

Agenda – Climate Change, Environment, and Infrastructure Committee

Meeting Venue:

Committee room 4 Tŷ Hywel
and video Conference via Zoom

Meeting date: 13 June 2024

Meeting time: 09.30

For further information contact:

Marc Wyn Jones

Committee Clerk

0300 200 6565

SeneddClimate@senedd.wales

Hybrid

Private pre-meeting (09.15–09.30)

Public meeting (09.30–14.30)

1 Introductions, apologies, substitutions, and declarations of interest

(09.30)

2 Inquiry on waste – evidence session with policy experts

(09.30–10.30)

(Pages 1 – 46)

Jemma Bere, Policy & Research Manager – Keep Wales Tidy

Gwen Frost, Director – Resource Futures

Keith James, Head of Policy & Insights – WRAP Cymru

Clarissa Morawski, Chief Executive Officer – Reloop UK and Ireland

Attached Documents:

Research brief – Waste and recycling in Wales

Paper – Keep Wales Tidy

Paper – Resource Futures

Paper – Reloop UK and Ireland

Paper – Benthyc Cymru

Paper – Repair Cafe Wales



Break (10.30–10.40)

3 Inquiry on waste – evidence session with local government representatives

(10.40–11.40)

(Pages 47 – 55)

Craig Mitchell, Head of Waste Support – Welsh Local Government Association

Paul Jones, Strategic Director – Newport City Council

Ashley Collins, Senior Manager of Waste and Recycling Services – Powys County Council

Attached Documents:

Paper – Welsh Local Government Association

Break (11.40–11.50)

4 Inquiry on waste – evidence session with the Chartered Institute of Waste Management

(11.50–12.40)

(Pages 56 – 60)

Ben Maizey, Chair – Chartered Institute of Waste Management

Lee Marshall, Director of Innovation and Technical Services – Chartered Institute of Waste Management

Attached Documents:

Paper – The Chartered Institute of Waste Management

Lunch break (12.40–13.20)

5 Inquiry on waste – evidence session with the Federation of Small Businesses

(13.20–14.10)

(Pages 61 – 73)

Llyr ap Gareth, Head of Policy – Federation of Small Businesses Wales

Attached Documents:

Paper – Federation of Small Businesses Wales

6 Papers to note (14.10)

6.1 Inquiry on waste

(Pages 74 – 82)

Attached Documents:

Letter from the Chair to the Cabinet Secretary for Climate Change and Rural Affairs in relation to Waste – Circular economy strategy, Beyond recycling (March 2021)

Response from the Cabinet Secretary for Climate Change and Rural Affairs to the Chair in relation to Waste – Circular economy strategy, Beyond recycling (March 2021)

6.2 Legislative Consent: Data Protection and Digital Information Bill

(Pages 83 – 85)

Attached Documents:

Letter from Julia Lopez MP, Minister of State for Data and Digital Infrastructure at DSIT to the Chair of the Culture, Communications, Welsh Language, Sport, and International Relations Committee in relation to the National Underground Asset Register

6.3 The Energy Act 2023 (Consequential Amendments) Regulations 2024

(Page 86)

Attached Documents:

Letter from the Cabinet Secretary for Economy, Energy and Welsh Language to the Chair in relation to the Energy Act 2023 (Consequential Amendments) Regulations 2024

6.4 Restoration of opencast mining sites

(Pages 87 – 93)

Attached Documents:

Additional evidence from Sue Jordan, former Cross-Valleys Group – Swansea

Additional evidence from Merthyr Tydfil Heritage Trust

6.5 Annual scrutiny of the National Infrastructure Commission for Wales (NICW)

(Pages 94 – 98)

Attached Documents:

Response from the Cabinet Secretary for Housing, Local Government and Planning to the Chair in relation to the Committee's report: Annual scrutiny of the National Infrastructure Commission for Wales: 2023

6.6 The UK Emissions Trading Scheme

(Pages 99 – 100)

Attached Documents:

Letter from the Cabinet Secretary for Climate Change & Rural Affairs to the Chair in relation to the UK Emissions Trading Scheme

6.7 Establishment and remits of committees

(Page 101)

Attached Documents:

Letter from the Chair of the Business Committee to the Chair in relation to Committee Remits following the recent reconfiguration of the Welsh Government Cabinet

6.8 Retained EU Law (Revocation and Reform) Act 2023

(Pages 102 – 105)

Attached Documents:

Response from the Cabinet Secretary for Climate Change and Rural Affairs to the Chair in relation to the Retained EU Law (REUL)

7 Motion under Standing Order 17.42 (vi) and (ix) to resolve to exclude the public from the remainder of today's meeting

(14.10)

Private meeting (14.10-14.30)

8 Consideration of evidence received under items 2, 3, 4 and 5

9 Restoration of opencast mining sites

(Pages 106 – 127)

Attached Documents:

Correspondence from residents regarding company guarantee

Correspondence from residents regarding coal license and liabilities

03_Correspondence from residents regarding communication with regulatory bodies

Document is Restricted

Welsh Government CCERA Committee – Inquiry on Waste

May 2024

seneddclimate@senedd.wales



ORGANISATION: KEEP WALES TIDY, (Registered Charity no. 1082058) 33-35 Cathedral Road, Cardiff, CF11 9HB

CONTACT: Jemma Bere Jemma.Bere@Keepwalestidy.cymru

Keep Wales Tidy, written evidence to the Welsh Government Climate Change and Infrastructure Committee regarding progress towards delivery of the Welsh Government's circular economy strategy, Beyond recycling (March 2021).

Keep Wales Tidy (KWT) is an independent environmental charity working across Wales to improve our environment for the benefits of people and wildlife alike. We have decades of experience in working with communities on Local Environment Quality (LEQ) issues and work in partnership with local authorities, businesses, schools, eNGO's and other stakeholders to achieve our vision of a beautiful Wales that is cared for and that can be enjoyed by everyone.

This evidence response is informed by our work with local partnerships and communities across Wales, many years of collected data and our expertise in the field of environmental behaviour change and campaigns.

Keep Wales Tidy are grateful for the opportunity to give evidence to the Committee regarding the progress of the Beyond Recycling strategy and hope that the following information will provide a useful platform for the evidence session on the 13th June 2024.

Key points in this paper:

- **Keep Wales Tidy believes that the ambition to move beyond recycling is not yet reflected in practice. To truly take a preventative approach we need to consider reviewing and expanding current recycling targets accordingly.¹**
- **There are currently no statutory targets to reduce waste outside of the household waste stream (eg; litter prevention) and are therefore increasingly neglected due to budget cuts. There may be an opportunity to introduce this through the Litter & Fly-tipping Prevention Plan expected this year.**

¹ Consideration could be given to a Waste prevention plan with reduction targets such as that implemented by the Scottish Government in their Waste Prevention Plan, 2013.

<https://www.gov.scot/policies/managing-waste/>

- **A medium-long-term plan for phasing in consistency for recycling *and related services* across Wales would be beneficial to public participation and understanding and expansion of services.**
- **Adopting the overall aspiration to make recycling as convenient as possible for people in Wales and enabling them to ‘do the right thing’. This could, for example, include a standardisation of HWRC rules and removing the charge for bulky item collection.**
- **We would like to see a sector-by-sector approach to incentivising new infrastructure and increasing circular economy activity which also considers the challenges of specific materials, building on the Single Use Plastics Act.**
- **Keep Wales Tidy are fully supportive of the current Extended Producer Responsibility (EPR) proposals and are encouraged that Welsh Government (along with the Scottish Government) did not roll back on the commitment to extend Producer Responsibility to items commonly littered despite the additional complexity that this has brought.**
- **Similarly, Keep Wales Tidy are pleased that a Deposit return Scheme (DRS) will finally be introduced and whilst disappointed at further delays, it is positive that Wales has remained committed to keeping glass in the scheme after significant opposition and a renegeing by the UK Government from the original proposal.**
- **The UKIMA has had a chilling effect on environmental policy and the environmental sector across the UK are keen for a review which gives more power to the devolved governments to act on environmental policy in particular, respecting current constitutional agreements and providing clarity for policy makers.**

Firstly, it is important to state that the ambition of the Welsh Government’s Circular economy plans has been truly positive and has placed Wales far ahead of other UK nations in this area. It is also important to recognise the excellent progress that has been made in regard to household recycling which has led to Wales being world-leading.

Whilst we expect some continued challenges in regard to implementation, we are also very pleased to see that Wales has implemented the recycling regulations for non-domestic premises. After an expected period of transition and challenge, this will undoubtedly lead to an exceptional rate of waste being diverted from landfill in the long-term. In the short -term however, local councils are preparing for a period of increased fly-tipping and misuse of public bins.

These policies, and continued efforts by Welsh Government and Local Councils have undoubtedly led to our current success. However, we believe that the primary focus of Local Authority activity, driven by Welsh Government targets, is still very much focused on recycling material and we have yet to move ‘beyond’ recycling as the key driver. That is not to say that there has not been significant effort and interest by Welsh Government to support and advance the narrative and activity around the circular economy but that the main drivers ‘on the ground’, both within councils and much of the public, remain focused on recycling and not prevention. In addition, recycling is not a commonplace activity outside the home and therefore current efforts are less aimed at addressing litter and fly-tipping which of course, are part of the same problem.

Whilst local councils have a statutory duty to clear litter and fly-tipping on public land, there are currently no statutory indicators or targets to address waste that is dealt with outside of household waste collection, this includes any measures to measure / increase repair or reuse or to ensure clean(er) public spaces. It is also important to note that, much like litter picking, a lot of the circular economy activity in Wales is being delivered by the voluntary sector. There is a significant risk that if

funding is discontinued, much of the activity will also come to an end and will be a challenge to restart.

Related policies in Wales such as the Single Use Plastic ban (again, the most ambitious in the UK) and pending restrictions on the sale of single use vapes,² will contribute significantly toward prevention and can potentially go further to address many other unnecessary or difficult to recycle items. Our ambition currently matches the very comprehensive Circular Economy roadmap at an EU level but we should be aware of divergence and the risk of falling behind many of our neighbouring countries as they implement the large scale actions from the legislation in the coming years. Unless we fully embrace DRS and other initiatives, we will fall behind in our current world-leading status very quickly.

The recently announced Deposit Return Scheme will have a significant impact on both recycling rates and litter but will also crucially lead to an investment in domestic infrastructure for secondary materials.

In our original consultation response to the Beyond Recycling consultation, we suggested the following additions:

- **Review the prioritisation given to recycling versus the need for overall reduction** as the key driver for the strategy including amendments to (or addition of) Local Council targets.
- Highlighting the significant **cross-sector opportunities** within the proposal and strengthening these through the inclusion of overarching, ambitious cross-sector targets that would, for example, make the ambition of **'Zero Waste Wales' our destination offer** to the world. We suggested a **sector-by-sector** approach across Welsh Government, similar to the Decarbonisation Strategy as a useful way to approach this.
- Consideration of any **unintended consequences** and the impact of 'greenwashing'. In regard to recycling and waste minimisation, we would welcome the inclusion of **an underlying principle of 'creating an enabling environment for people to do the right thing'** which would also extend to minimising any negative economic impacts of participation.

In the original consultation, we also strongly supported a national, consistent approach across waste. **Keep Wales Tidy has done significant research with stakeholders across Wales and have found that the inconsistency in approaches to waste (including litter and enforcement as well as recycling) is so considerably variable that it hinders effective communication and makes regional and national collaboration almost impossible.** Increasing consistency will also help to support businesses operating across local authority borders and would help efforts significantly towards recycling 'on the go' which is currently extremely challenging and prone to much confusion, resulting in high levels of contamination. The 3-year RDP funded programme 'Caru Cymru' (2019/20-2022/23), a partnership between Keep Wales Tidy and all local authorities was arguably the only programme that Wales has seen which has demonstrated the scale of ambition required to deliver this effectively.

Our Fly-tipping research considered for the first time the behavioural drivers around fly-tipping in Wales and found a lack of information by councils in regard to repair, reuse and waste disposal as well as a number of unnecessary restrictions around waste sites which are contributing to public confusion and incorrect waste disposal. The disparity of approaches within councils across all aspects

² In 2023/24 litter surveys Keep Wales Tidy found disposable vapes present on over 10% of streets, this equates to around 6733 disposable vapes present on our streets alone (ie; not including parks and beaches) at any given time.

of the waste system is significant, whether it is the approach to litter, enforcement, recycling or bulky item disposal.

It is essential to recognise that without binding targets for waste reduction, litter prevention and related circular economy measures, all efforts within local councils are going to be affected by budgetary decisions. At a local level currently decisions around infrastructure, litter messaging and even bins are inevitably leading to unintended consequences of increasing these issues whilst trying to make budgets meet. Through our litter surveys, we have already seen a general increase in litter and fly-tipping in previously well-performing areas since the new financial year. We also know that many local authorities are removing bins due to maintenance costs. The recycling rates in Wales have been driven by binding targets and we would suggest that new measures are needed in order to truly move beyond recycling and towards a more circular economy.

EPR and DRS

We are disappointed about the delay to the Deposit Return Scheme after it was first committed to by the UK Government 8 years ago. However, we are very pleased that Welsh Government has remained committed to the inclusion of glass and have been encouraged by their approach which considered the carbon impact and potential consequences of an exemption through a preventative lens.

Table 4: All Wales percentage presence and value of DRS categories for 2023-24. These figures represent streets only at any given time (taken from Keep Wales Tidy’s EPR Report).

| DRS Item | Percentage of streets (%) | Number of items | Extrapolated to 100% of streets | Total value at 10p per item |
|-----------------|----------------------------------|------------------------|--|------------------------------------|
| Plastic Bottles | 13.6 | 591 | 19,700 | £1,970 |
| Cans | 18.1 | 927 | 30,900 | £3,090 |
| Glass Bottles | 5.2 | 216 | 7,200 | £720 |
| Total | 28.2 | 1,734 | 57,800 | £5,780 |

We are also pleased that Wales (and Scotland) remain committed to extending EPR to litter and KWT have been working with the other Tidy Group members in the UK to support this policy and help to develop the thinking as to how the payments can be maximised. It is important to us and the many thousands of volunteers in Wales who work to tackle litter every day that there are no more delays to these proposals and that the cost of dealing with waste is transferred to producers.

The biggest challenge for us in regard to the EPR litter payments is to try to ensure that volunteer efforts are recognised in the scheme for the valuable, if not critical contribution they make to cleansing in Wales and preventing the harm caused by litter and other waste which has been disposed of improperly.

Additionally, if we truly want to see an impact from EPR and subsequent litter payments we are very keen to see that any payments are an addition to local authority budgets, not an ‘instead of’. Noting that many authorities have already moved to reactive cleansing, creating a greater disparity between

affluent areas (which are more likely to complain to their council if standards are not met) and more deprived areas.

Table 3: All Wales percentage presence and value of pEPR categories for 2023-24. These figures represent streets only at any given time (from Keep Wales Tidy's EPR Report).

| EPR Category | Percentage of streets (%) | Number of items | Extrapolated to 100% of streets |
|---------------------|---------------------------|-----------------|---------------------------------|
| Takeaway | 21.6 | 1,131 | 37,700 |
| Sandwich or Wrap | 2.0 | 74 | 2,467 |
| Sweets or Chocolate | 37.9 | 2,818 | 93,933 |
| Single Portion | 5.9 | 222 | 7,400 |
| Crisps | 5.3 | 201 | 6,700 |
| Total | 47.7 | 4,446 | 148,200 |

During the 2023/24 LEAMS surveys in Wales, food pEPR items were found on 47.7% of streets across Wales, and DRS items (cans, plastic bottles and glass bottles) were found on 28.2% of streets. Collectively, they were found on 55.4% of streets which shows that there is often an overlap where this packaging is found.

Many of these items represent a significant amount of 'lost resources' as once they are littered they often become quickly contaminated or degraded which means they can no longer be recycled. The longer the delays to a DRS are, the more resources that could be recovered are being lost or sent to landfill.

UKIMA

The introduction of the UKIMA has had a 'chilling' effect on environmental policy across the UK and many of our environmental ambitions have been delayed or not taken forward as a result. Minimally, it has created confusion and has proved difficult for the sector to engage on some issues due to lack of clarity of relevance and responsibility. Most notably this has applied to the introduction of a Deposit Return Scheme, with Scotland being a key case in point, but we are also aware of a number of policy interventions and / or proposals where the UKIMA still continues to create diversion, delay or confusion. For example, it is our understanding that our ambitions to ban single use plastic items which go further than the rest of the UK and is already set in legislation still requires the granting of exemption through the UKIMA.

Keep Wales Tidy, along with many other eNGO's across the UK have called for a review of the UKIMA to protect and clarify constitutional agreements in devolved areas where the Act applies, allowing for environmental ambition to be achieved in all areas of the UK without the need to seek exemptions. Sector agreements could effectively replace the intention of the IMA but if that were not possible, the IMA needs to minimally, respect current constitutional agreements. It could also be developed to include social and environmental considerations, not just business interests, and to bring all UK nations to the highest ambition and not, as is currently the case, the lowest denominator.

For Keep Wales Tidy specifically, this has had an operational impact on our work as it means that policy development has taken a great deal longer than expected and / or cannot be clarified at all. This is a challenge for communications with our community groups and volunteers due to the added

layers of complexity. It has also meant that we have needed to engage more with DEFRA to try to find answers and this has been a challenge.

FAO: Climate Change, Environment, and Infrastructure Committee | Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith

One-day inquiry on waste and delivery of the Beyond Recycling strategy: Evidence submission by Resource Futures

29 May 2024

Summary

Wales' progress on household recycling is commendable, as is the recent introduction of mandatory separated recycling collections for business premises. It has also gone further than the rest of the UK to improve its waste data, recently commissioning the UK's most comprehensive waste composition study to understand how to improve further.

Our key message is that at this stage, rather than focusing on increasingly marginal gains in household recycling, the greatest environmental and societal benefits are to be gained by:

a) Looking further up the waste hierarchy, providing greater support for circular businesses, repair and reuse; and

b) Looking beyond municipal waste and individual behaviours, to tackle the sectors, materials and institutions with the greatest potential for environmental benefits, considering Wales' *overall* resource use and waste generation.

