

# 1 CUTTING RED TAPE- Response from the Renewable Energy 2 Association (REA)

## 3 Introduction

4 The Cutting Red Tape review of waste is an evidence-led review aimed at businesses and based on  
5 the views and issues expressed by businesses through a 'call for evidence'. The review's findings will  
6 be derived from what businesses tell Government about the issues and experiences that they face  
7 with regulation and these will be their basis for taking action to improve regulation and minimise the  
8 burdens of regulation in the sector.

9 This response from the Renewable Energy Association (REA) seeks to provide evidence as to how  
10 we consider the current regime not to be 'fit for purpose' and that in reality this is holding back the  
11 sectors' ability to develop and grow and make use of valued resources in an environmentally and  
12 commercially effective manner.

13 The REA actively encourages its members to operate and manage their waste facilities in line with  
14 current guidance. The REA responded to the recent Waste Crime consultation and recognises the  
15 impact waste crime has on legitimate operators and we support the additional funding that has been  
16 provided to combat illegal waste activity. We are keen to support good practice and in no way  
17 condone operators who break the law and damage the environment.

18 The REA seek more proportionate and evidence led approach to regulation. We do not oppose  
19 regulation but ask that it is managed in a more pragmatic manner by the EA officers and feel that too  
20 often the lack of understanding by officers means that there are both delays to decision making and  
21 decisions are taken which see things in 'black and white' with little opportunity for a middle ground to  
22 be discussed.

## 23 About the REA

24 The Renewable Energy Association represents a wide variety of organisations, including generators,  
25 project developers, fuel and power suppliers, investors, equipment producers and service providers,  
26 and companies and public sector organisations involved with the management of biodegradable  
27 wastes. Members range in size from major multinationals to sole traders. There are over 750  
28 corporate members of the REA, making it the largest renewable energy trade association in the UK.  
29 Within the REA, its Organics Recycling Group (ORG) promotes the sustainable management of  
30 biodegradable resources, covering both aerobic and anaerobic technologies. The Wood Heat  
31 Association is a subsidiary of REA.

## 32 1 Scale of the Organics Recycling industry

33 From the last organics recycling survey<sup>1</sup>, carried out in 2012 and funded by the Waste and Resources  
34 Action Programme (WRAP), in excess of 7.5 million tonnes of organic wastes (this includes  
35 separately collected green waste and food waste and also comingled food and green waste from both  
36 the municipal and commercial sectors) were used as an input into composting and AD treatment  
37 facilities. In addition a further 2.5 million tonnes of mixed waste was input to Mechanical and  
38 Biological Treatment (MBT) facilities which produce a compost like output suitable only for use in land  
39 restoration projects.

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<sup>1</sup> A survey of the UK organics recycling industry in 2012-WRAP

40 Since the 2012 survey was carried out, there has been significant growth in AD infrastructure and the  
41 volumes of food waste and biodegradable waste this technology treats has grown. The recent  
42 NNFFC report<sup>2</sup> states that there have been an additional 50 sites commissioned in the past 12  
43 months with 200 new plants entering the development pipeline.

44 Statistics<sup>3</sup> from DEFRA relating to the volumes of organic wastes sent for recycling in 2014 was just  
45 under 4 million tonnes (from a total of 10 million tonnes which was recycled), this had risen just under  
46 10 percent from the previous year. In order for compost and digestate to be classified as recycled it  
47 needs to comply with either PAS 100 and the Quality Protocol (QP) for compost, or PAS 110 and its  
48 Quality protocol for digestate. This explains the difference between the figure in line 45 (4 million  
49 tonnes) and the figure found in line 34 (7.4 mt) as the difference is the volume of compost or digestate  
50 that does not meet either of these publically available specifications.

51 The above statistics demonstrate the size and importance of the organics recycling sector and the  
52 excellent value for money it provides in processing and making beneficial use of the outputs to a  
53 range of end markets. Ensuring that industry is not stifled is essential if this sector is to reach its full  
54 potential and maximise the value in the wide range of inputs treated.

