



Sir James Bevan
Chief Executive, Environment Agency
Head Office, Horizon House,
Deanery Road,
Bristol, BS1 5AH

HOUSE OF COMMONS
LONDON SW1A 0AA

15 October 2019

Dear Sir James,

Re: Enforcement of Part 5 of 2011 Waste Regulations (Duties, waste management); Gloucestershire County Council (GCC) and UBB Ltd waste incinerator

I am writing to urge you to support the enforcement of environmental law, further to a formal complaint raised by Community R4C, a community organisation in my constituency, about the apparent breach of the 2011 Waste Regulations (Regulation 12: Duty in Relation to the Waste Hierarchy) by the incinerator at Javelin Park.

For information, I have enclosed copies of the letters sent and received by Community R4C detailing how this incinerator contract is unusual and undermines the duties set out in the Regulation. The complaint asks the Environment Agency to investigate the matter and issue stop-and-compliance notices under the law. Community R4C has been told it will receive a reply by 28 October.

This issue is of national as well as local significance. The government's waste strategy seeks to manage waste "in the most resource-efficient way possible, in keeping with the waste hierarchy,"¹ and it aims for "waste to be managed in the most appropriate way to ensure that environmental impacts are minimised, and that the resource value extracted is maximised."²

Through the 2011 Waste Regulations, the EA is empowered and expected to enforce compliance. I was surprised to learn from the 30 September letter from Sarah Payne to Tom Jarman that to date the EA has not served a single notice for breach of the Waste Hierarchy as defined in Regulation 12, when it is obvious that such breaches are happening, certainly in my constituency in relation to GCC's contract with Urbaser Balfour Beatty, and undoubtedly elsewhere. Community R4C has provided details of how the GCC/UBB contract fails to meet the requirements of the legislation, and this is a serious matter that you should not ignore.

In May, the UK parliament declared a climate emergency, which will require significant action in the waste field in order to reduce carbon emissions to zero. It is therefore essential that the EA fulfils its obligation to ensure compliance with government policy. The Gloucestershire example provides a strong case for you to investigate and use your enforcement powers – if you do not do this, the message

¹ *Our Waste, Our Resources: A Strategy for England*, p67

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765914/resources-waste-strategy-dec-2018.pdf

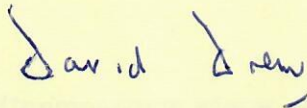
² *Ibid.*, p76

you send effectively implies that councils and the waste industry can ignore government guidelines and legislation with impunity.

I appreciate that the EA is under severe strain because of budget reductions, but this cannot justify its failure to carry out its enforcement role in relation to the 2011 Waste Regulations. I would urge you to properly investigate this matter and issue stop-and-compliance notices under the terms of the legislation in order to ensure that the waste hierarchy is respected.

I look forward to hearing from you.

Yours sincerely,

A handwritten signature in blue ink that reads "David Drew". The signature is written in a cursive style with a small horizontal line under the name.

David Drew
MP for Stroud constituency

Encs:

- 190701 R4C to EA.doc – Complaint to EA, 1 July 2019
- 190715 EA to R4C.pdf – Response from David Hudson, 15 July 2019
- 190902 R4C to EA.pdf – Community R4C to David Hudson, 2 Sept 2019
- 190930 EA to R4C.pdf – FOI/EIR response from Sarah Payne, 30 Sept 2019