



South Bucks
District Council



Joint Waste Committee for Buckinghamshire

Friday, 11th June, 2010 at 10.30 am

Council Chamber, Council Offices, King George V Road, Amersham

A G E N D A

- 1 Election of Chairman
- 2 Election of Vice-Chairman
- 3 Agreement of Officer Roles
 - 3a Secretariat- CDC
 - 3b Treasurer - South Bucks District Council
 - 3c Chief Technical Officer - Aylesbury Vale District Council
- 4 Apologies and Notifications of Substitutes
- 5 Declarations of Interest
- 6 Minutes (*Pages 1 - 4*)
 - 6a To consider the minutes of the Waste Committee for Bucks held on 12 March 2010
 - 6b To consider any matters arising from the Minutes
- 7 Recycle Bank Incentive Scheme - Presentation from Recycle Bank
- 8 Budget Spend Plans for the JWC 2010/11 and Contributions Required from each Partner/Audit of Accounts (*Pages 5 - 12*)
- 9 Flytipping Update - Oral report from David Sutherland
- 10 Energy from Waste - Oral Report from Martin Dickman

- 11 Recycling Performance for Waste Partnership - Report from Roger Seed attached. *(Pages 13 - 16)*
- 12 DEFRA Consultation on the Introduction of Restrictions on the Landfilling of Certain wastes- Report from Roger Seed attached. *(Pages 17 - 22)*
- 13 DEFRA Consultation on Meeting EU Landfill Diversion Targets - Report from Roger Seed attached. *(Pages 23 - 30)*
- 14 Scenario 4 - Update by the Chair of the Joint Waste Collection Board
- 15 Date of Next Meeting
- 16 Exclusion of Press and Public
To resolve that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.

Note: All Reports will be updated orally at the meeting if appropriate and may be supplemented by additional reports at the Chairman's discretion.

Membership: Joint Waste Committee for Buckinghamshire

Councillors: Mrs J A Burton
D Carroll
R Emmett
C B Harriss
A Hussain
B Lidgate
Mrs J Phipps
M R Smith
Sir B Stanier
M Tett
Mrs J Wallis
A Walters
Mrs J Woolveridge

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**MINUTES OF THE MEETING OF
THE WASTE COMMITTEE FOR BUCKINGHAMSHIRE
held on 12 March 2010
at Wycombe District Council
12.30pm**

PRESENT:

Councillor B Lidgate Chairman – South Bucks District Council (SBDC) (Cabinet Member - Environment)

Councillors:-

Mrs G A Jones Wycombe District Council (WDC) (Cabinet Member – Wellbeing & Neighbourhoods)

Ms J Phipps Aylesbury Vale District Council (AVDC)

M Smith Chiltern District Council (CDC) (Cabinet Member - Environment)

Sir B Stainer Aylesbury Vale District Council (Cabinet Member – Environment & Health)

M Tett Buckinghamshire County Council (BCC) (Cabinet Member – Planning & Environment)

Officers:-

Alan Goodrum Chief Executive (CDC)

Gill Gowing Director of Planning & Environment (CDC)

Gill Harding Group Manager (BCC)

Vincent Hunt Project Manager – Waste Partnership

Jon McGinty Corporate Director – Resources (AVDC)

Mike Mitchell Interim head of Engineering & Contract Management(CDC)

Roger Seed Waste Partnership Officer

David Smedley Head of Environmental Health & Licensing Services (AVDC)

Bob Smith Director of Services (SBDC)

David Sutherland Waste Reduction Team Leader (BCC)

Peter Druce Democratic Services Officer (WDC)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D J Carroll (BCC) and Ms J Burton (CDC) along with Chris Marchant (Head of Environment - SBDC), Caroline Hughes (Head of Environment – WDC) and Ian Westgate (Corporate Director – WDC).

2. DECLARATIONS OF INTEREST

There were no declarations of interest made.

3. MINUTES

a) Confirmation

The Minutes of the meeting of the Committee held on 15 October 2009, copies of which had been previously circulated, were agreed by the Committee and signed by the Chairman as a correct record.

b) Matters arising

There were no matters arising.

4. FLY TIPPING UPDATE

David Sutherland Waste Reduction Team Leader (BCC) presented this report by the Fly Tipping Officers Working Group, explaining the 2 key issues that of:

- Fly tipping prevention/prosecutions; and
- The Cost Benefits of the group's work.

In respect of the first, **prevention/enforcement** recent substantial publicity of both householder and business 'duty of care' had taken place. A successfully cross border campaign between SBDC and Slough Borough Council had also been effected.

Recent convictions were referred to however it was noted that fines imposed were not forwarded to the authorities concerned when collected, but went into the general exchequer. Officers confirmed maximum full costs incurred were always applied for at prosecutions; these could be and were often reduced by magistrates. Collection was often on a lengthy instalment basis agreed and enforced by the courts.

The drop off in fly tipping during December 2009 and January 2010 was noted no doubt due to the bad weather. Perversely, despite less fly tipping during this period being beneficial, this would probably have a detrimental affect on attempts to meet National Indicator targets set which could impact on the LAA (Local Area Assessment).