55 The view from industry is that the Environment Agency (EA) plays the role of judge, jury and  
56 executioner within the waste industry. There is little recourse for an operator to question decisions  
57 taken by the EA. Officers are often inexperienced and not best qualified given their wide working  
58 remit, as they do not have the full knowledge that industry experts hold.

## 59 **2 Organics Recycling key issues:**

### 60 **2.1 Consistent regulatory approach**

61 There are estimated to be 673 permitted organics recycling facilities in England, which includes  
62 composting, AD and MBT, with a further 15344 T23 (aerobic composting and prior treatment) and  
63 1614 T24 (anaerobic digestion used at premises used for agriculture and burning of resultant biogas)  
64 exempt sites. These sites will be often competing to process the same feedstock, so the manner in  
65 which they are regulated can impact significantly on the gate fees they charge. Overzealous officers  
66 can influence significantly the cost burden that a site bears. There is a huge disparity throughout the  
67 country as to the level of regulatory constraints imposed on ORG members sites, dependant on the  
68 approach taken by their local officer (you will see further reference to this point later in the document  
69 and the impact this can have on a sites ability to operate cost effectively).

70 **REAA request:** Better training of Officers is required, so that the approach across the country is  
71 consistent.

### 72 **2.2 On-site enforcement**

73 The approach to regulation is not always focussed on outcomes, but in some cases on a strict and  
74 literal interpretation of the legal requirement. This can result in an approach to enforcement and  
75 guidance that may actually result in worse environmental outcomes (as waste producers and  
76 managers cannot or do not adopt overly complex or impractical requirements with no discernible  
77 benefit (environmental or otherwise).

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<sup>2</sup> Anaerobic Digestion Deployment in the UK-April 2015-NNFFC

<sup>3</sup> Provisional Statistics on waste managed by local authorities in England including October to December 2014-Defra

78 Biowaste is only a small part of the regulators remit in respect to site regulation and too often our  
79 members report that the experience and understanding officers have on the subject is not sufficient  
80 for them to make judgement on the manner in which a site is operated so they revert to an over literal  
81 interpretation of the regulation. We have included examples of this below.

82 **REA request:** We are not in favour of a rigid enforcement regime which is cast in black and  
83 white, but ask that a more flexible approach is adopted which allows for common sense to  
84 prevail and allows officers to use their judgement within agreed guidelines. Again, this comes  
85 down to better training of Officers before they are allowed sole responsibility for regulating a  
site.

86 **2.2.1 Example 1- Odour enforcement (example from REA member)**

87 An REA member who manages a Mechanical and Biological treatment (MBT) facility used for the  
88 segregating of mixed waste into its component fractions of biodegradable material and recyclable  
89 fractions has been managing odour on the site for some time using the EA recognised guidance in  
90 accordance with H4<sup>4</sup>. The local EA team informed them that they now have internal unpublished  
91 guidance which supersedes H4, however they are not allowed to share it with operators. This  
92 effectively renders the existing guidance pointless to the operator and does not provide the operator  
93 the opportunity to react as he is unaware of the requirements being made on his site from the new  
94 unpublished guidance. How can this be a fair and proportionate way to regulate?

95  
96 The EA team at the same site are treating complaints from the public as substantiated, despite no EA  
97 officer verification. This demonstrates lack of protocol compliance, as all complaints need to be  
98 verified in person by the EA to avoid malicious non substantiated complaints being made. To date this  
99 year, the site in question has been apportioned and scored for 54 odour complaints despite only  
100 having 2 scoring visits from the EA. The EA inspector states he is now scoring on the 'probability' that  
101 it is the sites operation which is to blame despite the fact that the site in question is co-located in close  
102 proximity with an active landfill which is excavating previously tipped waste. This indicates that the EA  
103 is failing to act as a fair and proportionate regulator and acting outside of its remit.

104  
105 **REA request:** That there is a greater degree of transparency in respect to on-site  
106 regulation; all guidance that is used by Officers should be available to operators. There  
107 should be a published route for complaints against the individual actions of an EA Officer,  
108 with independent oversight.

