

North London Waste Authority Response to the Call for Evidence: Environment and Climate Change

We have set out in Table 1 what we see as the advantages and or disadvantages of relevant EU Waste Legislation in the Waste Sector and generally conclude that having a European Framework in place is positive but improvement is required in the interpretation and implementation in the different Member States. A specific and current example of this is glass cullet and the end of waste criteria for this and the uncertainty over how glass recyclers can become accredited for EoW and what the impact of the changes will be on the PRN system.

Another relevant example is the treatment of metals, glass, ash and aggregate recovered from Incinerator Bottom Ash. These count towards recycling in certain Member States but not in the UK. This is another example where there is a lack of consistency. The Authority has written to the EA making the case for glass in IBA to be counted towards recycling. See Box 1

BOX 1 – The Case for Glass in IBA counting towards Recycling Targets

One of the key requirements for recycling of IBA by organisations such as Ballast Phoenix into usable building products (i.e. incinerator bottom ash aggregate or IBAA) is the presence of good quality aggregate. Here, the particle size of aggregates should be up to 40mm, consisting of hard durable inert material such as glass, porcelain, brick or stone. Fine ash including that from coal fired power stations has almost no uses and is usually landfilled.

One of the features of using IBAA for construction is its pozzolanic properties meaning that when laid and compacted, it possesses cementitious properties. Consequently IBAA containing glass aggregate has many uses including pipe bedding, construction filling and capping, flooring sub-base, bitumous mixes, piling mats, and lightweight aggregate for masonry. As such its production and use must comply with UK and European standards, being manufactured to a robust Quality Protocol. It is understood that a Quality Protocol is presently under development and is anticipated to be released in late 2013.

Each year, the NLWA consigns over 500ktpa of municipal solid waste to the Edmonton EfW facility where waste is burn to produce electricity, thereby displacing fossil fuel consumption. In 2010, the Authority conducted a composition study which found that the amount of glass in municipal household waste to be 4.7%. Applying this figure to the Energy Centre, this would equates to some 23.5ktpa of glass which would end up as aggregate within the 85ktpa of incinerator bottom ash which results from the processing of waste.

While the Authority fully supports the maximisation of glass recovery for remelt, it is important to recognise that the presence of glass aggregate in the IBA means that it is able to be recycled and sold for building products, and avoids the landfilling of otherwise (colour and impurity) contaminated glass. On this basis, the Authority believes that glass aggregate within IBA should count towards recycling targets. In addition it has a low embodied energy demand during production and is therefore a sustainable building product, with a market-wide potential to replace up to 1.5Mt of

virgin aggregate per year.

Such an application is consistent with the use of glass as an aggregate where it cannot be viably recovered for remelt applications through recycling systems. In addition, there would be no additional cost from allowing glass to be counted towards recycling costs in the manner described in this document. Here the Authority acknowledges the Environment Agency's position that the processing of IBA to IBAA does not itself constitute recovery or recycling and is dependent on this material actually being used for construction.

Measurement and Reporting

The Authority suggests that a system based on the empirical analysis of the input material could be used to calculate the amount of glass that is ultimately used for recycling. Glass in the waste stream is chemically and physically inert throughout the incineration process and so any amount of glass that is in the residual waste feedstock will ultimately end up in the processed incinerator bottom ash.

Example

Based upon Authority data, 100 tonnes of household waste contains 4.7% of glass. When burnt, this produces 25 tonnes of incinerator bottom ash containing 4.7 tonnes of glass. When this ash is processed moisture and metals are removed and the mass of processed incinerator bottom ash is reduced to 10 tonnes of which 4.7 tonnes is glass.

Of this quantity, some of the ash cannot be processed into a product so the 10 tonnes of incinerator bottom ash containing 4.7 tonnes of glass could reduce to around 9 tonnes containing 4.2 tonnes of glass with 0.5 tonnes of rejected material being sent to landfill. Therefore, the total amount of glass that is ultimately recycled would be 4.2 tonnes.

This would require an analysis of the composition of the input material and measurements of the mass of waste sent for incineration and of all solid materials removed from the site for recycling or disposal. Therefore, in the same manner that the Environment Agency regulates Packaging Recovery Note system, this process could also be regulated by the Environment Agency through the Producer Responsibility Regulation Service using data that is already collected by waste authorities and operators of municipal waste incinerators.

