

## **Consultation on the review of England's Waste Strategy Response from National Association of Waste Disposal Officers (NAWDO)**

NAWDO is an organisation of senior professional waste managers within waste disposal authorities in England and Wales. This response represents the views of NAWDO members but not necessarily those of their local authorities who may have responded separately to this consultation.

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### **Introduction**

**Question: Q1: Do you have any general comments on the document?**

**Response:**

NAWDO welcomes the main thrust of the revised waste strategy and in particular the Government's proposals to move to a resource management agenda, as indicated within this draft strategy.

NAWDO also supports the recognition that municipal waste only plays a small, but significant, part in waste management. NAWDO shares Government views that there needs to be a more joined-up approach to the reduction in the amount of waste being sent to landfill. This is an important step forward.

The emphasis shown on sustainable production and consumption is to be welcomed as is the commitment to ensure closer working between Local Authorities, compliance organisations and the community sector.

As the document seeks to change the way in which waste is currently managed, it would have been helpful if it had included further detail on issues of particular concern to NAWDO members and focussed around the European Landfill Directive and Landfill Allowance Trading scheme, including:

- Clarification on Defra's "discretion" to impose fines and how this discretion will be exercised?
- How the potential European fine of £0.5m/day will be allocated to Authorities not achieving their targets? (It is thought likely that fining Authorities may only increase their inability to achieve the targets)
- How the growth in housing across the UK will be addressed as part of the forthcoming review of the Landfill Allowance Trading Scheme?

Key themes that NAWDO would wish to bring to Government's attention in this response to the consultation are:

- The need to coordinate the performance framework across commercial and municipal sectors and prohibit competition between the sectors for 'profitable' waste whilst leaving low value waste homeless.

- The need to ensure revised targets reflect the sphere of influence and responsibilities of the bodies, to ensure waste is managed efficiently by those best placed to do so
- The need to move from end of pipe solutions for waste to ones which focus more attention on resource efficiency across the life cycle of a product
- A desire for early engagement by Government with local authorities in the decision making and policy formation process
- A need to ensure local authorities are adequately funded in order to respond to the new responsibilities and expectations

### **Future national targets**

**Question: Q2: What are your views on proposed national household recycling and composting targets and the level they should be set at?**

**Response:**

There is a clear need to link any future national targets with the diversion of biodegradable municipal waste necessary in order to achieve Landfill Diversion targets.

NAWDO supports the proposal to set higher national household recycling and composting targets, and believes those proposed are realistic but still challenging. However, full consideration needs to be given to all potential issues and implications of the targets before any are confirmed. Critical to this is how they are translated to the local level.

Targets and funding needs to be focussed to raise the levels of performance of lower performing Authorities towards those of the “higher performers”. However the imposition of higher levels of performance may encourage the collection of materials for recycling or composting that are not currently within the collected household waste stream. ie The kerbside collection of green waste materials (whether charged for or not), which may otherwise have been composted at home. This approach needs to be discouraged if waste growth is to be halted. To address these issues, any future targets, rather than relating to recycling and composting, should be focussed on landfill diversion.

**Question: Q3: What are your views on setting municipal waste total recovery targets?**

**Response:**

Municipal waste diversion is driven by the Landfill Directive and associated targets. These are currently ‘absolute’ and effectively require high levels of recovery in order to divert waste from landfill. Separate recovery targets (as compared to diversion targets) may provide a greater steer towards a particular treatment technology but will add significant complexity to the current performance framework if it is not supported by greater freedoms and flexibilities elsewhere. Imposition of a recovery target on top of recycling, composting and diversion targets reduces the opportunity for local determination.

In setting local targets for waste diversion or recovery it is important to ensure the targets reflect the sphere of influence and primary responsibilities of the responsible bodies. This is especially important when considering waste minimisation where opportunities for local authorities to influence waste generation are limited. A recovery target might reflect the core responsibility of the WDA to make best use of the resources available to it more effectively than LATS and recycling and/or composting targets. However, it should not be introduced in addition to the existing indicators for reasons outlined above.

### **Landfill targets**

**Question: Q4: What are your views on proposed targets for the landfilling of commercial and industrial waste and the level they should be set at?**

**Response:**

There is a disproportionate amount of legislation focussed on municipal waste. The introduction of targets and an increased focus on the commercial and industrial sector redresses this imbalance and is welcomed, although the practical implications and deliverability are less clear.

Landfilling of wastes by the commercial and industrial sectors is largely determined by cost. Landfill is currently cheaper in most instances than other means of disposal. A number of fiscal measures, including the Landfill Tax and Aggregates Levy are aimed at changing the reliance on landfill.

Targets are therefore not likely to be the main "driver" for this sector and it is not clear from the consultation document how such targets, if imposed, could be enforced. If targets are introduced, then they should seek to reduce the amount of recyclable material, particularly biodegradable, sent to landfill. They should also be 'joined up' with targets for municipal waste to ensure the sectors do not compete for waste.

### **The regulatory framework**

**Question: Q5: What further specific improvements, if any, would you like to see to the regulatory framework?**

**Response:**

The proposal for simplification of the regulatory system, through reforms, better guidance and communication, and risk-based enforcement is to be welcomed.

Greater Local Authority (and business) involvement at an early stage in the development of new regulations would allow potential issues to be "flagged up" and addressed before full consultation involving all stakeholders takes place.

Although legislative requirements are often known well in advance, the practical guidance necessary to implement the requirements is often delayed

unduly ie ODS Regulations, WEEE etc which impacts on Local Authority and business ability to prepare for and cost change.

Increased cross-departmental working across Government would help deliver consistency and reduce unnecessary administrative burdens. Recent experiences with WEEE highlight the added complexity and communication difficulties created by when more than one Government department are involved.

