

Waste Topic Paper B Inert waste review May 2016



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Author:	Guy Robinson – Senior Planning Policy Officer							
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Note: a Site Waste Management Report was published as "Waste Topic Paper 4" in 2010. It is considered as an appendix to this Inert Waste Review. Thus it is available separately on request from SCC's planning policy team or for download from <u>www.somerset.gov.uk/mineralsandwaste</u>

## **Executive Summary**

- 1. The inert waste review updates Somerset County Council's evidence base on inert waste from a range of different perspectives. The report is structured in to sections on waste prevention, recycling, recovery and disposal, providing a snapshot picture of a dynamic field. It is intended to support further dialogue with a range of stakeholders.
- 2. Based on the evidence available, the future of formal inert waste landfill in Somerset looks uncertain. Without further changes taking place there will be no permitted inert landfill sites in Somerset after the year 2021.
- 3. Until recently, formally there have been two inert waste landfills in Somerset – Whiteball landfill near Wellington, and Lime Kiln Hill landfill near Frome. The remaining void space at the Lime Kiln site has been excluded from the above outlook due to lapsed planning status and uncertainty regarding the operator's future plans for the site.
- 4. Leaving aside the planning permission end date of operations at the Whiteball site, if inert landfill deposits continue at the 2013 infill rate Somerset has less than three years of remaining inert landfill void space.
- 5. The Somerset Waste Core Strategy (WCS) adopted by Somerset County Council (SCC) in 2013 identified a sequential approach to review the position on inert waste landfill capacity as follows:
  - a) undertaking further monitoring and research work to verify if a need exists, checking that the inert waste could not be managed in a more sustainable way;
  - b) maximising support for reuse and recycling of inert waste;
  - c) checking any remaining need against the local requirement for engineering materials at non-hazardous landfills in Somerset and void space or demand for inert material at landfills in close proximity to the county boundary; and only then (if appropriate)
  - d) identifying suitable locations for inert waste disposal in Somerset.
- 6. SCC has recently begun a project to update its adopted WCS. As part of this work, SCC must verify the need for inert waste management capacity and review the options available.
- 7. Set in this context further work should be done to engage with relevant industry stakeholders and regulatory bodies (in particular the Environment Agency) to review the options available.
- 8. Further work is also needed from a planning perspective to review local policy and support effective policy implementation, beginning with inert waste prevention.

- 9. In this topic paper SCC report on the use of existing Somerset waste planning policy on waste prevention across all Planning Authorities in Somerset. It would appear that this policy is currently not being used by District Local Planning Authorities; this would suggest the policy should be amended and/or there is insufficient awareness about the policy and its underlying drivers.
- 10. Going forward, drivers remain in place for SCC to provide planning policy on inert waste prevention. In particular these include:
  - The sustained support internationally and nationally for the waste hierarchy, with waste prevention at the top of the hierarchy
  - The uncertain outlook for inert waste landfill in Somerset
  - The adopted policy on waste prevention in the Somerset WCS
  - National Planning Practice Guidance stating that "For proposals that are likely to generate significant volumes of waste through the development or operational phases it will be useful to include a waste audit as part of the application..."
- 11. Thus, the wording of the policy may benefit from review, acknowledging policy WCS1 as currently worded is relatively complex, requiring different levels of detail at a relatively early stage in the development.
- 12. A watching brief should be maintained with regard to national programmes associated with construction waste management. This includes any further announcements from WRAP, as well as supporting the use (as appropriate) of the CL:AIRE Definition of Waste: Development Industry Code of Practice (DoW CoP).
- 13. In addition, inert waste prevention can be supported by embedding, as appropriate, waste considerations in relevant planning documents that steer new development proposals; for example, Supplementary Planning Documents and Masterplans/Design Codes.
- 14. Furthermore, the management (and prevention) of construction waste can be given appropriate consideration in validation checklists (which are used by planning departments to validate planning applications), mindful of the latest regulatory position (including the revocation of the Site Waste Management Plans Regulations 2008).
- 15. Focusing on how inert waste is managed in Somerset, the review has identified 27 sites in Somerset that generate recycled aggregate, treat or transfer construction and demolition waste, and/or treat or handle soil. Collectively it is estimated that these facilities offer capacity of more than 1 million tonnes per annum.
- 16. Whilst this figure provides a single snapshot, the Somerset Local Aggregate Assessment provides a tool for future monitoring (with regard to the production of recycled aggregate). Engagement associated with this "LAA" has the potential to facilitate the collection of better quality data direct from industry.

- 17. Looking beyond inert waste recycling, ten inert waste recovery projects were identified as operational in Somerset in 2013, collectively providing capacity of more than 1.25 million tonnes. The number and nature of such projects change from year to year. Approximately 40 inert waste recovery projects were identified as having been given planning and/or permitting consent in Somerset since 2010.
- 18. The Environment Agency has updated its approach to the assessment of inert waste recovery permits, following a relevant legal ruling in November 2015. As a result the Environment Agency's relevant guidance note (RGN13) is currently being reviewed. The implications of these changes must be considered in more detail. Theoretically one may expect fewer inert waste recovery projects in future due to the more stringent criteria applied to assessment of waste recovery. Many larger scale projects may in future would only be authorised through bespoke disposal permits which are more costly to secure.
- 19. As a final comment it is noted that references to recycling and reuse, recovery and disposal of inert waste (i.e. the terminology employed) should be reviewed in the proposed update of the Somerset Waste Plan (i.e. when reviewing the Somerset Waste Core Strategy adopted 2013) to ensure maximum clarity when handling planning applications for inert waste management.

## **1. Introduction**

- 1.1 This inert waste review updates Somerset County Council's evidence base on inert waste from a range of different perspectives, providing a snapshot picture of a dynamic field.
- 1.2 The review has been informed by other research undertaken to update the County Council's list of waste sites, estimate their capacity and establish current and future waste management "need".
- 1.3 The updated picture across all different waste streams is still emerging and thus an updated Paper on waste management "need" for Somerset (covering waste arisings, forecasts and capacity gap analysis) is not yet available but will be published separately in due course.<sup>1</sup>

## Defining the terms

- 1.4 As stated by the Environment Agency (EA)<sup>2</sup> inert waste does not undergo any significant physical, chemical or biological transformations. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health.
- 1.5 Inert waste can be generated from construction, demolition and excavation (CD&E) activities, and from other activities such as washing soil from fruit and vegetables (i.e. activities in the agricultural sector) and glass processing.
- 1.6 The management of inert waste, in common with other forms of waste management, is informed by the waste management hierarchy see Figure 1 below.
- 1.7 The strategic content of the Somerset Waste Core Strategy (WCS),<sup>3</sup> which was adopted by Somerset County Council (SCC) in 2013 and can be downloaded from <u>www.somerset.gov.uk/mineralsandwaste</u>, is structured according to the waste management hierarchy.
- 1.8 The waste management hierarchy originates from the revised European Waste Framework Directive (2008/98/EC), which sets the basic concepts and definitions related to waste management such as definitions of waste, recycling and recovery.

