
Introduction

The following note summarises Wheelabrator Technologies Inc. UK's (WTI) concerns with respect to proposals for incineration bans as set out in the proposed Environment Bill (Wales). This note focusses on the 'need' and 'consequences.' It also highlights the two very different ways in which the Bill might be enacted through regulation, as currently worded.

Wheelabrator Technologies Inc. and the Parc Adfer Project

WTI is developing Parc Adfer an energy recovery facility for North Wales. Located on the Deeside Industrial Park, it will divert non-recyclable waste from landfill and instead use it as a resource to generate clean energy, equivalent to the needs of around 30,000 homes. WTI has been selected to develop the facility by the North Wales Residual Waste Treatment Project (NWRWTP) on behalf of the communities of Conwy, Denbighshire, Flintshire, Gwynedd and Isle of Anglesey. The project is designed to meet the needs of the five authorities and deliver the policy aims of the Welsh Government and the Towards Zero Waste strategy, diverting waste away from landfill and increasing recycling rates.

The Parc Adfer facility is likely to be the largest single inward investment scheme on the Deeside Industrial Estate for the next 5 to 10 years. However, it will benefit the North Wales region in other ways, including:

1. Maximising the benefits for North Wales as it transitions to low carbon generation and electricity supply for businesses, households and communities.
2. Contribute to meeting the Welsh Government's own energy security goals.
3. Create around 300 jobs during the construction phase and some 35 new full time jobs when operational.
4. Give local business across Wales the opportunity to find out more about the multi-million pound supply chain opportunities which will be available over the three year construction phase and the 25 years of operation.

Lack of Clarity

The current drafting of the Bill can be interpreted far more broadly than what we understand to be the underlying intent, which is to prevent *uncontaminated* recyclable material from going to energy from waste facilities or landfill sites. In its current form the Bill could be used to ban specific elements *within a mixed contaminated* waste stream.

The implications related to these two potential outcomes are explored in the sections below, however it is sufficient here to say that a ban on individual materials within contaminated waste streams would have serious implications for both energy from waste operators and investors in Wales, as well as for wider Welsh Government policy aims. It would also be expensive and unwieldy to enforce.

We have received reassurances from Jasper Roberts (the Welsh Government's Deputy Director, Waste and Resource Efficiency) that there is currently no intention for the proposed Bill to apply to elements of mixed residual waste streams, and that: *'The intention is to promote effective capture of recyclable materials at source to achieve, over time, our target of achieving a minimum of 70%*

recycling, such that waste when it reaches an energy from waste facility is suitable for incineration’.

This reassurance is helpful in addressing our main concern, however for this to have value for our investors it needs to be expressed in the Bill itself should the Welsh Government choose to pursue the concept of incineration bans. The letter is attached in full with this note.

We are strongly of the view that any form of an incineration ban is unnecessary and will only serve to create uncertainty for the waste and recycling industry as they review investments plans in the face of an uncertain future regulatory environment. This is explored further in the note below.

Incineration Bans on Uncontaminated Recyclable Materials

Assuming the intention of the Bill is to prevent ‘uncontaminated materials’ destined for recycling from going to energy from waste then WTI is not concerned, as there is no material impact for WTI, the wider industry or indeed for Wales. For that reason we question whether it would be a good use of public resources to pursue this element of the Bill. The reasons for our views are highlighted in this section.

Regulatory powers already exist

Welsh Government already has, and enforces, powers to prevent incineration of recyclables, within the environmental permitting regime. All of WTI’s existing permits, and those of other modern energy from waste facilities, include the wording: *“Waste shall only be accepted if having been separately collected for recycling it is contaminated and otherwise destined for landfill”*.

There is currently no problem to fix

In WTI’s experience and that of other energy from waste operators, no uncontaminated recyclable material is currently incinerated. Neither our facility in Ferrybridge nor those of several other operators we have checked with (operating more than two million tonnes worth of capacity in the UK) have ever accepted materials of this type for treatment at their facilities. This is not surprising given the existing permitting regime and the value anyway inherent in recyclable material.

