

## **Submission from Aberdeen City Council.**

Aberdeen City Council welcomes the opportunity to comment on the Scottish Government's Zero Waste Regulations Policy Statement published in October 2011.

A number of positive changes have been proposed in the Policy Statement; it is evident that the Government has listened to consultation responses and amended its position accordingly. Of particular note is the inclusion of the requirement to remove recyclable materials from unsorted waste destined for landfill ensuring that a valuable resource stream is not lost to the economy.

The proposed amendments are broadly considered to be positive and will produce regulation that will prove more robust over time. It is essential that Parliament produces regulation that strikes the appropriate balance between enabling delivery of aspirational and forward-thinking policy without seeking to prescribe solutions that appear at the time of delivery to be the best way to achieve the policy's aims. This is particularly the case with the management of recycling wastes.

Widespread recycling in Scotland has been in place for less than a decade. In this time, major changes have occurred in the range of collection and processing systems. Technology is constantly being applied to the challenge of recovering more recycling waste and will increase both the volume and range of materials recoverable in the future. The Zero Waste Regulations, if they are to be successful must be applicable over a period of at least 15 years and therefore it is imperative that, by over-prescription of solutions, the regulations should not hinder the adoption of the most cost-effective and successful recycling collection and treatment systems. Even within the evolution of these regulations, materials sorting technology has advanced with colour separation of mixed glass (witness the current investment in a plant at Bonnyrigg) and the increasing sophistication of optical and infra-red sorting equipment being clear examples. As a result, the Government should resist the urge to define how recycling should be collected/managed and focus on the establishment of standards for the delivery of recycling wastes into the reprocessing market. The singling out of glass in the regulation to prevent "down-cycling" is considered to be a case where the proposed regulation oversteps the mark.

A timely recognition that an overly-prescriptive approach may have adverse effects is provided by the Welsh Audit Office's recent report 'Public Participation in Waste Recycling' in which it states that:

'The Welsh Government believes that kerbside recycling, and sorting, is the most consistent mechanism for producing quality waste material. It dislikes 'commingling' dry waste – such as bottles, cans and card. However, some local authorities and private sector contractors dispute this assertion, saying that modern recovery facilities can mechanically sort commingled waste to sufficient quality and at a similar cost. They say it is a much easier process for the public, who don't have to sort materials and would boost levels of public participation further.'

The report concludes that 'if disagreement over recyclable waste collection methods continues, there is a risk that it will inhibit further progress in achieving recycling objectives and reduce the momentum of public participation.'

The policy statement provides some useful clarification on the extent to which food and recycling collections must be provided in 'difficult to reach' areas. Aberdeen City Council is not alone in Scotland in having a high proportion of households living in multi-occupancy properties and it is in these areas where the biggest opportunity lies to increase recycling rates. These areas also provide the greatest challenges with physical and social barriers to high levels of engagement in recycling; the regulations must recognise that not all communities can deliver services in the same way or deliver the same outcomes. The Zero Waste Regulations will deliver the Government's policies if it enables rather inhibits the adoption of waste collection systems appropriate to individual communities and, whilst the optimal solutions in multi-occupancy areas are by no means apparent, extended kerbside sort or single stream collections is clearly not a universal panacea.

The conceit behind the preference for kerbside sort is that this, and only this, system can produce high quality materials for delivery into the reprocessing market. Alongside this the implication is that processing of commingled collections cannot be trusted to deliver 'quality' materials. As indicated above, technology has moved significantly in the materials sorting industry, albeit not in Scotland. A look across the border to the rest of the UK and Europe demonstrates that commingled MRFs can and do meet the standards required of the reprocessing industry. UPM at Shotton, North Wales, the largest paper processing plant in the UK demonstrate this by building and operating their own commingled MRF.

The preamble to the policy statement identifies the desire to 'maximise quantity and quality' of recycling as a key driver. There is an intrinsic challenge in this statement when the definition of quality focuses on the narrow concept of the priority materials being collected in segregated streams. There is a limited amount of what would currently be described as high quality materials in the waste stream and that maximising the quantity of recycling by focussing only on the high quality element will, by definition, limit how successful the nation will be in achieving the Government's targets.

The regulations should seek to enable the collection of a wider range of materials as well as increasing the capture rates (i.e. by wider provision of services and higher participation). High carbon or high volume elements of the waste stream such as mixed plastics and waxed-paper beverage cartons cannot be described as 'high quality' but significant material value can be gained from these materials. To do so requires flexibility in collection systems and strong support for the development of sorting and reprocessing capacity close to point of production. It does not require regulation to achieve the latter but overly restrictive legislation will potentially prevent the former.

A further key driver for the Zero Waste Regulations is 'to create market stability'. This is of particular importance for the development of processing infrastructure. Striking the balance between 'locking in' capacity and retaining flexibility to adapt to changing circumstances is probably the biggest investment challenge the industry faces. There has been much talk of 'feeding the beast' when it comes to infrastructure, especially energy from waste (EfW) but little consideration of the opposite scenario – absence of commitment or 'keeping options open' leading to prevarication and non-delivery.

The development industry tells us that without commitments from anchor clients such as local authorities there is limited appetite to invest in waste management in Scotland. The consequences of this scenario in the past may have been the unfortunate over-reliance on the option of last resort, landfill. Quite rightly, the Zero Waste Regulations

will remove this option by 2020 and therefore it is imperative that the regulatory framework facilitates infrastructure development at the appropriate scale.

The regulations must therefore provide stability on the standards to be achieved for mixed waste pre-treatment; it appears from the Policy Statement that progress in this regard has been made in respect of pre-treatment to landfill but there remains uncertainty over the potentially 'moving goalposts' for pre-treatment to EfW. The key element in securing investment for the development of an EfW facility (or even a Refuse Derived Fuel production plant) will be confidence that the input (and revenue) stream is consistent over time both in respect of tonnage and calorific value (CV). Producers of waste such as local authorities can manage the former through careful waste data analysis, however, changing the extent of pre-treatment requirements can significantly change the CV in ways that the industry (and therefore, funders) cannot predict with certainty.

Lack of certainty leads to lack of investment, so the regulations should ensure that certainty is locked-in at the point of investment. In practice, the requirement to review pre-treatment requirements needs to be undertaken in light of the environmental, technical and financial implications for each developed facility. Given that there will be relatively few EfW facilities in Scotland this is considered to be a manageable solution that provides certainty but does not prevent progression to more sustainable solutions over time.

The Policy Statement provided clarity on the timescale for introduction of the requirement to provide separate collections and December 2013 is a very tight deadline, especially given the further delay in laying the regulations before Parliament. The committee may wish to consider whether as a result of further delay in implementation of the regulations the timetable should be amended to allow sufficient time for a managed introduction of separate collections to all businesses.

Aberdeen City Council considers that the draft Zero Waste Regulations and the Policy Statement provide a positive and ambitious framework within which communities and the waste industry can work to manage waste in a sustainable manner. To be successful, this framework must allow for and facilitate delivery of locally appropriate solutions and policy-makers should avoid the temptation to be overly prescriptive on delivery.