



COMMUNITY R4C (CR4C)

Stop incineration in Gloucestershire

Recover £150M for Gloucestershire taxpayers

High Court Challenge to the Legality of the Contract for the Javelin Park Incinerator, Gloucestershire. Frequently Asked Questions.

1. What is the Javelin Park incinerator?

It's a 190,000 tonne capacity incineration plant which has been commissioned by Gloucestershire County Council and built by Urbaser Balfour Beatty. It's located just off the M5 at Haresfield near Stonehouse and is a central facility for burning all the County's residual waste (aka 'black bin waste') under a 25 year, £648 million contract.

There has been widespread and consistent objection to Javelin Park from thousands of citizens. Well over 4,000 people wrote to object and the Council's own planning committee unanimously rejected the plans - yet the plans for the incinerator were finally given approval in 2015 by the then Secretary of State, Eric Pickles. The plant is now virtually complete and about to start commissioning tests.

2. Why do you object to the incinerator?

a) It will hamper the County's recycling efforts for at least 25 years

It will actively discourage the sustainable re-use and recycling of materials that could otherwise be reclaimed. It has no facility for separating out recyclable materials in the waste it receives, resulting in the burning of plastics, electronic goods containing rare metals, paper, food and other material which could be recycled or composted. This is counter to both the Government's Resources and Waste Strategy and the legal requirement placed upon councils to maximise recycling and find sustainable ways to re-use materials.

Instead, recyclable materials will be destroyed by burning - with the side effect of producing a small amount of electricity very inefficiently. It also removes financial incentives to encourage recycling.

b) Pollution

The incinerator will produce carbon dioxide and particulate pollution. Incineration produces dioxins and heavy metal particulates that are hugely harmful to health. These are only partially filtered out in the flu system - in fact the smallest particles are the most harmful, and these are not well filtered by the incinerator, nor the human nose. Trillions of such particles will be emitted per second and will be thrown over the local countryside and villages by the enormous chimney stack. This will have a harmful effect on life and health, similar to the adverse effect of diesel emissions.

c) Waste of money

The incinerator is not an efficient use of public money. It uses outdated technology and will quickly become obsolete. Yet the contract locks the County in for 25 years.

d) It is an inefficient way to generate energy .

It is claimed that the incinerator will produce enough energy to power 25,000 homes but it is possible to produce this amount of energy much more cheaply and without environmental impact using existing renewable energy technology.

The incinerator depends on burning plastics and other hydrocarbons and its design means that only about 20% of the energy available is turned into electricity. This makes it a worse emitter of greenhouse gases than even the worst coal-powered energy plant. Just as the UK's remaining coal-fired stations are being closed in the next 10 years due to their inefficient production of energy, their contributions to carbon dioxide emissions and particulate pollution of the atmosphere, GCC is starting up a so-called 'energy from waste' unit that is even worse.

3. Why is the incinerator a bad deal financially?

a) It was a bad contract from the start

The contract that was agreed between Glos County Council (GCC) and Urbaser Balfour Beatty (UBB) is a poor deal for the county's taxpayers. It includes a very high price per tonne for the first 108,000 tonnes/annum sent to the plant by GCC, a very low price for subsequent waste which undermines recycling, and a low price for commercial waste.

The council is committed to delivering 108,000 tonnes/annum to be burnt. Even if a smaller amount is supplied, GCC still has to pay for this tonnage. This will not encourage the county to invest in new recycling and more sustainable ways of dealing with waste.

The price to be paid will be £189/tonne. Private companies will be charged £62/tonne to have their waste burnt at the incinerator. Why the council is paying three times this amount is unknown and is unfair on Glos taxpayers.

b)The second contract was worse...

The original contract was awarded by GCC to UBB in 2013 but time delays caused by the planning process led to its expiration. GCC re-negotiated the contract with UBB in secret in 2015/6 without retendering. This resulted in a £150 million increase in the cost of the original contract (30% in less than 3 years). In addition, UBB threatened a huge compensation clause for exiting the contract.

c)False savings claims

GCC argues that the incinerator will save the public £100 million/year on the cost of dealing with the county's waste. In fact, the contract is significantly more expensive even than the county's current landfill and is more than £10 million a year more expensive than currently available alternatives, at least £250 million more over the lifetime of the contract.

The Council has committed £38 million from its reserves just to make the contract 'affordable' in current budgetary terms since waste management costs will increase under the contract. Papers now released by the council show the claimed £100 million saving is only when compared to a punitive cancellation cost of the contract, and assumes a large increase in future landfill costs rather than comparing it to much cheaper alternatives currently available.