There will likely *be* no problem to fix

Recyclable materials have value, often substantial value, and energy from waste treatment or landfill, has significant cost. This differential in value is what drives material out of the waste stream to be recycled. This value differential is driven by existing legislation, such as landfill tax and packaging recovery notes (PRN’s).

Incineration Ban on Materials in a Contaminated Mixed Waste

If the intention is to prevent individual materials in a contaminated mixed waste stream from going to energy from waste facilities in Wales, then WTI would have serious concerns.

Suitability of Infrastructure

Removing specific materials from a mixed waste stream requires suitable infrastructure; a ‘pre-treatment’ step to separate materials suitable for recycling as well as a residue for disposal via landfill or energy from waste facilities. Neither the current, nor the planned, energy from waste

infrastructure in Wales is designed to treat waste arising from pre-treatment processes. Such material typically has a different composition (e.g. lower moisture, higher calorific content) and content (e.g. the content is likely to be lower in levels of ferrous and non-ferrous metals). All of these things would impact on the economic functioning of an energy from waste facility that has been designed for an untreated mixed waste stream. It is impossible to quantify the impacts without knowledge of the specific pre-treatment process that would be required.

Quality of Recyclable Material

The recycled materials produced by an intermediate pre-treatment system are of much lower quality than those that are 'source separated' (e.g. household waste collected from the kerbside in different bins). The current approach taken by Wales is to produce high quality recyclables through source separation and that already successful approach may be undermined by introducing the option to use mixed collections that are later sorted.

Apparent Versus Real Impact

There would be an element of robbing Peter to pay Paul, as energy from waste facilities are able to recycle ferrous and non-ferrous metals very efficiently after combustion. In addition, the bottom ash produced after the combustion process is graded for use in the construction industry (displacing quarried material). Furthermore, there has been a lot of recent innovation in ash processing resulting in ever new and more sophisticated methods of separating individual high-value metals. For example, once the proposed Parc Adfer Energy Recovery Facility becomes operational, the plant will increase recycling rates for the five authorities in the NWRWTP by up to 7%.

In short, energy from waste doesn't just incinerate waste; it adds value and enhances recycling.

Enforcement

Visual inspection prior to tipping is hard because vehicles are sealed or covered and tipping occurs straight into the bunker (this waste will contain contaminated paper, card, plastics etc.). It would not be safe or practical to tip out every load prior to depositing into the bunker.

Appropriateness In a High Recycling Environment

Recycling levels in Wales are very high and have been achieved by instigating a strong source separation regime, with kerbside recycling by householders at some of the highest levels in Europe. A move now, to a method of 'sorting after the fact' via mechanical separation could be counterproductive and compete with source-separation, potentially moving waste away from high-value source-separated recyclables to lower value material. The 'blueprint for collecting waste' in Wales is working and should be celebrated for that fact that source separation is happening on a large scale, providing higher value materials for recycling.

There are a few examples where incineration bans on components of a mixed waste stream have been used, but it tends to be more relevant in areas of low uptake for kerbside sort recycling collections- for example in Scotland where services were on offer but not being taken up in the same way that they are in Wales. The Scottish Government has introduced measures to ensure metals and dense plastics are removed prior to incineration, which has been very disruptive and expensive for the industry.

Wales has already been successful in removing this material from the waste stream and it looks likely that Wales will continue to exceed Scotland's recycling performance (and that of most other European countries) without pursuing this less desirable option. The addition of pretreatment in Wales would likely be less efficient and more expensive because it would be seeking to extract value from a more problematic/contaminated base material than Scotland.

Welsh Government figures released in August show that Wales is recycling on average over 56% of its Local Authority Collected Waste. The five authorities our facility will serve are averaging over 57%, with Denbighshire leading the County league table on 66% - so well on the way to the 70% target by 2025. Where Wales requires additional infrastructure and assistance, is in moving **residual** waste away from landfill, to help meet the Towards Zero Waste aspirations of 95% diversion from landfill. This is precisely the job our proposed facility will deliver, as Parc Adfer will reduce the current 43% of waste that is landfilled to near zero for the NWRWTP. We will provide the ability to meet these landfill diversion rates, whilst simultaneously increasing recycling, through our bottom ash re-use and the recycling of metals.

