

# Environment and Sustainability Panel

Thursday, 22 July 2021

**Attendees:** Councillor Peter Chillingworth, Councillor John Jowers, Councillor David King , Councillor Julie Young

**Substitutes:** Councillor Sam McCarthy (for Councillor Mark Cory), Councillor Lorcan Whitehead (for Councillor Lee Scordis)

**Also Present:**

## 37 Have Your Say!

Councillor Young addressed the Panel and assured the members of the public who had contributed to the Have Your Say element of the previous meeting that their questions had not been forgotten and would be addressed during the course of the meeting. It had been agreed that the Policy Panel would consider the management of the River Colne as a whole, but that this Panel would consider any environmental issues that may arise.

A written representation had been submitted to the Panel by Cyril Liddy, and Matthew Evans, Democratic Services Officer, read this out to the Panel. Mr Liddy made reference to previous points he had made to the Panel requesting that leadership was shown in respect of taking stewardship of the River Colne, and that consideration be given to the acquisition of the middle part and river frontage of Ferry Marsh, Wivenhoe by the Council in order to facilitate a remedy of the flooding caused by the defective sluice there. Mr Liddy enquired what progress had been made in this regard. Concern was also expressed that flooding had caused erosion that affected the cycle path and may lead to damage to the railway line, although Network Rail had not expressed concern at this possibility yet. The point was made that the cost of replacing the defective sluice would be a fraction of the cost associated with managing claims that may be made as a result of the damage caused. Mr Liddy did appreciate that dealing with these issues would not be straightforward, but suggested that other agencies such as the Environment Agency and the Marine Management Organisation should also be engaged in the project. Officers were asked to identify alternative approaches to the issue of the flooding ,if the suggestion made by Mr Liddy were not adopted.

A further written representation had been received from Dilly Meyer, Chair of the Wivenhoe Society, which was read to the Panel by Matthew Evans, Democratic Services Officer. The attention of the Panel was drawn to an article in the Essex County Standard concerning the history of the Hythe and the flooding that takes place there, and it was suggested that the current flooding issues were due, at least in part, to the cessation of dredging associated with commercial shipping on the River Colne. Damage caused by the flooding of Ferry Marsh and along the Wivenhoe Trail was highlighted, and It was questioned who was responsible for maintaining the sluices on the river, and the Panel were asked why dredging could not be started again. The Council was urged to take action to address the issues that had been identified.

Rory Doyle, Assistant Director – Environment, addressed the Panel and advised that contact had been made with the Treasury Solicitor who had clarified the position of the Crown, and conversations with the developers had been constructive, and Officers were actively working with one developer in particular to find a solution to the flooding at Ferry Marsh. A short term solution to the flooding was to repair the sluice to support drainage of the area, however, although the acquisition of the land could be part of a longer term solution, the Council needed to be wary taking on liabilities, and the ecological implications of any works undertaken needed to be considered very carefully.

With regard to the comments made regarding the dredging of the river, the Panel heard that there was an upcoming meeting of the River Taskforce, chaired by the Member of Parliament, and which was a multi-agency taskforce likely to consider the possibility of dredging. The Panel were advised that dredging could have unintended consequences on habitats both up and down stream, could only be carried out at vast expense, and could potentially have little impact as removed silt and mud would return to the riverbed.

Councillor King noted that expenditure on the river would have to be at the expense of other projects, although he acknowledged that there would be wide support for action taken both in Wivenhoe and elsewhere. He noted that Essex County Council were focusing on a number of strategic aims and goals which included focus on coastal and river areas, and he wondered whether there was an opportunity for the Council to engage with the County Council on this issue with a view to securing supporting funding.

Councillor Jowers spoke as someone who had used the river commercially for forty years, and voiced his opinion that the river had been mismanaged for some time. He highlighted two turning bays on the river including one opposite the student accommodation which had cost over £1 million, and was used by one ship, and the other turning bay just above Ferry Marsh which was rarely used. Councillor Jowers requested information on the current legal status of the Council, and asked what power the Council possessed to form any kind of management forum or carry out any works. It was suggested that difficulties had arisen with the leaseholder in the past which may hamper any future work being undertaken. The large expense associated with undertaking works on the river was again noted, and it was suggested that the Regional Flood Defence Committees may be able to assist with this. By way of response, Rory Doyle indicated that he believed that issues with the had been resolved very recently, and Councillor Jowers asked whether the rights and obligations of the Council could now be clarified.

