

THE LANDFILL ALLOWANCE TRADING SCHEME (LATS)

Planning to meet targets

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PLANNING TO MEET TARGETS

1 What is the current position on Renewables Obligation Certificates (ROCs) eligibility on energy from waste?

DTI recently published its initial consultation paper on the 2005-06 Review of the Renewables Obligation (RO) in England and Wales, which closes on 13 June 2005. It invites views on options for extending RO eligibility to the biomass content of waste, in the form of Refuse Derived Fuel (RDF) or more generally, which is used for electricity generation. To support its Review, DTI

commissioned ILEX Energy Consulting to assess the impact of extending RO eligibility for energy from waste. This report was published alongside the consultation paper. Both documents are available on the DTI website at: www.dti.gov.uk/renewables/renew_2.2.5.htm

2 Will Government support the need for Local Authority action to recover packaging in wider policy mechanisms?

A new Packaging Directive (2004/12/EC), published last year, set material specific recovery and recycling targets for producers to meet by 31 December 2008. As packaging targets increase between now and 2008, it is expected that producers will have to recover and recycle more packaging waste from the household waste stream. Obligated producers will therefore need to work with local authorities e.g. through their compliance schemes, to ensure packaging material collected by local authorities is recycled, particularly where producers' needs exceed local authorities' recycling obligations. These partnerships might be expected to involve joint financial investment in the collection and recycling systems needed.

3 Will Government ensure that targets and drivers are complimentary?

In response to Recommendation Nine of the Strategy Unit Report 'Waste not, Want not', the government is currently (April 2005) undertaking a review of recycling and composting targets in the light of performance against 2003/04 targets. The review is considering the efficacy of the existing suite of targets, and the value in setting future targets. It will take into account the fact that there are already a number of policy levers designed to drive the management of waste up the hierarchy. These levers include the Landfill Allowance Trading Scheme and the new Landfill Tax escalator as well as a number of obligations imposed on the producers of waste, in relation to the recycling of packaging materials and of waste electrical and electronic equipment.

The outcome of the review will feed into the wider review of Waste Strategy 2000 which is also taking place during 2005, consistently with that Strategy's monitoring arrangements. The targets review will inform decisions by Ministers - as soon as possible - on any adjustment to existing targets or on any new sustainable waste targets to be set at national or local level aimed at driving up performance. Both reviews will take full account of stakeholders' and the public's views. Defra is aware of the urgency of the review of recycling targets and the need to inform local authorities for their own planning purposes of any statutory targets beyond 2005/6. Consultation is currently planned for Summer 2005 with a view to publishing the outcomes as soon as practicable thereafter.

4 Getting citizens involved/ securing public interest

a. Can local authorities have clear guidance on benefits of waste hierarchy (how to counter NGO claims about technologies)?

Defra published a report, "Review of the Environmental and Health Effects of Waste Management" in 2004 which is available at <http://www.defra.gov.uk/environment/waste/research/health/index.htm>

This report is a helpful compendium of work carried out to investigate the health and environmental impact of different municipal waste management options. Further work is being commissioned to look at the inputs of non-municipal waste management systems under Defra's Waste Resources and Research Strategy.

b. Can Government provide a communications toolkit to help local authorities engage with the community and get the press involved?

WRAP has produced guidance on how authorities can promote waste minimisation and recycling, as part of their national Recycle Now campaign. Further guidance can be found at www.wrap.com

5 Partnership working (and kerbside systems)

a. Will there be a uniform approach?

WRAP's ROTATE programme provides direct support for authorities' existing and future kerbside collections, whether they be segregating or co-mingled. Authorities will decide what methodology best delivers a quality collection to its residents, what offers value for money and what complements its existing disposal or planned infrastructure.

6 Will there be targets after 2005/06 for waste collection authorities?

a. BMW

b. Inert

A crucial element of the Government's strategy for more sustainable waste management is to drive up recycling and composting rates. That is why Waste Strategy 2000 set out national recycling and composting targets for household waste, starting with 17 per cent in 2003/04, rising to 25 per cent in 2005/06, then 30 per cent in 2010 and 33 per cent in 2015.

The review of Waste Strategy 2000 includes a review of the recycling and composting targets. The targets review is now under way, but we cannot say at this stage what the outcome will be and therefore what the costs and benefits of raising the longer-term targets are and whether targets will be raised.

The review will take into account the fact that there are already a number of policy levers designed to drive the management of waste up the hierarchy. These levers include the Landfill Allowance Trading Scheme and the new landfill tax escalator, as well as a number of obligations imposed on the producers of waste, including in relation to the recycling of packaging materials and of waste electrical and electronic equipment.

The outcome of the review will feed into the wider review of Waste Strategy 2000 and will inform decisions by Ministers - to be taken as soon as possible - on any adjustment to existing targets and on any new sustainable waste targets to be set at national or local level aimed at driving up performance. Defra is aware of the urgency of the review of recycling targets and the need to inform local authorities for their planning purposes of any statutory targets beyond 2005/06. Consultation is currently planned for summer 2005 with a view to publishing the outcomes as soon as practicable thereafter.

