

Response to the Government's Consultation on the Review of England's Waste Strategy

The following is a response to the Government's review of Waste Strategy 2000 on behalf of the waste disposal authorities of Hartlepool, Middlesbrough, Redcar & Cleveland and Stockton-on-Tees Borough Councils ("The partner authorities"). I am the joint Waste Management Development Officer of the above local authorities.

In general the partner authorities endorse the Government's approach to the review of the waste strategy. If carried through consistently and with adequate funding, the policies proposed will enable local authorities to develop strategies for waste management that are consistent with the principles in the emerging Thematic Strategy on the Prevention and Recycling of Waste and related legislative developments. The document will also help local government generally to become better joined up in its own thinking about waste. I have, however, summarised a few points of concern in response to question 1 as the conclusion of this document.

Our response to other questions in the consultation document are as follows:

Q2 (Views on proposed national household recycling and composting targets)

The new targets are certainly challenging but may not be robust. Although a small number of local authorities have achieved over 40% and up to 50% recycling + composting, these are not realistic *average* levels of recycling within the proposed time frame. To achieve an average recycling rate of over 40%, a significant number of authorities out of 380 in England will need to produce rates of recycling + composting of 60% or more. The partner authorities have significantly higher levels of social and economic deprivation than the authorities that have achieved very high recycling rates and will consequently find it difficult to achieve recycling rates in excess of 40%. A floor rate of 30% by 2015 may be reasonable as good practice becomes more widely adopted, but higher rates will necessitate local factors indicating that a greater investment in recycling is economically and socially advantageous.

Q3 (municipal waste total recovery targets)

This would need careful handling in the light of councils' obligations under the Landfill Allowance Trading Scheme, which militate against expanding trade waste services. This may seem to be ironic, given that recycling targets for trade waste will tend to reduce landfilling of trade wastes. However the fact that trade waste may have a different composition from household refuse, and not the 68% biodegradable content or 60% notional recyclable content assumed in many studies, will be perceived as increasing the risk to local authorities - for example fly tipped waste will often have a different composition, and a far lower potential for recycling, compared with household waste; and industrial/commercial waste would be expected to contain less green waste than household waste.

The partner authorities are moving towards a “Zero landfill” policy but there will be an element of municipal waste, such as asbestos, where recovery is unlikely to be an option.

Q4 (targets for landfilling of non-municipal waste streams)

The partner authorities have no objections to the proposed targets, although it is not clear what the basis is for the proposed figures. We agree that landfill should be the disposal route of last resort and would be comfortable for the UK to follow policy in other European countries with advanced waste management policies that would eventually proscribe the landfilling of untreated biodegradable wastes. When sufficient evidence has been provided on the composition of non-municipal wastes, then more challenging targets than those proposed may be possible.

Q5 (improvements to regulatory framework)

Proposals to change the regulation of (exempt) small scale waste management schemes, most specifically small community composting schemes, but also small on-farm compost schemes and community recycling operations, will involve the payment of subsistence fees that will inhibit the development and growth of these schemes. The Government should consider carefully how to regulate these schemes, either by exempting them altogether if they are not much larger than household compost schemes, or by subsidising Environment Agency fees. Regulation should always be proportionate to the actual environmental risk.

Q6, Q7 (Stewardship, producer responsibility)

We would like corporate social and environmental responsibility (as opposed to just product social and environmental responsibility) to become the norm in industry. Voluntary agreements may be the best in certain sectors, but it is difficult to see how such agreements will deal effectively with free riders and, indeed, with most SMEs operating in non-environmental sectors of the economy. After household batteries, tyres and garden chemicals will/should be included in producer responsibility legislation. Would it be possible for (retailed) waste food to become a producer and importer responsibility? Textiles are another possible area for consideration of producer responsibility.

Q8, Q9 (use of economic instruments)

The staged increases in landfill tax have helped to change the behaviour of producers and managers of waste. We would recommend the Government to announce steeper future annual rises in the rate of landfill tax than hitherto and to raise the ceiling from £35/tonne to, say, £50/tonne in the long term. We appreciate that the Government has hypothecated part of the additional income from this tax to waste management by establishing the Business Resource Efficiency & Waste (BREW) programme and returning funds from increased landfill tax on municipal waste to local government. However the mechanism for the latter should be made more transparent so that individual councils know how much additional funding they are receiving from landfill tax revenues and then be able to project how much extra they will receive in

future years, so that they may invest in more sustainable waste management practices for the future.

