



Walsall Council

Birmingham Plan 2013

Examination Hearing

Hearing Statement and Appendix

**On Behalf of
ASSOCIATION OF BLACK COUNTRY AUTHORITIES
(ABCA)**

Matter C:

The Plan's approach to minerals and waste (BDP policies TP13-14)

Waste

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1. Introduction

- 1.1 ABCA is the umbrella term for the four Black Country local authorities, Dudley, Sandwell, Walsall and Wolverhampton. As explained in our pre-submission representation, officers from the four authorities meet regularly with officers from Birmingham City Council to address strategic cross-boundary issues on a continuing basis through the metropolitan officers' Duty to Co-operate Group.
- 1.2 Officers from the Black Country are also involved in ongoing discussions with officers from Birmingham City Council through the West Midlands Resource Technical Advisory Body (RTAB), which includes representatives from waste planning authorities across the former West Midlands region, and through participation in the West Midlands Aggregates Working Party (AWP).
- 1.3 This written statement deals with Matter C, Questions 4 – 8, on the approach towards waste in Policies TP13 and TP14. We have prepared a separate Hearing Statement on the approach towards minerals (Matter C, Questions 1 - 3). Although Matter J (Questions 8 - 10) covers Policy TP15, opportunities for waste disposal do not appear to be covered under that Matter, and are therefore dealt with in this statement.

2. Policies TP13 and TP14 - ABCA Representations, City Council's Response and Proposed Modifications

- 2.1 ABCA's representations were mainly concerned with the lack of detail on existing waste capacity, future waste capacity requirements, and uncertainties about how and where the capacity "gaps" identified are expected to be met over the plan period. The published version of the policies was based on evidence from the 2010 Waste Capacity Study (ES5).
- 2.2 The Waste Capacity Study Update (June 2014) (ES6) has updated the evidence on the quantities of waste predicted to arise in Birmingham over the plan period, and the capacity of the City's current waste management infrastructure. We have reviewed the evidence presented in the report on current and predicted waste arisings and the capacity of permitted and exempt facilities, and we consider it to be robust and up-to-date. A modification has been proposed to paragraph 6.81 (Proposed Modification MOD88), to reflect the updated arisings figures, but no further changes are proposed in response to ABCA's representations.
- 2.3 In its response to the ABCA representation, the City Council states that the Update demonstrates that the City is achieving "equivalent self sufficiency."

However, this appears to be based on an estimate of existing waste management capacity (4 to 4.5 million tonnes), which we believe has been over-estimated, for the reasons explained below. While the evidence suggests that the City may be able to demonstrate “net self-sufficiency” in quantitative terms at the present time, the projected arisings data suggests there will be a gap in landfill diversion capacity by the end of the plan period.

2.4 The City Council has also stated that the plan outlines a clear strategy for the location of new waste management facilities with a particular focus on the TEED, where there is potential for new facilities to be provided which will reduce reliance on landfill. However, it is not clear that there will be sufficient land to provide for all future requirements, for the reasons explained below.

2.5 While the updating of the evidence base for waste is welcomed, we still have the following concerns about the provision for waste in the plan:

- The total capacity of Birmingham’s waste infrastructure in the waste studies (4 – 4.5 million tonnes) is likely to have been over-estimated, as it is partly based on permitted tonnage at permitted facilities, rather than average annual throughput at permitted facilities;¹
- As we pointed out in our original representation, a significant proportion of Birmingham’s waste management capacity (permitted tonnage) - around 1.3 million tonnes out of 4 – 4.5 million tonnes - is waste transfer, which may not necessarily involve recovery;
- The extent of “capacity gaps” is not fully explained in Policy TP13 or in the reasoned justification – the technical evidence identifies potential “quantitative” gaps in waste recovery/ landfill diversion capacity by the end of the plan period, in addition to the existing “qualitative” gaps identified for waste recycling and organic waste treatment;
- There are no indicative targets in Policy TP13 for delivery of new waste management capacity over the plan period, to address the quantitative and qualitative capacity gaps identified in the technical evidence; and
- The technical evidence indicates that there has been a reduction in the number of permitted waste facilities in Birmingham since 2007 (see ES6, 4.1) - it is questionable whether Policy TP14 will be effective in safeguarding the City’s remaining waste infrastructure, as none of the sites identified in the evidence are shown on the Policies Map;

¹ See Appendix for a comparison between permitted tonnage and actual throughput, and the difference this makes to the total estimated capacity of waste infrastructure in Birmingham.

