

Waste Core Strategy

Technical Paper WCS-M
Environmental Acceptability
(in relation to hazardous waste facilities)

Living Draft

January 2008

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Contents

Section 1: Introduction

Section 2: Definitions

Section 3: The management of Hazardous Waste Management in Gloucestershire

Section 4: Policy Requirements to consider 'Environmental Acceptability'

Section 5: WCS Issues & Options Responses - Comments on Issue W8

Section 6: Sustainability Appraisal Findings

Section 7: Further Evidence Gathering

Section 8: Possible Criteria – what Constitutes 'Environmental Acceptability' for Gloucestershire

Section 9: Policy wording options

Section 10: Conclusion

Appendix A: Broad hazardous waste types in the European Waste Catalogue

Appendix B: Notes of meeting with SWARD (11/10/07)

Appendix C: Summary of Gloucestershire Health Overview and Scrutiny Committee: Wingmoor Farm Task Group and the Primary Care Trust's (PCT) Health Impact Assessment

Appendix D: Annex E of PPS10

Appendix E: Appendix A of PPS23

Appendix F: Notes of Meeting with Grundon Waste Management Ltd

Appendix G: Roles & Responsibilities in Relation to Hazardous Waste

Appendix H: Environment Agency comments on 'standoff distances' for waste management facilities

Section 1

Introduction

1. This report considers how the Waste Core Strategy (WCS) should address the issue of the 'environmental acceptability' of existing hazardous waste facilities, as required in relation to the Draft Regional Spatial Strategy (RSS) Policy W3 – Hazardous Waste. This would then form part of the planning policy framework for managing hazardous waste.

2. It should be noted that there are three additional technical evidence papers that are closely related to this issue and should be read in conjunction with this report. These are:

- Technical Evidence Paper WCS-A Waste Data
- Technical Evidence Paper WCS-E Hazardous Waste.
- Technical Evidence Paper WCS-L Cumulative Impact.

Section 2

Definitions

3. Note: Sections 2 and 3 are relatively brief as further detail is provided in the main Evidence Report on hazardous waste: Technical Evidence Paper (WCS-E).

4. Hazardous waste is precisely defined under European Union Directives.

“Hazardous waste is essentially waste that contains hazardous properties that may render it harmful to human health or the Environment. The European Commission has issued a Directive on the controlled management of such waste (91/689/EEC) and hazardous waste is defined on the basis of a list, the European Waste Catalogue¹ drawn up under that Directive.”²

5. Hazardous waste is derived from the three main waste streams, municipal solid waste (MSW), construction and demolition waste (C&D) and commercial and industrial (C&I). It contains small amounts of waste from each, for example: fridges and televisions from MSW; asbestos and contaminated soils from C&D waste; and processing residues such as sludges and oils from C&I wastes.

6. Such wastes not only include substances that are usually recognised as being dangerous or harmful, but can also include wastes from

everyday activities, such as engine oils, paints and batteries. Hazardous wastes are categorised in 20 broad types in the European Waste Catalogue (EWC) (See Appendix 1).

¹ See weblink: http://europa.eu.int/eur-lex/en/consleg/pdf/2000/en_2000D0532_do_001.pdf

² See Defra: <http://www.defra.gov.uk/environment/waste/topics/hazwaste/index.htm#whatishw>

Section 3

The Management of Hazardous Waste in Gloucestershire

7. (Note: the information in this section is brief as Technical Evidence Paper WCS- A 'Waste Data' provides more detail on hazardous waste management figures. Please therefore cross reference with that paper.

8. Hazardous waste managed in Gloucestershire is predominantly landfilled. The South West Region's total hazardous waste landfill capacity of 184,000 tonnes per annum (tpa) is dominated by the Wingmoor Farm (East) site, to the west of Bishops Cleeve, Gloucestershire, operated by Grundon Waste Management. Whilst it has a significant voidspace for hazardous waste, the site's planning permission expires in 2009. Future operations will be dependant on the submission of a new application to extend the end date for operations, should the operator choose to do so. The site is also situated on green belt land.

9. The current situation in Gloucestershire has evolved and become established over time through businesses making decisions based on commercial viability. Whilst the physical presence of a hazardous waste management facility with planning permission and waste management (PPC) license, may infer acceptability of the operations, in practice this situation has come about due to a wide-ranging set of circumstances including commercial decisions by waste operators to take account of a changing regulatory regime. No exclusive hazardous waste capacity was ever originally

permitted by the WPA but has been created through a market reaction to changing circumstances by applying to alter site waste management licenses.

10. Due to a number of factors an imbalance has arisen at this site between remaining life and permitted completion date. Commercial decisions by the operator in terms of waste types accepted (through application to vary the waste management license) have resulted in separate cells being created for APC and other industrial process residues. Additionally co-disposal regulations have meant that the site is now operating as two separate activities, one for non-hazardous biodegradable wastes and the other for hazardous materials. As a result the site (including both hazardous and non-hazardous landfills) is unlikely to be finished by 2009, including restoration to the agreed levels.

11. The implementation of the Landfill Directive (precluding co-disposal), in combination with the above, has resulted in Wingmoor Farm East (hazardous element) becoming a nationally significant site for disposing of hazardous waste. In view of the site's time-limited consent there is the potential that a planning application to continue working will be submitted by the operators sometime in the next few years. In determining such an application the WPA must consider its appropriateness against current planning policies. Key considerations being an assessment of "*environmental acceptability*" and the "*cumulative impact*" on host communities.

Section 4

Policy Requirements to consider 'Environmental Acceptability'

12. National policy, in terms of PPS10, its companion guide and the Waste Strategy for England 2007 are discussed in some detail in Technical Evidence Paper (WCS-E); please refer to this detailed report. In this report they are considered in the context of any guidance they offer in terms of the 'environmental acceptability' of hazardous waste management facilities.

Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10)

13. PPS10 does not address hazardous waste matters in any particular depth, but paragraphs 20 and 21 (and Annex E)³ consider the potential local environmental impacts that should be considered when identifying suitable sites and areas for new or enhanced waste management facilities and in considering planning applications.⁴

Planning Policy Statement 10 Companion Guide

14. In relation to hazardous waste, the main areas of focus for the Companion Guide are:
- Changes to the regulation of hazardous waste landfills (the ending of the co-disposal of

³ See Appendix D of this report.

⁴ PPS10, Paragraph 29.

hazardous and non-hazardous wastes under the Landfill Regulations 2002.⁵

- 2 sets of regulations implemented in July 2005: 1. Hazardous waste regulations and 2, List of wastes regulations.⁶

15. Essentially these are detailed matters for waste regulatory and pollution control regimes. The Companion Guide is not specific in terms of what might constitute 'environmental acceptability' from the perspective of planning and land use considerations. For instance it does not reference an appropriate 'standoff distance' between housing and hazardous waste sites.

16. (A note on PPS10 and Companion Guide policy: Generally it would seem that some aspect and requirements of PPS10 policy are not easily reconciled with the approach in Draft RSS Policy W3).

Waste Strategy for England 2007 – Annex C9: Hazardous Waste

17. The annex indicates that:
In terms of a national trend the arisings of hazardous waste in England and Wales (between 2000 and 2005) fell, and that there appears to be a continuing decline.⁷

18. Landfill has traditionally been the principle management route for many hazardous wastes,

⁵ PPS10, Annex D, Page 132, Box 1.

⁶ 1. outlines new requirements for producers in terms of storage, monitoring and transportation. 2. changes the definition of 'Special waste' to 'Hazardous waste' to bring it in line with the European definition.

⁷ Waste Strategy 2007, Chart C9.1.

but the reliance on its role is declining for a number of reasons.⁸

19. A high proportion of hazardous waste can be re-used, recycled or otherwise recovered and the Government will continue to encourage policies which lead to reductions in hazardous waste arisings.⁹ (In terms of the minimisation of hazardous waste and the implications for Gloucestershire, this is increasingly important aspiration. For more information on this issue and a consideration of options see Technical Evidence Paper (WCS-D) Implementing the Waste Hierarchy. However, there are currently no specific targets on hazardous waste.¹⁰

20. Table C9.1 *Summary of facility needs for hazardous waste management in England* indicates that there is a priority need for cells for stable non-reactive hazardous waste and for associated treatment plant for the solidification of hazardous waste. There is a potential need for solidification treatment for ash residues from incineration, including Air Pollution Control (APC) residues, which can have elevated heavy metal contaminants.

