

NORTH LONDON WASTE AUTHORITY

REPORT TITLE:

**CONSULTATION ON A STRATEGY FOR HAZARDOUS WASTE
MANAGEMENT IN ENGLAND**

REPORT OF:

HEAD OF WASTE STRATEGY AND CONTRACTS

FOR SUBMISSION TO:

AUTHORITY MEETING

DATE:

25th September 2009

SUMMARY OF REPORT:

This report provides Members with an overview of the Government's recently launched consultation on a strategy for hazardous waste management in England. The report outlines some of the key points in the consultation document and potential implications for the Authority. A recommended draft response to the consultation is attached as Appendix 1 to the report.

RECOMMENDATION

The Authority is recommended to approve the response to the DEFRA Consultation on a Strategy for Hazardous Waste Management in England, July 2009 enclosed as Appendix 1 to this report.

**Signed by: Head of Waste Strategy and
Contracts**

Date: 16th September 2009

1.0 OVERVIEW

- 1.1 The proposed Hazardous Waste Strategy for England is being developed because it is required as part of the process of implementing the revised European Waste Framework Directive (WFD) 2008/98/EC (a report on which is included elsewhere on this Authority agenda). In particular it is required because a new waste hierarchy of preferences for managing waste is proposed in the new WFD, and this needs to be applied to hazardous waste within the UK and in England specifically. Secondly it is also intended by producing a hazardous waste strategy that this will facilitate the provision of additional infrastructure for hazardous waste management if this is required. The principal aim of the proposed strategy, as stated in the consultation document, is to deliver sound, and where necessary, improved hazardous waste treatment. It is additionally hoped that the strategy will assist in encouraging the recovery of materials or energy from hazardous waste, thus further reducing England's reliance on landfill in line with the Government's wider policies on resource recovery and tackling climate change.
- 1.2 The strategy comprises:
- Seven high level principles for the management of hazardous waste.
 - A set of outline decision trees to assist waste producers and waste managers to make the right decisions about the management of their waste and the investment in infrastructure to help move hazardous waste management up the waste hierarchy.
 - A timeline of action on issues relating to the introduction and implementation of the strategy.
 - A list of guidance relating to the treatment of hazardous waste.
- 1.3 In terms of the types of waste that can be categorised as hazardous, these range from household items like fridges and freezers or garden pesticides to difficult industrial compounds and noxious substances.

2.0 THE PRINCIPLES OF HAZARDOUS WASTE MANAGEMENT IN ENGLAND

- 2.1 The consultation document on the proposed new hazardous waste management strategy for England lists seven high level principles for hazardous waste management. These are supported by the Environment Agency who will use them to guide their approach on the permitting and enforcement of hazardous waste treatment facilities and the application of other hazardous waste controls.
- 2.2 The principles are as follows:
1. The waste hierarchy – that hazardous waste should be managed in line with the hierarchy.
 2. Infrastructure provision – that the UK will be self sufficient in the disposal of hazardous waste and that the proximity principle will be met. It is recognised however, that planning policy certainty is required if further investment is to happen.

3. Reduce our reliance on landfill – which will be achieved through the application of the waste hierarchy in waste management legislation and policy.
4. No mixing or dilution – where hazardous waste cannot be prevented, waste producers and waste managers should not mix different categories of hazardous waste or mix hazardous waste with other waste, substances or materials unless under the terms of an environmental permit and the mixing operation conforms to Best Available Techniques (as identified in Article 2 of the Integrated Pollution Prevention and Control Directive).
5. Treatment of organic hazardous waste – organic hazardous wastes that cannot be reused, recycled or recovered shall be subject to thermal treatment, where possible with energy recovery, or be treated using other best available techniques.
6. End reliance on the use of Landfill Directive waste acceptance criteria derogations.
7. Treatment and landfill of hazardous waste – hazardous wastes that cannot be prevented, reused, recycled or recovered must undergo appropriate treatment to determine onward fate¹. The treatment operations are permitted as are the receiving landfills for treated hazardous waste. Waste that remains hazardous under property ‘H15’ would not be able to be deposited in a non-hazardous landfill.

3.0 CONSULTATION RESPONSE

- 3.1 The Authority’s consultation response is focused upon just two of the questions in the document – on the applicability of the revised waste hierarchy to hazardous waste and on the planning framework for hazardous waste management.
- 3.2 The other aspects of hazardous waste management which are proposed in the draft strategy are necessary and in officers’ view non-contentious. Whilst they may affect the Authority in terms of the outlets it uses for hazardous wastes in the future, the cost implications and probable increases in the same are not expected to be significantly different from those increases already estimated.

4.0 RECOMMENDATION

- 4.1 The Authority is recommended to approve the response to the DEFRA Consultation on a Strategy for Hazardous Waste Management in England, July 2009 enclosed in Appendix 1 to this report.

5.0 COMMENTS OF THE FINANCIAL ADVISER

- 5.1 The Financial Adviser has been consulted in the preparation of this report and has no further comments to add.

¹ This could be physico-chemical or thermal treatment prior to landfill. Specifically, any wastes treated to non-hazardous status should meet the non-reactive hazardous waste acceptance criteria if destined for non-hazardous landfill.

6.0 COMMENTS OF THE LEGAL ADVISER

6.1 The Legal Adviser has reviewed this paper and has no further comments to add.

Local Government Act 1972 – Access to information

Documents and Websites used:

Consultation on a Strategy for Hazardous Waste Management in England, A consultation document issued by the Department for Environment, Food and Rural Affairs, DEFRA, July 2009.

