

Clarification Questions Arising from Answers to Matters and Issues

The references below correspond to the references within the Council's response paper to the Matters and Issues questions.

Q2 What organisation do the identified authors come from? Is it the Council itself? If so what department?

The Authors are from Warwickshire County Council. The Authors are within the Planning Policy Team, Planning and Development Group, Sustainable Communities.

Q20 The question asks how much of the 9 million m³ of landfill void will become time expired. The answer refers to 4.43 million tonnes. Can this tonnage be converted to m³ so that like is compared with like?

The 4.43 million tonnes of time limited landfill void equates to 4.90 million m³, assuming C,D&E waste inputs equate to 1.2 tonnes/m³ and HCl inputs equate to 0.8 tonnes/m³.

Q30 The answer indicates that Southfields Farm 3,000tpa MRF is still operational. Please confirm that this MRF processes CD&E waste. Although it only has a limited capacity, if it processes CD&E waste, why does it not feature in the table under **Q32**? Is it because its permission will expire within the lifetime of the Plan? If so, when will this be?

The site is still operational as confirmed by the owners and processes C,D&E waste. However, it was not included because the planning application was only for a temporary planning permission and the capacity would not be available for the lifetime of the Plan. The permission has in fact expired and a new application will have to be submitted to formalise the use of the site again. For this reason and the fact that in overall terms we considered 3000 tonnes to be a very small contribution, we decided to only include the main sites.

Q42 The answer refers to Southam Quarry being specialised for landfilling cement dust. **Q44** The answer refers to Southam Quarry being used for landfilling asbestos wastes and plasterboard. **Q45** The answer refers to Southam Quarry dealing exclusively with thermal process waste. Which is correct?

Apologies for the typographic error. The correct wording of the answer to Q44 should be:

“This statement may not be factually correct as there are two merchant landfill cells in the county at Ufton and Packington - ~~Southam Quarry~~ for the landfilling of asbestos wastes and plasterboard. The third landfill at Southam Quarry is not a merchant landfill because it is owned by CEMEX for its own use ie for the landfilling of cement kiln dust from CEMEX's Rugby Cement plant.”

Once Ufton and Packington close, on current information will this mean that there are no merchant landfills for hazardous waste in Warwickshire?

Yes that is the case.

Q43 The answer indicates that the permitted capacity at Southam is 340,000 tonnes. It then says that with the current rate of tipping it is probable that it has a life-span of ? What is the current rate of tipping and what is the estimated lifespan?

As explained previously 2011 was an exceptional year because CEMEX implemented a planning permission to dig out a previously filled quarry in Rugby and re-tip the waste at Southam. This produced figures of 220000 tonnes of hazardous waste received and deposited within the county for that year. In a normal year the amount of hazardous waste produced in the form of cement kiln dust is between 10k and 20k tonnes per annum. The HWDI shows a figure of 19302 tonnes for 2009 and 8040 tonnes for 2010. On that evidence, as a worst case scenario of 20000 tonnes p/a, the landfill would have a lifespan of at least 17 years. This may now be even longer as some of the material is being recycled as an agricultural fertiliser.

Q45 The answer refers to a waste transfer station with a capacity of 25,000 tonnes. Should this be tonnes or tonnes per annum?

Yes, the waste transfer station is Hinckley Hazardous Waste Transfer Station which is actually partly sited in Warwickshire and partly in Leicestershire. The site has a capacity of 25000 tonnes per annum and is operated by Augean.

Q51 Regardless of whether there is a requirement for additional capacity, can the Council briefly explain what happens to low level radioactive waste produced by Warwickshire's hospitals in relation to clinical treatment such as x-ray plates and associated equipment? Is no low level radioactive waste produced by academic facilities in their laboratories within the County?

I understand that the Environment Agency provides radioactive waste arisings data. Has this source been investigated?

