

NORTH LONDON WASTE AUTHORITY

REPORT TITLE: CONSULTATIONS AND POLICY UPDATE

REPORT OF: MANAGING DIRECTOR

FOR SUBMISSION TO: AUTHORITY MEETING

DATE: 2 DECEMBER 2019

SUMMARY OF REPORT:

This report provides the regular update on consultations and policy issues that have the potential to impact on Authority operations or activities. The report provides an update on three government consultations resulting from the Resources and Waste Strategy for England and provides an update on the North London Waste Plan, the spatial strategy for waste planning in north London. The report seeks authority to respond to a consultation issued by the Environment Agency on standards for biowaste processing through composting and anaerobic digestion facilities.

RECOMMENDATIONS:

The Authority is recommended to:

1. Note the updates provided in sections 2 and 3 of this report, and
2. Delegate authority to the Managing Director in consultation with the Chair and Vice Chairs to submit a response to the Environment Agency's Standard rules consultation No20: revision of standard rules sets for biowaste treatment.

SIGNED:



Managing Director

DATE: 20 November 2019

1. PURPOSE AND STRUCTURE OF THE REPORT

- 1.1. The Consultations and Policy Update is a regular report which provides an update for Members on consultations and policy issues that are relevant to the Authority such that the proposals have the potential to affect the Authority's operations and/or costs. The report additionally seeks approval for responses where appropriate.
- 1.2. This report provides an update on two issues:
 - 1.2.1. Progress with three government consultations resulting from the Resources and Waste Strategy for England to which draft consultation responses were prepared and subsequently considered by Members at the Authority meeting on 4 April 2019. The final Authority responses were provided for the 21 June 2019 meeting.
 - 1.2.2. Progress with finalising the North London Waste Plan, the spatial strategy for waste planning for north London which the seven constituent boroughs are developing as waste planning authorities.
- 1.3. Thirdly the report seeks delegated authority to the Managing Director in consultation with the Chair and Vice Chairs to submit a response to the Environment Agency's Standard rules consultation No20: revision of standard rules sets for biowaste treatment.

2. RESOURCES AND WASTE STRATEGY CONSULTATIONS PROGRESS UPDATE

As noted at the June 2019 meeting, the Authority submitted reports with appropriate Member approval to the following Government consultations:

- 2.1.1. 'Consultation on reforming the UK packaging producer responsibility system', from the governments of England, Wales, Scotland and Northern Ireland;
 - 2.1.2. 'Consultation on consistency in household and business recycling collections in England', from the Department for Environment, Food and Rural Affairs (Defra); and
 - 2.1.3. 'Consultation on introducing a Deposit Return Scheme in England, Wales and Northern Ireland', from the England, Wales and Northern Ireland Government.
- 2.2. In addition to the above, Members also considered and approved a draft NLWA response to a Treasury consultation on introducing a tax on plastic packaging which contains less than 30% recycled content.
 - 2.3. The responses to these consultations are available on the Authority's corporate website at <http://www.nlwa.gov.uk/consultations/our-responses/>
 - 2.4. The Government subsequently confirmed its commitment to a range of policy measures in its responses to the three waste and resources consultations published on 23 July.

- 2.5. In those responses, the Department for Environment, Food and Rural Affairs (Defra) confirmed the Government planned to introduce a deposit return scheme (DRS) for drinks containers, a 'full net cost recovery' extended producer responsibility (EPR) scheme for packaging, and a consistent set of core recyclable materials (including food waste) to be collected from households and businesses in England, all by 2023.
- 2.6. On 15 October the Government introduced an Environment Bill which has been published on the Parliament website: https://publications.parliament.uk/pa/bills/cbill/2019-2020/0003/cbill_2019-20200003_en_1.htm The Bill contains enabling powers to implement the changes proposed in the consultation documents for example Clause 44 and Schedule 4 of the Bill amends provisions in the Environment Act 1995 about producer responsibility obligations; Clause 49 confers power on the relevant national authority to make regulations establishing deposit schemes; Clause 52 makes amendments to the Environmental Protection Act 1990 regarding the separate collection of household waste.
- 2.7. The Bill failed to complete its passage through Parliament before dissolution prior to the general election on 12 December. Any decision on reintroducing the Bill would be for a future Government.
- 2.8. In addition to waste issues the Bill also includes provisions to establish a new independent Office for Environmental Protection – in the event of the UK leaving the European Union. The Office would scrutinize environmental policy and law, investigate complaints and take enforcement action against public authorities, if necessary, to uphold environmental standards.

