

Submission from Scottish Borders Council

The proposed Regulations will make a step change in the approach of Councils to waste management. In securing a low carbon economy for Scotland and extracting value from waste at every available opportunity the Regulations will make valuable contribution. SBC supports the general direction of travel and in particular supports the intention of diverting more waste from landfill and securing value from that waste.

It is recognised that the Scottish Government (SG) has consulted with Local Authorities on the Zero Waste (Scotland) Regulations. It is clear that modifications to the Regulations have resulted from this process, however, Scottish Borders Council (SBC) believe that areas which require further clarity still remain. Specifically those areas are:

- SBC would like to understand if the economic, environment and practicable criteria for determining locations for food waste collections are still to be used since they have identified the areas for collection based only on population density? SBC would welcome clarity on the application of the criteria that remain in place.
- Further clarification is sought around the following policy statement “the statutory requirement to collect food waste will be limited to households that can present a bin to kerbside”.
- Further clarity on the standard for recycle from Materials Recovery Facilities is required to enable SBC to ensure that its contracts reflect the requirements before they are put into force.
- SBC would like to understand the SG position regarding what the SG consider to be a ‘marketable product’, particularly relating to the inclusion or exclusion of materials for Energy from Waste.
- SBC would like to know if the SG intends enhancing enforcement powers for Councils relating to the Regulations.

In addition to the clarifications SBC would like to make the following points, which particularly relate to the uniqueness of the Borders:

Business Issues

SBC believe guidance for the business sector is required as soon as possible in order to identify their responsibilities under the Zero Waste Regulations. We would like to determine who is to lead on defining this requirement, the Scottish Government, ZWS or SEPA? Transparency is also sought regarding the relationship between the lead organisation and the Local Authority, with consideration given to any additional burden. Further clarity is needed regarding categorisation of small, medium and large business and implementation dates.

Financial

SBC understands that funding is being made available by the SG to support the implementation of separate food waste collections. SBC is already taking advantage of this support and is working with Zero Waste Scotland to prepare a Food Waste Business case. However it is clear that SBC faces some unique challenges not only because of the rurality of the area and population density, but also due to our advancement of a contracted mechanical biological treatment (MBT) solution.

SBC has recently made significant investment and a 25 year contract commitment to addressing the issue of waste diversion from landfill with an MBT plant scheduled to be operational in April 2013.

It is our understanding from discussions with Zero Waste Scotland (ZWS) that ongoing revenue funding for the implementation of separate food waste collections is limited. It has been suggested that the SG intends that Local Authorities utilise the landfill tax and gate fee savings made from the implementation of separate food waste to support the ongoing collection and treatment costs. In SBC's case the MBT process already diverts the food waste from landfill and the landfill tax and gate fee savings that will be achieved are being utilised to support the gate fee for the MBT process.

In principle SBC supports the implementation of a separate waste collection where it adds value to that waste stream but in order for it to be financially viable feels further work is required. SBC will be developing the necessary business case for further discussion with SG

Environmental

The requirement that medium and large businesses present food waste separately from 2013 does not take into account the probable lack of processing infrastructure. It would therefore be unlikely that the food waste will be treated and will go to landfill mitigating any environmental benefits associated to collection.

The ban on non domestic use of food waste disposal units (macerators) and food waste digesters where it is discharged to public sewer is reliant on the establishment of food waste collections diverting the waste from landfills. Rural areas do not lend themselves to non domestic food waste collections which may mean material will go to landfill until the landfill ban comes in place.

The distance to processors and markets does not seem to have been considered. There are clear environmental and financial penalties associated to these issues, especially in rural areas such as the Borders.

Summary

Scottish Borders Council (SBC), is in principle and broadly supportive of the Scottish Governments Policy Statement on the Zero Waste Regulations on the basis that consideration be given to further SG support which takes account of the rurality of the area, population density, economic, environment, practicable criteria and to our progressive establishment of an MBT solution for the Scottish Borders.