By moving the focus more firmly beyond recycling to building a circular economy, individuals and businesses can be empowered to make more sustainable, resource-efficient choices for how to meet their needs, and Wales can reap economic, social and environmental benefits, including increased resilience against volatile global supply chains. With circular economy policy progressing faster in the EU than in the UK since Brexit, Wales also has an opportunity to demonstrate what is possible within the UK and therefore have an impact beyond its own borders.

Detail

1. Progress on municipal recycling rates is commendable but in top-performing local authorities, gains from here on will become increasingly marginal with more limited returns on investment.

Wales demonstrates best practice for recycling and its efforts to improve waste data, such as through Resource Futures' most comprehensive municipal waste composition study to date in 2022,¹ are commendable. Our study found that [there is more to be done in incentivising households to make use of food waste collections](#); based on our decades of experience supporting waste management, the most important measure in this respect is to limit the frequency of residual waste collections.

However, our study showed that the gains to be achieved in municipal recycling rates will become increasingly marginal. With more niche waste streams requiring specialist recycling facilities, it may become harder to achieve good returns on investment in infrastructure, given reduced economies of scale.

As Wales is so advanced at recycling packaging materials such as glass, metals, paper, cardboard and plastics, [there is a relatively high proportion of non-packaging materials such as nappies and sanitary products and textiles](#) in municipal residual waste. One conclusion is that the country should support investment in facilities capable of recycling these materials. This has already started happening, with the Ammanford-based NappiCycle receiving Welsh Government funding from the SMART innovation programme.² This is part of the solution, and may become more economically viable to scale up in future, for example if extended producer responsibility (EPR) schemes are introduced for the materials in question to help fund recycling services. This is being called for by the Textiles Recycling Association, which recently reported that the UK's used textiles processing facilities are already at capacity.³

However, there are currently significant challenges to scaling up recycling of these materials. Products are not designed with recycling in mind, and can be made of complex mixes of materials. This increases the likelihood that they are 'downcycled' into single-use items such as bin bags, which are not subsequently recycled. Secondary materials being sold for downcycling are also typically low value, which limits the economic benefits of such activities.

[To maximise the environmental, economic and social benefits to Wales, we recommend focusing further up the waste hierarchy, with a national conversation about the impact of our consumption and more support for circular businesses, repair and reuse.](#)

[We also recommend looking beyond municipal waste and recycling, to tackle the sectors, materials and institutions with the greatest potential for environmental benefits, and more systemic opportunities for impact.](#)

¹ Resource Futures and WRAP Cymru (2023) [National local authority waste composition in Wales](#)

² Welsh Government (2024) [Wales paves road to zero waste with recycled nappies in A487 resurface](#)

³ Resource (2024) [Textile recycling sector faces unprecedented financial crisis amid global market pressure](#)

2. Reuse and repair should be further incentivised to scale up, and data captured on their impact.

When products are reused for a similar purpose to their original function, they are kept at their highest value. This prevents the upstream environmental impacts of new products being made (raw material extraction, manufacturing, transportation, etc) and the downstream environmental impacts of waste management (as even the best forms of recycling involve use of energy and materials for transportation and reprocessing).

Resource Futures has carried out multiple projects looking at the carbon and other environmental impacts of different models of reuse and recycling. [While using materials/products with recycled content is preferable to using virgin materials, substantially greater carbon savings can be achieved through reuse.](#)

[Reuse and repair can also bring local economic and social benefits.](#) For instance, the Fixy van, which we supported Somerset Council to set up and run, supplied reusable electronic items to Donate IT, who delivered items to people who needed them in the local community.⁴ This helps to address digital exclusion. Other initiatives help to tackle furniture poverty.⁵ Reuse and repair hubs such as those we support in Southwest England also create jobs and skilled volunteering opportunities; provide affordable access to repair services; and provide affordable access to expensive tools through 'libraries of things'. Well-located reuse and repair hubs can help to regenerate town centres.

[There is strong support among the Welsh public for reuse, repair and rental,](#) according to research published by WRAP Cymru in late 2023:⁶

- 60% are open to purchasing pre-loved items.
- 58% are open to short-term leasing.
- 73% are open to repairing items and 44% would consider using a repair café.

[Reuse and repair can be implemented and supported:](#)

- [At an individual level](#), e.g. with reusable cups, bags, period products, nappies, etc; and choosing to repair, buy second hand and lease items.
- [By local reuse and repair organisations](#), e.g. charities, social businesses, community groups, which in the Welsh context are often supported in networks through umbrella community interest companies.⁷
- [By circular businesses](#), e.g. offering rental/leasing/subscription models for clothing, vehicles, appliances, etc (both in Business2Business and Business2Customer contexts).
- [By local authorities \(LAs\) and waste management companies](#), e.g. capturing reusable products separately at kerbside collections (e.g. furniture, household appliances) and household waste and recycling centres (HWRCs), and diverting them to local reuse and repair organisations.
- [By public bodies responsible for planning and procurement](#), e.g. requiring a minimum proportion of reused items or submission of circularity statements, incentivising lifetime extension of assets and supporting leasing models.
- [Through national-level policies.](#)

⁴ Resource Futures (2023) [Fixy Impact Report 2022-23](#)

⁵ End Furniture Poverty (n.d.) [Get help with furniture](#)

⁶ WRAP Cymru (2023) [Citizen insights: Re-use, repair and rental in Wales – Spring 2023](#)

⁷ Bryson Recycling (2023) Bryson Reuse Park: Outline of business case, prepared by Resource Futures.

Resource Futures works with governments to develop and assess policy incentives, with companies to develop and scale up circular business models, with LA waste services, and with local reuse and repair organisations. In our experience, there is a strong appetite on the part of all of these actors to do more to support reuse and repair, but they need the right incentives and support at UK, Welsh and local level.

Some areas of support need to happen at UK level, and the Welsh Government can advocate for these, for example:

- [The right to repair and 'ecodesign' policies](#). This policy area is moving faster at EU level and particularly in certain countries such as France. For instance, the EU is introducing ecodesign rules to make smartphones and tablets more durable and easier to repair and upgrade from June 2025; building on France's pioneering repairability index, these products will also have to display a repairability score.⁸
- [The use of EPR schemes to incentivise and financially support reuse and repair](#), notably in the forthcoming EPR regulations for waste electrical and electronic equipment (WEEE). Other countries such as France already use EPR to incentivise design for repairability and to fund reuse initiatives. It would be a serious missed opportunity if the UK's updated WEEE EPR scheme did not explicitly and proactively address reuse and repair, for instance with separate targets for reuse and recycling, eco-modulation of producer fees, and use of the fees to fund reuse and repair schemes.
- [Fiscal policy levers to support a circular economy, such as reducing VAT on repair and second-hand goods](#).⁹

Note: In addition to the rules of devolution, the [UK Internal Market Act](#) places some limitations on the actions Wales can take, particularly with regard to products placed on the market. For example, this could make it difficult to introduce further restrictions on single-use products, or ecodesign requirements, without UK-wide policy coordination.

Until UK legislation makes it economically advantageous for businesses and individuals to choose repair and reuse over non-circular consumption behaviours, initiatives and start-ups will need support to operate on an equal footing with the linear businesses not paying for the environmental impacts of their products. [Wales therefore should, and can, also take action independently of the rest of the UK](#), for example:

- [Long-term support for local reuse and repair initiatives](#): From our work with community reuse and repair groups, we see a need for more sustainable, long-term funding and support in kind (such as subsidised premises and transportation, and support for networking, training and advice) to help such initiatives to scale up and support local behaviour change. The research we conducted to inform the Fixy van project found that barriers to scaling up reuse and repair included limited networking among initiatives; skills shortages; and a lack of transportation and space, with many operating at maximum capacity.¹⁰

⁸ European Commission (n.d.) [Smartphones and tablets](#)

⁹ Resource Futures (2024) Assessment of resource and waste policy in England, for the Office for Environmental Protection (unpublished)

¹⁰ Resource Futures (2023) [Fixy Impact Report 2022-23](#)

- **Improving accessibility of reuse and repair:** We have observed the benefits of making initiatives as accessible to the public as possible. Our Fixy van which travels around rural locations has been successful in raising awareness of how to access repairs and encouraging people to buy reused items.¹¹ These initiatives should be accompanied by networks of donation points and re-use hubs at HWRCs.¹² Town centres can also benefit from centrally located “destination” hubs where people go to buy locally-sourced food, drink coffee in community-run cafes, learn new skills in repairs, purchase, or rent refurbished items from formalwear to household appliances.¹³
- **Incentives for repair, such as voucher schemes,** examples of which exist at national and subnational level.¹⁴ A bicycle repair voucher scheme (issued via repair service providers) was temporarily run by the Department for Transport in England during the Covid lockdowns.¹⁵ The evaluation of this scheme found that the majority of repairs conducted through the voucher scheme were over and above what would have been done without it, suggesting it had a significant impact.¹⁶
- **Looking beyond consumer goods:** Support for reuse initiatives should go beyond consumer products to support material-intensive industries, notably construction (see point 3). For example, Scotland is proposing to develop regional hubs and networks for the reuse of construction materials and assets.¹⁷
- **Reuse data and targets:** The waste sector and LAs should be required to record reuse data separately from recycling data, and LAs should be assigned ambitious reuse targets in addition to recycling targets. At present, recycling targets cover both recycling and reuse. A target could apply across all municipal waste or target specific items, e.g. furniture.¹⁸
- **Scaling up circular business support:** Business support for circular models needs to be scaled up to empower them to innovate and make data-driven decisions. For example, at Resource Futures, we support many businesses through carbon footprint metrics and modelling to improve circularity. For Newlife, a charity that provides equipment to disabled and terminally ill children, we found that their reuse initiative has led to substantial carbon savings – the equivalent of more than 21 million miles driven by cars. From analysing different product categories (e.g. textiles, hardware, and footwear), we also helped Newlife focus reuse actions on materials with the biggest potential impact. Many smaller organisations struggle to access support for circular business decisions and could benefit from both general and tailored advice; with LAs indirectly benefiting from the reduction in waste generated.
- **Digital tools and skills:** Research has indicated a public preference for online shopping, so reuse initiatives need to compete with linear retail models in the online marketplace.¹⁹ This will require technology that connects businesses and consumers and promotes efficient services delivered

¹¹ Resource Futures (2023) [Fixy Impact Report 2022-23](#)

¹² WRAP Cymru (2018) [Preparing for re-use: a roadmap for a paradigm shift in Wales](#), prepared by Resource Futures

¹³ Sparks Bristol (n.d.) [About](#)

¹⁴ Meyer, K and Molnár, M (2024) [A comprehensive overview of the current repair incentive systems: repair funds and vouchers](#)

¹⁵ Department for Transport (2020) [Fix Your Bike Voucher Scheme: register as a bike repairer](#)

¹⁶ Cairns S, Cohen T, Hiblin B & Fevyer D (2023) [Fix Your Bike Voucher Scheme evaluation report for the Department for Transport](#)

¹⁷ Scottish Government (2024) [Scotland’s Circular Economy and Waste Route Map to 2030: Consultation](#)

¹⁸ WRAP Cymru (2018) [Preparing for re-use: a roadmap for a paradigm shift in Wales](#), prepared by Resource Futures

¹⁹ Bryson Recycling (2023) Bryson Reuse Park: Outline of business case, prepared by Resource Futures.

locally. For example, online shopping websites, stock-sharing and transportations platforms, helplines, hubs to share best practice, campaigns promoting reuse, and digital skills training for reuse organisations.²⁰

By moving ahead of the rest of the UK on support for reuse, repair and the circular economy, Wales can help to develop the evidence base and influence stronger policy development right across the UK. [It is critical that data is captured on the extent of reuse and its environmental, economic and social benefits](#). Reuse data needs to be analysed alongside recycling and other waste data, in order to build a comprehensive picture of how Wales is managing its resources and to support continued policy improvements as well as private-sector investment.

3. Wales should focus on the sectors, materials and institutions where the greatest impacts on cutting resource use can be achieved.

Our work as circular economy and waste consultants often focuses on packaging materials. It is important to remember that this is just one of many material and waste streams which need to be tackled, in order to achieve 'one planet' resource use and net zero.

For example, research by Green Alliance and the Centre for Industrial Energy, Materials and Products (CIE-MAP) in 2018, comparing five sectors, found that [the greatest carbon savings from circular economy and resource efficiency measures were to be made in the construction sector](#), for example through increased reuse of construction materials.²¹ However, policy measures in support of circular construction are very limited.

[Sub-national policy measures can have an important impact on changing sector practices. Wales has devolved powers to make policy on planning and building regulations, which are key to developing a circular economy](#). In London, large developments under the London Plan must submit circular economy statements and whole life carbon assessments. For re-developments and demolitions, audits must be carried out in advance to identify materials that can be reused and recycled.²² Building on the commitment in Beyond Recycling to ask public bodies to follow a sustainable materials hierarchy and report recycled content in buildings procured, Wales could introduce additional incentives for circular construction in decision-making processes for planning and public procurement. It could also gradually ramp up circularity requirements for construction through its building regulations—this would ideally be accompanied by support for relevant skills development.

As well as industry-specific measures, [Wales can make use of the fact that the public sector makes up a larger share of its economy](#) than is the case for the rest of the UK. It was responsible for over 10% of employment in 2023.²³ [Public procurement](#) is an important lever for circularity that is under-utilised. It involves changes in how value for money and return on investment is assessed, for example to support product-as-a-service

²⁰ WRAP Cymru (2018) [Preparing for re-use: a roadmap for a paradigm shift in Wales](#), prepared by Resource Futures

²¹ Green Alliance and the Centre for Industrial Energy, Materials and Products (2018) [Less in, more out: using resource efficiency to cut carbon and benefit the economy](#)

²² Greater London Authority (2022) [London Plan guidance: Circular economy statements](#)

²³ Statistics for Wales (2023) [Labour market overview, June 2023](#)

models. In addition, measures in support of circularity could be introduced in large institutions, such as the NHS and universities.

4. Infrastructure is needed for a circular economy, not just waste management.

We welcome the recognition in Beyond Recycling that infrastructure for a circular economy needs to go beyond recycling facilities. Adequate recycling infrastructure is essential but [greater investment in reuse and repair facilities, both for communities and for key industries such as construction, will help to limit demand for all types of waste management facilities.](#)

As discussed under point 1, while we support the aim of investing in single-stream recycling facilities for products such as nappies and sanitary products, textiles and bulky goods (e.g. mattresses), there is always an opportunity cost and there are therefore valid questions to be raised around the relative benefits of this approach, as compared to investing in circular economy and reuse infrastructure. To take the example of nappies, we recommend comparing the return on investment, environmental benefit and social value to be gained through a) co-investing in specialist recycling facilities and b) supporting community nappy reuse projects (for example, with pooled collections and laundry services, and outreach activities).

To understand what investment is optimal in terms of circular economy and waste management infrastructure, we would like to see [comprehensive modelling of infrastructure needs under different policy scenarios](#). These should explore the potential impacts of ambitious circular economy, reuse and repair policies (such as, but not limited to, those outlined under point 2). This is necessary to avoid 'lock-in' of infrastructure and contracts which undermine the transition to a circular economy. This risk relates not only to energy from waste (EfW) plants, but also for example to higher-impact forms of recycling, such as chemical recycling of plastics. Such technologies will play an important role, but should not be viewed as an acceptable alternative to eliminating hard-to-recycle plastics wherever possible.

Conclusion

We strongly support Wales' commitment to world-leading recycling rates and practices. The reputation Wales has established in this area will help attract circular economy innovation and funding to the country, which can be leveraged to move it further beyond recycling.

In the next stage of progress, we believe a national conversation is needed around reducing primary resource use. Wales needs to go further in addressing the circular economy beyond municipal waste and individual consumption, to promote progress in key sectors of the economy and to create opportunities for large institutions to have an impact. It should deploy a wider range of domestic policy levers while continuing to advocate for more ambitious UK-wide policies.

Yours sincerely

Name: Gwen Frost | Position: Executive Director | Mobile: [REDACTED] |

Email: [REDACTED]



Written evidence from Reloop – 29th May 2024

1. Thank you to the Committee for inviting Reloop to give oral evidence on Thursday 13th June 2024. We are grateful for the opportunity to share our insights and experience.

Impact of delays to the introduction of a Deposit Return Scheme and Extended Producer Responsibility Reforms

2. The Welsh deposit return scheme was initially set to start in October 2025. In line with scheme's across the UK, it has now been delayed until October 2027. Reloop's [*What We Waste report and dashboard*](#) draws on data from 93 countries, over a 20-year period, to examine trends in sales, collection and wastage of drinks containers. Our analysis shows that, on average, the countries with the least wastage per person collect their beverage containers via a deposit return system.
3. Reloop understand that Wales' current recycling rates stand at 59% for PET bottles, 82% for cans, and 87% for glass bottles. An effective deposit return scheme is likely to bring rates up as follows:

PET plastic: 85% oct 2025 to sept 2026, then 90% oct 2026 to sept 2027.

Aluminium: 90% Oct 2025 to Sept 2027

Glass: 90% oct 2025 to Sept 2027

Based on these estimates, a two-year delay from October 2025 to October 2027 would result in 647 million PET bottles being landfilled, littered or incinerated in Wales. This would also be the fate of 332 million cans and 61 million glass bottles.

4. Delays to the implementation of deposit return are harming the transition to reuse, indeed as Huw Irranca-Davies noted in his Statement on DRS on April 24th, "it is striking that the best examples not only include glass but are already supporting the reuse of glass".
5. At a per unit (can or bottle) level, greenhouse gas emissions associated with glass are three to four times higher than for aluminium and PET. Recycling glass saves just 25% of the energy costs, whereas recycling aluminium saves 90%. This means that reuse and refill of glass, as well as a switch away from it where possible, will be key. Including glass bottles

in a deposit return scheme from the start will keep costs down and establish the infrastructure required to move towards refillable glass in the future. Excluding glass from a deposit system risks producers switching to the most carbon- intensive material.

- The table below shows the implementation timeline and material scope of recently started international systems.