In respect of the second element the **cost benefits** officers had prepared as requested a comprehensive series of tables outlining the benefits of the work carried out.

A particular calculation was outlined for Members referring to figure 5, where with an assumed 3% rise in landfill tax, a figure of £1.2m would have been faced in disposal and clearance costs over the 7 year period. Utilising figure 6 of the report, annual costs multiplied out for 7 years totalled £913k, i.e. a saving of £315k had been made. Yes this was a financial benefit but the non monetary benefits of reducing fear of crime and cleaner and safer communities were also to be acknowledged.

LAA funding of the key extra post in the fly-tipping team was due to come to an end, the meeting agreed this should be flagged up. Fly tipping could easily creep up again as a problem on all authorities; it was a particular 'feel bad' factor amongst residents affected.

RESOLVED: That the report be noted.

5. IESE FEEDBACK

The Chairman updated the meeting on his recent attendance at the IESE (Improvement and Efficiency South East) quarterly meeting. This IESE meeting, set up predominantly in respect 'waste' issues, was now increasingly involved with 'climate change' issues with much work involved in National Indicators 185 & 186 (CO2 reduction for local authority (LA) operations and per capita reduction in CO2 emissions in LA areas).

The Chairman indicated funding for projects from IESE was available, attendees present also confirmed schemes they had underway utilising such, across Bucks.

The Chairman agreed to keep a watching brief on these funding initiatives and liaise with partner authorities and their sustainability officers when opportunities occurred.

6. WASTE PATHFINDER PROJECT UPDATE – BPI (BUSINESS PROCESS IMPROVEMENT)

David Smedley ran Members and officers present through his open report on the two main options facing the Committee in respect of joint waste operations. That of; upholding the previously agreed scenario 4 of 29 January 2009 (joint waste collection contracts and a joint waste collection officer team amongst district councils) or scenario 5 (joint waste collection contracts and a joint waste collection (and additionally) 'disposal' officer team).

The history of the project and two options were outlined in the report, along with the further work funded by DEFRA (Department for Environment, Food and Rural Affairs) i.e. the start of Business Process Improvement analysis of the options.

The meeting moved into closed session to consider the exempt report produced on this initial analysis from which an informed decision to be recommended to Leaders could be made.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That pursuant to Paragraphs 1-7, Part 1, Schedule 121a (as amended) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Minute No 7 because of its reference to matters which contain exempt information as defined as follows.

Minute 7 - Consideration of the Partnership Working in Waste: Business Process Improvement Executive Summary Report for the Buckinghamshire Authorities.

Information relating to the financial or business affairs of any particular person (including the authority holding that information).

7. CONSIDERATION OF THE PARTNERSHIP WORKING IN WASTE “BUSINESS IMPROVEMENT EXECUTIVE SUMMARY REPORT FOR THE BUCKINGHAMSHIRE AUTHORITIES”

After consideration of the Executive Summary report the appropriate Cabinet Members present for each of the 5 authorities were asked their preferred option. The four districts indicated a preference for scenario 4 whilst BCC abstained.

RESOLVED: That the Joint Waste Committee for Buckinghamshire uphold its original decision of 29 January 2009 to recommend option 4 to the Leaders Meeting.

Alan Goodrum (Chief Executive – CDC) confirmed that dates for meetings of the Joint Collection Board and draft Terms of Reference of such, would be initiated if and when the said Leaders’ Meeting’s agreement to the JWC’s decision was obtained.

8. ENERGY FROM WASTE

Councillor M Tett (Cabinet Member for Planning and Environment (BCC)) gave the meeting a comprehensive update on progress regards the EfW (Energy from Waste) plant for Buckinghamshire Waste. Indicating he had approved a recommendation that procurement discussions should be re-opened with both Covanta and WRG, as a result of a commercial matter which had been raised by Covanta, when clarifying the terms for their appointment for Preferred Bidder. Both bidders would be asked to re-submit further tender documentation by September 2010 and it was hoped the Council would then be in a position to appoint a final preferred bidder for the contract by the end of the year.

9. ANY OTHER BUSINESS

There were no other items of business.

10. DATE OF NEXT MEETING

To be notified.

Waste Committee for Buckinghamshire (WCB) – 11 June 2010

Report on the Budget spend plans for the JWC for 2010 – 11 and the contributions required from each partner

Author: David Smedley

A PURPOSE OF REPORT

1. To advise the Committee of the final level of contribution required from each partner authority for the year 2010/11
2. To agree a budget for 2010/11 showing the proposed areas of expenditure
3. To seek approval of the final figures for 2009/10 and seek delegation to the Chairman of the JWC and the Committee Clerk for sign off of the audit return

B PROPOSED ACTION

1. The Waste Committee for Bucks is invited to:
 - a) To agree that the level of contribution for 2010 – 11 remains unchanged from the contribution for the year 2009- 10 as set out below; and
 - b) To agree the proposed expenditure for 2010 – 11 as set out in D6
 - c) To agree that the Chief Technical Officer for the JWC may, in consultation with the Chairman of the Committee agree virements between the budget spend heads to allow for the efficient and effective operation of the Committee and the work areas agreed by it.
 - d) To note the final figures for 2009/10 and to delegate the Chairman of the JWC and the Committee Clerk to sign off the audit return

