

## Scrutiny Standing Panel Agenda



### **Safer, Cleaner, Greener Scrutiny Standing panel Thursday, 29th April, 2010**

**Place:** Committee Room 1, Civic Offices, High Street, Epping

**Time:** 7.00 pm

**Democratic Services Officer:** Adrian Hendry, Office of the Chief Executive  
email: ahendry@eppingforestdc.gov.uk Tel: 01992 564246

**Members:**

Councillors A Boyce (Vice-Chairman), R Barrett, A Clark, M Colling, Miss R Cohen, R Frankel, Ms J Hedges, D Jacobs, R Law and Mrs E Webster

**1. APOLOGIES FOR ABSENCE**

**2. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

(Assistant to the Chief Executive) To report the appointment of any substitute members for the meeting.

**3. DECLARATIONS OF INTEREST**

(Assistant to the Chief Executive). To declare interests in any items on the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a personal and prejudicial interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting purely for the purpose of answering questions or providing information on such a matter.

**4. NOTES OF THE LAST MEETING (Pages 3 - 8)**

To agree the notes of the last meeting held on 25 February 2010.

**5. TERMS OF REFERENCE / WORK PROGRAMME (Pages 9 - 16)**

Chairman / Lead Officer) The Overview and Scrutiny Committee has agreed the Terms of Reference of this Panel and associated Work Programme. This is attached. The Panel are asked at each meeting to review both documents.

**6. DEFRA CONSULTATION ON INTRODUCTION OF RESTRICTIONS ON LANDFILLING OF CERTAIN WASTES (Pages 17 - 80)**

To consider the attached report.

**7. REVISION OF TERMS OF REFERENCE (Pages 81 - 88)**

To consider the attached report.

**8. WASTE MANAGEMENT PARTNERSHIP BOARD MINUTES (Pages 89 - 102)**

To consider the attached report.

**9. REPORT TO BE MADE TO THE NEXT OVERVIEW AND SCRUTINY MEETING**

To consider which reports are ready to be submitted to the Overview and Scrutiny Committee at its next meeting.

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Safer, Cleaner, Greener Scrutiny **Date:** Thursday, 25 February 2010  
Standing panel

**Place:** Council Chamber, Civic Offices, **Time:** Times Not Specified  
High Street, Epping

**Members Present:** G Pritchard (Chairman), A Boyce (Vice-Chairman), R Barrett, R Frankel, Ms J Hedges, D Jacobs and R Law

**Other Councillors:**

**Apologies:** - Miss R Cohen and Mrs E Webster

**Officers Present:** J Nolan (Assistant Director (Environmental Health)) and A Hendry (Democratic Services Officer)

**Also in attendance:** J Gilbert, C Wiggins, A Petty, Chief Inspector A Ray, Inspector C Carrington and P Arnold

---

### **35. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

The Panel noted there were no substitute members.

### **36. DECLARATIONS OF INTEREST**

No declarations of interest were made.

### **37. NOTES OF LAST MEETING**

The notes from 27 October 2009 were agreed as a correct record.

### **38. CRIME AND DISORDER SCRUTINY REPORT**

The Chairman of the Epping Forest District Safer Communities Partnership, John Gilbert welcomed the meeting to the latest Crime and Disorder Scrutiny meeting, when they were to receive an update on CCTV implementation. The Panel noted that large strides had been made to bring the CCTV up to date and able to be used in evidential terms.

Adrian Petty, the CCTV Operations Operator, began by saying that the drive for better CCTV stemmed initially from the 9/11 and the 7/7 attacks. CCTV had been installed then but the quality of the pictures were in question. The Panel noted:

- There was a need to bring CCTV images and the need for evidence together and also to make sure that the council was compliant with the Data Protection Act;
- There had to be an audit trail in place and a need for adequate maintenance for the cameras;
- They had to identify budgets and bring it all under one umbrella;
- They now deal with all the EFDC CCTV in this area, except for Council buildings;

- Officers also have a mobile system they can deploy very quickly. Using this they have had successes in, for example, eradicating fly-tipping in Darby Drive and are working closely with Essex Police at a number of locations within the District. They can also use it to keep certain ATMs under surveillance;
- The quality of the system in place means that the imagery can provide evidence even in dark conditions;
- They have a 'Rotakin Testing' system in place for testing the cameras installed and are the only council in the country to have CCTV "secured by design".

They now have remote access (via the web) to the cameras live twenty fours a day that would enable officers to check they are working correctly. However the cameras are not monitored all the time as there is no monitoring centre.

The partnership working with the Police also uses the Automatic Number Plate Recognition System and also with the environmental company looking after Bobbingworth Land Fill site. The CCTV system monitors the car parking area, looks for fly-tipping and monitors the reed bed water levels and the monitoring equipment. This saves officer time in having to visit the site.

CCTV officers are also trained in the use of the Regulation of Investigatory Powers Act if they need to undertake covert surveillance.

They have had successes in investigating burglary, sexual offences, criminal damage, shoplifting, driving offences and fly-tipping.

The Chairman then opened the meeting to questions from Panel members.

Q: What is secure by design?

A: This was akin to designing buildings by specifically taking into account security, the same applied for CCTV systems, e.g. making sure that the cameras could be seen, that the cameras could move etc. generally pre-thinking about the design and location of the system.

Q: It seems to be about 80% more in favour of law enforcement with a bit of fly-tipping for the Council. Where does Council work stop and the Police work start?

A: This is a crime and disorder partnership. It's all about dealing with criminality and increasing public confidence. There was no real conflict and a degree of joint funding was involved. Others are comfortable with the balance they have achieved. The Police could make use of the images, and they have stopped fly-tipping and anti social behaviour.

There were fourteen incidents of fly-tipping that the CCTV was used to catch; this helped the police a lot by freeing up their resources to tackle other things. CCTV was invaluable for investigations into crime prevention, public order and incident control. It also enabled them to deploy their resources effectively.

Q: How could we be sure that people caught fly-tipping would not repeat that offence if not prosecuted? And, Ongar Town Council had set up their own CCTV system but they were not sure how effective it was.

A: Officers at first take a softly, softly approach and give a warning, if it was repeated then they would prosecute (they have done so recently in Debden). The CCTV officer had worked with Ongar TC recently advising them on their CCTV policies etc.

Q: What mechanism was in place to request the mobile CCTV system?

A: The policy for requesting the unit was that the organisation had to prove that that they had taken other measures to solve their problem. They would loan it out to communities for three months and would then review it again.

Q: The cameras seem to be a replacement for Police officers. Police Officers do a good job, but what do the cameras do?

A: This is not just about catching people but about public confidence. The cameras act as a deterrent and are not there to replace the Police or the Council's enforcement team. Surveys suggest that the public are confident with their use; it is also an invaluable tool as far as enforcement was concerned.

Q: I would be pleased if the use of these cameras (such as the Automatic Number Plate Recognition system (ANPR)) resulted in a conviction. Does this happen.

A: We have taken people to court many times on the back of evidence provided by CCTV and ANPR. It can also help in the recovery of stolen vehicles.

Q: Where would the control centre be and how would the Police/Council liaise?

A: The ANPR system is controlled from our Headquarters and the Council is still updating its systems.

Q: How has the number of police per capita changed over the last 50 years and are the new systems replacing the Police officers we should have.

A: The Council is not playing at being Police officers as it has a statutory duty to consider Crime and Disorder matters in the work it does such as Planning, Environmental issues and Licensing. As for police officers per capita the figures are not to hand. However, things are done differently nowadays and officers are split into various specialist teams.

Q: How long before images are erased.

A: The system is digital but as there is not enough room to store all the images indefinitely we wipe them after 31 days.

The Panel was then given a general briefing from Chief Inspector Alan Ray. The Panel noted that:

- There had been an 8% reduction in crime last year and to date this year there had been a 3% reduction; that equated to a 230 drop in the crime figures. This was based on national figures and was used to compare with other districts as they all work to the same standards;
- Violent crimes were roughly the same as last year but there had been a 24% drop in thefts of motor vehicles;
- There was no drop in criminal damage but dwelling burglaries were down by 9% which was very good compared to other surrounding districts;
- Local Partnership working was working well;
- They were aware of the local ASB hot spots;
- They had recently held a consultation evening at Waltham Abbey where there was much concern about Anti Social Behaviour, they were looking into every incident;
- They had sought and attained the closure of Club 195 for some months and it had recently reopened under new management and under new licensing conditions;
- Officers were now satisfied with the Minx in Loughton and the White Lion in Waltham Abbey.

The meeting was then opened up for general question to the officers.

Q: Has the new non-emergency telephone number had any impact?

A: It was part of centralisation but was proving efficient and working well.

Q: Attempted burglaries were up but burglaries are down, how has this come about?

A: The national trend of burglaries was on the increase, but locally there has been a large amount of work on burglaries. The Council, working in partnership with the Police, with funding from the Home Office, had appointed a cross border liaison officer which directly affected the number of burglaries.

The Councillors were appreciative that the Police were getting involved with problem licence premises and congratulated them on their recent successes and the effective way they were working.

The Chairman thanked them for their time, their informative presentation and report.

### **39. CCTV SERVICE DELIVERY PLAN**

The Director of Environment and Street Scene, John Gilbert, introduced the two key documents on CCTV, the Service Delivery Plan and the Code of Practice.

The Code of Practice was arguably the more important of the two because it regulated the control of CCTV, based on the national code of practice.

Asked if the protocol would encompass all the CCTV that the Council had responsibility, the Safer Communities Manager replied that it did not cover Town Councils, but District officers were working with them and with Sports and Leisure Management at the leisure centres, but they would eventually need their own code of practice.

Councillor Jacobs asked what the life span of the new system was; was there an allowance in the rate support grant for CCTV; and Ongar Town Council have their own CCTV – should they have let the District do it for them. Adrian Petty, the CCTV Operations Officer, said it was difficult to gauge the life time of the cameras which was why they had a robust maintenance schedule in place. They should get about seven or eight years life out of a camera. The Safer Communities Manager added that there was no central budget from the Home Office for CCTV systems; they were looking at alternative sources of funding and partnership working. Officers had supported Parish and Town Councils with their CCTV systems including Ongar Town Council. There were all sorts of money available to Parish and Town Councils such as partnership working and the District Council that could be made available.

As an example they noted that District officers had worked in partnership with Theydon Bois and their CCTV system.

Members questioned the cost of equipment as outlined in the Service Delivery Plan and were assured that because the equipment was very specialised they were expensive. Members also asked if officers blanked people out on the pictures and if the system would be used to give out fixed penalty notices. They were told that they did not blank out faces, as the images were not publicly available. And, as for using the system for parking enforcement, since this activity is governed by the agreement with Essex County Council and they had not adopted the relevant powers, this could not be done in this District.

The documents in front of the Panel were there to provide members with peace of mind on the CCTV surveillance procedures and to break down the budget and the sources of funding.

**RESOLVED:**

- (1) That the CCTV Service Delivery Plan and the associated Code of Practice was noted;
- (2) That the following key actions from the action plan was noted and agreed:
  - (a) the resource implications;
  - (b) the reconfiguration of the post of Safer Communities Assistant to CCTV Support Officer; and
  - (c) bringing together the management and maintenance of all CCTV under the remit of the Safer Communities Unit; and
- (3) To recommend accordingly to the Overview and Scrutiny Committee.

**40. FUTURE MEETINGS**

The date of the Panel's next meeting was noted.

**CHAIRMAN**

This page is intentionally left blank



## TERMS OF REFERENCE - STANDING PANEL

**Title: Safer, Cleaner, Greener**

**Status:** Standing Panel

**Terms of Reference:**

1. To approve and keep under review the “Safer, Cleaner, Greener” initiative development programme.

*(Note: this development programme will encompass the three main issues and will therefore include matters such as:*

- (i) environmental enforcement activity*
- (ii) safer communities activities*
- (iii) waste management activities (in addition to WMPB information))*

2. To keep under review the activity and decisions of the West Essex Joint Waste Committee.
3. To receive reports from the Waste Management Partnership Board in respect of the operation of and performance of the waste management contract
4. To monitor and keep under review the Nottingham Declaration “action plan” and the Council’s progress towards the preparation and adoption of a sustainability policy and to receive progress reports on the Council’s Climate Change Strategy from the Green Working Group
5. To monitor the recommendations of the 2005/06 Task and Finish Panel on parking in residential areas in respect of wider parking enforcement issues only. – **Item 5 now moved to the Highways Panel**
6.
  - i) To receive, review and comment upon County Council Highways strategic policies on speed and freight management; and
  - ii) To keep an overview on transport matters that were the subject of a focus day in Nazeing in March 2007, and the action plan in respect thereof and
  - iii) To keep a watch on Highway accidents within the District and to include specifically data on accidents resulting in death or serious injuries.**Item 6 now moved to the Highways Panel.**
7. (Subject to Cabinet approval of the Group) to receive and review the reports of the Bobbingworth Tip Management Group.
8. To act as the Council’s Crime and Disorder Scrutiny Committee and to keep under review the activities of the Epping Forest Safer Communities Partnership as a whole or any of the individual partners which make up the partnership.  
(a) That at least two meeting a year be dedicated as Community Safety Committee meetings.

**Work from The Leisure Task and Finish Panel:**

9. Waltham Abbey Sports Centre/ Swimming Pool:

- To assess the feasibility of providing a new sports hall at the Waltham Abbey Swimming Pool;
- To conclude the assessment commenced in 2007/08 of evaluating the current and potential future management arrangements at Waltham Abbey Sports Centre.

10. The on-going monitoring of the Youth Initiatives Scheme and Play Strategy.

**Chairman:** Cllr G Pritchard

**Safer, Cleaner, Greener Standing Panel**  
**Work Programme – 2009 -10**

Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
<p>(1) Safer, cleaner, greener (general)</p> <p>(a) completion of establishment etc            (b) formal “launch”            (c) accreditation progress</p> <p>(d) enforcement activity</p> <p>(e) Strategy Document</p>	<p>(a) Completed            (b) June 2009            (c) Completed</p> <p>(d) Completed</p> <p>(e) Completed</p>	<p>(a) establishment now complete            (b) now scheduled for July 2009 - Completed            (c) corporate accreditation achieved May 2009            (c) individual officer training successfully completed August 2009            (d) enforcement policy agreed by this Panel at 23 June meeting, scheduled to Cabinet in September            (e) agreed by this Panel at its February 2009 meeting, to Cabinet for adoption in Sep 2009</p>	<p><del>23 June 2009</del>  <del>23 July (extra)</del>  <del>1 September</del>  <del>27 October</del>  <del>8 December</del></p> <p><del>25 February 2010</del>            29 April</p>
<p>(2) Safer communities (Safer)</p> <p>(a) CCTV policy</p>	<p>(a) Report went to the February 2010 meeting.</p>	<p>(a) Policy document went to the February 2010 meeting with example warning signs for consideration.</p>	

**Safer, Cleaner, Greener Standing Panel**  
**Work Programme – 2009 -10**

Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
<p>(3) Essex waste procurement process and Joint Committee (Cleaner, Greener)</p> <p>(a) minutes of joint Committee            (b) JMWMS            (c) Inter authority agreements</p>	<p>(a) Ongoing  <b>(b) Adopted</b>  <b>(c) Completed</b></p>	<p>(a) No recent meetings to report            (b) No further action required until review            (c) Agreed at March 2009 Cabinet. Letter of Intent signed May 2009</p>	
<p>(4) Waste Management Partnership Board (Cleaner)</p> <p>(a) minutes of Board            (b) review of garden waste            (c) introduction of food waste collection            (d) recycling in flats and similar buildings            (e) new food and garden recycling service</p>	<p>(a) Ongoing            (b-c) prelim results went to October 08 meeting.            (d) April 2010            (e) Completed</p>	<p>(a) Minutes of WMPB on 20 July 2009 considered.            (b&amp;c) new service agreed at Cabinet at special meeting on 19 January 2009. New scheme due to commence September 2009.            (d) Progress slow due to staffing pressures arising from roll out of new service            (e) Containers delivered, number of roadshows/exhibitions held. Container deliveries underway throughout the district.</p>	

**Safer, Cleaner, Greener Standing Panel**  
**Work Programme – 2009 -10**

Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(5) Nottingham Declaration (Greener)  (a) Sustainability action plan  (b) Climate change strategy	<b>Completed</b>  (a) First draft went to February 09 meeting  (b) Completed	Nottingham Declaration signed in November 2007, by Cllr Mrs Diana Collins  Sustainability Action Plan incorporated into Safer Cleaner Greener Strategy, adopted by Council in June 2009.  CCS completed in December 2008 and adopted in April 2009. Action Plan with a report in early 2010 covering actions over the last 12 months.	
(6) Bobbingworth Tip (Greener)  (a) Management Group	(a) February 2010	Works essentially completed. Management group to be set early 2010.	
(7) Flooding matters  (a) Strategic Flood Risk Assessment  (b) Pitt Review and Flood and Water Bill	(a) to be completed in time to contribute to East of England development plan  (b) T&F Panel set up and now completed.	(a) Being produced jointly with Harlow District Council. Bulk of the work completed, final report compilation outstanding  (b) New Task & Finish Scrutiny Panel established to consider the ramifications of the legislative proposals. Reported directly to OS Cttee. In January 2010.	

**Safer, Cleaner, Greener Standing Panel**  
**Work Programme – 2009 -10**

<b>Item</b>	<b>Report Deadline / Priority</b>	<b>Progress / Comments</b>	<b>Programme of Future Meetings</b>
(8) Safer – Crime & Disorder Role as the "Community Safety Committee"	Fixed Community Safety Committee met in October 2009 and February 2010	First meeting with Community Safety scrutiny role held in October 2009. The SCG Panel to be handed over twice yearly, in February and October to look at Crime and Disorder matters. Issues requested from members via the bulletin. October meeting considered cross border effects on ASB; and protection of vulnerable individuals/families from ASB.	<del>27 October 2009 &amp; 25 February 2010</del>
(9) Outstanding Leisure Task & Finish Scrutiny Panel issues (a) Waltham Abbey SC  (b) Youth initiatives & play strategy	(a) December 2009  (b) Completion of facilities installation expected by March 2010. Report to Council early 2010.	(a) Cabinet decision to take forward pre-planning application for new facilities at WASP called in and will be considered at OS Cttee at its meeting on 3 September 2009. This call-in was not upheld. King Harold's School would be keeping the leisure facilities open for the public.  (b) Child and youth play facilities installed at Limes Farm (currently completing refurbishment of multi use games area). Children's playground installed at Hoe Lane, Nazeing and youth facility at Elizabeth's Close, Nazeing due to be constructed in August/September. The final facility as part of Big Lottery funding is due for completion by March 2010, at Pancroft Ring, Abridge, following a range of consultation in the village. Additional funding for play facility development has been secured from 'Play	

**Safer, Cleaner, Greener Standing Panel**  
**Work Programme – 2009 -10**

<b>Item</b>	<b>Report Deadline / Priority</b>	<b>Progress / Comments</b>	<b>Programme of Future Meetings</b>
		Builders', which will see the installation of a new children's playground at Westall Road in Loughton (expected September/October) and the possibility of a new skate facility in Waltham Abbey. These facilities are being developed in conjunction with Loughton and Waltham Abbey town Councils.	

This page is intentionally left blank



## **Report to Safer Cleaner Greener Standing Scrutiny Panel**



# SCRUTINY



Epping Forest District Council

**Date of meeting: 29 April 2010**

**Subject: Defra consultation on the introduction of restrictions on the landfilling of certain wastes**

**Officer contact for further information: J Gilbert**

**Committee Secretary: A Hendry**

---

### **Recommendation:**

- (1) To note the attached Government consultation on possible landfill bans on specified wastes; and**
- (2) To consider the response to that consultation as outlined in paragraph 15 of the report.**

### Background

1. The Government commissioned research on the steps which might be taken to further reduce the emissions of greenhouse gases (GHG) arising from the landfilling of waste. The research looked at what waste types might be banned from landfill altogether and the degree to which pre-sorting of waste would also provide GHG reductions as well as financial benefits.
2. The Government is now consulting upon a number of options as set out below:
  - (a) do nothing;
  - (b) landfill bans with or without pre-sorting;
  - (c) pre-sorting but without a landfill ban; and
  - (d) introduce producer responsibilities linked to recycling targets

This is a stage 1 consultation and it is anticipated that a further detailed consultation will be undertaken on the outcomes at some point in the future. The consultation paper also asks a number of set questions and seeks a response by the 10<sup>th</sup> of June 2010.

3. This consultation is running in parallel with a consultation on the current definitions of waste and in particular how municipal waste is defined. This consultation is considered elsewhere on this agenda.