Please see the attached correspondence from the Environment Agency's Robert McLellan (PCP/RSR Team Leader – Industry and Radioactive Substances Regulation) confirming that the EA issue permits to nuclear and non-nuclear sites to dispose of radioactive wastes. Operators are required to submit annual returns of LLW transferred for incineration, controlled burial or to the low level waste repository in Cumbria. However, these returns are expressed in radioactivity (i.e. becquerels) rather than tonnages so a true picture of waste arisings and movements cannot be provided. Notwithstanding, the radioactive waste arisings in Warwickshire are considered to be "extremely low". A list of sites handling radioactive waste is also attached – see list provided by Tove Carrelli (RSR Regulatory Officer, Radioactive Substances Regulation Midlands). Further to a telephone conversation with Robert McLellan, it is considered that arisings would be no more than a couple of tonnes and would most likely be disposed of through incineration or controlled landfill.

Q58 What does MRS stand for in the table?

MRS stands for metal recycling sites. This is a classification used in the EAWDI.

Q63 I note that the contract to export residual LACMW to Whitley is due to expire on 31/3/2016 although there is the possibility of an extension to 31/3/18. What will happen to Warwickshire's LACMW if Whitley is unavailable?

Although it is commercially confidential as far as negotiations are concerned there is a high likelihood that Warwickshire will continue to use the Coventry EfW plant at Whitley for the long term (at least for another 15 years i.e. the plan period). The amount of municipal waste exported to Whitley is 43,979 tonnes.

If this were to stop for any reason the waste could still be taken to the Four Ashes plant as Warwickshire have a 25 year PFI agreement with Four Ashes which can increase the amount of waste through a 5 year review process. There is also an option to increase tonnages if other counties do not reach their own waste input limits to Four Ashes. As a back-up the Council still has historic agreements in place with landfills at Ling Hall and Bubbenhall for residual waste if required for temporary periods but landfill costs would deter this over the long term.

Q70 Does Warwickshire have a contract in place to send residual LACMW to Four Ashes? If so, how long is it for?

Yes, Warwickshire does have a contract in place. It is for a 25 year period starting from 2013. We are a partner in the Staffs CC led 25-year W2R energy from waste PFI. We are committed to providing waste for Four Ashes through a formal Inter Authority Agreement (IAA) between Staffordshire + Walsall and Sandwell Councils. Staffordshire in turn (as lead authority) has a contract with Veolia to build and operate the facility. Participating authorities will benefit from the proceeds of third party waste as well as energy revenues, and each partner has the option to rebase its tonnages every 5 years in light of increasing or decreasing waste arisings. The facility is due to go live in December 2013. The W2R PFI business case was signed off by the Treasury and Defra.

Q75 With respect to disposal of hazardous waste to landfill, it appears that there is likely to be a capacity gap within the Plan period. The fact that Ufton and Packington landfills (which are likely to close in the near future) mainly take waste from outside Warwickshire does not alter this fact. Policy Principle 8 within the Emerging Spatial Options document suggests that, as a large proportion of hazardous waste cannot be fully treated, Warwickshire should plan for the final disposal of stabilised non-reactive hazardous wastes (in particular asbestos). Does the Council agree that there is likely to be a capacity gap for the disposal of hazardous waste within the lifetime of the Plan? If not, why not?

See response to clarification point below under MM9.

Comments on proposed main modifications

MM3/MM6 The wording proposed in MM6 relating to CS Policy 1 should form part of MM3.

Add text:

“The Council will seek to meet identified capacity gaps (and where applicable, treatment gaps to meet landfill diversion targets) for each waste stream, where a shortfall is indicated through the Authority Monitoring Report process. Where it is demonstrated that there is no identified waste capacity gap or where the capacity gap has been exceeded, then any planning application will be assessed against the CS and DM policies and the principles of Proximity and driving waste up the Waste Hierarchy.”

MM6 On the submitted evidence it seems to me that Policy CS7 should contain some positive wording in relation to hazardous waste where a capacity gap is identified. Consequently, I would recommend that main modification 6 incorporates such positive wording. Would the Council make a suggestion in this respect?

See response to clarification point below under MM9.

MM9 Where is table DM1? Should table DM1 be part of the modification?

