

Local Government Association and Environment Agency

Memorandum of Understanding between the Local Government Association and the Environment Agency

Protocol on "Managing Waste"

1. Introduction

1.1 This is the protocol on managing waste, one of the specialist protocols that form part of the Memorandum of Understanding (MoU) between the Local Government Association (LGA) and the Environment Agency (Agency). Both parties signed the MoU on 14 February 1997 and underpinning it are a number of specialist protocols such as this.

1.2 This protocol is an agreement between the LGA and the Agency in recognition of the Agency's role in providing information to local authorities and the shared role of the Agency and local authorities in promoting sustainable waste management practices.

1.3 This protocol comprises the following sections:-

2. Roles and Responsibilities
3. Information Needs
4. Co operation
5. Consultation
6. Implementation and Review

2. Roles and Responsibilities

Government Guidance to local government waste planning authorities and the role of regional conferences

2.1 Government issues guidance to waste planning authorities (WPAs) in the form of Planning Policy Guidance Notes (PPGs) and Regional Planning Guidance (RPG) and for Wales, Technical Advisory Notes (TANs). WPAs are required to take account of this guidance as a material consideration in the preparation of planning policy and the determination of planning applications. The respective roles of the pollution control and planning authorities in England were set out in PPG23 published in 1994 and in Wales were set out in Planning Guidance (Wales): Planning Policy published in 1996.

2.2 Following a draft version of revised PPG 23 dated September 1996 and for Wales, draft Technical Advisory Note (9) Planning, Pollution Control and Waste Management, Government has sought comment on a final draft of PPG 10-Waste Management and Disposal. This has been prepared to take account of the formation of the Agency, the Governments national waste

strategy and to clarify other matters. The draft PPG10 proposes the setting up of regional technical advisory bodies (RTABs) in England to establish what provision should be made within each planning region for waste requiring disposal or recovery. For Wales it is suggested that a standing conference or other organisation may provide a suitable forum for consultation and collaboration to take place between planning authorities.

2.3 The proposed RTABs and standing conferences, formed from the constituent waste planning authorities, will be able to take a strategic view of the provision of waste management facilities embodying two key principles: *regional self-sufficiency* and *the proximity principle*, both of which require accurate information on waste. The proposed RTABs are encouraged in draft PPG10, to identify options for the management of waste within the regions and make recommendations to the Regional Planning Conferences.

Government Guidance to the Agency

2.5 The Secretary of State's statutory guidance to the Environment Agency under section 4 of the Environment Act 1995 requires the Agency to take a holistic approach to the protection and enhancement of the environment and to exercise its functions in order to contribute to sustainable development. The Agency seeks to encourage knowledge and understanding of the best available techniques for the prevention and minimisation of pollution, including the efficient use of resources, such as energy, and the minimisation of waste. The Agency does this by undertaking research, by publishing guidance and through the promotion of best practice.

2.6 The Agency regulates the keeping, treatment and disposal of waste and in so doing provides guidance on compliance and best practice, including waste minimisation and waste recovery. The Agency has a duty under the Environment Act 1995 to supervise arrangements made by industry for the recovery and recycling of packaging waste.

2.7 Department of the Environment (now Department of Environment, Transport and the Regions, DETR) issued guidance in December 1995, on waste management planning to waste regulation authorities, setting out the technical policies underlying the production of waste management plans. This included guidance on the way the DoE expected the Agency to take forward waste management planning. Whilst the requirement for local waste regulation authorities to prepare Waste Management Plans under section 50 of the Environmental Act 1990 has been repealed, the need to prepare technical information that underpinned those plans remains relevant. This technical information will be provided by the Agency.

2.8 In preparing a national waste strategy under the Environment Act 1995, the Secretary of State shall consult with the Agency and may give direction to the Agency requiring it to advise on the policies that are to be included. The Agency may also be directed to carry out a survey into the kinds and quantities of waste situated in England and Wales and the facilities that are available or are needed for recovery and disposal. The Agency will gather and process data in a form, which will assist local authorities with their waste management responsibilities.

