

# Waste Incineration (Consenting) Bill 2022

## A Bill to introduce a halt to consenting of the construction of waste incinerators and for connected purposes

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### 1. Moratorium on additional waste incinerator capacity

- (1) The Secretary of State, planning inspectorate and waste planning authorities shall not consent to the construction of new waste incinerators nor the expansion of existing waste incinerators.
- (2) In this part-
  - a. "waste incinerator" means a waste incineration plant as defined in the Environmental Permitting (England and Wales) Regulations. This means a stationary or mobile technical unit and equipment dedicated to the thermal treatment of waste, with or without recovery of the combustion heat generated, through the incineration by oxidation of waste as well as other thermal treatment processes, such as pyrolysis, gasification or plasma process, if the substances resulting from the treatment are subsequently incinerated.
  - b. Restrictions on consenting shall not apply to facilities dedicated to treating animal by-products, animal carcasses, clinical waste, hazardous waste and sewage sludge.
  - c. "Expansion of existing waste incinerators" means the addition of extra capacity to an existing waste incinerator, either through more tonnes per annum being processed or increasing the MW generation capacity of a plant.

### 2. Duty on waste incineration plant operators: plastic waste

- (1) The operator of a waste incineration plant must take all reasonable steps to ensure that sorting facilities at the facility prevent the combustion of plastic waste
- (2) The date for compliance with this duty must be no later than 31 January 2024
- (3) The Secretary of State and the Environment Agency must exercise their respective functions under this and any other Act to seek to secure compliance with the duties in this section.

### 3. Assessment of incinerator capacity

- (1) The Secretary of State must commission annual independent reviews on the compatibility of waste incinerator capacity with targets on the reduction of greenhouse gas emissions, air pollution and waste hierarchy priorities.
- (2) An annual review must –
  - a. describe what has been done, in the period to which the report relates, to assess greenhouse gas emissions from waste incinerators, with reference to targets on the reduction of greenhouse gas emissions, within the meaning of the Climate Change Act 2008

- b. Assess which facilities fall below the R1 incinerator standard.
  - c. describe what has been done, in the period to which the report relates, to assess waste hierarchy priorities with relation to waste incinerators, with reference to waste hierarchy requirements in the Waste Regulations 2011
- (3) Having carried out the review, the Secretary of State must lay before Parliament, and publish, a report stating:
  - a. whether the Secretary of State considers that waste incineration capacity is compatible with waste hierarchy priorities and greenhouse gas reduction targets, and
  - b. if the Secretary of State considers that capacity is too high to meet greenhouse gas reduction and waste hierarchy targets, what steps the Secretary of State intends to take to reduce incinerator capacity, deliver performance upgrades and amend operating practices.

4. Extent, commencement and short title

- (1) This Act extends to England only.
- (2) This Act comes into force on 1 December 2022.
- (3) This Act may be cited as Waste Incineration (Consenting) Bill 2022.