The Government must consider new powers for local authorities to introduce variable charging schemes for household waste management. The arguments for this (not a duty but a power) include the fact that the UK is virtually the only OECD country that does not allow municipalities this power and that to introduce such a power would increase local accountability.

We would not recommend the introduction of any more tradable allowance schemes involving local authority waste management until after the operation of the Landfill Allowance Trading Scheme (LATS) has been evaluated over at least the first target year.

Q10 (Waste minimisation & prevention)

As well as introducing powers for variable charging, the Government should commit to making generous resources available for public education programmes over a number of years. Funds made available through WRAP for communications are welcome and will, we are sure, prove to have been effective at altering perceptions and behaviour. However they have been quite limited in duration and scope. We would like the Government to make a commitment to ensure that waste education programmes including media promotions can continue at least for the medium term (5-6 years), and that regional and sub-regional programmes are promulgated (as well as national and local programmes). Funding should be made available to implement elements of regional waste strategies that relate to waste minimisation.

Q11 (Engaging businesses)

The partner authorities acknowledge the difficulties of engaging SMEs in particular in sustainable waste management without increasing the burden of regulation. Measures to improve this could include:

- Increasing the rate at which landfill tax increases (Q8/9 above)
- Putting more resources into public education, including businesses (Q10 above) – bringing about cultural change within the business community
- Promoting corporate environmental and social responsibility as a priority within the business community generally (Q6/7 above)

Q12 (Government example)

We would look for evidence that environmental stewardship generally has become a high priority issue in all government departments, most particularly Treasury, ODPM and DTI – as well as DEFRA.

Q13-21 The partner authorities don't have a contribution to make to the debates in these areas, although they recognize the need for waste management, including waste education, functions to become more closely integrated with economic development, trading standards and business support functions within local authorities

Q22 (engaging consumers)

The best ways of engaging consumers are through a power for variable charging (Q8/9 above), long term public education programmes (Q10 above) and better consumer information generally.

Q23, 24, 25 (future performance standards for local authorities)

The Government's proposals for floor targets in the medium and long term are reasonable (see under Q2 above). However we do not agree with material-specific targets. Composting, including home composting, of biodegradable waste is already dealt with under LATS (provided that the Government can give local authorities credit for material diverted through home composting). Material specific streams are, and should remain, subject to producer responsibility. Producers and retailers should be encouraged to make voluntary agreements with local authorities to achieve targets for the collection of producer responsibility resource streams such as packaging and Waste Electrical & Electronic Equipment (WEEE) and these targets should not form part of the statutory framework for local authorities.

Q26, 27 (Energy from Waste)

The partner authorities already use energy from waste. We agree with the Government's proposals. The main criterion for preferring one EfW technology over another would be the overall resource efficiency of the processes under consideration.

Q28 (landfill as the home of last resort)

We agree that the Government should move towards the practice in other EU states, whereby landfilling of untreated biodegradable and/or combustible waste is not allowed.

Q29 (improving waste procurement)

The partner authorities agree with the sentiment in the Government's proposals, but we are unsure about what the implementation will involve. Evidence from other local authorities indicates that PFI may not be the best means of investing in waste treatment and management contracts. Other suggestions include the creation of funding streams from increased landfill tax revenues (under Q8, 9 above). More opportunities should be created for prudential borrowing, earmarked for waste management projects.

Q30, 31, 32 (market development)

The Government is already promoting work on standards that should accelerate the acceptance of recycled materials whenever they are "fit for purpose". This should be accelerated for compost and stabilised biowaste where "fit for purpose" and not

“source separated” should be the defining criterion for acceptability of waste-derived materials for particular applications (e.g. agriculture, landscaping, remediation)

We have no objections in principle to recyclates being exported for re-processing. However we would have concerns if the UK were over-reliant on export markets. The Government could do more to support indigenous recycling industries by creating a level playing field concerning standards and regulation (including the definition of waste – see below)

Q33-36 (commercial waste streams) The partner authorities have made comments elsewhere in this response that bear on management of these waste streams. Building Regulations and the Sustainable Homes Code could be extended to promote positively the use of secondary materials in construction projects. Recycling targets for industrial and commercial waste streams would help, applied particularly to waste management companies and to large firms creating industrial waste.

Q37, 38 (hazardous wastes)

The partner authorities agree with the Government’s proposals for producer responsibility. Because these sectors are already heavily regulated, voluntary agreements may be sufficient.

