

Business Waste Framework

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Business Waste Framework

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Introduction

The National Waste Plan (2003) sets out the direction of Scotland's waste strategy up to 2020. The focus has been mainly on municipal waste and includes ambitious recycling and composting and waste prevention targets. This framework, in conjunction with the National Waste Plan, outlines the Scottish Executive (the Executive) and Scottish Environment Protection Agency's (SEPA) approach to business¹ waste. While the municipal waste elements of the National Waste Plan have been underpinned by significant financial support through the Strategic Waste Fund, this is not applicable for business waste as the 'polluter pays' principle is well established and requires that waste producers pay for the collection and disposal of the waste they produce. This means that public money should be directed to providing support and advice and intervening where there is a particular need to stimulate trends, or evidence of market failure.

Key areas where Government has a role to play in relation to the sustainable management of business waste are:

Data

- Collecting and disseminating accurate data, to help industry, Government and public agencies plan accordingly (SEPA has the lead role).

Business Support

- Advice services are funded by the Executive and SEPA to provide advice and support to business on waste minimisation, resource efficiency generally and legislation.

Fiscal Measures

- For example, Landfill Tax, to discourage the use of landfill (central taxation is a reserved matter for H M Treasury).

Producer Responsibility

- Producer responsibility legislation, which will ensure producers pay for the cost of managing their waste. Legislation here is made by the Executive, in partnership with Government Departments across the UK, and SEPA (and the Environment Agency) has an enforcement role.

Land-Use Planning

- The legislation establishing the planning regime is framed by the Scottish Parliament and then implemented by local authorities and the Executive. SEPA is one of the statutory consultees on waste planning applications and Development Plans.

¹ In the context of this document, Business Waste is solid waste produced by commercial, industrial and public sector organisations.

Market Development

- Setting the overall policy framework in which recycling markets can develop.

The Public Sector

- The public sector has a clear role to lead by example in relation to sustainable waste management.

Our work to encourage sustainable waste management forms part of our work to promote sustainable development and to tackle climate change.

This paper is divided into seven sections. Each section discusses relevant issues and identifies work currently underway and future work. The future work is summarised in an on-line action plan detailing responsibilities and timescales. This document will be updated at least every 6 months and additional work will be added as appropriate. Both the Framework document and Action Plan are available at www.scotland.gov.uk/topics/environment/waste/17103/9197

Executive Summary

Scotland produces around 19m tonnes of waste annually. Of this around 16m tonnes are commercial and industrial waste with 7m tonnes being construction and demolition waste. This compares to around 3m tonnes of household waste. In total, commercial and industrial waste makes up around 75-85% of Scotland's waste.

Historically, landfill has been the principal and cheapest waste management option in the UK. Fiscal measures, such as Landfill Tax have started to change this. Between 1994 and 2004 the quantity of waste being disposed of to landfill in Scotland has more than halved, from 15.88 million tonnes to 7.81 million tonnes. This is in large part due to less construction and demolition waste being disposed of over this period (although this trend now appears to be levelling out). To maintain the downward trend in the amount of business waste sent to landfill, the Executive and SEPA are setting the following overall aim:

Overall Aim
To reduce the amount of business waste by at least 200,000 tonnes a year

This aim is based on the work of business support organisations funded by the Executive (see Annex A for a breakdown). We will also work to increase recycling capacity for business waste, primarily through the work of WRAP which is outlined throughout this paper.

Since the initial consultation on the Sustainable Management of Waste from Business and Public Sector Organisations (www.scotland.gov.uk/Publications/2005/08/05101728/17300), SEPA has collated and reported data on waste for 2004 in line with the EU Waste Statistics Regulation. Building on this and other work, SEPA is revising its Waste Data Strategy. This revised Waste Data Strategy will address both municipal and business waste.

Overall Aim
Develop a data strategy which will include collating robust data on commercial and industrial waste.

On advice services, while the Executive does not propose to spend significant amounts of public money to subsidise the management of business waste, it is recognised that businesses need support, information and assistance. Because of this, in 2005/06, 2006/07 and 2007/08 the Executive are allocating the revenue (commonly referred to as consequentials) arising from increases in Landfill Tax back to initiatives benefiting businesses and local authorities.

Overall Aim
Saving businesses in Scotland over £7.5m a year through waste minimisation and diversion from landfill.

Both the Executive and SEPA have received a number of representations from small business about what they perceive as a lack of recycling facilities for business. Recycling facilities for Small and Medium Size Enterprises (SMEs) may be provided by local authorities, the

community sector and the private sector. Clearly, recycling services need to be paid for: they do not come free. The Executive has provided support for trials by Waste and Resources Action Programme (WRAP) into the collection of recyclate from SMEs. Some councils are reviewing their Trade Waste Services to encourage greater recycling. The Executive and SEPA will consider whether there are any licensing or other issues about business access to recycling centres; and about storage space; Duty of Care responsibilities and bulking up of waste, which may make it harder for SMEs to recycle.

Overall Aim
The Scottish Executive and SEPA will work with all relevant bodies to improve recycling services for SMEs and the wider business community.