Recently implemented European schemes

| Country | Legislation Enacted | System Operator appointment | System start date | Scope |
|----------|---------------------|-----------------------------|-------------------|-----------------------|
| Slovakia | September 2019 | February 2021 | January 2022 | plastic, metal |
| Latvia | August 2020 | January 2021 | February 2022 | plastic, metal, glass |
| Malta | July 2020 | September 2020 | November 2022 | plastic, metal, glass |
| Romania | October 2021 | May 2022 | November 2023 | plastic, metal, glass |
| Hungary | February 2021 | February 2022 | January 2024 | plastic, metal, glass |

- Several other countries are preparing to roll out their deposit schemes soon, including Austria, Greece, Portugal and Poland.

Delays to EPR for packaging

8. The Government’s Extended Producer Responsibility (EPR) reforms offer a meaningful chance to tackle the root causes of our environmental problems, fully adopting the “polluter pays” principle and shifting the costs of pollution onto those who profit from m placing large amounts of packaging on the market. Delays to EPR mean that the financial benefits to Local Authorities are taking longer to materialise as well as the projected environmental benefits from better designed packaging and greater collection rates. Further, packaging EPR was supposed to be the first of many EPR schemes, including for textiles, and delays have halted progress across the board.



Impact of the UK Internal Market Act

9. This post-Brexit legislation has already had serious negative consequences for the progression of environmental policy in the UK's devolved nations. Scotland's deposit return system was due to start in August 2023 and agreement had been reached with the UK Government in terms of the inclusion of glass in the UK's deposit-return schemes. Scotland was very advanced in the implementation of its deposit return scheme, but the UK Government diverged from what had been a collectively agreed position that had been consulted upon. This has resulted in the Scottish system being delayed for a fourth time, until October 2027. It is now set to start almost 20 years since the primary legislation was first approved at Holyrood.

Waste

Senedd Cymru | Welsh Parliament

Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee

Gwastraff | Waste

Tystiolaeth gan Benthg Cymru | Evidence from Benthg Cymru

The Climate Change, Environment and Infrastructure Committee (the Committee) is undertaking a one-day inquiry on waste.

Background

The focus of this work will be on progress towards delivery of the Welsh Government's circular economy strategy, Beyond recycling (March 2021) (PDF 2MB), specifically:

- the 2025 targets - 70% recycling for waste from households, commercial and industrial businesses, 26% overall reduction in waste, zero waste to landfill, 50% reduction in avoidable food waste, and
- actions undertaken to date aimed at: driving innovation in materials use; upscaling prevention and re-use; building on our recycling record; investing in infrastructure; enabling community and business action; and aligning Government levers.

The Committee is particularly interested in how the following are impacting/will impact on progress:

- Delays to the introduction of a Deposit Return Scheme and Extended Producer Responsibility Reforms.
- Roll out of the ban on single-use plastic products and business waste separation requirements.
- Preparedness of the waste sector and infrastructure investment requirements.
- UK Internal Market Act.

Our response relates to the delivery of the Welsh Government's circular economy strategy as set out in '*Beyond Recycling*.' Wales' first Library of Things and Benthg Cymru's pilot 'Benthg - Borrow Don't Buy', is cited on page 20 of this strategy document, on the basis that Libraries of Things are a key part of a vibrant circular economy, with multiple environmental, economic and social benefits.

Background

Established in 2017, Benthg Cymru has developed and continues to support a membership network of 20 Libraries of Things (LoTs) from Barry to Bethesda, with more communities joining up every week.

The Benthg Cymru network supports behaviour change from buying to borrowing, and encourages a more circular economy by maintaining and keeping the items borrowed in use longer, reducing materials going into waste streams as well as reducing carbon emissions.

Most items on an LoT inventory in Wales are second-hand items donated from the local community, via individuals' sheds, attics and cupboards. By keeping these items in use, Benthg Cymru estimates that the network has diverted nearly 4000 items representing c. 13.7 tonnes from landfill.

By saving people money (borrower fees are kept deliberately low) and space in their homes, LoTs are a sustainable, low-cost way to support those who suffer social and economic deprivation – an increasing concern in the ongoing cost of living crisis. Via online borrowing platforms, LoTs provide easy access to a variety of items from tents, school uniforms, toys and the ever-popular carpet cleaner.

To date, the Benthg Cymru network has supported approximately 13,000 borrows across Wales and communities in Wales have saved over a total of £300k and 160,000kg of carbon emissions through borrowing instead of buying.

Benthg Cymru's network of LoTs also provide employment and volunteering opportunities as well as alleviating social isolation and loneliness. The network changes people's lives on a daily basis.

This change would not have been possible without the far-reaching vision and support of the Welsh Government, Benthg Cymru is the only organisation of its kind in the world - further cementing Wales' commitment to the Circular Economy and its place as one of the highest recycling nations in the world (page 4 of *Beyond Recycling*):

'[Welsh Government] has provided the tools to enable community action. This means supporting the local actions which collectively make a big difference. (page 6 of Beyond Recycling).'

A recent testimony from the Australian Library of Things network illustrates Wales' global reputation in this sector:

'[Benthyg Cymru's] results are impressive when compared to other countries and have been discussed in International Library of Things forums as a model to emulate. The Australian Library of Things Network aims to replicate this successful model, once we establish a suitable funding source.'

David Paynter

Australian Library of Things Network

Evidence

1. In the *Dechrau Benthyca 2022* report Benthyg Cymru reflected on the learnings of the nascent network from April 2021 – March 2022 and made recommendations for harnessing the incredible momentum achieved within a short timeframe. The report concluded that:

1.1 Benthyg Cymru's ethos of providing tailored support to different projects and stakeholders allows necessary flexibility to adapt to different circumstances and communities, but significant variations from one project to the next means that outcomes and timings are difficult to predict at this stage.

1.2 Sustained, flexible funding at local and network level will be required to carry out the long-term evaluation and analysis which will be crucial in understanding the key drivers behind a successful LoT.

1.3 Centralised support in the form of a network model gives Wales a huge advantage in establishing LoTs on a national scale by providing templates, toolkit, shared learnings and consistent collated data. Benthyg Cymru has developed a comprehensive and detailed toolkit covering all areas of managing a Library of Things including risk mitigation processes. These resources are available to all Benthyg Cymru network members.

1.4 One of the benefits of a national network approach is to be able to compare and analyse differences within different geographical and demographic locations, this provides insight into the significant opportunities to identify and operate levers to accelerate behaviour change towards a circular economy.

1.5 Funding streams would ideally support a 3–5-year project in order to allow time for projects to become established and to see behaviour change take effect.

Revenue funding is often likely to be more important than capital to support venue and staff costs.

1.6 Libraries of Things are an integral part of making the circular economy a reality in Wales and delivering behaviour change towards more sustainable ways of living.

2. Benthg Cymru is currently funded by Welsh Government. The organisation is researching and developing alternative income streams and working to reduce reliance on one source of funding but at the same time keep borrower fees as low as possible.

2.1 Sustainability is an integral part of making the circular economy a reality in Wales and delivering behaviour change towards more sustainable ways of living.

2.2 Increasing awareness of sustainable living is a key step and challenge for the organisation and critical to enabling behaviour change as well as generating income. Benthg Cymru is conducting behaviour change 'test and learn' trials as well as delivering targeted communications campaigns to proactively encourage people in Wales to borrow not buy.

2.3 In order to support communities live sustainably and affordably by making borrowing as easy as popping out for a loaf of bread, Libraries of Things need to be convenient, easy to use and accessible to everyone.

3. Benthg Cymru has a Memorandum of Understanding with Repair Cafe Wales and together both organisations are stronger than their sum of parts, by fostering collaboration, resource sharing, and collective problem-solving.

3.1 Repair Cafe Wales supports over 100 communities across Wales. Over the course of a year, their repair cafe network helps divert over 7000 items from landfill which is over 24,500 kg of waste and over 230,300 kg CO₂e in carbon emissions saved. But their repair cafes also do much more than reduce landfill, they help build community cohesion, reduce loneliness and isolation, teach skills, save people money, and bring generations together.

3.2 The progress that Repair Cafe Wales and Benthg Cymru have made in raising awareness and creating opportunities for repairing, borrowing, and reusing across

Wales has the potential to accelerate crucial behaviour change to support Wales' Circular Economy ambitions.

3.3 However, the biggest challenge both organisations face is that of funding. Developing sustainable operational models while maintaining the ethos of accessible services and supporting those suffering deprivation will take years, not months, and must be completed in parallel societal behaviour change.

4. Evidence from the 'Sustaining Change: The RE:MAKE Newport Model for Community-Led Repair and Reuse 2024' report produced by Benthg Cymru and Repair Cafe Wales shows that:

4.1 High-street repair and reuse hubs are effective in promoting sustainable practices at an everyday level by bringing borrowing, repair and reuse under one roof in a retail-like setting.

4.2 The report highlights the need for a social value tool to measure and understand the broader impact of repair and reuse hubs beyond the already understood environmental and financial benefits, which includes evaluating the social and economic contributions, such as community well-being, skill development, and job creation.

4.3 The RE:MAKE project has demonstrated significant benefits at local sites in Newport, Pontypridd and Maerdy and developed a role that could be replicated with minimal modification.

4.4 RE:MAKE Newport's success in in challenging circumstances, post-pandemic in a struggling City centre, demonstrates that with sufficient support, this model has the potential to thrive anywhere in Wales.

Conclusion

The success of Benthg Cymru and its network has shown how local, everyday actions (borrowing not buying) can contribute to a circular economy.

However, securing funding is critical to sustain and expand the network's impact across Wales in order to ensure long-term behaviour change that already does and will further contribute to social, economic, and environmental improvement across Wales.

Waste

Senedd Cymru | Welsh Parliament

Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee

Gwastraff | Waste

Ymateb gan Caffi Trwsio Cymru | Evidence from Repair Cafe Wales

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- Preparedness of the waste sector and infrastructure investment requirements.
- UK Internal Market Act.

(Evidence from Repair Cafe Wales)

Repair Cafe Wales (RCW) is a Community Interest Company that facilitates pop-up events, offering training and advice to encourage communities that want to work towards a more circular economy, creating a culture of repair and re-use, directly addressing the ever-growing emergency of unsustainable growth in landfill and waste.

Described by the First Minister as a 'phenomenon of Wales' repair cafes enable members of the public to have their household items fixed for free by skilled volunteers to extend the products lifespan and reduce the number of items going to landfill.

Since January 2019, our communities have repair over 17,269 items which equates to:

- 568,150.1 kg CO2e emission saving
- 60,441.5 kg landfill & recyclables saving

Born in Wales, but not just for Wales, communities around the UK continue to join the RCW umbrella, united by our vision of a society empowered to work together to reduce waste, share skills, and strengthen our communities.

Our network of over 130 repair cafés provide a diverse range of benefits to the communities in which they are embedded:

- Offer creative opportunities to engage with re-energising town centres and developing zero waste towns.
- Potential routes to employment by supporting formalised training and digital inclusion projects.
- Provide data that feeds into product design improvement. As the Welsh Government's 'Prosperity for All: A Low Carbon Wales' plan argues 'Better design assists in creating products that are durable and easy to repair, upgrade or remanufacture'.
- Provide a wide variety of volunteering opportunities which supports intergenerational activity.
- Creates safe and inclusive spaces that support community development and improve health and wellbeing.

Frequently consulted by groups both in the UK and internationally, Wales remains one of the most prominent experts on repair café operations and the leading voice on repair café insurance, one of the largest challenges facing the industry. RCW is an excellent example of an innovative, scalable project which reflects Welsh Government's plans to promote community infrastructure that helps citizens reduce waste. For example, the 'Prosperity for All: A Low Carbon Wales' plan asserts the need to keep 'products and resources in use for as long as

possible through recycling, reuse, repair, remanufacturing reduces emissions and helping to develop a circular economy’.

Our work contributes to and aligns with numerous areas of Welsh Government policy including:

- Beyond Recycling Strategy
- Wellbeing of Future Generations Act
- Prosperity for All: A Low Carbon Wales • High street regeneration
- Tackling poverty and inequality
- Mental and physical health and wellbeing

RCW’s work contributes to all seven goals of the Wellbeing of Future Generations Act (2015).

Wales has the largest repair cafe network in the UK and Repair Cafe Wales are proud to be leaders in the industry, often supporting other countries to replicate the success we have achieved here in Wales. Our vision is to open a repair cafe in every community in Wales. Our strategic priorities over the next five years are:

- To continue to grow our network of repair cafes
- To better understand levers for behaviour change to continue to normalise repair for Welsh citizens
- To contribute to the progress of the Right to Repair movement
- To explore ways of better integrating repair into schools and education settings to begin to close the intergenerational repair skills gap we see in our communities

RCW also contributes to work happening at a UK level and across Europe through the Right to Repair movement. In October 2023, the UK repair network (of which RCW are a lead member) published the **UK Repair and Reuse declaration** which calls for:

- Making repair more affordable, through tax reductions and repair vouchers.
- Expanding the UK’s right to repair regulations to cover all consumer products, strengthen design standards and remove barriers to repair for everyone.
- Introducing a repair index to help the public choose more repairable and durable products.

- Introducing requirements and targets for reuse and repair to be prioritised over recycling and providing investment to make this a reality. This should be a key part of amended extended producer responsibility rules.
- Supporting a new generation of repairers through repair training, accreditation and apprenticeships.

Whilst Wales has the largest repair cafe network in the UK, there is only so far our work can go if the products we are buying are not designed to be fixed and there is no legislation to monitor the cost of spare parts. The rate of growth of the repair cafe movement demonstrate the public demand for repair services and skills, but so much more is required to meet this need.

Supporting the Welsh Government's aim of 80 repair and reuse hubs across Wales and building upon the ambitions set out in our 2020 paper 'Welsh Government supported high street pilot: Multipurpose circular economy resource', Repair Cafe Wales and Benthyc Cymru launched RE:MAKE Newport in 2021. This was Wales' first high-street repair and reuse hub and this significant partnership project was made possible through the Nationally Significant Landfill Tax Fund from the WCVA. It set out with the aim of creating a new high street model that could be replicated and adapted across Wales, accelerating uptake of repair and reuse behaviours.

Benthyc Cymru and Repair Cafe Wales have applied the proven benefits of sharing learning and creating best practice processes and templates to accelerate and scale-up circular economy activities in national networks. Through combined insight and collaborating with a wide range of stakeholders, this has created a new hybrid repair and reuse model that has the potential to grow and adapt to incorporate an unlimited range of circular economy and sustainable practices for communities.

The main lessons learned from this project include the effectiveness of high-street repair and reuse hubs in promoting sustainable practices, the importance of community engagement and skill-sharing, and the challenges in achieving financial sustainability. These insights are crucial for replicating this model in other areas to further the goals of the Beyond Recycling Strategy.

The project has highlighted the need for a social value tool to measure and understand the broader impact of repair and reuse hubs beyond the already understood environmental and financial benefits. This includes evaluating the social and economic contributions, such as community well-being, skill development, and job creation, highlighting the multifaceted value of repair and reuse hubs.

Alongside paid staff, volunteers have been crucial to the success of the RE:MAKE Newport project and the additional repair and reuse hubs. These spaces would not be able to run without a dedicated team of volunteers and therefore robust volunteer engagement, training, and retention strategies are essential.

Establishing strong partnerships is also key to the success and sustainability of projects like RE:MAKE Newport. This includes collaborations with local businesses, public and third sector, and community organizations who help contribute to resource sharing, enhanced service offerings, and broader community engagement.

The RE:MAKE project, has evidenced the extent of the social, economic, and environmental objectives that can be achieved and amplified within a Repair and Reuse hub. It demonstrates the potential for a national network to enhance behaviour change by leveraging local differences and accelerating learning. As a pioneering model, RE:MAKE Newport aims to be a national hub for training in Repair and Reuse, aligning with Newport's sustainable city goals. However, securing continued funding is critical to sustain and expand its impact and ensure its longevity.

Overall, to best support the Beyond Recycling Strategy's aim of enabling community action, we need to see:

- Continued support and funding for community driven repair initiatives, acknowledging the crucial role community repair plays in tackling the repair of items for which there is not a suitable alternative business model
- Progress of repair and reuse legislation in Wales to ensure our products are better designed and citizens are empowered to repair
- Development of repair education in Wales to contribute to the wider green skills agenda
- Continued funding and support of repair and reuse hubs to give them time to build income generation streams and embed into town centres

The progress we have made in raising awareness and creating opportunities for repair and reuse led by and for communities around Wales has the potential to accelerate crucial behaviour change to support Wales' Circular Economy ambitions. However, the biggest challenge we face going forwards is that of funding. We are working hard to develop sustainable business models while maintaining our ethos of accessible services, but the lead time for this work is years, not months, and must be completed in parallel with the operational and behaviour change work at its core.

The Climate Change, Environment and Infrastructure Committee inquiry on waste

Craig Mitchell

13th June 2024

Craig.mitchell@wlga.gov.uk

Welsh Local Government Association - The Voice of Welsh Councils

We are The Welsh Local Government Association (WLGA); a politically led cross party organisation that seeks to give local government a strong voice at a national level. We represent the interests of local government and promote local democracy in Wales.

The 22 councils in Wales are our members and the 3 fire and rescue authorities and 3 national park authorities are associate members.

This response is not confidential.

Introduction

Wales has made significant strides in delivering world class recycling and waste services to become the third best performing recycling nation in the world. However, as the Welsh Government Strategy 'Beyond Recycling' makes clear, increasingly the emphasis must be on preventing waste, re-use and repair initiatives and reducing carbon.

There are also significant potential economic advantages to this 'circular economy' where resources are kept in productive use for longer. Repair and re-use activity must by definition be in the communities they serve (foundational economy) supporting local jobs and local economies and potentially giving a new life to town centres badly hit during the pandemic. Better use of resources also helps in terms of the nature emergency and preventing biodiversity loss, and the most significant savings on carbon is waste avoided.

Councils also recognise that a key element of the success of the recycling services across Wales is due to having a consistent national policy position, clear targets and significant support through the Sustainable Management Grant over the years. This



13th June 2024

framework is essential to allow the development of locally planned services that meet different local needs.

