

Warwickshire Waste Partnership

18 September 2012

Update on National Waste Policy

Recommendation

The Waste Partnership is asked to acknowledge this overview of national waste policy

1.0 Introduction

- 1.1 The following report provides a summary of the progress with the delivery of commitments from the Waste Review published by DEFRA and other key updated published by DEFRA.
- 1.2 The updated Action Plan can be found at:
<http://www.DEFRA.gov.uk/publications/2012/03/27/pb13738-waste-review-progress/>

2.0 Background

- 2.1 On 27 March 2012, DEFRA published a progress report for delivering the actions in the Government's Review of Waste Policy in England 2011. The report highlighted good progress with 90 per cent of actions either completed or on track. The timetable for some actions have been extended, to improve prospective outcomes or because of prioritisation of resources within DEFRA or its partners.

3.0 Main implications for Councils

- 3.1 **Collection frequency:** DEFRA is working jointly with Department of Communities & Local Government (DCLG) to support the Weekly Collection Support Scheme; and continuing to work with WRAP to provide evidence to inform local authority decisions about waste collection services. The initial tendering process for the support scheme ended in May 2012, with 166 bids being received. Feedback has now been given to bidders and final bids were due to be completed by 17th August with successful bids being announced in October 2012.
- 3.2 **Collection code:** In 2009, WRAP, in partnership with local authorities, drew up the 'Waste Collection Commitment' which set out the principles of how local authorities would work with householders and keep them informed about waste collection arrangements in their area. Additional work has since been undertaken to develop this Commitment further and will result in the publication of a new '*Recycling and Waste Services Commitment*'. It 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". The work undertaken by DEFRA to support the Commitment, including case studies, is being published online. Work on the Commitment itself is ongoing.

- 3.3 **Food waste:** WRAP is continuing to provide advice to local authorities, which is done via the Love Food Hate Waste campaign.
- 3.4 **Fines and enforcement:** The Review addresses the government's concerns over "bin snooping" and "bin spies". DEFRA launched a public consultation on 16th January on proposed amendments to Section 46 of the Environmental Protection Act 1990. The consultation ended on 9th March. The amendments would abolish the criminal offence together with the £1000 fine. A new, civil sanction would be put in place instead. Interim changes to the law were made in May 2012, reducing the maximum fines under the current fixed penalty notice system. DEFRA is also planning to remove the criminal sanctions, currently available under s46 of the EPA, and introduce the 'harm to local amenity test'. Primary legislation is needed to make these changes.
- 3.5 **Incentives:** A £500,000 fund was made available for LAs and civil society organisations in June 2011 to bid for money for incentive schemes, named the Household Reward and Recognition Scheme. Following a successful first round of the scheme in 2011, which saw 16 projects receive funding, DEFRA ran a second round in 2012 and will be releasing details of successful bids in late summer. Further funding may be available in 2013/14.
- 3.6 **Reporting requirements:** A number of steps were outlined in the Review that DEFRA claimed would remove "some of the bureaucracy and burdens which have hindered local authorities' delivery of front line services for too long". Progress with these is as follows:
- (i) End the Landfill Allowance Trading Scheme (LATS) - a commitment has been made to end the LATS by the end of this financial year (2012/13). Final Regulations to end the scheme are expected to be laid in Autumn 2012.
 - (ii) No new national council recycling targets have been introduced, although the UK will have to meet the EU target.
 - (iii) The replacement of the Controlled Waste Regulations (1992) has been completed with the introduction of the new Controlled Waste (England and Wales) Regulations 2012 coming into force from 6th April 2012. The regulations extend the principle that the producers of waste should pay the full cost of waste management by enabling local authorities to charge for the disposal of waste from a wider range of non-domestic premises than under the previous regulations, thus contributing to moving towards a zero waste economy.
 - (iv) Further changes to the data required for the WasteDataFlow (WDF) database have been set for Autumn 2012. Linked to this, DEFRA

needs to ensure WDF can meet the reporting requirements of the Waste Framework Directive in respect of reporting 'waste from households'. Preparatory work has been undertaken to develop a carbon metric reporting tool.