- It is unclear whether the locations identified in Policy TP15 will provide sufficient opportunities to accommodate the City's projected capacity requirements and address "capacity gaps" over the plan period, taking into account the need to address requirements for waste disposal, where feasible, and replace existing capacity that could be lost.
- 2.6 Even with the Proposed Modification, Policy TP13 is not sufficiently clear about whether Birmingham currently has, or can provide, the waste management infrastructure needed to support the levels of growth and development expected to be delivered over the plan period.
- 2.7 This is a matter of concern to ABCA, because if there is uncertainty about Birmingham's future waste capacity requirements, and no strategy for delivery of any new infrastructure needed, there is likely to be a shortfall in provision – which could have impacts on adjoining waste planning authorities. We think this situation should be avoided by setting appropriate, indicative targets in the Birmingham Plan, aimed at addressing any "capacity gaps" identified in the technical evidence. We have set out below in Section 4 how we think Policy TP13 and Policy TP14 should be modified to address our concerns.

3. Matter C (Waste) - ABCA Response to Questions

Question 4) Should the Plan contain more specific policies to prevent and reduce the production of waste, for example by requiring waste prevention, minimisation and management strategies to be produced for larger developments?

- 3.1 Experience in the Black Country suggests that it will be a challenge to implement such a policy. We would only recommend including a requirement for a waste management strategy in very large scale projects. Arguably this would be better included in Policy TP1 or TP3 than Policy TP13 or TP14.

Question 5) What are the Council's targets (in percentages and tonnages per annum) for increasing the reuse and recycling of waste, and reducing the proportion of waste going to landfill, over the course of the Plan period? Should these be set out in the Plan?

- 3.2 No targets are currently set in Policy TP13. The inclusion of indicative targets for re-use, recycling and recovery of waste and/ or diversion of waste away from landfill would be consistent with current and emerging national objectives for waste. In particular, monitoring against such targets (where feasible) would

provide an indicator of the extent to which waste is being moved up the “waste hierarchy” over the lifetime of the plan.

Question 6) Are additional policies needed to ensure that adequate and timely provision is made for waste recovery and recycling facilities, including facilities for recycling of construction and demolition waste, to enable the Council’s targets to be met?

- 3.3 This requirement could be addressed in Policies TP13 – TP15 and the Policies Map, with appropriate modifications. Experience in the Black Country shows it is difficult to be too precise when setting timescales for delivery of new waste management infrastructure.
- 3.4 The plan is unlikely to be able to do more than give indicative “milestones” for delivery of new capacity over the lifetime of the plan. There will only be scope to set specific timescales for delivery where there is a clear commitment to bring forward a specific infrastructure project before the end of the plan period. Otherwise, the requirement is best addressed by identifying sufficient, suitable locations on employment land in Birmingham, where new indoor facilities can be developed for re-use, recycling and recovery of waste, as and when required, to respond to market demand.
- 3.5 It will be more challenging to identify suitable locations for recycling of construction, demolition and excavation waste. Such operations usually tend to take place in the open, and the City has few locations likely to be suitable for this type of activity, other than on a temporary basis. It is therefore unlikely to be feasible for the plan to do more than provide general guidance on where such facilities could be developed.

Question 7) Are secure arrangements in place for the necessary disposal of waste to landfill outside the Plan area?

- 3.6 It would be unreasonable to expect any waste planning authority to have “secure arrangements” for disposal of all of the residual waste likely to arise in its area. A waste planning authority has only limited, indirect, influence over how much residual waste is generated in its area, no control over how and where such waste is disposed of, and very little control over the location of landfill facilities, as they can only be developed where suitable voids exist, or where there are opportunities to dispose of inert waste onto or into land.
- 3.7 Birmingham has no active quarries, so any potential for disposal of residual waste within the City is likely to be limited to temporary operations involving

disposal of suitable inert waste onto or into land, such as land remediation schemes or large-scale landscaping schemes. There may also be potential to develop new capacity for incineration of some residual wastes, if there is a demand, and if suitable locations can be identified.

- 3.8 The evidence from the Waste Study Update (ES6) suggests that nearly all of the residual waste moving out of the City to landfill is going to sites elsewhere in the former West Midlands region, although all of the hazardous waste residues generated in Birmingham are being exported to other regions.² This is only to be expected, given the current availability of permitted inert and non-hazardous landfill capacity in other parts of the West Midlands, and the shortage of hazardous landfill capacity nationally.
- 3.9 All the plan can realistically do to cater for disposal of residual waste, and reduce the impacts on landfill sites outside the City, is encourage as much diversion from landfill as possible in Birmingham through setting appropriate targets for delivery of new waste recovery capacity in Policy TP13 (see 2.5 above), and identify opportunities for waste disposal in Birmingham where they might realistically exist, in Policy TP15 (see 3.7 above).

Question 8) Does the Plan need to make more specific provision for hazardous waste, low-level radioactive waste, agricultural waste or waste water?

