

MRS Plenary briefing

Tuesday 19 May 2009

Debate on the Waste Strategy

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1. Motion for debate

NDM4216 Carwyn Jones (Bridgend):

To propose that the National Assembly for Wales:

Welcomes the consultation on the revised National Waste Strategy, *Towards Zero Waste*.

2. The existing waste strategy

The Welsh Assembly Government (Welsh government) strategy for dealing with waste is set out in *Wise About Waste, The National Waste Strategy for Wales*¹ (the Strategy), published in 2002. Its objective is to²:

Make Wales a model for sustainable waste management by adopting and implementing a sustainable, integrated approach to waste production, management and regulation (including litter and flytipping) that

¹ Welsh Assembly Government, (2002) [Wise about waste: The national waste strategy for Wales](#): June 2002, Cardiff: Welsh Assembly Government.

² *Ibid*, part 1, p.2.

minimises the production of waste and its impact on the environment [...] and minimises where practicable, the use of energy from waste and landfill.

Although *Wise About Waste* was designed to operate from 2002 to 2012 it highlighted the need for a "complete review not later than five years after the publication of this strategy"³.

3. Consultation on the new waste strategy: *Towards Zero Waste*

A consultation on the revised Strategy, *Towards Zero Waste: One Wales, One Planet 2009-2050*⁴, was launched on 29 April 2009. It sets out "a long term framework for waste management and resource efficiency" and intends to reduce the ecological footprint of Wales, promoting sustainability and reducing climate change:

Our aim is to take a 'zero waste' approach, which means we aim to produce no waste in the long term, by designing products and services that reduce or reuse waste as far as possible, and developing a local and highly skilled economy for waste management and resource efficiency.

Key targets of *Towards Zero Waste: One Wales, One Planet* include:

- By 2025: at least 70% recycling across **all** sectors, and diverting waste from landfill sites
- 90% target for recycling, recovery and reuse of non hazardous waste from construction by 2020
- Either 70% or 77% target recycling rates for commercial waste by 2025 [subject to consultation responses]
- By 2050: zero waste achieved, with products and services designed with waste prevention in mind
- Reducing Wales' ecological footprint closer to the average availability of resources: 1.8 global hectares per person
- Developing a more joined up recycling infrastructure across Wales
- Boosting the economy through the creation of new green jobs and business opportunities as recycling services expand
- Providing more advice and support for businesses to meet targets and reduce their costs

Towards Zero Waste highlights a number of targets already achieved since *Wise About Waste* was launched in 2002:

³ Ibid, part 1, p.121.

⁴ Welsh Assembly Government, [Waste Strategy 2009 – 2050: Towards Zero Waste](#), 29 April 2009. Further background information about the consultation can be accessed here:

http://new.wales.gov.uk/topics/environmentcountryside/epq/waste_recycling/zerowastebackground/?lang=en

- Meeting the target to landfill less than 0.675 million tonnes of biodegradable municipal waste by 2010 in 2008, two years early
- A substantial increase in the amount of municipal waste being recycled and composted. Wales has met the municipal waste recycling and composting targets for 2003-04 (15%) and 2006-07 (25%), and is on course to reach the 2009-10 of 40%
- A substantial reduction in the volume of commercial and industrial waste - to 64% of the level produced in 1998/99
- Reducing the amount of industrial and commercial, municipal and hazardous waste going to landfill
- Wales is on course to reach reusing or recycling targets for construction and demolition waste of at least 85% by 2010

The consultation closes on 22 July 2009.

4. Legislative background

The revised *Waste Framework Directive*⁵ defines waste as “any substance or object which the holder discards or intends or is required to discard”.

The current national controls on waste originate from the *Control of Pollution Act 1974*⁶ and were greatly tightened with the introduction of the *Environmental Protection Act 1990*⁷. Legislation originally focused on the disposal of waste, but since the introduction of the *Waste Framework Directive*⁸ control has extended to include the storage, treatment, recycling and transport of waste.

Under section 30 of the *Environmental Protection Act 1990*, the Environment Agency is the waste regulation authority for Wales, and county or county borough councils in Wales are both the waste collection and waste disposal authorities. A waste collection authority has a duty to collect waste from households, and a waste disposal authority manages the waste that is collected by the waste collection authority.

The *Environmental Protection Act 1990* requires that anyone who treats, keeps, deposits or disposes of waste needs a waste management licence⁹ [as per the *Environmental Permitting (England and Wales) Regulations 2007* from April 2008 all waste management licences have become environmental permits] (unless exempt or excluded), which is issued by the Environment Agency. Environmental permits include conditions relating to operations at the site and the Environment

⁵ [Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives](#), OJ L 312/3, 22.11.08 [Accessed 20 April 2009]

⁶ The [Control of Pollution Act 1974](#), (Chapter 40) [Accessed 20 April 2009]

⁷ The [Environmental Protection Act 1990](#), (Chapter 43) [Accessed 20 April 2009]

⁸ [Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives](#), OJ L 312/3, 22.11.08 [Accessed 20 April 2009]

⁹ The [Environmental Permitting \(England and Wales\) Regulations 2007](#) came into force on 6 April 2008. These regulations streamline the waste management licence and pollution prevention and control (PPC) regimes. If a PPC permit or a waste management licence was held it automatically become an Environmental Permit from 6 April 2008.

Agency monitors activities to ensure compliance with the permit conditions. A key objective of the permit system is to ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which harm the environment.

It is an offence to transport controlled waste¹⁰ unless registered¹¹ with the Environment Agency. Registered carriers are authorised persons for the purposes of the **Duty of Care**. Similarly, the holder of a waste management licence is also an authorised person.

