

By email to:
wasteplanning@zeus.gsi.gov.uk



Haroona Chughtai,
Policy Lead for Waste Infrastructure Policy
Waste Infrastructure and Planning,
Defra

9 September 2013

Dear Ms Chughtai

RE: WASTE MANAGEMENT PLAN FOR ENGLAND

Thank you for providing the North London Waste Authority (NLWA) with the opportunity to respond to the above consultation. NLWA is the second largest waste disposal authority in England in terms of tonnage of material managed and is one of four waste disposal authorities in the capital. The seven waste collection authorities in north London (Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest) collect circa 850,000 tonnes of municipal waste per annum.

In terms of waste planning the seven boroughs are also working together as local planning authorities to produce a joint waste development plan document which will set the land use planning framework for waste facilities in the area into the future in addition to setting common policies against which waste facility planning applications will be assessed.

The Authority responded to the Waste Review consultation two years ago and prior to that to the consultation that led to the publication of Waste Strategy 2007.

It is hoped that the comments which follow prove helpful. However, if you have any comments or queries please do not hesitate to contact me on tel: 0208 489 1412 or email: tim.judson@nlwa.gov.uk

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tim Judson', is written above a solid black horizontal line.

Tim Judson
Director of Procurement

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?

- 1.1 The Authority considers that, as currently drafted, the Waste Management Plan for England (the Plan), does not meet the requirements of article 28 of the revised Waste Framework Directive. However, once it has been combined with the location specific guidance in the 'Updated waste planning policy: Planning for sustainable waste management' (currently Planning Policy Statement 10 (PPS10)) it should then meet the requirements of article 28 of the revised Waste Framework Directive.
- 1.2 The Impact Assessment for the Waste Management Plan additionally refers to 'Waste Strategy 2007, in conjunction with the DCLG guidance' continuing to fulfil the role of the national level waste plan for England until the Waste Management Plan is adopted. Thereafter it is understood that the Waste Management Plan, (which refers to the Waste Review 2011), will supersede the above. However, it should only do so once the updated national planning policy on waste has been adopted and is in place too. These two documents: The Waste Management Plan for England and the Updated national waste planning policy: Planning for sustainable waste management combined with the Waste Prevention Programme for England should fulfil the requirements of both article 28 of the revised Waste Framework Directive and the additional requirement in the Directive for Member States to establish waste prevention programmes by 12 December 2013.
- 1.3 The Authority appreciates the government's recognition of the interplay between the documents referred to above and the resultant changes to consultation time periods that have now been introduced. In particular the Authority is pleased that the 'Updated national waste planning policy: Planning for sustainable waste management' has now been issued for consultation (between 29 July and 23 September) and that the time period for this consultation on the Waste Management Plan has been extended to end on 9 September, so that the two consultations can be reviewed together and for a longer period in order to positively contribute to both. However, whilst the timetables for the two consultations are now overlapping, the consultations themselves are not being co-ordinated in any other way such that it is more difficult to assess the government's compliance with article 28 of the revised Waste Framework Directive.

- 1.4 It will be helpful, following the completion of this consultation and the implementation of the Waste Management Plan and the updated waste planning policy for a document to be produced which summarises the elements of both or which references both documents so that on a practical level people implementing elements of one document can cross refer to any additional relevant requirements which may be contained within accompanying one.
- 1.5 In terms of the draft Waste Management Plan provided, the Authority also comments that the level of information and scope of the different elements making up the Plan is somewhat variable, because there are different pieces of legislation driving the different elements within the Plan.
The Authority would accordingly suggest that the Plan is reviewed with a view to making the descriptions and length of each description consistent.
- 1.6 Additionally there may be contradictions between the different elements of the Plan as a result, which are quite problematic to identify without the detail of the different elements being included within the Plan. Mandatory Requirement (c) from article 28 of the Revised Waste Framework Directive as set out in an attachment to the consultation letter for example refers to the requirement for ‘an assessment of the need for new collection schemes.’ On page 17 of the Plan the document states that “*Waste services, more specifically waste collection schemes and major disposal and recovery installations, are a matter for local authorities to develop fit for purpose local solutions within the context of the Environmental Protection Act 1990 and subsequent Regulations*”. On the other hand, on page 29, the Plan states “*We will work with councils to increase the frequency and quality of rubbish collections and make it easier to recycle*”. The Plan needs to be consistent regarding the different elements of the Plan.
- 1.7 Because there are multiple references to different pieces of legislation that combine to make up the Plan, it would also be helpful if there could be a table showing the different elements of the Plan and including a paragraph summary briefly detailing the requirements within each piece of legislation; its scope; renewal points if appropriate, as in the case of packaging legislation and targets; and then some comment regarding how one piece of legislation or strategy might overlap and link to others within the Plan. This would ensure that from the point of view of practically implementing the Plan that any overlaps or inconsistencies as detailed above would be highlighted.