It is understood that for such a system to work, constructors would need to seek to be accredited to ensure that IBAA is actually used in constructions for PRNs to be issued. Here, the Authority acknowledges the Environment Agency's view that it is unlikely that constructors would actually seek such accreditation. As a result, "alternative recycling evidence" would be required to demonstrate the use of IBAA within a construction. Such evidence could be constituted by proof of sale records between reprocessors and construction organisations, along with records of material usage records by constructors.

Finally, it is understood that the Environment Agency is continuing to give consideration to this issue, including the ongoing development of Quality Protocols which will be dependent on trials, and the views of the European Commission. If you require any further clarification of the points raised in this letter or have additional queries please do not hesitate to contact me.

At a domestic level, there are instances where Government has been slow to review, decide and implement new regulations and fiscal mechanisms such as in regards to the MRF code of practice, renewable obligations support and the renewable heat incentive. There is continuing uncertainty in key areas such as the implementation of the Waste Framework Directive and Carbon Reduction Commitment. This appears to suggest that where there is legislation created at a domestic level it takes longer to implement as the drivers are not as strong when compared to EU legislation.

As an example the revised Waste Framework Directive established a requirement for separate collection of a number of different recyclable materials. The Government introduced the Waste (England and Waste) Regulations 2012 to transpose the European Waste Framework Directive into UK law. However, a campaign group representing some recycling businesses challenged the regulations and specifically the Government's inclusion of co-mingled collection as a form of separate collection and the extent to which this may meet the Directive's requirement.

This resulted in a Judicial Review, following which the courts agreed a six month stay in the Judicial Review so that Government could carry out a consultation on a revised version of the regulations. The Government's response to the consultation was published in July 2012, and the judicial review case was further adjourned. During this time Government laid the revised regulations. However, the claimants did not accept that the revised regulations adequately transposed the EU Waste Framework Directive 2008/98 and notified the court of their intention to proceed with their case.

It was not until 6 March 2013 that Mr Justice Hickinbottom dismissed the case against the government. The on-going uncertainty arising from the prospective judicial review was particularly unhelpful as the Authority and Constituent Boroughs were seeking to roll out new recycling collection systems and to procure treatment facilities to support the substantial improvement in recycling that is envisaged in the North London Joint Waste Strategy. The NLWA is fortunate to be better placed than some other local authorities to manage this uncertainty as the construction programme for new treatment facilities is later than many other local authorities.

Further challenges may be forthcoming in relation to the requirement for collection systems to be TEEP (Technically Environmentally and Economically Practical) i.e. the best option from these four perspectives. The TEEP requirement stems from the amended Regulation 13 of the 2011 Regulations which now states that with effect from January 2015, those collecting waste paper, metal, plastic or glass, should do so by way of separate collection, where that separate collection,

- (a) is necessary to ensure that waste undergoes recovery operations in accordance with Articles 4 and 13 of the Waste Framework Directive, and to facilitate or improve recovery, and
- (b) is technically, environmentally and economically practicable.

We have responded to Questions 1 and 2 with specific EU Waste legislation in mind. Responses to the remaining questions are provided below Table 1.

Table 1 - Advantages and Disadvantages of relevant EU Legislation

Legislation	Description	Q1) Advantages to UK / Waste Sector	Q1) Disadvantages to UK / Waste Sector	Q2) Considering specific examples, how might the national interest be better served if decisions: i. currently made at EU level were instead made at a national, regional or international level? (What measures, if any, would be needed in the absence of EU legislation?) ii. currently made at another level were instead made at EU level?

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European Parliament and Council Directive 94/62/EC on packaging and packaging waste	Establishes harmonized rules concerning the management of all packaging placed on the market in the Community and all packaging waste	<ol style="list-style-type: none"> 1. First time legislation introduced that identified Waste Prevention. 2. Producer Responsibility is derived from these regulations. The following case studies have been provided as examples: <ul style="list-style-type: none"> • Carrier Bag Case Studies • Courtauld Commitment Case Studies • Home Improvement Case Studies • Recycling Labels Case Studies 3. Stimulated the Courtauld Commitment (See Box 2) 4. The packaging recovery system potentially reduces the burden on local taxpayers associated with waste disposal costs and 	<ol style="list-style-type: none"> 1. Solid standards but open to interpretation across Member States. 2. Does not feed value into local authority collection and sorting services. 	<ol style="list-style-type: none"> 1. Packaged products are traded internationally to such an extent that harmonisation of objectives within Europe is essential to avoid trade distortions. Further harmonisation in interpretation and methodologies of implementation may assist too.

