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Submitted to **Consultation on the Waste Management Plan for England**
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Introduction

1 Would you like your response to be confidential?

No

If you answered Yes to this question please give your reason:

2 What is your name?

Full Name:

Shlomo Downen

3 What is your email address?

email address:

coordinator@ukwin.org.uk

4 Are you responding as an individual or on behalf of an organisation?

Individual or Organisation:

Organisation

Organisation Details

5 What is the name of your organisation?

Organisation Name:

United Kingdom Without Incineration Network (UKWIN)

6 What type of organisation is it?

Organisation Type:

Environmental campaign organisation

If other please specify:

Summary of the People and Organisations you Represent

7 Please provide a summary of the people and organisations you represent and where relevant who else you have consulted in reaching your conclusions.

Summary of people and organisations you represent:

The United Kingdom Without Incineration Network (UKWIN) is a network open to all anti-incineration campaigners and campaign groups throughout the UK. We are currently actively working with at least 50 such groups. These groups typically comprise hundreds of local residents and thousands of supporters and followers. UKWIN members were consulted and their suggestions helped improve the quality of this submission.

Question 1

8 Will the draft Waste Management Plan for England – when combined with the location specific guidance in waste planning policy - meet the requirements of Schedule 1 of the Waste (England and Wales) Regulations 2011?

Yes or No:

No

If you answered No to this question please give your reason:

The draft Waste Management Plan for England does not meet the requirement set out in Schedule 1 of the Waste (England and Wales) Regulations 2011, and the failures in the draft plan are not adequately rectified within the location-specific guidance in existing waste planning policy, or elsewhere (e.g. Waste Prevention measures, etc.).

The December 2018 Resources and Waste Strategy document states (at Section 3.1.3 'Improving urban recycling rates, working with business and local authorities') that Government "will work with Metro Mayors, local authorities in urban areas and other relevant organisations and stakeholders to...Work to align the National Planning Policy for Waste and planning practice guidance with the Resources and Waste Strategy and continue to maintain building regulations guidance to support its objectives..." and (at Section 3.2.1 'Driving greater efficiency of Energy from Waste (EfW) plants by encouraging use of the heat the plants

produce') that: "As part of the review of the Waste Management Plan for England in 2019, Defra will work with the Ministry of Housing, Communities and Local Government (MHCLG) to ensure that the Waste Management Plan for England and the National Planning Policy for Waste and its supporting planning practice guidance reflects the policies set out in this Strategy...".

Despite these statements, which appear to acknowledge that the current planning policies and guidance do not fully align with the Resource and Waste Strategy, the Government has yet to update the National Planning Policy for Waste and associated planning guidance to align these with the Resources and Waste Strategy. As a stakeholder, UKWIN has yet to be consulted about these updates.

Similarly, the Resources and Waste Strategy states (at the bottom of Page 77) that Government will "ensure that all future EfW plants achieve recovery status", yet the Government has yet to make good this promise. As a stakeholder, UKWIN has yet to be consulted about how this will be achieved, e.g. by the Environment Agency through the environmental permitting regime and/or by the Waste Planning Authority through the planning system.

The draft Waste Management Plan for England does not meet the requirement set out in Schedule 1 of the Waste (England and Wales) Regulations 2011 regulations in many respects. Firstly, it runs contrary to the overall objective in Schedule 1 Part 1 Paragraph 1, which is: "To protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use" and in Schedule 1 Part 1 Paragraph 2 which states: "To apply the following waste hierarchy as a priority order in waste prevention and management policy... When applying the waste hierarchy in sub-paragraph (1), the appropriate authority must ensure that it — (a) encourages the options that deliver the best overall environmental outcome, which may require specific waste streams to depart from the hierarchy where this is justified by life-cycle thinking on the overall impacts of the generation and management of such waste...".

Contrary to the 2011 Waste (England and Wales), the draft Plan could allow the proliferation of waste incineration (including gasification) plants that perform worse, in environmental terms, than alternative residual treatment options such as material recovery and bio-stabilisation (e.g. via MBT) followed by landfill of the stabilised residue.