4. But doesn't GCC say the incinerator will stimulate more recycling?

The contrary is actually the case:

a) As explained in 2a above, the incinerator has no facility for separating out recyclable materials from the waste it receives, resulting in the burning (destruction) of valuable resources. More than 50% of the waste received by the incinerator will be recyclable and could be economically recovered by a pre-treatment plant. This puts the County Council and its operators (UBB) in clear breach of their legal duty under the Waste Regulations 2011 (Regulation 12, duty to take all reasonable steps to move up the 'waste hierarchy')

GCC seems to be claiming that burning resources to make "energy from waste" is worthwhile, even if this is done at very low levels of efficiency and most energy comes from burning plastics, which is a fossil fuel. In fact, this is even worse for the planet than landfill. GCC also claims that taking the burnt residue and making it into aggregate is recycling. In fact, it is turning valuable material including precious metals into roadfill. There is more gold in a circuit board of a discarded phone than in gold ore! Pre-treatment (sorting) of incoming waste is essential for any modern process – this is much more energy efficient and complies with law, and the need to protect resources.

b) ***The incinerator includes financial incentives to discourage recycling.***

The contract has a two tier pricing structure that makes it cheaper for the county to send recyclates to the incinerator rather than recycle. What this means is that after the contracted minimum 108,000 tonnes of waste level has been reached (at a cost of £190 per tonne), each subsequent tonne costs GCC £17 to send to the incinerator, compared to the £70 cost of recycling credits it pays to district councils. It seems inevitable that GCC will reduce recycling credits to 'fill up' the incinerator, this will encourage burning, undermining the great work being done by district councils to reduce waste and improve recycling. It will also undermine district council finances.

5. Why is CR4C taking legal action against Glos County Council?

a) To recover £150M for Gloucestershire tax payers and to ensure that we do not incinerate recyclable or harmful polluting material in Gloucestershire.

Community R4C is challenging the legality of the £650 million contract awarded to Urbaser Balfour Beatty (UBB) to build the incinerator. The first hearing was at Bristol High Court on Friday 7th June. CR4C believes the council illegally handled the re-negotiation of the contract in 2015/6 by breaking procurement rules and giving what amounted to illegal state aid to UBB.

This renegotiation resulted in a new contract with a £150 million increase in the cost compared to the 2013 contract (30% in less than 3 years), this was done in secret with no opportunity for other companies to tender. This increase is more than is allowed in procurement law. Awarding a contract without competitive tendering is illegal according to State Aid rules.

This secrecy also highlights how the plant fails to fulfil legal obligations to pursue the 'waste hierarchy' as set out in the Waste Regulations 2011, which prioritises recycling and waste reduction. Regulation 12 places a duty on GCC and UBB which would make it illegal in principle to operate the plant to burn unsorted residual waste as is currently planned. So a pre-treatment (sorting) plant is essential.

6. The incinerator is built now, so what does CR4C expect to achieve?

We are trying to achieve the best outcome for Glos citizens we can given where we are now.

First we want to force UBB to repay c£150million to the County's taxpayers.

Second we want to ensure that the 'waste hierarchy' is enforced in line with the law and that pre-treatment recycling takes place, drastically reducing CO2 emissions and the pollutant impact of the facility. Ultimately, we want to decommission the incinerator entirely and replace it with a community engaged, waste treatment facility which has waste reduction, reuse and recycling at its centre.

7. When will this court case be heard?

The lawsuit was filed on Friday 18th January 2019. At Bristol High Court on Friday 7th June the Judge agreed a framework for the case to be heard which limits costs and aims for early resolution. We have a formal barrister's opinion that we are more likely than not to win this case, even despite the enormous challenges a community owned business has in proving it was ready to win a tender. The next stage in the process will take place later this year and we hope to have resolution by early 2020.

8. What else are CR4C doing? What happens in the mean time?

Community R4C is challenging the contract and the operation of the incinerator in a number of ways – these are all working towards ensuring we do not burn resources in Gloucestershire, we do not create harmful pollution and instead use public money for public good. Current actions include:

- Formal audit ("citizens challenge") of value for money of the contract. This has significant legal weight and is being carried out by Grant Thornton, this has been going on for over two years.
- Formal approach to the Environment Agency to enforce the Waste Regulations 2011 as they are required to do. We expect them to issue stop notices which will prevent harmful incineration
- Fundraising for the legal work – including opportunities to make a financial return
- National level work with the National Audit Office, Competitions and Market Authority etc
- Support of national level work on particulate pollution from incinerators and law enforcement
- Actions to challenge the decision not to prosecute the Council's CEO for his part in "conspiracy to influence crucial GCC scrutiny vote" which covered up the secret contract award to UBB
- Work to build "circular economy" initiatives in the County, including a website hub for local recycling, reduction, reuse and refurbishment options. See www.cr4c.co.uk

9. What is Community R4C? (CR4C)

Community R4C is a Community Benefit Society based in Stroud, Gloucestershire, and registered with the Financial Conduct Authority. It is run by a board of directors who are volunteers living in the Stroud area. It was established in July 2015 with the aim to provide an environmentally and financially sustainable alternative to the incinerator.

In 2016, Community R4C raised almost £100,000 in a ground-breaking Community Share Scheme to facilitate its aims. Community R4C has widespread support, both within and outside Gloucestershire including from well known campaigners for sustainability including Jeremy Irons and Jonathon Porritt.

Find out more: www.communityr4c.com

Public Meeting: Details below

Donate to our legal campaign: www.crowdjustice.com/case/cr4c or email us for investment options

Invest and become a member of Community R4C: www.communityr4c.com/community-share-offer

Become involved / help / enquiries: admin@communityr4c.com