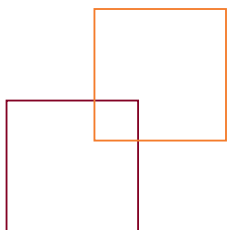


Consultation on a Draft National Policy Statement for Hazardous Waste

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

July 2011



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Summary of Consultation Details

Scope of the Consultation

Topic of this consultation:	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.
Scope of this consultation:	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.
Geographical scope:	The proposals in this document apply to England in accordance with the scope of the Planning Act 2008.

Basic Information

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

Additional ways to become involved:	<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 HIWU@defra.gsi.gov.uk 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>
After the consultation:	<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 www.defra.gov.uk</p>
Compliance with the Code of Practice on Consultation	<p>This consultation complies with HM Government's Code of Practice on Consultation.</p>

Background

Getting to this stage:	<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>
Previous engagement:	<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 1: About the consultation

1.1 About the Consultation

1.1.1 This consultation relates to the draft National Policy Statement (NPS) for Hazardous Waste along with its accompanying Appraisal of Sustainability Report, Habitats Regulations Assessment Report and other associated appraisals. The consultation period begins on 14 July and finishes on 20 October 2011.

1.1.2 The Department for Environment, Food and Rural Affairs is publishing this consultation document for the purposes of section 7 of the Planning Act 2008, in order to invite views on the draft National Policy Statement for Hazardous Waste, and on the accompanying documents listed below. This consultation explains the context and purpose of the proposed NPS which the Secretary of State for the Environment proposes to designate under that Act. The documents being published alongside this consultation document are:

- a) Draft National Policy Statement for Hazardous Waste;
- b) Consultation stage Impacts Assessment;
- c) Appraisal of Sustainability (AoS), including a Non-Technical Summary;
- d) Appropriate Assessment under the Habitats Regulations;
- e) Equality Impact Assessment.

1.1.3 Electronic versions of all the documents being published as part of this consultation are available on the website.

1.1.4 This consultation document also poses a number of questions that you are invited to consider when responding to our plans. See Chapter 6.

1.1.5 If you have any questions regarding the consultation, or about responding to it, please do not hesitate to contact us using the information on page 2.

1.1.6 We look forward to receiving your response.

1.2 The consultation criteria

1.2.1 The Government has adopted a code of practice on consultations. Though they have no legal force and cannot prevail over statutory or other mandatory external requirements (e.g. under European Community Law), the criteria in the *Code of Practice on Consultation* should otherwise generally be regarded as binding on UK departments and their agencies, unless Ministers conclude that exceptional circumstances require a departure.

1.2.2 The criteria below apply to all UK national public consultations on the basis of a document in electronic or printed form.

- Formal consultation should take place at a stage when there is scope to influence the policy outcome;
- Consultations should normally last for at least 12 weeks, with consideration given to longer timescales where feasible and sensible;
- Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals;
- Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach;
- Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained;
- Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation;
- Officials running consultations should seek guidance on how to run an effective consultation exercise and what they have learned from the experience.

1.3 Making comments public

1.3.1 Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

1.3.2 If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself be regarded as binding on the department.

1.3.3 The Department for Environment, Food and Rural Affairs will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

1.3.4 Individual responses will not be acknowledged unless specifically requested.

1.3.5 Details on how to respond to this consultation are on page 2 of this document.

1.4 Parliamentary scrutiny

1.4.1 As well as a public consultation exercise, draft National Policy Statements will also be subject to Parliamentary scrutiny. The Planning Act requires the Government to lay each draft NPS before Parliament, and to respond to the recommendations of a Committee of either House or a resolution of either House made within a specified period.

1.4.2 The Government has made a commitment that, where the Select Committee recommends that a debate should be held on a draft NPS, the Government will make time for this in the House of Commons. In addition, time will be offered in the House of Lords (in Grand Committee) to debate the policy statements within the scrutiny period.

1.4.3 Unless confidentiality is specifically requested, responses to this consultation will be passed to the relevant Select Committee, who may use them as evidence in their scrutiny of the draft Hazardous Waste NPS and may publish them on their website.

