



House of Commons  
Environment, Food and Rural  
Affairs Committee

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**Waste Strategy for  
England 2007:  
Government Response  
to the Committee's  
Third Report of Session  
2009–10**

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**First Special Report of Session 2009–10**

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to be printed 24 March 2010*

## Environment, Food and Rural Affairs Committee

The Environment, Food and Rural Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Environment, Food and Rural Affairs and its associated bodies.

### Current membership

Mr Michael Jack (Conservative, Fylde) (Chair)  
Mr Geoffrey Cox (Conservative, Torridge & West Devon)  
Mr David Drew (Labour, Stroud)  
Mr James Gray (Conservative, North Wiltshire)  
Patrick Hall (Labour, Bedford)  
Lynne Jones (Labour, Birmingham, Selly Oak)  
David Lepper (Labour, Brighton Pavilion)  
Miss Anne McIntosh (Conservative, Vale of York)  
Dan Rogerson (Liberal Democrat, North Cornwall)  
Sir Peter Soulsby (Labour, Leicester South)  
Dr Gavin Strang (Labour, Edinburgh East)  
Paddy Tipping (Labour, Sherwood)  
Mr Roger Williams (Liberal Democrat, Brecon & Radnorshire)

David Taylor MP (Labour, North West Leicestershire), was a member of the Committee during this inquiry.

### Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No. 152. These are available on the Internet via [www.parliament.uk](http://www.parliament.uk).

### Publications

The reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at

[www.parliament.uk/efracom](http://www.parliament.uk/efracom)

### Committee staff

The current staff of the Committee are Richard Cooke (Clerk), Joanna Dodd (Second Clerk), Sarah Coe (Committee Specialist—Environment), Clare Genis (Senior Committee Assistant), Jim Lawford and Mandy Sullivan (Committee Assistants) and Hannah Pearce (Media Officer).

### Contacts

All correspondence should be addressed to the Clerk of the Environment, Food and Rural Affairs Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 5774; the Committee's e-mail address is: [efracom@parliament.uk](mailto:efracom@parliament.uk). Media inquiries should be addressed to Hannah Pearce on 020 7219 8430.

# First Special Report

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The Environment, Food and Rural Affairs Committee reported to the House on the Waste Strategy for England 2007 in its Third Report of Session 2009–10, published on 19 January 2010. The Government's response to the Report was received on 18 March 2010.

## Government response

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### Introduction

The Government welcomes the Environment, Food and Rural Affairs Committee's report on the Waste Strategy for England 2007 and agrees that changing the way England manages its waste is still a significant challenge. The Government wants to prevent waste occurring, conserve resources and recover all value from materials.

The Government welcomes the Committee's recognition of the good progress that has been made in tackling household waste. Statistics published in February 2010 show that 38% of household waste is being recycled as of June 2009 and we are on track to meet our and EU household waste recycling targets. The Government will continue to work closely with local government and citizens to drive further improvements over the next few years.

It is now necessary to build on the progress demonstrated in the municipal sector by taking greater action to ensure that resource efficiency is at the heart of all business decisions and make it easier for businesses to re-use and recycle the waste that is produced. The Policy Statement on Commercial and Industrial Waste published last year was a first step and since the Committee's inquiry, work is already underway to implement the actions it contained. A national survey of commercial and industrial waste in England will be completed this year and the data collected will inform the possible setting and monitoring of any future targets.

The Government has published consultations on restricting certain waste from landfill; and the inclusion of a greater proportion of commercial waste in landfill diversion targets will progress work on reducing further the amount of waste ending up in landfill from all sources. The Government will also consult on the legislation needed to give effect to the revised Waste Framework Directive, which enshrines in law the waste hierarchy, prioritising waste prevention.

Defra will shortly publish its Climate Change Plan setting out what it is doing to help reduce greenhouse gas emissions in the UK and how this will help deliver the legally binding emissions reductions target of 34% by 2020 (compared to 1990 levels). For the waste sector, the Plan will outline how Defra expects to reduce emissions from waste through implementation of a range of additional policy measures which act to reduce the amount of biodegradable waste generated; divert biodegradable waste from landfill; and capture and treat more methane produced by landfill. Action in the waste sector will also

contribute to emissions savings in other sectors, for example through greater resource efficiency, waste prevention, increased recycling and creating energy from waste.

This document sets out the Government's response to the Committee's conclusions and recommendations on the Waste Strategy.

## Response to conclusions and recommendations

### *Omissions from the Waste Strategy 2007*

**1. Defra has belatedly focused its attention on commercial and industrial waste policy but its recent statement failed to set firm targets for these sectors. We remain unconvinced that current policies for tackling commercial and industrial waste are sufficiently robust to drive maximum improvement in these sectors. There are insufficient mechanisms specific to these sectors, rather a reliance on general incentives such as avoidance of landfill tax and economic benefits from lower wastage levels. For example, while Defra's proposal to include commercial waste in targets set for the UK under the Landfill Directive is a welcome indication of its ambition for the sector, this will not in itself drive action. Nor does this entail the setting of specific targets for more sustainable management of commercial waste which is diverted from landfill. The department should urgently hold a round table with representatives from commerce and industry to develop waste reduction, re-use and recycling benchmarks to provide companies with a better idea of what they can be expected to achieve. The department should also develop an action plan setting out the steps the sector can take to achieve these levels. (Paragraph 16)**

The Government agrees that there needs to be a higher level of ambition in dealing with commercial and industrial waste. The absence of reliable and up to date data on commercial and industrial waste has made it difficult to set and monitor high-level targets in this area. Defra will consider whether targets are required in light of the findings of the national survey on commercial and industrial waste arisings in England which will be conducted during 2010. In its Commercial and Industrial waste statement, published in October 2009, Defra committed, alongside the Department for Business, Innovation and Skills (BIS), to consult stakeholders on the possibility of a new, single standard on waste minimisation for business. This could potentially include specific benchmarks on waste management against which a business could measure its own performance. Defra and BIS will discuss this further with representatives from commerce and industry in the first half of 2010.

**2. Businesses must demonstrate to customers that they are improving their recycling rates. Retail outlets, restaurants and pubs should be required to publish information on what they are doing to improve their waste management and increase recycling. (Paragraph 17)**

The Government will keep this recommendation under review in light of progress in encouraging higher recycling rates of commercial waste but has no immediate plans to require businesses to publish information on their waste management and recycling practices.

The Government, through WRAP, is working with retailers to reduce waste at source through its retail supply chain programme. Many retailers already report the amount of waste they produce and have targets to reduce waste to landfill under the British Retail Consortium's "Better Retailing Climate" initiative.