Adopting an approach using Material Recovery and Biological Treatment (MRBT) for dealing with residual waste is supported by evidence. The June 2020 policy briefing from Zero Waste Europe entitled 'Building a bridge strategy for residual waste: Material Recovery and Biological Treatment to manage residual waste within a circular economy' available from https://zerowasteurope.eu/wp-content/uploads/2020/06/zero_waste_europe_policy_briefing_MRBT_en.pdf sets out how "...a 'Material Recovery and Biological Treatment (MRBT)' system that combines biological treatment and sorting equipment allows us to 'stabilise' the organics that are included in residual waste, so as to minimise their impact once buried in a landfill, while also helping to recover materials such as metals, plastics, paper that are still included in residual waste after separate collection...".

Zero Waste Scotland's October 2020 report entitled 'The climate change impact of burning municipal waste in Scotland' - available from <https://www.zerowastescotland.org.uk/content/climate-change-impact-burning-municipal-waste-scotland> - notes how "Effective MBT pre-treatment can significantly reduce the biodegradable content of landfilled waste...resulting in significant emissions savings" and how "Decarbonisation of the grid has been so successful that EfW technologies can no longer be considered low carbon solutions. Decisions on future management must be based on the most current and accurate data possible to ensure climate change impacts are minimised".

As energy generation for England moves further in the direction of wind power and other zero carbon renewable sources, the use of incinerators to generate energy will increasingly hamper efforts to decarbonise the electricity and heat supply because of the significant quantities of CO2 from incineration.

Defra's 'The Economics of Waste and Waste Policy' report from June 2011 - available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69500/pb13548-economic-principles-wr110613.pdf - explores how MBT-landfill comes with lower adverse environmental impacts when compared with incineration, stating: "MBT (mechanical biological treatment)-landfill provides the best emissions performance in terms of the treatment/disposal of residual waste. It essentially involves landfilling somewhat stabilised wastes with some material recovery. The magnitude of the environmental impact depends on the extent to which the waste is stabilised".

Additionally, UKWIN's October 2018 report entitled 'Evaluation of the climate change impacts of waste incineration in the United Kingdom' - available from <https://ukwin.org.uk/files/pdf/UKWIN-2018-Incineration-Climate-Change-Report.pdf> - notes that even without bio-stabilisation, incineration can deliver worse environmental outcomes than landfill, even when methane release and energy generation are taken into account.

The Government's failure to fully consider and set out their position on MRBT (also known as MBT-landfill) as a waste treatment option for residual waste is compounded by the fact that the draft Plan seems to treat landfill in a blanket manner, failing to adequately distinguish between sending waste untreated to landfill and landfilling bio-stabilised waste (following recycle recovery) and non-biodegradable waste such as plastic which would not result in significant methane emissions.

The Government's draft Plan also fails to adequately consider how incinerators, which could be allowed under the Plan, would inevitably rely on burning significant quantities of recyclable and compostable material, not least because England's incineration capacity exceeds the quantities of genuinely residual waste that would be generated within the lifetime of these incinerators. As noted by Tolvik in their most recent UK EfW statistics report at <https://www.tolvik.com/wp-content/uploads/2020/05/Tolvik-UK-EfW-Statistics-2019-Report-June-2020.pdf> in December 2019 there was 18.5 million tonnes of headline incineration capacity in the UK, comprising of 14.6 million tonnes of fully operational capacity; 0.8 million tonnes of capacity in late stage commissioning; and 3.1 million tonnes of capacity under construction.

The Government has declared its ambition to improve recycling and composting (including through the separate collection of bio-waste), as well as to improve recyclability of products and packaging, whilst eliminating unnecessary plastics and promoting waste minimisation more broadly. As noted by Rebecca Pow, the Parliamentary under-Secretary of State for Environment, Food and Rural Affairs: "...the measures in the resources and waste strategy and the Environment Bill will enable a paradigm shift, in relation to reducing, reusing and recycling our waste, that should limit the amount that ever has to go to incineration and landfill" (Westminster Hall debate on Industrial and Commercial Waste Incineration, UK Parliament, 12 February 2020).