## **38 Environment Bill: Waste and Recycling**

Rosa Tanfield, Group Manager - Neighbourhood Services, attended the meeting to present an overview of the latest proposals from central Government in relation to the Environment Bill, and the impact that this would have on the Council's services. The information presented to the Panel was based on the latest consultation that had been carried out.

The Panel heard that through the Environment Bill, central Government were seeking to promote clean air, reduce waste and improve the management of resources. Three consultations had been carried out recently, and the proposals that were now being

made would constitute the biggest change in waste services in years across the whole United Kingdom (UK), impacting the way that services were provided, the infrastructure necessary to support them and the costs of providing them.

The Panel were advised that three main elements were being considered, starting with Extended Producer Responsibility (EPR), which would require packaging producers responsible for the full net costs of managing packaging that they placed in the market, including costs incurred from collection, sorting and recycling as well as litter and refuse management costs. The second proposal was a Deposit Return Scheme (DRS), which proposed introducing up front deposits for plastic, glass and metal drinks containers, which would be reimbursed when the container was returned to a recycling point. The third elements that the Panel were briefed about was the aim to increase consistency in household and business recycling through standardised collections.

The Panel were advised that the EPR scheme was intended to ensure that producers bore much more of the cost associated with the collection and recycling of packaging waste that they present to the market. Fees would be paid by producers and used to support Local Authority and local businesses providing recycling services, and in turn the increased quality of recycling would assist producers in meeting their packaging obligations. One of the over-arching principles of the scheme was that of 'producer pays', in order to cover the costs associated with packaging deposited in the litter stream, and to encourage the design of reusable packaging. Producers would pay into the supply chain to support a cost effective and efficient system for managing packaging waste, including the collection of common packaging materials from households and business. As part of the net cost payments, producers of commonly littered packaging, such as fast food packaging would be made responsible for the costs of this. It was proposed that a variety of stakeholders would take on a waste management cost, in addition to the costs associated with running the scheme such as regulator administration costs and national communication campaigns. It was hoped that the actions of producers would enable consumers to more actively pay their part in recycling packaging waste through providing good services, correct labelling and other means that told consumers how to recycle and dispose of packaging. In addition to placing the costs associated with packaging waste on to producers, there would also be a requirement to label all packaging as recyclable or non-recyclable, supporting consumers to dispose of it correctly.

The Panel heard that with regard to litter, it was the Government's belief that litter should remain within the full scope of the costs of managing packaging recycling and disposal, with the aim of reducing the amount of packaging that is littered, increasing the amount of packaging that is recycled and ensuring that the costs associated with the disposal of packaging were met by the producers. This stance recognises that it is producers who profit from the sale of packaged items and the increase in popularity of 'on the go' products has had an associated environmental impact. Through making producers responsible for the costs of packaging disposal, it was intended that producers should be

required to cover the costs of all littered packaging, including packaging in litter bins and ground litter. Local Authorities and other public sector organisations such as schools and hospitals all incur costs for the management of packaging waste, but under the current proposal this cost would be transferred to the producer. It was proposed that a scheme administrator would be introduced who would be required to develop and implement the system that would ensure that the producers were paying the full costs of managing their packaging and ensuring that effective services were being provided across the UK. Local authorities with efficient waste management services would have the full cost of providing these services met through the scheme which it was proposed would be implemented via a phased approach commencing in 2023. It was confirmed that the administrator of the scheme was likely to be a central body appointed by Government, with no powers being devolved to local authorities to make their own decisions in relation to the scheme.