The **Duty of Care** is set out in Section 34 of the *Environmental Protection Act 1990* and associated Regulations. It applies to anyone who is the holder of controlled waste, as defined in Section 75, part II, of the *Environmental Protection Act 1990*. Persons concerned with controlled waste must ensure that the waste is managed properly, recovered or disposed of safely, does not cause harm to human health or pollution of the environment and is only transferred to someone who is authorised to receive it. The Duty applies to any person who produces, imports, carries, keeps, treats or disposes of controlled waste or as a broker has control of such waste.

A statutory code of practice on the Duty of Care has been published by the Secretary of State for Wales¹², although the Department for Environment, Food and Rural Affairs (Defra) recently launched a consultation on the code of practice for England and Wales, closing on the 24 July 2009¹³. Previous consultation in 2008 highlighted a demand for the code to be tailored to the specific role of the waste holder, wherever they are in the waste management chain, with clear, practical guidance regarding their responsibilities under the law¹⁴.

Under *The Environmental Protection (Duty of Care) Regulations 1991*¹⁵, parties transferring waste are required to complete and retain a 'transfer note', containing a written description of that waste. In order to meet the *Landfill Directive's*¹⁶ requirements on monitoring the acceptance and treatment of waste it is required that waste is described on the transfer note by reference to *The List of Wastes (Wales) Regulations 2005*¹⁷ and its appropriate code number.

The diagram below represents the typical movement of waste from the consumer to the final destination. The Duty of Care is denoted below each stage in the process:

¹⁰ Controlled waste encompasses household, industrial and commercial waste.

¹¹ [Control of Pollution \(Amendment\) Act 1989](#), (Chapter 14) [Accessed on 21 April 2009]

¹² Defra, (1996) [Waste Management – The Duty of Care – A Code of Practice](#), London: The Stationery Office

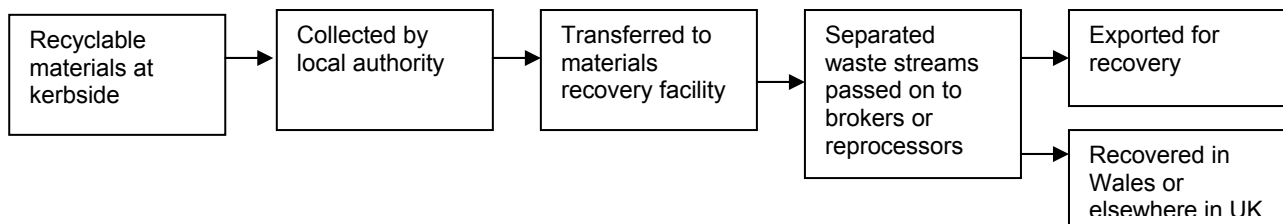
¹³ Defra, [Consultation on the revised Waste Duty of Care Code of Practice, 30 April 2009](#)

¹⁴ Ibid.

¹⁵ [The Environmental Protection \(Duty of Care\) Regulations 1991](#), SI 1991/2839 [Accessed on 20 April 2009]

¹⁶ [Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste](#), EUROPA, 1999 [Accessed on 20 April 2009]

¹⁷ [The List of Wastes \(Wales\) Regulations 2005](#), SI 2005/1820 (W.148) [Accessed 21 April 2009]



*Householder*¹⁸ *Local authority* *Recovery facility* *Broker/reprocessor* *Dispatcher*

4.1 The waste hierarchy

The waste hierarchy is a useful framework that has become a cornerstone of sustainable waste management, setting out the order in which options for waste management should be considered based on environmental impact¹⁹. The waste hierarchy places different waste management practices in order of environmental favourability. The Welsh government aims to move waste management as far up the waste hierarchy as practicable²⁰. It progresses through the following stages²¹:

Prevent Waste Production:

- Develop clean production technologies more sparing in their use and wastage of natural resources
- Develop and market products designed to make no or little environmental impact from their manufacture, use or disposal (e.g. so that they last longer before they become waste, or they are capable of refurbishment)

Reduce / minimise waste production and hazardousness:

- Ensure efficient use of resources within existing processes through tighter management control (e.g. within an environmental management system)
- Reduce the hazardousness of materials or products which become waste (e.g. by changing from organic solvent to water based products or phasing out of the use of toxic metal and persistent organic pollutants)

Re-use:

¹⁸ [The Waste \(Household Waste Duty of Care\) \(Wales\) Regulations 2006](#), SI 2006/123 (W.16) [Accessed on 20 April 2009]

¹⁹ [What happens to waste](#), Defra, September 2008 [Accessed on 20 April 2009]

²⁰ [Waste disposal hierarchy](#), Welsh Assembly Government [Accessed on 20 April 2009]

²¹ *ibid.*

- Re-use of raw materials and packaging
- Refurbish and re-use other items

Recover Materials:

- Materials reintroduced into the economic cycle (e.g. recycle paper and glass)
- Materials returned to the environment in a useful and harmless form (e.g. compost or sludge spreading)

Recover Energy:

- Treat by combustion to produce a fuel for energy recovery (e.g. by gasification, pyrolysis)
- Treat by mechanical means to produce a fuel for energy recovery (e.g. production of refuse derived fuel)
- Treat by biological means to produce a fuel for energy recovery (e.g. anaerobic digestion)
- Use directly as a fuel without pre-treatment (e.g. by mass-burn incineration)

Dispose:

- Burning (incineration without energy recovery)
- Landfill

The proposed *Shipment of Waste for Recovery (Community Involvement in Arrangements) (Wales) Measure* concerns waste which is destined for **recovery**. The revised *Waste Framework Directive*²² defines **recovery** as:

[...] any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.

