

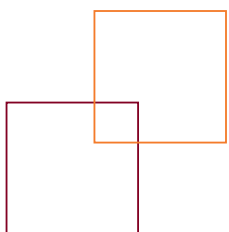
# Consultation on a Draft National Policy Statement for Hazardous Waste

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A consultation document issued by the Department for  
Environment, Food and Rural Affairs

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# Summary of Consultation Details

## Scope of the Consultation

<b>Topic of this consultation:</b>	This consultation on the draft Hazardous Waste National Policy Statement (NPS) is to invite public discussion and Parliamentary scrutiny on the NPS and the information it sets out for decision makers on how future planning applications for large hazardous waste infrastructure should be assessed.
<b>Scope of this consultation:</b>	The purpose of the consultation is to give stakeholders the opportunity to comment on the NPS and the framework it sets for planning decisions on nationally significant hazardous waste infrastructure projects. Seven different types of facility are covered by the NPS. The results will be used to ensure that the policy as outlined in the NPS is both clear and correct. The consultation covers the generic impacts of the NPS, which apply to any Nationally Significant Infrastructure Projects (NSIPs). In addition there are some specific criteria set out for each of the types of facility covered.
<b>Geographical scope:</b>	The proposals in this document apply to England in accordance with the scope of the Planning Act 2008.

## Basic Information

<b>To:</b>	The full list of consultees is set out in Annex 7. We welcome comments from all sectors and the general public.
<b>Body/bodies responsible for the consultation:</b>	Hazardous and International Waste Team Waste Programme Defra
<b>Duration:</b>	14 July to 20 October 2011
<b>Enquiries:</b>	Olu Ogunbadejo Telephone 0207 238 4335 or email <a href="mailto:HIWU@defra.gsi.gov.uk">HIWU@defra.gsi.gov.uk</a> for enquiries about the content or scope of the consultation, requests for hard copies, information about consultation events, etc.
<b>How to respond:</b>	By post <b>Postal address</b> Hazardous Waste NPS consultation response Defra Area 6D Ergon House c/o 17 Smith Square London SW1P 3JR <b>Email:</b> <a href="mailto:HIWU@defra.gsi.gov.uk">HIWU@defra.gsi.gov.uk</a>

<p><b>Additional ways to become involved:</b></p>	<p>Stakeholder events will be held in London and possibly also outside the capital if there is sufficient demand. If you wish to attend such an event, please register your interest at <a href="mailto:HIWU@defra.gsi.gov.uk">HIWU@defra.gsi.gov.uk</a> by 31st August. Further information will be sent to those who register an interest. If you wish to receive information about these events, please contact us on the telephone number or email address above.</p> <p>Further information is available on the Defra website.</p> <p>Please contact us if you wish for these documents to be made available in a different format (large print etc) and we will endeavour to accommodate your request.</p>
<p><b>After the consultation:</b></p>	<p>After the consultation closes, the consultation and responses may be debated in Parliament. Following this process Defra will then issue a formal response to the consultation detailing the responses received and how these and the sustainability considerations set out in the Appraisal of Sustainability have been taken into account.</p> <p>The summary of responses to the consultation will be published on the Government's website following consultation.</p> <p>Information on the department's consultation process is available from the Defra website <a href="http://www.defra.gov.uk">www.defra.gov.uk</a></p>
<p><b>Compliance with the Code of Practice on Consultation</b></p>	<p>This consultation complies with HM Government's Code of Practice on Consultation.</p>

## Background

<p><b>Getting to this stage:</b></p>	<p>This is the first consultation document for the hazardous waste NPS.</p> <p>Consultation on this NPS and its supporting documents has been undertaken across government and with Strategic Environmental Assessment Consultation Bodies in the UK.</p>
<p><b>Previous engagement:</b></p>	<p>Before this consultation launch some pre-consultation activities were carried out including consultation across Government and with Strategic Environmental Assessment Consultation bodies as indicated above.</p>



















# Chapter 6: Consultation questions

These consultation questions are meant to be read in conjunction with the draft NPS and its supporting documents. To help you, navigation references have been inserted into this document to point you to the relevant areas:

## Draft Hazardous Waste NPS consultation questions

(The draft Hazardous Waste NPS forms Annex 1 of this consultation package.) Part 3 of the draft Hazardous Waste NPS sets out the need for new hazardous waste infrastructure.

**Question 1.** Do you think this draft Hazardous Waste NPS clearly establishes the need for such infrastructure for those considering developing proposals for nationally significant infrastructure projects for hazardous waste?

Please provide comments on your response, along with any relevant data or analysis that supports your view.

**Question 2.** Do you think that the types of infrastructure outlined by the draft Hazardous Waste NPS capture the need for nationally significant infrastructure to help implement the Strategy for Hazardous Waste Management and drive the management of hazardous waste up the waste hierarchy? If not, what else should be included?

Please provide comments on your response, along with any relevant data or analysis that supports your view.

Part 4 of the draft Hazardous Waste NPS sets out assessment principles and Part 5 sets out generic impacts.