Chapter 2: Context of the consultation

2.1 Context of the consultation

2.1.1 Without suitable treatment, the hazardous waste we produce every day would damage the environment and create problems for public health. The Government is obliged to meet its obligations under EU law for the management of hazardous waste. The European Union's revised Waste Framework Directive (2008/98/EC) requires that the management of all waste is driven up the waste hierarchy and sent for disposal only when other options (reuse, recycling and recovery) are not possible. The Government has concluded that, despite measures designed to prevent the production of hazardous waste, arisings remain significant. For this reason and to help implement the waste hierarchy, there is a need for the development of new facilities for the management of hazardous waste in England. Some of these developments will fall within the definition of Nationally Significant Infrastructure Project (NSIP) as defined in the Planning Act 2008. In accordance with section 30 of the Act, a project will be considered to be of national significance when it has a capacity of more than 100,000 tonnes per annum for new hazardous waste landfill and more than 30,000 tonnes per annum for other new hazardous waste facilities. Alterations to existing facilities will be considered to be nationally significant where they increase the capacity of the facility by more than these amounts.

2.1.2 The Planning Act 2008 introduced a new planning regime for NSIPs. These are the projects that support the country through the generation and communication of energy, the disposal of waste and the transportation of goods and people. The new regime for NSIPs incorporates a strong emphasis on transparency and consultation as well as the potential to speed up decision making on major projects. Integral to this is the National Policy Statement. Its role once 'designated' is to describe Government policy in such a way as to inform the consideration of applications for development consent. The NPS published in draft form is also the vehicle for inviting public discussion and parliamentary

scrutiny of government's priorities for the sector involved and the manner in which these are presented for decision makers.

2.1.3 In line with the Planning Act 2008, this draft Hazardous Waste NPS has been prepared on the basis that, once it is designated, the IPC will be the decision making body. However, the Government announced in June 2010 its intention to amend the Planning Act 2008 and abolish the IPC. In its place, the Government envisages that a Major Infrastructure Planning Unit (MIPU) will be established within the Planning Inspectorate. Once established, the MIPU would hear examinations for development consent and would then make a recommendation to the Secretary of State (in a similar way as the IPC currently would in advance of an NPS being designated). It would not itself determine applications; decisions would be taken by the Secretary of State. The Government intends that national policy statements would continue to provide the clear policy framework for decisions under these new arrangements. The Government will act to ensure a seamless transition from the current regime to the new one.

2.1.4 These proposed reforms require primary legislation. Until such time as the Planning Act 2008 is amended, the IPC will continue as set out in that Act and the NPS therefore refers to the IPC. It is also intended that the new regime for applications for development consent will be switched on from 1 October 2011 in advance of the designation of the National Policy Statement for Hazardous Waste. The new regime has already been initiated in advance of NPS designation for significant energy, transport and waste water projects. Applications in these sectors are already being dealt with by the Infrastructure Planning Commission (IPC). The IPC will make a recommendation to the Secretary of State on any applications which reach the decision stage in advance of the NPS being designated. On designation, the NPS will continue to provide the framework for decisions on applications for development consent for nationally significant hazardous waste infrastructure projects.

Chapter 3: Aim of this consultation

3.1 Aim of the consultation

3.1.1 The principal purpose of this consultation is to identify whether the draft Hazardous Waste National Policy Statement is fit for purpose: in other words, whether it provides a suitable framework for the IPC to make decisions on applications for the development of major hazardous waste infrastructure.

3.1.2 An NPS is a document setting out, for the relevant sector, the national need for infrastructure and the framework for addressing its social, economic and environmental impacts. Subject to this consultation, continuing Parliamentary scrutiny and final ratification by Parliament, the Government intends to finalise and then formally designate this draft Hazardous Waste NPS in 2012.