**3. Defra's lack of up-to-date data on the commercial and industrial waste streams has hampered the development of waste reduction policies for this sector and made it very difficult to monitor progress in this area. Defra must now commit itself to developing a full and up-to-date data set for this sector. Whilst we welcome the department's commitment for a new "survey of the sector", one-off activity is no substitute for the establishment of regular information flows. We recommend that Defra set out an action plan on how it will collate the detailed data which is already being collected for operational purposes in order to provide performance information for the sector. (Paragraph 18)**

The survey of commercial and industrial waste in England that Defra is carrying out in 2010 will provide a valuable dataset to measure progress and benchmark future policies. It is recognised that obtaining data on arisings and management of these particular waste streams from existing administrative sources would provide a more robust and regular data source in the long term. As the report states, some information is already collected from waste management sites. Other information is not so readily available, being either not stored electronically (such as recorded on waste transfer notes), or, in the case of arisings from business sectors, held in internal systems by the commercial waste management industry.

Defra and the Environment Agency are exploring ways to gain better access to this data in the future. The Environment Agency-led Electronic Duty of Care project, which is currently in its pilot phase, provides one potential improvement in accessing operational data voluntarily for statistical purposes in electronic form.

### **Landfill bans**

**4. Whilst we welcome the announcement that Defra will consult in 2010 on banning certain substances from landfill, we believe it is being too generous in allowing up to another decade to pass before these materials are not allowed to be landfilled. Defra should have the courage of its convictions and go for a more ambitious timescale to implement this change by 2015. (Paragraph 22)**

A consultation on restrictions on the landfilling of certain waste in England and Wales was published on 18 March 2010. The consultation examines the case for restricting wastes such as food, wood, green waste, paper/card, metals, glass, plastics and textiles from being sent to landfill.

The consultation invites comments on a number of aspects relating to the case for introducing bans including the appropriate lead-in times for different options considered for restricting landfill.

If the Government chooses to introduce any of the options a lead-in period is likely to be required to enable local authorities and businesses to make the necessary adjustments to their waste collection arrangements and for alternative infrastructure to develop. The

Government's aim in providing lead-in times for landfill bans would be to strike the right balance between providing certainty of the change to come on one hand, with the need to allow sufficient time for the development of alternative infrastructure and procedures on the other.

Research carried out to inform our consultation identified lead-in times for the introduction of landfill bans in case studies in other countries of periods between 2 and 12 years. Other research suggested that it would be difficult to implement landfill restrictions in less than five years, particularly in the case of waste types which would rely significantly on treatment infrastructure (food, wood and garden waste). Should the Government choose to proceed with restrictions to landfill a decision would be made on appropriate lead-in times in light of the responses to the consultation and the nature of the restriction to be introduced.

### **Waste prevention**

**5. Defra should publish, within six months of the completion of the Zero Waste Places pilots, a comprehensive strategy on waste prevention with a clear set of timetables and targets. The Waste Strategy Stakeholder Group should give priority in its work programme to the provision of waste prevention advice to ensure that Defra gives prevention sufficient attention in its waste policies. (Paragraph 27)**

Waste prevention is an important priority. There is currently a wide portfolio of existing initiatives on waste prevention which include: the Zero Waste Places Pilots; consumer and business facing waste campaigns;<sup>1</sup> voluntary agreements with the commercial sector such as the Courtauld Commitment; and the UK Packaging Strategy. In addition the Government has published research into household waste prevention.<sup>2</sup>

Defra is already working on a product roadmap process as part of its sustainable consumption and production work, which helps us better understand and reduce the environmental impacts across the lifecycles of the most significant product groups in UK consumption including food and drink, appliances, buildings, transport and textiles. To achieve improvements in the sustainability of key products, lifecycle evidence is gathered and voluntary action plans are developed and then implemented, working with stakeholders across the supply chain. Sustainable design is one of the key factors in improving the environmental performance across the supply chain, contributing to waste prevention across these products.

The revised Waste Framework Directive requires member states to produce Waste Prevention Plans by December 2013. We will be scoping out proposals to do this over the course of 2010, building on current initiatives and research and will invite the Waste Strategy Stakeholder Group to provide early input into our policy development.

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1 A consumer facing waste campaign was launched in October 2009 with the objective of encouraging committed recyclers to reduce waste and reuse unwanted items, as well as to recycle as much as possible. Campaign activity included national radio and press adverts.

2 <http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&ProjectID=16161&FromSearch=Y&Publisher=1&SearchText=WR1204&SortString=ProjectCode&SortOrder=Asc&Paging=10>

## *Preventing retail waste*

**6. Retailers with a turnover greater than £50 million per annum should be required to publish details of their waste prevention strategies, including details of the targets they have set for waste reduction by type of material. (Paragraph 31)**

The retail sector is an important part of the UK economy, but we believe it would not be logical to consider it in isolation. In developing a Waste Prevention Plan, the Government will consider what interventions will make a difference to waste prevention across the economy including in the commercial and industrial sector.

In developing a wider Plan, we will build on the success of the first Courtauld Commitment with the grocery sector. We have been working with WRAP and target organisations in negotiating the Courtauld Commitment Phase Two which will put a greater emphasis on waste prevention than the current Commitment, and looks at doing so across the supply chain, which we believe to be a more fruitful approach.

## *Single use carrier bags*

**7. We congratulate retailers on their progress to date to reduce the use of both plastic and paper single use carrier bags but, given the billions still being given out each year, greater effort to reduce their use is required. Defra should work with retailers to ensure that all adopt the practice of exemplar companies which have removed bags from check-outs and are promoting low-cost, re-usable bags. The British Retail Consortium should work with its members to help UK retailers achieve a minimum bag reduction target of 60% by 2012. (Paragraph 35)**

The Government is continuing to work closely with retailers to significantly reduce the distribution of single use carrier bags. A voluntary agreement with Britain's leading supermarkets (which cover around 75% of the grocery market), represented by the British Retail Consortium (BRC), achieved a 48% reduction in the distribution of single use carrier bags between May 2006 to May 2009 against a 50% target by May 2009.

This voluntary agreement builds on an earlier agreement with 21 leading retailers to reduce the environmental impact of carrier bags between May 2006 and December 2008. The results of this earlier agreement were a 26% reduction in numbers of bags distributed by participating retailers, and a 40% reduction in the environmental impact of carrier bags.

These voluntary agreements have encouraged retailers to develop and employ the methods they feel most appropriate to reduce the number of bags they give out, which include (but are not limited to) the removal of carrier bags from checkouts and the stocking and promotion of reusable bags or 'bags for life'. The BRC and the Association of Convenience Stores have also developed guidance for retailers, recommending these among other measures.

Defra has developed a 'toolkit' of materials for retailers to complement its recent media campaign on carrier bags encouraging consumers to reuse and reduce the use of single use carrier bags. The toolkit will include downloadable posters, window stickers and 'point-of-sale' checklists for retailers. The checklists promote various options for reducing the

numbers of bags given out, including those made by the Committee on removing bags from checkouts and stocking more sustainable alternatives.

The Government and the BRC are now working towards a shared aspiration for an eventual long term reduction of 70%. A full review of progress and of the level of success of current policy initiatives is scheduled for summer 2010.

