



"Working for our members to be the voice of government on waste minimisation and recycling issues"

LOCAL AUTHORITY RECYCLING
ADVISORY COMMITTEE

Waste Framework Directive Unit
DEFRA
Area 6D Ergon House
17 Smith Square
London
SW1P 3JR

9 October 2009

Dear Sirs/Mesdames,

Consultation Response – Revised Waste Framework Directive (Stage 1)

I am writing to present the LARAC response to the above consultation, which is given below, and I thank you for the opportunity to respond to the above consultation.

The comments below are sent on behalf of the Local Authority Recycling Advisory Committee (LARAC). LARAC is an association of 90% of the 440 local authorities across England, Scotland Wales and Northern Ireland whose waste management and recycling professionals co-ordinate and operate waste management services. Membership is drawn from all types of authority including statutory Waste Collection (WCA), Waste Disposal (WDA) and Unitary.

Overall LARAC supports DEFRA's proposals for transposition of the Directive, in particular the attempts to set targets for non-household waste streams. However we have some concerns about the potential financial implications on local authorities and the communities they serve of achieving yet higher and more highly specified targets. In particular, we would like to see producer responsibility playing a greater part in taking responsibility for the more sustainable management of the resources discarded by the consumers of their products. Overleaf are our detailed comments as requested in the consultation.

If you have any queries on this response or would like to discuss the matter further then please contact me on (phone) or (email).

Yours faithfully,

Andrew Craig
Principal Policy Officer



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In answer to the questions in the consultation document:

Question 1: What steps do you consider DEFRAWAG should take to apply the waste hierarchy set out in Article 4(1) of the revised WFD as a priority order in waste management legislation?

The Government might consider giving local authorities and statutory undertakers additional powers to require producers of waste to separate out their waste into different fractions for recycling or conversion into energy or compost (in addition to powers in s46 & 47 of the Environmental Protection Act 1990). Initially this might apply to producers other than householders, but a new power might also be considered in relation to household waste.

Establishments or undertakings applying for waste treatment permits under Art. 23 might be required to demonstrate that the operation is sized appropriately in relation to the available waste streams and the opportunities for recycling and compost making; and that they have taken into account the waste apportionment data in the Regional Spatial Strategy (RSS). Where the Proximity Principle is not applied, they might also be required to justify making the operation large enough to require waste to be imported from other sub-regions to utilise the capacity fully. Such a requirement could also be used to promote transport of waste by alternative means from road – requiring imported waste to be carried by rail or water.

Obviously such an analysis of need (taking into account opportunities for recycling etc.) would also take into account the capacity of waste treatment operations already authorised and in operation.

The Government might also consider extending a statutory requirement to have a waste/resources management plan to other industries that produce significant quantities of waste, as well as the Building & Construction industry.

Question 2: Are there specific waste streams where you believe that departing from the waste hierarchy would be justified by LCA thinking on the overall impacts of generation and management of such wastes, in order to deliver the best overall environmental outcome?

Non-reactive, hazardous waste (asbestos).

It is also possible that landfilling of mixed plastic waste, especially where it is seriously contaminated with PVC or other contaminants and cannot be separated at source, and where efficient conversion to energy is not an option, may, on occasion, be the best overall environmental option. However this would need careful consideration in relation to all of the options for recycling and valorisation (including, for example, feedstock recycling or gasification).



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Where there are technical reasons why inert wastes may not be recycled, landfill would, of course, be preferred to energy "recovery". Such wastes can only reduce the efficiency of energy recovery operations.

Question 3: Are there any further steps stakeholders and members of the public would like DEFRA/WAG to take to ensure that the development of waste legislation and policy, to apply the waste hierarchy as a priority order, is a fully transparent process?

No

Question 4: Are there any specific waste streams which you consider should be the subject of a producer responsibility regime under Article 8: if so, please explain what the economic and environmental costs and benefits of such regimes would be.

The following waste streams come to mind:

- Tyres – The industry should be given the overall responsibility for managing tyres that are fly tipped or dumped illegally. This would reduce the need for public bodies to pay for their management and could make more resources available to the Environment Agencies for enforcement.
- Paint – producer (or retailer?) responsibility would enable the economic and social benefits of *RePaint* schemes to be made more widely available and could work to the advantage of organizations that already voluntarily support such schemes. LARAC does not suggest that producer responsibility should be extended to historical deposits of unwanted paint.
- Clothes and textiles – re-use of good quality used clothes is already carried out and does not need EPR. However the market for recycling of other textiles continues to be limited and would be supported by greater producer responsibility (which might include producers developing outlets for lower grade discarded textiles). Making importers of cheap, disposable garments responsible for their recycling or re-use would militate against less sustainable clothing market practices and towards the designing of clothes for higher quality and greater durability. This would reduce the overall carbon footprint of textiles.

Question 5: Are there any further measures you consider it would be appropriate for DEFRA/WAG to take under the terms of Art. 11(1) to promote the re-use of products or preparing for re-use activities?

No



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Question 6: Do you agree with the proposed approach to implementing the requirements of Art. 11(1) on separate collections?

