



Department
for Environment
Food & Rural Affairs

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Defra Public Consultations

Waste Management Plan for England

Summary of Responses and Government Response

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Any enquiries regarding this document/publication should be sent to us at:

waste.planning@defra.gsi.gov.uk

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Purpose of the Consultation

The revised Waste Framework Directive 2008 (rWFD) requires each Member State to produce one or more waste management plans which cover, alone or in combination, the geographical territory of the Member State concerned. Northern Ireland, Wales, Scotland and Gibraltar are producing separate Waste Management Plans to cover their geographical territory. The Consultation and this Summary applies to England only.

Together with waste planning policy from the Department for Communities and Local Government “Planning for sustainable Waste Management”, the Waste Management Plan for England was designed to meet:-

- the mandatory requirements of Article 28 of the revised Waste Framework Directive; and
- the requirements of Schedule 1 to the Waste (England and Wales) Regulations 2011.

The purpose of the consultation was to seek views on whether the Plan, when combined with the updated waste planning policy, fulfils the obligations of Article 28 of the revised Waste Framework Directive.

The consultation documents comprised of:

- The Waste Management Plan for England
- an Environmental Report - produced as part of a Strategic Environmental Assessment,
- the non technical summary - outlining the main findings of the Environmental Report; and
- the impact assessment.

The consultation was initially planned to run for a four week period. Following representations from local authorities, the period was extended by a further four weeks. The consultation closed on 9th September 2013, although a few responses that were received later than that were accepted. This document summarises the responses received and how the Government will take forward the Plan in light of these responses.

Overview of the respondents

There were a total of 80 respondents, of which the main groups were as follows.

Local Authorities – 46 responses

Local authorities were the largest group of respondents. Some of these were from advisory bodies, partnerships and groups¹ with local authority membership. 20 responses agreed that the Waste Management Plan for England, combined with updated waste planning policy, would meet the requirements of Article 28 of the revised Waste Framework Directive, 17 were neutral and nine disagreed. However, even amongst those that agreed or were neutral, some felt that the draft Plan should have been more ambitious.

Private sector – 14 responses

Consultants, advisers in the waste industry and businesses in the waste sector were the second largest group to respond to the consultation. Seven agreed that the Plan met the requirements of Article 28, four were neutral and three disagreed. Many of the responses felt that the Plan was a missed opportunity.

Trade Associations – 10 responses

Trade association responses were, in the main, from waste related organisations. The responses were evenly split on whether the Plan met the requirements of Article 28; three agreed, four were neutral and three disagreed. This group of responses also provided considerable technical input on the content of the Plan.

Other responses – 10 responses

Five Non-Governmental Organisations/campaign groups, four members of the public and one charity involved in reuse responded. This group mostly disagreed that the Plan met the requirements of Article 28 of the revised Waste Framework Directive. This group also raised the lack of ambition in the Plan, role of reuse and some respondents argued that waste water associated with fracking and radioactive waste should be part of the Plan.

¹ If a response was sent separately supporting a group response, it has been counted as an individual response.

Summary of responses

Key stakeholders in the waste sector were contacted directly and informed of the consultation. Anyone with an interest had the opportunity to respond on the Citizen Space website.

Views were sought on three questions:

Question 1. Will the Waste Management Plan for England – when combined with the location specific guidance in the updated waste planning policy- meet the requirements of Article 28 of the revised Waste Framework Directive? If not, what else is, in your view, needed?

Question 2. Do you agree with the conclusions of the Environmental Report? If not, please provide appropriate evidence to support your view.

Question 3. Do you agree that there are likely to be no additional burdens for businesses, consumers and local authorities from adoption of the Plan? If not, please provide appropriate evidence to support your view.

Organisation type	Total	Question 1			Question 2				Question 3			
		Yes	Neutral	No	Yes	Neutral	No	NC	Yes	Neutral	No	NC
Local Authority	46	20	17	9	12	18	4	12	8	1	26	11
Private Sector	14	7	4	3	6	1	3	4	5	4	2	3
Trade Association	10	3	4	3	4	-	-	6	2	1	2	5
Other Responses	10	1	2	7	3	1	2	4	3	3	3	1
Total	80	31	27	22	25	20	9	26	18	9	33	20

Question 1 - Will the Waste Management Plan for England – when combined with the location specific guidance in the updated waste planning policy- meet the requirements of Article 28 of the revised Waste Framework Directive? If not, what else is, in your view, needed?

