

Questions by Members of the Public to Environment and Transport Overview and Scrutiny Committee 4 March 2021

1. OJEU Notice

- a. **Expressly should the Council now reconsider its recycling statements for the future to make them more ambitious, despite allowing for a 1% increase in houses, in order to take account of the targets for separate collection of waste (and its management) in the Waste Management Plan for England released in January 2021.**

Response by the Chairman:

Our future approach will be considered as part of the review of the Leicestershire Municipal Waste Management Strategy, work on which is now underway. The review will set future recycling targets for Leicestershire and will ensure they reflect the ambitions and appropriately align with national targets. As this updated strategy is progressed, due consideration will be given to the circular economy elements within the Environment Bill, the aims and ambitions set within the Resources and Waste Strategy and other relevant strategies and plans e.g. 25 Year Environment Plan and Industrial Strategy. In regards to the separate collection of materials this will be further explored in the national consultations which we expect to be released in March 2021 of which we will engage and respond to.

- b. **Secondly why does the Council need to have further dialogues on increasing that tonnage quoted in the Notice. Or, Conversely, if it has set its minimum tonnage too low, what target was it trying to meet? Will it therefore confirm that if it achieves its target rates of recycling and the minimum tonnage is accurate, that it should include into its procurement contract a clause to reflect these targets for reducing that tonnage to reduce greenhouse emissions in accordance with its Climate Emergency Council Declaration in May 2019 and in compliance with the Waste Management Plan 2021**

Reply by the Chairman:

The published OJEU notice for the Contract for the Treatment of Post 2020 Residual Waste is being run via a competitive dialogue procurement process, as such further dialogue is standard practice. When assessing the tonnage, variations in waste arisings caused by housing growth or increases in recycling have been considered while also providing the County Council with flexibility during the contract period. For detail regarding the Climate Emergency Declaration, please see the answer to (h) below.

- c. **Thirdly as there are two OJEU notices for the same the contract, has the council deleted from the April Notice the ability to include waste from other**

Waste Disposal Authorities. Or is it restated in the July Notice as ‘intends to dialogue on the options available to increase the tonnage’ please explain. The answer is relevant to question 8.

Please note the two notices issued for the Contract for the Treatment of Post 2020 Residual Waste procurement serve different purposes and are standard practice for a contract of this nature. A Prior Information Notice (PIN) was issued in April 2019 advising the waste management sector that this procurement would be commencing imminently. The OJEU Contract Notice was issued in July 2019 which advertised and commenced the procurement. The notices allow for other named Waste Disposal Authorities to utilise the resulting contract.

Please see the answer to question (q) regarding other Waste Disposal Authority involvement in the Contract for the Treatment of Post 2020 Residual Waste.

2. Heat Take Off Incinerators, RI and the Procurement Process

- d. Can the Council therefore reappraise its minimum standard so that it will have as its new minimum in any procurement process/contract, that any waste to energy incinerator, has Heat Take Off. Therefore, in any calculations for R1, Heat Take Off must be included as being operational** to comply with the government’s proposals in the Waste Management Plan 2021 to promote Heat Take Off.**

For the Treatment of Post 2020 Residual Waste procurement it is set as a minimum requirement that any solution that burns or incinerates the waste (or a significant fraction of the waste) should utilise an R1 compliant facility as defined in the EU Waste Framework Directive 2008/98/EC. Minimum standards for any future procurements will be considered at the appropriate time and will take into account the relevant guidance / legislation which is then in place.

- e. Additionally, can the council explain its technology neutral position in the light of the targets in the Waste Management Plan for England 2021 to eliminate all D10 incinerators by 2030**

The reference to eliminating all D10 incinerators by 2030 could not be identified in The Waste Management Plan for England 2021. The document does state that ‘the Government does not express a preference for one technology over another, since local circumstances differ’; the Leicestershire Waste Partnership’s technology neutral position is, therefore, in line with the Waste Management Plan for England.

