

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT
BY DEPUTY J.H. YOUNG OF ST. BRELADE
ANSWER TO BE TABLED ON TUESDAY 19th NOVEMBER 2013**

Question

Will the Minister provide a detailed written chronology of the key events and processes carried out by both sections of the Planning and Environment Department in considering the Planning application made by the Transport and Technical Services Minister for the storage of asbestos containing material in engineered pits at la Collette (from the time of first submission of the application) such chronology to include his own interventions in considering the application, if any?

Answer

The table below provides a chronology of the key events relating to the asbestos planning application submitted by the Transport and Technical Services Department.

Date	Correspondence / Activity
14/12/10	Application signed by TTS
15/12/10	Application submitted by Capita on TTS' behalf
11/01/11	Site Notices and confirmation of publication
12/01/11	Health Protection respond to Environmental Impact Assessment (EIA)
13/01/11	Parish of St Helier respond to EIA
28/01/11	TTS submit Best Available Technology / Alternative disposal options review confirming that Professor Paul Nathaniel could peer review this for £2K
28/01/11	TTS (Drainage regulator) respond to EIA
01/02/11 (rec'd 22/02/11)	Marine Resources respond to EIA
09/02/11	Health and Safety Inspectorate respond to EIA
03/03/11	TTS ask Department of the Environment (DoE) (Planning section) whether all the Minister for Planning and Environment's concerns have been met by submissions. Planning ask Environment Director for comment
03/03/11	Environment Director responds to Planning that from the environment regulatory perspective the proposal is acceptable if there are no legal or regulatory challenges. The Minister is keen to take responsibility for and change policy on disposal of asbestos but this is not possible as DoE do not administer waste policy
03/03/11	Environmental Protection (EP) respond to EIA
02/06/11	TTS query progress with application
12/07/11	TTS again query progress with application.
06/10/11	DoE query DEFRA (UK Department of Environment, Food, and Rural Affairs) regarding alternative disposal options for asbestos wastes

27/02/12	The Minister for Planning and Environment writes to the Minister for Transport and Technical Services following discussions and meetings clarifying his requirements. Following meetings with the outgoing TTS Minister on 4/10/11 TTS were to do further work looking into options for treatment of mixed asbestos wastes. The Minister for Planning and Environment is unable to issue a planning decision before it is demonstrated that the solution proposed is the most
04/05/12	The Minister for Transport and Technical Services writes to the Minister for Planning and Environment including Prof Paul Nathaniel's (LQM) asbestos peer review report
31/05/12	The Minister for Transport and Technical Services writes to the Minister for Planning and Environment expressing concern that the application has taken 18 months so far and explaining the outcome of the LQM review
13/06/12	Chief Officer of Environment asks the department if anything else is required for the decision to be made as the Minister is under pressure to determine the application. The Minister claims that TTS have not done enough
15/06/12	Planning Officer asks Environmental Protection to review the LQM document
09/07/12	Environmental Protection responds
12/07/12	Environmental Protection passes DEFRA advice to Chief Officer of Environment on request
17/07/12	Environmental Protection clarifies with Chief Officer of Environment that plasma treatment may be an alternative but would query viability. Environmental Protection agrees with LQM report position that 'off-Island' vitrification not practical at this time. State that clarification on this point will be requested from DEFRA. Email sent to DEFRA
19/07/12	DEFRA writes to Chief Officer of Environment stating that waste prevention is the priority and asbestos can be justified as a departure from the norm as no viable recovery takes place in the UK. Recommended disposal route for asbestos is hazardous waste landfill with daily cover to mitigate against fibres escaping. DEFRA view is that plasma treatment is very energy intensive
20/07/12	Chief Officer of Environment advises Planning Section to recommend application for approval to Minister
21-22/08/12	The Minister for Planning and Environment and Director for Environment visit SPEN (a French waste management company) and St. Malo local waste management companies researching potential for vitrification via plasma and / or landfill
28/08/12	Recommendation to approve planning application signed by Planning Section in preparation for Ministerial meeting
04/09/12	The Minister for Planning and Environment receives emailed letter from SPEN dated 3rd September saying they would be able to transport and treat wastes depending on regulatory approvals
04/09/12	The Minister for Planning and Environment defers decision, contrary to advice from department officers, requesting written confirmation from UK and France as to whether it is possible to export for disposal under a 'Duly Reasoned Request' (DRR) procedure. The Minister also requests a Health and Safety report be undertaken as a matter of urgency to assess the condition of containers and to stabilise them in the short term
04/09/12	Environmental Protection explain DRR practicalities to Chief Officer of Environment