High level statistics

- All the respondents replied to this question.
- 31 (39%) of responses agreed that the Waste Management Plan for England met the requirements of Article 28 of the revised Waste Framework Directive and 22 (27.5%) disagreed.
- 27 (33.5%) responses were neutral, that is the respondents did not express a clear view one way or the other.

Key themes

Responses have been grouped into key themes with unattributed quotations from respondents that illustrate the views expressed.

- Some respondents raised concerns about the level of ambition in the Plan and felt that it was a missed opportunity to provide a strategic direction to waste and resources policy.

"...wish to record our disappointment at what we consider a missed opportunity for Defra to indicate a level of ambition for waste and resources policy over and above the minimum compliance approach"

Several comments were made that the draft Plan only complied with the bare minimum required from the revised Waste Framework Directive. The draft Plan did not address the non-mandatory parts of Article 28 (for example a Waste Management Plan may contain information on economic and other instruments and on the use of awareness campaigns)

"A 'plan' should explain what will happen in the future, rather than only give a historical perspective"

- Some neutral respondents suggested that only the European Commission could decide if the Plan met the requirements of Article 28 of the revised Waste Framework Directive.
- The scope of wastes covered by the Plan was raised especially in relation to radioactive waste management but also waste waters resulting from fracking.
- A number of respondents asked for clarity on which documents formed part of the Plan.
- Across the range of responses (agree, disagree and neutral), some respondents felt that the Plan could not be considered complete given the areas of policy and regulations that are currently being developed and not yet published such as:
 - The National Waste Prevention Programme
 - The updated national waste planning policy: Planning for sustainable waste management
 - MRF Code of Practice Regulations and Quality Action Plan
 - Technically, Environmentally and Economically Practicable (TEEP) guidance
 - The review of the producer responsibility for packaging systems.
- The data in the Plan on waste arisings, specifically on construction waste and on commercial and industrial waste were queried. In addition, respondents queried the data on imports and exports and asked for information on hazardous waste and waste oils.

“Consideration should be given at a national level to improving the means by which data on waste arisings / capacity is captured at the local level.”

- Some respondents commented on the waste hierarchy, for example on the circumstances in which incineration is recovery or disposal. A number of respondents felt that ‘inert’ materials should not be considered as disposal and classed more as recovery when used to restore quarries and mineral workings.

“...the restoration of mineral working with inert waste should not be classified as ‘disposal’ but as ‘recovery’. It enables mineral workings to be restored to productive use and thus is the ‘recycling and recovery’ of land.”

- Some respondents argued that – to meet the requirements of Article 28 – the draft needed to contain more on the need for future collection schemes or infrastructure. There were also comments on existing policies on collection schemes especially on the relationship between frequency of collections and recycling objectives.

- A number of other suggestions for the Plan were made including adding references to the role of the private sector in providing waste services, adding references to the Duty to Co-operate that local authorities have and that further clarification on how the proximity principle should be incorporated within the decision making process would be useful.

Government Response

We recognise, as several respondents commented, that it was difficult to provide a definitive answer to the question of whether the Plan met the requirements of the revised Waste Framework Directive. Nonetheless many respondents provided useful criticism and analysis which allowed us to strengthen the Plan. In particular, responses have identified areas where the Plan was not sufficiently clear or where there was a need for further data.

We have sought to address such points in the final Plan, for example by specifying the documents that contribute to the Plan and by including further data where available. We have also included reference to work in progress – such as the Electronic Duty of Care programme – which will improve data on waste management.

In drawing up the Plan, we recognised that there was already a comprehensive system of waste management in England and that a strategic review waste policy had taken place in 2011. We, therefore, decided that it was appropriate for the Plan to be a compilation of existing policies rather than a new departure.

However, some improvements have been made to ensure that we meet specific requirements of the Directive. In particular, we have added to the Plan a link to our assessment of future infrastructure needs. The assessment confirms that we have a high degree of confidence that we will achieve by 2020 the Landfill Directive target on diverting biodegradable waste from landfill.