### Landfill bans

4. There are currently two key drivers which have resulted in a significant reduction of waste going to landfill:
  - (i) the landfill tax escalator – this has driven the cost per tonne from £7.00 in 1996 to £40.00 in 2009/10. This will continue to rise by £8.00 per tonne until at least 2013 by which time it will stand at £72.00 per tonne; and
  - (ii) landfill allowances scheme (LATS) – the EU has set targets for reductions in biodegradable municipal waste (BMW) going to landfill, based upon a 1995 baseline. The targets are:

- 75% of 1995 by 2010
- 50% of 1995 by 2015
- 35% of 1995 by 2020

These are very challenging and are the key driver behind the Essex Joint Municipal Waste Management Strategy, adopted by the Council in 200x. There are financial penalties imposed by the EU of around £150 per tonne if the above targets are not met. The parallel consultation referred to earlier, which looks at how BMW and other wastes are defined could have a major impact on Council's abilities to meet these targets.

(iii) The Climate Change Act 2008 – introduced legally binding reductions in GHG emissions of 34% by 2010, 80% by 2050 measured against 1990 levels. Landfill gas emissions, primarily methane, are a significant contributor to GHG, accounting for 40% of all methane emissions and 3% of overall GHG emissions.

The EU Landfill Directive requires that all landfill gas be captured and treated. This can be achieved through conversion into electricity or just flaring off. However, many closed sites are not managed in this way. Although landfill gases have reduced by 59% since 1990, Defra considers that more needs to be done to reduce landfill gases further.

5. The landfilling of waste is clearly a waste of a resource where it is possible to otherwise reuse, recycle or even generate electricity. The revised EU Waste Framework Directive (WFD) sets out the following waste hierarchy, which members will already be familiar with:

- prevention;
- preparation for re-use;
- recycling;
- other recovery (e.g. energy generation); and
- disposal

6. The WFD sets targets for member states to achieve:

- by 2020 a minimum of 50% by weight of materials such as paper, metals, plastics and glass from households shall be prepared for re-use or recycled; and
- by 2020 a minimum of 70% by weight of non hazardous construction waste shall be prepared for re-use, recycled or recovered.

7. Defra commissioned research on the effectiveness of landfill bans which was published in September 2009. The research conclusions indicated that landfill bans would only be effective if other measures sat alongside. These were:

- economic measures such as landfill tax, LATS penalties etc;
- upstream measures such as mandatory separation and producer responsibility; and
- quality standards for recycled materials with marketing support to ease the effect of a landfill ban

8. Further research was then commissioned to consider how landfill bans might operate within the UK. The outcome of this research was that certain types of waste were more likely to produce overall benefits if banned from landfill and that these benefits increased further if mandatory sorting was introduced. These materials were:

- paper/card
- food
- textiles
- metals
- wood
- green waste

- glass

Of the above some were more beneficial than others, and were dependant upon the degree to which they were already separated prior to treatment/disposal. If Members refer to page 33 of the appended consultation the graph sets out the relative benefits of the various materials, with paper /card providing the best outcome and waste electrical equipment the least. The research makes it clear that banning such materials will only work if the other measures are included alongside, these to include enforcement.

9. Chapter 6 in the consultation document goes on to set out each potential category of waste in turn and whether it would provide a financial and environmental benefit if banned from landfill. This section concludes that there is a case which can be made for banning the following waste types:

- biodegradable wastes: food, green waste, paper/card, textiles
- metals

Glass and plastics have been excluded, at this time, since there are net costs to society of doing so even though, in the case of plastics, there is a significant GHG saving from a ban.

### Policy options

10. The consultation document sets out the following policy options:

#### **Option 0: do nothing**

In effect a continuation of the existing fiscal controls of landfill tax and LATS penalties;

#### **Option 1a: landfill bans with no requirement to pre-sort**

A ban on landfilling prescribed materials at some point in the future without any supporting measures alongside

#### **Option 1b: landfill bans with a requirement to pre-sort**

A ban on landfilling with a requirement placed upon the local authority (**not the householder**) and/or the producers to pre-sort. This sorting requirement would apply even to waste which was **not** destined for landfill. The nature of the sorting would need to be defined and consistent with the WFD referred to earlier in the report, which means that:

- the WFD hierarchy is complied with;
- waste should be collected separately if technically, environmentally and economically practicable; and
- there should be separate collections for at least paper, metal, plastic and glass by 2015

#### **Option 3: Producer responsibility**

This follows the long established “polluter pays” principle. In effect this would require the producers to establish schemes for the recovery and recycling of certain types of waste, as exist now for waste such as WEEE and end of life vehicles. This only lends itself to waste such as paper/card, textiles, plastics etc and not to garden or food waste.

### Alternatives to landfill

11. Government wishes to ensure that wastes restricted from landfill are used to their best environmental advantage and not just to the next cheapest solution. Work is being undertaken by WRAP to develop a waste matrix of preferred uses which will comply with the WFD waste hierarchy. Local waste plans and strategies will also have to be reviewed.

### Lead-in times

12. Government recognises that time would be required to meet the requirements of the WFD and any restriction on materials going to landfill. The time allowed is almost entirely dependant upon the availability of systems and facilities to accept and treat the separated waste. Time periods of between 2 years and 12 years have been put forward, with 7 to 10 years if bio-degradable waste is taken as a whole.

### Enforcement

13. Some form of enforcement will be required so that those who invest in treatment facilities can be reasonably assured that the material they need is being diverted from landfill. It is envisaged that there would be a mix of new hard enforcement powers alongside existing inspection and Duty of Care provisions.

### Consultation response

14. The consultation paper poses six detailed questions which can be found on page 53 of the consultation paper. In addition, within the body of the main text other questions are posed. This Council does not have the professional expertise to deal with all of the questions posed, and some of these will have to rest with Essex County Council to deal with utilising its disposal authority expertise.

15. Since there is nothing in the document to suggest that a more generalised response would not be acceptable, the following paragraphs set out some suggested responses / comments to the document in general whilst dealing with some of the specific questions where practical.

1. *Epping Forest District Council is a firm supporter of the waste hierarchy and has, through changes to its waste services, made available to its residents a wide range of recycling services, namely:*

- *fortnightly kerbside source separated collection of glass*
- *weekly kerbside co-mingled collection of food & garden waste*
- *fortnightly kerbside co-mingled collection of dry recyclables (paper, card, plastic bottles and some rigid food containers, ferrous and non ferrous cans/tins)*

*These changes have seen recycling levels exceed 50% and the Council aspires to a target of 60%.*

2. *Therefore, the Council also firmly believes that wherever possible, waste materials which can be recovered, re-used or recycled should be, and that as far as practicable no waste which is capable of being otherwise treated should be sent for landfill, irrespective of whether it is bio-degradable and therefore a producer of landfill gases or other landfill pollutants*

3. *However, the Council has concerns regarding the outright ban of any particular waste material given the difficulties which exist now in ensuring that waste is not contaminated at the point of collection and/or that residents comply with the Council's reasonable requests to separate materials into their different streams. It is noted that the duty to pre-sort will rest with the Council in terms of the municipal waste stream and not with the householder; notwithstanding that Councils already have the power to require householders to separate waste using existing legislation. For Councils such as us who collect the majority of their dry recyclables co-mingled, the requirement to sort has two significant consequences:*

(a) *we either have to change our collection process and provide separate containers for each waste type household for source segregated collection or continue to collect co-mingled but then sort at kerbside using specialist vehicles; or*

(b) *we continue to collect as co-mingled but then require access to sophisticated sorting facilities (MRFs) where we can be satisfied that the quality of the final sorted material is such that it can go forward for marketing and not be rejected for landfill.*

However, despite the document indicating that Defra still sees a role for co-mingled collections, if the WFD is strictly interpreted as it appears, then some form of waste segregation will be required for paper, metals, plastic and glass by 2015. Clarification will be required as to whether the WFD effectively prevents a co-mingled collection or whether it can be continued provided the materials are sorted at a MRF (or similar) before onward transmission and the quality of the sorted material is satisfactory and none is rejected for landfill. Any such requirement will have a significant impact on the way in which any future waste management contract is structured and procured. It is likely that the costs of collection would rise although these additional costs may be offset, at least in part, from either recycling credits or the sale of high grade recyclable materials into the market place.

4. This Council has consistently taken the view that Government should do more to require businesses to recycle its waste. On that basis it would welcome the introduction of further producer responsibility requiring businesses to establish schemes for the recovery and recycling of specified waste types in addition to those already in place.

5. The consultation seeks comments on lead time for any ban on landfilling certain waste types, and time periods ranging from 2 to 12 years are mentioned. The ability for waste collection authorities to remove specified materials from the waste stream will depend upon:

- (i) their existing collection methodologies;
- (ii) if contracted out, the arrangements within those contracts for significant changes to collection processes or the time which needs to elapse before contracts can be re-tendered;
- (iii) access to appropriate waste handling facilities
- (iv) the time required to consult and inform residents on proposed changes in collection systems and to gain a strong consensus such that those changes will be successful; and
- (iv) cost increases at a period in the economic cycle when councils will be under intense pressure to constrain costs

Given the above it is difficult to be precise around lead in times, especially since waste collection authorities will all be at different stages in the development of their systems and many, despite a willingness to implement changes to collection processes, will have to await access to appropriate disposal facilities. It seems to the Council that the 2015 deadline under the WFD appears feasible in respect of paper, metals and glass given the infrastructure already in place. The situation with plastics is less certain. As to bio-degradable waste (i.e. food & garden waste) the ability to achieve a ban will depend entirely upon access to IVC or AD technology and therefore a longer lead in period may be appropriate.

With respect to producer responsibility, the Council is of the view that measures could be introduced over a short time frame, since collection arrangements exist for the recycling of business based waste should businesses wish to avail themselves of those services. It is recognised that the costs of waste collection for small businesses is disproportionate and that therefore some form of de minimis may be required.

This page is intentionally left blank



**defra**

Department for Environment  
Food and Rural Affairs

Landfill Restrictions Consultation  
Waste Permitting Unit  
Defra  
Area 6D Ergon House  
Horseferry Road  
London SW1P 2AL.

**Telephone:** 0207 238 6372

**Email:** [landfill.restrictions@defra.gsi.gov.uk](mailto:landfill.restrictions@defra.gsi.gov.uk)

**Web:** [www.defra.gov.uk/corporate/consult/environment.htm](http://www.defra.gov.uk/corporate/consult/environment.htm)

**Date:** 18 March 2010

Dear Consultee,

### **Consultation on the introduction of restrictions on the landfilling of certain wastes**

1. I am writing to invite views on the possible introduction of further restrictions on the landfilling of biodegradable and recyclable wastes in England and Wales.
2. This joint Defra and Welsh Assembly Government consultation is in response to the commitment in the *Waste Strategy for England 2007* and the commitment of the Welsh Minister for Environment, Sustainability and Housing's written cabinet statement of 2<sup>nd</sup> December 2009 to consult on whether the introduction of further restrictions on the landfilling of biodegradable and recyclable wastes would make an effective contribution to meeting the objectives set out in the respective waste strategies for England and Wales, of reducing GHG emissions and increasing resource efficiency and in respect of Wales, of decreasing the ecological footprint associated with waste. The consultation aims to obtain the views of interested parties on the policy options presented with a view towards introducing one or more of them into law(s) in England and Wales.
3. This is a first stage consultation on the options under consideration for restricting wastes from landfill. It is intended to be a high-level consultation to identify preferred option(s) which could be taken forward if desirable, practical and affordable. If Government decides change is desirable a second stage consultation will follow on the preferred option(s) and the way any restriction or requirement would be introduced and who the onus would fall upon and accompanied by draft Regulations to implement these option(s).
4. The following documents may be found on Defra's website at:  
[www.defra.gov.uk/corporate/consult/landfill-restrictions/index.htm](http://www.defra.gov.uk/corporate/consult/landfill-restrictions/index.htm)

and on the Welsh Assembly Government's website at:

[www.wales.gov.uk/consultations](http://www.wales.gov.uk/consultations) / [www.cymru.gov.uk/ymgyngoriadau](http://www.cymru.gov.uk/ymgyngoriadau)



INVESTOR IN PEOPLE



(under Environment and Countryside):

- Consultation letter
- Consultation document
- Consultation Stage Impact Assessment
- List of consultees

5. We welcome your views and comments on the proposals. If you wish to obtain a paper copy of this consultation, please contact [landfill.restrictions@defra.gsi.gov.uk](mailto:landfill.restrictions@defra.gsi.gov.uk) or phone 0207 238 4660.

### **Responses**

6. Please send responses by email if possible to [landfill.restrictions@defra.gsi.gov.uk](mailto:landfill.restrictions@defra.gsi.gov.uk) or by post to :

Landfill Restrictions Consultation  
Waste Permitting Unit  
Defra  
Area 6D Ergon House  
Horseferry Road  
London SW1P 2AL.

7. Consultees in Wales should copy their responses to [wastestrategy@wales.gsi.gov.uk](mailto:wastestrategy@wales.gsi.gov.uk) or by post to:

Kate Reed  
Waste Strategy Branch  
Department for Environment, Sustainability and Housing  
Welsh Assembly Government  
Ty-Cambria  
29 Newport Road  
Cardiff CF24 0TP

8. Responses should be received by Thursday 10<sup>th</sup> June 2010.

### **Consultation Criteria**

9. This consultation is in line with the Code of Practice on Consultations. This can be found at <http://www.berr.gov.uk/bre/>

10. When this consultation ends, we intend to put a copy of the responses in the Defra library at Ergon House, London. This is so that the public can see them. Also, members of the public may ask for a copy of responses under Freedom of Information legislation.

11. If you do not want your response - including your name, contact details and any other personal information – to be publicly available, please say so clearly in writing when



you send your response to the consultation. Please note, if your computer automatically includes a confidentiality disclaimer, that won't count as a confidentiality request.

12. Please explain why you need to keep details confidential. We will take your reasons into account if someone asks for this information under Freedom of Information legislation. But, because of the law, we cannot promise that we will always be able to keep those details confidential.
13. Defra and the Welsh Assembly Government will summarise all responses and place this summary on our websites. This summary will include a list of names of organisations that responded but not people's personal names, addresses or other contact details.
14. The Welsh Assembly Government will also produce a separate summary of all the responses received from Wales. Normally, the name and address (or part of the address) of its author are published along with the response, as this gives credibility to the consultation exercise.
15. To see consultation responses and summaries, please contact the Defra Library at:

Defra  
Information Resource Centre  
Lower Ground Floor  
Ergon House  
17 Smith Square  
London  
SW1P 3JR

Telephone: 0207 238 6575  
Email: [defra.library@defra.gsi.gov.uk](mailto:defra.library@defra.gsi.gov.uk)

Please give the library 24 hours' notice. There is a charge for photocopying and postage.

16. If you have any comments or complaints about the consultation process, please address them to Defra, Consultation Co-ordinator, Area 7C Nobel House, 17 Smith Square, London SW1P 3JR, or email [consultation.coordinator@defra.gsi.gov.uk](mailto:consultation.coordinator@defra.gsi.gov.uk).
17. Thank you for your help in this matter. If you have any queries please contact us as above.

Yours faithfully,

**Liz Sheppard**  
**Waste Programme**  
**Department for Environment, Food and Rural Affairs**

This page is intentionally left blank

# Consultation on the introduction of restrictions on the landfilling of certain wastes

A consultation document issued jointly by Defra and the Welsh Assembly Government

March 2010



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government



**defra**  
Department for Environment  
Food and Rural Affairs

Department for Environment, Food and Rural Affairs  
Nobel House  
17 Smith Square  
London SW1P 3JR  
Telephone 020 7238 6000  
Website: [www.defra.gov.uk](http://www.defra.gov.uk)

© Crown copyright 2010

Copyright in the typographical arrangement and design rests with the Crown.

This publication (excluding the royal arms and departmental logos) may be re-used free of charge in any format or medium provided that it is re-used accurately and not used in a misleading context. The material must be acknowledged as crown copyright and the title of the publication specified.

Information about this publication and further copies are available from:

Landfill Restrictions Consultation  
Waste Permitting Unit  
Defra  
Area 6D Ergon House  
Horseferry Road  
London SW1P 2AL.

Tel: 0207 238 6372 / 0207 238 4660

Email: [landfill.restrictions@defra.gsi.gov.uk](mailto:landfill.restrictions@defra.gsi.gov.uk)

This document is available on the Defra website at:

[www.defra.gov.uk/corporate/consult/landfill-restrictions/index.htm](http://www.defra.gov.uk/corporate/consult/landfill-restrictions/index.htm)

Published by the Department for Environment, Food and Rural Affairs

## Contents

Chapter 1: Executive summary .....	6
Chapter 2: Introduction.....	8
Purpose of this consultation .....	8
Who has an interest?.....	8
Where to find the consultation document.....	9
How to respond.....	9
Comments or complaints .....	10
Publication of responses.....	10
Outcome of this consultation.....	11
Chapter 3: Why consider landfill restrictions? .....	12
Policy drivers for considering landfill restrictions .....	12
Reduce direct GHG emissions from landfill .....	12
Improve resource efficiency.....	13
Contribute towards EU requirements to divert biodegradable municipal waste from landfill and pre-treat landfilled waste, and EU targets on preparing for re-use, recycling and recovery .....	15
Contribute directly to EU and UK targets on renewable energy by diverting bio-based waste from landfill to a range of different energy recovery outlets .....	16
Stimulate the development of alternative waste management infrastructure and generate market certainty as to the availability of materials .....	16
Reduce Wales’s Ecological Footprint and promote sustainable development ...	16
Chapter 4: Background and context.....	18
National waste strategies.....	18
England .....	18
Wales.....	19
The revised Waste Framework Directive .....	20
The Landfill Directive .....	22

Current policy instruments to divert waste from landfill .....	23
Landfill tax .....	23
Landfill allowances schemes .....	24
Chapter 5: The evidence on landfill bans .....	26
Green Alliance research on landfill bans/restrictions in other countries .....	26
Conclusions from Green Alliance research.....	27
Eunomia/WRAP research on the practicalities of landfill bans .....	28
Conclusions from Eunomia research .....	30
Further evidence needed .....	33
Chapter 6: Candidate waste types .....	35
Paper/card .....	35
Food.....	36
Textiles.....	37
Metals .....	38
Wood .....	39
Green (garden) waste .....	39
Glass.....	40
Plastics.....	41
WEEE .....	42
Biodegradable wastes.....	43
Non-segregated wastes .....	43
Conclusions .....	44
Outline of policy options.....	46
Option 0: Do nothing.....	47
Option 1a: Landfill bans without a sorting requirement .....	47
Option 1b: Landfill bans accompanied by a sorting requirement .....	47
Option 2: Sorting and pre-treatment .....	48

Option 3: Producer Responsibility.....	49
Practical issues arising from the introduction of landfill bans .....	49
Alternatives to landfilling .....	50
Lead-in times .....	51
Enforcement of landfill bans .....	52
Consultation questions.....	53

## **Chapter 1: Executive summary**

1.1 This joint Defra and Welsh Assembly Government consultation fulfils the Government's commitment given in the *Waste Strategy for England 2007*<sup>1</sup> and the commitment of the Welsh Minister for Environment, Sustainability and Housing's written cabinet statement of 2<sup>nd</sup> December 2009<sup>2</sup> to consult on the impact of further restrictions on the landfilling of biodegradable and recyclable wastes and whether they would make an effective contribution to meeting the key twin objectives of reducing greenhouse gas (GHG) emissions and increasing resource efficiency, and in respect of Wales, of decreasing the ecological footprint associated with waste.

1.2 This consultation document sets out the policy drivers behind the Governments'<sup>3</sup> aim to divert recyclable and biodegradable wastes from landfill and presents the evidence from recent research on banning such wastes from landfill and how this could potentially contribute to furthering this aim. It lists a number of candidate waste types for which the evidence suggests the benefits of diversion from landfill in terms of GHG and resource efficiency gains could outweigh the costs of diversion. In addition the affordability in public finances terms of introducing restrictions would need to be carefully considered before a decision to proceed with any form of restriction could be taken. It will also be important to assess clearly the likely impact of landfill bans for different materials in the context of the full package of instruments in place to deliver our waste objectives, and to identify what additional net benefit a ban would add in combination with or instead of other instruments, including the impact on businesses.

1.3 The following options for introducing new policy measures to restrict biodegradable and recyclable wastes from landfill in England and Wales are outlined:

- Do nothing
- Introduce landfill bans either a) on their own or b) accompanied by a requirement to sort
- Introduce a sorting or tougher pre-treatment requirement but without a landfill ban
- Introduce producer responsibility systems linked to recycling targets

1.4 Views are requested on a number of questions on options for restrictions on landfilling certain wastes. Responses are required by Thursday 10<sup>th</sup> June 2010.

---

<sup>1</sup> <http://www.defra.gov.uk/environment/waste/strategy/strategy07/documents/waste07-strategy.pdf>

<sup>2</sup> <http://wales.gov.uk/about/cabinet/cabinetstatements/2009/091202waste/?lang=en>

<sup>3</sup> A reference to "the Governments" should be taken to mean the UK Government and the Welsh Assembly Government



1.5 This document also identifies some of the practical issues that would arise from restricting waste from landfill such as the need for alternative waste management infrastructure and the enforcement of bans.

1.6 This is a first stage consultation on the principle of introducing landfill restrictions. Responses from this consultation will inform Government consideration of whether it is desirable, practical and affordable to bring forward restrictions.

