

**QUESTIONS TO THE LEICESTERSHIRE COUNTY COUNCIL ON WASTE, RECYCLING, CO2 EMISSIONS. PM 2.5 AIR POLLUTION and PLANNING CONDITIONS**

**FOR the Environment and Transport and Scrutiny committee 4 March 2021**

**Please note the questions are followed by a brief synopsis of the law and other evidence based reports including previous questions to Cabinet**

**Submitted by Julia Howard, Barbara Nunn and Steve Cuff**

**Residents of North West Leicestershire and Charnwood**

**All Questions are set out in Bold.**

**Questions**

1. **OJEU Notice**
2. **Heat Take Off Incinerators, R1 and the Procurement Process**
3. **Waste Management Schemes**
4. **Monitoring Waste before incineration as Producer of the waste/Waste Disposal Authority**
5. **CO2 Emissions in the Council's Environment Performance Report 2019/2020 and Carbon Capture**
6. **PM2.5 Air Pollution**
7. **Funds for Future Recycling**
8. **Monitoring Recycling Standards of Other Local Authorities in the OJEU**

**1.THE OJEU NOTICE - 2019/S 130-319454 (July) and 2019/S 071-167891 (April)**

In the OJEU it states the contract tonnage of **black bag kerbside residual waste** to be between 45,000 and 60,000 tons pa with the total value of the procurement to range from 105,000,000GBP over the initial term up to a potential of 465,000,000 GBP if potential extensions are implemented. [25 year contract with break clause 2031]

It is stated that a reasonable expectation for the increase in residual waste would be 10% by 2030, and you estimate an average annual rate of increase in the number of dwellings at 1%. And promisingly the Environmental Performance Report 2019/20 (para 51) stated the levels of waste per household remained at 1,031kg.

But at the Environmental Performance Report 2019/20, at para 23, you recognise you have not reached your household waste recycling target of 50%, as you had only reached 45%. This taken with the Governments targets in the Waste Management Plan for England 2021 to separately collect different types of waste, including composting from 2023, would increase the recycling rates thereby reduce the tonnage in the contract. [[Also you state that for LW2 the target is to achieve a 70% (currently 58-61%) recycling rate by 2030.]

### Questions

**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.**

**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**

**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.**

### **2.HEAT TAKE OFF INCINERATORS – Procurement Process and R1**

How can the Council potentially send residual waste to a non heat take off incinerator (eg potentially Newhurst) as the Government only promotes in the Waste Management Plan England 2021 heat take off incinerators? The minimal efficiency standard you refer to in the procurement process for waste to energy incinerators is R1. But the R1 calculation is set at a very low threshold and will not include heat take off. An Energy from Waste incinerator with a minimum efficiency rate of .65% can achieve R1 without Heat Take Off. For example Newhurst is setting its efficiency rate at .87% (See its calculations on the Newhurst Site under questions asked to the Local Liaison Committee\*\*) and does not include Heat Take Off in its calculations. [ It is to be noted that Newhurst has not as yet complied with its planning condition to provide an agreed route for Heat Take off which it must do before commissioning, (June 2023) . ]

### Questions

**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.**

**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. .**

See Cabinet questions in November, set out below.

**\*\* (These calculations can be forwarded)**

<http://info.covanta.com/Newhurst#communityengagement>

### **3. WASTE MANAGEMENT SCHEMES-**

#### **Questions**

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.)

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.

### **4. MONITORING WASTE BEFORE INCINERATION AS PRODUCER OF THE WASTE/WASTE DISPOSAL AUTHORITY-**

*Specifically, Biffa, when asked the question on how it will monitor hazardous waste at its new Newhurst site, stated that 'Covanta will have operating procedures (eg spot checks on the tipping floor and visual inspection by crane drivers) prior to incineration'.*

#### **Question**

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. }

AND ALSO Noting from the UKWIN published Source Material that unless a further 12% of additional plastic is removed from residual waste, incinerators produce almost the same carbon emissions per unit of electricity as a coal fired power plant.