5. Meeting waste targets

Wise About Waste outlines three sets of targets:

- **UK targets:** Wales must meet targets set for the UK by European Commission (EC) or European Union (EU) Directives
- **Primary Wales-specific targets:** where the Welsh government and its key partners have a direct influence over their outcome

²² [Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives](#), OJ L 312/3, 22.11.08 [Accessed 20 April 2009]

- **Secondary Wales-specific targets:** where the Welsh government's influence is less

Many of the targets set out in the Strategy have either already been met, or are likely to be met by the target date. The most challenging issue is the impending targets set by the *EU Landfill Directive*²³ for 2009/10 and 2012/13. If landfill diversion continues at current rates then Welsh local authorities could be subject to Welsh government fines of £300,000 in 2009-10 and £11.5 million in 2012-13.

5.1 UK Landfill targets

The *EU Landfill Directive*²⁴ requires the UK to limit the amount of biodegradable municipal waste (BMW) landfilled:

- By 2010 to no more than 75% of the biodegradable municipal waste (BMW) produced in 1995
- By 2013 to no more than 50% of the BMW produced in 1995
- By 2020 to no more than 35% of the BMW produced in 1995

In Wales, the proportion of total municipal waste deemed to be biodegradable is 61 per cent²⁵. In Scotland the proportion is 60 per cent²⁶, in England, the proportion is 68 per cent²⁷, and in Northern Ireland the proportion is 71 per cent²⁸.

If a Member State fails in its obligations to meet the landfill targets, it could be fined by the European Court of Justice. The penalty depends on "the seriousness of the infringement, its duration, and the need to ensure that the penalty itself is a deterrent to further infringements"²⁹. The Welsh government has indicated that any fines levied on it will be passed on to failing authorities³⁰.

In order to encourage local authorities to meet their targets, *The Landfill Allowances Scheme (Wales) Regulations 2004*³¹ stipulate that a penalty of £200 per tonne will be imposed for any amount of BMW landfilled above each authority's allowance in a scheme year³². The Welsh government has previously exercised its right to waive fines on underperforming authorities, although the former Minister for Environment, Planning and Countryside stated that fines would not be waived in future³³.

This £200 per tonne fine will be in addition to any infraction penalty imposed if Wales' waste management activities cause it to contribute to a UK failure to meet the Landfill Directive's requirements. Thus, failing authorities will face a fine of £200 per tonne from the Welsh government, plus a proportion of the infraction penalty if Wales' waste management activities cause the UK to

²³ [Council Directive 1999/31/EC of 26 April 1999 on the Landfill of Waste](#), OJ L 182, 16.07.1999 [Accessed 20 April 2009]

²⁴ *ibid.*

²⁵ [The Landfill Allowances Scheme \(Wales\) Regulations 2004](#), SI 2004/1490 (W.155)

²⁶ [Indicators of sustainable development for Scotland: Progress report 2004](#), *The Scottish Executive* [Accessed 28 April 2009]

²⁷ [The Landfill Allowances and Trading Scheme \(England\) Regulations 2004](#), SI 2004/3212

²⁸ [The Landfill Allowances Scheme \(Northern Ireland\) Regulations 2004](#), SI 2004/216

²⁹ [Commission communication: Application of Article 228 of the EC Treaty](#), *European Commission* [Accessed 28 April 2009]

³⁰ Welsh Local Government Association, (2006) [WLGA co-ordinating committee: Item 7 waste management](#), Cardiff: WLGA [Accessed 28 April 2009]

³¹ [The Landfill Allowances Scheme \(Wales\) Regulations 2004](#), SI 2004/1490 (W.155)

³² A scheme year is any year from present to 2019, excluding 2010 and 2013, which are 'target years'

³³ [Minutes of the Environment, Planning and Countryside Committee](#) (EPC(2)-02-07) (min), 7 February 2007

exceed its landfill allowance. The Welsh Local Government Association (WLGA) considers that these costs are likely to be far in excess of the £200 per tonne penalty³⁴.

Members' Research Service has calculated a projection of the amount of waste that would be landfilled by local authorities in Wales if future waste management activities reduce the amount of waste being sent to landfill at the same rate as activity over the years 2002-03 to 2007-08 has done.

On this basis, authorities that would miss their 2009-10 and 2012-13 targets, and the possible fines levied, are shown in Table 1, Annex A. The fines listed in the table do not include any share of possible EU infraction penalties. The total projected fine payable by Welsh local authorities is £300,000 in 2009-10 and £11.5 million in 2012-13. This total of £12 million is a decrease of approximately £23 million on the projected fines using 2006-07 data.

Authorities projected to meet their targets in 2012-13, and those that have already met their 2009-10 landfill target, are shown in Table 2, below. One half of the authorities in Wales have met their 2009-10 target.

Table 2 Local authorities that have already met their 2009-10 landfill target and/or that are projected to meet the 2012-13 landfill target

Local authority	Projected to meet the 2012/13 landfill target	Has already met its 2009/10 landfill target
Neath Port Talbot	√	√
Swansea	√	√
Conwy	√	√
Bridgend	√	√
Torfaen	√	√
Monmouthshire	√	√
Newport	√	√
Ynys Môn	√	√
Rhondda Cynon Taf	X	√
Wrexham	X	√
Powys	X	√

Source: Local Government Data Unit Wales and Members' Research Service calculation

5.2 Composting and recycling targets

Wise About Waste sets out the following recycling and composting targets for each local authority in Wales³⁵:

³⁴ Welsh Local Government Association, (2006) [WLGA co-ordinating committee: Item 7 waste management](#), Cardiff: WLGA [Accessed 28 April 2009]

- By **2003/04**, at least 15 per cent recycling and composting of municipal waste, with a minimum of 5 per cent composting and 5 per cent recycling
- By **2006/07**, at least 25 per cent recycling and composting of municipal waste, with a minimum of 10 per cent composting and 10 per cent recycling
- By **2009/10** and beyond, at least 40 per cent recycling and composting of municipal waste, with a minimum of 15 per cent composting and 15 per cent recycling

The progress on recycling and composting in Wales is shown in Figure 1, along with projections showing how the recycling and composting rates will increase if performance since 2002-03 is maintained.