21. Much of the above points to the fact that there are potentially discrepancies between Annex C9 (National Policy) and the thrust of RSS Policy W3. These points were raised by GCC at the SW RSS Examination in Public (EiP) (July 2007) and it is for the Panel to consider their validity and to make recommendations for the RSS. (The Panel report is due late 2007.

⁸ Waste Strategy 2007, Page 3, Paragraph 5.

⁹ Waste Strategy 2007, Pages 4 & 5, Paragraphs 8 & 11.

¹⁰ Waste Strategy 2007, Page 5, Paragraph 15.

Draft Regional Spatial Strategy (RSS) Policy W3

22. Draft Regional Spatial Strategy (RSS) Policy W3 Hazardous Waste states:

“Waste Planning Authorities should recognise the need for the development of capacity for the disposal of Stable Non-Reactive Hazardous Wastes at existing or proposed new landfill facilities (Identified in Policy W1) and safeguard capacity for the disposal of other hazardous wastes at existing sites permitted and authorised as hazardous waste landfill sites provided that they are environmentally acceptable. Provision should also be made in Waste LDFs for hazardous waste transfer, treatment and disposal facilities.”¹¹

23. Gloucestershire County Council as WPA made representations to the SW RSS (EiP) panel in relation to this policy. These matters are covered to some degree in Technical Evidence Paper (WCS-E). This report’s focus is on the specific reference to “environmental acceptability” within the policy.

24. Gloucestershire’s only existing hazardous waste site is at Wingmoor Farm, Bishop’s Cleeve (operated by Grundon Ltd). It has permission which is time limited to 2009. Given that the WCS need to be in general conformity with the RSS policy on hazardous waste, the WCS needs to identify a policy framework in line with RSS Policy W3. This requires an approach to future requirements for hazardous waste. A key issue is the approach to

¹¹ Draft Regional Spatial Strategy for the South West, Page 168. Underlining emphasis added.

safeguarding existing capacity at hazardous landfills.

25. This requires taking a view on the environmental acceptability of existing capacity. Ultimately, this can only be implemented when planning applications come forward at existing hazardous waste landfill sites. In this respect a criteria based policy approach for assessing the suitability of any future planning applications for facilities to manage hazardous wastes is needed. Clearly an overarching factor is that of making appropriate provision but this appropriateness will depend, to some degree on whether existing waste sites are 'environmentally acceptable' if and when they require a renewed or revised planning permission.

PPS23 Planning and Pollution Control

26. In relation to Development Plans and their preparation, PPS23 states:

*"LDDs should set out the criteria against which applications for potentially polluting developments will be considered. Appendix A contains a list of matters for consideration in preparing LDDs and taking decisions on individual planning applications."*¹²

27. The referred to list in PPS23 Appendix A is contained in Appendix E of this Report. It is likely that the full criteria against which applications for potentially polluting developments will be considered, will be incorporated into the Development Control (DC)

¹² PPS23, Page 5, Paragraph 13.

Policies DPD, but the WCS will have to provide the broad framework to facilitate this.

PPS23 Planning and Pollution Control - Annex 1: Pollution Control, Air and Water Quality

28. *"The Core Strategy of LDDs should include strategic land use policies on the location of potentially polluting developments and on the location of sensitive developments (such as housing, schools, hospitals etc.) in proximity to existing sources of pollution (including, for example, roads and certain industrial processes). Priority should be given, where appropriate, to developments, where the availability of suitable alternative sites is limited. Constraints on further development in particular areas arising from the cumulative impact of existing and future polluting uses of land, should be identified. For example, where several developments exist within an area that will give rise to air pollution, the total impact from these developments on that area should be considered. Policies to reduce these impacts should also be identified, through measures such as landscaping and good design layout, and opportunities to facilitate access by more sustainable transport, including public transport. Account should also be taken of existing development surrounding any identified sites, and any future plans which may improve air quality including road and rail schemes."*

29. *LDDs should provide a framework for most development control decisions. They should include an appropriate combination of site-specific policies for the location of potentially polluting development, and set out criteria by which applications for such development*

may be determined. These criteria should not be drawn up to exclude all provision in plans for potentially polluting development projects, or to prohibit all applications to set them up. Appendix A to PPS23 provides a list of matters for consideration in preparing development plans.¹³

PPS23 Planning and Pollution Control - Annex 2: Development on Land Affected by Contamination

30. While much of the guidance in this annex may relate to District LDDs (particularly in relation to their housing strategies) it may also be relevant for Minerals and Waste LDDs. In relation to Development Plans this annex states:

31. “LDDs provide a prime opportunity to steer appropriate development onto previously developed land within the context of the wider planning policies within an authority area. As well as protecting greenfield sites from development, this can help to bring about progressive improvement in the condition of land as a whole, provided that any contamination is identified and properly dealt with and the development is carried out in an appropriate manner. In preparing and revising LDDs, therefore, LPAs need to take into account any potential implications of land contamination. They should include appropriate policies for the remediation of contamination where it is known or suspected to exist and for dealing with the implications of contamination for other policies and proposals.

In particular, LPAs should recognise that the development process is often the most effective way of achieving action to remove unacceptable risks arising from the contaminated state of land. Where action area plans are prepared that include significant tracts of previously developed land, LPAs should consider the need for a phased approach to dealing with potential contamination issues.

32. Information of the types described in paragraph 2.41 should be used to inform the drawing up of LDDs. Contamination may add to the difficulty and cost of developing a site or even preclude certain uses. In particular, the remediation of polluted groundwater can be expensive and more time-consuming than the cleaning-up or removal of contaminated soil. The standard of remediation for water pollution is less dependent on land use and addressing water pollution issues may require a higher standard of remediation than would the land use proposed.

33. Identification of potential problems at an early stage can enable a more positive approach to bringing forward development, thereby leading to a higher value land use, which in turn, could better cover the costs of remediation. Early attention to the contamination issues can help in locating development that is less sensitive to contamination on areas where the contaminated state of the land is likely to be more difficult to address. Proposals for particular types of development in different parts of an authority area need to take account of potential contamination alongside other material considerations. They need also to take into account issues of sustainability, disturbance to existing occupiers and

¹³ Pages 8 & 9, Paragraphs 1.26 & 1.27.

environmental issues (dust, noise, odours etc.) which might arise from the contamination. Potentially hazardous substances, such as radon, methane or elevated concentrations of metallic elements may also be present in the ground due to the underlying geology. Since these may pose a risk to human health or to the environment, their presence is a material planning consideration. Guidance on areas affected by radon and the control measures available for new development is contained in BR211 Radon: Guidance on Protective Measures for New Dwellings. Part C of the Building Regulations 2000 gives further advice on the requirements to secure reasonable standards of health and safety for persons in and around buildings in relation to land contamination. LPAs should include appropriate information on both naturally-occurring and industrial contaminants in the land condition and quality section of their LDDs.”¹⁴

Circular 04/00: Planning Controls for Hazardous Substances

34. This Circular replaces Circular 11/92 and provides guidance on the operation of the consent procedure for hazardous substances which implement the land use planning requirements of Directive 96/82/EC, known as the Seveso Directive, on the control of major-accident hazards.

35. The text in the WLP (at paragraphs 5.134 to 5.136) outlines the responsibilities of the WPA in relation to Circular 11/92. Clearly this will need to be updated and waste DPDs will have to fully reflect the requirements of Circular 04/00 that are applicable.

¹⁴ Pages 9 & 10, Paragraphs 2.29 to 2.32.

36. Note: In relation to waste landfill sites the Circular 04/00 states:

“Regulation 4(4) exempts hazardous substances present at waste land-fill sites from the consent procedures. The presence of such substances may of course be subject to controls exercised through the waste management license issued by the Environment Agency. The exemption only applies to hazardous substances at a waste land-fill site and not to substances present at other disposal sites e.g. at incinerators.”¹⁵

Environmental Impact Assessment (EIA) Regulations - Statutory Instruments 1999 No. 293

37. An application for a hazardous landfill would fall under Schedule 1 (9) of the EIA Regulations, as below:

Waste disposal installations for the incineration, chemical treatment (as defined in Annex IIA to Council Directive 75/442/EEC under heading D9), or landfill of hazardous waste (that is to say, waste to which Council Directive 91/689/EEC applies).

38. Other applications are likely to (at least) fall under Schedule 2, if over 0.5 ha. The rigorous EIA procedures are essentially a thorough test of environmental acceptability at the planning application stage of development.

¹⁵ Circular 04/00, Paragraph 90.