109  
110 **2.2.2 Example 2 - Bunding (secondary containment) on AD sites**

111 Costs in excess of £500K have been incurred by an REA member in respect to an AD project, where  
112 the officer in charge of groundwater protection (who has since left the EA) placed a higher and higher  
113 specification requirement on the containment system specification and ended up with an entirely  
114 prescriptive approach as to what would be acceptable. Several proposals were rejected on the  
115 grounds that they were not good enough, but without reference to the specification that was required.  
116 The officer appeared to delay a decision until the latest guidance document had been published and  
117 then chose to refer to it. The delays in decision making and the changes in specification cost in  
118 excess of £750K for the AD project. The lack of recourse, and ultimately, the absence of financial  
119 responsibility make the entire process uncontrollable. There can be few other business relationships  
120 which are so imbalanced and guided by precaution and prevarication. The EA need an oversight body

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<sup>4</sup>H4 Odour Management How to comply with your environmental permit-  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/296737/geho0411btqm-e-e.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296737/geho0411btqm-e-e.pdf)

121 or structure which allows rapid reviews without stalling all other activity, which is invariably the case  
122 when appeals are sought. Currently any reference to an Officers line manager is seen as poor form  
123 and frequently gets an operator classified as difficult and worthy of tougher regulation. Most operators  
124 are unwilling to complain about officers since the subsequent trouble makes operations virtually  
125 impossible.

126 Much of the regulation from the EA is subjective in nature and far from straightforward. As a  
127 consequence, the initial officer viewpoint as to whether they are enforcers of law or working in  
128 partnership with industry to achieve sensible recycling outcomes is crucial. Too often the EA are seen  
129 as working against industry rather than supporting their efforts. The REA do not support poor practice  
130 or condone operators that work outside the law, however there needs to be a more supportive  
131 approach taken for sites that are working within the law.

132 **REA request:** To make the EA accountable for their actions to industry, make officers  
133 accountable for their technical positions and implement a complaints system which is  
134 independent of line management, and to introduce a culture within the EA that seeks to work with  
135 industry not against it (some officers do have this mind set, but appear to be in the minority).  
136

### 137 2.2.3 Example 3 - Gypsum recycling

138 An REA member wanted to set up a new operation to further screen paper waste from recycled  
139 gypsum to obtain a really clean paper and recover more gypsum powder. The company found a  
140 suitable building to carry this out, albeit on a new site but still in the permitted site area and in theory  
141 this could be done under a Standard Rules permit 2008 No3 which has both 17 08 02 (gypsum  
142 wastes) & 19 12 01 (paper wastes) included on it, but not 19 12 12 (a mixture of wastes). The paper  
143 waste with gypsum has been classified as 19 12 12, even though the gypsum powder is minimal, less  
144 than 12%.

145 Because of this fact, this now has to be a bespoke permit; it is likely to be up to 3 months from being  
146 'Duly Made' before a decision is made and the application costs are considerably increased. To  
147 compound the issue this is likely to be an interim solution for the company, lasting a maximum of two  
148 years, so all the costs incurred as a result of this minor variation will only be a short period of time  
149 before the company seeks to expand their existing facility.

150 In this instance, it is a relatively small scale activity treating less than 6,000 tonnes p.a, fully enclosed  
151 in a building, so risks are fully controlled and in a world of less red tape, this could be dealt with under  
152 a Local Position, however whilst the local EA have been helpful their hands are tied as to what they  
153 are allowed to do.

154 **REA request:** To allowing local officers to act with a degree of independence to adapt to  
155 local conditions.

### 156 2.2.4 Example 4 - Fire prevention plans on biowaste treatment sites

157 Since 2011 there have been more than 1,000 fires recorded in the fire brigade's Incident Recording  
158 System (IRS) as being at or involving waste and waste sites. The industry recognises that this is a  
159 significant issue which is costing both in respect to the reputation of the sector but also in respect to  
160 the premiums that sites are charged for insuring against fire risk.

161 A number of composting sites process waste wood, as the machines used for shredding and  
162 screening are transferrable as are the skills for managing the process.