### **Producer responsibility and voluntary action**

**Question: Q6: What scope is there for extending the 'stewardship' or responsibility of producers and retailers for the impacts of the products they manufacture and sell, and which key products or sectors should be explored?**

**Response:**

This is a key area in the move to seeing waste as a resource. Currently, much of the increased costs of sustainable waste management are falling on the public purse.

Producers and retailers play an important part in the waste chain. If the "polluter pays" principle is to be adopted successfully, then both should take a greater responsibility for the environmental impact of the products placed into the market. Producers should be "taxed" in relation to the environmental impacts of their products.

If a company can see the financial benefits, be it in the form of cost savings and perhaps financial incentives through tax reduction, it will be beneficial and better received by all sizes of companies. Packaging volume often significantly exceeds that required to protect/identify the product. There are various aspects that would contribute - above and beyond an overall reduction in packaging volume - including inherent separability of the constituent materials (card, paper, plastics etc.)

It should be noted however that such materials may also contribute towards the achievement of Local Authority BVPI targets. Any reduction, whilst welcome, will make the achievement of targets more challenging and should be taken into consideration when identifying future targets.

**Question: Q7: What are your views on seeking voluntary agreements as an alternative to statutory approaches?**

**Response:**

Voluntary agreements allow for businesses to either "opt-in" or "opt-out", depending on their own individual requirements. This results in some businesses taking on the responsibility (and cost) of those that do not adopt the agreement. Additionally a voluntary agreement is only of use if each party adheres to it.

Increased disposal costs are likely to be more of a “driver” for businesses to reduce waste for which they retain a responsibility. Packaging waste, without a statutory approach to reduction, is likely to be left to Local Authorities to collect and dispose of via the householder. What is required is linkages between the obligated producers and the funding of the Local Authority collection schemes.

### **An effective pricing framework**

**Question: Q8: How effectively do current prices drive the behaviour of those involved in preventing, producing or managing waste?**

**Response:**

Increasing costs for waste disposal has changed the way Local Authorities view municipal waste. One of the main mechanisms for reducing the amount of waste landfilled is through recycling and composting which is predominantly dependent on public participation, capture and set-out rates.

Although an emotive subject, direct charging of householders offers an opportunity for them to relate cost to the amount of waste produced, thus possibly providing a greater incentive for waste minimisation. However the current costs of collection and disposal of household waste in most areas is too low to provide a significant platform for encouraging householders to treat their waste differently. The costs of waste management for the average household in many areas are still less than the equivalent cost of a pint of beer a week. The marginal savings and/or costs of direct charging for the average household will have only limited impact on waste behaviour, and may actually lead to reduced participation on the grounds that residents choose to ‘pay’ the additional cost of not being involved.

The current pricing approach also doesn’t drive business waste towards waste minimisation and recycling options. However, the higher the prices become, the more profitable it becomes for those who are prepared to bypass the system (fly tipping, using household civic amenity sites, etc).

Higher costs may encourage the export of potentially useful materials, in the form of recyclables, for overseas reprocessing. This may prove detrimental to the UK in the longer term, disincentivising investment in native recycling capacity and distorting recycle markets.

**Question: Q9: Are there further tradable allowance (or other) schemes that could be developed to help the market deliver environmental outcomes more efficiently?**

**Response:**

The trading of landfill allowances by Local Authorities (LATS) is still in its infancy and any overall benefit has still to be determined. It is therefore suggested that the option for further tradable allowances should be addressed once the LATS market has become more mature.

The document is silent on the possibility of trading allowances within Europe in the future. Should European Countries adopt a similar approach to the UK then it is entirely feasible that the market for allowance trading would expand beyond its current boundaries. This approach, if developed, may offer the scope for environmental as well as financial benefits.

### **Changing attitudes and behaviour**

**Question: Q10: Should there be greater effort to encourage waste prevention and minimisation relative to recycling and, if so, how should this be done?**

**Response:**

NAWDO recognises the importance of waste prevention and minimisation. Equally, NAWDO members are involved in a number of waste minimisation and education initiatives aimed at reducing the amount of waste produced.

A greater emphasis needs to be placed on resource efficiency, including increased recycling, resource (energy) recovery and waste prevention. This should first be focussed on the supply chain and product manufacturing phases where it is often claimed that 10 times the resources contained in a product are consumed. Perversely, there is an argument that local authorities should be encouraged to maximise receipt of waste, not to minimise it.

This argument is founded on the accepted fact that local authorities have only minimal influence on consumer behaviour, but have a moral and statutory duty to protect the environment and public health. We are responsible public bodies who have a moral and legal duty to clear both legal and illegal deposits of waste. Waste minimisation by local authorities is effectively an end of pipe solution that will not address the central issue. Given that our primary tools are collection policy based, with support from communication and promotion, it is in effect waste 'intimidation' not minimisation.

Instead, local authorities should be charged with collecting as much waste as possible, safe in the knowledge that as responsible bodies we are best placed to ensure that waste is dealt with properly. What is key to this new approach is that funding comes with increased amounts of waste, and that performance targets encourage the maximum and cost effective recovery of resources from the waste. The associated impacts of LATS would, of course, have to be addressed by Government before any Local Authority could take forward such a proposal.

### **Business**

**Question: Q11: How can businesses be engaged in their capacity as purchasers and providers of services?**

**Response:**

There are probably three main "drivers" for businesses: cost, legislation and public perception with cost being the driving issue.

Critically, Envirowise, in terms of its work in reducing business waste and inefficiency, will have an important part to play. It is suggested that consideration should be given to subsuming Envirowise into the Business Links to ensure that waste/environment is effectively mainstreamed into orthodox business support. Envirowise's independence maintains and legitimises the perception that corporate environmental management is ancillary to business management.