This means that quantities of residual waste can be expected to fall. Consideration of such a reduction in the quantity of residual waste arising should be seen in

light of the facts that the capacity of many incinerators is based on burning Refuse Derived Fuel (RDF) and that producing 1 tonne of RDF requires more than 1 tonne of waste (e.g. due to de-watering and recycle removal).

As noted in Environmental Report (Appendix D of the draft Plan), but not adequately reflected in the Plan itself: "The application of policies higher up the waste hierarchy could also reduce the throughput of material into energy from waste facilities, which may affect the quality of the feedstock. Higher calorific value material such as paper, cardboard, woods and organic material may be diverted to higher levels of the waste hierarchy, leaving lower calorific value waste streams".

When the proportion of high calorific material used for incinerator feedstock is reduced the capacity of existing incinerators is increased (as the actual treatment capacity of incinerators is determined by the calorific value of the feedstock). This means that, even without the construction of any new waste incinerators, by diverting plastics from incineration and by reducing volumes of residual waste, a greater volume of capacity becomes available at existing incinerators. The Government's draft Plan fails to adequately grapple with the issue of incineration overcapacity and its implications, and the current Planning Policy for Waste does not do enough to prevent exacerbating incineration overcapacity.

Despite what was sometimes claimed by some, it now appears that it is not safe to assume that market forces will prevent the exacerbation of incineration over-capacity in the UK. According to an opinion piece written by Adrian Judge (Director of the Tolvik waste consultancy) published on the 19th August 2020 and available at: <https://www.letsrecycle.com/news/latest-news/understanding-risk-efw-overcapacity/> "...it increasingly appears that there is one critical skill necessary for a successful [EfW incineration] project which is being overlooked: 'understanding'...Above all, understanding is the thoughtful application of common sense...Tolvik is regularly asked to assess the future balance between Residual Waste supply and EfW capacity. To date we have assumed that the checks and balances of rational investors, particularly where external project finance is required, will ensure that, unlike northern Europe, the risk of EfW over-capacity in the UK is very low. However, increasingly, project developers seem willing to ignore the need for 'understanding' if it is going to give them the wrong answer. We see this with our market due diligence reports. As the market tightens, if our analysis is not favourable then we are increasingly being asked to change our assumptions. Most often this is a variant of 'can't you just increase the size of the modelled Catchment Area?' Having engaged experienced independent consultants, this appears to be a deliberate decision to redefine 'understanding'...But ignoring this need for 'understanding', when repeated across multiple projects, is starting to lead us to question whether the risk of EfW over-capacity is as low as we had previously assumed".

At the very least, the Plan should advise those considering the introduction of new residual waste incineration infrastructure of the need to take account of the Government's 65% recycling target and other measures designed to reduce residual waste arisings in order to avoid exacerbating the over-capacity of residual treatment and undermining the ability of areas to exceed minimum recycling targets.

The draft Plan states that: "In England, the waste hierarchy is both a guide to sustainable waste management and a legal requirement, enshrined in law through the Waste (England and Wales) Regulations 2011". However, the general requirement to apply the Waste Hierarchy only applies on the transfer of waste, which means that neither the draft Plan nor the legal duty on waste collectors are sufficient to prevent inappropriate practices with respect to how waste is collected and presented for collection, and neither ensures that the most appropriate treatment options are used. As such, the Plan needs to address this matter at a policy level to ensure that waste is collected and treated in a manner which reflects Waste (England and Wales) Regulations 2011, Schedule 1, Part 1, Paragraph 2, Sub-paragraph 2 to encourage options that deliver the best overall environmental outcome rather than allowing significant quantities of discarded material to be used as incinerator feedstock 'by default'.