<sup>&</sup>lt;sup>1</sup> Waste Topic Paper A will be published on <u>www.somerset.gov.uk/mineralsandwaste</u>

<sup>&</sup>lt;sup>2</sup> Environment Agency, Environmental Permitting Regulations: Inert Waste Guidance, Standards and Measures for the Deposit of Inert Waste on Land, 2009.

<sup>&</sup>lt;sup>3</sup> Somerset County Council, Somerset Waste Core Strategy: Development Plan Document up to 2028, adopted February 2013.

- 1.9 The Directive explains when waste ceases to be waste and becomes a secondary raw material (so called end-of-waste criteria), and how to distinguish between waste and by-products.
- 1.10 Waste is diverted up the hierarchy, meaning that disposal is the least desirable option, and waste prevention is the most favoured.

Figure 1: The waste management hierarchy. Source: http://ec.europa.eu/environment/waste/framework/



## Distinguishing between inert waste disposal and recovery

- 1.11 The EA's *Environmental Permitting Regulations*: *inert waste guidance* covers the requirements that need to be met if you are depositing inert waste on land. It highlights that an environmental permit is needed for a landfill for the disposal of inert waste and where you recover inert waste on land unless the activity is classed by the EA as exempt.
- 1.12 The distinction between disposal and recovery of inert waste is given further consideration in the following paragraphs, since it is not always easy to distinguish between the two.
- 1.13 A waste recovery operation is defined as one where the main objective is that the waste serves a useful purpose in replacing other materials which would have had to be used for that purpose, thereby conserving natural resources.<sup>4</sup> Hence, unlike landfill disposal, recovery operations tend to be relatively short, fixed-term projects where only the minimum amount of inert waste must be used to achieve the stated purpose.

<sup>&</sup>lt;sup>4</sup> Environment Agency, Environmental Permitting Regulations: Inert Waste Guidance, Standards and Measures for the Deposit of Inert Waste on Land, 2009.

- 1.14 Examples of waste that may be suitable for recovery include wastes resulting from mining or quarrying such as the overburden, or waste gravel and crushed rocks other than those containing dangerous substances, construction and demolition wastes, such as concrete, bricks or soil, and wastes from waste management facilities, such as waste from the mechanical treatment of waste. Waste does not have to be inert to be suitable for recovery.
- 1.15 The purpose of many recovery projects is a use that is not related to waste management such as leisure / recreation facilities or industrial / commercial development where waste is being used as a resource in the construction or restoration of a site. For this reason, planning permission may be determined at district rather than county level.
- 1.16 Whilst each project must be considered on a case by case basis, in theory examples of inert waste recovery activities include boundary, visual and acoustic bunds, landscaping, golf courses, land stabilisation, tracks and hard-standings, engineering fill and the restoration of former mineral workings.
- 1.17 In January 2009, the Department for Communities and Local Government issued a guidance letter on large-scale landscaping development using waste.<sup>5</sup> The letter noted the occurrence of proposals that import over 100,000 tonnes of waste for landscaping e.g. in golf courses. Potentially such development would not take place if waste were not available. In such cases the letter states that the development is likely to be a disposal operation (not recovery). The current weight to be attached to this letter (i.e. in 2016) needs to be confirmed.
- 1.18 More recent guidance is available from EA in the document: "*Defining Waste Recovery: Permanent Deposit of Waste on Land, Regulatory Guidance Series, No EPR 13*". This guidance is currently under review.
- 1.19 According to the EA, disposal means any waste management operation serving or carrying out the final treatment and disposal of waste. Landfill provides one way to dispose of waste though it is not the only way. A landfill refers to a waste disposal site for deposit of the waste onto or into land and is defined by the Landfill Directive, article 2.<sup>6</sup>
- 1.20 EA guidance can be used to help determine whether or not the activity is disposal and so whether the Landfill Directive applies.<sup>7,8</sup>

<sup>&</sup>lt;sup>5</sup> DCLG, Large-scale landscaping development using waste – letter to chief planning officers, 20 January 2009.

<sup>&</sup>lt;sup>6</sup> Environment Agency, Environmental Permitting Regulations: Inert Waste Guidance, Standards and Measures for the Deposit of Inert Waste on Land, 2009.

<sup>&</sup>lt;sup>7</sup> Environment Agency, Regulatory Guidance Series, No LFD1, Understanding the Landfill Directive, March 2010.

<sup>&</sup>lt;sup>8</sup> Environment Agency, Defining Waste Recovery: Permanent Deposit of Waste on Land, Regulatory Guidance Series, No EPR 13

## An evolving regulatory framework

- 1.21 A court ruling in November 2015 has prompted a change in the Environment Agency's approach to permitting of inert waste recovery operations.<sup>9</sup>
- 1.22 A new standard rules permitted number 39 on the use of waste in a deposit for recovery operation has been introduced (SR2015 permit number 39) which limits the maximum volumetric capacity of recovery operation to 60,000m<sup>3</sup>.<sup>10</sup> SR 2010 permits 7-10 are no longer available for new applicants. In addition the court ruling has affected the way the Environment Agency assesses deposit of waste for recovery. The key point being that applicants will now need to demonstrate that the activity would go ahead with non-waste if waste could not be used.
- 1.23 The above ruling highlights an issue of concern for the minerals industry, summarised in June 2015 by the Mineral Products Association when it published a policy briefing note on "The need to restore mineral sites with inert waste".<sup>11</sup> The Minerals Products Association noted that the restoration of many sand and gravel sites, as well as some hard rock sites, is reliant on the importation and use of inert materials, and it raises concerns arising from the permitting of restoration activities as a landfill operation, since that brings with it a number of further restrictions that make restoration using inert waste more challenging.
- 1.24 Somerset is a major producer of crushed rock from a range of quarries, many of which are in the Mendip Hills, with average sales of approximately 10 million tonnes per year. Regulations associated with the use of inert waste in quarrying operations may therefore have important local implications, which should be considered further in discussion with industry. A text box on the following page looks at this sector in a little more detail.

<sup>&</sup>lt;sup>9</sup> <u>http://www.planningresource.co.uk/article/1373521/court-backs-environmental-permit-leeds-</u> <u>quarry-restoration-project</u>

<sup>&</sup>lt;sup>10</sup> <u>https://www.gov.uk/government/publications/sr2015-no39-use-of-waste-in-a-deposit-for-recovery-operation</u>

<sup>11</sup> 

http://www.mineralproducts.org/documents/Policy\_Briefing\_The\_Need\_to\_Restore\_Mineral\_ Sites\_with\_Inert\_Waste\_Jun\_15.pdf

#### Inert waste management in the quarrying sector

Quarrying activities have the potential to generate significant quantities of inert material that does not have a commercial market i.e. secondary to its primary commercial output.

The Somerset Waste Core Strategy (WCS) adopted in 2013 is structured according to the waste management hierarchy, and encourages the diversion of all waste types up the waste hierarchy.

Complementing this, the Somerset Minerals Plan adopted in 2015 includes a policy (DM11) on the management of solid mineral wastes, supporting the positive use of the inert material in preference to disposal (tipping).

Measures that support effect, phased quarry restoration can provide a good opportunity for re-use of inert material on-site, potentially without the material formally becoming a waste. A text box on page 36 of the WCS highlights the use of inert waste in quarry restoration.

