

Matter 7A/South East England Regional Assembly



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MATTER 7A: WASTE AND MINERALS

7A.1: Is the proposed apportionment of London waste fair and appropriate (Policy W3)?

1. The alterations to RPG9 for waste (June 2006) include estimates of London's municipal solid waste and commercial and industrial waste exports to the South East that decline from around 1.8 million tonnes at present (municipal waste, and commercial and industrial waste) to less than 1 million tonnes per year in 2025 (Policy W13). It is assumed that exports of construction and demolition waste are minimal (based on advice from GLA) and these are not included (also given that the generally inert nature of construction and demolition waste requiring different type of landfill).
2. In their report following the Examination in Public of the draft alterations to RPG9 (December 2004) the EiP Panel recommended that the Assembly develop a methodology for sub-regional (by waste planning authority area) apportionment of London's exports to the region for landfill, based on a range of factors including:
 - Surplus of landfill void space over and above that required to meet the sub-region's (waste planning authority's) own needs at 2015;
 - Suitability of geology and engineering;
 - Proximity to London;
 - Ability to use sustainable transport;
 - Availability of alternative recovery (not used in the methodology as it focuses on exports to landfill only).
3. The Panel recommended a policy be included in the draft South East Plan for consultation and further testing. The Assembly responded to this request and appointed independent consultants to develop a methodology. It was intended that the resulting apportionment would be fair and appropriate. However, as a multi-criteria approach based on the ethos that the burden of disposal of London's waste should be shared, it was inevitable that it would be difficult gaining support and acceptance, particularly from Waste Planning Authority areas that would be expected to take more waste than they do at present or that they had planned to take in the future.
4. Given the controversy surrounding the issue, it is important to set out an audit trail of decision making that led to the methodology being approved and used to inform Policy W3 of the draft South East Plan. The work was guided by a steering group of officer representatives drawn from the South East Regional Technical Advisory Body for waste (SERTAB) including the Assembly, Surrey, Hampshire, Kent, Oxfordshire and Buckinghamshire CC, the Environmental Services Association (volunteers from SERTAB). The Greater London Authority and East of England Regional Assembly were observers. SERTAB as a whole provided input and steer with the consultants presenting interim results to its meeting on 24 May 2005.

5. The methodology considered at a wide range of factors/criteria other than simply existing movements of waste, building on the criteria suggested by the Panel (except the presence of alternative recovery as the focus is on landfill). It also considered:
 - Existing contracts;
 - Historical patterns of movements;
 - Forecasts of future exports from London;
 - Other environmental and land use factors.
6. Geology and other environmental factors were considered particularly significant and include groundwater protection which, combined with other environmental and planning designations, makes large parts of the region generally unsuitable for landfill.
7. The steering group advised on use and weighting of the criteria to feed into the model to generate the apportionment figures, given as % of total London exports per Waste Planning Authority area.
8. The report was finalised in July 2005 and included a preferred apportionment. It was available from the Assembly website following its publication and is included in the EiP documents list (Library reference Wv2).
9. SERTAB considered the report at its meeting of 23 September where they were asked to advise the Assembly on its use in informing the SE Plan policy. There was not unanimous agreement but SERTAB advised that the apportionment methodology be used to prepare a policy for inclusion in the South East Plan.
10. The Assembly's Regional Planning Committee (RPC) considered the issue on 14 October that applied the apportionment to the declining exports of waste from London provided for in the RPG9 alterations. RPC agreed that the apportionment be used to inform policy to be included in South East Plan but further work needed to translate percentages into actual tonnages and to present these as longer-term amounts rather than annual tonnages. Following further consultation with SERTAB Waste Planning Authorities a revised approach was considered by the RPC on 7 December. The Committee agreed the apportionment for inclusion in the draft South East Plan as a basis for further consultation and testing.
11. Representations to the consultation on the draft South East Plan raised a number of concerns, particularly (but not exclusively):
 - The need to delay application of the methodology as it would not be implemented immediately (given the time required for plan-making and the need to acknowledge that existing contracts and the operation of the market would continue to drive movements in the short term);
 - The need to undertake further analysis of genuine availability of suitable landfill void-space and its proximity to London, as the methodology applies scores based on limited and generic information;