The term “table DM1” was included in error. The sentence should read as:

“New applications and existing capacity will be monitored ~~in table DM1~~ to ensure that if capacity is added through new permissions, that the correct amount of treatment required is properly planned over time and any potential shortfall is met. This is to be monitored through the proposed framework shown in table 10.1.”

With respect to hazardous waste, whilst there may currently be no capacity gap for landfill disposal, it seems that a capacity gap might arise within the lifetime of the Plan. Consequently, I am not convinced that Warwickshire will necessarily be self sufficient in this respect throughout the Plan period. Would the Council please look at this again and propose alternative wording?

The following amendments are now proposed:

In para. 8.13:

“Warwickshire is currently self-sufficient in terms of providing sufficient treatment capacity to meet its hazardous waste arisings. However, in the RSS Phase 2 Revision, Warwickshire was required to continue to plan for the final disposal of hazardous waste, including where necessary the creation of separately engineered cells for stabilised non-reactive hazardous waste (SNRHW), by identifying suitable landfill sites where appropriate. There are two

*such landfill sites already operating in Warwickshire at Ufton and Packington, however landfill capacity at these sites may not be available through to the end of the plan period if waste continues to be imported into the County for final disposal of SNRHW. Therefore any new proposals for the disposal of hazardous waste (including SNRHW and low level radioactive waste) via landfill will be assessed against all relevant development plan policies and national policy and guidance, **and** taking into account all other relevant material planning considerations. In doing so, the Council will seek to permit the timely provision of hazardous waste disposal capacity where there is an identified capacity gap."*

Insert new para. 8.46 (text under Policy CS7):

"The RSS Phase 2 Revision required non MUA authorities, such as Warwickshire, to encourage final disposal of hazardous waste, particularly for the disposal of stabilised non-reactive hazardous waste, where the geological conditions are suitable. Therefore any proposals for the disposal of hazardous waste (including SNRHW and low level radioactive waste) will be assessed in accordance with all relevant development plan policies and national policy and guidance, taking into account all other relevant material planning considerations. The Council will therefore seek to permit the timely provision of hazardous waste disposal capacity where there is an identified capacity gap. Where it is demonstrated that there is no identified capacity gap, or where the capacity gap has been exceeded, then any application will be assessed against the CS and DM policies and the principles of proximity and driving waste up the Waste Hierarchy."

We consider that the wording above is appropriate given the latest situation in terms of hazardous waste management in Warwickshire. As the County is self sufficient in terms of hazardous waste management capacity over the plan period, it is considered that an even more positive approach to encourage hazardous waste disposal proposals is not necessary or justified. The proposed wording above accords with the approach in the RSS Phase 2 Revision, which was written on the assumption that the 'MUA' authorities would be better placed to provide hazardous waste treatment and the 'shire' authorities would be better placed to provide hazardous waste disposal through landfill (particularly SNRHW). However, the CSG site is offering up to 40,000tpa of hazardous waste treatment in Warwickshire; this site alone will ensure that the County is self-sufficient in terms of dealing with its hazardous waste arisings (estimated to be static at 36,000tpa). There is also sufficient disposal capacity at Southam Cement Works to dispose of hazardous waste arising from the cement production process, which is the County's largest hazardous waste producer. It should be noted that the disposal capacity at Ufton and Packington is not available through to the end of the plan period because waste is being imported from other WPAs which is using up Warwickshire's own disposal capacity for SNRHW. Without the imported waste, Warwickshire would be self sufficient in terms of capacity to manage its SNRHW.

If a more positive approach is proposed and further disposal capacity is ultimately permitted, it is likely that Warwickshire will be importing even more waste from other WPA areas - and Warwickshire has historically been a net importer of hazardous waste. If other WPAs are adopting a 'net self sufficiency'

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approach through their waste plans (as we are required to do), it is likely that far less waste will need to be imported into Warwickshire in the future as each WPA will be obliged to ensure appropriate provision to meet its hazardous waste needs.

We would welcome the Inspector's thoughts on this point.

Elizabeth C Ord

INSPECTOR

9 January 2013