Unintended Consequence – Export of a resource to Europe

We agree with the findings of the options assessment carried out to inform the Bill that there will be unintended consequences of the Bill in its current form. For example, it will increase the likelihood of Welsh waste being exported to England or Europe – the latter is already taking place in Ceredigion and Pembrokeshire where residual waste is now being shipped to Sweden.

Expensive pre-treatment would add cost to disposal and will make more distant disposal options, outside of Wales, more attractive. This would drive material out of Wales and its closed loop, undermining the current policy objectives of creating a circular economy and moving waste up the hierarchy. The proximity of both the operational Trident Park facility, and the planned Parc Adfer facility, to the English border means that commercial operators are likely to export waste to England, to the detriment of those Welsh facilities, jobs and local supply chains.

Unintended Consequence - Stymie Inward Investment

This Bill would have the potential to disrupt one of the largest public-private partnership investments in North Wales at a crucial time for the project. WTI needs clarity quickly to ensure that this does not become a roadblock to unlocking the many benefits that the Parc Adfer project can bring.

Conclusion

Outside of our own project, the uncertainty created by the proposed legislation, as currently drafted, may also inhibit other investment in recycling and waste infrastructure, as potential developers will remain unclear and extremely cautious about the direction that Welsh Government policy is taking and the types of infrastructure it is wishing to attract to Wales. The *Investing in Wales* conference held in Newport last November clearly demonstrated that Wales is a country that is open to the global market place as a location to operate and trade. To underpin this message WTI believes that it is important for the proposed Bill to be 'joined up' with current policy and initiatives currently in progress. This will provide a solid base for further private sector investment in urgently needed waste infrastructure in Wales.

Cyflwyniad

Mae'r nodyn canlynol yn crynhoi pryderon Wheelabrator Technologies Inc. UK's (WTI) ynglŷn â'r cynigion am waharddiadau llosgi sy'n cael eu datgan yn y ddeddfwriaeth arfaethedig Bil yr Amgylchedd (Cymru). Mae'r nodyn hwn yn canolbwyntio ar yr 'angen' a'r 'canlyniadau'. Mae hefyd yn tynnu sylw at y ddwy ffordd wahanol iawn y gallai'r Bil gael ei ddeddfu drwy reoliad, fel y mae wedi'i eirio ar hyn o bryd.

Wheelabrator Technologies Inc. a Phrosiect Parc Adfer

Mae WTI yn datblygu Parc Adfer fel cyfleuster adfer ynni i Ogledd Cymru. Fe'i lleolir ar Barc Diwydiannol Glannau Dyfrdwy, bydd yn dargyfeirio gwastraff na ellir ei ailgylchu o safleoedd tirlenwi ac yn hytrach yn ei ddefnyddio fel adnodd i gynhyrchu ynni glân, sy'n cyfateb i anghenion oddeutu 30,000 o gartrefi. Dewiswyd WTI i ddatblygu'r cyfleuster gan Brosiect Trin Gwastraff Gweddilliol Gogledd Cymru (NWRWTP) ar ran cymunedau Conwy, Sir Ddinbych, Sir y Fflint, Gwynedd ac Ynys Môn. Bwriedir i'r prosiect fodloni anghenion y pum awdurdod a chyrraedd nodau polisi Llywodraeth Cymru a'r strategaeth Tuag at Ddyfodol Diwastraff, gan ddargyfeirio gwastraff o safleoedd tirlenwi a chynyddu cyfraddau ailgylchu.

Cyfleuster Parc Adfer, yn ôl pob tebyg, fydd yr un cynllun mewnfuddsoddi mwyaf ar Ystâd Ddiwydiannol Glannau Dyfrdwy yn y 5 i 10 mlynedd nesaf. Er hynny, bydd o fantais i ardal Gogledd Cymru mewn ffyrdd eraill hefyd, gan gynnwys:

1. Sicrhau'r manteision gorau posibl i Ogledd Cymru wrth iddi drawsnewid i gynhyrchu a chyflenwi trydan isel ar garbon i fusnesau, aelwydydd a chymunedau.
2. Cyfrannu at gyrraedd nodau Llywodraeth Cymru ei hun i ddiogelu ffynonellau ynni.
3. Creu oddeutu 300 o swyddi yn ystod y cam adeiladu ac oddeutu 35 o swyddi amser llawn newydd pan fydd y safle'n gweithredu.
4. Rhoi i fusnesau lleol ledled Cymru y cyfle i gael gwybod rhagor am y cyfleoedd gwerth aml i filiwn o bunnau yn y gadwyn gyflenwi, cyfleoedd a fydd ar gael dros y cyfnod adeiladu tair blynedd a'r 25 mlynedd tra bydd y safle'n gweithredu.

