

# Public Document Pack



**Meeting held in public: Environment Directorate - Corporate Director & Executive Member for Managing our Environment**

**To: Councillor Greg White.**

**Date: Friday, 12th July, 2024**

**Time: 3.00 pm**

**Venue: Via Microsoft Teams**

## **AGENDA**

### **Items for Executive Member Decision**

- 1. York & North Yorkshire Bristol City Leap Pilot (Local Net Zero Accelerator Programme)- Acceptance of Funding allocation** (Pages 3 - 16)

### **Items for Corporate Director Decision**

- 2. Unauthorised Encampment Policy** (Pages 17 - 46)
- 3. HM Government consultation on UK Emissions Trading Scheme Scope Expansion-Waste** (Pages 47 - 66)

Barry Khan  
Assistant Chief Executive  
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Date Not Specified

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## North Yorkshire Council

### Environment Executive Members

12 July 2024

#### York & North Yorkshire Bristol City Leap Pilot (Local Net Zero Accelerator Programme)- Acceptance of Funding allocation

#### Report of the Assistant Director – Environmental Service and Climate Change

##### 1.0 PURPOSE OF REPORT

- 1.1 To seek approval of the acceptance of the funding allocation for North Yorkshire Council in undertaking its partnership role in supporting the delivery of the Local Net Zero Accelerator Programme, specifically the Bristol City Leap Pilot. A total of £328,750 (revenue) has been secured.
- 1.2 To request that delegated authority, subject to acceptable grant funding terms; be awarded to the Assistant Director for Environmental Services & Climate Change for subsequent approvals and minor amendments to the project.

##### 2.0 BACKGROUND

- 2.1 York and North Yorkshire Combined Authority have been selected by the Department of Energy Security and Net Zero (DESNZ) to be one of three pilot places within the Local Net Zero Accelerator Programme. The Programme seeks to test different delivery models to accelerate the move towards net zero, at a local level, by leveraging in commercial investment at scale through a bundled approach.
- 2.2 At a 22 January 2024 Combined Authority Meeting, it was agreed for the Interim Director of Resources to be delegated authority to accept the £2million Leap funding on behalf of the Combined Authority.
- 2.3 Since then, York and North Yorkshire Combined Authority have been working closely with North Yorkshire Council and City of York Council colleagues to develop an Outline Business Case for the pilot, which will be submitted to the DESNZ Programme Board for the Local Net Zero Accelerator Programme for final approval.
- 2.4 As a delivery partner North Yorkshire are a key partner in this project and are to receive an allocation of funding for our time and support provided.

##### 3.0 CITY LEAP MODEL

- 3.1 Bristol City Council developed the Bristol City Leap, which is an innovative partnership between Bristol City Council and Ameresco Ltd that will accelerate green energy investment in Bristol and help towards decarbonising the whole city.
- 3.2 The City Leap Energy Partnership ('BCL') is a joint venture between the council and its Strategic Partner (SP) Ameresco Limited (Ameresco). The council and Ameresco will each be 50/50 shareholders in a joint venture company (JVCo), that aims to decarbonise the council's estate and support the wider decarbonisation of Bristol.
- 3.3 The 20-year Concession Agreement is the foundation document for the BCL. Under the Concession Agreement, the council will grant the right to install low carbon energy infrastructure on the council's estate. Ameresco have exclusivity to bid for and deliver grant funding.

- 3.4 Over the next five years, Bristol City Leap plan to invest nearly £500 million into low carbon energy infrastructure, such as solar, wind, heat networks, heat pumps and energy efficiency measures.
- 3.5 Further benefits of the model include aggregating demand to build the green supply chain, creating 1,000 jobs, supporting decarbonisation of council assets in support of our Net zero targets, and creating social value opportunities through schemes such as a Community Energy Fund, as seen in other strategic energy partnerships.

#### **4.0 OVERVIEW OF PILOT PROJECT**

- 4.1 York & North Yorkshire Combined Authority (YNYCA) have been working closely with City of York Council (CYC) and NYC colleagues to develop an outline business case for the City Leap pilot project. The following provides a summary of the pilot:
- 4.2 The overarching aim of the York and North Yorkshire pilot is to test the replicability of Bristol's City Leap programme in a different locality, and whether it is possible with significantly reduced time and costs of development.
- 4.3 The specific objectives of the pilot are:
- i. To identify and agree the key outcomes and success criteria for a Bristol City Leap Model replicator in York and North Yorkshire.
  - ii. To identify the key requirements to replicate the Bristol City Leap model and test whether the model is the most appropriate strategic energy partnership model for York and North Yorkshire
  - iii. To adapt the Bristol City Leap model to a Y&NY context, or if the model is not suitable co-design an alternative partnership model that can drive investment and increase pace of delivery of net zero in the region; and
  - iv. To develop an Action Plan to identify key activities, resources and costs to replicate the Bristol City Leap model at an accelerated pace in Y&NY, or for an alternative preferred energy partnership model for the region.
- 4.4 If the City Leap model is not suitable for the region's asset base or other factors, then alternative strategic energy partnership models will be explored.
- 4.5 The delivery of these objectives will make a significant contribution to the implementation of York and North Yorkshire's Routemap to Carbon Negative, Local Area Energy Plans, and our own authorities Climate Change Strategy.
- 4.6 A summary of York and North Yorkshire City Leap Pilot project outputs and outcomes is provided in Appendix A.

#### **5.0 DELIVERY AND BUDGET SUMMARY**

- 5.1 The YNYCA will have overall responsibility for delivering the pilot, including project management. The YNYCA will work in close partnership with NYC and CYC.
- 5.2 The pilot project will be delivered through a blend of in-house capacity and consultancy support. YNYCA will recruit a team to lead and undertake elements of the project, ensuring the project builds local capacity and capability. For elements of the project that require specialist expertise beyond the skillset of the in-house team, consultancy support will be procured.
- 5.3 The table below summarises the allocation to NYC alongside services that will be procured, for each of the work packages:

Work Package	STAFF			PROCURED SERVICES	TOTALS
	YNYCA	NYC	CYC		
WPO Project Management	£177,168	£ -	£ -	£55,000	£232,168
WP1 Assets, Financial Modelling & Governance	£ -	£ 70,000	£70,000	£150,000	£290,000
WP2 Market Engagement & Investment	£91,649	£ -	£ -	£50,000	£141,649
WP3 Options Appraisal & Business Case Development	£90,000	£ -	£ -	£320,000	£410,000
WP4 Preparatory Work to implement partnership model	£90,000	£ -	£ -	£ -	£90,000
WP5 Learning & Dissemination	£19,503	£ -	£ -	£ 60,000	£79,503
Cross-cutting (i.e. input across a number of WPs)	£ 223,190	£ 258,750	£190,000	£84,740	£756,680
<b>TOTALS</b>	<b>£691,511</b>	<b>£ 328,750</b>	<b>£260,000</b>	<b>£719,740</b>	<b>£2,000,001</b>

**North Yorkshire Council allocation:**

Allocation Breakdown	COST
Existing Staff (recharges)	£ 30,000
New Staff	£ 298,750
<b>TOTAL</b>	<b>£ 328,750</b>

**6.0 RISKS**

6.1 Due to the innovative nature of this pilot project and a tight delivery timeframe (end of March 2026) there are several key risks associated with the project.

6.2 Key risks and mitigation are summarised in the table below:

Risk Description	Likelihood	Impact	Mitigation
Not being able to recruit officers with the required skillset to deliver the pilot project.	MEDIUM	HIGH	The team will work closely with HR and the Recruitment Team to ensure an effective recruitment strategy, including developing an effective job advert and social media campaign. Colleagues have already been contacted on the best approach.
Challenges in project partners agreeing on the preferred strategic partnership model and whether the Bristol City Leap model is the best fit for York & North Yorkshire.	LOW	HIGH	The pilot has been designed to follow a robust options appraisal process to ensure that a number of different factors are considered objectively and that each model is evaluated based on inherent risks, benefits and suitability for the region. From the outset of the project, the Mayor, members and senior officers will be engaged to establish the desired outcomes and success criteria for a strategic energy partnership for Y&NY. The Project Board will also have a key role in ensuring that partners swiftly raise issues, concerns, and their preferences, and support the alignment of views where possible.

<b>Risk Description</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigation</b>
The outcome of the options appraisal process and testing of the Bristol City Leap model indicate that the Bristol City Leap model is not suitable for Y&NY.	MEDIUM	MEDIUM	The pilot will objectively test the suitability of the Bristol City Leap model in the context for York and North Yorkshire, and in parallel carry out a robust options appraisal considering alternatives of the Bristol City Leap model. Even in the event that the Bristol City Leap model is not appropriate for York and North Yorkshire, there will still be significant learnings from the process that other LAs/CAs can use to identify the most suitable strategic energy partnership model for them. There is no expectation of funding repayment in the event a decision is not made on a developed model.

## **7.0 ALTERNATIVE OPTIONS CONSIDERED**

- 7.1 N/A - Not accepting this grant would mean that delivery of the overall programme would be affected, and overall funding allocated by DESNZ would be at risk of being withdrawn.

## **8.0 FINANCIAL IMPLICATIONS**

- 8.1 The pilot will be funded from £2 million from DESNZ, as part of the Local Net Zero Accelerator Programme. North Yorkshire Council have been allocated £328,750 (revenue) from this overall award. No match funding from NYC is required.
- 8.2 North Yorkshire Council will be issued a grant funding agreement from YNYCA for the allocation of funding we have been awarded as part of this larger funding award. Funding acceptance will be subject to satisfactory agreement and acceptance of the grant funding agreement to be subsequently issued.
- 8.3 There is no repayment obligation in the event the project is not progressed, or the developed model is not progressed at the end of the project.

## **9.0 LEGAL IMPLICATIONS**

- 9.1 A grant funding agreement for the pilot project between DESNZ and YNYCA is currently being reviewed by YNYCA for the overall programme funding allocation (£2million).
- 9.2 There will be a Grant Funding Agreement between North Yorkshire Council and YNYCA for payment of the Grant. If any of the terms and conditions present an unacceptable risk for the Council, then the grant offer would be declined.
- 9.3 Any expenditure of the Grant will be in line with the Subsidy Control Act 2022.
- 9.4 Any contracts entered into in respect of the grant funding will be in accordance with the Council's Procurement and Contract Procedure Rules and, if relevant, the Public Contracts Regulations 2015.
- 9.5 As part of the project, legal advice will be sought in the process of evaluating different strategic energy partnership models and the development of the business case. This will be a procured service, but funding has been earmarked for internal legal support as required.

## **10.0 EQUALITIES IMPLICATIONS**

- 10.1 An equality impact assessment screening form has been completed (Appendix B). Based on this assessment there is not expected to be any impact on people with any protected characteristics as defined by the Equality Act 2010, or NYC's additional agreed characteristics.

## 11.0 CLIMATE CHANGE IMPLICATONS

11.1 This pilot project is focused on designing a partnership model that will accelerate the development and delivery of net zero projects. In the long term, should this be progressed, the implementation of such as strategic energy partnership would support the reduction of carbon emissions and make a significant contribution to achieving our net zero target. A Climate Change Impact Assessment is provided in Appendix C.

## 12.0 REASONS FOR RECOMMENDATIONS

12.1 To enable North Yorkshire Council to receive its allocation of £328,750 from the York & North Yorkshire Combined Authority and support the £2million project to test the replicability of the City Leap model.

12.2 Briefings have been held with the Leader, Deputy Leader and Chief Executive who were supportive of the proposal and the low-risk nature of accepting the funding.

### 13.0 RECOMMENDATION(S)

13.1 That the Executive Member for Managing our Environment following consultation with the Assistant Director (Resources) and the Executive Member for Finance authorises the acceptance of the grant of £328,750, subject to acceptable grant funding terms.

13.2 That delegated authority, subject to acceptable grant funding terms; be awarded to the Assistant Director for Environmental Services & Climate Change for subsequent approvals and minor amendments to the project.