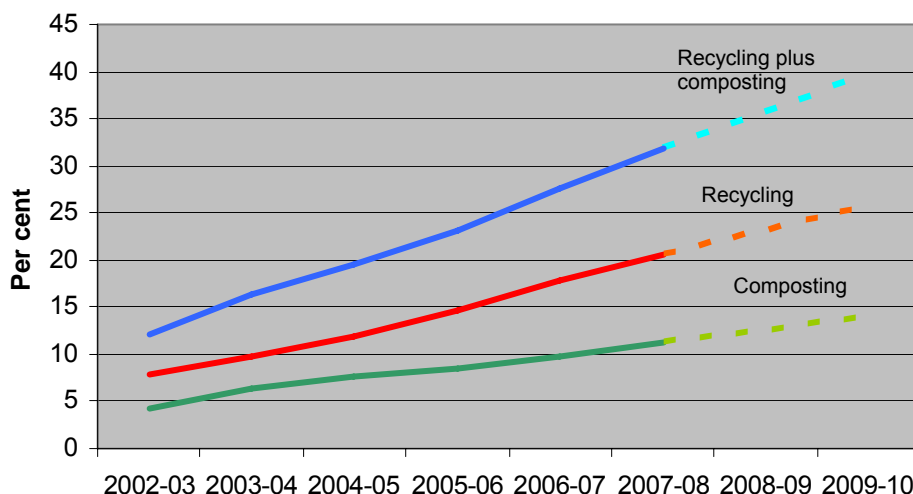


Figure 1 Recycling (red) and composting (green) rates in Wales from 2002-03 to 2007-08 (blue represents the combined recycling and composting rate), and projection of future performance. Source: Data Unit Wales³⁶ and Members' Research Service calculation

In 2003-04, the target of 15 per cent recycling and composting, with a minimum contribution of 5 per cent of each, was reached overall in Wales, although some local authorities in Wales failed to meet the target³⁷.

In 2006-07, the target of 25 per cent recycling and composting was reached overall in Wales, although the 10 per cent contribution of composting was not realised (the overall contribution of composting was 9.7%).

³⁵ Welsh Assembly Government, (2002) *Wise about waste: The national waste strategy for Wales: June 2002*, Cardiff: Welsh Assembly Government, part 2, p.87

³⁶ *Dissemination*, Data Unit Wales [Accessed 28 April 2009]

³⁷ Wales Audit Office, (2005) *Waste management: A challenging agenda for the Welsh public sector*, Cardiff: Audit Commission Wales, p. 10

Failing authorities were Ynys Môn, Denbighshire, Wrexham, Carmarthenshire, Neath Port Talbot, Cardiff, Rhondda Cynon Taf, Merthyr Tudful, and Blaenau Gwent.

The minimum recycling rate for 2009-10 (15 per cent) was reached in 2006-07. If the composting rate in Wales continues to increase at its five-year average of 1.4 percentage points, the composting target for 2009-10 of 15 per cent will be missed, by 1 per cent. Wales Audit Office notes that there is a risk of reaching a plateau for composting rates in the short and medium term because of the time delay in developing large composting infrastructure³⁸. The decision of the Welsh government that home composting can be counted towards local authority targets from April 2007³⁹ should have led to a greater increase in composting in 2007-08 than in recent years, although in fact the rate of increase has remained unchanged. The Welsh government's classification has not satisfied the European Commission's requirements to count towards diversion of BMW from landfill.

If the recycling and composting levels increase at their five-year average rates until 2009-10, the overall recycling and composting rate of 40 per cent will not be reached, with 25.7% recycling, and 14.0% composting (total 39.7%).

The levels of composting and recycling from 2002-03 to 2007-08 for each local authority in Wales and projections for 2009-10 are shown in Table 3, Annex B.

5.3 Household waste targets

Wise About Waste sets out the following targets for each local authority in Wales:

- By 2009/10 and beyond, waste arisings per household should be no greater than those in 1997/98 [1,094kg], and waste arisings per person should be less than 300kg per annum by 2020

The waste generated per household in Wales is shown in Table 4.

Table 4: Household waste arisings, 1996-97 to 2006-07

Year	Total household waste (tonnes) ⁴⁰	Number of households in Wales ⁴¹	Waste per household (kg)
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³⁸ Wales Audit Office, (2005) *Waste management: A challenging agenda for the Welsh public sector*, Cardiff: Audit Commission Wales

³⁹ Environment, Planning and Countryside Committee Paper (EPC(2) 02-07 Annex 3), *Progress on implementing recommendations from the EPC Committee's inquiry into meeting landfill and recycling targets*, 7 February 2007

⁴⁰ Data from 1996-97 to 2000-01 from: Welsh Assembly Government, (2002) *Wise about waste: The national waste strategy for Wales*: June 2002, Cardiff: Welsh Assembly Government, part 1, p.33

Data from 2001-02 to 2007-08 from: *Municipal waste management report for Wales, 2007-08*, *Statistics for Wales Statistical Bulletin*, SDR 177/2008, 30 October 2008