163 During the last 2 years, the EA has published four guidance documents relating to Fire Prevention,  
164 culminating in the latest Fire Prevention Plan in March this year. Unfortunately they failed to recognise  
165 the needs of industry and did not consult with them. This approach to producing guidance is wholly  
166 unacceptable and for this reason the guidance has not been well received within the sector, as it is  
167 seen as wholly unworkable. The WISH (Waste Industry Safety and Health) group (which the REA are  
168 founding members) however had previously provided industry with similar guidance<sup>5</sup> but one which  
169 was more pragmatic in its approach, this however has no recognition from the regulator and is  
170 superseded by the EAs document. Then, to add confusion, earlier this year the EA published a Draft  
171 Pollution Prevention Guideline on the Safe Storage of combustible materials, prevent and control fire  
172 – PPG29. Although similar to the Fire Prevention Plan document, is not the same!

173 The most serious impact for the industry of the EA's recent emphasis on Fire Prevention is that  
174 Officers are trying to get operators to retrofit their sites to comply with the guidance. This is causing a  
175 very significant increase in costs, which were not planned for when the site was set up.

176 The REA is concerned that there is policy creep to imposing similar unworkable fire prevention plans  
177 into the composting sector where oversize is often stored on site prior to re-processing or landfill.

178 **REA request:** Guidance for the sector is very important as it encourages good practice,  
179 however it is crucial that industry is consulted from an early stage to ensure that any  
180 recommendations made are workable and can be adopted by industry.

### 181 2.2.5 Example 5 - Regulation of site post fire event

182 An REA member had a site fire which was a result of spontaneous combustion in bunding adjacent to  
183 the compost windrows. With strong winds prevailing on the day the fire scorched the surface of the  
184 compost in a number of windrows. The operator had the incident under control very quickly and had  
185 the site segregated and cleared within 24 hours of the event occurring. All incoming feedstock was  
186 diverted to another site immediately.

187 Due to the over precautionary approach taken by the EA, the site remained unable to accept incoming  
188 material for six weeks costing the site a significant loss in revenue, the reality was that after one week  
189 business could have reverted to 'normal' business without any environmental impact whatsoever.  
190 There was a clear lack of leadership in this case and no-one was prepared to make a decision to  
191 open the site.

192 Had the EA taken a more risk based approach to the event and not treated this as if it was a major  
193 incident then the site would not have lost so much revenue (and long term customer businesses who  
194 had to seek alternative avenues for their material).

### 195 2.2.6 Example 6 - Standard rules permit v bespoke permit.

196 One of our members needed to obtain a bespoke permit as there was a nearby wildlife site which  
197 meant that a standard rules permit was not acceptable. Despite having addressed all the concerns  
198 relating to the wildlife site and provided evidence, the site was obliged to address other major impact  
199 areas that would not have been covered under a standard rules permit, particularly groundwater with  
200 high cost of borehole logs. The additional work was disproportionate for the permitting of a site

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<sup>5</sup> Reducing fire risk at waste management sites- WISH- [http://www.ifsm.org.uk/wp-content/uploads/2014/08/WASTE\\_28\\_Reducing\\_fire\\_risk\\_at\\_waste\\_management\\_sites\\_issue\\_1\\_-\\_Oct\\_2014.pdf](http://www.ifsm.org.uk/wp-content/uploads/2014/08/WASTE_28_Reducing_fire_risk_at_waste_management_sites_issue_1_-_Oct_2014.pdf)

201 considering the reason for the unavailability of a standard rules permit option was for a minor and  
202 easily addressed point of airborne wood dust pollution on plant life.

203 The level of information needed for a standard rules permit and a bespoke permit is vastly different  
204 and there appears to be no option for a pragmatic approach if the reason for the need for a bespoke  
205 permit is addressed.

