

WASTE LANDFILL BAN UPDATE

1.0 INTRODUCTION

- 1.1 This report is to provide members of the Environment, Development and Infrastructure Committee with an update on the progress towards landfill ban compliance. It also provides an update on financial implications in respect of the landfill ban and other waste issues.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that Members of the Environment, Development and Infrastructure Committee consider the content of this report.

3.0 DETAIL

BMW Landfill Ban

- 3.1 The previous report to the Environment, Development and Infrastructure Committee in September 2024 provided an update on the funding awarded to Argyll and Bute Council by the Scottish Government to support landfill ban compliance. Furthermore, information was provided in relation to the Circular Economy Bill and a recent Waste Composition Analysis which was supported by Zero Waste Scotland.
- 3.2 Officers have progressed a number of matters to ensure that Council operated Waste sites are moving towards being able to support landfill ban compliance. Moreover, the sites which are operated by Biffa (formerly Renewi) which are ready to be landfill ban compliant and sites requiring changes to comply with the landfill are noted in section 3.4.
- 3.3 Argyll and Bute Council operate a number of Waste sites which include Civic Amenity sites with landfill sites and others locations with closed landfill sites. The details of all sites and their locations are noted below along with sites managed through the Waste PPP contract with Biffa. The detail highlights the sites which are compliant with the landfill ban and the sites which are not compliant, this is notwithstanding the works which are required to make these locations landfill ban compliant. In addition, the Council has a separate parallel process relating to the PPP contract handback. This process will be

reported separately from the landfill ban.

3.4 The following table summarises the current position across the council area in terms of readiness for the BMW ban.

Area	Current position	Outstanding Actions to become BMW compliant
Island sites	Currently we have live landfill sites in both Islay and Mull. These sites already have infrastructure in place to facilitate waste transfer activity for general waste. Post BMW ban, general waste will be stored in the waste transfer facilities and bulked to then be transported off the islands. Waste material from the islands is pre-treated and processed by the contractors.	Vary existing haulage contracts to include general waste. The varying of the contract is relatively straightforward, the main challenge will be securing ferry space to transfer the additional waste.
Helensburgh and Lomond area (H&L)	Existing contract is BMW compliant/ The contract also has provision to take general waste from other parts of Argyll and Bute. Both Waste streams (residual waste and civic amenity waste) from Tiree and Coll are bulked, transported and processed through the same providers as H&L. The contract for H&L, inclusive of Tiree and Coll subsists until December 2025 and can be extended a further year until December 2026. The contract is also flexible enough to accept Waste streams from Islay and Mull which can be bulked, transported and processed through the contract. The Waste material is pre-treated and processed by the contractors. No issues are noted for these contracts or extensions.	No direct actions in terms of complying with the BMW ban. A waste transfer station is being explored which should provide operational efficiency, resilience and also provide the Council with opportunities in terms of market options. An Options Appraisal is currently in progress to determine if the waste transfer station is the best option going forward.
PPP Contract Area	Currently operating Mechanical Biological Treatment (MBT) plants at three locations (Oban, Lochgilphead and Dunoon), waste transfer stations at Campbeltown and Rothesay and a number of civic amenity and bring sites together with a contractual requirement to run a front loader commercial waste offering. Any requirement for pre-treatment of Waste through the PPP contract will	Conversion of MBT plants to waste transfer stations which is to be progressed by Biffa subject to finalising Heads of Terms.