In cases where inert material needs to be imported in to the quarry, linked with its restoration, the demand must be carefully considered in light of the impacts of such importation and the final landform agreed for the site. Further investigation is merited on the extent of this demand from the quarrying sector, and on any issues perceived by quarry operators in the supply of such material.

In some cases, beneficial off-site use can be made of the waste material generated from quarrying processes, especially when there is limited space onsite and the material might otherwise sterilise/prevent access to an area yet to be quarried.

The Somerset Minerals Plan includes consideration of the off-site use of such material, as well as including a policy (policy SMP1) on the production of recycled and secondary aggregates. For more information, visit <a href="http://www.somerset.gov.uk/mineralsplan">www.somerset.gov.uk/mineralsplan</a>

Anecdotal evidence suggests that the number of quarrying operations in the Mendip Hills has an impact on the local market and viability for producing recycled aggregate from transfer stations and/or treatment sites that handle construction and demolition waste. This may not be surprising noting the ready availability of large quantities of by-products from quarrying, which are virgin material mostly of predictable quality, when compared with the logistics and finances associated with supplying recycled aggregate from various sources.

## 2. Inert waste prevention

## Site Waste Management Plans in context

- 2.1 The construction, demolition and excavation sector is the largest contributing sector to total waste generation in England.<sup>12</sup> It generated 77.4 million tonnes of waste in 2010, most of which was either mineral waste (inert materials from construction not from mining/extractive industries) or soils. Thus the construction sector is a major generator of inert waste.
- 2.2 A proportion of developments need both planning permission and an environmental permit (the Environment Agency estimate that there are about 3,000 planning applications per year in England and Wales where the applicant is also required to register an exemption or apply for a permit under the Environmental Permitting Regulations). Of these there are very few where the EA would advise that the applicant take prepermit application advice during the planning process and that planning and permit applications are parallel tracked.
- 2.3 Planning and permitting decisions are made separately but are closely linked. Developers can now choose the order in which they apply for them. The roles and responsibilities of the two regulatory regimes are outlined in Figure 2 and further advice can be found in "Guidance for developments requiring planning permission and environmental permits" published by the EA in October 2012.
- Figure 2 simplified schematic showing the roles of the Environment Agency and the Planning Authority when granting consent for new development



<sup>&</sup>lt;sup>12</sup> Defra, Waste Management Plan for England, December 2013.

- 2.4 The planning and permitting regimes play an important role in driving forward sustainable waste management in the construction sector. Thus, key regulators include local planning authorities (which determine residential and non-residential development proposals), waste planning authorities (in two-tier authority areas), and the Environment Agency (which issues permits and exemptions).
- 2.5 Set in the framework created by the planning and permitting regimes, this section of the report briefly reflects on the regulatory drivers and tools available for waste prevention in construction.
- 2.6 The built environment is listed as a priority area in a document published by HM Government on the role of waste prevention.<sup>13</sup> The document states that tools can help to determine the points in the supply chain or product life cycle where intervention would give the greatest gains. BIM (Building Information Modelling) and WRAP's Designing Out Waste tools have been developed specifically for use by the construction industry.
- 2.7 When evaluating waste prevention measures that help to meet Annex IV of the European Waste Framework Directive, another Defra publication<sup>14</sup> states that: "While government recognises the value of SWMPs as a tool for businesses to effectively manage resources and reduce costs they should be promoted as a tool for businesses to reduce and save money rather than be a mandatory burden."
- 2.8 SWMPs is the acronym for Site Waste Management Plans, which are tools introduced as a self-regulating measure for companies to combat fly-tipping and reduce waste. They have the potential for broader impacts too linked with resource efficiency as outlined in the paragraphs below.
- 2.9 The Site Waste Management Plans Regulations (2008) were introduced in 2008.<sup>15</sup>
- 2.10 Five years later, the SWMP Regulations were repealed on 1 December 2013 as one of the responses to the Government's Red Tape Challenge: <u>http://www.redtapechallenge.cabinetoffice.gov.uk/home/index/</u>.
- 2.11 The SWMP section of the WRAP website states:<sup>16</sup> "Although no longer a regulatory requirement in England, SWMPs are still considered to be good practice. Our SWMP Templates have been updated to remove references to the Regulations."

<sup>&</sup>lt;sup>13</sup> Defra, Prevention is better than cure: the role of waste prevention in moving to a more resource efficient economy, December 2013.

<sup>&</sup>lt;sup>14</sup> Defra, Waste prevention programme for England: evaluation of annex IV measures, December 2013.

<sup>&</sup>lt;sup>15</sup> HM Government, The Site Waste Management Plans Regulations, 2008.

<sup>&</sup>lt;sup>16</sup> <u>http://www.wrap.org.uk/content/site-waste-management-plans-1</u>

- 2.12 When the Government consulted on the proposed repeal of the regulations, one question asked "*If the Regulations are repealed, would you continue to use Site Waste Management Plans in any form? Why?*".
- 2.13 In Defra's response document<sup>17</sup> it is noted that 114 (73%) of respondents expected that they would still use SWMPs or a similar tool if the Regulations were repealed.
- 2.14 Members of the UK Contractors Group (UKCG) indicated they would still use SWMPs "As a UKCG member, we have agreed to continue to use SWMPs on projects as we believe that by forecasting waste streams and quantities we are better placed to reduce them and increase diversion from landfill."<sup>11</sup>
- 2.15 The response document also stated that "The purpose of deregulation is not to outlaw SWMPs or to discourage their use; it is merely to allow businesses to balance the costs and benefits of using a SWMP. Businesses can use the guidance and previous experience of implementing SWMPs and weigh up the benefits of using SWMPs compared with the costs of their implementation and administration in order to make a decision that is most effective in reducing overall costs."
- 2.16 Local Planning Authorities can still require SWMPs if this is embedded as policy in their Local Plans, as is the case in Somerset's WCS and in the Local Plans from other waste or local planning authorities across the country. No evidence has been identified that any such requirement is in conflict with national policy. Indeed the Planning Practice Guidance notes that "For proposals that are likely to generate significant volumes of waste through the development or operational phases it will be useful to include a waste audit as part of the application..."
- 2.17 Local Planning Authorities (LPAs) can also drive forward the consideration of site waste management via validation checklists, supplementary planning documents and/or master planning requirements.
- 2.18 When considered from an LPA perspective (as opposed to a Waste Planning Authority), waste is often embedded in a broader sustainable development agenda e.g. as part of the Code for Sustainable Homes (see the technical guidance from November 2010<sup>18</sup>) and BREEAM (the Building Research Establishment Environmental Assessment Methodology)<sup>19</sup>, both of which also can link with Local Plan requirements.

<sup>&</sup>lt;sup>17</sup> Defra, Defra Public Consultations, Proposed repeal of construction Site Waste Management Plan Regulations (2008), Summary of responses and Government response, August 2013.