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Council Directive 1999/31/EC on the landfill of waste	Requires Member States to regulate landfills for hazardous, non-hazardous and inert waste	<ol style="list-style-type: none"> 1. Helpful in stimulating landfill diversion. 2. Acceptance that municipal waste has been pre-treated by householders' separation of specific wastes for recycling and composting is helpful and should be preserved. 	None	<i>See Box 3</i>
Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles	Establishes harmonized rules concerning the disposal of end-of life vehicles	<ol style="list-style-type: none"> 1. Harmonised market 	None	

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Directive 2000/76/EC of the European Parliament and of the Council on the incineration of waste	Sets emission limit values for waste incineration and co-incineration plants within the EU	<ol style="list-style-type: none"> 1. Reduced emissions to the environment. 2. Harmonised standards resulting in common treatment platform. Member States have to comply with the same emission limits. 	<ol style="list-style-type: none"> 1. There is ongoing debate about the use of the R1 formula across several EU countries with differing heat requirements. Within the UK, the R1 formula is generally not considered to be a driver of performance for Energy-from-Waste facilities and such facilities are not widely viewed as recovery but disposal facilities. Therefore the role of EfW facilities in recovering energy within the UK could be made more prominent if the R1 formula were given greater emphasis. Notwithstanding this, the vast majority of UK facilities would surpass the thresholds laid out in the Waste incineration directive. 	

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Regulation 1013/2006 of the European Parliament and of the Council on shipments of waste	Establishes procedures and control regimes for the shipment of waste between Member States and into and out of the EU	1. Harmonised rules to minimise potential for trade distortions.	1. A number of practical problems with enforcement. The EU EA needs to play a bigger role in enforcement. 2. Annexe 7 is largely unworkable, as no-one can validate signatures from reprocessors on other continents nor even the factories' existence. Better to check loads for export are of good quality and are subsequently paid for (indicating value to someone).	

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Directive 2008/98/EC of the European Parliament and of the Council on waste	Establishes the framework for the handling of waste in the EU	<ol style="list-style-type: none"> 1. Harmonised rules to minimise potential for trade distortions. 2. The revised Waste Framework Directive places a requirement on Member States to produce waste prevention plans. See attached Excel document titled "Waste Diversions through Waste Prevention Activity for 2012-13". Evidence of the diversion as a result of Waste Prevention activities carried out by NLWA. 	None.	

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Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment	Lays down measures concerning the generation and management of waste from electrical and electronic equipment and resource use	<ol style="list-style-type: none"> 1. Harmonised objectives helpful to minimise potential for trade distortions. 2. Prevention of illegal exports of waste electrical and electronic equipment to non-EU countries. 	None.	

Legislation	Description	Advantages to UK / Waste Sector	Disadvantages to UK / Waste Sector	Q5) Current Legislation
				<p>Considering specific examples, how far do you consider EU legislation relating to environment and climate change to be:</p> <p>i. focused on outcomes (results)?</p> <p>ii. based on an assessment of risk and scientific evidence?</p>

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				<p>Considering specific examples, how far do you consider EU legislation relating to environment and climate change to be:</p> <p>i. focused on outcomes (results)?</p> <p>ii. based on an assessment of risk and scientific evidence?</p>
Environmental Assessment				
Directive 2001/42/EC of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the	Requires a prior strategic environmental assessment to be carried out for most plans and programmes prepared by public	1. The seven north London boroughs and the NLWA carried out a SEA for the North London Joint Waste Strategy (the municipal waste management strategy for the area) in line with the requirements of the	1. There is an additional cost and time requirement to carrying out an SEA. For the eight authority strategy in north London (the	

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environment	authorities in Member States	<p>SEA Directive. From an environmental perspective this requirement has benefits in that it requires a baseline to be established against which the impact of the implementation of the strategy or plan can be monitored on an ongoing basis. As an example in north London we produce an Annual Monitoring Report showing the impact of the implementation of the Joint Waste Strategy – which would be unlikely to have been produced in the absence of SEA requirements See: http://www.nlwa.gov.uk/governance-and-accountability/annual-monitoring-reports</p> <p>This has improved accountability e.g. in NLWA’s case for both the Authority and the seven constituent boroughs that produced the joint waste strategy.</p> <p>There are also economies of scale that</p>	<p>North London Joint Waste Strategy) it cost an additional £54,700 to carry out the SEA and resulted in an additional 20 months to go through the different stages of the SEA process including consultation. Ongoing monitoring additionally involves cost and time. Currently we estimate that it takes one officer 400 hours per year to carry out ongoing monitoring requirements associated with the SEA for the eight north London authorities.</p>	

