

# Environmental Protection and Waste Management LCO Committee – Evidence by the WLGA

September 2007



WLGA • CLILC

## INTRODUCTION

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, and the three national park authorities, the three fire and rescue authorities, and four police authorities are associate members.
2. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.
3. The Association welcomes the opportunity to give evidence to one of the first legislative competency order committees of the National Assembly for Wales. The area that is being examined strikes to the very heart of community well-being and provision of public services. Environmental conservation and enhancement are key determinants of the general perception of an area and the quality of life in our communities. There is a strong correlation between social justice and environmental justice: with our most deprived communities in economic terms also most likely to suffer from environmental degradation. A healthy environment is thus critical for a vibrant economy and social justice.
4. The Legislative Competence Order laid on 19 June 2007 seeks to allow the Assembly to pass Measures in the area of environmental protection and waste management. Specifically it seeks to amend the Government of Wales Act 2006 by inserting two new matters under field 6 (environment) of Schedule 5 of the Act. Namely:
  - Matter 6.1: Collection, management, treatment and disposal of waste
  - Matter 6.2: Environmental protection, including pollution, nuisances and hazardous substances.

### **Waste Management: Tackling the Symptoms Rather than the Causes?**

5. The proposed LCO seeks provision for the Assembly to have full competence over the “collection, management, treatment and disposal of waste”; there is no reference to ‘waste minimisation’ nor ‘reduction’. As currently drafted it would appear that the focus of any ensuing Measures would be on tackling the symptoms rather than

preventing the problem. Over the last few years the Association has consistently argued that more attention needs to be focused on the minimisation/reduction of waste. We would appreciate clarification that the proposed LCO would allow this. For example, in recent answers to Assembly questions and in introducing the proposed LCO, the Minister for Environment, Sustainability and Housing has mentioned higher recycling/composting targets and cited as an example, the Flanders Region in Belgium. One of the key reasons why our European neighbours have higher recycling rates is that they have instigated a system of producer responsibility to tackle issues of packaging etc. In Flanders such schemes contribute not only to reducing the amount of waste generated but also to the financing of waste management. Would the LCO provide the Assembly with powers to instigate a similar system in Wales given that the current wording only refers to collection, management, treatment and disposal of waste? We fully appreciate that packaging is a national issue, but understand that the Assembly already has powers over certain aspects of packaging regulations such as fines etc. and believe that more needs to be done in this regard if Wales is to achieve its sustainable development duty and create a positive environment in which Councils can succeed.

6. The discussion about the waste management provisions of the proposed LCO have focused on municipal waste (i.e. waste controlled by an authority) but municipal waste only accounts for about 20% of total waste produced in Wales. Waste management needs an integrated solution between the various streams. Again, it is important that the LCO covers all waste streams and is not just focused on municipal waste. Failure to do so would be a serious impediment to sustainable waste management in Wales.
7. In introducing the proposed LCO the Minister emphasised the importance of increasing recycling/composting and referred to the new powers as providing opportunities for statutory targets and penalties. It is important that Members recognise that local authorities already face stringent penalties if they fail to meet the requirements of the Landfill Allowance Scheme. We are not convinced that further statutory targets and penalties is the best use of limited legislative time and would prefer a clearer focus on providing local authorities with the tools to deliver: producer responsibility, save as you throw etc.

## Environmental Protection

8. The Association fully supports the Assembly's view that local environmental issues are crucial to our quality of life and general well-being. Recent research by MORI has demonstrated that the provision of a clean environment is the best service a council can provide if it wants to increase public satisfaction in local and public services – it is what people see, and small changes and introduction of services can make a big difference.
9. However again the Association is concerned that the LCO is only dealing with an issue once it has happened. Recent statistics from Flycapture evidences that 55,000 fly tipping incidents occurred in Wales between April 2006 – March 2007 at a cost to the public purse of £2.9m. We need to find a way of stopping this behaviour and allow Councils to spend this on improving the local environment and investing it in services rather than clearing up after people.
10. Whilst appreciating that the LCO is about environmental protection we would like to have a debate as to whether it should also include “**conservation**” or “**enhancement**” of the environment. In the plenary debate there was a lot of debate about access to green space and utilising the environment as a tool to aide health and well being - we are not sure that the LCO as drafted covers these areas.
11. We are also unsure that there are gaps in terms of the current legislation and how it can be improved. The implications of the smoking ban was mentioned but cigarettes butts are already classed as litter and the problems are around proving who dropped the litter for example when attempting to take forward proactive enforcement. Many of the issues around local environmental quality for example are not related to gaps in legislation but are around capacity, resources and public engagement, as evidenced by the recent White Young Green report submitted to the Welsh Assembly Government on Local Environmental Quality performance in Wales. This report did not identify current legislative gaps as a barrier to improved performance.
12. We also believe that there would be merit in ensuring that the proposed LCO includes provision for measures relating to access to the countryside/environment. Recent research for the WLGA, Countryside Council for Wales, Environment Agency and Welsh Assembly Government has highlighted the potential to simplify legislation on public rights of way to improve service provision and deliver efficiency savings.

## **Conclusion**

13. The WLGA fully supports measures and actions which improve the environment in Wales. We want to see a sustainable waste management approach being delivered across all waste streams – industrial, commercial as well as municipal. We want our local communities to enjoy a quality environment free from blight. However we are concerned that the proposed LCO focuses on tackling the symptoms rather than the causes.

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