However, it is also important to note that many councils have had to consider service cuts in recycling, street scene and highways over a number of years to reflect the wider budgetary position and the significant demands on other services such as social services. This must impact upon the ability to meet targets in the future. Council capital budgets are also being squeezed due to high interest rates, failing infrastructure and competing priorities. The upgrades needed to waste infrastructure – transfer stations, bulking stations, depots, recycling centres, EV fleet transformation will continue, and funding must be found to allow this work to continue. The WLGA have commissioned Wales Centre for Public Policy to draft a briefing note on potential sources of alternative finance for environmental work (A Locally led transition to net zero) and Keep Wales Tidy have been actively exploring these innovative funding avenues to support their activity.

Since 2007 the Waste Improvement Programme (WIP) within WLGA and funded by Welsh Government, has been working with local authorities to assist them to improve the performance and efficiency of their waste services, following four key objectives in the process: evidence, efficiency, improving performance and delivery of wider sustainable principles.

The key role for the programme is to:

- collect, validate and analyse key performance data, responding to the needs of Welsh Government and partner local authorities;
- publish that data in a way that ensures its ease of use and maximises its potential for service improvement;
- inform effective and efficient service design and decisions across all 22 local authorities through the active dissemination of that data in regional events, networks and web based portals;
- develop tools and resources which make a difference to front line services;
- allow joint procurement including collaboration; and
- support the Collaborative Change Programme activity.

This means that Welsh councils have been far better placed to provide data to Defra to inform their modelling on EPR costs. [Waste Improvement Programme - WLGA](#)

Progress

Beyond Recycling makes it clear that we need to increasingly move up the waste hierarchy to achieve zero waste by 2050. Whilst councils must achieve net zero carbon by 2030 the significant carbon in the Welsh economy comes from the goods that we consume. If this can be reduced, if we can alter consumption patterns then there may be huge benefits from this carbon reduction.



13th June 2024

Work continues to try and decouple economic growth from waste arisings. The promotion of reuse and repair as a consumption pattern has received a significant boost, both in terms of private sector initiatives but also from the development of re-use shops/outlets on household waste recycling centres across Wales in addition to the efforts of the third sector such as repair cafes and Benthyg.

Residual restriction on black bag waste has shown that this can help drive materials out of the Energy from Waste stream into recycling. The latest compositional analysis continues to show that more can be diverted to reduce waste arisings.

Challenges

Councils have also had statutory recycling targets to achieve, the latest iteration is 70% by 24/25 with further targets likely to move towards zero waste by 2050. A number of councils are already meeting this 70% target, whilst others continue to work towards it.

It is important to stress that recycling performance can be affected by many different things, some beyond the control of councils. For brevity these include.

- Public engagement and use of services.
- Suitable off takers/markets for recycling/materials that cannot be practically recycled currently.
- Constraints on how materials can be handled – e.g. persistent organic pollutants in damaged soft furnishing requiring disposal at EfW.
- Lag times in investment for infrastructure allied to delays in permitting and regulatory framework.
- Constraints on that investment allied to challenging wider financial position.
- Delays to service changes due to Covid meaning some investment paused.
- Lack of clarity on future service requirements due to EPR, DRS and plastic ban and what the service will be required to deal with.
- Issues around rurality and deprivation.
- High percentage of flats, HMOs, and tourist lets.

The data for landfill use in Wales shows how effective the joint Welsh Government/Councils procurement for EfW and AD plants were. EfW is obviously a transitional technology, and the significant impact of the likely costs of the Emissions Trading Scheme should be noted. Work is also beginning on how food waste will be treated in the future as current contracts/plants begin to near their end, as it is likely to be a significant waste stream given parts of it are unavoidable (vegetable peelings etc). Also, the changes to the Workplace based Recycling regs means that there will likely be a need for greater treatment capacity for commercial food waste.



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There will continue to be a need for investment in waste infrastructure. The changing profile of materials dealt with means that sites will need to reflect this, whether it is the likely roll out of plastic film collection from 2027 funded by EPR, or the need to deal with soft furnishing with POPs in line with regulator advice. Investment will also be needed to meet increasingly stringent regulatory requirements such as fire regulations.

The Regional Ministerial Programme Boards for the Circular Economy (rMPBs) are 4 regional meetings of the cabinet leads for waste and the circular economy which meet on a quarterly basis. They are looking at the future requirements for infrastructure, any potential for regional collaborative activity and to review the resilience of current provision. This links to the wider climate change mitigation and adaptation activity necessary as part of the net zero carbon requirement by 2030.

This work will also continue to try and identify opportunities to co-locate renewables with energy uses such as depots for ultra-low emission vehicles (ULEVs). WG are seeking to support that approach in their capital support programmes.

Under the Circular Economy grant process Welsh Government have supported significant investment in reuse and repair programmes. Most councils have a reuse shop at the HWRC and partners such as Repair Café Wales and Benthylg (Library of things) have benefitted from investment in facilities, often focussed on the high street to improve accessibility but also to help reinvigorate the high street post pandemic.

There will be a need for continued investment and clarity around how funding from EPR will support this.

Roll out of Plastic Ban and Workplace Recycling regs.

Whilst it is still early in both these processes to draw too many conclusions, both will change the composition of the materials that councils will deal with. As substitute materials are sought to replace the banned items this will need to be reviewed to determine any perverse outcomes not in line with the policy intent. Similarly with the WPB regs, there will be impacts on businesses, public buildings and third sector organisations. There will always be teething issues to be worked through with any new policy, for example one such aspect is public bins not provided by the council. Whilst it is good practice to provide bins for the separate materials contamination remains a challenge, meaning that some businesses/others may withdraw their general bins.

The advent of EPR means that more regular compositional analysis work will be required to determine where the packaging waste is, what is its treatment route and consequently its costs. This is also true of packaging binned litter and in Wales and Scotland packaging street litter. These data requirements will be an additional cost



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which *should* be paid for by EPR and this will help councils understand the impact of policy changes on materials flows and plan accordingly.

Community level activity

The WLGA also commissioned research into what circularity means at a community level partnering with Miller Research funded by Welsh Government. The purpose of this work was to try and understand how circular a community was, what its strengths and weaknesses were and what opportunities could be built upon. Three pilot studies have been undertaken with communities in Gwynedd, Carmarthenshire, and Newport. The purpose of this work is both to engage the community in a discussion about circularity (and its potential benefits) but also inform future investment priorities.

Elected members feel that this approach is vital if we are to properly realise the potential benefits of the CE and ensure that limited resources are used most effectively. Copies of these pilot reports can be made available to the committee if that will be of benefit (the file sizes are large).

DRS and EPR

In terms of aligning government levers the policies around EPR and DRS do present certain challenges. The 4 nations are in very different places in terms of recycling performance and consequently all approach these policies with a different perspective and context.

The reality is that whilst WLGA recognise the potential benefits of DRS especially around litter issues, there remain issues of equity (access to DRS points and transport), duplication of systems (universal kerbside services are available in Wales) and a reduction in some income (and recycling performance) for councils that may undermine kerbside provision.

The challenges over what materials are included, the cost of setting up the Direct Management Organisation (DMO) which given the experience in Scotland is more likely to fall on the public purse and the level of investment needed to create a network of reverse vending machines is significant.

Therefore, we have always suggested that EPR should be brought in first to determine that impact before the need for DRS was pursued but remain committed to make DRS work for Wales and for councils to play their role in the process.

Therefore, it seemed sensible to delay the roll out of DRS until we fully understood the impact of EPR. It would be preferable if DRS materials were covered by EPR in the interim as public money will still need to pay for dealing with these materials.



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Given the failure of the DRS work in Scotland it is important to learn the lessons from this. The key implications seem to be that industry are unlikely to fully fund the set-up costs meaning that public money may be needed to establish the Direct Management Organisation (DMO), and that any desire to apply DRS to different materials may have to navigate issues around the UK internal markets Act.

The DMO will be industry led and as we understand it that status means that the 4 nation governments must have a light touch approach to 'managing' the organisation and determining how it discharges its functions. One aspect that elected members are exercised about is that this may mean that materials will flow out of Wales and their value realised elsewhere (which may often the case currently anyway but much of the discussion on CE infrastructure centres on how to realise that value in Wales).

In Wales we have trialled Digital DRS at Brecon with Powys CC. This scheme allowed people to redeem 'deposits' using a smart phone and a bar code on the item and then to dispose of it through their kerbside recycling service. Whilst a number of technical issues need resolving (such a printing unique bar codes on millions of items) this has real potential. This also negates the need to travel back to some central point with the material to redeem deposits.

EPR is still developing at pace and is increasingly complicated in terms of the modelling work, how efficient and effective services are determined across the UK, how packaging industry will define their material as recyclable (Recycling assessment method - RAM) and how it will alter the flow of materials through the economy.

Extended Producer Responsibility for Packaging (EPR)

As recycling services have developed local government have provided additional service to constituents to ensure that packaging can be recycled and re-used in the economy. There are large costs to this, and the 4 nations have decided that those companies that place packaging on the market (producers) should pay their fair share of the costs under the 'polluter pays' principle. A great deal of work is ongoing to set up how this will work in practice and ensure full net cost recovery for councils. It currently seems likely to come in from 2025.

Under EPR Producers will be responsible for paying direct to Councils (through a scheme administrator) the *full net cost* of managing, recycling and disposing of packaging and will be incentivised to make packaging more recyclable through modulated fees based on recyclability. Payments will also be made for costs associated with packaging in litter bins and in Scotland and Wales, ground litter, although this will come in later.



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Key concerns for Local Government are how the funding arrangements will work and how to influence the establishment and functioning of the Scheme Administrator which runs the scheme and determines Local Authority payments through a process that will look at 'Efficiency and Effectiveness'. Welsh Government have secured a seat on the scheme administrator steering group for local government in Wales to ensure that voice is heard.

Payments will be made quarterly in arrears, initially on modelled costs which may not reflect reality, may be reduced in the future if a council is deemed ineffective, and there isn't longer term clarity on what UK Treasury may do with the budget that currently pays for waste services.

Efficiency (service cost) is assessed through a payment model (LAPCAP)¹. The model groups Councils by rurality and deprivation and then further groups them by Dry Recycling collection system and residual collection frequency. In the first 2 years of EPR it is planned that Councils will receive a modelled payment. Councils should find out their modelled payments in Autumn 2024. Income from recycling will be 'netted' off payments. As these groupings are UK based it is likely that Welsh councils will be grouped in way that we are not used to seeing i.e. councils we regard as fundamentally different in the same group.

A key concern is how the different Policy Context in Wales will be accounted for in the model. Recycling rates are much higher than the rest of the UK and the assessment of what waste services should cost must account for this different context. If more is spent by Welsh councils because of their more extensive recycling efforts, the risk is they will appear high cost. Welsh Government are focussed on ensuring that Welsh councils receive their fair share of resources.

Effectiveness (how much packaging is collected) will be gauged by a number of metrics assessing Councils' performance in capturing EPR-related material. The process allows for a deduction to LA payments (up to 20%) for services deemed not effective. However, the deduction can only happen after the production and implementation of an improvement plan containing 'reasonable' actions agreed between the Scheme Administrator and the Council if improvement does not occur.

There is a concern in terms of the devolution settlement that this improvement process is to be overseen by the Scheme Administrator at UK level which initially will be part of DEFRA.

Councils in Wales already work with a number of Welsh Government delivery partners with more knowledge of the Welsh context and WLGA are keen to see this more locally democratically accountable arrangement continue.

¹ Local Authority Packaging Cost and Payment



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Notification of the modelled payments to Councils is expected in November 2024. The first payments will be in March 2025.

Initial discussions have happened involving Directors of Finance as the implications for councils could be significant. Until the modelling is complete there is a lack of clarity but potentially there may be an effective redistribution of resources across different councils and the quantum of support coming to Wales may increase or decrease.

Summary

It is clear that significant progress has been made on recycling, landfill avoidance, helping drive down waste arisings and supporting the public around food waste. The development of EPR and DRS introduces a level of uncertainty into the system and whilst positive, this cannot be allowed to be a reason for stalling progress.

All councils will continue to need to invest in infrastructure not least to become carbon neutral, sometimes in advance of the full implications of all these changes becoming apparent. Given that this change is on a UK level, councils are working hard with Welsh Government to get clarity on future funding, service requirements, to model impacts on material flows/finances, factor in zero carbon requirements and essentially try and future proof services.

Meanwhile all this needs to be communicated to the public in a way that engages them, and they understand why these changes may be happening. There is a political risk to rolling out new EPR funded services such as plastic film collection whilst the wider fiscal position may mean that other valued local services are reducing. The nuances of different funding regimes will be of little interest to the public.

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a world beyond waste

The Chartered Institution of Wastes Management (CIWM) is the leading professional body for the resource and waste management sector with a purpose to move the world beyond waste. Representing over 6,500 individuals in the UK, Ireland and overseas, CIWM has a mission to unite, equip and mobilise its professional community to lead, influence and deliver the science, strategies, businesses and policies for the sustainable management of resources and waste. CIWM has ten regional centres across the UK and Ireland, including CIWM Cymru Wales, that are run by member volunteers.

CIWM Cymru Wales organise an extensive programme of technical meetings, site visits, symposia and social events. Representing over 350 waste professionals working in local and national governments, agencies, private waste companies, consultancies, social enterprises as well as education and research centres, CIWM Cymru Wales provides a forum for professional debate and the opportunity for members to meet and socialise through a strong network of professionals.

Inquiry: Progress towards delivery of the Welsh Government's circular economy strategy, Beyond recycling (March 2021)

Please see our response to the committees' questions:

The Committee is particularly interested to know how the delays to the introduction of a Deposit Return Scheme and Extended Producer Responsibility Reforms will impact Wales recycling goals.

DRS

Since the DRS reforms won't be in place by 2025, the immediate impact to Wales' goals is seen to be negligible. However, their implementation, even if delayed, is essential for long-term sustainability and efficiency.

At present, only 2-3% of the potential recyclables are affected, but every bit helps. Wales is already achieving high recycling rates, but to reach the higher branches of our recycling goals, additional tools like DRS are necessary.

Wales has already achieved high dry recycling rates, demonstrating the effectiveness of the current system. This raises the question of whether there is a need for DRS however, despite high dry recycling rates, recyclables are still found in residual waste which need to



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be retrieved. DRS can be another tool to incentivise that material to come away from the residual waste stream.

One advantage seen of DRS is that it provides a solution away from “on the go” waste, such as street bins. Additionally, DRS can help obtain high-quality feedstock from co-mingled and ongoing residual materials, ensuring that high quality recycled materials are recovered for recycling.

The delay in implementing DRS provides an opportunity to explore Digital DRS, which could offer significant long-term benefits, such as collection from the kerbside. This would make recycling more convenient and efficient, increasing participation rates further.

Digital DRS will also support better data capture and monitoring, helping us understand recycling behaviours and plan our future more effectively. While the delay has not impacted household recycling rates significantly, it is expected to support commercial recycling rates, which is a crucial area for improvement.

EPR

The delay in introducing the EPR reforms presents an opportunity to rethink how we can greater support the funding of local governments to support better collection methods and processing infrastructure.

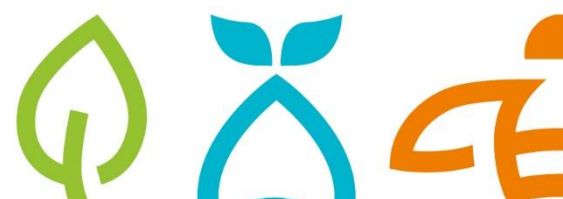
Although the delay may mean that we will not see an increase of higher recyclable content packaging come to market sooner, the eventual implementation of these reforms will be highly beneficial in creating more opportunities for high quality captured recycling materials in the future.

A significant benefit of these reforms is making producers more responsible and invested in our recycling processes. When producers are accountable, they are more likely to design products with recyclability in mind and support effective recycling practices.

Economically, the reforms will benefit Wales to support our collection systems and processing capacity. This not only supports our recycling goals but creates jobs and positions Wales as a solution provider for the rest of the UK.

The financial resources generated from these reforms can also be further utilised to promote higher practices of the waste hierarchy, such as waste prevention, reuse, and recycling.

These reforms will ultimately enhance recycling practices, stimulate economic growth, and promote sustainability in Wales and beyond.



Roll out of the ban on single-use plastic products and business waste separation requirements.

Single Use Plastics

The banning of single-use plastics is a positive step towards reducing waste and environmental pollution. However, to achieve our broader recycling and sustainability goals, we must consider additional initiatives and strategies.

A key area for further effort is working closely with businesses, especially SMEs, to find innovative ways to reuse materials. Collaboration across sectors can lead to creative solutions that reduce waste and promote a circular economy. For instance, simply replacing plastic forks with wooden ones still results in waste. Instead, we should focus on developing and implementing reusable alternatives that can significantly reduce overall waste generation.

An example of a successful initiative is the community cup reuse programmes, which encourage the use of reusable cups within local communities. Such programmes not only reduce single-use plastic waste but also foster a culture of sustainability and shared responsibility.

By partnering with businesses and communities to promote reusable solutions and sustainable practices, we can make a more substantial impact on reducing waste and enhancing recycling efforts. This approach will not only support our environmental goals but also drive innovation and positive behavioural change within Wales.

Workplace Regulations

While the new workplace regulations are a step towards improving recycling practices, there is a pressing need for more support and engagement to clarify the regulations and aid in setting up effective collection systems to individual businesses, especially SMEs.

A useful comparison can be made between kerbside rollout and the workplace rollout. Whereas households benefit from direct and individualised communication, businesses often received only limited support through webinars or website updates. This disparity highlights the need for more tailored assistance to businesses.



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Businesses also require additional help as they do not have full control over bin usage in the same way that householders do. The nature of waste generation in businesses, particularly in the tourism sector, differs significantly from household waste. This sector often relies on the public to use bins correctly, which can lead to owners having to segregate waste themselves.

In addition, many businesses are concerned about the additional costs associated with the new workplace regulations, particularly as they feel these costs are often dictated by larger collection companies. For example, the mandate for minimum fortnightly collections can impose financial strain on smaller enterprises when collection is otherwise not necessary.