1.7 Should either Government conclude they wish to introduce restrictions the specific proposals would be the subject of a separate second stage consultation on the chosen options including draft Regulations for implementing them.

## **Chapter 2: Introduction**

### **Purpose of this consultation**

2.1 This joint Defra and Welsh Assembly Government consultation is in response to the commitment in the *Waste Strategy for England 2007* and the commitment of the Welsh Minister for Environment Sustainability and Housing's written cabinet statement of 2<sup>nd</sup> December 2009 to consult on whether the introduction of further restrictions on the landfilling of biodegradable and recyclable wastes would make an effective contribution to meeting the objectives set out in the respective waste strategies for England and Wales, of reducing GHG emissions and increasing resource efficiency and in respect of Wales, of decreasing the ecological footprint associated with waste. This commitment was reaffirmed in the Government's Low Carbon Transition Plan (LCTP) in July 2009<sup>4</sup>. The consultation aims to obtain the views of interested parties on the policy options presented with a view towards introducing one or more of them into law(s) in England and Wales.

2.2 This is a first stage consultation on the options under consideration for restricting wastes from landfill. It is intended to be a high-level consultation to identify option(s) which could be taken forward if desirable, practical and affordable. If Government decides change is desirable a second stage consultation will follow containing further detail on the preferred option(s) and the way any restriction or requirement would be introduced and who the onus would fall upon and accompanied by draft Regulations to implement these option(s).

### **Who has an interest?**

2.3 This consultation will be of interest to:

- Waste producers and in particular those disposing of waste to landfill,
- Operators of waste recycling, recovery or disposal facilities including landfill sites and companies interested in using bio-based waste as a source of renewable energy (heat, electricity and /or transport fuel)
- Waste management companies and local authorities including those collecting or transporting waste
- Trade Associations
- Environmental interest groups
- Consumer interest groups and members of the public

---

<sup>4</sup> [http://www.decc.gov.uk/en/content/cms/publications/lc\\_trans\\_plan/lc\\_trans\\_plan.aspx](http://www.decc.gov.uk/en/content/cms/publications/lc_trans_plan/lc_trans_plan.aspx)

2.4 We have sent an electronic copy of this consultation document to those included in the above groups whom we think will be most interested in this consultation. A list of consultees is available alongside the consultation document on the Defra website. This is a public consultation and anyone is welcome to respond.

### **Where to find the consultation document**

2.5 This document and the accompanying Consultation Stage Impact Assessment and list of Consultees are available on the Defra website at:

[www.defra.gov.uk/corporate/consult/landfill-restrictions/index.htm](http://www.defra.gov.uk/corporate/consult/landfill-restrictions/index.htm)

and on the Welsh Assembly Government Website at:

[www.wales.gov.uk/consultations](http://www.wales.gov.uk/consultations) / [www.cymru.gov.uk/ymgyngoriadau](http://www.cymru.gov.uk/ymgyngoriadau)

(under Environment and Countryside).

2.6 It is in line with Defra's and the Welsh Assembly Government's environmental aims not to widely distribute paper copies of consultation documents, however if you require a paper copy of this document please contact the Landfill Restrictions team (contact details below).

### **How to respond**

2.7 This consultation opens for responses on Thursday 18<sup>th</sup> March 2010 and will run for 12 weeks. The consultation will close on Thursday 10<sup>th</sup> June 2010. Responses should be sent by email if possible to [landfill.restrictions@defra.gsi.gov.uk](mailto:landfill.restrictions@defra.gsi.gov.uk)

Or by post to:

Landfill Restrictions Consultation  
Waste Permitting Unit  
Defra  
Area 6D Ergon House  
Horseferry Road  
London SW1P 2AL.

Any queries should be addressed to the Landfill Restrictions team as above or by phone on 0207 238 6372 or 0207 238 4660.

Consultees in Wales should copy their responses to [wastestrategy@wales.gsi.gov.uk](mailto:wastestrategy@wales.gsi.gov.uk)

Or by post to:

Kate Reed  
Waste Strategy Branch  
Department for Environment, Sustainability and Housing  
Welsh Assembly Government  
Ty-Cambria  
29 Newport Road  
Cardiff CF24 0TP

Or by fax to: 029 2046 6413

2.8 Respondents are requested to explain who they are and, in the case of representative groups, to give a summary of the people and/or organisations they represent.

2.9 We may not be able to consider your response if it arrives after the deadline. Please contact the Landfill Restrictions team to discuss an extension if you think your response will be late.

### **Comments or complaints**

2.10 Comments or complaints about this consultation process (as opposed to comments about the issue which is the subject of this consultation) should be addressed to:

Consultation Co-ordinator  
Defra  
Area 7C Nobel House  
17 Smith Square  
London SW1P 3JR  
Email: [consultation.coordinator@defra.gsi.gov.uk](mailto:consultation.coordinator@defra.gsi.gov.uk)

### **Publication of responses**

2.11 In line with Defra's policy of openness, at the end of the consultation period, copies of the responses received will be made publicly available through the Defra Information Resource Centre for six months. The information contained in the responses may also be published in a summary of responses.

2.12 The Welsh Assembly Government intends to publish a summary of the responses received from Wales. Normally, the name and address (or part of the address) of its author are published along with the response, as this gives credibility to the consultation exercise.

2.13 If you do not consent to this, you must clearly state that you wish your response to be treated confidentially. Any confidentiality disclaimer generated by your IT system in email responses will not be treated as such a request. You should also be aware that there may be circumstances in which Defra/the Welsh Assembly Government will be required to communicate information to third parties on request, in order to comply with their obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

2.14 The Defra Information Resource Centre will supply copies of consultation responses to personal callers or in response to phone or email requests. An administrative charge will be made to cover photocopying and postage costs. Wherever possible, personal callers should give the Centre at least 24 hours' notice of their requirements. Please contact the Defra Information Resource Centre, Lower Ground Floor, Ergon House, Horseferry Road, London SW1P 2AL, tel. 020 7238 6575, email [defra.library@defra.gsi.gov.uk](mailto:defra.library@defra.gsi.gov.uk) .

### **Outcome of this consultation**

2.15 At the end of the consultation period Defra and the Welsh Assembly Government will consider all the responses received and will produce a summary document which will be available on the Defra and Welsh Assembly Government websites. The Welsh Assembly Government will also produce its own summary document specifically for the consultation responses it receives and will make it available on its website.

2.16 Subject to the outcome of this consultation, it is intended that it will be followed by a second stage consultation, if appropriate, on detailed proposals for introducing policy measures including draft regulations. Details of a second stage consultation will be made available on the Defra and Welsh Assembly Government websites.

## **Chapter 3: Why consider landfill restrictions?**

3.1 This chapter explains the aims and policy drivers behind a consideration of landfill restrictions in England and Wales and describes the policy instruments currently in place to encourage the diversion of waste from landfill.

3.2 The Governments consider that landfill should be the home of last resort for most wastes. The amount of waste being sent to landfill decreased from 80 million tonnes in 2000-2001 to 53.8 million in 2008 in England and from 4.45 million tonnes in 2000-2001 to 2.89 million in 2008 in Wales. The number of permitted operational landfill sites in England and Wales has reduced from about 2,600 prior to 2001 to 461 sites today. Policy instruments such as landfill tax (see paragraphs 4.23-4.28) and the landfill allowance schemes in England and Wales (see paragraphs 4.29-4.32) have helped to reduce the amount of waste going to landfill. This document will consider whether this amount could be further reduced by introducing restrictions on the landfilling of biodegradable and recyclable wastes taking account of the practicality and affordability of such measures.

### **Policy drivers for considering landfill restrictions**

3.3 Government is considering the introduction of new measures to restrict the landfilling of biodegradable and recyclable wastes in order to meet the following policy objectives. The *Waste Strategy for England 2007* identified two key drivers to reduce GHG emissions from landfill and improve resource efficiency. Similar drivers were included in the Welsh Assembly Government's consultation on its new waste strategy, *Towards Zero Waste*.

#### **Reduce direct GHG emissions from landfill**

3.4 The Climate Change Act 2008<sup>5</sup> is the principal driver for action on climate change. It introduced legally binding GHG reduction targets of 34% by 2020 and 80% by 2050 (compared to 1990 levels). The Act also introduced a carbon budgeting system, which caps GHG emissions from a range of different sectors (including the waste sector) over 5 year periods, to help deliver these reduction targets.

3.5 The LCTP set out how Government will keep within the carbon budgets. To stay within the carbon budget for the waste sector, Defra pledged to reduce direct methane emissions from landfill by an additional 1 million tonnes carbon dioxide equivalent (CO<sub>2</sub>e) by 2020 (compared to emissions levels projected for 2020 through implementation of existing policies).

3.6 Defra will shortly publish its Climate Change Plan setting out how it will help deliver the emissions reductions pledged in the LCTP. For the waste sector we

---

<sup>5</sup> [http://www.opsi.gov.uk/acts/acts2008/pdf/ukpga\\_20080027\\_en.pdf](http://www.opsi.gov.uk/acts/acts2008/pdf/ukpga_20080027_en.pdf)

believe the 1 million tonnes CO<sub>2</sub>e target reduction can be achieved through implementation of a range of additional policy measures which reduce the amount of biodegradable waste produced; divert more biodegradable waste away from landfills; and capture more of the methane produced by landfills. A specific reference will be made to the important role that landfill bans could make to achieving the emissions savings target.

3.7 Landfill gas, a large component of which is methane, is produced by the decomposition of biodegradable wastes inside a landfill site. Methane is emitted to the atmosphere where there is no method of gas capture present or where the gas capture is inefficient, both at operational and closed landfill sites. Methane is a powerful greenhouse gas (21 times more powerful than CO<sub>2</sub><sup>6</sup>) which contributes to climate change. Methane emissions from biodegradable waste in landfill account for 40% of all UK methane emissions and 3% of overall greenhouse gas emissions.

3.8 The EU Landfill Directive<sup>7</sup> requires operators to capture and treat landfill gas. This can be used to generate electricity where facilities are present or where this is not possible it can be “flared” to convert it to CO<sub>2</sub>. However, some sites have inefficient methane capture, or in the case of older closed sites, no capture at all, resulting in methane emissions to the environment. Since 1990 emissions from landfill have reduced by 59%. Nonetheless, Defra, the Welsh Assembly Government and the Environment Agency are considering in a separate strand of work how to bring about further improvements to methane capture at landfill sites. Reducing the biodegradable wastes disposed of to landfill would therefore reduce the amount of methane emitted to the environment from landfill gas.

### **Improve resource efficiency**

3.9 Generating and disposing of waste results in a loss of valuable natural resources, both in the UK and overseas, and damages the environment and the economy. Reducing waste can make an important contribution towards conserving scarce resources and improving resource efficiency.

3.10 Waste puts pressure on the environment, not only as a result of the impact of disposal, but also due to the additional impacts associated with the extraction and processing of new materials, and the manufacturing and distribution of new goods.

3.11 The economic cost similarly extends beyond the direct costs of waste treatment and disposal. The inefficient use of resources is a drag on the economy and on business. Making products with fewer natural resources saves money. Improving the

---

<sup>6</sup> UNFCCC figure

<sup>7</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31999L0031:EN:HTML>

productivity with which natural resources are used can help generate new business opportunities and new jobs.

3.12 Landfilling materials, even where they do not biodegrade into methane and directly add to GHG emissions, means that materials made using valuable energy and scarce resources are certainly underutilised, if not simply wasted, while additional energy and resources have to be used to extract and process new raw materials. This makes no sense.

3.13 Effective management of resources necessitates a consideration of the whole life cycle of products and materials, and a suite of complementary policy measures. The Government is seeking to develop an approach which would bring resource use, production, consumption, and waste management into a “closed loop”, where material flows and embedded carbon are re-introduced into the economy via re-use and recycling and energy recovery. WRAP’s Resource Efficiency Loop, below, illustrates the “closed loop”.



Source: WRAP

3.14 The *Waste Strategy for England 2007* and the draft new waste strategy for Wales, *Towards Zero Waste* set out a waste “hierarchy” – prevention, re-use, recycling, recovery and disposal. The Government has introduced a number of policies to reinforce this Strategy, including the landfill tax escalator (see paragraph 4.26), waste regulation, initiatives to create markets for secondary materials, and information and behaviour change campaigns.



3.15 Action on landfill can help support resource efficiency objectives. Landfill costs have risen considerably in recent years, mainly as a result of the landfill tax escalator. However, the tax is set by reference to weight and does not discriminate between high or low-impact waste materials. For example, high embedded carbon materials such as aluminium are taxed at the same rate per tonne as low carbon materials. Regulatory interventions such as landfill restrictions or bans could complement the landfill tax, and contribute towards resource efficiency objectives.

3.16 In addition to the main policy drivers above, the introduction of restrictions on landfill could also support the delivery of other policies or targets. However, these are secondary considerations to any proposals the Government and the Welsh Assembly Government may adopt.

**Contribute towards EU requirements to divert biodegradable municipal waste from landfill and pre-treat landfilled waste, and EU targets on preparing for re-use, recycling and recovery**

3.17 The revised EU Waste Framework Directive<sup>8</sup> (WFD) sets targets for achieving certain levels of preparing for re-use, recycling and recovery (see paragraph 4.13). The EU Landfill Directive sets progressive targets for diverting biodegradable municipal waste (BMW) from landfill (see paragraph 4.21). Although not a primary reason for introducing such measures, any new measures to restrict the landfilling of biodegradable and recyclable wastes will have the advantage of helping England and Wales to meet their targets under EU legislation.

3.18 There is already a policy instrument in place in England and Wales to restrict the landfilling of BMW collected by local authorities. This is the Landfill Allowance Trading Scheme in England, and the equivalent Landfill Allowance Scheme in Wales. No similar mechanism exists to restrict the landfilling of other biodegradable wastes not collected by local authorities. The implications of broadening the UK's current interpretation of the definition of municipal waste to waste not collected by local authorities for the achievement of the Landfill Directive diversion targets for BMW for 2010, 2013, and 2020 will be considered in the separate consultation *Changing the UK's landfill diversion targets*<sup>9</sup>, which was published simultaneously with this consultation. This includes consideration of the effectiveness of existing measures to ensure that the targets are met, and the need for additional measures.

---

<sup>8</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:312:0003:0030:EN:PDF>

<sup>9</sup> [www.defra.gov.uk/corporate/consult/landfill-diversion/index.htm](http://www.defra.gov.uk/corporate/consult/landfill-diversion/index.htm)

### **Contribute directly to EU and UK targets on renewable energy by diverting bio-based waste from landfill to a range of different energy recovery outlets**

3.19 The EU Renewable Energy Directive<sup>10</sup> sets the UK an ambitious target to source 15% of its overall energy from renewable sources by 2020. There is also a separate 10% target for transport. The UK Renewable Energy Strategy<sup>11</sup> highlights the important part that a range of energy from waste technologies will play in helping the UK to meet these commitments. Recovering energy from waste that cannot be re-used or recycled would make an important contribution to meeting the UK renewable energy target. In addition, bio-based waste, including the biodegradable part of municipal solid waste, can be used to produce a wide range of fuel and/or chemical products combined with heat and power. Government is supporting the development by industry of a commercial scale plant to demonstrate this technology in England. In Wales there is a programme of support in place for anaerobic digestion of both bio-wastes collected by local authorities and those produced by business.

### **Stimulate the development of alternative waste management infrastructure and generate market certainty as to the availability of materials**

3.20 The reliance on landfill has led to a lack of development of other recycling and recovery options. New measures to restrict the landfilling of biodegradable and recyclable wastes could help generate sufficient material to drive the market forward for recycling /recovery.

### **Reduce Wales's Ecological Footprint and promote sustainable development**

3.21 The Welsh Assembly Government's sustainable development scheme *One Wales: One Planet: A new sustainable development scheme for Wales*<sup>12</sup> and the draft new Waste Strategy *Towards Zero Waste*<sup>13</sup> both use ecological footprinting to measure sustainability. Ecological footprinting measures the impacts of how we consume things and compares it to what the planet can cope with. It calculates how much land is needed to feed, produce energy and absorb the pollution and waste generated by our supply chains. Sustainability requires us to live within the planet's ecological limits.

3.22 Recent research has estimated that waste generation contributes 15% to Wales's ecological footprint. The ecological footprint of waste shows the environmental consequences of what people in Wales buy, use and then throw away. It takes into account the impact of products produced in other countries but

<sup>10</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:140:0016:0062:EN:PDF>

<sup>11</sup> [http://www.decc.gov.uk/en/content/cms/what\\_we\\_do/uk\\_supply/energy\\_mix/renewable/res/res.aspx](http://www.decc.gov.uk/en/content/cms/what_we_do/uk_supply/energy_mix/renewable/res/res.aspx)

<sup>12</sup> <http://wales.gov.uk/topics/sustainabledevelopment/publications/onewalesoneplanet/?lang=en>

<sup>13</sup> <http://wales.gov.uk/docs/desh/consultation/090429wasteconsultationen.pdf>

consumed in Wales. The ecological footprint of waste includes what is achieved through recovering materials and recycling them into new products as well as any energy recovered from the waste stream. *Towards Zero Waste* has identified that Wales's ecological footprint of waste can be reduced by achieving very high levels of recycling.

## **Chapter 4: Background and context**

4.1 This chapter explains the national waste strategies set up to deliver the Governments' aims in England and Wales which provide the rationale for the current considerations of landfill restrictions. It sets out the legislative context to any new measures to restrict biodegradable and recyclable wastes from landfill, including the revised WFD targets for increasing recycling and waste recovery and the Landfill Directive targets for reducing the landfilling of biodegradable municipal waste. This chapter also identifies the wastes already prohibited from landfill by EU legislation. The chapter then describes the two main current policy instruments to divert waste from landfill – landfill tax and the two landfill allowance schemes.

### **National waste strategies**

#### **England**

4.2 The *Waste Strategy for England 2007* set out a number of actions for Government to take forward to contribute to Government's objectives in relation to waste:

- Decouple waste growth (in all sectors) from economic growth and put more emphasis on waste **prevention and re-use**;
- Meet and exceed the **Landfill Directive diversion targets** for biodegradable municipal waste in 2010, 2013 and 2020;
- Increase diversion from landfill of **non-municipal waste** and secure better integration of treatment for municipal and non-municipal waste;
- Secure the **investment in infrastructure** needed to divert waste from landfill and for the management of hazardous waste; and
- Get the most environmental benefit from that investment, through increased **recycling of waste and recovery of energy** from residual waste using a mix of technologies.

4.3 The Strategy highlighted that landfill should be the home of last resort for most wastes. It explained that Government would continue to pursue the reduction of landfill while recognising that landfill is an appropriate way to dispose of some specific types of waste (for example hazardous wastes like asbestos).

4.4 The Strategy highlighted that a number of other EU Member States had found that imposing restrictions on the types of waste that could be landfilled had led to higher rates of recycling and recovery. Drawing upon this conclusion, the Strategy contained a commitment to consult, subject to further analysis, on whether the introduction of further restrictions on the landfilling of biodegradable and recyclable wastes would make an effective contribution to the objectives set out in the Strategy.

This consultation would be linked to further work on the priority waste types set out in the Strategy - paper, food/garden waste, glass, aluminium, wood, plastic and textiles.

4.5 The Strategy identified these seven priority waste types on the basis of evidence on potential reductions of GHG emissions resulting from diversion from landfill and increased recycling and recovery. Using the findings of studies which used a life-cycle approach to consider the relative benefits for climate change of the recovery of different wastes<sup>14</sup> and taking into account the range of uncertainties around this work, the Strategy drew the conclusion that significant potential savings in GHG emissions (in the UK and elsewhere) could be achieved from greater diversion of certain wastes from landfill, through recycling and energy recovery, over and above current efforts.

## Wales

4.6 The Waste Strategy for Wales 2002, *Wise about Waste*<sup>15</sup> seeks to maximise the use of unavoidable waste as a resource, and minimise where practicable, the use of energy from waste and the landfilling of waste.

4.7 *Towards Zero Waste* is the Welsh Assembly Government's draft new Waste Strategy. It proposes a target of "by 2025: a high recycling society of at least 70% recycling across all sectors, and diverting waste from landfill sites". It also identifies that recyclables should be separated at source so that they are clean and of high value. By 2050 the aim is to achieve 'zero waste', which means producing no waste in the long term, by designing products and services that reduce or re-use waste as far as possible, and developing a local and highly skilled economy for waste management and resource efficiency.

4.8 In *Towards Zero Waste*, the Welsh Assembly Government strongly promotes waste reduction, by proposing to:

- use targets to set goals and encourage action, with support provided where appropriate and needed, and with a strong focus on eco-design.
- encourage everyone to reduce, re-use and recycle, and use waste management treatment and disposal facilities that contribute to tackling climate change and reducing Wales's ecological footprint. To achieve a high level of recycling, we need to make sure that all our recyclates are separated at source so that they are clean and of high value. In particular, we aim to

---

<sup>14</sup> Carbon Balances and Energy Impacts of the Management of UK Wastes, report by ERM (with Golder Associates) for Defra, Final Report, March 2007 and Environmental Benefits of Recycling: An international review of life cycle comparisons for key materials in the UK recycling sector, WRAP, May 2006.

