

TEXT FOR COMMUNICATION ON NEW CONSULTATIONS ON DEFINITION OF MUNICIPAL WASTE, AND THE FUTURE OF THE DUTY ON 2-TIER LOCAL AUTHORITIES TO PRODUCE JOINT MUNICIPAL WASTE MANAGEMENT STRATEGIES.

Defra intends to consult on changing the definition of municipal waste used in the Landfill Allowance Trading Scheme (LATS). As we mentioned in our previous statement this further consultation will also provide the opportunity to work with the Welsh Assembly Government to potentially take forward a similar change in Wales in parallel.

Whilst we had been hoping to issue the consultation in the late Spring further work is still required, including working with the Welsh Assembly Government. Our intention remains to implement any changes ahead of the start of the 2010/11 scheme year, with the consultation, most likely, after the summer.

Background

Defra initially consulted on changing the definition of municipal waste in 2007 to clarify existing uncertainty. Defra's preferred option was to amend the definition in the Waste and Emissions Trading (WET) Act 2003 and the majority of respondents agreed with this view. The impact of this on the LATS scheme was expected to be minimal as the proposed change would move the definition towards the interpretation used in the scheme guidance. Having established the principle of what was intended through the original consultation Defra has been working to finalise the precise legislative amendments.

Why Are We Consulting Again

The precise formulation of the proposed amendment to the definition of municipal waste in the legislation has been subject to careful consideration, and through this process the wording has moved on from that originally considered at the time of the first consultation.

We are consulting a second time in order to ensure that this formulation does indeed deliver the desired outcome. The text of the proposed regulations and associated guidance will be included as part of the consultation.

In addition, a further consultation allows Defra the opportunity to address some related issues. These are:

- The proposed definition excludes 'separately collected construction waste'. The consultation provides the opportunity to clarify what is meant by this and to develop a shared understanding (we will as part of the consultation be providing revised text for the guidance).

- The definition of municipal waste contained in section 21 of the WET Act is repeated in section 32 of the Act and we need to change this at the same time.
- This definition of municipal waste is also used in National Indicator 193, and this will also need to be changed.

As part of this consultation Defra was at the same time going to consult on the future of the duty contained in Section 32 of the WET Act for local authorities in two-tier areas to produce Joint Municipal Waste Management Strategies (JMWMS). As the definition of municipal waste impacts on JMWMS we intend to still proceed with a joint consultation on the two issues. The consultation on JMWMS will therefore take place along the same timescale as the definition of municipal waste.