Gloucestershire Waste Local Plan

Policy 16 ‘Special Waste Facilities’

39. This policy states:

“Facilities for the additional handling, treating, processing or disposal of special¹⁶ wastes will be permitted if it can be demonstrated –

- That it would form part of a sustainable waste management system; and*
- That it would meet the relevant policies and criteria of the development plan.”*

40. Clearly this policy needs updating; the reference to ‘special wastes’ is outdated and it needs to accord with Draft RSS policy in terms of ‘environmental acceptability’.

Policy 37 – ‘Proximity to Other Landuses’

41. This is a general policy not relating to a specific form of waste development. It states:

“Proposals for waste development will be determined taking into account such matters as the effect on the environment, occupants’ and users’ amenity and health, the countryside, the traditional landscape character of Gloucestershire, the local highway network, any hazardous installation or substance and any adverse cumulative effect in combination with other development in the area. Where appropriate, suitable ameliorative measures shall be incorporated in the proposals to mitigate, attenuate and control noise, dust, litter, odour, landfill gas, vermin, leachate and flue emissions.”

¹⁶ ‘Special waste’ was the term for what is now classified as ‘hazardous waste’ under the Hazardous Waste Regulations 2005.

42. Clearly this policy covers a wide range of environmental and amenity issues. Potentially elements of this policy could be rolled forward in terms of any consideration of the environmental acceptability of hazardous waste sites and facilities.

43. But this is potentially problematic because, in terms of much of the policy background discussed in this section, it is not clear as to what might be particularly unique about the environmental acceptability criteria for hazardous waste in comparison to other waste sites, facilities or processes.

Section 5

WCS Issues & Options Responses

44. This section summarises stakeholder comments on Issue W8 of the WCS Issues & Options papers (2006) concerning 'Making an appropriate contribution to local, regional and national hazardous waste management requirements'. The responses to these questions are set out in a detailed schedule of responses (available on the County Council website), which are summarised in Evidence Paper 'Stakeholder Responses to the Issues & Options Papers' (March 2007).

45. Very briefly, 86% of responses received agreed that minimising hazardous waste is an appropriate objective for the WCS. And 83% of responses agreed that it is appropriate to safeguard existing hazardous waste facilities provided that they are environmentally acceptable.

46. The following criteria represent the main issues that respondents considered could be used for guiding whether proposals/ existing sites are 'environmental acceptable'.

- 1 Impact on neighbouring land-uses;
- 2 The need for the facility;
- 3= Location of the site in relation to local, regional, or national hazardous waste arisings;
- 3= The pollution control record for the facility;

5 Locating new hazardous waste facilities with complementary existing activities;

6= The suitability of local roads to handle traffic and the site access;

6= The effect of the facility closing will have on the environment.

47. However, there was concern that the ranking is meaningless and that criteria should be relative to the type of hazardous waste being managed.

48. Additionally, there was a representation stating that hazardous waste management sites must not be allowed within 1 or 2 km of residential areas.

49. Grundon, the operator of Gloucestershire's only hazardous waste landfill site, responded to the Issues & Options paper Issue W8 stating:

50. *"I think it is essential that appropriate safeguards to existing waste management facilities are provided. Gloucestershire must realise that they also have a responsibility to the regional waste management strategies and not purely waste arising from their own county."*¹⁷

¹⁷ Letter dated 24th May 2007 from Andrew Short Estates Manager.

Section 6

Sustainability Appraisal Findings

51. Issue W8: 'Making an appropriate contribution to local, regional, and national hazardous waste management requirements' Option 2: 'Safeguarding existing hazardous waste management facilities provided that they are environmentally acceptable' was tested against the 15 SA Objectives in the WCS Issues & Options Sustainability Appraisal Report July 2006¹⁸ The following is a brief summary of these results:

52. The results are generally positive *provided that* existing hazardous waste facilities are environmentally acceptable. All the scores are positive or neutral apart from effects in relation to: SA Objective 14: Reducing waste to landfill and SA Objective 15: Reducing contributions to Climate Change. These results are scored as 'uncertain'.

¹⁸ This report was consulted on with the other Issues & Options documents. It is available at: <http://www.gloucestershire.gov.uk/index.cfm?articleid=1334>

Section 7

Further Evidence Gathering

Meeting between the WPA and Grundon Waste Management Ltd¹⁹

53. GCC Officers asked Grundon for their view on how Draft RSS Policy W3 could be interpreted. Their view (from their perspective) was that a site could be regarded as environmentally acceptable as long as:

- (1) It was not polluting the air or water.
- (2) The site complied with its PPC permit.
- (3) The comparative (environmental) costs of sites and no sites.
- (4) The need for the management of hazardous waste.

Meeting between the WPA and 'Safety in Waste & Rubbish Disposal' (SWARD)

54. In September 2007, the Minerals and Waste Planning Policy team met with SWARD (a local action group based in Bishops Cleeve) and discussed a number of hazardous waste related matters. The Local County Council Member for Bishops Cleeve also attended the meeting.

55. On the specific matter of 'environmental acceptability' in relation to Draft RSS Policy W3

¹⁹ This meeting took place on 1st May 2007 at Gloucestershire County Council Offices. Further details of this and other waste industry meetings are contained in Technical Paper WCS-J Waste Industry Involvement

and the hazardous waste site at Wingmoor Farm West, the following points were raised:²⁰

(a) It was stated by member(s) of the Minerals & Waste Policy team that the view of the operator²¹ was that, as long as the site was not polluting to air or water and was compliant with PPC permits, then it should be regarded as 'environmentally acceptable'. SWARD's view was that the EA's PPC permits were not rigorous enough i.e. that they still allowed for a certain level of pollution.

(b) A general point was raised during the meeting in relation to 'standoff distances' and certain European standards. It was stated that if the hazardous waste facility were to be built today it would probably be refused on planning grounds because of its proximity to housing.

(c) The matter of the particular technology being employed by the operators was raised. SWARD considered that it was fairly primitive at the moment, but there was a realisation that this was a market issue in terms of the levels of investment in plant.

Concluding remarks to 'Further Evidence Gathering' section

56. In relation to (a) PPS10 states:

"The planning system controls the development and use of land in the public interest and should focus on whether development is an acceptable use of the land, and the impacts of those uses on the development and use of land. Waste planning authorities should work on the

²⁰ For the full notes of the meeting see Appendix B.

²¹ See the full notes of the meeting with Grundon Ltd in Appendix F.

*assumption that the relevant pollution control regime will be properly applied and enforced."*²²

57. In relation to (b) and 'standoff distances', in November 2006 GCC officers asked the EA for advice on 'standoff distances' for various waste management facilities. The advice received was that the Environment Agency does not include "stand-off distances" for the location of each type of waste facilities in respect of sensitive receptors. Effectively applications are looked at on a case by case basis through a detailed risk assessment. (See Appendix H).

58. The WPA is not aware of any specific EU guidance except the EIA process which again looks at each proposal as it comes forward on a case by case basis.

59. In relation to (c) matters relating to any particular technology employed by a waste operator has generally been a matter for the market and has not fallen within the control or sphere of planning. Clearly planning and regulatory authorities can control and regulate the impacts of a particular development or process, but generally what sort of technology will be used for waste management is a commercial decision.²³ However Annex E of PPS10 does state that: *"In testing the suitability of sites and areas against the criteria set out in paragraph 20."*²⁴ *They should also bear in mind the envisaged waste management facility in*

²² PPS10, Page 13, Paragraph 27.

²³ The situation is potentially different with Municipal Solid Waste (MSW) where a Local Authority has more control in decisions about how it is managed.

²⁴ PPS10, Paragraph 20, 'Opportunities for on-site management of waste where it arises & a broad range of locations including industrial sites, looking for the opportunity to co-locate facilities together and with complementary activities.'

terms of type and scale, taking account of the best available technologies (not involving excessive cost).²⁵

Gloucestershire Health Overview and Scrutiny Committee: Wingmoor Farm Task Group and the Primary Care Trust's (PCT) Health Impact Assessment

60. Technical Evidence Paper (WCS E) Hazardous Waste, Section 3 and associated Appendix A summarise the work of the Task Group so far. The outcomes of that group are anticipated and their findings will be added to this evidence paper when available.

²⁵ PPS10, Annex E, Page 23.

Section 8

Possible Criteria – What Constitutes Environmental Acceptability for Gloucestershire?