Waste policy is underpinned by a range of regulations that define waste and what can be done with it in the interests of protection of the environment and of human health. Regulations can be set at a European, UK or Scotland level and can be specifically about waste or include the impact of waste in wider environmental concepts such as pollution control. SEPA and the Executive appreciate that the range of regulations can appear daunting and complicated, particularly to SMEs, and so will look to engage with business to promote the better regulation agenda in the coming months.

Producer responsibility legislation is in place in relation to packaging and end of life vehicles. It will also extend shortly to waste electrical and electronic equipment (WEEE). Consultation has taken place on farm plastics and will take place in due course on producer responsibility for batteries.

SEPA will ensure that the Pollution and Prevention Control regime, which impacts on larger business, will take full account of the need for waste minimisation.

Overall Aim
The Scottish Executive and SEPA to ensure advice on waste regulation is accessible to business and its application is fair and consistent.

WRAP run occasional capital grant competitions on recycling and composting infrastructure on behalf of the Executive. Infrastructure funded by WRAP can include business waste as a feedstock.

On land-use planning, the Executive has consulted on the Scottish Planning Policy on Planning and Waste Management (SPP 10) and is reviewing the General Permitted Development Order. The Planning etc. (Scotland) Act 2006 includes provision for a National Planning Framework which may designate major infrastructure projects as national developments. The Executive is continuing to monitor local plans to ensure that they accurately reflect the need for waste infrastructure.

Overall Aim
The Scottish Executive and SEPA will continue to improve the planning system to encourage sustainable waste management.

As Scotland moves away from landfill, more sustainable ways of treating waste (eg recycling and composting) grow in importance. The Executive supports WRAP and Remade Scotland programmes to develop markets for recycled products.

Overall Aim

The Scottish Executive will monitor the state of the markets for recycled materials and ensure business opportunities are highlighted

Finally, the Executive is committed to ensuring that the public sector sets a good example in relation to its waste. The Executive has provided support to local authorities to enable them to carry out audits of their own waste and draw up waste prevention plans. The Executive has required non-departmental public bodies to draw up environmental management statements, which includes their work on waste. Envirowise are working with National Health Service bodies to reduce their waste. Furthermore, the Minister for Environment and Rural Development has written to public bodies requesting that they specify the use of recycled materials in construction projects and paper procurement.

Data

Overall Aim

Develop a data strategy which will include collating robust data on commercial and industrial waste.

Data is fundamental to the development of waste policy. Data for 2004/05 indicates that an estimated 19 million tonnes of controlled waste was produced in Scotland. Of this total, 9 million tonnes (47%) arose from commerce and industry (excluding construction and demolition), 7 million tonnes (37%) from the construction and demolition sector and the remaining 3 million tonnes (16%) from household waste.

SEPA is responsible for the collation of waste data in Scotland and is currently revising its Waste Data Strategy. This strategy will recognise the importance of accurate business waste data but also look to minimise any extra burden on business due to extra reporting requirements. The strategy will take account of:

- The requirements of the EU Waste Statistics Regulation.
- Statistical returns already provided by business to SEPA (e.g. returns required as a result of waste management legislation).
- The work already carried out by SEPA in the National Best Practice Projects, which analyse specific waste streams.
- The introduction of waste data flow for municipal waste (this is an on-line web-based system for all UK local authorities providing for the capture of essential waste statistics and local management reporting).
- The need to monitor the amount of waste landfilled by local authorities for the purposes of the Landfill Allowance Scheme.
- The need to improve the understanding of the composition of business waste.

SEPA will produce a revised strategy by August 2007.

Since the initial consultation paper on business waste, SEPA has made significant improvements to the collection of waste data. In particular returns required to meet the new EU Waste Statistics Regulations reporting provide a more accurate picture of business waste in 2004. The results of this survey commissioned by SEPA can be found on SEPA's website at <http://www.sepa.org.uk/nws/data/survey.htm>

SEPA receives data on commercial and industrial waste from numerous sources including statutory returns from licensed/permitted sites, special waste producers and accredited reprocessors. SEPA may also carry out surveys of business waste producers or issue sector specific questionnaires, for example to gather data for national best practice projects. SEPA recognise that completing multiple questionnaires can be a burden to business and will consider the potential to use data from existing returns within their Waste Data Strategy.

As part of a pilot exercise in the Tayside area, SEPA is looking to use licensed site returns from waste management sites to understand the movements of business waste in that area and the capacity for processing. If the pilot is successful this approach may be extended to other areas of the country.

Data is currently published annually in SEPA's Waste Data Digest and this includes information on commercial and industrial wastes. The format of the Data Digest is currently under review, and while it will continue to provide information on the full range of data gathered by SEPA, there will be more emphasis on publishing data on the SEPA website as it becomes available, rather than waiting for annual publication of the Digest.

What is currently happening:

- 1.1 SEPA collects and publishes data on commercial and industrial waste obtained from statutory returns from licensed/permitted sites, exempt activities, special waste producers, incinerators and accredited reprocessors.
- 1.2 SEPA carries out studies of specific waste streams such as the commercial and industrial waste survey, construction and demolition waste study and national best practice projects <http://www.sepa.org.uk/nws/index.htm>.
- 1.3 SEPA must submit data on business waste every 2 years to allow reporting to the European Commission under the Waste Statistics Regulation:
http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/l_332/l_33220021209en00010036.pdf.
- 1.4 SEPA publishes a Waste Data Digest annually which includes information on commercial and industrial waste http://www.sepa.org.uk/nws/data/data_digest.htm.