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		<p>are gained in this case in that the NLWA measures the impact of the strategy and reports annually on behalf of the eight authorities.</p> <p>The SEA requirements also required NLWA to carry out an additional series of public consultation exercises into the detail of the joint waste strategy which improved transparency.</p> <p>The following section of our website details the process we undertook to carry out a SEA and an Equalities Impact Assessment and a Habitats Regulations Assessment of the joint waste strategy: http://www.nlwa.gov.uk/about/authority-strategies/updates</p>		

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Access to Environmental Information				
Directive 2003/4/EC of the European Parliament and of the Council on public access to environmental information	Requires Member States to ensure that public authorities make environmental information they hold available to any applicant on request	1. Ensures that waste management proposals are open and transparent so that all stakeholders can have access to the information which is beneficial from an equality standpoint.	1. Can lead to a piecemeal approach to information release if people request information not already in the public domain. This can in particular lead to a 'partial picture' being provided to enquirers because of the way the system is devised – requests are often made without the necessary context, which can result in incomplete reporting in the media and/or residents' understanding of for example new waste facility proposals. An authority receiving a request does not know why the person making the request is asking for information and/or what they want to use it for. Consequently if that	

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			<p>person asks for only part of the information about an issue, all that will be sent is the requested information and no more, thus resulting in a partial picture about an issue. The authority cannot send a more complete set of information without knowing the context and the wider details of the purpose of the request and how the information will be used.</p> <p>2. It is difficult to predict the number of requests and consequent resource requirement implications in terms of responding. BOX 4 sets out the increase in requests received by the NLWA over the last 3 years.</p>	

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			3. Because it is a reactive system the amount of information released into the public domain and onto a publication scheme for example is entirely dependent upon the number of local residents in an area who are interested and/or see themselves affected by an issue. Consequently the amount and level of detail of information made available can vary considerably. As an example in 2011/12 the NLWA received 61 information requests, Western Riverside Waste Authority in comparison received three Freedom of Information requests in 2011/12, all of which were answered within the requisite timescales.	

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			<p>(WRWA Annual Report 2011/12).</p> <p>In addition, being a reactive process, it can mean that information is released to some stakeholders and not others which potentially discriminates against those who have not requested the information.</p>	

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BOX 2 – Courtauld Commitment

The Commitment helps deliver the UK governments' policy goal of a 'zero waste economy' and the objectives of the Climate Change Act to reduce greenhouse gas emissions by 34% by 2020 and 80% by 2050¹.

The Courtauld Commitment 3 (CC3) was launched in May 2013 and is funded by Westminster, Scottish, Welsh and Northern Ireland governments and delivered by WRAP. CC3 aims to reduce the weight and carbon impact of household food waste, grocery product and packaging waste, both in the home and the UK grocery sector and will run until 2015.

Targets (against a 2012 baseline):

- **Household food and drink target:** Reduce household food and drink waste by **5%** by 2015. Taking into account external influences, this target represents a reduction of 9% relative to anticipated changes in food and drink sales due to expected increase in sales.
- **Manufacturing & retail target:** Reduce traditional grocery ingredient, product and packaging waste in the grocery supply chain by **3%** by 2015. Taking into account external influences, this target represents a reduction of 8% relative to anticipated production and sales volumes.
- **Packaging target:** Improve packaging design through the supply chain to maximise recycled content as appropriate, improve recyclability and deliver product protection to reduce food waste, while ensuring there is no increase in the carbon impact of packaging by 2015. Taking into account external influences, this target represents a carbon reduction of 3% relative to anticipated sales volumes. WRAP claims that there are limited opportunities for more substantial reductions without resulting in product damage due to under-packaging. However, there will be greater focus on improving the design and increasing the recycling content packaging products.

Impact

The impact of CC3 is predicted to be a cumulative reduction of:

- 1.1 million tonnes of waste;
- 2.9 million tonnes of CO₂(e) and
- a cost benefit of £1.6 billion to consumers, food and drink sector and local authorities.