LARAC supports DEFRA's proposed approach, particularly in relation to household waste, including, specifically, the proposal not to state a preference for any type of collection methodology and the unilateral statement about the 50% target for household waste.

As Art. 11(1) does not specifically refer to household waste and therefore applies to commercial and industrial waste as well, LARAC would like to see more detail on how DEFRA intends to encourage separate collections from commercial and industrial premises.

Question 7: Do you consider that there are (practicable) measures that (could be taken to promote) the separate collection of household, commercial or industrial waste? Give reasons. What measures should be introduced to achieve this?

In addition to the increases in landfill tax already announced, a number of measures would promote the separate collection of household, commercial and industrial waste. In summary, they could include:

- Promote the development of standards and End of Waste criteria for secondary raw materials and energy products, which would extend the applications and promote the use for these materials.
- Strengthen the requirement for pre-treatment under the 2007 revision of the Landfill Regulations, requiring evidence that separate collections for recycling have been optimised as a treatment option
- Raise the targets for recycling of packaging waste under the 1997 Producer Responsibility Regulations
- Strengthen planning guidance to ensure that new residential and commercial premises have sufficient physical capacity to store a number of waste streams at the same time
- Allow large organizations to gain credit for reductions in carbon dioxide emissions achieved through more sustainable management of their wastes in their reporting under the Carbon Reduction Commitment (CRC)
- Provide more funding for national, regional and local communications campaigns aimed at householders and businesses.
- Address the problem that recycling collections from commercial premises may not be economically viable, e.g. in remote areas. Although businesses should pay for their collection in full, there will be occasions where this would result in unreasonably high collection charges, preventing businesses from using the service which further prevents economies of scale from being developed.
- See also our response to Question 1.



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Question 8: Do you consider that it will technically, environmentally and economically practicable to set up, by 2015, separate collection for paper, metal, plastic and glass which is classified as household, commercial or industrial waste?

Yes. Please see our answer to Question 7 above.

Question 9: Do you agree with the proposed approach to implementing the recycling target for household and similar wastes required by Art. 11(2)(a)?

Question 10: Given the Local Authority Recycling, Recovery & Disposal (LAWRRD) model scenarios, do you agree with the Government's preferred "no further measures" approach?

Question 11: If you think the Government should look to introduce additional measures to ensure that the recycling target of 50% for household and similar wastes is reached by 2020, what should these additional measures be?

Question 13: Do you think that Wales' approach will meet the requirements of Art. 11(2)(a) of the revised WFD?

In general LARAC agrees with the proposed approach, but we have concerns that (apart from the projected increase in landfill tax, which LARAC also supports) drivers for increasing separate collections of waste materials for recycling and composting have been reduced since April 2008. Statutory recycling and waste targets for all local authorities have been abandoned in favour of the priorities of Local Strategic Partnerships (LSPs). Sustainable waste management policies, practices and achievements have not been recognized or included in the National Indicators for climate change, which, together with the CRC, are now the most significant drivers for change for local authorities. Whilst we recognize that Government itself has assessed, using the LAWRRD model, the impact of this and has decided that the targets are likely to be achieved anyway, we believe that the effect on the priorities of local authorities during a forthcoming period of public sector funding cuts is not easy to predict.

LARAC would advocate making CO₂e emissions reductions as a result of more sustainable waste management practices admissible against National Indicators 185 and 186 targets and returns. The Government also should consider allowing credit in CRC returns to be given for policy decisions that result in overall savings in CO₂e emissions from more sustainable wastes management.



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National municipal (as opposed to household) waste targets have never been set in the past, so any proposed targets should be introduced only with caution until base-line data have been established and published. These targets should be reviewed frequently.

The Government is right to request clarification whether Anaerobic Digestion (AD) should be classified as recycling or energy recovery. AD will be difficult to assess because it gives rise to a number of products, including methane (for energy), a residual material that may be used in compost, and smaller amounts of carbon dioxide and other gases.

Question 12: Do you have views about targeting any additional measures on specific materials?

LARAC opposes the imposition of additional targets on local authorities for specific materials. Targets for packaging waste streams would contribute to increasing overall diversion of wood, glass, metals and, especially, plastics from household, commercial and industrial waste streams – but these would need to be achieved by obligated companies, working in partnership with local authorities.

Question 14: Do you agree with our assessment of the extent to which we are already meeting the construction and demolition waste recovery target in England & Wales?

Question 15: Do you believe that any additional policy or legislative measures are necessary for us to guarantee that we are meeting this target?

LARAC has no special expertise or knowledge to offer in respect of C&D wastes, but we believe the Government would do well to be more prescriptive about the minimum requirements of Site Waste Management Plans, including a requirement to provide detailed information about quantities recycled, re-used and disposed of for smaller schemes than the regulations currently allow for (say, between £200,000 and £500,000 in value).

Question 16: Do you agree that the UK is currently self-sufficient in installations for the recovery of mixed municipal waste from private households etc? If not, please (i) explain your reasons and (ii) the steps you consider need to be taken by the UK to achieve self-sufficiency in relation to such installations.

