

## **Submission from Comhairle nan Eilean Siar**

### **ZERO WASTE REGULATIONS**

The efficient and environmentally-sound collection, processing and disposal of waste remain a financial and logistical challenge for local authorities such as Comhairle nan Eilean Siar which have a high proportion of its customers spread across remote and rural communities.

Furthermore, the remoteness of the Western Isles from existing recycle markets already places additional significant financial burdens on the Comhairle and will present further challenges in ensuring that a fully compliant strategy is also affordable in the current and foreseeable financial climate.

The Comhairle's current Waste Strategy is based on the 2002 Area Waste Plan developed in consultation with SEPA and, in light of the changes in legislation proposed by the Zero Waste Plan Policy Statement, it is clear that a new Western Isles Zero Waste Strategy will be required.

The matter has already been considered in some detail by members and officers of the Comhairle and, for your information, I have included a copy of a recent report to the Comhairle's Environmental and Protective Services Committee. The Comhairle subsequently approved its recommendations and Technical Services staff have now initiated the development of a compliant and affordable Strategy consistent with the aims and objectives of the national Plan.

The legislative targets to increase both the recycling of waste and its diversion from landfill is key to the new Plan and are consistent with the Comhairle's aspirations for its own strategy; the publication of the Policy Statement is very much welcomed and will, in tandem with the legislation itself, will inform the basis of the Comhairle's priorities going forward.

As recognised by the Policy Statement, effective communications with householders and businesses and ensuring the availability of reliable and understandable information to help support the necessary behavioural changes is, and will continue to be, key to achieving the respective targets. The Comhairle looks forward to working with other regional and local key stakeholders, including Zero Waste Scotland, in ensuring there is a greater consistency and effectiveness in the communication of goals and targets.

Thank you for the opportunity to make this further representation.

Yours faithfully

**Iain Mackinnon**  
Director of Technical Services

## **ZERO WASTE REGULATIONS**

Report by Director of Technical Services

**PURPOSE OF REPORT** To provide the Comhairle with an update on the establishment of Zero Waste legislation and to agree over-arching principles of a Strategy for the Western Isles

### **COMPETENCE**

- 1.1 There are no legal or other constraints to the recommendations being implemented.

### **SUMMARY**

- 2.1 The Scottish Government published the Zero Waste Policy Statement in October 2011. This paper, a copy of which is available for download from [www.scotland.gov.uk/Topics/Environment/waste-and-pollution/waste-1/latest](http://www.scotland.gov.uk/Topics/Environment/waste-and-pollution/waste-1/latest), sets out the decisions that will underpin the final form of the Zero Waste (Scotland) Regulations to be laid before the Scottish Parliament in 2012.
- 2.2 The Policy Statement indicates a shift in focus from prevention of waste to increased recycling targets with 70% recycling by 2025 and a ban on biodegradable waste to landfill by 2020.
- 2.3 It is intended that Local Authorities will be required to offer a separate collection service for “Key Recyclable Materials” (glass, metals, plastics, paper and card) by 2013. Co-mingled collections will be acceptable, provided similar quality and quantity of materials can be recovered.
- 2.4 The Policy Statement also identifies the areas of the country where Local Authorities will be required to offer food waste collections to households and businesses. Although the requirement to provide this service will not include the Scottish Islands, there will still be a need to meet the ban on landfill of biodegradable waste by 2020.
- 2.5 Changing the Organic collection service in the Uists and Barra to a collection service for the “Key Recyclable Materials” identified in the Policy Statement may allow a more efficient means of transporting waste to be developed.
- 2.6 The publication of the Zero Waste Policy Statement and Draft Business and Regulatory Impact Assessment provide additional guidance and will help to assist with the development of a new Western Isles Waste Strategy.

### **RECOMMENDATIONS**

- 3.1 **It is recommended that the Comhairle agree to:**
  - a) **note the publication of the Zero Waste Policy Statement and Draft Business and Regulatory Impact Assessment;**

- b) authorise the Director of Technical Services to investigate alternative waste collection, transport and processing options; and**
- c) authorise the Director of Technical Services to carry out the development of a new Western Isles Waste Strategy based on the new Legislation to be implemented by the Scottish Government as part of the Zero Waste Plan in 2012.**

