noted.
Appendix A	1	Table A2 appears to have a detailed breakdown of the percentages of the different waste types and industrial sectors of origin in relation to SE Wales. It is not clear why this information is contained and what relevance it has to the document.	Comment noted and Table A2 column headings amended as necessary.

Appendix 1

Questions for the Consultation Exercise

While comments are invited on any part of the Hazardous Waste Supplement, we would in particular value answers to the following questions, together with any supporting evidence:

- Q1 (Para 6.9) Do you agree that a risk assessment should be carried out for any proposals for transfer stations handling hazardous waste?
- Q2 (Para 6.11) Do you agree with the conclusion that it would be “neither meaningful nor possible” to establish more detailed locational criteria for hazardous waste transfer stations?
- Q3 (Para 6.15) Do you agree that the broad range of hazardous waste treatment facility types means that the general location criteria cannot be improved upon and therefore “locational requirements should be examined in relation to specific facilities having regard to type and scale”?
- Q4 (Para 6.29) Do you agree that it is unrealistic to anticipate increased demand for hazardous waste incineration in the foreseeable future and therefore it is unnecessary to make provision in for such a facility?
- Q5 (Para 6.43) Do you agree that landfill should be limited to those hazardous wastes whose final disposal cannot be achieved in any other way?
- Q6 (Para 6.43) Do you agree that preference should be given to securing landfill capacity in Stabilised Non-Reactive Hazardous Waste cells at existing landfill facilities unless and until there is a clear indication that a separate facility is required?
- Q7 (Para 6.45) Do you agree with the conclusion that “no additional locational criteria need be applied” to landfills for Stable Non-Reactive Hazardous Wastes.
- Q8 (Para 6.48) Do you agree that there would be advantage in locating a landfill for non-stabilised Hazardous Waste in a clay environment to increase the security of containment?
- Q9 (Figure 2) Do you agree with the ‘Positive Location Criteria’? Are any additional criteria required?
- Q10 (Figure 3) Do you agree with the ‘Negative Location Criteria’? Are any additional criteria required?

Appendix 2

List of Regional Stakeholders Consulted

<p>Alan's Skip Hire Ltd. Anglesey County Council Anglesey Local Health Board Arena Network Biffa Waste Services Ltd. Castle Cement Ltd. CBI (Confederation of British Industry) CCW (Countryside Council for Wales) Cheshire County Council CIWM (Chartered Institute of Waste Management) Coleg Llandrillo Conwy & Denbighshire NHS Trust Conwy County Borough Council Conwy Local Health Board Corus Ltd. Country Land & Business Association CPRW (Campaign for the Protection of Rural Wales) Crown Estates Commissioners Cwmni Gwastraff Mon Arfon Cylch Denbighshire County Council Denbighshire Local Health Board Environment Agency Wales ESA (Environmental Services Association) Evergreen Environmental Services Ltd. Farmers Union of Wales Flintshire County Council Flintshire Local Health Board Forest Enterprise Wales Forestry Commission Wales Friends of the Earth Wales FSB (Federation of Small Businesses) Greenpeace Groundwork Wales/Environment Wales Gwynedd County Council Gwynedd Local Health Board Gwynedd Skip Hire Ltd. Health & Safety Executive House Builders Federation Institute of Civil Engineers</p>	<p>Keep Wales Tidy Mersey Waste Holdings Mineral Valuer (Wales) Mobile Communications Services Ltd. National Association of Waste Disposal Officers National Farmers Union National Federation of Demolition Contractors National Household Hazardous Waste Forum North East Wales NHS Trust North Wales Chamber of Commerce North Wales Economic Forum North West Wales NHS Trust Onyx Ltd. PHS Group Ltd. Powys County Council RSPS (Royal Society for the Protection of Birds) Safety Kleen UK Ltd. Shanks Group plc. SITA UK Ltd. Snowdonia National Park Sustainable Wales The Woodland Trust Wales (Coed Cadw) University of Wales, Bangor WAG Waste Strategy Unit WAG Planning Unit Wales Environment Trust Wales Waste & Resources Research Centre Waste Awareness Wales WDA (Welsh Development Agency) WLGA (Welsh Local Government Association) WRAP (Waste & Resources Action Programme) Wrexham County Borough Council Wrexham Local Health Board WRG (Waste Recycling Group) Ltd.</p>
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