<https://www.source-material.org/boil/dirty/-white-elephants>

### **5. Co2 EMISSIONS IN THE COUNCIL'S ENVIRONMENTAL PERFORMANCE REPORT 2019/2020 AND CARBON CAPTURE**

The Council states that it aims to limit global warming to less than 1.5 degrees centigrade in line with the Paris Agreement requirements.

#### **Question**

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.)

<http://politics.leics.gov.uk/documents/s159029/Environmental%20Performance%20and%20Greenhouse%20Gas%20Report%202019-20%20v0.1.pdf>

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.

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.

<https://resource.co/article/veolia-announces-latest-carbon-capture-technology-uk-efws>

## **6. PM2.5 AIR POLLUTION**

The Task Force for Lung Health at the British Lung Foundation reported on 11 February 2021 for England on the effects of PM2.5 (the particulates that enter the bloodstream see below link). Recognising in the Report that the legal limit set in the UK is nearly twice as high as the level that is recommended by the World Health Organisation (WHO).

<https://www.blf.org.uk/taskforce/data-tracker/air-quality/pm25>

It states that over 35% of local authorities had areas with unsafe levels of PM2.5 in 2018. 214 local authorities had excessive roadside levels and 55% of monitored locations breached WHO limits. According to figures published by NHS England an average of 5% of deaths in those ages over 30 can be attributed to PM2.5 air pollution based between 2010 and 2017. And according to the Committee on the Medical Effects of Air Pollutants the burden of air pollution in the UK was estimated to be equivalent to approximately 28,000-36,000 premature deaths. **In particular it confirms that Leicester rank 229 of 317 council for background concentrations of PM2.5 at 10.27ug/m3**

Lobbying has taken place in Loughborough to have base line monitoring at the M1 Junction 23 the site of the Newhurst incinerator before the incinerator is commissioned and to further monitor after commissioning. Currently Charnwood Borough Council do not have an AQMA at this point as there are no residential properties close enough. Despite residents being within approximately 500 metres.

### **Questions**

Can the Council confirm that it is critical that the Director of Public Health at Leicester 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.

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.

\*\* Zephyrs are small machines weighing 2kg that can be attached to lamp posts with a 2 ft sq solar panel and cost £3975. Data storage is approximately £2000 and the data analysis is approximately £600 a year.

## **7.FUNDS FOR FUTURE RECYCLING -**

### **Questions**

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.

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.]

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

## **8.MONITORING RECYCLING STANDARDS OF OTHER AUTHORITIES IN THE OJEU-**

### **Question**

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.

## **A brief Resume of the Waste Hierarchy, Legislation and the OJEU .**

### **THE OJEU Notices - PROCUREMENT CONTRACT**

The current OJEU states that the tonnage to be contracted is between 45-60,000 tonnes of **residual kerbside waste** per annum and potentially 10,000 to

25000 tonnes of bulky residual waste per annum and increasing. With a break clause in 2031. It being a 25 year contract. The contract price is estimated to increase over the years from 105,000,000 to 465,000,000. The council states that it intends to dialogue on the options available to increase the tonnage required to be treated over the duration of the contract to accommodate increases of waste due. As stated in the July notice

But there are two notices April and July. The April contract states that it will be used primarily for residual waste arising within Leicestershire but may include waste that arises from other Waste Disposal Authorities.

[Municipal waste is defined as household waste and waste similar in nature and composition to household waste ie commercial waste]

[Residual Waste is defined as any collected household waste that is not sent for reuse, recycling or composting.]

We are all aware of the national Government target of 65% of **municipal waste by 2035**. And we are aware that the Waste and Resource Efficiency Factsheet (part 3) issued by the Government states that nearly 45% of **household waste** was recycled in 2018 up from 11% in 2001

### **Cabinet (20<sup>th</sup> November 2020), in particular item 12**

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=5999>

The Minimum Requirements of the procurement might tell us where or priorities lie in this regard but on enquiry earlier this month the E&T OSC minutes record that contractual documents, including the minimum requirements, are only available to the bidders that expressed an interest in, and subsequently qualified for, the procurement. Accepting this at face value I am surprised to see paragraph 28 releases publishes three of the minimum requirements. How is this? The three requirements quoted are all laudable. I would add:

- Social Action is welcome but should not be used as an excuse for any environmental harm derived from the contract. 12 13 Agenda Item 12 Comment to Cabinet 22-5.20 Labour Group

- **Treatment should endeavour to minimize carbon emissions from energy from-waste incineration by reducing the burning of plastics.**
- Recycling targets are programmed to reach 65% by the current Government and to reach 70% by 2030 as the Committee on Climate Change recommends in order to meet the UK carbon emissions.