As both Envirowise and the Business Links are now managed by the Regional Development Agencies (RDAs), such a merger is an obvious and achievable extension to their relationship. 'Envirowise' should then be managed as a 'brand' to provide continuity across the vast range of public environment activities - in the same way that the new WRAP recycling identity works. It should be a condition of funding that all recipients of such monies (including BREW and RDA funded projects, local government-funded resources etc.) are co-branded with the Envirowise identity. The 'Envirowise' brand should then be marketed centrally for the benefit of all funding recipients who would benefit significantly in terms of business recognition and ambient awareness.

#### **Government leadership by example**

**Question: Q12: What more can the Government do to provide a lead?**

**Response:**

It is important that Government should take a lead role in implementing the findings of the Sustainable Procurement Task Force, when known. Potentially these could also be introduced into the work of the Regional Centres of Excellence on procurement.

#### **Evidence for development of future policies**

**Question: Q13: What are the information gaps requiring waste management-related research in the short and long-term?**

**Response:**

The Strategy Unit's report "Waste Not, Want not" identified a specific need for improved data on waste management, and recommended that Defra and the Environment Agency should put in place a strategy to identify and fill gaps in key data and produce better data for all types of waste.

NAWDO fully supports improvements to the collection and dissemination of timely and accurate waste data. Data on municipal waste, whilst not being perfect, is better than for many other waste streams. Many NAWDO members already utilise the Environment Agency Waste DataFlow system for the provision of data on municipal waste arisings.

Data on the effectiveness of "incentive" schemes for householders is already being obtained through Defra funded projects. Findings from all such projects should be collated, evaluated, comparisons made and best practice identified. Details should be made available to all Local Authorities.

A clear and robust regulatory framework should be established to ensure that timely and accurate waste data is collected on all waste streams (including hazardous). The approach to data collection must ensure that duplication is avoided and therefore the question of who is inputting the data must be clear. The reporting of performance information into Waste DataFlow should be made mandatory for waste collection authorities.

'Read only' access to all data should be available to everyone who wishes to see it and under new Freedom of Information Act legislation there may be a duty to make this information available to anyone who requests it.

### **Prioritisation for effective policy intervention**

**Question: Q14: What products and materials do you consider should be priorities for action to reduce waste and waste impacts?**

**Response:**

Greater emphasis should be placed on the impact of construction related material, because of the large volumes of this type of waste produced.

Additionally, the agricultural sector which, as well as producing large amounts of waste, has the potential to be a significant hazard.

Defra are currently funding a number of municipal waste compositional analysis studies. Findings from all such studies should be collated and evaluated, resulting in the identification of additional material streams that could be targeted (where practicable) by Local Authorities. Government would then need to stimulate the development of markets for these materials.

### **Waste within a coherent 'product life-cycle' policy**

**Question: Q15: What is the scope for reducing waste and achieving more efficient resource use at the product design phase?**

**Response:**

As referred to above (Q10) , NAWDO believes that the opportunities for better resource use at the design and manufacturing phases are substantial. If the waste element of products can be designed out, or products designed with recycling in mind at the end of its useful life, then resource use can be reduced. Paradoxically, resource efficiency in the production and life cycle of goods may actually result in increased amounts of 'waste'. However, it is important that this 'waste' is managed effectively to ensure the resources within it are recovered properly. This is another example where 'waste' minimisation as currently practiced is an end of pipe solution that fails to address the real issue of resource efficiency.

The existing WRAP work on "life cycle" product design for packaging could be expanded. Agreements on the amounts of recycled content within packaging, similar to those of the newspaper and construction industry, could be developed.

Government could further support the work of WRAP to develop a British Standard (BS) for products with recycled content. National, Regional and Local Governments should be encouraged to procure these items, thus helping to stimulate demand and create a market.

**Question: Q16: What is the scope for improving the amount of waste-related information provided about products placed on the market?**

**Response:**

More waste related information on products can only be a good thing, provided that is clear, concise and accurate. Waste related information should not be provided in isolation from wider sustainability information. More information on where a product comes from may make some people think about whether to buy it or not. If a product has travelled thousands of miles it may deter some people from purchasing it, similarly if it is shown to be utilising energy efficient packaging then people may be encouraged to make the purchase.

Products should be labelled, but it has to be something simple and clear that covers everything from place of production, to whether it is made from sustainable materials or will biodegrade completely.

A simple "tick box" approach may suffice to show that it is environmentally friendly, but there is a need to ensure that it doesn't just indicate it can be "recycled".

A precedent has recently been set with the voluntary 'traffic light' system of consumer information on supermarket food packaging. Any scheme would need to be backed by producer responsibility, in order to ensure a consistent approach. A unified, Europe-wide system of nomenclature and motifs would have the greatest impact.

The greatest impact could be realised by linking purchase price to whole life cycle environmental impact, through a form of direct taxation. Consumers would then be charged at the point of purchase for waste disposal. Local authorities could then be funded from this taxation according to amounts of waste handled, ensuring that funding follows amounts of waste.

### **Product and resource re-use**

**Question: Q17 What are your views on how re-use and re-manufacture could be stimulated further?**

**Response:**

Community and social enterprise groups provide an important service in the re-use and re-manufacture of materials. Many NAWDO members make recycling credits available to voluntary groups and charities for such activities. Replication of this elsewhere would help promote re-use activities and assist in a move up the waste hierarchy.

### **Engaging business to improve resource efficiency**

**Question: Q18: What are the best ways of stimulating business action on resource efficiency, including waste prevention?**

**Response:**

Direct taxation of products to reflect life cycle environmental cost will drive resource efficiency and generate direct revenue to fund increasing waste management costs.