### APPENDICES:

Appendix A: Summary of York and North Yorkshire City Leap Pilot Outputs and Outcomes

Appendix B: Initial Equality Impact Assessment Screening Form

Appendix C: Climate Change Impact Assessment

### BACKGROUND DOCUMENTS: None

Michael Leah  
Assistant Director Environmental Service and Climate Change  
County Hall  
Northallerton  
14 June 2024

Report Author – Shaun Berry, Head of Environment & Sustainability

## Summary of York and North Yorkshire City Leap Pilot Outputs and Outcomes

1. Key **outputs** include:
  - i. Summary report of agreed outcomes and requirements for a City Leap replicator in Y&NY.
  - ii. Methodology and summary report for testing Bristol City Leap model, including a playbook of decisions and a template other CA/LAs can use to test suitability for Bristol City Leap model.
  - iii. Outline business case for a YNY City Leap replicator, or for an alternative preferred energy partnership model.
  - iv. Full business case for a YNY City Leap replicator, or for an alternative preferred energy partnership model (contingent on the York and North Yorkshire Combined Authority and partners agreeing to progress the partnership model beyond OBC stage); and
  - v. An Action Plan that identify key activities, resources, and costs to replicate City Leap in a YNY context or establish an alternative preferred energy partnership model for YNY.
  
2. The expected **outcomes** of the pilot project include:
  1. Improved understanding of the process to replicate the Bristol City Leap model in another place;
  - ii. Testing of the replicability of the Bristol City Leap model;
  - iii. Improved readiness for York and North Yorkshire to replicate City Leap, or establish an energy partnership model; and
  - iv. Accelerated pathway for local/combined authorities to adopt the Bristol City Leap model or similar strategic energy partnership models.



## Initial Equality Impact Assessment Screening Form

<b>Initial equality impact assessment screening form</b>			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Environment		
Service area	Environmental Services and Climate Change		
Proposal being screened	Local Authority Regional Accelerator funding		
Officer(s) carrying out screening	Shaun Berry		
What are you proposing to do?	To authorise acceptance of grant funding.		
Why are you proposing this? What are the desired outcomes?	Will seek to explore private finance opportunities in support of our net zero ambitions. Funding to be accepted is provided by DESNZ and enables this project to progress. It has not requirement for match funding.		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No		
<b>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYC's additional agreed characteristics</b>			
As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> <li>To what extent is this service used by particular groups of people with protected characteristics?</li> <li>Does the proposal relate to functions that previous consultation has identified as important?</li> <li>Do different groups have different needs or experiences in the area the proposal relates to?</li> </ul>			
<b>If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your directorate representative for advice if you are in any doubt.</b>			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		x	
Disability		x	
Sex		x	
Race		x	
Sexual orientation		x	
Gender reassignment		x	
Religion or belief		x	
Pregnancy or maternity		x	
Marriage or civil partnership		x	
People in rural areas		x	
People on a low income		x	
Carer (unpaid family or friend)		x	
Are from the Armed Forces Community		x	
Does the proposal relate to an area where there are known	No		

<b>inequalities/probable impacts</b> (for example, disabled people's access to public transport)? Please give details.					
<b>Will the proposal have a significant effect on how other organisations operate?</b> (for example, partners, funding criteria, etc.). <b>Do any of these organisations support people with protected characteristics?</b> Please explain why you have reached this conclusion.	<b>No</b>				
<b>Decision (Please tick one option)</b>	<table border="1"> <tr> <td>EIA not relevant or proportionate:</td> <td style="text-align: center;">✓</td> <td>Continue to full EIA:</td> <td></td> </tr> </table>	EIA not relevant or proportionate:	✓	Continue to full EIA:	
EIA not relevant or proportionate:	✓	Continue to full EIA:			
<b>Reason for decision</b>	No adverse impacts are anticipated.				
<b>Signed (Assistant Director or equivalent)</b>	Michael Leah				
<b>Date</b>	25/06/2024				

## Climate Change Impact Assessment

## Climate change impact assessment

<b>Title of proposal</b>	<b>Local Authority Regional Accelerator funding</b>
<b>Brief description of proposal</b>	<b>North Yorkshire Council's allocation of funding to support a DESNZ project to explore the replication of the Bristol City Leap Model (Green Finance for Net Zero)</b>
<b>Directorate</b>	<b>Environment</b>
<b>Service area</b>	<b>Environmental Services and Climate Change</b>
<b>Lead officer</b>	<b>Shaun Berry</b>
<b>Names and roles of other people involved in carrying out the impact assessment</b>	<b>Shaun Gibbon, City of York Council, Katie Thomas, York &amp; North Yorkshire Mayoral Combined Authority</b>
<b>Date impact assessment started</b>	<b>21/06/2024</b>

**Options appraisal**

**Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.**

The Local Authority Regional Accelerator funding will enable the options appraisal of different green finance models which may be suitable for our region. No options appraisal has been undertaken for accepting the funding as this was offered to York & North Yorkshire Combined Authority, North Yorkshire Council and City of York Council by the Department of Energy Security and Net Zero.

**What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?**

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

There will be a positive impact on Council budgets as this external funding has been secured for a fixed term to employ new resources and fund internal support services required for the project. No internal match funding is required.

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Minimise <b>greenhouse gas emissions</b> e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	<p>Emissions from travel</p>		<p>X</p>	<p>The proposed project explores options to develop a strategic energy partnership or green finance model for securing private investment into Net Zero. This will support our Climate Change objectives but will have no impact on Emissions from Travel.</p>		
	<p>Emissions from construction</p>		<p>X</p>	<p>The proposed project explores options to develop a strategic energy partnership or green finance model for securing private investment into Net Zero. This will support our Climate Change objectives but will have no impact on Emissions from Construction.</p>		
	<p>Emissions from running of buildings</p>	<p>X</p>		<p>The proposed project explores options to develop a strategic energy partnership or green finance model for securing private investment into Net Zero. This should have a positive impact on emissions from running buildings as it seeks to secure finance to decarbonise our built environment estate.</p>		

How will this proposal impact on the environment?  N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.		Positive impact (Place a X in the box below where	No impact (Place a X in the box below where	Negative impact (Place a X in the box below where	Explain why will it have this effect and over what timescale?  Where possible/relevant please include: <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
	Emissions from data storage	X			The proposed project explores options to develop a strategic energy partnership or green finance model for securing private investment into Net Zero. This will support our Climate Change objectives and should provide funding to support overall decarbonisation and emissions from such sources.		
	Other	X			This will support our Climate Change objectives and should enable us to develop a model which could provide additional funding to support overall decarbonisation and emissions from such sources.		
Minimise <b>waste</b> : Reduce, reuse, recycle and compost e.g. reducing use of single use plastic			X		There is no impact on waste minimisation.		
Reduce <b>water</b> consumption			X		There is no impact on waste minimisation.		
Minimise <b>pollution</b> (including air, land, water, light and noise)		X			This will support our Climate Change objectives and should result in co-benefits such as minimising pollution.		

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Ensure <b>resilience</b> to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>		<p>X</p>		<p>Overall, this project will support our Climate Change objectives which includes a focus on adaptation.</p>		
<p>Enhance <b>conservation</b> and wildlife</p>	<p>X</p>			<p>Overall, this project will support our Climate Change objectives and seeks to secure private finance to fund projects which deliver this. Other green finance models are being explored, which should be complementary generally and could provide synergies to the LINC programme.</p>		
<p>Safeguard the distinctive characteristics, features and special qualities of <b>North Yorkshire's landscape</b></p>		<p>X</p>		<p>This is not expected to be relevant.</p>		
<p>Other (please state below)</p>						

**Are there any recognised good practice environmental standards in relation to this proposal?** If so, please detail how this proposal meets those standards.

**Summary** Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The project will support a green finance initiative by exploring how our region could benefit from a strategic energy partnership and private investment. Overall, this will support the Council to respond to the Climate Emergency and meet our ambitions towards both operational and regional net zero.

**Sign off section:**

This climate change impact assessment was completed by:

<b>Name</b>	<b>Shaun Berry</b>
<b>Job title</b>	<b>Head of Environment &amp; Sustainability</b>
<b>Service area</b>	<b>Environmental Services and Climate Change</b>
<b>Directorate</b>	<b>Environment</b>
<b>Signature</b>	
<b>Completion date</b>	<b>21/06/2024</b>

**Authorised by relevant Assistant Director (signature): Michael Leah**

**Date: 25/06/2024**

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## North Yorkshire Council

### Environment Executive Members

12 July 2024

#### North Yorkshire Council Unauthorised Encampment Policy

#### Assistant Director of Regulatory Services, Registration, Bereavement, Coroners Service

#### 1.0 PURPOSE OF REPORT

- 1.1 To seek approval for the NYC Unauthorised Encampment Policy and Joint Working Protocol.

#### 2.0 SUMMARY

- 2.1 As part of the Environment Department restructure there is a proposal to create a single Environmental Enforcement Team which will undertake a wide range of enforcement actions related to environmental crime. This team will operate under the guidance of an overarching enforcement policy which will be presented for consideration in due course but in advance of that it was deemed necessary to have a single NYC policy to cover the issue of unauthorised encampments due to the high-profile nature of the problems that arise and the high level of Member and local community interest.
- 2.2 The policy has been produced in consultation with relevant departments within NYC, the Police and Gypsy and Traveller groups. It has also been discussed at Management Board and Cabinet.

#### 3.0 BACKGROUND

- 3.1 The powers to deal with the problems caused by unauthorised encampments ie trespass are split between the Police, the Local Authority and private landowners. The proposed NYC policy sets out the action that the Council will take when an unauthorised encampment is discovered on either Council or private owned land.
- 3.2 The Unauthorised Encampment Policy (Appendix A) annexes a Joint Working Protocol (Appendix B) with North Yorkshire Police which sets out the respective powers and considerations that each body will take into account in dealing with operational issues and the respective roles of each organisation.

#### 4.0 DETAILED PRESENTATION OF THE SUBSTANTIVE ISSUE

- 4.1 Unauthorised encampments can be an immediate cause for concern within local communities that almost invariably result in local Members being asked for the Council to take action.
- 4.2 The Council has clearly established powers to act in these circumstances and the policy is designed to give clarity over the process and decision making that will take place when an unauthorised encampment arises.

- 4.3 The policy follows government guidance about the expectation for a co-operative multi agency response to these situations and the Joint Working Protocol replicates the guidance issued to the Police in setting out the factors that will be taken into account in determining the appropriate course of action.
- 4.4 In every instance where the Council is notified of an unauthorised encampment Enforcement Officers will undertake a Welfare Assessment and a Community Impact Assessment. These assessments will help to determine the most appropriate course of action and which agency should take the lead.
- 4.5 Whilst much of the focus of the discussion in formulating the policy has been centred upon the travelling community, the policy will be applied in all instances of unauthorised encampments which could include protests or holiday stays. Due to the protected characteristics of many within the Travelling Community this focus has been appropriate but the wider context of the policy should be noted.

## **5.0 CONSULTATION UNDERTAKEN AND RESPONSES**

- 5.1 The policy has been produced in consultation with
- NYC service areas, Public Health, Highways, Community Safety, Legal Services.
  - North Yorkshire Police (NYP)
  - Representatives of Traveller Community groups
    - York Travellers Trust
    - Moving for Change
    - The Traveller Movement

## **6.0 CONTRIBUTION TO COUNCIL PRIORITIES**

- 6.1 This policy helps deliver the aims of the Council Plan priorities of Place and Environment in helping to protect our local environment and the data that is gathered from a new harmonised approach across North Yorkshire will help inform the policies delivering priorities related to Health and Wellbeing in reducing health and social inequalities.

## **7.0 ALTERNATIVE OPTIONS CONSIDERED**

- 7.1 Due to the fact that prior to NYC coming into existence there was no unified approach to unauthorised encampments across North Yorkshire this is the first policy designed to harmonise actions and to provide a framework for partnership working with NYP. As such this policy has been developed in consultation from scratch and is being presented as a draft for discussion. There are no alternative options which have been disregarded as part of this process but alternative working practices to the model suggested can be discussed before the policy is finally adopted.