¹ WRAP, The Courtauld Commitment Information Sheet, available at: <http://www.wrap.org.uk/content/information-sheet-courtauld-commitment>

Signatories

So far, 10 retailers (representing 90% of the grocery market) and 35 brands and suppliers signed up to CC3. Aldi Ltd, one of the retailers that received a letter from the Authority Chair in November to emphasise the importance of taking action to reduce packaging waste, has signed up to the agreement. To achieve the targets, apart from tackling their own waste in the supply chain, signatories will need to help consumers reduce waste in the home. This will include delivering targeted food waste reduction initiatives (e.g. Love Food Hate Waste campaign), clearer product labeling and improved packaging design.

BOX 3 – Implementation of EU Directives in the UK

Landfill Directive

When this directive was implemented in the UK, the definition of Municipal Waste did not include C&I Waste applying only to waste collected by local authorities. This has led to some differences across Member States. Recently, the definition of Municipal Waste has been redefined such that material previously categorised as C&I waste is now included in Municipal Waste. As a result the absolute tonnages to be diverted have grown substantially.

BOX 4 - Information Requests received by the NLWA (following introduction of a centralised system for handling requests from 01/01/11)

FoIA, EiR and 'Other'	Year running from 1 April to 31 March		
	2010/11	2011/12	2012/13
Number of requests received	21*	61	137
Average response time (including requests where the	15.7	13.1	21.36

enquirer was informed that the request was taking longer to answer)			
Number of complaints	0	3	3

*= From 01/01/11

Given the nature of our activities and the fact that environmental information is interpreted quite broadly we now generally answer information requests under the Environmental Information Regulations rather than the Freedom of Information Act. Further detail is available at: http://www.ico.gov.uk/for_organisations/environmental_information.aspx

Questions 3 to 11

Internal market and economic growth

3. To what extent do you consider EU environmental standards necessary for the proper functioning of the internal market?

The Waste / resource sector is a global sector and the EU plays a vital role in this. As stated in the 2011 Government Review of Waste Policy in England², the global trade in waste for re-use, recycling and recovery generates significant benefits for global resource use, reducing carbon emissions globally and helping to meet recycling targets. In general terms the EU exports a considerable amount of recyclable waste material to the Far East, especially paper, plastics and metals, and the use of these waste materials in these countries leads to considerable savings in natural resources and greenhouse gas emissions from waste that might otherwise be landfilled. The UK also has a considerable trade in waste for recovery with other EU Member States. This is part and parcel of a healthy internal EU trade, and reflects the essentially free movement of waste for recovery within the EU. EU environmental standards are, therefore, necessary for the proper functioning of the internal market as without them it is doubtful that the UK would be where it is now in terms of environmental standards.

4. To what extent does EU legislation on the environment and climate change provide the right balance between protecting the environment and the wider UK economic interest?

In a report on the economic benefits of environmental policy³ it can be seen that environmental policies deliver Europe's current economic priorities, often more successfully than other forms of economic policy intervention. The report provides evidence of the role of environmental policy both in providing a short term economic stimulus and in building a sustainable, efficient and resilient economy in the long term. It highlights many areas where environmental policy is essential for sustainable economic progress. This is arguably the case when looking specifically at the UK economy.

Evidence from the Stern Review⁴ also demonstrates that ignoring climate change will eventually damage economic growth and that our actions over the coming decades could create risks of major disruption to economic and social activity later in this century and in the next on a scale similar to those associated with the great wars and the economic depression of the first half of the 20th century. The review goes on to say that it will be difficult or impossible to reverse these changes. Tackling climate change is the pro-growth strategy for the longer term, and it can be done in a way that does not cap the aspirations for growth of rich or poor countries. The earlier effective action is taken, the less costly it will be.

Climate change is a global phenomenon and EU legislation on the environment and climate change is designed to achieve a resource efficient and low-carbon economy.

² DEFRA – Government Review of Waste Policy in England, 2011

³ The economic benefits of environmental policy, Matt Rayment et al, November 2009

⁴ **STERN REVIEW: The Economics of Climate Change**

It can, therefore, be said that EU legislation does seek to provide a balance between protecting the environment and wider UK economic interest.

