

Policy Clarification Note Unitary Development Plans – Waste Policies Hazardous Waste Planning Applications



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Eich cyf: Your ref
Ein cyf: Our ref

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Dear Colleague

Policy Clarification Note Unitary Development Plans – Waste Policies Hazardous Waste Planning Applications

Waste Planning Policies

You will be aware that the Regional Waste Plans have now been completed and most local authorities have confirmed their endorsement of the Plans. These Plans provide a sound strategic basis for waste policies in development plans to accommodate the necessary provision for the new waste facilities that will be required to meet the targets laid down in EU Waste Directives.

The next important step is for each local planning authority to include those parts of the Regional Waste Plan that are germane to its area. At a recent meeting of the South East Regional Waste Technical Group the member authorities suggested that it would be helpful if a short guidance note be circulated by the Welsh Assembly Government to provide a model for Unitary Development Plan (UDP) policies.

Further work will be necessary by the Regional Waste Groups to reach agreement on the siting of national or regional scale waste management facilities. In the meantime, however, it is essential that UDPs take full account of the production of the Regional Waste Plans and incorporate adequate land use planning policies prior to their adoption. For some time, we have been advising those local authorities that are close to adoption that it would be necessary for such policies to be included once the Regional Waste Plans were completed.

We are clearly aware that allocations for such development may lead to objections being raised to the UDP. We have sought therefore a compromise that provides

adequate guidance for potential waste developers with sufficient flexibility on choice of site, while avoiding site specific policies that could result in large numbers of objections and thus delay UDP adoption. It is considered that the most suitable locations for new waste facilities are on general industrial areas until further agreement is reached about the location of regional or national scale waste management facilities, as mentioned above. Therefore, provided that there is enough capacity within existing or future industrial sites to accommodate the waste management facilities required to accord with the Regional Waste Plan, all UDPs should include the following policy and suggested supporting text that sets out the minimum guidance to future waste management development in UDPs that the Assembly Government is likely to find acceptable.

Sites on general industrial sites would be suitable for many of the future waste facilities including waste processing and treatment facilities, transfer stations and possibly mechanical biological treatment, in vessel composting and anaerobic digestion. Industrial sites are not likely to be suitable for landfill or windrow composting, the latter are more suitable on farms as part of farm diversification (it is suggested that it would be helpful to include a cross reference to appropriate policies relating to agricultural development/diversification that make provision for such proposals in rural locations).

Policy

PROPOSALS FOR WASTE MANAGEMENT FACILITIES, INCLUDING DISPOSAL AND TREATMENT PLANT, WILL BE PERMITTED WITHIN SITES LISTED FOR B2 EMPLOYMENT USE IN POLICIES EMP XX (cross-reference to relevant employment policies)

We do not wish to be prescriptive in the policies to be included and the incorporation of these policies should not be seen to prejudge the consideration of a UDP by an Inspector. Other forms of the policy, more suited to local circumstances, may well be acceptable provided that the UDP policies make adequate provision for the waste management capacity that is required. Assembly officials have met a number of local planning officers in recent months to discuss the policies that should now be incorporated into UDPs. We are happy to continue to meet officers of any local authority to discuss these policies in further detail.

Hazardous Waste Planning Applications

We are aware of concerns about the implications of forthcoming changes to the way hazardous waste will be managed as a result of implementation of the Landfill Directive. This letter is of general relevance because of the issues that are raised but will be of particular importance to Local Planning Authorities as there may be an increase in planning applications for sites that treat and manage hazardous waste.

As many of you will know, from 16 July 2004 the Landfill Directive will prohibit the practice of co-disposal of hazardous and non-hazardous waste in landfill. Instead, hazardous waste destined for landfill will have to go to either a landfill dedicated for hazardous waste, or if the waste is stable and non-reactive, to a separate cell in a non-hazardous landfill. Stable and non-reactive waste includes, for example, most asbestos, and solidified or vitrified waste. In addition, from July 2004 hazardous waste must be subjected to treatment before landfill unless this is of no practical benefit towards meeting the aims of the Directive. Treatment comprises measures to reduce the volume or hazardous nature of the waste, ease its handling or aid recovery and can include sorting. From 16 July 2005, the Landfill Directive imposes more stringent requirements

on hazardous waste sent to landfill, by applying Waste Acceptance Criteria (WAC) which will set landfill leachate limits, and require additional treatment to hazardous waste prior to landfill.

These changes will encourage more sustainable management of hazardous waste. Landfill is the least preferred management route in the waste hierarchy. As well as its environmental impacts, it makes little practical use of, and represents a lost opportunity to recover value from, waste. The changes will also impact on the provision of treatment and disposal capacity. The implication is that there will be fewer sites able to take hazardous waste after July this year. There will also be demand for more treatment of hazardous waste, and a requirement for more facilities to be developed. The Assembly Government looks to Local Planning Authorities to respond positively.

There are other ways in which Local Planning Authorities might see an increase in applications. The operators of established sites with licences might need additional planning permissions for new structures on, or alterations to, their sites that are needed in order to meet the new requirements of the Landfill Directive. There may be applications for on-site treatment facilities to enable solidification or stabilisation of hazardous waste.

Any such applications should be processed in accordance with the usual procedures. Local Planning Authorities should in particular consider the need for an Environmental Impact Assessment. It would be helpful for the Environment Agency to receive early notification of proposals for hazardous waste management and treatment activities (the Agency has been asked to alert Local Planning Authorities of likely applications where this is known). Proposals should be considered on their planning merits. Where an adopted or approved development plan contains relevant policies, section 54A of the 1990 Act requires that an application for planning permission should be determined in accordance with the plan, unless material considerations indicate otherwise.

Concerns have been expressed about the sufficiency, at least in the immediate short term after the end of co-disposal, of facilities and sites to cope with the volume of hazardous waste likely to arise. Delays in considering relevant applications could accentuate any shortfall in treatment and disposal capacity. Local Planning Authorities should therefore handle planning applications, and issue decisions, as fast is practicable consistent with the above requirements.

The Wales Hazardous Waste Sub-Group of the Wales Waste Forum has been established, including the Environment Agency, waste industry, local government and waste producers, and has produced a Hazardous Waste Action Plan. Key action points are to produce a comprehensive database of capacities in Wales and to raise awareness of the potential problem. At the present time, there are expected to be no merchant hazardous waste landfills in Wales from July 2004. You will recall that a Seminar was held on these issues in September last year at Caersws, mid Wales. Clearly the changes in the way waste is managed and a likely increase in treatment costs will impact on the current position. An early review of the Regional Waste Plans, in relation to the land use provision of sites for managing hazardous waste, will be undertaken as a matter of urgency to provide a sound basis for local planning authorities in preparing their UDPs and determining planning applications.

If you have any questions arising from this letter please contact the Environmental Planning Branch (tel 029 2082 5731) email: planning.division@wales.gsi.gov.uk

Yours sincerely

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