Diffyg Eglurder

Gellir dehongli'r drafft presennol o'r Bil yn llawer ehangach na'r hyn y deallwn ni yw'r bwriad sylfaenol, sef atal deunydd ailgylchadwy *dihalog* rhag mynd i gyfleusterau ynni o wastraff a safleoedd tirlenwi. Ar ei ffurf bresennol, gellid defnyddio'r Bil i wahardd elfennau penodol mewn llif gwastraff *halogedig cymysg*.

Mae'r goblygiadau sy'n gysylltiedig â'r ddau ganlyniad posibl hyn yn cael eu pwysu a'u mesur yn yr adrannau isod, fodd bynnag, mae'n ddigonol dweud yma y byddai gwaharddiad ar ddeunyddiau unigol mewn llifau gwastraff halogedig yn cael effaith ddifrifol ar fuddsoddwyr a chwmnïau ynni o wastraff yng Nghymru, yn ogystal ag ar nodau polisi ehangach Llywodraeth Cymru. Byddai hefyd yn ddud ac yn anodd ei orfodi.

Mae Jasper Roberts (Dirprwy Gyfarwyddwr Gwastraff ac Effeithlonrwydd Adnoddau Llywodraeth Cymru) wedi ein sicrhau nad oes dim bwriad ar hyn o bryd i'r Bil fod yn weithredol ar elfennau o lifau gwastraff gweddilliol cymysg, ac mai: *'Y bwriad ydy hybu dal deunyddiau ailgylchadwy yn effeithiol*

yn y tarddiad er mwyn cyrraedd, dros amser, ein targed o lefelau ailgylchu o o leiaf 70%, cymaint fel bod gwastraff pan mae'n cyrraedd cyfleuster ynni o wastraff yn addas i'w losgi'. Mae'r sicrhad hwn yn helpu i leddfu ein prif bryder, er hynny, er mwyn i hyn fod o werth i'n buddsoddwyr mae angen i hyn gael ei fynegi yn y Bil ei hun, pe byddai Llywodraeth Cymru yn dewis mynd ar drywydd y cysyniad o waharddiadau llosgi. Mae'r llythyr cyflawn ynghlwm gyda'r nodyn hwn.

Rydym yn gadarn o'r farn bod unrhyw fath o waharddiad llosgi yn ddiangen ac na fydd ond yn gweithredu i greu ansicrwydd i'r diwydiant gwastraff ac ailgylchu wrth iddynt adolygu cynlluniau buddsoddiadau yn wyneb amgylchedd rheoleiddio ansicr i'r dyfodol. Rhoddir sylw pellach i hyn yn y nodyn isod.

Gwaharddiadau Llosgi ar Ddeunyddiau Ailgylchadwy Dihalog

Gan dybio mai bwriad y Bil ydy atal 'deunyddiau dihalog' y bwriedir iddynt fynd i'w hailgylchu rhag mynd i gyfleusterau ynni o wastraff yna nid yw WTI yn bryderus, gan na chaiff hyn effaith sylweddol ar WTI, ar y diwydiant ehangach nag yn wir ar Gymru. Am y rheswm hwnnw, rydym yn gofyn a yw mynd ar drywydd yr elfen hon yn y Bil yn ddefnydd da ar adnoddau cyhoeddus. Mae'r rhesymau am ein safbwyntiau wedi'u hamlygu yn yr adran hon.