61. The current hazardous waste landfill facility²⁶ in Gloucestershire has all the relevant PPC permits and waste management licenses issued by the Statutory Waste Regulation Authority – the Environment Agency (EA) and is in compliance with them. If this were not the case the facility would not legally be able to operate.

62. The facility also has planning permission from the County Council as Waste Planning Authority. Both the regulation and planning elements are backed up by monitoring and enforcement procedures. Once permitted the continued operation of a particular site is a matter that is closely regulated by District Environmental Health and the WPA, to ensure that conditions attached to the planning permission are adhered to, and the Environment Agency under licensing arrangements. The EA track movements of hazardous waste and monitor sites to ensure their ability to receive specified hazardous waste and operate to a high standard whilst minimising harm to the environment.

63. If the site has the relevant planning permissions and if the EA as the Waste Regulation Authority considers that the site are abiding by their PPC permit and evidence for

²⁶ Wingmoor East, operated by Grondon Waste Management Ltd.

this is provided through regular and effective monitoring, then it has to be assumed that the site, as currently operating is ‘environmentally acceptable’.²⁷

64. Wingmoor Farm is subject to monitoring by the County Council (Planning Enforcement & Monitoring), Tewkesbury BC (Environmental Health) and the Environment Agency. There has been no formal planning enforcement action taken against the operators of the hazardous waste landfill site.

65. Another consideration as to current environmental acceptability will be the final report and recommendations of Gloucestershire’s Health Overview and Scrutiny Committee Task Group on the Wingmoor Farm waste management sites (including the hazardous landfill at Wingmoor West). This Group focused not just on environmental matters, or ‘environmental quality’ in their terminology, but also on operational issues (lorry movements, plant, tonnages) and various health matters.

66. The hazardous site is time limited through planning condition to remain operational up to 2009. In conjunction with this are issues relating to restoration as there is still significant voidspace remaining at this site. This is a significant strategic issue to be addressed by the WPA and the South West Regional Assembly.

67. It is for the operator of the hazardous waste site (and for all the other waste development that is time limited to 2009) to submit the planning applications, should they wish to do so, based on their commercial aspirations. It is

²⁷ See Appendix B, for more on PPC permits.

very likely that a full detailed EIA will be required (see paragraphs 37 & 38 of this report on EIA). The December 2006 Scoping Report indicates that the proposal falls under Schedule 1. The County Council's Planning Committee will then consider the application(s) subject to whether it the Secretary of State would wish to 'call in' the proposal.

68. It is for the WCS to consider Draft RSS Policy W3 and the term 'environmentally acceptable' and apply it to the Gloucestershire context. It needs not just to consider the current hazardous waste capacity in the County but also criteria for environmental acceptability that could be applied to other potential sites.

69. Factors to consider may include:

- The type of facility or technology
- The material being handled
- The existing topography
- Surrounding land uses
- Proximity to designated areas
- Highways / access etc
- Potential for successful restoration

70. If any parcel of land in the county were to be proposed for waste disposal there needs to be an adequate mechanism for assessing the future restoration of that site. The primary purpose of such a policy would be to ensure a satisfactory restoration scheme. Whilst such a policy would normally be included as part of the Development Control DPD, the data in Technical Evidence Paper (WCS-A) Waste Data illustrates that managing hazardous waste transcends local, regional, and even in some cases national boundaries. Consequently,

restoration of landfill operations (and in particular hazardous waste landfill) is potentially a strategic issue that could be included in the WCS as a key indicator of 'environmental acceptability'.

Section 9

Policy Options

71. Sections 1 to 8 of this report have provided some background evidence in terms National and Regional policy and the views of Gloucestershire's stakeholders:

72. Therefore given the above, what are the potential options at a Core Strategy level, in terms of providing the broad policy framework for a future Waste Site Allocations DPD and a Development Control Policies DPD? How should Gloucestershire consider the issue of the 'environmental acceptability' of existing and future hazardous waste sites and facilities? The following options for the WCS are presented:

■ **'Environmental Acceptability' Option A:**

73. *Proposals for hazardous waste development at existing hazardous waste facilities in Gloucestershire must demonstrate 'environmental acceptability'. In order to do this the following criteria will need to be met:*

There should be no significant adverse impact on the environment – on land, air or water that are not capable of stringent and successful mitigation measures. Where the effects are uncertain the precautionary principle should be invoked.

There should be no significant adverse impact (including any cumulative impacts), on the following that cannot be successfully controlled, mitigated or attenuated:

-The quality of life, amenity and health of local residents and other land users;

-Any designated site for nature conservation;

-The countryside and the traditional landscape character of Gloucestershire;

-Access and the local highway network;

-The potential for successful land restoration.

Reasoning:

74. The wording generally follows the content of WLP Policies 16 and 37. The reference to the 'precautionary principle' comes from PPS23 Planning and Pollution Control.²⁸

75. The reference to 'cumulative impacts' relates to PPS10 Paragraph 21.

76. The reference to successful land restoration is an important issue for Gloucestershire as there is a significant amount of void remaining at the existing Wingmoor Farm landfill operations.

■ **Policy Option B:**

77. *Proposals for hazardous waste development at existing hazardous waste facilities in Gloucestershire must demonstrate 'environmental acceptability'. In order to do this the following criteria will need to be met:*

There should be no significant adverse impact on the environment – on land, air or water that are not capable of stringent and successful mitigation measures. Cumulative impacts should also be considered. Where the effects are uncertain the precautionary principle should be invoked.

²⁸ PPS23, Paragraph 6 "there is good reason to believe that harmful effects may occur to human, animal or plant health, or to the environment."

Factors that should be included in an assessment of 'environmental acceptability' include:

- The quality of life, amenity and health of local residents and other land users;*
- Impacts on neighbouring land-uses (including the local road network) and the potential for the achievement of appropriate 'stand-off distances' between the facility and residential properties;*
- The type and scale of the facility taking account of best available technologies (not involving excessive costs);*
- The need for the facility, the way it sits with existing activities and the potential wider environmental implications of not managing the waste stream;*
- Potential for successful land restoration issues.*

Reasoning:

78. The reference to the 'precautionary principle' comes from PPS23 Planning and Pollution Control.

79. The reference to appropriate 'stand-off distances' reflects stakeholder views through consultation and views expressed at the meeting with SWARD. It also reflects Appendix A of PPS23 – *"the need to separate necessary but potentially polluting and other land uses..."*

80. The other list of factors to be included in any assessment is broadly reflective of stakeholder's views and suggestions through consultation.

Section 10

Conclusion

81. This report has considered the following:

- National policy, in terms of relevant guidance on the preparation of Development Plans.
- Regional policy – in particular the specific requirements of Draft RSS policy W3.
- A consideration of Stakeholders' views including:
 - Forum participants and respondents to the Issues & Options consultation
 - The views of the operator of Gloucestershire's hazardous landfill site
 - The views of SWARD
 - The recommendations and conclusions of Gloucestershire's Health Overview and Scrutiny Committee on Wingmoor Farm.

82. From this evidence base the report has presented 2 wording options as to what 'environmental acceptability' may mean in relation to existing hazardous waste sites in Gloucestershire.

83. The WCS provides the broad policy framework for a future Waste Site Allocations DPD and a Development Control Policies DPD which will contain more detailed policies on these matters.

Appendix A: Broad hazardous waste types in the European Waste Catalogue

European Waste Catalogue Reference	Type of Waste (Note these are broad descriptions and categories overlap to some degree).
02	Agricultural and Food Production
03	Wood and Paper Production
04	Leather and Textile Production
05	Petrol, Gas and Coal Refining/Treatment
06	Inorganic Chemical Processes
07	Organic Chemical Processes
08	MFSU Paints, Varnish, Adhesive and Inks
09	Photographic Industry
10	Thermal Process Waste (inorganic)
11	Metal Treatment and Coating Processes
12	Shaping/Treatment of Metals and Plastics
13	Oil and Oil/Water Mixtures
14	Solvents
15	Packaging, Cloths, Filter Materials
16	Not Otherwise Specified on the List
17	C&D Waste and Asbestos
18	Healthcare
19	Waste/Water Treatment and Water Industry (Including Air Pollution Control (APC) residues)
20	Municipal and Similar Commercial Wastes
99	Unclassified

Appendix B: Notes of meeting with Safety in Rubbish & Waste Disposal (SWARD) (12/10/07)