### **Question on 5 November 2020**

Environment and Transport Overview and Scrutiny Committee (5<sup>th</sup> November 2020) , in particular item 3 <http://politics.leics.gov.uk/ieListDocuments.aspx?CId=1044&MId=5963>

I understand that to be classed as an R1 operation a waste treatment process (eg EfW/Incinerator) must meet the following criteria:

- The combustion of waste must generate more energy than the consumption of energy by the process itself;
- The greater part of the waste must be consumed during the operation;
- The greater amount of the energy generated must be recovered and used (either as heat or electricity);
- The waste must replace the use of a source of primary energy.

#### **QUESTION**

So where does Leicestershire County Council, which has been previously recorded as being technology neutral, stand on the move to R1, is this a standard we want our contractors to meet?

#### **The Chairman replied as follows:-**

Requiring all Contractors to meet R1 standards would move the Council away from the stated position of being 'technology neutral'. R1 specifically relates to using waste principally as a fuel, or other means, to generate energy. There are other waste treatment processes that exist, such as mechanical biological treatment, that can manage residual waste but that would not fall within this criteria. Requiring R1 status may not also be appropriate for all types of waste that might be managed by the Council due to its composition.

#### **QUESTION**

Are R1 standards a desirable or essential criteria of our present Residual Waste Procurement?

#### **The Chairman replied as follows:-**

For the 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.

### **In the Environment Bill it is stated:**

According to <https://www.gov.uk/government/publications/environment-bill-2020/10-march-2020-waste-and-resource-efficiency-factsheet-part-3> from October 2020:

*"The Bill stipulates a consistent set of materials that must be collected from all households, including food waste. Organisations that produce waste will have a duty to segregate a consistent set of materials that can be recycled and to arrange for their separate collection. Subject to further consultation, these requirements would come into force from 2023."*

In terms of the dry recyclable element and business waste, according to <https://www.gov.uk/government/consultations/waste-and-recycling-making-recycling-collections-consistent-in-england/outcome/consistency-in-recycling-collections-in-england-executive-summary-and-government-response> from July 2019:

*"Given the strong support for greater consistency, the government will seek to amend legislation to require all English local authorities to collect at least the following dry materials from 2023:*

- *glass bottles and containers – including drinks bottles, condiment bottles, jars*
- *paper and card – including newspaper, cardboard packaging, writing paper*
- *plastic bottles – including clear drinks containers, HDPE (milk containers), detergent, shampoo and cleaning products*
- *plastic pots tubs and trays*
- *steel and aluminium tins and cans"*

*"Given the strong support in the consultation for having businesses segregate dry materials to be recycled we will seek to amend legislation so that businesses must make arrangements to separate recyclable waste from residual waste."*

*"Given the strong support for having businesses separate food waste for collection we will seek to amend legislation to require this."*

## **In the Waste Management Plan England 2021**

It states at p 45

The Resources and Waste Strategy recognises that energy from waste is generally the best management option for waste that cannot be reused or recycled in terms of environmental impact and getting value from the waste as a resource. *It promotes the greater efficiency of energy from waste plants through utilisation of the heat generated in district heating networks or by industry, and by seeking an increase in the number of plants obtaining R1 recovery status<sup>111</sup>. Any given technology is more beneficial if both heat and Particular attention should therefore be given to the location of the plant to maximise opportunities for heat use. The Resources and Waste Strategy considered whether further capacity was needed to manage residual waste and welcomed further*



continued investment in energy from waste facilities that raises efficiency standards and minimises impacts on the environment.

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