Consultation Document

East Sussex and Brighton & Hove
Waste & Minerals Development Framework

Information Paper 7
Hazardous Waste

October 2009

East Sussex County Council

Brighton & Hove City Council

Contents

Appendices

Introduction

1.1 This 'Information Paper' on Hazardous Waste, is one in a series that has been produced to support the preparation of the Waste and Minerals Development Framework (WMDF). The WMDF will contain planning documents ('Development Plan Documents' (DPDs)) that will help decide how and where waste should be dealt with and minerals produced in East Sussex and Brighton & Hove in the future (up to 2026). More information about them can be found on the Councils' websites:

- www.eastsussex.gov.uk/environment/planning/development/mineralsandwaste
- www.brighton-hove.gov.uk/index.cfm?request=b1148434

1.2 The Information Papers are being used to provide evidence for the development of the WMDF and to support consultation and discussion with members of the public and key stakeholders who are concerned with waste and minerals in East Sussex and Brighton & Hove[(1)].

1.3 The Papers are 'living drafts' which present the evidence as it stands at this stage and they will be periodically updated with any new information that comes to light. This will ensure the Councils' knowledge and understanding of waste and minerals remains robust and the evidence base for the WMDF is 'sound'.

1.4 The Information Papers were first published and consulted upon in July 2007, and were then revised in February 2008. This third version (October 2009) brings them up to date with new information and recent changes in legislation and policy.

1.5 Details of the other Information Papers that have been produced are included in Appendix 1.

1.6 If you would like to comment on or add to the WMDF evidence base that is presented in this Information Paper, please visit the consultation website http://consult.eastsussex.gov.uk and follow the instructions for the Information Papers.

Alternatively you can send an e-mail to wasteandmineralsdf@eastsussex.gov.uk or

write to:

Waste and Minerals Planning Policy Team

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East Sussex County Council

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1 A separate, more detailed, study into the future hazardous waste management needs in East Sussex and Brighton & Hove is also available

Introduction

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Please make sure that you refer to the section and paragraph numbers that your comments relate to.

Hazardous Waste

What is hazardous waste?

2.1 Waste is generally categorised using three broad classifications, as follows:

- '**non-inert'** waste: (described as 'non-hazardous waste' in EU Directives) is potentially biodegradable and may undergo significant physical or biological change if deposited at a landfill site. Waste from households, commerce, and industry mainly falls into this category;

- '**inert**' waste: includes materials such as rock, concrete, brick, sand, soil or certain arisings from road building or maintenance. Inert waste does not normally undergo any significant physical, chemical or biological change. The majority of construction and demolition waste is inert; and

- '**hazardous**' waste: can be generally described as waste which may be hazardous to health or the environment, either now or in the future. It was previously referred to as 'Special Waste'. The terms 'special' and 'hazardous' wastes are, to a large degree, synonymous, the former being established by the Special Waste Regulations 1996 and being superseded by the latter with the implementation of the Hazardous Waste (England and Wales) Regulations 2005[(2)]. Hazardous waste now includes everyday items such as fluorescent tubes, batteries and some waste electronic/electrical items, as well as tyres, discarded oils and lubricants. Hazardous waste is estimated to comprise around 2% of total waste arisings in the UK [(3)].

2.2 A common source of hazardous waste is clinical waste which arises from the healthcare sector. Some of this waste can be managed as non-hazardous, but infectious and higher risk waste must be dealt with as hazardous waste, for example hypodermic needles/sharps, swabs, and prescription-only medicines. The most common method of managing hazardous clinical waste is by incineration.

2.3 Waste produced through industrial processes is also often classified as hazardous; this can include solvents, acids, alkalis, waste oils, asbestos, and pesticides.

2.4 Hazardous waste can also include low level radioactive waste.

2.5 For further information see the Environment Agency guide 'What is a Hazardous Waste' [(4)], as well as information on the Defra website:

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2 Each of these regulations are based around different versions of the 'European Waste Catalogue' (EWC), with 'special' wastes being slightly fewer in number than hazardous wastes, resulting from a progressive extension of the EWC over time.

3 Waste Strategy 2000

4 What is a Hazardous Waste? (Environment Agency 2007)

www.defra.gov.uk/environment/waste/topics/hazwaste/index.htm.

Planning for hazardous waste

2.6 Planning for the provision of facilities to deal with hazardous waste raises complex issues, not least because of the plethora of definitions and categorisations used in legislation and by different organisations. This makes it difficult to make an accurate assessment of management capacity and facility requirements at regional and local levels.

2.7 Hazardous waste can pose greater risks during collection, bulking, handling, storage and transport than for non-hazardous waste as it may be explosive, flammable, toxic, corrosive, or infectious. This can generate concern and anxiety from communities about perceived health and environmental impacts.

2.8 Many of the controls and regulations regarding hazardous waste are beyond the remit of the planning system, however they are often closely linked. The Waste Planning Authority (WPA) is responsible for determining planning applications for development to manage waste, but it is the Environment Agency (EA) which is responsible for issuing a permit concerned with the control of pollution. WPAs can advise that an environmental permit must be obtained for a development, but the enforcement and monitoring of the permit is the remit of the EA.