C RESOURCE APPRAISAL

There are no specific resource implications

D DETAILED REPORT

1. At the meeting held on 15th October 2009, the Committee considered a report titled "*Waste Committee for Buckinghamshire Budget requirements for 2010-11 Contributions*". The main purpose of the report was to agree the level of contribution required from each of the partner authorities for 2010/11, and thereby to allow the contribution to be considered in the 2010/11 budget planning round for each authority.
2. As the report was produced at 6 months into the financial year it had to estimate the overall expenditure for 2009/10 and consequently the extent of any carry forward into 2010/11. As a result it was agreed by the JWC that in order to maintain the activities of the JWC a small increase in contribution was required of £105 from each of the DC's and £421 from BCC for 2010/11 over 2009/10.
3. Expenditure during 2009/10 was however lower than anticipated, particularly in respect of the Pathfinder Activities, resulting in an end of year surplus of £41,168 as opposed to the estimate of £12,381. This has allowed officers to reassess the budget for 2010/11 both in terms of partner contributions and extent of activities.
4. The contributions have therefore been set back to the 2009/10 levels
5. The table below shows the proposed spend for 2010/11

Balance brought forward from 2009/10	41,168
Income contributions for 2010/11	
Aylesbury Vale DC	16,343
Bucks CC	65,371
Chiltern DC	16,343
South Bucks DC	16,343
Wycombe DC	16,343
Income total	130,743
Total funds	171,911
<u>Proposed JWC Expenditure 2010 11</u>	
Support Officer	52,500
Waste reduction Project officer	33,000
Schools Waste Education programme Officer	21,000
Legal costs (Fly tipping campaign)	23,000
Illegal Dumping Campaign	3,000
Repair/Maintenance CCTV Cameras	3,500
Home composting Scheme	6,600
Real nappy cash Back	3,000

Love food hate Waste	9,000
Rethink Rubbish at schools	1,000
Recycled clothes shows show	5,000
Training	2,000
Specialist advice	2,000
Audit internal and external	1,965
Communications and Consultation	2,000
Miscellaneous/Contingency	3,346
TOTAL EXPENDITURE	171,911

6. The Committee is asked to note that the decision to proceed with Option 4 under the Pathfinder project has meant that the budget for Pathfinder activities which was £20,000 for 2009/10 has been removed.
7. The budget figures are estimates as to likely expenditure and from time to time small over and/or under spend may occur in one or more heading, with this in mind the Committee is asked to agree that virements may be made between the various headings by the Chief Technical officer in consultation with the Chairman of the JWC.
8. Appendix 1 to this report shows the detailed expenditure for the JWC for the financial year 2009/10. This is subject to external audit and the Committee is requested to authorise the Chairman and Clerk to sign off the audit return which will be made available at the meeting.

Appendix 1

<u>Waste Committee for Bucks Actual 2009/10</u>				
<u>Direct Budget</u>	<u>Budget 2009/10</u>	<u>Spend to</u>	<u>Budget Variance</u>	
<u>Balance Brought Forward</u>	(57,222)	(57,222)		
<u>Income</u>				
<u>Contributions</u>				
Aylesbury Vale DC	(16,343)	(16,343)		0
Bucks CC	(65,371)	(65,371)		0
Chiltern DC	(16,343)	(16,343)		0
South Bucks DC	(16,343)	(16,343)		0
Wycombe DC	(16,343)	(16,343)		0
	(130,743)	(130,743)		0
Total Funding Available	(187,965)	(187,965)		0
<u>Expenditure - Proposed JWC 17/07/2009</u>				
Legal Costs	23,000	21,095		(1,905)
Support Officer	51,500	52,234		734
Repair/Maintenance CCTV Cameras	3,500	3,500		0
Real Nappy Officer	16,000	4,649		(11,351)
Real Nappy Cash Back	3,000	4,500		1,500
Composting Officer	17,000	12,809		(4,191)
Home Composting Scheme - WRAP Support	12,000	8,684		(3,316)
Pathfinder	20,000	0		(20,000)
Schools Waste Education Programme Officer	21,000	21,000		0
Communications & Consultation	5,000	4,331		(669)
Love Food Hate Waste Campaign	12,000	12,000		0
Training	2,000	443		(1,557)
Audit - Internal/External/Notice	1,965	1,552		(413)
Consultancy and Support	0	0		0
Total Expenditure	187,965	146,797		(41,168)
Balance Carried Forward		(41,168)		

