

P-05-1040 Introduce a moratorium on the approval of any new large scale waste incinerators in Wales

Y Pwyllgor Deisebau | 17 Tachwedd 2020
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Reference: RS20/14409-1

Petition Number: P-05-1040

Petition title: Introduce a moratorium on the approval of any new large scale waste incinerators in Wales

Text of petition: Given the effort to become a circular, zero waste economy, Welsh Government should introduce a moratorium on the development of any new waste incinerators, (including energy from waste) & halt the progression of any incinerator planning applications which are at the pre-application/pre-approval stages. Burning waste results in emissions, including Co2 which is not currently restricted under incinerator regs.

In developing its Circular Waste strategy, it is clear from the consultation responses that respondents to the Welsh Gov consultation felt strongly against incineration:

https://gov.wales/sites/default/files/consultations/2020-09/beyond-recycling-summary-of-responses_1.pdf

As is stated in the above link: "Whilst stakeholders agreed with disincentivising incineration and recognised that an incineration tax may lessen the market for the nonrecycling of waste, it was frequently stated that a tax does not go far enough. In moving towards a circular economy, respondents viewed less waste would be generated and, therefore, the presence of incinerators would be incompatible with the concept."



Given that there are new incinerators in Wales at the pre-application & pre-approval stage, the Welsh Gov should halt the progression of any new incinerator developments, particularly whilst it develops its Circular Waste Strategy which should include consideration of its current incineration capacity.

1. Background

1.1. Incineration in Wales

There are currently two incinerators or "energy from waste" plants operating in Wales, with several more in the planning stages. Trident Park, operated by Viridor in Splott, Cardiff, has the capacity to handle 425,000 tonnes of municipal waste a year. The Parc Adfer plant on Deeside became operational at the end of 2019 and aims to process 200,000 tonnes of waste a year from Conwy, Denbighshire, Flintshire, Gwynedd and Anglesey.

1.2. Waste hierarchy and recycling targets

The waste hierarchy ranks waste prevention and management options according to what is best for the environment. It gives top priority to preventing waste in the first place. When waste is created, it gives priority to preparing it for re-use, then recycling, then other recovery (e.g. of energy from waste), and last of all disposal (e.g. landfill/incineration without energy recovery). The waste hierarchy is set out at Article 4 of the *revised Waste Framework Directive (2008/98/EC)*. The Directive is transposed in Wales by the *Waste (England and Wales) Regulations 2011*. In 2012 the Welsh Government published *guidance on applying the waste hierarchy*.

The Welsh Government's 2010 waste strategy, *Towards Zero Waste*, set an ambition for Wales to be a zero waste nation by 2050. This target was reiterated in its recent Beyond Recycling consultation (see next section) which stated that Wales must aim for a **100% recycling rate by 2050**. This would mean no waste being sent to landfill or to incinerators. Local authorities have clear statutory responsibilities for collection and disposal of household waste. The Welsh Government set *Statutory Recycling Targets* which local authorities must meet or risk substantial fines. This means that by 2024/25, 70% of municipal waste needs

to be recycled with the remaining (residual) 30% to be dealt with by high efficiency energy from waste plants.

1.3. Legislative powers

Subsection (1) of section 9A of the *Environment Wales Act 2016* provides the Welsh Ministers with a power to make regulations which prohibit or otherwise regulate incineration in Wales of specified types of waste. Such a power may, for example, be used to specify certain types of otherwise recyclable waste material which are not to be incinerated.

1.4. Planning system

Planning applications for electricity generating stations with an installed generating capacity of up to 10 Megawatts (MW) are decided by local planning authorities. Consents for electricity generating stations over 10 MW and under 350 MW (not including onshore wind electricity generating stations which have no upper limit) are considered to be Developments of National Significance (DNS) and are decided by the Welsh Ministers.

Consenting for electricity generating stations over 350 MW (not including onshore wind) is not devolved and is the responsibility of the Secretary of State, via the UK Government's Nationally Significant Infrastructure Projects (NSIP) process.

In Wales planning decisions are made in the context of policies in the Local Development Plan (LDP) and the Welsh Government's national planning policy, unless material considerations indicate otherwise. LDPs must not be inconsistent with national policy. Welsh Government planning policy can therefore be written to encourage, discourage or prevent certain types of developments.

2. Welsh Government action

2.1. Beyond Recycling consultation

In December 2019, the Welsh Government launched a consultation, Beyond Recycling: A strategy to make the circular economy in Wales a reality. Building on its 2010 waste strategy, *Towards Zero Waste*, the consultation outlined eight headline actions which aim to achieve Wales' target of being a zero waste nation by 2050:

- become the world leader in recycling;
- phase out single-use plastic;
- invest in clean technology for materials collection;
- make more efficient use of our food;
- prioritise the purchasing of wood, remanufactured and recycled content;
- enable communities to take collective action on resource efficiency;
- create the conditions for businesses to seize the opportunities to reduce their carbon footprint and become more resource efficient; and
- take full responsibility for our waste.

The consultation made limited reference to incineration. It stated that the Welsh Government would work with the UK Government to explore whether an incineration tax would be desirable as a further means to increase recycling. On the issue of infrastructure, the consultation stated (emphasis added):

As a responsible nation, we are committed to dealing effectively with our nonrecyclable waste in a way which prevents it from either polluting the environment or becoming a problem elsewhere. For this reason we have invested in infrastructure which generates electricity and heat from this material and disposes of it safely to the highest environmental standards. **The long term solution is to move away from nonrecyclable materials that are currently incinerated like single use plastic.**

The summary of responses to the consultation, published in September 2020, outlined respondents' views about incineration. Whilst respondents agreed with disincentivising incineration and recognised that an incineration tax may lessen the market for the nonrecycling of waste, it was frequently stated that a tax does not go far enough. It stated that in moving towards a circular economy, respondents considered that less waste would be generated and, therefore, the presence of incinerators would be incompatible with the concept. Furthermore, in relation to issues of greenhouse gas emissions, air quality and residual ash, respondents argued that the strategy should instead ban or phase out incineration, rather than implementing a tax to reduce its use. Another suggestion was the creation of a road map to phase out incineration.

On 23 October 2020 the Minister for Housing and Local Government, Julie James MS, (the Minister) wrote to the Petitions Committee Chair, Janet Finch-Saunders MS, in relation to this Petition. The letter provides more detail around the planning

process for waste incinerators and stresses that the incineration of waste for heat and power is a “transitional step”:

... The Beyond Recycling consultation on a new circular economy strategy was clear the long-term solution is to keep resources in use for longer and reduce all waste. In the interim there is a need to deal effectively with non-recyclable waste in a way which prevents it from either polluting the environment or sees the problem being exported.

The letter concludes stating that views received during the consultation will be taken into account and the Welsh Government plans to issue a new circular economy strategy by the end of the year.

3. Welsh Parliament action

There have been numerous calls for a moratorium on incinerators in the Senedd over the past two years, including in Plenary - Janet Finch-Saunders MS on 13 October and 6 October 2020; the late Mohamad Ashgar MS in January 2020; Mike Hedges MS in December 2019, June 2019 (both in relation to incineration of non-medical waste) and April 2019; Llŷr Gruffydd MS in November 2019; and Russell George MS in June 2019. Russell George MS also submitted written questions in January 2020 and July 2019.

The Welsh Government’s responses to all of these calls are consistent with the response provided by the Minister in her letter to the Committee Chair dated 23 October 2020.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.