<sup>&</sup>lt;sup>18</sup> DCLG, Code for sustainable homes: technical guidance, November 2010

<sup>&</sup>lt;sup>19</sup> BREEAM: <u>http://www.breeam.org</u>

- 2.19 In addition to environmental concerns, effective site waste management also has a link to the health and safety agenda and accompanying regulatory regime.
- 2.20 Health and safety considerations are an important underlying consideration in the recently updated Construction (Design and Management) Regulations 2015, otherwise known as the CDM Regulations.<sup>20</sup>
- 2.21 In the CDM Regulations, the principal contractor has duties in relation to the construction phase plan.
- 2.22 In response to the CDM Regulations and other related drivers, construction companies may choose to prepare a Construction Environmental Management Plan (CEMP) at an early stage of major development proposals as a best practice tool. CEMPs can cover site waste management alongside other priorities, and Local Planning Authorities can include a condition requiring a CEMP as part of granting planning permission.

# Reviewing the use of Somerset waste planning policy on site waste management (policy WCS1) via case studies

- 2.23 Having acknowledged there are a range of regimes and drivers that support the prevention of inert waste, in particular the use of Site Waste Management Plans (SWMPs), this review provides an opportunity to assess how policy WCS1 from the Somerset Waste Core Strategy has been implemented since its adoption in 2013.
- 2.24 Policy WCS1 (reproduced later in this section) requires and promotes the use of SWMPs, the level of detail increasing with the size of the development. This is embedded in a chapter in the Strategy on waste prevention, which arguably reflects the most tangible way in which SCC – as Waste Planning Authority – can promote waste prevention.
- 2.25 SCC has committed in its monitoring indicators in the adopted Waste Core Strategy (indicator 8) to monitor the quality of SWMPs for major development proposals.
- 2.26 In response, SCC has undertaken a desk-based review of the use of SWMPs in a sample range of 20 major development proposals submitted to District or County Planning departments in Somerset from late 2012 to 2014. Efforts were made to draw case studies from each Planning Authority area in Somerset, informed by internet searches on relevant planning portals. A spread of large scale projects were sought, including proposals for major housing developments, commercial and mixed use development, and waste management development.

<sup>&</sup>lt;sup>20</sup> The Construction (Design and Management) Regulations 2015.

- 2.27 Examples of SWMPs have been identified in some but not all of the proposals reviewed, either in the form of full SWMPs, site waste management statements or commitments to consider waste management at appropriate stages during the development.
- 2.28 The following paragraphs outline summary findings from the case studies reviewed, thus showing the variety of approaches taken.
- 2.29 Further information on the origins of Policy WCS1 is presented in a Site Waste Management Report, 2010, referred to as an appendix of this topic paper and available separately.

## Sample case studies

- 2.30 Arguably the project that includes most detail on site waste management planning from those reviewed is Hinkley Point C (HPC) in West Somerset. The Environmental Statement that informed the Development Consent Order covered waste management in detail for both construction and operational phases. A SWMP was a condition of the permission granted for HPC site preparation works, and the SWMP notes EDF Energy's primary objective of achieving 90% re-use, recycling or recovery of construction waste. The SWMP was approved by West Somerset Council in March 2013.
- 2.31 In other case studies, the applicant has prepared a waste minimisation statement, which usually is less detailed than a full SWMP in part reflecting that they are often prepared earlier in the process when fewer decisions on the proposal details have been taken. Nonetheless, it should still be feasible to establish basic site waste management principles in a site waste management statement.
- 2.32 Taking one example, the Haygrove Waste Minimisation Statement (relating to a development proposal on Haygrove Road, near Bridgwater) set principles of waste minimisation to be adopted during the development process.<sup>21</sup> The statement also made a commitment to draw up a SWMP prior to commencement of construction.
- 2.33 Similarly, a waste minimisation statement was prepared to accompany proposals for a Sainsbury's food store at Steart Farm, Cheddar<sup>22</sup> and a Sainsbury's food store at Gravenchon Way in Street. In both cases the statement outlines steps that will be undertaken regarding site waste management as part of the development. (It is interesting to note that both statements make direct reference to the documents that helped to guide their preparation but neither refers to the Somerset WCS.)

<sup>&</sup>lt;sup>21</sup> DPDS Consulting, Haygrove Park Waste Management Statement, October 2012.

<sup>&</sup>lt;sup>22</sup> Ward Williams Associations, Sainsbury's Supermarkets Ltd – Proposed new foodstore at Steart Farm, Cheddar – Preliminary Waste Minimisation Statement, July 2012.

- 2.34 Site waste management strategies or statements also appear in Construction Environmental Management Plans (CEMPs) which can be submitted to meet a condition of planning permission being granted.
- 2.35 For example, on behalf of BAE Systems, Peter Brett Associates LLP (PBA) prepared a CEMP to support the planning application for the construction of an Energy Park near Bridgwater, Somerset and new access road linking to the A39.<sup>23</sup> Section 9 of the CEMP is the proposal's Site Waste Management Strategy. It is noted that this CEMP refers to the Supplementary Planning Document (SPD) prepared for the Energy Park by Sedgemoor District Council as a driver for the submission of a SWMP and SCC informed the preparation of that element of the SPD.
- 2.36 As another example, a CEMP is condition 12 of the permission granted for Key Site 1 in Crewkerne, South Somerset.
- 2.37 Other possible routes for introducing site waste considerations in planning are available during the masterplanning stage of major proposals and through related documents such as Design Codes.
- 2.38 For the Monkton Heathfield proposals in Taunton Deane, the Design Code references waste in two ways:<sup>24</sup> it highlights the importance of waste storage; and, under environmental standards, it states that the minimisation of waste and the promotion of recycling are important.
- 2.39 The Design Code for Monkton Heathfield proposals does not refer to SWMPs, though reference is also made to the Code for Sustainable Homes, noting that "Future applications should meet the legislative requirements of the Code for Sustainable Homes at the time of implementation."

## **Planning policy implications**

2.40 Policy WCS1 in the adopted Somerset Waste Core Strategy begins by stating that:

Somerset County Council, as Waste Planning Authority, will work with local residents, businesses and other partners to maximise the scope for waste prevention.

a) For proposed development, this will mean working with Local Planning Authorities to promote and require the following supporting information to be submitted with planning applications:

• A site waste management statement for the construction of minor development (less than 10 dwellings or where the floorspace to be created by the development is less than 1000m<sup>2</sup>); or

<sup>&</sup>lt;sup>23</sup> Peter Brett Associates, Huntspill Energy Park – Construction Environmental Management Plan, April 2013.

<sup>&</sup>lt;sup>24</sup> RPS, Monkton Heathfield – Phase 2 Design Code, May 2014.