The then Resource Minister Therese Coffey noted in 2018: "My hon. Friend the Member for Rugby referred to energy from waste. I caution against some of what he said. In environmental terms, it is generally better to bury plastic than to burn it...We need to be careful about what incentives we push." (Source: Hansard - House of Commons debate on Non-recyclable and Non-compostable Packaging, UK Parliament, 23 January 2018). What the Resource Minister was referring to is the fact that when waste plastic is landfilled the carbon is 'sequestered' (permanently stored), whereas when plastic is incinerated all of the carbon is immediately turned into CO₂ and released into the atmosphere. Indeed, incinerating a tonne of plastic film typically releases 1.8 tonnes of fossil CO₂ and incinerating a tonne of dense plastic typically releases more than 2 tonnes of fossil CO₂ (Source: Carbon Balances and Energy Impacts of the Management of UK Wastes Defra R&D Project WRT 237, Final Report, December 2006).

Defra's then Chief Scientific Advisor Prof. Ian Boyd similarly told EFRACOM back in 2018 that: "One thing that worries me is that we are taking these materials, we are putting them in incinerators, we are losing them for ever and we are creating carbon dioxide out of them, which is not a great thing. We could be long-term storing them until we have the innovative technologies to reuse them and turn them into something that is more positively valued." (Source: Oral Evidence - The Work of Defra's Chief Scientific Adviser, HC 775, EFRACOM, 21 January 2018)

The Government should amend the draft Plan to make it clear that a better overall environmental outcome can be achieved through sending fossil fuel based plastics to landfill rather than to incineration (even when there is energy recovery), and that it would be better for biodegradable material that cannot be composted or anaerobically digested to be bio-stabilised prior to disposal in landfill.

For additional evidence on these points, see <https://ukwin.org.uk/files/pdf/UKWIN-National-Infrastructure-Strategy-Submission-August-2020.pdf>

The draft Plan also runs contrary to Schedule 1 Part 1 Paragraph 3 of the Waste (England and Wales) Regulations 2011, which requires: "...that waste management is carried out without endangering human health, without harming the environment and, in particular— (a) without risk to water, air, soil, plants or animals; (b) without causing a nuisance through noise or odours; and (c) without adversely affecting the countryside or places of special interest".

We note that page 25 of the Environmental Report acknowledges that: "Noise and odour nuisance from the construction and operation of waste management infrastructure can also have adverse effects on human health and wellbeing". In UKWIN's experience, local residents have a wealth of evidence to demonstrate that many waste incinerators are not operating "without causing a nuisance through noise or odours". Despite the wealth of evidence of noise and/or odours, the Environment Agency's regulatory regime has been unable "to ensure that waste management is carried out without...harming the environment and...causing nuisance". The draft Plan does not include an explicit prohibition on the construction and operation of incinerators near to where people live, work, go to school and visit for recreation. As such the draft Plan falls short of meeting the requirements of Schedule 1 of the Waste (England and Wales) Regulations 2011.

At present, planning permissions are being granted and environmental permits are being issued for incinerators that do "adversely affect...the countryside or

places of special interest". No measures have been proposed in the draft Plan that would ensure that this does not continue to occur.

With respect to air quality and incineration, UKWIN notes the following from Defra's March 2017 Air Quality Briefing for Directors of Public Health (written in conjunction with Public Health England and the Local Government Association) - available from: <https://laqm.defra.gov.uk/assets/63091defraairqualityguide9web.pdf> - "...the latest epidemiology demonstrates that harm occurs at pollution levels below EU limit values, so if your area doesn't have an AQMA it doesn't mean there isn't a public health issue to consider" and: "There is no safe level for particulate matter (PM10, PM2.5), while NO2 is associated with adverse health effects at concentrations at and below the legal limits".

In light of the connection that has been made between air quality and vulnerability to serious adverse impacts arising from Covid-19, whilst the level of risk posed by incinerators to air quality is a matter of debate, there is no doubt that incinerators diminish air quality and therefore endanger human health. The draft Plan does nothing to ensure that World Health Organisation (WHO) recommended limits for air pollution are not breached by incinerators in England, or that adverse impacts arising from exceedances, above the WHO's recommended limits, are not exacerbated by incinerators. Despite the environmental permitting processes, it cannot be said that the current draft Waste Management Plan for England ensures that incineration is "carried out without endangering human health".

