

Report to Environmental and Planning Services Scrutiny Standing Panel

Date of meeting: 13 April 2006

Subject: Consultation Document On
Review Of England's Waste Strategy

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Recommendations:

- 1) To note the decision to formulate a joint response with the Countywide Waste Management Advisory Board, where possible, to the Consultation Document on the Review of England's Waste Strategy;**
- 2) To consider and endorse the proposed responses to be submitted to the consultation.**

Background.

1. At the meeting of the Panel on 28 March 2006, the Panel undertook a preliminary examination of the consultation document, with a view to obtaining a basic understanding of the issues and to identify those areas and specific questions which the Panel thought were particularly relevant to the Council.
2. The Panel indicated a particular interest in matters relating to:
 - waste minimisation
 - encouraging the recycling of trade waste
 - the extension of the role of energy from waste in the waste hierarchy
 - target setting
 - recycle markets
 - waste related crime
3. The consultation document was also referred to the Countywide Waste Management Advisory Board at its recent meeting, when it was agreed that wherever possible, a joint response should be made to government.
4. The report which follows therefore sets out the individual questions and a proposed response where a response is considered appropriate or necessary.

Question 1: Views on the overall strategy approach?

See end of report

(a) A New Vision Question 2:

Views on household recycling & composting targets and their levels?

We agree that setting specific waste prevention targets upon local authorities is problematical since they have little control over what the waste producers actually do. Even though

collection systems such as alternate weekly collections drive recycling up, the evidence on the waste reduction effects is uncertain and more work on where non kerbside collected waste goes is required.

We understand that targets will have to rise if authorities are collectively to meet LATS requirements. It is however important that authorities are treated with fairness in this regard and target setting fully recognises the strides which have been made, and the resources which have been committed by councils such as ours in improving performance, often having set targets above those statutorily required. As the paper recognises, at the higher levels of performance the costs are disproportionate to the small benefits gained. Targets should be retained since they ensure that authorities are required to provide and then maintain resources at an appropriate level. It is however very important that these additional costs are recognised by the Audit Commission when comparing waste management costs; it being the case that simple authority by authority comparisons do not reflect the decisions which have been made to meet and exceed government recycling and diversion targets.

Question 3:

Views On Setting Municipal Waste Recovery Targets?

No comment

Question 4:

Views on landfill targets for commercial & industrial waste?

We agree that targets should be set since, as indicated, it will draw industry into the overall waste management process. We have no comment on the percentages proposed

(b) Policy Framework

Question 5:

What improvements would you wish to see in the regulatory framework?

We have nothing specific to add but would wish to support the general principle of simplifying the regulatory framework. The current framework is as difficult for the enforcement agencies to understand as it is for the business and others who are required to comply. Simplification will aid understanding and hence encourage compliance.

A review of the framework which seems often to unduly restrict innovation and good practice would be welcomed.

Question 6:

How should the responsibilities of producers & retailers be extended, if at all, and what key sectors should be explored?

Question 7:

Views on using voluntary rather than statutory arrangements in respect of producers etc.

We agree with the general 'polluter pays' principle. In our view we would wish to see the retail, and food retail sector in particular, explored in greater detail. We do not accept the retailers' view that they only package as they do because the consumer wants it – the reality is that the consumer has not been given a choice. Surveys indicate that consumers would be willing to accept less packaging.

We tend to the view that unless the retail is made to do something it generally will avoid doing so. We recognise the arguments in respect of legislative burdens and the costs thereof, but we see the waste management issue of such importance over the short term, that the retail sector will have to be driven to change and then consumers will naturally follow.

Question 8:

How do prices affect people's behaviour in managing waste

We wish only to comment in respect of the collection of household waste. We believe that due in part to the separation of waste collection from waste disposal, our residents do not understand the true costs of waste management in the round. They believe that they pay a lot more for waste management than they actually do, and many think that this is all they pay their council tax for! For the public to embrace the issues and understand the pressing need to change the way we treat and manage waste, they have to understand both the issues and the costs. We do not necessarily see this only being achievable through unitary governance or the creation of waste management authorities, but perhaps by the simple expedient that ALL waste management costs are clearly identified as such on council tax bills and not hidden away as part of 'Environmental Services'.

As to the issue of local taxes and charges for waste management, whilst there is merit in this, more needs to be done ahead of any such measure, such as outlined above, to obtain public understanding and thence to encourage acceptance of a more direct charging or taxation regime.

Question 9:

Can present tradable schemes be extended?

We are not convinced that the current trading arrangements are delivering to desired affects, so have reservations about an extension.

Question 10:

Is more effort required to encourage waste minimisation, and if so, how?