## **8.0 IMPACT ON OTHER SERVICES/ORGANISATIONS**

- 8.1 It is intended that the initial response and actions related to dealing with unauthorised encampments will be the responsibility of the Environmental Enforcement Team and the key external partner will be North Yorkshire Police. There will be clear working relationships with other NYC service areas such as Public Health, Highways and Housing in terms of practical actions and implications arising from welfare assessments and also with Legal Services should formal eviction action prove necessary.

## **9.0 FINANCIAL IMPLICATIONS**

- 9.1 The policy itself does not give rise to any additional financial implications however budgets are still being allocated from various service areas from the legacy Districts / Boroughs due

to responsibility for this area being split across a number of different service areas. The costs associated with site clearance and remediation are currently being absorbed by other service budgets within the wider Environment budget (e.g. Parks/Waste) and generally costs are being managed within wider service budgets, so whilst no budget growth, nor savings, are anticipated as a result of this Policy, there will be fluctuations in spend due to the unpredictable nature of the work, which will be managed as far as possible within the wider Environment financial position.

## **10.0 LEGAL IMPLICATIONS**

- 10.1 NYC has legal powers available to it to require people residing in vehicles to leave land which they are occupying without the Council's consent. Legal Services would be consulted and engaged to undertake any action was proposed under the Criminal Justice and Public Order Act 1994 or Local Government Act 222. The Joint Working Protocol sets out the powers available to the Police in dealing with unauthorised occupation of land and they have signed up to the risk-based approach as set out in the draft policy.

## **11.0 EQUALITIES IMPLICATIONS**

- 11.1 Unauthorised encampments may include people regarded as having protected or special characteristics and the equalities impact assessment screening form indicated that a full EIA was required to be carried out.

## **12.0 CLIMATE CHANGE IMPLICATIONS**

- 12.1 The climate change impact assessment form indicated that there was no requirement to undertake a full climate change assessment.

## **13.0 POLICY IMPLICATIONS**

- 13.1 This policy seeks to address an issue that often involves young families and vulnerable people and, as such, links to many other Council service areas. The consultation involved in developing the policy was intended to ensure that the document aligned with the aims and objectives of Public Health, Housing and Community Safety and will need to align with policies such as the Joint Health and Wellbeing Strategy and Rough Sleeper Strategy.

## **14.0 COMMUNITY SAFETY IMPLICATIONS**

- 14.1 The existence of an unauthorised encampment may give rise to community concerns or tensions which may result in a number of community safety related issues arising such as anti-social behaviour or hate crime. The Environmental Enforcement Manager has responsibility for liaising with colleagues in the Community Safety Team for all matters related to environmental enforcement which would include any specific unauthorised encampment incident. It will be the role of the Environmental Enforcement Manager to ensure that the Council's approach is fully joined up and they will also attend any Community Safety Partnership meetings to provide updates or data about unauthorised encampments and NYC actions as and when required.

## **15.0 REASONS FOR RECOMMENDATIONS**

- 15.1 A consistent approach to addressing the issues arising from unauthorised encampments is required across North Yorkshire and the draft policy attached to this report is intended to achieve that objective. In addition, a joint working protocol will clarify roles and responsibilities between NYC and the Police to ensure that there is accountability and communication when dealing with reported incidents.

**16.0 RECOMMENDATION**

16.1 That the Corporate Director of Environment in consultation with the Executive Member for Managing our Environment approves the NYC Unauthorised Encampment Policy.

**APPENDICES:**

Appendix A – NYC Unauthorised Encampment Policy

Appendix B – Unauthorised Encampments NYC & NYP Joint Working Procedure

Appendix C – Equality Impact Assessment

Appendix D – Climate Change Impact Assessment

Callum McKeon

Assistant Director of Regulatory Services, Registration, Bereavement, Coroners Service

County Hall

Northallerton

26 June 2024

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Presenter of Report – Callum McKeon



## Unauthorised Encampments Policy

Draft June 2024

### DOCUMENT CONTROL

<b>Author</b>	Drew Fussey
<b>Owner</b>	
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### REVIEW HISTORY

Date	Reviewed By	Version	Any Revisions?
Feb 2024	Drew Fussey	0.4	

### REVISION HISTORY (only required where changes made)

Date	Revised By	Version	Description of Revision
April 2024	C McKeon	0.5	Final MB version following Public Health Comment
June 2024	C McKeon	0.6	Final Version for Approval

### DOCUMENT REVISION APPROVALS

Version	Approval	Date
0.4	Env Transformation Board	28 Feb 2024
0.5	AD / Director	11 June 2024 Management Board
0.6	AD / Director	12 July Exec Member Meeting

## North Yorkshire Council Corporate Policy

### Responding to Unauthorised Encampments

#### 1.0 Unauthorised Encampment Policy Purpose

- 1.1 An unauthorised encampment arises when an individual or group of individuals move onto a piece of land they do not own without the permission or consent of the landowner or occupier of the land.
- 1.2 This policy sets out how the Council will respond to unauthorised encampments whether on Council land or land in private ownership. Land in private ownership includes land owned or held by Town or Parish Councils. The policy seeks to ensure that its approach to responding to unauthorised encampments is consistent, lawful and proportionate and has been developed within the context of the Government publications, guidance and legislation and in consultation with partners including the Gypsy and Traveller Community.

#### 2.0 Actions to be taken by the Council

- 2.1 The Council will act to remove any unauthorised encampment on its land following a risk-based assessment. The risk will be assessed by way of the Community Impact Assessment included within the Joint Working Procedure attached at Appendix 1 to this policy. Where there is reason to do so the Council will act quickly as is practicably possible in accordance with relevant legislation and guidance.
- 2.2 In all cases the Council will carry out a process of negotiation only progressing through the different enforcement powers if negotiation fails to provide a solution. A negotiated solution would always be sought prior to the commencement of any legal action.
- 2.3 Where the Council receives any report of an unauthorised encampment, this will be passed on to the Environmental Enforcement Team who shall log the timing and location of the encampment and check the Council's land records for ownership. The Police will also be informed of the location and land ownership (where known).
- 2.4 The unauthorised encampment, whether on privately owned or Council land will be visited usually within 1 working day. The approach in all circumstances will be to undertake an initial visit to assess and record any welfare needs of those camped and assess and record any wider community impact. This will be undertaken by way of the Welfare Needs Assessment and the Community Impact Assessment both contained within the Joint Working Protocol attached at Appendix 1. Where appropriate and proportionate to the initial report, and to ensure partners have a single view of the risk, a joint visit with the police is recommended. Based on the findings of the assessments, the Environmental Enforcement Manager will be notified of the Impact Assessment and they will then consider whether it is necessary to notify the Head of Service and local Members.
- 2.5 The purpose of the initial Welfare Needs Assessment and Community Impact Assessment is to establish the intention of the occupants including how long they expect to stay. These recorded assessments help Officers attending assess the level of risk considering such factors as the number of people and vehicles camped, any health needs, or animal welfare issues, the camp location, its proximity to other amenities including public toilets and the likely impact on the wider community and

- environment. Where possible a negotiated agreement to leave will be reached and recorded. Based on the level of risk identified as a result of the welfare and impact assessments, the Environment Enforcement Manager will inform the Head of Service and local Members of any intended action of the council, police or landowner.
- 2.6 Where reports of an encampment come into the Council via its out of hours (OoH) arrangements on evenings, weekends or bank holidays, the initial site assessments shall be undertaken the next working day. If the Council OoH service receives reports of anti-social behaviour, damage to property or the environment the caller will be advised to call the police. The call handler will email the relevant information to the relevant team's generic email.
  - 2.7 In all instances the Welfare Needs Assessment and Community Impact Assessment shall be regularly reviewed to ensure the council's and police response is appropriate and proportionate to the agreed identified risks.
  - 2.8 The Welfare Needs Assessment should have particular regard to the welfare needs of the traveller's children, the elderly or other people who may be vulnerable. Where support or welfare needs are identified the Enforcement Team will try to assist or refer the matter to the relevant Council service or external agency.
  - 2.9 The assessment shall also be used to determine what services if any are needed by the travellers including the provision of facilities for the disposal of waste as well as access to water and toilets. Where travellers indicate their length of stay is likely to be several days then the Council shall consider providing portable toilet facilities. The Council believes the provision of such facilities are a basic public and environmental health requirement which outweighs any wider community concerns the public may have around the Council 'enabling' unauthorised encampments.
  - 2.10 When on Council or open public land it is the Council's view that a pragmatic and flexible approach shall be taken and that travellers shall be encouraged to move through a process of negotiation. This approach shall be taken where the location of the unauthorised encampment has a relatively low impact or where the circumstances of the trespassers themselves require a degree of flexibility. This means that at the discretion of the relevant Head of Service a grace period may be given prior to the commencement of any formal legal proceedings (e.g. the service of directions notices) being issued. If they have not vacated at the end of an agreed period or the risk level is considered to have increased (e.g., increased reports of anti-social behaviour or evidence of criminal activity associated with the trespassers) then legal action to gain possession shall be commenced.
  - 2.11 Where unauthorised encampments occur on land that has a higher impact on the wider community for example on well used Public Open Space or car parks in close proximity in residential areas, or on designated parkland, then verbal notice giving 24 hours to leave the site shall generally be issued. In these instances, the decision on the best course of action shall be made based on the Risk Assessment in consultation with the attending officers (Council and Police), the Council Legal Services and Head of Service. The Head of Service will inform the relevant Assistant Director and Local Members.
  - 2.12 When on privately owned land the Council will not initiate any enforcement action. The Council will still carry out the initial Welfare and Community Impact assessments. Officers will engage the landowner and provide relevant information about powers and procedures to enable the landowner to make an informed decision on how they wish to proceed.

### **3.0 Legal Powers**

- 3.1 The Council will use the most appropriate power to regain possession. It has a variety of powers at its disposal. These include the power to seek possession of land under the Civil Procedure Rules Part 55 and injunctions to prohibit trespass under Section 222 of The Local Government Act 1972.
- 3.2 Generally the most appropriate Council power in relation to unauthorised encampments is Section 77 of the Criminal Justice and Public Order Act 1994 (CJPO). Section 77 of that Act gives Local Authorities the power to issue a direction to leave land to people residing in vehicles, including caravans on land on which they are residing without the Council's consent. Failure to comply with such a direction means the local authority can apply to the magistrate's court for an order requiring the removal of vehicles and occupants.
- 3.3 It is important to note that at the end of any notice or 'direction period' if the travellers have not moved on, then due legal process must be followed to seek possession through the Courts. This process can be lengthy and it is the Council's experience that travellers generally move on without the need to resort to such an approach.
- 3.4 In all instances the Council's decision making must seek to balance the impact of encampment, the rights and needs of the travellers along with the need to avoid commencing unnecessary and abortive legal proceedings. The Welfare Assessments and Community Impact Assessments will be used to inform any such decisions.
- 3.5 In addition to the Council's powers, under certain circumstances, the Police have a discretionary power to take action in accordance with Sections 60C-E, 61 and 62 of the same Act. This gives the Police powers to direct trespassers to leave and remove any property or vehicles where the landowners has given a direction for the trespassers to leave and they have failed to do so. Trespassers must also have either caused or be likely to cause :
- damage to land or property; or
  - used threatening, abusive or insulting words or behaviours or
  - caused disruption
  - have at least one vehicle with them
- 3.6 Under these sections of the Act, failure to comply with the direction by leaving the land as soon as is reasonably practicable is an offence.

### **4.0 Communication**

- 4.1 Unauthorised encampments often generate numerous enquiries from the public, directed toward the Council, local Members and police. To mitigate against this, the Environmental Enforcement Team will keep Customer Services, local Members and the police updated with any developments or action being taken regarding the unauthorised encampment(s).

### **5.0 Action when a group of travellers has moved on**

- 5.1 The occupiers of the site will be required to clear up the site before leaving.
- 5.2 Where a public site requires a clean-up, this shall be undertaken by the Council. The Council reserves the right to recharge for any costs associated with site clearance.



- 5.3 Where a site in private ownership requires a clean-up the Council reserves the right to recharge for any costs associated with a request from the landowner for assistance.
- 5.4 The Council will take any necessary action (that can be reasonably taken) to secure locations which are subject to serial encampments.