## **BACKGROUND**

- 4.1 The Scottish Government's Zero Waste Plan, launched in June 2010, provided details of proposed actions to change how Scotland treats and manages waste. To support this Plan, ambitious recycling targets included a 70% recycling rate for household and all other waste streams by 2025; waste to energy was to be restricted to 25% of Municipal Solid Waste and by 2025, only 5% of waste would be allowed to be disposed of to landfill.
- 4.2 As a precursor to the new Regulations, the Zero Waste Regulations Policy Statement, published in October 2011, sets out the decisions that will underpin the final form of the Zero Waste (Scotland) Regulations that will be laid before the Scottish Parliament in 2012.
- 4.3 The Policy Statement also sets out the statutory framework in which future recycling services and waste treatment will be rolled out across Scotland. There is a renewed emphasis on source segregation of recyclable materials, complemented by bans on important resources going to landfill or incineration. It is intended that these changes will help Scotland achieve the Zero Waste Plan targets.
- 4.4 The main changes from the original Zero Waste Plan are as follows:
  - the timetable for the Zero Waste Plan has been revised to provide additional lead-in time for Local Authorities and waste producers. This includes extending the requirement for small businesses to recycle their food waste to 2015;
  - more time has also been provided to establish the necessary waste treatment infrastructure across Scotland, by moving the date for introducing the ban on the landfill of biodegradable material to 2020.
  - a set of criteria has been established to determine where Local Authorities must offer a food waste collection to householders and businesses, thus ensuring that households across Scotland benefit from a similar level of service;
  - a ban on the non-domestic use of food waste disposal units and digesters to macerate or pre-treat food and dispose of it through the sewer network has been introduced, to ensure that the resource value of food waste as a source of green energy and as a replacement for traditional fertiliser can be realised;
  - measures have been introduced to ensure that the quality of materials collected and processed is maintained, as this will help to extract the best value from waste;
  - provisions have been made to allow local authorities to collect co-mingled food and garden waste;

- Local Authorities will be required to provide the public with a biennial report showing how and where collected materials are being recycled, and the actions that are being taken to ensure the best environmental outcomes are being achieved.
- 4.5 Previously, in line with the old European Waste Framework Directive, the historic focus of waste management has been to divert municipal waste from landfill. The Scottish Government now considers that the escalating Landfill Tax charges have provided sufficient financial incentives to discourage landfill of waste and meet this outcome. It is now considered more important to target increase recycling.
- 4.6 To drive forward changes to how waste is managed in Scotland, the Zero Waste Regulations introduce a series of regulatory measures to:
- maximise the quantity and quality of materials available for recycling and minimise the need for residual waste treatment capacity;
  - move residual waste management up the waste hierarchy so as to extract resource value from those materials we can't recycle;
  - create the market certainty needed to support investment by businesses in the recycling, materials reprocessing and waste management sector;
  - improve public confidence in recycling to help reaffirm Scotland's position as a recycling nation.

## **STATUTORY ACTIONS**

- 5.1 The Policy Statement sets out the proposals for new statutory measures to support the delivery of the Scottish Government's Zero Waste agenda. Key Recyclable Materials have been identified as paper, card, glass, metals and plastics and Local Authorities will be required to provide a collection service for these Key Recyclable Materials. Food waste is also targeted due to the environmental benefits of managing biowastes separately.
- 5.2 Once recyclable materials have been segregated, they must be managed in a way which does not compromise their quality. The proposed regulations would introduce a ban on mixing separately collected recyclates and give Scottish Environmental Protection Agency (SEPA) statutory powers to ensure that source segregated materials are not mixed with other wastes or materials in such a way as to hinder their recycling potential.
- 5.3 To support the upstream source segregation and separate collection measures taken to maximise levels of quality recycling any of the Key Recyclable Materials collected for recycling would be banned from landfill.
- 5.4 To ensure materials which could have been reused or recycled are not incinerated, residual waste must be pre-treated to remove Key Recyclable Materials, and provide a second opportunity to capture recyclate missed at the collection stage. This will ensure that Scotland does not simply move from mass landfill to mass incineration.