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

- 2.1 The Authority agrees with the conclusions of the Environmental Report but is concerned that the Environmental Report has been produced without consideration of the impacts of waste planning which will be incorporated within the Waste Management Plan for England in due course and once an updated waste planning framework has been developed.
- 2.2 The SEA Environmental Report can only consider the Plan as it stands and specifically excludes consideration of the impact and alternatives associated with waste planning that will be set out in a new waste planning framework as a replacement to PPS10. This means that the environmental impact assessment is not as comprehensive as it would have been if the additional pieces of legislation had been put into place. The assessment is not flawed, because it adequately assesses the impact of Plan as it stands, but because the planning framework is not in place we cannot see the overall impact of the final Plan when it is completed.
- 2.3 Additionally, the environmental report notes that it will be quite difficult to carry out ongoing monitoring of the Plan against some of the SEA objectives. For example regarding the monitoring approach for Objective 2 on Climate Change, the SEA Environmental Report states that “Benefits from waste prevention, product reuse, or recycling activities are unlikely to be fully captured by current monitoring arrangements where the associated reduction in primary manufacture occurs overseas.” For Objective 3 on Air Pollution and Health Impacts, the SEA Environmental Report also states that “It will be extremely difficult to properly consider local air pollution benefits associated with waste prevention, reuse and recycling activities as a result of the highly dispersed nature of the manufacturing activity that results in the production of goods consumed in the UK. Given the nature of the impacts, and the difficulty of monitoring, it is likely that attempting to monitor such activities specifically will be disproportionate.”
- 2.4 Notwithstanding the difficulties of monitoring the environmental impact of the implementation of the Plan against different SEA objectives as noted above, the Authority also appreciates the difficulties of monitoring the impact of a plan which consists of several different pieces of waste legislation and strategy in order to implement it. The Authority also has some concerns about the ongoing monitoring requirements and ability to monitor the impact of the implementation of

the Plan given the various different pieces of legislation and strategy that come together to make up the Plan. The Authority would suggest that another table might usefully be produced which outlines each of the SEA objectives, details which pieces of legislation or strategy implementation will contribute towards that objective and then how each or the combined group impact will be monitored.

2.5 The Authority's experience in north London of monitoring the impact of the joint waste strategy for the area in line with the SEA Directive requirements is that some of the indicators are more easily monitored than others. For some objectives, the Authority has also been unable to commence monitoring from the outset of the implementation of the Plan because the different timescales in which different elements are undertaken.

2.6 The Authority concurs that the introduction of the Plan is not considered to have any significant impact on the environment as no new waste management measures are being introduced. However, the Authority is concerned about the practical ability to provide robust environmental monitoring information about the environmental impact of the plan across a number of SEA objectives when the drivers for action consist of a diverse range of strategic and legislative measures, some of which already have monitoring regimes in place and some do not.

It might be appropriate to consider including a review point within the Plan monitoring process at which the applicability and the ease with which the different elements being monitored is reviewed.

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.

3.1 The Authority does not agree with this statement. 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 yet finalised. Additionally, waste planning guidance and the resulting updated national waste planning policy, which will be an important component of waste management in England going forwards, is also currently under review.

3.2 Defra should provide more evidence on the potential impacts of these plans and guidance documents i.e. the complete set of documents which will make up the

Plan, before concluding that the Plan is unlikely to cause additional burdens for businesses, consumers and local authorities.

- 3.3 In particular in the light of the comments that the Authority has made above, there may be additional monitoring and reporting requirements and burdens associated with bringing together the data from implementing different pieces of legislation and strategy that make up the totality of the Plan. It may not be possible to assess the full impact of this monitoring regime until some of the additional pieces of legislation and strategy are in place, or have at least been drafted.
- 3.4 The Authority therefore considers that it is premature to suggest that there is likely to be no additional burdens for businesses, consumers and local authorities from adoption of the Plan.

Concluding Remarks

- 4.1 The consultation document is clear that the Plan had been produced to ensure compliance with the revised Waste Framework Directive and to enable England to move towards a zero waste economy. The impact assessment notes that until all the UK's waste plans are submitted and accepted by the European Commission, there is a risk that the Commission will take action against the UK and ultimately that fines may be imposed. The impact assessment notes that these fines are not quantified and are dependent on individual circumstances, but that they could amount to £500,000 per day of non-compliance.
- 4.2 In the light of the above, the Authority accepts that the Plan does not intend to break new policy ground. The draft Waste Management Plan for England also provides a useful summary of Defra's waste policies, with links and references to existing strategies, plans and guidance documents that contribute towards the Plan.
- 4.3 The Authority's key concern, as noted above, is that one of the major contributions to waste management in England, i.e. the waste planning framework is currently being consulted upon at the same time and is therefore not finalised. Other pieces of waste management strategy which could also significantly contribute to the Plan are also under review, such as the Waste Prevention Programme for England.

- 4.4 As the 'Updated national waste planning policy: Planning for sustainable waste management' has subsequently been issued for consultation this assists in understanding impacts, but because the Waste Management Plan for England and the 'Updated national waste planning policy: Planning for sustainable waste management' are being consulted upon separately it makes it difficult to properly assess the impact of the proposals in the round.
- 4.5 There is also a separate point regarding whether Defra should be more ambitious in terms of exceeding the Waste Framework Directive targets and what more could be done to build a circular economy, given the stated aim in the Impact Assessment for the Waste Management Plan for England to 'enable England to move towards a zero waste economy' as well as to 'comply with EU Directives on waste.' The Authority's response to the Waste Prevention Programme consultation addresses the Authority's comments on the strategic vision and proposed implementation approach for waste prevention in more detail.