GCC: <ul style="list-style-type: none"> • Cllr Ceri Jones (Cllr CJ) (Local Member for Cleeve) • Kevin Phillips (KP) – Minerals & Waste Policy Team Leader • Nick Croft (NC) – Leading on Waste Core Strategy (WCS) preparation • David Ingleby (DI) – Working on WCS & Sustainability Appraisal (SA) 	Attendees	SWARD: <ul style="list-style-type: none"> • Barbara Farmer (BF) – External Liaison for SWARD • Ted Fryer (TF) – Local resident and member of SWARD • John Beattie (JB) – Bishops Cleeve Resident (member of the Bristol Group – considering the effect of living near incinerators)
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List of Acronyms:

APC	Air Pollution Control residues
C&D	Construction and Demolition waste (generally inert)
C&I	Commercial and Industrial waste (generally biodegradable)
EA	Environment Agency
EfW	Energy from Waste
EiP	Examination in Public
JMWMS	Joint Municipal Waste Management Strategy
GCC	Gloucestershire County Council
GOSW	Government Office for the South West
IPC	Independent Planning Commission
MSW	Municipal Solid Waste
RSS	Regional Spatial Strategy
SA	Sustainability Appraisal
SoS	Secretary of State
SE	South East
SW	South West
SWARD	Safety in Waste and Refuse Disposal
WCA	Waste Collection Authority (the 6 District Councils)
WCS	Waste Core Strategy
WDA	Waste Disposal Authority (the County Council)
WLP	Waste Local Plan
WM	West Midlands
WPA	Waste Planning Authority (the County Council)

ALL Introductions and respective roles were made.

The issue of waste minimisation was discussed – prevention better than cure – the WCS is developing work undertaken recently to prepare a supplementary planning document to get developers and local planning authorities to consider the waste and recycling implications of new development.

KP Provided an update on WLP saved policies – reply from GOSW expected imminently on which policies can be saved until replaced by WCS and subsequent plans.

Update on WCS preparation:

- It is a countywide document.
- Site Allocations Document will follow adoption of the WCS.
- There is also intended to be a policy document for regulating development.
- A proposals map will indicate allocations and designations.
- Independent examination – The Planning Inspectorate will adjudicate and hopefully the WCS will be adopted in 2009.

NC / ALL There was a general discussion about the Independent Planning Commission (IPC) – the concept derived from Heathrow Terminal 5 Inquiry, supported by the Barker Review.

- Need national policy statements.
- Planning white paper suggests thresholds.

- The jury's out on how the IPC will operate.
- But the IPC is unlikely to be put in place in near future.
- Wingmoor Farm East application – could be “called in” by SoS.
- SoS makes decision based on Inspector's Report.
- The “call in” often triggered by the Local Planning Authority.
- SoS is likely to be interested in Wingmoor Farm application because of its Regional and National implications.

CLlr CLlr Jones stated that he was particularly unhappy that the decision could be taken out of
CJ local hands – issue of democratic accountability.

WCS preparation

- KP Forum was held in March 2006.
WCS Issues & Options consultation – 17th July to 15th September & ongoing.
The GOSW response indicated that more evidence of discussions / partnerships was required.
The WPA have held discussions with the six districts, industry, local groups, and statutory bodies (e.g. sewage companies).
The new planning system relies on ‘evidence-based’ work – the WPA is currently preparing papers. These will be put on the GCC website as ‘living documents’.
A public forum will be held to help shape the Preferred Options stage of WCS preparation – this will be on 30th Oct 2007 in the Gloucester Guildhall.
- DI Member involvement – Members will be invited nearer the time once we are aware of stakeholder numbers.
- KP - Members Information Sheet is being prepared.
The intention is that the Preferred Options documentation will go to GCC Cabinet on the 28th November 2007.
Evidence testing through independent examination – 9 tests of soundness.
The WPA need evidence to support soundness.
- Preferred Options timetabled for publication in Jan2008 for which there would be a consultation period of 6 weeks.
Then the WCS is submitted to SoS in Dec 2008 (there will also be a 6 week consultation period).
Examination timetabled for June 2009.
There will then be a binding Inspector's report.

RSS Hazardous Waste Policy W3

- KP Panel report into the draft RSS is expected by end 2007 – this will be a public document.
It is then expected that the revised RSS will be published mid/late 2008
This will replace structure plans.
- The WPA is currently working with a draft version of the RSS, which could change following the panel report.
GCC officers also attended the SE RSS EiP (Dec 2006) on hazardous waste issues. Their policy stated that they need hazardous waste landfill capacity in the Kent/Sussex part of the SE. GCC argued that they cannot guarantee capacity outside the region – especially given the Wingmoor Farm planning permission end date of 2009.
Panel recommendation – the SE region needs to look at wider SE region rather than just Kent/Sussex.
- CLlr CLlr Jones considered that the lack of debate at the RSS EiP on waste issues was
CJ scandalous.
DI In terms of the SA requirement the SW region only did a minimal assessment.
- KP SW Region prepared a paper on hazardous waste requirements which assumed a level of APC arisings and thus a need for facility(ies) but not clear yet which way authorities will go with their MSW strategies - Cornwall/Devon going for energy from waste technology therefore APC arising at other end of the region.
- BF Juniper Report – Waste technologies report on proven technologies - who decides on evidence?
- KP The JMWMS will guide the WCS in terms of technologies for managing MSW.

The WCS will not determine the particular technology, that debate is being had in relation to the Residual Waste Management Strategy being prepared by the County Council (in its role as WDA).

Data

- NC WDA provide info on MSW (which is good), the EA provide data on all other waste streams. Operator information is also sought to provide additional evidence.
 Import and export of waste takes place from Gloucestershire.
 Most recent data returns from EA relate to year 2004/05 and NC explained how this is broken down into biodegradable and inert.
 Hazardous waste is provided by EA from the more detailed hazardous waste interrogator. The data only relates to licensed waste and not for the exemptions.
 The 2004/05 collations were provided which includes a total arising of c.1.2 mt (c.309,000 MSW, 462,000 C&I, 401,000 C & D and 72,000 hazardous).
 Region sets capacity requirements for C&I/MSW/C&D. the WPA has looked at existing capacity of current facilities to determine the 'gap' in provision, and hence what needs to be planned for.
 The was discussion as to what happens with hazardous waste in that up to 2004 much of the Glos arsing's leave the County yet we manage a significant importation figure.
 KP & NC explained that of the 20 or so sub categories of Hazardous waste each requires different forms of treatment and disposal. As these are relatively small tonnages in themselves it has resulted (largely through market decisions) to a limited number of specialist facilities spread around the Country. However the bulky or hazardous C&D waste are likely to end up in landfill as they can't be recycled or recovered easily.
 Wingmoor Farm takes APC residues that other sites can't.
 The Purton site (Wilts) doesn't take APCs.
 SNRHW cells could be used to minimise transport distances.
 2006 (Grundon's data) shows that APC inputs have reduced, but the input of contaminated soils has increased. This has resulted in an increased tonnage because soils are more bulky.

Cumulative Impact

- DI Cumulative impact is a complex issue and one on which we need your input and your views.
 TF In terms of cumulative impacts the traffic impact is particularly significant – but there are others as well. The proximity to housing is a key issue (new housing adj to waste site shouldn't be permitted). In Europe they use a 200m buffer zone but UK Government rejected this. There shouldn't be impacts from sites (noise, dust, smell) they should be controlled, but this isn't the case.
- DI The WCS provides the framework for allocating sites. National policy requires the WPA to address cumulative impact however there could be conflict with the eco-park concept (from PPSIO).
- TF There is concern locally that gradual increases at a site eventually become too much. Whilst each new issue doesn't breach acceptability on its own -together they do.
- CIlr In Bishops Cleeve it is not just a case of waste traffic but anything else that generates traffic
 CJ - extra housing creates more traffic - therefore need to look at a wider area. The impact on the community grows over time. We wouldn't put a hazardous waste site where it is now, so why not treat it as if it is new site? The whole package of impacts can provide 'stresses' to the community.
- DI 'Stress' and 'Fear' can be a material planning consideration.
 EIA (at planning application stage) should cover cumulative impact.
 The WCS looks at a higher level – the SA process covers this issue as well.
 The March 2006 forum provided some evidence in terms of stakeholder's views of what constitutes cumulative impact.
- BF Perceived health impacts are important - Links to fear/perception of risk.
 Not just big health issues (e.g. cancer) but smaller ailments e.g. headaches, sore throat etc.
- DI - How can we use the results of the Health Overview and Scrutiny Report?
- BF It will probably state that better communications (especially from the EA) are needed from

the beginning to allow more stakeholder input – needs to be taken more seriously. It should also set out what processes must be followed when finding a site.