## 6.0 Monitoring Review

- 6.1 The Council will undertake an annual monitoring review of any unauthorised encampment activity across its localities to identify:
- Numbers of unauthorised encampments across North Yorkshire, their locations and types
  - Details of all enforcement and welfare actions taken
  - Risk assessment levels
  - Feedback from unauthorised encampments, communities and partners
- 6.2 The data gathered from the review will allow us to:
- Make improvements to policy and practice where required
  - Identify action required to secure sensitive locations or those subject to serial encampment.
  - Identify areas with the highest / lowest impacts on local communities
  - Inform other policy and practice such as public health, health and care provision, homelessness and rough sleeping practice and community safety planning

## 7.0 Equality Impact Assessment

- 7.1 We recognise that unauthorised encampments may include populations regarded as protected or having special characteristics. This predominantly includes Travellers communities and those experiencing homelessness. We have completed a full equality impact assessment to understand such impact and to influence the development of this policy and working procedures. EIAs will be considered as part of the annual monitoring review.

## Appendices

Appendix 1 Unauthorised Encampments NYC & NYP Joint Working Procedure

Web Links to Best Practice and Guides

[good practice guidance understanding the welfare impact of the pcsc act - july 2022.pdf \(basw.co.uk\)](#)

<b>Unauthorised Encampments NYC &amp; NYP Joint Working Procedure</b>			
<b>Functional Area</b>	<b>North Yorkshire (excluding the City of York)</b>		
<b>Procedure Title:</b>	<b>Unauthorised Encampment NYC &amp; NYP Joint Working Procedure</b>		
<b>Responsibility</b>	<b>Environmental Enforcement Manager; and NYP Area Inspector</b>		
<b>Version</b>	<b>No</b>	<b>Date</b>	<b>Author</b>
	<b>V.4</b>	<b>25/06/24</b>	<b>Callum McKeon</b>

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## 1.0 **Background**

The Government's ambition that the police and councils should work together to tackle unauthorised encampments was first made clear in March 2015. In a joint ministerial letter to Council Leaders, Police and Crime Commissioners and Police Chief Constable in England available [here](#) the Government made it clear that it expects Local Councils and Police Forces to work together to deal with unauthorised encampments and using a range of powers that are available.

The letter is clear in that the response to unauthorised encampments requires a locally driven, multi-agency response supported by Local Authorities and the Police. The 2022 [Unauthorised encampments: Police, Crime, Sentencing and Courts Act 2022](#) fact sheet explains how the strengthened police's powers will help tackle those unauthorised encampments which cause damage, disruption or distress.

Current Government advice is clear that public bodies should take the appropriate, action when an individual or a group of individuals with vehicles, move onto a piece of land not owned by them, and they do so with the intention of residing on that land - without the permission of the landowner. When an unauthorised encampment occurs, the police and the council, in deciding whether or not to take action should consider:

- a) the harm that such developments can cause to local amenities and the local environment,
- b) the potential interference with the peaceful enjoyment of neighbouring property,
- c) the need to maintain public order and safety and protect health – for example, by deterring fly-tipping and criminal damage,
- d) any harm to good community relations,
- e) that the state may enforce laws to control the use of an individual's property where that is in accordance with the general public interest.

This joint protocol seeks to ensure that unauthorised encampments are dealt with in a fair, consistent and proportionate manner having regard to all interested parties.


## 2.0 **Reporting an Unauthorised Encampment and Initial Response**

- 2.1 It is vital that any reports are dealt with and responded to swiftly to stop unauthorised encampments starting in the first place. Any report of an unauthorised encampment together with all available details must be passed without delay to Environmental Enforcement Team.
- 2.2 Initial reports made to North Yorkshire Police should be recorded and resourced appropriately. Early intervention on any given site is preferable to allow for a proportionate response to be made. Section 60 and 61 of the Criminal Justice and Public Order Act 1994 police powers should be considered on every occasion and the decision whether or not to execute these powers will be fully documented.
- 2.3 On receipt of a notification that an unauthorised encampment has been established the site will be visited by NYC and NYP, where possible jointly, as soon as practicable to establish whether they are occupying the land with or without the owner's consent. The occupation of land with the owner's consent is outside of the scope of this protocol. Where land is being occupied without the owner's consent reasonable efforts should be made to encourage the occupiers to leave the site.

- 2.4 In order to aid decision making and promote consistency the Officer(s) visiting the site will complete a:
- Community Impact Assessment (appendix 2)
  - Encampment Site Assessment (appendix 3)
  - Welfare Assessment (appendix 4)

**3.0 Action**

- 3.1 Where it is not possible to persuade the unauthorised encampment to move on voluntarily then a decision will be made as to what will be the most proportionate course of action to take in each case, the options available are:
- Work with the landowner to help them use their common law rights; It is not the council's policy to use its power to remove from private land
  - NYP to act using the Power of the Police to direct unauthorised campers to leave land (Criminal Justice and Public Order Act 1994, sections 60C-E, 61 and 62).
  - NYC to act using the power under the Criminal Justice and Public Order Act 1994, sections 77 and 78.
  - Take no action and monitor.
- 3.2 A summary of powers is included at appendix 1.  
The decision on what action is proportionate, if any will be under constant review, based on a community impact risk assessment (appendix 2) and the risk category below having regards to the considerations listed above and agreed between NYC and NYP.

Risk Categories		
Score	Category	Action
>18	A	 Urgent Action     No Action
12 - 18	B	
9 - 12	C	
7 - 9	D	
5 - 6	E	

- 3.4 Prior to taking any action a needs assessment (appendix 3) will be completed. Any special needs or reasons to delay enforcement action will be considered based on the information recorded on the form.
- 3.5 In all cases, particularly where formal action has been taken, NYC will work with the landowner to encourage them to take all reasonable steps to secure their land to minimise the risks of unauthorised encampments becoming established in the future. If the landowner does not take all reasonable steps to secure their land against illegal occupation this will be taken into account when deciding whether any further enforcement action is taken should illegal encampments recur.

**4.0 Useful Contacts**

- 4.1 Horton Housing Association (Gateway Services; traveller site management)  
Andy Kirk, Head of Service – North Yorkshire  
Tel: 07584015736  
Email: [Andy.Kirk@hortonhousing.co.uk](mailto:Andy.Kirk@hortonhousing.co.uk)

## Summary of Powers

### Private Land Owners

Either:

1. Serve a Common Law Notice  
Prior to serving a common law notice the landowner must request that the trespassers leave the land. In practice this will be a discussion to agree when trespassers will leave the land, if agreement cannot be reached or agreement is reached but not adhered to a landowner can serve a common law notice. The common law notice must specify when the trespassers are required to leave, once that date has passed the landowner or their agent can use reasonable force to remove the trespassers. Some things to be aware of:
  - Once the notice has expired private bailiffs can be instructed without further notice.
  - Individuals can return to land.
  - Only reasonable force can be used, excessive force can result in a claim.or
2. Apply to the Courts for a possession order under Part 55 of the Civil Procedure Rules (CPR) to remove the trespassers.

[Civil Procedure Rules Part 55](#) allows any landowner to apply to the County Court to gain possession of your land back from individuals who have set up an unauthorised encampment. Notice must be served at least 2 days clear of the hearing in the case of land in a prescribed format which must demonstrate compliance with the CPR and Practice Directions. If the Court is satisfied that procedures have been followed and that the claimant is the landowner, they normally issue the order. If the land is not vacated within the specified period, then a warrant must be sought before bailiffs can be appointed by the court. Some things to be aware of:

- Should the possession order be ignored, it can take time to get an appointment with a court bailiff to execute the warrant.

### Local Authority Powers

NYC can use [section 77 of the Criminal Justice and Public Order Act 1994](#) which gives local authorities power to give a direction to leave the land. The power applies only to land forming part of a highway, any other unoccupied land or occupied land on which people are residing without the consent of the occupier. It is an offence to fail to comply with such a direction. If the direction is not complied with, the local authority can apply to a magistrates' court for an order requiring the removal of vehicles and any occupants from the land (section 78).

In addition to the above NYC have various powers including under The Town and Country Planning Act 1990, pre-emptive injunctions and local bylaws under Section 235 of the Local Government Act 1972. These powers do not really deal with unauthorised encampments as they happen, but they could be explored further to put in place preventative measures should that be desirable. Action under the Town and Country Planning Act 1996 will not normally be appropriate unless landowner has given consent, any action is likely to be against the landowner.

## **Police Powers**

The Criminal Justice and Public Order Act 1994 (CJPO Act) sets out the main police powers to respond to unauthorised encampments.

Part 4 of the Police, Crime, Sentencing and Courts Act (PCSC Act) significantly amended the CJPO Act and expanded the powers that police have in relation to unauthorised encampments.

The amended powers came into force for England and Wales on 28 June 2022.

### **Policing those residing on land without consent in or with a vehicle:**

Section 60C-E of the CJPO Act provides a criminal offence for “residing on land without consent in or with a vehicle”. For the offence to apply the trespasser must have at least one vehicle with them. The trespasser’s residence or conduct on the land must also have caused (or be likely to cause) significant damage, disruption, destruction, or distress.

The landowner, someone representing the landowner, or the police can ask those who have met the criteria of this offence to leave the land. If the individual(s) trespassing fails to leave “as soon as reasonably practicable” after being requested to, the police can arrest them. The police can also seize and remove vehicles from those suspected of this offence.

### **Directing trespassers in unauthorised encampments to leave land:**

Section 61 of the CJPO Act enables senior officers to direct those in an unauthorised encampment to leave land if they are in an encampment that consists of six or more vehicles; any member of the encampment has “caused damage, disruption or distress”; or their encampment is on (or partly on) a highway.

Section 62A of the CJPO Act also allows a senior officer to direct those in an unauthorised encampment consisting of at least one vehicle and caravan to leave land if the local authority can provide a suitable pitch for the caravans elsewhere within the area.

Failure to comply with a police direction to leave is an offence. It is also an offence to return to land within twelve months of being directed to leave by the police.

The police can also, under section 62 and 62C of the CJPO Act, seize vehicles from those that they have directed to leave if the individual(s) have failed to remove their vehicles or have attempted to re-enter the land as a trespasser within the prohibited 12-month period.

### **The operational use of police powers:**

Local authorities are the lead agency for responding to unauthorised encampments (with support from the police) and have their own set of powers for this.

Guidance issued by the National Police Chief’s Council (NPCC) with operational advice for the police (PDF link below) says that “the mere presence of a group unauthorised encampment without any aggravating factors should not normally create an expectation that police will use eviction powers.”



The NPOC has also issued an operational guidance document around the powers outlined above, which has been approved by their Diversity, Equality, and Inclusion committee. The guidance covers the options that can be considered by forces, together with a decision-making framework to ensure the needs of all parties involved are recognised and balanced.