Mae pwerau rheoleiddio'n bodoli eisoes

Mae Llywodraeth Cymru eisoes yn meddu ar bwerau, ac yn gorfodi'r pwerau hynny, i atal llosgi deunydd ailgylchadwy, o fewn y gyfundrefn trwyddedu amgylcheddol. Mae holl drwyddedau presennol WTI, a thrwyddedau cyfleusterau ynni o wastraff modern eraill, yn cynnwys y geiriad: "*Ni chaiff gwastraff ond ei dderbyn os, ar ôl ei gasglu ar wahân i'w ailgylchu, ei fod yn halogedig ac y bwriedir, fel arall, ei yrru i safle tirlenwi*".

Nid oes problem i'w chywiro ar hyn o bryd

O brofiad WTI a chwmnïau ynni o wastraff eraill, ni chaiff unrhyw ddeunydd ailgylchadwy dihalog ei losgi ar hyn o bryd. Nid yw naill ai ein cyfleusterau yn Ferrybridge na chyfleusterau sawl cwmni arall yr ydym wedi'u holi (sy'n gweithredu gwerth dros ddwy filiwn tunnell o gapasiti yn y DU) erioed wedi derbyn deunyddiau o'r math hwn i'w trin yn eu cyfleusterau. Nid yw hyn yn syndod ac ystyried y gyfundrefn drwyddedu bresennol a'r gwerth sy'n gynhenid pryn bynnag mewn deunydd ailgylchadwy.

Mae'n debygol na fydd problem i'w chywiro

Mae gwerth sylweddol yn aml i ddeunyddiau ailgylchadwy, ac mae safleoedd tirlenwi neu driniaeth ynni o wastraff yn costio llawer. Y gwahaniaeth hwn mewn gwerth ydy'r hyn sy'n gyrru deunydd allan o'r llif gwastraff i'w ailgylchu. Caiff y gwahaniaeth hwn mewn gwerth ei symbylu gan y ddeddfwriaeth bresennol, megis y dreth dirlenwi a nodiadau adfer pecynnau (PRN's).

Gwaharddiad Llosgi ar Ddeunyddiau mewn Gwastraff Cymysg Halogedig

Os mai'r bwriad ydy rhwystro deunyddiau unigol mewn llif gwastraff cymysg halogedig rhag mynd i gyfleusterau ynni o wastraff yng Nghymru, yna byddai gan WTI bryderon difrifol.

Addasrwydd y Seilwaith

I dynnu deunyddiau penodol o lif gwastraff cymysg rhaid cael seilwaith addas; sef cam ‘cyn-driniaeth’ i wahanu deunyddiau sy’n addas i’w hailgylchu ynghyd â gweddillion i’w gwaredu drwy safleoedd tirlenwi neu gyfleusterau ynni o wastraff. Nid yw’r seilwaith ynni o wastraff presennol nac arfaethedig yng Nghymru wedi’i ddylunio i drin gwastraff sy’n codi o brosesau cyn-driniaeth. Mae gan ddeunydd o’r fath gyfansoddiad gwahanol (e.e. llai o leithder, cynnwys caloriffig uwch) a chynnwys gwahanol fel arfer (e.e. mae lefelau metelau fferrus ac anfferrus y cynnwys yn debygol o fod yn is). Byddai’r holl bethau hyn yn effeithio ar weithrediad economaidd cyfleuster ynni o wastraff a fwriadwyd ar gyfer llif gwastraff cymysg heb ei drin. Mae’n amhosibl mesur yr effeithiau heb wybodaeth am y broses cyn-driniaeth benodol a fyddai’n ofynnol.

Ansawdd Deunydd Ailgylchadwy

Mae’r deunyddiau ailgylchu a gynhyrchir gan system cyn-driniaeth ganolraddol o ansawdd llawer is na’r rheini sy’n ‘cael eu gwahanu yn y tarddiad’ (e.e. gwastraff tŷ a gesglir oddi ar garreg y drws mewn gwahanol finiau). Y dull presennol yng Nghymru ydy cynhyrchu deunyddiau ailgylchadwy o ansawdd uchel drwy wahanu yn y tarddiad a gallai’r dull hwnnw sydd eisoes yn llwyddiannus gael ei danseilio drwy gyflwyno opsiwn i ddefnyddio casgliadau cymysg sy’n cael eu dethol yn ddiweddarach.

