

# Legislation Committee No 4

LC4(3)-05-10 : Paper 1

## Proposed Waste (Wales) Measure

### Written Evidence to Legislation Committee 4 submitted by WRAP Waste & Resources Action Programme

WRAP was established as a not for profit company in 2000 and is backed by Government funding from England, Wales, Scotland and Northern Ireland. WRAP is a delivery body working across the UK to help businesses and individuals reap the benefits of reducing waste, develop sustainable products and use resources in an efficient way. WRAP has had a presence in Wales since 2000, then in 2008 to coincide with the planning of a new Waste Strategy for Wales, a dedicated team based in Cardiff Bay was established. WRAP Cymru has agreed a 3 year delivery plan 2008-11 with the Welsh Assembly Government to support the achievement of its ambitious targets, achieving zero waste by 2050.

The following paragraphs address directly the consultation questions contained in Annex 1 to your 26 February 2010 letter to consultees.

1. Is there a need for a proposed Measure to deliver the stated objectives of making provision to reduce the amount of waste and litter in Wales and contributing to the development of more effective waste management arrangements in Wales?

The need for the proposed Measure is primarily a matter for the National Assembly for Wales and Welsh Assembly Government. WRAP is a delivery body: we do not, therefore, campaign for changes in the law and we work within the existing regulatory arrangements. We are conscious, however, that the proposals in the Draft Waste Strategy "Towards Zero Waste" are ambitious and the proposals in the Measure: to set statutory targets for local authorities, to ban certain materials from landfill and to establish Site Waste Management Plans for the construction sector could all be helpful to the achievement of the objectives set out in the Draft Strategy. We note that the proposal in relation to the revenue generated from carrier bags is for a reserve power in the event that voluntary arrangements are not successful.

2. How will the proposed Measure change what organisations do currently and what impact will any such changes have?

The provisions on waste targets for local authorities in Wales will impact most on those authorities that are not performing at the levels set out in the Measure. There may be many reasons why an authority is not achieving the proposed target levels. Local collection arrangements may not be adequate or appropriate for the circumstances. Arrangements to communicate with and engage residents may not be effective or the arrangements may not be trusted. The local authority may give higher priority to other programmes. We would expect statutory targets backed by a financial sanction to increase the priority given to this activity and cause local authorities to review both their service and approach to local communications. WRAP has developed a good deal of experience of working with local authorities on effective service design and communication programmes and would be happy to share that experience with Welsh authorities, working with WLGA.

The proposal to ban certain materials from landfill could have impacts on waste producers, waste management companies, local authorities and, of course, landfill operators. The specific impacts will depend on the materials which are selected for a ban, the timing of the ban and the interaction of any bans with the transposition of the European Waste Framework Directive. Together these changes will have implications for the way in which materials are collected, the amount and type of sorting and reprocessing infrastructure required and the need for end markets for the materials. These are issues which we would expect to be considered in the Municipal and Infrastructure sector plans being prepared in support of "Towards Zero Waste".

The provisions on Site Waste Management Plans have the potential to improve the working practices of construction companies and their supply chains in respect to their management of waste and should increase the proportion of site waste which is recovered for reuse or recycling. The requirement for these plans could provide useful underpinning for other initiatives like the successful "Half Waste to Landfill" voluntary commitment which is being widely adopted by construction clients, design professionals and construction companies across the UK, including in Wales. WRAP Cymru is able to offer support to construction companies - working with Constructing Excellence in Wales and other industry bodies as appropriate- to respond to the requirements for Site Waste Management Plans. WRAP is also able to offer support to develop infrastructure for the collection and sorting of construction wastes.

3. Are the sections of the proposed Measure appropriate in terms of achieving the stated objectives? In considering this question, consultees may wish to consider the nature of the provisions in the proposed Measure that:

(a) require retailers to apply the net proceeds of revenues raised from the sale of single use carrier bags to specific environmental purposes or bodies (sections 1-2)

Sections 1 and 2 of the proposed Measure appear to fulfil the stated objective.

