



Committee Clerk
Environment and Sustainability Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA.

11 June 2015

Dear Sir/Madam

Consultation on the Environment (Wales) Bill

Thank you for the opportunity to respond to this consultation. The LARAC response is contained below.

The responses below are sent on behalf of the Local Authority Recycling Advisory Committee (LARAC). LARAC is an association of around 75% of local authorities across England, Scotland, Wales and Northern Ireland. Members are waste management and recycling professionals who 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 Authorities.

Our response has been peer reviewed by members of LARAC's policy team and executive committee. LARAC Wales members have also been invited to comment on the consultation through the members' discussion forum on our website. All contributions received have been taken into account in drafting the response below.

LARAC has responded to parts three and four of the proposed Bill that relate to carrier bags and the collection and disposal of waste.

LARAC would welcome the opportunity to engage further with the Committee and provide oral evidence.

If you have any queries on this response then please contact me at lee.marshall@larac.org.uk or on 01982 382 650.

Yours faithfully,

Lee Marshall
Chief Executive Officer



Responses to Consultation Questions

Part Three – Carrier Bags

Do you agree with the proposal that Welsh Ministers should have powers to raise a charge on all types of carrier bags not only single use bags?

LARAC believes that this proposal requires further consideration to demonstrate the outcomes it is trying to achieve. The move to consumers using multi use items from single use items is a positive one and LARAC would not want to see the implementation of a blanket charge on all carrier bags work against this ethos.

The littering and waste problems associated with multi use bags are minimal compared with single use bags. Given the original intent of the charge on carrier bags was to reduce the use of single use bags so that their resource and waste impacts are minimised LARAC is unsure what environmental benefits Welsh Government is hoping to achieve by widening their ability to charge beyond single use bags. The Welsh Government cost benefit appraisal report prepared by Ricardo AEA estimate that only 10% of bags used were 'new' reusable bags for life whilst 18% were still single use carrier bags. This suggests that further work should be done to reduce single use carrier bags further before considering any action on multi use bags.

Do you agree with the proposal that Welsh Ministers should have powers to raise different charges on different types of bags?

LARAC believes that Welsh Government should have a degree of flexibility in the amounts that are charged for carrier bags in order that it influences consumer behaviour. As indicated above LARAC does not support a move to introduce a charge on non-single use carrier bags so 'different types of bag' in this context is restricted to differences in things such as size, material and thickness and not whether it is single or multi use.

In situations where Welsh Government were proposing to change the level at which a charge was set LARAC would expect it to undertake a suitable and thorough consultation exercise with relevant stakeholders before any changes were made.

Do you agree that the profits from the sale of carrier bags should be directed to all charitable causes rather than just environmental ones?

LARAC believes that environmental charities and projects should take precedence over other charities when funds are allocated.

LARAC feels strongly that in the new financial settlement that local government is now required to operate in that there should be a move to enable local authorities to utilise these funds. Projects relating to litter or recycling that in addition to existing services should be supported through these funds. Equally LARAC would support creation of a hypothecated fund for local authorities for an element of the profits that local authorities could bid into for projects related environmental activities.



Part Four – Collection and Disposal of Waste

For your views on whether the Welsh Ministers need further powers to require that certain types of waste are collected, treated and transported separately?

LARAC is of the view that the powers proposed in Section 66 (1) to (3) are not needed. LARAC is of the opinion that these requirements are adequately covered by the Waste (England and Wales) Regulations 2011 and that there is no need to duplicate the requirements in those regulations within the Act.

LARAC has concerns regarding the power for Welsh Government to specific separation requirements and issue codes of practise. The Committee will be aware that the Welsh Government has produced a 'collections blueprint' and that this approach is far from universally agreed upon within the industry across Wales. LARAC fears that the powers contained within the draft Bill will provide Welsh Government with another opportunity to pursue this directive policy when it is clear that the blueprint approach is not applicable for all parts of the country.

Do you agree that non-domestic premises should be required to put their waste out for collection in line with any separation requirements set out by the Welsh Government?

LARAC does welcome the requirement on waste producers under Section 66 (4) as behaviour change will not truly happen until the responsibility is placed directly on the waste producer itself. This is something LARAC would advocate extending to households as well as we feel that to achieve the 70% recycling target Welsh Government has set the public will require some level of compulsion to take part fully in recycling collection systems provided by local authorities. Therefore the inclusion of Section 66 (5) is disappointing and should be removed to allow Welsh Government the ability to bring forward schemes in future that place more responsibility directly on households for the waste they produce and support engagement and participation in local authority recycling schemes.

LARAC believes that any requirement to present waste separately must align with current requirements under the 2011 Regulations to collect separately. That is that 'separately' means recycling waste is presented separately from waste that is going for treatment or disposal in line with current guidance from Welsh Government.

Whether you agree that the Welsh Government needs wider powers to ban some recyclable waste from incineration?

In relation to municipal waste LARAC does not believe that banning material from incineration serves any useful purpose. The statutory 70% recycling rate means that local authorities will be working to secure all recyclable material for reprocessing and utilising incineration only for those materials that cannot be effectively recycled.

There may be merits in considering bans for other waste streams such as commercial and industrial or construction wastes. However as we have highlighted elsewhere, for a ban to truly change behaviour, it needs to be applied to the waste producers rather than waste collectors or the treatment facilities. This though brings with it problems in terms of enforcement and regulation that will need careful consideration. Equally if a material is banned from incineration there needs to be in place a network of technically and economically viable facilities that the material can be taken to instead. The implementation timetables of any such bans will therefore require widespread consultation and careful managing.



What will the impacts of these waste proposals be for you or your organisation? Are there any other waste proposals that you think should be included in the Bill?

The elements in the Bill relating to waste have the potential to increase the burdens on local authorities at a time when they face diminishing resources. LARAC would not welcome any proposals that do this. We have highlighted above areas where we feel there might be potential for this to happen. Equally we feel this Bill does not go far enough in placing responsibility for moving waste up the waste hierarchy on those who produce it, especially domestic households. LARAC would like to see Welsh Government grasp this important issue instead of placing targets on local authorities, who after all are providing the solutions for households and are not the people who are producing the waste.

LARAC is concerned with any proposals that place further burdens on local authorities in this revised economic landscape of decreasing funds. Whilst the Welsh Government ambition to recycle 70% of waste by 2025 is to be applauded, the statutory nature of it for local authorities means that considerable resources will be expended in meeting it. It also means that those with producer responsibility obligations in relation to packaging are getting a 'free ride' in Wales. Local authorities will expend public money collecting and treating packaging from households that companies have a duty to do so under producer responsibility legislation. Local authorities are subsidising the achievements of these producer responsibility targets for these private companies, something that goes against the central ethos of producer responsibility.

LARAC urges the Welsh Government to review the requirements within the Bill and rectify this anomaly. The targets on local authorities should be restructured based on a residual waste target and set in such a way that compels obligation organisations with responsibility for packaging to invest funds in local authority collection schemes. In this way producer responsibility will mean exactly that and public money will not be used to finance the achievement of private sector targets.