What will happen:

- 1.5 SEPA will carry out a comprehensive review of the Waste Data Strategy which will recognise the significance of business waste. SEPA intend to publish this Strategy by August 2007.
- 1.6 SEPA will publish a wider range of data on business waste on the SEPA website as it becomes available.
- 1.7 SEPA will review the scope and application of the National Best Practice Projects programme and publish an analysis on the future role of the National Best Practice Projects by November 2007
http://www.sepa.org.uk/nws/business/practice_projects.htm.
- 1.8 SEPA will complete the pilot exercise in Tayside to understand the movement of waste in the area and provide recommendations to improve data quality by May 2007.

Business Support

Overall Aim
Saving businesses in Scotland over £7.5m a year through waste minimisation and diversion from landfill.

The polluter pays principle dictates that waste producers must pay for the waste they produce. However, Government assists business by supporting a range of initiatives to provide information and advice to business on resource efficiency, including waste minimisation and recycling. A list of the main programmes can be found in Annex A of the Green Jobs Strategy at www.scotland.gov.uk/Resource/Doc/917/0013158.pdf. SEPA also support NetRegs (www.netregs.gov.uk/), which gives advice on waste regulation.

As outlined in the Green Jobs Strategy, a study into the remit and role of bodies providing advice in resource efficiency is currently being undertaken by Enterprise, Transport and Lifelong Learning Department in the Executive with support from SEPA. This will report by June 2007.

Financial support for businesses to develop recycling infrastructure may be available. (For more detail on capital support see the chapter on Infrastructure and Planning). More general grant schemes, such as Regional Selective Assistance (RSA), can cover waste related projects. Even if the project is not waste related where the RSA application is for more than £1 million the company must engage with support bodies to look at resource efficiency issues. The Executive will look to impose similar requirements for Structural Funds applications.

For many businesses, whether start-ups or established companies, their first source of information will be the Scottish Enterprise Network, often through their local Business Gateway or equivalent in the Highland region. Business advisors need to be aware of the specialist business advice that can be provided on resource efficiency, and the savings that can be made. One way of doing this is through the environmental module of the Premier Advisor Scheme. Scottish Enterprise and HIE will ensure that systems will be put in place so that all of their advisers, when appropriate, can signpost to specialist advice on resource efficiency. The Business Gateway website already signposts to resource efficiency bodies (www.bgateway.com).

Another source of advice for SMEs is local authorities. Many local authorities collect business waste, and therefore employ trade waste officers. As indicated in the section on SME collections, the Executive and SEPA will discuss with Convention of Scottish Local Authorities (Cosla) what support trade officers require. In particular, as indicated by the consultation responses, the Executive and SEPA consider that local authority officers should, where appropriate, be encouraged to signpost companies to specialist business advice on resource efficiency.

The Scottish Waste Awareness Group (SWAG) provides a free web-based facility for businesses to access a range of resource efficiency information. The Waste Aware Business website (www.wasteawarebusiness.org.uk) contains information to help businesses to reduce, reuse and recycle their waste.

Trade Associations and business organisations are another source of advice used by businesses. For example, the Federation of Small Businesses and Envirowise (www.envirowise.gov.uk) have worked together to provide practical advice and tools to help companies minimise waste and save money. The Executive and SEPA will work with Envirowise and other resource efficiency bodies to see if there is further scope to work with trade associations and business organisations on resource efficiency.

Business also receives information from other sources, such as accountants. Envirowise will work with accountancy institutions and other bodies providing financial advice to business, to ensure they are aware of the financial benefits of resource efficiency.

As a further incentive to improve performance and show environmental innovation, there are award schemes to promote, encourage and reward exceptional commitment to the environment e.g. VIBES (www.vibes.org.uk) and the Environmental Placement Programme (www.thebep.org.uk/index.php?page=epp-home).

SEPA provides training on waste minimisation and resource efficiency to SEPA staff (e.g. staff working on PPC permits) that have regular contact with industry. These training courses are also offered to other appropriate organisations e.g. business advisors from Local Enterprise Companies. The courses are delivered regionally so that they can account for local variations.

The public sector also has a major role to play. It can reduce its own waste and set an example. The Executive has provided local authorities with support to undertake waste audits and draw up their own waste prevention plans. It is estimated that local authorities across Scotland could reduce their waste arisings by around 19,200 tonnes.

The Minister for Environment and Rural Development has also written to public bodies requesting that they specify recycle when procuring construction or paper contracts, helping to stimulate the supply chain and securing markets for the extra recycle that is being collected.

The public and private sectors are involved in staging major sporting, music and arts events. As well as generating significant amounts of waste these events also provide an opportunity to showcase excellence in waste management. The Executive will contact major organisers to promote sustainable waste management.

What is currently happening:

- 2.1 The Executive, SEPA and Scottish Enterprise support a range of bodies which provide advice on resource efficiency. A list of the main initiatives can be found in Annex A of the Green Jobs Strategy www.scotland.gov.uk/Publications/2005/06/1693437/34386.
- 2.2 Scottish Enterprise has developed an environmental module to the Premier Advisor scheme which will ensure business advisors are aware of environmental issues.
- 2.3 SEPA provides guidance and training on environmental legislation and obligations through NetRegs www.netregs.gov.uk/.

