

10.0 CHAPTER 10 – SPECIAL, HAZARDOUS, CLINICAL AND SEWAGE WASTE

10.1 Paragraphs 10.1.2 and 10.1.3

Objections

340/25,78 Mr B Smith Environment Agency

Summary of Objections

10.1.1 (a) There is a lack of reference to waste equipment such as fridges and freezers containing ozone-depleting substances in paragraph 10.1.2.

(b) In paragraph 10.1.3, ‘Contaminated’ Waste Regulations should read ‘Controlled’ Waste Regulations.

Inspector’s Reasoning and Conclusions

10.1.2 Although not formally withdrawn, I am satisfied that the changes made to these paragraphs in the RDDP meet the justified original objections made by the EA. Reference has been made to equipment containing ozone-depleting substances and the Contaminated Waste Regulations have been correctly described.

RECOMMENDATION

10.1.3 I recommend that no modification be made to paragraphs 10.1.2 or 10.1.3.

10.2 Paragraph 10.2.1

Objection

340/79 Mr B Smith Environment Agency

Summary of Objection

10.2.1 The landfill directive bans on certain wastes commence from July 2002 and not as stated.

Inspector’s Reasoning and Conclusions

10.2.2 In response to the FDDP, the EA objected to the accuracy of the stated date for the implementation of a ban on certain wastes at new landfill sites. As the ban has been implemented by Regulations that came into force in June 2002, I consider that it would be helpful and more precise to refer to the date that the regulations came into force.

RECOMMENDATION

10.2.3 I recommend that the second sentence of Paragraph 10.2.1 be replaced with:

“The ban is implemented by the Landfill (England and Wales) Regulations 2002, which came into force on 15 June 2002. For new landfills the ban was implemented immediately, but will be phased in for existing landfill sites up to 16 July 2009.”

10.3 Paragraph 10.2.2

Objection

340/80 Mr B Smith Environment Agency

Summary of Objection

- 10.3.1 There is more to IPPC than simply waste minimisation. Also, many hazardous waste producers may not be subject to IPPC.

Inspector’s Reasoning and Conclusions

- 10.3.2 The text of Paragraph 10.2.2 now takes account of the above matters, which were raised by the EA in response to the FDDP. Although the objection has not been formally withdrawn, I am satisfied that the EA’s concerns have been met and that no further changes to the paragraph are necessary.

RECOMMENDATION

- 10.3.3 I recommend that no modification be made to Paragraph 10.2.2.

10.4 Paragraph 10.2.4 (10.2.3 in FDDP)

Objection

72/35 Hills Minerals and Waste Ltd (HMWL)

Summary of Objection

- 10.4.1 There is uncertainty over the number, scale or type of facility required to deal with hazardous waste. It is a purpose of the WLP to provide such information. Preferred areas should be identified for hazardous waste management.

Inspector’s Reasoning and Conclusions

- 10.4.2 At section 5.7 of this report, I consider an objection that none of the Plan’s Preferred Areas for waste management has been specifically identified for hazardous waste treatment. I note that the Landfill Directive will almost certainly result in a reduction in the number of landfill sites presently capable of taking hazardous waste, and agree that existing facilities are unlikely to provide adequate capacity for such wastes over the Plan period. Although the Government intends to work with industry to reduce the amount of hazardous waste generated, I am mindful of HMWL’s argument that planning for facilities to deal with such waste can be a lengthy process, likely to attract public opposition. Moreover, as indicated in Waste Strategy 2000, such waste must be managed properly as it can pose particular risks to health and the environment. It would therefore have been desirable to identify preferred areas as potentially capable of accommodating such development.

- 10.4.3 However, there is considerable uncertainty over the amount of future hazardous waste arisings and the availability and suitability of existing facilities to deal with such waste. At Section 3.21 of this report, I consider predictions for hazardous waste arisings and note that the lack of information makes it difficult for the WPAs to accurately determine future needs. The WPAs point out that the Plan allows for the consideration of specific hazardous waste treatment proposals and that there are up to 12 preferred areas that have the potential to accommodate a range of treatment facilities for hazardous waste. Moreover, it appears that no sites have been put forward by objectors as being suitable for hazardous waste treatment.

10.4.4 In summary, I consider that it would have preferable if sites had been identified for new facilities to deal with hazardous waste, although in view of the lack of available data and of any proposals from the waste management industry, it is understandable why no such provision has been made. I am satisfied that the Plan has been designed to adapt to constantly changing needs and in this respect it is in accord with guidance set out in PPG10. At paragraph 5.1.19 of this report, I recommend that the Plan should recognise that there will be a need to identify additional land for hazardous waste disposal capacity which has not been included within the preferred areas for waste management. Moreover, at paragraph 5.7.26, I recommend that the provision of facilities for hazardous waste should be reassessed in the near future and if necessary form part of an early review of the Plan. Bearing in mind these recommendations, I conclude that no further modification should be made to the Plan. The text of Paragraph 10.2.4 does not conflict with the recommendations made elsewhere in this report.

RECOMMENDATION

10.4.5 I recommend that no modification be made to paragraph 10.2.4.

10.5 Paragraph 10.2.7 (10.2.6 in FDDP)

Objection

72/36 Hills Minerals and Waste Ltd

Summary of Objection

10.5.1 There is a lack of identified facilities to deal with increasing amounts of contaminated waste from the remediation of brownfield sites. Preferred Areas for hazardous waste management should be identified.

Inspector’s Reasoning and Conclusions

10.5.2 This is a similar objection to that relating to Paragraph 10.2.4. Again there is considerable uncertainty about the amount of waste from contaminated land that will need to be dealt with at waste management facilities. For the same reasons set out in section 10.4 of this report, I conclude that no further modifications should be made to the Plan, over and above those recommended at paragraphs 5.1.19 and 5.7.26 of this report.