<sup>15</sup>

<http://cymru.gov.uk/about/programmeforgovernment/strategy/publications/environmentcountryside/2096132/?jsessionid=L5LSLsTnjhxz22fhVvYRZqbycnhcRty4gg0ZpCZVxPNfxqny7w!-1129944059?lang=en&ts=4>

develop an efficient and effective collection system to separate mixed commercial and industrial waste.

- prioritise the waste materials that are dealt with first - these waste materials will be those which, if managed in the best way, will give us the greatest environmental benefits.
- seek to make producers more responsible for the waste that they produce, or cause others to produce.
- generate renewable energy from biowastes.
- phase out landfill sites and develop high efficiency energy from waste plants for residual waste.

4.9 *Towards Zero Waste* has highlighted that significant benefits in terms of reducing both GHG emissions and the ecological footprint associated with waste in Wales can be achieved by diverting priority materials (food, paper and card, wood, metals and plastic) away from landfill and into recycling or recovery.

4.10 The Welsh Assembly Government regard landfill bans as one of the primary mechanisms by which Wales will meet the targets set in *Towards Zero Waste*. On 22<sup>nd</sup> February 2010 the proposed Waste (Wales) Measure 2010 was introduced for consideration by the National Assembly for Wales. The Measure includes a provision to give Welsh Ministers the power to make Regulations to ban or restrict the deposit of specified kinds of waste in a landfill in Wales.

## **The revised Waste Framework Directive**

4.11 The revised WFD<sup>16</sup> (Directive 2008/98/EC of 19 November 2008) defines “waste” throughout the EU and provides the overarching legislative framework for the collection, transport, recovery and disposal of waste. Article 4 of the Directive requires that the following hierarchy (‘the waste hierarchy’) shall apply as a priority order in waste prevention and management legislation and policy:

- a) Prevention
- b) Preparing for re-use
- c) Recycling
- d) Other recovery, eg. energy recovery; and
- e) Disposal

---

<sup>16</sup> A revised WFD (Directive 2008/98/EC) was published in November 2008. The revised WFD will not replace the present WFD (Directive 2006/12/EC) in UK legal systems until it is transposed in December 2010. However, because the policy options discussed in this consultation paper will not be realised until after the revised WFD is transposed and implemented, we refer in this paper to the requirements of the revised WFD.

However Article 4 allows for specific waste streams to depart from the hierarchy where this is justified by life-cycle thinking on the overall impacts of the generation and management of such waste.

4.12 Defra has commissioned the Waste and Resources Action Programme (WRAP) to investigate the best way of managing various types of waste in terms of the relative environmental impacts. The aim of this work is to produce guidance on the most sustainable option for dealing with each waste type and on when a departure from the waste hierarchy would be appropriate. It is intended this will form part of the second stage consultation on the transposition of the revised WFD in England and Wales.

4.13 Article 11(2) of the revised WFD sets targets for Member States to achieve:

a) By 2020 a minimum of 50% by weight of waste materials such as at least paper, metal, plastic and glass from households and possibly from other origins as far as these waste streams are similar to waste from households, shall be prepared for re-use<sup>17</sup> or recycled

and

b) By 2020 a minimum of 70% by weight of non-hazardous construction and demolition waste excluding naturally occurring material defined in category 17 05 04<sup>18</sup> in the list of waste shall be prepared for re-use, recycled or recovered.

4.14 Member States are required to transpose the revised WFD by 12<sup>th</sup> December 2010. A Stage One Consultation on the Transposition of the revised Directive in England and Wales took place between July and October 2009<sup>19</sup>. Defra and the Welsh Assembly Government are currently considering the responses received and a second stage will follow.

4.15 The UK said in a Minutes Statement tabled at the Environment Council on 20<sup>th</sup>-21<sup>st</sup> October 2008 that in respect of achieving compliance with the Article 11(2)(a) target it intends to apply the 50% preparing for re-use and recycling target contained in the revised WFD across paper, metal, plastic and glass from households but not apply the target to each of the wastes specified individually.

4.16 The European Commission has confirmed that this is one of four permissible interpretations of the household waste recycling target that Member States may use. The Welsh Assembly Government reserves the right to go beyond the requirements

---

<sup>17</sup> 'Preparing for re-use' is defined as checking, cleaning or repairing recovery operations, by which products or components of products that have become waste are prepared so that they can be re-used without any other re-processing.

<sup>18</sup> Category 17 05 04 in the List of Waste (England) Regulations 2005 and the List of Waste (Wales) Regulations 2005 is soils and stones other than those in category 17 05 03, i.e. those not containing dangerous substances.

<sup>19</sup> <http://www.defra.gov.uk/corporate/consult/waste-framework/index.htm>

of the Directive should this prove necessary to deliver the outcomes laid out in the final version of its revised waste strategy, *Towards Zero Waste*.

4.17 The Consultation on the revised WFD listed a number of possible measures that could be introduced to help meet the 50% target for preparing for re-use and recycling in Article 11(2)(a). One of the listed measures was landfill bans, in order to drive increased diversion of waste into recycling. However it is considered that England will meet the target without the need for any additional measures. The consultation asked, for England only, for views on the “no further measures” approach, if any further measures should be introduced, and if so which materials are considered high priority. In respect of Wales, it asked for views on whether Wales’s approach (i.e. proposed progressive municipal waste recycling targets contained in the Wales Waste Strategy) will meet the target. Any views expressed in response to the revised WFD consultation on whether landfill bans should be introduced in order to help meet the Article 11(2)(a) will also be considered in the current consultation.

## **The Landfill Directive**

4.18 The Landfill Directive (1999/31/EC) standardises the engineering, operation and regulation of all landfill sites, prohibits certain types of waste from landfill and sets targets for the diversion of BMW<sup>20</sup> from landfill. The provisions of the Directive are implemented in England and Wales by the Environmental Permitting (England and Wales) Regulations 2007<sup>21</sup> and the Waste and Emissions Trading Act 2003<sup>22</sup>.

4.19 Under the Landfill Directive the following wastes are banned from landfill:

- liquids
- wastes which are explosive, corrosive, oxidising, highly flammable or flammable
- hospital and clinical wastes
- whole and shredded used tyres

In addition, the Batteries Directive<sup>23</sup> (2006/66/EC) introduced a ban on disposing of automotive and industrial batteries to landfill and incineration.

---

<sup>20</sup>The Landfill Directive defines ‘municipal waste’ as waste from households, as well as other waste which, because of its nature or composition, is similar to waste from households. It defines ‘biodegradable waste’ as any waste that is capable of undergoing anaerobic or aerobic decomposition, such as food and garden waste, and paper and paperboard.

<sup>21</sup> [http://www.opsi.gov.uk/si/si2007/uksi\\_20073538\\_en\\_1](http://www.opsi.gov.uk/si/si2007/uksi_20073538_en_1)

<sup>22</sup> [http://www.opsi.gov.uk/acts/acts2003/ukpga\\_20030033\\_en\\_1](http://www.opsi.gov.uk/acts/acts2003/ukpga_20030033_en_1)

<sup>23</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:266:0001:0014:EN:PDF>



4.20 The Landfill Directive also prohibited any other type of waste which does not fulfil the waste acceptance criteria set out in the Council Decision of 19<sup>th</sup> December 2002 (2003/33/EC)<sup>24</sup> and waste which has not been pre-treated. “Treatment” is defined in the Directive as the physical, thermal, chemical or biological processes, including sorting, that change the characteristics of the waste in order to reduce its volume or hazardous nature, facilitate its handling or enhance recovery. Treatment is intended to reduce the impact of the waste that continues to be landfilled and to encourage recycling.

4.21 Article 5.2 of the Landfill Directive sets targets for EU Member States to reduce the amount of BMW disposed of to landfill. Using the 1995 Eurostat figures as a baseline, Member States are required to reduce the amounts of BMW landfilled by certain percentages in certain timeframes. The UK is taking advantage of a four year derogation allowed by the Directive for Member States which landfilled 80% or more of their waste in 1995. Therefore the UK’s targets are:

- 75% of the 1995 amount by 2010
- 50% of the 1995 amount by 2013
- 35% of the 1995 amount by 2020

Member States may be subject to penalties from the European Commission if they fail to meet their targets.

### **Current policy instruments to divert waste from landfill**

4.22 There are two main existing policy instruments in England and Wales aimed at diverting waste from landfill – landfill tax and landfill allowances schemes.

#### **Landfill tax**

4.23 Landfill tax applies throughout the UK and is a key driver in the UK’s aim of diverting waste from landfill. The tax was introduced by the Finance Act 1996<sup>25</sup> to reduce the amount of waste sent to landfill by better reflecting the environmental cost of this form of waste management.

4.24 The aim of landfill tax is to encourage the disposal of less waste to landfill, to recover more value from waste through recycling and composting, and to stimulate more sustainable waste management approaches.

4.25 The tax is paid by landfill site operators per tonne of waste disposed of at permitted landfill sites. Costs are passed on by the operators to waste producers

---

<sup>24</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:011:0027:0049:EN:PDF>

<sup>25</sup> [http://www.opsi.gov.uk/acts/acts1996/ukpga\\_19960008\\_en\\_1](http://www.opsi.gov.uk/acts/acts1996/ukpga_19960008_en_1)

through increased gate fees. Landfill tax in the UK is administered by HM Revenue & Customs (HMRC).

4.26 The initial rate of tax when it was introduced in 1996 was £7 per tonne for active waste and £2 per tonne for inactive waste. The rate for active waste has risen each year since 1999 (known as the landfill tax escalator). Currently for 2009/10 the standard rate of landfill tax for active waste is £40 per tonne and for inactive waste is £2.50 per tonne. The Chancellor's April 2009 Budget announced that the rate for active waste will continue to increase by £8 a tonne each year until at least 2013 when the rate will reach £72 per tonne.

4.27 Materials which qualify for the lower rate are defined by The Landfill Tax (Qualifying Material) Order 1996<sup>26</sup> which specifies the materials which are to be taxed at the lower rate. The lower rate recognises that there is a relatively low level of environmental impact associated with the landfilling of wastes which are inert. The materials qualifying for each rate are currently subject to review as part of HM Treasury and HMRC's consultation *Modernising Landfill Tax Legislation*<sup>27</sup>. A Government response to the consultation is expected to be published in spring this year.

4.28 The landfill tax has been very successful as an economic disincentive to landfill. The overall quantity of waste recorded at landfill sites registered for the tax fell by around 45% between 1997 and 2009. As landfilling has become more expensive, waste has been diverted into more sustainable forms of waste management and there has been greater investment in alternative waste management facilities.

### **Landfill allowances schemes**

4.29 In England and Wales there are two parallel schemes in place to achieve the BMW diversion targets under the Landfill Directive. In England this is the Landfill Allowances Trading Scheme (LATS) and in Wales the Landfill Allowances Scheme (LAS).

#### *England*

4.30 LATS was implemented in England in April 2005. It is one of Government's key measures to reduce the amount of BMW going to landfill in accordance with the targets set in Article 5.2 of the Landfill Directive. The scheme is intended to provide a cost effective way of enabling England to meet its share of UK targets. LATS sets allowances on the amount of BMW that can be landfilled by Local Authorities and allows them to bank, borrow or trade their allowances to meet requirements.

---

<sup>26</sup> [http://www.opsi.gov.uk/si/si1996/uksi\\_19961528\\_en\\_1.htm](http://www.opsi.gov.uk/si/si1996/uksi_19961528_en_1.htm)

<sup>27</sup>

[http://customs.hmrc.gov.uk/channelsPortalWebApp/channelsPortalWebApp.portal?nfpb=true&pageLabel=pageExcise\\_ShowContent&propertyType=document&columns=1&id=HMCE\\_PROD1\\_029489](http://customs.hmrc.gov.uk/channelsPortalWebApp/channelsPortalWebApp.portal?nfpb=true&pageLabel=pageExcise_ShowContent&propertyType=document&columns=1&id=HMCE_PROD1_029489)

4.31 The separate consultation *Changing the UK's landfill diversion targets* will consider the UK's approach to meeting the targets in the Landfill Directive to divert BMW from landfill. The Government intends to amend the approach the UK is taking to reporting against the targets to the European Commission. In recent discussions with the Commission over the UK's approach we have come to agree that the UK's existing approach is focused too narrowly on waste collected by local authorities. The new approach will include more commercial waste than currently and will mean amending the baseline and the 2010, 2013 and 2020 targets for the UK. The consultation sets out the change of approach to municipal waste and the targets, as well as the implications for reporting obligations and existing policies to divert BMW from landfill, in particular LATS. This will inform a second stage consultation which will present specific proposals in response to the change of approach to the targets.

### *Wales*

4.32 Waste is a devolved issue so the Devolved Administrations for Wales, Scotland and Northern Ireland are responsible for delivering their proportion of the UK targets. LAS was implemented in Wales in October 2004. The scheme is intended to provide an equitable way of ensuring that all local authorities achieved the same proportionate level of reduction in the landfilling of BMW as a way of enabling Wales to meet its share of UK targets. LAS sets allowances on the amount of BMW that can be landfilled by local authorities each year. It does not allow them to bank, borrow or trade their allowances.

## **Chapter 5: The evidence on landfill bans**

5.1 The *Waste Strategy for England 2007* included a commitment to undertake further analysis on whether the introduction of further restrictions on the landfilling of biodegradable recyclable wastes would make an effective contribution to the key twin objectives set out in the Strategy.

5.2 As a first step towards this commitment, in April 2008 Defra commissioned Green Alliance to examine landfill bans and restrictions in a number of other countries/regions/states (mainly EU Member States) to identify any lessons that could be learnt.

5.3 In April 2009 Defra and the Devolved Administrations commissioned a joint piece of research on the feasibility and practicalities of introducing landfill bans or restrictions in the UK. This research was managed by WRAP and sub-contracted to Eunomia Research & Consulting. This chapter summarises the key findings of these two pieces of research and identifies where work may be required to address gaps in our current evidence base.

### **Green Alliance research on landfill bans/restrictions in other countries**

5.4 Defra commissioned Green Alliance to investigate how landfill bans or restrictions were used mainly in other EU Member States by examining a number of case studies. Green Alliance undertook a three stage process of research:

1. Desk research to identify appropriate case study countries
2. Interviews with Government officials, regulators and waste management companies from the countries in question
3. Engagement with UK stakeholders on the results of the first two stages.

5.5 The case studies identified were Austria, the Flanders region of Belgium, Germany, the Netherlands, Sweden, and Massachusetts, USA.

5.6 Green Alliance's final report was published in September 2009<sup>28</sup>. The report consisted of a summary drawn from across the six case studies and an individual report from each of the six countries/regions/states covered. The report detailed how the case studies implemented bans or restrictions, their rationales for doing so and their effects and interactions with other policy instruments. It drew on the experience

---

28

<http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&ProjectID=16103&FromSearch=Y&Publisher=1&SearchText=Green%20Alliance&SortString=ProjectCode&SortOrder=Asc&Paging=10#Description>

of the case studies to highlight a number of points for Government to consider in developing any similar policies in the UK.

## **Conclusions from Green Alliance research**

### *Effectiveness of landfill bans*

5.7 The key conclusion from the research was that landfill bans can work but only alongside the right set of complementary policy measures. The supporting measures identified fell into three types:

- a. Economic instruments e.g. landfill or incineration taxes/fees/moratoriums to reinforce the signal sent by landfill bans
- b. Upstream measures, such as mandatory separation or waste collection; or producer responsibility
- c. Quality standards for recycled products and market development/support for recycled materials/products to ease the implementation of bans or restrictions

5.8 The context for each case study was unique and how bans/restrictions worked in each case was dependent on context. Different policy instruments had different levels of importance in any policy mix. Interviewees from the case study countries were therefore unable to specifically attribute successful diversion of waste from landfill to any bans/restrictions implemented.

### *Lessons for the UK*

5.9 Green Alliance cited key points in considering introducing landfill bans/restrictions as a clear view of objectives, sufficient lead-in times with clarity as to when bans/restrictions were coming online, effective supporting instruments, simple compliance and enforcement systems, adequate resourcing of compliance and enforcement and public support.

5.10 The case study countries used *bans* (according to material types, categories, sources and potential for alternate treatment) to increase recovery of particular materials/energy, and/or *restrictions* based on criteria (e.g. total organic carbon), which are generally applied to residual waste streams to encourage alternative treatment/reduce environmental impact of landfill. The waste types that bans/restrictions were applied to were dependent to an extent on the current state of material recovery in any given nation.

5.11 Green Alliance identified that waste policies can have the effect of making it feasible to export waste for recycling or recovery to countries with cheaper waste treatment/processing. Illegal dumping (fly tipping) was not widely reported as a

consequence of bans/restrictions. Adequately resourcing enforcement and compliance was widely reported as a key issue.

5.12 The type of bans/restrictions used influenced how (and how effectively) they could be enforced. For example, Massachusetts used only bans on certain waste types, necessitating complex enforcement practices. In contrast the Netherlands banned 34 waste *categories* but enforced these solely on load densities – a system which generally, apart from for construction and demolition waste, worked well.

5.13 However in some cases effective upstream or complementary policy measures were found to reduce the need for strict downstream enforcement of bans, or even the need for bans to be implemented at all. Massachusetts, for example, accredits some municipal recycling schemes, whose waste collections are then not subject to downstream inspection. Austria and Sweden have not banned aluminium and glass – other (upstream) instruments (e.g. producer responsibility, deposit schemes) are considered successful in diverting them from landfill.

5.14 Lead-in/transitional periods were widely regarded as necessary in implementing bans effectively. In case study countries such periods has varied between 2 and 12 years. During such periods some countries granted, where justifiable (e.g. where alternative capacity was lacking), chargeable exemptions, gradually increasing landfill charges/taxes and withdrawing exemptions as alternative capacity grew. Germany (employing a combination of regulatory and voluntary measures) was the only country not to describe an increasing landfill tax as playing a key role in transitional/lead-in periods. The research concluded that an overly long lead-in period without clear means of making the transition to a fully-implemented ban can be problematic.

## **Eunomia/WRAP research on the practicalities of landfill bans**

5.15 Defra and the Devolved Administrations commissioned WRAP to undertake a study into the feasibility and practicalities of introducing landfill bans or restrictions in the UK<sup>29</sup>. This work was sub-contracted by WRAP to Eunomia Research & Consulting.

5.16 The research involved:

- A literature review of international experience
- Discussions with regulators regarding existing bans
- Stakeholder workshops to discuss design issues and the possible impacts of a ban
- Preliminary environmental modelling

---

<sup>29</sup> [Landfill Bans: Feasibility Research by WRAP/Eunomia, March 2010](#)

- A cost/benefit analysis

5.17 Eunomia drew up a list of candidate waste types to take forward to the cost benefit analysis stage in consultation with Defra and the Devolved Administrations. The list was based on a preliminary assessment of which waste types would bring the greatest GHG benefits as well as a feasibility assessment based on a literature review and discussions at stakeholder workshops. The candidate waste types were broadly in line with Defra's priority waste types identified in the *Waste Strategy for England 2007* and Wales's priority materials identified in *Towards Zero Waste*.

