

NATIONAL POLICY STATEMENT FOR HAZARDOUS WASTE – FREQUENTLY ASKED QUESTIONS

New, nationally significant, infrastructure for the management of hazardous waste is needed to protect the environment and human health and to allow us to manage hazardous waste in a more sustainable way, recycling and recovering the waste where possible.

Hazardous waste is essentially waste that contains one or more hazardous properties that may cause harm to human health or the environment. Except in a few limited circumstances it does not cover waste classified as radioactive waste under the Environmental Permitting (England and Wales) Regulations 2010.

The Government is obliged to meet the requirements of European law on hazardous waste and in particular to manage hazardous waste in accordance with the waste hierarchy so that as much as possible is sent for recycling and recovery rather than being sent for disposal. Despite measures aimed to prevent the production of hazardous waste, arisings remain significant with around 4.8 million tonnes of hazardous waste having been produced in 2008 in England and Wales. This trend is expected to continue as new EU measures designed to improve the management of hazardous waste mean that more waste is removed from the general municipal waste stream for separate management as hazardous waste. There is, therefore a need for new, nationally significant, infrastructure to ensure that all this waste can be managed in a way that protects both the environment and human health and allows us to maximise the amounts sent for recycling and recovery.

Q&A

1. Why do we need Hazardous Waste infrastructure?

Without suitable management, hazardous waste may pose a risk to human health and the environment. We also need to manage our hazardous waste in a more sustainable way in line with European legislation and ensure that, where possible, we recycle and recover hazardous waste rather than sending it for disposal.

2. What are the drivers for the infrastructure?

i) Trends in hazardous waste arisings:

- Despite measures to prevent and minimize the production of hazardous waste, arisings have remained significant despite the economic downturn because the introduction of measures to further improve the environmentally sound management of waste has increased the types of waste that must be removed from the municipal waste stream and be managed separately as hazardous waste.

- Changes to the list of hazardous properties in Waste Directive 2008/98/EC and forthcoming changes to the European Waste List, are expected to lead to further increases in the amount of waste that must be managed as “hazardous”.
- There is a need to substantially reduce the relatively large amounts of hazardous waste continuing to be sent to landfill and increase that sent for recycling and reuse.

(ii) The need to meet legislative requirements:

- To apply the waste hierarchy - as set out in the Waste Directive 2008/98/EC. New, improved facilities will be required to optimise the extent to which the management of hazardous waste can be moved up the waste hierarchy.
- To comply with the “proximity principle” whereby adequate provision of hazardous waste facilities must be provided within each EU Member State.

3. What is an NPS and what is a NSIP?

The Planning Act 2008 contains a precise description of the role of National Policy Statements (NPSs). They cover the need for new or expanded infrastructure, locational considerations, how impacts are to be assessed and weighed against benefits and the mitigation of impacts. In making clear the Government’s policies NPSs are intended to remove the need for lengthy planning inquiries on fundamental questions at the application stage. The Planning Act requires an NPS for Hazardous Waste to inform decisions on National Significant Infrastructure Projects (NSIPs). NSIPs for hazardous waste are defined in the Planning Act as:

- Construction of facilities in England where the main purpose of the facility is expected to be the final disposal or recovery of hazardous waste and the capacity is expected to be:
 - in the case of the disposal of hazardous waste by landfill or in a deep storage facility¹, more than 100,000 tonnes per year;
 - in any other case, more than 30,000 tonnes per year.
- The alteration of a hazardous waste facility in England where the main purpose of the facility is the final disposal or recovery of hazardous waste and the alteration is expected to have the following effect:
 - in the case of the disposal of hazardous waste by landfill or in a

¹ “Deep Storage facility” means a facility for the storage of waste underground in a deep geological cavity.

deep storage facility, to increase by more than 100,000 tonnes per year the capacity of the facility;

- in any other case, to increase by more than 30,000 tonnes per year the capacity of the facility.

4. What are the alternatives to NSIPs?

The following alternatives were considered:

(a) Stopping the production of hazardous waste - There are a number of waste prevention measures already in place, but even with these measures, it will not be possible to prevent all arisings of hazardous waste. There will remain some products for which there is no practical alternative to the use of hazardous substances. For example, in energy efficient lighting, there remains no alternative to the mercury discharge process and mercury therefore remains in use in such lighting, although the amount of mercury in each lamp is now greatly reduced. Furthermore, older products that entered the market prior to obligatory or voluntary restrictions on the use of hazardous substances are still in use and will continue to appear in the hazardous waste stream for some years

(b) Relaxing self-sufficiency requirements - To comply with the principles of self-sufficiency and proximity in Article 16 of the revised Waste Directive, sufficient *disposal* facilities must be provided in England to match expected arisings of all hazardous wastes, except those produced in very small quantities, so relaxing self-sufficiency requirements is not an option for waste disposal. Whilst hazardous waste may legitimately be exported to other EU and other OECD countries for *recovery*, it is a matter of policy as well as a legal requirement that England should also have in place a range of facilities and plant for the recovery of hazardous waste to help meet the country's needs.

