

**WRITTEN QUESTION TO THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES 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 his Department in responding to the Planning and Environment Department in their consideration of his application relating to the storage of asbestos containing material in engineered pits at la Collette (from the time of the first submission of the application) such chronology to include his own interventions, if any?

Answer

The chronology of the key events and processes between the Ministers for Transport and Technical Services and Planning and Environment since the date of the planning application (No. P2010/1861), in December 2010 are:

Date	Correspondence / Activity
14/12/10	Application was signed by TTS
15/12/10	Application was submitted by Capita on TTS's behalf
11/1/11	Site Notices and confirmation of publication
12/1/11	Health Protection responded to Environmental Impact Assessment (EIA)
13/1/11	Parish of St Helier responded to EIA
28/1/11	TTS submitted Best Available Technology / Alternative disposal options review
28/1/11	TTS (Drainage regulator) responded to EIA
1/2/11 (rec'd 22/2/11)	Marine Resources responded to EIA
9/2/11	Health and Safety Inspectorate responded to EIA
3/3/11	TTS asked the Department of the Environment (DoE) (Planning section) whether all of the Minister for Planning and Environment's concerns had been met by submissions. Planning asked Environment Director for comment
3/3/11	Environment Director responded to Planning that from the environment regulatory perspective the proposal was acceptable if there were no legal or regulatory challenges. The Planning and Environment Minister was keen to take responsibility for and change policy on disposal of asbestos but this was not possible as DoE do not administer waste policy
3/3/11	Environmental Protection (EP) responded to EIA
2/6/11	TTS queried progress with application
12/7/11	TTS again queried progress with application
6/10/11	DoE queried DEFRA (UK Department of Environment, Food, and Rural Affairs) regarding alternative disposal options for asbestos wastes

27/2/12	The Minister for Planning and Environment wrote 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 was unable to issue a planning decision before it was demonstrated that the solution proposed was the most environmentally appropriate for the waste stream
4/5/12	The Minister for Transport and Technical Services wrote to the Minister for Planning and Environment including Prof Paul Nathaniel's (LQM) asbestos peer review report
31/5/12	The Minister for Transport and Technical Services wrote to the Minister for Planning and Environment expressing concern that the application had taken 18 months so far and explaining the outcome of the LQM review
13/6/12	Chief Officer of Environment asked the department if anything else is required for the decision to be made as the planning and Environment Minister was under pressure to determine the application. The Minister claimed that TTS had not done enough
15/6/12	Planning Officer asked Environmental Protection to review the LQM document
9/7/12	Environmental Protection responded
12/7/12	Environmental Protection passed DEFRA advice to Chief Officer of Environment on request
17/7/12	Environmental Protection clarified with Chief Officer of Environment that plasma treatment may be an alternative but would query viability. Environmental Protection agreed with LQM report position that 'off-Island' vitrification not practical at this time. Email sent to DEFRA
19/7/12	DEFRA wrote to Chief Officer of Environment stating that waste prevention was the priority and asbestos could be justified as a departure from the norm as no viable recovery takes place in the UK. Recommended disposal route for asbestos was hazardous waste landfill with daily cover to mitigate against fibres escaping. DEFRA view was that plasma treatment was very energy intensive
20/7/12	Chief Officer of Environment advised Planning Section to recommend application for approval to Minister
21-22/8/12	The Minister for Planning and Environment and Director for Environment visited SPEN (a French waste management company) and St Malo local waste management companies researching potential for vitrification via plasma and / or landfill
28/8/12	Recommendation to approve planning application signed by Planning Section in preparation for Ministerial meeting
4/9/12	The Minister for Planning and Environment received emailed letter from SPEN dated 3rd September saying they would be able to transport and treat wastes depending on regulatory approvals
4/9/12	The Minister for Planning and Environment deferred decision, contrary to advice from department officers, requesting written confirmation from UK and France as to whether it was possible to export for disposal under a 'Duly Reasoned Request' (DRR) procedure. The Minister also requested a Health and Safety report be undertaken to assess the condition of containers
4/9/12	Environmental Protection explain DRR practicalities to Chief Officer of Environment
28/9/12	The Minister for Transport and Technical Services wrote to the Minister for Planning and Environment outlining that TTS had undertaken expert review. Asked for application to be dealt with as soon as possible
9/10/12	The Minister for Planning and Environment met the Minister for Transport and Technical Services to discuss the latest correspondence
25/10/12	The Minister for Transport and Technical Services wrote 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 wrote to the Minister for Planning and Environment referring to the past 2 letters and clarifying his position. He was not applying to export, and wished to store asbestos waste in a hazardous waste cell allowing safe removal at a later date. The letter outlined safety issues and mentioned referring the issue to the Chief Minister and Council of Ministers
19/11/12	The Minister for Planning and Environment wrote 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 shared this aim. He further argued 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 suggested 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 suggested that the current planning application be withdrawn
30/11/12	The Minister for Transport and Technical Services replied querying why, as all correspondence had maintained the intention to allow for later extraction and treatment when a suitable technology became available. He also requested that the Minister for Planning and Environment indicated 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 did 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 wrote to the Minister for Transport and Technical Services stating his view that once the Island had 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 declined 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 declined to provide any funding for the work
20/12/12	The Minister for Transport and Technical Services replied 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 reiterated that: <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 ongoing 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

	<p>containers, as this work had been undertaken previously</p> <ul style="list-style-type: none">• The planning application would not be withdrawn <p>The letter finished by requiring an urgent decision from the Minister for Planning and Environment on the original application</p>
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In December 2012 at a meeting with the Chief Minister and Environment Minister, the relevant Senior Civil Servants were asked to visit a vitrification plant in France and assess the viability of this solution for Jersey.

This visit and visits to alternative suppliers resulted in the Report, “Potential solutions for the treatment of Jersey’s asbestos waste” 12 September 2013.

On 4th October 2013 the Transport and Technical Services Minister wrote to the Environment Minister reiterating the conclusions to the latest report and urging the Environment Minister to deal with this planning application as soon as possible.