- A site waste management plan for the construction of 10 or more dwellings or where the floor space to be created by the development is 1000m<sup>2</sup> or more; or
- A site waste management strategy for the construction of large-scale major projects (200 or more dwellings or where the development covers more than 10,000 m<sup>2</sup>) or for multi-site projects within the same application...
- 2.41 This section from policy WCS1 is supported by paragraphs 5.4 5.12 of the WCS, which cover waste management in construction. Overall this content is embedded in the chapter on waste prevention because it is acknowledged that SWMPs can be valuable tools for the prevention of waste as stated above.
- 2.42 The review of SWMPs summarised above has identified that site waste is a considered by applicants and local planning authorities for a range of applications. However, no evidence was found that the Somerset WCS was a key driver for consideration of site waste management during the planning stage and/or the submission of a SWMP to the relevant planning authority. Further investigation may be merited on the reasons for a lack of reference to the WCS in this matter.
- 2.43 In part the apparent lack of reference may be to be expected, noting that preparing a SWMP is in the interests of the developer and the government recognised that its SWMP regulations (now revoked) were envisaged to set a "self-regulating" regime.
- 2.44 A study by WRAP in 2009 reported on the results of the a survey on the environmental and economic impacts of SWMPs and provides more information on the logic underlying this approach.<sup>25</sup>
- 2.45 Potentially the revocation of the SWMP Regulations 2008 in 2013 may have had a part to play in how SWMPs are perceived though this review has not been sufficiently detailed to identify evidence that supports this theory e.g. via interviews with relevant planning officers and/or developers.
- 2.46 Independent of the regulatory framework, there are a number of reasons why contractors may wish to prepare SWMPs. Early consideration of site waste management supports improved resource efficiency, which in turn generates both environmental and economic benefits. Acknowledging this it is not surprising that, according to the above review, SWMPs are still being prepared in Somerset.
- 2.47 Going forward, drivers remain in place for SCC to provide planning policy on inert waste prevention. In particular these include:
  - The sustained support internationally and nationally for the waste hierarchy, with waste prevention at the top of the hierarchy
  - The uncertain outlook for inert waste landfill in Somerset

<sup>&</sup>lt;sup>25</sup> WRAP, Site Waste Management Plans Impacts Survey, 2009.

- The adopted policy on waste prevention in the Somerset WCS
- National Planning Practice Guidance stating that "For proposals that are likely to generate significant volumes of waste through the development or operational phases it will be useful to include a waste audit as part of the application..."
- 2.48 The wording of the policy may benefit from review, acknowledging policy WCS1 as currently worded is relatively complex, requiring different levels of detail at a relatively early stage in the development.
- 2.49 In addition to work reviewing adopted waste planning policy, the importance of embedding waste considerations in relevant planning documents that steer new development proposals is noted, taking every opportunity to provide appropriate guidance. In addition to policy and supporting text in Local Plans, such opportunities include Supplementary Planning Documents, Masterplanning / Design Codes and validation checklists [used by planning departments to validate (formally accept) planning applications].
- 2.50 Focusing on validation checklists, it would be useful to review how SWMPs are referenced at both District and County levels in respective checklists and suggest appropriate amendments to be considered within any future updates.
- 2.51 A watching brief should be maintained with regard to national programmes associated with construction waste management. Note in March 2016 the WRAP website noted that "WRAP operated a programme of work supporting the construction industry in reducing waste and improving resource efficiency between 2000 and March 2015. A number of resources including tools, research reports, case studies and good practice guides remain on the WRAP website as a legacy of this work. We have been reviewing the options for the future of these resources with other sector organisations, and we will shortly be announcing some changes that will made by the middle of April."<sup>26</sup>

<sup>&</sup>lt;sup>26</sup> <u>http://www.wrap.org.uk/category/sector/construction</u>

## 3. Inert waste recycling

- 3.1 Table 1 overleaf lists facilities in Somerset which generate recycled aggregates, treat or transfer construction and demolition (C&D) waste and/or treat/handle soil in Somerset.
- 3.2 Collectively these facilities are estimated to provide capacity to recycle more than 1 million tonnes of inert waste per annum. This estimate is based on data from planning permissions, officer reports, planning applications, Environment Agency permits and throughput figures from annual site returns. This list does not include all T7 exemptions (treatment of waste bricks, tiles and concrete by crushing, grinding or reducing in size) hence total capacity for recycling is likely to be more.
- 3.3 In terms of actual throughput at the 27 sites listed in Table 1, EA data tell us that 18 of these sites collectively received 198,360 tonnes of waste in 2013 (note a number of sites operate under exemptions and are thus not required to make an annual return, whilst a number of others were not yet operational in 2013). This implies considerable headroom in relation to theoretical recycling capacity.



Company/operator	Site / location	Time limit
AA Pike Construction Ltd	Colham Lane Waste Transfer Station, Chard	
Aggregate Industries UK Ltd	Colemans Quarry – aggregate recycling, Frome	21/02/2042
Burnham Waste Ltd	Unit 2, Walrow Industrial Estate, Highbridge	
Cheddar Skips	Burcott House Farm Waste Transfer Station, Wells	
Commercial Recycling Ltd.	Southwood Waste Management facility, Shepton Mallet	30/09/2019
Erwin Rhodes Contracting Ltd.	Axe Road Waste Transfer Station, Bridgwater	
Glastonbury Skip Hire	The Mound, Glastonbury	
J D Pope & Sons Ltd	rear of Sycamore House, Highbridge	
J W Ransome & Sons	Bunns Lane Waste Transfer Station, Frome	
L A Moore Demolition Ltd	The Old Railway Yard, Wells	
Luffman Plant Ltd	Norton Fitzwarren Sidings, Taunton	31/12/2019
Minehead Skip Hire (formerly)	Blackmores Yard, Minehead	
Podimore Recycling	Lower Farm – asphalt processing plant, Yeovil	
Podimore Recycling	Lower Farm – C&D recycling, Yeovil	
R K Bell Ltd	Dunwear Depot, Bridgwater	
RM Penny (Plant Hire +	Emborough Quarry - inert recycling Depot,	
Demolition)	Radstock	
S Roberts and Son (Bridgwater) Ltd.	Castlefields Waste Transfer Station, Bridgwater	
S Roberts and Son (Bridgwater) Ltd.	Spaxton Road, Bridgwater	31/12/2016
Smilers Sand and Gravel	The Old Quarry, North Newton	
Towens	Compound 3, Bridgwater	
Viridor	Walpole - inert waste, Bridgwater	Expires on completion of the landfill
Wasteology Ltd	Greenham Quarry Waste Transfer Station, Wellington	
Wellington Waste Management	Wellington Waste Transfer Station, Wellington	
West Somerset Skip Hire	West Somerset Skip Hire, Minehead	
Westcombe Waste Ltd	Whiscombe Hill Waste Transfer Station, Somerton	31/12/2042
Western Skip Hire	Lime Kiln Hill Waste Transfer Station, Frome	30/03/2020
YPH Waste Management	5, Artillery Road, Yeovil	

Table 1: Facilities which generate recycled aggregates, treat or transfer C&D waste and/or treat/handle soil in Somerset (May 2015)

## **Planning policy implications**

3.4 The Somerset Waste Core Strategy includes policy text on inert waste recycling and reuse within Policy WCS2 as follows:

#### Recycling and reuse of inert waste

Applications for all types of development should demonstrate that viable opportunities to minimise construction and demolition waste disposal will be taken, making use of existing industry codes of practice and protocols, site waste management plans (as detailed in strategic policy WCS1) and relevant permits and exemptions issued by the Environment Agency. Before considering inert landfill disposal, inert waste that cannot be reused or recycled on-site should be diverted off-site for recycling and/or the following beneficial uses, subject to the general considerations mentioned above:

a) the restoration of quarries and other excavation sites (excluding peat sites);

