

**Warwickshire Waste Partnership
27 September 2011**

Summary of the Government's Waste Review

**Report of the Strategic Director for
Communities on behalf of the Officers Group**

Summary

This report gives a summary of the most recent Government Waste Review and its implications for the Warwickshire Waste Partnership.

Recommendation

The Waste Partnership is asked to acknowledge this summary of the Waste Review and agree to revisit and review the Municipal Waste Management Strategy in 2012/13, as agreed at our last meeting on June 14th 2011.

1. Introduction

- 1.1 The following report provides a summary of the Waste Review published by DEFRA in June 2011.
- 1.2 The main Waste Review document can be found:
<http://www.defra.gov.uk/environment/waste/review/>

The Action Plan can be found:

<http://www.defra.gov.uk/publications/files/pb13542-action-plan-.pdf>

2. Main implications for Councils

- 2.1 **Collection frequency:** There is no financial incentive for local authorities to return to weekly residual or food waste collections as was rumoured before the review was published. The review does include a commitment to work with councils to "increase the frequency and quality of rubbish collections and make it easier to recycle". The focus is on "smelly waste", which the Review says the public has a "reasonable expectation" to expect to be collected quickly.

- 2.2 **Collection code:** The ‘Recycling and Waste Services Commitment’ is described in the Review as a “stronger statement by local authorities of a willingness to consult fully, to listen to and work with householders; to provide information about recycling and re-use and to make it easier for householders to do the right thing”. According to the Review, householders will be able to hold councils to the principles of the Commitment and also raise the potential for them to “challenge” councils if they don’t sign up to it.
- 2.3 **Food waste:** Defra acknowledged in the review that some householders have an issue with separating out food waste for collection. There is no explicit advocacy of separate food waste collections as the only option for capturing the waste stream. Defra states “we know that some consumers do not like separating out their food waste” and notes that local circumstances will dictate collection methods. But, given the Review’s strong support for Anaerobic Digestion (AD), separate food waste collections look set to have a key role to play in securing the feedstock needed for the roll-out of that particular treatment technology.
- 2.4 **Fines and enforcement:** The Review addresses the government’s concerns over “bin snooping” and “bin spies”, with a range of measures such as stopping councils from inspecting household waste and from fining households up to £1,000 for presenting their waste for collection incorrectly. Instead, it states that: “Enforcement must be targeted at the small minority who harm the local environment and local amenity due to their irresponsible behaviour”. As well as removing criminal sanctions for these offences, the Review proposes the introduction of “harm to local amenity” as a test to be applied before councils apply any civil penalty.
- 2.5 **Incentives:** The review reiterates its support for incentive schemes such as the US-devised recycling rewards scheme, RecycleBank. In July, a £500,000 fund was available for LAs and civil society organisations to bid for money for incentive schemes, named the Household Reward and Recognition Scheme.
- 2.6 **Reporting requirements:** The Landfill Allowance Trading Schemes (LATS) will be scrapped at the end of 2012/13. The landfill tax escalator is now seen as the main driver for keeping waste out of landfill. This is one of a number of steps outlined in the Review that Defra claims will remove “some of the bureaucracy and burdens which have hindered local authorities’ delivery of front line services for too long”. These also include:
- (i) no new council recycling targets to replace the old National Indicators
 - (ii) the replacement of the Controlled Waste Regulations (1992) to end the Schedule 2 situation (announcement likely in September)
 - (iii) further changes to the data required for the WasteDataFlow (WDF) database – with a carbon metric reporting tool being promoted which could possibly tie in with WDF
 - (iv) consulting on a potential end to the need for Joint Municipal Waste Management Strategies