### **Encouraging SMEs to reduce waste**

**Question: Q19: How can resource efficiency, including waste prevention, be stimulated among SMEs in a way which does not incur disproportionate costs?**

**Response:**

SMEs' interest depends upon the link being made and demonstrated between resource efficiency and competitive advantage (cost savings). This must, however, be backed up with support. If improvements are required by Government, then Government must be prepared to provide for the necessary direct support and assistance required by SMEs to realise those improvements. At the moment, SMEs are often excluded from the pursuit of sound environmental stewardship due to financial or human resource constraints.

**Question: Q20: What role should Business Links, local authorities or other organisations play in engaging small businesses?**

**Response:**

The role of the Business Links is critical in mainstreaming environmental/waste advice into orthodox business support to break down the perception that corporate environmental management is ancillary to business management.

Local Authorities, too, are well placed to assess the specific needs of their constituencies and address any deficits with new project activity (through BREW, WRAP, collaboration etc).

Experience suggests that businesses, particularly small businesses, tend to call Local Authorities as a first port of call regarding waste. Small businesses often tend to be looking for very basic information - ie who can take their waste for recycling. NAWDO members have an important part to play in providing initial advice and then, perhaps, providing direction to different organisations and websites for more specific help.

### **Extending the sectoral approach: producer responsibility**

**Question: Q21: What are your views on developing a sectoral approach to waste prevention including setting waste reduction targets ?**

**Response:**

As mentioned previously, this approach, whilst welcomed, may make the achievement of Local Authority BVPI targets more challenging and should be taken into consideration when identifying future targets.

### **Reducing environmental impacts of consumption**

**Question: Q22: How do we best engage consumers to reduce waste?**

**Response:**

The consultation contains a number of suggestions, which will enable or encourage householders to reduce the amount of waste placed out for collection (ie Question's 6, 10, 14 & 17).

Long-term sustainability requires a cultural change. Customers have to become more aware of the impact and "power" that they have when making purchases. Consequently greater emphasis should be placed on awareness raising and educational programmes in order to encourage waste minimisation. The "Environment Direct" proposal is therefore welcomed, but more details are required before any comment can be made.

NAWDO members operate a number of initiatives aimed at assisting householders in reducing the amount of waste put out for collection, including home composting and real nappy schemes. However these are clearly limited to specific waste streams.

Defra is investigating options for influencing householder behaviour and has funded research projects looking at this issue (Question 13). Nationally there may be benefits in awaiting the findings from these projects before determining a future direction.

Transparency of waste costs would be beneficial, but the current costs of collection and disposal of household waste are thought unlikely to encourage householders to treat their waste differently. Direct charging through taxation at the point of purchase offers one opportunity to influence consumer behaviour (see Q15 and 16)

BVPIs can provide mixed messages to householders. For example, emphasis is being placed on waste minimisation however increased recycling targets can encourage the collection of additional waste ie the kerbside collection of green waste which may previously have been home composted.

The consultation suggests that there are signs that UK household waste is starting to level off. However, in order to achieve BVPI targets, WCA's have introduced twin-bin alternate weekly collections, often with a no-side waste policy. Whilst this may have reduced the amount of household waste recorded, it may not have reduced the amount of household waste produced, just moved the "excess" to another waste stream ie commercial skip hire for example. The collection of data (Question 13) will hopefully provide the answer to this in due course.

### **Local authority performance**

**Question: Q23: Should we set future statutory performance standards for Local Authorities related to recycling and composting household waste and how far ahead should any future targets be?**

**Response:**

2005/05 is the last year for which BVPIs are currently set, although proposals for 2007/08 have recently been consulted on. NAWDO's views on future recycling targets were submitted in response to this recent consultation and should be considered along side this response.

In the absence of WCA's having direct responsibility for LATS, recycling targets at a WCA level help WDA's to meet their EU Landfill Directive and LATS targets. Failure to recognise the value of challenging targets for Collection Authorities risks Disposal Authorities either paying LATS fines or having to rely on powers of direction, and paying costs in that manner. Either way will continue to place undue burdens on Disposal Authorities.

NAWDO believes more should be done to encourage the linkage between any future standards and the diversion of biodegradable municipal waste in order to achieve Landfill Diversion targets. The lead-time for the delivery of waste management infrastructure and meeting statutory targets can be long. Therefore, any assistance offered by Government in the short to medium term to help Authorities in their attempts to divert biodegradable waste from landfill, is to be welcomed.

WCA's are best placed for high quality source separation and recycling. In reality if waste is left un-segregated by the time its reaches a Disposal Authority it is more likely to be recovered and therefore dealt with lower down the waste hierarchy. Improved targets are therefore essential to continue to ensure waste is managed properly.

Notwithstanding earlier comments about the limitations of waste minimisation, It is imperative that future targets for all Authorities are designed and focussed on waste reduction and then on delivering the more pressing Landfill Directive targets. Future targets should take into account the need to increase biodegradable waste diversion - but not at the expense of increased arisings (see Questions 2 & 10). After 2007/08, recycling targets, as a minimum, should be set for the EU Landfill Directive target years of 2009/10, 2012/13 and 2019/20.

The tonnage removed via home composting should be included within the BVPI82b calculations. If not, the incentive may be to collect the material for composting in order for it to be counted towards the performance standard rather than "reduction" which is higher up the hierarchy. It is recognised that this approach would result in a "step-change" in BVPI84.

**Question: Q24: What are your views on the possible changes to the design of the standards suggested above?**

**Response:**

Please also see the answer to Question 23.

Making standards material specific would complement the objective of driving out BMW from landfill but would add complexity to the system. The cost of this change needs to be shown to outweigh the benefit. The benefit may be small when recycling and composting achievement is already dominated by biodegradable waste diversion of green waste and paper products. However, benefit could be realised by aligning the standards in two tier areas to ensure a WCAs contribution to WDA performance is appropriate. A standard that measures BMW recycling and composting would be useful in this context, but it need not be by material type.

