

DEFRA's Consultation on a Waste Management Plan for England – Response from the Renewable Energy Association

The Organics Recycling group of the Renewable Energy Association welcomes this opportunity to comment on a full draft of this long awaited document. Particular reference within this response is in context of the management of biodegradable resources through a range of technologies including composting, anaerobic digestion and mechanical and biological treatment.

There is within the document a vision, however it does not appear to be that progressive or inspirational in ambition and ORG's members fear that we will be left behind other more visionary member states who are leading the resource recovery agenda.

General comments

As with most Consultation documents there is little appetite from members to engage at will with this process, as the perception from many is that this is a 'fait accompli' and that their views will have little or no bearing on the final outcome of this process.

We understand that there has been an extension to the period for comment, however given that this period falls within the summer holiday time frame at a time when there are in excess of 10 other consultation documents to review for the 'waste' sector, ORG would ask that in future more thought is given to providing adequate time for considered responses to be made, this would provide a greater number of responses and feedback for Defra to consider.

Purpose of the Plan

The need to produce a National Waste Plan is in keeping with European Directives and as a nation we have an obligation to comply with such Directives; however we should not lose sight that the real ambition should be an 'internal' desire to reduce materials consumption and minimise the environmental impacts of treatment options adopted for waste management activities.

This plan in essence is intended to replace Waste Strategy 2007 and that the policy content of the plan must satisfy Article 28(3)(e) is contained in the 2010 Waste Policy Review and the individual Waste Local Plans prepared by Local Authorities.

It was made clear back as far as 2010 at a time of extreme fiscal discomfort that the Waste Policy Review in 2010 and throughout the National plan development that a prime objective was to assist in overcoming the national budget deficit and to protect business from "unnecessary" burden or red tape. There has been little evidence of this in practice, in fact many would state that the opposite has happened and that the burden for many biowaste operators has increased significantly with smaller operators being forced to quit the sector altogether.

Many of our members are striving to through their endeavours to promote the resource efficiency agenda and in particular within the REA, many members are at the heart of the renewables revolution and make significant contribution towards achieving the 2020 renewable energy target of producing 15% of the UK's energy requirements from renewable sources. As previously mentioned there is a fundamental fear that as a result of low ambition, the UK will fall behind other EU member states that are currently (and will continue to) out-performing the UK and ORG would encourage a more ambitious Waste Management Plan.

ORG recognises the need for devolved administrations to develop their own strategic direction and implement strategies which are harmonious with local conditions. A particularly relevant example of this is the fact that Scotland is looking to implement a total ban on all organics to landfill by 2020 in addition to earlier requirements for separate collections. We would like to see the Waste Management Plan for England include proposals for a landfill ban on biodegradable waste. This is in keeping in reducing greenhouse gas emissions and ensuring that the resource use and efficiency are maximised. The aims of the Directive are "to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of wastes and by reducing overall impacts of resource use and improving the efficiency of such use"ORG have discussed this issue with the Minister and would ask that this is given further consideration in the near future.

Future proofing

There are a number of external influencers that will have a significant impact on the operation of waste management facilities within the UK and these do not appear to have been considered within this document. One of note is the Industrial Emissions Directive. The directive (2010/75/EU) came into force on 6 January 2011

In December 2010, the Directive on industrial emissions (integrated pollution prevention and control) (Recast), was published in the Official Journal and required transposition into UK law no later than 6 January 2013. It represents a coming together of seven directives, including the Waste Incineration Directive, into one piece of legislation. Certain provisions of the directive follow the implementation dates below:

- Transposition into UK law by 6 January 2013.
- Implementation from 6 January 2013 in respect of any installation new after that date.
- Implementation by 6 January 2014 in respect of installations already in existence before 6 January 2013 (except large combustion plants).
- Implementation by 6 July 2015 in respect of industrial activities not subject to the current integrated pollution prevention and control Directive.

This particular Directive will have a marked impact on waste management activity within the UK in respect to cost of compliance, so it should be noted that there are a number of similar cross-cutting Directives such as this which will impact on the future of this plan over time.