Environmental Acceptability (taken from RSS Policy W3)

- DI What factors comprise 'environmental acceptability' for hazardous waste sites in Gloucestershire?
Grundon's initial thoughts are that provided the activity is not polluting and in accordance with the PPC permit then by definition it's environmentally acceptable.
- BF But SWARD considers that the PPC permit is not acceptable as it allows a particular level of emissions – none should be allowed. All impacts should be 100% contained within site e.g. shouldn't have dirty hedges a mile away. These are enforcement issues.
- KP However care is required that we are dealing with issues relating to environmental acceptability in a hazardous waste context and not just general enforcement issues.
- Cllr CJ But you wouldn't put the site in this location if it were a new application.
- NC GCC raised this issue at a regional level – the RSS Policy W3 issue is that it seeks to retain existing sites 'provided they are environmentally acceptable', so it comes back to how we should measure environmental acceptability.
- KP Being located at the extreme boundary of the SW region is not helpful for the SW but is potentially for wider WM/SE regions.
- JB In terms of the issue of the technology being employed SWARD consider that it is fairly primitive at moment – the process is not good enough but realise that this is a market issue – investment in plant.
- KP The process issue is difficult as it largely goes beyond the planning authority remit. The EA need to advise the industry, maybe nationally. However, if the EA are willing to license the operation it comes down to what are the locational issues that the WPA can consider? e.g. geology.
- Cllr CJ We need to get sites away from population – potential for spillage/accidents.
- BF Those areas employing EfW should have the facilities for managing the APCs.
- KP The WCS evidence gathering doesn't stop here; please get back to us with any other ideas on these issues.

MSW Waste collection issues

- TF Is the County considering charging for waste collection etc
There are many different mechanisms for charging – clip/tag wheelie bins. However, there is a difficulty bringing together County and District collection/management methods.
- NC Commercial recycling collection sites are a positive approach - ongoing discussions, but there is a difficulty for local authority to undertake such activities due to LATS implications of additional biodegradable material and waste handling/site requirement liability.
- ALL It was felt by participants to be a constructive and useful meeting.
The WPA will type up and e-mail notes for group approval.

Appendix C: Summary of Gloucestershire Health Overview and Scrutiny Committee: Wingmoor Farm Task Group and the Primary Care Trust's (PCT) Health Impact Assessment

To be added – this report is pending, awaiting the PCT's input (18/01/08)

Appendix D: Annex E of PPS10

Locational Criteria

In testing the suitability of sites and areas against the criteria set out in paragraph 20, waste planning authorities should consider the factors listed below. They should also bear in mind the envisaged waste management facility in terms of type and scale, taking account of best available technologies (not involving excessive costs). Advice on likely impacts and the particular issues that arise with specific types and scale of waste management facilities is given in accompanying practice guidance.

a. protection of water resources

Considerations will include the proximity of vulnerable surface and groundwater. For landfill or land-raising, geological conditions and the behaviour of surface water and groundwater should be assessed both for the site under consideration and the surrounding area. The suitability of locations subject to flooding will also need particular care.

b. land instability

Locations, and/or the environs of locations, that are liable to be affected by land instability will not normally be suitable for waste management facilities.

c. visual intrusion

Considerations will include (i) the setting of the proposed location and the potential for design-led solutions to produce acceptable development; (ii) the need to protect landscapes of national importance (National Parks, Areas of Outstanding Natural Beauty and Heritage Coasts).

d. nature conservation

Considerations will include any adverse effect on a site of international importance for nature conservation (Special Protection Areas, Special Areas of Conservation and RAMSAR Sites) or a site with a nationally recognised designation (Sites of Special Scientific Interest, National Nature Reserves).

e. historic environment and built heritage

Considerations will include any adverse effect on a site of international importance (World Heritage Sites) or a site or building with a nationally recognised designation (Scheduled Monuments, Conservation Areas, Listed Buildings, Registered Historic Battlefields and Registered Parks and Gardens).

f. traffic and access

Considerations will include the suitability of the road network and the extent to which access would require reliance on local roads.

g. air emissions, including dust

Considerations will include the proximity of sensitive receptors and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles.

h. odours

Considerations will include the proximity of sensitive receptors and the extent to which adverse odours can be controlled through the use of appropriate and well-maintained and managed equipment.

i. vermin and birds

Considerations will include the proximity of sensitive receptors. Some waste management facilities, especially landfills which accept putrescible waste, can attract vermin and birds.

The numbers, and movements of some species of birds, may be influenced by the distribution of landfill sites.

Where birds congregate in large numbers, they may be a major nuisance to people living nearby. They can also provide a hazard to aircraft at locations close to aerodromes or low flying areas. As part of the aerodrome safeguarding procedure (ODPM Circular 1/2003¹⁶) local planning authorities are required to consult aerodrome operators on proposed developments likely to attract birds. Consultation arrangements apply within safeguarded areas (which should be shown on the proposals map in the local development framework).

The primary aim is to guard against new or increased hazards caused by development. The most important types of development in this respect include facilities intended for the handling, compaction, treatment or disposal of household or commercial wastes.

j. noise and vibration

Considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise both inside and outside buildings. Intermittent and sustained operating noise may be a problem if not kept to acceptable levels and particularly if night-time working is involved.

k. litter

Litter can be a concern at some waste management facilities.

l. potential land use conflict

Likely proposed development in the vicinity of the location under consideration should be taken into account in considering site suitability and the envisaged waste management facility.

Appendix E: Appendix A of PPS23

The following matters (not in any order of importance) should be considered in the preparation of development plan documents and may also be material in the consideration of individual planning applications where pollution considerations arise:

- the possible impact of potentially polluting development (both direct and indirect) on land use, including effects on health, the natural environment or general amenity;
- the potential sensitivity of the area to adverse effects from pollution, in particular reflected in landscape, the quality of soil, air, and ground and surface waters, nature conservation (including Sites of Special Scientific Interest (SSSIs), National Parks, Areas of Outstanding Natural Beauty (AONBs), Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Wetland of International Importance (RAMSAR sites), agricultural land quality, water supply (Source Protection Zones), archaeological designations and the need to protect natural resources;
- the environmental benefits that the development might bring, such as:
 - resulting reductions in the need to travel;
 - accompanying improvements to transport infrastructure;
 - restoration of former habitats;
 - enhancement or creation of habitats; and
 - the remediation of past contamination.
- the economic and wider social need for development (including potentially polluting development) such as the provision of a product or service, the generation of secondary trade with local businesses, the creation of new jobs and meeting regional or national environmental objectives including:
 - the need to identify land, or establish criteria, for the acceptable location of potentially polluting developments and the availability of alternative sites; and
 - the need to separate necessary but potentially polluting and other land uses (recognising the potential conflict with sustainable development over mixed-use developments) so as to reduce conflicts, for example by identifying where necessary areas around existing sources of pollution (including roads) in which proposed new developments and uses should be carefully considered in terms of their potential as pollution receptors.
- the existing, and likely future, air quality in an area, including any Air Quality Management Areas (AQMAs) or other areas where air quality is likely to be poor (including the consideration of cumulative impacts of a number of smaller developments on air quality, and the impact of development proposals in rural areas with low existing levels of background air pollution). The findings of air quality reviews and assessments will be important in the consideration of local air pollution problems and the siting of certain types of development;
- the need for compliance with any statutory environmental quality standards or objectives (including the air quality objectives prescribed by the Air Quality Regulations 2000 and Amending Regulations 2002, the water quality objectives prescribed in EU legislation including the 1991 Urban Waste Water Treatment Directive and Nitrate Vulnerable Zones identified under the 1991 Nitrates Directive (see Appendix 1D of Annex 1 on Pollution Control, Air and Water Quality);
- the need to ensure that land, after development, is not capable of being determined as contaminated land under Part IIA of the EPA 1990 and that all unacceptable risks have been addressed;
- the need to limit and where possible reduce greenhouse gas emissions and take account of potential effects of climate change;
- the possible adverse impacts on water quality and the impact of any possible discharge of effluent or leachates which may pose a threat to surface or underground water resources directly or indirectly through surrounding soils;
- the need to make suitable provision for the drainage of surface water;
- the provision of sewerage and sewage treatment and the availability of existing sewage infrastructure; existing action and management plans with a bearing on environmental quality including: Air Quality Management Area Action Plans (prepared by LAs under Part IV of the Environment Act 1995), inspection strategies and programmes for contaminated land (prepared by LAs under Part IIA of the EPA 1990), River Basin Management Plans (Water Framework Directive 2000/60/EC), Catchment Abstraction Management Strategies (prepared by the Environment Agency), Catchment Flood

Management Plans (prepared by the Environment Agency), Biodiversity Action Plans (prepared by English Nature, local partnerships and the UK Biodiversity Steering Group), Noise Management Plans and Noise Action Plans (prepared by the LA, and in London, the Mayor's London Ambient Noise Strategy), Local Agenda 21s (Sustainable Development initiatives prepared by the LA), Community Strategies (prepared by the LA under the Local Government Act 2000), State of the Environment Reports (prepared by some LAs and the Mayor of London) the possibility that (whether or not some aspects of the development are subject to pollution control), emissions of smoke, fumes, gases, dust, steam, smell, vibration or noise from the development might nevertheless be seriously detrimental to amenity in addition to constituting a statutory nuisance under Part III of the Environmental Protection Act 1990;

- the possibility that the development might present a Major Accident Hazard under the Control of Major Accident Hazard Regulations 1999;
- the objective perception of unacceptable risk to the health or safety of the public arising from the development; and
- the need to limit and, where possible, reduce the adverse impact of light pollution, e.g. on local amenity, rural tranquility and nature conservation.