- 2.4 The Executive, with support from SEPA, is reviewing the remit and role of resource efficiency bodies to ensure a coordinated package of support to business. This will report by June 2007.
- 2.5 SWAG provides a free web-based portal for businesses (www.wasteawarebusiness.org.uk) including information on waste management services.
- 2.6 Best practice is being promoted through environmental award schemes such as VIBES and the Environmental Placement Programme.
- 2.7 SEPA is providing specialist training on waste minimisation for SEPA staff and teams within other organisations who have regular contact with Business and Industry www.sepa.org.uk/wastemin/index.htm.
- 2.8 The Executive and SEPA are promoting resource efficiency in the public sector through waste audits and advice from Envirowise.

What will happen:

- 2.9 The Executive will use Structural Fund grant conditions for projects supported under the 2007-2013 programmes to ensure businesses use resource efficiency services, including waste minimisation.
- 2.10 Envirowise will seek to promote resource efficiency through existing forums and Trade Associations. A progress report will be provided by Envirowise by the end of 2007/08.
- 2.11 Envirowise will promote resource efficiency through bodies which regularly offer advice to business, such as accountants and financial advisers. A progress report will be provided by Envirowise by the end of 2007/08.
- 2.12 The Executive will contact major sporting events and arts / music events by June 2007 to promote sustainable waste management.

SME Collections

Overall Aim

The Scottish Executive and SEPA will work with all relevant bodies to improve recycling services for SMEs and the wider business community.

The responses to the consultation confirmed that in relation to recycling SMEs are often restricted by the amount of time, space, resource and facilities available to them. The Federation of Small Business' Membership Survey on Waste Disposal suggested that the main barrier to recycling is lack of facilities although 43% of respondents actively recycled at least part of their waste stream. Of those businesses who did recycle: local authorities provided a service to just under half (44%) of businesses; one third (33%) took their waste directly to recycling facilities themselves; and 23% used a private waste management firm.

Recycling services to SMEs may be provided by the private sector, the community sector or local authorities, or by a combination of these sectors. Clearly, recycling has to be paid for, regardless of who provides the service. When local authorities collect (and dispose of) trade waste, local authorities should recover their costs.

The current range of support from local authorities is variable. While some authorities recycle little or none of their commercial waste, others provide a comprehensive recycling service for those wishing to participate. Figures from 2004 show recycling rates for commercial waste vary from 0-53%. There may well be scope for local authorities to recycle more of the commercial waste they currently collect.

There may also be scope for local authority trade waste advisers to signpost businesses to relevant services, even if these services are provided by the private sector or the community sector rather than local authorities themselves.

Recently the Executive has provided resources to the WRAP pilots on the best ways of collecting waste from SMEs. These trials are being evaluated and best practice models will be developed.

The Executive has also funded SWAG to develop and maintain a Business Recycling Directory as part of the wider Waste Aware Business initiative (<http://www.wasteawarebusiness.com/>). Businesses can search the Directory for reuse and recycling services by location and material to find out what is available to them in their local area. A range of service providers are included such as local authorities, the private waste management sector and community sector organisations. Information regarding local authorities that allow businesses to access their recycling centres is also available via the Business Recycling Directory.

Business access to recycling centres varies depending on local authorities. The amount of space, opening hours and facilities to allow charging can all impact on whether such services are available to businesses. SWAG will use the information from Waste Aware Business to map the services and sites that are available to businesses. SEPA will also consider, by the end of 2007/08, whether any licensing issues can restrict business access to recycling centres.

In areas where businesses are located in close proximity, or in rural areas where businesses may be clustered in small industrial estates, there is an opportunity to encourage the bulking up of waste or sharing of facilities. Bulking up waste can help make recycling more economically viable and save businesses valuable space. There have been several initiatives looking at the potential for businesses to share waste collection facilities. It is important to establish whether such schemes are viable and how they can operate successfully. SEPA will review work in this area, including any requirement to update the Duty of Care Code of Practice, by end 2007/08.

What is currently happening:

- 3.1 WRAP is running trials of collections from SMEs which will be used to identify how services can best be promoted and operated.
- 3.2 Waste Aware Business promotes existing collection services through: <http://www.wasteawarebusiness.com/>.
- 3.3 SWAG has produced a business waste recycling exemplar campaign outlining the planning and communications messages required to develop a business waste recycling campaign: <http://www.wasteawarescotland.org.uk/pdf/bestPractice/business%20waste.pdf>.

What will happen:

- 3.4 SWAG will identify any gaps in collection services to determine where businesses do not have access to a recycling service. This work will be completed by December 2007.
- 3.5 SEPA will commission research into local authority trade waste practices including collection systems; mapping business access to recycling centres; the reasons for different approaches; potential impact on the Landfill Allowance Scheme; the scale and approach to fly-tipping. This research will be completed by March 2008.
- 3.6 SEPA will analyse previous trials that have looked at businesses sharing facilities/ bulking up waste, and identify whether issues could be addressed by reviewing the Duty of Care: Code of Practice by March 2008.
- 3.7 The Executive and SEPA will have discussions with Cosla to identify the appropriate levels of support for trade waste officers by August 2007.