2.9 Certain planning applications for waste management related developments also require an Environment Impact Assessment (EIA). An EIA requires the developer to compile an Environmental Statement, which must describe the likely significant effects of the development on the environment and proposed mitigation measures, before planning permission can be granted. Statutory consultation bodies must be consulted on the Environmental Statement, and their comments must be taken into account. Determining the threshold for requiring an EIA is complex, but as a general guide an EIA is required if the development could potentially have significant effects on the environment. “Significant” is defined in the EIA regulations. In addition to an EIA, some proposals may also need a Health Impact Assessment (HIA), which examines potential impacts on human health through a similar process.

2.10 The Planning Act 2008 made provision for a new 'Infrastructure Planning Commission' (IPC) which will determine planning applications for major development including hazardous waste plants that involve the disposal of more than 100,000 tonnes of hazardous waste and/or management by other means of 30,000 tonnes of hazardous waste per year [(5)]. It is currently anticipated that these new arrangements will be in place by April 2011.

2.11 Appendix 2 contains more information regarding the Legislative and policy framework affecting hazardous waste.

5 See Section 30 of the Planning Act 2008

Hazardous Waste

Management of hazardous waste - the national and international legislative framework

2.11 The legislative and policy requirements for management of waste in the UK are initiated through the various framework directives and strategies developed within, and emanating from, the European Union. Such legislation and policy initiatives are translated into national legislation and strategy for implementation. Appendix 2 details legislation relevant to the management of hazardous waste.

2.12 European Directives are increasingly directing waste away from landfill, imposing greater requirements for waste treatment (for example all hazardous waste going to landfill must now be pre-treated), and are requiring stricter pollution control of incinerators. Since July 2005 the Landfill Directive has prohibited the co-disposal of hazardous and non-hazardous wastes at the same landfill. As a result many operators have chosen to deal with non-hazardous waste rather than hazardous for economic reasons, and the result has been a significant fall in the number of hazardous waste landfill sites, although there are some landfill sites in the south-east region with separate engineered cells for the disposal of asbestos. This could raise capacity issues in the future, for example, for the disposal of residues generated by energy recovery facilities which can currently only be disposed of at hazardous waste landfills. The Landfill Directive also sets out 'Waste Acceptance Criteria', which require greater sampling, testing, and treatment of hazardous waste to meet criteria for wastes that can be disposed through landfill. This includes a requirement that from 30 October 2007 all waste (hazardous and non-hazardous) must be treated before it can be landfilled.

2.13 A Pollution Prevention and Control regulatory system exists to provide an integrated approach to considering the impacts of certain activities in terms of emissions and other impacts to air, water, land that could be harmful to human health or the environment. From 6 April 2008 this system has been incorporated into the framework of the Environmental Permitting Regulations (EPR). These regulations have combined the many separate waste and pollution control (PPC) systems so there are now single environmental permits and common procedures, thus streamlining the process and replacing over 40 pieces of legislation. Environmental Permits are obtained from the Environment Agency [(6)].

2.14 Most waste management activities must now have an Environmental Permit instead of a waste management licence. Permits are issued by the EA and have conditions to ensure that the activities do not cause pollution of the environment, harm to human health, or serious detriment to local amenity. Anyone who deposits, recovers or disposes of controlled waste must do so within the conditions of an Environmental Permit (unless the activity is exempt from a permit). The EA regularly visits to ensure that permit conditions are being met. Operators dealing with hazardous waste are also bound by a 'duty of care' to ensure that correct procedures are followed, which is set out in the Environment Protection Act 1990.

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6 See www.defra.gov.uk/environment/epp/documents/guidance-booklet-090304.pdf for more information

2.15 Any business producing hazardous waste has a legal duty to register their premises with the EA, and registration must be renewed annually. Since 15 May 2007, the Waste Management (England and Wales) Regulations 2006 (known as the Agricultural Waste Regulations) also apply to agricultural waste. As East Sussex is a relatively rural county with large areas of farmland, this could result in significant amounts of agricultural waste (such as plastic feed and seed bags, silage wrap, agrochemicals, and sheep dip) no longer being allowed to be burnt or landfilled on farm sites [(7)] and will instead need to be sent to approved waste management facilities.

2.16 In addition, movements of hazardous waste between sites is strictly monitored by the EA. Consignment notes are required for every movement from 'cradle-to-grave', and must be submitted to the EA for monitoring.

2.17 Other key legislation in relation to hazardous waste is the Hazardous Waste (England and Wales) Regulations 2005, which transposes the requirements of the Hazardous Waste Directive (91/689/EEC), setting out requirements for the controlled management of hazardous waste. The 2005 Regulations formally replaced the term ‘special waste’ with ‘hazardous waste’. These were amended on 6 April 2009 to principally widen the scope of the exemption from the need for hazardous waste producer registration.