3. Main implications related to businesses

- 3.1 Defra's approach to business waste in the Review pays particularly close attention to small and medium enterprises (SMEs). The department says that it wants to make it "easier and more cost effective" for SMEs to recycle, with the abolition of LATS detailed above, seen as removing an "important perceived barrier" to councils running SME waste services.
- 3.2 **HWRCs:** Defra says it will encourage councils to consider whether they can adapt their Household Waste Recycling Centres (HWRCs) and bring banks for use by businesses, so firms can access recycling and waste management facilities at an "affordable cost". The department claimed the revenue raised from this move could keep HWRCs threatened by closure open.
- 3.3 **Bring banks:** Defra says it will work through WRAP to develop similar initiatives to the trade waste bring banks rolled out on a trial basis on Merseyside and in Bristol.
- 3.4 **Developing a 'Business Waste and Recycling Collection Commitment':** To be published this summer, councils will be encouraged to sign up to principles setting out how they can help businesses to meet their waste responsibilities and recycle more.
- 3.5 **SME waste voluntary responsibility deals:** In the review, Defra said it would work with the waste management industry to cover issues such as raising SME take up of recycling services, improving data on commercial and industrial (C&I) waste and raising awareness of waste prevention and sustainable waste management. Defra says it has been working with the ESA, FSB, LG Group and EA on this agreement, which will also promote quality to tie in with the new MRF Code of Practice. The responsibility deal was announced in late June 2011: <http://www.defra.gov.uk/publications/files/PB13580-responsibility-deal.pdf>
- 3.6 **Sector-specific voluntary responsibility deals:** The government supports voluntary producer responsibility ahead of new regulation. Among the sectors where deals will be considered are the hospitality sector, the paper industry, direct mail and textiles. A working group will also be established to discuss toy packaging, similar to that set up to address Easter egg packaging.
- 3.7 **Packaging:** Continuing this voluntary approach, Defra said in the Review that it will work with businesses to encourage greater use of recycled content in packaging and to make packaging more recyclable. It also outlined plans to consult on new packaging recycling targets for 2013 to 2017.

4. Waste Management industry

- 4.1 Waste companies will have a key role to play in many of the measures outlined above to tackle household and business waste, but there are also a number of aspects of the Review that more specifically impact on the waste management industry.

- 4.2 **Lighter touch to enforcement:** The Review seeks to reduce the regulatory burden on businesses and allow businesses to fulfil their obligations “more easily”. The document also outlines measures to “better integrate regulatory controls in the best interests of people and the environment”, such as closing gaps in the evidence base to ensure regulatory requirements are based on the best available information. This is balanced against tough talking on those who do break the rules, with a commitment to “rebalance the approach taken to regulation to more markedly enforce against non-compliance”.
- 4.3 **Responsibility deal:** As detailed above in the business section, this is a voluntary commitment by waste companies to improve the “experience and access” of SMEs to recycling services. The deal was formally launched on 23rd June.
- 4.4 **MRF Code of Practice:** Described by Defra in the Review as an “industry-led” initiative, the Code is expected to include requirements to measure the quality of input and output materials at materials recovery facilities (MRFs). Defra says this is key to “maintaining the credibility of commingled collections under the revised Waste Framework Directive as well as future market for recyclable materials, in the UK and abroad”. In the Review, it raises the potential for the Code to be mandatory and this is rumored to be announced in Autumn 2011.
- 4.5 **Export controls:** There is no promise of new action to tackle the issue of illegal waste exports, but Defra says it will continue to encourage the Environment Agency to prioritise the issue using “pioneering techniques and an intelligence-led approach”.

5. Other key areas

- 5.1 **Landfill bans:** The Review commits to a consultation in 2012 on “restricting” landfilling of wood waste, in a bid to push it up the waste hierarchy. Defra also says it will “review the case” for landfill restrictions for other materials between now and 2015, including textiles and biodegradable waste.
- 5.2 **Energy from waste:** Despite industry pressure for the Review to explicitly support energy-from-waste incineration, the document takes a more cautious stance, stating that “our aim is to get the most energy out of genuinely residual waste, not to get the most waste into energy recovery”. Instead, Defra says it will make sure information is available to communicate the full range of recovery technologies and their “relative merits”.
- 5.3 **Anaerobic digestion:** The energy-from-waste technology to receive the most specific attention in the document is anaerobic digestion, with Defra claiming that, for food waste, AD “is considered to deliver a better overall environmental outcome than recycling the waste, taking into account the local economic and environmental considerations”. The Review claims that AD could reach 3-5 terawatt hours of installed electricity generating capacity by 2020, as well as highlighting its landfill diversion and emissions saving potential. An AD Strategy and Action Plan was published alongside the Review to set out how the government aims to overcome the barriers to achieve these aims, including a £10 million loan fund.