28/09/12	The Minister for Transport and Technical Services writes to the Minister for Planning and Environment outlining that TTS have undertaken an expert review. Asks for application to be dealt with as soon as possible
09/10/12	The Minister for Planning and Environment meets the Minister for Transport and Technical Services to discuss the latest correspondence
25/10/12	The Minister for Transport and Technical Services writes to the Minister for Planning and Environment noting that no response was received to his last letter and asking the Minister for Planning and Environment to determine the application
31/10/12	The Minister for Transport and Technical Services writes to the Minister for Planning and Environment referring to the past 2 letters and clarifying his position. He is not applying to export, and wishes to store asbestos waste in a hazardous waste cell allowing safe removal at later date. The letter outlines safety issues and mentions referring the issue to the Chief Minister and Council of
19/11/12	The Minister for Planning and Environment writes to the Minister for Transport and Technical Services stating that it was clear from this and previous correspondence that the Minister for TTS <i>'would ideally like to see this waste taken off island for treatment and recovery'</i> and that he shares this aim. He further argues that permitting a permanent asbestos cell at La Collette would make it <i>'almost impossible to consider'</i> any subsequent export of the material. Acknowledging the health and safety concerns about the current storage he suggests that he would support a proposal for replacing outworn containers and relocating all the shipping containers to another location in the Island, away from the explosion risk at La Collette, as a temporary measure pending an application from TTS to export the material for treatment. This application would finally determine whether export to other jurisdictions would be feasible, failing which permanent storage (possibly the La Collette option) could be considered. In the meantime he suggests that the current planning application be withdrawn.
30/11/12	The Minister for Transport and Technical Services replies querying why it is felt that a permanent asbestos cell would make export for treatment and recovery impossible to consider, as all correspondence has maintained the intention to allow for later extraction and treatment when a suitable technology becomes available. He also requests that the Minister for Planning and Environment indicate an approved site for the temporary relocation of the asbestos containers and a budget for the necessary work, as previous tenders for this would be subject to variation owing to the delay and revised quantities. TTS does not have the budget to meet the Minister for Planning and Environment's aspirations for relocation
14/12/12	The Minister for Planning and Environment writes to the Minister for Transport and Technical Services stating his view that once the Island has a facility to deal with its own asbestos waste, any receiving jurisdiction would be unlikely to allow import of that waste under the terms of the Basel Convention He declines to find a suitable site for temporary asbestos storage on the grounds that he would have to make the regulatory decision on its suitability, and similarly declines to provide any funding for the work

20/12/12	<p>The Minister for Transport and Technical Services replies to the Minister for Planning and Environment referring to the Minister for Planning and Environment's letter of 14th December, again clarifying his position, stating that the TTS Department has previously received unequivocal advice both from Environment officers and UK authorities that export for disposal would not be permitted, regardless of whether Jersey built a new facility or continued with current storage methods. The letter reiterates that:</p> <ul style="list-style-type: none"> • all of the options had previously been considered and the best site for asbestos waste was at La Collette • the proposed solution allowed for safe removal and treatment of the waste in future • both Health and Safety Inspectorate and Environment Department officers supported the application • the on-going risks to health and safety from the current storage were wholly unacceptable • TTS would not be requesting an export licence • TTS would not look at alternative local sites and would not replace worn out containers, as this work had been undertaken previously • The planning application would not be withdrawn <p>The letter finishes by requiring an urgent decision from the Minister for Planning</p>
18/2/13	<p>Environment Scrutiny Hearing hears from the Minister for Transport and Technical Services that the Minister for Planning and Environment is still considering further options for the asbestos disposal</p>
17.6.13 to 19.6.13	<p>Representatives from the Department of the Environment, Health and Safety Executive, Transport and Technical Services and the Environment Scrutiny Panel to visit France to inspect and assess other disposal options</p>