To the extent that the draft Plan relies on the content of the as yet un-enacted Environment Bill to meet the Schedule 1 Part 2 requirements, the draft Plan is inadequate, as the Bill is not policy as it has yet to be approved by Parliament. The Environment Bill may yet be subject to change, and it is unclear when the Bill will become an Act. This is especially relevant to the draft Waste Management Plan for England because there may be a period of time from the 1st of January 2021 when the UK is outside of the reach of European legislation but when the Environment Act has yet to come into force.

In relation to Schedule 1, Part 2, Paragraph 6 (c) of the Waste Regulations, we note that the draft Plan fails to adequately assess the need for an increase in domestic plastic reprocessing capacity. The draft Plan also fails to assess the need to decommission the worst performing waste incinerators, including those that fail to meet the R1 threshold and those coming to the end of their service life. To comply with Paragraph 6 (c), the Government should assess the level of incineration capacity that would be compatible with the achievement of their goals to recycle more and waste less in the future, and to take appropriate measures to prevent incineration overcapacity in the future, with closures of existing incineration facilities if necessary in order to reduce waste incineration capacity to, in turn, improve resource efficiency and discourage material that could and should be recycled and composted from being incinerated.

The Government's analysis should take account of the findings of Defra's Resources and Waste Strategy Progress Report which found that only 8% of residual waste from household sources was "Difficult to Recycle or Substitute" (with 53% being readily recyclable with current technologies, 27% potentially recyclable with technologies in development, and 12% potentially substitutable to a material which could be recycled). Pages 35 and 36 of the draft Plan refer to the closure of waste infrastructure, but the accompanying text relates only to the closure of landfill sites and not to the closure of 'disposal' or 'other recovery' incinerators.

UKWIN notes the inclusion of the following draft commitment in the Welsh Government consultation document - available at: <https://gov.wales/sites/default/files/consultations/2019-12/consultation-circular-economy-strategy.pdf> - entitled 'Beyond Recycling - A strategy to make the circular economy in Wales a reality': "We want to achieve our aim of Wales being a zero waste nation by 2050. This means that any discarded materials are recycled and re-circulated within the Welsh economy, with no loss of materials from the system – effectively a 100% recycling rate from all sectors", and UKWIN calls for England to adopt a similar commitment, accompanied by an incineration exit strategy.

Even without adopting a commitment to achieve a 100% recycling rate from all sectors by 2050, there is still an urgent need for an English waste incineration exit strategy. England already has a stated ambition for far less incineration going forward, as reflected in the Government's 25 Year Environment Plan ambition to eliminate all avoidable plastic waste by the end of 2042 and to reach zero avoidable waste by 2050. This means that a significant proportion of the UK's 18.5 million tonnes of existing waste incineration capacity could become 'stranded assets' within their operational lifetimes.

An ideal first step in such an exit such an incineration exit strategy is to adopt the proposal from Greenpeace's Green Recovery Manifesto available from <https://www.greenpeace.org.uk/resources/green-recovery-manifesto/> which calls for the Government to: "End approvals for new incineration (also called energy-from-waste) facilities and prevent the replacement or upgrade of old plants that are near retirement, in order to support an overall reduction in incineration". Greenpeace notes that a moratorium would "send a market signal to support more sustainable solutions for resource use, including reduction of material use, reuse, repair and recycling".

UKWIN commends Figure 2 as an improvement on some of the misleading diagrams that have been used in the past, where the distinction between R1-compliant and D10 gasification plants, in particular, was not made clear. However, as noted above, it would be appropriate for the Plan diagram to distinguish between sending waste untreated to landfill and sending bio-stabilised waste and inert material such as plastic to landfill (especially as part of a materials recovery and biological treatment system which maximises the reclamation of recyclable materials, diverting them from landfill).

Whilst both incineration and landfill should be reduced - in order to support reduction, re-use and recycling - it remains necessary to acknowledge that not all forms of landfill have the same environmental, e.g. climate change impact. The Plan should reflect the benefits of bio-stabilisation prior to landfill, e.g. reducing the quantity of methane emitted and increasing the proportion of material sequestered, and acknowledge that landfill provides the function of serving as a carbon sink for materials that would otherwise be released into the atmosphere as CO2 if incinerated.