Appendix F: Notes of Evidence Gathering Meeting with Grundon Waste Management Ltd

Minutes for Evidence Gathering Meeting

Gloucestershire County Council and Grundon Waste Management Ltd.

Meeting held at Gloucestershire County Council Offices on 1st May 2007

Attendees:

Grundon Ltd:

Neal Grundon (NG)
Andrew Short (AS)
Steve Roscoe (SR)
Richard Skehens (RS)

Gloucestershire County Council:

Kevin Phillips (KP)
Nick Croft (NC)
David Ingleby (DI)

Introductions

Introductions were made including respective roles, responsibilities etc.

Gloucestershire Waste Core Strategy

(KP) [Introduced background] Waste Local Plan (WLP) adopted 2004, we are progressing with the Waste Core Strategy (WCS) which along with other DPDs will eventually replace the WLP. One of the reasons for this meeting is that Government Office for the South West (GOSW) advised that we do more evidence gathering (particularly with key stakeholders) before we progress to Preferred Options. We have met with other waste operators and Districts etc. We also held a forum for all stakeholders – jointly with the County's Municipal Waste Management Team.

(KP) Preferred Options due to be consulted on in January 2008.

(AS) Will you have a further round consultation between now and then?

(NC) Probably not formally, as Kevin suggested we are holding these meetings as a form of targeted consultation and if you want further meetings we can arrange them. It is basically an iterative process.

(RS) Will there be anything else published before the Preferred Options?

(KP) We are producing a series of Evidence Papers / Reports, but we can't really say at this stage when they will be published. They will be publicly available (on the internet) at some point. They are basically technical papers informing the Core Strategy. Whatever representations people / industry want to make it is best to bring them up at this early stage. Once we get to submission stage ideally new issues should not be being raised; they should have been dealt with earlier in the process.

(KP) There are a number of advantages in having a fairly recently adopted WLP, but officially it lapses in October and we have had to go through a process to save policies. Certainly we were keen to save site allocations until we commence on the waste sites DPD.

(AS) When are you looking to produce this sites document?

(KP) It will commence when the Core Strategy is adopted.

(RS) So in a sense you have a planning policy void until then?

(KP) No, the sites are there in the WLP, they are saved.

(RS) This could be the worst time to submit the Wingmoor planning application?

(KP) Not necessarily.

(AS) There is still National and Regional policy in place.

[General discussion about SW EiP and Gloucestershire representations].

(KP) At the EiP there is only half a day on waste and no minerals session.

(NC) Our Issues & Options Consultation – you received all the documentation, but I'm not sure we got anything from you?

(AS) We sent it in electronically.

(NC) We'll check what we have.

National and Regional Policy Requirements

(NC) The Regional Requirements – The RSS sets targets for MSW, C&I and C&D waste over the next 20 years. We need to look at the 'capacity gaps'. In certain areas we have enough provision and in others there are significant gaps. For C&I waste there is a big gap in terms of recovery and treatment also in terms of recycling and transfer. We need to make up these gaps either through sites or through a criteria based approach.

(NC) The WCS will not contain 'sites' but it will contain broad strategic locations. RSS policy W2 sets the criteria for broad locations: A number of criteria are considered including for Strategically Significant Cities & Towns (SSCTs) and other named settlements a sequential approach

-Within

-On the edge of and/or

-In close proximity to i.e. within 16 km of the urban area primarily served by the facility.

The SSCTs in Gloucestershire are Gloucester and Cheltenham.

(RS) So must facilities be within the 16 km?

(NC) It's a sequential approach but that is what the policy suggests.

(RS) What about Green Belt?

(AS) This is covered in National PPS.

(KP) The RSS approach in this respect is slightly different.

(RS) Our last 3 MRF approvals were in the Green Belt.

Grundons' Operations

EA Hazardous waste data

(NC) I need some clarification on data. I get data from the EA on hazardous waste. It seems from this that the landfill element has been reducing, but in 2004 treatment appeared to increase dramatically. Is there double counting of treated and landfilled material?

(SR) It's very complicated. Basically all the figures are from the weighbridge readings, so no it's not a matter of double counting. After treatment the material is landfilled, but it gets recorded under the category of what happens to it first. There is a danger in looking at the old figures (2004) from the EA – not as up to date as ours.

(NC) it would be useful for us if you could provide the figures for 2005, 2006 & 2007.

(SR) In terms of treatment, not sure why there has been this increase in EA figures – we only treat APCs.

(NC) [Went through spreadsheet containing data from the EA listing other treated materials].

(SR) Not sure why that is classified as such as everything that comes into the site (treated or not treated) goes into the landfill.

(NC) 2005 – 2007 figures?

(SR) 2006 – 10,000 tonnes of APC came in for treatment. 41,000 tonnes of hazardous waste was landfilled & 62,000 tonnes of non hazardous waste. These figures have increased in 2007. We are taking 30,000 tonnes of APC through the gate but the figures show 60,000 tonnes because liquid is added.

(RS) This is problematic for us because people latch on to the 60,000 tonnes figure when only 30,000 is coming in. There was also 40,000 tonnes of 'other' hazardous waste landfilled. Therefore the total to landfill is 100,000 tpa in 2007 including the liquid treatment of APCs.

(SR) APCs will increase as a result of the Colnbrook EfW facility (near Heathrow) coming on stream.

(SR) I can send you our latest figures as requested.

(NC) Just to clarify, are APCs the only treated material on your site?

(SR) Yes apart from some liquid wastes. Other waste may be treated but effectively treated to be landfilled.

(SR/KP) [Discussion re: problems with the EA and which office (Exeter or Tewkesbury) deals with the waste data].

(RS) Steve will get you the data you require.

Current activities

(NC) At Wingmoor Farm you are not taking municipal waste from Gloucestershire?

(NG) Correct.

(SR) Non – hazardous waste in coming from all over, but only relatively small amounts of inert material for engineering etc. Most is biodegradable, not inert.

(SR) Tonnages of inert have gone down.

(RC) Everything on our wagons, our own vehicles, is local.

(NC) So other operators' vehicles are coming from further a field?

(SR) Correct.

Void space

(SR) Our voidspace figures are:

- Wingmoor West = 2.5 million cubic metres (hazardous).
- Wingmoor East = 2.5 million cubic metres.
- Wingmoor Quarry (former Gloucester Sand & Gravel site) = 900,000 to 1.2 million cubic metres.

Wingmoor East and Wingmoor Quarry are about to be combined, under one license – site to be known as 'Wingmoor Quarry'.

(NC) In relation to the Wingmoor East / Wingmoor Quarry merging is there an issue with electricity pylons needing to be relocated?

(SR) This is happening now.

(RS) [Explained some of the history of the Wingmoor Quarry site – bought from Gloucester Sand and Gravel. Quite low levels of clay originally which have now been added to].

(RS) In terms of total void space we have about 6 million cubic metres in total.

Cross border movements

(SR) APCs are coming from the South East.

(RS) There are no longer any hazardous waste sites in Wales so quite a lot of contaminated soils are coming from there.

(RS) The Grundon site at Bishops Cleeve has always been a destination for hazardous waste from the South West, especially since 2005.

Latest position on the life of the site – currently time-limited to 2009

(RS) We are currently preparing the application. We have already done some of the community consultation.