A number of studies by others have been done in this area and are attached as evidence:

1. The costs of not implementing the environmental acquis, European Commission, September 2011.
2. The economic benefits of environmental policy, Matt Raymenta et al, November 2009.
3. Environment and the Single Market, Final Report to the European Commission.

To summarise, we are of the view that it does provide the right balance. We can see that even within the UK and devolved administrations there are differing policies and targets on recycling rates and landfill diversion.

Doing things differently

5. How could the EU's current competence for the environment be used more effectively? (e.g. better ways of developing proposals and/or impact assessments, greater recognition of national circumstances, alternatives to legislation for protecting/improving the environment?)

As stated above, the authority is supportive of EU competence on waste and believes that the areas to be improved are around the interpretation and implementation of legislation in respective Member states. See Box 2.

7. How far do you think the UK might benefit from the EU taking: i. More action on the environment/climate change? ii. Less action on the environment/climate change?

There seems no reason why the UK would not benefit from the EU taking more action on waste issues subject to consistency across Member States. Our understanding is that Member States negotiate policies in the EU and the UK's representations should look towards promoting sustainable growth and reducing where practicable the burdens on industry.

8. Are there any alternative approaches the UK could take to the way it implements EU Directives on the environment and climate change?

The Authority has no comment.

9. a. What advantages or disadvantages might there be in the EU having a greater or lesser role in negotiating and entering into agreements internationally or with third countries?

The Authority has no comment.

b. How important is it for the UK to be part of "Team EU" at the UNFCCC?

The Authority has no comment.

Future challenges and opportunities

10. a. What future challenges or opportunities might we face on environmental protection and climate change? b. Going forward what do you see as the right balance between actions taken at international, EU, UK, and industry level to address these challenges and opportunities? c. What would be the costs and benefits to the UK of addressing these future challenges at an EU level?

Looking to the future there appears to be some steer in the direction of travel of the EU on the environment as the European Commission has published a proposal for a new Environment Action Programme (EAP) to guide EU environment policy up to 2020. The Commission believes that the new draft Programme will step up the contribution of EU environment policy in achieving a resource efficient, low-carbon economy, and providing an overarching framework to 2020.

In the Action Programme, the Commission identifies nine priority objectives, including:

- Protecting nature and strengthening ecological resilience;
- Boosting sustainable, resource efficient, low carbon growth; and
- Effectively addressing environment related threats to health.

In a briefing note by Defra the UK Governments position on the EAP is said to be that it welcomes reviews of existing environment legislation if the Commission adheres to its own principles of smart regulation within the proposals. The proposals should look towards promoting sustainable growth and reducing where practicable the burdens on industry. However, the UK will not support the development of new targets and legislation within the 7th EAP without clear and robust justification.

The causes of concern are highlighted in a letter from a Defra Minister to the House of Lords EU select committee. In the letter it is stated that “Areas which cause us most concern include the proposals to revisit the stalled Soil Framework Directive, proposals to phase out landfilling completely and proposals that may call for review of access to justice regulations”.

There is some risk that the proposed EAP may lead to more significant pressures on the Authority as (a) the UK is at the EU average for recycling and continues to landfill a higher percentage of waste than the EU average (49% compared to an average 36%); and (b) North London being the second largest waste disposal authority in the UK. Specific things that the Authority would consider are:

Maximising recycling rates

1. The waste hierarchy adopted in European and national policy frameworks identifies recycling and composting as preferable to either energy from waste (EfW) or landfill. Current Government policy sets a national target of 50% household waste recycling and composting by 2020, the Mayor’s consultation on a London waste strategy identified the possibility of a 60% target for municipal (i.e. including both household and non-household waste collected by local authorities) waste recycling and composting and the administrations in Scotland and Wales have set a 70% recycling ambition.