**These documents should be considered alongside this Joint Working Procedure (JWP) if there is any doubt between Officers NYC or NYP attend in respect of the level of risk and the approach (appropriate and proportionate)**

[Operational advice trespassing on land without consent \(unauthorised encampments.pdf\)](#)

**NYC / NYP Unauthorised Encampment Community Impact Assessment**

Site Address (use 'what3words' when possible):		Ref:	
1. Harm to the Local Environment or Amenity			
Consider the general state of the site (litter, waste etc) proximity to environmentally sensitive sites or features (SSSI's, water courses, sports pitches, community facilities)		Low (1)	
		Med (3)	
		High (5)	
2. Potential Interference with Neighbours			
Consider proximity and sensitivity of neighbours (residential, hospital, schools etc likely to be high) together with the numbers affected.		Low (1)	
		Med (3)	
		High (5)	
3. The impact on Public Order, Safety and Health			
Consider reports to NYC or NYP, for example fly tipping, ASB Criminal damage.		Low (1)	
		Med (3)	
		High (5)	
4. Impact on the Community and Community Relations			
Consider concerns raised by communities, residents, parish council's councillors.		Low (1)	
		Med (3)	
		High (5)	
5. Impact on Landowner and attitude of Landowner (if applicable)			
		Low (1)	
		Med (3)	
		High (5)	
		<b>Total:</b>	
Score:	5 – 8 (Low risk) No action	8 – 12 (Medium Risk) Action likely	>12 (High Risk) Action highly likely
Notes and any Relevant Considerations not included above			
NYC Attending Officer(s)		Date & Time:	
NYP Attending Officer(s)		Date & Time:	

**NOTES ON SCORE:**

**Low risk – Consider eviction after a reasonable time, say 2 weeks.**

**Medium risk – Formal action likely to be initiated at earliest possible opportunity by LA**

**High Risk – Formal action likely to be emergency measures either Police or LA depending on severity.**

**Unauthorised Encampment Site Assessment**



**Appendix B**

Officer(s): (print and sign)		Date:	
Site Address (use 'what3words' when possible):		Ref:	
Landowner:			
No of caravans / households / units		Plot number on Plan (see attached plan)	
Arrival date:		Planned departure date:	
Damage			
General observations about the condition of the site			

**NYC / NYP Unauthorised Encampment Pitch Assessment**  
**Complete a Pitch assessment for each unit and vehicle on site**

Plot No:	Vehicle make / model / registration:	Caravan make / model:	
Occupier details: How many persons?			
Name(s):	Home Address(s):	Age / DOB	
Needs identified?	Circle Yes or No	If Yes details and action taken:	
Prepared to relocate to authorised site?	Circle Yes or No	Is pitch available	Circle Yes or No

Complete a Pitch assessment for each unit and vehicle on site:

Plot No:	Vehicle make / model / registration:	Caravan make / model:	
Occupier details: How many persons?			
Name(s):	Home Address(s):	Age / DOB	
Needs identified?	Circle Yes or No	If Yes details and action taken:	
Prepared to relocate to authorised site?	Circle Yes or No	Is pitch available	Circle Yes or No

Plot No:	Vehicle make / model / registration:	Caravan make / model:	
Occupier details: How many persons?			
Name(s):	Home Address(s):	Age / DOB	
Needs identified?	Circle Yes or No	If Yes details and action taken:	
Prepared to relocate to authorised site?	Circle Yes or No	Is pitch available	Circle Yes or No

Plot No:	Vehicle make / model / registration:	Caravan make / model:	
Occupier details: How many persons?			
Name(s):		Home Address(s):	Age / DOB
Needs identified?	Circle Yes or No	If Yes details and action taken:	
Prepared to relocate to authorised site?	Circle Yes or No	Is pitch available	Circle Yes or No



Please complete a separate form per family unit occupying site

**1. Date reported and Location of Unauthorised Encampment (UE)**

Date UE reported	
CRM Ref (To be provided by call centre)	
Address (as provided by contact centre)	
What3words (when on site)	

**2. Visiting Officer(s) conducting welfare needs assessment**

Date of Welfare assessment	
Time of Visit	
NYC Officer Name (s)	Post
Names of any other officers attending including NYP and other partners	

**3. Vehicle(s) and trailers**

Vehicle type	Reg	Trailer and type

**4. Family information**

NAME	D.O.B Or Age	Relation ship	Adult Contact details contact	Ethnicity? Gypsy/Roma/ Traveller/Other	Consent for information to be shared for health and wellbeing?

**5. Are the occupants already known to NYC / another local authority?**

If Yes complete below:

LA	Name of Occupant	Date	Reason and Outcome

**6. Health concerns** (including pregnancies and recent childbirth)

(complete on additional sheets if required)

Name	Health Concern	Name of GP / Hospital	Date of Last visit	Date of Next visit

**7. Social care needs** (include any disability and/or care or support for carers)

(Complete on additional sheets if required)

Name	Social Care Concern	Is the person receiving support from social care?	If YES which Local Authority	Date of most recent care/carers assessment

**8. Education: Request for children to have access to education**

(Complete on additional sheets if required)

Childs Name	D.O.B and Age	Parents' names	Date Enrolled	Date last attended	Home or School based?

**9. Any other needs or information requested by the occupants (e.g. Housing / dental)**

Name	Service need or information requested	Consent given to contact agency

**10. Environmental and public Health and H&S**

Bin bags provided for general waste?	
Portaloos offered and accepted?	
Gas cylinders adequately secured?	
Any other advice offered or Occupiers requested?	

**11. Consent to share information given by Adult/Parent or Guardian**

Name of person giving consent	information to be shared with (list all relevant)	Name of person information to be shared about (if different to the person giving consent)

**12. UE site information and expectations**

Occupiers stated length of stay	
Occupiers reason stated for being at this location	
Other Factors of note	

**13. Welfare assessment findings shared with the following (with consent of Occupiers):**

Organisation	Name of receiver	Email of receiver	Name of Sender

**14. Recommended revisit for welfare assessment review (if required)**

Recommended review date	
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All information was provided by the occupants of the unauthorised encampment and is considered correct at the time it was given.

It is the responsibility of those receiving the information to action any requests for assistance as detailed, sent with consent of the occupiers documented above.

**Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics**  
(Form updated October 2023)

North Yorkshire Council  
Unauthorised Encampment Policy

If you would like this information in another language or format such as Braille, large print or audio, please contact the Communications Unit on 01609 53 2013 or email [communications@northyorks.gov.uk](mailto:communications@northyorks.gov.uk).

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔



**Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.**

Name of Directorate and Service Area	Environment
Lead Officer and contact details	Drew Fussey Environmental Enforcement Manager <a href="mailto:Drew.fussey@northyorks.gov.uk">Drew.fussey@northyorks.gov.uk</a>
Names and roles of other people involved in carrying out the EIA	
How will you pay due regard? e.g. working group, individual officer	See below, section 4.
When did the due regard process start?	June 2023

**Section 1. Please describe briefly what this EIA is about.** (e.g. are you starting a new service, changing how you do something, stopping doing something?)

Unauthorised encampments can be a matter of concern for local communities, and they often bring an immediate pressure for action on the part of Members and senior managers.

This policy proposes a practical approach to dealing with such situations that will be applied consistently by the Regulatory Services Enforcement Team across the whole of the NY geography.

**Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it?** (e.g. to save money, meet increased demand, do things in a better way.)

Due to the fact that prior to NYC coming into existence there was no unified approach to unauthorised encampments across North Yorkshire this is the first policy designed to harmonise actions and to provide a framework for partnership working with NYP.

Adopting this policy aims to mitigate the risk of discrimination as currently there are different procedures across the former legacy District and Borough Councils.

The policy also sets out a joint working procedure that will guide the working relationship between NYC and North Yorkshire Police when dealing with such situations. The adoption of an Unauthorised Encampment (UE) Policy for North Yorkshire Council (NYC) that ensures a consistent, proportionate, and risk-based approach to managing a UE.

### **Section 3. What will change? What will be different for customers and/or staff?**

It is intended that the initial response and actions related to dealing with unauthorised encampments will be the responsibility of the Environmental Enforcement Team and the key external partner will be North Yorkshire Police. There will be clear working relationships with other NYC service areas such as Public Health, Highways and Housing in terms of practical actions and implications arising from welfare assessments and also with Legal Services should formal eviction action prove necessary.

The actions that may be taken could range from the presence being tolerated for a period of time through to a negotiated departure or formal eviction action. In all cases the Enforcement Team will seek to strike a balance between any local community concerns that are being expressed and the genuine health and wellbeing of the occupants.

This policy helps deliver the aims of the Council Plan priorities of Place and Environment in helping to protect our local environment and the data that is gathered from a new harmonised approach across North Yorkshire will help inform the policies delivering priorities related to Health and Wellbeing in reducing health and social inequalities.

### **Section 4. Involvement and consultation** (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

In developing the draft policy consultation has taken place with :

- NYC service areas, Public Health, Highways, Community Safety, Legal Services.
- North Yorkshire Police
- Representatives of Traveller Community groups
- York Travellers Trust
- Moving for Change
- The Traveller Movement

### **Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?**

The policy itself does not give rise to any additional financial implications however budgets are still being allocated from various service areas from the legacy Districts / Boroughs due to responsibility for this area being split across a number of different service areas. Once the full review of budgets is complete, a further report will be brought forward setting out the financial implications for the service.



<b>Section 6. How will this proposal affect people with protected characteristics?</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
Age	x			
Disability		x		If those illegally encamped engage with Officers on the welfare assessment any need can be identified, and the relevant service informed of the individuals' requirement(s)
Sex	x			
Race	x			
Gender reassignment	x			
Sexual orientation	x			
Religion or belief	x			
Pregnancy or maternity		X		If those illegally encamped engage with Officers on the welfare assessment any need can be identified, and the relevant service informed of the individuals' requirement(s)
Marriage or civil partnership	X			

<b>Section 7. How will this proposal affect people who...</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
..live in a rural area?		X		Both the settled communities and those illegally camped will be able to have a clear understanding of the council's policy and procedures in place to manage the UE.
have a low income?	X			
are carers (unpaid family or friend)?		X		If those illegally encamped engage with Officers on the welfare assessment any need can be identified, and the relevant service informed of the individuals' requirement(s)
are from the Armed Forces Community	X			

<b>Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)</b>	
North Yorkshire wide	All of North Yorkshire will be impacted by the policy and procedures.
<b>If you have ticked one or more areas, will specific town(s)/village(s) be particularly impacted? If so, please specify below.</b>	
See above.	

<p><b>Section 9. Will the proposal affect anyone more because of a combination of protected characteristics?</b> (e.g. older women or young gay men) <b>State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.</b></p> <p><b>YES</b> – The vast majority of UEs will be people from the travelling community which includes: Romany Gypsies, Irish Travellers, Scottish Gypsies and Travellers, Welsh Gypsies and Travellers, New Travellers or New Age Travellers, bargees and other people living in boats and fairground and circus families, known as travelling showmen. Within this protected group there are also many individuals that will also have other protected characteristics such as a recognised disability.</p> <p>Due to the nature of those who chose to illegally camp, the individuals involved rarely provide any personal information that can be used to provide reliable information that could be used by the Council or others to enable any meaningful analysis.</p> <p>The proposed policy, joint working procedure and welfare assessment has been drafted based on the latest guidance and best practice and where those illegally camped engage will help mitigate any discrimination or disadvantage and will give a basis for information that could be used to inform future policy and practice. This policy and procedure(s) provide an opportunity to promote health, education and general wellbeing.</p> <p>Therefore, as a result of implementing this policy it is considered that no protected characteristics are adversely impacted.</p>
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<b>Section 10. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)</b>	<b>Tick option chosen</b>
<b>1. No adverse impact - no major change needed to the proposal.</b> There is no potential for discrimination or adverse impact identified.	<b>X</b>
<b>2. Adverse impact - adjust the proposal</b> - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
<b>3. Adverse impact - continue the proposal</b> - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
<b>4. Actual or potential unlawful discrimination - stop and remove the proposal</b> – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
<b>Explanation of why option has been chosen.</b> (Include any advice given by Legal Services.)	

Principal Regulatory Solicitor Rachel Braithwaite reviewed the policy making a few minor alterations. The email received is embedded below:



unauthorised  
encampment policy N

**Section 11. If the proposal is to be implemented how will you find out how it is really affecting people?** (How will you monitor and review the changes?)

The Council will undertake an annual review of any UE activity to identify:

- Number, location and type of UE
- Risk assessment levels
- welfare actions taken
- Enforcement action

Feedback on processes and practice from:

- Those illegally camped
- Local communities
- Council Services
- Partners

From this review we will be able to:

- Make any improvements to policy and practice where required with the minimum of a multiagency annual review.
- Identify actions required to reduce the likelihood and impact of UEs with consideration to sensitive or serial UE locations.
- Identify areas with lowest impact on local communities.
- Inform other policy and practice such as public health, health and care provision, homelessness and rough sleeping practice and community safety.

Based on the information collated above the policy will be reviewed every 3 years.

**Section 12. Action plan.** List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements
Review UE enforcement activity	Environmental Enforcement Manager	Annual	Quarterly	Report by Exception to HoS for Regulatory Services.
Review of Policy	Environmental Enforcement Manager	3 years from commencement		Review of enforcement activity. Early review if monitoring identifies a requirement to do so.