### ***Minimising food waste***

**8. We welcome moves by retailers to offer customers the choice of buying produce which, for aesthetic reasons, cannot be marketed as top category products. We urge all retailers to develop a wide range of such products for sale. We also urge all retailers to distribute to charities such as Fareshare any food which can legally and safely be used and to give explicit permission to their suppliers to do likewise with branded products. (Paragraph 39)**

**9. We recommend that Defra requires food retailers and manufacturers to report the tonnages of food waste from their businesses at least on an annual basis. Defra should also work with the food industry to ensure that retailers give suppliers sufficient flexibility to be able to minimise wastage, including disseminating examples of industry best practice. (Paragraph 40)**

The Government is committed to working with retailers and manufacturers to reduce the amount of food waste from their businesses. Food manufacturers and retailers who are signatories of the Courtauld Commitment report waste arisings to WRAP, to inform of progress against targets and many retailers report the amount of waste they produce and have targets to reduce waste to landfill under the British Retail Consortium's "Better Retailing Climate" initiative.

Signatories of the Courtauld Commitment work with WRAP in the development and dissemination of best practice that can be shared with the retail sector. The Government has also worked with businesses to develop products that lead to less waste—whether through innovative packaging design or simply introducing pack sizes more in line with contemporary consumer demand. The successor to the first Courtauld Commitment which has recently been negotiated will set stretching new targets for the sector and is aimed at reducing the carbon impact of packaging further and reducing the amount of food, drink and non-food product wastes.

The Government is working with industry through WRAP and Envirowise on a project to quantify supply chain waste arisings and identify the reasons why waste occurs. This work will develop 'resource maps' for the retail and wholesale supply chain for food products such as fresh fruit, vegetables, meat and fish. Findings from the research underpinning this project will be published in 2010 and we will work with the food industry in developing and disseminating good practice guidance.

The Government welcomes moves by retailers to make available for sale produce that would otherwise be outgraded as they were deemed aesthetically unacceptable, but is not in a position to determine, aesthetically, what should and should not be provided for sale. We have through WRAP undertaken to establish a more detailed picture of what types and

quantities of waste or loss<sup>3</sup> are occurring through the manufacturing stage of the retail supply chain, which would include outgraded products alongside waste resulting from damage and production residues/by-products. This will also identify potential solutions, and WRAP will be developing working groups with the food industry to tackle this waste/loss.

The Government welcomes the contribution that organisations such as FareShare make by collecting and redistributing perfectly edible food that would otherwise become waste. To varying extents, FareShare is already part of many retailers' strategies for effectively dealing with surplus food that could not otherwise be sold. In terms of ensuring flexibility to avoid food waste is given to food suppliers, the Secretary of State for Environment, Food and Rural Affairs has recently written to all of the major UK supermarkets, urging them to think about how they can provide more support to FareShare, including ensuring that explicit permission is given to suppliers to redistribute surplus 'supermarket own brand' products.

### ***Household waste reuse and recycling***

**10. We welcome progress that has been made nationally on increasing levels of household recycling. We recommend that the Government set a more ambitious recycling target of 50% of household waste to be recycled by 2015 and 60% by 2020. It should also commission a report to explain the reasons for significant differences in the rates of recycling and prepare an action plan to assist poor performing local authorities to improve their domestic recycling levels. The Government should require local authorities to provide all householders with information on an annual basis explaining what actually happens to domestic waste sent for recycling and the environmental impact of their recycling activities. This information should also be collated nationally so that best practice can be disseminated. (Paragraph 47)**

The Government set out its domestic aspirations for recycling of household waste in England at 40% by 2010; 45% by 2015; and 50% by 2020 in the England Waste Strategy. The 50% target is in line with the EU wide target set out in the revised Waste Framework Directive. Statistics published in February 2010 show that significant progress has been made on recycling of household waste in the last decade from around 8% to 38% as of June 2009. The Government acknowledges there is more to be done to match the performance of the best countries, and make progress on meeting the current target of 50% by 2020.

Government is working with local authorities and business to facilitate and encourage recycling and agrees that although we are on course to meet the recycling targets currently set out in England overall, there is more work to be done to ensure regional variations in recycling performances are tackled. Through WRAP we are providing tailored support to local authorities including prioritising support to lower performing authorities and this will continue as WRAP develops plans for their work in next the few years.

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3 'Waste' is defined as any substance or object which the holder discards or intends or is required to discard; whereas 'loss' is defined as loss of use within the primary market. For example, produce outgraded from primary use—i.e. sale to consumers—that is used for animal feed would not be considered 'waste' but would be considered 'loss'; both of these fall within the scope of the WRAP supply chain project.

The Government accepts that informing residents of where material is sent for recycling and how it is recycled can be effective in persuading them to participate in recycling collections. Local authorities, however, are best placed to make decisions on the best way to communicate with their residents. All local authorities are being encouraged to sign up to the recently launched Waste Collection Commitment, developed by WRAP and the LGA. This draws on the views of consumers and sets out the principles of a good recycling service. One of those is for local authorities to collect as many materials for recycling as possible, and then to explain clearly what happens to it. The Commitment aims to help local authorities improve residents' satisfaction with how their rubbish and recycling is collected and ultimately boost recycling rates.

**11. Although it is important that maximum levels of re-use and recycling of waste are achieved, this must not be at the expense of efforts at national and local level to prevent waste arising in the first place. (Paragraph 48)**

The Government agrees that action on waste prevention is a high priority. Defra will be consulting on how best to give the waste hierarchy (which prioritises waste prevention as the most desirable option) legal force, as required by the revised Waste Framework Directive. In taking forward policy that implements the waste hierarchy, we will give each step of the hierarchy—including prevention as well as re-use and recycling—the attention it requires. Our response to the recommendation at paragraph 27 of the report gives more detail on ways we are already working to achieve this for waste prevention.

### *Engaging the public on textile reuse and recycling*

**12. We support the Government's work to increase the levels of re-use and recycling of clothing. We recommend that Defra encourage retailers to do more to help customers recycle their clothes, for example by providing information in stores on facilities available at civic amenity sites, local drop bins, charitable collections and charity shops. Clothes labels should, where possible, remind purchasers not to bin items but to pass them on for re-use or recycling. (Paragraph 51)**

**13. Defra should consult manufacturers to develop standards and criteria for whole-life assessments of the environmental impacts of different kinds of textiles and use this information to promote the use of more sustainable materials in clothing. (Paragraph 52)**

A priority for the Government is maximising reuse and recycling of clothing under the Sustainable Clothing Roadmap. An Industry Work Group, convened as part of the Roadmap, published a report on “Maximising the Reuse and Recycling of UK Clothing and Textiles”,<sup>4</sup> clarifying the evidence and establishing key next steps for the industry.