(c) Reusing and recycling more to avoid the need for new or improved facilities

EC Directive 2008/98 on waste sets out a revised waste hierarchy, which must be applied in waste prevention and management legislation and policy. Greater reuse and recycling are being encouraged in line with the waste hierarchy, but new hazardous waste treatment facilities are needed simply to enable more hazardous waste to be reused and recycled rather than being sent for disposal. In addition the processes carried out at such facilities will usually generate some residues, some of which will be hazardous and will need disposal.

(d) Relying on a larger number of smaller facilities

An alternative to the provision of a few major facilities to manage these wastes might be a larger number of smaller facilities. This would allow greater scope for facilities to

relate to regional and local arisings and so reduce the negative impacts associated with long distance transportation. However, it would not take account of economies of scale. This is important because, for some types of hazardous waste treatment, facilities are only viable if above a certain capacity. Furthermore, the cumulative effects of a number of smaller facilities may, in some cases, be larger than those for one large facility – for example more resources may be used and landtake may be larger.

Government's conclusion is that there is no alternative to managing the expected arisings of hazardous waste and allowing more hazardous waste to be sent for recycling and recovery than the development of a small number of large facilities (i.e. with a capacity above the threshold for nationally significant hazardous waste infrastructure).

5. Which types of facility are identified in the National Policy Statement for Hazardous Waste and why?

'A Strategy for Hazardous Waste Management in England (2010)' established the need for new hazardous waste facilities and set out the types of facility required. Of these, the Strategy determined that the following types would be likely to include nationally significant infrastructure facilities:

- Waste electrical and electronic equipment plants
- Oil regeneration plant
- Treatment plant for air pollution control residues
- Thermal desorption
Bioremediation / soil washing to treat contaminated soil diverted from landfill
- Hazardous waste landfill

Ship Recycling facilities have also been included on the basis that the UK Ship Recycling Strategy encourages the development of Ship Recycling Facilities and some of these will need to be nationally significant infrastructure.

6. How have the impacts of the NPS and these types of NSIP been considered?

The effects of the NPS and the types of NSIP it covers have been considered through strategic level appraisal including:

Appraisal of Sustainability (AoS) incorporating the requirements of the Strategic Environmental Assessment (SEA) Directive.²

Habitats Regulations Assessment in accordance with the requirements of the Habitats Directive³ (set out in a separate HRA report);

² Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment".

Impacts Assessment, in accordance with government guidance on better regulation and including Equalities Impact Assessment.

These reports accompany the draft NPS and are now being issued for public consultation and Parliamentary scrutiny.

The results of these appraisals are summarised in the NPS and the AoS, non technical summary , HRA and Impact Assessment.

7. What are the key impacts of the NPS and NSIPS?

The Appraisal of Sustainability (AoS) undertaken for the Hazardous Waste NPS assesses the likely significance of effects on a number of topic areas against related sustainability objectives. It predicts these effects using categories, ranging from significant positive or beneficial effects through neutral effects to significant negative or adverse effects and includes a category for cases where effects are uncertain.

The AoS has identified that hazardous waste facilities may have impacts on, in particular: biodiversity and geological conservation, landscape and the visual environment, noise, water quality and resources, air emissions, dust, odour, traffic and transport and, in the case of Ship Recycling Facilities, the coastal environment

The AoS assesses the overall potential sustainability effects of the Hazardous Waste NPS as being broadly minor positive. No major negative effects were identified, and potential minor negative effects were of a nature that could be addressed by the conditions and recommendations set out in the AoS and which have now been included in the NPS.

The AoS identifies some minor negative effects of the NPS, related to air quality and emissions, population, health and well being, noise, spatial planning and land use. These reflect inherent uncertainties around scheme location, types of infrastructure and methods of construction and also the large size of the facilities. Some minor or uncertain effects were also identified in respect of some of the types of facility identified in the NPS.

A number of recommendations were made in the AoS to improve the sustainability performance of the NPS and some of these were incorporated into the text of the NPS. However, in some cases it was concluded that the draft NPS (prepared to be consistent with existing planning policy and with other NPSs) already provided sufficient mitigation at the strategic level. It will be for project applicants to set out in detail how they will meet the policy and requirements set out in the NPS and more detailed appraisals will be required at the project level, including through Environmental Impact Assessment and Habitats Regulations Assessment.

³ Directive 92/43/EEC “on the conservation of natural habitats and of wild fauna and flora”. This requirement of the Habitats Directive is carried out to assess the potential impacts on European designated sites.

8. How can I comment on the NPS for Hazardous Waste?

Details of how to comment are included in the consultation document.