

Department for Environment, Food and Rural Affairs

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Summary of responses to the consultation on an amendment to the UK Plan for Shipments of Waste to allow the export of dredged sediments from the River Tyne for disposal

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Background and Proposals

1. This month long consultation from 11 January to 10 February 2012 sought views on a proposed amendment to the UK Plan for Shipments of Waste (“the UK Plan”) to allow the export of contaminated sediments from the River Tyne for disposal.
2. The Government had been approached by the River Tyne Sediment Steering Group chaired by Professor Paul L Younger of Newcastle University with a request for an amendment to the UK Plan to allow the use of the Confined Disposal Facility¹ “De Slufter” in the Port of Rotterdam for the disposal of contaminated dredging sediments from the River Tyne. This facility has been used for the management of such sediments from the River Rhine. The contamination of the sediments from the River Tyne does not exceed the concentration limits to classify them as hazardous and thus they are non-hazardous waste.
3. The UK has a policy of prohibiting, with limited exceptions, the shipment of waste to or from the UK for disposal. This policy is contained in the UK Plan. The Plan underpins the principles of self-sufficiency and proximity in waste disposal that are set out in EU waste legislation. The Plan can be viewed on the web at: <http://www.doeni.gov.uk/niea/waste-shipments.pdf> .
4. Under the UK Plan, exceptions to the general prohibition on exports for disposal can currently be made, but in the case of non-hazardous waste, the only exception provided for is for small quantities for trial runs - to assess a new technology for example. Thus an amendment to the UK Plan would be needed to allow this non-hazardous waste to be exported for disposal.
5. The River Tyne has elevated background concentrations of environmentally problematic metals (particularly zinc), originating from the long-abandoned metal mining district in its headwaters. There is also a pressing need to develop a contingency plan to avoid crises when the river experiences future flood flows. Dredging and removal of contaminated sediments is part of this planning.
6. Options for the management of this waste stream were explored. Disposal of the dredgings at sea is not possible. This is because at least some of the metal concentrations exceed the Centre for Environment, Fisheries and Aquaculture Science (Cefas) ‘Action Levels’ used to assess the suitability of dredged sediments for sea disposal in England and Wales.
7. For the same reason the spreading of dredgings alongside the waterway from which they have been dredged is precluded in this case. In the absence of any suitable land reclamation or alternative use for the dredgings, dewatering followed by landfill is a potential disposal route. The disposal of waste liquids to landfill is prohibited by the Landfill Directive, so large-scale de-watering and stabilising operations would be required before the dredgings could be landfilled. One of the reasons for the consultation was to explore and confirm whether there is currently a treatment and landfill option for this waste in the UK. As mentioned above, capacity to deal with the waste in an environmentally sound manner does currently exist in the Netherlands, at the De Slufter confined disposal facility.

¹ A Confined Disposal Facility (CDF), sometimes called a confined placement facility, is an area specifically designed for the containment of contaminated dredged material that provides control of potential releases of contaminants to the environment. Dikes or other structures may be used to isolate dredged material. The main, basic objective for a CDF is to retain dredge material solids and allow the discharge of clean process water from the confined area.

Analysis of responses

8. 16 responses were received in total, broken down as follows: 4 from public bodies, 5 from local government, and 7 from individual companies or their trade body. None of the respondents requested that their comments be treated as confidential. Copies of all the responses received can be seen at, or obtained from, the Defra HQ library at Ergon House. (Telephone 0207 238 6575 – Email defra.library@defra.gsi.gov.uk)
9. A breakdown of the views in the responses shows 11 in favour of the amendment to the UK Plan, 2 opposed the amendment and 3 stated no clear position.
10. Concerns raised include that *“there are companies here in the UK that have, or shortly will have the capacity to manage this waste stream, subject to the determination of specific waste stream data”* (ESA), and that the request for an amendment *“may be a volume and cost issue i.e. it is cheaper to take it to Rotterdam rather than sorting it out in the country.”* (Hazrem Environmental Ltd).
11. A number of respondents supported the amendment and made the point that the amendment was required to enable options for the management of the dredgings to be available in the short term or in emergencies. All the local authorities in the River Tyne area who commented supported the amendment for the benefits to the local area: *“It is vital therefore that immediate viable options are available to deal with the ongoing problem of contaminated sediments in the River Tyne to ensure that quays remain open to shipping”* (Newcastle City Council). North Tyneside Council commented on the proposed amendment: *“This is considered essential to enable the economic growth potential of the River Tyne to be realised by allowing a viable plan for dredging key development sites alongside the river, including part of the North Eastern Enterprise Zone, to be implemented.”*
12. Two companies replied to the consultation (Augean Plc, Land and Water Group) with respect to options for handling the waste. Augean stated that *“While the precise method of handling and management needs to be determined based on waste stream specific data which has been requested from the Steering Group, Augean is confident that it can handle the volume of dredging waste economically, compliantly and safely at the Port Clarence site. Land and Water commented that “we would be more than happy to work with the River Tyne Team to establish an appropriate costing model which accurately appraises all of the options in a wholly open-book manner, but at the time of writing we have not been in receipt of such a request directly.”*
13. The River Tyne Sediments Steering Group responded to the consultation to press for the amendment to be made. The Group stated: *“We would, of course, be delighted if Augean, Land & Water or anybody else were to come up with a sound UK-based option, but all our research tells us that this is simply not the case at present. We therefore urge DEFRA to enact the amendment as soon as possible.”*

The Way Forward

14. As was made clear in the consultation, an amendment to the UK Plan along the lines proposed does not automatically provide for the possible export of non-hazardous

contaminated dredgings. This is because the exception would only apply when UK competent authorities (in this case the Environment Agency) have been informed by UK Government that it is accepted that the circumstances in the exception apply. This would hinge on there being no economically viable and immediately available UK option for the disposal of the waste.

15. In addition, the current UK Plan envisages that the relevant exception in this case can be applied on a transitional basis where specialist disposal operations are judged to be economically viable, but time is needed to acquire such facilities (paragraph 25 of the UK Plan).
16. In the circumstances, and taking into account all the consultation responses there appears to be some doubt as to the immediate availability of a UK disposal option. It is possible that such a UK option can be developed and put into place relatively quickly. This depends on the parties concerned entering into dialogue about the possibilities, which the Government would encourage. However there would appear to be sufficient uncertainty about the provision of a UK option to support an amendment to the UK Plan along the lines proposed which would provide the Tyne region with an immediate solution to their problem of not having a viable disposal route for River Tyne dredgings.
17. In line with the UK Plan, the Government would foresee the application of this exception on a transitional basis given that it is conceivable that a UK solution – whether that be a Confined Disposal Facility similar to de Slufter, or a treat and landfill option – is possible in the near or medium future.
18. Defra therefore intends to bring forward an amendment to the UK Plan as soon as possible, and make a number of necessary consequential changes at the same time.

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