<u>Expenditure</u>					
<u>Voucher</u>	<u>Period</u>	<u>Amount</u>	<u>Payee</u>		<u>Detail</u>
7287	1	(2,500.00)	Aylesbury Vale District Council		Accrual Sheet 52
3057790	1	2,500.00	Aylesbury Vale District Council		Encamps Training
3058944	4	375.00	Bucks County Council		Internal Audit Fee
3059167	5	5,487.12	Bucks County Council		Home Compost Development Officer April to July 2009
3059166	5	4,649.00	Bucks County Council		Real Nappy Officer April to July 2009
3059165	5	1,710.00	Bucks County Council		Real Nappy Cash Back Scheme April to June 2009
3059164	5	18,101.00	Bucks County Council		Waste Partnership Officer April to July 2009
3059163	5	3,676.00	Bucks County Council		Legal Costs Flytipping April to June 2009
3059168	5	11,786.00	Bucks County Council		Waste Education Officer April to July 2009
3059097	5	4,644.00	Bucks County Council		Kitchen Caddies Home Compost Scheme April to June 2009
3059048	5	391.59	Tribal		Notice of Audit Bucks Free Press 10/07/09
3059049	5	235.47	Tribal		Notice of Audit Bucks Herald 08/07/09
3059380	6	442.50	Chiltern District Council		Hire of Room Missenden Abbey Waste Workshop 17/07/09
3060191	7	550.00	Mazars		External Audit Fee 2008/09
3060758	9	11,757.00	Bucks County Council		Legal Costs Flytipping July to November 2009
3060757	9	17,101.00	Bucks County Council		Waste Partnership Officer August to November 2009
3060756	9	1,470.00	Bucks County Council		Real Nappy Cash Back Scheme July to October 2009
3060755	9	5,487.00	Bucks County Council		Home Compost Development Officer August to November 2009
3060753	9	4,040.00	Bucks County Council		Home Composting Scheme WRAP Support - End of Scheme
3060754	9	9,214.00	Bucks County Council		School Waste Education Programme Officer - No Further Recharge
3061745	12	12,000.00	Bucks County Council		JWC Contribution to Love Food Hate Waste Campaign
3061746	12	17,032.00	Bucks County Council		Waste Partnership Officer December 2009 to March 2010
3061747	12	3,500.00	Bucks County Council		Contribution CCTV Camera Maintenance

3061748	12	4,331.00	Bucks County Council	Contribution Recycled Clothes Show November 2009
3061749	12	810.00	Bucks County Council	Real Nappy Cash Back Scheme November 2009 to February 2010
3061750	12	4,355.00	Bucks County Council	Legal Costs Flytipping December 2009 to February 2010
3061751	12	1,835.00	Bucks County Council	Home Compost Development Officer December 2009 to January 2010
7844	12	1,307.00	Bucks County Council	Legal Costs March 2010 - Accrual Sheet 27
7844	12	510.00	Bucks County Council	Real Nappy Cash Back March 2010 - Accrual Sheet 27
		146,796.68		

Income

36278	091004	(65,371.00)	BCC Contribution 2009/10
36279	091004	(16,343.00)	AVDC Contribution 2009/10
36280	091004	(16,343.00)	WDC Contribution 2009/10
36281	091004	(16,343.00)	CDC Contribution 2009/10
J 7441	091004	(16,343.00)	SBDC Contribution 2009/10

Waste Committee for Buckinghamshire (WCB)***Report on Recycling Performance in the Waste Partnership for Buckinghamshire***

Date: 11th June 2010

Author: Roger Seed

A PURPOSE OF REPORT

1. To inform Members of progress against key performance indicators during 2009/10

B PROPOSED ACTION

1. The Waste Committee for Bucks is invited to:
 - a) **NOTE** the report

C RESOURCE APPRAISAL

- No resource issues

D DETAILED REPORT***1. Introduction***

The Joint Municipal Waste Management Strategy for Buckinghamshire sets out specific targets around recycling performance, in particular attaining a recycling rate of 45% by 2010/11 and 60% by 2025.

The focus of the Buckinghamshire's reporting to central government however is now through the Local Area Agreement (LAA), with two waste indicators, NI193 (Percentage of Municipal Waste to Landfill) and NI 196, (Improved street and environmental cleanliness, levels of fly-tipping). The targets for NI193 and NI196 have been agreed through negotiations with GOSE (Government Office for the South East and DEFRA).

The NI193 targets are:

- | | |
|--------------------|-----|
| ○ Year 1 (2008/09) | 61% |
| ○ Year 2 (2009/10) | 59% |
| ○ Year 3 (2010/11) | 58% |

The NI196 target is to move from a current "ineffective" performance to "effective" at the end of the 3 year agreement period.

2. Headline Facts and Figures**2.1. Waste Arisings**

At the time of writing all 2009/10 figures are still estimated, final quarter four information will not be confirmed until late summer.

In 2009/10 Buckinghamshire produced 256,200 tonnes of Municipal Solid Waste, a fourth consecutive annual decrease (see Table 1) and the lowest amount since 2001. This adds weight to the view that waste growth in the county, as across much of the

country has stabilised. This is perhaps all the more not worthy when considering that housing growth does appear to be picking up again, for example over the last 12 months the AVDC collection schedule for waste has grown from 69,258 to 70,300 i.e. up by 924 or 1.33%. Nationwide waste production also dropped last year, on average even more than experienced in Buckinghamshire, the reason for this drop is most likely to be linked to the current economic recession, though it is also probable that educational/communication campaigns are also influencing behaviour. This drop in waste compares with an average growth of around 1.8% over five years from 2000/01 – 2004/05¹ or a 2005 DEFRA estimate of 2.97%².