Providing an incentive to reduce waste fits with the wider objective of managing waste growth and avoiding perverse incentives, but needs to be balanced against the reality of an authority's ability to influence waste volumes, and the tools available to it to do so.

**Question: Q25: What are your views on the possible changes to how standards should apply to local authorities suggested above?**

**Response:**

NAWDO supports the proposal to raise the level of achievement within lower performing Authorities. It is felt that this approach offers the opportunity for best value in terms of results obtainable for financial inputs and helps to reduce the variable levels of service provision currently evidenced across England. Additionally it also allows those higher performing Authorities who wish to exceed their own individual targets to do so.

The option to set minimum performance standards is therefore to be welcomed, providing however that the points made in Questions 23, 24 and 25 are also taken into consideration.

NAWDO does not object to the principle of pooling. However if, in the medium term, Government's intention is to raise the level of performance in lower performing Authorities, then consideration needs to be given to how pooling best achieves this. Currently, pooling does not necessarily encourage increased individual performance providing an Authority "pools" with another Authority that is exceeding its statutory target.

#### **Recovering energy from waste**

**Question: Q26: Do you have any comments on the proposal to encourage the diversion of wastes from landfill to Energy from Waste?**

**Response:**

The proposals are realistic and appropriate but there is a need to expand upon the perceived health issues, eg to include particulate matter, and strengthen the justification for EfW plants playing a part in an integrated approach to waste.

EfW should be accepted as part of a holistic waste management strategy within a local area. Priority should however be firstly to the waste hierarchy in order to achieve optimum levels of recycling and composting and therefore EFW plants must be right-sized to ensure that recycling and composting are not 'crowded out'

Government can do more to encourage a move from landfill to EfW, for example, recycling of materials after reprocessing by any thermal treatment technique does not count towards recycling targets. Equally, Renewables Obligations Certificates are not currently available for mass burn EFW which significantly increases the cost premium of this technology

The key driver for incorporating EfW in a waste strategy is the Landfill Directive. Additional recovery of value from EfW through extra recycling both at the front and back end of the combustion process should be encouraged. Changes to the BVPI 82a description in order to allow post combustion recycling to count towards this indicator may encourage further diversion from landfill.

Government is falling short in achieving its Renewables Obligation target and has long-term energy concerns; it would therefore seem to be sensible to consider the role that EfW can play in delivering a sustainable solution to these problems.

Banning **all** biodegradable waste from being landfilled in order to maximise energy recovery and including EfW in the family of renewables that count towards the Renewables Obligation would seem a sensible long-term aspiration, providing industry with the encouragement to divert waste from landfill to EfW. However not all waste is suitable for the treatment facilities currently under development in this Country and therefore, by necessity, some biodegradable waste will continue to be sent for landfill. Such a ban will also increase local authority costs significantly.

**Question: Q27: Of the two main current Energy from Waste technologies - i.e. a) MBT/RDF and b) direct incineration - is there any reason to prefer one over the other), and if so, why?**

**Response:**

NAWDO members' views, as with those of their authorities, are mixed on the relative merits and issues of waste treatment technologies. However, it is noted that the question relates only to the relative merits of MBT producing an RDF, and does not seek to compare MBT per se, with EFW.

RDF is merely an output that can be processed in either a dedicated facility such as an incinerator/EfW Plant, in an Advanced Thermal Treatment Process (ATT) such as Pyrolysis or gasification, or used as a fuel in an existing industrial process.

Conventional combustion systems (direct incineration) dominate the EfW market. Newer ATT technologies based on Pyrolysis and Gasification, whilst

having a long history of application to fossil fuels, are only recently being applied to MSW.

Co-combustion markets for RDF such as cement manufacture are very limited. RDF is classified as a waste and therefore any thermal Plant wishing to take RDF to co-combust is deemed to be burning waste and will need to meet the emission limits imposed by the Waste Incineration Directive.

Markets for RDF in the UK are uncertain and have not lived up to expectations of the technology. Experience in Europe suggests that lack of available markets and spiralling gate fee costs are leading to RDF being landfilled or sent to under-utilised direct incineration plants.

EfW proposals remove the risk and uncertainty of bids being brought to Authorities with MBT that generates RDF. Generating RDF, which has to be taken to another facility for which no contract could be given five years in advance of any RDF being generated, exposes Authorities adopting this approach to high risk and potential high cost solutions.

MBT/RDF creates an interface risk, the full cost of MBT and RDF when realised may be excessive. Funders favour proven technologies and if services are to be delivered by Project Finance ie not prudential borrowing, then it has to be accepted that EfW is preferred by the finance sector in general.

To gain market certainty, affordability and therefore a guarantee on achieving Landfill Diversion targets, direct incineration is likely to be preferable to MBT/RDF from a technical and financial perspective however, public aversion may be greater. MBT/EfW offers the benefit to an authority of being able to provide a perceived cleaner and smarter technology, which may, ultimately be more deliverable.

### **The future of landfill**

**Question: Q28: Should landfill eventually be the home of last resort taking only non-biodegradable residues from waste treatment?**

**Response:**

There will always be a role for landfill as far as Municipal Solid Waste is concerned, if only to accept treatment residues and outputs. It should be recognised that not all waste is suitable for the all treatment facilities and therefore some biodegradable waste will continue to be sent for landfill. This should be kept to a minimum.

### **Investment and markets**

**Question: Q29: Views are invited on the proposed actions to improve the waste procurement and how to take them forward**

**Response:**

Improvements in the Defra / Project Review Group / Local Authority interface are warranted. Early interaction would help to stop “doomed” projects at an

early stage. These players, along with the Regional Centres of Excellence, should be working together to deliver facilities and meet targets.

Defra and the Project Review Group need to take a lead on innovation. Both need to be more accepting, along with Partnerships UK, of derogation's bought to them by bidders and Authorities together.