In one sense, the answer to this question is clearly “no” whilst significant tonnages of waste continue to be landfilled and recyclates exported. The measures already announced (including the projected increases in landfill tax) will encourage investment in more capacity for waste treatment and recovery. However, more



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investment will be needed if targets are to be achieved or exceeded, especially in facilities to treat biowaste, plastics and other packaging waste streams. Partly this may be achieved by adjusting the PRN system making it expensive to landfill packaging waste streams and less advantageous to export them.

LARAC would like to see more and urgent investment in the UK's indigenous resources-based industries. The Government has a part to play in this through measures that can "de-risk" the commercial environment when investment is considered for new facilities, for example by guaranteeing levels of costs for energy and carbon, and making sure that UK industry has a level playing field in relation to the costs of meeting regulations when dealing with secondary materials, particularly when they may still be classified as waste materials.

The debate that has started on landfill bans will, if translated into effective and enforceable policies, contribute to stimulating the investment needed for self-sufficiency, but this is a long-term issue.

In principle, LARAC would support landfill bans in the long term (but not the short term), but we would have concerns about the financial implications. Local authorities would not be able to raise additional funds to support this unless given new powers to charge householders as well as others in relation to the service received.

If the question were underlain by a belief that the minimum of investment consistent with achieving EU targets is required, then LARAC would not support this.

Question 17: (in relation to the management of hazardous waste).

LARAC is a partner of the National Household Hazardous Waste Forum, which has more knowledge in this area in relation to hazardous waste management. We endorse the response of the NHHWF.

Question 18: (in relation to waste oils)

LARAC agrees with the proposed approach to rely on the measures adopted to transpose and implement the waste hierarchy and not to prescribe that waste oils must be regenerated if technically feasible.

Question 19: Do you agree that sufficient measures are already being taken to encourage biowaste treatment as envisaged in Art. 22?

In addition to the measures listed in the consultation document, the government should pay attention to a forthcoming Renewable Heat Incentive and revised



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Renewable Transport Fuels Obligation to ensure that sufficient incentive is provided to use AD to treat food waste. In particular, there is an opportunity for local authorities to be financially incentivised, where appropriate, to convert their recycling and refuse collection fleets to biogas, thereby creating a virtuous "closed loop" involving digestion of food and other suitable biowastes and using the biogas to power vehicles.

LARAC looks forward to contributing to the development of biowaste strategy for the UK Administrations.

Question 20: What revisions do you consider Defra/WAG should make to the existing arrangements for waste management plans to transpose the requirements of Arts. 28(1), (2) and (3)(a-c) of the revised WFD?

Question 21: Which, if any, of the discretionary issues set out in Arts. 28(4)(a-d) of the revised WFD do you consider Defra/WAG should address in the arrangements for waste management plans adopted in response to Question 20.

The existing arrangements, including WS2007, probably meet the requirements of Arts. 28(1) and (2), but LARAC believes that there is at the moment insufficient information about non-municipal waste streams to comply fully with Arts. 28(3)(a-c). Better information about all controlled waste streams is needed before coherent plans and strategies can be devised for their better management. This would make it easier to develop a similar approach to monitoring and regulating municipal and non-municipal waste streams. LARAC would like to see better integration of management of household and (similar) commercial waste, which would give local authorities better opportunities for achieving economies of scale and developing partnership approaches with other public sector organizations. Before such an approach could be developed, it would be necessary to review the operation of the Landfill Allowance Trading Scheme (LATS).

Question 22: What are your views on the merits of either (i) freestanding national waste prevention programmes or (ii) a more dispersed approach which would involve introducing a requirement for local authorities to draw up their own waste prevention programmes?

Question 23: What are your views on the integration of waste prevention programmes into the waste management plans required by Art. 28 of the revised WFD, their integration into other environmental policy programmes or their functioning as separate programmes?

Question 24: Do you have views on the usefulness of any of the 16 examples in Annex IV as waste prevention measures.



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Waste Prevention is at the top of the waste hierarchy. However, land-use planning does not apply to waste prevention except, indirectly, by taking into account projected (or hoped for) reductions in waste generated. Waste prevention applies at each stage of the whole materials chain, from mining and extraction, through refining, winning (growing, converting), designing, forming, processing, fabricating, transporting, retailing and consuming, to discarding and recycling. Most of the Annex IV examples do not apply solely to the end of this value chain.

Waste Prevention should be dealt with in the national waste strategy and should be included in the Government's guidance to local authorities about waste management strategies and plans. However detailed consideration should also be given in collaboration with the Department of Business, Innovation and Skills (BIS) to how waste prevention should best be integrated with the UK's strategies for business development and skills, using the list in Annex IV as an initial checklist.

LARAC believes that the House of Lords Science and Technology Committee report on Waste Reduction (2007/8) gives some important leads as to how this could be approached.

Question 25: Do you consider that the costs and benefits of the transposition and implementation of the provisions of the revised WFD that are the subject to the Stage One consultation exercise have been accurately assessed in the initial Impact Assessment at Annex 3 to the consultation paper?

There is insufficient information in Annex 3 for LARAC to comment on this.