Effaith Ymddangosiadol yn erbyn Effaith Wirioneddol

Ceid yma elfen o ddwyn o’r naill law i dalu’r llall, gan fod cyfleusterau ynni o wastraff yn gallu ailgylchu metelau fferus ac anfferrus yn effeithlon iawn ar ôl llosgi. Hefyd, caiff y lludw gwaelodol a gynhyrchir ar ôl y broses losgi ei raddio i’w ddefnyddio yn y diwydiant adeiladu (yn lle deunydd wedi’i chwarelu). At hynny, cafwyd llawer o ddatblygiadau arloesol yn ddiweddar mewn prosesu lludw gan esgor ar ddulliau bythol newydd a mwy soffistigedig o wahanu metelau uchel eu gwerth, unigol. Er enghraifft, pan fydd Cyfleuster Adfer Ynni Parc Adfer yn dechrau gweithredu, bydd y safle yn cynyddu cyfraddau ailgylchu’r pum awdurdod ym Mhrosiect Trin Gwastraff Gweddilliol Gogledd Cymru (NWRWTP) hyd at 7%.

Yn fyr, nid yw ynni o wastraff ddim ond yn llosgi gwastraff; mae’n ychwanegu gwerth ac yn gwella ailgylchu.

Gorfodi

Mae’n anodd archwilio deunyddiau cyn tipio gan fod cerbydau wedi’u selio a’u gorchuddio a chaiff deunyddiau eu tipio’n syth i’r bynker (bydd y gwastraff hwn yn cynnwys papur halogedig, cardfwrdd, plastigau ayb.). Ni fyddai’n ddiogel nac yn ymarferol tipio pob llwyth allan cyn ei roi yn y bynker.

Priodoldeb mewn Amgylchedd Lefelau Ailgylchu Uchel

Mae lefelau ailgylchu yng Nghymru yn uchel iawn a llwyddwyd i wneud hyn drwy annog system gwahanu yn y tarddiad gadarn, gyda’r lefelau ailgylchu ar garreg y drws ymysg yr uchaf yn Ewrop. Gallai symudiad yn awr, at ddull o ‘dethol ar ôl y weithred’ drwy wahanu mecanyddol fod yn wrthgynhyrchiol a chystadlu â gwahanu yn y tarddiad, gyda’r posibilrwydd o symud gwastraff o fod yn ddeunydd ailgylchadwy uchel ei werth sydd wedi’i wahanu yn y tarddiad yn ddeunydd is ei werth. Mae’r ‘glasbrint ar gyfer casglu gwastraff’ yng Nghymru yn gweithio a dylid dathlu’r ffaith honno fod

gwahanu yn y tarddiad yn digwydd ar raddfa fawr, gan ddarparu deunyddiau gwerth uwch i'w hailgylchu.

Mae rhai esiamplau i'w cael lle mae gwaharddiadau llosgi ar gydrannau o lif gwastraff cymysg wedi cael eu defnyddio, ond mae'n tueddu i fod yn fwy perthnasol mewn ardaloedd lle nad yw'r lefelau casglu ailgylchu wedi'i ddethol ar garreg y drws yn uchel- er enghraifft yn yr Alban lle'r oedd gwasanaethau ar gael ond ddim yn cael eu defnyddio fel ag y maent yng Nghymru. Mae Llywodraeth yr Alban wedi cyflwyno mesurau i sicrhau bod metelau a phlastigau trwchus yn cael eu tynnu cyn llosgi, a bu hyn yn llyffethair ac yn ddrud iawn i'r diwydiant.

Mae Cymru eisoes wedi bod yn llwyddiannus yn tynnu'r deunydd hwn o'r llif gwastraff ac mae'n edrych yn debygol y bydd Cymru yn parhau i ragori ar berfformiad ailgylchu'r Alban (a'r rhan fwyaf o wledydd Ewrop) heb fynd ar drywydd yr opsiwn llai dymunol hwn. Byddai ychwanegu cyn-driniaeth yng Nghymru yn debygol o fod yn llai effeithlon ac yn ddrutach oherwydd y byddai'n ceisio tynnu gwerth allan o ddeunydd sylfaenol mwy halogedig/problemus na'r Alban.

