



"Working for our members to be the voice of government on waste minimisation and recycling issues"

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Landfill Restrictions Consultation  
Waste Permitting Unit  
Defra  
Area 6D Ergon House  
Horseferry Road  
London SW1P 2AL

Kate Reed  
Waste Strategy Branch  
Department for Environment, Sustainability  
and Housing  
Welsh Assembly Government, TY-Cambria  
29 Newport Road, Cardiff, CF24 0TP

10 June 2010

Dear Sir/Madam

### **Consultation Response – on the introduction on the landfilling of certain wastes**

I am writing to present the LARAC response to the Introduction of restrictions on the landfilling of certain wastes consultation, which is contained below, and I thank you for the opportunity to respond to the above consultation.

The comments below are sent on behalf of the Local Authority Recycling Advisory Committee (LARAC). LARAC is an association of 90% of the 440 local authorities across England, Scotland Wales and Northern Ireland whose waste management and recycling professionals co-ordinate and operate waste management services. Membership is drawn from all types of authority including statutory Waste Collection (WCA), Waste Disposal (WDA) and Unitary.

Overall, LARAC supports the approach by Defra to configure the consultation process with this initial high level first stage consultation followed with the prospect of a possible second stage consultation to consider proposals in more detail.

LARAC supports in principle the use of market incentives as policy instruments in preference to restrictions such as landfill bans. Therefore we would encourage the Government fully to evaluate and consider the effectiveness of other instruments, with landfill restrictions or bans to be used only where they can be shown to add value to incentives and contribute significantly to more sustainable wastes management. We believe that attempts simply to "push" material out of landfill will not be effective without measures that will also "pull" resources into the economy. The waste protocols programme is particularly important in this regard, providing specifications for secondary materials and fuels for which there is a market demand.

Waste policy over the last decade has included early market interventions such as statutory recycling targets and more recently the Landfill Allowance Trading Scheme (England) and Landfill Allowance Scheme (Wales). However, it is widely recognised that



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all these policy instruments have been superceded in importance by the landfill tax escalator as it creates financial conditions under which alternative waste collection and treatment options become financially viable.

LARAC is of the opinion that the effects of the landfill escalator should be fully evaluated alongside the implementation of the current generation of municipal waste management strategies before further legislation and drivers are introduced.

LARAC agrees with Defra that the proposed planning and implementation timescales of 7 to 10 years in England (possibly 5 to 10 years in Wales) broadly fit in with the existing strategic decisions and infrastructure planning commitments already taken by Local Authorities in response to the revised Waste Framework Directive, the Landfill Tax escalator (up to 2014) and the Landfill Allowance Trading Scheme that runs up to 2020.

LARAC welcomes the opportunity to assist Defra in shaping any detailed proposals presented in the second stage consultation that have the potential to impact on the delivery and cost of Local Government front line services and our shared aspirations for a sustainable and low carbon economy for its communities. Overleaf are our detailed comments as requested in the consultation.

If you have any queries on this response or would like to discuss the matter further then please contact me on (01785 27 6807) or ([mark.parkinson@staffordshire.gov.uk](mailto:mark.parkinson@staffordshire.gov.uk)).

Yours faithfully,

Mark Parkinson  
LARAC Policy Officer



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## **Consultation Response – on the introduction on the landfilling of certain wastes**

### **Question 1. Given the evidence available, do you think there is a case for a landfill ban on this waste type?**

Given that this is a first stage consultation and accordingly it is pitched at a high strategic level, in principle LARAC considers that the research indicates that reducing landfilling of all of the nine candidate waste types of materials supports the ambitions of Central and Local Government to create a sustainable and low carbon society.

LARAC acknowledges that Defra have declared that a second stage consultation would consider more detailed proposals to evaluate if any of such landfill bans could be introduced in practical terms and where the onus would be placed in-terms of responsibility, accountability and funding.

LARAC members are primarily concerned with managing waste from household sources and other similar premises (e.g. those listed in Schedule 1 of the Controlled Waste Regulations 1992) such as schools, caravan parks, charities, etc.

The current set of legislative, regulatory and fiscal policy drivers is taking the management of household waste to a position where 40% to 60% recycling and 95% landfill diversion will be achieved by the majority of local authorities by 2020.

Waste Composition Analysis of household waste arisings across England and Wales generally identify that food is the main identifiable waste type remaining in the residual waste at up to 30% by weight. However, some textiles (e.g. carpet), dense plastics and wood are often 'hidden' in waste composition analysis as they are often catalogued under miscellaneous combustible materials rather than under their primary material type categories.

LARAC considers that food, textiles, rigid and flexible plastics and wood waste types are proving to be the most challenging for many of its members either to collect separately economically (e.g. food) or to divert from landfill where outlets have proved difficult to establish (e.g. for 'spoilt/soiled' textiles and wood/chipboard treated with chemicals).

As such, LARAC would be particular interested in any proposals to include food, textiles, plastics and wood for consideration within a second stage consultation.