Table 1: Municipal and Household Waste Tonnage

	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10
Total Municipal Waste (tonnes)	275,572	268,523	270,104	265,737	257,769	256,200
Change from previous year		-2.56%	0.59%	-1.6%	-3.0%	-0.6%
Total Household Waste (tonnes)	253,803	246,425	247,442	243,541	237,929	236,800
Change from previous year		-2.91%	0.41%	-1.6%	-2.3%	-0.5%

Nb: main difference between Municipal & Household waste is that Municipal waste includes commercial waste and miscellaneous non-household items like rubble and fly-tipped waste.

2.2. NI193 performance – MSW to landfill

This is only the second year that NI193 has been officially measured, so comparing current with historical performance is not straightforward due to slight differences in how data was measured in previous years. However an estimate for 2007/08 shows that Buckinghamshire's NI193 performance was 60.8%, for **2008/09 NI193 performance was 59.3% and looks set to be 58.5% for 2009/10**, therefore the Year 2 LAA target looks set to be met. However given the lack of planned service expansion alongside upward pressure on landfill tonnages the final year target (year 3) of 58% looks challenging. A further reflection of the lack of service expansion on NI193 is the relatively poor performance of Buckinghamshire compared to other counties across England, with the County now being ranked 25th out of 27 counties³.

This is obviously an unfortunate position to bin in and something that the authorities take seriously, however significant difficulties have been experienced in developing infrastructure and rolling out new collection schemes.

2.3. NI192 Household waste recycled, composted and reused

In 2009/10 over 44% of the household waste produced in Buckinghamshire was recycled, reused or composted. As can be seen in Table 2 this is an increase yet again on the previous year across the whole County, however it will be noted that all the districts have suffered small decreases. The very cold winter effected many recycling and composting collections and this clearly impacted on overall performance at a district level.

However the main issue is that there has now been no major service expansion in Buckinghamshire for around three years. The net result is that recycling and composting is now increasing across the County at a much slower rate that elsewhere in England. Buckinghamshire is now ranked 15th out of 27 counties in England for NI192⁴. There can be no doubt that any significant further improvement

¹ Waste Partnership research 2005 - BVPI 81 data for WDA

² M-BEAM data system – DEFRA 2005

³ Figures sourced from Waste Data Flow Quarter 3 figures to date 13th May 2010

⁴ Figures sourced from Waste Data Flow Quarter 3 figures to date 13th May 2010

can only be achieved by additional service expansion at a district council level. This is worth bearing in mind with the first waste strategy target to reach a 45% rate for 2010/11 and the aspiration to reach 60%.

Table 2: Recycling Rates 2004/05-2009/10

	Aylesbury Vale	Chiltern	South Bucks	Wycombe	Bucks HWRC	Waste Partnership
2009/10	22.2%	47.5%	32.7%	41.9 %	71.0%	44.5%
2008/09	23.0%	48.2%	34.3%	44.0%	65.5%	43.7%
2007/08	22.5%	47.2%	34.7%	43.6%	60.4%	41.9%
2006/07	19.8%	45.0%	33.2%	39.4%	57.4%	40.1%
2005/06	17.6%	36.5%	27.2%	30.5%	60.3%	35.5%
2004/05	15.5%	29.3%	23.3%	20.4%	52.7%	29.6%

Nb. From 2008/09 measured for recycling changed to include reuse

2.4. NI191 performance – Household waste not sent for recycling, reuse or composting

Like NI193 this is only the second year that NI191 has been officially measured, nevertheless a comparison can be made extrapolated for 2007/08 allowing some longer term comparison with last year and this year.

2009/10 – 644 kgs per household

2008/09 – 657 kgs per household

2007/08 – 703 kgs per household

A clear trend is emerging of reducing waste again reflecting the overall decrease in waste tonnages mentioned earlier.

2.5. NI196 performance – (Improved street and environmental cleanliness, levels of fly-tipping).

NI196 is measured as a year on year change against the previous year and the 2009/10 grading looks set to be assessed as being “effective” as the number of flytipping incidents for 09/10 is lower than 08/09, primarily due to an exceptionally cold winter. This “effective” performance means another drop in flytipping incidents is required in 2010/11 in order to reach the “effective” performance level, which might be unlikely if a mild winter is experienced later this year. Any increase or a same level of flytipping incidents will be classified as “ineffective” even if performance is better than the baseline year.

Waste Committee for Buckinghamshire (WCB) – 11 June 2010***Consultation on the introduction of restrictions on the landfilling of certain wastes***

Author: Roger Seed

A PURPOSE OF REPORT

1. To inform the committee of the consultation

B PROPOSED ACTION

1. The Waste Committee for Bucks is invited to:
 - a) **NOTE** the report
 - b) To **ENDORSE** officer responses to the questions

C RESOURCE APPRAISAL

- There are no immediate resource implications. It is unclear at this point whether there would be cost implications in the longer term.

D DETAILED REPORT**Background:**

This is the first of two consultations proposed on restrictions/ bans on the landfilling of biodegradable and recyclable wastes which it is hoped will ultimately lead to a reduction in green house gas (GHG) emissions and increased resource efficiency. This first stage looks at preferred options which could be taken forward if desirable. It is presumed that a second stage will have specific details and possibly draft regulations.