We have also made a number of other changes to the Plan suggested by respondents including:

- clarifying the relationship between the Waste Management Plan for England and the Department for Communities and Local Government's "Planning for Sustainable Waste Management";
- reference to the role of the private sector in providing waste infrastructure;
and
- reference to local authorities' duty (in the Localism Act 2011) to co-operate.

Question 2 - Do you agree with the conclusions of the Environmental Report? If not, please provide appropriate evidence to support your view.

High level statistics

- 54 respondents replied to this question.
- 25 (46%) of those that responded agreed with the conclusions of the Environmental Report and 9 (17%) disagreed.
- 20 (37%) responses were neutral, that is the respondents did not express a clear view one way or the other.

Key themes

- The majority of the responses that agreed with the conclusions of the Environmental Report considered that the Plan would not have any significant impact on the environment given that no new policies on waste are being introduced by the Plan. The report was found useful by a number of respondents, but some requested that the findings should be reported clearly and more prominently.

“The Environmental Report is useful as a compendium of information and analysis but it is quite hard to understand what its conclusions are.”

- The majority of the respondents agreed with the conclusion of the report that managing waste higher up the waste hierarchy delivers a more positive environmental impact. However, some of the respondents felt that much of the focus was on recycling rather than areas such as re-use.

“...managing waste higher up the waste hierarchy can deliver a more positive environmental impact, a conclusion that most people would intuitively agree with in the absence of wider social and economic considerations.”

“the absence of concrete measures in areas such as re-use prevents the Environmental Report from being properly completed.”

- The majority of the neutral responses felt that the Environmental Report can only be interim conclusions based on an incomplete picture of all the policies that will be contributing to the Waste Management Plan for England. It was considered that the assessment is not as comprehensive as it would have been if the additional policies had been put in place fully before the report was compiled.

“It seems unlikely that all of the supporting documents that constitute the Plan have failed to have an environmental impact, and we suggest Defra reconsider this to avoid future challenge...”

- Two of the respondents felt that due to the assumptions adopted, and the aspects excluded from the SEA report, the conclusions underestimate the harm of incineration. Furthermore, the advantages of Advanced Conversion Technology (ACT) and Mechanical Biological Treatment (MBT) were not addressed in the Report.

“Although ACT when compared to MBI [Mass Burn Incinerator] may not seem massively more environmentally advantageous, the environmental benefits of the MBT it necessitates means that the overall package is much better in carbon and other environmental considerations.”

- Three respondents drew attention to the heavy reliance on kerbside collected food waste being transported to relatively local anaerobic digestion facilities, in the Report. This facility does not yet exist in all English regions. There was concern raised, by one respondent, that there is a bias in favour of separate collection of food waste going to anaerobic facilities and the Report had overlooked the potential of using food waste digesters and bioremediation to meet waste objectives.

“...unhappy about the assumptions about kerbside collected food waste being transported to relatively local anaerobic digestion facilities - an infrastructure that does not yet exist in all English regions and may not prove viable to establish.”

- The Environmental Report states that monitoring should be an important factor in the implementation of any plan, and this response was agreed by a few of the respondents. However, the report does highlight that it is difficult to carry out ongoing monitoring on some of the SEA objectives e.g. Air Pollution and Health Impacts and Climate Change. More information was requested on the frequency of monitoring and reporting to ensure that it is having a positive impact.

Government Response

We welcome the fact that most respondents agreed with the conclusions of the Environmental Report. We acknowledge the point made by respondents that some of the policies within the Plan – such as legislation on MRF quality - had yet to be finalised when the Plan was drawn up.

Such policies are subject to their own assessments. However, we recognise that, when the Plan is reviewed, it is likely that the actual impact of these policies will be considered within the Review.

Specific comments on the Environmental Report have been considered further in the “Post Adoption Statement – Waste Management Plan for England” which is being published alongside this document. The Post Adoption Statement sets out how the Environmental Report and comments made during consultation have been taken into account in the Plan. It also explains why we have chosen the options within the Plan rather than other reasonable alternatives. We have also made a number of changes to the Environmental Report in the light of the consultation responses.