The second consultation being carried out was in relation to the Deposit Return Scheme (DRS), which was another example of producer responsibility in that manufacturers and importers of packaging would be held responsible for the end of life environmental impact of the packaging. Consumers would be asked to pay a higher price for products at the point of purchase, which would include a deposit which would be returned to them if the item was returned to a designated return point. It was believed that even a small financial incentive would encourage significant increases in recycling. A further advantage of such a scheme would be the creation of specialised item recycling streams with less chance of contamination and therefore a higher quality yield, which it was hoped could place UK producers at an advantage by reducing the need for sourcing materials from abroad. Producers would be required to place a redeemable deposit on drinks containers that they placed on the market which would be on top of the price of the drink. The producer would pay the deposit money received to the Deposit Management Organisation which would then ensure that the deposit amount was transferred through the supply chain. All producers or importers would be obliged to sign up to the DRS before placing any drinks on the market. The ongoing management of the scheme would be paid for by a producer registration fee to the Deposit Management Organisation. All retailers would be obliged to accept DRS containers and refund the deposit to the consumer, and in addition, retailers would be obliged to add the deposit to the purchase price and ensure that pricing information was clearly on display explaining this.

In the first consultation carried out in relation to the proposed scheme, two options had been given for a deposit return scheme – an ‘all in’ scheme which would have no restrictions on the size of the container, and an ‘on the go’ scheme with scope restricted to containers less than 750ml in size. It was considered that the scope of the DRS should be related to the material that the container was made from, and not what was inside it, and polyethylene terephthalate (PET) bottles, glass and aluminium containers would be included. The use of clear labelling was considered to be of crucial importance to the proposal, to ensure that containers which were within the scope of the scheme were

easily identified. The Deposit Management Organisation would have three funding streams, consisting of the money generated through the sale of the high quality materials that would be collected via the scheme, registration fees paid by producers and importers and unredeemed deposits. It was not intended to set the level of deposit through primary legislation, however, secondary legislation may provide a minimum and maximum level of deposit that could be charged, allowing the Deposit Management Organisation to adjust the level of deposit payable to ensure that statutory targets are met. A fundamental element of the proposed scheme was that returning a drinks container should be as easy as purchasing one in the first place, and in order to facilitate this it was proposed that legislation would require any retailer of drinks to accept all deposit return containers and to refund the deposit. The retailer would receive a handling fee to compensate them for hosting a return point, which would be based on a series of criteria to be set out in legislation. When the scheme was in place, it was inevitable that some DRS containers would end up in household refuse and as litter, and Government was keen to ensure that local authorities were not disadvantaged by this. Positive impacts of the DRS had been identified through consultation, including less waste and litter, increased recycling rates and positive impacts on attitudes to recycling in general. Potential negative impacts identified included loss of net additional costs to local authorities, the loss of revenue from recycling and the difficulty of implementing systems across devolved administrations.

Once a DRS was up and running, it was anticipated that 90% of eligible containers would be collected through the scheme, with 70% of the remaining 10% of containers being processed by local authorities, meaning that approximately 7% of containers placed on the market would continue to be collected by local authorities at the kerbside. It was accepted that the costs of sorting DRS containers from the general waste stream may be prohibitive for local authorities, and three options were considered in relation to this:

- Option 1: do nothing and allow local authorities to redeem deposits of DRS containers in collection streams.
- Option 2: the Deposit Management Organisation make payments for DRS containers appearing in local authority waste streams.
- Option 3: the Deposit Management Organisation pays a deposit value on containers returned and any additional DRS material in local authority waste streams is covered by a funding formula.

Councillor Chillingworth enquired whether there was any timescale associated with the introduction of the scheme, and he also enquired whether the Deposit Management Organisation would have local branches. It was confirmed to the Panel that the Deposit Management Organisation would be a central organisation which would not make any reference to local areas.

The Panel heard that the third scheme that was subject to consultation was designed to

achieve consistency in household and business recycling, and this was anticipated to have the greatest impact on local authorities of all the proposals. Government was committed to achieving a recycling rate of 65% by 2035, and it was intended to legislate to increase the consistency of recycling collected from households and businesses to support this aim. It was anticipated that across the UK, every resident would have the same types of material collected from their kerbside, including separate food, garden waste, cardboard and plastic collections. Government recognised that the proposed new duties could impose additional costs on local authorities, and would use new burden guidance to ensure that any increase in costs to local authorities was covered.

The Panel heard that it was necessary to include the DRS and EPR schemes when considering consistency in household waste collection, as the three proposals were interlinked. Of the materials that it was proposed would be covered by the new consistency in household and business recycling requirements, the Panel heard that Colchester Borough Council (the Council) was in a very strong position, as it already collected all the materials mentioned, save for plastic films.