It's important to recognise and address the complexities that vary across Wales, offering targeted support where needed. The unique challenges faced by different sectors and regions must be considered to ensure the successful implementation of the new regulations.

Preparedness of the waste sector and infrastructure investment requirements.

As detailed above, the implementation of new workplace regulations has taken many businesses by surprise, but the resource sector has demonstrated readiness and preparedness. For instance, there are already flexible processing plants and advancements in fibre recycling capabilities ready for support Wales' aims.

However, processing plants will need to rely on alternative/additional feedstock to ensure continuous operation and efficiency. This reliance highlights the importance of having a diverse and resilient supply chain for recyclable materials that may have to be relied on by support outside of Wales.

While infrastructure and preparedness of Welsh resource sector is adequate, it's also crucial to recognise that the best economic and environmental solutions may not always be found within Wales. This reality should not result in penalties. Instead, we should adopt a pragmatic approach that allows for flexibility in sourcing and processing locations outside of Wales to achieve optimal outcomes.

However, this must be done in balance with the promotion of social value benefits of keeping materials within Wales. By emphasising the economic and environmental advantages of local processing, we can encourage investment in domestic infrastructure and support the circular economy further within Welsh regions.



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To attract investment, we need to consider short, medium, and long-term goals. By setting clear and achievable targets, we can create a more attractive environment for investors, fostering growth and innovation in the waste sector.

UK Internal Market Act.

While the UK Internal Market Act is seen by some as a barrier to devolved policy making, it brings businesses, such as packaging producers, from across borders to work in line with each other. This alignment can enhance the efficiency and effectiveness of recycling efforts.

There is a positivity that the UK Internal Market Act can help avoid scenarios like the Deposit Return Scheme (DRS) in Scotland, where regional discrepancies led to complications. A unified approach ensures cohesive and efficient recycling practices across the UK.

The UK Internal Market Act would promote a stable and predictable regulatory environment which can potentially attract increased investment into Wales' recycling infrastructure. Investors are more likely to fund projects when they have confidence in consistent regulations and market access. A unified market assures investors that their investments will benefit the entire UK, including Wales.

The integrated market framework supports the principles of a circular economy by facilitating the flow of recycled materials and products across the UK. Wales can contribute significantly to the circular economy goals by ensuring high recycling standards and practices. The UK Internal Market could be used as a tool to better facilitate this circular economy.



Inquiry on Waste

Climate Change, Environment and Infrastructure Committee

FSB Wales

June 2024

About FSB

Celebrating its 50th anniversary, FSB Wales is the authoritative voice of businesses in Wales. It campaigns for a better social, political, and economic environment in which to work and do business. With a strong grassroots structure, a Wales Policy Unit, and dedicated Welsh staff to deal with Welsh institutions, media and politicians, FSB Wales makes its members' voices heard at the heart of the decision-making process.

Introduction

FSB welcome the opportunity to provide evidence on waste policy and SMEs. Climate change is a key policy priority, and the majority of SMEs responding in FSB surveys agree that we are in a climate emergency.

FSB Wales's previous research illustrated that 73% of small businesses in Wales believe that they have a responsibility to become more sustainable, but only 24% of businesses felt they knew enough about Welsh Government's environmental policies. Therefore, providing the right guidance and raising awareness will help this acknowledged responsibility become an achievable reality and support SMEs in contributing to the Welsh Government's policy goals.

FSB's UK 'Accelerating Progress' report¹ found that 64% of small businesses have increased recycling in their business and 50% have taken steps to eliminate waste wherever possible. This highlights that small businesses are recognising their role in tackling climate change and are working hard to make changes in their businesses.

The contradiction between SMEs' will to help and the lack of necessary knowledge to do so should be a starting point in any new policy changes. It is important that Welsh Government's strategy does not assume awareness of all measures by time poor businesses balancing a multitude of different priorities. This is particularly so where they may differ from wider discussions on such policy at UK or England level. The starting point must be grounded in a realistic

¹ [Accelerating Progress | FSB, The Federation of Small Businesses \(FSB: 2021\)](#)

assessment to ensure that changes are implemented credibly, effectively, and without being counter-productive.

Devolution allows for Wales to carve out its own bespoke agenda to address much of this, harnessing decision making that will enact and influence overall policy outcomes. It is important that it retains and develops on its strong record on recycling, and that residential recycling achievements are matched and implemented with businesses in ways that they can best achieve results. Doing so requires bringing small businesses with the agenda, engaging with them to understand the pressures they face in order to, as the Climate Change Minister put it, 'make it easy to do the right thing'. It is also important to engage with SMEs on the opportunities arising from transition as well as the regulatory aspects, and this is a key part of the success of policy.

Alignment with UK policy and messaging are important to success, with many levers remaining at a UK level, and within Wales it is important that policy timelines are aligned with England as much as possible to ensure that communications are effective and possible confusion mitigated. Where things are done differently it is important that we look at an engagement model that works for SMEs.

As an organisation, FSB has been clear in its support for the transition towards a low carbon, and environmentally sustainable economy. In general, our approach to environment policy starts from the following principles:

- 1) Small businesses recognise and support the broad, long-term objectives of climate change and environmental sustainability policies.
- 2) Small businesses want to do the right thing and play their part.
- 3) A long-term, strategic approach to environmental policy making is far better than a short-term, reactive approach.
- 4) Policy solutions must be evidence led.
- 5) The impact of policies on small businesses must be understood in granular detail.
- 6) Small businesses should be given adequate time to adapt to new requirements.
- 7) Those small businesses that are particularly impacted, or least able to adapt, should be identified and provided with additional support/time to adapt.

We believe that approaches to environmental policy should follow the above principles. By doing so, we can ensure SMEs are properly brought in to the transition towards a low carbon and sustainable economy, and help to translate our ambitions into practice.

Welsh Government's 2025 targets –

- **70% recycling for waste from households, commercial and industrial businesses,**
- **26% overall reduction in waste, zero waste to landfill,**
- **50% reduction in avoidable food waste.**

We are not the experts in the field to understand the data and the realism of the targets, nor how this is going.

We note that SMEs take their responsibilities seriously but often do not know what is the best way for them to have an impact that counts. This is important as 99.4% of Welsh businesses are SMEs – and 95% are microbusinesses or smaller, which means when one employer must often deal with everything from regulatory matters, employment, skills and so on, that there is less capacity to deal with added regulatory burden, including recycling and waste management. Research in other parts of the UK suggests that SMEs spend 8 hours – a full working day – a week on compliance.

It is therefore important that the support (whether financial, service based, or in terms of expert advice) and advice systems in place are easy to navigate and accessible . This where our focus is here.

Actions undertaken to date aimed at:

- **driving innovation in materials use;**
- **upscaling prevention and re-use;**
- **building on our recycling record;**
- **investing in infrastructure;**
- **enabling community and business action;**
- **and aligning Government levers.**

We do not have evidence on all these matters, but some will be dealt with in later themes addressed in this document.

We note at UK and Welsh level that there are some problems with the definition of single-use plastics when it comes to driving innovation, as it may be that some innovative practices are being placed within the definition so as to make those materials illegal. We are told by businesses in the specialist field that some of the problems to do with these are apparently also due to the lack of recycling separation hubs that are available in other countries. As such the role of investing in infrastructure in this context may be something to explore.

This also appears to have banned products in sustainable packaging sector that were developed with receipt of government funding as innovative packaging solutions, which does suggest that some different parts in legislation and policy were misaligned.

It is also to be noted that for many SMEs dissemination of process innovation is more valuable in this context, with a look to how savings and auditing of efficiency needs can be built into small businesses across Wales, and not just on the products developed.

FSB supports the aims for better recycling for business, recent waste and recycling legislation for businesses, but have expressed concerns on ways some of the requirements affect certain businesses. This included concerns relating to businesses being worried that they'll be liable for contaminated waste in bins on streets space for separation in small areas of work; the fact that it could be contaminated by a single worker not knowing the regime and putting in wrong box and so on. Some of these may be teething issues, but it needs to be monitored.

On the plus side, alongside government guidelines and support from agencies such as WRAP and NRW, we have been impressed by some examples of waste companies' correspondence and advice to businesses and how they would respond to initial mistakes. This is based on a random selection of examples we have come across, and is likely to be patchy dependent on providers locally. However, this indicates an area and approach that may work best with providers who are already in contact with businesses they service.²

The question of alignment and enabling action is the key one for SMEs. We would note that a consistency at national regional and local level, and the support structures of advice, finance and funding, and supplies and services are key to support SMEs in transition to Net-Zero, in terms of recycling and waste but also in terms of the wider transition to net-zero. Implementation and engagement, as well as understanding the material benefits and opportunities

² A good example is here: [Government Regulations for Businesses in Wales - Biffa](#)

are an intrinsic part of policy success, and not an add-on to be brought in after the policy discussion.

When it comes to alignment and enabling SME business action, Wales is currently the only UK nation without a fixed SME regulatory impact assessment, while Scotland is now implementing one, and Northern Ireland and England already have one. Given this, while we await such an assessment, it becomes even more crucial to utilize all available channels to ensure small firms are aware of any legislative or regulatory changes. This will be instrumental as we progress with the regulatory agenda to enable a transition to net-zero. Our call for an Economic Development Bill targeted at the Small Business Economy, was in order to provide a clearer regulatory framework that accounts proportionality for SMEs, but also ensures we are building the capacity and capability of firms to address their net-zero needs whether through skills or efficiencies, in a way which will also help them develop and grow as firms. It remains a concern that the 'story' around net zero has focused on regulation and mitigating risk, and not on opportunities too in a way that would resonate with SMEs.

Delays to the introduction of a Deposit Return Scheme and Extended Producer Responsibility Reforms.

The UK Government's Deposit Return Scheme for England, Wales and Northern Ireland will play an integral role in recycling more plastic and expanding the UK's circular economy. The UK's 5.5 million small businesses and sole traders will play a vital role in ensuring the success of this scheme. However, if not appropriately implemented, they will also disproportionately be affected by it. While many larger businesses will have a member of the team dedicated to ensuring compliance with regulation, SMEs will have to dedicate extra resources to engage with the regulation. As such, it is important that getting it right is prioritised rather than getting there first.

As noted above, businesses overall support the UK Government's Net Zero and sustainability agenda. However, COVID-19 took a heavy economic toll and the continuing pressures since mean businesses – particularly in sectors affected by this policy – are in a less resilient position than may have been the case before. The proposed deposit return scheme risks placing additional burdens on small businesses such as the extra space required on business premises, the scheme's additional cost, and the time it will take for firms to set up and administer the scheme.

We would recommend a number of exemptions for small businesses, but these require a full analysis of the best way forward. Our main asks are:

- Exempt the smallest businesses and producers from being required to participate in the scheme where appropriate, in order to minimise both the clear practical problems for small retailers and hospitality businesses, as well as the barriers to small food and drink producers.
- Guidance tailored to SMEs, and duties placed on Tier 1 suppliers to support SMEs in their supply chains.
- Keep the system simple to use for producers, retailers, consumers and regulators
- Introduce a fund to support smaller businesses to adapt and comply with a DRS to minimise the economic impact of the scheme
- Ensure consistency and compatibility of a scheme UK-wide

Given the significant risks of the scheme to SMEs viability, and subsequent risk to the credibility of net zero transition policies in general if implemented badly, we welcome the delay. This provides the opportunity to bring the SME sector in line and up-to-date with government policy, and to work with them to address the main issues.

In looking at some of the granular detail needed and therefore why a delay is sensible, the following examples show the need for aligning the local needs and UK level strategy, alongside the diverse needs of businesses affected:

- FSB advocates a mixture of both 'take-back' to a place that sells drinks and designated drop-off locations. Transport terminals, schools, sports clubs and other civic spaces should all have facilities for consumers to return their empty drinks containers. We are particularly keen to ensure that such locations are accessible and do not drive footfall to out-of-town locations.
- Empty units in town centres, for example, could also be brought back into use by being turned in to designated drop off points for communities. This

would use these as opportunities to increase footfall, and also provide shared designated spaces for smaller businesses to administer the recycling more effectively where possible, by providing areas for businesses drop off too.

- Small retailers, particularly convenience stores, will be crucial in making a return to retail DRS work. In many of these stores space is at a premium and, considering the range of practical concerns of the smallest businesses, we strongly recommend that premises under 200sqft should be exempt from being required to take back returns (though there would be nothing to prevent those who wished to participate from doing so). For those who do, engaging locally to help provide drop off points would be best.
- Restaurants, bars and other sit-in only hospitality businesses should also be exempt from taking back returns and should instead only manage the bottles and cans sold within their premises. The drinks containers sold within these businesses are unlikely to leave the premises. Taking this into consideration, it may be sensible to exempt these businesses from charging their customers a deposit on the bottle altogether, instead letting them (instead of the customer) become the consumer in the DRS supply chain and be covered through other new waste regulations for businesses in Wales.

In any case, while FSB advocate a UK alignment of policy across the nations, it is too important that DRS scheme aligns with other regulation that is Wales-only in terms of business waste and recycling.

All of this adds complexity, and getting it right is important. As such we welcome the delay in implementation.

Roll out of the ban on single-use plastic products and business waste separation requirements.

FSB is in favour of the removal of single-use plastics from the economy.

The ban facilitates the shift away from disposable products towards cleaner, more sustainable alternatives, supporting the transition to a circular economy. However, we believe that small businesses require enough time, information and support to transition their businesses away from using these items. As such our evidence will discuss this part.

According to FSB research released in October 2021, more and more businesses seek to minimise single-use plastics in their products and services. Nearly half of small businesses (47%) at that time already avoided plastic products where an alternative is available. This number increases to 60 per cent among firms in the accommodation and food services sector.³

Definitions and Understanding

However, we have found concerns around the definition of 'single use plastic', and this has had an impact on SMEs' understanding of the change.

This is not a devolved area, as the Welsh definition of 'single use plastic' derives from the UK legislation – and it would be problematic to have different definitions. However, these are matter that have caused confusion and uncertainty, particularly for businesses in the biodegradable packaging sector. We would encourage Welsh Government to work with other governments to check if the definitions disincentivise the development of new renewable packaging, while also ensuring that these products are in fact recyclable. There are a few examples we have seen of businesses being in receipt of innovation funding or Development Bank of Wales funding who have subsequently found that their sustainable packaging may fall foul of this legislation and may in fact force them to work elsewhere. One business was considering moving to Canada – which provides funding support in this area also, to now continue their business. So capital flight is a concern where the regulation may capture too many materials, which then may hinder sustainability-led innovation.

There may also be issues around circular economy hubs and recycling points that may be relevant here. As this is a technical area we (at Welsh and UK level) have suggested that discussion happen between businesses affected and government to understand the tensions, and to ensure the balance between

³ Accelerating Progress (FSB: 2021)

innovation for future sustainability in products, and the need for action now is correct.

We have previously outlined our concerns in this regard in a letter to the Minister and we also provided this information to the Chair of the Committee.

At the 'consumer' business sector we have also found confusion caused by the definitions, with some small retailers and food businesses believing they had already moved to sustainable products for takeaways etc, now unsure as to whether they were or were not breaking the law. On the one hand this may be better of course, if the packaging created is not actually sustainable, but it means they require advice and support and clarity on sustainable ethical supply chains.

Advice and support

Our anecdotal engagement suggests that this has been patchy, and at times poor.

The food retailer above was not sure where advice could be found on this area that would help her business. We also have an example of someone who was unable to get any advice from his local Trade Standards on whether he could manufacture particular products, which suggests that key advice is not forthcoming.

On the other hand, while more on sustainability in general than single use plastics in particular, we have had some businesses mentioning in recent roundtables that they are accessing advice on sustainability from Business Wales – this contrasts with surveys in 2020 suggesting that none had received advice on this topic (but many said they wanted it). This suggests that their new sustainability advisers are having some impact.

It is important that business support is resourced to provide expertise in this agenda in future and the capacity of advice infrastructure for SMEs is important as we transition.

Lessons from rollout

As is well understood, there is a lack of Welsh media, and when there is an overlap of policy at England, or UK level and a divergent Welsh approach, there is more likelihood of confusion as SMEs in Wales will hear about England legislation, but may not be aware of the Welsh differences. We are hopeful that this lesson has been learned and where possible that timelines are aligned across the nations and general messaging produced that can serve SMEs in Wales, alongside simple messages going forward.

There is going to be another rollout of single use plastics in the next few years, dealing with products such as wet wipes alongside other materials. Again, we are supportive of these measures in principle. It is important that engagement on any issues that may arise (for example with small SME cleaning companies needing to source supplies and will need to be appraised of exceptions in health settings) be made early.

On the plus side, we are supportive of the grace period following the enactment of legislations allowing companies to be taught where they are going wrong inadvertently rather than a presumption of intent and guilt. It is also useful that where companies have stock overflow they are encouraged to use these rather than put into landfill, which is a more sensible option. FSB support this for future such activity, and as an important part of ongoing engagement and learning. This does need to be balanced with ensuring a level playing field for everyone and ensuring there aren't perverse incentives for businesses NOT do the right thing.

We would also note that for businesses selling products, broadly speaking addressing issues higher up the supply chain so that liability is upheld at production makes things easier than needing to understand every area of packaging rules.

Finally, we would note that there are times where the presumption of knowledge of policy issues has undermined the intent of policy. It was not helpful to hear a

Minister say that one 'had to be living under a rock' to not know of single use products being problematic. Even if true in a broad level, this does not mean that how this is implemented at a firm level, how one understands how to transition to new supply chains, whether those products will then be affordable and available, as well as lack of clarity on the responsibility and opportunities involved to SMEs, are still legitimate question. Understanding beyond that the diverging legislation and expectation at the devolved level and support institutions in place for advice would require quite a high level of knowledge by people outside policy circles.

Preparedness of the waste sector and infrastructure investment requirements.

As noted above, we have seen good examples of engagement from waste companies, although these are examples rather than a universal review. It appears that the campaign coordination with Welsh Government was relatively successful in this regard, and ensuring local relationships being a key part of engagement is a key part of success. So far – and tentatively- this appears to have worked better in new recycling regime than was the case with single use plastics.