	be arranged by Biffa.	
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- 3.5 The table above summarises the position in terms of preparation for the 2026 BMW ban. It is noteworthy that in addition to these actions there are a number of other activities underway including the removal of Compost Like Output (CLO). CLO is Waste material which has been treated and separated to then develop a CLO which can be used for the capping and restoration of landfill cells. Officers have agreed with Biffa that they are responsible for all CLO prior to March 2022 and the disposal of the same, the Council has assumed responsibility for all CLO developed post April 2022 with the proviso that sufficient CLO material is retained for the capping and restoration of landfill sites up to the date of the landfill ban. Officers will finalise the discussions on the indexation calculations with Biffa, the indexation calculations are payments which were wrongly calculated by Biffa and the Council during the term of the contract. The difference in costs is circa £587k, the Council are required to make this payment to Biffa to conclude the matter, these actions will be progressed by Officers. It should be noted that this amount is not budgeted for and creates a cost pressure.
- 3.6 Following the regulations relating to the landfill ban on municipal waste, it was unclear if third party commercial waste (e.g. commercial waste uplifted by other private waste contractors or brought directly to sites by commercials), could still be landfilled after the implementation of the ban. It was always clear to the Council and Biffa (formerly Renewi) that Council municipal waste would be covered under the ban i.e. Council collected domestic and commercial waste. Recent guidance from SEPA suggests that the volume of the third party commercial waste which will be acceptable for landfill in Argyll and Bute will be insignificant, therefore making commercial waste landfill sites uneconomical for the tonnages which are forecast. The guidance from SEPA has two implications for the authority:
1. All commercial waste material, whether municipal or third party, will require to be bulked and transported from the sites and treated through an EfW process along with general residual waste.
 2. Existing landfill sites, of which Argyll and Bute have 4, 1 on Islay and 1 on Mull (which are operated and maintained currently by the Council) and separate to these are Lingerton Landfill (by Lochgilphead) and Dalinlongart Landfill (by Dunoon) (which are currently maintained and operated through the PPP contract), the expectation from SEPA is that the sites are restored, capped and closed down. Currently we do not have a timescale for this and Officers will continue to liaise with SEPA in this regard.
- 3.7 The bullet points below provide a summary of each landfill site in Argyll and Bute. At the end of the PPP contract in September 2026, the PPP landfill sites will revert back to the Council who will have direct responsibility for maintaining, managing and monitoring these sites in line with any SEPA licensing requirements. Works have been undertaken at Council sites to enable landfill ban compliance. There is no requirement for any changes to

Council operated sites pre-landfill ban or post landfill ban.

Council Waste sites

- **Cliad Recycling Centre, Isle of Coll** – Cliad has a closed landfill site, and now operates as a Civic Amenity site. Waste materials from this location are transferred to Tiree and then transported for re-processing on the mainland. The Cliad site is ready to support delivery of a compliant solution.
- **Gott Bay site Tiree** – Gott Bay has a closed landfill site and operates as a Waste Transfer Station and Recycling Centre (Civic Amenity site). Material is transferred from the site for re-processing on the mainland. The Council have made the Scottish Environment Protection Agency (SEPA) aware of the changes to the site, i.e. landfill closure, and shared the Councils plans for restoration and aftercare of the site. The Council awaits a decision from SEPA on landfill cell closure and the aftercare plan. The Gott Bay site is ready to support delivery of a compliant solution.
- **Glengorm, Isle of Mull** – Glengorm is a Landfill Site, a Waste Transfer Station and a Recycling Centre (Civic Amenity site). The conversion of the original baling shed to a Waste Transfer Station has already taken place. The operational landfill site will remain open until the landfill ban date, from 1 Jan 2026. The operational landfill site may close after this date and it is likely that landfill restoration works would have to be completed to comply with SEPA requirements by the end of 2027. The Glengorm site is ready to support delivery of a compliant solution.
- **Bonaveh, Isle of Colonsay** – Bonaveh is a Recycling Centre (Civic Amenity site). Waste material from Bonaveh is transferred to Islay during the summer and transferred to Oban during the winter months. Bonaveh has a closed landfill site. The Bonaveh site is ready to support delivery of a compliant solution.
- **Gartbreck, Isle of Islay** – Gartbreck has a landfill cell, a Waste Transfer Station which was converted from the original baling shed and a Civic Amenity site (Recycling Centre). The Operational landfill site will remain open until the start of the landfill ban on the 1 Jan 2026. The Operational landfill may close after this date and it is likely that landfill restoration works would have to be completed to comply with SEPA requirements by the end of 2027. The Gartbreck site is ready to support delivery of a compliant solution.
- **Blackhill Civic Amenity Site Helensburgh** – The Blackhill site in Helensburgh is a Civic Amenity site (Recycling Centre) and all Waste material is transported from the site for re-processing.
- **Blackhill Roads depot, Waste Transfer Station**
The Council has set funding aside to build a Waste Transfer Station in

Helensburgh. This was prior to Barr Environmental ceasing business and the Council entering into a new contract that provides a compliant solution for Helensburgh waste albeit at a distance in Paisley. An Options Appraisal is currently being progressed to assess the financial and operational benefits of continuing to progress with a Waste Transfer Station or other solution. It is expected that the Options Appraisal should be completed by the end of December 2024.