2.18 Defra are aiming to produce a national strategy specifically for the management of hazardous waste. This would provide a basis for the practical application of the relevant parts of the Waste Framework Directive, aid infrastructure delivery, and provide sound guidance on the appropriate treatment of hazardous waste. A consultation document was produced in July 2009 with the deadline for responses in October 2009 [(8)]. It proposes '7 Principles' intended to provide clarity to the management of such wastes, as well as 'decision trees' intended to assist decision making about management of hazardous waste and the necessary infrastructure to move it up the waste hierarchy.

Other influences on the management of hazardous waste

2.19 A key driver for the management of hazardous waste is the Waste Strategy for England 2007. It suggests that a high proportion of hazardous waste can be re-used, recycled, or otherwise recovered, and that this trend is likely to continue with increased treatment and recycling of hazardous waste electrical and electronic equipment (WEEE) such as televisions and fluorescent tubes and wastes from the construction sector such as contaminated soils [(9)]. It also suggests that it may be appropriate to introduce targets for hazardous waste once a baseline for arisings has been established for 2006/7.

7 Guide to Agricultural Waste Regulations (Environment Agency 2007)
8 www.defra.gov.uk/corporate/consult/hwm-strategy/index.htm
9 Waste Strategy for England, Annex C9 (Defra 2007)

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2.20 On the 2 January 2007, the UK Waste Electrical and Electronic Equipment (WEEE) regulations came into force, requiring all producers or importers of household electrical and electronic waste to either provide a free in-store take-back scheme or to join a take-back scheme (operated by Valpack [10]) to collect the items. The regulations, enforced by the EA, place the responsibility for, and cost of, reducing the environmental impact on those who profit from making the goods. New facilities have been required to process the increased volume of waste resulting from the implementation of these regulations. There is currently only one treatment operation in the Plan area for waste electronic and electrical equipment, located near Lewes, however this a regionally significant facility with a large catchment area that extends beyond East Sussex and Brighton & Hove.

2.21 The Government is also examining the future management of 'higher activity' radioactive waste, with geological disposal the preferred option [11]. In addition, the Government is currently preparing a national strategy for the management of non-nuclear industry low level radioactive waste. This could potentially have implications in the future for the Plan area but the management of most radioactive waste is likely to remain beyond the scope of the WMDF.

Management of hazardous waste arising in the south-east

2.22 The South East region has historically exported more hazardous waste for management than was managed within the region (i.e. it acted as a net exporter), driven in part by available capacities of the different management facilities within the region and in part by commerce. For example, the region has a significant proportion of the UK's high temperature incineration provision but virtually no hazardous waste landfill provision [12].

2.23 The Scott Wilson study, regarding the management of hazardous waste in the south-east, found that hazardous waste arisings in the south-east stood at 477,042 tonnes in 2006, rising to 532,116 in 2007. The impact of the economic downturn on these figures for subsequent years is unclear at present, although it seems reasonable to expect a reduction in arisings. In 2007 the largest proportion of hazardous waste was comprised of oil and oil/water mixtures, accounting for 26% of the total, followed by construction and demolition waste and asbestos, which together accounted for 20%.

2.24 In 2007 a total of 330,711 tonnes of hazardous waste was treated, recovered/reused or disposed of in the south-east, around 43%, or approximately 142,351 tonnes of which, was imported. The following trends were identified

10 www.valpack.co.uk
11 Managing Radioactive Waste Safely: A Framework for implementing geological disposal. A public consultation (Defra and DTI 2007)
12 SEERA Study into the Arisings and Management of Hazardous Waste in the South East Region (Scott Wilson, April 2009)

- Landfill – a 67% reduction since 2004, however 15% increase between 2006 and 2007;
- Treatment – a 58% reduction since 2004, however 73% increase between 2006 and 2007;
- Transfer – an ongoing growth trend, with a 24% increase between 2006 and 2007;
- Long-term storage – down from 44Te in 2004 to 4Te in 2007 – this is a marginal increase from 2006;
- Recycling/reuse – an ongoing growth trend, with a 16% increase between 2006 and 2007; and
- Incineration – where 2007 showed a 29% increase over the preceding year.

2.25 In seeking to divert waste away landfill, the ban on landfill sites accepting hazardous waste unless specially permitted, followed by the introduction of dedicated hazardous waste landfills, appear to have had a degree of success, particularly in relation to increased use of recycling/reuse techniques.

2.26 The former South East England Regional Assembly indicated that some additional capacity for managing hazardous wastes in the south east region will be needed over the next 20 years. The South East Plan (Policy W15) identifies the following regional priorities regarding future needs for management capacity of hazardous waste:

- Hazardous waste landfill capacity particularly to serve the needs of the south and south-east of the region;
- Treatment facilities for air pollution control residues (from combustion facilities);
- Treatment/de-manufacturing plant for waste electrical and electronic equipment, supported by a network of transfer facilities;
- A sub-regional network of contaminated C&D waste treatment facilities; and
- A sub-regional network of landfill cells for stabilised non-reactive hazardous wastes.