Others include:

- The recently launched review by the European Commission, of the revised Waste Framework Directive, the Landfill Directive, and the Packaging and Packaging Waste Directive. These 3 directives contain targets, timetables and other requirements that form the back bone of national plans. These could bring significant changes within 2 years, requiring full review of this plan. The National

Waste Prevention Plan required by December 2013 which could also impact upon this Plan.

- The current review of PPS10 (Updated national waste planning policy: Planning for sustainable waste management) especially given the importance of Waste Local Plans in satisfying the requirements of Article 28(3).
- The De-Regulation Bill, currently the subject of a joint Lords and Commons inquiry which will include both waste and environmental legislation.
- Development of 'Technically, Economically and Environmentally Practicable' guidance regarding waste collections in line with Article 11(1) of the revised Waste Framework Directive.

This plan has to be completed in line with Article 28 requirements and no perfect opportunity will ever arise when policy and practise effectively "stand still" to facilitate that. However, ORG recognises that with such fundamental issues under active consideration, an early review of the adopted plan will almost certainly be needed (most probably within the next 2-3 years)

ORG recognise the need for a clearly defined 'pathway' to be defined within this document. The 2007 Waste Strategy is now obsolete as industry and policy drivers move forward. The biowaste industry has seen dramatic change in a relatively small time period with the development of innovative practice and renewable incentives, these will in reality have a greater influence in the future on the progress and development of the sector and should not be overlooked. It is an imperative that Government departments relate more closely with one another (DECC and DEFRA) to ensure that overall policy direction is not in conflict with departmental priorities as this only adds confusion and delay to implementation.

On page 25, the statement is made that "The Department for Communities and Local Government will continue to encourage weekly collections of residual waste in the coming years." However, research carried out by WRAP shows that limiting residual waste capacity encourages behaviour change in favour of managing waste further up the hierarchy. In this way, there is less waste generated overall and more recycling and composting by households.

Turning to the specific questions posed in the consultation, we comment as follows:

- 1) *Will the Wastes Management Plan for England – when combined with the location and specific guidance in the updated waste planning policy – meet the requirements of the Article 28 of the revised Waste Framework Directive? If not, what else is, in your view, needed?*

The Waste Management Plan for England (WMPE) does not appear to be compliant with the Waste Framework Directive for the following reasons:

- The WMPE should identify "the type, quantity and source of waste generated within the territory". The information given on waste arising in England is incomplete, out of date and limited to household and C&I waste rather than encompassing all waste streams.
- The WMPE gives historical information on waste management in England, but no evaluation of how the plan will "support the implementation of the objectives and provisions of the Waste Framework Directive" in the future. A "plan" should explain what will happen in the future, rather than only give a historical perspective.

- The WMPE fails to make it clear whether there is a need for additional waste installation infrastructure in accordance with Article 1 and if so what types of infrastructure are required. On page 25, there is a reference to “the expected shortfall in residual waste treatment capacity needed in order for England to meet its share of the UK’s Landfill Directive targets” and then later in the page it is stated that “we estimate we have sufficient residual waste treatment infrastructure coming forward, on reasonable assumptions, to meet our Directive obligations.”
- There is no analysis in accordance with Article 28 4 (c) of the use of awareness campaigns and information provision directed at the general public or at a specific set of consumers. This is needed for compliance with the Waste Framework Directive.

It is clear that the mandatory requirements of Article 28 of the WFD specify that the plan should contain the following information:

- An analysis of the current waste management situation in the geographical entity concerned, as well as the measures to be taken to improve environmentally sound preparing for re-use, recycling, recovery and disposal of waste and an evaluation of how the plan will support the implementation of the objectives and provisions of this.
- The type, quantity and source of waste generated within the territory, the waste likely to be shipped from or to the national territory, and an evaluation of the development of waste streams in the future;
- Existing waste collection schemes and major disposal and recovery installations, including any special arrangements for waste oils, hazardous waste or waste streams addressed by specific Community legislation;
- An assessment of the need for new collection schemes, the closure of existing waste installations, additional waste installation infrastructure in accordance with Article 16 (on the proximity principle), and, if necessary, the investments related thereto;
- Sufficient information on the location criteria for site identification and on the capacity of future disposal or major recovery installations, if necessary;
- General waste management policies, including planned waste management technologies and methods, or policies for waste posing specific management problems.