More work is also needed to join up DEFRA and Treasury's thinking on waste procurement, to clarify objectives and priorities, and streamline the procurement process. DEFRA and PRG have become increasingly interested in the procurement process rather than outcomes, and have recently changed PFI criteria with significant programme and cost implications for those in the early stages of procurement. Further changes risk similar outcomes.

Improved clarity in the criteria, are needed where appropriate, with flexibility for authorities to determine their own risk mitigation measures for issues such as sites and planning permission. Authorities incurring delay and cost as a result of changed guidance should also have relief from LATS penalties.

### **Delivering the market capacity for recycled materials**

**Question: Q30: What more could the government do to accelerate the development of markets for recycled materials?**

**Response:**

The proposal that materials conforming to a "standard" would cease to be treated as a waste for regulatory purposes is to be welcomed. There is a role for Government to play in providing "confidence" in the material in order that the public/businesses will find it an acceptable alternative. This would possibly provide a demand "pull" approach to market development and be more sustainable in the longer term.

Government could also stimulate demand through financial measures, ie a tax incentive for the use of recycled materials in products balanced by a tax penalty for the use of say 100% new material.

Tax levels could be increase on those products that are designed to be "disposable" and therefore have a short life-span.

### **Imports and exports**

**Question: Q31: How can we improve compliance with the controls that apply to the export of waste for recycling?**

**Response:**

With increasing Local Authority recycling requirements and a lack of infrastructure within the UK, exportation of materials for recycling is likely to continue for the foreseeable future.

The Environment Agency, as the regulatory body, has a primary role in ensuring compliance. Monitoring of Local Authority materials through the use of Waste DataFlow provides an auditable chain and provides certainty of

current legislative compliance. However, Local Authorities cannot, and should not, be expected to be responsible for monitoring the household recyclables once they leave UK shores. The export system needs expansion to provide confidence to waste holders that they have discharged their duty of care once waste is approved for export. This will require an independent audit check through the EA and a schedule of 'approved' export destinations. The risk of this system is that it will reduce export opportunities and increase cost, however, it may also stimulate improved UK markets.

**Question: Q32: What should the balance be between the development and encouragement of domestic capacity for recycling and the reliance on overseas markets?**

**Response:**

Please also see the answer to Question 30 and 31.

It is recognised that we operate in a global market place and that some materials are best recycled elsewhere in the world. If however the UK becomes predominantly reliant on overseas markets to take our waste for recycling, then our ability to develop any significant waste recycling infrastructure will always be limited. There needs to be some mechanism to stimulate the development of recycling capacity in the UK, be it in the form of a tax incentive etc.

Government should continue to encourage the expansion/development of capacity within the UK through its WRAP programme.

#### **Specific waste streams and sectors**

**Question: Q33: How can we encourage more recycling and recovery of commercial and industrial waste?**

**Response:**

In the case of SMEs there may be scope for providing greater access to Local Authority waste collection services. There is however a potential LATS implication for Local Authorities if this approach were to be adopted.

Emphasis upon the segregation at source of recyclables requires significant and ongoing investment in staff awareness and often the provision of additional storage space in business premises. If the emphasis was on the automated segregation of co-mingled recyclable materials at waste reception facilities then significant savings could be made.

#### **Construction and demolition waste**

**Question: Q34: What more should we do to encourage reduction, recycling and recovery of construction and demolition waste?**

**Response:**

The provision of practical and cost-effective waste disposal solutions is a clear factor. Anecdotal evidence suggests that significant quantities of materials are frequently left unused at the conclusion of larger contracts (due to

contingencies, over-estimations etc.) and that these can be/are not being re-integrated back into stock and subsequently re-deployed.

Material wholesalers, too, are often reluctant to reintroduce surplus material back into their own stock, due to minor spoilage/deterioration etc.

The proposals for a Site Waste Management Plan in the future for larger projects may overcome these issues.

Changes to the planning laws to encourage further the usage of materials from a secondary source (recycled, reused, etc) would provide further encouragement.

### **Small and medium sized enterprises**

**Question: Q35: What are the current practical and cost barriers to recycling SMEs?**

**Response:**

Please also see the answer to Question 19.

Barriers for SMEs are considered to be:

- financial constraints - they are unable to fund/research activity
- human resources constraints - they are unable to free up staff to engage in waste/environment activity
- there is a lack of strategic emphasis on waste/environment issues - many SMEs are focussed upon their own longevity and are unwilling to commit to detailed planning beyond the immediate future.

NAWDO members' experiences of working with SMEs suggest that the amount of waste that they produce individually can often be relatively small. As a result, one bin for waste and one for recycling is often physically and financially impractical.

The local authority is potentially best placed to offer cost effective recycling services to SMEs but is financially discouraged from doing so due to LATS. However, recycling of biodegradable commercial waste can have a positive LATS impact depending on the tradable value of LATS allowances due to the mass balance method of measurement. This provides WDAs with the theoretical opportunity to pay a commercial waste recycling credit or offer a differential charge recycling/composting of biodegradable commercial waste. At least one authority is already doing this on a trial basis.

Such a system works for existing commercial waste in the municipal sector by generating a LATS saving to the WDA equivalent to 0.68 tonnes for every tonne of biodegradable commercial waste diverted. For 'new' commercial waste brought into the municipal sector, the potential LATS saving is reduced to a maximum of 0.32 tonnes for every tonne of municipal waste diverted (assuming that each 'new' tonne is 100% biodegradable e.g cardboard) .These 'savings' are only delivered if the commercial waste is 100% biodegradable

and is diverted from landfill. Other commercial waste that is not biodegradable and not diverted from landfill brings significant additional LATS exposure and costs to local authorities such that there is now a major incentive on local authorities to reduce the amount of commercial waste collected. This has the potential for local authorities to charge differential collection and disposal rates for commercial waste that reflects actual cost.