3. Waste Management Scheme

- f. Can the Council explain why it removed the necessity of having a Waste Management Scheme in the 2019/2020 Planning Permission if the standard operated by the Environment Agency is to reduce a significant risk to the environment only. The earlier Planning permission for Newhurst 2014 had**

this condition included. There are standard planning conditions in this respect set by the Secretary of State. (eg Pre-sorted Residual Waste Acceptance Scheme con 8 of planning permission (APP/PO199/A/10/2140199)for the (SERC) Severnside Energy Recovery Centre.)

This question refers to Condition 36 on Planning Permission 2014/1440/02 relating to waste acceptance. This condition was removed from the most recent planning permission as it was determined that this condition duplicates the existing controls on the Environmental Permit.

- g. Would the council not agree that a Waste Management Plan set out as a planning condition can enhance its controls and procedures to ensure recycling takes place efficiently before delivered to any incinerator.**

When deciding what conditions to apply, we have to have regard for the legal tests outlined in Paragraph 55 of the National Planning Policy Framework. These tests require conditions cannot be imposed that we believe may not be 'necessary' or 'enforceable. The guidance is clear that local planning authorities should not impose planning conditions that do not meet these legal tests, and this would duplicate existing controls that are already regulated by the Environmental Permit.

4. Monitoring Waste before incineration as producer of the waste/waste disposal authority.

- h. If the Council intends to meet its targets in Zero greenhouse gas emissions by 2030 for its own operations how can it ensure all plastics and any hazardous materials are removed from residual household waste before it is sent to the incinerator tipping floor. Reliance on these types of checks alone, as stated by Biffa/Covanta above, cannot be the only and or an acceptable practice.**

{We note that removal of plastics is indeed discussed as being a minimal standard set out in the procurement process, In questions to Cabinet November 2020.}

Emissions from household waste are not included in the greenhouse gas emissions report for the Council's own operations and are not in scope of the Climate Emergency Declaration / Environment Strategy target to achieve net zero for the Council's own emissions by 2030.

Leicestershire County Council are not the producers of household waste and this waste is not counted as part of its operational output.

5. **Co2 Emissions in the Council's Environmental Performance Report 2019/20 and Carbon Capture**

- i. **Can the Council confirm whether it will be including into its Greenhouse Gas Report and Emissions Report (latest 2019/2020) co2 emissions from Newhurst (when commissioned) and any other incinerator it uses the facilities of, in calculating its target of net zero greenhouse gas (GHG) emissions by 2030 for the waste the County produces in relation to its own operations and in its contribution to the improvement of the wider environment as set out in its Environment Strategy as amended on July 2020. [Agenda Item 9 page 35.] (Also recognising the legal challenge to the government's decision to exclude waste incinerators from its post Brexit carbon emissions trading scheme which is continuing through the courts.)**

The question makes the assumption that LCC will be sending residual waste to the Newhurst EfW facility. The outcome of the procurement for the Treatment of Post 2020 Residual Waste is not known at this time. As already stated above, emissions from household waste are not included in the greenhouse gas (GHG) emissions report for the Council's own operations and are not in scope of the Environment Strategy target to achieve net zero for the Council's own emissions by 2030.

The Council has followed the Government's Environmental Reporting Guidelines, published by DEFRA (2019).

- j. **Can the Council confirm whether it calculates its own Co2 emissions in the above report for the transportation of waste to sites for incineration or landfill. If the procurement contract includes other Waste disposal Authorities, those Co2 emissions also.**

In calculating the Council's own operational GHG emissions we include the emissions from County Council vehicles used to transport waste. The emissions of third-party contractors or other authorities are not included in the annual GHG emissions report.

- k. **Can the Council confirm that in order to reduce Co2 emissions it will promote carbon capture as part of its policy on reaching Zero Carbon Emissions by 2030. And therefore promote all incinerators to advance towards this technology in particular any R1 Energy from Waste incinerator. See Climate Change Committee Sixth Carbon Budget Report December 2020 and recognising the recent announcement by Veolia. And if so, how.**

The Council currently does not have a policy position on carbon capture. This will be considered as part of ongoing work to respond to the climate emergency.