Of the options in paragraph 92, the partner authorities prefer options b) and a). Option c) should be supported, but only if adequate funding is provided to meet the additional financial burden.

Q38 (Sustainable Waste Programme Board)

We would support this idea. The Treasury should be represented on the Board.

Q41, 42 (Partnership working and RDAs)

The Government is already supporting partnership working through the regional centres of excellence. More emphasis could be placed on the development of Regional Waste Strategies (RWSs) as a vehicle for engaging all sectors including local authorities in sub-regional partnerships in promoting and implementing more sustainable waste management practices. RDAs could be made key agencies in helping to fund waste management, based on RWSs. However they should be expected to work closely in partnership with the local authorities even when the wastes under consideration aren’t municipal wastes.

Q43 (effectiveness of LAAs)

LAAs don’t appear to have had much effect so far at achieving statutory waste management outcomes. Dedicated waste management partnerships are needed to deliver efficiencies and service improvements, although there are still too few of these to be able to evaluate their effects.

Q44 (demand from businesses)

There is anecdotal evidence from local authorities elsewhere that businesses are seeking increased help from local authorities in relation to waste management, although it is difficult to say that there is strong evidence in the Tees Valley.

Q45 (wider strategic role for local authorities)

There are opportunities to increase the strategic role of local authorities in all the ways suggested in the consultation document (Box 3). Local authorities also have an opportunity to contribute more to sub-regional and regional strategic development, in collaboration with RTABs and regional assemblies. One key to increasing the contribution local authorities can make to strategic development could be in developing partnerships with the RDAs, for example in utilising BREW funds for projects that deal with waste issues generally.

Q46 (new obligations on local authorities and businesses)

There is certainly scope for increasing the involvement of local authorities in assisting businesses in waste management in ways implied in the consultation document. We believe that similar targets should be set for recycling from commercial wastes to those set for household wastes. The extra costs and risks should not fall on local authorities and should be borne by industry and/or the Government. Recycling targets should be set on large industrial waste producers and on waste management companies handling commercial wastes. Local authorities already have an increased obligation to recycle and compost from trade waste they collect on account of LATS. Care will have to be taken that if local authorities become more involved with commercial waste management, this does not increase their obligations and risks in relation to LATS.

Q47 (producer responsibility and local authorities)

Absolute clarity is needed about financial responsibilities to ensure that no additional responsibilities or risks fall on local authorities on account of waste streams that are subject to producer responsibility. The partner authorities are happy to talk to producer organizations and compliance schemes to increase the recycling of these wastes in the most cost-effective ways to help them meet their obligations. The Government should give these organizations signals that they expect them to work with local authorities to achieve their targets, and could also have a role co-ordinating the funding streams to simplify them – possibly helping to establish a local authority/industry forum to communicate and co-ordinate producer responsibility initiatives.

Q48 (voluntary/community sector contribution)

Whilst we agree generally with the Government's proposals, the consultation paper doesn't recognize sufficiently the diversity of types of voluntary and community sector organizations that we may deal with. This ranges from professional organizations that may act like quasi private sector organizations and may have significant influence on procurement and delivery of waste management services, to small community organizations with amateur capabilities that will have little overall effect on waste management and recycling. Even the latter type of organization

should be encouraged in partnership, but the local authority may have to spend a disproportionate amount of time and expense compared with the potential waste management and environmental gains. This also calls for a more integrated local authority approach that involves community planning as well as waste management and environmental considerations.

Q49, 50 (enforcement/waste crime, and links with fly tipping)

Some more government assistance with establishing effective enforcement teams, including “pump priming” funding, would help considerably. We believe that greater local authority involvement with commercial wastes (as in Q46 above) should also help reduce fly tipping, although we don’t have any evidence about this.

Conclusions (Q1)

The partner authorities broadly support the proposals in the review, although we are uncertain about how they will be implemented in some cases. In particular:

- A commitment is needed to generous funding in the medium to long term. Some mechanisms are suggested in our response, for example more transparent hypothecation of increased landfill tax revenues and use of RDA funding in connexion with regional waste strategies.
- Powers for variable charging should be included in the review as a means for achieving increased funding and investment needed, and to help engage the population as a whole.
- We are concerned that 42% of all recyclates are currently exported and that much potentially recyclable material is still landfilled because appropriate standards haven’t yet been evolved. Measures need to be taken to ensure that the indigenous recycling industry is supported.