Commercial waste for disposal (whether biodegradable or not) has a net LATS cost of 0.68t using the mass balance methodology. Assuming that the commercial waste is 'new' to the municipal sector, the potential net saving from diverting 100% biodegradable commercial waste from landfill (say cardboard) at current LATS values is over £6/t, and may be as much as £50/t if the price of allowances approaches the penalty value. The implication of this approach is that local authorities have real financial incentives to target biodegradable commercial waste for diversion, but have significant marginal costs for dealing with non biodegradable commercial waste.

More should be done by Government to understand the sensitivity of commercial waste to local authorities, and to clarify the role of commercial waste in terms of LATS.

**Question: Q36: What might business and commercial providers do to overcome these barriers and how could the government support them?**

**Response:**

Extend producer responsibility for suppliers of recyclable materials in order to help support the cost of collection and processing.

Additionally, better information on what recycling services are available to businesses and opportunities to exchange materials with other businesses could be made available.

### **Hazardous waste**

**Question: Q37: Do you think the products in paragraph 87 above are sensible priorities for new producer responsibility initiatives and should such initiatives be voluntary or statutory?**

**Response:**

NAWDO would welcome greater "producer responsibility" for all waste streams, not just the hazardous waste identified (solvents, lubricating oil, garden pesticides & decorative paints). A degree of success has been achieved through with the ELV, WEEE and PRN's on producer's responsibility and there is no reason to think that this approach would not work with other waste streams.

Facilities for the receipt of these materials must be in place before the introduction of any additional requirements (voluntary or statutory), if the risk of illegal disposal of these materials is to be reduced.

Clearly there may be a role for Local Authorities to play in the reception of some hazardous household materials and Government should enter into early dialogue with them on this issue.

### **Household hazardous waste**

**Question: Q38: Which of the options for household hazardous waste outlined above should be taken forward?**

**Response:**

Currently Local Authorities have to make provision for the collection/receipt of hazardous household materials, although this will often incur a collection charge. Local Authorities are not required to make facilities available for such materials at their Civic Amenity sites.

A number of Local Authorities will be considering their obligations in light of the forthcoming Hazardous Waste and WEEE requirements, the latter which adopts a producer responsibility approach. Depending on the outcome, there may be a reduction in the amount of Civic Amenity sites available nationally to accept this type of materials from households.

Before hazardous household materials can be accepted at Civic Amenity sites, a number of issues have to be addressed, including:

- Planning Permissions
- Site Licences
- Size of Site
- Infrastructure
- Cost v Benefit

NAWDO welcomes the prospect of greater “producer responsibility” and would wish to enter into discussions with Government and producers on the various issues before any of the options identified within the consultation document could be considered.

All the four options will/ are likely (not just option c) to involve Local Authorities in additional costs. Whilst Government acknowledge that “strengthening the legal requirements on Local Authorities” (option c) will represent a new burden on Local Authorities and as such would receive Government funding, additional costs may be incurred under any of the options.

### **National, regional and local government**

**Question: Q39: What are your views on the proposed Sustainable Waste Programme Board, and on ways for it to engage with waste stakeholders and the wider community?**

**Response:**

Any move by Government towards a more “coherent and joined-up policy on sustainable waste management and resource efficiency between different parts of Government”, is to be welcomed.

The proposal for an inter-departmental Sustainable Waste Management Board, chaired by Defra, and involving representatives from the Environment Agency and Local Government could help, providing it overcomes Departmental silos (perceived or otherwise) and delivers objectives. Benefit will also be achieved by involvement of Treasury in the Board. This will help fill what are clear information gaps within Treasury about the pressures and imperatives waste management.

Greater Local Authority (and business) involvement at an early stage in the development of new proposals would allow potential issues to be “flagged up” and addressed before full consultation involving all stakeholders takes place.

### **Regional level**

**Question: Q40: Do you agree that more emphasis is needed on partnership working between local authorities at the regional and sub-regional level on waste procurement?**

**Response:**

Partnership working between Authorities is important and already occurs at various levels. However, local imperatives and political priorities make joint procurement between authorities challenging, and certainly more time consuming. The immediate pressures of LATS provide a barrier to more effective regional procurement.

**Question: Q41: What role should be played by the RDAs and local authorities respectively in developing a more closed-loop resource economy; and what activities should they undertake?**

**Response:**

RDAs are able to look at the “bigger picture”, particularly when considering commercial and industrial waste arisings and the need for facilities for their waste.

Local Authorities are currently focussed more on EU Landfill and LATS targets and are therefore placing greater emphasis on the municipal waste stream. As Disposal Authorities, NAWDO members face the prospect of having to pay “fines” for non-achievement of the targets, this approach is likely to continue for the foreseeable future.

### **Local level**

**Question: Q42: What are your views on the characteristics for good practice in Local Government set out in Box 2?**

**Response:**

The table provides an interesting and useful summary.

**Question: Q43: How effective have LAAs been to date in helping to deliver waste outcomes; and how could partnership arrangements be strengthened for the future at the local or sub-regional level?**

**Response:**

NAWDO members have only limited experience of LAA'S so far, although this is rapidly changing. It is likely that LAAs will need to address waste at an early opportunity.

**Improved integration of municipal and business waste management**

**Question: Q44: Is there a demand from businesses for increased help from local authorities with recycling services and resource management?**

**Response:**

NAWDO members currently provide advice and information to businesses on a wide range of issues including resource management, recycling services availability, and legal compliance issues. The demand for this support continues to grow as waste management issues rise up the priority list of businesses (mostly caused by increases in cost).

Experience indicates that businesses (particularly smaller businesses) have a tendency to contact their Local Authority first, particularly for information about waste and recycling. Whilst Local Authorities could potentially take a bigger role in the provision of facilities and the integration of waste streams, there are potential LATS implications in doing so (see Question 35).