The Action Plan for the Sustainable Clothing Roadmap sets out agreed stakeholder action in priority areas to improve the sustainability performance of clothing. In our Action Plan, many retailers have committed actions to provide in-store take back facilities, for the reuse and recycling of clothes in conjunction with charities and recyclers. Reuse and recycling organisations as well as their industry associations have also committed to promoting reuse and recycling to consumers and business. This has informed the consumer information

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4 <http://www.defra.gov.uk/environment/business/products/roadmaps/clothing/evidence.htm>

Defra has provided on reuse/recycling<sup>5</sup> at Direct Gov. Defra welcomes the exploration of further communication options to promote greater reuse and recycling by consumers.

International standards and criteria for sustainable design of products such as textiles currently exist but Defra acknowledges that practical tools and guidance customised for clothing would benefit the industry. The Sustainable Clothing Roadmap looks at improving environmental performance across the supply chain and well-known brands have committed actions on sustainable design and some initial tools development to support this in the Sustainable Clothing Action Plan.

### *Household waste incentives schemes*

**14. Defra must improve its support to local authorities in explaining more clearly the benefits which can arise from households reducing their domestic waste volumes. The department should now produce a report explaining how a more rational regime for charging for domestic waste collection and disposal can be proceeded with. If public commitment to recycling is to be developed, local authorities must firstly make it clear to people what the current costs of waste collection are and express such figures in terms of cost per bin, bag or wheelie bin. (Paragraph 57)**

The Government through WRAP gives advice and support to councils on the benefits of waste prevention, including through the Love Food Hate Waste Campaign and the Waste Prevention Toolkit.

The Climate Change Act powers allow Local Authorities to provide incentives for householders who reduce the amount of residual waste they produce. The existing powers allow local authorities to develop a pilot scheme which best suits the needs of their area, including variable incentives. The Climate Change Act allows for up to five waste incentive schemes to be piloted. Once the results of a pilot or pilots have been reported to parliament, the powers can be rolled out more widely. The powers in the Climate Change Act remain available for use, and interested councils are invited to contact Defra or WRAP, who may be able to provide advice or support.

The costs of collection vary widely between authorities depending on their location and the systems/services they choose to provide. Many councils provide information to householders about these costs and the measures they are taking to reduce waste alongside the council tax bill and we would encourage all councils to make clear to taxpayers the cost of collecting and disposing of their waste.

### *Business waste reuse and recycling*

**15. Support services to help businesses increase their re-use and recycling of materials have proven themselves to be extremely cost-effective, particularly in the case of the National Industrial Symbiosis Programme (NISP). We recommend that Defra re-evaluates the impact that cuts in funding for the Waste Resources Action Programme and NISP is having on business waste re-use and recycling levels and the missed opportunities for economic growth decoupled from environmental degradation. The**

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5 [http://www.direct.gov.uk/en/Environmentandgreenerliving/Greenerhomeandgarden/Greenershopping/DG\\_064424](http://www.direct.gov.uk/en/Environmentandgreenerliving/Greenerhomeandgarden/Greenershopping/DG_064424)

**department should confirm that rationalisation of services under WRAP has released efficiency savings and explain how WRAP will work with local government, businesses and regional agencies to enable them to serve a wider range of organisations. (Paragraph 62)**

The Government acknowledges the excellent work delivery bodies such as WRAP and NISP have done over the years in helping the UK meet its challenging waste objectives. We would not wish to see a reduction in the quality of support such bodies provide to businesses to help improve their resource efficiency. With this in mind the Delivery Landscape Review carried out in 2008/09 was focussed on how such support could be more efficiently delivered for the benefit of businesses and the public purse, with the outcome being that WRAP would become the single co-ordinating body for such support. It is anticipated that this move to a single delivery body will bring about real savings of some £4.6m in 2010/11. WRAP is currently preparing its business plans for the 2010/11 year which will outline how it intends to address the many challenges it faces, including in the areas of re-use and recycling, and build upon the many achievements it and other delivery bodies have already made.

WRAP has a considerable level of involvement with third sector organisations and is looking to develop its work in this area through sectoral representatives during 2010–11, as part of the work of the new single English material resource efficiency body. In addition, it has a team dedicated to work with local government and authorities which includes helping them to develop plans for locally-based campaigns such as providing advice to local organisations and businesses on opportunities for waste reduction and avoidance. As part of the rationalisation of the delivery landscape in this area, WRAP is developing and refining its existing regionally-based approach to business resource efficiency advisory services, in line with its ongoing engagement with regional agencies, to help ensure a close relationship with these and awareness of individual regional needs. A key theme in all regions in coming years is likely to be developing working relationships with small-medium sized enterprises (SMEs), which make up the majority of the UK's companies. WRAP will also be responsive to customer need in development of new products and services, where a shared or widespread need is identified by research and experience.

### ***Local authority support for businesses***

**16. We recommend that Defra reviews whether the Landfill Allowance Trading Scheme is having a negative impact on council provision of waste services for businesses. (Paragraph 65)**

The Government through the consultation on 'Changing the UK's Approach to Meeting the Landfill Directive Targets' which was launched on 18 March 2010 is reviewing the Landfill Allowance Trading Scheme (LATS) as it asks whether LATS, in relation to other policies such as landfill tax, is still an effective policy to assist England in meeting its share of the Landfill Directive targets.

The consultation seeks views and evidence on this issue and the range of policies Defra should be pursuing to ensure that England meets its targets. This will shape further work Defra intend to conduct to assess the impact of existing policies to divert biodegradable waste from landfill ahead of a planned second consultation. We anticipate that the impact

of LATS on council provision of waste services for businesses will be a consideration in this wider assessment of the policies needed to ensure England meets its landfill diversion targets.

The Commercial and Industrial Waste Policy Statement that was published on October 2009, set out that an increasing number of local authorities were interested in offering a trade waste collection service. In 2009 nearly 40% of the 148 English local authorities were offering a trade waste service, a ten per cent increase from the previous year. In addition the BREW Centre, received bids from 64 LAs and public sector organisations totalling £2.9 million for trade waste collection schemes in 2009/10. Of these 64 projects Defra is currently funding 15 local authority projects worth £560k via the BREW Centre in 2009/10. Such a response illustrates that LAs and the public sector are keen to do more in this area.

### ***Construction industry waste reuse and recycling***

**17. We recommend that the Government should identify more specific criteria than the current project value which could be used to determine which projects require a Site Waste Management Plan. We are concerned that some smaller construction companies find it difficult to comply with Site Waste Management Plan provisions to the same extent as larger companies. Defra should work with the Department for Business, Innovation and Skills to raise small and medium sized construction companies' awareness of their legal responsibilities on waste and to encourage them to view it as a resource. We further recommend that the Environment Agency puts greater effort into enforcing construction waste requirements such as Site Waste Management Plans across the construction sector. It should publish a report by December 2010 showing what progress they have made in this respect. (Paragraph 68)**

The Government is committed to undertaking a review of the Site Waste Management Regulations during the course of 2010/11. This review will look again at the specific criteria used to determine which construction projects require a Site Waste Management Plan (SWMP).

