

RIBBLE VALLEY BOROUGH COUNCIL

REPORT TO COMMUNITY SERVICES COMMITTEE

meeting date: 9 MARCH 2022
title: DEFRA WASTE CONSULTATIONS
submitted by: DIRECTOR OF COMMUNITY SERVICES
principal author: LINDA BOYER, WASTE MANAGEMENT OFFICER

1 PURPOSE

1.1 To inform Committee of two major waste consultations open for comment until 15th April 2022

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives – To sustain a strong and prosperous Ribble Valley.
- Corporate Priorities – To protect and enhance the existing environmental quality of our area.

2 BACKGROUND

2.1 First, a UK wide consultation on the introduction of mandatory digital waste tracking; and secondly, a consultation on the reform of the waste carrier, broker, dealer registration in England (“**CBD**”). Subject to the results of the consultations, it is anticipated that the newly proposed digital waste tracking service, and the proposed CBD reform will be implemented in 2023/24.

2.2 The Aim of the Proposals

The two consultations are inter-related. Both aim to move towards a more circular economy, making it necessary to obtain more information about waste, its origin, who is handling it, and where it ends up. Defra cites the 200 million tonnes of waste produced in the UK each year, yet the absence of any single or comprehensive way of tracking it; the current paper-based record-keeping making it difficult for companies to demonstrate compliance with industry reporting requirements and providing rogue operators with an opportunity to exploit the system and commit waste crime. The aim is to integrate and simplify the recording of waste movements and transfers; improve the quality, accuracy, accessibility, -and usefulness of such data; and enable businesses to demonstrate their compliance with the waste hierarchy elements of the applicable duty of care code of practice. The CBD consultation specifically aims to ensure that those involved in moving waste follow the necessary rules, comply with the electronic waste tracking system, and ensure competence by those in the waste management chain.

2.3 Key Proposals

UK Digital Waste Tracking

The proposal is that controlled waste is covered by information recording requirements for a digital waste tracking service. This will monitor the waste from production to end

point, with a digital record created to demonstrate compliance with the applicable duty of care responsibilities, and where applicable (in the case of waste site operators), compliance with any waste permits, licenses or registrations held.

The waste tracking service will use a single, comprehensive, and consistent approach. Current recording requirements for hazardous waste activities will be the basis for this approach, which would mean that the same activities would be recorded for both hazardous and non-hazardous waste.

It is proposed that more onus is placed on the producers of waste, they will continue to have responsibility over how their waste is handled, and if not entering information onto the tracker themselves, must instead provide a suitable description of the waste to enable classification prior to the waste being moved.

2.4 English CBD Reform

This consultation aims to update key regulations for those involved in the transporting and management of waste, to ensure that only “appropriate” people are in control of waste.

The current terminology for waste CBDs will be revised to create 2 distinct roles:

- the “**waste transporter**” who physically transports waste as instructed but does not classify it or decide its destination (RVBC); and
- the “**waste controller**” who takes responsibility for classifying waste and deciding where it is taken, and then arranges for a transporter to carry out the physical transportation. (LCC)

Feedback is also sought on the move from a registration to a permit-based system, the types of permits available and how different activities would fall to be covered by permits (and possible exemptions). Three different types of permits are available (transporter only, controller only, both transporter and controller).

Views are also sought on the proposed introduction of a technical competence element for permits (and possible future assessments) - a phased introduction being suggested to allow the industry to prepare. Consideration is also given to the display of permit numbers on all transporter and controller advertising and business vehicles.

When putting the new system into place, it is proposed that those on an existing upper tier registration will need to apply for the relevant permit when their registration is due for renewal (creating a staggered approach), whereas for those with existing lower tier registrations (RVBC), it will be necessary to either register for an exemption or apply for a permit within 12-months of the system going ‘live’ (likely 2023/2024). Once in place, permit renewals may be introduced, with a self-declaration aspect built in to ensure the conditions of the permit are still met, and the required technical competency up to date.

2.5 Enforcement

Both consultations seek feedback on proposed enforcement powers:

- the digital waste tracking consultation looks to the Environment Act 2021 for the necessary powers to create criminal offences punishable with a fine for a failure to

comply with regulations (provisions are also included on the imposition of civil sanctions by an enforcement authority).

- the CBD consultation looks to move away from the current regime which have limited enforcement powers, to the Pollution Prevention and Control Act 1999 and Environmental Permitting (England and Wales) Regulations 2016 as amended (“**ERPs**”) to provide an alternative way in which to ensure compliance with the proposals (Part 4 of ERPs detailing the enforcement and offences regime).

2.6 Comment

The proposed changes seek to increase accountability not only across the waste management sector, but also for those producing waste. The data obtained will allow companies (and some third parties) to have a detailed insight as to the ‘end location’ of their waste, facilitating the ability to track the extent to which waste hierarchy policies are being followed (prevention, reuse and recycling taking priority over recovery, and lastly disposal) and ensuring compliance with the duty of care, such that the production, storage, transport and disposal of waste is done without harming the environment.

3 RISK ASSESSMENT

3.1 The approval of this report may have the following implications:

- Resources –At this stage it is considered that there will be none.
- Technical, Environmental and Legal – This Council already receives a permit for the Waste Transfer Station.
- Political – The consultation appears to be combating illegal tipping and should be welcomed by the general public.
- Reputation – This should have no effect on the Councils’ reputation.

RECOMMENDED THAT COMMITTEE

3.1 Note the report.

LINDA BOYER
WASTE MANAGEMENT OFFICER

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS
(If any)

For further information please ask for Linda Boyer, extension 4467.