

**Gweinidog dros yr Amgylchedd, Cymllunio a Chefn Gwlad
Minister for Environment, Planning and Countryside**



Our ref: MB/CJ/1079/05

Llywodraeth Cynulliad Cymru
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Dear 

**AUDIT COMMITTEE INQUIRY:
ENVIRONMENT AGENCY WALES: REGULATION OF WASTE MANAGEMENT**

In my letter of 12 July I undertook to write to you further in respect of Recommendations 3 and 4 in the Audit Committee's report of 23 February 2005.

Recommendation 3

Regional waste plans are revised in order to indicate the types of locations where regional facilities could be situated. We further recommend that the Assembly Government issues direction to local authorities to ensure that Unitary/Local Development Plans identify potential sites for waste management activities

The Assembly Government accepts the need for Regional Waste Plans to be revised to indicate types of location where regional facilities could be situated, as the Committee recommends.

The Regional Waste Plans already provide some guidance on site requirements and typical locations for certain types of waste facilities. The plans are currently in the process of being updated for hazardous waste – each region is producing a Hazardous Waste Supplement. This includes detailed criteria for the types of locations for different categories of hazardous waste facilities.

The next phase of the work is to review the plans by monitoring and updating the information to support the provision of the network of waste management facilities that is needed to meet the targets in the Wales Waste Strategy "Wise about Waste."



In addition, a Geographic Information System (GIS) waste mapping model has been developed by the Assembly Government that will help inform the process further by defining areas of search for suitable waste facilities.

This project was disseminated to each of the regional waste planning groups followed by an all-Wales event held on 31st October. Copies of the GIS have been forwarded to the three regional coordinators and to all local planning authorities. It is now for the regional waste groups to undertake an exercise to locate broad areas of search for regional and sub-regional scale waste facilities using the information in the waste mapping GIS. This work will be developed over the next year to form part of the review of the Regional Waste Plans due to be completed in 2007 following Strategic Environmental Assessment and further consultation. The review of the Regional Waste Plans will then be used to advise future waste policies and allocations in the local authorities' development plans

The use of the Assembly's powers to issue Directions to modify a plan, or call-in all or part of a plan, remains an option but the Welsh Assembly Government would only wish to rely on these as a last resort. We believe the most productive way forward would be to work closely with a local authority throughout the preparation of local plans to ensure that any issues are identified and resolved as early as possible in the planning process.

Recommendation 4

The Assembly Government and the Agency give consideration to identifying how the obstacle of inadequate data on site capacity might be overcome

Current arrangements on site capacity data are:

Technical Advice Note (TAN) 21 Waste requires Unitary Development Plans (UDPs) to make explicit the capacity of the area to deal with waste and make an assessment of their own waste arisings, with reference to Environment Agency Wales data. UDPs must therefore demonstrate that there is adequate provision for waste management facilities to meet the targets in European Union Directives.

TAN21 also requires local planning authorities to require developers to provide timely, manageable and good quality data regarding waste operations, including the capacity of waste management facilities.

The review of the Regional Waste Plans requires:

- an annual assessment of the land use implications for each local authority's forward planning so as to accommodate the proposed allocation of future waste management capacity for each waste type to each local planning authority;
- an annual statement on the land use planning policies in development plans that are under preparation in the region to implement and meet the requirements of the Regional Waste Plans to make adequate provision for the infrastructure necessary to implement the Wales Waste Strategy targets.

The Assembly Government recognises the need to assess the data available and to address gaps in data provision. The Assembly Government is working closely with the

Environment Agency and local planning authorities to achieve the provision of better data will be achieved.

The Assembly Government and the Environment Agency have recently responded to a Defra consultation on the development and implementation of a three-year strategy to improve data across all waste streams in the UK. The results of this consultation should be published next month.

The Environment Agency is reviewing all capacity data for existing licensed sites and exempt facilities and submitting that to the Regional Waste Groups to ensure that this is taken account of in the process. The capacity data is also being reviewed in relation to the Recovery and Disposal codes for the EU Waste Statistics Return (these codes are used to describe different waste management activities).

The licensed (legal) capacity for waste facilities is stated in the Waste Management Licence conditions. This is often linked to Environment Agency subsistence fee chargebands which are expressed in steps (0-5,000 tonnes, 5,000-25,000 tonnes etc). The total throughput capacity recorded by these means may therefore be greater than the actual capacity.

This problem is reduced in respect of landfill sites as voidspace surveys are undertaken annually to assess the capacity of landfills in the region. This provides accurate data on remaining voidspace in addition to the chargeband information mentioned above.

For exempt facilities, amendments to the Waste Management Licensing Regulations introduced charging for certain exemptions and a requirement to disclose the capacity of waste to be handled at the site. For the non-chargeable exemptions, there is no such requirement and although it is possible to estimate a theoretical capacity within exempt facilities, this is likely to be much higher than the actual capacity of these sites. However exempt facilities tend to be smaller in size than those requiring licensing and exemption is not appropriate for landfill sites.

Conclusion

The Assembly Government is well aware of the need to monitor the capacity of the waste management industry in Wales, and particularly the availability and capacity of landfill sites, while new waste management facilities become available. We are also well aware of the crucial role that the planning system will play in facilitating the development of new waste management facilities. We will be working closely with local authorities to ensure that the regional waste plans and individual local authority plans make proper provision for waste management.