In addition Schedule 1 to the Waste (England and Wales) Regulations 2011 sets out other obligations for the Plan which have been transposed from the WFD. These other obligations include:

- In pursuance of the objectives and measures in Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste(1), a chapter on the management of packaging and packaging waste, including measures taken pursuant to Articles 4 and 5 of the Directive.
- Measures to promote high quality recycling including the setting up of separate collections of waste where technically, environmentally and economically practicable and appropriate to meet the necessary quality standards for the relevant recycling sectors.
- As appropriate, measures to encourage the separate collection of bio-waste with a view to the composting and digestion of bio-waste.

- As appropriate, measures to be taken to promote the re-use of products and preparing for re-use activities, in particular —
 - a) measures to encourage the establishment and support of re-use and repair networks;
 - (b) the use of economic instruments;
 - (c) the use of procurement criteria; and
 - (d) the setting of quantitative objectives.
- Measures to be taken to ensure that:
 - (a) by 2020, at least 50% by weight of waste from households is prepared for re-use or recycled; and
 - (b) Measures to be taken to ensure that, by 2020, at least 70% by weight of Commercial & Demolition waste is subjected to material recovery.

The plan on the whole addresses the issues listed above, although the wording ‘as *appropriate*’ leaves interpretation wide open and does little to provide confidence in expected outcomes. As discussed previously in respect to biowaste collection and treatment, exclusion of this material from landfill could be seen to meet the listed requirement ‘to encourage the separate collection of bio-waste with a view to the composting and digestion of bio-waste’ requirement.

Specific areas that the Commission may wish to explore include:

- The degree to which this plan constitutes an “evaluation of how the plan will support the implementation of the objectives and provisions of this Directive” (Article 28(2)). The plan includes actions, completed and yet to be undertaken, but does not appear to be an evaluation. It is difficult to evaluate the success until such time as full implementation has occurred
- The degree to which Waste Local Plans – developed under an as yet draft PPS10 can satisfy the location criteria under Article 28(3)(d), especially where roughly 30% of Waste Local Plans are still to be adopted and many of the earlier adopted plans will slip out of date soon after this Plan is published.
- Article 28(4) of the Directive identifies issues which “may” be contained in the plan including “an evaluation of the usefulness and suitability of the use of economic and other instruments” “in Article 28(4)(b) and the use of awareness campaigns and information provision directed at the general public.....” in Article 28(4)(c) neither of which are dealt with in the draft plan.

2) *Do you agree with the conclusions of the Environmental Report? If not, please provide appropriate evidence to support your view.*

The plan itself includes no new initiatives or policy and this imposes no new impacts and an Environmental Impact Assessment is therefore not triggered.

All waste treatment activities will inevitably result in a level of impact on the surrounding environment with the size and technology determining the extent of this impact. Siting of new facilities will be largely dependent on local circumstances and the technology adopted. It is clear that as the UK population grows there will be a requirement to provide additional processing capacity which will impact on the environment however with more stringent requirements being demanded by such Directives as the IED previously mentioned overall impacts are likely to reduce over time.

3) *Do you agree that there are likely to be no additional burdens for business, consumers and local authorities from adoption of the plan? If not please provide appropriate evidence to support your view.*

The lack of a clear framework for the development of waste management infrastructure is likely to lead to significant additional burdens for business, consumers and local authorities. Uncertainty will create greater possibilities for challenge leading to abortive costs for developers. Local authorities will have to spend more on developing their own strategies which will require a greater level of justification due to the lack of a clear framework.

ORG is aware that as a general principle the burden of cost to industry in respect of compliance within the waste management industry is growing at a rate far greater than inflation, this is in part due to more stringent environmental controls being imposed by the Environment Agency and planning and permitting requirements becoming more onerous. The number of biowaste facilities has declined in recent years although the volume of material processed has grown with consolidation and take-overs being prevalent within the sector.

ORG recognises that this document is significant and of importance but also understands that particularly within our sector the landscape is changing rapidly. The ORG would be happy to discuss any of the points raised above in greater detail to elaborate and provide greater clarity if required.