(b) establish waste targets (sections 3-8), particularly in relation to:

recycling, preparation for re-use and composting targets (section 3);

regulations about penalties (section 4);

monitoring and auditing compliance with targets (section 5);  
regulations about penalties (section 6);  
consulting the Environment Agency, each local authority and appropriate Welsh Ministers (Section 7);  
guidance administered by Welsh Ministers (section 8).

Given the stretching "recycling, preparation for reuse and composting" targets which are proposed for Wales as a whole in "Towards Zero Waste" we can see that translating those targets for individual local authorities can help to clarify what is expected from them and provide a firm basis for planning. Formal recycling targets will also have the effect of constraining the way in which the Landfill Allowances in LAS are achieved by moving waste up the waste hierarchy.

The proposal to set the same percentage target for all authorities is understandable given the ambition of the overall recycling targets. However, some authorities face more challenging circumstances and may need to make a greater effort, or require more support, in order to achieve these targets.

WRAP does not have a view on whether the proposed penalties are appropriate since that is a policy matter.

(c)make regulations to prohibit the deposit of waste in a landfill (sections 9-11), including:

civil sanctions (section 10); and

consultation (section 11).

Sections 9 to 11 of the proposed Measure propose a broad enabling power and a number of key decisions remain to be taken eg: the choice of specific waste streams to be banned from landfill; the actors to whom the regulations will apply and how these proposals will interact with others around the transposition of the Waste Framework Directive especially those relating to the separate collection of key materials. WAG and Defra are currently consulting on these issues. The outcome of that consultation should help to ensure that any regulations made under these sections are as efficient, effective and cost-effective as possible.

(d)establish plans for the management and disposal of site waste and penalties in relation to failure to comply with these provisions (sections 12-13)

Sections 12 to 13 of the proposed Measure appear likely to fulfil the stated objective. A similar legislative requirement has already been passed in England, and has led to Site Waste Management Plans being required of construction projects above £300,000. This has led to greater resource efficiency amongst such firms. WRAP Cymru is able to provide assistance and guidance to construction firms that need to introduce a Site Waste Management Plan, and we believe that this provision is a sensible one.

(e)make general provision (sections 15-20), particularly in relation to:

interpretation (section 15);

orders and regulation: procedures (section 18).

WRAP Cymru have no comments to make on these sections of the proposed Measure.

4. What are the potential barriers to implementing the provisions of the proposed Measure (if any) and does the proposed Measure take account of them?

Depending on the approach taken to the use of the landfill provisions, the issues which would need to be resolved would include the monitoring and enforcement arrangements which are covered by the current consultation and the availability of alternative infrastructure to deal with materials displaced from landfill. The latter issue will be dealt with as part of the municipal and Infrastructure sector plans being prepared as supporting documents for the new Waste Strategy. WRAP is acting as the project manager on behalf of the Welsh Assembly Government in the preparation of these documents.

5. What are the financial implications of the proposed Measure for organisations, if any? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Regulatory Impact Assessment), which estimates the costs and benefits of implementation of the proposed Measure.

Without reworking them, the range of financial costs presented in the consultation document seem to be reasonable, although in some cases necessarily broad, reflecting the range of options for implementation which remain open. The balance of these costs with the benefits is not a matter for WRAP.

6. Are there any other comments you wish to make about specific sections of the proposed Measure?

In relation to the provisions in sections 9 to 11 of the proposed Measure, concerning landfill restrictions, we would note that WRAP has been involved in providing evidence to inform the recent WAG/Defra consultation on this issue. We produced a report which shows that restrictions to landfill could save money and give environmental benefits. It shows that to realise the full benefits of landfill restrictions, the UK would need to increase prior sorting of materials so that recycling rates and quality could be sufficiently improved. The report estimates that this could take between four and seven years to do effectively. The report shows that restricting some types of waste from landfill could deliver significant benefits to the UK - saving as much as £8.25 billion and 189 million tonnes of greenhouse gas

emissions by 2024. We look forward to the outcome of the current consultation exercise.