5.18 The candidate waste types were:

- Metals
- Glass
- Food
- Wood
- Textiles
- Paper/card
- Plastics
- Green (garden) waste
- Waste Electrical and Electronic Equipment (WEEE)

5.19 Two measurable properties were also considered. These were:

- Biodegradable waste
- Non-segregated waste

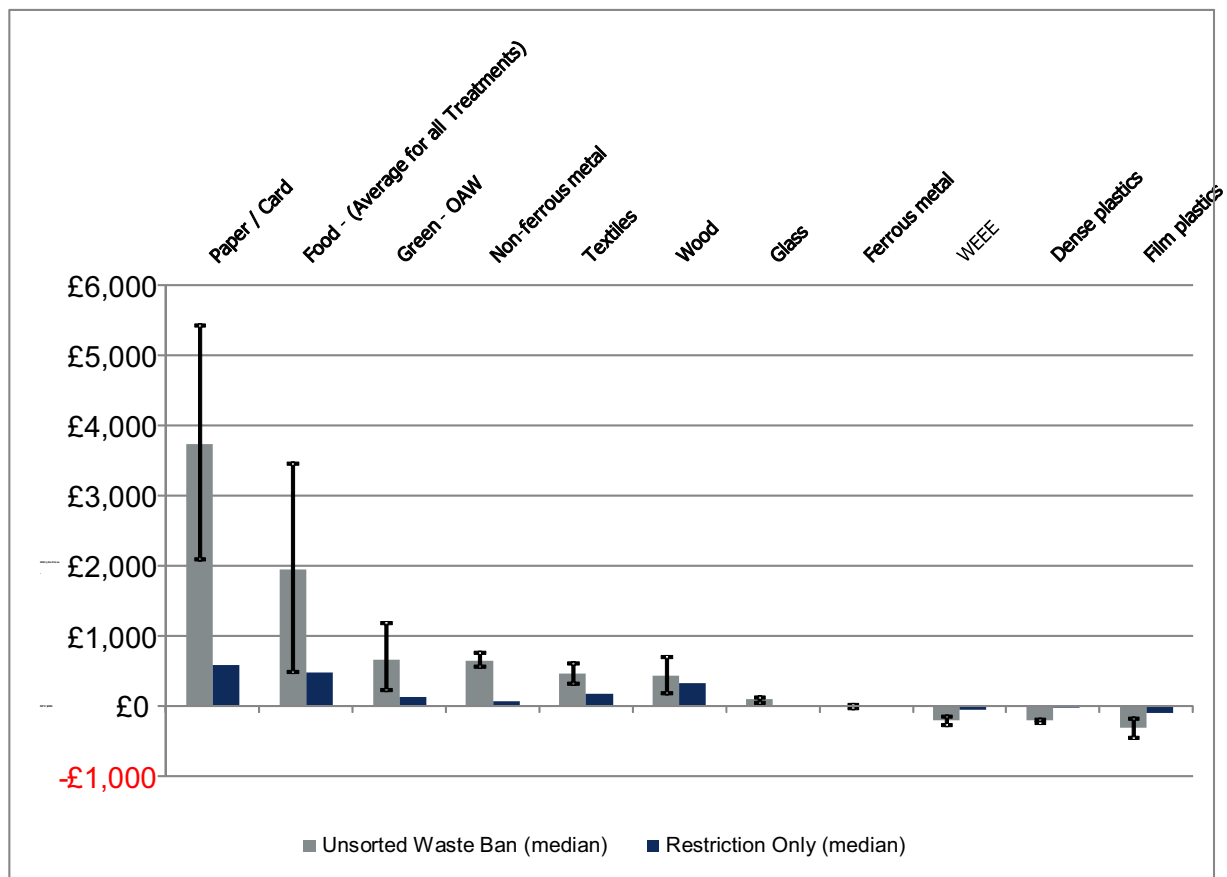
5.20 Future landfill bans were modelled relative to a "baseline scenario" which estimated the effects of existing and planned policies, such as landfill tax and the landfill diversion measures already in place (including the initiatives outlined for each waste type/category in Chapter 6 of this document). The bans were assumed to come into effect in 2015 (or 2018 in the case of the "biodegradable" property). Eunomia estimated the CO<sub>2</sub> savings that could be achieved by introducing landfill bans, quantified the net cost or benefit to society, and identified the bans which produced greater benefits to society than costs. The net cost or benefit to society was considered to be the sum of the financial costs (including the collecting and sorting of waste, regulating the bans and communications about the bans) and environmental benefits (including the monetised impacts of savings in GHGs and other air emissions, and other benefits from diverting waste into alternative treatments).

5.21 Eunomia included sensitivity analysis in their main report. They used a type of modelling to examine a wider range of potential outcomes by varying the most significant parameters to the cost benefit model (such as landfill gas capture rate, costs) in order to calculate ranges for the key results. This produced results showing median figures as well as upper and lower bounds rather than precise figures based on a central assumption.

### Conclusions from Eunomia research

5.22 As can be seen in Figure 1, Eunomia concluded that the types of waste which offered the greatest opportunities to reduce GHGs and increase resource efficiency whilst delivering net benefits to society were **paper/card, food, textiles, metals, wood, green waste and glass**. Eunomia concluded that these benefits are likely to be greater where landfill bans are accompanied by a requirement to sort wastes.

**Figure 1: Net Benefit to Society (NPV 2009-2024, £ millions), for restriction only and restriction plus requirement to sort (“unsorted waste ban”)**



Source: WRAP/ Eunomia

Notes: a positive figure indicates a net benefit to society; a negative figure indicates a net cost to society. Vertical lines represent the upper and lower values bounding the 80% confidence interval.

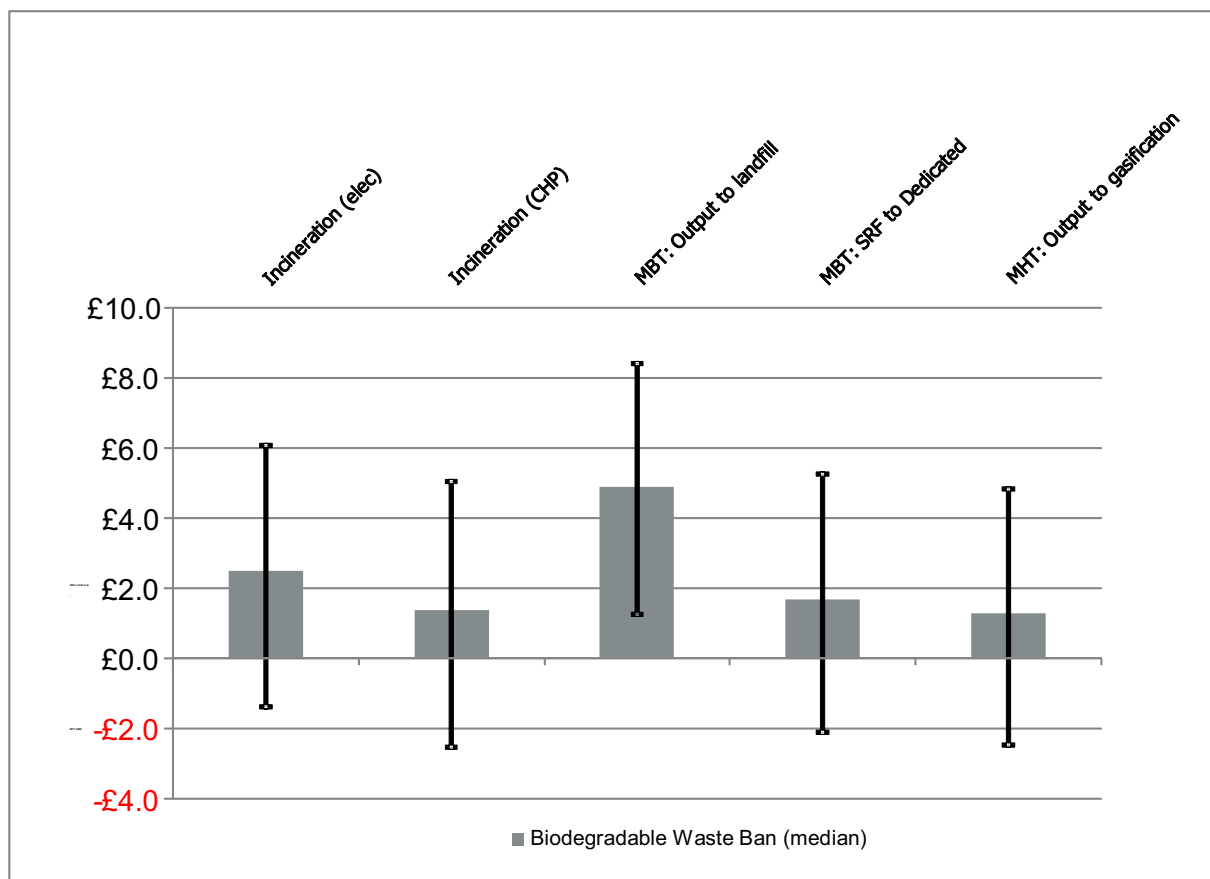


## Biodegradable wastes

5.23 A ban on biodegradable wastes was modelled as a ban on materials being landfilled where they exceed a certain measurable threshold. Eunomia found that benefits to society could be achieved through a ban on all biodegradable wastes (not just the biodegradable waste types examined separately), however at the lower confidence limit this type of ban could result in costs to society

5.24 As can be seen in Figure 2, the magnitude of these benefits or costs depends on the type of residual waste treatment used and the sensitivities around the key parameters used in the modelling (the main one being the rate of landfill gas capture). This was also the case for the individual waste types which were biodegradable (i.e paper/card, food, wood, green waste and textiles).

**Figure 2: Net benefit to society from a biodegradable waste ban (£ million NPV, 2009-2024)**



Source: WRAP/Eunomia

Note: a positive figure indicates a net benefit to society; a negative figure indicates a net cost. Vertical lines represent the upper and lower values bounding the 80% confidence interval.

### *Glass, plastics and WEEE*

5.25 For glass, there was found to be little benefit from a landfill ban since glass is already assumed to be recycled at high levels in the baseline scenario. The requirement to sort was found to generate little additional tonnage at a significant cost.

5.26 For both plastics and WEEE, the research found a net cost to society with or without the addition of a requirement to sort. For plastics the large GHG saving was outweighed by the assumed costs of collection and reprocessing, resulting in a net cost.

### *Costs and benefits*

5.28 The net benefit to society from restricting those waste types from landfill is £470 million for a ban on its own and £2,805 million where a ban is accompanied by a requirement to sort (Net Present Value (NPV) over the 15 years between 2009-2024), which includes valuation of GHG benefits<sup>30</sup> (figures calculated using the central assumption of a landfill gas capture rate of 75%).

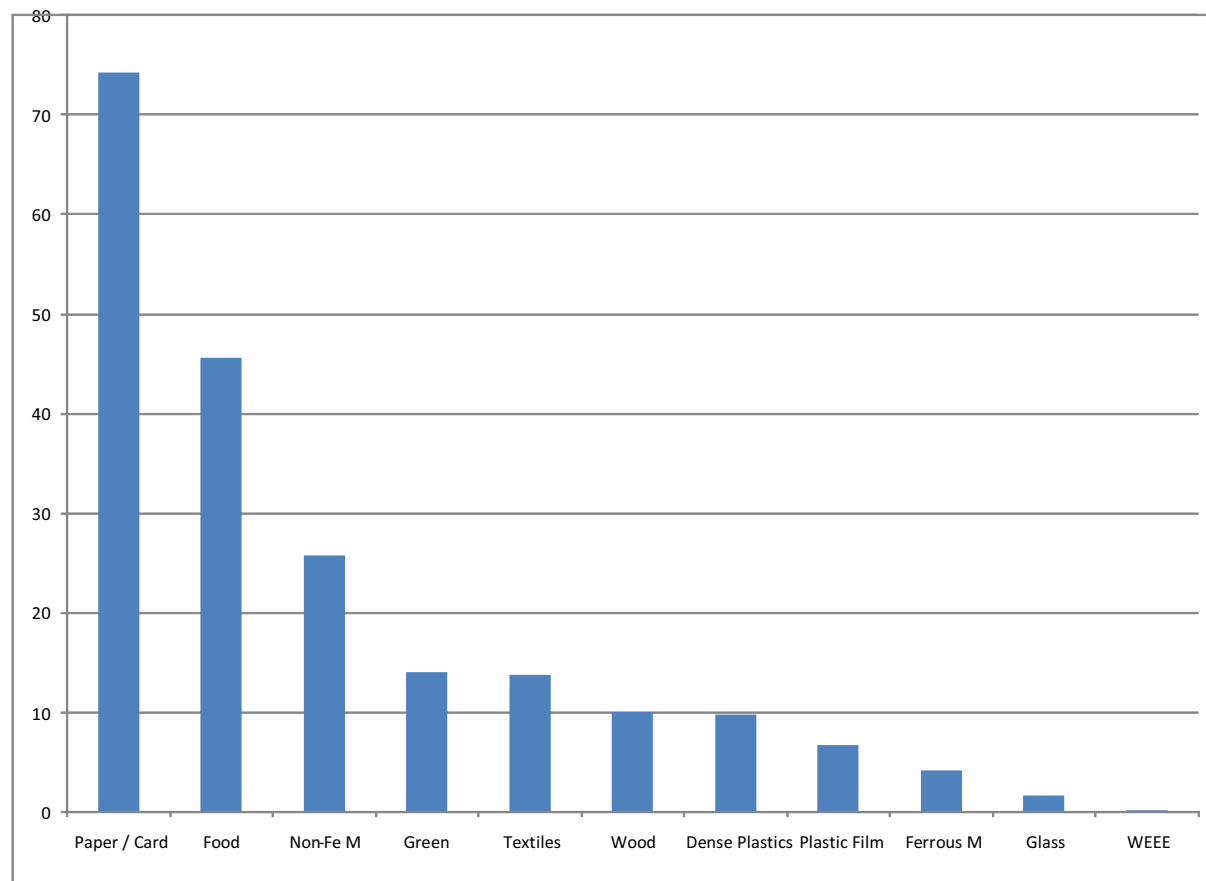
5.29 Eunomia calculated the GHG savings that could be made by diverting each of the candidate waste types from landfill for the period 2009-2024, shown in Figure 3. These savings were found to be highest for **paper/card, food, non-ferrous metals and green wastes**<sup>31</sup>.

---

<sup>30</sup>Following standard Government guidance, see "Valuation of energy use and greenhouse gas emissions for appraisal and evaluation" [http://man270109a.decc.gov.uk/en/content/cms/statistics/analysts\\_group/analysts\\_group.aspx](http://man270109a.decc.gov.uk/en/content/cms/statistics/analysts_group/analysts_group.aspx)

<sup>31</sup> Based on the entire quantities diverted from landfill. Aluminium, textiles and paper/card give the greatest CO2 savings per tonne of waste diverted from landfill.

**Figure 3: Cumulative Greenhouse Gas Reductions (2009-2024) for the Restriction Plus Requirement to Sort Policy, million tonnes CO<sub>2</sub>e**



Source: WRAP/Eunomia

Note: graph includes savings made outside the UK

5.30 It is important to note that banning or restricting wastes from landfill will not in itself influence the alternative destination of those wastes. Banning materials from landfill does not necessarily result in those wastes being diverted into the preferred waste management option. Also landfill bans are unlikely to have an impact on increasing the prevention of waste and the re-use of products. For these reasons the complementary instruments in place to accompany any landfill bans or restrictions are important.

### Further evidence needed

5.31 As part of the Impact Assessment accompanying this consultation, a considerable amount of sensitivity analysis has been carried out, because of uncertainties. This reveals that it is unclear whether landfill bans for some waste types would bring net benefits. The consultation is intended to help identify the circumstances in which net benefits might arise for these waste types, given the

likely impact of existing policies, diversion rates and the impact on markets for recycling. It is particularly important to assess clearly the likely impact of landfill bans for different waste types in the context of the full package of instruments in place to deliver the objectives, and to identify what additional net benefit a ban would add in combination with or instead of other instruments; and the impact on administrative burdens to businesses. Several non-monetised costs and benefits have been identified and the consultation is intended to help gather further evidence on these. In addition, further work will be done to improve the evidence base and to expand the coverage of relevant impacts.

## **Chapter 6: Candidate waste types**

6.1 This chapter sets out the evidence for introducing bans on the landfilling of each of the candidate waste types/categories: paper/card, food, textiles, metals, wood, green (garden), glass, plastics, WEEE, biodegradable wastes and non-segregated wastes. It is emphasised that any reference to descriptions of materials in this is a reference to materials that are waste. This chapter outlines the evidence from the recent work commissioned by Defra and the Devolved Administrations (Green Alliance and Eunomia/WRAP research on landfill bans). Finally this chapter describes, for each candidate waste type/category, current or planned Government initiatives to divert these wastes from landfill. Any new landfill restriction measures would be in addition to, and complementary to, these current initiatives.

6.2 It should be noted that the figures for costs/benefits used in this chapter and in the Consultation Stage Impact Assessment are calculated from the Eunomia research using the central assumption of a 75% landfill gas capture rate and thus will differ from the figures used in the graphs in Chapter 5. We assume that the landfill gas capture rate is 75% as this is the rate used in the UK GHG Inventory which calculates UK GHG emissions, whereas Eunomia use a range of 30%-75% for landfill gas capture rate.

### **Paper/card**

#### ***The case for considering a landfill ban***

6.3 Both recycling and energy recovery of waste paper and card show significant GHG and energy benefits over landfill. The relative benefits of these depend on the quality of the waste and the efficiency of energy recovery.

#### ***The evidence***

6.4 The Green Alliance research identified that paper/card was banned or restricted from landfill in all of the case studies.

6.5 The Eunomia research found that out of all the waste types considered the highest levels of net benefits to society could be found from a landfill ban on paper/card<sup>32</sup>. The central estimate for the period 2009-2024 was a net benefit of £253 million for a ban on its own and £1,817 million where a ban is accompanied by a requirement to sort.

6.6 Where paper/card is assumed to be diverted away from landfill into recycling the estimated savings are 1,780kg CO<sub>2</sub>e per tonne. There are also significant GHG benefits over landfill from energy recovery (savings of 1,574kg CO<sub>2</sub>e per tonne).

---

<sup>32</sup> Assumed to include newspaper, magazines, office paper, packaging card and other card.

The relative benefits of recycling versus energy recovery will depend on the quality of the waste and the efficiency of the recovery.

### ***Current initiatives***

6.7 Government has put in place voluntary producer responsibility agreements to increase the recycling of direct mail and magazines. The Direct Marketing Association and the Periodical Publishers Association have both agreed to raise recycling levels to 70% by 2013 and to promote recycling.

## **Food**

### ***The case for considering a landfill ban***

6.8 For rapidly degrading wastes such as food waste, anaerobic digestion (AD) offers climate change and energy benefits over landfilling while additionally the outputs of composting and anaerobic digestion have the potential to sequester carbon in soils and to improve soil fertility, which may confer additional climate change and resource efficiency benefits.

### ***The evidence***

6.9 The Green Alliance research identified that food was banned or restricted from landfill in all of the case studies.

6.10 The Eunomia research found net benefits to society from a landfill ban on food waste<sup>33</sup>. Figures were calculated for food diverted to a number of residual waste treatments<sup>34</sup>; below are the average figures. The central estimate for the period 2009-2024 was £48 million for a ban on its own and £179 million where a ban is accompanied by a requirement to sort.

6.11 Where food is assumed to be diverted away from landfill into AD the estimated savings are 523kg CO<sub>2</sub>e per tonne. Where it is diverted into composting the estimated savings are 426kg CO<sub>2</sub>e per tonne.

### ***Current initiatives***

6.12 Defra support for AD includes development of an Anaerobic Digestion Implementation Plan<sup>35</sup>, based on the recommendations of the Anaerobic Digestion Task Group; a demonstration programme on the use of AD to create renewable

---

<sup>33</sup> Assumed to include waste food which is, or once was, fit for consumption by humans or animals.

<sup>34</sup> AD used for on-site biogas (electricity only), AD used for on-site biogas (combined heat and power), AD used for biogas in vehicles, AD used for biogas injected into gas grid and in-vessel composting.

<sup>35</sup> Due to be published on 19<sup>th</sup> March 2010 and available at <http://www.defra.gov.uk/environment/waste/ad/implementation-plan.htm>

energy, reduce GHGs and divert waste from landfill; support under financial incentives for renewable energy and capital grant programmes; and an online anaerobic digestion advice portal. Defra has funded a grant scheme to support local authorities trialling or introducing segregated food waste collection schemes and research into improving food waste collection practices and economics.

6.13 The Welsh Assembly Government has an accelerated programme for supporting municipal food waste collection and for procuring AD as the preferred way to manage the collected food waste. It has announced an additional £90m over three years (2008/09 - 2010/11) for local authorities to increase sustainable waste management including recycling and the collection of food waste by local authorities. The Welsh Assembly Government has agreed to provide capital support for AD facilities worth £20 million in 2011/12 and revenue funding by means of additional Sustainable Waste Management Grant towards the cost of food waste and residual waste treatments (of up to 25% of the revenue costs).

## **Textiles**

### ***The case for considering a landfill ban***

6.14 The re-use of textiles (not considered to be waste) and the recycling of waste textiles provides environmental benefits, partly due to the high resource requirements of primary material production. However current levels of re-use and recycling of clothes are low despite the work of charity shops and textile banks.

6.15 The Defra report *Maximising Reuse and recycling of UK clothing and textiles*<sup>36</sup> found that in 2007 there were 2 million tonnes of textile waste in the UK of which almost half was disposed of to landfill while around a quarter went for re-use or recycling. However the report noted that the amount of textiles collected for re-use and recycling had grown substantially in the last five years and the volume of textiles discarded as municipal solid waste had decreased. The report drew the conclusion that the best environmental option for textiles (in terms of carbon impact) was re-use as non-waste followed by the recycling of waste textiles.

### ***The evidence***

6.16 The Green Alliance research identified that textiles were banned/restricted from landfill in all but one of the case studies.

---

36

<http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&ProjectID=16096&FromSearch=Y&Publisher=1&SearchText=clothing&SortString=ProjectCode&SortOrder=Asc&Paging=10>

6.17 The Eunomia research found net benefits to society from a landfill ban on textiles<sup>37</sup>. The central estimate for the period 2009-2024 was £94 million for a ban on its own and £312 million where a ban is accompanied by a requirement to sort

6.18 Where textiles are assumed to be diverted from landfill into recycling the estimated savings are 4,870kg CO<sub>2</sub>e per tonne.

### ***Current initiatives***

6.19 The Sustainable Clothing Roadmap voluntary industry initiative is increasing re-use and recycling of end of life clothing. To date, UK clothing retailers, commercial recyclers, charities and their industry associations are participating by taking actions to increase re-use and recycling of UK clothing and its packaging. WRAP and BRE are working jointly with industry on a resource efficiency plan for flooring waste, a large proportion of which is carpet waste.