The Environment Bill would require that food waste would have to be collected at least weekly, separately from other household waste, and the definition provided of food waste was consistent with the collection model currently used by the Council. The free provision of caddy liners for food waste had been considered, as part of the consultation, with householders broadly supportive of this proposal, and it was believed that the use of caddy liners for the collection of food waste greatly increased the volume that was collected.

The Panel heard that local authorities were allowed to charge for the collection of garden waste, but it was now proposed that garden waste collection would be free and take place fortnightly for up to a two hundred and forty litre bag or sack, with local authorities being allowed to charge for more frequent collections or for great volumes of waste.

The Government envisaged that it should be possible to collect plastic films (which the Council did not currently recycle) for recycling by the end of the financial year 2026/2027. The specific requirements cover plastic film and flexible packaging, including crisp packets and pet and baby food pouches.

It was proposed that waste and recycling collections of the same materials that were collected from residential properties were also collected from businesses in the financial year 2023/2024, with recyclable plastics introduced from 2024/2025. It was acknowledged that these proposals would impact businesses, and work was being carried out to explore how costs on businesses could be reduced through direct support, collaborative procurement projects, local franchising of waste collection services, combined household and business collections, more commercial waste drop-offs or financial incentives to business waste producers.

The Panel were advised that Government was keen to introduce the EPR scheme as soon as possible, with a proposal to introduce the scheme with a phased approach from 2023, while it was hoped to appoint the Scheme Administrator in early 2023. It was considered that the scale of the proposals contained within the scheme made an implementation date of 2023 ambitious as there were two key elements which had to be in place to support this; the necessary regulations and the appointment of the Scheme Administrator. In terms of the consistency of collections, the separation of dry recycling was to be introduced from October 2023, weekly separate food collections introduced from the end of the financial year 2023/2024, together with separate garden waste collections and plastic films being collected by the end of 2026/2027, however, all the proposed timings were subject to Parliamentary approval of the Environment Bill. The Panel were advised that there were still a number of areas of uncertainty surrounding the proposals, including the apparent lack of localism contained in the schemes, the funding and regulation of the schemes, the potential for the loss of income for local authorities together with the potential need for new or improved infrastructure.

The Council had submitted views through the consultation process, and Officers now needed to consider the impact that the proposals could have, as more detail and information became available. It was proposed that the Council's Waste and Recycling Strategy was reviewed in line with the proposals to ensure that the Council was in the best position possible in the future.

Councillor Jowers noted the excellent position that the Council was in but expressed some concern about the economies of scale that he felt were represented in the proposals, noting that the schemes would seem to work better with much larger metropolitan authorities or unitary authorities, and he welcomed greater detail being provided in due course. He further considered that the proposed scheme would highlight the contrast between rural and urban areas, and would mean that any local consultation on the proposals would need to be handled with care. Councillor Jowers, expressed his broad support for the proposals, although did consider that the timeline associated with them was extremely ambitious.

Councillor Young considered that the logistical implications of introducing the proposals would be very significant for the Council and would impact on decisions being taken about the Council's depot and the fleet that would be required. She highlighted the potential risk of losing income to private companies, and noted the need for a revised Waste Policy, which she felt should be brought back to the Panel in the future to enable Members to be kept informed and feed into the revision process.

Councillor King requested an early evaluation of the role to be played by the Council, together with the associated costs, as he acknowledged that the areas of uncertainty that had been highlighted would be key in the future. Support was expressed for the proposals and the general principle behind them, however, in Councillor King's opinion Government should be challenged on the model proposed, with local resources and

structures given much influence over how the schemes were implemented.

Councillor Jowers reminded the Panel that a similar scheme had been trialled on Mersea Island in the past, and although this scheme had been successful, it had been very labour intensive and costly. He suggested that it may be appropriate to look at speaking with other local authorities to explore the idea of joint waste collections.

## **39 Climate Emergency Action Plan Update**

Ben Plummer, Climate Emergency Project Officer, attended the meeting to present the report and assist the Panel with its enquiries. The Panel heard that the report that was presented to it was by way of a regular update to be provided at every meeting of the Panel on the work that had been undertaken in relation to the Council's Climate Emergency Action Plan, and questions and comments on the report and its appendix were invited.