(RS) Mid to late summer the draft application will go to community groups etc. Submission to the County Council in the autumn.

(RS) About 500 responses to consultation, some constructive, some not. The majority were quite good.

(AS) I have a meeting this afternoon with an analyst to go through the consultation responses.

(RS) It will be a difficult one for the County – a tough call in terms of the determination. And given the unresolved status of the RSS – when will we have the Panel report etc?

(KP) We will check on RSS timeframe and get back to you. (Note: The EiP will run until July 2007. The Panel report is expected in October 2007. Following that the Secretary of State will issue proposed changes to the RSS which will be the subject to 8 weeks consultation. Early to mid 2008 the RSS will be issued).

(RS) Do any of your members sit on the Regional Assembly?

(KP) Yes, but now it is essentially in the hands of the Panel with final approval of the RSS by the Secretary of State.

(RS) I suppose these RSS issues will potentially influence when we put the application in. I'm hopeful that it may go through and we may not have to go to appeal as there are then the obvious financial implications.

(KP) It may well be called in due to its wider implications (strategic hazardous site) and the fact that it is one application for both hazardous and non-hazardous elements covering the whole site.

Preparing the WCS

RSS Policy W3

(NC) [Went through Regional policy] the draft hazardous waste policy in the RSS states that existing hazardous waste sites should be safeguarded provided that they are environmentally acceptable. So what constitutes 'environmental acceptability' from your point of view?

(RS) Very difficult – very emotive. As long as the site is not polluting the air or water then it could be described as environmentally acceptable.

(SR) As long as the facility/site complies with its PPC permits then it should be deemed to be acceptable.

(AS) It's important to look at Policy W3 in its entirety. What is the environmental cost of not having the site?

(NC) Do we need to do some kind of comparative exercise?

(NG) Basically sites are driven by geological considerations – i.e. clay.

(RS) There is a need for these sites but people are not prepared to have them near them.

(SR) In terms of hazardous waste coming from the South West the next hazardous waste site is in Liverpool. The Wingmoor site meets a regional need – certainly for the disposal of asbestos.

(NC) What about the issue of EfW facilities treating APCs where they arise?

(SR) No one is doing this at the moment, it would be commercial suicide (due to high energy use).

(RS) We have to consider contingencies – should plants break down. There is a need for a 'bolt hole'.

MRF

(RS) A MRF is essential on our Wingmoor site, we are considering a permanent application whether the landfill stays or not.

(NG) As a result of the increases in the landfill tax, people are starting to burn cardboard, or taking commercial waste to the CA site in small vehicles.

(RS) So there is a clear need for a good quality MRF.

(NC) Have you looked at other sites on non Green Belt land?

(RS) Yes we have looked at various sites, but we considered Bishops Cleeve to be the best site. Backed up by assessment work Shanks did for the PFI.

(KP) Presumably because of the synergies with disposal?

(SR) Not necessarily, none of our other MRFs need to be proximate to landfills.

(AS) Problem we have is that landowners do not want to know about waste.

(SR) And general industrial estates do not want to know – do not want to accommodate waste uses.

(NC/SR) [General discussion about Green Belt policy and Mole Valley].

(SR) At Mole Valley we controlled the land and no one objected on the Green Belt issue.

(AS) Green Belt is not an automatic 'no'. It has to be looked at.

(NC) Are you looking at other sites in the County?

(RS) Bishops Cleeve is the focus of our activities.

(NG) We did look at Frampton – but they were not interested in selling. Bishops Cleeve is very valuable as a hazardous waste site, but our customers want something different from just putting waste in a hole in the ground.

(NC) Are you looking at a network of sites across the County to serve your main operations at Wingmoor?

(RS) We have looked around but nothing in Gloucestershire. Not looking for transfer facilities, not huge input, no food waste.

Markets for recyclables:

Steel: Corus in South Wales

Aluminium: Banbury

Plastic: Stratford on Avon – for pipe manufacture.

Paper: Abroad (China or Holland) or UK – market led. The process in Holland is a secondary industry to resort paper into more 'pure' fractions.

Glass: Brentford / Bristol – to create light weight aggregate.

Bristol / Avonmouth & Liverpool - docks are for heavy materials such as recycled glass.

There is a need for plastic recycling facilities – sub regional 8000 – 9000 tonnes is required to be viable.
HDP – milk bottles / PET – coke bottles – international markets currently exist for both.

(KP) The RDA are more active on markets – a contact for these matters is Alistair Brown. The RTAB have discussed the issue. Gloucestershire First are also aware of the issues and looking at waste co-locating with others businesses.

Site specifics / criteria

(AS) Land ownership is a key issue.

(RS) A balance between site specifics and criteria may be the best approach.

(AS) as part of preparing Oxfordshire's WCS they have a list of 240 sites, this is being reduced down to 30.

Threshold for Local/Strategic Sites

(NC) Currently up to 50,000 tonnes for local sites.

(RS) Different ways of defining site sizes (market coverage, materials, specialist facilities, tonnages). We need plants with flexible capacity otherwise operations become outdated – demand issue. Customers want 24hr operations + C&I collections evenings and weekends. Operators need to be flexible.

Thermal treatment

(NC) JMWMS currently being drafted as well as the Residual Waste Procurement Strategy element. The WCS will be as prescriptive or open as those strategies allow it.

Regional hazardous waste

(KP) GCC objected to RSS Policy W3 – expressed concerns about how it was drafted and the lack of evidence to back up their approach.

(RS) Can representations still be made?

(KP) If Grundon want to make any representation or statement, they should check with the RSS EiP Secretariat as to how this could be approached.

AOB

None.

Appendix G: Table C9.2 Roles & Responsibilities in Relation to Hazardous Waste – Waste Strategy for England Annex C9: Hazardous Waste

Organisation / Stakeholder Roles and Responsibilities

Government

Set the strategic and legislative framework, including estimates of capacity need, any targets for hazardous waste reduction. Provide broad guidance on main legislative provisions, for example, on the mixing ban of hazardous waste.

Environment Agency

Principal regulator in England for the hazardous waste controls, especially the Hazardous Waste Regulations 2005, the Landfill Regulations 2002, the main elements of the PPC controls, the waste management licensing regime. Apply proportionate and risk based enforcement of the controls on a consistent basis throughout the country. Produce technical and regulatory guidance documents for example on waste classification, treatment requirements and on how to meet the controls. Produce data on hazardous waste arisings and rates. Facilitate awareness raising amongst regulated business for example through the HazRed and NetRegs initiatives.

Waste producers

Comply with the relevant waste controls, including where necessary, notifying sites producing hazardous waste with the Environment Agency, and complying with waste characterisation requirements of the landfill regulations. As far as possible reduce arisings of hazardous waste, including the hazardousness of waste, for example, through green design, process change and good environmental management.

Waste management industry

Comply with the relevant waste controls. Provide facilities for the treatment, recovery and disposal of hazardous waste. Provide advice on hazardous waste controls to customers as necessary.

Regional and local authorities

Plan for facility provision in their areas.

Local authorities

Provide sites for the deposit of hazardous household waste in their areas, and publicise these. Provide specialist collection services for hazardous household waste, and publicise these.

Householders

As far as possible keep hazardous waste separate from their other household waste and ensure it is either taken separately to the nearest available household waste recycling centre permitted to take such waste, or collected by the local authority where such a service is provided.

Appendix H: Environment Agency Comments on Stand-off Distances for Waste Management Facilities

Email reply to GCC Minerals & Waste Planning Policy Team (20 November 2006) following a request for information

Current Agency guidance does not include "stand off distances" for the location of each type of waste facilities in respect of sensitive receptors. We do have position statements in respect of composting facilities and the location of landfills in respect of Groundwater (RGN3). All applications for a waste facility are required to include a detailed risk assessment. This assessment should examine the risks from the site which have the potential to cause harm. For each potential risk the possible pathways and possible receptors should be examined. From the results of the risk assessment the applicant should provide / suggest control measures within their application which would be assessed by the Agency as part of the determination of the application.

You have mentioned in your email the Agency's position statement regarding the location of composting facilities. This position statement does not state that we will not accept composting facilities within 250 metres of a receptor. There is a presumption against permitting such facilities where the boundary of the facility is within 250 metres of a workplace or the boundary of a dwelling, unless the application is accompanied by a site-specific risk assessment, based on clear, independent scientific evidence which shows that the bio-aerosol levels are and can be maintained at appropriate levels at the dwelling or workplace.



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