## **Metals**

### ***The case for considering a landfill ban***

6.20 The recycling of all waste metals yields significant GHG benefits because of the large amounts of energy needed to extract and process them. Ferrous metals already achieve a high rate of recycling. The greatest further potential lies with non-ferrous metals, in particular aluminium which saves 9 tonnes of CO<sub>2</sub> per tonne recycled.

### ***The evidence***

6.21 The Green Alliance research identified that aluminium was banned/restricted from landfill in three of the six case studies. Other metals were not considered.

6.22 The Eunomia research found net benefits to society from a landfill ban on metals<sup>38</sup>. For ferrous metals, the central estimate for the period 2009-2024 was £12 million for a ban on its own and £110 million where a ban is accompanied by a requirement to sort.

6.23 Where ferrous metals are assumed to be diverted from landfill into recycling the estimated savings are 1,325kg CO<sub>2</sub>e per tonne. Where aluminium (the main non-ferrous metal) is assumed to be diverted from landfill into recycling the estimated savings are 9,155kg CO<sub>2</sub>e per tonne.

### ***Current initiatives***

---

<sup>37</sup> Assumed to include clothes, shoes, leather goods, carpets, curtains, textile elements of furniture and mattresses and any other textiles wastes arising from the manufacture of the above.

<sup>38</sup> Assumed to include any solid metal not part of a composite product and separable from other materials with reasonable effort.



6.24 Defra and the Devolved Administrations published a consultation on 4<sup>th</sup> March 2010<sup>39</sup> on higher packaging recycling targets for steel and aluminium (as well as glass and plastics) which aim to go beyond the 2008 European targets. Other existing producer responsibility regimes are also driving increasing diversion of metals from landfill, namely that for end-of-life vehicles (which require that 95% of all end-of-life vehicles be re-used or recovered by 2015) and WEEE.

## **Wood**

### ***The case for considering a landfill ban***

6.25 Waste wood has relatively low embodied energy but high calorific value. The use of wood as a fuel generally gives greater GHG benefits than recovering the material but for some kinds of wood waste re-use or recycling are better options.

### ***The evidence***

6.26 The Green Alliance research identified that wood was banned or restricted from landfill in all of the case study countries.

6.27 The Eunomia research found net benefits to society from a landfill ban on wood<sup>40</sup>. The central estimate for the period 2009-2024 was £105 million for a ban on its own and £115 million where a ban is accompanied by a requirement to sort.

6.28 Where wood is assumed to be diverted from landfill into incineration with energy recovery the estimated savings are 1,340kg CO<sub>2</sub>e per tonne.

### ***Current initiatives***

6.29 A programme of work is taking place to develop energy markets for waste wood and producing non-statutory guidance to accompany site waste management plans which will encourage separate collection of materials at construction and demolition sites. Defra has commissioned research into the environmental impact of management options for waste wood, due for publication in March 2011. In addition the Strategy for Sustainable Construction aims to halve waste to landfill by 2012.

## **Green (garden) waste**

### ***The case for considering a landfill ban***

6.30 Along with food waste, green wastes have a significant GHG potential when landfilled, and there are environmental benefits to be gained from diverting the waste to anaerobic digestion or composting.

---

<sup>39</sup> <http://www.defra.gov.uk/corporate/consult/packaging-regs/index.htm>

<sup>40</sup> Assumed to include natural wood, wood packaging, composite wood materials, wooden furniture, wood from tree surgery and wood from construction and demolition, except where bound to other materials.

### ***The evidence***

6.31 The Green Alliance research identified that green waste was banned or restricted from landfill in all of the case studies.

6.32 The Eunomia research found net benefits to society from a landfill ban on green waste<sup>41</sup>. The central estimate for the period 2009-2024<sup>42</sup> was £30 million for a ban on its own and £158 million where a ban is accompanied by a requirement to sort.

6.33 Where garden wastes are assumed to be diverted from landfill into composting the estimated savings are 751kg CO<sub>2</sub>e per tonne.

### ***Current initiatives***

6.34 WRAP's *Recycle Now* home composting programme in England has encouraged approximately 1.6 million households to start composting green waste at home, enabling the diversion of over 260,000 tonnes of waste per year.

## **Glass**

### ***The case for considering a landfill ban***

6.35 The recycling of waste glass can yield significant GHG benefits, however this depends on the processing route with closed loop recycling offering significantly greater benefits than lower grade uses.

### ***The evidence***

6.36 The Green Alliance research identified that glass was banned or restricted from landfill in four of the case studies and was considered to be diverted from landfill by other means in the other two cases.

6.37 The Eunomia research found net benefits to society from a ban on glass<sup>43</sup>. The central estimate for the period 2009-2024 was £7 million for a ban on its own and £17 million where a ban is accompanied by a requirement to sort.

6.38 Where glass is assumed to be diverted from landfill into closed loop recycling the estimated savings are 295kg CO<sub>2</sub>e per tonne.

6.39 At the lower confidence limit a net cost of £19 million was found instead of a benefit where a requirement to sort was included. The requirement to sort was considered to generate limited additional tonnage but at a significant cost. However, Eunomia noted that the costs of enforcement and communication for a ban would be

---

<sup>41</sup> Assumed to include garden waste from households, other garden waste from commercial and industrial premises and landscaping wastes comprising wastes similar to garden wastes.

<sup>42</sup> Based on green waste being diverted onto open air windrow composting.

<sup>43</sup> Assumed to include container and flat glass.

spread across all of the waste types covered by the ban. If a number of waste types were banned and such costs were shared the ban on glass with a requirement to sort would achieve a net benefit to society.

### ***Current initiatives***

6.40 Collection services for container glass are being developed and trialled for small businesses, including pubs and restaurants. As mentioned above, Defra and the Devolved Administrations are currently consulting on higher packaging recycling targets for glass.

## **Plastics**

### ***The case for considering a landfill ban***

6.41 Waste plastic recycling shows significant potential for carbon and energy savings through displacing virgin materials, although the scale of this varies widely depending on the processing route. Burning plastic has a general net adverse GHG impact due to the release of fossil carbon therefore the aim would be not to divert plastic from landfill into incineration.

### ***The evidence***

6.42 The Green Alliance research identified that plastics were banned or restricted from landfill in all of the case studies (in one case only certain types of plastics were banned).

6.43 The Eunomia research found that in the case of plastics<sup>44</sup> the costs of a landfill ban appear to exceed the benefits resulting in a large net cost to society, due to the assumed high costs of collection and reprocessing. For dense plastics the central estimate for the period 2009-2024 was a net cost of £86 million for a ban on its own and £309 million where a ban is accompanied by a requirement to sort. For film plastics the central estimate was a net cost of £40 million for a ban on its own and £180 million where a ban is accompanied by a requirement to sort.

6.44 Where dense plastics are assumed to be diverted from landfill into recycling the estimated savings are 1,385kg CO<sub>2</sub>e per tonne. It should be noted however that some plastics are more difficult to recycle than others.

6.45 Eunomia noted that although banning plastics from landfill would result in a net cost to society, such a ban would give considerable environmental benefits (including positive air quality impacts and high GHG savings). Eunomia suggested that the case for targeting plastics might become greater in the future if the benefits to society of reduced GHG emissions increases in real terms. It is also possible that

---

<sup>44</sup> Assumed to include all items made from dense plastics, including those for which dense plastic is one part of the material and constitutes its majority by weight and plastic films other than those used to contain waste and those which are bound to other non-plastic materials.

the cost of a collection infrastructure for plastics will be much lower than predicted. The figures above do not factor in efficiencies of scale that would be available if sorting was done on a national basis.

### ***Current initiatives***

6.46 Government continues to support WRAP in its work on increasing the recycling of plastics and the use of recycled content in plastic containers and electrical and electronic equipment. As mentioned above, Defra and the Devolved Administrations are currently consulting on higher packaging recycling targets for plastics.

## **WEEE**

### ***The case for considering a landfill ban***

6.47 The England Waste Strategy 2007 identified WEEE as one of the priority products for initiatives to increase resource efficiency and reduce the amount of waste going to landfill. Many electrical items such as mobile phones, computers and PDA's contain valuable plastics and metals. Precious finite metals (those that have a more limited supply) include gold, silver, copper and indium (used in liquid crystal displays). These are valuable in the recycling process and can be re-used in new products. Some WEEE also contains chemicals such as mercury that could pose a threat to the environment and human health where it is landfilled.

### ***The evidence***

6.48 The Green Alliance research did not consider WEEE.

6.49 The Eunomia research found that in the case of WEEE<sup>45</sup> the costs of a landfill ban appear to exceed the benefits resulting in a net cost to society. The central estimate for the period 2009-2024 was a net cost of £18 million for a ban on its own and £193 million where a ban is accompanied by a requirement to sort.

### ***Current initiatives***

6.50 The Waste Electrical and Electronic Equipment (WEEE) Directive aims to reduce the quantity of waste from electrical and electronic equipment and increase its re-use, recovery and recycling by making producers responsible for financing the collection, treatment, and recovery of waste electrical equipment, and by obliging distributors to allow consumers to return their waste equipment free of charge. Targets to collect WEEE from households are set at 4kg/person and to treat and recover/recycle WEEE range from 50-80% recovery and recycling depending on the product category. The UK Regulations came into force in January 2007 and the full

---

<sup>45</sup> Assumed to include large and small household appliances, IT and Telecommunications equipment, consumer equipment, lighting equipment, electrical and electronic tools, toys, leisure and sports equipment, medical devices, monitoring and control instruments, automatic dispensers, display equipment, cooling appliances containing refrigerants and gas discharge lamps.

producer and distributor obligations took effect in July 2007. The Commission published proposals to recast the directive in December 2008. This proposes collection targets of 65% by 2016 based on the amount of Electrical and Electronic Equipment placed on the market. Discussions are continuing at a European level.

## **Biodegradable wastes**

### ***The case for considering a landfill ban***

6.51 A ban on biodegradable wastes would encompass any wastes considered biodegradable by some means of testing including several of the waste types considered individually above (paper/card, food, wood, green and textiles).

### ***The evidence***

6.52 The Green Alliance research did not consider the category of biodegradable wastes.

6.53 The Eunomia research found that a landfill ban on biodegradable wastes<sup>46</sup> could potentially bring the greatest net benefit to society as it covers the greatest amount of material. The central estimate, for the period 2009-2024 was a net cost of £1,955. A requirement to sort was not included for this category.

6.54 However at the lower confidence limit a ban on biodegradable wastes resulted in a cost to society, therefore it is not certain that this ban will result in a net benefit to society.

### ***Current initiatives***

6.55 The Landfill Directive sets challenging targets for the UK to reduce the amount of biodegradable municipal waste sent to landfill (see paragraph 4.20). In England this is achieved through the use of LATS (see paragraphs 4.29-4.30) and in Wales through LAS (see paragraph 4.31). However, LAS/LATS only apply to the municipal waste collected by local authorities, and a significant amount of biodegradable waste going to landfill is not controlled by any current legislative provision. This needs addressing in order to meet the targets in the Landfill Directive. The initiatives mentioned above under wood, food and green wastes are also relevant here.

## **Non-segregated wastes**

6.56 The Eunomia research included a comparison of the costs and benefits of bans on the various waste types with and without a requirement to sort. The category of “Non-segregated waste” was considered to be equivalent to bans on individual waste types accompanied by a requirement to sort.

---

<sup>46</sup> Assumed to include all residual municipal and commercial waste still being landfilled, most of the residual industrial waste being landfilled and a significant proportion of construction and demolition waste being landfilled. Assumes that no bans on individual waste types are implemented.

6.57 Where bans were accompanied by a requirement to sort, the total quantity of waste diverted from landfill was found to increase significantly. The increases were greatest for glass, metals, paper/card and WEEE.

6.58 The research concluded that a requirement to sort would give more certainty to a ban and so would result in significant environmental benefits which far outstrip the additional cost of that requirement. This additional certainty would also be expected to increase investor confidence in the provision of the relevant infrastructure.

6.59 As explained in paragraph 4.19, the Landfill Directive contains a requirement for waste to be treated prior to landfilling. In England and Wales the sorting of waste into separate types for the purpose of recycling one or more of them is considered to fulfil this requirement.

## Conclusions

6.60 There remain gaps in our evidence, particularly on the costs of alternatives to landfill. But from the evidence presented in this document, Defra and the Welsh Assembly Government believe there is a good case for considering bringing in landfill restrictions on the following:

- biodegradable wastes: food, green waste, paper/card, wood and textiles
- metals

The affordability in public finances terms of introducing restrictions would need to be carefully considered before a decision to proceed with any form of restriction could be taken. It will also be important to assess clearly the likely impact of landfill bans for different materials in the context of the full package of instruments in place to deliver our waste objectives, and to identify what additional net benefit a ban would add in combination with or instead of other instruments, including the impact on businesses.

6.61 There is also a case for considering possible landfill restrictions on glass and plastics even though the research results are not so positive.

6.62 For glass, the Eunomia research found that at the lower confidence limit a landfill ban accompanied by a requirement to sort could result in a net cost to society. However Eunomia noted that the costs of enforcement and communications of bans would be spread across all the waste types covered therefore they considered it would be worth including glass if a number of waste types were to be banned.

6.63 For plastics, the Eunomia research found a large net cost where a landfill ban was accompanied by a requirement to sort; however there were large GHG savings from such a ban.

6.64 Comments are welcomed on the case for landfill bans on the above waste types, including glass and plastics.

## **Chapter 7: Policy options**

7.1 This chapter outlines the policy options currently under consideration by Government and asks for views on a number of related consultation questions. It should be recognised that the purpose of this consultation is to fulfil the commitment to consider the case for landfill bans. However, the Government recognises that there may be other ways of securing the objectives in this consultation and therefore wishes to ensure that other potential options are adequately considered. Consultees may wish to comment on any other measures not included here that might deliver the objectives of this consultation.

7.2 It is also recognised that these options are intended to meet the objectives in the England Waste Strategy 2007. They are not designed to meet other requirements emanating from the revised Waste Framework Directive or the landfill diversion targets in the Landfill Directive. However, there are some links between the options below and the provisions of the revised Waste Framework Directive and the parallel consultation on municipal waste diversion. In considering the responses to this consultation on the options below Government will analyse them in tandem with the responses to the separate consultation on these other provisions insofar as they are relevant. Clearly any option chosen to restrict landfilling of certain wastes will need to be consistent with the provisions of other legislative requirements and complement them to the extent necessary.

7.3 This chapter also considers the practicalities of introducing landfill bans, including lead-in times and the requirement for new infrastructure to be developed to deal with the diverted waste. It also considers how bans would be enforced. Comments are invited on these issues.

### **Outline of policy options**

7.4 The following options for diverting biodegradable and recyclable wastes from landfill are under consideration in this consultation. Further details of the costs and benefits of each option can be found in the accompanying Consultation Stage Impact Assessment. It should be noted that different wastes may lend themselves more readily to one or another of the options and comments on this are sought in the responses.



### **Summary of policy options**

- **Do nothing**
- **Introduce landfill bans either a) on their own or b) accompanied by a requirement to sort**
- **Introduce a sorting or tougher pre-treatment requirement but without a landfill ban**
- **Introduce producer responsibility systems linked to recycling targets (this could also be done as an accompaniment to a landfill ban)**

#### **Option 0: Do nothing**

7.5 This option would rely on existing policy instruments such as landfill tax and LATS and LAS (if retained following the separate consultation on the definition of municipal waste).

#### **Option 1a: Landfill bans without a sorting requirement**

7.6 This option would introduce bans on the landfilling of some or all of the candidate waste types at some future date(s). No other new measures would be proposed to influence the fate of the wastes banned from landfill.

#### **Option 1b: Landfill bans accompanied by a sorting requirement**

7.7 This option would require the sorting of some or all of the candidate waste types coupled with a ban on landfilling them. This option is thus similar to a combination of option 1a above and option 3 below. However, the impact of 'sorting' accompanied by a landfill ban may provide a clearer signal to producers and others over the extent of the restrictions, achieve higher rates of diversion from landfill and provide greater certainty for the development of alternative waste treatment infrastructure, compared with a sorting requirement alone (option 2 below).

7.8 It is important to recognise that the 'sorting' requirement would apply to the relevant waste types irrespective of whether they are destined for landfill or not. The requirement to sort would therefore be likely have an impact on the nature of the wastes going to other waste treatments, such as energy for waste plants.

## **Option 2: Sorting and pre-treatment**

7.9 This option could be introduced either on its own or, in the form of option 1b, as an accompaniment to a landfill ban. The obligation to sort would need to be defined in terms of:

(a) who the onus would fall on. In the case of business waste the onus would be placed either on the waste producer alone or a shared responsibility between the producer and another party acting on behalf of the producer such as the waste management contractor or local authority. In the case of household waste the intention is that any obligation to sort would fall primarily on the waste collection authority and not the householder, and

(b) the extent to which restricted wastes need to be kept separate both from other wastes (that will not be restricted from landfill) and from each other. Any requirement to sort under options 1b or 3 that is put forward will seek to maximise attainment of the landfill ban and maximise resource efficiency.

7.10 Any requirement to sort will also need to be consistent with the requirements of the range of measures on waste recovery and separate collection under the revised WFD. Any requirement to sort will also partly depend on the nature of the waste type to be restricted and the preferred way of dealing with it once diverted from landfill that delivers the best outcome for people and the environment.

7.11 This option may lead to lower diversion of wastes from landfill compared with a requirement to sort accompanied by a ban. Accordingly the costs associated with sorting under this option will also be lower than sorting under option 1b.

7.12 As with option 1b it is important to recognise that the 'sorting' requirement would apply to the relevant waste types irrespective of whether they are destined for landfill or not. The requirement to sort would therefore be likely have an impact on the nature of the wastes going to other waste treatments, such as energy for waste plants.

7.13 Article 10(1) of the revised WFD requires that Member States take the necessary measures to ensure that waste undergoes recovery operations, in accordance with Article 4 (which sets out the waste hierarchy) and Article 13 (which requires that waste management is carried out without endangering human health or the environment).

7.14 Article 10(2) requires that where necessary to comply with 10(1) and to facilitate or improve recovery, waste shall be collected separately if technically, environmentally and economically practicable and shall not be mixed with other waste or other material with different properties.

7.15 Article 11(1) of the revised WFD requires separate collections to be set up by 2015 for at least paper, metal, plastic and glass. The Government's view is that both

kerbside sorted collection and co-mingled collection have a role to play in different circumstances, but ensuring the right quality of recyclates is paramount. The Welsh Assembly Government reserves its position on the matter and may adopt a different policy following the consultation on its new Waste Strategy and on sector plans for municipal waste. The Stage One Consultation on the Transposition of the revised WFD asked a number of questions on the practicalities of the requirement to set up separate collections including whether and how they could be achieved. Comments received on these issues will be taken into account in the current consultation where relevant.

### **Option 3: Producer Responsibility**

7.16 Producer responsibility in the UK is a policy tool that is an extension of the "polluter pays" principle, and is aimed at ensuring that businesses who place products on the market take responsibility for those products once they have reached the end of their life. Schemes can be either voluntary or mandatory. This option could be introduced either on its own or as an accompaniment to a landfill ban.

7.17 This option would place an obligation on the producers of particular products to set up schemes for the recovery and recycling of specified waste types. The UK already has producer responsibility requirements for packaging, WEEE, ELV and batteries. Costs could be spread across the whole supply chain and would be based on the tonnage of product placed on the market. The scheme would introduce progressive recycling targets for each type of waste. This option lends itself to manufactured materials that become waste such as plastics, paper, textiles and WEEE but not to some other wastes like food and green (garden) waste.

7.18 As with some existing producer responsibility obligations, a "de minimis" threshold could be applied to businesses on criteria of turnover and/or amount of product placed on the market, depending on how the scheme is designed and the structure of the market.

7.19 Article 8 of the revised WFD introduces discretionary provisions on extended producer responsibility intended to strengthen the re-use, prevention and recycling and other recovery of waste. The Stage One Consultation on the Transposition of the revised WFD asked whether there are any specific waste streams which should be the subject of a producer responsibility scheme under Article 8, and if so what the economic and environmental costs and benefits of such regimes would be. Responses on that issue will be taken into account as part of this consultation.

### **Practical issues arising from the introduction of landfill bans**

7.20 Adoption of any of the options for bringing about the diversion of candidate waste streams from landfill will merit in-depth consideration of the practical effects of the restriction, and their enforcement. In respect of the lead option on the

introduction of bans with or without a sorting requirement the principal issues are discussed below.

### **Alternatives to landfilling**

7.21 The Government wishes that wastes that are restricted from landfill find their way to alternative recovery or disposal routes that deliver the best overall environmental outcome, and not the next cheapest alternative option to landfill. The fate of wastes restricted from landfill will largely be driven by the waste hierarchy in the revised Waste Framework Directive. The waste hierarchy obligations will be introduced in advance of any landfill restriction and will therefore have a significant impact on the alternatives to landfill. Work is underway through WRAP to develop a 'matrix' of preferred options for different types of waste as a basis for guidance on implementing the waste hierarchy. Furthermore waste plans will need to be reviewed to take account of these changes so that adequate priority can be given to alternative facilities.