Biffa managed Waste sites (formerly Renewi)

- **Moleigh, Oban** – Moleigh manages co-mingled waste and has a closed landfill with Civic Amenity site (Recycling Centre). Moleigh has a Mechanical Biological Treatment (MBT) plant which will require conversion to a Waste Transfer Station for all Waste material. Biffa will coordinate and manage the conversion of the MBT plant. Once the works are complete, Moleigh will be ready to support delivery of a compliant solution.
- **Lingerton, Lochgilphead** – Lingerton currently has an operational landfill site, it is a Civic Amenity site and a co-mingled transfer station. To comply with the landfill ban the current Mechanical Biological Treatment plant requires to be converted to a Waste Transfer Station to facilitate the tipping on of all Waste material for re-processing. The Operational landfill site will remain open until the start of the landfill ban on the 1 Jan 2026. The Operational landfill may close after this date and it is likely that landfill restoration works would have to be completed to comply with SEPA requirements by the end of 2027.
- **The Roding, Campbeltown** - The Roding is a Civic Amenity site and has a Waste Transfer Station. The site will be ready to support delivery of a compliant solution.
- **Westlands, Rothesay** - Westlands is a closed landfill, with a Waste Transfer Station for Waste and recycling material and a Civic amenity site. Westlands will be ready to support delivery of a compliant solution.
- **Bogleha, Dunoon** - Bogleha has a Civic Amenity site and will be ready to support delivery of a compliant solution.
- **Dalinlongart, Dunoon** – Dalinlongart is a recycling and waste disposal site for Dunoon and Cowal. The site has an operational landfill site, a co-mingled Waste transfer station and a Mechanical Biological Treatment plant which will require conversion to a Waste Transfer Station to be compliant with the landfill ban. Biffa will coordinate and manage the changes to the site. The Operational landfill site will remain open until the start of the landfill ban on the 1 Jan 2026. The Operational landfill may close after this date and it is likely that landfill restoration works would have to be completed to comply with SEPA requirements by the end of 2027.

- 3.8 Biffa have allocated a Project Manager to lead on the conversion of the MBT plants to Waste Transfer Stations at Dalinlongart, Lingerton and Moleigh once the Head of Terms have been agreed by the Council.
- 3.9 Officers have provided a summary of all outstanding actions and timescales to Members within Appendix 1 of this report.

Landfill Ban/Other Waste Issues Financials

- 3.10 This section outlines financial implications in respect of the landfill ban and other waste issues.
- 3.11 In the latest budget outlook report that was reported to the Policy and Resources Committee on 5 December, a cost pressure of £462k in 2025-26 rising to £925k from 2026-27 onwards. Members were advised that we had recently received an updated financial appraisal from the consultants who prepared the options appraisal presented to Committee in December and officers were working through the update figures, taking into consideration inflationary pressures built into the outlook also. It has become apparent that the costs in relation to haulage and new Energy from Waste contracts were not included in previous estimates post PPP contract and figures have also been updated in line with cost increases since December 2022. It is understood that additional cost pressures of circa £96k in 2025-26, £2.112m in 2026-27 and £2.684m from 2027-28 will require to be built into future years estimates and clarification is being sought from the consultants that our interpretation of the updated financials is correct. Once clarification is received this will be fed into the budget process for 2025-26.
- 3.12 The Council has set aside £3m towards the creation of a Waste Transfer Station (WTS) in Helensburgh. As the Helensburgh area now has a compliant disposal solution it is considered necessary to carry out an options appraisal as to whether the Helensburgh WTS is still required. A WTS will offer benefits in terms of resilience of waste disposal by enabling the Council to bulk waste and therefore being at less risk if it has to take waste further than at present for disposal. Construction of the WTS may also enable revised and lower cost shift patterns to be adopted by the waste collection teams. The options appraisal will consider whether these efficiency and resilience gains are sufficient to justify the level of capital investment required. A further update will be provided to a future EDI Committee.
- 3.13 One of the actions within the RIS review was to secure arrangements for waste disposal beyond the current PPP contract expiring in September 2026. We are progressing to procure specialist consultants with detailed sector knowledge to produce an options appraisal for consideration by the Council in order to determine the preferred set of new arrangements with the available options being: In-source, re-procure or establishment of a local authority owned company or variations on these three main options. As part of the commission the specialist consultants should be tasked to advise on the further resources needed by the Council for it to develop and implement the chosen model. At present the Council pay Biffa (formerly Renewi) to deliver