2.27 It is likely that a range of types and sizes of facilities to deal with hazardous waste will be required across the south-east region. A few of these could be major facilities, such as incinerators or landfill cells, but many could also be much smaller and lower profile operations such as facilities for the disassembly of electronic goods, which can be situated on existing industrial estates. In response to Policy W15 the Panel Report on the draft South East Plan noted that although there is an urgent need to provide additional landfill capacity for hazardous waste, it does not necessarily have to be located in Sussex, Surrey or Kent even though it is needed to serve these parts of the region where it is most urgently needed

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Management of hazardous waste arising in East Sussex and Brighton & Hove

2.28 In 2007, East Sussex and Brighton and Hove produced around 22,740 tonnes of hazardous waste, of which around 43.37% was exported within the South East region for management and 35.51% was exported to the wider UK [(14)].

2.29 In analysing the production data for 2007 further, it is possible to identify the distribution of hazardous arisings across the county (Table 1) with the highest proportions highlighted.

Distribution of Hazardous Waste Produced Across East Sussex Districts

Sector	Sector Description	Brighton & Hove	Eastbourne	Hastings	Lewes	Rother	Wealden
1	Mining and Minerals	0.29	-	-	-	-	-
2	Agricultural and Food Production	-	0.04	-	1.06	-	-
3	Wood and Paper Production	4.00	-	-	-	-	-
4	Leather and Textile Production	-	-	-	-	-	-
5	Petrol, Gas and Coal Refining/Treatment	-	-	-	9.09	-	-
6	Inorganic Chemical Processes	15.76	19.42	34.79	11.58	99.03	19.44
7	Organic Chemical Processes	23.18	50.40	0.17	2.81	0.31	137.97
8	MFSU Paints, Varnish, Adhesive and Inks	20.79	19.02	10.65	69.23	56.26	54.65
9	Photographic Industry	54.01	18.75	22.06	4.51	5.45	29.11
10	Thermal Process Waste (inorganic)	8.5	1.5	-	0.66	-	-
11	Metal Treatment and Coating Processes	39.2	10.70	14.98	15.36	6.09	11.32
12	Shaping/Treatment of Metals and Plastic	31.71	66.12	74.97	11.25	10.67	105.82
13	Oil and Oil/Water Mixtures	1220.84	426.32	425.89	1207.67	1187.16	1552.64
14	Solvents	9.43	1.72	8.18	7.79	2.24	8.76
15	Packaging, Cloths, Filter Materials	82.88	6.82	5.13	36.51	18.19	41.89
16	Not Otherwise Specified	676.73	109.20	85.36	205.21	417.65	2336.8
17	Construction & Demolition Waste and Asbestos	748.42	892.25	249.82	824.51	411.16	1342.00
18	Healthcare	652.84	543.40	433.15	31.54	73.55	114.44
19	Waste/Water Treatment and Water Industry	-	-	-	56.68	0.33	-
20	Municipal and Similar Commercial Wastes	624.03	439.80	388.20	2716.07	247.78	664.71
Total Tonnes		**4213**	**2605**	**1753**	**5213**	**2536**	**6420**
%		**18.53**	**11.46**	**7.71**	**22.92**	**11.15**	**28.23**

2.30 This distribution reflects the more population-related arisings spread across the county (e.g. Oil and oil/water mixtures from a range of motor maintenance / dismantling activities), together with more specialised, location-specific, processes (e.g. chemical manufacture, metal treatment, and the petro-chemical industry, etc). It can be seen that:

• Sector 07 was primarily produced in Wealden district, with smaller volumes evident in Brighton & Hove and Eastbourne; this is felt to reflect the presence of industry sectors such as pharmaceuticals in these areas;

• Sector 13 production is reasonably well distributed across the county, and it is thought to reflect to distribution of commercial premises such as garages, end of life vehicle reprocessors and distribution hubs associated with pockets of commercial and industrial development;

• Sector 16 production is also reasonably well distributed throughout the county, although a significant proportion is generated in Wealden district; this is thought to reflect the distribution of commercial premises such as garages with the higher concentrations reflecting areas of commercial and industrial development;

• Sector 17 production is distributed throughout the county, reflecting the construction industry as one of the principal employment sectors, particularly in Wealden district; the sector is one that generally responds to new development locally and distribution may vary in future years to reflect this;

• Sector 18 wastes are primarily generated in Brighton & Hove, Eastbourne, Hastings and Wealden, and this reflects the presence of the main hospital infrastructure in the county; and

• Sector 20 wastes mainly comprise WEEE, batteries and accumulators. The presence of a major recycling site in Lewes accounts for the peak of production in this area, with the remaining arisings being relatively evenly distributed across the County at smaller collection points.

2.31 In relation to waste management within the area, East Sussex and Brighton & Hove imported 30,449 tonnes in 2007, together with treating around 16.13% of hazardous waste generated within its own borders. The main waste management techniques employed were:

Disposal By Landfill

In relation to landfill disposal as a route for hazardous waste management in East Sussex and Brighton and Hove:

- 3544 tonnes (15.58%) of hazardous waste generated was sent for landfill disposal;
- The material sent to landfill primarily comprised construction related wastes – 65% asbestos, and 35% contaminated soils;
- All material sent for landfill disposal was exported from the county, to the North East, the East Midlands, the South West and to Kent;
- Although there is currently one operational non-hazardous landfill in East Sussex and Brighton and Hove, this site is not currently in a position to accept stabilised non-reactive materials such as the asbestos;
- There are currently no hazardous landfill facilities in either East Sussex or Brighton and Hove.