1996-97	1,277,000	1,174,000	1,088
1997-98	1,292,000	1,181,100	1,094
1998-99	1,330,000	1,185,800	1,122
1999-2000	1,413,000	1,190,000	1,187
2000-01	1,432,000	1,200,000	1,193
2001-02	1,456,000	1,209,300	1,204
2002-03	1,488,000	1,223,100	1,217
2003-04	1,522,000	1,235,600	1,232
2004-05	1,585,000	1,247,300	1,271
2005-06	1,542,000	1,259,800	1,224
2006-07	1,572,000	1,272,400	1,235
2007-08	1,543,000	1,285,100	1,200

Source: Welsh Assembly Government and Members' Research Service calculation

6. Legislative developments in Wales since 2002

6.1 *Proposed Shipment of Waste for Recovery (Community Involvement in Arrangements) (Wales) Measure*

Nerys Evans AM was successful in the ballot held for Member proposed Measures on 20 February 2008, and on 7 May 2008, the proposed Measure was given leave to undergo consideration by the Assembly. The proposed Measure was introduced on 5 November 2008⁴².

The purpose of the proposed Measure is to engender greater transparency and openness in the way that Welsh local authorities deal with recyclable waste, increasing public awareness of the destination of waste they send to be recycled. In particular, it would require local authorities to make publicly available information about the proportion of recyclable waste collected from households that is processed outside the European Community and European Free Trade Area (EFTA).

The proposed Measure has now been passed to the National Assembly for Wales' Legislation Committee No.1 for consideration and a public consultation was launched on 05 May 2009, closing on 15 June 2009⁴³.

6.2 *Environmental Protection and Waste Management Legislative Competence Order*

⁴¹ Data for 1996 to 2004 from National Assembly for Wales Statistical Directorate: [Household estimates for Wales by local authority, 1981-2004](#), *Welsh Assembly Government: StatsWales* [Accessed 30 April 2009]

Given that from 2001 to 2004, the number of households increased by approximately 1 per cent per year: (<http://new.wales.gov.uk/docrepos/40382/40382313/statistics/housing-2006/sdr139-2006.pdf?lang=en>), the number of households in the years 2005 to 2007 has been calculated accordingly.

⁴² *Proposed Shipment of Waste for Recovery (Community Involvement in Arrangements) (Wales) Measure* [accessed 24 March 2009]

⁴³ National Assembly for Wales, [Consultation on the proposed Shipment of Waste for Recovery \(Community Involvement in Arrangements\) \(Wales\) Measure](#), 05 May 2009. Further information about the Measure can be accessed here: http://www.assemblywales.org/bus-home/bus-legislation/bus-leg-measures/bus-legislation-measures-proposed_recycling.htm

On 19 June 2007, the Minister for Environment, Sustainability and Housing laid a Legislative Competence Order⁴⁴ (LCO) and gave a statement about the intentions of the Welsh Ministers in plenary⁴⁵. The proposed LCO seeks to confer powers to enable the Assembly to pass Measures in the area of environmental protection and waste management, "based on Welsh priorities, to our Welsh timescales, and in our Welsh context"⁴⁶. Although the Welsh Ministers already have executive and secondary legislative competence in these areas, it felt that the powers did not go far enough in enabling problems to be effectively tackled.

The *National Assembly for Wales (Legislative Competence) (No. 2) Order 2007*⁴⁷ seeks to amend the *Government of Wales Act 2006*⁴⁸ by inserting two new matters in the field of environmental protection (Field 6 within Schedule 5 to the 2006 Act). The two matters are:

- Matter 6.1: Collection, management, treatment and disposal of waste
- Matter 6.2: Environmental protection, including pollution, nuisances and hazardous substances

New powers in this Field will enable the Welsh Ministers to bring forward proposals for Measures with the aim of creating sustainable communities. Three specific areas in which these powers will be used are: improving local environmental quality, increasing recycling and improving waste management; and strengthening pollution controls.

A Committee was established to consider the LCO on 4 July 2007, and it published its report⁴⁹ on 29 November 2007. The LCO was referred to the Secretary of State for Wales in December 2007, and was referred by him to the UK Parliament for scrutiny on 27 April 2009⁵⁰. On 29 April 2009 the Welsh Affairs Committee issued a call for evidence on the LCO, which closes on 28 May 2009⁵¹.

6.3 *Banning plastic bags in Wales*

In February 2007 the Welsh government, along with Defra, the other devolved administrations and WRAP (the Waste and Resources Action Programme) announced a voluntary code with the retail industry to reduce the environmental impact of plastic bags, working to reduce the overall environmental impact by 25% by the end of 2008.

In June 2007, BBC Wales launched the project *if I ruled Wales*, which gave people the chance to vote for the laws they wanted to create in Wales. Following a public vote, a proposal to ban plastic bags was the most popular option, and was submitted as a petition to the Presiding Officer⁵².

⁴⁴ [National Assembly for Wales \(Legislative Competence\) \(No. 2\) Order 2007](#)

⁴⁵ [RoP](#), pp.39-42, 19 June 2007

⁴⁶ [ibid](#)

⁴⁷ [National Assembly for Wales \(Legislative Competence\) \(No. 2\) Order 2007](#)

⁴⁸ [Government of Wales Act 2006](#), (Chapter 32) [accessed 24 April 2009]

⁴⁹ **Proposed Environmental Protection and Waste Management LCO Committee**, [Proposed Environmental Protection and Waste Management LCO Committee report](#), CR LD 6893/07-11, 29 November 2007

⁵⁰ HC Deb 27 April 2009 [c39WS](#)

Further information about the LCO can be accessed from the National Assembly for Wales website [here](#).