The best links through to companies should be set out from the outset – for example, we have previously found using accountants for tax devolution (a field where we would expect confusion) was largely successful.⁴ Where there may be capacity issues (such as capacity to provide green audits for example), plans should be prepared to address capacity issues and address any market failures.

In terms of infrastructure, as noted above, we have heard from some sustainable packaging companies that the separation of recyclable items in the UK is not on a par with others. However, this is not an area where FSB has sufficient expertise except to pass on the claim from experts in the industry.

⁴ See Dr Helen Rogers & Sara Closs-Davies, 'Funding Prosperity: Creating a New Tax System in Wales' (FSB: 2019)

In terms of business recycling, one thing that we would want to monitor is any cost implications arising from the new regime. Unlike residential recycling provided by council, businesses pay directly for the services and often the choices are limited leading to high prices and sometimes bad services. It is important to keep a monitor on any rising costs as well as time issues involved in businesses themselves implementing the regime. We would note that businesses separating waste does also reduce the cost needed at the collection points to separate waste, and so should be seen as a valuable activity.

Waste policy and UK Internal Market Act

FSB welcomed the introduction of mutual recognition and non-discrimination as underpinning principles for the UK Internal Market across goods and services. Both principles are critical to the proper functioning of the UK Internal Market for small and micro businesses. However, all four administrations must ensure that the transposition of these powers is done neatly and cohesively. The principles should complement one another, though need not apply jointly in all cases. The changes must be made to work equally for businesses operating across all four localities, they must also be clearly communicated to businesses across all jurisdictions in a manner which distinguishes between the requirements for each jurisdiction where these exist.

Waste illustrates some of these issues at their most acute. Clearly if Welsh government brings harder legislation on packaging but mutual recognition means that competitors in another polity in the UK can sell without the same regulation, this means that Welsh Government would effectively be legislating for comparative disadvantage, and displacing any unsustainable practice to another part of the UK to basically take advantage of the new market.

So while we note possible issues with the definition in the legislation on 'single-use plastics' having a different definition in Wales would not address the problem, and our view is that with the principles of non-discrimination and mutual recognition clearly articulated, it is vital that all four UK administrations work together to develop proposals for the UK Internal Market's regulation that provide confidence and stability to smaller businesses. As such, the process of developing common frameworks should be the starting point for the operation of the UK Internal Market, with the measures set out in the consultation to be used to provide stability to that framework over the longer-term.

FSB supports a three-tier model of enforcement and oversight bodies for the UK Internal Market. The first is the Four Nations Independent Body as was outlined in the White Paper. This body must adopt an equitable approach to decision

making for all four administrations. The investigations and enforcement powers must be conferred upon a new or existing regulatory body such as the Competition and Markets Authority. Finally, there is need for a wider engagement forum for businesses and representative bodies to feed into the aforementioned bodies. Any such body requires adequate enforcement powers to hold all entities to account in the event of a violation. In order to achieve this, the independent body must not be accountable to any government within the UK Internal Market.

This provides a necessary balance between policy divergence and a broad consistency, and would provide a four-nation approach while avoiding undue pulling back of devolved competencies to the centre. The current outcomes from the differing policies across the UK - while imperfect - do not appear yet to have caused a warping of the market across the different parts of the UK on the basis of internal market principles. It may be that it has stopped activity that may otherwise have been possible, but in this context that is a judgement for policy makers to make, rather than FSB.

Conclusion

For SME employers it is vital that schemes start from understanding the pressures upon them, in terms of capacity (time and costs). Therefore, any aim to move must start from a basis of looking to provide headroom for SMEs to transition through alleviating costs and/or time in any schemes proposed, and that SMEs have fair access with schemes shaped to include their needs in a just transition. As noted, this also makes sense in terms of sustainable growth, prioritising growth from community businesses embedded in their local areas.

As such there are numerous opportunities in this agenda, if we get the frameworks right. It is important that the Welsh Government accentuate the positives and develop a strategy and narrative that focuses on tangible benefits for businesses and communities, be they in terms of lower costs or supply chains or new business opportunities. Currently the story SMEs hear are added costs and obligations, or at best mitigations of risks, rather than the numerous opportunities.

There are lessons – both on the good and bad practice – on how this has been done to date and we hope this evidence provides some useful initial insights.

—
**Climate Change, Environment,
and Infrastructure Committee**

Senedd Cymru
Bae Caerdydd, Caerdydd, CF99 1SN
SeneddHinsawdd@senedd.cymru
senedd.cymru/SeneddHinsawdd
0300 200 6565

—
Welsh Parliament
Cardiff Bay, Cardiff, CF99 1SN
SeneddClimate@senedd.wales
senedd.wales/SeneddClimate
0300 200 6565

Huw Irranca-Davies MS

Cabinet Secretary for Climate Change and Rural Affairs

8 May 2024

Dear Huw,

The Climate Change, Environment and Infrastructure Committee (the Committee) is holding a short piece of work on waste later in the summer term 2024. The focus of this work will be on progress made by the Welsh Government towards delivery of its circular economy strategy, Beyond recycling (March 2021), specifically:

- the 2025 targets - 70% recycling for waste from households, commercial and industrial businesses, 26% overall reduction in waste, zero waste to landfill, 50% reduction in avoidable food waste, and
- actions undertaken to date aimed at: driving innovation in materials use; upscaling prevention and re-use; building on our recycling record; investing in infrastructure; enabling community and business action; and aligning Government levers.

The Committee is particularly interested in how the following are impacting/will impact on progress:

- Delays to the introduction of a Deposit Return Scheme and Extended Producer Responsibility Reforms.
- Roll out of the ban on single-use plastic products and business waste separation requirements.
- Preparedness of the waste sector and infrastructure investment requirements.
- UK Internal Market Act.

We are aware that you will already be appearing before the Committee twice during summer term 2024. As such, we do not intend on inviting you to give oral evidence in connection with our work on waste. However, it would be helpful if you could provide a written evidence paper addressing the matters outlined above. There will be an opportunity for the Committee to question you on your response when you appear before us on 26 June 2024 for general scrutiny.

The Committee is keen to use your response to inform our evidence sessions with stakeholders on 13 June. It would be helpful therefore to receive your response by **29 May**. Should you have any difficulty in meeting this deadline, please could your officials liaise with the Clerking team.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Llyr', with a stylized flourish underneath.

Llyr Gruffydd MS,
Chair, Climate Change, Environment and Infrastructure Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Progress in Delivering the Circular Economy Strategy, Beyond Recycling

Our circular economy strategy, *Beyond Recycling*, outlines our we commitment to transition to a circular economy in delivering our aim to become a zero waste and net zero nation by 2050. The strategy was published in 2021, at an unprecedented time due to the Covid-19 pandemic. Despite that context, as this evidence paper shows, considerable progress has been made. This includes recycling rates having continued to increase despite the challenges faced during the pandemic, the development of the underpinning infrastructure having continued with the roll-out of re-use and repair facilities building on the continued progress on recycling, and the development and implementation of the new Workplace Recycling Regulations. Work has also continued on the areas being delivered in partnership across the four UK nations, including on the delivery of an Extended Responsibility Scheme for packaging and Deposit Return Scheme. In addition, in recognition of the progress during this period and leadership in the transition to the circular economy, Wales has been chosen this year to host the International Circular Economy Hotspot.

Circular Economy targets

In relation to the target of 70% recycling for waste from households, commercial and industrial businesses by 2025, the latest data held in each area is as follows:

- Local Authority collected municipal waste 2022-23 – 65.7%¹
- Waste-from-households 2022 – 56.7%²
- Industrial waste 2018 – 69%³
- Commercial waste 2018 – 64%⁴
- Construction and demolition waste 2019 – 93%⁵

In terms of Local Authority collected municipal waste, 2022/23 figures show four Local Authorities already at or achieving the 2024/25 target of 70%, 13 Local Authorities having exceeded the 64% minimum target, with only five having failed to reach the target.

A range of actions are being taken to further increase recycling rates and work towards the target. This includes continuing the successful model of support to Local Authorities to help them to improve their performance, consisting of the Sustainable Waste Management Grant, targeted capital funding, advice on performance improvement, and the delivery of the Be Mighty public awareness campaign. Most recently we have implemented the new Workplace Recycling Regulations⁶ requiring workplaces to keep their key recyclable materials separate and for those to be collected separately, to improve the quantity and quality of recycling from non-

¹ <https://www.gov.wales/local-authority-municipal-waste-management-april-2022-march-2023>

² <https://www.gov.uk/government/statistics/uk-waste-data/uk-statistics-on-waste>

³ <https://naturalresources.wales/media/693534/survey-of-commerical-and-industrial-waste-generated-in-wales-2018.pdf>

⁴ <https://naturalresources.wales/media/693534/survey-of-commerical-and-industrial-waste-generated-in-wales-2018.pdf>

⁵ [2019 Wales construction and demolition waste arising survey \(naturalresources.wales\)](https://naturalresources.wales/media/693534/survey-of-commerical-and-industrial-waste-generated-in-wales-2018.pdf)

⁶ [Workplace recycling | GOV.WALES](https://gov.wales/workplace-recycling)

domestic premises. In addition, we have rolled out the provision of advice and support to businesses by Business Wales.

For the 26% overall reduction in waste target, current data estimates show total waste at 7,552,000 tonnes compared to the 2006-7 baseline of 10,553,261 tonnes, a 28.4% reduction. There is also positive progress in respect of the objective of zero waste to landfill and the 2024-25 target of landfilling less than 5% of waste produced in Wales. The latest published landfill rates being:

- Local Authority collected municipal waste – 1.6% in 2022-23⁷
- Industrial and commercial waste - 11% in 2018⁸
- Construction and demolition waste – 6% in 2019⁹

For our municipal waste it means that since devolution, the landfill rate has decreased from 95% in 1998 to 1.6%. With the Workplace Recycling Regulations now in place, it will further ensure that recyclable material is better captured for re-processing, thereby preventing that material from being landfilled. In addition, as part of the workplace recycling reforms, it includes a ban on all wood waste going to landfill which will further contribute to delivery against this target.

In relation to our target to reduce avoidable food waste there are several interventions being delivered to tackle food waste in Wales, including:

- Separate household food waste collection having been successfully rolled out by all local authorities in Wales;
- Workplaces now being required to separate food waste for collection as part of the Workplace Recycling reforms;
- Funding FareShare Cymru to expand the redistribution of surplus food to community organisations;
- Sustainability Food Clusters focus on resource efficiency and waste prevention in food and drink businesses;
- Welsh Government's [Climate Action Wales](#) campaign including tips about reducing food waste and making sustainable food choices;
- The Welsh Government funded Be Mighty¹⁰ campaign focused on food waste prevention and a Welsh Government contribution to WRAP's Love Food Hate Waste campaign; and,
- Welsh Government support for the Courtauld 2030 voluntary agreement which brings together major retailers to help consumers reduce food waste.

In addition, we are currently working with WRAP to develop the methodology to analyse and estimate food waste levels and compare them to the 2007 baseline.

⁷ <https://www.gov.wales/local-authority-municipal-waste-management-april-2022-march-2023>

⁸ <https://naturalresources.wales/media/693534/survey-of-commerical-and-industrial-waste-generated-in-wales-2018.pdf>

⁹ [2019 Wales construction and demolition waste arising survey \(naturalresources.wales\)](#)

¹⁰ [Save money and create Welsh power | Wales Recycles](#)

Overview of Actions to Deliver Beyond Recycling

In terms of Economy, innovation and market development, the objective is to support and drive innovation, develop new markets for secondary raw materials and increase supply chain resilience in Wales, recognising that to decarbonise it means the whole of the economy becoming more circular.

Within Welsh Government's core policies, *Beyond Recycling* and the imperative to move to a circular economy and the considerable opportunities for Wales in doing so are embedded across our strategies and plans. This includes *Wales innovates: creating a stronger, fairer, greener Wales*, the Welsh Government's *Manufacturing Action Plan* and the development of the *Net Zero Skills Plan*.

To support the delivery of our policies, funding has been put in place through the Circular Economy Fund for Business to help businesses adapt their processes to utilise recycled material and improve their resource efficiency and specialist support is provided by WRAP. In 2023-24, 19 businesses across Wales received funding from the CEF for business. In addition, WRAP have worked with businesses in Wales on supply chain trials which aim to increase the use of recycled materials within manufacturing.

The Circular Economy Innovation Communities (CEIC)¹¹ programme and Applied Research for Circular Solutions¹² programme run by Cardiff Met University and Swansea University also offer funding for SMEs in Wales to innovate and adopt circular business solutions.

Sustainable public sector procurement has a crucial role in supporting market development alongside improving the environmental outcomes being delivered. In implementing the commitments in *Beyond Recycling*, guidance has been developed on the Sustainable Procurement Hierarchy, early market engagement, construction, furniture, textiles, and whole life costing. In order to assess how well public sector organisations are doing in terms of sustainable procurement, the Sustainable Procurement Maturity Review has been developed which provides action plans for improvement. In addition, opportunities such as the recent Circular Economy in the Public Sector Small Business Research Initiative (SBRI)¹³, have provided an opportunity for Welsh businesses to scale up innovative circular economy solutions for the public sector.

The transition to a circular economy also brings opportunities for digital innovation, as demonstrated by the delivery of the world's first full-town Digital Deposit Return Scheme trial in Brecon. The Scan|Recycle|Reward trial tested new technology which allows householders to scan drinks containers, with the trial delivering high levels of engagement with 18,794 rewards being claimed.

¹¹ [Circular Economy | UK \(ceicwales.org.uk\)](https://ceicwales.org.uk)

¹² [Applied Research for Circular Solutions | Business Wales \(gov.wales\)](https://business.wales.gov.uk)

¹³ [Circular Economy in the Welsh Public Sector - SBRI Centre of Excellence \(sbriwales.co.uk\)](https://sbriwales.co.uk)

Recognising that to fully capitalise on the economic opportunities will require the skills to transition to a circular economy, the *Net Zero Skills Plan* consultation includes circular economy skills. This not only includes those required within the waste and resources sector, but across all sectors including manufacturing, energy and infrastructure, agriculture, and the public sector - with the transition to a circular economy being an essential element of decarbonisation in all.

In taking action to support businesses to transition, Business Wales has mainstreamed training, information, and advice to SMEs to help them adopt circular economy practices such as increasing resource efficiency. As recognised by the UK Climate Change Committee, increasing resource efficiency is a crucial element of the climate action needed this decade. Along with the Green Growth Pledge which has a strong focus on resource efficiency and circular economy principles, this support helps businesses to prevent waste and apply more circular business models. A Sustainability Business Cluster for food and drink manufacturers, which includes a food waste working group in collaboration with AMRC Cymru, alongside delivery of 'Green Skills' training to food and drink manufacturers, through the 'Sustainability Training Course' and 'Decarbonisation Workshops' is also in place. Farming Connect also provides advice on circularity on farms for the farming sector.

Our aim in building on Wales' recycling record is to build on the considerable success and progress to date by continuing to drive improvements in recycling of household, commercial, industrial, construction and demolition waste and to make Wales the world leader in recycling. The development and implementation of the Workplace Recycling Regulations is therefore another significant step forward which will further reduce the amount of waste sent to incineration and landfill, whilst crucially increasing the capture of high quality, source separated materials which can then be fed back into the Welsh economy. The Extended Producer Responsibility scheme for packaging and Deposit Return Scheme for Drinks containers being developed will further drive progress whilst also delivering wider benefits such as tackling litter.

Our partnership working with Local Authorities, which has been so pivotal to Wales becoming a recycling nation, also continues with the continuation of the range of support alongside joint working on the reforms being developed. This includes the update of the Blueprint¹⁴ best practice to support Local Authorities in delivering beyond 70% recycling.

A key element within the circular economy strategy is the commitment to repair and reuse, recognising that it is essential to go *Beyond Recycling* if we are to become a zero waste and net zero nation. In delivering on this commitment we have taken forward a number of actions to grow and expand reuse and invest in key facilities. This includes working with Repair Café Wales to expand the network of repair cafes to 137 communities across Wales. Over 17,000 items having now been diverted from waste through their repairs. Investment into Benthg Cymru has also supported the

¹⁴ [Overview | Collection Blueprint \(collectionsblueprint.wales\)](#)

expansion of their network of ‘Libraries of Things’ to 20 sites across Wales, which has seen them lease their items 12,000 times.

We have also invested over £4million in repair and re-use projects across Wales through the Circular Economy Fund. In collaboration with local authorities and third sector partners this has supported the creation of over 50 hubs. It also means that 18 of our 22 local authorities now have at least one re-use facility located at a Recycling Centre and we are working with the remaining four to ensure full coverage. We are also funding WRAP Cymru to develop practical re-use guidance for local authorities, including good practice from across Wales.

As the infrastructure expands, we are also raising awareness via public campaigns to support behaviour change, for example through the *Climate Action Wales*¹⁵ digital hub which provides advice and signposts citizens in Wales to information about sustainable daily choices.

The actions being delivered to implement *Beyond Recycling* also include an ambitious programme of legislative reform, utilising legislation as a key lever to support progress. In addition to the new laws to implement the Workplace Recycling reforms already referred to, the first phase of bans on single use plastics came into force in October 2023 under The Environmental Protection (Single-use Plastic Products) (Wales) Act 2023.

The programme of legislation to implement Extended Producer Responsibility for packaging has already started, with the passage of the legislation to capture key data in preparation for the scheme. The notification of the scheme has also been submitted to the World Trade Organisation ahead of the introduction of the main statutory instrument to implement the scheme later in the year. The reforms will see those businesses which place or import packaged goods on to the UK market become responsible for the costs of collection, disposal and recycling of the packaging when it reaches the end of its intended life. The joint decision by all four governments to defer the obligations for payments for packaging from October 2024 to October 2025 has enabled additional work with business, local authorities and wider stakeholders to further refine the scheme. This will help to ensure it will effectively deliver the objectives and place the sector on a clear pathway to decarbonisation.