7 What guidance is available to help local authorities deal with following issues?

a. Resources for enforcement

The EA, in their role as the monitoring authority for England, will enforce the implementation and monitoring of LATS. The EA has set up a LATS project team that will monitor the performance of each WDA against their allocated allowances for each year of the scheme as well as manage any enquiries about the scheme and the Electronic Register. Defra will maintain its role as the policy lead for LATS and will support the EA in its role as the monitoring authority.

b. Encouraging two-tier cooperation

Government is keen to support local authorities in managing waste more sustainably and realising efficiency savings through partnership working and this is being done through several work areas, including Joint Municipal Management Strategies and Planning; Private Finance Initiative (PFI) Credits; Virtual Authorities Project; Review of the Recycling Credits Scheme and the Reform of Joint Waste Disposal Authority (JWDA) Levy Basis.

c. Increased fly tipping

It is recognised that many local authorities find it difficult to obtain successful prosecutions for fly tipping offences due to the level of proof needed to support successful cases. Measures to help tackle fly tipping have been included in the Anti-Social Behaviour Act, which were commenced from 31 March 2004. The Anti-Social Behaviour Act 2003 has gone some way to making it easier for local authorities to obtain the necessary evidence to prosecute by extending their investigation powers and enabling them to stop, search and seize vehicles suspected of fly tipping. Defra consulted on a comprehensive Fly-tipping Strategy in 2004 that aimed to enhance and improve the power available to local authorities and the Environment Agency to help them achieve more successful prosecutions. The responses were fed into the development of the Clean Neighbourhoods & Environment Act. The Clean Neighbourhoods & Environment Act will continue to make sure the legislative powers available are useable and effective.

8 How can WDAs obtain information about the different biodegradable diversion rates of different technologies?

New Technologies have a major role to play in diverting biodegradable municipal waste from landfill and contribute to the high diversion rates in Europe and elsewhere. Over the next few years this improvement in performance will translate to England through the WIP New Technologies Programme and wider Government initiatives, resulting in a more sustainable environment.

There are a wide variety of new technologies currently marketed in the UK municipal waste management sector. They have varying levels of landfill diversion associated with them and many are dependent on the establishment of markets or outlets arising from the various technologies.

For more detailed, impartial information, or data on specific technology types contact the New Technologies Supporter helpline on 0870 2409894 or via email on Wastetech@enviros.com or refer to the Waste Technology Data Centre, hosted on the Environment Agency website on www.environment-agency.gov.uk/wtd

9 Are there any legal requirements for householders to use specific containers for specific waste types?

Section 46 of Part II of the Environmental Protection Act 1990 states that where a waste collection authority has a duty by virtue of section 45(1)(a) [of the EPA 90] to arrange for the collection of household waste from any premises, the authority may, by notice served on him, require the occupier to place the waste for collection in receptacles of a kind and number specified. Authorities should obviously view the wording of this section fully and seek their own legal advice before taking any actions reliant of this section of the Act.

10 Are there any plans to extend statutory targets to the private sector?

Waste Strategy 2000 set a target to reduce by 2005 the amount of industrial and commercial waste sent to landfill to 85% of that landfilled in 1998. The Packaging Directive sets recycling targets for commercial waste, as will the implementation of the Waste Electronic and Electrical Equipment (WEEE) Directive. The ongoing Review of Waste Strategy 2000 is looking at all the measures (including targets) needed to maintain the recent improvements in England's Sustainable Waste Management Performance.

11 Will Government issue a clear statement on the acceptability of various treatment / disposal options e.g. Energy from Waste?

The Government's Waste Strategy 2000 sets out our aim to reduce the amount of waste produced and recover value from waste in line with the waste hierarchy. Incineration with energy recovery is a sustainable waste management option and preferable to landfill, although our priority is to encourage waste minimisation, reuse, recycling and composting. Energy from waste technologies offer a solution for dealing with the residual waste that will

be left even after achieving the much higher levels of recycling and reuse we are aiming for, and to help absorb the diversion of biodegradable municipal waste from landfill required under the Landfill Directive. Local authorities are best placed to decide the most appropriate treatment and disposal options for municipal waste in their areas, taking account of local circumstances. The Waste Implementation Programme's Supporter Programme provides impartial advice on new technologies for local authorities and the waste management industry (see www.defra.gov.uk/environment/waste/wip/newtech/supporter.htm)

Advanced conversion technologies (anaerobic digestion, pyrolysis and gasification) already qualify for support under the Renewables Obligation. DTI is currently consulting on a number of changes to the Obligation, including whether to extend eligibility to a wider range of energy from waste technologies. Further information is available at www.dti.gov.uk/renewables/renew_2.2.5.htm

12 What guidance or toolkit is available to help WDAs plan for waste growth?

There is no toolkit available to help WDAs plan for waste growth but the Waste Implementation Programme (WIP) has engaged specialists under the direct consultancy support programme to work with authorities who have asked for work to be carried out for their authority on waste growth.

13 What will be the impact of the outcome of the MBT consultation?

It is not possible to answer this specific question until the outcome of the EA Study on MBT is published.

This section will be updated once guidance has been issued on the outcome of the MBT consultation.

14 Why isn't more money ring fenced to waste?

As part of the freedoms and flexibilities agenda for local government in England, the Government is committed to reducing the proportion of ring-fenced local authority funding, with the intention of empowering individual authorities to decide for themselves on their priorities and how they should be met.