



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

LOCAL AUTHORITY RECYCLING
ADVISORY COMMITTEE

Mark Millett
Defra Waste Programme
Municipal Waste Team,
Area 6C
Ergon House
Horseferry Road
London
SW1A 2 PL

9th June 2010

Dear Mr M Millett,

Consultation Response – Meeting EU Landfill Diversion Targets, March 2010

I am writing to present LARAC's response to the Consultation on Meeting EU Landfill Diversion Targets, which is highlighted below. Thank you for the opportunity to respond to the above consultation.

The following comments are sent on behalf of the Local Authority Recycling Advisory Committee (LARAC). LARAC is an association of nearly 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 support the principle of aligning the UK's waste definitions with the EU's in an effort to foster convergence between the management of household and commercial waste so that the environmental impacts of waste (especially Biodegradable Municipal Waste) are addressed regardless of its source, with a robust monitoring system in place. 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 0191 3835691 or email victoria.burrell@durham.gov.uk.

Yours faithfully,

Mrs Victoria Burrell
LARAC Policy Team



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

LOCAL AUTHORITY RECYCLING
ADVISORY COMMITTEE

GREEN GLASS

Consultation Response – Meeting EU Landfill Diversion Targets, March 2010

Consultation Questions

Reporting and Monitoring Obligations (paragraphs 3.14 to 3.24)

Q.1: Which of the possible approaches to reporting on the amount of Biodegradable Municipal Waste (BMW) sent to landfill should Defra develop further? Is it right to favour measuring a landfill target at the point of landfill, provided a robust and credible method can be determined?

LARAC agrees that the UK's existing approach is focused too narrowly on waste collected by local authorities and this waste stream is too small in proportion to the total produced to enable the environmental objectives of the EU Landfill Directive and the aims of Waste Strategy for England 2007 to be met.

LARAC supports the proposal to broaden the definition of municipal waste for purposes of reporting against the targets set out in the EU Landfill Directive. This will mean, regardless of the source of waste, its environmental impacts can be monitored and managed in a consistent manner. However, this must enable a robust and credible monitoring methodology to be determined.

LARAC agrees that biodegradable municipal waste should be measured at the point of disposal. Further analysis of commercial waste tonnages and composition is urgently required. LARAC supports the proposal to retain "Waste DataFlow" as the basis of a robust reporting system as this is a valuable and comprehensive data source, unlike systems currently in place to record flows of commercial and industrial waste streams.

Q.2: Are there alternative approaches that Defra should be considering?

N/A

Q.3: Is the current guidance on classifying waste by the List of Wastes sufficient for ensuring that waste is correctly identified against European Waste Catalogue code, and hence whether it is municipal waste or not?

LARAC agrees that the current guidance on classifying waste by the List of Wastes is adequate in principle for ensuring that waste is correctly identified against the European Waste Catalogue code. However in practice EWC codes may not always be correctly applied at disposal points and therefore there may be a risk that any new definition will be open to individual interpretation. We believe landfill site operatives may need further training to ensure all waste streams are correctly classified.



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

LOCAL AUTHORITY RECYCLING
ADVISORY COMMITTEE

GREEN GLASS

Policies to divert biodegradable waste from landfill - Section 4

Q.4: Do you consider that LATS is an effective policy to assist England meet its share of the UK landfill diversion target in:

- a) 2013**
- b) 2020**

(Please provide evidence to support your views if possible. In particular it would be useful to know the role LATS plays in future planning by local authorities to divert waste from landfill).

LARAC is of the view that the Landfill Allowance Trading Scheme for Local Authorities (in England) is no longer the main driver in reducing the amount of Biodegradable Municipal Waste (BMW) to landfill. Instead, the escalating Landfill Tax now provides a greater fiscal incentive for diversion across both the public (and private) sector covering both biodegradable and non biodegradable waste. . At a current rate at £48 per tonne (increasing to £72 per tonne by 2013), landfill tax is forcing local authorities to take significant steps towards more sustainable management of their wastes. Many local authorities have contractual arrangements in place to buy and sell allowances up until 2013 and therefore the LATS system should remain in place at least until this time in order to maintain measures local authorities have taken to mitigate risk in the medium term and avoid possible litigation.

The Landfill Allowance Trading Scheme's main aim was to delegate to local authorities, responsibility to achieve reductions in landfill required by the Landfill Directive in an effort to reduce the damaging emissions caused by the production of methane gas. To date the LATS system has contributed to meeting the EU Landfill Directive targets. However, as a market mechanism, LATS has generally underperformed, a situation which has been compounded by recent trend of decreasing waste arisings.

Government proposals to restrict further certain waste streams to landfill may also contribute to achieving the required reductions after 2013. However the effectiveness of such instruments will need to be carefully evaluated in comparison with the landfill tax escalator and LATS before implementation.

Q.5: What policy instruments should Defra consider in its assessment of those necessary to meet the landfill diversion targets in 2013 and 2020? Please provide evidence to support your response if possible.

In 2005 the Government undertook to return increased revenues from landfill to local authorities. LARAC endorses the LGA's position that this funding stream should be returned to local authorities by providing public funding for better municipal waste management capital projects.

Furthermore LARAC support the use of stronger Producer Responsibility in helping to reduce waste to landfill.

With regards to policies restricting inputs to landfill, LARAC have provided a comprehensive response to the parallel consultation being undertaken on the introduction of restrictions on landfilling of certain wastes, and would draw your attention to the comments made.



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

LOCAL AUTHORITY RECYCLING
ADVISORY COMMITTEE

GREEN GLASS

Q.6: Are there other policy options specifically to divert biodegradable municipal waste from landfill that Defra should be considering?

In principle, LARAC supports measures that could encourage more sustainable treatment of biodegradable wastes, including landfill bans. However we have concerns that such measures could increase costs to local authorities without a commensurate environmental gain. Our response to Q4 above and our separate and comprehensive response to the consultation on the introduction of restrictions on the landfilling of certain wastes also refer to this.

Amending the existing legislation

Q.7: Do you agree with the proposal to create the concept of "Collected Waste" as a means of LATS continuing in its current form as a policy addressing waste collected by local authorities.

LARAC agrees that "Collected Waste" or "Waste under the control of the Local Authority" would be better terminology than "municipal waste" for local authorities. However the term "Collected Waste" could cause possible confusion over waste entering the Civic Amenity Sites / Household Waste Recycling Centres. To avoid misinterpretation or misuse, greater clarity on how this is defined should be provided. Alternatively "local authority waste" or "community waste" might also be considered.

Q.8: Is "Collected Waste" the best term, or is there a better alternative?

See our response to Q7 above.

Q.9: Do you agree that allocations of landfill allowances to Waste Disposal Authorities should be retained as currently allocated for each LATS scheme year?

One of the difficulties of LATS is changes outside a local authority's control that affect the tonnages of waste generated by local authorities over time, for example increases in housing numbers or changes in boundaries. The Landfill Allowance Trading Scheme (LATS) system works in arrears. Although we don't advocate changing allowances that are set until 2020 (because that would be difficult, contentious and possibly subject to legal challenges), in its review of LATS the Government does need to take into account such strains and inequities that increase over time

Q.10: Do you think targets for BMW to landfill should be set in non-target years, and if so, on what basis?

Yes, informal, non-statutory targets could be set nationally to ensure that the U.K is on course to meet its EU landfill diversion targets.