Whilst the delivery of the Deposit Return Scheme for drinks containers has also been delayed until October 2027, the development of the legislation is underway and our recent joint [policy statement](#) highlights the significant progress that has been made by the four governments on a range of interoperability measures. The remaining issue relating to the UK’s approach to the Internal Market Act is covered within the [written statement](#), but our intention remains to implement a Deposit Return Scheme in Wales which includes glass. This was fully endorsed by the consultation undertaken jointly with the UK Government – published in January 2023 - and is

¹⁵ [Climate Action Wales \(gov.wales\)](#)

particularly important in Wales if the scheme is to be successful against our baseline recycling level.

Legislation is also being developed to introduce a mandatory digital waste tracking service to track the movement and destination of wastes. This will provide a comprehensive way to track what is happening to waste produced in the UK, which in turn will help regulation and compliance with the duty of care for waste and help tackle waste crime.

On 30 October 2023, the first phase of bans came into force under The Environmental Protection (Single-use Plastic Products) (Wales) Act 2023. These included bans on the supply of:

- Single-use plastic plates – this includes paper plates with a laminated plastic surface
- Single-use plastic cutlery – for example forks, spoons, knives
- Single-use plastic drinks stirrers
- Cups made of expanded or foamed extruded polystyrene.
- Takeaway food containers made of expanded or foamed extruded polystyrene
- Single-use plastic balloon sticks
- Single-use plastic-stemmed cotton buds
- Single-use plastic drinking straws – with exemptions so people who need them to eat and drink safely and independently can continue to have them.

Regulations introducing civil sanctions for the bans took effect on 1 December 2023 and we are currently working on the next phases of bans, with the aim being to introduce Phase 2 by spring 2026. This will include bans on:

- Single-use Plastic carrier bags – with exemptions including carrier bags for raw fish, meat or poultry and unpackaged food
- Polystyrene lids for cups and takeaway food containers
- Oxo-degradable plastic products.

Following a recent four-nation consultation which closed on 25 November 2023, we are also prioritising bans for wet wipes containing plastic. A Government Response to the consultation and an accompanying Written Statement was published on 22 April 2024. This outlined the next steps and confirmed there would be an 18-month transition period across the UK to allow businesses to transition to plastic free wipes and minimise waste. The Statement also highlighted our plans to introduce bans on single-use vapes. Officials are currently finalising impact assessments and drafting the regulations for these bans.

Preparedness of the waste sector and infrastructure investment

Our approach throughout has been to continue and build upon the partnership working with the waste sector that since the start of devolution has been so transformative. Our regular engagement includes meetings with the Wales Environmental Services Association (the main waste sector trade body), the events organised in Wales by the Chartered Institution of Wastes Management (CIWM) in

addition to engagement at the key stages during the development of our overarching strategy and supporting policies. For example, engagement with the waste sector on the new Workplace Recycling Regulations has been extensive – since the intention to bring in requirements for the separation and separate collection of key recyclables was identified as a key policy in the consultation on the 2010 waste strategy, *Towards Zero Waste* and then included in the Environment Bill White Paper in 2012-13, all the way through the consultations in 2019 and 2022, and in continuous engagement on readiness and then implementation up until today.

Investment in infrastructure is not only key to the transition to a circular economy, but fundamental to decarbonisation and of increasing importance to our economic resilience and competitiveness in a decarbonising global economy. Our approach to investment in public sector infrastructure has built upon and expanded the approach which has successfully transformed Wales into a recycling nation. This has seen Welsh Government invest over £1bn since devolution, with newer elements like the support for Local Authorities to transition to the use of Ultra Low Emission Vehicles for the collection of recycling and waste being added to the support for the implementation of the Blueprint approach.

Alongside continuing investment in public sector infrastructure, the transition to a circular economy also requires the economic infrastructure to capitalise on the significant opportunities and gain the benefit from Wales' world class collection of recycled material. Complementing the investment via the Circular Economy Fund for Business detailed above, which has benefited a number of businesses in Wales we are also supporting inward investment in key areas. For example, the new Jayplas 100,000 tonnes per annum plastic recycling plant in Swansea. Our clear vision, consistent policy and world class recycling performance making Wales a key destination for investment in circular economy innovation.



Department for
Science, Innovation
& Technology

www.gov.uk/dsit

Delyth Jewell MS

Committee Chair
Culture, Communications, Welsh Language, Sport,
and International Relations Committee

16 May 2024

Dear Delyth,

Thank you for your letter of 19 February 2024, my apologies for my delayed response. However, I am pleased to advise that during this time, my Department has been in close communication with Welsh Government Officials to reach an agreed position on the Data Protection and Digital Information ('DPDI') Bill. This dialogue remains on-going.

The Data Protection and Digital Information Bill is an essential piece of legislation that will make the UK's data laws among the most effective in the world, by maintaining high data protection standards and making common sense changes to put in place a pro-growth, innovation friendly data protection framework. Since the introduction of the DPDI Bill, we have added a number of amendments to the Bill. Whilst many of the Government's amendments are technical in nature, others are key to unlocking the immense possibilities of data use to improve the lives of everyone in the UK.

National Underground Asset Register

The National Underground Asset Register (NUAR), as you are aware, is a new digital map built in partnership with Welsh and NI government officials to improve the way we install, maintain, operate and repair the pipes and cables buried beneath our feet. Approximately 1 in every 65 holes dug results in an accidental asset strike (c. 60,000 a year), which is far too high, causing around £2.4 billion worth of economic cost, putting workers' lives at risk and disrupting our day-to-day lives. We estimate NUAR will generate in excess of £400m in total benefits per annum through increased efficiency, reduced accidental damage and reduced disruptions for citizens and businesses. Immediate access to data in a digital, standardized format will also help improve worker safety.

The Geospatial Commission, part of the Department for Science, Innovation & Technology, has been working closely with Welsh Government officials to develop the NUAR platform from the onset in 2021, which is why Wales was one of the first areas to benefit from the new services in 2022. Officials have and continue to actively contribute to the platform's development, ensuring that it aligns with the specific needs and requirements of Welsh Government, asset owners and excavators. They have played a crucial role in getting asset owners across Wales involved with the NUAR, facilitating the inclusion of data related to underground pipes and cables in the register. Additionally, Welsh Government are actively sharing relevant data through the NUAR, ensuring that workers can access this through the new register. Most recently, officials participated in a discovery project to explore the technical feasibility of sharing data between NUAR and DataMapWales, a digital platform that provides access to public sector data in Wales, including through a map interface. Furthermore, officials have been informed about legislative reforms related to operationalizing the NUAR service, which will ensure the benefits are realized across all areas of operation. However, these benefits can only be achieved with the proposed legislative provisions.

The majority of respondents to a 2022 public consultation on the future of NUAR stated new legislative reforms would be required to ensure workers have access to all the data they need, when they need it, through the new service. The requirement for legislation has been further reinforced in the current development phase of NUAR, where it has become increasingly clear that whilst a number of asset owners will voluntarily share their asset data, a proportion of asset owners will not do so in a timely manner, or keep it up to date, without new legislation being in place.

New reforms are required to establish NUAR as a statutory register for the sharing of buried utility data, to allow government to specify the data that is to be shared, who can access the data and the terms under which access may be granted, and to grant powers to charge fees to ensure the service is operationally viable and financially self-sustaining in future years without requiring use of public funds, as well as criminal offences for non-compliance.

Careful consideration was given as to the most appropriate legislative approach for bringing forward the necessary reforms to fully operationalise the digital service and realise the estimated benefits. It is our view that the best approach for introducing these new reforms is by updating existing data sharing obligations, rather than creating them afresh. Individual apparatus owners in England and Wales are already required to record information, maintain their own records and share information from those records with others as per the New Roads and Street Works Act 1991. With NUAR now live across England and Wales, it is appropriate to update these obligations to require the sharing of data through NUAR among other things.

We have adopted this approach after careful consideration and for important practical reasons; for NUAR to operate efficiently it is crucial that the legislative framework underpinning it is consistent in its approach across England and Wales. For example, for NUAR to be as effective and useful as possible, the information entered into it and then shared with others, must be consistent in content and format in respect of all apparatus. This also supports asset owners who operate across both nations, such as Virgin Media O2, Welsh and West Utilities and Openreach. Of course, we recognise the very keen interest that Welsh Ministers and the people of Wales will have in the content of any regulations made by the Secretary of State in relation to the devolved matter of street works, hence the inclusion of a clear requirement, prior to making such regulations, for the Secretary of State to have to consult Welsh Ministers.

Lastly, we have also taken care to ensure the provisions that are being taken forward do not prevent the Senedd from taking forward similar legislation in the future; for example, should Welsh Government wish to create their own version of NUAR, these provisions do not restrict the competency of the Senedd to do so.

We look forward to continuing our engagement with Welsh Ministers as we work to fully operationalise this high value service to improve worker safety and the resiliency of our critical services.

With best wishes,



Julia Lopez MP

Minister for Data and Digital Infrastructure
Pack Page 84





Agenda Item 6.3

Jeremy Miles AS/MS
Ysgrifennydd y Cabinet dros yr Economi, Ynni a'r Gymraeg
Cabinet Secretary for Economy, Energy & Welsh Language



Llywodraeth Cymru
Welsh Government

Chair, Legislation, Justice and
Constitution Committee

Llyr Gruffydd MS, Chair, Climate Change, Environment and
Infrastructure Committee

Senedd Cymru
Cardiff Bay
CF99 1SN

21 May 2024

Dear Chairs,

This letter is to inform you that, in accordance with Standing Order 30A, I have laid a Statutory Instrument Consent Memorandum in the Senedd in respect of the following UK Statutory Instrument:

Energy Act 2023 (Consequential Amendments) Regulations 2024

The link to the Statutory Instrument Consent Memorandum can be found [here](#):

I consider the Regulations to be a relevant statutory instrument because they make provision in relation to Wales amending primary legislation, namely the Environment (Wales) Act 2016, within the legislative competence of the Senedd and which is not an incidental, consequential, transitional, transitory, supplementary or savings provision relating to matters that are not within the legislative competence of the Senedd.

These regulations are made under section 330 of the Energy Act 2023. You will be aware that these are powers the Senedd did not consent to. Notwithstanding that, now that these provisions are on the statute book we are committed to ensuring they are exercised responsibly.

I have released a written statement, which you can access [here](#).

Yours sincerely,

Jeremy Miles AS/MS

Ysgrifennydd y Cabinet dros yr Economi, Ynni a'r Gymraeg
Cabinet Secretary for Economy, Energy and Welsh Language

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Julie.James@llyw.cymru
Correspondence.Julie.James@gov.Wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Restoration of opencast mining sites

Senedd Cymru | Welsh Parliament

Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee

Adfer safleoedd glo brig | Restoration of opencast mining sites

Tystiolaeth ychwanegol gan Sue Jordan | Additional evidence from Sue Jordan

The **Climate Change, Environment and Infrastructure Committee** ('the Committee') has agreed to undertake a short piece of work to explore the restoration of former opencast mining sites in south Wales.

This work will focus on:

- the financial and practical arrangements for the restoration of the Ffos y Fran opencast site;
- how restoration of opencast sites can be secured, and contingency planning in the event of insufficient funds being available; and
- the findings and recommendations from the Welsh Government report on **Research into the failure to restore opencast coal sites in south Wales (April 2014)** and whether these still apply.

I have summarised the outcomes we need as a country, below, and hope you will circulate to the chair and committee.

There was more we could have said about the loss of our home, and how it was allowed to happen. To ensure this does not happen to others, we need to give the full story.

Climate Change committee 9.5.24

We need:

1. Assessments from chartered, indemnified engineers, hydrologists, and geologists (to report on the likelihood of further earthquakes). Assessments should not be funded by the Coal Authority (CA), the LPAs, the UK Department of Business or the mine owners. They must be placed in the public domain.

2. Checks and confirmation that all buttressing and stabilisation recommended in earlier (2015) reports to the local planning authorities (LPA) has been completed. (submersible drones are one option)
3. Fill in the voids at Ffos y Fran, Margam and East Pit, as promised in original planning applications. Water becomes acidic and polluted from contact with mining waste and seeps into water courses. There is also the danger that the voids will overflow and flood the valleys below, particularly where they are situated on the sites of recent earthquakes.
4. No more opencast, no new coal, despite rising coal prices. Full recognition of the risks to the unborn child [1-3], (including lead and cadmium pollution [4]), children [5-7], and adults of releasing air pollutants [8-10], including the sulphur gases [3].
5. Enforced procedures to ensure that no more homes are destroyed by mining subsidence. The CA, NRW, and LPA were unable to do this.
6. A devolved Coal Authority, accountable to Welsh government, with residents and victims on the governing body. (Hugh Towns, from the LPA indicated that residents are not consulted regarding restoration.) Jan Adamson has described the control and coercion of the Westminster government. The current CA/ LPA arrangement is not fit for purpose, having failed in many areas:
 - Gleision mine disaster and fatalities <https://www.bbc.co.uk/news/uk-wales-south-west-wales-26931513>
 - Lead and cadmium pollution in Ceredigion , <https://www.bbc.co.uk/news/articles/cv2rzj3v2leo>
 - Homes destroyed and reduced to insurance write offs, despite external warnings.
 - Absence of oversight on subsidence
 - Opencast mining without consent at Ffos y Fran and East Pit
 - 40million cubic metres of water left on an active earthquake fault, 150m above the valley floor.
 - Subsidence of the A4069
 - Floods at Skewen <https://www.bbc.co.uk/news/uk-wales-60069085>

- Tips across South Wales: 41 now categorised as high risk.
- Failure to address or even mention the effects of mine-generated pollution on the unborn child, child and adult health.

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Merthyr Tydfil Heritage Trust

Ffos y Fran restoration – call any new plans to involve communities

Ref: htlt372-05-24

Llyr Gruffydd MS Chair and Members of the
Climate Change, Environment, and Infrastructure Committee
Senedd Cymru
SeneddClimate@senedd.wales

Wednesday, 22 May 2024

Dear Llyr Gruffydd MS Chair and Members of the Climate Change, Environment, and Infrastructure Committee,

Merthyr Tydfil Heritage Trust last month raised its concerns about the “total failure” of the Ffos y Fran Land Reclamation scheme – the final phase of the East Merthyr Land Reclamation Scheme.

We appreciate the efforts of the Climate Change Committee to hold statutory public sector bodies to account for what seems to be pitiful neglect in the oversight of the final stages of opencast coal mining across the vast East Merthyr site.

Your last meeting (9 May 2024) heard that the Ffos y Fran operator Merthyr South Wales Ltd (MSW Ltd) had written in with a claim that they had reached a formal agreement with Merthyr Tydfil County Borough Council to commence an interim restoration programme of works on site commencing this month.

Yet the local authority has said nothing about this in public – perhaps its delegation meeting with you today can clarify what this “formal agreement” says and who signed it off.

We will again be observing your proceedings with interest. Our ambition is to persuade statutory authorities and agencies to accept responsibility for delivering the aims of the Ffos y Fran restoration. and the whole 34 years of three phases of the East Merthyr Land Reclamation Scheme (stage 1 Incline Top, stage 2 Goat Mill Road and finally stage 3 Ffos y Fran).

At the outset in 1990 local people in East Merthyr and Dowlais were given pledges by their local authorities. Yes, there would be noise and nuisance in the short term but after 20 years – 30 at most - the old coal and slag tips stretching from Penydarren near Merthyr Tydfil town centre right up to the top of the overlooking hills would be re-purposed to provide communities with much needed breathing space and an environment that encouraged the revival of biodiversity.



Merthyr Tydfil Heritage Trust

Ffos y Fran restoration – call any new plans to involve communities

Back in the 1990s stages 1 and 2 delivered – in particular at Incline Top. Nature did indeed make a comeback. A new link highway was laid, a housing estate was built and a new park, woodlands and playing fields were provided. Restoration after two years of opencast mining was carried out over a five year term. A key to this success was initial positive public consultation and then close liaison with local residents.

This is in complete contrast with our experience over the last decade with the local authority and the operator at Ffos y Fran. Now in the spring of 2024 we see public bodies and agencies dissembling and prevaricating. Typical of this is Merthyr Tydfil CBC's latest letter to Friends of the Earth concluding, "the Council is taking a cautious approach to ensure the most appropriate outcome for the restoration of the site can be achieved in the public interest, mindful of the limited powers it has available."

To many this may sound not as caution but as a signal of retreat.

We would like to provide a more detailed submission to you following today's evidence session – even though it's at a late stage in your investigation.

As the Heritage Trust explained in our previous letter of 23 April 2024 we expect any new revised and/or replacement aftercare scheme for Ffos y Fran to include all the main objectives of the Replacement Strategy (2007).

That is to say the promises made to provide:

- safe public access across the East Merthyr historic landscape with a new network of trails and footpaths
- sustainable wildlife habitats and biodiverse environmental sites
- protection and restoration of surviving heritage features – including the old railway track bed from Cwmbargoed to Dowlais and
- the return of most of the site for traditional commoners' use.

The escrow account of £15 million (interestingly the sum originally promised for restoration in the first Ffos y Fran scheme some 25 years ago) should not be thrown away on unnecessary spoil moving for cosmetic landscaping.

MSL Ltd now say they have appointed Richards, Moorehead and Laing (RML) as consultants to prepare a revised restoration strategy. RML should be carrying out baseline habitat and biodiversity surveys – and the results should be shared with the local community and the wider public. As an example, the nesting season is in full swing. Many are likely to be surprised at the numbers and variety of birds across East Merthyr officially recorded 20 years ago. So, what is the picture today?



Merthyr Tydfil Heritage Trust

Ffos y Fran restoration – call any new plans to involve communities

3

The Heritage Trust has two suggestions to make from ‘left of field’.

First, that part of the Ffos y Fran site could be put forward as an alternative site for Dwr Cymru’s proposed water treatment works involve an underground reservoir and destruction of green, open countryside at Pontsarn less than a mile away.

Second, that the Ffos y Fran final operational site with its new 20 metre deep ‘body of water’ and the rock and coal seam cliff that looms over it be checked for potential as a ‘pumped hydro’ energy storage scheme.

May we now ask again that the committee politely calls for the Welsh Government to intervene to make sure Merthyr Tydfil County Borough Council has the best possible support and advice. And has it immediately.