A further inadequacy of the draft Plan relates to Schedule 1 Part 3, Paragraph 12 of the Waste Regulations. The Plan should clearly set out the differing areas of responsibility assigned to different public bodies. For example, the Plan should make clear that whilst the Environment Agency is responsible for ensuring the permitted facility complies with Environment Permitting Regulations, it is the responsibility of the Waste Planning Authority to ensure that planning permission is only granted for incinerator proposals that are an appropriate use of the land, and that this determination should include a consideration of the adverse amenity and climate change impacts of incineration that would occur even for a well-regulated incinerator, i.e. the adverse impacts that would be allowable under an Environmental Permit. This information is necessary for inclusion in the Plan because Waste Planning Authorities too often fail to take proper account of the adverse impacts of waste incineration. This failure arises from the Waste Planning Authorities' incorrect assumption that such matters will be wholly addressed through the Permitting regime.

Question 2

9 Do you agree with the conclusions of the Environmental Report?

Yes or No:

No

10 Do you have evidence to support your view?

Yes or No:

Yes

If you answered Yes to this question please provide the evidence that supports your view and state which part or parts of the environmental report it relates to. Please include links to published evidence where relevant.:

Given the Climate Emergency, the Paris Agreement, and Net Zero 2050, it is vital that a more ambitious target-based approach to reduction, re-use and recycling is fully considered, including the Committee on Climate Change's (CCC's) June 2020 recommendation for the Government - available from the CCC website at <https://www.theccc.org.uk/publication/reducing-uk-emissions-2020-progress-report-to-parliament/> - to: "Set a target for a 70% recycling rate by 2030 in England within the Environment Bill, and announce new policies to meet this target".

Furthermore, UKWIN believes the Government's Waste Management Plan for England should include ambitious targets for waste minimisation and residual waste reduction as well as a moratorium on new waste incineration capacity. The draft Plan fails to do this. Similarly, the Government has not adequately considered the environmental benefits of an MRBT (Mechanical Recycling and Biological Treatment) approach as set out in reports and briefings from Zero Waste Europe, Zero Waste Scotland, UKWIN and Defra's Waste Economics Team. These are all reasonable options that should be considered.

Furthermore, the Environmental Report fails to adequately assess the adverse impact of potential long-term incineration overcapacity on recycling and the climate, and its conclusions therefore fail to take these into account. There is also a failure of the draft Plan to consider the potential impact of Extended Producer Responsibility (EPR) subsidies for incineration and the continued failure to tax incineration for the adverse climate change impact caused by incineration.

For evidence to support the above please see our answers to Question 1 and the following documents:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69500/pb13548-economic-principles-wr110613.pdf

<https://ukwin.org.uk/files/pdf/UKWIN-National-Infrastructure-Strategy-Submission-August-2020.pdf>

<https://ukwin.org.uk/files/pdf/UKWIN-2018-Incineration-Climate-Change-Report.pdf>

<https://ukwin.org.uk/files/pdf/UKWIN-EPR-Consultation-Submission-May-2019.pdf>

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/housing-communities-and-local-government-committee/implications-of-the-waste-strat>

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/housing-communities-and-local-government-committee/implications-of-the-waste-strat>

https://ukwin.org.uk/files/pdf/UKWIN_NIC_NIA_Submission_January_2018.pdf

<https://www.policyforum.labour.org.uk/commissions/moving-away-from-incineration-towards-a-circular-economy?download=true>

https://zerowasteurope.eu/wp-content/uploads/2020/06/zero_waste_europe_policy_briefing_MRBT_en.pdf

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Question 3

11 Do you agree or disagree with the following statement: 'There will be no additional burdens for businesses, consumers and local authorities arising directly from the adoption of the Plan'

Agree or Disagree:

Disagree

If you disagree with the statement, please provide appropriate evidence to support your view.:

We do not have the evidence to support agreement with the statement.