3.1.3 For more information regarding NPS policy, see Chapter 4.

3.1.4 This consultation also seeks views on the Appraisal of Sustainability (AoS) report and the Habitats Regulations Assessment (HRA) that have been carried out alongside preparation of the draft NPS. An AoS is required by the Planning Act 2008 and is intended to help ensure that the NPS takes account of environmental, social and economic considerations, with the objective of contributing to the achievement of sustainable development. The aim of the HRA is to assess the implications of the NPS for protected habitats.

3.1.5 The draft Hazardous Waste NPS will potentially affect a wide range of people and organisations. Regulations made under the Planning Act require the Government to consult certain organisations about the NPS¹ and Annex 7 sets out those organisations who are being consulted in accordance with those Regulations.

3.1.6 We value everybody's comments and are providing a number of methods for you to respond with your views. See page 2. We will also be holding public events during the course of the consultation period. These will give you the opportunity to develop a better understanding of the NPS and its supporting documents in order to inform your consultation response. When the consultation period and process of Parliamentary scrutiny has concluded, we will publish a summary of responses and explanation of next steps, within three months. We will also undertake a review of the draft NPS in the light of consultation replies, aiming to designate the document in 2012.

3.1.7 We believe that, in introducing the draft Hazardous Waste NPS within the structure created for it by the Planning Act, we will not be increasing the overall cost or administrative burdens for affected groups. We have detailed the evidence for this in an Impact Assessment (IA), which can be found at Annex 4. The IA estimates that average administrative savings of £1.3m per year would be made by hazardous waste scheme promoters. We do, however, invite your views on any costs or benefits which may have been omitted, and which could be included in a final IA, produced for the designation of the Hazardous Waste NPS.

¹ The Infrastructure Planning (National Policy Statement Consultation) Regulations 2009 SI 2009/1302

Chapter 4: Principles explained

4.1 What are National Policy Statements?

4.1.1 National Policy Statements are the primary consideration for the IPC when it makes decisions on applications for development consent for nationally significant infrastructure, and will set the framework within which the IPC will make its decisions. NPSs bring together a range of social, environmental and economic policies with the objective of contributing to the achievement of sustainable development. They cover the need for new or expanded infrastructure, 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.

4.1.2 The relevant Secretary of State will produce National Policy Statements for types of infrastructure falling within their areas of responsibility. The Planning Act specifies that designation of an NPS may only take place after there has been an Appraisal of Sustainability, public consultation and Parliamentary scrutiny.

4.1.3 The Department for Communities and Local Government (CLG) is co-ordinating the development of NPSs across Government.

4.2 How National Policy Statements will be used

4.2.1 If an NPS has been formally approved ('designated'), then the IPC will take the development consent decision. If no NPS covering that type of nationally significant infrastructure has been designated, the IPC will make a recommendation to the Secretary of State, who will take the final decision. Note that until such time as the Planning Act 2008 is amended, the IPC will continue as set out in that Act. As a result, the draft Hazardous Waste NPS refers to the IPC. Once this NPS is designated, it will provide the framework for decisions on application for development consent for relevant infrastructure projects.

4.2.2 In deciding an application for development consent the IPC must have regard to:

- any relevant NPS;
- any local impact report submitted by the relevant local authority;
- any relevant matters prescribed in regulations;
- any appropriate Marine Policy Statement and marine plans; and
- any other matters which the IPC thinks are both important and relevant to the decision.

4.2.3 In deciding on an application, the IPC, or the Secretary of State in Government, where he or she is the decision-maker, may disregard representations relating to the merits of policy set out in an NPS. If the representations on a particular application for development consent relate to the merits of policy set out in an NPS, the IPC or Secretary of State may also refuse to allow representations to be made at a hearing. This consultation is the stage of the planning process for commenting on the draft Hazardous Waste NPS.

4.2.4 Under the Planning Act, the IPC must decide an application in accordance with any relevant NPS except where to do so would:

- lead to the UK being in breach of its international obligations;
- be in breach of any statutory duty that applies to the IPC;
- be unlawful;
- result in adverse impacts of the development outweighing the benefits; or
- be contrary to regulations about how its decisions are to be taken.