### 206 **2.3 Timeliness for applications for deployments**

207 With respect to permit applications, one of the most significant concerns raised by operators is in  
208 respect to the time taken for a determination to be made by the EA. An industry such as the organics  
209 recycling industry requires decisions to be made quickly in order that they can be proactive in the  
210 management of their businesses. All permit applications are made centrally to Sheffield. Due to  
211 current the backlog of applications, there is then a waiting period of up to six weeks before you hear  
212 anything from the case handler in Sheffield. Depending on the level of complexity, further exchanges  
213 of emails occur for clarification purposes. Once the EA are satisfied that they have all the information  
214 necessary, the application is 'Duly made'. This means that the EA have all the necessary information  
215 they require to make a determination decision. There may however be a further requirement for  
216 additional information during the determination period. Altogether, it can take at least 3 months to sort  
217 out a deployment permit.

### 218 **2.4 Deployments for spreading compost or digestate to land.**

219 When compost or digestate is spread to land, there are two possible avenues to follow.

220 If the compost does not comply with PAS100 (publicly available specification) and the compost quality  
221 protocol (CQP), this material has what is known as 'waste' status and will need to be spread to land  
222 under a deployment. If however the material conforms to the requirements of PAS 100 and the CQP,  
223 then this material on leaving the composting or AD site is classified as a 'product' and the regulator  
224 has little interest in it after this point and does not regulate its subsequent spreading to land.

225 A concern that the REA has is that too often the critical limits which apply to a range of parameters  
226 within PAS 100 such as physical contaminants (plastics for example), e-coli, stones and stability are  
227 used as a default position for non-PAS100 composts being deployed to land. This defeats the  
228 principle of deployments for waste status composts, as effectively the EA are seeking that all  
229 materials comply with PAS100 parameters and this is taken as their default position. This was never  
230 the intention of PAS and undermines the ability in some cases to get compost to land.

**REA request:** Clear limits for landspreading of compost and digestate under a deployment should be published or acceptance that material falling outside the PAS limits can still be beneficial providing the appropriate risk assessments are carried out.

### 233 **2.5 Storage of compost or digestate prior to landspreading**

234 There is increasing evidence of a requirement to store compost or digestate 'on the site where the  
235 spreading activity is to take place'. We have evidence from an ORG member where he was delayed  
236 in carrying out spreading activity due to prevarication over unclear guidance.

237 He did not wish to incur field damage and sacrifice crop by storing the material to be spread on the  
238 field headland but preferred to store it on another more appropriate location. This location was also  
239 able to accept lorries so reduced transport costs for moving the material.

240 It was only after continued pressure from the operator that the EA relented to allow him to store  
241 compost on the proposed location. This delay in a farming environment is not helpful and

242 demonstrates the lack of understanding many officers have in respect to the sense of urgency this  
243 working arena requires.

## 244 **2.6 Guidance-clarity and adherence to it**

245 The REA have concerns about the status and complexity of guidance currently available on-line at  
246 Gov.UK. We welcome the measures taken to clarify basic guidance using the gov.uk web portal but  
247 still have concerns about the detailed guidance behind this. The extensive range of document formats  
248 and naming/numbering schemes for environmental and waste legislation is confusing. The content of  
249 some guidance documents is overly complex and likely to result in poor outcomes as waste producers  
250 and managers do not understand what is required or cannot apply the requirements in practice.

251 It is understood that the EA are no longer encouraged to produce guidance documents, it is  
252 understood that this is the role of the respective trade association to manage on behalf of its  
253 members. The REA has no issue with this if these documents are recognised by the regulator. What  
254 is not acceptable is for the regulator to make up regulation and enforcement 'on the hoof' as this is not  
255 helpful for industry in any way and means that there is a lack of consistency applied across the sector.  
256 Industry requires clarity, consistency and most of all transparency if it is to move forward and invest in  
257 future projects.

**REA request:** A statement needs to be made by the EA and clearly included on its website as to the status of different guidance documents and which they will be relying on when it comes to issuing permits and taking enforcement action.

260

## 261 **2.7 Deployment forms-LPD1**

262 When a site is requested to submit deployment forms there is a standardised form for this referred to  
263 as an LPD1. However there is a raft of additional information requested as part of the deployment  
264 regime such as the waste compositional analysis, soil analysis, risk assessments and the spreading  
265 location.