the waste arrangements within PPP area, however, there is an unknown as to whether the current budget will be sufficient to pay for the new arrangement post PPP contract.

- 3.14 Paragraph 3.6 outlines that recent guidance from SEPA suggests that the volume of the third party commercial waste which will be acceptable for landfill in Argyll and Bute will be insignificant, therefore making commercial waste landfill sites uneconomical for the tonnages which are forecast. It is therefore likely SEPA will advise that the current sites are restored, capped and closed down and this will come at a significant one-off cost. We do not have a timescale for this nor an accurate costing and it is likely that this issue will be picked up in the options appraisal referred to above.
- 3.15 Extended Producer Responsibility (EPR) is an environmental policy approach that holds producers responsible for the entire lifecycle of their products, including the post-consumer phase. This means that producers are required to manage the disposal, recycling, or reuse of products after consumers are done with them. EPR aims to reduce waste, encourage recycling, and minimize the environmental impact of products, particularly packaging and electronics. In practice, EPR typically requires producers to either directly take back their products or pay into a collective system to fund recycling and waste management. This policy shifts the financial and logistical burden of waste management from governments and consumers to producers. Regulations are planned to come in from January 2025 and we have recently received notice of our estimated payment for 2025-26 and this amounts to £3.847m. It should be noted that this is an estimated payment and at this time it is unclear whether submission of detailed information to comply with the regulations will create a resource pressure that will require to be funded from the payment. This amount is in addition to the Scottish Government financial settlement for 2025-26 on the proviso that it must be spent on waste related activities. Whilst there should be ongoing payments in respect of EPR, it is unclear whether the Scottish Government will amend the settlement in future years. It is recommended that the payment could go towards 2025-26 cost pressures in relation to waste but due to the uncertainty over the total amount of income, it is recommended that the remainder is earmarked whilst further clarity is sought and to also help with future years pressures in respect of waste, as noted in the preceding paragraphs.

4.0 CONCLUSION

- 4.1 In concluding this report, an update on the journey towards landfill ban compliance has been shared with Members. Furthermore, site compliance information relating to the landfill ban and essential work streams and relevant completion dates are noted, along with other Waste related activities in Appendix 1. Council operated Waste sites are ready to support delivery of a compliant solution. The Waste PPP managed sites are ready to support landfill ban compliance apart from Dalinlongart, Lingerton and Moleigh. Dalinlongart, Lingerton and Moleigh require the current Mechanical Biological Treatments plants to be converted to Waste Transfer Stations to fulfill the requirement for landfill ban compliance. The conversion of the relevant sites

will take place in time for compliance with the landfill ban.

- 4.2 The report also updates Members on a number of waste related issues that have financial implications, some of which are unknown at this stage. Further updates will be provided to Members as and when available.