- The need for more certainty over the nature of the waste and the degree of pre-treatment it will have received;
 - Need for a reality-check of whether it would be commercially viable or attractive for sites to be used for London's waste (given the role of contracts and the market, and transport modes available).
12. Given that the policy was included in the draft Plan for testing, the Assembly has further consulted SERTAB which has investigated alternative apportionment options. This takes into account the issues raised in the consultation, in particular where technical evidence has been presented that indicates that weightings and scores for different criteria need to be altered. Jacobs Babtie have undertaken this review¹ and a series of alternative apportionment options have been prepared on behalf of SERTAB and the Assembly. Their report was considered by a special meeting of SERTAB on 5 October 2006, and the final report was issued on 20 October 2006. This represents a technical paper that is intended to assist the Panel. It has not been formally approved by the Assembly or SERTAB.
13. The alternative options include continuation of the existing pattern of movements of waste to 2015 and to 2025, and continuation of the existing pattern to 2015 followed by a number of variants on the apportionment model that give different weighting to different criteria.
14. The option for continuation of current movements (Option 1) to 2025 represents probably the most politically acceptable option, as the WPAs that currently take London's waste are expected to plan for less over the Plan period, while those that do not take any waste continue to plan for none. However, this does not represent an apportionment based on the recommendations by the Panel and does not consider wider sustainability issues.
15. Delaying the apportionment to 2015 has merits as it will take time to implement the policy locally through Waste Development Frameworks. In addition, movements of waste will continue to be driven in the short term by contracts, availability and gate price of existing permitted landfills. However, there is a need to apply wider sustainability criteria to define an apportionment beyond this period. In addition, basing apportionment on existing movements, even in the short term has drawbacks, primarily that it is based on a snapshot in time (the pattern of movements can change quickly) and relatively poor data, especially with regard to commercial waste.
16. The sustainability appraisal of all of the options concludes that the apportionment used in the South East Plan scores more positively than other options (no apportionment, or apportionment based on limited criteria), and that of the alternative options considered in the most recent report, Option 2c (equal weighting of criteria) scores most positively.

¹ Jacobs Babtie for SERTAB and the Regional Assembly (2006) Towards a methodology for apportionment of London's exported waste: Alternative apportionment options. Final report and Sustainability Appraisal report, October 2006.

17. There will be a need for testing of any apportionment through the Waste Development Framework process, as more detailed information will be available that may reveal practical and technical reasons why apportionment cannot be delivered (for example Environment Agency policy). This is recognised in paragraph 6.6 of the draft South East Plan and this should be retained to accompany any alternative apportionment proposed in the final South East Plan.
18. It should also be acknowledged that the policy will only apply to planning permissions of new landfill space, and so there will be a number of WPAs that are already meeting their apportionment through having adequate permitted landfill void space.
19. Finally, Section D6 of the Plan was prepared prior to the publication of the alterations to RPG9. In between publication of these documents, some textual changes were made to RPG9. The text and policies of RPG9 should be incorporated in full into the South East Plan apart from the changes identified in red text in the South East Plan and paragraph 6.6 as described above.

7A.2: Is the proposed approach to hazardous waste sufficiently clear (Policy W15)?

1. The changes to Policy W15 attempt to provide more specific guidance on the type and range of facilities that will be required to manage hazardous waste. This draws on technical work undertaken for the Assembly to review current and likely future types and amounts of hazardous waste (Library reference WvR3), and advice from SERTAB.
2. Hazardous waste constitutes a wide range of materials with very different characteristics, sources and management needs. The majority (in terms of tonnage) is construction, demolition and excavation waste including asbestos and contaminated soils, oil and oil/water mixtures, and waste from refining, chemical and thermal processes. Hazardous waste also includes elements of waste electronic equipment, fluorescent lights, and batteries.
3. Estimating future arisings of hazardous waste is problematic, as there is much scope for waste reduction that may be driven by increased difficulty and costs of disposal. For example, in the past many consignments of construction, demolition and excavation waste were classed as hazardous even though the amount of hazardous material (such as asbestos) was relatively small. Reduction can and has been achieved through better separation and avoidance of contamination at source.
4. Availability of landfill for disposal of hazardous waste has been simpler to assess. Currently the region has little or no capacity. There is some permitted landfill capacity for air pollution residues and asbestos (both in Kent). Hazardous waste that cannot be recovered needs to be transported outside of the region. Parts of the region are some distance from these sites, and our assessment identifies a general need for landfill provision in the region with a particular deficit in the South and East of the region.

5. When identifying treatment capacity needs it is necessary to consider this for each specific types of hazardous waste, as the type of treatment and facility, including what may be an appropriate location, will be very different. It is therefore not possible to assess with any degree of accuracy what treatment facilities and what capacity may be required, and how the economics of hazardous waste management may develop and how the market may respond. In reality the private sector will invest in facilities to meet market and regulatory demands and this will set the scale of operations. It is also difficult to judge whether a small number of large-scale or a larger number of small scale facilities is required, although the research indicates that for most types of facility a catchment serving a number of county areas is desirable (given the specialist nature of the facility and the relatively small tonnages arising).

6. SERTAB and its hazardous waste task group (including representatives of waste planning authorities, the Environment Agency, and industry) considered the Assembly's research and provided more specific advice on the content of the policy (meeting of 24 May 2005). This advice was used to formulate the proposed changes to Policy W15. Overall the policy aims to provide flexibility to consider applications as they arise, but attempts to identify specific needs drawing on the Assembly's research. To make the policy more specific, the Assembly would need to second-guess how industry and the market will react to new legislation. This could hinder provision of appropriate facilities. Given the uncertainties, a flexible policy identifying priority needs is appropriate and realistic, and will provide the positive framework required.