The simple answer is of course yes. It is clear that there is a significant gap between those who claim that they are committed recyclers and those who actually recycle. However, there is a distinction between recycling and minimisation/prevention, and as set out in our response to question 6, more needs to be done to stop residents from having to recycle or re-use waste in the first place. As set out in our response to question 8 there is a pressing need for the public to understand the issues better than they do and to understand also that they are key to the solution. Too many still view putting out their waste as no different to flushing their toilets – it is all someone else's problem once I have finished with it.

Local education and consultations work to a degree, but tend to be driven by a very local issue, such as a proposed change in service delivery or the intention to construct a waste facility. This raises huge awareness but only for short periods of time; this awareness needs to be built up and then maintained. It needs the same approach as seat belts or drink-driving; we need to keep at people until recycling, re-use and minimisation is almost second nature.

Question 11, 12, 13,

No comments

(c) *Waste Prevention In Businesses*

Question 14:

What are the priority materials and products for the greatest impact?

Question 15:

Is their scope to 'design out' waste?

Question 16:

Could more information to consumers be made available?

Question 17:

How can re-use and re-manufacture be encouraged?

Question 18:

How can business be stimulated to reduce waste?

Question 19:

How can SMEs engage without incurring disproportionate costs?

Question 20:

Is there a role for Business Links etc?

Question 21:

Views on managing sectoral waste?

No comments on any of the above

Question 22:

How best can consumers be engaged in waste reduction?

Comments have been provided in answers to earlier questions, in that by what ever means the public need to better understand the issue as a whole and understand the consequences of a failure to address waste management issues.

(d) Recovery of Resources from Waste

Question 23:

Should there be future targets for LAs and how far ahead should they go?

As set out in the answer to question 2, we believe that targets play in a useful role in ensuring that waste management remains a high priority issue for local authorities. In the consultation on targets we suggested that the 2007/08 performance standard is raised by 2% for all authorities with a 2005/06 standard of less than 22%. We also suggested that Government should undertake early investigation into the introduction of further statutory performance targets for 2009/10 and beyond to move all authorities towards a minimum performance level of 24%. By using the methodology proposed above this will effectively raise the floor by 2% every two years until 2011/12. This approach will result in a narrowing of the gap between the low and high performers whilst providing longer term certainty on required performance and adequate time for introduction of required service enhancements

Question 24:

What are your views on possible changes to standards?

It is certainly the case that present arrangements encourage the collection of certain wastes e.g. garden waste, simply to meet recycling and LATS targets. In areas where there are high levels of home composting, this is expensive and unnecessary. LATS targets could also have the effect of reducing the collection of other non-biodegradable materials, although it is accepted that landfill costs in general will have an impact on the degree to which this might happen. There may therefore be some merit in setting targets for non-biodegradable materials.

With regard to option (b) it is difficult to see how this actually changes the situation i.e. what is the benefit of a target for non-recycled waste against a target for recycled waste?

Question 25:

What are your views on the changes to standards?

See earlier answers on performance standards

Question 26:

What are your views on a change from landfill to EfW?

The consultation very clearly describes the difficulties being faced by authorities in dealing with waste for disposal. Essex has a clear non incineration policy, endorsed through a widespread public consultation exercise. However, the agreed policy of MBT/AD and a

number of smaller management facilities throughout the county is itself proving to be difficult through the quality of outputs from plants or the obvious problems of achieving planning approval for management facilities.

We agree with the overriding principle that the waste hierarchy must be allowed to operate ahead of any final EfW solution. Therefore EfW arising from the end treatment of refuse derived fuel(RDF) may have to be considered as acceptable. However, there is no doubt what the public reaction to any EfW process will be, despite the fact that on an RDF based process the arguments against are less strong., and irrespective of the weight of evidence regarding the alleged health effects.

Question 27:

Is there any reason to prefer MBT/AD to direct incineration?

Based on consultation in Essex, direct or mass burn incineration will not be publicly acceptable, especially if it is allowed to compromise the upper levels of the waste hierarchy. We suspect the answer to this question lies more in the education and perception of the public than in the technology itself. Whatever route is followed public acceptance will be required if the technology is to be politically deliverable. Even the final incineration of RDF will be seen in some quarters as no different to mass burn. Therefore, technologies which can at least demonstrate that recycling and re-use lie at their heart are more likely to be deliverable.

Question 28:

Should landfill be a last resort and only take non biodegradables?

The simple answer is yes, but this relies on acceptable alternate technologies being in place and proven to be effective.

Question 29:

Views on the suggestions for improving procurement?

We understand the highlighted issues in paragraph 49 of the consultation and it is difficult to argue against what they say. However, Essex County and its partner districts are already fully engaged in a procurement process which is proving to be extremely difficult to deliver. As set out above, the construction of large scale plants will be very problematical in a planning context, and this will be even more difficult if they are intended from the outset to manage imported waste from the private sector; this is very different from allowing plants to manage spare capacity in this way. The real difficulties at the present arise from a lack of capacity in the market place, which appears to be shrinking rather than growing. The encouragement of new providers and facilities is vital, but is difficult to see how this capacity can be grown quickly enough given the time constraints which apply and the potential financial and environmental impacts of non compliance.