- b) other uses with clear benefits to the local community and environment; or
- c) other facilities that will facilitate such positive use
- 3.5 The section from Policy WCS2 is supported by paragraphs 6.21 6.30 of the WCS, which cover recycling and reuse of C&D waste.
- 3.6 It is noted that the language used in the WCS does not refer to "other recovery" or "recovery" of inert waste. It would be useful if this were reviewed to ensure that the process for handling applications for proposals that are described by the EA as recovery projects is as clear as possible (even if from a planning perspective they are likely to be considered with reference to the recycling/reuse policy).
- 3.7 Reference to Codes of Practice includes the CL:AIR Definition of Waste: Development Industry Code of Practice (DoW CoP).<sup>27</sup> This Code of Practice supports the consideration of materials issues and sharing between sites outside of the regulatory context. In other words, it helps to determine whether or not materials should be classified as waste. Landspreading, landfilling or other waste disposal operations are outside the scope of the DoW CoP.
- 3.8 Good practice [in using the DoW CoP] has the following three basic steps:
  - ensuring that an adequate Materials Management Plan (MMP) is in place, covering the use of materials on a specific site;
  - ensuring that the MMP is based on an appropriate risk assessment; and
  - ensuring that materials are treated and used as set out in the MMP and that this is subsequently demonstrated in a Verification Report.
- 3.9 The production of an MPP helps to demonstrate the material as nonwaste and set in motion a process that ultimately reduces the amount of waste sent to landfill.

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http://www.claire.co.uk/index.php?option=com\_content&view=category&id=977&Itemid=330

## 4. Inert waste recovery projects

## The use of exemptions

- 4.1 As mentioned in section 1, inert waste recovery operations tend to be fixed-term projects where the minimum volume of inert waste is used that will achieve the stated purpose.
- 4.2 Such projects may be classed as exempt from requiring a permit from the Environment Agency. Exempt activities are time limited to a maximum of three years unless re-registered by the operator.
- 4.3 Waste exemption: U1 use of waste in construction represents an example of an exempt activity, allowing the holder of the exemption to use suitable waste rather than virgin raw material or material that has ceased to be waste e.g. by complying with a Quality Protocol.<sup>28</sup>
- 4.4 Construction in this context means building or engineering work including repairing, altering, maintaining or improving existing work and preparatory or landscaping work. Land reclamation is only allowed when it is an integral part of the construction activity. The types of activity that can be carried out include:
  - using crushed bricks, concrete, rocks and aggregate to create a noise bund around a new development and then using soil to landscape the area
  - using road planings and rubble to build a track, path or bridleway
  - using woodchip to construct a track, path or bridleway
  - bringing in soil from somewhere else to use in landscaping at housing developments
- 4.5 The Environment Agency groups the types of waste you can use under an U1 exemption into 5 tables. These are listed on the EA web pages: <u>https://www.gov.uk/guidance/waste-exemptions-using-waste</u>
- 4.6 Other types of exempt activity, for example, include U10 (spreading waste to benefit agricultural land) and U11 (spreading waste to benefit non-agricultural land).
- 4.7 Exemptions can include other activities that do not focus on inert waste such as treating waste wood and waste plant matter by chipping, shredding, cutting or pulverising, mechanically treating end-of-life tyres, recovering scrap metal, and sorting mixed waste.

<sup>&</sup>lt;sup>28</sup> WRAP, Quality Protocol: Aggregates from Inert Waste, End of waste criteria for the production of aggregates from inert waste, October 2013.

- 4.8 The rules governing exemptions have recently changed, including lower tonnage thresholds, meaning that a number of activities that were previously carried out under exemptions now need to operate under a permit with greater regulatory controls and associated costs.
- 4.9 A number of new "standard rule" permits were introduced to cover these previously exempt activities. In relation to inert CD&E waste, to date these have included SR 2010 permit numbers 7-10. However, these SR permits are no longer available for new applicants. New applicants may apply for SR 2015 No 39, which limits maximum volumetric capacity of recovery operation to 60,000m<sup>3</sup>. For projects involving larger quantities of waste, bespoke A25 permits are issued but with greater regulatory controls and costs associated.
- 4.10 Focusing on local waste planning policy, the section on recovery in the adopted WCS considers "other recovery" to be synonymous with residual waste treatment. Thus the chapter on other recovery and its related capacity provision do not cover the recovery of inert waste.

## Turning inert waste in to a product

- 4.11 The process of turning inert waste material into a product would be classified as a waste recovery operation and is subject to the waste management controls set out in the Waste Framework Directive and domestic legislation.
- 4.12 A Quality Protocol on inert waste recovery does not affect the obligation on producers to hold an environmental permit (including exemptions) that authorises the storage and processing of inert waste and to comply with its conditions.
- 4.13 Wastes considered to be inert waste for the purpose of this Quality Protocol and to be acceptable for the production of recycled aggregates include:
  - Waste gravel and crushed rocks, waste sand and clays
  - Wastes from manufacture of glass and glass products
  - Glass packaging
  - Wastes from the mechanical treatment of waste not otherwise specified (for example sorting, crushing, compacting, pelletising)
  - Construction and demolition waste, Concrete, Bricks, Tiles and ceramics, Soil and stones
  - Minerals (for example sand, stones)
  - Garden and park wastes soil and stones
- 4.14 Once a waste has met a quality product and is classed as a recycled aggregate it can be used without the need for an exemption or waste management permit.

#### Inert waste recovery operations

- 4.14 Table 2 lists inert waste recovery projects identified as operating under "standard rule" or "bespoke" permits within the 2013 (baseline) calendar year. Collectively these ten projects provide capacity in excess of 1.25 million tonnes, well in excess of the amount of inert waste generated in Somerset.
- 4.15 Whilst 1.25 million tonnes clearly represents a large amount of capacity, it is important to note that such projects are by definition short-term, so this picture will change over time.
- 4.16 Table 3 lists a wider range of inert waste recovery projects in Somerset that have had either a planning permission granted or an EA permit issued since 2010. Comparison of Tables 2 and 3 reflect the speed of change, whereby some projects are completed and others begin.
- 4.17 The projects listed in this research only cover a proportion of the full range of exempt operations in Somerset. Information on exemptions is available via the public register, accessible via the .gov website.

## **Planning policy implications**

4.18 As noted above, the language used in the WCS does not refer to "other recovery" or "recovery" of inert waste. Whilst planning applications for inert waste recovery are most likely to be considered with reference to policy WCS2 on recycling/reuse (see section 3 above), it would be useful if this terminology were reviewed to ensure that the process for handling applications for proposals that are described by the EA as recovery projects is as clear as possible.