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Incineration

In relation to incineration as a management route in East Sussex and Brighton and Hove:

- 404 tonnes (1.77%) of the hazardous material generated in East Sussex and Brighton and Hove was sent for incineration with energy recovery, and a further 775 tonnes (3.41%) sent for incineration with no energy recovery;
- All the material generated in East Sussex and Brighton and Hove was exported to neighbouring areas of the South East, the South West, the East of England, the East Midlands and Yorkshire and Humber; the material exported primarily comprised healthcare wastes and oil wastes; and
- Additionally East Sussex and Brighton and Hove imported around 884 tonnes of organic chemical wastes for incineration with energy recovery; all this material was processed in Rother district.

Treatment

In relation to the treatment of hazardous waste in East Sussex and Brighton and Hove it has been confirmed that:

- 3046 tonnes (13.39%) of hazardous waste generated in East Sussex and Brighton and Hove was sent for treatment;
- There was no recorded treatment of hazardous waste within the county borders and all hazardous material that was treated was exported to other areas of the South East, the South West, Wales, the West Midlands, the North East and the North West; and
- Material exported comprised healthcare waste, construction wastes, oil wastes and wastes not otherwise specified (associated with end-of-life vehicles, batteries, gas bottles, tank cleaning wastes) and export appears to be directed to individual facilities for specific waste streams.

Recycling/ Reuse

In relation to recycling and reuse of hazardous waste in East Sussex and Brighton and Hove it has been confirmed that:

- 12,265 tonnes (53.93%) of hazardous waste generated in East Sussex and Brighton and Hove was sent for some form of recycling and reuse;
- Only 25% of the material generated in East Sussex and Brighton and Hove was managed in the county; the remaining 75% was exported throughout the England and Wales with the exception of the North East;
- Recycling and reuse accounted for around 70% of the hazardous waste material managed within the county's borders; this included 28,292 tonnes of imported material and around 3000 tonnes of material produced in the county; recycling and reuse is centred around Rother (chemicals) and Lewes (WEEE & batteries);
- Material exported for recycling and reuse comprised oil wastes, wastes not otherwise specified (associated with batteries) and municipal wastes (namely

batteries and WEEE); export appears to be directed to facilities for specific wastes streams; and
- Material imported for recycling and reuse primarily comprised organic chemicals and municipal waste stream (WEEE & batteries) with a small proportion (<0.5%) related to packaging.

Transfer

In relation to transfer of hazardous waste in East Sussex and Brighton and Hove it has been confirmed that:

- 1070 tonnes (4.71%) of hazardous waste generated in East Sussex and Brighton and Hove was transferred for disposal, and a further 1638 tonnes (7.2%) was transfer for recycling;
- 95% of the hazardous waste transferred for disposal was exported, and around 65% of the waste transferred for recycling was exported; exports associated with transfer occurred throughout England and Wales; and
- In addition, 1273 tonnes (4.2% of imports) was imported to East Sussex and Brighton and Hove for transfer; this mainly comprised batteries (Wealden), WEEE and packaging type materials.

2.32 Working with data from the Environment Agency (i.e. the SE 2007 Hazardous Waste spreadsheet), Table 2 summarises hazardous waste movements to and from the South East region.

East Sussex and Brighton & Hove Import and Export in 2007 (Source - Environment Agency HazWaste Interrogator 2007)

Region	Export from East Sussex	Import from England/Wales	Import/Export Balance
Brighton & Hove	3530	18	-3512
Eastbourne	2186	0	-2186
Hastings	1379	0	-1379
Lewes	4458	11924	+7466
Rother	2179	17731	+15552
Wealden	5341	776	-4565
Total East Sussex	**19073**	**30449**	**+11376**

2.33 It can be seen that the County is an overall net importer of hazardous waste and the two district areas with the greatest import/export activity are Lewes and Rother. It has been noted that:

- East Sussex and Brighton & Hove only manages around 16% of the hazardous waste it produces; while
- 84% of hazardous waste produced in the county is exported for management elsewhere in England and Wales. The distribution of waste exported to other regions for management shows a prevalence for those immediately adjacent to the borders of the South East region, (i.e. the South West, the East of England

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and the East Midlands), while more distant destinations are reflective of particular waste types being sent to specific management facilities.

2.34 An analysis of the export data shows that hazardous waste is exported from and the County primarily for:

- Recycling and reuse (49%), in the absence of significant county capacity for particular waste streams associated with EWC chapters 13, 16 and 20;
- Landfill (19%), in the absence of any effective hazardous merchant in-county capacity, primarily for EWC chapter 17 (construction wastes); and
- Treatment (16%), in the absence of significant in-county management capacity for particular waste streams associated with EWC chapters 13 and 18 and to a lesser extent chapters 16 and 17.

2.35 Evidence suggests that such exports will continue in the absence of county level capacity, whether for landfilling in the complete absence of capacity, or treatment/recovery, with the existence of historic capacity elsewhere across England and Wales, along with its established market share and existing delivery infrastructure.