4.2.5 In England, NPSs may be a material consideration in decision-making on applications that fall under the Town and Country Planning Act 1990. Where relevant, decision-makers for such applications in England should apply the policy and guidance in NPSs as far as practicable.

4.3 Reviewing National Policy Statements

4.3.1 The Secretary of State must review National Policy Statements, either in whole or in part, whenever they think it appropriate. In considering whether it is appropriate to review an NPS, the Secretary of State must consider whether, since the time when the NPS was first published or (if later) last reviewed, there has been a significant change in any circumstances on the basis of which any of the policy set out in the statement was decided.

4.3.2 They must also consider whether the change was not anticipated at that time and whether, if the change had been so anticipated, any of the policy set out in the NPS would have been materially different.

4.3.3 If this review determines that amendments are needed, these must undergo an Appraisal of Sustainability, public consultation and Parliamentary scrutiny; unless the Secretary of State thinks that the amendments do not materially affect the policy in the NPS. As a result of this review, the Secretary of State may also choose to withdraw an NPS.

4.3.4 For the purposes of the review, the Secretary of State may suspend the operation of all or part of an NPS. During such a suspension, the designation of the NPS, or of whichever part of it has been suspended, would be treated as having been withdrawn.

4.4 Government policy on NPSs and environmental protection

4.4.1 The Government intends National Policy Statements to adhere to the principles previously followed with regard to planning decisions on major infrastructure and environmental protection. The guidance for the IPC in NPSs on how to assess the environmental impacts of projects is designed to lead to decisions being taken on broadly the same basis as now; it is the speed, efficiency and clarity around decision-making that the Government wishes to change.

4.4.2 As the primary consideration for the IPC when it makes decisions on applications for development consent, NPSs will take precedence over Planning Policy Statements (PPSs). But, in accordance with the previous paragraph, NPSs have been prepared with the intention of maintaining consistency with those elements of PPSs that are relevant to decision-making on hazardous waste infrastructure.

4.5 The need for new hazardous waste infrastructure – key drivers

4.5.1 Hazardous waste infrastructure is essential for public health and a clean environment. The main drivers behind the demand for new and improved large-scale hazardous waste infrastructure are the trends in hazardous waste arisings and the need to meet legislative requirements.

4.5.2 Hazardous waste arisings have remained significant in the last few years, despite the economic downturn and measures to prevent and minimize its production. This is due to the introduction of measures such as the implementation of the revised European Waste List and producer responsibility schemes and which have increased the types of waste that must be removed from the municipal waste stream and be managed separately as hazardous waste. Further increases may result in future from changes to the list of hazardous properties in Waste Directive 2008/98/EC and forthcoming changes to the European Waste List. There is also a need to reverse the current trend for relatively large amounts of hazardous waste to continue to go to landfill and encourage more to be sent for recycling and reuse where appropriate.

4.5.3 The new Waste Directive 2008/98/EC requires the application of the waste hierarchy as a priority order. New facilities are required to optimise the extent to which the management of hazardous waste can be moved up the waste hierarchy. The Directive also includes a 'proximity principle' of adequate provision of hazardous waste facilities within each EU Member State.

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

- Waste electrical and electronic equipment plant
- 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.

4.5.5 The UK Ship Recycling Strategy, which was issued by Defra in 2007 to ensure the environmentally sound management of Government- owned end of life ships and encourage improvements in the management of all waste ships flying under the UK flag, encourages the development of Ship Recycling Facilities, some of which will need to be nationally significant infrastructure.

Chapter 5: Explanation of supporting documents

5.1 Impact Assessment

5.1.1 An Impact Assessment has been undertaken on the draft Hazardous Waste NPS. Impact Assessments analyse the administrative costs and benefits to business, the public sector and the third sector (voluntary organisations) of proposed Government interventions. The draft Impact Assessment is part of this consultation.

5.2 Appraisal of Sustainability

5.2.1 The Planning Act 2008 requires that before the Secretary of State can designate a NPS, it must undergo an Appraisal of Sustainability (AoS). The purpose of the AoS is to ensure that NPSs take account of environmental, social and economic considerations, with the objective of contributing to the achievement of sustainable development. The AoS for the draft Hazardous Waste NPS incorporates the requirements of the Strategic Environmental Assessment (SEA) Directive². A separate Non-Technical Summary is also provided.