- (v) Consulting on a potential end to the need for Joint Municipal Waste Management Strategies in 2012 resulted in no clear consensus about whether the requirement should continue, and it was agreed that DEFRA would ask stakeholders for their views again. DEFRA has made informal contact with stakeholders and is considering a fuller consultation in due course.

4.0 Main implications related to businesses

- 4.1 DEFRA's approach to business waste in the Review paid close attention to small and medium enterprises (SMEs).
- 4.2 **Developing a 'Business Waste and Recycling Collection Commitment':** The Commitment was launched in October 2011; further details can be found at: <http://www.wrap.org.uk/content/business-recycling-and-waste-services-commitment-1>
- 4.3 **SME waste voluntary responsibility deals:** Deal launched in June 2011; Terms of Reference and Governance established; first Steering Group meeting held in January 2012 – Action plan agreed and signed off by Steering Group; Working groups established for some key actions, CIWM awareness raising certificate being updated; Federation of Small Businesses (FSB) and Environmental Services Association (ESA) are taking part in discussions on developing best practice on contracts and transparency.
- 4.4 **Sector-specific voluntary responsibility deals:** The government supports voluntary producer responsibility ahead of new regulation:
 - i. Paper: new deal with Direct Marketing Association includes targets to improve targeting of junk mail and update of a new environmental standard, and a commitment to develop a tool for measuring carbon emissions.
 - ii. Hospitality: A Hospitality and Food Services Agreement has been launched. The agreement has two targets: a prevention target to reduce food and packaging waste by 5% by 2015; and a waste management target to increase the overall rate of food and packaging waste being recycled, composted or sent to Anaerobic Digestion by at least 70% by the end of 2015.
 - iii. Textiles: The members of the Sustainable Clothing Action Plan are working together on a voluntary agreement to reduce the impacts of clothing consumed in the UK. The launch of the voluntary agreement has been scheduled for October/November 2012.

- 4.5 **Packaging:** Consultation on increased recycling targets on packaging producers has taken place. The Government will legislate later in 2012 for increased statutory packaging recycling targets from 2013-2017. Targets will increase annually by 3 per cent for aluminium, 5 per cent for plastic and 1 per cent for steel. Glass recycling targets will be split by end use.
- 4.6 **Controlled Waste Regulations:** Businesses currently in receipt of free waste disposal have been exempted from the change if they are in receipt of small business rate relief in line with the Government's commitment to support small and micro businesses.

5.0 Waste Management industry

- 5.1 Waste companies will have a key role to play in many of the measures outlined to tackle household and business waste, but there are also aspects of the Review that impact on the waste management industry more specifically:
- 5.2 **Lighter touch to enforcement:** The Review seeks to reduce the regulatory burden on businesses and allow businesses to fulfil their obligations "more easily". The Environment Agency (EA) is planning to allow companies to use data portals to provide access to their environmental compliance data and have completed a trial with one operator. DEFRA is working with the EA on the development of the electronic Duty of Care system.
- 5.3 **Responsibility deal:** As detailed above in the business section, the deal was formally launched in June 2011. The responsibility deal will also promote quality in the way recyclable materials are sorted, particularly at MRFs, through an industry-led Code of Practice (see 5.4 below).
- 5.4 **MRF Code of Practice:** If the decision is taken by the Minister to make the Code of Practice mandatory, a consultation will take place as part of the Environmental Permitting Regulations Consultation in late Summer 2012. DEFRA is currently developing an Impact Assessment. DEFRA is also in the process of developing a Quality Action Plan to improve the efficiency and transparency of the supply chain.