2. At a local level North London authorities have agreed a Joint Waste Strategy (JWS) that includes a recycling ambition of 50% household waste recycling and composting by 2020 and this is reflected in the reference project contained within the Outline Business Case for the procurement. The adoption of a 50% recycling ambition was an important part of securing PFI credit support from Government to the Authority's procurement and progress towards its achievement remains a key concern for DEFRA and the Authority.
3. The JWS also set intermediate targets on recycling of 35% by 2010 and 45% by 2015 so as to achieve 50% by 2020. Against the 2010 target, the 2009-10 recycling performance in North London was 29%. The 2011/12 recycling rate was 30%
4. All analyses relating to collection systems suggests that a 50% recycling rate for North London is very challenging and can only be secured by maximising the contribution to recycling performance by significant enhancements to collection systems, significantly improving Household Waste and Recycling Centres (HWRCs) and securing a further contribution to recycling performance from residual waste treatment. As set out in section 2.5 in the Authority's Outline Business Case for new Waste Facilities, there are two significant issues that are likely to mean that North London may not be able to achieve the same recycling rates as are achievable nationally:
 - Green waste is a smaller proportion of the household bin in North London than nationally arising from a relatively low number of private gardens which tend to be of a relatively small size. Recent composition work identifies that green waste is 10.22%⁵ of household waste in North London compared to 20%⁶ nationally;
 - The small proportion of properties with sizeable gardens and a large and growing proportion of flatted properties (including high rise apartments). For example Camden, Hackney and Islington's proportion of flatted properties is 86%, 80% and 76%. The national average proportion of flatted properties is 19%.

'Zero waste' to landfill

5. This policy intention is an emerging theme in a number of policy statements, including in recent Government commentary. The policy can seemingly mean different things in different contexts: in Scotland it has previously been interpreted as a maximum of 5% of waste to landfill. In Wales it has been interpreted as minimising the amount of waste that goes to landfill with a presumption in favour of recycling and with an expectation that the vast majority of residual waste that cannot be recycled will go to high efficiency Energy from Waste plants. Both

⁵ North London Waste Authority, Waste Composition Analysis Project for NLWA, Final Interim Report, ENTEC, August 2010.

⁶ Dr Julian Parfitt, WRAP. Analysis for 'Waste not, Want not' 2002, available at <http://www.defra.gov.uk/evidence/statistics/environment/wastats/bulletin09.htm>

Scotland and Wales have previously supported their 'zero waste to landfill' policies with a 70% recycling target/ ambition.

6. Beyond any policy, a key consideration for the Authority is the availability of landfill within a reasonable travelling distance. A precise assessment is difficult given that it is partially dependent on the extent to which the private sector invests in developing new void capacity, but a number of commentators have identified that there is a prospect of available landfill capacity in London and the South East being used up in 5-7 years. At that time, material for landfill will need to be transported greater distances, increasing costs as well as providing a poorer environmental solution.
7. The Authority's procurement is designed to meet landfill allowance targets, including reducing the volume to 35% of 1995 levels by 2020. The reference project within the OBC did however assume that a volume of material continued to be landfilled as follows:

	2020	2045
Waste direct to landfill (tonnes) including;	17,268	22,505
- rejects from windrow composting	546	619
- rejects from MRF	4,430	4,898
- rejects from AD	6,381	7,183
- MBT residue	95,376	104,482
Process residues/rejects (active) (tonnes)	106,733	117,181
Bottom ash to landfill (inert) (tonnes)	6,628	7,260
Fly ash land filled (active) (tonnes)	11,782	12,907
Total landfilled (tonnes)	142,411	159,854

8. One alternative to the landfilling of this material is incineration together with the vitrification of the fly ash produced from the incineration process. The annual gross cost of adopting this approach – illustrative of what a 'zero waste to landfill' policy might mean - is £15.3m in 2020 and £17.1m in 2045.
9. The Authority could be supportive of any national and regional policy moves towards 'zero waste' to landfill providing the timescales allow for the development of new treatment capacity and the policy allows for a small residual amount of material (for example, fly-ash which can only be disposed of expensively), which amounts to approximately 1%, going to landfill.

10. The mechanisms available to the Government to deliver any 'zero waste' to landfill policy include:

- Regulation that bans the landfilling of certain types of waste from a pre-determined date – this could be applied to untreated waste, 'active' waste, or particular types of waste – e.g. kitchen waste;
- A continuation and extension of the landfill allowances framework;
- A continuing use of the landfill tax framework;
- More demanding requirements for the recovery of packaging by producers of goods;
- A combination of two or more of these approaches.

11. A regulatory approach is a blunt instrument that does not allow for detailed judgements about the extent to which different approaches could sensibly be adopted on diversion. It is also an approach that Government does not appear to be favour. On the 8 September 2010, the Government published a response to a consultation on the possible introduction of bans on the landfilling of certain wastes. The Government has concluded that "it is not minded to introduce further landfill restrictions in England at this stage, but will consider how best to make progress towards the objectives of zero waste to landfill as part of the Review of Waste Policies, due to conclude in Spring 2011".