Dengys ffigurau a ryddhawyd gan Lywodraeth Cymru ym mis Awst bod Cymru yn ailgylchu ar gyfartaledd dros 56% o'r Gwastraff a Gesglir gan Awdurdodau Lleol. Mae ffigur cyfartalog y pum awdurdod y bydd ein cyfleuster yn eu gwasanaethu yn dros 57%, gyda Sir Ddinbych ar frig tabl cynghrair y Sir ar 66% - ac felly mewn sefyllfa dda iawn i gyrraedd y targed o 70% erbyn 2025. Lle mae Cymru angen cymorth a seilwaith ychwanegol, ydy i ddargyfeirio gwastraff **gweddilliol** o safleoedd tirlenwi, er mwyn helpu i gyrraedd y dyheadau yn Tuag at Ddyfodol Diwastraff o ddargyfeirio 95% o safleoedd tirlenwi. Dyma'n union fydd ein cyfleuster arfaethedig yn ei wneud, oherwydd y bydd Parc Adfer yn lleihau'r lefel bresennol o 43% o wastraff sy'n cael ei dirlenwi i ddim bron ar gyfer NRRWTP. Byddwn yn darparu'r gallu i fodloni'r cyfraddau dargyfeirio o safleoedd tirlenwi, gan gynyddu'r cyfraddau ailgylchu ar yr un pryd, drwy ail-ddenyddio lludw gwaelodol ac ailgylchu metelau.

Canlyniad Anfwriadol – Allforio adnodd i Ewrop

Rydym yn cytuno â chanfyddiadau'r asesiad o opsiynau a wnaed i hysbysu'r Bil y bydd canlyniadau anfwriadol i'w cael oherwydd y Bil ar ei ffurf bresennol. Er enghraifft, bydd yn ei gwneud yn fwy tebygol y bydd gwastraff o Gymru yn cael ei allforio i Loegr neu Ewrop - mae'r olaf eisoes yn digwydd yng Ngheredigion a Sir Benfro lle mae gwastraff gweddilliol yn awr yn cael ei allforio i Sweden.

Byddai cyn-driniaeth ddrud yn ychwanegu cost at waredu a bydd yn gwneud opsiynau gwaredu pellach, y tu allan i Gymru, yn fwy atyniadol. Byddai hyn yn gyrru deunydd allan o Gymru a'i dolen gaeedig, gan danseilio'r amcanion polisi presennol o greu economi gylchol a symud gwastraff i fyny'r hierarchaeth. Mae agoswydd cyfleuster presennol Trident Park, a chyfleuster arfaethedig Parc Adfer, i'r ffin â Lloegr yn golygu bod cwmnïau masnachol yn debygol o allforio gwastraff i Loegr, er anfantais i'r cyfleusterau Cymreig, i swyddi a chadwyni cyflenwi lleol.

Canlyniad Anfwriadol – Llesteirio Mewnfuddsoddi

Byddai'n bosibl i'r Bil ymyrryd ag un o'r buddsoddiadau mwyaf drwy bartneriaeth rhwng y sector cyhoeddus a'r sector preifat yng Ngogledd Cymru ar adeg dyngedfennol i'r prosiect. Mae ar WTI angen eglurder yn gyflym i sicrhau nad yw hyn yn dod yn rhwystr rhag sicrhau'r manteision lawer y gellir eu cael yn sgil prosiect Parc Adfer.

Casgliad

Y tu allan i'n prosiect ein hunain, gallai'r ansicrwydd a grëir gan y ddeddfwriaeth arfaethedig, fel y'i drafftwyd ar hyn o bryd, hefyd rwystro buddsoddiadau eraill mewn seilwaith gwastraff ac ailgylchu, oherwydd y bydd datblygwyr posibl yn ansicr ac yn hynod ragofalus ynglŷn â chyfeiriad polisi Llywodraeth Cymru a'r mathau o seilwaith y mae'n dymuno ei ddenu i Gymru. Fe wnaeth y gynhadledd *Buddsoddi yng Nghymru* a gynhaliwyd yng Nghasnewydd fis Tachwedd diwethaf ddangos yn glir bod Cymru yn wlad sy'n agored i'r farchnad fyd-eang fel lleoliad ar gyfer gweithredu a masnachu. I ategu'r neges hon, mae WTI yn credu ei bod yn bwysig i'r Bil arfaethedig fod 'wedi'i gyplysu' â'r polisi cyfredol a chynlluniau sydd eisoes yn mynd rhagddynt. Bydd hyn yn darparu sylfaen solet ar gyfer buddsoddi pellach gan y sector preifat mewn seilwaith gwastraff y mae gwir ei angen yng Nghymru.