7.22 As the preferred options to landfill are identified it will be important to develop the necessary infrastructure that delivers the best overall environmental outcome and provides sufficient capacity in time for the introduction any ban.

7.23 In England there are already systems in place to support the development of waste infrastructure such as Private Finance Initiative (PFI) funding. An infrastructure data project is to be undertaken that will provide better mapping of the capacity and distribution of current waste management facilities. Improvements are also taking place on quantifying the arisings of both municipal and other commercial and industrial waste. These initiatives will thus provide a much improved picture on the total waste produced and the current capacity for dealing with it and will therefore allow better quantification of the nature and capacity requirements for new or improved infrastructure.

7.24 In Wales, the Welsh Assembly Government is developing a Collection, Infrastructure and Markets Sector Plan as part of the delivery of its new Waste Strategy, *Towards Zero Waste*. This will focus on Welsh markets for recycle and compost/AD digestate and then ensure that the necessary infrastructure and collection systems are in place to serve those markets, with a focus on the collection and use of quality waste materials. There is already work underway to improve capacity data of existing permitted and exempt waste facilities. This will be matched up with industrial and commercial waste production data obtained by Environment Agency Wales for 2007, together with existing compositional analysis data for municipal and mixed industrial and commercial waste. There is already support in place for the development of infrastructure for municipal waste in the form of the Food Waste and Residual Waste Treatment Procurement Programmes. In addition, with Welsh Assembly funding WRAP are providing capital funding support for the

recycling of industrial and commercial waste, with a particular focus on the AD of food waste.

### **Lead-in times**

7.25 Introducing any of the policy options above is likely to require a lead-in period to enable local authorities and industry to make the necessary adjustments to their practices and for alternative infrastructure to develop. The Government's aim in providing lead-in times for landfill bans would be to strike the right balance between making an environmental improvement by way of lower GHG emissions and providing certainty of the change to come on one hand with the need to allow the development of alternative infrastructure and procedures on the other.

7.26 As discussed above the time taken to develop sufficient alternative waste management routes and capacity will be integral to determining the lead-in time to the introduction of bans. Green Alliance identified lead-in times for the introduction of landfill bans in their case studies of periods between 2 and 12 years (see paragraph 5.14).

7.27 Eunomia suggested that it would be difficult to implement landfill restrictions in less than five years, particularly in the case of waste types which would rely significantly on treatment infrastructure (food, wood and garden waste). In the case of a ban on the whole category of biodegradable wastes Eunomia suggested a lead-in time of 7-10 years would be more appropriate in England because of the large amount of material covered and pressures on the planning system. They added that it would be desirable for recycling levels to have already reached a good level before implementing bans to allow for resource efficiency gains from recycling, composting or anaerobic digestion to be fully realised.

7.28 Lead-in times are likely to vary across the devolved administrations. Wales has forged ahead with the collection of food waste from households (51% of households currently have the service, with c.100% planned by 2012/13) and there is also an active procurement programme for the provision of facilities to treat food waste collected by local authorities. In addition a number of merchant food waste treatment plants are planned or under consideration across Wales. These plants need sufficient feedstock and it is likely that the household waste stream alone will not provide sufficient feedstock. The Welsh Assembly Government considers that a ban on the landfilling of food waste in Wales could be introduced feasibly by 2015, and that this would give sufficient lead-in time for the necessary facilities to be developed.

7.29 Comments are therefore sought on the appropriate lead-in times for the introduction of the four options considered in this consultation.

## **Enforcement of landfill bans**

7.30 The other key consideration for landfill bans relates to the practical enforcement of them in a way that provides the confidence for those investing in waste infrastructure that banned wastes will be kept out of landfill and diverted to appropriate alternative facilities.

7.31 In this respect landfill bans are not new. The Landfill Directive has already banned the landfilling of liquids, certain hazardous wastes, whole and shredded tyres etc. The experience in bringing about the largely successful diversion of these wastes will provide valuable guidance to the measures needed to impose further bans. These will need to be an appropriate mixture of some 'hard' measures such as potential new offences, use or extension of existing systems such as visual inspection of wastes at landfill sites, the Duty of Care or where appropriate testing and softer measures such as guidance and 'regulatory positions' on particular wastes streams particularly where a pragmatic approach is needed in the early stages of any ban. Previous experience has shown partnership groups between industry, the regulator and Government have helped significantly in indentifying problems and capacity issues in the lead up to bans and in monitoring their subsequent implementation.

## **Consultation questions**

**For each of the candidate waste types listed in Chapter 6 that you have an interest in, please consider the following questions:**

- 1. Given the evidence available, do you think there is a case for a landfill ban on this waste type?**
- 2. What would be the practical difficulties and issues in implementing a landfill ban on this waste type?**
- 3. If you support a ban on this type of waste what should the lead-in time be for a ban on this waste type, to allow time for the necessary infrastructure to develop?**
- 4. If you do not support a ban on this waste type, do you think other measures should be used to divert it from landfill and if so what would they be? (Please consider the alternative options listed in paragraphs 7.8 -7.17 and any other possibilities)**
- 5. There may be other possible approaches to improve resource efficiency and reduce GHG emissions from this waste type (for example encouraging manufacturers and retailers to move away from using materials that are hard to recover or recycle). We would welcome observations and suggestions for each waste type.**
- 6. In addition to the above we invite comments on the costs and benefits detailed in the Consultation Stage Impact Assessment. In particular we would welcome information/views concerning three issues: (i) the likely impacts of the policy options in light of changes already occurring from existing instruments; (ii) the assumptions on the diversion rates assumed from different policy options; and (iii) the impact of the policy options on the efficiency of recycling markets – whether the unit cost estimates are reasonable and whether the implementation of the options would lower unit costs over time.**





**Report to Safer, Cleaner, Greener  
Scrutiny Standing Panel**

**Date of meeting: 29 April 2010**

**Subject: Revision to Terms of Reference**

**Officer contact for further information: J Gilbert**

**Committee Secretary: A Hendry**

---



**Recommendation:**

- (1) To amend clause 2 of the Terms of Reference of the Panel to reflect changes in the Member monitoring arrangements of the Essex Waste Strategy by deleting the reference to the West Essex Joint Waste Management Committee and replacing it with references to the Waste Partnership Member Board and the Inter Authority Member Working Group; and**
- (2) To report to Overview & Scrutiny Committee accordingly**

**Report:**

1. Council at its meeting on the 20<sup>th</sup> of April considered a recommendation from Cabinet which had met the previous night, to:

- (1) To agree to the dissolution of the West Essex Waste Management Joint Committee;
- (2) To agree to the proposal to create a Waste Partnership Member Board and Inter Authority Member Working Group;
- (3) That the Council's representative on the new Board and Member Group be the Cabinet Portfolio Holder with responsibility for waste management;
- (4) To consider an appointment of a Deputy; and
- (5) To amend the Council's Constitution accordingly

and resolved to accept those recommendations. The report to Cabinet and Council is appended for Members' information.

2. In the light of that decision it is now necessary for the Panel to amend its terms of reference, deleting in clause 2 references to the West Essex Joint Waste (Management) Committee and replacing that with references to the Waste Partnership Member Board and the Inter Authority Agreement Member Group

This page is intentionally left blank

## **Report to the Cabinet**

**Report reference: C-104-2009/10**

**Date of meeting: 19 April 2010**



**Epping Forest  
District Council**

**Portfolio: Environment**

**Subject: Dissolution of the West Essex Waste Management Joint Committee**

**Responsible Officer: John Gilbert (01992 564062).**

**Democratic Services Officer: Gary Woodhall (01992 564470).**

---

### **Recommendations/Decisions Required:**

- (1) To agree to the dissolution of the West Essex Waste Management Joint Committee;**
- (2) To agree to the proposal to create a Waste Partnership Member Board and Inter Authority Member Working Group;**
- (3) That the Council's representative on the new Board and Member Group be the Cabinet Portfolio Holder with responsibility for waste management;**
- (4) To consider an appointment of a Deputy; and**
- (5) To amend the Council's Constitution accordingly**

### **Executive Summary:**

The West Essex Waste Management Joint Committee was established a number of years ago with a remit of overseeing the Essex Municipal Waste Management Strategy and the procurement of waste management facilities. It was one of three such committees in Essex, the others being Thames Gateway and East Essex. The Committee is fully constituted and is able to take executive decisions on behalf of member councils, subject to their internal scrutiny processes.

Since their inception the waste strategy has been successfully adopted and a successful PFI funding bid made to government. However, the nature of the procurement exercise has changed significantly, with there no longer being any reference to waste collection arrangements nor the treatment of organic waste. It has therefore been concluded that these committees have served their purpose and should be replaced by alternative structures which are fit for the current circumstances. The proposed new Board and Working Group will not have executive powers, all decisions being referred to member councils for their local consideration.

This is a key decision.

**Reasons for Proposed Decision:**

To provide Member structures for the oversight of waste management issues within Essex which is fit for purpose and aligns with the PFI procurement process.

**Other Options for Action:**

The only options available are:

- (i) to retain the existing West Essex Waste Management Joint Committee;
- (ii) to put forwards alternatives to the proposed Member Board and IAA Group; or
- (iii) to have no Member arrangements in place for oversight of waste management issues within Essex.

Option (i) cannot be recommended since its terms of reference are now obsolete and do not reflect current circumstances. Furthermore, the other Joint Committees have resolved to dissolve themselves and it would not be practical for West Essex to continue in a different manner to the remainder of Essex.

Option (ii) cannot be recommended because the proposed structures have been carefully considered by all Portfolio Holders in Essex (bar Thurrock) and the Waste Management Advisory Board, and have been agreed by all as a sensible way forward. It would require all other Essex Authorities to agree any alternative arrangements, and given the unanimous support for the proposals, this is unlikely.

Option (iii) cannot be recommended since this would effectively leave this Council isolated from the countywide waste management process. Furthermore, the Council has signed the Inter Authority Agreement which is predicated on joint working and the maintenance of effective liaison between all the Essex partner authorities.

**Report:**

1. The West Essex Waste Management Joint Committee was established a number of years ago with a remit of overseeing the Essex Municipal Waste Management Strategy and the procurement of waste management facilities. It was one of three such committees in Essex, the others being Thames gateway and East Essex. The Committee is fully constituted and is able take executive decisions on behalf of member councils, subject to their internal scrutiny processes

2. Since their inception the municipal waste strategy has been successfully adopted and a successful PFI funding bid made to government. However, the nature of the procurement exercise has changed significantly, with there no longer being any reference to waste collection arrangements nor the treatment of organic waste. It has therefore been concluded that these committees have served their purpose and should be replaced by alternative structures which are fit for the current circumstances.

3. The Council, along with all the districts save Colchester, have entered into the Waste Inter Authority Agreement (IAA) (Cabinet minute ref: 159: 9 March 2009). The IAA covers a wide range of issues but essentially provides a mechanism whereby:

- (i) there are clear liaison arrangements between the County as waste disposal authority and the districts as waste collection authorities;

- (ii) the County provides support revenue and capital funding to districts in support of their waste collection operations;
- (iii) the districts agree to deliver household waste to the County in a prescribed manner; and
- (iv) prospective contractors seeking to provide the waste infrastructure for the next 25 years can be provided with sufficient certainty as to partnership working, weights of different waste streams and quality of material delivered to new plants etc.

The signing of an IAA was a pre-requisite to the obtaining of PFI funding for the new facilities, and the partnership was successful in obtaining PFI credits of £100 million pounds

4. At the outset of the process it had been intended for the procurement to include waste collection as well as waste disposal, possibly procured in three tranches, west, east and Thames Gateway. This would have afforded the districts the ability to procure their collection arrangements through a major contract with potential economies of scale. However, this was controversial, both with districts who were reluctant to cede sovereignty of waste collection, and with prospective contractors who considered that in up to three tranches, this would make for an overly complex procurement exercise. Therefore, this option was eventually discarded leaving just the procurement of disposal facilities.

5. The current member arrangements mirror that original intent, with a countywide Waste Management Partnership Board and three Waste Management Joint Committees. Although they have continued to meet on a regular basis and have maintained a watching brief on the procurement exercise, once the decision was made to restrict the PFI bid and procurement to waste disposal only, their primary reason for existence changed significantly, with there being very little need for actual decisions to be made.

6. However, under the new procurement arrangements and the IAA the need for sound and effective member relations between the County and the districts remains as important as ever. Indeed, the IAA requires that such arrangements be put into place. Therefore the following arrangements are being proposed:

<b>Proposed new Member structure</b>	<b>Responsibilities/tasks</b>
(a) Waste Partnership Member Board (effectively replacing the Waste Management Advisory Board)	<ul style="list-style-type: none"> <li>• meets in public at least twice per year</li> <li>• high level delivery of waste strategy</li> <li>• reporting against the strategy action plan</li> <li>• monitoring performance</li> <li>• monitoring of procurement projects</li> </ul>
(b) IAA Member Working Group (effectively replacing three Joint Waste Committees)	<ul style="list-style-type: none"> <li>• meets in private as required but at least one a year (in reality meetings are likely 3 to 4 times per year)</li> <li>• act as a conduit between Partner Authorities and the IAA Officer Working Group</li> <li>• review the IAA</li> <li>• review contract monitoring</li> <li>• review funding</li> <li>• consider further joint working opportunities</li> <li>• delivery of efficiencies within the waste management system</li> </ul>

7. The Board and Working Group do not hold any executive powers and therefore will not be required to be constituted under the Local Government Act. All recommendations and/or decisions made will need to be referred for consideration to the constituent partner authorities. The terms of reference and aims and objectives of the Board and Working Group are appended to this report as appendices.

8. Currently the lead Member for the Waste Management Partnership Board and the West Essex Joint Committee is the Portfolio Holder for Environment. The deputy is the Leader of Council. The proposal relating to the new structures is the same in that the Council's representative must be the lead Member with responsibility for waste matters, currently the Environment Portfolio Holder. In order to ensure representation at the new Board and Working Group it is suggested that Cabinet also appoint a deputy to attend when necessary.

9. If the recommendations are accepted the Council's Constitution will have to be amended to reflect the demise of the Joint Waste Committee and the Advisory Board.

#### **Resource Implications:**

There are no additional resourcing implications since if the recommendations are accepted the Council will continue to be represented by the Environment Portfolio Holder and officer support will remain as present through the Director of Environment & Street Scene and the Assistant Director (Technical).

#### **Legal and Governance Implications:**

The Council's Constitution will need to be amended to reflect the recommended changes in Member structures. The new structures will not be constituted under the Local Government Act and will therefore have no executive decision making powers. All recommendations/decisions will stand referred to the member partner authorities for local consideration. However it should be noted that the Inter Authority Agreement, which the Council has signed, does require the Council to act in the spirit of partnership and participates openly in the waste partnership process.

#### **Safer, Cleaner and Greener Implications:**

The Inter Authority Agreement and its proposed revised member structures is key to the delivery of the waste management process in Essex for the next 25 years. The disposal of the waste collected by the waste collection authorities will be managed through the PFI procurement process and the role of the waste collection authorities in delivering waste in the prescribed form and manner is critical to the overall success of the process. This will only be successful if the IAA is properly managed and member structures are fit for purpose. The financial consequences for local tax payers and adverse environmental impacts of not achieving this will be potentially very significant.

#### **Consultation Undertaken:**

None.

#### **Background Papers:**

Previous Cabinet reports on the adoption of the Inter Authority Agreement.  
Reports on the Joint Committees to the safer Cleaner Greener Scrutiny Committee.

## Impact Assessments:

### Risk Management

The successful delivery of the Inter Authority Agreement and PFI procurement exercise are key to ensuring that the Essex Joint Municipal Waste Strategy is effectively and successfully delivered. Failure to do so is likely to have significant environmental and financial impacts on a countywide basis which will also impact locally.

Appropriate member structures are required to achieve this, and this will be particularly important when the Council commences its procurement of the next waste management contract in the next year or so

### Equality and Diversity:

*Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications?* No

*Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken?* No

*What equality implications were identified through the Equality Impact Assessment process?*  
N/A.

*How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?*  
N/A.

This page is intentionally left blank



**Report to Safer, Cleaner, Greener  
Standing Scrutiny Panel**

**Date of meeting: 29 April 2010**

**Subject: Waste Management Partnership Board**

**Officer contact for further information: J Gilbert**

**Committee Secretary: Adrian Hendry**



---

**Recommendation:**

**To receive the notes of the Waste Management partnership Board meetings held on the 28<sup>th</sup> of September 2009, the 13 November 2009, the 19<sup>th</sup> of January 2010 and the 16<sup>th</sup> of March 2010.**

**Report:**

1. The last standard meeting of this Panel was held back in September 2009. Two meetings held since have both been Crime & Disorder Scrutiny meetings and the standard meeting scheduled for the 8<sup>th</sup> of December 2009 was cancelled. This is therefore the first meeting that it been possible to submit the notes of the last Waste Management Boards to.
2. The notes of the meetings are appended for Members' discussion and noting.

This page is intentionally left blank

**WASTE MANAGEMENT PARTNERSHIP BOARD  
MINUTES**

**Date of Meeting:** 28 September 2009.  
**Location:** Cabinet Room, Civic Offices  
**Time:** 2.00pm  
**Attending:** Cllr Mrs D Collins - Leader of the Council (DC)  
 Cllr Mrs M Sartin - Portfolio Holder & Board Chairman (MS)  
 John Gilbert - Director, Environment & Street Scene (JG)  
 Kim Durrani - Asst. Director, Environment & Street Scene (KD)  
 Steve Holgate - Sita UK (SH)  
 Vlad Velikoselskis - Sita UK (V V)  
 Paul Madden - Sita UK (PM)  
 Chris Thorn – Sita UK (CT)  
 Sebastian Rawski - Sita UK (SR)

		Action
1.	<b>Apologies for Absence</b> – David Marsh	
2.	<b>Declarations of Interest</b> - None	
3.	<b>Draft minutes of meeting 20 July 2009</b> - Agreed	
4.	<b>Matters Arising (not on agenda).</b> It was noted that although neither organisation had been affected by any significant cases of swine flu, the numbers of cases of flu like illness did appear to be rising again nationally and therefore it was important for both organisations to remain prepared for the forthcoming autumn/winter period. It was agreed that the Performance model for the contact to be looked at again to clarify it's implementation.	
5.	<b>Confirmation of Board membership for 2009/10</b> JG indicated that the recent changes to Sita's management structure would require formal changes to the Board's membership, to now include Vlad Velikoselskis and Paul Madden and to remove David Foster. The Board makeup for 2009/10 would therefore be: Cllr Mrs Mary Sartin (EFDC) – Chairman Cllr Mrs Diana Collins (EFDC) John Gilbert (EFDC) David Marsh (EFDC) Steve Holgate (Sita) Paul Madden (Sita) Chris Thorn (Sita) Vlad Velikoselskis (Sita)	ALL
6.	<b>Review of current contract performance</b> CT reported on a generally improving financial performance on the contract and took the Board through his slide presentation. Despite this improvement, after profit & overheads were excluded, the contract still remained in deficit. However, it was Sita's general view that the new service arrangements recently implemented would soon start to have a positive impact on this position. Dealing with some specific questions CT stated that although the percentage of costs allocated to wages had increased in July and August, the total amount paid had actually decreased. CT stated that cost increases in April onwards reflected the weekly collections during the summer and the need to appoint staff and then train them etc ahead of the service change. There were a couple of issues raised by the Council's accountant which CT stated he	

needed to explore and would explain further at the next meeting.

JG made reference to the recent Place Survey and residents' ongoing references to street cleansing concerns. He also made reference to the 2008/09 NI195 outturn and the target for 2009/10. JG acknowledged that standards had improved but this improvement had to continue and that efforts in this regard must not be reduced because of the pressure to roll out and deliver the new collection service. SH reported that the rescheduling exercise had now been completed and that these would be available on CD shortly. He said that crews would be allocated differently to previously which would make them more visible in areas being cleansed. Most statics had been retained.

DC enquired about standards in rural areas, recognising that cleansing frequencies were less. The Board was reminded that cleansing occurred at two levels, the first routine and scheduled and the second following complaints received about excess litter being present.

#### 7. **New service implementation**

JG reported that the EFDC and Sita officers had been able to meet that morning to prepare an overview of the pre roll out arrangements and how matters had proceeded since the new service commenced in around 3 weeks ago.

SH informed the Board that Sita had been able to obtain a transfer facility at Heatherlands (near Ongar) enabling food & garden waste from the north of the district to be transferred there rather than going all the way to the Barking facility. This was a more efficient approach and reduced the risks of vehicle down time through longer trips to Barking.