Local authorities and the Environment Agency have a shared power to enforce Site Waste Management Plans. The Environment Agency has taken a number of specific actions to promote compliance with SWMPs nationally. The NetRegs website ([www.netregs.gov.uk](http://www.netregs.gov.uk)), part run by the Environment Agency, is specifically targeted at small and medium-sized businesses in the UK and provides free, comprehensive environmental guidance, including a "Simple Guide to Site Waste Management Plans". Defra has been working with the Department for Business, Innovation and Skills and industry representatives, within the context of the Strategy for Sustainable Construction, to encourage greater material resource efficiency across the construction industry, including by smaller and medium-sized companies. Defra will consider with BIS what additional support or advice might be made available. WRAP is working with a number of Government Departments and Agencies including the Department of Health, the Ministry of Justice, Defence Estates, Partnerships for Schools, and the Homes and Communities Agency on waste reduction plans in their own construction projects.

The Environment Agency is currently trialling targeted enforcement of SWMPs in the South East of England, working where necessary with local authorities. This work is one element of the Waste Crime Innovation Programme and will help determine what would be needed to take a more pro-active approach to SWMP. The outcome of this pilot will be available by December 2010.

**18. Defra ought to work more closely with both the Department for Business, Innovation and Skills and the Department for Communities and Local Government to realise the opportunities that both reclamation and salvage present. More use should be made of the knowledge and expertise of the Building Research Establishment. (Paragraph 69)**

The Government accepts this recommendation. The Defra funded Construction Resources and Waste Platform conducted a survey of the reclamation and salvage industry in 2007 which found that, since the previous survey in 1998, there had been a downward trend in reclamation for most of the key material groups, with the exception of ceramics (mainly bricks). Defra will work with other Government Departments to promote the financial and environmental opportunities that greater reclamation and salvage can present. The Building Research Establishment regularly undertakes work for various Government Departments on a range of construction-related issues, through either framework contracts or open tenders. There is no reason to believe that this will not continue in the future.

### ***Waste classification***

**19. We recommend that funding is continued for the protocols work to develop standards to define when a wide range of waste material ceases to be waste, with arrangements also being made to provide widespread publicity of its conclusions. The Environment Agency should produce a report highlighting where the biggest gains could be made if certain materials were declassified as waste. (Paragraph 73)**

The Government supports both the adoption by the European Commission of EU-wide end-of-waste criteria under Article 6 of the revised Waste Framework Directive (2008/98/EC); and the development of national end-of-waste protocols by the Environment Agency and WRAP. The Agency's development of national end-of-waste protocols is funded through grant-in-aid and it is a matter for the Agency to determine the allocation of the grant provided to it. The potential gains to the environment and businesses are factors taken into account by the Environment Agency in their selection of the types of waste for which end-of-waste protocols are developed and the Agency produces a financial impact assessment for each protocol that is developed.

### ***Environmental Permitting Programme***

**20. There is some evidence that Environmental Permitting thresholds are being set in ways that deter rather than encourage re-use of materials. Since recycled metal is a valuable secondary raw material, a specific review of waste regulation for the metals industry should be undertaken to ensure that regulatory burdens are proportionate to the health and environmental impacts of this sector. Any change in the rules that might result must ensure that metals, a valuable resource, are not discarded but re-used. (Paragraph 76)**

The Government welcomes the Committee's acknowledgement that Defra, the Welsh Assembly Government and the Environment Agency have recently completed a comprehensive review of the waste exemptions from environmental permitting. The review included two public consultations with a view to providing regulation that is proportionate to the health and environmental risk posed by different waste recovery and disposal operations. The Government notes that the Committee also acknowledges that in respect of certain uses of construction waste the Government has raised the threshold from those proposed in the consultation below which operators may benefit from an exemption. The changes were made in light of the responses and in order to encourage the use of recycled wastes in bona fide construction projects.

Revised thresholds for exemptions for a range of waste recovery and disposal operations have been set out in the Environmental Permitting (England and Wales) (Amendment) (No.2) Regulations 2009 which will come into force on 6 April 2010. The regulations widen the scope of the exemptions for small-scale low risk operations, and will reduce costs for many businesses by providing registration of all exempt operations free of charge. However the regulations limit the exemption from permitting for larger-scale higher risk operations that merit greater assessment and inspection proportionate to the health and environmental impacts of the sector. This includes some larger metal recycling operations as well as composting, land reclamation and land-spreading. The changes made to the metal recycling exemption will mean that small-scale operations handling relatively uncontaminated waste will continue to benefit from an exemption that will be free to register. Larger-scale operations and those involving the handling of de-polluted vehicles, oily wastes etc will require an environmental permit. The Government has however, allowed existing exempt operators who will need to apply for a permit, until the end of September 2013 to do so.

The Government will monitor the scope of the new waste exemptions and review them as appropriate.

**21. The duty regime for waste fuel oils is acting as a deterrent to the re-use of such oils, increasing the likelihood of illegal dumping and providing a perverse incentive for industry to use virgin fossil fuels. The Government should impose lower levels of duty on waste fuel oils which meet quality specifications determined by the Environment Agency. (Paragraph 79)**

Waste derived fuels have been subject to excise duty since November 2008, as a result of the ending of a derogation from the EU Energy Products Directive (EPD) which previously allowed the UK to exempt these fuels from duty. The European Commission rejected the UK's application to extend the derogation, so under the terms of the EPD, duty must be charged on these products at the same rate as for the nearest equivalent fuel—in this case, fuel oil, for which the current duty rate is 10.37 pence per litre. This is the lowest duty rate applied to fuel in the UK. It is not possible under the terms of the EPD to apply the EU minimum rate just to waste oils in the UK, nor to charge a reduced rate of duty, unless the duty rate is directly linked to product quality. In order to apply a lower rate of duty to waste derived fuels, the Government would need to be convinced that these products were substantially different in quality from conventional fuel oil, and offered environmental benefits over other fuels, including virgin fuels. The Government does not accept that there is any compelling evidence that this is the case.

The EU Waste Oils Directive requires Member States to take measures to give preference to the regeneration of waste oil above combustion, and although that Directive is being repealed by the revised Waste Framework Directive (WFD), the revised WFD includes a “waste hierarchy” with recycling (in this case waste oil regeneration) above energy recovery in the priority order. Accordingly, there is no excise duty on waste heavy oil regenerated back into virgin lubricants under existing legislation. Re-using waste oils as fuel does not constitute recycling, but is classed as energy recovery, which therefore falls below true recycling in the waste hierarchy. Reducing the level of duty on processed waste oils used as fuel could be viewed as giving an incentive to waste management operations lower down the waste hierarchy. Furthermore, it would be a disincentive to anyone wishing to invest in regeneration technology. The revised WFD requires Member States to give effect to the hierarchy as a priority order in “waste prevention and management legislation and policy.” Member States are obliged to transpose the revised Directive by 12 December 2010.