Yr Adran Cyfoeth Naturiol
Department for Natural Resources



Llywodraeth Cymru
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The Environment Bill and its Impact on Parc Adfer

It was very useful to be able to meet you in London recently to discuss the North Wales Residual Waste Treatment Project, the proposed Parc Adfer energy from waste facility and the relevant aspects of the Environment Bill.

I would like to take this opportunity to re-iterate the Welsh Government's continuing support for the project, as meeting the needs of the five participating North Wales authorities in a way which is consistent with the Welsh Government's policies and priorities. The Welsh Government is also conscious of the contribution that the Parc Adfer facility will make to recycling in Wales, for example through the recycling of bottom ash and metals.

The Environment Bill creates, at a high level, the legislation needed to plan and manage Wales' natural resources in a more sustainable and joined-up way. It gives Ministers the powers to promote the objectives set out in the consultation document to which you refer and the detail of how this is undertaken will be set out in the regulations, which themselves will be subject to future public consultation and scrutiny by the National Assembly for Wales.

It is not the intention of the Welsh Government to ban the incineration of mixed residual waste from municipal, commercial and industrial sectors. The intention is to promote effective capture of recyclable materials at source to achieve, over time, our target of achieving a minimum of 70% recycling, such that waste when it reaches an energy from waste facility is suitable for incineration. We anticipate that at that point, any recyclable materials within it will be too contaminated to facilitate further recycling. In addition to the regulations, the Welsh Government will also provide guidance as to how the regulations and enforcement regime should operate. These will be dictated by the practical considerations of managing the mixed residual waste arriving at an energy from waste facility, and as such would apply regardless of the origin of the material (e.g. whether arising from Wales or England). In the event that a local authority in Wales is found to be failing in its statutory duty to achieve the 70% recycling requirement and, by implication, sending potentially recyclable material to an energy from waste facility, then action will be focused on that

authority and not on the energy from waste operator as the receiver of that waste. For mixed residual municipal waste arising in an English authority and delivered to an energy from waste facility in Wales, the guidance will be mindful of the different target regime applicable in England.

The emphasis will be on achieving up front source separation of materials by placing a duty on waste producers to present materials separately for collection. This will be a focus of our future communication work with businesses and waste collectors. In the case of energy from waste facilities, permit conditions and waste acceptance protocols may be an effective way of ensuring that operators, where practical, divert any specified recyclable material that arrives at the facility for recycling, for example in the case of the delivery of a single load of plastics or paper to the facility. It is also possible that a stricter ban on specified materials to landfill could, if applied as a measure to achieve the target 5% cap on landfill over time, actually increase materials diverted to energy from waste, whilst moving treatment up the waste hierarchy as desired. Thus it is possible that we might modify permit definitions of mixed residual waste to exclude or limit specific materials going to landfill but not for materials diverted to energy from waste. Proposals for regulations will be brought forward only once the legislation has been enacted and will, in their own turn, be subject to full public consultation.

I trust that you find that the above addresses your concerns. I would be pleased to meet again with yourselves, and potentially with your parent organisation and funders, to discuss matters in further detail as necessary.

The copies of the relevant reports to which you refer, can be found by following the links set out below.

Yours sincerely

A handwritten signature in black ink that reads "Jasper Roberts". The signature is written in a cursive style with a large initial 'J' and 'R'.

Jasper Roberts
Deputy Director, Waste and Resource Efficiency

<https://statswales.wales.gov.uk/Catalogue/Business-Economy-and-Labour-Market/Businesses/Business-Demo>

<http://gov.wales/docs/desh/publications/150511-additional-policy-options-analysis.pdf>

http://gov.wales/topics/environmentcountryside/epq/waste_recycling/publication/environment-bill-white-paper-background/?lang=en