Economic Instruments and Regulation

Overall Aim

The Scottish Executive and SEPA will ensure advice on waste regulation is accessible to business and its application is fair and consistent

Government has used economic instruments to move away from landfill. The introduction of the UK Government's Landfill Tax in 1996 began to change the economics of disposal. The landfill tax escalator provides that Landfill Tax will go up at least £3 per tonne each year until it reaches £35 per tonne. The tax for financial year 2006/07 is £21 per tonne for active waste.

In the Pre-Budget Report in December 2006, the Treasury announced that from 1 April 2007 the standard rate of Landfill Tax will increase by a further £3 per tonne to £24 per tonne. The Treasury also announced that the UK Government will consider whether the standard rate of Landfill Tax needs to increase more steeply from 2008 onwards, or go beyond the £35 per tonne already committed to for the medium to longer term. The tax on inert waste (much of which will come from the construction and demolition sector) is £2 per tonne. Other fiscal measures such as the Aggregates Levy also incentivise alternatives to disposal to landfill. Higher environmental protection standards at landfill sites mean that the true costs of landfill have to be paid when disposing of waste in this way.

On 1 December 2006, the Waste Management Licensing Amendment (Scotland) Regulations 2006 came into force. This consolidated exemptions from the waste management licensing regime, in the process creating some new exemptions, and preparing for implementation of the WEEE and Batteries Directives. The Waste Incineration (Scotland) Regulations 2003 have required all incinerators and co-incinerators to comply with the requirements of the Waste Incineration Directive since December 2005.

SEPA and the Executive are looking to consult jointly on the better waste regulation agenda. The consultation will focus on both administrative and regulatory measures to simplify the existing waste management regime, without completely replacing it. SEPA is also project managing a review by The Scotland and Northern Ireland Forum for Environmental Research (SNIFFER) to investigate the regulators' general approach to small and medium sized enterprises, which is due to report by end 2007/08.

Producer responsibility legislation is in place in relation to packaging and end of life vehicles. It will also extend to waste electrical and electronic equipment during 2007. Following consultation, the Executive is discussing with Defra the creation of a producer responsibility scheme for agricultural plastics, to take effect in 2008. Consultation will take place in due course on producer responsibility for batteries.

SEPA have responsibility for assessing businesses that come under the scope of the Pollution Prevention and Control (Scotland) Regulations 2000 (PPC). The general principles which SEPA is required to observe under the PPC Regulations include the need for installations to be operated in such a way that waste is avoided or reduced. Where waste is produced, installations are required to use Best Available Techniques to recover or recycle waste. The PPC regime, which was introduced in 2000, is currently being formally reviewed at an EU level and the Commission is due to report by end 2007. SEPA will also review their

enforcement of PPC, taking into account the review taking place in the EU, to determine whether there is further scope to enhance waste minimisation. As mentioned under business support, SEPA are training staff primarily concerned with enforcing regulation about the potential of waste minimisation to save businesses money rather than just regulatory compliance.

On regulation more generally, SEPA have produced guidance on Understanding the Definition of Waste which can be viewed at www.sepa.org.uk/guidance/waste/is_it_waste.htm. SEPA recognise that waste derived compost meeting the PAS 100 specification can be considered a product. Work is currently underway to extend this concept by developing a series of quality protocols for a number of different materials. This work is being led by WRAP and the Environment Agency and includes input from industry and the other UK environmental regulators. Waste producers and reprocessors can then have confidence that a material, which may previously have been regarded as a waste but now meets the conditions of the protocol, can be re-used or recycled without the need for a licence or permit. SEPA will examine the protocols in due course and a determination made as to the best way to address them in Scotland. As mentioned in the Business Support section SEPA also support NetRegs, which gives SMEs advice on complying with environmental regulations www.netregs.gov.uk.

At an EU level, the revision of the Waste Framework Directive is currently being considered. While any changes to the definition of waste have been explicitly ruled out, clarifications of what counts as recovery or disposal are likely. The revision is looking at introducing EU-wide standards for certain recovered material streams (analogous to the protocol work described above).

The Landfill (Scotland) Regulations 2003 already lay down that a number of materials cannot be landfilled. These materials include: waste in liquid form, waste which in landfill is explosive, corrosive, oxidising or flammable, infectious clinical waste, chemical substances which are new or not identified and the effects of which on man or on the environment are not known, tyres other than tyres used as engineering material, bicycle tyres and tyres with an outside diameter above 1400mm. In addition, Animal By-Products legislation prohibits retail outlets from sending certain types of waste food to landfill.

From 31 March 2007, it will not be possible to landfill waste which has not been pre-treated.

Other countries have introduced more widespread landfill bans, often in relation to material which can be recycled, composted or incinerated. In the UK, major landfill bans have been a difficult policy option to pursue, given our heavy reliance on landfill. However, recent moves towards sustainable waste management means that more extensive landfill bans can be considered.