Environment Agency records do not show an increase in incidents of illegal disposal of waste oils since the imposition of duty in 2008.

### **Composting**

**22. We welcome the work by Defra and the Environment Agency to develop quality protocols on compost products. (Paragraph 81)**

**23. We recommend that Defra undertake an analysis of the trade-offs between the use of food waste in anaerobic digestion and composting to determine the optimal method of food waste disposal. (Paragraph 82)**

The Government’s view is that sustainable and effective waste management requires the application of many technologies. The solution for waste treatment and disposal at Greater Manchester<sup>6</sup> is a good illustration of the application of this principle as it involves recycling, in-vessel composting as well as mechanical and biological treatment, combustion and anaerobic digestion. Evidence commissioned by both Defra and WRAP has concluded that anaerobic digestion delivers the best environmental outcomes for dealing with food waste when compared to in-vessel composting (IVC) or combustion with energy recovery.<sup>7</sup>

We are, nevertheless, carrying out a review of existing evidence as part of our work to develop policy on energy from waste. We are engaged on two projects which will help clarify the respective position of anaerobic digestion and composting within the waste hierarchy. This spring we intend to publish guidance to local authorities on how to treat the waste most commonly arising in the municipal sector. This will contain specific advice on food waste treatment. The recently formed, cross-government energy from waste project will go even further to help clarify the issues surrounding different energy from waste technologies and waste management options.

Defra is keen to ensure that food waste is treated in the optimal way. This treatment will depend on specific circumstances on the ground as a ‘one size fits all approach’ is not practical. For source segregated food waste, Defra encourages anaerobic digestion (AD)

6 <http://www.eib.org/epec/infocentre/documents/EPEC%20GMWDA%20Note-Final.pdf>

7 “Dealing with food waste in the UK”—Eunomia report to WRAP, March 2007; and “Carbon Balances and Energy Impacts of the Management of UK Wastes” ERM report to Defra, December 2006.

wherever possible as it not only produces digestate which can be spread on land, returning nutrients to the soil, but also biogas which can be used for energy production or as a transport fuel. This is why the Government wishes to see a much greater uptake of AD by local authorities, businesses and farmers.

**24. Although there is a significant proportion of homes that are unable to compost, home composting (including of all food waste using systems such as bokashi, green cone and jora) has considerable potential for reducing residual waste sent to landfill and for making refuse collection more hygienic and thus reducing problems of hygiene and odour associated with alternate weekly waste collections. (Paragraph 83)**

Defra fully supports home composting and have worked in partnership with WRAP to further the uptake of this important measure to reduce waste going to landfill. The Recycle Now home composting programme started in 2004 by offering subsidised bins, with the support of local authorities, to householders across England. As a result, the programme has encouraged approximately 1.1 million households to start composting at home. The use of these compost bins has meant that over 260,000 tonnes of waste has been diverted from the waste stream each year.

The programme has successfully demonstrated that home composting is a simple method that many of us can implement to reduce the amount of waste put out for collection and going to landfill. As compost bins are now freely available in many retail outlets, the campaign currently focuses on providing advice and support to novice and more experienced composters.

With regard to hygiene issues for alternate weekly collections, WRAP and the Chartered Institution of Wastes Management's research in July 2009<sup>8</sup> looked specifically at this issue and found no evidence of adverse health effects of alternate weekly collection of residual waste.

**25. Local composting of food waste from institutions such as schools and hospitals and groups of restaurants (including those in Parliament) should also be encouraged using similar systems. Not only would this reduce collection costs and the negative environmental effects of transportation but the resulting compost is also a valuable resource for household and community use (for example in local food production). However, we also support separate collection of household and other food waste, particularly where home composting is not feasible. We recommend that the Government sets a target for mandatory collection of food waste, learning lessons from those authorities already operating such schemes in which food waste is put to beneficial use such as in an anaerobic digestion plant. To maximise the beneficial use of food and garden waste advice, education and practical support should be made available by local authorities. Such support should include securing discounts or providing subsidies for composting equipment, taking into account the outcome of Defra's analysis of the optimal method of food waste disposal. (Paragraph 84)**

The Government agrees that local composting can make a valuable contribution to diverting food waste from landfill whilst creating a useful product. Through WRAP the Government has previously financed the distribution of over 1.8 million compost bins to

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8 [http://www.wrap.org.uk/local\\_authorities/research\\_guidance/collections\\_recycling/health\\_effects.html](http://www.wrap.org.uk/local_authorities/research_guidance/collections_recycling/health_effects.html)

homes in England each of which will divert around 150kg a year of organic waste from the household waste stream. This programme has successfully demonstrated to local authorities the business case for continuing to encourage home composting, including through the use of subsidies. Decisions on how these wastes should be managed should be done at a local level. While the Government has ended its programme of central subsidies, it welcomes the fact that a joint procurement by local authorities has made an alternative arrangement for those local authorities that wish to use it.

WRAP continues to provide support to both households and local authorities to encourage home composting, including practical advice to home composters through a range of media and by engagement with local community groups<sup>9</sup> and businesses.

The Government is also supporting the separate collection of food waste for in-vessel composting and, in particular, anaerobic digestion plants which provide beneficial and marketable outputs—compost and digestate—with in addition energy recovery from AD.

WRAP has published research into the most effective ways to collect food waste and provides technical and practical support to local authorities to help them establish suitable collection schemes. Through WRAP, the Government is also supporting the development of food waste collections, providing £3.3m in funding for setting up new collections or expanding current ones; this funding should lead to collections for at least an additional 350,000 households. Currently some 150 local authorities are providing food waste collection services for all or part of their areas.

The Government does not favour setting additional specific targets for local authorities. It will however be consulting on the possibility of banning food waste from landfill in the future, and as part of that consultation we will consider whether and to what extent it would be necessary to mandate local authorities and those collecting from commercial premises to provide separate collections of food waste. The Government has stated that it would like to see all local authorities collecting food waste by 2020.

### ***Energy from waste technology***

**26. To ensure that only energy efficient methods of generating energy from waste are adopted, the Government should require planning applications for such plant to demonstrate how heat produced will be captured and used. (Paragraph 90)**

The Government is committed to making full use of the potential of waste as a resource. We strongly support the most energy efficient recovery options and as a result encourage Combined Heat and Power (CHP) wherever feasible. The current planning system and the draft overarching National Policy Statement on Energy already facilitates the suggestion of the Committee by requiring that EfW plants demonstrate that they have investigated CHP and made appropriate decisions with regard to heat uptake. However, the uptake of CHP depends on the local market for heat, and the Government is taking action to encourage full utilisation of the heat produced, through the Renewable Heat Incentive due to come into operation in April 2011.