RECOMMENDATION

10.5.3 I recommend that no modification be made to paragraph 10.2.7.

10.6 Paragraphs 10.3.1 and 10.3.2

Objections

215/2 Mrs C G Carver Devizes and Marlborough Friends of the Earth
340/81 Mr B Smith Environment Agency
368/30 Mrs J Heselwood

Summary of Objections

10.6.1

- (a) The proximity principle should always be applied, but particularly difficult waste requiring special treatment may need to be transported over long distances. This should be made clear. Bullet point 5 of Paragraph 10.3.1 should be deleted or amended.
- (b) It should be noted that the landfill directive constraints relate to disposal not re-use, and that the re-use of hazardous wastes may be desirable to avoid its disposal.
- (c) The Plan should not propose to create more hazardous waste by allowing the building of incinerators in Wiltshire.

Inspector’s Reasoning and Conclusions

10.6.2 Mrs Carver is concerned that it should be made clear that the proximity principle should always be applied, although particularly difficult waste requiring special treatment may need to be transported over long distances. I agree that in some circumstances the proximity principle would be met even when waste is transported over long distances. The principle requires that waste is treated as “near as possible” to its place of production. However, it is arguable that the proximity principle should not be strictly applied when it would be ‘preferable’ to transport hazardous waste over a long distance, albeit ‘possible’ but not desirable to treat that waste at a facility sited nearer to the source of production.

10.6.3 In my opinion, this dilemma is adequately explained at Paragraph 10.3.4 of the Plan and I consider that there is no need to modify the text of bullet point 5 of Paragraph 10.3.1 to provide further explanation. There may well be circumstances where the proximity principle would not be strictly applied.

10.6.4 In response to the FDDP, the EA submitted that it should be noted that landfill directive constraints relate to disposal and not re-use, and that the re-use of hazardous waste may be desirable to avoid the need for disposal. I am satisfied that bullet point 3 of Paragraph 10.3.1 has been amended in the RDDP to make it clear that the landfill directive bans the disposal of certain wastes to landfill. However, reference to the desirability of re-using certain hazardous wastes in order to obviate the need for landfilling of those wastes has not been made. I appreciate that such a reference would to some extent be stating the obvious. However, it is an extremely important concept and in my opinion it is desirable that such a reference is made in order to ensure that the benefits of reducing the need to landfill are not overlooked. I shall recommend that the text be modified accordingly.

10.6.5 I deal with the matter of whether incineration is an appropriate form of waste treatment in various sections of this report. At section 5.6, I conclude that incineration with energy recovery is correctly included in the Plan’s waste hierarchy above landfill and landraise and should not be excluded from consideration as a strategic waste management facility in Policy 3. At section 9.17, I consider the potential of incineration without energy recovery and acknowledge that there may be circumstances where incineration is the most practical and appropriate way to deal with a particular waste. In that section, I note that Policy 22 makes it clear that any such development must be the BPEO for the waste concerned. Under the circumstances, it would be inappropriate to indicate in Paragraph 10.3.1 or 10.3.2 that incineration will not be permitted.

RECOMMENDATION

10.6.6 I recommend that the following text be added to the first bullet point of Paragraph 10.3.1:

“However, in many cases the re-use of hazardous waste would be desirable in order to avoid the need for disposal.”

10.7 Policy 23

Objections

215/3 Mrs C G Carver Devizes and Marlborough Friends of the Earth
340/82 Mr B Smith Environment Agency

Summary of Objections

10.7.1

- (a) There should be separate policies for clinical and hazardous waste, as there is excess capacity for the former (as indicated in paragraph 10.2.8) and the latter is likely to increase nationally. There should not be additional provision for clinical waste.
- (b) A more proactive approach to dealing with hazardous waste arising within the WPA’s boundaries should be adopted to ensure co-ordinated development of facilities to deal with such wastes.

Inspector’s Reasoning and Conclusions

10.7.2 I agree that there is likely to be a significant difference in the demand for new hazardous waste treatment facilities compared to that for clinical waste. However, this does not necessarily justify separate policies for these wastes, on the grounds that there will be no need for new clinical waste treatment facilities. Although Paragraph 10.2.8 suggests that there is spare capacity nationally for clinical waste treatment, a need for a local facility may arise or new technologies may justify the provision of new facilities. Nevertheless, it seems to me that it would be helpful to draw attention to the contents of Paragraph 10.2.8 in Section 10.4 to ensure that the potential availability of spare capacity for the treatment of clinical waste is not overlooked.

10.7.3 There is no doubt merit in adopting a proactive approach to dealing with hazardous waste in order to enable co-ordinated development of appropriate treatment facilities. I strongly endorse such an approach. However, at section 10.4 above, I note that there is a lack of available data on future hazardous waste arisings and on the suitability of existing facilities to deal with such waste. I also understand that no potential sites for hazardous waste treatment have been put forward by objectors. Until more data becomes available, attempts to define the precise needs and solutions for dealing with hazardous waste are likely to meet with limited success. Policy 23 allows for consideration of proposals to deal with hazardous and clinical wastes and is not unduly restrictive. I conclude that no further modification should be made to the Plan other than my recommendation at paragraph 5.7.26 of this report, that the provision of facilities for hazardous waste should be reassessed in the near future and if necessary form part of an early review of the Plan.

RECOMMENDATION

10.7.4 I recommend that the following text be added to the end of Paragraph 10.4.2:

“In relation to clinical waste, attention is drawn to the contents of Paragraph 10.2.8.”

10.8 Paragraph 10.4.1

Objection

215/4 Mrs C G Carver Devizes and Marlborough Friends of the Earth