In the Scottish Ministers' view, further landfill bans, using the powers under the Pollution Prevention and Control Act 1999, could be introduced for clear environmental or health reasons or to help divert further waste away from landfill. Before introducing further landfill bans to support the strategic aim of reducing the amount of waste sent to landfill, we would need to be clear that there are alternative ways of dealing with the waste, such as recycling, composting or thermal treatment. In addition, time would have to be given to allow markets and facilities to develop and adjust. Consultation would be required. Landfill bans would need to be capable of being enforced.

It could be argued that there is already scope for landfill bans for some materials where there is already a strong recycling or composting market: such materials include clear container glass, scrap metals, green waste, paper/card, plastic bottles, untreated wood and textiles. There might also be scope to ban material which can be re-used (e.g. second-hand furniture) from being sent to landfill.

The Scottish Ministers intend to produce an annual report on the scope to introduce more landfill bans. The first such report will be produced by 31 December 2007.

As well as legislation, there may also be scope for voluntary agreements. For example, WRAP has established the Courtauld Agreement with retailers, on packaging and food waste. The Environment Agency has established industry sector plans on improving environmental performance and SEPA will consider if these plans should extend to Scotland. http://www.environment-agency.gov.uk/business/444251/1215866/?version=1&lang=_e.

The Scottish Executive will consider, with DEFRA and the other administrations across the UK, if there is scope for further voluntary agreements with industry to promote sustainable waste management.

What is currently happening:

- 4.1 SEPA is project managing a review by SNIFFER to investigate the regulators' general approach to small and medium enterprises, which is due to report by the end of March 2008.
- 4.2 The DTI and the Executive have prepared regulations transposing the permitting requirements of Article 6 of the WEEE Directive.
- 4.3 There is agreement in principle that a GB wide statutory producer responsibility scheme should be established for agricultural plastics. Trials are currently being undertaken to establish the best approach to collection and it is expected that Regulations will come into force in 2008.
- 4.4 SEPA enforces waste minimisation through the PPC regime.
- 4.5 SEPA has published the following guidance: Is it Waste? Understanding the Definition of Waste www.sepa.org.uk/guidance/waste/is_it_waste.htm.
- 4.6 WRAP are developing waste protocols that may be applied by SEPA to clarify when a waste material ceases to be waste².

² Protocols are being developed or are planned for the following materials: flat glass; food oil; wood (non packaging); plastics (non-packaging); contaminated soil; tyres (crumb or shred); pulverised fuel ash; blast furnace slag.

What will happen:

- 4.7 SEPA and the Executive are proposing to embark on a joint consultation on better waste regulation by end March 2007.
- 4.8 SEPA will review their enforcement of PPC, taking into account the review taking place in the EU, to determine whether there is further scope to enhance waste minimisation by March 2008.
- 4.9 The Executive will produce an annual report on the scope to introduce more landfill bans by the end of each calendar year.
- 4.10 SEPA will review the Environment Agency Sector Plans by August 2007 and consider if this approach is appropriate for Scotland.
- 4.11 The Executive will consider, with DEFRA and the other administrations across the UK, by July 2007 if there is scope for further voluntary agreements with industry to reduce the amount of waste sent to landfill.

Infrastructure and Land-Use Planning

Overall Aim

The Scottish Executive and SEPA will continue to improve the planning system to encourage sustainable waste management.

There is some financial assistance supported by Government to develop recycling infrastructure. As well as occasional capital grant competitions (details of which can be found on the WRAP website), WRAP also provide a lease guarantee scheme, eEquip: http://www.wrap.org.uk/businesses/support_for_recycling_businesses/investment/equip.html. The Carbon Trust is also carrying out work on energy and waste management (http://www.carbontrust.co.uk/commercial/enterprises/insource_energy.htm).

There are potential opportunities to utilise the value of residual waste. SEPA has commissioned a SNIFFER project to compare the relative benefits and shortcomings of thermal treatment and landfill. This study will provide options to the Executive to determine Scotland's future policy direction to ensure that we gain the maximum value from residual business waste and have the necessary treatment capacity.

Consultation responses identified that space for the segregation of waste is a barrier to recycling. The Executive will discuss with the Scottish Building Standards Agency (SBSA) whether it is appropriate to address this for new build through conditions within Building Standards legislation. Planning Advice Note 63, on waste management planning, already provides advice on the provision of space for the separation of waste. In some cases, supplementary planning guidance on waste management has been produced at a local level (e.g. www.stirling.gov.uk/dan_waste_management.pdf).

The Executive has consulted on Scottish Planning Policy on Planning and Waste Management (SPP 10), which will replace the current NPPG 10. The Planning etc. (Scotland) Act 2006 includes provision for a National Planning Framework which may designate major infrastructure projects as national developments. Designation in the National Planning Framework will be the mechanism for establishing the need for such developments. Any public inquiry relating to a project which has been designated as a national development will therefore focus on matters such as location, design, size and the mitigation of environmental effects rather than the question of need.

Both the Executive and SEPA are also continuing to monitor Local Plans to try and ensure that they accurately reflect the need for waste infrastructure. A research report in 2005 established the position of Scotland's Local Plan policies relative to delivering Area Waste Plan requirements (<http://www.scotland.gov.uk/Publications/2005/09/08121328/13289>).

The Executive is reviewing the General Permitted Development Order and will consider whether any waste developments could be added to it. The Order covers permitted development rights for certain developments so that planning permission is not required for certain work, subject to specified criteria.