6.0 Legislation and planning

- 6.1 **The Waste Regulations 2011 (and 2012 Amendment):** These Regulations transpose the revised Waste Framework Directive 2008/98/EC. A Judicial Review has challenged the original transposition of the requirements of the Directive on the separate collection of recycling. DEFRA recognised that the original regulations did not accurately reflect these requirements and an Amendment has been made that comes into force from 1st October 2012. The court granted a 6-month stay of the Judicial Review proceedings to do this. Also refer to separate report to the Waste Partnership regarding the European Commission's guidance on the revised Waste Framework Directive.
- 6.2 **Reporting Recycling Rates:** Under the revised Waste Framework Directive (WFD), the UK has a target to recycle 50% of waste from households by 2020. The revised WFD includes a statutory definition of recycling, which has

been transposed under the Waste Regulations 2011. The definition is slightly different from the previous definition of recycling set out in NI192, particularly in respect of green waste. It is likely that compost will need to meet end of waste status, via for example the Compost Quality Protocol, to count as recycled. See <http://www.environment-agency.gov.uk/business/topics/waste/114395.aspx> for more information.

7.0 Other key areas

- 7.1 **Landfill bans:** The consultation on landfill bans has now begun. DEFRA released a 'call for evidence' at the end of July inviting views and information on the sustainable management of wood waste and measures to divert wood waste from landfill where this is the best environmental option.
- 7.2 **Energy from waste:** Development of an EFW Guide is taking place with stakeholders to ensure it is as valuable as possible. The first two chapters have been sent to stakeholders for comment.
- 7.3 **Anaerobic digestion:** An Anaerobic Digestion Strategy and Action Plan was published alongside the Waste Review in 2011. The Implementation of the AD Action Plan is underway and is being overseen by a joint Government and Stakeholder Steering Group which meets on a quarterly basis. A progress report on delivering the Action Plan was published in July 2012. See <http://www.DEFRA.gov.uk/environment/waste/business/anaerobic-digestion/> for more information.
- 7.4 **Planning:** Policy decisions relating specifically to waste management will be provided in the government's National Waste Management Plan for England, which may not be published until the end of 2013. Until the publication of the Plan, the DCLG's framework document states: "Local authorities preparing waste plans and taking decisions on waste applications should have regard to policies in this Framework so far as relevant." In order for developments to be classed as sustainable, a local authority will have to consider social and environmental and economic objectives, and: "positively seek opportunities to meet the development needs of their area" unless "adverse impacts of doing so would significantly and demonstrably outweigh the benefits." PPS 10 on Waste Planning Policy will remain in effect until the National Waste Management Plan is in place. The NPPF contains no waste policies, so PPS 10 has survived temporarily to fill the gap.
- 7.5 **Infrastructure:** Estimates of current national waste arisings and treatment capacity will include The Waste Infrastructure and Delivery Programme's (WIDP's) projections of residual waste future infrastructure capacity. Publication is linked to European reporting obligations and, thus, is likely to be delayed until the Summer.
- 7.6 **Waste Prevention Programme and Reuse:** Evidence to support waste prevention measures are being developed, together with stakeholders and WRAP, to identify: priority waste streams, barriers to increased action as well as opportunities to incentivise/support society and consumers. These include: the waste prevention load fund (launched June 11) and new business models pilots to support innovation by businesses and civil society, research and

pilots to identify how to give confidence to consumers and second-hand goods, provide clearer information to businesses and consumers on practical actions they can take. WRAP will be launching the second phase, supporting wider waste prevention and reuse measures shortly.

- 7.7 **Recycling on the go:** The Advisory Committee on Packaging (ACP) recommendations is due in April. WRAP guidance on 'on the go' recycling will be published in 2012. Joint working continues with Keep Britain Tidy through quarterly steering group meetings. WRAP and KBT will continue to share knowledge and expertise going forward and to collaborate on programmes where appropriate.

Background Papers

1. Summary of Governments Waste Review, Warwickshire Waste Partnership 27 September 2011

	Name	Contact Information
Report Author	Glenn Fleet	glennfleet@warwickshire.gov.uk
Head of Service	Louise Wall	louisewall@warwickshire.gov.uk
Strategic Director	Monica Fogarty	monicafogarty@warwickshire.gov.uk
Portfolio Holder	Alan Cockburn	alancockburn@warwickshire.gov.uk