Yours Sincerely


Carwyn Jones AM



Cynulliad National
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16 December 2005

Dear Auditor General

AUDIT COMMITTEE REPORT: Environment Agency Wales: Regulation of Waste Management

I enclose a copy of the Welsh Assembly Government's further response to the recommendations made by the Audit Committee in its report *Environment Agency Wales: Regulation of Waste Management*. You will recall that the Minister for Environment, Planning and Countryside undertook to write to the Chair appraising her of the latest Government position to recommendations 3 and 4.

The Committee would be grateful for your advice on the contents of the response and on any follow-up action required.

Yours sincerely

Kathryn Jenkins
Clerk for the Audit Committee

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Pages 1 of 3

Dear Chair,

Latest Government update on the regulation of waste management

On 16 December, the Clerk wrote to me enclosing the latest update from the Minister on recommendations 3 and 4 of the Committee's report on *Environment Agency Wales: regulation of waste management*, requesting my advice.

You will recall that this issue has something of a long history. Following the publication of the Committee's report in February 2005 and the Government response in April, there was a further letter of clarification from the Minister in May and an exchange of letters between the Minister and yourself in June/July, one of the consequences of which was this additional update by the end of the year.

Recommendation 3 was on the arrangements for identifying potential sites for waste management facilities, where the Committee's particular concern, as set out in your letter of 28 June to the Minister, was that current planning arrangements are not likely to deliver the sites for waste facilities that Wales needs in sufficient time.

The latest letter from the Minister reiterates the arrangements that are in place: regional waste plans, being revised later this year, should identify the types of site suitable for waste management; these findings then inform the local plans prepared by each local authority. The Minister adds more detail on how a Geographic Information System (GIS) waste mapping model is being used to help the development of regional plans, and repeats earlier statements that the Assembly Government prefers to work with local authorities rather than coerce them. The Minister also reports that the regional plans are being updated to include a hazardous waste supplement – a welcome development in view of the Committee's concerns about the absence of any hazardous waste facilities in Wales.

WAO staff have recently met Assembly Government officials, who remain confident that these arrangements are the best way of delivering the additional facilities required. For example, nine proposals for major facilities for composting and recycling and for managing residual waste in different parts of Wales have been put forward, although such proposals will need to be handled with due sensitivity given the strong feelings that can attach to them. In addition several facilities have recently received planning permission.

While the additional information provided by the Minister and officials is helpful, the Committee may feel that elements of its core concern remain. If the Committee was minded to pursue this issue further, it might ask the WAO to conduct further work and, on the basis of that work, consider whether to bring Assembly Government witnesses back before it. Alternatively, as this issue is underpinned by policy considerations, the Committee could refer the matter to the Environment, Planning and Countryside Committee. That Committee's report of August 2005 on the results of its *Inquiry into Meeting Landfill and Recycling Targets* referred specifically (at paragraph 4.11) to the Audit Committee's recommendation 3 and made a very similar recommendation of its own (recommendation 9). The subject committee, with the Minister as a member, may be better placed to follow up the implementation of this shared recommendation. Indeed, I understand that the Environment, Planning and Countryside Committee is due to consider the Assembly Government's progress in implementing its recommendations at its 8 March meeting.

Recommendation 4 was on the need for the Assembly Government and Environment Agency to have the best possible data on remaining site capacity. Again, your letter of 28 June to the Minister makes it clear that the Committee's interest lies in the outcome of the Government's "careful consideration" to the benefit of legislation to require private sector waste operators to provide data on site capacity. WAO staff have ascertained that in 2004 the Environment Agency received a 100 per cent return when it surveyed landfill operators on remaining capacity ("voidspace"). While this is very helpful, of course, there is no guarantee that this will also be the case in future surveys.

The Minister's letter does not specifically address this issue. However, Assembly Government officials told us that the Environment Agency Wales now have the conditions in PPC (Pollution Prevention and Control) permits (for larger facilities) and new waste management licences (for smaller facilities) to require an annual voidspace return. The final application tranche for PPC landfills closes in May 2006, by which time all sites will have been permitted, have applied or be working towards closure. And the Agency is now starting to grant permits for the smaller inert facilities; this means that the numbers of sites with no statutory requirement to declare voidspace data is reducing – and the few remaining in the interim,

before PPC permitting is finalised, will be picked up by the survey planned for this year on voidspace as at 1 April. Officials consider that these arrangements, using the new permits and licences to require data, will be an effective way of guaranteeing the data.

This seems to me to be a reasonable stance, and I do not think that the Committee need take any further action. As noted above, the Minister's letter does not quite cover all areas of Committee concern. Under current arrangements, it has become the practice for Government updates to the Committee and responses to Committee recommendations to be shown to us in advance, so that we can advise on whether they are likely to meet the Committee's needs. While these arrangements are generally working well, we did not see this particular update until it had been submitted to the Committee. This was an isolated incident, however, and I understand that the Permanent Secretary has taken action to ensure that there is no recurrence.

Yours sincerely,



Jeremy Colman
Auditor General for Wales