

The Council had before it a notice of motion by Councillor Nicoll in the following terms:-

That Council:

1. Notes with concern the Energy from Waste facility (NESS) operated on behalf of Aberdeen City Council in partnership with Aberdeenshire Council and Moray Council has recently had to shut down out with the planned maintenance programme.
2. Notes that this shut down, while an operational matter, was not reported to elected members and that the situation came into the public domain via social media.
3. Notes that the Aberdeen City Council, 2024/25 Annual Audit Report prepared by Audit Scotland and passed by an Urgent Business Committee on 26 June 2025 with less than 2.5 hours notice, of the circa 266 pages in the business papers, made a clear recommendation in the section Best Value at Recommendation 4,
“It would be more transparent if criteria were developed to provide a framework for officers in considering the circumstances when consultation and/or a report to elected members would be appropriate in respect of delegated matters deemed to be politically sensitive.”
4. Considers that issues affecting the operation and maintenance of the Energy from Waste facility are matters of considerable public interest and to the elected members of Aberdeen City Council and agrees all material or major issues affecting the operation and maintenance of the plant should be shared with elected members timeously, subject to the Council’s contractual confidentiality obligations.
5. Instructs the Chief Officer - Operations to bring a report, to be shared with all elected members, to the 18 November 2025 meeting of the Net Zero, Environment and Transport Committee detailing all occasions when the unscheduled shut downs of the facility have taken place and the amount of Aberdeen City Council’s waste which has been diverted to alternative disposal facilities. Further to provide an estimate of the carbon footprint such shut downs incur with details of the additional road miles incurred to dispose of all such waste in landfill or alternative disposal facilities.
6. Instruct the Chief Officer - Operations to also advise of the risk to Aberdeen City Council should this facility become non operational for any reason, together with any lessons learned to mitigate any future disruption and report the outcome to the 27 November 2025 meeting of the Audit, Risk and Scrutiny Committee.
7. Instruct the Chief Officer - Operations to report to the 18 November 2025 meeting of the Net Zero, Environment and Transport Committee, the details of the loss of any revenue attributable to the shut down as well as any additional costs incurred by Aberdeen City Council in providing replacement energy normally supplied by the plant.

Councillor Nicoll moved, seconded by Councillor Malik:-

That the Council -

1. approve the notice of motion;
2. note the Members Briefing dated 14 August 2025 on the Ness Energy from Waste Facility;

3. agree the communication on this matter has been disappointing given Elected Members found out about the closure through the media;
4. instruct the Chief Officer - Operations to produce a report on lessons learned for the Council meeting in December 2025; and
5. instruct the Chief Officer - Operations to calculate and publish the full cost of the losses incurred by the Council in respect of the closure, which should include amongst other things additional cost for landfill, employees' overtime and all other ancillary costs associated with the closure.

Councillor McLellan moved as an amendment, seconded by Councillor Greig:-
That Council -

Notes deliveries of waste to the North East Scotland Shared (NESS) Energy from Waste Project (EfW) recommenced on 19 August 2025 with all costs to be recovered through the contractual arrangements with the operator; and

Notes the Finance and Resources (special) Committee on 31 July 2025 resolved to:-

1. note the North East Scotland Shared (NESS) Energy from Waste Project (EfW) is a shared service between Aberdeen City Council, Aberdeenshire Council and Moray Council to treat the residual waste from the three Councils;
2. note that EFW Ness Ltd (Acciona) is the contractor responsible for delivering that service for the three authorities and it has sub-contracted the operation of the facility to Indaver, and that EFW Ness Ltd recently notified Indaver of their intention to terminate the operating sub-contract;
3. note the ongoing contractual negotiations between Council officers and Acciona to ensure the Energy from Waste facility is fully operational as soon as possible;
4. note that any changes in the delivery of waste management will be reported to the Net Zero, Environment and Transport Committee, through the performance report; and
5. instruct the Chief Officer - Operations to provide an update to the Net Zero, Environment and Transport Committee when the Energy from Waste facility is operational, outlining any potential environmental impact and any contractual implications for the Council.

On a division, there voted:-

For the motion (20) - Councillors Ali, Blake, Bonsell, Boulton, Brooks, Crockett, Cross, Farquhar, Graham, Grant, Houghton, Kuszniir, Lawrence, Macdonald, McLeod, Malik, Massey, Nicoll, Thomson and Tissera.

For the amendment (22) - Lord Provost; and Councillors Al-Samarai, Allard, Alphonse, Buchanan, Hazel Cameron, Clark, Cooke, Copland, Cormie, Davidson, Fairfull, Greig, Henrickson, Hutchison, MacGregor, McLellan, McRae, Mennie, Radley, van Sweeden and Yuill.

The Council resolved:-
to adopt the amendment.