Details:

1. This consultation 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.
2. The following options for introducing new policy measures to restrict biodegradable and recyclable wastes from landfill in England and Wales are outlined:
 - a. Do nothing
 - b. Introduce landfill bans either a) on their own or b) accompanied by a requirement to sort

- c. Introduce a sorting or tougher pre-treatment requirement but without a landfill ban
 - d. Introduce producer responsibility systems linked to recycling targets
3. Eunomia WRAP research has been undertaken on the practicalities of landfill bans and a number of candidate waste types were identified as follows:
- a. Metals
 - b. Glass
 - c. Food
 - d. Wood
 - e. Textiles
 - f. Paper/card
 - g. Plastics
 - h. Green (garden) waste
 - i. Waste Electrical and Electronic Equipment (WEEE)
4. Two measurable properties were also considered. These were:
- a. Biodegradable waste
 - b. Non-segregated waste
5. 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. The bans were assumed to come into effect in 2015 (or 2018 in the case of the “biodegradable” property). Eunomia estimated the CO₂ 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).

Key findings:

6. From the evidence presented Defra believe there is a good case for considering bringing in landfill restrictions on the following:
- a. biodegradable wastes: **food, green waste, paper/card, wood and textiles**
 - b. **metals**
7. 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.

8. There is also a case for considering possible landfill restrictions on glass and plastics even though the research results are not so positive.
9. 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.
10. 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.
11. Green Alliance identified lead-in times for the introduction of landfill bans in their case studies of periods between 2 and 12 years
12. 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.

Consultation questions

The Waste Partnership for Buckinghamshire (WPB) would like to make a general comment on the consultation questions rather than on specific materials.

The questions refer to a landfill ban; however the detailed consultation makes reference to landfill restrictions and a landfill bans which it would be assumed have different meanings but are used interchangeably in the consultation. Therefore the WPB would like to clarify whether a ban or restriction from landfill is being considered. A further comment is the questions refer only to a landfill ban and not a requirement to sort. Where a requirement to sort is applied the evidence from Eunomia throughout the report clearly suggests a far greater benefit than a ban.

The most fundamental aspect of any requirement to sort or ban is the infrastructure required. Careful consideration will have to be made to the infrastructure needs depending on whether materials are being treated prior to landfill or whether material is being diverted higher up the waste hierarchy e.g. sent for recycling. In either case there needs to be not only adequate treatment capacity, such as Energy from Waste, but also market development if materials are being sorted/recycled especially for non local authority collected waste where it is clear collections are lacking. In summary a balance needs to be struck between the availability of cost effective treatment/

recycling facilities and the need to meet the GHG/ resource savings suggested in the consultation.

There also questions around the likely impact on local authorities, for example district authorities could have more demands placed on them should there be a requirement to sort. Are requirements in terms of any penalties or statutory targets on the private sector the same as for local authorities?

For local authorities if it is just a ban then there clearly would be more emphasis on the WDA, however as mentioned in the consultation “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”. This could be another example of where in two-tier areas different drivers apply to the different tiers, we already have different drivers for the tiers with LATS and NI193.

Other implications that need consideration for local authorities are:

Does it mean minimum diversion targets by local authorities?

Would more materials have to be collected at kerbside such as textiles and the all plastic polymer types?

How would it be assessed?

What are the penalties?

Does this imply mandatory participation by householders enforced by local authorities etc? No local authority scheme is 100% effective in removing targeted materials from the waste stream especially given that participation is voluntary.

As a general comment on all materials, without evidence to the contrary, the WPB does not have particular issues with the evidence from the reports in supporting the ban of materials from landfill with a requirement to sort appearing to deliver significantly greater benefits.

For each of the candidate waste types listed 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.

Waste Committee for Buckinghamshire (WCB) – 11 June 2010***Report on DEFRA consultation on meeting EU landfill Diversion Targets***

Author: Roger Seed

A PURPOSE OF REPORT

1. To inform the Members of proposed changes to the definition of MSW and the impact of this on meeting EU Landfill Diversion Targets.

B PROPOSED ACTION

1. The Waste Committee for Bucks is invited to:
 - a) **NOTE** the report
 - b) To **ENDORSE** officer responses to the questions

C RESOURCE APPRAISAL

- There are no immediate resource implications

D DETAILED REPORT**Background:**

The consultation sets out a revised approach to measuring municipal solid waste by including a larger proportion of commercial and industrial waste within the landfill targets, with the aim to move the management of these wastes further up the waste hierarchy. Local authorities will not have any additional obligations or responsibilities as a result of these changes.