266 It would be much easier if it was possible to submit this information on-line in a format whereby you  
267 could save and edit the contents prior to sending it to the EA electronically.

## 268 **2.8 Roles and responsibilities of the regulator - (Observations from REA members)**

269 The following observations have been made in respect to how the EA staff behave in respect to REA  
270 members that are involved in the operation and management of biowaste sites. There are reports of  
271 an excellent working relationship between some operators and their EA inspectors, however too often  
272 the following scenarios are reported:

- 273 1. The REA would like to see a re-balance of EA site officer's approach to become more positive,  
274 non-petty and practical. Some are, some are not and this un-levels the playing field. Why should  
275 composting in Lincolnshire be easier to carry out than in Hertfordshire, EA Officers are the only  
276 difference in this position and this should not be the case?
- 277 2. Where there is poor performance, the EA must treat individual sites/operators appropriately. We  
278 do not expect the majority of sites to be treated in the same way as the poor performers at a  
279 minority of sites.
- 280 3. Where the EA have concerns over the performance of ORG members, we would ask that the EA  
281 share these issues with the ORG. We undoubtedly can then help improve that site's performance  
282 by working as an intermediary between the operator and the regulator.
- 283 4. The REA asks that the EA look at the bigger picture and understand what composting does to the  
284 greater environment and not allow the negative, minority-based detail to cloud the macro benefits  
285 when making overall judgements. We should remind ourselves that the level of real environmental

- 286 threat the biowaste industry pose is at a low level and is very good value for UK PLC. Without the  
 287 biowaste sector, all recycling targets in the past or present would be missed.  
 288 5. The REA requests that composting and AD be considered as a `Social Utility` a bit like the water  
 289 industry where there seems to be a more pragmatic approach taken to the regulation of these  
 290 sites such as waste water treatment facilities.  
 291 6. There is a requirement for a great number of management documents. As an example, in order to  
 292 operate a biowaste site they require the following:  
 293 I. A site management system,  
 294 II. An odour management plan,  
 295 III. A fire prevention plan,  
 296 IV. A traffic management plan,  
 297 V. Quality protocols for the deployment of compost and digestate.  
 298 VI. Emissions monitoring, particularly bioaerosols cost a site an additional £15k PA.  
 299

300 During 2014, an REA member operating a mid-sized recycling company spent in excess of £70k  
 301 on using an external consultant to help manage the requirements and demands of the EA. Is this  
 302 proportionate to the risk this industry poses to the environment?  
 303

- 304 7. Lead officers for sites vary between the very good, pragmatic and unbiased, to those causing  
 305 problems for operators due to their lack of experience and technical knowledge. Frequently, poor  
 306 officers are arriving at technical conclusions based on little or no technical knowledge and, at  
 307 times no common sense. Specific examples include officers who have requested soil bunding to  
 308 be raised in order to prevent odour release, requirements to maintain windrows at more than 5%  
 309 oxygen level (this is a common permit requirement, and in the real world utterly unachievable nor  
 310 necessary). Industry incurs huge costs and delays to process improvements due to regulation by  
 311 some officers which is wholly inadequate. These rogue officers serve neither the EA, local  
 312 residents, the environment nor industry well; there are other officers who strike the right balance  
 313 and ensure operations which are environmentally sustainable without unnecessary and wasted  
 314 cost.  
 315 8. To ensure that technical guidance is well considered and up to date. The Jacob's technical  
 316 guidance documents (never officially published) is largely disregarded. It should be an imperative  
 317 that industry is involved from an early stage in the drafting process of any future guidance

318 **REA request:** Most of the issues identified above relate to the level of training of EA  
 319 Officers, which needs to be improved; this would have the benefit of reducing time spent by  
 operators and the EA in dealing with paperwork and complaints.