SH was asked whether Sita was yet able to provide some tonnage data to get an early picture of how the new service was developing. SH stated that he would see whether the AD plant was able to provide information on the amount of food waste in the commingled stream. In 2008/09 an average of around 140 tonnes per week of waste was sent for processing (280 tonnes per fortnightly collection). The new service had started with 400 tonnes of commingled waste in week 1, assumed to be due to stored garden waste from the old service). Weeks 2 and 3 had seen around 260 tonnes and 300 tonnes respectively. This was seen as encouraging. However, the most interesting data would be the changes in the tonnages of residual waste going to landfill, since that would indicate how much food waste was being extracted from the waste stream and consequent reductions in the waste stream overall.

SH indicated that there were some recent concerns regarding the contamination of dry recycling loads with disposable nappies. Whilst this was not yet such as to result in load rejection, the situation would need to be carefully monitored. SITA was to ask its experts at the transfer station to identify the extent of the problem, although this would have to be done sensitively and in a manner to avoid unnecessary concern at the waste disposal facility.

JG queried the size of rounds since there were concerns about seemingly high numbers of missed collections. SH considered that the workload was about right and that problems at present were most likely simply due to the crews learning the new arrangements. He also stated that the rounds have been changed slightly since the service was introduced e.g. in Chigwell area the planned rounds have worked well however in Ongar it has been necessary to modify them slightly .

SH informed the Board that the limit of safely handling a wheelie bin was 34 kg, this is to avoid risk of injury to crews. Additionally the bin lid of any bin over 64kg can be ripped off in the lifting mechanism of the dustcarts. V V informed the Board that he had spoken to all crews and put a system in place to monitor the missed collections and managers were keeping an eye on the situation.

JG referred to a very high number of missed assisted collections which were a cause for concern. A number of these were repeat misses indicating carelessness by the crews. Sita agreed to look into this matter recognising the importance of these collections especially since the number of assisted collections had risen with the introduction of the second wheeled bin.

V V

The final issues were ones raised by the Customer Service Team regarding late/inaccurate crew sheets. Sita was asked to ensure that sheets were accurately and legibly completed and returned speedily since this made the management of missed collection calls much easier. The Customer Support Officers (CSOs) had also difficulties with crews stickering containers as contaminated and therefore not collected, which on examination by the waste team had turned out to be OK to collect. Sita was requested to re-educate crews on these matters.

V V

SH was generally happy with the new service and the implementation. He acknowledged that although the call numbers were high these were no different to any of the other major service changes Sita has been involved with.

Finally KD expressed his thanks to Vlad who had worked tirelessly in the short time he had been in the post to ensure a successful implementation. DC also expressed her thanks to Sita, to the waste team at Langston Road and to the Customer Services Team at the Civic Offices for their sterling efforts over the past few months.

8.

#### **Revised waste management policies**

JG presented the latest set of policies and apologised for having to introduce them without initial final clearance from the Board. JG took the Board through each of the policies in turn, and the following comments were made:

Policy 1 (Containers): add the words "if no wheeled bin supplied" to the fourth bullet point under official caddies for the food and garden service. This was to ensure no misunderstanding on the provision of kerbside caddies.

Policy 5 (Side Waste): the sacks referred to should be the same as in policy 6, namely a reference to 4 sacks and not 5. It was further suggested that in respect of religious holidays, any arrangement for the collection of side waste following should be booked with the Council and that this should be included in the policy statement

Policy 7 (Exceptions): JG reported that EFDC had received many enquiries around the lack of capacity for garden waste following the cessation of free for all sacks. Cabinet had considered this at its meeting in September and had agreed that in exceptional circumstances, a second 180 litre bin could be provided. SH expressed some concern, since rounds were carefully balanced in respect of bin numbers collected and that it would not take many additional bins, especially on those already under pressure on numbers, to require additional resources to be applied. JG indicated that the report to Cabinet had made this risk clear. SH stated that should this happen, it was likely that additional bins could be dealt with via overtime and it was unlikely that vehicle capacity would become a problem. KD stated that the new policy was being very firmly applied, and that it was likely that only the elderly and those who could not drive for example, would be afforded the second bin. However, demand would rise, especially from spring next year. It was agreed

	<p>to continue to apply the exception strictly and to monitor going forwards. It was also clarified that every property issued with a second wheelie bin will get a written explanation of the policy specially clarifying that the Council reserves the right to charge for the ongoing service of a second bin.</p> <p>It was agreed that the stickers placed on contaminated bins should be brought to the next Board meeting and the process discussed.</p> <p>JG stated that some more policies were yet to be prepared i.e. damaged, lost or stolen bins and flats and communal building policy.</p> <p>JG also reported that the larger residual bins which were issued to families under the previous regime with nappy age children would, over time, be reassessed.</p> <p>Another issue raised was the need for a kerbside caddy as well as the F&amp;G bin in winter months. However, due to collection cost pressures, residents would not be issued with both bins.</p> <p>Sita clarified that kerbside caddies were emptied directly into the dustcart and not via a slave bin.</p> <p>JG agreed to update the policies in the light of discussions and arrange for them to be placed on the Council's website.</p> <p><b>9. Any other business</b></p> <p>MS sought information from Sita on the availability of the Tilbury MRF and Sandy IVC for a Member visit. SH reported that, following an accident, the MRF had been closed to visitors, but it was now open once more. The new IVC at Sandy in Bedfordshire was available for visits. SH agreed to bring forward possible dates for visits to both sites.</p> <p>In response to a question regarding livery on dustcarts, SH stated that everything had been arranged.</p> <p>SH informed that due to an error in vehicle specification the contract had a 18 tonne vehicle instead of one of 15 tonne. To remedy this Sita were to buy the 18 tonne vehicle from the Council and procure a new 15 tonne vehicle for the contract. This would result in a capital saving of £12,000 for the Council.</p> <p>JG reiterated that the target for NI 195 for 2010/11 is 10% and this has to be achieved.</p>	<p><b>KD/DM</b></p> <p><b>JG</b></p> <p><b>SH</b></p>
<p><b>10.</b></p>	<p><b>Dates of next meeting</b></p> <p>It was agreed to maintain the two monthly frequency for the time being to be reviewed once the new service was firmly established. The dates of the next meetings were agreed as:</p> <p>Tuesday 24 November 2009  Tuesday 19 January 2010  Tuesday 16 March 2010</p> <p>All at 2.00 pm in the Cabinet Offices at EFDC Civic Offices</p>	

**WASTE MANAGEMENT PARTNERSHIP BOARD  
MINUTES**

**Date of Meeting:** 13 November 2009.  
**Location:** Cabinet Room, Civic Offices  
**Time:** 2.00pm  
**Attending:** Cllr Mrs D Collins - Leader of the Council (DC)  
 Cllr Mrs M Sartin - Portfolio Holder & Board Chairman (MS)  
 John Gilbert - Director, Environment & Street Scene (JG)  
 David Marsh – Wste & Recycling Manager (DM)  
 Steve Holgate - Sita UK (SH)  
 Vlad Velikoselskis - Sita UK (V V)  
 Chris Thorn – Sita UK (CT)

		<b>Action</b>
1.	<b>Apologies for Absence</b> – Kim Durrani (EFDC), Paul Madden (Sita)	
2.	<b>Declarations of Interest</b> - None	
3.	<b>Draft minutes of meeting 28 September 2009</b> - Agreed	
4.	<p><b>Matters Arising (not on agenda).</b>            The following items were mentioned:</p> <ul style="list-style-type: none"> <li>(a) the outstanding visits to a MRF and IVC</li> <li>(b) changes to Board membership</li> <li>(c) waste policy 8 (lost/stolen containers etc)</li> <li>(d) the management of contaminated containers</li> </ul> <p>It was agreed that item (d) would be considered in detail early in the New Year, with consideration of matters such as the nature of contamination and whether to charge for the collection of bins not collected due to contamination. Also to discuss the collection of nappies, tetrapacks etc.</p>	<p>Sita EFDC EFDC</p> <p>Sita/EFDC</p>
5.	<p><b>Contract financial review</b>            Financial situation continues to improve, although data not yet available to compare year on year for the new service arrangements. CT indicated that the contract should break even overall by 2012, which reflects the difficulties experienced during the early stages.</p>	
6.	<p><b>New service review</b>            The Board was pleased with the first few weeks of the service, and it was delivering marked improvements in recycling performance. The Board expressed its thanks and offered its congratulations to all who had worked so hard to bring the new service into place.</p> <p>The Board agreed that residents who wished to use a kerbside caddy instead of a wheeled bin during the winter months should be allowed to so, provided that only one container was set out for collection. This would be kept under close review.</p> <p>The following issues were also discussed:</p> <ul style="list-style-type: none"> <li>(a) the recycling of street cleansing arisings</li> <li>(b) assisted collections</li> <li>(c) the size of the applied RCV information “stickers” and processes for changing the message though a Council year</li> <li>(d) details for the collection of Christmas trees:               <ul style="list-style-type: none"> <li>• 1<sup>st</sup> two weeks in January</li> </ul> </li> </ul>	<p>All</p> <p>Sita/EFDC</p> <p>Sita</p>

<p>7.</p>	<ul style="list-style-type: none"> <li>• 3 feet max height (or cut into pieces of less than 3 feet)</li> </ul> <p><b>Street cleansing review</b> The changes to the schedules have been completed and implemented. It should now be possible for the cleansing A to Z to be made available to Board members. Once all agreed it would then be provided to District &amp; Parish Councillors, ECC Councillors and placed on the EFDC website. The intention is to have completed the distribution etc by early 2010.</p>	<p>EFDC/Sita</p>
<p>8.</p>	<p><b>Recycling of street cleansing arisings</b> A company called “EWD” have been contracted by ECC. The Board expressed a clear wish to investigate the possibility of EFDC joining in this contract. Arisings would be collected, transported to the Depot and then shipped to “EWD”.</p>	<p>KD</p>
<p>9.</p>	<p>A question was raised about the contents of the split recycling/litter bins and how the contents were handled. All contents of mixed bins are transported to the depot, where the recyclates are removed for onward shipping to the MRF.</p> <p><b>Recycling at schools and flats</b> All schools have had recycling made available to them. Two schools at Epping Green &amp; Ivy Chimneys, are trialling food waste recycling. It was noted that there remained an outstanding report to Cabinet on arrangements for village halls etc.</p> <p>Flats were being assessed for dry recycling only at this time, certainly until all had been assessed and systems introduced in accordance with the new local performance indicator.</p> <p>It was noted that Government was reviewing schedule 2 of the Controlled Waste Regulations 1968 which may affect the services provided to schools, village halls and also impact upon trade waste arrangements.</p>	<p>KD</p> <p>KD/DM</p>
<p>10.</p>	<p><b>Any other business</b> Need to investigate the validity of the “compostable” logo on some packaging, for example some specialist tea bags. SH was to check at the MRF for clarification.</p> <p><b>Date of next meeting</b> Scheduled for the 19<sup>th</sup> of January 2010, 14.00 in the cabinet Office, Epping</p>	<p>Sita</p>



**WASTE MANAGEMENT PARTNERSHIP BOARD  
MINUTES**

**Date of Meeting:** 19 January 2010  
**Location:** Cabinet Room, Civic Offices  
**Time:** 2.00pm  
**Attending:** Cllr Mrs D Collins - Leader of the Council (DC)  
 Cllr Mrs M Sartin - Portfolio Holder & Board Chairman (MS)  
 John Gilbert - Director, Environment & Street Scene (JG)  
 David Marsh – Wste & Recycling Manager (DM)  
 Steve Holgate - Sita UK (SH)  
 Vlad Velikoselskis - Sita UK (V V)  
 Sebastian Rawski – Sita UK (SR)

		Action
1.	<b>Apologies for Absence</b> – Chris Thorn(Sita), Paul Madden (Sita)	
2.	<b>Declarations of Interest</b> - None	
3.	<b>Draft minutes of meeting 24 November 2009</b> - Agreed	
4.	<b>Matters Arising (not on agenda).</b>	
	(i) Street cleansing schedules – to be issued to WMAB as soon as possible for approval and then general issue.	DM
	(ii) Recycling at schools working satisfactorily. To be reviewed in a month or so	DM
	(iii) Household waste from schools, village halls – JG to take report to next Cabinet in February 2010	JG
	(iv) Visit to IVC – SH provided three possible dates, the preferred being determined as 11 March 2010. JG to place in Members’ Bulletin	JG
5.	<b>Contract financial review</b> SH stated that Chris Thorn would no longer be attending the Board meetings, and he would be represented by Sebastian Rawski. JG noted that this would require a change to the Board constitution.  SR took the Board through his report which had some useful performance charts included. The contract continued to improve its financial performance with a profit now being generated. However, the contract as from its commencement date remained in deficit.  The charts clearly showed the changes in waste stream following the new service implementation, although dry recycling levels had remained static despite the new F/G service. It was agreed that these charts were very useful and should be presented to each Board meeting	SR
6.	<b>Weather review</b> The Board received information from Sita and EFDC members on the service disruptions caused through the adverse weather. The F/G garden was now stable but some problems remained with residual collections, especially those missed in the pre Christmas events. It was however anticipated that all collections would have been completed by the end of the week (22 January)  The Board expressed its thanks to all the Sita and EFDC personnel who had worked so hard to maintain services and deal with the public’s concerns. Councillor Mrs Sartin, the Chairman, agreed that the Board should send letters of appreciation to the relevant personnel groupings.	VV/DM  MS/JG

	<p>JG raised the particular issue of the use of smaller RCVs where there were access difficulties. Whilst the weather had clearly exacerbated these problems, JG sought Sita's assurance that smaller vehicles would be used in all areas where access difficulties arose from parking or similar issues. JG also confirmed that where parking difficulties existed it was highly unlikely that there would be a parking restriction solution in the short term. Sita provided the assurance on the use of narrow access RCVs.</p>	<p><b>VV/SH</b></p>
<p><b>7.</b></p>	<p><b>New service review</b>  The new service was considered to be working well, with recycling performance approaching 60%. There had been no major issues of contamination reported, which was good news. Kerbside caddies had been issued to residents who wished to use them rather than the G/F wheeled bin. There use would be monitored once the growing season commenced to ensure that only one F/G container was being put out for collection.</p>	
<p><b>8.</b></p>	<p><b>Street cleansing review</b>  As mentioned under matters arising, the street schedules were at a stage when they were ready for final checking ahead of distribution. JG mentioned that BV195 for litter was remaining stubbornly above target for 2010/11. he also mentioned that individual cleansing operatives had received letters of thanks from town councils and others for their excellent performance.</p>	
<p><b>9.</b></p>	<p><b>Any other business</b>  JG made reference to the outstanding requirement to review targets for the contract, especially how best to deal with the broader environmental ones. It was agreed that these should be considered in detail at the next meeting in March.</p>	<p><b>JG</b></p>
<p><b>10.</b></p>	<p>SH gave his apologies for the next meeting</p> <p><b>Date of next meeting</b>  Date of next meeting scheduled for 16 March 2010, 2pm, Cabinet Office, Civic Offices</p>	

**WASTE MANAGEMENT PARTNERSHIP BOARD  
MINUTES**

**Date of Meeting:** 16 March 2010  
**Location:** Cabinet Room, Civic Offices  
**Time:** 2.00pm  
**Attending:** Cllr Mrs M Sartin - Portfolio Holder & Board Chairman (MS)  
 John Gilbert - Director, Environment & Street Scene (JG)  
 David Marsh – Waste & Recycling Manager (DM)  
 Kim Durrani (KD)  
 Paul Madden – Sita UK (PM)  
 Vlad Velikoselskis - Sita UK (V V)  
 Sebastian Rawski – Sita UK (SR)

	<b>Action</b>
<p><b>Apologies for Absence</b> – Cllr Mrs D Collins, Steve Holgate</p> <p><b>Declarations of Interest</b> - None</p> <p><b>Draft minutes of meeting held on 19 January 2010-</b> Agreed</p> <p><b>Matters Arising (not on agenda)</b></p> <ul style="list-style-type: none"> <li>(i) street cleaning schedules had been issued to Board members</li> <li>(ii) collections from schools etc was going to next Cabinet</li> <li>(iii) visit to Kempford IVC had been both enjoyable &amp; informative</li> <li>(iv) weather review not yet completed</li> </ul> <p><b>Contract financial review</b>            SR took the Board through the latest financial report which showed a continuation of progress into profitability. There was an apparent jump in fuel prices in Jan/Feb but this was due to due to accrued energy bills, not diesel etc. In creases in staffing costs were attributable to bank holiday payments. The final issue related to a rise in insurance claims which were related to issues still coming forward from 2008.</p> <p><b>New service review</b>            A number of issues were discussed/considered:</p> <ul style="list-style-type: none"> <li>(i) the number of second F/G waste bins being issued;</li> <li>(ii) no obvious signs that GW was finding its way into residual bins to any significant degree;</li> <li>(iii) the issue of whether the previous bio-degradable sacks were acceptable at the IVC, should they be found. If OK such use would not however be encouraged;</li> <li>(iv) the importance of accurate crew reports on bins not out for collections, contaminated bins etc. This was critical to assist the CSOs in dealing with telephone complaints and to properly record trends in contamination etc; and</li> <li>(v) the importance of keeping soli out of the F/GW system due to its weight and possible damage to crews, bins and lifting equipment. It was agreed to put information on the Council's website</li> </ul> <p><b>School waste &amp; Cabinet report</b>            The report to Cabinet was made available to Board members. The outcome would need careful monitoring and it was likely that town and parish councils would remain unhappy with the imposition of a charge.            JG made reference to a recent presentation to the local Rotary where local business showed an interest in trade waste recycling. Sita stated that they</p>	<p style="text-align: center; font-size: 2em; color: orange; opacity: 0.5;">DRAFT</p> <p style="text-align: center; font-size: 4em; color: orange; opacity: 0.5;">T</p> <p style="text-align: right;">Sita</p> <p style="text-align: right;">Sita</p> <p style="text-align: right;">KD/DM</p>

	<p>were in a position to assist through their normal trade/commercial collection services if approached.</p> <p><b>Street cleansing review</b>  JG stated that in his opinion the district was looking untidy, with a lot of visible white and plastic litter. He stated that the Council was struggling to see real improvements in NI195(a) and (b) and that Members had put street scene high on their list of priorities, as indeed did the residents through public opinion surveys. KD explained the ECC/Keep Britain Tidy initiative which all districts were involved in and that its first campaign was to be targeted at “fast food litter”. PM stated that Sita had a £100K budget for award schemes, and this should be investigated</p> <p><b>Health &amp; Safety</b>  JG explained that this would now be a standard agenda item, especially in view of the HSEs clear current interest in the waste industry. This approach was timely given a recent fatal accident involving a Sita employee at their contract in Berkshire. Since this was still a matter under investigation, no discussion was possible. It was agreed that future meetings would receive information on:</p> <ul style="list-style-type: none"> <li>(a) notifiable accidents;</li> <li>(b) other accidents; and</li> <li>(c) lost working hours etc</li> </ul> <p>PM stated that Sita has a target for hours lost to accidents and that the SE region had seen a 35% reduction in 2009.</p> <p><b>Performance indicators</b>  JG reminded the Board that the standard NIs remained KPIs for EFDC. He repeated his concerns that NI 195 was not improving quickly enough. He circulated the KPIs for 2010/11</p> <p><b>Visit to MRF</b>  JG reminded Sita that a visit to the Sita MRF remained outstanding. A date for the 2<sup>nd</sup>/3<sup>rd</sup> week in April was suggested, ahead of any forthcoming election activity.</p> <p><b>Plastics recycling</b>  MS expressed concern that the information made available to residents regarding the types of plastic which could be recycled was not exactly as Sita had stated, especially regarding plastic food tubs etc. PM confirmed that Sita could collect the plastics as set out in the Council’s literature, although their MRF may have difficulty in processing it. There was no evidence of loads being rejected due to contamination.</p> <p><b>Any other business</b></p> <ul style="list-style-type: none"> <li>(1) <u>Weed spraying:</u> DM was still awaiting an indication of the ECC funding for 2010/11. ECC had however confirmed that they were content to allow EFDC to make best use of the resource and not to be restrictive about the timing of spraying exercises. VV was in discussions with Sita’s contractors</li> <li>(2) <u>Vehicle livery etc:</u> issues remained around signage and the number of sign changes per annum</li> <li>(3) <u>Nappy residual waste:</u> it was confirmed that no issues were arising in this regard, although the warmer weather may give rise to complaints</li> </ul>	<p>Sita</p> <p>Sita/EFDC</p> <p>Sita</p> <p>ALL</p> <p>Sita</p> <p>DM/V V</p>
--	--	---

	<p>(4) <u>Recycled street arising:</u> not happening because of very high gate fees</p> <p>(5) <u>batteries &amp; textiles:</u> DM was looking to pilot a scheme in the Chigwell and B'Hill areas where batteries &amp; textiles would be collected together, through an appointment system. MS pointed out that shops that sell a certain amount of batteries have now by law to have facilities to recollect them for recycling.</p> <p><b>Date of next meeting</b></p> <p>DoNM was agreed for 18 May 2010</p>	
--	--	--

D R A F T

This page is intentionally left blank