The consultation on SPP 10 outlined a number of points, including:

- SEPA is a statutory consultee on waste development proposals. SEPA has now finalised guidance on the issues they will consider when commenting on proposals, and the type of information required from developers in order to expedite their comments (<http://www.sepa.org.uk/nws/planning/consultee.htm>).
- A proposed model policy on criteria for the location of waste management infrastructure, promoting industrial land.
- The role of SEPA's guidelines on thermal treatment of municipal waste.
- The use of site waste management plans and demolition protocols to minimise waste.

The analysis of responses on SPP 10 has been completed by consultants and is now being considered. A general comment from the business sector was that more emphasis should be given in SPP 10 to non-municipal waste.

SEPA has written to all local authorities advising them of the SEPA guidance detailing how they assess development plans. This guidance is publicly available on SEPA's website and highlights the type of issues which SEPA consider should be addressed by planning policies to promote sustainable waste management (http://www.sepa.org.uk/pdf/nws/planning/links/commenting_devplans_final.pdf).

Envirowise promotes Site Waste Management Plans (SWMPs). There are plans in England and Wales to make SWMPs mandatory from 2008. Primary legislation would be required to allow SWMPs to be made statutory in Scotland.

SEPA, in consultation with the Executive, has carried out national and local awareness raising events/work for local authority decision makers to highlight the role of the planning system in delivering sustainable waste management. SEPA intend to hold further events.

What is currently happening:

- 5.1 SEPA is undertaking a study in conjunction with SNIFFER on the tertiary³ treatment of residual waste from business and industry, which is due by July 2007.
- 5.2 The Executive has commissioned a study into how waste planning applications have been dealt with across Scotland over the period 2002-2004. This is due to be completed by May 2007.
- 5.3 SEPA published guidance in December 2006 (on the web from January 2007) on what SEPA expects to be included in planning applications for its comment and has also published guidance on how SEPA assesses development plans.
- 5.4 Envirowise is promoting Site Waste Management Plans.
- 5.5 The Executive ensures that all relevant Executive and SEPA initiatives will take account of opportunities and issues associated with the sustainable management of waste from business.

³ Tertiary treatment applies to the treatment of residual waste that remains after materials suitable for composting and recycling have been removed. In most cases this will be landfill or some form of thermal recovery. This is generally the final stage in managing waste and further value can be recovered depending on what tertiary treatment option is utilised.

What will happen:

- 5.6 The Executive will consider with the SBSA by end of March 2008 whether the Building Standards Regulations should lay anything down on the provision of dedicated waste segregation space within new commercial and industrial developments.
- 5.7 SEPA will promote through Waste Strategy Area Groups and engagement with Planning Authorities the need for supplementary planning guidance/policies to provide for recycling, segregation, composting of waste in new development e.g. similar to guidance produced by the Forth Valley local authorities.
- 5.8 The Executive will finalise SPP 10 in 2007.
- 5.9 The Executive will draw up the National Planning Framework by 2008.
- 5.10 The Executive and SEPA will object to any local authority development plans which fail to reflect adequately the need for waste infrastructure.
- 5.11 The Executive will consult on the General Permitted Development Order by 2008, considering whether any waste developments could be added to the Order.
- 5.12 Where SEPA is commenting on proposed developments it will promote site waste management plans. SEPA will liaise with other bodies to provide guidance on this when SPP 10 is finalised
- 5.13 SEPA, in consultation with the Executive, will consider running future seminars on waste planning issues for local authority officers and elected members and other interested parties during 2007/08.

Market Development

Overall Aim

The Scottish Executive will monitor the state of the markets for recycled materials and ensure business opportunities are highlighted

As the recycling of both municipal and business waste increases, more recyclate is taken out of the waste stream and, as a result, markets are required. In some circumstances, Government intervention may be needed to stimulate markets for recycled materials.

Before Government intervenes in any market it is important that there is a rationale for doing so. Broadly this means that there is either a market failure or a need to accelerate existing trends.

The Executive provides financial support to both WRAP and Remade Scotland to develop markets for recycled products. Their work includes:

- WRAP runs capital competitions to increase the amount of infrastructure available to process recyclate and compost.
- WRAP runs a Business Development Service for recycling companies, which can include advice on sources of finance.
- WRAP and Remade Scotland both carry out research on uses for recycled products.
- Remade Scotland produces an annual report on the state of recycling markets in Scotland. Remade Scotland works closely with WRAP's economic team when carrying out this analysis.
- Remade Scotland produces data showing the amount of recyclate available in the waste stream.
- WRAP, working with Remade Scotland, SEPA and the Environment Agency, has produced standards and protocols for certain recycled products (e.g. PAS 100 for compost).
- Remade Scotland, working with WRAP and SWAG, is analysing local authority collection systems to see what improvements could be made to increase public participation and reduce contamination.
- Remade Scotland is analysing the markets for less mainstream products.

The WRAP capital grant schemes have supported infrastructure with a processing capacity of just over 2 million tonnes a year. WRAP commissioned an independent study into the environmental benefits of recycling. This identified that recycling saves between 10-15 million tonnes of CO2 equivalents per year compared to the current mix of alternative waste management options.