#### Table 2: Inert waste recovery projects in Somerset (operational during 2013)

Company/operator	Site / location	EA permit type	Estimated capacity for project (tonnes)*
B+J Haulage	Middlemoor Water Park, Woolavington	A25	225,000
Beaton, Ashley	Ash View farm acoustic bund, Somerton	SR2010 No 8	59,400
Canvin Anthony	The Old Quarry, Somerton	SR2010 No 10	99,999
Commercial Recycling Ltd	Riding Gate Acoustic Bund, Wincanton	A25	49,999
Davies, Robert	Haygrass Nurseries, Taunton	SR 2010 No 7	49,999
Hazelden, Keith + Janet	Fulwood, Taunton	SR 2010 No 8	99,999
Hopkins Development	Sutton Farm, Yeovil	SR2010 No 8	99,999
Ling, Steve	John Bowler Eggs, West Buckland	SR2010 No 7	49,999
Notaro, S	Huntworth Golf Club, North Petherton	A25	475,200
RM Penny (Plant Hire + Demolition)	Clapton Lane Piggeries, Chilcompton	SR2010 No 7	49,999
		TOTAL	1,259,593

\* Projects can be multi-year, so this does not equate to an annual throughput. Actual throughput was less than 250,000 tonnes in total for these ten projects in 2013, indicating the potential capacity provided by these types of project.

#### Table 3: Inert waste recovery projects in Somerset from 2010 to mid-2015

Company/operator	Site / location	EA permit type
B+J Haulage	Middlemoor Water Park, Woolavington	A25
Barratt David Wilson Development Trading Ltd	Land at Lyde Road, Yeovil	SR/07
Beaton, Ashley	Ash View farm acoustic bund, Somerton	SR2010 No 8
Bell, PW and MA	New House Farm, Westhay	U1 exemption
Brake, Mr Chris	Land at Church Farm, Frome	U1 exemption
Canvin Anthony	The Old Quarry, Somerton	SR/10
Churngold Recycling Ltd	The Rookery Manor, Eddington	SR/07
Commercial Recycling Ltd	Riding Gate Acoustic Bund, Wincanton	A25
Davies, Robert	Haygrass Nurseries, Taunton	SR 2010 No 7
Doble, GA	Land South of Westhay Moor Drove, Glastonbury	A25

Eclipse Property Investments	Land at Eclipse Works, Meare	U1 exemption
Hansteen Land Ltd	Dulcote Quarry, Wells	PP 2014/0039/CNT
Hazelden, Keith + Janet	Fulwood, Taunton	SR 2010 No 8
Hill, Mr Vernon	High Croft Quarry, Gurney Slade	PP 2014/0038/CNT
Hopkins Development	Stoke Farm, Wincanton	SR/10
Hopkins Development	Steart Hill Farm, West Camel	SR/07
Hopkins Development	Sutton Farm, Yeovil	SR2010 No 8
Jackson, Mr Brian	Culverwell, Wincanton	PP 14/01164/CPO
JJ Saunders	Land to east of Mendip Storage, Emborough	PP 2014/2052/CNT
J D Pope & Sons Ltd	Land to E of Royal Ordanance Factory, Puriton	A25
Ling, Steve	John Bowler Eggs, Gerbestone Lane, West Buckland	SR2010 No 7
Marsh, Mr JW (Marsh's Peat Products)	PT140, Sharpham Quarry, Glastonbury	PP 2015/0990/CNT
Minehead and West Somerset Golf Club	Minehead and West Somerset Golf Club, Minehead	U1 exemption
Nash, Mr David and Mr Jonathan	Evercreech Junction Estate, Evercreech	A25
Nash, Mr David and Mr Jonathan	Evercreech Junction Estate, Evercreech	SR 2010 No 8
Notaro, S	Huntworth Golf Club, North Petherton	A25
Perry, Brian	Midney Farm, Somerton	PP 12/02566/CPO
RM Penny	Fishing Lake, Rode Hill, Frome	SR 2010 No 7
R M Penny (Plant Hire) Ltd	Green Ore Farm (extension to green waste facility), Wells	SR/10
R M Penny (Plant Hire) Ltd	Whitchurch Farm, Radstock	A25
RM Penny (Plant Hire + Demolition)	Mitchells Elm Farm, Shepton Mallet	A25
RM Penny (Plant Hire + Demolition)	Clapton Lane Piggeries, Chilcompton	SR2010 No 7
S Morris Ltd	Tout Quarry, Somerton	SR/08
S Roberts and Son	Lower Lakes, Chilton Trinity, Bridgwater	A25
Snell, Mr John	Long Croft Farm, Yeovil	PP 13/01185/FUL
Snell, Mr John	Long Croft Farm, Yeovil	PP 13/01186/FUL
Spurdle, Nigel	Newlands Farm, Chard	SR/07
Towens of Weston	Lane to the N side of Tone Drive, Colley Lane, Bridgwater	SR/08
Towens of Weston	Brean Leisure Park, Brean	A25
Walters, Sydney	Bearley Farm, Yeovil	SR/07

## 5. Inert waste disposal

- 5.1 According to Waste Topic Paper 1 (WTP1) approved in early 2012,<sup>29</sup> Somerset had an operational capacity for inert landfill in the order of approximately 900,000m<sup>3</sup> in 2010.
- 5.2 The 'capacity' provided by sites exempt from needing an EA permit was excluded from this inert landfill capacity gap analysis due to their uncertain status and short lifetime; however, following a change in permitting regulations in 2010, some of these sites have been brought into the permitting regime and thus data will be clearer over time. Such sites are included in Tables 2 and 3 above. Research results may now imply we have more capacity than previously estimated, but it could also be that we simply have better data on what is happening.
- 5.3 Exemptions will continue to play a role in the recovery and re-use of inert materials, meaning that capacity in Somerset to handle inert waste will be greater than known data currently suggest (since, unlike permitted sites, they are not required to submit annual site returns detailing the quantities of waste managed).
- 5.4 Over recent years inert landfill capacity has been provided by two inert landfills in Somerset: Lime Kiln Hill and Whiteball. According to the Environment Agency, the void space provided by these two sites at the end of 2013 is shown in Table 4.

Site name	Void (in m³)
Whiteball landfill	75,741
Lime Kiln Hill landfill	650,000
Total:	725,741

## Table 4: Inert landfill void space in Somerset at end of 2013 (Environment Agency)

- 5.5 Planning permission expired for Lime Kiln Hill in 2014 and discussions are underway to clarify the current planning status. Thus the capacity shown in Table 4 should be regarded with caution until the intentions regarding the Lime Kiln Hill site are fully understood.
- 5.6 Set in this context, in SCC's Annual Monitoring Report 2014/15 the remaining void space of Lime Kiln Landfill has been excluded due to lapsed planning status and uncertainty regarding the operator's future plans for the site.

<sup>&</sup>lt;sup>29</sup> Somerset County Council, Waste Topic Paper 1: waste management need, 2011.

- 5.7 The AMR 2014/15 reports that if landfill deposits continue at the 2013 infill rate, Somerset has less than three years of remaining inert landfill void space.
- 5.8 Planning permission for Whiteball landfill was extended in 2014 (planning reference 4/32/14/0004) and will now expire in 2021. In the recent planning application for Whiteball Landfill, the applicant reported an estimated infill rate of 20,000 m<sup>3</sup> per year so it is anticipated to have a maximum of 4-5 years of operations prior to final restoration.
- 5.9 Thus the future for inert landfill in Somerset is uncertain. Without further changes taking place there will be no permitted inert landfill sites in Somerset after the year 2021.
- 5.10 Given that the adopted WCS identified a theoretical need for inert landfill capacity post 2015 of 308,922m<sup>3</sup>, further work is needed to identify if the capacity provided by other projects and facilities can meet this shortfall, and/or whether there is any commercial interest in bringing forward new inert landfill sites.