- 5.4 **Planning:** Often identified as one of the main barriers to developing new waste infrastructure, planning is given relatively short shrift in the Review itself, with Defra confirming it will maintain the current threshold for only large-scale (over 50MW) energy-from-waste plants to be decided centrally, with smaller infrastructure decisions still sitting at a lower level. However, it does pledge to explore whether a system of industry protocols for community benefits similar to that used in the wind sector could be used in waste.
- 5.5 **Infrastructure:** The Review confirmed a detailed breakdown of government policy on waste infrastructure will be included in the revised National Infrastructure Plan, which is due to be published in November 2011.
- 5.6 **Packaging targets:** The government used the Review to commit to a consultation on increasing packaging recycling targets for the period 2013 to 2017, but stressed that any final decision will have to take into account the review of the EU Packaging Recycling Directive, which is due in 2014. Defra stressed that it would make a final decision on targets in the 2012 Budget.
- 5.7 **Waste prevention:** With prevention the top priority under the rWFD's waste hierarchy, the Review states that, as required under the Directive, a comprehensive Waste Prevention Programme is to be developed by the end of 2013. It also reveals that a Waste Prevention Fund will be set up, to allow businesses, social enterprises and councils to carry out waste prevention activities. The WRAP-managed fund is expected to be worth £1 million.
- 5.8 **Deposit schemes:** The Review concludes that concerns over the "very high" cost of running a system means it is not taking forward the option of introducing a deposit system "for the time being".
- 5.9 **Recycling on the go:** The commitments made in the Review to encourage recycling in public places focus on improving communications, with WRAP and Keep Britain Tidy bringing their recycling and anti-littering messages together and councils trialling recycling as part of their 'Big Tidy-Up' events in 2011/12.
- 5.10 **Civil society:** Short-term measures outlined in the Review to increase civil society involvement in waste and recycling include making it easier for civil society groups to deliver waste services, and examining how they can become involved in work delivered by WRAP and the EA, as well as encouraging partnership working and engaging them in policy development.

6. Legislation

- 6.1 **The Waste Regulations 2011** replace waste regulation relating to the registration of waste carriers, the duty of care and the waste strategy. They also introduce new provisions that put greater emphasis on the lifecycle of waste.
- 6.2 **Waste Hierarchy Duty:** A business that imports, produces, collects, transports, recovers or disposes of waste, or a dealer or broker who has control of waste must, on transferring the waste, take all available measures to apply the following waste hierarchy:
- (i) prevention

- (ii) preparing for re-use
- (iii) recycling
- (iv) other recovery (e.g., energy recovery)
- (v) disposal

However, a business can depart from the above priority order so as to achieve the best overall environmental outcome.

6.3 Collection of Waste Duty: From 1 January 2015, any business that collects:

- (i) paper
- (ii) metal
- (iii) plastic or
- (iv) glass

must take all available measures to ensure separate collection of that waste. Those measures must be:

- (i) technically, environmentally and economically practicable; and
- (ii) appropriate to meet the necessary quality standards for the relevant recycling sectors

6.4 The transfer note: From 28 September 2011, waste transfer notes must include:

- (i) the SIC code of the transferor
(http://www.statistics.gov.uk/methods_quality/sic/downloads/sic2007explanatorynotes.pdf)
- (ii) confirmation that the transferor has carried out the waste hierarchy duty

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