- 5.5 In order to protect the environment from the potential impacts of landfilling biodegradable waste and drive residual waste management up the waste hierarchy, a ban on waste disposed of to landfill based on organic content will be introduced by 2020.
- 5.6 It is intended that the Zero Waste (Scotland) Regulations will introduce a statutory requirement for all non-householders waste producers to separate the Key Dry Recyclables (glass, metal, plastic, paper and card) and food at source. This duty will apply to all waste producers including, for example, shops, offices, factories, restaurants, schools and hospitals, whether public or private.
- 5.7 It is also intended that the Zero Waste (Scotland) Regulations will introduce a requirement on local authorities to offer separate collection of glass, metals, plastics, paper and card to householders by 2013. In the same way as the current duties on local authorities to offer black bag waste collection services to householder and businesses, this new duty will apply to householders and to businesses. This will ensure that businesses, particularly small business receive a minimum level of service.
- 5.8 Although included in the original Zero Waste Plan, it has been decided not to place a statutory requirement on local authorities to collect textiles. The decision on whether to collect textiles will be at the discretion of individual Local Authorities. The use of both recycling points and bring banks as part of an overall separate collection service is acceptable.
- 5.9 Where separate food waste collection is not being offered, there will be a requirement on local authorities to promote actions to prevent food waste and/or home/community composting. To assist in delivering this action Zero Waste Scotland has put in place a support scheme for community composting groups.
- 6.0 Presenting reliable and understandable information to the public on what happens to recycled materials will be vital to supporting the behavioural changes needed to deliver the step changes in recycling rates required to deliver the Zero Waste Plan targets. The Scottish Government consider that mandatory source segregation and the household waste services provided by waste collection authorities, supported by education and enforcement will, over time, remove the Key Recyclable Materials from the unsorted waste stream.

## **IMPLICATIONS FOR WASTE MANAGEMENT IN THE WESTERN ISLES**

- 6.1 The Comhairle's current Waste Strategy is based on the 2002 Area Waste Plan developed in consultation with SEPA. In light of the changes in Legislation identified by the Zero Waste Plan Policy Statement, it is clear that a new Western Isles Waste Strategy will be required.
- 6.2 The current roll out of the co-mingled collection service for dry recyclates has proved to be an efficient way to collect the Key Recycling Materials identified in the Policy Statement. The quantity of materials from collected from households has increased significantly in each of the collection routes and participation levels have also increased.

- 6.4 Clarification on the areas where Local Authorities will be required to collect food waste has provided an opportunity to review the collection and transport services for waste and recyclates in the Uists and Barra.
- 6.5 The Waste Management Licence at Market Stance Transfer Station requires that organic wastes can only be stored for a maximum of 72 hours. To allow a reasonable factor of safety, organic wastes are shipped on a daily basis to Creed Park Waste Management Facility or to Bennadrove Landfill. As a result of this requirement, two containers of different types of waste have to be transported from Market Stance each day. If separate food waste collections are not required as part of the Zero Waste Plan, there is an opportunity to review the collection, transfer and transport of waste from Market Stance Waste Transfer Station.
- 6.6 If the current Organic Collection service in the Uists and Barra is not required, there is an opportunity to replace this service with a collection service for the Key Recyclable Materials identified in the Zero Waste Plan, possibly on the same format as the Blue Bin Co-mingled service currently being rolled out to households in areas of Lewis and Harris.
- 6.7 The Policy Statement identifies the need to pre-sort materials prior to recovery using Energy from Waste to ensure that materials which could have been reused or recycled are not incinerated. Further clarification on the percentage of waste that can be sent to Energy from Waste for recovery has not been provided, but the target of 70% recycling would suggest a limit of less than 30%. Further clarification will be required to determine the options for waste that cannot be recycled in the Western Isles.

## **CONCLUSIONS**

- 7.1 The Zero Waste Policy Statement published by the Scottish Government in October 2011 sets out the decisions that will underpin the final form of the Zero Waste (Scotland) Regulations to be laid before the Scottish Parliament in 2012.
- 7.2 There is a shift in focus from diversion of biodegradable waste to increased recycling targets and the targets will be supported by the introduction of new statutory measures.
- 7.3 A target recycling rate of 70% will be introduced and will apply to all waste streams by 2025. Municipal biodegradable waste will be banned from going to landfill by 2020.
- 7.4 The publication of the Zero Waste Policy Statement and Draft Business and Regulatory Impact Assessment provide additional guidance and will help to assist with the development of a new Western Isles Waste Strategy. Although it is still uncertain how the recycling targets will be applied in remote island locations with limited access to sustainable recycling markets, clarity on the requirements for dry recyclate and food waste collections will allow collection and transport options to be reviewed.

- 7.5 The Comhairle has agreed previously that the option of Energy from Waste (EfW) would be preferable to landfill disposal. Although the Policy Statement does not specifically define the percentage of waste that can be recovered using EfW, the 70% recycling target implies a maximum of 30% waste to EfW. Further discussion with the Scottish Government will be required to determine whether EfW can be used where access to recycle markets is not sustainable due to location.
- 7.6 The Policy Statement recognises that communication will be a key factor in achieving the Zero Waste Plan targets. It is essential that householders and businesses are presented with reliable and understandable information to help support the behavioural changes necessary to deliver these targets.
- 7.7 The new Regulations will not introduce any new enforcement powers, however, it is expected that existing powers exercised by SEPA and Local Authorities will be extended.