## Reviewing infill rates and market demand for inert landfill

- 5.11 Noting the need to divert waste up the hierarchy, SCC did not identify specific or broad locations for new inert landfill in the adopted WCS, instead stating a commitment to develop further discussion with the waste industry about how the identified need for inert landfill could be met, in particular via the following sequential approach:
  - a) undertaking further monitoring and research work to verify if a need exists, checking that the inert waste could not be managed in a more sustainable way;
  - b) maximising support for reuse and recycling of inert waste;
  - c) checking any remaining need against the local requirement for engineering materials at non-hazardous landfills in Somerset and void space or demand for inert material at landfills in close proximity to the county boundary; and only then (if appropriate)
  - d) identifying suitable locations for inert waste disposal in Somerset.
- 5.12 In April 2015 SCC began discussing the position once again with landfill operators in Somerset to check on the commercial outlook for inert landfill. Both operators noted a declining infill rate, despite an upturn in the construction sector, implying the inert waste is often handled via inert waste recovery projects.
- 5.13 Gate fees for recovery projects are always going to be lower than inert landfill, due to the lower costs associated with the regulatory regime and the absence of landfill tax.

- 5.14 Transport costs will also influence waste management decisions, noting the proximity of the different waste management options from the site. One operator noted: "*If there is a cheap exempt [recovery] site nearby then material will go there*".
- 5.15 One of the landfill operators noted that input volumes are dependent on the nature of big development projects nearby and arrangements made for materials coming out of those projects. A big nearby development can have a significant impact on infill rates and thus remaining void space, so the picture is far from static and is difficult to predict. Quoting one of the operators: "the amount of inert material on the road is continuous but erratic".
- 5.16 In terms of the scope for re-using material on-site at new housing sites, one of the operators commented that in general, nowadays development sites can be larger and more able to use waste on site.
- 5.17 Housing projects typically of more than 6 houses try to re-use inert material on-site wherever possible, with related works carried out by groundwork contractors. However, the plots for residential development tend to be smaller than they have been in the past, and may not be able to accommodate waste soil on site. There can often be a lot of surplus soil, noting also the need for foundations to be deeper than before, and sites that are tight for space can present problems regarding inert waste management.
- 5.18 Looking to the future, the operators felt there was still a need for inert landfill "*how many acoustic bunds do we need… then what?*". But there was also a sense that the future did not look "rosey" for inert landfill, given the number of exempt sites and inert waste recovery projects, and the strong support for diverting waste from landfill in policy and legislation (locally, nationally and at a European level).
- 5.19 A suggestion was made that "*it would be helpful to have smaller inert landfills*" offering a network of sites near to major development. Good highway access is crucial, and for developers the time factor also plays a significant part. If a developer needs to dispose of inert waste quickly they may have limited options.

## Other landfill capacity in the wider region/sub-region

- 5.20 SCC should also be mindful of any capacity provided by relevant inert facilities outside Somerset, potentially close to the county boundary.
- 5.21 For example, Devon County Council recently approved importation of inert waste to infill a disused quarry at Watchford Farm, Yarcombe, near Honiton, EX14 9LZ. The permission granted, DCC/3667/2014, provided a total capacity of 25,944 m<sup>3</sup> of inert infill (38,916 tonnes at an assumed placed density of 1.5t/m<sup>3</sup>). The planning statement prepared by the applicant discussed the site being within a 15/20 mile radius of a number of sources of inert waste in strategic development sites in South Somerset District (including Chard and Ilminster) and Taunton Deane Borough Council (including Wellington and Taunton) in addition to strategic development sites within a similar radius in the East Devon.
- 5.22 The site at Watchford Farm also exemplifies the point that it is not always easy to determine whether a proposal should be considered a landfill or a recovery project as stated earlier. Although the application described the site as an inert landfill, the EA issued an SR/10 "standard rules" permit for the use of waste for reclamation (<100,000 tonnes per scheme) i.e. indicating their classification of the operation at that time as a recovery activity (rather than issuing an A06 permit landfill taking other waste, or L05 inert landfill i.e. a disposal activity).
- 5.23 Movements across the county boundary will be subject to basic market forces, with cost and logistical constraints tending to limit the distance that such heavy material will be transported.
- 5.24 Such movements can be monitored via analysis of the Environment Agency's Waste Data Interrogator. Further information on Somerset's cross boundary movements of waste will be published in Waste Topic Paper E; and the "Duty to Cooperate" will apply to Somerset County Council as Waste Planning Authority relating to any such movements that are considered "strategic" cross boundary matters.
- 5.25 It is also noted that non-hazardous landfills in Somerset and in its neighbouring counties can also accept inert waste. In particular, there is a demand for material for landfill cover and access roads / tracks.
- 5.26 That said, whilst further discussion may be merited on the volume of inert waste required at non-hazardous landfills, this is unlikely to provide significant levels of capacity in the long-term. Efforts continue to divert all waste types from landfill, and using void space in non-hazardous landfill for inert waste (i.e. beyond landfill cover and access) may not be an optimal or economic use of the remaining space.

### **Quarry restoration**

5.27 As mentioned in section 1 above, Somerset has a large number of quarries that are active, inactive or dormant; and it is a major producer of crushed rock. Inert material can play an important part in quarry restoration and, regardless of whether this is termed disposal or recovery, further research and discussion may be merited on the opportunities for using inert waste in this way and the availability of suitable material. The anticipated demand for inert material from the quarrying sector should be explored further.

## **Planning policy implications**

5.28 Policy WCS4 on disposal includes the following section on inert landfill development:

#### Inert landfill development

Planning permission may be granted for inert landfill development subject to the applicant demonstrating that the proposal:

c) is restoration-led, enabling an area of land to be used more effectively or for another purpose; for example, for agriculture, nature conservation or built development; or

d) provides justified visual or acoustic screening; and

e) uses the minimum amount of waste to achieve the stated purpose, depositing inert waste only.

- 5.29 It is noted that the policy text focuses only on landfill. As stated earlier in this report, disposal does not have to mean landfill – though the distinction between landfill and a recovery project is not always clear. The Government waste policy review 2011 refers to landfill remains the best or least worst option – "some inert materials and waste to restore quarries and mineral workings". However, as made clear in the decisions linked with Watchford Farm above, this does not always constitute a landfill; hence terminology should be reviewed.
- 5.30 Furthermore it is noted that policy WCS4 also refers to using the minimum amount of waste only. This should be reviewed, alongside its supporting text, since one of the aspects that distinguish a recovery project is that it uses only the minimum amount.
- 5.31 Other factors to consider, which are not currently listed in this policy (but which may be listed in other policies), include the proximity to the source of the waste to be deposited and having due regard to treatment on-site i.e. scope for co-location.