The Executive is developing a paper detailing business opportunities from the National Waste Plan. This will be aimed at business advisors who are non-waste experts, so they can signpost to appropriate sources of advice.

The Minister for Environment and Rural Development has written to public bodies requesting that they specify the use of recycled content in paper and construction applications.

The Executive has also consulted on a market development plan for recyclate. The aim of this proposed plan is to ensure that there is a good economic and environmental rationale for interventions and to ensure that when interventions are planned it is clear which body should undertake the work.

What is currently happening:

- 6.1 The Executive supports WRAP and Remade Scotland to develop markets for recycled products.
- 6.2 The Executive has asked public bodies to specify the use of recycled materials in construction projects and when procuring paper.

What will happen:

- 6.3 Remade Scotland, working with WRAP, will produce an annual report on the state of recycling markets in Scotland. The first such report will be produced by April 2007.
- 6.4 The Executive, with support from SEPA, WRAP, Remade Scotland and Scottish Enterprise, will issue a paper on business opportunities arising from the National Waste Plan (for Business Advisors) by end May 2007.
- 6.5 The Executive will publish a Market Development Plan to develop better economic rationale for intervention in the recycling market by the end of May 2007.

Delivery of the Framework

The following section sets out the delivery mechanisms for this Framework, to ensure the overall aims of this document along with the actions (detailed in a separate Action Plan) are taken forward by the delivery partners.

The Action Plan

The Action Plan (www.scotland.gov.uk/Topics/Environment/Waste/17103/9197), summarising the actions, is being published at the same time as this framework. The Executive and SEPA will review progress on the actions twice a year and will publish revisions to show progress. Consideration will also be given to adding any further appropriate actions.

The Delivery Partners

To assist in drawing up this framework, SEPA and the Executive convened a National Business Waste Working Group. This consists of the following members:

Business Environment Partnership
Chartered Institution of Wastes Management
Community Recycling Network for Scotland
Confederation of British Industry
Convention of Scottish Local Authorities
Envirowise
Federation of Small Businesses Scotland
Highland and Islands Enterprise
Remade Scotland
Scottish Environmental Services Association
Scottish Enterprise
Scottish Environment Protection Agency
Scottish Executive
Scottish Industrial Symbiosis Programme
Scottish Retail Consortium
Scottish Waste Awareness Group
Waste and Resources Action Programme

Monitoring, Reporting and Reviewing

The National Business Waste Working Group will provide a forum to report and monitor progress. The Working Group will also provide a communication network between the delivery partners.

It is anticipated that the group will meet no more than twice per year. The Executive, supported by SEPA, is currently reviewing its support for business resource efficiency bodies and the future role of the National Business Waste Working Group will be considered in the light of this review.

The National Working Group will:

- Monitor progress on the Business Waste Framework Action Plan.
- Discuss any issues arising in relation to the Business Waste Framework.
- Provide updates to the Executive and the Scottish Liaison Group on Waste, as required.

Local Delivery

The National Waste Plan is supported through local Area Waste Plans. Each Area also has a Waste Strategy Area Group, co-ordinated by SEPA. In some cases, Waste Strategy Area Groups have established sub-groups to consider issues in relation to business waste. Working with existing groups, SEPA will continue to ensure that business waste issues are discussed at a local level. Key issues are likely to be:

- Further work to make the data on business waste more robust, including learning any lessons from the trial on data collection in Tayside described in the Data section of this framework. Work on business waste data is likely to include obtaining information on major waste streams arising in local areas.
- Collating information (which is likely to be available already from waste management licensing returns and other information obtained by SEPA in its role as a regulator) on the capacity of waste management facilities in the local area. This information will also be useful for SEPA when commenting on land-use planning applications relating to proposed waste management infrastructure.
- Obtaining views from waste producers on any barriers to sustainable waste management and providing advice to the Executive and the National Business Waste Working Group on what action could be taken to tackle these barriers.
- Facilitating the delivery of local solutions to overcome barriers as agreed with the Executive and the National Business Waste Working Group.
- Ensure that SEPA regulatory staff takes full account of the opportunities for resource efficiency and recycling when undertaking their regulatory work.

Business Waste Framework

On the basis of business plan targets we would expect the main business support bodies to achieve at least the following cost saving and tonnage targets:

| Body | Financial Savings to Business | Waste Reduced or Re-used (tonnes per year) |
|---|--------------------------------------|---|
| Envirowise ⁴ | £6,800,000 | 174,000 |
| Business Environment Partnership ⁵ | £500,000 | 3,000 |
| National Industrial Symbiosis Programme: Scotland | £330,000 | 35,000 |
| | £7,630,000 | 212,000 |

| Body | Financial Savings to Business | Commercial waste diverted from landfill (tonnes over two years) |
|--------------------------------------|--------------------------------------|--|
| Waste and Resources Action Programme | Not quantified | 250,000 |

⁴ The total financial savings to business from work by Envirowise in 2007/08 is estimated at £19.5m. Of this, £6.8m is from waste and raw materials; £8.8m is from water/effluent savings; £2.4m from energy and £1.5 m from a combination of reduced process and design time and abatement.

⁵ The financial savings to business from work by the BEP includes savings from more efficient use of waste, energy and water.

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