**Section 13. Summary** Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

We recognise that unauthorised encampment may include populations regarded as a protected or special characteristics. This predominantly includes Travellers communities and those experiencing homelessness. We have completed a full equality impact assessment to understand such impact and to influence the development of this policy and working procedures. EIAs will be considered as part of the annual performance and practice review.

**Section 14. Sign off section**

This full EIA was completed by:

**Name:** Drew Fussey

**Job title:** Environmental Enforcement Manager

**Directorate:** Environment

**Signature:**

**Completion date:** 29/4/24

**Authorised by relevant Assistant Director (signature):**

**Date:**

**Initial Climate Change Impact Assessment (Form created August 2021)**

The intention of this document is to help the council to gain an initial understanding of the impact of a project or decision on the environment. This document should be completed in consultation with the supporting guidance. Dependent on this initial assessment you may need to go on to complete a full Climate Change Impact Assessment. The final document will be published as part of the decision-making process. If you have any additional queries, which are not covered by the guidance please email [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk)

<b>Title of proposal</b>	<b>Regulatory Services Unauthorised Encampment Policy</b>
<b>Brief description of proposal</b>	<p>Adopt an Unauthorised Encampment (UE) Policy for North Yorkshire Council (NYC) that ensures a consistent, risk based approach to managing a UE.</p> <p>Operational staff will generally work within their existing areas to implement the policy, however there will be occasions when staff will be expected to travel to ensure the implementation of the policy is consistent across North Yorkshire. This will be managed to minimise any environmental impact. The policy does NOT give rise to new or additional work and travelling.</p>
<b>Directorate</b>	Environment
<b>Service area</b>	Regulatory Services
<b>Lead officer</b>	Dean Richardson, Head of Regulatory Services
<b>Names and roles of other people involved in carrying out the impact assessment</b>	Drew Fussey, Environmental Enforcement Manager

The chart below contains the main environmental factors to consider in your initial assessment – choose the appropriate option from the drop-down list for each one.

Remember to think about the following;

- Travel
- Construction
- Data storage
- Use of buildings
- Change of land use
- Opportunities for recycling and reuse

Environmental factor to consider	For the council	For the county	Overall
Greenhouse gas emissions	No effect on emissions	No Effect on emissions	No effect on emissions
Waste	No effect on waste	No effect on waste	No effect on waste
Water use	No effect on water usage	No effect on water usage	No effect on water usage
Pollution (air, land, water, noise, light)	No effect on pollution	No effect on pollution	No effect on pollution
Resilience to adverse weather/climate events (flooding, drought etc)	No effect on resilience	No effect on resilience	No effect on resilience
Ecological effects (biodiversity, loss of habitat etc)	No effect on ecology	No effect on ecology	No effect on ecology
Heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape

If any of these factors are likely to result in a negative or positive environmental impact then a full climate change impact assessment will be required. It is important that we capture information about both positive and negative impacts to aid the council in calculating its carbon footprint and environmental impact.

<b>Decision (Please tick one option)</b>	Full CCIA not relevant or proportionate:	<input checked="" type="checkbox"/>	Continue to full CCIA:	<input type="checkbox"/>	No
<b>Reason for decision</b>	No significant impact.				
<b>Signed (Assistant Director or equivalent)</b>					
<b>Date</b>	24 April 2024				

## North Yorkshire Council

### Environment Executive Members

12 July 2024

#### HM Government consultation on UK Emissions Trading Scheme Scope Expansion: Waste

#### Report of the Assistant Director – Environmental Service and Climate Change

##### **1.0 PURPOSE OF REPORT**

- 1.1 To inform the Corporate Director Environment and Executive Member for Managing our Environment of the further Government consultation on the UK Emissions Trading Scheme Scope Expansion: Waste
- 1.2 To seek approval for the response to the above consultation (included at Appendix A) on behalf of the Council to be submitted.

##### **2.0 BACKGROUND**

- 2.1 The UK Emissions Trading Scheme (UK ETS) was launched in January 2021 following BREXIT. In March 2022, the Government issued a consultation called Developing the UK Emissions Trading Scheme. The UK ETS is a cap-and-trade scheme with an annual reduction in the allowances cap to assist with achieving the UKs decarbonisation targets.
- 2.2 A report was brought to Executive Members on 27 May 2022 detailing the Councils response to the initial consultation, which included proposals to include Energy from Waste (EfW) facilities within scope of the UK ETS.
- 2.3 The Government published its response in July 2023 stating that EfWs would be included in the UK ETS from 2028 with a two-year lead in period from 2026 for Monitoring, Reporting and Verification (MRV) activities.
- 2.4 On 23 May 2024, a further consultation on the UK ETS scope expansion to include waste was issued. This consultation provided some additional detail following the 2022 consultation exercise and included a Call for Evidence on incentivising heat networks. The consultation closes on 02 August. Our proposed response to the consultation is attached at appendix A of this report. This response is still in draft at the time of this report and will be finalised once responses from other waste industry bodies/network groups and experts are shared.

##### **3.0 KEY IMPLICATIONS OF THE CONSULTATION**

- 3.1 The consultation covers incineration, combustion of waste and energy recovery from waste. Hospitals, small emitters, and ultra small emitters (which emit less than 25,000 or 2,500 tonnes respectively of fossil CO<sub>2</sub>e per year) may be excluded from the scheme following the MRV period. There are no proposals to exempt incineration of any type of waste including clinical or hazardous waste from the scheme.

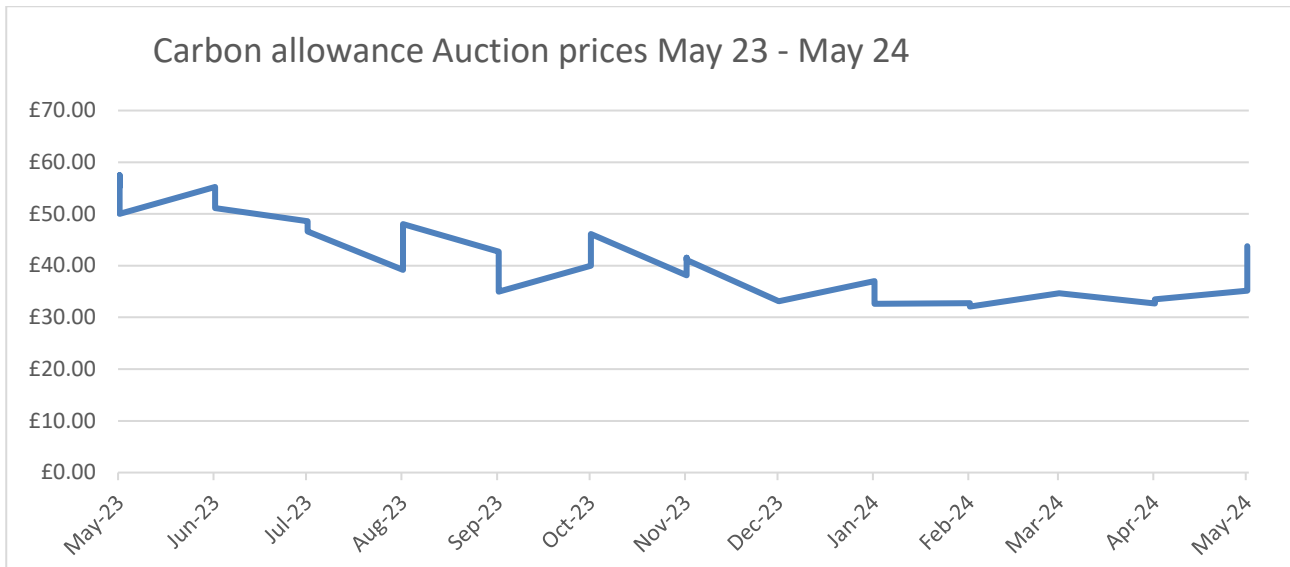
- 3.2 Persistent Organic Pollutants (POPs) are organic compounds that are resistant to degradation through chemical or biological processes. The Environment Agency has designated incineration as the method of treatment of these materials. AWRP currently shred and incinerate materials which may contain POPs (primarily waste upholstered domestic seating). The Government state they are considering the implications of their position around hazardous waste being included with the ETS. We believe that fossil carbon emissions arising from the treatment of POPs should be exempt from the UK ETS at this time, as there are currently no viable alternative treatment methods for this waste stream other than incineration.
- 3.3 Inclusion of EfW facilities within the UK ETS includes a two-year Monitoring, Reporting and Verification period between 01 January 2026 – 31 December 2027 to enable facilities to establish likely emissions, verify data and forecast required allowances prior to having to purchase any allowances from 01 January 2028.
- 3.4 The consultation states that operators will need to appoint an independent verifier to submit their annual emissions reports required under the scheme. It also states that if the operator fails to surrender sufficient allowances to cover reportable emissions by a certain annual deadline there will be penalties calculated as £100/allowance multiplied by an inflation factor.
- 3.5 The consultation document considers several options for how fossil emissions could be monitored to inform emissions data. The method which has been deemed as the most likely to be suitable for a facility the size of AWRP is flue gas sampling and analysis. The consultation does not determine the type of monitoring equipment but acknowledges there will be installation and operating costs associated with monitoring activities. The costs and contractual implications of compliance with the UK ETS including requirements of the MRV period are considered further in sections 04 and 05 of this report.
- 3.6 The Government wants to ensure that including EfW operators within the UK ETS will not move waste down the waste hierarchy resulting in either increased landfill (due to this being cheaper than the purchase of carbon allowances) or export of waste.
- 3.7 Landfill tax is currently set annually, and the consultation makes reference to a review of how landfill tax rates will be set from 2028, as carbon allowance prices change fortnightly at auction. The consultation also considers options for either an export tax or licenses/permits for tonnage exported abroad for treatment to mitigate the risk of carbon leakage.
- 3.8 The Government wants to encourage investment in decarbonisation pathways to help towards achieving net zero targets. There are a number of environmental policies including packaging reforms, introduction of the Deposit Return Scheme, Simpler Recycling, Extended Producer Responsibility and the Plastic Packaging Tax which aim to reduce the amounts of fossil plastics in the waste stream in the future. We have suggested that it would be preferable for these policies to be fully implemented prior to EfW being included in the ETS.
- 3.9 The consultation acknowledges the need to accelerate deployment of Carbon Capture technologies and associated funding streams across the waste sector in order to encourage investment in decarbonisation activities. The consultation also considers linking the costs of the UK ETS to the Extended Producer Responsibility scheme, to enable cost recovery by local authorities for fossil carbon emissions where incineration is considered an appropriate method of disposal for in scope packaging materials. This approach is welcomed and could help to mitigate the costs of the scheme for local authorities.



- 3.10 AWRP currently treats waste from third parties as well as local authority waste, and under the UK ETS, carbon allowance costs will be passed from the operator to the customer. The consultation is seeking views on sampling regimes to best establish the fossil content of input waste so that costs can be apportioned fairly and customers are incentivised to reduce the amounts of fossil plastics in their waste stream. Once a preferred option has been identified, guidance will be produced.
- 3.11 The final part of the consultation is a call for evidence around linking the UK ETS and heat networks to consider opinions around mechanisms to remove barriers and incentivise utilisation of waste heat from EfW where possible.
- 3.12 In January 2023, the waste team submitted a bid for funding from the Net Zero fund (administered by the Combined Mayoral Authority) to undertake a feasibility study to identify options to decarbonise AWRP. In April 2024, NYC awarded a contract to Ricardo AEA who are reviewing heat offtake, carbon capture (usage/storage) and production of hydrogen options. It is hoped that the initial study (due to be published in the Autumn) will identify a preferred option which could then be subject to a more detailed techno/economic study.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 There are no financial implications for NYC arising specifically from responding to the consultation.
- 4.2 The financial implications for NYC for the inclusion of EfW facilities within the UK ETS are likely to be significant. It is expected that the proposed changes would lead to increased costs for AWRP and some of these costs are likely to be passed on to the Authority through the Change in Law provisions within the Waste PPP contract.
- 4.3 As mentioned in para 3.10, the UK ETS and Extended Producer Responsibility consultations are being linked to ensure the costs of carbon are covered with any EPR payments to local authorities. Government intends to carry out a New Burdens Assessment to calculate potential impacts of including EfW in the ETS for local authorities, however this could be contingent on local authorities undertaking activities to decarbonise waste activities.
- 4.4 Examples of activities where contractual costs may be passed to the authority include:
- Developing monitoring reports and appointment of an independent verifier
  - Purchase, installation, calibration and ongoing opex costs associated with the carbon emissions monitoring system.
  - Administration of the scheme including submitting reports and purchasing/surrendering allowances annually.
- 4.5 Carbon allowances are traded fortnightly on the marketplace. The graph below shows the carbon auction prices between May 2023 – May 2024 (ranging from £32.10 to £57.50 per allowance). An allowance price of £32.10 would add just over £4m to the 2024-25 AWRP gate fees if all costs were required to be met by the local authority (and no New Burdens funding or EPR payments were available).