Local Authority responsibilities

2.9 WPAs are responsible for development planning and development control matters and produce development plans, which influence the location and operation of industry and commerce. County Council, Unitary and Metropolitan Authorities are waste planning authorities and produce development plans, which set out the land use policies and requirements for waste treatment and disposal facilities in their area. In addition to the needs of these authorities coming together at a wider geographical level, any information the Agency produces must also meet the reasonable needs of individual waste planning authorities in England and Wales.

2.10 Local authorities both as Waste Collection and Disposal Authorities (WDAs and WCAs) have duties under the Environmental Protection Act 1990 with respect to waste recovery. As WCAs, local authorities arrange for the collection of household waste and commercial waste when requested. As WDAs, local authorities provide places for members of the public to deliver their household waste for recycling and disposal. Local authorities that are WDAs must also make all necessary arrangements for the disposal of waste collected by WCAs.

2.11 Local authorities that are WCAs are required to produce recycling plans setting out how they propose to recycle household and commercial waste. Local authorities, as both WDAs and WCAs, have a key role in carrying out practical measures for the recycling and minimisation of household and commercial waste. Government has issued guidance together with a Direction from the Secretary of State to WCAs, that they should investigate whether changes to their existing recycling plans are needed. The guidance also strongly recommended that authorities should work together to develop joint integrated municipal waste management strategies. The preparation of such strategies will necessitate close working and exchange of information on waste between local authorities and the Agency. Local authorities are concerned with action to promote waste awareness and minimisation across all industrial and commercial sectors and, particularly, where there are linkages with the domestic waste stream. WCAs and WDAs also have powers under the Waste Minimisation Act 1998 enabling the authorities to take steps to minimise generation of controlled waste.

2.12 Local authorities undertake an important economic development role including the provision of economic assistance, the management of grant schemes and business support through Business Links and TEC's, and as landlord are a key stakeholder for many local businesses. Through these economic development roles, local authorities can influence and support business schemes, which promote waste minimisation and recycling. Local authorities have also been encouraged to prepare Local Agenda 21 strategies in consultation with their local communities.

3. Information Needs

Regional Technical Advisory Bodies and Standing Conferences

3.1 RTABs will require accurate information on waste generation, waste movements and details of existing facilities and their capacities. Draft PPG10 states that the Secretary of State looks to WPAs, the Agency and the industry to implement the advice within the guidance, to ensure that development plans for waste are prepared at an early stage and, make proper provision for waste management facilities. The guidance should assist in closer cooperation between WPAs and the Agency, over their control and consent procedures where issues may overlap.

Waste planning authorities (WPAs)

3.2 WPAs need information on waste management eg, generation, treatment, recovery, movement, details of existing licenced facilities and their capacities and the wastes accepted at licenced facilities. They also require information on the potential environmental impacts of different types of waste when disposed of or recovered at different types of facilities.

Waste Disposal and Collection authorities (WDAs and WCAs)

3.3 WDAs and WCAs need information about the availability of potentially recyclable or recoverable components within the household and commercial waste stream. They need this for the preparation of recycling plans and the joint municipal waste strategies they have been asked to prepare. They also need information on the environmental effects of recovering these components in different ways in order to decide on their strategies. The Agency considers it important that such strategies for municipal waste are set in the wider context of all the wastes that have to be managed in an area and intend to provide information on all wastes for each WCA area.

3.4 Local authorities are also likely to generate information on wastes under the requirements of the Best Value framework and will make this available to the Agency.

Environment Agency

3.5 The Agency needs information on wastes for a number of reasons. These include the need to, inform the Governments national waste strategy, promote sustainable development and environmental protection, prepare sustainable development strategies, prepare Local Environment Agency Plans (LEAPs) and Strategic Waste Management Assessments. To fulfil these needs the Agency requires information on wastes, their movements and the impacts of different wastes at different types of waste management facilities.

4. Co operation

4.1 Local Authorities and the Agency agree to share information about local initiatives, which promote waste minimisation, reuse and recycling. The Agency will also make available its research programme and any relevant guidance materials.

4.2 The Agency and local authorities will work closely together on initiatives relating to the minimisation of wastes, reuse and recycling initiatives, strategy development and the identification and appraisal of waste management options. This will necessitate the sharing of information.