With regard to the materials for which the consultation document proposes a ban:



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Paper/card, green waste and food would be the waste streams we would be most likely to support, where further evidence to indicate that a ban was needed. However the Government has relatively recently introduced strong market incentives (ROCs, RHI) to "pull" these materials from the waste stream, and the effectiveness of these should be evaluated prior to introducing a ban.

Wood is not of great interest to local authorities. We are not convinced that much more would be gained by banning landfill.

There seems to be little to gain through banning the landfilling of glass, not even arguments based on resource depletion.

There is a stronger case for banning non-ferrous metal from landfill. However in this case the Government should also be considering banning it from EfW. Aluminium that passes through an EfW Plant is mainly oxidised to alumina and the environmental benefit lost.

There is also a stronger argument than that made in the consultation for considering banning the landfilling of WEEE, based on resource depletion of precious and semi-precious metals

The argument for banning the landfilling of plastics seems particularly weak, as this would militate towards the use of mass burn EfW, where greenhouse gases would immediately be released to the atmosphere, which would only be environmentally beneficial if it were being converted to energy more efficiently than a gas fired power station. Government interventions on plastics should focus on increasing recycling and not promoting mass burn EfW.

## **Question 2. What would be the practical difficulties and issues in implementing a landfill ban on this waste type?**

LARAC agrees that Defra policies designed to manage waste often target 'Household' waste differently from 'Commercial' and 'Industrial' waste and also that sometimes the UK's existing approach is "focussed too narrowly on waste collected by local authorities" (para 4.31).

Defra introduced 'pre-treatment' waste acceptance criteria introduced in response to the Landfill Directive 1999 (para 4.18 and 4.20) for which Waste Collection and Disposal Authorities are deemed to meet by virtue of providing some form of sorting via the kerbside/MRF, bring and civic amenity infrastructure (EA, 2009).



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However, LARAC was interested in the research which indicated that one case study (Massachusetts, USA) accredits some municipal recycling schemes whose waste collections are not then subject to downstream inspection (Para 5.13).

Whilst LARAC believes that such accreditation would not be necessary for household waste collections (from which significant proportions of recyclable waste is removed for recycling or conversion into compost), the principle may have some merit for the relatively small amounts of Commercial & Industrial waste that is collected as municipal waste by local authorities.

However, LARAC would welcome consideration of a "de minimis" threshold (para 7.1) that could be applied to Waste Collection Authorities relating to the tonnage of commercial waste collected relative to household waste.

However, we consider that an approach based on up-stream accreditation applied to Commercial & Industrial waste collected outside of the municipalities' control would be no more effective than the existing pre-treatment requirement.

If we consider that small and medium sized enterprises (SMEs) make up a large proportion of the economy - up to 80% to 90% in some local authority administrative areas (AWM 2009), we doubt whether it would be practicable to operate an accreditation scheme with any confidence under existing collection, transfer and treatment/disposal arrangements.

A blanket requirement to pre-treat any waste at the point of landfill disposal might be a more practical solution, but this risks pushing unsuitable waste into Energy-from-Waste (EfW) facilities. This risk is touched upon in the consultation (para 7.8) but would need exploring in further detail within a second consultation. LARAC would not support any requirement to pre-treat waste from household waste sources that is sent to an EfW facility but could see the benefits of applying such a requirement to any commercial sources of waste prior to treatment via EfW.

The costs of a pre-treatment requirement may range from £5-£10 per tonne for a simple mechanical sort involving magnets, etc, and up to £50 to £100 per tonne for a Mechanical Biological Treatment (MBT) or Mechanical Heat Treatment (MHT) solution. Clearly the gate-fees and tax regime would need to be reviewed to assess whether this would offer a viable economic option as the MBT or MHT output would in many cases require subsequent landfill disposal or treatment by EfW.

On a different matter relating to practical issues surrounding landfill bans, LARAC acknowledges Defra's position in that "...landfill should be the home of last resort for most wastes" (para 3.2). Whilst LARAC agrees with this position, a landfill ban in total would not provide a 'last resort'. However, a last resort may be required in practice for a number of reasons, for example:



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- Should markets for recyclables collapse / fall in demand for secondary materials occur as a result of a world wide economic downturn. It might be prudent to allow some form of contingency arrangement that would not require altering primary or secondary legislation or require a direction from the Secretary of State.

Advanced technologies (e.g. gasification and pyrolysis) as well as mass burn EfW require planned maintenance and unscheduled shutdowns also occur where waste may have, in practice, to be diverted to landfill. The potential for this problem may reduce given the recent PFI support for a wider spatial distribution of infrastructure of advanced treatment facilities, but it may still be prudent to provide for contingency plans (e.g. "de minimis" allowances based on plant capacity, etc) where waste treatment technologies are temporarily not available.

The Government would also need to consider how landfill bans might impact upon Local Authorities within a two-tier administrative arrangement that may have several Waste Collection Authorities with different collection strategies.