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<sup>9</sup> WRAP provides support to the Community Composting Network to allow them to expand the number of community based composting activities.

## *Planning barriers*

**27. We recommend that planning processes be streamlined by allowing an application for an Environment Agency permit to be made either in parallel with, or prior to, application for planning permission for waste infrastructure, as local circumstances dictate. Planning should also be speeded up for minor extensions to existing waste operations on current sites by applying permitted development rights in these circumstances. (Paragraph 94)**

The planning process already allows the parallel tracking of applications for planning permission and environmental permitting in respect of new installations. In respect of some specified waste operations however, the permit may not be granted until relevant planning permission is in place. This approach accords with a joint Defra / CLG response to a consultation on improving the interface between the planning and pollution control regimes. Defra, CLG and the Welsh Assembly Government are currently working with consultants to develop a protocol and supporting guidance directed towards the Environment Agency and local authorities to provide practical improvements for applicants concerning the interface on the two regimes in a number of different scenarios.

The adoption of Permitted Development Rights for minor changes to waste management operations will be reviewed in accordance with a programme of work laid down by CLG.

**28. We urge the Department for Communities and Local Government to set out an action plan to improve the skills within, and support available to, local authority planning departments for handling one-off or occasional waste facility applications. (Paragraph 95)**

The Government recognises the importance of having sufficient skills in local government to handle all forms of planning applications, and not just waste. That is why it continues to put in place initiatives to build local authority capacity. These have included: the Post Graduate Planning Bursary Scheme; the provision of Planning Delivery Grant/Housing Planning and Delivery Grant; and funding the Homes and Communities Agency Academy (HCAA), ATLAS (Advisory Team for Large Applications) and the Planning Advisory Service (PAS). The Government will also provide support to planners and other local authority staff in England engaged in climate change activities to help increase their skills and knowledge. Recently, ATLAS have expanded their remit to cover commercial applications including waste. They are able to offer local authorities that do not have sufficient capacity to deal with major applications support and advice.

**29. We do not support extending the scope of the National Policy Statement relating to biomass and energy from waste plant to smaller facilities as this would reduce local involvement in planning decisions. The Government should produce up-to-date, clear guidance on the environmental impacts of energy from waste operations as people need to know whether incineration is “safe”. This guidance should inform planning decisions on energy from waste technologies and enable debate to be focussed on site specific issues. (Paragraph 98)**

The Government believes that planning applications for nationally and regionally important waste management and renewable energy generation facilities should be considered for both their national and local impacts and contributions, not limiting the

scope to site specific issues. We agree that it is not appropriate to extend the scope of the National Policy Statement at this stage, especially since the Infrastructure Planning Commission will only start to take planning applications from the energy sector from 1 March 2010.

Currently, there is widely distributed and freely available in-depth information on the health impacts of energy from waste (EfW). Emissions from incinerators are regulated to a very high standard through the Waste Incineration Directive (WID) to protect health and the environment. The WID applies stringent requirements to any incineration or other thermal treatment of waste, either on its own or if co-incinerated along with other material. Emission standards under WID are more stringent than for other forms of energy generation from combustion.

Emissions from municipal waste incinerators have fallen considerably in recent years. For example, according to the Health Protection Agency, the incineration of municipal solid waste (MSW) accounts for less than 1% of UK emissions of dioxins.

Research carried out to date shows no credible evidence of adverse health impacts for those living near EfW plants/incinerators: Health risks from waste incineration were shown to be “small in relation to other known risks”—according to an independent study, peer-reviewed by Royal Society in 2004.

The Health Protection Agency (HPA) has recently reviewed research undertaken to examine the suggested links between emissions from municipal waste incinerators and effects on health. The HPA's advice was published in September 2009.<sup>10</sup> The HPA say that while it is not possible to rule out adverse health effects from modern, well regulated municipal waste incinerators with complete certainty, any potential damage to the health of those living close-by is likely to be very small, if detectable. Their view is based on detailed assessments of the effects of air pollutants on health and on the fact that modern and well managed municipal waste incinerators make only a very small contribution to local concentrations of air pollutants.

The recently formed, cross-government energy from waste project will go even further to help clarify the issues surrounding different energy from waste technologies with regard to informing planning decisions.

### **Finance barriers**

**30. Development of significant new waste management infrastructure is heavily reliant on the Private Finance Initiative, which has been able to secure long-term funding for large scale projects. However since the PFI approach has draw-backs, including potential inflexibility, Defra should review its future role in funding the provision of waste infrastructure to ensure that, where it is appropriate, projects include contractual arrangements which provide for flexibility to meet changing circumstances. (Paragraph 103)**

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<sup>10</sup> [http://www.hpa.org.uk/web/HPAwebFile/HPAweb\\_C/1251473372218](http://www.hpa.org.uk/web/HPAwebFile/HPAweb_C/1251473372218)

PFI, and the associated use of long term contracts, has provided significant value for money benefits at both programme and project level. The use of PFI and long term contracts have helped attract the estimated £6.4bn of private sector investment that is required for the UK to meet its EU Landfill Directive Targets. Such contracts have also, significantly, provided the platform for greater carbon efficiencies: not only as a consequence of providing waste management infrastructure for diversion away from landfill but also providing in many cases a long term source of renewable energy and heat. The PFI model and its associated use of long term contracts also provides benefits that are in our view difficult to replicate in other procurement models with perhaps shorter term contracts. The unique benefits of PFI include private sector capital at risk for the length of the contract and whole life cycle budgeting from the public sector perspective, thereby assuring that the relevant assets are appropriately maintained for the life of the assets. The PFI model also transfers risks to the private sector concerning the delivery and performance of the assets that are being procured. Although elements of such risk transfers may be replicable with shorter term contracts, in our experience it is unlikely that the same degree of risk transfer would be obtainable under procurement models adopting shorter term contracts.

We do not consider that technological flexibility is an issue unique to PFI contracts; the curtailment of technological flexibility needs to be managed in the context of any procurement model which seeks to realise the benefits of placing private sector capital at risk. Even where public sector capital is utilised for infrastructure development the sunk costs of such public sector capital will need to be evaluated in the context of a proposition concerning a change to the original technology choice.

Against the above backdrop we consider that an appropriate degree of flexibility has been built into the PFI model. Local authorities have the right to voluntarily terminate such contracts (with appropriate compensation being payable to the private sector). Furthermore, change mechanisms are included in such contracts to ensure that variations, such as for example a further facility, are provided on a value for money basis. In relation to managing changes in volume of the residual waste stream, the standard waste PFI contract developed by Defra's Waste Infrastructure Delivery Programme (WIDP), includes provisions which oblige the private sector to source waste from sources other than the local authority. This provision has been included to provide local authorities with further flexibility concerning the management of municipal waste streams.

We therefore consider that use of PFI and associated long term contracts will provide Defra's waste programme and projects with overall value for money and will deliver the infrastructure needed to fulfil the Landfill Directive targets. Any additional need for Defra to have a role in delivery infrastructure beyond this will of course be carefully considered.