2.36 The specific requirements for the management of these wastes, the relatively small amounts generated, and the costs of establishing specialist facilities mean that self-sufficiency in managing all hazardous waste is often not practicable. Facilities which process certain hazardous waste streams often operate with a regional or national catchment area, resulting in particular counties having both imports and exports of hazardous waste depending on the facilities available in their area. For example, a regionally significant Waste Electronic and Electrical Equipment (WEEE) facility near Lewes imports waste into East Sussex from elsewhere in the south-east, whereas hazardous waste requiring landfilling is exported as far afield as the north-east of England due to the lack of suitable facilities in the local area.

2.37 There are some local initiatives that have been developed to support more sustainable management of hazardous waste. For example East Sussex County Council and Brighton & Hove City Council have produced a supplementary planning document on Construction and Demolition Waste [(15)] which provides guidance on minimising waste and preventing contamination of otherwise inert and recyclable materials.

2.38 Further more detailed analysis of the management of hazardous waste both regionally and within East Sussex and Brighton & Hove is contained within the separate East Sussex and Brighton & Hove Hazardous Waste Study (Scott Wilson, 2009).

15 Supplementary Planning Document: Construction and Demolition Waste (East Sussex County Council and Brighton & Hove City Council, adopted 2006)

Appendix 1- List of other information papers prepared

Appendix 1- List of other information papers prepared

1. The Future Need for Waste Management
2. The Future Need for Minerals Production and Management
3. Sustainable Resource Use and Management
4. Waste Management Methods and Technologies
5. Residual Waste Disposal
6. Spatial Portrait of East Sussex and Brighton & Hove
7. Hazardous Waste
8. Transportation of Waste and Minerals
9. Climate Change and Waste and Minerals
10. Waste Water and Sewage Sludge Treatment

Appendix 2 - International and national legislation in relation to this Information Paper

European Directives

The legislative and policy requirements for management of waste in the UK are initiated through the various framework directives and strategies developed within, and emanating from, the European Union. Such legislation and policy initiatives are translated into national legislation and strategy for implementation.

The main directives directly or indirectly affecting the management of hazardous waste in the European Union are:

- The Waste Framework Directive (WFD), that provides the basis for the formulation of European and national legislation and strategy – this directive has undergone a review since the ERM study was completed and recommendations have been made in respect of a number of issues including the waste hierarchy, rules on waste treatment, waste status of uncontaminated soils, and classification of waste as hazardous;

- The Hazardous Waste Directive (HWD) that provides the basis for the definition and management of hazardous waste and is implemented through the Hazardous Waste Regulations (2005);

- The Landfill Directive that provides a framework for the improvement of waste management practice and specifically landfill – since the ERM study was completed, the Regulations have introduced a requirement that all hazardous and non-hazardous waste being sent to landfill must first go through some form of pre-treatment; implications for landfill from this measure are expected to see a lower volume of waste going for final disposal as material is first sent for treatment/recovery. This Directive also details the requirements governing the banning of co-disposal at landfills which has impacted on waste streams such as plasterboard and has prompted the development of stabilised non-reactive hazardous waste (SNRHW) cells at some non-hazardous landfills;

- The Waste Incineration Directive (WID) details a framework for the management of wasteincineration, aiming to reduce the impact of incineration activities on the environment; and

- The Mining Waste Directive (MWD) that provides a framework for regulating mining waste facilities through a permitting regime.

Environmental Permitting Regulations

The Environmental Permitting (England and Wales) Regulations 2007 took effect from 6th April 2008, and provide a new permitting framework against which all waste facilities, including hazardous waste treatment and disposal facilities will be regulated. The initial implementation of the Regulations included Pollution Prevention and

Appendix 2 - International and national legislation in relation to this Information Paper

Control (PPC) regulated activities, such as landfill sites, incineration plants, treatment processes, recovery processes, and Waste Management Licensing (WML) regulated activities, such as transfer stations.

Initial implementation of the Regulations during 2008 continued the previous regulatory approach required by PPC and WML regulations, and it is unlikely that it has made a significant change to the level of hazardous waste management capacity across the UK. However, in October 2008, the Environment Agency consulted on changes to the section of the regulations pertaining to exemption activities, including those associated with construction wastes generated during land remediation projects.

The changes that are proposed to take effect from 1st October 2010 will see the need for operators remediating land to apply for an environmental permit rather than an exemption for waste production amounting to more than 300 tonnes. The application and ongoing subsistence charges associated with the new permit procedure will increase costs to operators, and this may lead them to dispose of material to landfill, rather than look at reuse or treatment options on a site.