The London Plan, Spatial Development Strategy for Greater London, Consolidated with Alterations since 2004, Mayor of London, February 2008

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**DRAFT AUTHORITY RESPONSE TO THE CONSULTATION ON A
STRATEGY FOR HAZARDOUS WASTE MANAGEMENT IN ENGLAND**

**Hazardous Waste Strategy Consultation
Hazardous and International Waste Unit
Department for Environment, Food and Rural Affairs
Area 6D Ergon House
17 Smith Square
London
SW1P 3JR**

25th September 2009

Dear Sir/Madam,

Ref: Strategy for Hazardous Waste Management in England

Thank you for providing us with the opportunity to respond to the consultation on the above. The North London Waste Authority (NLWA) is one of the six joint waste disposal authorities in England, with nearly 1m tonnes of municipal solid waste arising in its area each year.

Whilst for the Authority and its seven constituent borough councils (Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest) hazardous waste is not a significant tonnage of the material we handle, we do have an interest in this area and are keen to see a new strategy for hazardous waste management in England. As members of the National Household Hazardous Waste Forum we also have an understanding of some of the issues being faced in relation to household hazardous waste across the country, so we welcome the publication of the draft hazardous waste strategy as a timely intervention in this area.

In our response which is attached we have only focused on two of the aspects of the draft strategy which have particular relevance to the Authority, but we hope that you find our comments of value.

If you require clarification on any of the points raised, please do not hesitate to contact me.

Yours faithfully

**Cllr. Clyde Loakes
Chair, North London Waste Authority**

CONSULTATION ON A STRATEGY FOR HAZARDOUS WASTE MANAGEMENT IN ENGLAND - North London Waste Authority response to specific questions

Principle 1: The Waste Hierarchy

Q1: Do you support principle 1? If not please explain, and what changes if any, you think are needed.

A1: The Authority supports the principle of the waste hierarchy being used as the framework for hazardous wastes management, in line with the revised Waste Framework Directive. However, we suggest that the slightly different interpretations of the revised hierarchy within the consultation on a Strategy for Hazardous Waste Management in England and within the Stage One Consultation on the transposition of the revised Waste Framework Directive (Directive 2008/98/EC) could cause some confusion. It would be helpful if either the two versions of the hierarchy were consistent or if there was some cross referencing between the documents with an explanation regarding differing interpretations.

Specifically we note that in the Consultation on a Strategy for Hazardous Waste Management after the fourth level of the hierarchy 'other recovery', there is a fifth level called 'other disposal except landfill' and then a sixth level of 'landfill'. Within the Stage One Consultation on the transposition of the revised Waste Framework Directive there is only a level five entitled 'disposal'. It would be helpful for practitioners to know what types of 'other disposal' will be regarded as preferable to landfill for hazardous waste if the differing levels of 'disposal' are to be retained in the final hazardous waste strategy document. Although decision tree number 5 at the end of the document refers to 'disposal other than landfill' as physico-chemical or thermal treatment for example it would be helpful if the body text could refer to this specifically and if clarification could be provided regarding the definition of various treatments as 'disposal' from a hazardous waste perspective.

Principle 2 : Infrastructure Provision

Q2: Do you support principle 2? If not please explain, and what changes, if any, you think are needed.

Q2a: Do you agree that the needs for hazardous waste infrastructure for England identified in Waste Strategy 2007 at Annex 1 continue to exist and if not, how should they be amended?

The Authority supports the principle that the UK as a whole remains self sufficient in hazardous waste disposal and that the proximity principle is met in as proportionate a manner as possible, considering arisings and efficient scales of treatment and disposal operations. We additionally welcome the fact that the Government is developing a National Policy Statement on hazardous waste to assist the new Infrastructure Planning Commission (IPC) to consider applications for facilities that provide for the recovery or disposal of hazardous waste in England. We also agree that the planning system is pivotal to the adequate and timely provision of facilities for hazardous waste recovery and

disposal reasonably close to where that waste arises. Although we agree, as noted in the consultation, that some hazardous wastes will always be required to be moved between regions to facilities that support national or multi-regional need.

However, our key concern is that whilst the London Plan (Policy 4A.29) states that development plan documents should make provision for hazardous waste treatment plants to achieve, at a regional level, the necessary waste management requirements, we are keen to ensure that planning authorities allocate sufficient land for the management of all wastes within planning policies and frameworks. Hazardous waste facility provision may not necessarily be identified as a specific need. Therefore waste allocations may be met for an area without any allocation of land specifically for regional hazardous waste facilities. Similarly whilst waste sites might be protected from loss within such documents, the loss of a hazardous waste site to non-hazardous use may not necessarily be highlighted, thus leading to a weakening of the area's ability to meet its own hazardous waste management needs and thus undermining both the regional self-sufficiency and proximity arguments.

The Authority believes² that planning policies and frameworks should specifically account for hazardous waste for three reasons:

- Firstly, to ensure that the potential for compensatory provision is available if existing hazardous waste facilities are lost.
- Secondly to ensure continuity of service and provision for specific elements of the municipal waste stream, such as fridges.
- Thirdly, because waste definitions and economics change over time. At some point in the future, arisings of a particular component of the wider waste stream may be deemed to be hazardous and sufficiently large to justify a new strategic facility in the area.

In relation to the last point above, the Authority suggests that it may be useful to include a general statement within the appropriate documents which addresses the issue of wastes being re-classified from one category into another, and how such changes might be accommodated in the long term, or how development control decisions should respond to this matter if and when it arises.

The Authority considers that the other aspects of the consultation document, including the decision trees are useful, but that on an ongoing basis that there will need to be a recurring assessment of the infrastructure provision for hazardous waste to ensure that England can continue to meet its needs in this area.

Report Ends

² For Members' reference in considering this draft response, this is the position the Authority adopted in its response to the North London Waste Plan "Issues & Options Report" consultation in March 2008.