4.6 A further report will be brought to Members setting out the financial implications for the Authority once more information is known about the ETS.

## 5.0 LEGAL IMPLICATIONS

5.1 NYC have yet to undertake a detailed legal review of the implications of EfW facilities being included in the UK ETS, however, there could be significant contractual and operational impacts including:

- Whether the changes proposed under the UK ETS could be considered as a Qualifying Change in Law which was not foreseeable at the time of Financial Close (October 2014). Changes to the AWRP contract would require engagement with external financial, legal and technical advisors and depending upon the scale and timeframe of the change, these costs could be significant.
- Reporting requirements and Environmental Permit – it is not clear whether any variations to the Environmental Permit would be required for AWRP and what the monitoring, reporting and verification obligations of the UK ETS would be.

## 6.0 EQUALITIES IMPLICATIONS

6.1 There are no significant equalities implications arising from this report.

## 7.0 CLIMATE CHANGE IMPLICATIONS

7.1 A Climate Change Impact Assessment has been completed (at appendix B of the report) which concluded that a detailed assessment on the contractual and operational implications for AWRP would need to be undertaken once further detail is available about the Scheme.

## 8.0 CONCLUSIONS

8.1 NYC is supportive of decarbonisation of the economy overall, however there are currently several environmental policies and consultations which will need to be aligned and will significantly impact the composition and treatment of waste in the future.

8.2 It is proposed that through the consultation responses we raise key areas for consideration such as how outcomes from the Extended Producer Responsibility Scheme, Deposit Return Scheme and Plastics Packaging Tax could help drive out our reliance on fossil-based plastics to mitigate the costs associated with purchasing carbon allowances.

## **9.0 RECOMMENDATION**

- 9.1 It is recommended that the Corporate Director Environment in consultation with the Executive Member for Managing our Environment approve the attached responses to the UK Emissions Trading Scheme Scope Expansion: Waste consultation.

### **APPENDICES:**

Appendix A – Draft Consultation responses

Appendix B – Climate Change Impact Assessment

**BACKGROUND DOCUMENTS:** Executive Members UK ETS report 27 May 2022

Michael Leah  
Environmental Service and Climate Change  
County Hall  
Northallerton  
12 July 2024

Report Author – Lisa Cooper Commercial Manager (waste)  
Presenter of Report – Lisa Cooper Commercial Manager (waste)

## Draft Consultation Responses

1. Do you agree that our proposals should apply to facilities that conduct the following activities: incineration and combustion of waste, and other energy recovery from waste (including the production of fuels)? (Y/N) Please give further details to support your answer.

Yes, providing that other policy decisions are implemented to reduce the cost burden on Local Authorities such as Deposit Return Scheme (DRS) and Extended Producer Responsibility (EPR). The EPR scheme should be designed to pass on the costs of the ETS to the producers of the fossil plastic material that ends up in the waste stream. It is disproportionately unfair to pass on the costs of the scheme to Local Authorities who invested in long term waste treatment technologies to drive material away from landfill.

If the burden of administering the scheme falls to the operators of EfW facilities, the costs of compliance is likely to result in a Qualifying Change in Law claim to Authorities with either long term PFI or PPP contracts. New burdens funding should be made available to Authorities to cover costs of these claims.

Local authorities face unique challenges compared to commercial sector operators, particularly in waste management. Unlike private companies, local authorities cannot selectively refuse waste collections based on their composition or the complexities involved in processing. Local authorities are legally obligated to collect all types of waste from all residences, including from those individuals who do not participate in recycling schemes. This compulsory service requirement limits the strategies local authorities can employ to minimise the financial impact of the ETS on their operations. While commercial operators may choose to handle only certain types of waste that are less costly or easier to manage, local authorities must deal with the entire spectrum of waste, including materials that are difficult and expensive to process, consequently facing higher operational challenges and financial burdens under the ETS.

2. Do you agree with our position to include the incineration of hazardous and clinical waste in the UK ETS? (Y/N) Please give further details to support your answer and set out any concerns that you may have.

No, fossil carbon emissions produced incineration of POPs materials should be exempt from the scheme as the EA has determined that there is no alternative source of treatment other than incineration currently.

The list of materials classed as POPs is increasing and there will be a requirement to shred and incinerate more volume of materials.

If there is no intention to exempt POPs processing from the ETS, then the Extended Producer Responsibility Scheme should be amended to ensure that costs of the ETS are covered by producers and not local authorities/tax payers when materials have to be disposed of.

The lack of hazardous and clinical waste disposal alternatives could result in disproportionate financial burdens on Local Authorities. It is crucial to consider these unintended consequences to ensure that the ETS achieves its objectives without placing undue strain on essential public services.

Local Authorities are limited in their ability to influence consumer behaviour and are not responsible for producing products or packaging which requires disposal at end of life.

3. Do you agree that the customers of clinical waste incinerators will be able to take action to reduce the fossil content in the waste they generate and achieve their waste reduction targets? (Y/N) Please give further details to support your answer.

No - Customers of clinical waste incinerators, such as local authorities, are not able to significantly influence the type or amount of clinical waste generated. Healthcare providers and other institutions that produce this waste during their operations drive the generation of clinical waste. As such, it is unfair and unreasonable to place the burden of reducing the fossil content in clinical waste on the collectors. Local authorities and other waste collectors cannot control or alter the nature of the waste they collect. Their role is primarily to manage the disposal of waste generated by others. While they can advise and guide customers on waste reduction, the actual generation of clinical waste remains outside their control.

Moreover, many products that contribute to the fossil content in clinical waste lack viable alternatives. Without alternative products that contain fewer fossil fuels, customers and collectors cannot be expected to make substantial changes to the waste composition. Therefore, the responsibility for reducing the fossil content in clinical waste should lie with the producers of these products, who can innovate and offer more sustainable options.

4. Do you agree with the proposed approach to adjusting the cap to account for the inclusion in the scheme of emissions from the waste incineration sector? (Y/N). Please explain your reasoning, with reference to any alternative approaches or sources of evidence, such as on the impact of policies on the fossil proportion of emissions.

Three central waste policies are currently being implemented under the Collection and Packaging Reforms (CPR): Simpler Recycling, Extended Producer Responsibility (EPR), and the Deposit Return Scheme (DRS). While these reforms aim to improve waste management and recycling rates, substantial challenges and potential conflicts may hinder their effectiveness.

Under the Simpler Recycling policy, the government mandates the separate collection of dry materials in England, including those with high fossil fuel carbon content such as plastic bottles, pots, tubs, and trays. However, the policy also encourages more frequent collection of residual waste. Evidence shows that more frequent residual waste collection reduces consumers' willingness to participate in recycling services, leading to a lower capture rate of plastics for recycling. This results in additional high fossil fuel carbon material within the residual stream, undermining local authorities' ability to decarbonise and increasing their financial impact from the ETS.

Discussions should be held between DENEZ and DEFRA to address these conflicting policies. While the EPR policy positively impacts recycling, it does not encourage waste minimisation or reuse. The focus should be on the top of the waste hierarchy, making incineration a last resort. Although more packaging will theoretically become recyclable, the service design - to allow more frequent residual waste collections - does not actively support consumer engagement with recycling. Additionally, the DRS has been delayed to October 2027, leaving a short period for consumers to adapt to the system before applying ETS to Energy from Waste (EfW). This delay will likely result in higher levels of plastic drink containers within local authority waste streams, including residual waste, street bins and litter, than if the scheme had been implemented sooner.

The absence of a textiles EPR significantly hampers the ability to manage textile waste effectively, leading to increased carbon emissions and financial burdens under the current proposed ETS.

5. Do you agree that it is practicable for existing regulatory requirements under the scheme, such as the compliance cycle, permit requirements, monitoring plan requirements and penalties, to apply to the waste sector? (Y/N) Please give further details to support your answer.

The scheme year runs from 1 Jan – 31 December each year. The Contract year (and Local Authority fiscal years) run from 1 April – 31 March. Contractual and budget reporting will have to cover 2 separate years from the Authority point of view which will need to be effectively managed to ensure that ETS reporting and allowance surrender deadlines are met and any potential penalties avoided.

6. Do you agree that an MRV-only period is the best way to meet the objectives of a phasing period for this sector? (Y/N). Please give further details to support your answer.

Yes – the MRV – only period will enable operators to forecast the amount of fossil carbon emissions and likely number of allowances required from 1 January 2028, however the costs and monitoring technologies are not clear from the consultation.

7. How will operators and customers use any data from the MRV-only period?

To facilitate effective forecasting of the number of allowances required to comply and forecast future costs. Also, it could help to potentially inform investment decisions around alternative decarbonisation options.

8. For customers and operators, will knowing expected costs earlier than full implementation provide an early incentive to reduce your exposure to the carbon price? (Y/N). Please give further details to support your answer.

As previously stated, Local Authorities are responsible for the treatment/disposal of wastes but have little influence on consumer behaviour. Understanding the fossil carbon content of emissions will provide an indicator of future potential costs, however the carbon allowances are traded fortnightly at auction (or traded on the secondary market) and prices can vary depending upon a number of factors outside of the Authority's control. This means that whilst we may have an indication for the number of allowances required for a given year, the costs would still be difficult to forecast.

We are supportive of the ESAs proposals to have a fixed carbon allowance price for the first 2-3 years of EfWs participating in the scheme to enable adequate budgetary forecasts to be created.

Implementation of other policies such as DRS and Simpler Recycling will potentially have a significant impact on composition on waste which could materially impact carbon emissions associated with the EfW.

9. If the MRV period is mandatory (Option 1): Do you agree that waste incineration facilities should be subject to the same MRV requirements for 2026-28 that they will be subject to from 2028 onwards (e.g. report emissions for all combustion units onsite)?

In order for facilities to report their emissions, they will need to have appropriate monitoring equipment. It is not clear which methods the consultation is suggesting that operator use, although the document seems to favour flue gas sampling for larger operators. This would need to be procured, installed and calibrated and the operator would need to have an approved monitoring plan in place prior to 1 January 2026, which could be difficult to achieve depending on when the outputs of this consultation are published. Costs associated with this would be likely to be passed onto the local authority.

It may be more likely that operator could fully comply with the MRV requirements from January 2027 for one year prior to the scheme becoming fully operational.

10. If the MRV period is mandatory (Option 1): Do you have any concerns with the requirement for all waste incineration facilities to meet MRV requirements, before applying for HSE/USE status?

Yes – see response to q nine.

11. Do you have any other comments on the MRV-only transitional period, and either of the options identified?

We would prefer to see a mandatory compliance system in preparation for implementation in 2028

12. On which aspects of the policy should we produce guidance, either for operators, their customers, or both? Please explain your reasoning.

- Approach to MRV and specific reporting requirements for the monitoring plan
- Purchase and surrender of licenses processes, timeframes, and reporting deadlines.
- Cost apportionment between multiple customers at a single EfW where a local Authority has an anchor contract.
- Pass through costs proposals for local authorities.

13. How should we seek to test any guidance either for operators, their customers, or both? Please explain your reasoning.

Provide to a group of waste sector operators, the ESA and EfW customers including local authority groups such as NAWDO, LARAC and Adept for comment to understand impacts of the scheme and areas where guidance is required.