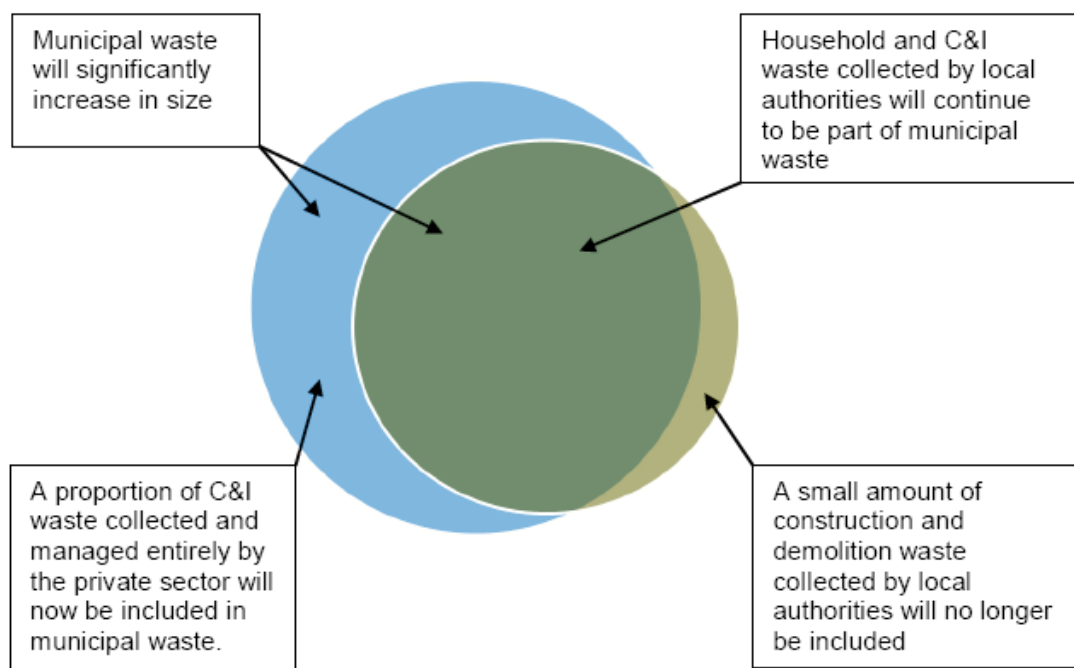
Details:

1. A revised approach has been agreed to bring the UK approach to reporting MSW closer to that used in other Member States. A revised approach to municipal waste is based on waste classified using the List of Wastes Decision (or the European Waste Catalogue). Chapter 20 of this catalogue can broadly be considered to equate to municipal waste. It is intended to also include parts of Chapter 19 (waste from treatment facilities) and Chapter 15 (packaging waste). It means that a much larger proportion of commercial and industrial waste is included within the definition. Total MSW will approximately double in UK.
2. This change will not mean that any additional waste is sent to landfill and is simply a change to the way municipal waste is classified. In addition it is not anticipated that the revised approach will, in itself, alter the current responsibilities and arrangements for managing this waste. Whereas previously municipal waste only applied to waste managed by local authorities it will now extend to cover waste managed by private

sector waste management companies. **Local authority obligations to manage waste will not be amended to cover the new waste being included in the scope of municipal waste for the first time.** They will continue to manage household waste, and commercial and industrial waste when requested.

3. However, changing the way municipal waste is counted means that the baseline upon which the landfill diversion targets were set has to be revised, and therefore also the targets for the UK. Defra has agreed revisions to these targets with the European Commission, which broadly double the existing targets.

Figure 1: Revised approach to municipal waste



4. This consultation will address the specific implications for England to meet and report on its share of the UK target.
5. To ensure that Defra can report robust, credible data to the European Commission on the revised amount of biodegradable municipal waste being sent to landfill in England it is necessary to review the reporting and monitoring obligations currently in place, and if necessary, consider additional measures. A number of possible approaches have been considered in discussion with the Environment Agency and the Devolved Administrations, and DEFRA are seeking stakeholder views on the approaches outlined.
6. Options on reporting of data
 - a) Extend Mass Balance calculation through Waste Data Flow
 - b) Measure BMW at point of landfill using European Waste Catalogue (EWC) codes.
 - c) Composite method of above
7. The revision to the UK's approach provides an opportunity to review the range of policies in place to ensure that England meets the targets

set. To meet the previous approach to the targets the Landfill Allowance Trading Scheme (LATS) was introduced in England. It is not proposed to extend the coverage of LATS to cover the revised totality of municipal waste; it will continue to apply to waste collected by local authorities. **Similarly this consultation proposes that the level of allowances issued to local authorities is not changed.** However, the revision to the targets provides the opportunity to review the ongoing effectiveness of this scheme, particularly against the changed context of other existing, and potentially new policies in place to divert biodegradable waste from landfill since LATS was introduced.

8. If municipal waste is to be used going forward to relate to the subset of waste that is relevant to the Landfill Directive targets then it can no longer be used as the term to cover the subset of waste that is covered by LATS. An alternative term is required and the initial proposal is that the subset of waste to which LATS applies is referred to as local authority “collected waste”, as it essentially refers to waste collected by local authorities.
9. This is the first of two consultations on this, specific proposal in second. At this stage DEFRA are seeking views on the proposed approach in a number of areas to inform the further development of these proposals.

DEFRA questions and submitted responses:

- 10.Q.1: Which of the possible approaches to reporting on the amount of BMW sent to landfill should Defra develop further? Is it right to favour measuring a landfill target at the point of landfill, provided a robust and credible method can be determined?