4.3 The Agency and Local Authorities will seek to work together to facilitate the provision of training on waste minimisation, reuse and recycling techniques. The Agency and Local Authorities will seek to keep each other informed of relevant officer groups and working parties.

4.4 Local Authority WCAs and WDAs will, when requested to do so by the Agency:-

- provide best available data on the annual quantities of controlled wastes they collect and the amounts of waste recycled or recovered,
- details of waste disposal contracts they have awarded,
- indicate the waste minimisation and recycling measures which have been introduced in their areas.

4.5 The Agency is in a position to collect data, provide information and give impartial advice on wastes and waste management. The Agency will,

- determine how much waste there is, where it is produced and what it consists of,
- establish which processes in industry produce which wastes,
- establish which facilities are used to treat, recover and dispose of waste and future capacity requirements,
- carry out national surveys of waste arising from industry, commerce, construction and demolition activities and related matters,
- implement a nationally consistent system of returns from licenced waste management facilities on the types and amounts of waste they receive,
- consult on the national waste classification scheme and to use this to record and describe the types of waste produced, treated and disposed of,
- develop a sound, scientific system of assessing the relative merits of dealing with wastes in different ways.

4.6 From the results of this work the Agency will prepare Strategic Waste Management Assessments (SWMAs) for each planning region in England and Wales. These will include the following information:-

for each WCA area:

- The estimated amounts of industrial and commercial waste, including where possible, sub categories such as clinical waste, special waste, construction and demolition waste and other EC Priority waste streams) that arise and where they are dealt with,

for each WPA area :

- an estimate of the capacity and remaining capacity of existing licenced facilities for waste,
- a forecast of changes in controlled waste quantities and types of waste for the planning period,

then for each planning region, regional technical advisory body and group of authorities in Wales:

- some background to the region, especially strategic factors that may promote or restrict the development of waste management facilities in broad areas of the region such as, groundwater protection zones,
- assessments of the costs and benefits of dealing with wastes using different mixes of waste management options.

4.7 Local Waste Planning Authorities will, at the Agency's request, provide to the Agency: best available information on waste treatment and disposal facilities, for example rates of extraction and void capacities of mineral workings, that have been granted planning consent for waste, but not a waste management licence or authorisation under the EPA 1990.

4.8 The Agency will work closely with local authorities, groups of authorities and the proposed RTABs. The Agency will make officers available to attend public local inquiries, examinations in public as appropriate and contribute to establishing what waste management provisions should be made.

4.9 The LGA will promote Agency participation in the working arrangements of the proposed Regional Technical Advisory Bodies.

5. Consultation

5.1 Local Authorities and the Agency will consult one another, and where appropriate work together on proposals, which may affect statutory and advisory responsibilities with respect to waste minimisation, reuse and recycling.

5.2 The Agency will also consult with local authorities in the preparation of data and information set out in this protocol. Local authorities will consult the Agency in the preparation of waste related plans and documents.

5.3 The Agency and local authorities have a mutual interest in the Producer Responsibility Obligations (Packaging Waste) Regulations 1996, which influence the recovery and recycling of packaging wastes. The implementation of future Producer Responsibility initiatives such as the recovery of batteries, electronic goods and measures such as those contained within the Waste Minimisation Act 1998, will also require close cooperation between the Agency and local authorities.

6. Implementation and Review

6.1 The Agency and Local Authorities recognise the importance of preventative strategies for the minimisation and management of wastes and the efficient use of natural resources by all sectors of society. The Agency and Local Authorities agree that they should work together in partnership in order to avoid any undue overlaps in terms of campaigns, initiatives and producer visits. Local Authorities and the Agency will seek to co-ordinate their efforts in a balanced way in order to achieve maximum benefit. Relevant officers of the Agency and Local Authorities will meet together regularly at national, regional and local level to coordinate matters. Whenever possible this should be effected through existing fora and meetings in order to ensure appropriate levels of consultation and to avoid unnecessary duplication of effort.

6.2 The Agency and Local Authorities agree that this protocol should periodically be reviewed through an appropriate joint mechanism, in the light of any changes in relevant circumstances.

Signed for the Local Government Association

Kay Jivcha

Date *17/11/99*

Signed for the Environment Agency

Je Ramsey

Date *November 17' 1999*



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