Other Regulations and Directives

Other legislative and policy drivers that affect hazardous waste management in the UK provide a range of regulatory and fiscal impetus to both encourage the minimisation of hazardous waste generation and to move the management of any hazardous waste that is generated further up the waste hierarchy. The main drivers include the:

- Landfill Tax Regulations, that provide a financial impetus to decrease the quantity of all waste (including hazardous waste) from disposal in landfill;
- Waste Electrical and Electronic Equipment (WEEE) Directive (2002/96/EC and 2003/108/EC), that aims to minimise the impact of waste from electrical and electronic sources on the environment;
- Restrictions on the Use of Certain Hazardous Substances (RoHS) in Electrical and Electronic Equipment, that supplements the WEEE Directive and aims at reducing the impact from such equipment on the environment;
- Waste Oil Directive (75/439/EEC, as amended by Directive 87/101/EEC), that aims to provide a harmonised framework for the management of waste oils and thus reduce the impact on the environment;
- End of Life Vehicles (ELV) Regulations 2003 and 2005, that are aimed at reducing the amount of waste produced from ELVs and optimising the recycling and recovery rates;
- Batteries Directive (2006/66/EC), that is aimed at promoting recovery and recycling of waste batteries;

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- PCB/PCT Directive (96/59/EC), that is aimed at streamlining the legislation in relation to the decontamination or disposal of equipment containing PCBS/disposal of PCBs in order to ensure their complete elimination;
- The Control of Asbestos Regulations 2006, that merges three earlier sets of regulations incorporating prohibition of asbestos, supply and control of asbestos at work;
- Waste Management Regulations 2006, that extend the regulatory control of waste to agricultural waste including hazardous arisings; and
- Registration, Evaluation, Authorisation & Restriction of Chemicals (REACH) Regulations that provide a framework for the evaluation, management & registration of chemicals. Include influencing production & management of hazardous waste.

The implementation of the new regulatory regimes as indicated in the list above is aimed at providing, among other requirements, appropriate waste management approaches for the individual waste streams, many of which are hazardous in nature. The focus from a waste management perspective is again hierarchical, with minimisation preferred before reuse, and recycling and recovery preferred before disposal, whether to landfill or thermal destruction.

The introduction of the new regulatory framework has already seen an increase in certain recycling and recovery facilities (e.g. for WEEE), and, as they become established, it is anticipated that further facilities will come on-stream, thus reducing the need for landfill capacity for these wastes in the longer term.

National Waste Strategy

The Waste Strategy 2007 (WS2007) was issued in May of that year, and now forms the adopted national waste strategy, developed to provide further strategic direction for the minimisation and sustainable management of waste for the period until 2020. The document is based on waste data collated since WS2000, and sets out a number of targets and national goals for improvements in waste management in England and Wales.

Key targets have been set for recycling, recovery and diversion from landfill for the household, commercial, industrial, agricultural, construction and demolition waste sectors, including those defined as hazardous.

Regional Spatial Strategy

Since the last ERM waste study was undertaken, the Regional Assembly has completed the publication of, and has adopted, the Regional Spatial Strategy (The South East Plan). The RSS sets out the long term spatial planning framework for the region over the period 2006 to 2026, and contains spatial policies including strategies for protecting countryside, biodiversity and the built and historic environment.

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The RSS includes a policy in respect of hazardous waste management (W15) which states:

"The regional planning body and the South East Regional Technical Advisory Body for waste, through the Hazardous Waste Task Group will maintain guidance on regional hazardous waste management requirements. Current priority needs include:

i. Hazardous waste landfill capacity, particularly to serve the needs of the south and southeast of the region;

ii. Treatment facilities for air pollution control residues (from combustion facilities);

iii. Treatment/de-manufacturing plant for waste electronic and electrical equipment, supported by a network of transfer facilities;

iv. A sub-regional network of contaminated C&D waste treatment facilities;

v. A sub-regional network of landfill cells for stabilised non-reactive hazardous wastes.

Waste development documents will:

vi. Identify and safeguard sites for storage, treatment and remediation of contaminated soils and demolition waste.

vii. Identify criteria for the determination of large scale specialist hazardous waste facilities.

viii. Assess available landfill provision and, where necessary, encourage the creation of a protective cell for stable hazardous waste.

The SE Plan also contains a number of long-term recycling and reuse targets for various wastes streams including commercial and industrial (C&I) and construction, demolition and excavation (C, D & E) wastes.

Waste and Minerals Core Strategy

ESCC and BHCC are currently in the process of developing the emerging Waste and Minerals Development Framework (WMDF) which will set out the planning policy to support key decision on where new waste facilities will go. The WMDF will replace the existing Waste Local Plan and comprises a number of key documents

- The Core Strategy (CS) is the development plan document that will set out broad strategic spatial policies in respect of waste and will identify strategic locations for major waste facilities. The CS will take into account government policy and the SE Plan.

- 'Issues and Options' document is prepared as part of the first stage of drafting the CS and will ensure that the Councils identify all the key issues that need to be considered when planning for waste. The Waste and Minerals Issues and Options document was issued in 2008 for consultation.

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- Waste Sites Development Plan Document (WDPD) will consider a more detailed site specific expression of the issues and options identified for waste.

Waste Local Plan

The Waste Local Plan was formally adopted in 2006 and it sets a number of key policies and targets in respect of waste management in the County. The plan provides a brief overview of hazardous waste arisings and management in the County. This plan will ultimately be replaced by the emerging WMDF documents.