320

## 321 2.9 Poor decision making

### 322 2.9.1 Removal of street swept leaves from composting sites

323 Street swept leaves were used ubiquitously throughout England for manufacturing compost up until  
 324 2011/2012 and this was common practice amongst many rural local authorities. However,  
 325 composting, like all other waste treatments, is subject to regulation by the EA. In 2012, guidance from  
 326 the EA stated that street swept leaves were prohibited from being used to make `Quality Compost` for  
 327 use in agricultural and horticultural applications due to the high concentrations of heavy metals and  
 328 poly aromatic hydrocarbons (PAHs).  
 329

330 The decision to prevent street swept leaves from being used for composting was based on  
 331 trials by the EA that showed higher concentrations of PAHs, including Benzo[a]Pyrene (BaP), a  
 332 known genotoxic carcinogen, within the leaves and their composted outputs compared to typical  
 333 green wastes (EA, 2012; EA, 2013). The main source of these contaminants in street swept leaves is  
 334 suspected by the EA to be vehicle exhaust emissions, oil spills and tyre wear.  
 335

336 However, the EA trials contained many limitations and a request was to the EA to continue trials using  
337 larger sample datasets. This request was not heeded and so as a result leaf litter from roads is now  
338 destined for landfill or at best treatment at an MBT facility.  
339

340 Local authorities would like to be able to compost leaf sweepings for spreading on agricultural land. In  
341 order for leaves from dedicated street sweeping rounds to be used as part of a feedstock to make  
342 quality compost, its composition must conform to the Compost Quality Protocol and the requirements  
343 of PAS100:2011 (BSI, 2011), which was developed by the Environment Agency, WRAP and industry.  
344

345 It should also be noted that leaf sweepings never get sent out alone as a composted product but only  
346 represent a very small percentage of the total compost fraction, as many different incoming materials  
347 will be blended together and diluted with other feedstock so that the final compost product will not  
348 contain significant volumes of leaf litter even at times of high leaf litter input such as the autumn.  
349

350 The loss of leaf sweepings has in some counties reduced the 'recycling rate' by several percentage  
351 points, at a time when the UK is stalling on its recycling targets of achieving 50% by 2020, this is not  
352 sound evidence based regulation.  
353

354 This can be supported by the recent report produced by Surrey County Council<sup>6</sup>  
355

**REA request:** That further evidence is gathered to review this current position on the recycling  
356 of street leaf litter  
357  
358

### 359 **3 Comments made specifically in relation to energy supply**

360 The REA believe that there should be a widening of the scope for non-licensed electricity supply to  
361 extend beyond those properties immediately adjacent to a generation site, to those within a  
362 prescribed distance and to relax the rules regarding 'passthrough' of electricity from licensed  
363 suppliers. If these rules were revised appropriately, it would be possible for local energy co-ops to be  
364 founded allowing community or commercially owned generators (particularly renewable generators) to  
365 sell electricity directly to the host local community. Providing the primary source of electricity is the  
366 local generator and the "passthrough" electricity is for backup purposes, this should not limit the  
367 scope of electricity sales. The limitation on common ownership of these non-licensed supply  
368 companies should be abolished.

369 The relevance to this relates to the fact that it is possible to be a non-licensed electricity supplier if the  
370 properties supplied are immediately adjacent to the generator, the quantity supplied is <5MW (of  
371 which residential supply must be <2.5MW) and any power purchased from licensed suppliers and sold  
372 on to customers is limited to 2.5MW. If these rules were streamlined, it would be possible to establish  
373 community-owned or commercial local energy co-operatives which source their electricity primarily  
374 from a local generator and supplement/back up from a licensed supplier. The restriction that the  
375 properties supplied must be adjacent to the generator is overly prescriptive and should be replaced  
376 with a distance. There is a restriction whereby the quantity of electricity purchased from licensed  
377 suppliers is totalled across all such suppliers in common ownership, which prevents innovation within  
378 the market.

#### 379 **3.1 Grid injection**

380 Regulations relating to the injection of hydrogen into the natural gas transmission & distribution  
381 system are unreasonably prohibitive and should be relaxed to enable the deployment of power-to-gas

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<sup>6</sup> An Investigation on Surrey's Road Swept Leaves for Surrey County Council-Report Reference : LP00828, Report Date : 16 March 2015

382 energy storage technologies, as is being done in Germany, where the limit of hydrogen injection is  
383 many times higher than in UK.

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