**A strategic role for local authorities**

**Question: Q45: What are your views on the proposed wider strategic role for local authorities and how this could be supported ?**

**Response:**

A wider strategic role on waste as indicated in Box 3 is already adopted by a number of NAWDO members and is a reflection of an authority adopting its wider responsibilities in relation to waste, the environment and resource efficiency. Such a role also has costs which would need to be recognised.

**Question: Q46: What are your views on placing requirements of this kind on local authorities and/or businesses?**

**Response:**

Any obligations on businesses to use recycling services provided by Local Authorities is difficult and impracticable.

Currently businesses have a choice (providing they pay) as to whom they contract with for the removal of their waste. This can be through a commercial operator or via the Local Authority and can involve recycling if required.

Removal of this choice could potentially increase costs as well as remove the possibility of re-use as alternative activity.

Local Authorities could be faced with the prospect of providing recycling facilities/services for businesses (at a cost) without any knowledge /guarantee of usage.

Additionally, as mentioned elsewhere in this consultation response, any additional business waste collected has potential LATS implications, whether recycled or not.

### **Local authorities and producer responsibilities**

**Question: Q47: What changes need to be made to ensure better interaction of producer responsibility schemes and local authorities?**

**Response:**

Government's commitment to ensure that compliance schemes work effectively with Local Authorities to extract waste from the household stream is to be welcomed, particularly as both Local Authorities and compliance scheme may be seeking to achieve their own targets.

NAWDO looks forward to receiving the future consultation on Government's plans in this area.

Any producer responsibility schemes that are to be introduced should:

- Involve early dialogue with Local Authorities in order to uncover and address potential issues.
- Have realistic timescales for introduction.
- Have the necessary infrastructure in place well before introduction.
- Be the subject of an extensive advanced publicity campaign.
- Enable Local Authorities to recover any/all additional costs incurred.
- Have sufficient monitoring in place in order to ensure (where allowable) that both parties can include the materials recovered towards the achievement of their respective targets.

### **Development of the voluntary and community waste sector**

**Question: Q48: What are your views on the approaches above and how the Government can best facilitate a greater contribution by the voluntary and community sector in delivering waste objectives?**

**Response:**

NAWDO already recognises and values the important part that the voluntary and community sector has in meeting its waste objectives. Many members already pay recycling credits directly to voluntary, charity and third party organisations. One of the benefits in paying credits to third parties is the contribution that the tonnages make towards the WCA and countywide BVPI targets.

Many NAWDO members also pay credits for household waste re-use activities. The value of the credit is often the same as that for materials sent for recycling. Greater encouragement to all Local Authorities to adopt "best practice" by making credit payments on this basis would provide financial support to the work of the voluntary and community sector.

They provide a valuable role in exploiting niche areas of reuse, recycling and composting, often where Local Authorities on the commercial sector cannot or do not wish to operate. Equally they can adopt an innovative approach to dealing with waste issues and show adaptability not available to Local Authorities.

It should be recognised that the voluntary and community sector has far wider influence beyond waste management. The sector can deliver social and economic benefits through employment, training and social inclusion. The sector can also play a significant role in changing the “hearts and minds” of the community towards reuse, recycling and composting.

Government should encourage and continue to offer direct funding support to this important sector and help facilitate partnership working with Local Authorities.

However, whilst NAWDO broadly agrees with the Government’s proposals, the consultation paper doesn’t recognize sufficiently the diversity of types of voluntary and community sector organizations that we may deal with. This ranges from professional organizations that may act like quasi private sector organizations and may have significant influence on procurement and delivery of waste management services, to small community organizations with amateur capabilities that will have little overall effect on waste management and recycling. Even the latter type of organization should be encouraged in partnership, but the local authority may have to spend a disproportionate amount of time and expense compared with the potential waste management and environmental gains. This also calls for a more integrated local authority approach that involves community planning as well as waste management and environmental considerations.

### **Strengthening enforcement**

**Question: Q49: What additional action is needed either to achieve effective enforcement or to prevent waste crime?**

**Response:**

Powers for enforcement currently rest with the WCA and/or Environment Agency issue, WDAs have a potential role to play and should be afforded the same opportunity to enforce environmental crime as others, if appropriate. For example, enforcement relating to abuse of civic amenity sites.

If prosecution is sought, the current penalties levied by the Courts rarely reflect the environmental damage and social impacts of the crime, and therefore do not act as a deterrent to others. Greater support in these areas is required.

**Question: Q50: Is there evidence to link the types and quality of local waste collection services and general cleanliness to levels of fly tipping? What changes can be made to service provision that will reduce fly tipping?**

**Response:**

NAWDO is not aware of any empirical evidence to link the types and quality of local waste collection services and general cleanliness to levels of fly-tipping. However, changes to waste collection services aimed at reducing waste volumes (e.g. direct charging, alternate weekly collection, enforcement of trade waste bans at CA sites) has the intentional effect of making it more difficult or expensive for people to throw waste away, and therefore encourage 'better' waste behaviour. However, these measures are normally introduced with public fears and expectations of increased fly tipping. Experience of NAWDO members suggests that these fears often do not materialise.

It is important for Government and local authorities to do more to address the need to make progress and implement new collection methodology, whilst being mindful of the perceived and real impacts on fly tipping.

### **Policy Summary**

**Question: Q51: Do you have any further comments?**

**Response:**

NAWDO has no further comments to make at this stage.

**Question: Q52: Do you have any comments on the Environmental Report?**

**Response:**

NAWDO has no comment on the Environmental Report.

**Question: Q53: Do you have any comments on the Partial Regulatory Impact Assessment of the Waste Strategy Review?**

**Response:**

NAWDO has no comment to make on the Partial Regulatory Impact Assessment.

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