5.2.2 The draft Hazardous Waste NPS has been informed by the AoS; and in particular the recommended mitigation measures it contains. However, not all of the recommended mitigation measures have been included in the draft NPS, given the need for consistency across all NPSs and the need for the draft NPS to focus on general policy and requirements, providing for schemes to set out in detail how they will meet such policy and requirements.

5.2.3 Mitigation measures for specific impacts are set out in section 5 of the draft NPS.

5.2.4 In this consultation, the Government is seeking views on the AoS Report. An explanation of how these views have been considered will be part of an AoS post-adoption statement, which will be published at the same time as the NPS is designated. The draft NPS may be amended and revisions to the AoS made as a result of this consultation.

5.3 Habitats Regulations Assessment

5.3.1 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 habitats and species of importance to European nature conservation. An 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 the generic policy set out in the draft NPS. The Government is required to consult the 'appropriate nature conservation bodies' on the HRA and also to take the opinion of the general public, where it considers it appropriate³.

5.3.2 The AoS and HRA are a strategic-level stage in the process to ensure that the potential impacts of new hazardous waste infrastructure are properly considered. Applications to the IPC for development consent will also need to be accompanied by an Environmental Statement. The Environmental Statement will include a more detailed assessment of the potential environmental impacts of developing new hazardous waste infrastructure on a particular site. There may also need to be appropriate assessment at the project level stage.

5.4 Equalities Impact Assessment (EqIA)

5.4.1 A screening and EqIA were conducted as part of the development of the draft Hazardous Waste National Policy Statement. The screening report concluded that there may be potential for the draft NPS to adversely affect other equality groups and so a full EqIA was carried out. This recommended mitigation measures. Not all these have been included in the draft NPS, given the need for consistency across all NPSs, but they should be considered at the individual project level.

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

³ In the UK, the appropriate statutory bodies for nature conservation are Natural England, the Countryside Council for Wales, Scottish Natural Heritage, the Joint Nature Conservation Committee and the Department of the Environment (Northern Ireland).

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.

Question 8. Do you think the draft Hazardous Waste NPS considers all the significant impacts of hazardous waste development? If not, what do you think is missing and why? (This is Part 5.)

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

Question 9. Do you think that the Government should formally approve ('Designate') the draft Hazardous Waste NPS?

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

Appraisal of Sustainability (AoS) Report

See Annex 3 for the full version of the AoS and Annex 4 for the Non-Technical Summary.

Please answer the following questions regarding the AoS report.

Question 10. Do you believe that the appraisal identifies the likely significant sustainability effects associated with the draft Hazardous Waste NPS? If not, what effects do you feel are not correctly identified and why? (See Section 8 of the AoS report.)

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

Question 11. Do you believe that the appraisal identifies the reasonable alternatives to the policy contained within the draft Hazardous Waste NPS? If not, what others should have been considered and why? (Section 7 of the AoS report.)

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

Question 12. Do you believe that any further measures are necessary to prevent, reduce or offset likely significant effects of the draft Hazardous Waste NPS? If so, what further mitigation do you think should have been covered in the AoS?

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

Question 13. Do you believe that the AoS correctly describes the cumulative impacts that may occur? If not, what is missing? (Section 8.10 of the AoS report.)

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

Question 14. Do you consider the monitoring proposals set out in Section 9 of the AoS to be appropriate and sufficient to monitor the significant effects of implementing the draft Hazardous Waste NPS? If they are not sufficient, what measures do you think should be adopted?

Please explain why you consider these additional/alternative measures are needed.

Question 15. Do you agree with the conclusions and recommendations of the Report of the Appraisal of Sustainability of the draft Hazardous Waste NPS?

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

Question 16. Do you have any further comments on the AoS Report or the appraisal described therein?

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.

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

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

Annex 6 – Equalities Impact Assessment

Annex 7 – Full list of consultees

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