14. To what timescale should guidance on different aspects of the policy, and for different audiences, be produced? Please explain your reasoning.

Guidance should be being produced now, as there is not much time between the end of the consultation period and start of the MRV period on 01 Jan 2026.

15. Do you expect waste incineration gate fees to become more expensive than landfill or export as a result of UK ETS expansion? Is this expectation the same for all material types and regions? Please provide evidence to support your answer.

Under the UK ETS, gate fees at EfW would be linked to the carbon allowance price which is determined at fortnightly auctions (and secondary trading on a daily basis). An increase at auction of prices may well result in higher gate fees as landfill tax is set annually. No indication has been given around how landfill tax will be set once

EfWs are included in the UK ETS in the consultation other than it will be 'kept under review'.

The government have previously consulted on a near elimination of biodegradable waste from landfill, but have not issued their response as yet. Potential landfill bans could impact the price of landfill in the future.

We are supportive of the ESAs proposals to have a fixed carbon allowance price for the first 02-03 years of EfWs participating in the scheme to enable adequate budgetary forecasts to be created.

16. If waste incineration gate fees were to become relatively more expensive, with consideration of non-price factors when taking waste disposal and management decisions, how significant is the risk that waste is, in practice, diverted back down the hierarchy to landfill or export?

Potentially very high. One way to potentially mitigate more material being exported 'cheaply' would be to include some form of border adjustment mechanism so that the higher rate of carbon allowance would be paid for. There may be potential for increased fly-tipping or illegal disposal of waste which could also increase potential land and water pollution.

17. Considering possible benefits and challenges that could arise, do you think that further UK ETS expansion to landfill should be explored as a mechanism to protect against the diversion of waste from waste incineration to landfill? (Y/N) Please give further details to support your answer.

The government must support the higher levels of the waste hierarchy—prevention, minimisation, and reuse—alongside recycling and disposal. Including landfill within the ETS, the cost of sending residual waste to landfill would align with the cost of sending it to EfW. This would remove any financial incentive for local authorities to opt for landfill over EfW purely based on cost.

18. Do you think that either of the approaches outlined above to address landfill risk would give rise to unintended consequences? (Y/N) Please give further details to support your answer.

There may be potential for increased fly-tipping or illegal disposal of waste which could also increase potential land and water pollution.

19. What would be the most effective approach to mitigate the risk of waste being diverted from waste incineration to RDF/SRF export? Please give details to support your answer.

Ensuring that the export price included the highest level of carbon tax (whether that be from the country of origin or where the material would be processed)

A combination of regulatory measures, a tax or ban on exports, would need to be considered in the broader context of whether there is the necessary infrastructure for dealing with all UK local authority waste and recycling within the UK, including EfW and recycling plants.

20. Do you agree with the decarbonisation pathways for waste incineration facilities detailed above? (Y/N) Please give further details to support your answer, including information on the ability of local authorities and/or waste incineration operators to



undertake the decarbonisation pathways detailed. Please also provide any information on additional decarbonisation activities or pathways that are available to local authorities and/or waste incineration operators.

Yes – but we need to ensure that if we are potentially collecting other types of material for recycling, that the markets are sufficiently well developed for us to access.

Inclusion of EfW within the UK ETS should be delayed until other policies such as DRS and Simpler Recycling have been fully implemented.

21. Do you have any evidence on the costs, savings and potential profits that could be generated from decarbonisation technologies such as CCS and heat networks? (Y/N) If yes, please provide further details. We would particularly welcome evidence for the whole contractual period and/or lifetime of the facility.

Potential for revenue generation through the use of Carbon Capture and Storage (CCS) on flu towers - there is currently an ongoing consultation to include CCS as a mechanism to comply with the EU and UK ETS. Further credits created by this method can be sold on the Voluntary Carbon Market

22. Please provide any comments on cost savings from decarbonisation technologies such as CCS and heat networks and whether these will be passed back to customers, including local authorities.

Consultation needs to be clear how CCS will be handled alongside EfW - will use of CCS lead to zero rating (no allowance purchase requirement) the associated emissions. This is inline with the use of Sustainable Aviation Fuel (SAF) in the aviation industry - the use of SAF leads to zero rating the associated emissions and therefore a cost saving on the ETS

23. Do you agree there is a need for guidance on decarbonisation for local authorities and waste incineration operators? (Y/N) Please give further details to support your answer, including any information on the type, form and content of guidance needed.

Yes – guidance around options, costs and likely impacts for decarbonisation activities, capacity and knowledge of ETS market.

Training events could be organised for LAs who need to comply with the ETS.

Information on available grants, subsidies, and other financial support mechanisms for decarbonisation projects. Recommendations for policy changes that support decarbonisation efforts, including adjustments to residual waste collection policies.

24. Beyond the mechanisms listed above, are there any other mechanism(s) you would recommend to support local authorities to decarbonise? (Y/N) Please give further details to support your answer, including any information on the type of support mechanism(s) recommended and details on the type of materials that may fall outside the scope of the proposed support mechanisms detailed above.

Local authorities need significant funding to implement communications and behavior change projects aimed at addressing decarbonisation. They also require the support of the Scheme Administrator as part of the Extended Producer Responsibility (EPR) scheme to cover the costs associated with fossil fuel carbon packaging.

Several additional materials fall outside the scope of the packaging EPR and are challenging to reduce in the residual waste stream. These include textiles, absorbent hygiene products (AHP), and soft furnishings containing Persistent Organic Pollutants (POPs). Despite having options for reuse and repair, textiles often end up in the residual stream, despite campaigns to ask residents to always recycle. AHPs have limited alternatives and are non-recyclable, necessitating their disposal in the residual stream.

The regulation requiring soft furnishings containing POPs to be incinerated restricts local authorities' ability to mitigate their impact. Other non-packaging plastics, such as toys, garden furniture, and polystyrene, are also challenging as they are difficult to manage within the existing waste streams.

25. Do you think that the outlined sample analysis techniques (e.g. manual sorting, selective dissolution, and carbon-14) would effectively support accurate cost pass through? (Y/N) Please give further details to support your answer.

Yes, as this would be specific to the LA waste stream and enable fossil carbon content to be more accurately identified.

26. Do you think that alternatives to sampling, including default calculation factors, should be explored? (Y/N) Please give further details to support your answer.

27. Do you think that a phased approach to the development of a cost pass through mechanism would be a practical way to proceed? (Y/N) Please give further details to support your answer.

Yes as it would enable time to refine the calculation method for the fossil content of the material

28. Do you consider that the application of the UK ETS to waste incineration will lead to any impacts for any groups with protected characteristics under the Equality Act 2010? Do you consider there to be any further equality considerations? Do you consider any elements of the UK ETS expansion to waste incineration could be designed to advance equality of opportunity and/or foster good relations? Please explain your response, providing evidence where possible.

## Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision-making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance, please email [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk)

### Version 2: amended 11 August 2021

**Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:**

Planning Permission  
Environmental Impact Assessment  
Strategic Environmental Assessment

However, you will still need to summarise your findings in the summary section of the form below.

Please contact [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk) for advice.

<b>Title of proposal</b>	UK Emissions Trading Scheme Scope Expansion: Waste
<b>Brief description of proposal</b>	<p>The UK Emissions Trading Scheme (UK ETS) Authority (UK Government, Scottish Government, Welsh Government and the Department of Agriculture, Environment and Rural Affairs for Northern Ireland, hereinafter 'the Authority') is seeking a response to a consultation expanding the scope of the UK Emissions Trading Scheme to include Waste facilities.</p> <p>It is proposed that the UK ETS will include EfW facilities from 2028 (with a monitoring, reporting and verification period starting from 2026), so AWRP would be included within the scheme.</p>
<b>Directorate</b>	Environment
<b>Service area</b>	Environment and Sustainability
<b>Lead officer</b>	Peter Jeffreys
<b>Names and roles of other people involved in carrying out the impact assessment</b>	Lisa Cooper – Commercial Manager Waste
<b>Date impact assessment started</b>	29 May 2024

<p><b>Options appraisal</b></p> <p>Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.</p> <p>N/A</p>
<p><b>What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?</b></p> <p>Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.</p> <p>The UK ETS scheme will apply to Energy from Waste (EfW) facilities from 2028 (with a 2 year phasing in period from 2026 or monitoring, reporting and verification activities).</p> <p>The UK ETS will apply a carbon price for each tonne of fossil based carbon produced from incineration and could have a significant impact on gate fees paid by NYC and CYC (AWRP costs split 79:21 between the authorities).</p>

The proposal may also result in a Qualifying Change in Law under the AWRP contract which would mean the Council is responsible for covering capex and potentially other costs of implementation.

Any changes to the AWRP contract would require NYC to engage with external financial, technical and legal consultants. Depending on the scale and timeframe for the changes, these advisor costs could be significant.

How will this proposal impact on the environment?		Positive impact (Place a X in the box below where)	No impact (Place a X in the box below where)	Negative impact (Place a X in the box below where)	Explain why will it have this effect and over what timescale?  Where possible/relevant please include: <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
Minimise <b>greenhouse gas emissions</b> e.g. reducing emissions from travel, increasing energy efficiencies etc.	Emissions from travel		x				
	Emissions from construction		x				
	Emissions from running of buildings		x				

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Emissions from data storage</p>		x				
<p>Other</p>	x			<p>From 2028 EfWs will be included in the UK ETS and from 2026 facilities will need to undertake reporting, monitoring and verification of CO<sub>2</sub> emissions. The scheme encourages carbon emitters to invest in decarbonisation options rather than paying a carbon price.</p>		<p>To implement robust monitoring arrangements to determine biogenic and fossil proportion of AWRP input waste</p>
<p>Minimise <b>waste</b>: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>	x			<p>Recycling infrastructure may develop as EfW facilities try and remove fossil plastics from the input waste stream.</p> <p>The UK ETS considers links with Extended Producer Responsibility as part of the Resources and Waste Strategy implementation encouraging producers to utilise more recyclable packaging for products.</p>		

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
Reduce <b>water</b> consumption		x				
Minimise <b>pollution</b> (including air, land, water, light and noise)	x			<p>The UK ETS scheme may encourage more waste facilities to invest in Carbon Capture technology, but more information is needed around costs of the carbon price and management of the UK ETS scheme prior to NYC being able to understand the impacts for the AWRP contract</p>		
Ensure <b>resilience</b> to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers	x			<p>The UK ETS scheme may encourage more waste facilities to invest in Carbon Capture technology, but more information is needed around costs of the carbon price and management of the UK ETS scheme prior to NYC being able to understand the impacts for the AWRP contract</p>		

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Enhance <b>conservation</b> and wildlife</p>		X				
<p>Safeguard the distinctive characteristics, features and special qualities of <b>North Yorkshire's landscape</b></p>		X				
<p>Other (please state below)</p>						

<p><b>Are there any recognised good practice environmental standards in relation to this proposal?</b> If so, please detail how this proposal meets those standards.</p>
<p>N/A</p>



**Summary** Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The inclusion of EfWs within the scope of a UK ETS aims to reduce the carbon impacts and GHG emissions contributing to the UK meeting decarbonisation targets. It is not clear from the proposals how onerous (or otherwise) monitoring, reporting and verification from 2026 would be. It is also not clear what the legal or financial costs of such changes could mean for the AWRP contract and the operations of the facility.

The current consultation seeks to inform the UK government around expansion of the scope of the scheme to cover certain waste management facilities. NYC want to ensure that the UK ETS scheme is mindful of other waste policies (such as the near elimination from biodegradable waste from landfill and Extended Producer Responsibility) to ensure that waste does not move down the waste hierarchy or end up being landfilled/exported. We also want to ensure that producers of products using fossil carbon are charged appropriately for the management (treatment or disposal) of these products at the end of life.

**Sign off section**

This climate change impact assessment was completed by:

<b>Name</b>	Lisa Cooper
<b>Job title</b>	Commercial Manager Waste
<b>Service area</b>	Environment and Sustainability
<b>Directorate</b>	Environment
<b>Signature</b>	
<b>Completion date</b>	25.6.24

**Authorised by relevant Assistant Director (signature): Michael Leah**

**Date:27/06/2024**

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