Appendix 3 - Further references and information sources

- ESCC and BHCC (2000) East Sussex and Brighton & Hove Waste Local Plan Technical Background Paper 4: Special and Difficult Waste
- Defra (2005) Integrated Pollution Prevention and Control: a Practical guide
- www.defra.gov.uk/environment/ppc/envagency/pubs/pdf/ippcguide_ed4.pdf
- Defra and DTI (2007) Managing Radioactive Waste Safely: A Framework for implementing geological disposal. A public consultation by Defra and DTI
- Environment Agency (2007) Information Sheet: Agricultural waste regulations
- www.environment-agency.gov.uk/business/444304/1224648/660279/241420/
- Environment Agency (2007) Information Sheet: Hazardous wastes
- www.environment-agency.gov.uk/subjects/waste/1019330/1217981/1384307/?version=1&lang=_e
- Environment Agency (2007) What is Hazardous Waste? http://publications.environment-agency.gov.uk/pdf/GEHO0506BKTR-e-e.pdf
- SEERA (2005) Overview of Hazardous Waste in South East England, Beyond Waste www.southeast-ra.gov.uk/publications/strategies/waste/research/hazardous_waste.pdf
- www.hazguide.co.uk Provides advice for all those managing household hazardous type waste including businesses, waste collection and disposal authorities and waste management companies.

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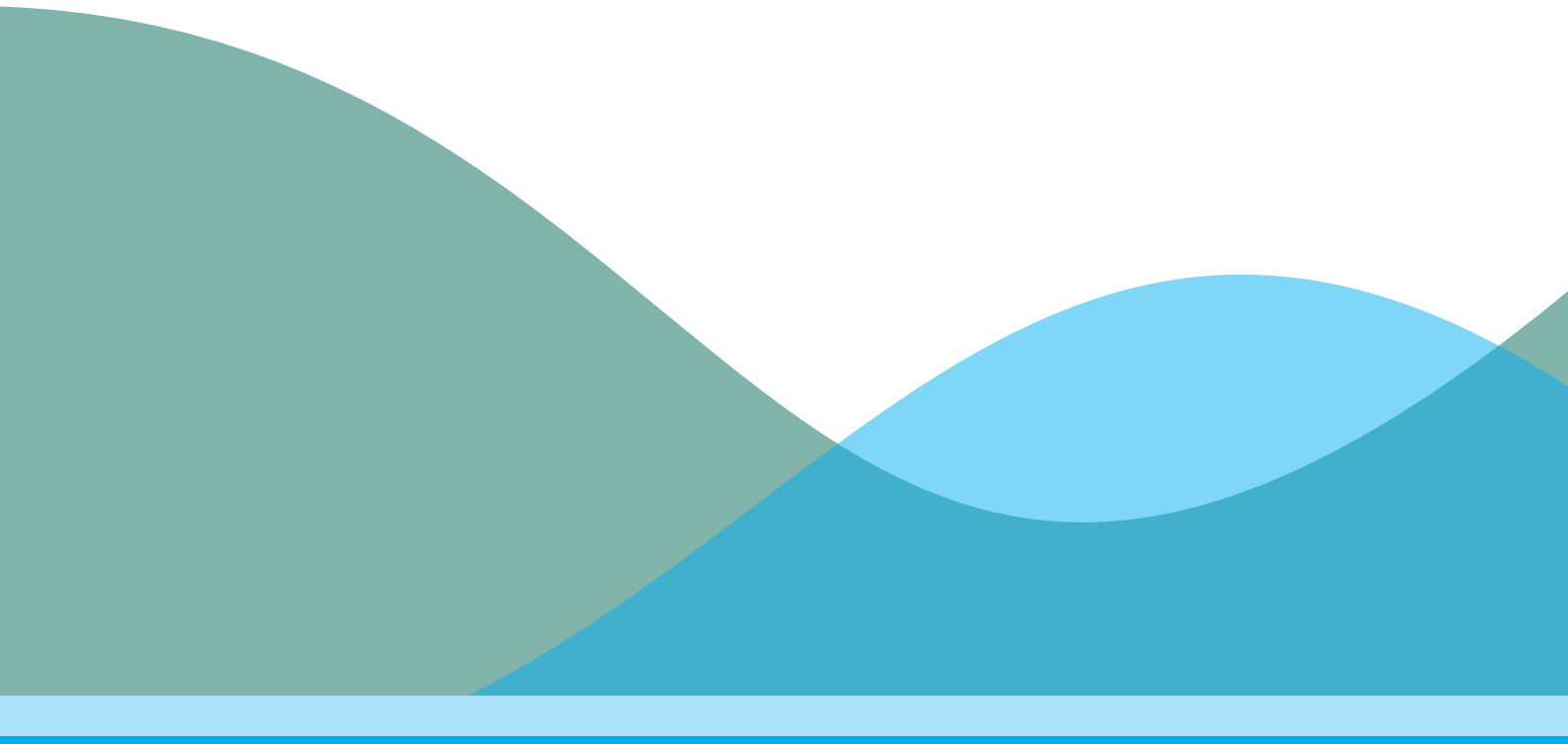

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