Question 30:

What more can government do to stimulate recycle markets?

We agree that a regulatory review is required to ensure that markets are not unduly constrained whilst recognising the need to protect human and animal health.

Question 31,32:

No comments on the above questions other than to state that the regulatory controls must be effective and public confidence maintained. It is difficult to explain a market place which results in kerbside collected materials having to be transported many thousands of miles for eventual treatment, given the environmental costs associated with the transportation etc.

Question 33, 34,35,36,37

No comments with respect to the above questions

Question 38:

Dealing with household hazardous waste

We agree with the options set out and note the commitment to provide additional funding in support of the separated collection of household hazardous waste

(e) Role and Responsibilities

Question 39:

What are your views on the proposed SWPB?

We can see the benefits of such an arrangement provided that it was established as a replacement for the many existing bodies and did not become just another 'quango'.

Question 40:

Does there need to be more partnership working between authorities regionally and sub-regionally?

Question 41:

Is there a role for RDAs?

The answer to both questions is probably yes, but the difficulties of political deliverability across wide and diverse areas should not be underestimated. There could perhaps be a role here for RDAs or some other body to encourage and facilitate a more regional approach.

Question 42:

Characteristics of good practice from box 2

We support the principles of the good practice set out in box 22. Indeed in Essex many of these are either in place or are being discussed and considered. We believe there is a willingness to work together in this way, but political boundaries and diverse funding streams can act as barriers.

Question 43:

Role of LAAs to date in delivering waste outcomes?

None.

Question 44:

Is there a demand on LAs for help from business?

Yes, small businesses in particular often seek help to recycle materials but the council is reluctant to assist since it does not assist in meeting its recycling targets and of course has an adverse affect upon LATS for the non recyclable components.

Question 45:

Views on a more strategic role for local authorities?

It is difficult to argue against the principles of what is set out in box 3. Delivery is however another matter, both in terms of resources and the political arrangements to achieve a sufficiently broad consensus of approach.

Question 46:

Role of LAs in recycling business waste?

It is our view that the requirement to recycle must initially be placed upon the business and not the local authority. Whilst there is a duty to collect trade waste 'on request' many authorities such as ours do not provide that service directly, leaving it to the market place to provide the services. As indicated above, the requirements of LATS positively discourages the collection of trade waste since it adds to the authorities LATS burden.

Question 47, 48:

No comments

Question 49:

What else is needed to prevent waste crime and achieve effective enforcement?

Question 50:

Is there evidence to link type and quality of collection services to waste crime?

We believe that the consultation document describes the present situation well. We welcome the additional powers made available through the Clean Neighbourhoods & Environment Act 2005 but remain concerned that the public anticipation of higher levels of enforcement will not be met due to the resourcing implications associated with the enforcement process. We agree that local authorities could do more to strengthen links between services to ensure that waste management issues are considered at early design stages of buildings and larger developments. We can see no difficulties with enabling WDAs to have concurrent enforcement powers with WCAs – this could facilitate a more joined up approach to enforcement activity.

We recognise the link between service type and quality with some environmental crime. However, it has to be recognised that collection schemes such as alternate residual collections are effective in driving up recycling levels although they can also generate some local fly-tipping etc. We believe that what is needed is a strong combination of public awareness of the entire 'waste problem' allied with the sensible use of available enforcement regimes. High quality services are essential, although as with waste management generally, these will come at a price, and as set out earlier the public will have to accept that the costs of waste management will rise in the future.

Question 1:

Views on the overall approach within the strategy

The consultation document has done an excellent job in clearly setting out the problems we all face in managing waste into the future. We would take little issue with the overall approach but would perhaps just highlight the key issues as we see them:

- primarily the need to engage with the public so that they understand the issues. At present they do not recognise the scale of the problem either financially or environmentally. Emotions tend to run high when changes to services are made or planning applications for waste facilities are made. Government at all levels must do more to get the message out into the community
- more effort is need to minimise the waste we have to manage, particularly in the commercial sector. Government must ensure that legislative and fiscal controls do not conflict to prevent good practice
- more needs to be done to educate the public about the new disposal technologies, especially non mass burn EfW. Until and unless these deep rooted suspicions are dispelled, authorities and the private sector providers will struggle to obtain planning consents and this will seriously compromise the strategy in the future
- the need to set targets which are fair and achievable and which also ensure that high performing authorities are recognised and low performing authorities encouraged to do more
- the need to better control the vagaries of the recycling market place thereby providing stability
- the need to properly resource the enforcement of waste crime, including better working between intra and inter authority services