6. **PM 2.5 Air Pollution**

- l. **Can the Council confirm that it is critical that the Director of Public Health at Leicestershire County Council takes action to co-ordinate an approach**

across the County to monitor PM2.5 levels, and to acquire Zephyrs to routinely monitor these particulates for the health and safety of its residents. And recognising hot spots, despite the lack of close residents, where incinerators emit these particulates.**

The Council, led by the departments of Public Health and Environment & Transport is taking action to co-ordinate an approach to improving air quality involving the County Council, district councils, the NHS and other partners. Responsibility for monitoring air quality rests with districts councils and is not a direct responsibility of the County Council.

However, the Council with partners has developed an action plan to address the impact of air pollution on health. This includes looking to reduce PM2.5 from the source perspective. The plan co-ordinates action across the partnership including; To ensure all appropriate planning and development proposals are rigorously and systematically scrutinised, taking into consideration existing air pollution levels in the area the development is proposed and the current health needs of the population living there to ensure any developments – health impacts are known and mitigated against to not exacerbate poor air quality and consequently poor health.

To work with communities on a series of behaviour change campaigns to promote active and sustainable travel, anti-idling, Clean Air Day and reduced multi fuel stove use - to understand the barriers to improving air quality in their areas.

- m. Following the recent very sad death of Ella Kissa-Debrah, as stated by the Coroner due to ‘having been exposed to levels of nitrogen dioxide and particulates in excess of world Health Organisation guidelines’ can the Council confirm that it will lobby Parliament to include into the Environment Bill a safe level of PM2.5 particulates and a legal requirement to measure those particulates.**

Please see answer above.

7. Funds for Future Recycling

- n. Can the council confirm how it will finance (or use private finance) to create a hierarchy of improved waste recycling in the Circular Economy as Producer of the waste/Waste disposal Authority. And avoid any liability as a producer of that waste in the Environment Bill.**

The financial burden of producer responsibility is intended to fall on the manufacturers of products which eventually become waste. The County Council is not a producer of waste in this sense.

LCC as a Waste Disposal Authority works with partners to encourage waste prevention, reuse and recycling and achieves this through targeted campaigns and other appropriate methods to raise awareness and promote ‘environmentally aware’ behaviours.

LCC continues to promote the waste hierarchy and support and influence future national policies to minimise waste, packaging and promote sustainable supply chains and circular economy thinking.

- o. **Would the Council agree that if it set more ambitious recycling targets it should also target reduced charges within the procurement contract over the 25 year term, despite there being a break clause at 2031? A potential financial gain to be included in the Greenhouse Gas Emissions data report. [But conversely, also protect themselves from any higher gate fee charges in the event that there is less waste produced].**

The Contract for the Treatment of Post 2020 Residual Waste has been procured to provide a destination for black bag type residual waste that remains after waste minimisation, recycling and composting activities have taken place. The procurement process has been developed to deliver a high quality, reliable, cost effective solution for managing residual waste in the medium to long term.

- p. **How else does the Council intend to benefit from the resource-value of the waste it supplies as fuel to EfW operators.**

The Contract for the Treatment of Post 2020 Residual Waste procurement process has been developed to deliver a high quality, reliable, cost effective solution for managing residual waste in the medium to long term. Energy from Waste facilities generally charge a gate fee (cost per tonne of waste) which takes into account any income that the operator may generate from its operations.

8. **Monitoring Recycling Standards of other authorities in the OJEU**

- q. **As other authorities are stated to be part of the Procurement Contract, (April OJEU Notice – see above query) how will the Council exact the same high standards of recycling from those other authorities.**

The other Waste Disposal Authorities named in the OJEU notice are required by national legislation and policy to deliver their own recycling performance levels. The County Council has no powers over other Waste Disposal Authorities.