3. NORTH LONDON WASTE PLAN – PROGRESS UPDATE

- 3.1. The North London Waste Plan (NLWP) is a multi-borough project which will set out the planning framework for waste management in the north London Boroughs for the next 15 years. It will identify sites for waste management use and set out policies for determining waste planning applications. The North London Waste Authority is a key consultee for the plan. It is important that the plan provides responsibly for potential future waste needs.
- 3.2. The draft plan was approved for public consultation by each of the seven boroughs and issued for consultation on 1 March 2019 and the Authority responded at that time. This was the final (Regulation 19) consultation prior to an examination hearing on the draft NLWP in public, by an inspector.
- 3.3. At the time of writing this report the NLWP hearings have been set for 20 and 21 November but the final questions for the hearings have not been issued. However, Authority officers have asked to appear to give oral evidence at the hearings.
- 3.4. The key issue on which it is important to continue to make the Authority's case is the rationale for retaining the Authority's undeveloped site in the London Borough of Haringey at Pinkham Way within the NLWP. NLWA has owned part of the Pinkham Way site for a number of years. It would be counter-intuitive to exclude from the NLWP land which is undeveloped and owned by the Waste Authority. Inclusion of the site in the plan does not imply an obligation or commitment to use it for specific

waste purposes. By contrast, excluding the site from the plan would make it more difficult for the site to be developed to meet the requirements for waste management in the north London area as these become clear with policy development nationally and regionally.

- 3.5. An oral update about the hearing can be provided at the Authority meeting but the outcome of the hearings and the inspector's report is not expected to be available until the new year.

4. ENVIRONMENT AGENCY CONSULTATION ON PROPOSED REVISION OF STANDARD RULES SETS FOR TREATING BIODEGRADABLE WASTE

- 4.1. Waste management facilities must have a valid permit (or exemption) to operate. Permits are issued by the Environment Agency (EA). Standard EA permits contain one condition which refers to a fixed set (or sets) of standard rules that an operator must comply with. The standard rules define the activities that an operator can carry out. They also specify necessary restrictions on those activities, such as emission limits or the types of waste or raw materials that can be accepted at the sites. The EA publishes standard rules on GOV.UK following public consultation. Any operator who wishes to carry out a particular activity at a particular site or sites can look at the standard rules. If they can comply with them, they can decide to apply for a standard permit. The EA is able to issue a standard permit more quickly and cheaply than a bespoke permit, because they have no decisions to make on site specific permit conditions. The rules are the same for each operator carrying out that particular activity. Rules and risk assessments are published in advance so that operators and the public know precisely what controls they will apply to a proposed activity.
- 4.2. The EA is seeking views on proposed amendments to the standard rules for facilities which treat biowaste such as food waste. Biowaste treatment methods include anaerobic digestion, composting and sewage sludge treatment. The proposals are to:
- 4.2.1. Revoke (and remove from the website) the standard rules and permits for mechanical biological treatment of waste (SR 2008 No 18 and SR 2015 No 12) Only one operator has applied for this permit since 2008. The EA proposes to move this operator to a more suitable non-hazardous standard rules permit.
 - 4.2.2. Merge some sets of rules – for example there are currently 21 sets of rules for biowaste treatment facilities. As an example, the EA proposes to merge the existing small-scale composting site rules to one permit.
 - 4.2.3. The EA also proposes to revise existing rules sets, including to reduce the number by transposing like for like activity
- 4.3. Most of the proposed changes have a neutral impact on the Authority. However, one key proposal could have a significant impact on the volume and cost of processing organic waste. This is a proposal to tighten the limits for the amount of plastic permitted in material which is composted or used for anaerobic digestion.