12.9.13	<p>Joint report issued by representatives of the Department of the Environment, Health and Safety Executive and Transport and Technical Services following visit to France.</p> <p>The report concluded that</p> <ul style="list-style-type: none"> • Determination of the outstanding planning application for the use of Cell 30 should be progressed as a matter of urgency, especially given the seriousness of health and safety concerns • Decisions on the future of the legacy of Asbestos Containing Materials (ACMs) cannot be put off any further owing to serious health and safety concerns about the possible consequences of a major incident at the fuel farm • Post Buncefield land use planning zones would now prohibit the current asbestos storage arrangements, but this cannot be applied retrospectively • There is a short term need to de-stuff the existing containers and provide safe storage for the waste removed, following inventory and repackaging. Cell 30 offers an immediate and practical solution to this problem and should be used for this purpose • Alternatives to permanent disposal in Cell 30 should continue to be sought. The Inertam facility in France provides one potential solution, but at significant cost and with additional concerns about health and safety risks to staff performing manual separation of asbestos materials that would not be permitted locally or in the UK. These concerns would have to be taken into consideration by the Environment Regulator in considering any potential application made to export for recovery at the French site • New technologies for asbestos disposal should continue to be explored as they arise. TTS, in conjunction with the regulators from Environment and the Health and Safety Executive will develop a feasibility study and business case for technology currently under investigation • Investigations of longer term solutions should not be considered a reason to delay the removal and repackaging process of ACMs from containers and transfer to safe storage in Cell 30
4.10.13	<p>Letter from Minister for Transport and Technical Services to Minister for Planning and Environment confirming the commitment to utilise the landfill cell at Cell 30 as a temporary storage facility, pending a periodic review of technology to assess formal disposal and recovery options and that the planning application description can be amended accordingly</p>
15.10.13	<p>Description of planning application altered and re-advertised as such by way of a site notice, standard notification in the Jersey Evening Post and at www.gov.je. The planning application although pre-dating the Department of the Environment's recent system of displaying all planning applications electronically on the web site, is now placed on line as well.</p>
11.11.13	<p>Expiry of statutory re-advertising date for the submission of any further comments in respect of the amended application description. No further comments received and as a consequence the application can now be progressed accordingly.</p>

14.11.13	Given the findings of the Joint Report in September and the revised description of the planning application from TTS, The Minister for Planning and Environment is now satisfied that his requirements for a review of potential alternative solutions to the asbestos disposal and recovery have been undertaken and that as a consequence, the application can now be approved. Accordingly, a Ministerial Decision Summary (MDS) is prepared and duly signed, granting permanent planning permission for Cell 30 but with a requirement by conditions that the asbestos waste to be stored therein, shall be for a temporary period of five years only, during which time information has to be submitted to the Minister for Planning and Environment by the Minister for TTS on an annual basis confirming what work has been undertaken to demonstrate that alternative disposal and recovery options are being investigated and assessed. The MDS also contained a number of other conditions to be included on the formal decision notice when issued.
15.11.13	Planning Permission issued to the Minister for Transport and Technical Services as applicant and Press Release issued by the Minister for Planning and Environment accordingly.

In addition, I have had several discussions with the Minister for Transport and Technical Services regarding asbestos disposal and recovery (eg: during or after States sittings or other States Member events).

I have also provided updates on the matter of asbestos to Scrutiny at the Environment Scrutiny Panel quarterly meetings I attend.