⁵¹ Welsh Affairs Committee Press Release, [Pre-legislative scrutiny of the proposed Legislative Competence Order in Council on Environment: Call for written submissions](#), 29 April 2009

⁵² [Plastic bag wins popular vote](#), *BBC News Online*, 11 July 2007 [Accessed 24 April 2009]

The Petitions Committee of the National Assembly for Wales received the petition on 20 September 2007⁵³. After being referred to the Proposed Environmental Protection and Waste Management LCO Committee⁵⁴, the Petitions Committee decided to pass the petition on to the Sustainability Committee, who published their report on the petition in November 2008⁵⁵. The Committee did not support an outright ban, stating:

We have concerns about the ability of Wales to enforce a unilateral ban on plastic bags. Not only would it demand a large amount of resources to police, there are also issues for those communities living close to the English border. We do not consider that banning plastic bags in Wales would be a feasible option for the Welsh Assembly Government.

Key recommendations of the Committee were:

62. We believe that the imposition of a levy is the best and most practical form of intervention that the Welsh Assembly Government could make but that any profits raised from such a levy should be used for environmental benefits
63. We recommend, therefore, that the Welsh Assembly Government uses the powers given to it under section 75 of the *Climate Change Bill* as soon as possible to impose a levy on single use carrier bags at the point of sale. We believe that the levy should cover all types of carrier bag and not be limited to plastic
64. We also recommend that any monies raised by the levy should be used by an arms length body in an open and transparent way to fund environmental projects within Wales

Section 77 of the *Climate Change Act 2008* relates to Schedule 6: *Charges for single use carrier bags* and “confers power on the relevant national authority to make regulations about charges for single use carrier bags”⁵⁶.

In February 2009 the Minister for Environment, Sustainability and Housing laid a written response to the report⁵⁷. Accepting in principle recommendation 63, above, the Minister stated:

I see this as a milestone and not an end target, and hope that negotiations on a final target can be taken forward voluntarily, but my officials will be undertaking the preparatory work for making regulations on this issue should negotiations over a final target at an England, Wales and Northern Ireland level not prove satisfactory.

Recommendation 64, above, is also accepted in principle (should a levy be introduced in the future) with the additional comment:

The Welsh Assembly Government does not have any powers to enable it to dictate how any monies raised by a charge on single use carrier bags raised funds should be used.

⁵³ Petitions Committee, [Banning plastic bags](#), PET(3)02-07 (p7), 20 September 2007

⁵⁴ Petitions Committee, [Petition – banning plastic bags](#), P-03-063, 8 October 2007

⁵⁵ Sustainability Committee, [Report on the Sustainability Committee's Inquiry into Petition P-03-63: Banning Plastic Bags](#), November 2008

⁵⁶ *Climate Change Act 2008*, Chapter 27, p38

⁵⁷ [Written Response to the report on the Sustainability Committee's inquiry into Banning Plastic Bags](#), GEN-LD7380, 04 February 2009

Officials will continue to explore what options are available to the Welsh Assembly Government to implement this recommendation should a charge eventually be imposed.

7. Waste Policy in the UK

7.1 Scotland

In a Statement⁵⁸ to the Scottish Parliament on January 24 2008, the Rural Affairs and Environment Minister announced a review of Scotland's 2003 *National Waste Plan for Scotland*⁵⁹ with the ambitious intention of Scotland eventually becoming zero waste. As part of the new vision for Scotland a Zero Waste Think Tank was set up, alongside allocated zero waste funding of £154 million for the period 2008-11; £41.1 million in 2008-09, £54.4 million in 2009-10 and £58.7 million in 2010-11.⁶⁰

*The National Waste Management Plan for Scotland Regulations 2007*⁶¹ outline how Scottish Ministers are responsible for preparing the new Plan.

A consultation paper on potential legislative measures to implement zero waste⁶² was published in July 2008. Responses⁶³ to the consultation and an analysis of responses⁶⁴ have now been published.

The consultation paper included the following targets:

- The amount of municipal waste being recycled or composted is to be increased to 60% by 2020 and a new target of 70% by 2025
- Landfill from municipal waste is to be reduced to 5% by 2025
- No more than 25% municipal waste is to be used to generate energy by 2025
- Large, inefficient incinerators are to be rejected
- Stopping the growth in municipal waste by 2010

7.2 England

The *Waste Strategy for England 2007*⁶⁵ outlines the UK government's objectives for waste management in England. One of the most noteworthy differences from policy in Wales is a consultation on removing the ban on local authorities introducing household financial incentives for waste reduction and recycling in England. The document also commits to consult on restricting or

⁵⁸ Scottish Executive, Richard Lochhead (Rural Affairs and Environment Minister), [New Vision for Waste](#), Cabinet Oral Statement, 24 January 2008

⁵⁹ [The National Waste Plan](#), Scottish Environment Protection Agency, 2008 [Accessed 29 April 2009]

⁶⁰ [Zero Waste Fund](#), The Scottish Government, 2008 [Accessed 29 April 2009]

⁶¹ [The National Waste Management Plan for Scotland Regulations 2007](#), SI 2007/251

⁶² The Scottish Government, [A consultation paper on potential legislative measures to implement Zero Waste](#), 28 July 2008

⁶³ The Scottish Government, [Responses to the Zero Waste Consultation which was sent out on 28th July 2008](#), 06 January 2009

⁶⁴ The Scottish Government, [Consultation on Potential Legislative Measures to Implement Zero Waste: Analysis of Responses](#), 19 December 2008

⁶⁵ [Waste Strategy for England 2007](#), Cm 7086

banning the landfill of certain biodegradable waste and recyclable materials, and it also mentions considering initiating a system whereby people would 'opt-in' to receive direct marketing. Targets include:

- Reducing the amount of household waste not re-used, recycled or composted from over 22.2 million tonnes in 2000 by 29% to 15.8 million tonnes in 2010 with an aspiration to reduce it to 12.2 million tonnes in 2020: a reduction of 45%
- Recycling and composting of household waste to be at: 40% by 2010; 45% by 2015 and 50% by 2020
- Recovery of municipal waste to be at: 53% by 2010; 67% by 2015 and 75% by 2020

A *Waste Strategy Annual Progress Report 2007/08*⁶⁶ was published on 10 July 2008, presenting an overview on progress made in the last year on the actions set in the 2007 Strategy. Alongside highlighting what has been achieved since the publication of the 2007 Strategy it also sets out priorities for 2008-09 which include; packaging, the impact of higher commodity prices and defining the term "municipal waste".

7.3 Northern Ireland

After consultation in 2005, a new waste management strategy for Northern Ireland, *Towards Resource Management: The Northern Ireland Waste Management Strategy 2006 - 2020*⁶⁷ was published on 30 March 2006. The strategy places more emphasis on waste prevention, reinforcing the need to increase waste recycling and recovery through a mixture of approaches including the renewal of recycling targets, focused awareness campaigns and the possible introduction of incentive schemes. Targets include:

- 60% of commercial and industrial waste to be recycled by 2010
- 75% of construction, demolition and excavation wastes to be recycled or reused by 2020
- Recycling and composting of household wastes to be at: 35% by 2010; 40% by 2015 and 45% by 2020

The policies and actions identified in the strategy are applicable to all controlled wastes. A comprehensive set of waste stream summaries has also been published in *Volume 2: Waste Stream Summaries*⁶⁸ of the strategy.

⁶⁶ Department for the Environment, Food and Rural Affairs (Defra), (2008) [Waste Strategy Annual Progress Report 2007/08](#), London: Defra

⁶⁷ Northern Ireland Executive: Department of the Environment, (2006) [Towards Resource Management: The Northern Ireland Waste Management Strategy 2006 – 2020](#), Belfast: Northern Ireland Executive

⁶⁸ Northern Ireland Executive: Department of the Environment, (2006) [Towards Resource Management: The Northern Ireland Waste Management Strategy 2006 – 2020: Volume Two. Waste Stream Summaries](#), Belfast: Northern Ireland Executive

7.4 Republic of Ireland

A levy on plastic bags has been operation in the Republic of Ireland since March 2002. This had an immediate effect on consumer behaviour: plastic bag per capita usage decreased overnight from an estimated 328 bags to 21. After data from the levies remitted and 2006 Census indicated that plastic bag usage rose to 31 bags per capita during the course of 2006, the levy was raised to 22 cents (approximately 20 pence) in July 2007. This was intended to continue discouraging the use of plastic bags and reduce the per capita usage to the level achieved in 2002 or lower.⁶⁹

8. Related Cabinet Statements and press releases

8.1 Cabinet Statements

Welsh Assembly Government, Jane Davidson (Minister for Environment, Sustainability and Housing), [Consultation on a revised National Waste Strategy, Towards Zero Waste - One Wales: One Planet](#), Cabinet Written Statement, 29 April 2009

Welsh Assembly Government, Jane Davidson (Minister for Environment, Sustainability and Housing), [Summary of response to UK Committee on Climate Change Report](#), Cabinet Written Statement, 11 March 2009

Welsh Assembly Government, Jane Davidson (Minister for Environment, Sustainability and Housing), [Additional meeting of the Climate Change Commission for Wales](#), Cabinet Written Statement, 06 March 2009

Welsh Assembly Government, Jane Davidson (Minister for Environment, Sustainability and Housing), [Bio energy action plan consultation](#), Cabinet Oral Statement, 27 January 2009

Welsh Assembly Government, Jane Davidson (Minister for Environment, Sustainability and Housing), [Sustainable Development Annual Report 2007- 2008](#), Cabinet Written Statement, 15 January 2009

Welsh Assembly Government, Jane Davidson (Minister for Environment, Sustainability and Housing), [Publication of the Climate Change Strategy – High Level Policy Statement consultation](#), Cabinet Written Statement, 09 January 2009

Welsh Assembly Government, Rhodri Morgan (The First Minister), [Addressing the affordability of sustainable waste infrastructure in Wales](#), Decision Report Statement of Information: SF/FM/157/08, 17 December 2008

8.2 Press Releases

Welsh Assembly Government Press Release, [Wales sets new 70 per cent recycling target for all waste](#), 29 April 2009

⁶⁹ [The plastic bag levy](#), Government of Ireland: Environment, Heritage and Local Government Department, 2007 [Accessed 29 April 2009]
Enquiry no: 09/1215 Alison Castree

Welsh Assembly Government Press Release, [Bid for National Assembly to have powers to make environment legislation for Wales](#), 27 April 2009

Welsh Assembly Government Press Release, [First food waste-powered factory gets £500,000 energy boost](#), 22 April 2009

Welsh Assembly Government Press Release, [New bioenergy plan to lessen Wales' reliance on fossil fuels](#), 24 February 2009

Welsh Assembly Government Press Release, [£26 million to turn waste into bio-gas in Wales](#), 12 February 2009

Welsh Assembly Government Press Release, [New funding boost for next generation energy-from-waste plant in south Wales](#), 27 January 2009

Welsh Assembly Government Press Release, [Minister outlines zero landfill, zero waste future for Wales](#), 21 October 2008

Welsh Assembly Government Press Release, [Recycling hits new high in Wales](#), 3 October 2008