**Question 3.** Do you think the draft Hazardous Waste NPS adequately sets out for the Infrastructure Planning Commission the key assessment principles to inform the assessment of future hazardous waste infrastructure development applications?

Please provide comments on your response, along with any relevant data or analysis that supports your view.

**Question 4.** Do you think the draft Hazardous Waste NPS adequately sets out for the Infrastructure Planning Commission how it should consider alternatives when it comes to particular projects?

Please provide comments on your response, along with any relevant data or analysis that supports your view.

**Question 5.** Do you think the draft Hazardous Waste NPS gives appropriate guidance to decision makers on how they should assess the need to consider 'Good Design' for hazardous waste infrastructure?

Please provide comments on your response, along with any relevant data or analysis that supports your view.

**Question 6.** It is a requirement of the Planning Act 2008 that an NPS must include an explanation of how the policy set out in the statement takes account of Government policy relating to the mitigation of, and adaptation to, climate change. Do you think the draft Hazardous Waste NPS adequately fulfils this requirement?

Please provide comments on your response, along with any relevant data or analysis that supports your view.

**Question 7.** Have all the potential environmental impacts of hazardous waste development and options for their mitigation been identified in the Assessment Principles and Generic Impacts part of the Hazardous Waste NPS (this is Part 4 and Part 5)?

Please provide comments on your response, along with any relevant data or analysis that supports your view.



## Impact Assessment

In line with consultation best practice, an Impact Assessment (IA) has been produced, based on the figures from the Planning Bill IA, in order to provide the rationale for our chosen approach, by comparing it against the baseline option of not developing an NPS for Hazardous Waste. As well as demonstrating why the preferred option was chosen the IA sets out the reduction in costs and administrative burden to NPS developers from the changes to the planning system as set out in the Planning Act, which would be supported by introducing an NPS for Hazardous Waste. The IA uses anticipated casework data for applications to the IPC to determine the likely split of applications against the type of Panel (Single, Normal or Large) commissioned to deal with it. It is these assumptions which are important in justifying the fees estimates that result from this proposal.

We encourage all consultees to consider our analysis of the costs and benefits of each option, along with the assumptions that we have made, and let us know of anything that has been missed or could be improved.

The Impacts Assessment has been provided at Annex 2.

Please answer the following questions regarding the Impacts Assessment for this consultation.

**Question 17.** Do you agree with the preferred option, which is to produce a Hazardous Waste NPS that allows for market led infrastructure development with no specification of location or suitable technologies? If not, please provide information as to why.

**Question 18.** Do you consider that the costs and benefits stated in the Impact Assessment are valid for your business? If not, please provide whatever evidence you can to enable a more accurate assessment to be made. Any information you provide will be used in the Impact Assessment that will be produced following consultation.

**Question 19.** Do you consider that the split of applications against the type of Panel commissioned to deal with it is likely to accurately reflect the nature of applications coming from the Hazardous Waste sector? If not, please provide information as to why.

**Question 20.** Do you agree with the assumption in the IA that there are no transitional costs that would fall on business from this proposal? If not, please provide information as to why.

**Question 21.** Do you have any comments on the fee estimates in the Impact Assessment?

**Question 22.** Do you have any comments on the assessment of the impact on small and medium enterprises?

**Question 23.** Do you have any data on costs for ship recycling facilities?

**Question 24.** Are you able to provide any information on the number of applications that you expect to submit for consent approval over the next five years?

## Habitats Directive

Habitats Regulations Assessments (HRA) examine the potential effects of a plan or project on nature conservation sites that are designated to be of European importance. These sites, referred to as Natura 2000 (N2K) sites or European Sites, are designated because of their importance to European nature conservation. A full HRA has been carried out for the draft Hazardous Waste NPS in parallel with, but separate from, the AoS process and assesses the effects of both the generic policy contained in the NPS.

The full HRA is at Annex 5.



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We note the recommendations made in the HRA in relation to measures to compensate for the potential adverse effects of each hazardous waste infrastructure project arising from this draft NPS. We believe that HRA assessment will be required at the level of individual projects and we believe that it is appropriate at that stage to build in measures to compensate for any potential specific adverse effects of the particular development and which will need to take account of the findings of this main HRA report.

**Question 25.** Do you have any comments on the Habitats Regulations Assessment Report on the draft Hazardous Waste NPS?

### Equalities Impact Assessment

The Equalities Impact Assessment is at Annex 6.

Please answer the following question regarding the EqIA for this consultation.

**Question 26.** Do you have any comments on the Equalities Impact Assessment Report for the draft Hazardous Waste NPS?

# List of Annexes

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Annex 1 – Draft National Policy Statement for Hazardous Waste

Annex 2 – Impacts Assessment

Annex 3 – Appraisal of Sustainability (Full)

Annex 4 – Appraisal of Sustainability (Non-Technical Summary)

Annex 5 – Habitats Regulations Assessment

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Annex 7 – Full list of consultees



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