5.0 IMPLICATIONS

- 5.1 Policy – The Council’s Waste Strategy will evolve in line with the changes in legislation relating to the landfill ban and circular economy bill. There will be a requirement for the current Biffa contract to be varied to enable works to be undertaken to comply with the landfill ban. The Councils Waste strategy will be updated to reflect any changes.
- 5.2 Financial – Compliance with the Landfill ban by the end of 2025 will require financial resource from the Council. The Council have set aside £3m in capital funds to build the Helensburgh Waste Transfer Station and £0.5m as a contribution towards the conversion of the MBT plants at three Biffa sites, to Waste Transfer Stations. In addition, the Scottish Government has committed capital funding of £1.5m to support the authority with compliance of the landfill ban.
- 5.3 Legal – The existing PPP contract was not designed or written to accommodate the changes at the end of the landfill ban. The contract allows variations to be made although the process is quite cumbersome. There will be legal implications, which will need to be resolved, relating to a contract variation regarding the changes in Biffa’s contract.
- 5.4 HR – HR issues will be addressed prior to and during the process of contract handback. Having sufficient resource will factor into the project demands of waste management. TUPE will be relevant at the handback and during the process of progressing to handback should the Council operate the sites themselves.
- 5.5 Fairer Scotland Duty: None.
- 5.5.1 Equalities – None.
- 5.5.2 Socio-economic Duty – None.
- 5.5.3 Islands – There may be potential ferry capacity issues for bulking and transporting waste material from islands, this has been raised with Transport Scotland.
- 5.6 Climate Change – Transitioning from Landfill to Energy from Waste (EfW) would result in a reduction in the annual quantity of Greenhouse Gas generated in Argyll and Bute. Additional road miles incurred taking waste to EfW markets will partly offset the carbon reductions achieved through not landfilling.

- 5.7 Risk – A refresh of all Waste PPP costs have been undertaken. The costs reflect the previous financial analysis with the only increase being inflationary costs.
- 5.8 Customer Service – None.
- 5.9 Rights of the Child – None arising from this report.

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December 2024

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APPENDICES

Appendix 1 – Summary of Waste sites – Working towards Landfill ban compliance

APPENDIX 1 – SUMMARY OF WASTE SITES – WORKING TOWARDS LANDFILL BAN COMPLIANCE

Location	Status	Actions	Timescale for completion
Island sites	Mull and Islay: waste transfer stations complete and can accommodate general waste and co-mingled waste. All waste material can be accommodated through existing contracts when the landfill ban is implemented, i.e. 1 January 2026	No actions required	Complete
	Coll, Tiree and Colonsay: general waste materials can be accommodated through existing contracts when the landfill ban is implemented, i.e. 1 January 2026	No actions required	Complete
	Plans for the closure of landfill sites at Gartbreck, Islay and Glengorm, Mull post 2026	Appoint a consultant to plan for the closure of the operational landfill sites at Gartbreck and Glengorm. Capping and restoration of sites will be required	March 2025
Helensburgh and Lomond	Complaint solution currently in place with options to extend the contract	No actions required for disposal	Complete
PPP contract – Renewi/Biffa	Sites operating MBT technology introduced to divert material from landfill	<ul style="list-style-type: none"> Instruct Biffa to remove MBT plant and equipment and convert sheds to waste transfer facilities Instruct Biffa to dispose of the excess of CLO, off site, as per the proposals drafted by Renewi Scope out the opportunity for a 	<p>01 December 2024 31 December 2025 completion of works for three sites</p> <p>1 December 2024 – excess CLO removed by 31 December 2025</p>

		<p>contract extension to the PPP contract, this would be varied to operate waste transfer stations at Dalinlongart, Lingerton and Moleigh and also restoration of landfill sites. This is based on being able to achieve realistic and competitive rates/prices and also being compliant with procurement legislation.</p> <ul style="list-style-type: none"> • Close down and agree indexation discussions based on advice received from legal services regarding contract obligations. • Close down and agree contractual requirements relating to Void Space. • Determine what provision would be required and how this would be delivered in relation to the commercial waste collection requirements contained within the original contract. • Continue to progress handback discussions with Biffa • Further detailed options appraisal to be undertaken based on the best operating model for the PPP sites post contract – note earlier recommendation for a contract 	<p>April 2025</p> <p>30 November 2024</p> <p>31 December 2025</p> <p>Ongoing until September 2026</p> <p>Ongoing until September 2026</p> <p>30 April 2025</p>
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		extension based on efficiency following SEPA confirmation of commercial landfill permitted materials	
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