

# Pwyllgor Deddfwriaethol Rhif 4

*Nid yw'r dudalen ar gael yn y Gymraeg*

**LC4(3)-07-10 : Paper 2**

## **Proposed Waste (Wales) Measure**

### **Written Evidence to Legislation Committee 4 submitted by Cylch**

Please accept this document as Cylch - Wales Community Recycling Network's response to the consultation on the proposed Waste (Wales) Measure.

Cylch is an umbrella organisation that promotes sustainable resource management through education and practical action. Cylch promotes community ownership of the waste issue. Waste materials are a valuable resource and, if managed effectively, can create environmental, social and economic benefits for local people. Cylch Membership includes 65 community waste minimisation, reuse, recycling and composting enterprises throughout Wales. These organisations provide employment and training for a broad cross-section of the local community, including the long-term unemployed, and people with special needs. In this model, sustainable resource management goes hand in hand with community regeneration.

In 2008-09 Cylch Members diverted 31,857 tonnes of material from landfill. This included the reuse of 4,142 tonnes of material, recycling of 20,232 tonnes and composting of 7,481 tonnes. Cylch Members operate in 20 local authority areas in Wales. The sector employs 809 part and full time staff and offers a variety of work based placements for 1,999 people including social service clients, current offenders and intermediate labour market (ILM) workers. Cylch Members provided volunteering opportunities for 1,660 individuals during 08-09. A total of 9% of the Cylch Member workforce (including volunteers) are registered disabled. The annual turnover of the sector in 08-09 was £21.2m, 66% of which was earned income.

### **Consultation Questions**

1. Is there a need for a proposed Measure to deliver the stated objectives of making provision to reduce the amount of waste and litter in Wales and contributing to the development of more effective waste management arrangements in Wales?

Yes there is a need for a proposed Measure to deliver the stated objectives of making provision to reduce the amount of waste and litter in Wales and contribute to the development of more effective waste management arrangements in Wales.

3. Are the sections of the proposed Measure appropriate in terms of achieving the stated objectives?

a) require retailers to apply the net proceeds of revenues raised from the sale of single use carrier bags to specific environmental purposes or bodies (sections 1-2)

Cylch believes that the net proceeds of revenues raised from the sale of single use carrier bags should reflect a downward trend in the use of these bags. Cylch is of the strong opinion that a voluntary code with only large retailers (20-50 retailers) is not enough to achieve this trend. It is imperative that legislative options are used to ensure all retailers (large and small) introduce a charge for single use carrier bags. As indicated in the Explanatory Memorandum, of the 8,500 retailers in Wales only approximately 250 are classified as large businesses.

Cylch agrees that funds raised from the charge should be spent on environmental projects in Wales. Welsh Ministers should ensure that powers under this Measure stipulate where the net proceeds of revenues raised from the sale of single use carrier bags should go. If adequate legislative powers are not used, Cylch has grave concerns as to whether the proceeds will be used appropriately and for maximum effect.

Cylch would like to see additional information on what steps will be taken to ensure the monies generated by individual retailers have been spent appropriately. For example, is it ok for a retailer to fund environmental projects delivered through the public sector and private businesses or only through third sector organisations? Without adequate systems in place, the Welsh Assembly Government is relying on retailers to determine what constitutes an environmental project. This is open to misunderstanding and abuse which could result in environmental damage and mis-use of the levy.

Cylch would like to see at least some of the funds used to support environmental projects that help in the delivery of the Wales Waste Strategy and Wales' sustainable development goals. Such projects will also help reinforce the behaviour change message which is fundamental to the charge on single use carrier bags. Cylch would like to ensure that no monies from the levy are used to support residual waste treatment options.

Some monies from the Fund could be used to support waste minimisation and reuse initiatives which need significant effort if we are to achieve our one planet living goal by 2050. Cylch Member organisations could play a role in delivering such initiatives and would welcome further funding support. In conjunction with this, a wide range of environmental projects could be supported through the Environment Wales initiative, of which Cylch is a core partner.