- 4.4. The consultation document notes that plastic contamination in the end product of treatment (i.e. compost or digestate), even if compliant with the market PAS 100 or PAS 110 standards, has reduced market confidence in using compost and digestate for agriculture. The consultation document argues that removing plastic during or at the end of the treatment process is not an effective control measure. The EA therefore considers that the most effective way to deal with plastic contamination is by controlling feed material. The consultation document proposes to exclude all non-compostable plastic and packaging.
- 4.5. Current waste input contracts operate at a contamination rate of around 5% weight/weight (w/w). The current PAS 100 standard allows an equivalent of approximately 150 plastic bags per tonne at this conversion rate. However, the EA does not consider this to be sustainable.
- 4.6. It is therefore proposed that incoming waste streams contaminated with non-biodegradable contaminants such as plastic and other litter above an incidental level of 0.5% w/w is excluded. Compostable and biodegradable plastic would be permitted only if the packaging complied with the standard EN 13432 or other recognised compostable packaging standard/certification.
- 4.7. It is recommended that the Authority responds to this consultation with a principal focus on the proposed changes to limits to the amounts of plastic in compost and digestate. In practice officers consider that it will currently be very difficult to achieve limits of 0.5% plastic. To achieve this level of input quality would require a considerable increase in budget for communications to ensure that residents understand the reason why the quality of what they put into their organic waste collection is so important and also so that they take action. Penalties for contaminating would also need to be imposed in officers' view to ensure that people act. Without these changes to encourage a reduction in current levels of contamination, reducing the allowable contamination limits would immediately result in a considerable amount of organic material for composting and anaerobic digestion being rejected.
- 4.8. Given the time available to review this consultation and consider the feasibility of lower plastic limits it is recommended that authority is delegated to the Managing Director in consultation with the Chair and Vice Chairs to submit a response to this consultation. The consultation response should note the desirability of reducing the amount of plastic in compost and digestate, whilst also emphasising the importance of supporting action by local authorities and residents to generate the greatest practicable recycling of material.

5. EQUALITIES IMPLICATIONS

- 5.1. The impact of implementing the government consultations listed in section 2 of this report is unknown at this stage. However, if any equalities implications for north London are identified at the next stage of consultation, these will be set out in future reports to Members.

6. COMMENTS OF THE LEGAL ADVISER

- 6.1. The Legal Adviser has been consulted in the preparation of this report and comments have been incorporated.

7. COMMENTS OF THE FINANCIAL ADVISER

- 7.1. The Financial Adviser has been consulted in the preparation of this report and has no comments to add.

List of documents used:

'Our Waste, Our Resources: A Strategy for England', HM Government, 18 December 2018. Available at: <https://www.gov.uk/Government/publications/resources-and-waste-strategy-for-england>

'Consultation on reforming the UK packaging producer responsibility system', Defra, Welsh Government, Scottish Government and Department of Agriculture, Environment and Rural Affairs, Northern Ireland, February 2019. Available at: <https://consult.defra.gov.uk/environmental-quality/consultation-on-reforming-the-uk-packaging-produce/>

'Consultation on Consistency in Household and Business Recycling Collections in England, Defra', February 2019. Available at: <https://consult.defra.gov.uk/environmental-quality/consultation-on-consistency-in-household-and-busin/>

'Introducing a Deposit Return Scheme (DRS) in England, Wales and Northern Ireland', Defra, Welsh Government and Department of Agriculture, Environment and Rural Affairs, Northern Ireland, February 2019. Available at: <https://consult.defra.gov.uk/environment/introducing-a-deposit-return-scheme/>

'Standard rules consultation No20: revision of standard rules sets for biowaste treatment', Environment Agency, 21 October 2019. Available at: https://www.gov.uk/government/consultations/environmental-permitting-standard-rules-consultation-no-20?utm_source=6b233637-872e-4172-9e80-47df4a173a14&utm_medium=email&utm_campaign=govuk-notifications&utm_content=daily

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