Question 3 - Do you agree that there are likely to be no additional burdens for businesses, consumers and local authorities from adoption of the Plan? If not, please provide appropriate evidence to support your view.

High level statistics

- 60 respondents replied to this question.
- 18 (30%) of those that responded agreed that there are likely to be no additional burdens for businesses, consumers and local authorities from adoption of the Plan. However, a greater proportion of the respondents, 33 (55%), disagreed and thought that there were likely to be increased burdens.
- 9 (15%) responses were neutral that is the respondents did not express a clear view one way or the other.

Key themes

- The largest proportion of respondents, across all the responses (agreed, disagreed and neutral), believed that the Plan was a missed opportunity. Some considered that the fact that there were no additional burdens demonstrated that the goals were not ambitious enough.

“The Plan does not create additional burdens, but it represents a missed opportunity for England to be more ambitious in promoting waste prevention and resource efficiency which can ultimately benefit businesses, consumers and Local Authorities.”

- A significant number of the responses that disagreed believed, that directly due to the Plan’s lack of ambition, extra burdens would be placed on businesses and local authorities alike. They considered the failure of the Plan to have a comprehensive strategy for future waste management; or to set out a strong vision of what a zero waste or circular economy might look like, created uncertainty to future strategies.

“Government policy towards landfill tax after 2014/15 is unknown. As this is the “main” fiscal driver, we do not understand how we can draw definitive conclusions without clarity on the future of this policy. Landfill tax is not mentioned within the Impact Assessment.”

“The lack of a clear framework for the development of waste management infrastructure is likely to lead to significant additional burdens for business, consumers and local authorities.”

“Uncertainty will create greater possibilities for challenge leading to abortive costs for developers. Local authorities will have to spend more on developing their own strategies which will require a greater level of justification due to the lack of a clear framework.”

- A large number of those that disagreed with this question considered that the outstanding policies and guidance e.g. TEEP, MRF Code of Practice and Quality Action Plan, etc. could increase burdens on businesses, consumers and local authorities. A significant number of responses that agreed or had a neutral response had similar concerns.

“The Plan refers to a number of plans and guidance documents such as the Waste Prevention Programme for England, regulations relating to the Material Recovery Facilities (MRF Code of Practice) and TEEP guidance that are not finalised yet. Defra should provide more evidence on the potential impacts of these plans and guidance documents before concluding that the Plan is not likely to cause additional burdens for businesses, consumers and local authorities.”

- Some respondents that disagreed stated that greater burdens should be placed on businesses and other stakeholders and the lack of burdens highlighted the lack of ambition of the Plan.

“all the above need to feel the burden so that as a race we can work to eliminate landfill wastes.”

- Some local authorities raised specific issues on the impact to themselves, such as funding and achieving their current targets. They believed that even though the costs may not have changed, the resources available to them had been significantly reduced and this would impact on the service they would be able to provide and achievements of their targets.

“...at this point that although costs are unchanged, the resources available to local authorities have significantly reduced recently, particularly with adjustments by Government to formula spend.”

“...the Plan ought to recognise that the economic context has changed since many of the policies and plans, brought together in the consultation document, were originally developed.”

“...concerned that recycling rates are stagnating particularly in high achieving councils and that the 50% recycling rate may not be as easy to reach as predicted.”

Government Response

The responses received did not identify any policies within the Plan which will lead to additional costs. As is stated within the document, the Waste Management Plan for England is a high level document which does not introduce any new policies or measures.

We consider, therefore, that the Impact Assessment provides a reasonable estimate of costs and benefits of the Waste Management Plan for England.

However, as some respondents have said, a few of the policies within the Plan are yet to be finalised. Any cost implications arising from changes to such policies will be taken into account with the Impact Assessments for those policies and in future revisions of the Plan.

The other major comment made was that some stakeholders felt that the absence of certain material from the Plan – rather than the content of the Plan itself – could lead to extra costs. For example, that the absence of a clear strategic framework could make local authority decisions more vulnerable to challenge. The Government believes that the compilation of existing policies within the Plan, the updated statement of national planning policy for waste and the specific guidance available in local plans will mitigate this risk.