It should also be noted, that monies generated through the proposed levy have the potential to go much further if invested appropriately from the outset. For example, if monies were drawn into a central fund invested in the Charity Bank in Wales or via the Wales Sustainability Reinvestment Trust, they could be used to provide grants and loan finance to environmental projects in Wales. The interest generated on the central fund and returns on investments would provide a revolving fund with the ability to maximise the financial (and environmental) benefit the levy could bring.

b) establish waste targets (sections 3-8), particularly in relation to:

recycling, preparation for re-use and composting targets (section 3);

regulations about penalties (section 4);

monitoring and auditing compliance with targets (section 5);

regulations about penalties (section 6);

consulting the Environment Agency, each local authority and appropriate Welsh Ministers (Section 7);

guidance administered by Welsh Ministers (section 8)

Cylch had hoped that this Measure would seek devolved powers to legislate for variable charging. The best tool to give local authorities to help them achieve adequate levels of waste reduction is the power to charge for household waste collections based on weight. Cylch is disappointed that, although waste reduction is at the top of the waste hierarchy, powers to help achieve it are not covered in this Measure. This is despite the fact that Towards Zero Waste strongly emphasises the massive levels of waste reduction needed to achieve one planet living targets by 2050.

In conjunction with this, Cylch would like to see mandatory recycling/ reuse credits in Wales as is the case in England. Cylch is disappointed that this is not covered in the Measure.

In terms of waste targets for preparation for reuse, Cylch would like to see specific targets for the reuse of WEEE. The WEEE Directive has been ineffective in encouraging reuse of WEEE and something needs to be done on a Wales level to ensure that valuable resources within WEEE remain in Wales. Within the Cylch Membership, we are seeing organisations that cannot access WEEE for repair and reuse for their client base. This material is going outside Wales for recycling which contravenes the waste hierarchy and does not deliver maximum sustainable development benefits for Wales and its citizens.

A specific preparation for reuse target for WEEE will help the WEEE Directive get back on track with Welsh Assembly policy such as Towards Zero Waste, the Social Enterprise Action Plan for Wales and the Sustainable Development Scheme. Issues being experienced by our Members include:

Local arrangements for white goods reuse and repair have been lost thus increasing local costs for delivery of social inclusion benefits

Opportunities for reuse and repair of WEEE are limited as a least cost collection model involves bulk transfer by skip which impacts on the availability and quality of items

UK national contracts have been let which tie up the bulk of WEEE within a UK market adversely affecting the availability of WEEE.

c)make regulations to prohibit the deposit of waste in a landfill (sections 9-11), including:

civil sanctions (section 10); and

consultation (section 11)

Cylch would like to see the opportunity for Wales to instigate landfill bans of specific materials e.g. plastic and welcomes the consultation from DEFRA/ WAG on this topic. Cylch will respond to this consultation separately.

d)establish plans for the management and disposal of site waste and penalties in relation to failure to comply with these provisions (sections 12-13)

e)make general provision (sections 15-20), particularly in relation to:

interpretation (section 15)

orders and regulation: procedures (section 18)

4. What are the potential barriers to implementing the provisions of the proposed Measure (if any) and does the proposed Measure take account of them?

Cylch welcomes the provisions of powers to make regulations about fees and charging schemes in relation to Site Waste Management Plans for construction and demolition waste.

6. Are there any other comments you wish to make about specific sections of the proposed Measure?

Cylch has some serious concerns about the proposed Measure, which include:

#### 1. The efficacy of monitoring and reporting

Cylch has made a formal complaint to the European Commission regarding the mis-reporting of UK Government compliance with Article 5 of the Landfill Directive. Cylch believes that data submitted to the WasteDataFlow is inaccurate. The way that some local authorities collect materials for recycling makes it impossible for accurate reporting of the diversion of biodegradable municipal wastes from landfill. In particular, poor quality grades of paper and card are traded between primary, secondary and tertiary Materials Recycling Facilities (MRFs). This trade is fuelled by expensive contracts, where local authorities pay successive sorting facilities large sums to sort material; some of which is of such poor quality it is subsequently landfilled. In some instances these tonnages are claimed as recycled. Even lorry loads that are delivered and accepted by UK reprocessors can contain quite a measurable percentage of "contrary" materials that are then landfilled. These materials may still be reported as having been recycled by the Local Authority of origin. How can WAG monitor recycling targets when such inaccuracies in reporting take place?

#### 2. Compliance with the revised Waste Framework Directive

The revised Waste Framework Directive requires separate collection of recyclables and bans the mixing of different materials. The UK Government is seeking to re-write the Directive to allow for collections that are not separate and that are based on mixing of different materials.

As part of the Campaign for Real Recycling ([www.realrecycling.org.uk/](http://www.realrecycling.org.uk/)) Cylch is contributing to a challenge of the UK Government on these issues. The Waste (Wales) Measure could be challenged in a similar way if it allows co-mingled rather than separate collections of materials.

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