- 3.10 No specific requirements are identified in the technical evidence.

4. Changes Sought to Policies TP13 – TP15

- 4.1 For the reasons explained at 2.3 – 2.7 and 3.9 above, we consider that **Policy TP13** should be modified as follows:
- (a) It should include an estimate of existing waste capacity in Birmingham by facility type, which takes into account the potential for capacity to have been over-estimated (see 2.4 and Appendix);
 - (b) It should quantify the additional waste recovery (landfill diversion) capacity that will need to be delivered by the end of the plan period to achieve “net self-sufficiency” based on the quantitative “capacity gap” indicated in the technical evidence;
 - (c) The indicative capacity targets should also take into account the “qualitative” gaps identified in the technical evidence, for example, the need for recycling capacity and organic waste treatment; and

² See Section 5, Table 17.

- (d) Total arisings, capacity and target figures should be included in the policy statement, with further details set out in the reasoned justification (paragraphs 6.79 – 6.82) and/ or in an appendix if necessary.
- 4.2 For the reasons explained at 2.5 above, we consider that Paragraph 6.86 of **Policy TP14** should be modified to explain how losses in capacity will be taken into account when monitoring performance against any indicative targets set for meeting the City's future capacity requirements. To improve the effectiveness of Policy TP14 in maintaining the City's current waste management capacity, we also think that key facilities to be safeguarded under this policy ("strategic sites") should be shown on the **Policies Map**.
- 4.3 For the reasons explained at 3.7 and 3.9 above, we consider that **Policy TP15** should be modified as follows:
- (a) It should include a new bullet point identifying potential opportunities for waste disposal in the City, for example, temporary operations for disposal of inert waste onto land for the legitimate purpose of land remediation, site preparation and/ or landscaping, and opportunities for disposal of waste treatment residues through incineration; and
- (b) There should be an additional Paragraph in the reasoned justification, to explain that the City has no landfill disposal capacity and very limited potential to provide such capacity, and that the indicative targets set in Policy TP13 for delivery of new waste recovery/ landfill diversion capacity have taken this into account.
- 4.4 Walsall Council has responded to this matter in a Hearing Statement format as we are willing to appear at the hearing should this be useful to the parties involved. It may be considered however, that this written statement is sufficient and our attendance on this matter is not necessary.

Appendix:**Estimated Total Waste Management Capacity in Birmingham****Table 1: Estimate based on Permitted Capacity at Permitted Facilities in 2012**

Infrastructure Type	Estimated Annual Throughput Capacity (TPA)	Source
Permitted Facilities (2012 Permitted Tonnage)	3,249,670	Waste Study Update (2014) (ES6) – Table 14
Exempt Facilities	855,250	Waste Study Update (2014) (ES6) – Table 15
Accredited Reprocessors	266,000	Waste Study (2010) (ES5) – Table 28
TOTAL CAPACITY	4,370,920	

Notes on Table 1:

1. The Executive Summaries of the Waste Study (2010) (ES5) and the Waste Study Update (2014) (ES6) both estimate that total waste management capacity in Birmingham is between 4 and 4.5 million tonnes.
2. Neither study provides an actual breakdown of how this total estimated figure was worked out, although it is clearly stated that it is based on estimated capacity at permitted and exempt facilities and accredited reprocessors, hence the above information has been extracted from the relevant tables in the reports.

Table 2: Estimate based on Actual Throughput at Permitted Facilities in 2012

Infrastructure Type	Estimated Annual Throughput Capacity (TPA)	Source
Permitted Facilities (2012 Throughput)	1,567,029	Waste Study Update (2014) (ES6) – Table 14
Exempt Facilities	855,250	Waste Study Update (2014) (ES6) – Table 15
Accredited Reprocessors	266,000	Waste Study (2010) (ES5) – Table 28
TOTAL CAPACITY	2,668,279	

Notes on Table 2:

1. The table shows the difference in the estimated capacity of permitted sites, and of total capacity, when throughput data at permitted facilities is used, instead of the theoretical permitted capacity of those facilities, which in some cases is likely to be significantly higher than the actual operational capacity.
2. Section 4.1 of the Update report (ES6) states that actual throughput in 2012 was only around 50% of the theoretical permitted capacity, whereas in 2007 it was 67% of the theoretical permitted capacity. This suggests that there may be some annual variation in the extent to which facilities are operating to full capacity.
3. For the above reason, it would be more appropriate for the estimated annual throughput capacity at permitted sites to be based on average (mean) total throughput 2007 – 2012 as the 2012 data only covers a single year and may not be typical. Use of average (mean) throughput data as an estimate of operational capacity is now generally regarded as good practice.