### **Landfill tax**

**31. We recommend that the Government extends the escalator for landfill tax up to at least 2020 in order to enable the waste industry to plan on a longer term basis. (Paragraph 105)**

The Budget 2009 announced that the standard rate of landfill tax will continue to increase by £8 per tonne on 1 April each year from 2011 to 2013. This is so that the tax continues to

incentivise investment in more sustainable alternatives e.g. anaerobic digestion, recycling and sorting machinery, to reduce reliance on landfill and deliver emissions savings equivalent to 0.7 Mtco2 by 2013.

The Chancellor continues to monitor and review taxes as part of the budget process, considering the overall balance between fiscal, economic, social and environmental objectives.

### ***Illegal waste exports***

**32. The small number of prosecutions for illegal waste exports does not give a true picture of the potentially much larger scale of illegal waste exports from this country. It concerns us that the competent authority for regulating waste exports does not currently have full access to intelligence on potential illegal waste exports. It is vital that liaison between all the relevant agencies tackling waste crime is improved and the Government should seek the first available opportunity to remove legal impediments to full information sharing between the Environment Agency and other agencies monitoring exports, including the police, HM Revenue and Customs and the UK Border Agency. In addition the Government should liaise with the Home Office and the Crown Prosecution Service to ensure that the Proceeds of Crime Act can fully bear down on the illegal profits which can be gained from this lucrative trade. (Paragraph 112)**

The Environment Agency works closely with other enforcement authorities in combating the illegal trade in waste. The Government agrees that all the competent authorities for the waste import and export controls in the UK should be able to share information and data on waste shipments held in particular by HM Revenue and Customs and the UK Border Agency to help combat the illegal trade in waste. The Government is proposing to bring forward amendments to the regulations relating to the transfrontier shipment of waste to provide an appropriate information gateway for the competent authorities to enable this to happen and to come into force in October 2010.

### ***Illegal exports of Waste Electronic and Electrical Equipment (WEEE)***

**33. There is evidence that regulations prohibiting the export of waste electronic and electrical equipment have been circumvented on a wide scale by those passing off waste equipment as functioning equipment for legitimate export. We support changes to the regulatory regime to ensure that only fully functioning electronic and electrical equipment is exported from the UK. (Paragraph 114)**

The Environment Agency has been targeting its enforcement activity on the illegal export of waste electrical and electronic equipment (WEEE) in particular, and the Agency reports there is evidence that this increased enforcement activity is having a positive effect in reducing the illegal trade. The rules on waste shipments are set out at EU level. The principle measure is the EC Waste Shipments Regulation (1013/2006) which in tandem with UK legislation allows the movement of WEEE for recovery within the EU and to OECD countries outside the EU. The Government recognises that unscrupulous operators can circumvent these controls by passing off WEEE as working, non-waste equipment and exporting it to developing countries. The Government does not accept that the waste

shipment controls themselves require amendment but that increasing the enforcement of the controls will help to combat the illegal trade, and this is happening.

### ***Litter and fly-tipping***

**34. We recommend that the Government review how councils are using statutory provisions to tackle fly-tipping and littering. It should develop incentives (both carrots and sticks) for councils to utilise fully their powers on these issues. The outcome of this work should be made available within 12 months. (Paragraph 118)**

The Government keeps councils' use of statutory provisions in these areas under constant review through the data submitted to the Flycapture database and local authority Fixed Penalty Notice returns. In addition, through the work Keep Britain Tidy has been doing with local authorities on both flytipping and littering, we have a good understanding of the extent to which different statutory provisions are used, and the role they play in local authorities' strategies. Local authorities and other stakeholders will have an opportunity to contribute to the debate on statutory powers and duties at events being organised by Keep Britain Tidy in March. The Government will continue to consider whether any additional incentives to further use these powers are necessary.

**35. Regulatory income is insufficient to fund enforcement of regulations and Defra must ensure that additional resources are made available. Private landowners who are victims of fly-tipping should also be given assistance in cleaning up their property, using revenue from the penalties imposed for waste crime. We recommend that Defra identifies and brings forward proposals to address barriers to enforcement, including lack of awareness of powers and sanctions, across Government departments. (Paragraph 120)**

In addition to the normal funding routes used by local authorities and the Environment Agency to enforce flytipping regulations, the Government provides specific funding to support their work in the form of training, guidance and publicity material. Defra also funds the Environment Agency's Waste Crime Innovation Programme which seeks to identify novel techniques for tackling waste crime. Revenue from court awarded fines is returned to the Exchequer, although local authorities may retain the revenue from issuing certain Fixed Penalty Notices. In considering whether additional incentives to further use of enforcement powers are necessary, Defra will also consider any barriers to enforcement and possible solutions.

**36. We welcome Defra's announcement that it is establishing trials of re-usable and refillable packaging. The Government should make public the findings of the outcomes of these trials, in particular how cost-effective different methods of re-using packaging prove to be. (Paragraph 122)**

The Government, through WRAP, has part funded 5 trials on re-useable packaging. Two of the trials are complete and the reports have been published. In both cases, businesses have implemented the findings of the research and used re-useable packaging on the relevant products. Argos and Homebase are now using re-useable covers for the sofas both from those produced in the UK and those produced overseas. This initiative will save 1800 tonnes of packaging per year. The implementation of re-useable packaging for kitchen

worktops in B&Q has saved £1 million a year both from less packaging and a marked reduction in product damage.

The remaining three trials are progressing well and each could lead to a significant reduction in packaging and cost. The key issue for each project is how consumers respond to the innovation. In each case the research results will be published and used to encourage other businesses to adopt the findings. WRAP's voluntary agreements to reduce packaging with the grocery sector (the Courtauld Commitment) and the home improvement sector are important to help encourage uptake of these innovations.

The main challenge of re-useable systems is that they often require substantial changes to the existing supply chain. Given that supply chains can stretch around the world, it can take time for full scale roll out of new approaches. Independent research demonstrating the benefits of the change is therefore central to help build the business case for re-useable packaging.

**37. The Government should also evaluate the practicalities of applying a small “clean up” levy to products, including smoking materials, drinks and confectionary including chewing gum, which, together with their packaging, contribute the largest volumes of litter. Revenues could be distributed to local authorities to help clean up their neighbourhoods. (Paragraph 123)**

The Government currently does not have plans to introduce a “clean up” levy. Placing a “clean up” levy on products would tax equally those that dispose of their waste responsibly and those that litter. Ultimately, the problem we are tackling with littering is a behavioural one. The problem is not the buying and consuming of these products but dropping them on the ground and therefore current policies are based on behavioural change. The Government supports behaviour change campaigns such as those it funds through Keep Britain Tidy and those funded by gum manufacturers through the Defra-led Chewing Gum Action Group.

*Department for Environment, Food and Rural Affairs*

*March 2010*