You have heard evidence to the effect that neither the Carmarthenshire County Council opencast advisory team nor the Coal Authority have been commissioned to provide advice. They haven’t been near Ffos y Fran for months – possibly years.

The Central Valleys Landscape Partnership co-ordinated by Natural Resources Wales has brought together a Colliery Spoils Working Group that includes expertise from academic and scientific bodies across South East Wales. We understand that members of the group would be happy to be consulted on Ffos y Fran.

Generations of local people in East Merthyr and Dowlais have been let down by schemes that have ruined the environment and contributed to chronic ill health across the community. Prior to the East Merthyr Land Reclamation there was the Royal Arms / Trecatti coal opencast mining operation. Restoration there led to the Trecatti landfill site and that brought years of complaints and court action.

Any revision of the Ffos y Fran restoration plan now must not fail the present and future generations of our town.

Kind regards,

Rob Thomson

Projects Officer

Merthyr Tydfil Heritage Trust

[Redacted]

[Redacted]

[Redacted]

3

Agenda Item 6.5

Written Response by the Welsh Government to the Climate Change, Environment and Infrastructure Committee report on the annual scrutiny of the National Infrastructure Commission for Wales: 2023.

The National Infrastructure Commission for Wales (NICW) was established in 2018 as an independent, non-statutory, advisory body to Welsh Ministers.

Its key purpose is to analyse, advise and make recommendations on Wales's longer term strategic economic and environmental infrastructure needs over a 5–80-year period.

The current Commission was assembled in 2022 when a Deputy Chair and 6 new Commissioners were appointed to serve with the Chair, Dr David Clubb, who was appointed in late 2021.

The establishment of a new Commission was accompanied by a new remit letter, issued by the Welsh Government, which laid out a work programme including the requirement for NICW to examine renewable energy delivery in Wales. In addition, the Co-operation Agreement committed NICW to examine ways in which flooding of homes, businesses and communities could be minimised by 2050. This report is currently being prepared and we look forward to hearing the Commission's thoughts on this later this year.

Independent scrutiny of bodies such as the National Infrastructure Commission for Wales is an important part of a transparent democracy. I would like to thank the members of the Climate Change, Environment and Infrastructure Committee for their report on the session they held with the NICW Chair and Deputy Chair in January 2024.

I have set out my response to the Report's individual recommendations, where directed at the Welsh Government, below.

Recommendation 1.

The Welsh Government must deliver on its commitment to undertake a comprehensive review of the Commission's status, role and objectives before the end of 2024. We expect the Welsh Government to consult the various infrastructure sectors and other relevant stakeholders to inform the review.

Response: Accept

My officials have begun scoping out a review of NICW with colleagues from the Welsh Government's Internal Audit Service. They have recently carried out similar reviews across the organisation and external public bodies. Initial plans are for the review to consist of an assessment of the robustness of governance arrangements, evaluation of internal reflections undertaken by Commissioners, external engagement with stakeholders including various infrastructure sectors and a benchmarking exercise across similar organisations. The review will look at NICW's remit, form and function and will be commensurate in scale to the size of the Commission, seeking a diverse range of opinion and views before raising observations.

Financial Implications:

None - The Welsh Government will be using its own Internal Audit Service to carry out the review.

Recommendation 2.

The Welsh Government should clarify the timeline it is working towards for the completion of the review. If the review is unlikely to be completed before the end of 2024, it should explain the reason.

Response: Accept

The review will be completed by the end of 2024. Initial desk-based assessments of documentation and benchmarking of organisations will be carried out in the next few months. This time will also be used to prepare for wider stakeholder consultation and engagement which will be carried out after the summer. The Commission itself will be actively involved with the review and will be regularly briefed as to its progress. Internal Audit Services are currently preparing the draft Terms of Reference which will set out the timeframes and review process in further detail.

Financial Implications:

None - The Welsh Government will be using its own Internal Audit Service to carry out the review.

Recommendation 3.

As part of the Welsh Government's review of the Commission's status role and objectives, it should consider the case for extending the term of appointment for Commissioners so that it is better aligned with those of other public appointees.

Response: Accept

It is envisaged that the terms of appointment of NICW Commissioners will be carried out as part of the review. This will examine if the current period of office allows for sufficient time for a Commission to cohesively work together to understand infrastructure issues comprehensively and give advice to Welsh Ministers across the many sectors which it covers. Benchmarking of other public bodies will also take place in this respect. Internal Audit Services are currently preparing their draft Terms of Reference which will set out the timeframes and review process in further detail.

Financial Implications:

None

Recommendation 4.

The Commission should commit to ensuring that the requirement for Commissioners to remove themselves from discussions or decisions where a conflict of interest, or a perceived conflict of interest might arise is being met consistently. It should also commit to ensuring that appropriate arrangements are in place to monitor compliance with the requirement.

Response: N/A

This recommendation is for NICW and not the Welsh Government.

Financial Implications:

None

Recommendation 5.

The Welsh Government should:

- *respond to the Commission's report, Preparing Wales for a Renewable Energy 2050, as a priority, and*
- *explain why it did not meet its commitment to provide a response by the end of January 2024.*

Response:

The *Preparing Wales for a Renewable Energy 2050* report makes 11 wide-ranging recommendations on supporting a renewables-based energy system in Wales. It was considered necessary to consider the NICW report hand in hand with finalising Renewable Energy Deep Dive report given the overlap with the recommendations.

The third and final update on the Renewable Energy Deep Dive report has now been published. Work on a response to the remaining recommendations contained in the NICW report have been prepared as a matter of priority and will be considered by Welsh Ministers before responding to the Commission directly.

The Cabinet Secretary for Economy, Energy and the Welsh Language will be writing to the Commission to invite them to meet to discuss the Welsh Government response.

Financial Implications:

None

Recommendation 6.

The Welsh Government must review its timeframe for responding to the Commission's reports. It should consider adopting a response time of between 6 weeks and 3 months, so that it is more aligned with the response time for reports by Senedd committees and the Independent Environmental Protection Assessor for Wales.

Response: Accept in principle

All aspects of the NICW remit and terms of reference will be assessed as part of the forthcoming Internal Audit Services review. However, it is important to remember that the nature of NICW's recommendations, having a long-term impact, may mean that extensive discussion is required, both within the Welsh Government and with NICW, on the implications that they may have on current delivery arrangements, legislation and policy. Whilst it is unfortunate that, with regards to the renewable energy report, we have not been able to meet our commitments, this demonstrates the time needed to assess the Commission's recommendations.

Financial Implications:

None

Recommendation 7.

The Commission should consider whether and how drainage and water storage could be incorporated into the research phase of its work on climate resilience and existential risk. It should report back to the Committee on the outcome in response to our report.

Response: N/A

This recommendation is for NICW and not the Welsh Government.

Financial Implications:

None

Recommendation 8.

The Commission should:

- *clarify whether and how it is engaging the UK Climate Change Committee (UK CCC) with its work, in particular its year three project on climate resilience and existential risk, and*

- seek UK CCC representation on its Project Advisory on climate resilience and existential risk.

Response: N/A

This recommendation is for NICW and not the Welsh Government.

Financial Implications: None

Recommendation 9.

As part of the comprehensive review of the Commission's status, remit and objectives, the Welsh Government should consider whether there is merit in requiring the Commissions to undertake a national infrastructure assessment (comparable to that of the assessments undertaken by the UK National Infrastructure Commission)

Response: Accept in principle

All aspects of the NICW remit and terms of reference will be assessed as part of the forthcoming review, this includes the undertaking of a national infrastructure assessment. The UK National Infrastructure Commission is tasked with undertaking such an assessment, once in every parliament. This UK-wide assessment includes areas of devolved and reserved areas of responsibility. An assessment would need to be carried out if it would be appropriate for NICW to undertake a similar work in Wales and if this would offer value for money. The current NICW approach of assessing individual sectors on a need-to basis, could be seen as more of an efficient way of operating, particularly given current resource levels. I do remain open minded on this point and will ensure the review covers this issue.

Financial Implications: None at present. However, information provided by the New Zealand equivalent of NICW indicates that a comprehensive infrastructure assessment could cost in the region of £2.5 million, benchmarking New Zealand's population against Wales.

Julie James MS

Cabinet Secretary for Housing, Local Government and Planning

Huw Irranca-Davies AS/MS
Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion
Gwledig
Cabinet Secretary for Climate Change & Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: HID/PO/0146/24

Llŷr Gruffydd MS
Chair
Climate Change, Environment and Infrastructure Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

23 May 2024

Dear Llŷr

I am writing to inform you that the Welsh Government, with our UK ETS Authority partners in the UK Government, the Scottish Government, and the Northern Ireland Executive, has today published two consultations on the expansion of the UK Emissions Trading Scheme. The first concerns the expansion of the scheme to the energy from waste and waste incineration sector, and the second on how engineered greenhouse gas removals could be integrated, and whether high-quality nature-based removals could also be suitable for the scheme.

In July 2023 the Authority confirmed its intention to bring energy from waste and waste incineration into the scheme from 2028. This includes a two-year phasing-in period for the sector from 2026-2028 during which, emissions will be monitored, reported, and verified, with no obligation to purchase or surrender UK ETS allowances until 2028. Today's consultation provides further details on how this expansion will be implemented, giving clarity to drive investment in decarbonisation.

The consultation on greenhouse gas removals follows the Authority's announcement, also last July, that the scheme is a suitable long-term market for removals. Today's publication explores how UK-based engineered greenhouse gas removal technologies such as Direct Air Carbon Capture, where carbon dioxide is removed from the air and permanently stored, could be integrated into the UK ETS. In doing so it aims to stimulate investment in these technologies. It also further considers the permanence of storage, costs, and potential wider land management impacts if high-quality GGRs from new UK woodland were to be included in the scheme.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Huw.Irranca-Davies@llyw.cymru
Correspondence.Huw.Irranca-Davies@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The waste consultation will be open for 8 weeks, until 18 July 2024. This shorter consultation period is intended to allow time for further preparatory work to be completed and enable implementation of the proposals by 2026, as previously committed to. Any risk arising from this approach will be mitigated by extensive engagement activity to ensure full stakeholder involvement. The greenhouse gas removals consultation will be open for 12 weeks until 15 August 2024.

The Authority, along with officials across the Welsh Government, will engage extensively with affected stakeholders to gather views to support final decisions on how the UK ETS will be expanded. These reforms to the UK ETS will require amendments to the UK Greenhouse Gas Emissions Trading Order, so the Senedd along with other UK Parliaments will have the opportunity to scrutinise plans once they are finalised.

Collectively, the information gathered will be invaluable in informing expansion of the scheme, which will in turn, increase the greenhouse gas emissions covered under the scheme emissions limit. I expect to write again on further expansion proposals in the coming months. This work will incentivise innovation, drive emission reductions, and help secure a resilient, sustainable future for Wales.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Huw Irranca-Davies', written in a cursive style.

Huw Irranca-Davies AS/MS

Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig
Cabinet Secretary for Climate Change & Rural Affairs

Chairs of Senedd committees

22 May 2024

Committee remits

Dear Chair,

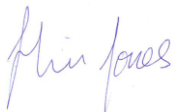
During the Business Committee's meeting on 14 May, we considered a letter from the Chair of the Climate Change, Environment, and Infrastructure Committee regarding challenges in relation to that Committee's remit which have arisen from recent changes to ministerial portfolios.

The Business Committee agreed to write to other Senedd committees to invite you to provide any views that you have on current committee remits, in order that we can consider any issues that have arisen in a coordinated manner.

I intend for the Business Committee to return to consider these matters further ahead of the summer recess and would therefore be grateful to receive any views or reflections that your Committee has by Friday 21 June 2024. Please let me know if you anticipate having any difficulty responding in this timeframe.

I enclose a copy of the correspondence sent from the Chair of the Climate Change, Environment, and Infrastructure Committee concerning their remit for context.

Kind regards,



The Rt Hon. Elin Jones MS

Y Llywydd and Chair of the Business Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg | We welcome correspondence in Welsh or English.



Ein cyf/Our ref: HID/PO/0143/24

Llyr Gruffydd MS
Chair
Climate Change, Environment and Infrastructure Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

24 May 2024

Dear Llyr,

Thank you for your letter regarding retained EU law (REUL). Please see below responses to your questions:

Your assessment of the Retained EU Law (Revocation and Reform) Act 2023 on environmental law in Wales.

We share the Committee's concerns about the potential negative impact of the REUL Act on environmental law in Wales. Overall, we maintain the view the REUL Act is an unnecessary, imprecise and politically motivated initiative. It is not a sensible basis for a reasonable reform of retained EU law, which could have been undertaken in a more considered fashion gradually over a period of years.

As it stands, we are confident that revocation of the legislation listed in Schedule 1 to the Act does not have any immediate and substantial impact for environmental law in Wales. However, we have particular concerns about the powers the Act provides to UK Ministers to reform existing pieces of retained EU law (now known as "assimilated law") by statutory instrument. We do not currently have information on exactly if, how, when and in what areas these powers could be used to reform environmental law, and we are seeking further clarity from Defra. Although any such reform in areas of devolved competence would not normally be extended into Wales by decisions of UK Ministers and the UK Parliament, the cross-border implications of any such changes could have negative impacts in Wales. My officials continue to work with Defra to understand their intentions in this area and will keep the Committee informed of developments.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Huw.Irranca-Davies@llyw.cymru
Correspondence.Huw.Irranca-Davies@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Your view on the implications for environmental governance in Wales.

Whilst aspects of EU environmental law have been kept through the REUL Act, one of its effects is to abolish the remaining effects of retained general principles of EU law in the UK so that they no longer apply nor influence the interpretation of EU law that has otherwise been retained on the UK statute book. This includes the environmental principles set out within Article 191(2) of the Treaty of the Functioning of the EU.

In light of this, the Welsh Government intends to bring forward primary legislation to incorporate the EU environmental principles into Welsh law. Subject to the outcome of the White paper consultation, the Environmental Governance, Principles and Biodiversity Targets Bill will make provision to set out environmental principles that reflect those of the EU. Through this bill, we will exceed the previous arrangements by placing a duty on Welsh Ministers to apply the environmental principles when making policy decisions. This approach will ensure the principles are part of the decision-making process on a statutory basis once the Bill comes into force.

This approach will be further supported through the establishment of an environmental governance body, which will oversee compliance with environmental law by Welsh Ministers and Welsh public bodies – including the environmental principles – as well as monitoring the effectiveness of environmental law in Wales.

You will be aware of our previous exchanges with the former Minister for Climate Change, who told us that the Welsh Government wished to retain elements of the National Emission Ceilings Regulations which the UK Government had included on Schedule 1 for automatic revocation on 31 December 2023;

i. Could you provide an update on the intergovernmental discussions regarding these regulations?

The National Emission Ceilings Regulations 2018 (NECR) set UK emission reduction targets for five pollutants to be achieved by 2030. The National Air Pollution Control Programme (NAPCP) provisions in the National Emissions Ceiling Regulations were subject to revocation by the REUL Act. The Secretary of State was under a duty to review, revise and publish an NAPCP within 18 months if emissions projections showed that the targets would be missed. The measures included in an NAPCP illustrate how the UK would meet its targets. The Secretary of State was also under a duty to consult the public before preparing or significantly revising the NAPCP.

The decision by UK Government to remove the NAPCP provisions from the National Emission Ceilings Regulations in the context of Schedule 1 of the REUL Act was made without consideration through the Air Quality Common Framework. Although there were recognised weaknesses with the process, I want to avoid environmental protections being weakened.

My officials are currently working with Defra and the other Devolved Governments via the Air Quality Common Frameworks to inform Defra's proposed alternative arrangements to the NAPCP. They have emphasised to Defra that transparency and public scrutiny are important aspects of the Environment (Air Quality and Soundscapes) (Wales) Act, and I am keen to see them applied here.

ii. Will the Welsh Government use the powers available to Welsh Ministers under the Act, or other powers available to Welsh Ministers, to reinstate the NEC Regulations, in whole or in part?

The UK emission reduction targets and reporting provisions set out in the regulations remain in place. My officials continue to engage with Defra and the other Devolved Governments to seek an open and collaborative pan-UK approach to the development of processes to achieve the UK's targets. The Welsh Government therefore has no plans to use its powers in this context.

iii. Whether the revocation of the NEC Regulations had any practical impact or effect?

Noting the emission reduction targets and reporting provisions remain in place, any practical wider effects of the revocation of the NAPCP provisions will depend on the alternative arrangements adopted.

Your view on the expiration of general principles of EU law at the end of 2023 and the implications for environmental law in Wales.

As I have already outlined, since the REUL Act abolishes the remaining effects of retained general principles of EU law in the UK, the Welsh Government intends to bring forward primary legislation to incorporate the EU environmental principles into Welsh law.

Your view on the plans set out by the UK Government in its first REUL report to the UK Parliament as they relate to areas of this Committee's remit, particularly its timetable, the capacity of the Welsh Government to respond and implications for environmental law in Wales;

i. Could you confirm what role, if any, the Welsh Government had in the preparation of this report.

The UK Government did not seek any input from the devolved governments on the preparation of its first REUL report to the UK Parliament. As our [Written Statement](#), published in response to the report, stated; "it is for the devolved legislatures to decide whether, how and to what extent, domestic law and policy should diverge from that of the EU. This principle is equally applicable to the whole range of changes which REUL Act powers can be used to achieve.

Whether the Welsh Government is aware of additional upcoming changes under the Act to environmental assimilated law?

The Welsh Government is not aware of any additional upcoming changes under the Act to environmental assimilated law. If we become aware of any proposed changes, we will notify you through the usual methods.

Whether WG themselves has any current plans to use powers in the REUL Act in relation to the environment?

The Welsh Government has no plans to use its powers under the Act to revoke any further pieces of assimilated law, or to introduce new legislation to replace legislation contained in Schedule 1 of the Act

Thank you for raising these detailed matters with me and I hope this response assists the Committee.

Yours sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name 'Huw Irranca-Davies'.

Huw Irranca-Davies AS/MS

Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig
Cabinet Secretary for Climate Change & Rural Affairs

Agenda Item 9

By virtue of paragraph(s) vi of Standing Order 17.42

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