Councillor McCarthy noted that it was planned to identify a site in the town centre for secure cycle parking and consider how this would be managed, and he asked a question that had been received from Colchester Cycling Charter who wondered whether there was any scope for introducing cycling hangars for residents who had no space for storing a cycle at their property. It was suggested that a good cycling hangar would take up the space of two parking spaces but could potentially accommodate up to forty bicycles, and these could be dotted around the borough. Although more detailed information was not available on the proposals at the meeting, the Panel would receive further information on this topic by way of the next update report to be delivered to it.

Councillor King noted the range of ambition that was displayed in the Climate Emergency Action Plan, and enquired whether there was sufficient resource available to deliver on these aims. Ben Plummer confirmed that the actions contained within the Plan were spread across different areas of the Council, allowing a wide range of resources to be brought to bear on delivering projects, and in addition to this an Active Environment Officer would start work shortly to directly support the aims of the Plan. It was confirmed to the Panel that the Action Plan was under continuous review, and as projects developed additional risks may be identified that would require additional resourcing, which would be dealt with in an appropriate manner at that time.

Councillor Chillingworth made reference to the presentation that had been delivered to the Parish Councils, which had been very well received, and he asked that the slides that had been used in the presentation be made available to all Parish Councils so that these could be used at their meetings in the future. It was confirmed to the Panel that all training material had been forwarded to the Parish Councils following the session, which it was felt had been extremely successful, and a number of questions that had been asked would be considered as part of the Action Plan as it developed in the future.

Councillor Whitehead praised the scope of the Plan, and noted that for a variety of valid reasons new vehicles purchased for the Council's fleet had been diesel vehicles and he wondered whether there was any capacity for using vehicles powered by hydrogenated vegetable oil as he was aware of a number of other local authorities who were trialling such vehicles. He also referred to the Council's rewilding policy with regard to areas that were managed and maintained by the Council, and wondered whether it would be possible to approach private landowners and developers to seek their involvement in this scheme to expand its scope.

Rory Doyle, Assistant Director – Environment, confirmed to the Panel that the Council had adopted a Fleet Transition Plan, and, as part of this Plan, it was always the aim to procure low emission vehicles wherever possible. It was explained that the use of hydrogenated vegetable oil had been explored as an alternative fuel source for Council fleet vehicles, but that there was a misconception that these vehicles would provide a reduction in carbon emissions when in fact they would not, and this had been confirmed by advice provided by the Energy Savings Trust and the Carbon Trust. There was a strategy for the transition of the Council's large fleet, and where technology allowed this would be brought forward where possible. With regard to the Council's Greening Policy, it was intended to work with as wide a variety of partners and stakeholders as possible and it was hoped that a network would be set up to allow the Council to fulfil its role as a leader and influencer in this respect.

Councillor Young supported this approach and reminded the Panel that Councillors also had a duty to lead their local communities in adopting new practices. She considered that ongoing school projects were crucial in supporting the environmental aims of the Council, and confirmed that she was to speak at the Eco Festival in September, which would provide an excellent opportunity to raise awareness of the Council's projects.

Councillor Chillingworth noted that pollution levels had been the subject of past debate, and he wondered whether it was possible to confirm what the current pollution levels were, and whether these had been affected by any action taken by the Council. Ben Plummer confirmed that as part of the Council's Air Quality Project, two types of signage had been placed around the air quality management area around Brook Street and East Hill, with the more successful style of sign reducing air pollution by approximately 9%. The more effective signage would now be installed in these areas. Testing was to take place in the area around the crematorium to monitor the effect that it had on nitrogen dioxide levels in the area, and if this was significant the purchase of new equipment would be considered to reduce this impact. Detailed figures in relation to air pollution levels could be provided to the Panel at future meetings.

*RESOLVED* that the contents of the report be noted.

**40 Work Programme 2021-22**

Matthew Evans, Democratic Services Officer, attended the meeting to present the report and assist the Panel with its enquiries.

*RESOLVED* that the contents of the work programme be noted, and that an additional agenda item in relation to the Council's Waste Strategy be added to the February meeting of the Panel.