Welsh Assembly Government Press Release, [Wales on target to reduce landfill waste](#), 1 September 2008

Welsh Assembly Government Press Release, [Wales on target for better recycling figures](#), 30 July 2008

8.3 National press coverage

Shields, R., [How green are our valleys – welcome to no-waste Wales](#), *The Independent on Sunday*, 26 April 2009, p22

Annex A

Table 1: Local authorities projected to miss the 2009-10 or 2012-13 landfill targets based on the assumptions detailed in the text (authorities ranked in order of the biggest fine in 2012-13)

Local authority	Amount by which 2009-10 target would be missed (tonnes)	Amount of BMW in excess of limit (61 per cent of total municipal waste) (tonnes)	Possible fine in 2009-10 (£) ⁷⁰	Amount by which 2012-13 target would be missed (tonnes)	Amount of BMW in excess of limit (61 per cent of total municipal waste) (tonnes)	Possible fine in 2012-13 (£) ⁷¹
Carmarthenshire	2,000	1,200	240,000	15,600	9,500	1,900,000
Caerphilly				10,700	6,500	1,300,000
Cardiff				10,000	6,100	1,220,000
Gwynedd				9,400	5,700	1,140,000
Pembrokeshire				9,200	5,600	1,120,000
Flintshire				6,700	4,100	820,000
Vale of Glamorgan				6,100	3,700	740,000
Powys				5,800	3,500	700,000
Ceredigion	500	300	60,000	5,300	3,200	640,000
Rhondda Cynon Taf				5,300	3,200	640,000
Denbighshire				4,500	2,700	540,000
Blaenau Gwent				3,700	2,300	460,000
Merthyr Tydfil				1,900	1,200	240,000
Wrexham				200	100	20,000

Source: Members' Research Service calculation

This projection has been compared with a proportionate share⁷² of the amount allowable by *The Landfill (Scheme Year and Maximum Landfill Amount) Regulations 2004*⁷³.

The calculation does not take account of factors such as changing public attitudes to waste, or new recycling and composting facilities coming into operation. For this reason, and because the calculation is sensitive to the years chosen for the analysis of rate of reduction in landfill (in this case, 2002-03 and 2007-08), it should be noted that the values used in Table 1 are not forecasts, but are a projection of what could happen if recent landfilling trends were to continue until 2009-10 and 2012-13. All amounts of waste have been rounded to the nearest 100 tonnes.

⁷⁰ Based on the £200 per tonne penalty outlined in: [The Landfill Allowances Scheme \(Wales\) Regulations 2004](#), SI 2004/1490 (W.155)

⁷¹ Ibid

⁷² A calculation was made of each local authority's share of the 2009/10 allowances, and these values were used as the basis to calculate the distribution of allowances for authorities in 2012/13.

⁷³ [The Landfill \(Scheme Year and Maximum Landfill Amount\) Regulations 2004](#), SI 2004/1936



Annex B

Table 3 Projected composting and recycling rate for each local authority in 2009-10 if recent increases are maintained (authorities ranked in order of the least amount recycled in 2009-10)

Local authority	Composting and recycling rate (per cent)		Annual rate of increase, 2002-03 to 2007-08 (percentage points)	Composting and recycling rate in 2009-10 if increase stays constant (per cent)	Status of projection from last year (✓ indicates an improvement; X indicates a decline)
	2002-03 ⁷⁴	2007-08 ⁷⁵			
Blaenau Gwent	6.00	17.19	2.24	21.67	X
Merthyr Tydfil	9.50	24.20	2.94	30.08	✓
Carmarthenshire	13.55	26.64	2.62	31.88	X
Caerphilly	10.10	26.89	3.36	33.61	X
Cardiff	9.37	26.79	3.48	33.76	✓
Pembrokeshire	15.45	30.31	2.97	36.25	✓
Denbighshire	9.19	28.72	3.91	36.53	X
Swansea	12.60	30.14	3.51	37.16	X
Neath Port Talbot	3.09	27.60	4.90	37.40	X
Gwynedd	11.49	31.64	4.03	39.70	✓
WALES	12.07	31.81	3.95	39.71	✓
Rhondda Cynon Taf	10.32	31.54	4.24	40.03	✓
Bridgend	15.16	32.97	3.56	40.09	✓
Flintshire	12.47	32.83	4.07	40.97	X
Vale of Glamorgan	12.36	33.76	4.28	42.32	X
Newport	16.65	35.06	3.68	42.42	✓
Monmouthshire	11.28	34.96	4.74	44.43	X
Ynys Môn	10.80	35.03	4.85	44.72	✓
Torfaen	10.13	35.46	5.07	45.59	✓
Wrexham	13.93	36.89	4.59	46.07	✓
Powys	19.60	41.25	4.33	49.91	X
Conwy	16.43	40.37	4.79	49.95	✓
Ceredigion	20.35	46.64	5.26	57.16	X

Source: Data Unit Wales and Members' Research Service calculation

The levels of composting and recycling from 2002-03 to 2007-08 are known for each local authority in Wales. By calculating the rate of increase in composting and recycling, it is possible to project what these levels would be in 2009-10 if the increase is maintained at the five-year average. The Members' Research Service's calculation does not take account of factors such as changing public attitudes to composting and recycling, new composting and recycling facilities coming into operation, or the greater difficulty likely to be faced in increasing composting and recycling rates where high proportions of recoverable materials are already being collected.

⁷⁴ [Dissemination](#), Data Unit Wales, 2009 [Accessed 28 April 2009]

⁷⁵ [Dissemination](#), Data Unit Wales, 2009 [Accessed 28 April 2009]

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