For example, within a County, it might be that the Northern area is served by an EfW facility so the need to collect/sort food separately is not needed to meet a landfill ban. However, in the Southern area, perhaps a landfill and anaerobic digestion facility would be available. This could lead to Waste Collection Authorities having to adapt their collection strategies to meet the requirements of the infrastructure rather than adopting the best environmental and economic option to meet local expectations. Conversely, Waste Disposal Authorities might need further guidance on how best to use the existing powers of direction to the Waste Collection Authorities as provided for in the Environmental Protection Act 1990 to make best use of this infrastructure. This would no doubt be resolved through Statutory Municipal Waste Management Strategies but the potential for inequitable or perverse outcomes within two-tier authorities should be assessed through a second stage consultation.

**Question 3. If you support a ban on this type of waste what should the lead-in-time be for a ban on this waste type?**

LARAC agrees in principle that 7 to 10 years (para 7.2) is a reasonable timescale to consider and implement any of the four of the options and any/all of the nine proposed waste types. Should Wales wish to implement a landfill ban by 2015 (para 7.28), the second stage consultation should make an assessment of the potential consequences of (a) unintentional cross-boundary movements of waste from Wales into England and (b) the ambitions and effectiveness of any policy set out by Wales that is not in harmony with the policy in England.



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By 2015, it is considered that the municipal sector waste strategies will be well developed and that the current large PFI supported infrastructure projects should be largely operational. This would allow time for a post 2020/LATS reflection/evaluation as to whether or not landfill bans have a significant future role to play. This time frame would seem to be in line with the acknowledgment that "...it is considered England will meet the target without the need for additional measures" (para 4.17) in respect of the Waste Framework Directive requirement of 50% recycling/reuse.

**Question 4. If you do not support a ban on this waste type, do you think other measures should be used to divert it from landfill and if so what would they be? (Please consider the alternative options listed in paragraphs 7.8 -7.17 and any other possibilities)**

LARAC strongly advocates Producer Responsibility and would support in principle any mandatory producer responsibility agreement (as opposed to a the current voluntary agreement, para 6.7) with the Direct Marketing Association and Periodical Publishers Association to target 'junk-mail. LARAC would support Option 3: Producer Responsibility as the preferred option for targeting paper/card (para 7.16).

LARAC has responded positively to the Government's proposals for implementing the Packaging Waste Strategy, with challenging targets for recycling packaging wastes. Subject to the development of a full environmental appraisal, we would support depolymerisation ("feedstock recycling") as a technology that can be applied to flexible plastics and difficult-to-sort fractions as, explicitly, a form of recycling that can contribute to very high recycling targets.

**Question 5. There may be other possible approaches to improve resource efficiency and reduce GHG emissions from this waste type (for example encouraging manufacturers and retailers to move away from using materials that are hard to recover or recycle). We would welcome observations and suggestions for each waste type.**

LARAC would welcome any further detailed proposals in the second stage consultation on the rationalisation of the range and type of materials (e.g. reducing the number of available plastic polymers for use in packaging) and the co-fusion of materials (e.g. wood and plastic) that makes it difficult to recycle in post-consumer waste streams.

It might be of particular interest to evaluate the benefits of specifying standards for manufacturing and recycling of textiles and carpets.

Our response to Question 4 above concerning "feedstock recycling" of plastics – please also refer.



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**Question 6.** In addition to the above we invite comments on the costs and benefits detailed in the Consultation Stage Impact Assessment. In particular we would welcome information/views concerning three issues: (i) the likely impacts of the policy options in light of changes already occurring from existing instruments; (ii) the assumptions on the diversion rates assumed from different policy options; and (iii) the impact of the policy options on the efficiency of recycling markets – whether the unit cost estimates are reasonable and whether the implementation of the options would lower unit costs over time.

LARAC acknowledges that the research is subject to a Defra peer review process.

LARAC also wishes to offer the following points for consideration:

- The Government has applied fairly narrow criteria to landfill bans, relying on notional/generic savings on Green House Gases (GHGs) and “Net (financial) benefit to society” according to the modelling. We remain to be convinced about some of the evidence based on notional “cost of carbon” as the margins for error are potentially significant and could alter the report conclusions.
- The report may wish to consider resource depletion which is an important consideration for Waste Electrical and Electronic Equipment (eWaste or WEEE).
- The report may also wish to consider the sequestration of carbon (through compost or “biochar”) as another possibility for biowastes. Landfilling plastics could also be considered as form of sequestration rather than “a large CHG saving” from diverting plastics from landfill (LARAC advocates developing recycling options for plastics, not just restricting landfill).
- The Government asserts that wastes can contribute to EU and UK renewable energy targets. However, this may wish to be considered given that (a) the atmosphere does not distinguish between biogenic and non-biogenic CO<sub>2</sub>, (b) compost is generally preferable and should be considered to be higher up the waste hierarchy than energy-from-waste, (c) renewables obligation certificate (ROC) and Renewable Heat Incentive (RHI) may pull bio-waste from landfill – do we need a landfill ban in this respect?