

EAST AYRSHIRE COUNCIL

COMMUNITY SERVICES COMMITTEE - 14 SEPTEMBER 2005

LANDFILL ALLOWANCE SCHEME (SCOTLAND) REGULATIONS 2005

Report by Executive Director of Neighbourhood Services

1. PURPOSE

- 1.1 To provide the Community Services Committee with an update on the Landfill Allowance Scheme (Scotland) Regulations 2005.

2. BACKGROUND

- 2.1 The EC Landfill Directive (99/31/EC) requires member states to reduce the amount of biodegradable municipal waste (BMW) that they send to landfill. In Scotland, the Scottish Executive has decided that a system of landfill allowances for each authority is the most appropriate means of achieving the targets. This system has been published as the Landfill Allowance Scheme (Scotland) Regulations 2005.
- 2.2 The Scottish Executive has undertaken consultation on the Landfill Allowance Scheme in Scotland with consultation papers issued in December 2003 and October 2004.
- 2.3 In response to the findings of the consultation exercise, the Scottish Executive has published a paper entitled 'Interim Guidance' in May 2005. This paper has been prepared for local authorities and SEPA although it will also be relevant for landfill operators who have data reporting obligations.
- 2.4 The Interim Guidance provides an explanation of the allocation of allowances for local authorities under the terms of Section 4 of the Waste and Emissions Trading Act 2003 and how these may be banked, borrowed or transferred.
- 2.5 The Landfill Allowance Scheme Regulations require SEPA to establish and maintain an electronic register by the end of September 2005. This will allow the borrowing and banking of landfill allowances by local authorities for the 2005/2006 scheme year to be recorded and administered.

3. DISCUSSION

- 3.1 As an initial target, East Ayrshire Council is obliged by the Regulations to progressively reduce the amount of biodegradable municipal waste (BMW) entering landfill by 25% by 2009/2010. The Scottish Executive has advised

that 63% of all municipal solid waste (MSW) is comprised of BMW and has allocated a landfill allowance of 29,177 tonnes for East Ayrshire Council in 2009/2010.

- 3.2 The Council achieved a total household waste recycling rate of 19.2% in 2004/2005, with over 67,000 tonnes of residual waste (approx 42,000 tonnes BMW) remaining to be disposed to landfill. It may be seen that the Council is required to employ additional waste reduction and treatment measures in order to achieve the targets of the Landfill Allowance Scheme.
- 3.3 The Scottish Executive's Strategic Waste Fund intends to make funds available for long-term waste treatment and disposal facilities as part of their Phase 2 funding programme. Applications for funding must be in the form of a Strategic Outline Case (SOC) and be submitted from the Area Waste Groups before the end of January 2006.
- 3.4 A Strategic Review Group has been formed by planning and waste management officers from East, North and South Ayrshire Councils, Ayrshire Joint Structure Plan and SEPA with attendance by a representative of the Scottish Executive. The Group has had the purpose of working towards the production of a Strategic Outline Case and has employed the expertise of consultants to prepare the SOC on behalf of the three Ayrshire authorities.
- 3.5 A Joint Ayrshire Member/Officer Working Group has also been established which is monitoring the arrangements in place for taking forward a long-term waste treatment and disposal solution for Ayrshire.
- 3.6 Following submission of a Strategic Outline Case, the Scottish Executive will consider the merits of the application, and if approved, the authorities will be required to submit an Outline Business Case (OBC) providing greater detail on the long-term waste solution proposal.
- 3.7 Each Council is also obliged to produce an Integrated Waste Management Plan (IWMP) by February 2007 for submission to Scottish Ministers for approval. Consultation on the guidance for completion of IWMPs by local authorities is due to be undertaken by the Scottish Executive in September to November 2005.

4. FINANCIAL IMPLICATIONS

- 4.1 The Scottish Executive intend to apply significant financial penalties for local authorities who fail to meet the diversion/recycling targets which have been established for biodegradable municipal waste (BMW).

5. LEGAL IMPLICATIONS

- 5.1 Nil

6. POLICY IMPLICATIONS

- 6.1 The requirements of the Landfill Allowance Scheme (Scotland) Regulations 2005 are consistent with the objectives of the Community Plan: Improving Environment, Aim 3 – Increase the amount of waste that is recycled and reused.

7. CONCLUSIONS

- 7.1 The Landfill Allowance Scheme (Scotland) Regulations 2005 places an obligation on local authorities to significantly reduce the amount of biodegradable municipal waste which they send to landfill. East Ayrshire Council has been allocated allowances for each year to 2010.
- 7.2 The Scottish Executive has provided councils with interim guidance which outlines how the scheme will operate and includes options for councils to bank, borrow and trade their allocated allowances.
- 7.3 In order for the Council to meet the targeted allowances permitted by the Scottish Executive, it will be necessary to consider waste minimization and treatment options which will reduce the amount of biodegradable municipal waste entering landfill. A Strategic Review Group has been established to undertake this task.
- 7.4 The Council will be obliged to produce an Integrated Waste Management Plan by February 2007 which details the Council's long-term intentions for the sustainable management of waste in East Ayrshire.

8. RECOMMENDATIONS

- 8.1 The Community Services Committee is invited to note the report.

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WS/MT

16 August 2005

LIST OF BACKGROUND PAPERS

1. Landfill Allowance Scheme (Scotland) Regulations 2005 – Interim Guidance, Scottish Executive (May 2005)

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