The Waste Partnership for Buckinghamshire (WPB) agrees with the consultation suggestion that measuring at point of landfill using the well established system of reporting through EWC codes. Although it is worth noting that as WDAs use Waste Data Flow it would seem sensible to consider some conversion of approaches over time, i.e. where the private sector should in time adopt a similar approach. An overarching principle with which ever system is adopted is to avoid additional burdens on local authorities.

11.Q.2: Are there alternative approaches that Defra should be considering?

As touched on above, it would be useful to develop a system that sees the private sector using a system which is as developed as Waste Data Flow in order to get the full picture on where, when, how materials are being recycled, composted etc and therefore perhaps move waste up the hierarchy. The EWC whilst useful has a limited scope.

12.Q.3 : Is the current guidance on classifying waste by the List of Wastes sufficient for ensuring that waste is correctly identified against EWC code, and hence whether it is municipal waste or not?

13.Q.4: *Do you consider that LATS is an effective policy to assist England meet its share of the UK landfill diversion target in:*

a) 2013

b) 2020

Please provide evidence to support your views if possible. In particular it would be useful to know the role LATS plays in future planning by local authorities to divert waste from landfill.

It is the view of the WPB that LATS is now a limited driver in meeting the UK landfill diversion target for 2013 and 2020, especially with the proposed wider definition of municipal waste. WPB feels that Landfill Tax is by far the primary driver to reaching landfill diversion targets. That said at the start of LATS it was clearly the number one driver and as result it soon became clear that that nearly all WDAs have pursued (or attempted to pursue) a policy of investing in diversion from landfill as a primary means of meeting targets, rather than follow a strategy of trading. The increasing rate of landfill tax has meant that reliance of trading is not an effective means of keeping costs down, even if, as is the current case, value for LATS allowances are low and in our view will be very low for 10/11 and 11/12 and will probably so for 12/13.

It is also difficult to see how LATS fines can be justified in the future if the target is now based on material from a much wider source (i.e. approximately 50% of MSW not being handled by WDAs). E.g. In a case where both private and local authority sectors miss the targets then should some WDAs be fined whilst the private sector is not?

It should nevertheless be borne in mind that many WDAs have based strategies, PFI business cases etc on landfill diversion with LATS as a driver. In addition there are a number of, albeit limited, WDAs such as Buckinghamshire County Council that have made some use of trading. This needs to be borne in mind where consideration is given to removing LATS altogether. In summary it remains a policy with some effect, but is perhaps best seen within a suite of other lesser drivers such as those detailed in section 4.20 of the consultation.

On a related issue a final position on Schedule 2 has not yet been resolved and this could bring in significant extra wastes to WDAs.

14. Q.5: What policy instruments should Defra consider in its assessment of those necessary to meet the landfill diversion targets in 2013 and 2020? Please provide evidence to support your response if possible.

There a wide number of policies which are detailed in the consultation already and it is the view of the BWP that there are adequate drivers, although primarily landfill tax, in meeting the targets. Whilst the financial driver of landfill tax is increasingly important in the current financial climate, there are questions as to whether further central government funding streams will be available in the future to support programmes. For example Buckinghamshire has benefited in the past from extensive WRAP funding, WIP funding, the Waste Capital Infrastructure Grant (WCIG) etc. Without funding in the future e.g. clear recycling of the landfill tax, then local authorities may struggle to fund high performance services.

It is also worth noting that Buckinghamshire, as with many local authorities, has had difficulties in obtaining planning permission for facilities. If more facilities are going to be required as seems certain, more consideration needs to be given to this issue.

On a more general point there is a problem with policies that create artificial boundaries between household, municipal and what may now in effect be private sector municipal waste. These need to be removed wherever possible.

It is clear that the separate consultation on possible landfill bans or restrictions provides a potentially major new policy driver on meeting targets, although in reality probably only appropriate for meeting the 2020 target.

15. Q.6: Are there other policy options specifically to divert biodegradable municipal waste from landfill that Defra should be considering?

16. Q.7: Do you agree with the proposal to create the concept of "Collected Waste" as a means of LATS continuing in its current form as a policy addressing waste collected by local authorities.

Presuming that LATS is maintained then yes the concept is valid to maintain distinction between private sector and local authority waste.

17. Q.8: Is "Collected Waste" the best term, or is there a better alternative?

It may be worth considering that a lot of waste with local authority control is not collected as such, but deposited at HWRCs, recycling centres.

18. Q.9: Do you agree that allocations of landfill allowances to Waste Disposal Authorities should be retained as currently allocated for each LATS scheme year?

Yes, presuming LATS is retained then targets should be retained as they are given the long terms plans that local authorities have made and again recognising the need to avoid new burdens.

19.Q.10: Do you think targets for BMW to landfill should be set in non-target years, and if so, on what basis?

WDAs already have targets in non-target years, so given that the definition of MSW is being made broader then there should be broadly in line with LATS so that drivers are the same for both private and local authority sector. However if the new MSW targets for private sector do not have intermediate targets then these should also be removed for WDAs.