12. As an approach that is applied only to the public sector, landfill allowances have the potential to disadvantage any public sector support on the diversion of commercial waste from landfill as local authorities must recover the full costs of managing commercial waste including any provision for landfill allowances. It may also leave public authorities with a potential liability that it is not well placed to manage. A landfill allowance approach does not appear to work well unless it is equally applied to private sector waste management operations.

13. The packaging recovery system potentially reduces the burden on local taxpayers associated with waste disposal costs and transfers it to consumers. It also encourages the producers of goods to fully explore market development and design work to re-use recycled materials.

14. Landfill taxes are a proven means of achieving progress towards minimal landfill and a clear Government signal of increasing landfill taxes in real terms beyond 2014-15 of a similar amount to that proposed for the period up to 2014-15 – taking landfill tax to around £120/ tonne by 2020 would be sufficient to deliver the policy intent as it would make many treatment processes more economical than landfill. The difficulty with this approach is that Government have moved away from using the funding generated by higher landfill taxes to support more sustainable waste solutions and the infrastructure that is required. The Authority supports a landfill tax approach to zero waste providing the funding generated in the medium term is used to support more sustainable waste solutions and the move to a zero waste to landfill does not impose a new burden on local authorities and consequently on local council taxes.

Anything else?

11. Are there any general points you wish to make which are not captured in any of the questions above?

On 13th January 2011, the Institution of Civil Engineers (ICE) launched its 'The State of the Nation: Waste and Resource Management' report. State of the nation reports have been produced each year by the ICE since 2000. Produced by panels of experts drawn from across the ICE membership the reports have focussed on a range of different issues with the aim of stimulating debate and highlighting the actions that the ICE believes are needed to improve the nation's infrastructure and associated services.

There is merit in looking to the three main recommendations from this report which are:

- Continue to increase the quality as well as the quantity of recycled and recovered materials. - The ICE report urges that future targets and incentives should focus on delivering both quantity and quality to ensure that the UK maximises the environmental and economic benefits of recycling by meeting the increasingly stringent quality standards demanded by end users of materials.
- Government must facilitate private investment in waste and resource management infrastructure. – The ICE report argues that central government and the devolved administrations must focus on creating a policy, regulatory and commercial environment that encourages private investment in infrastructure serving all of the UK's waste streams.
- Ensure the UK has a waste and resource management infrastructure that can adapt to the changing demands that will be placed upon it. In particular the report suggests a changing emphasis away from diverting material from landfill towards energy and materials security and ultimately climate change mitigation in addition to adapting to changes in the quantity and composition of waste.

The report urges the government to overhaul its efforts to divert waste from landfill in order to prevent local authorities building up piles of low-quality reusable material with little commercial value. The report claims that local authorities, under pressure to increase recycling rates in order to avoid exceeding their landfill allowances, are prioritising 'quantity over quality', leading to increasing levels of recycled material such as paper, glass and plastics that are in no state to be reused commercially. The ICE urges the government to revisit the current strategy, which has led to UK waste firms exporting large quantities of low grade material for recycling overseas, and instead develop a "circular economy" for the sector where high grade recovered and recyclable materials are processed for reuse in the UK.

The report also recommends the government draws up a National Policy Statement underlining the national need for waste infrastructure in order to reduce planning delays and boost private investment in non municipal waste management facilities.

"The UK needs to make private investment in resource management infrastructure a much more attractive proposition," said Jonathan Davies client portfolio manager at SKM Enviros, launching the report. "It's been estimated that between £10bn and 20bn needs to be spent in the next decade [on this] and if we're not asking government for the cash then we need to make it easier and more attractive for private finance to invest in this essential aspect of infrastructure."

Among the recommendations, ICE also urges the government to draw together waste management responsibilities from across departments by creating a single Office for Resource Management which would act as a focal point for decision making and accountability.

It additionally calls for better data collection for waste tonnage and recycling capacity. At the launch Jonathan Davies warned that the lack of data can hinder investment because potential buyers cannot assess the scale of their projects and the potential returns.

Copies of the report The state of the nation: waste and resource management (1.6 MB) can be downloaded from ICE's website at:

<http://www.ice.org.uk/getattachment/7ef32912-12e4-4e98-9615-976dc8915587/State-of-the-Nation--Waste-and-Resource-Management.aspx>