

**Consultation Paper on the Sustainable
Management of Waste from Business and
Public Sector Organisations in Scotland**

August 2005
Paper 2005/16

© Crown copyright 2005

ISBN: 0-7559-2663-3

Scottish Executive
St Andrew's House
Edinburgh
EH1 3DG

Produced for the Scottish Executive by Astron B42526 08/05

Published by the Scottish Executive, August, 2005

Further copies are available from
Blackwell's Bookshop
53 South Bridge
Edinburgh
EH1 1YS

The text pages of this document are printed on recycled paper and are 100% recyclable.

Consultation Paper on the Sustainable Management of Waste from Business and Public Sector Organisations in Scotland

List of Contents

<u>Section 1: Introduction.</u>	Page 1
Amounts and types of commercial and industrial waste: waste data	
<u>Section 2: Current issues</u>	Page 3
Existing policy framework	
Issues for Small and Medium Enterprises (SMEs) producing waste	
Issues for Larger Companies producing waste	
<u>Section 3: Infrastructure</u>	Page 7
The infrastructure required	
<u>Section 4: Other issues</u>	Page 9
Use of the planning system to promote waste prevention and recycling	
Targets	
Use of Pollution Prevention and Control (PPC) regime	
Landfill Bans	
EU Thematic Strategy on Waste Prevention and Recycling	
<u>Section 5: Responses to the consultation paper</u>	Page 13
Annex 1: Waste data	Page 14
Annex 2: National Best Practice Projects	Page 15
Annex 3: List of Consultation Questions.	Page 17
Annex 4: List of Consultees	Page 20
Annex 5: The Scottish Executive Consultation Process	Page 22

August 2005

SECTION 1: INTRODUCTION

1.01 The National Waste Plan (2003) outlined the Scottish Executive's intentions in relation to the future management of waste in Scotland. Since then, the Executive has provided resources to local authorities, through the Strategic Waste Fund, to improve recycling facilities and invest in longer term facilities to treat waste.

1.02 However, the National Waste Plan concentrated on household waste. The bulk of Scotland's waste – around 75% of it – is not generated by households. The Scottish Executive and the Scottish Environment Protection Agency (SEPA) have produced this paper, which outlines some of the steps we are already taking in this area and seeks views on what more could be done. In this paper, the term “commercial and industrial waste” has been used to refer to non-household waste generated by the private, public and voluntary sectors (with the exception of radioactive waste, which is covered by separate legislation). This could include waste generated by commercial activity (e.g. manufacturing) or from the activities of employees (eg waste arising from consuming food and drink).

1.03 The broad thrust of the Scottish Executive's policy in relation to commercial waste is similar to our policy in relation to domestic waste. It aims to move further away from landfill and towards waste prevention; recycling and composting and the use of other technologies to treat residual waste. More detailed information supporting this consultation paper can be viewed on the SEPA website (http://www.sepa.org.uk/nws/business/national_consult.htm).

1.04 Other key points:

- The Scottish Executive does not intend to dedicate long-term significant financial resources to this area, in the way that we have for domestic waste. When it comes to waste produced by business, the “polluter pays” principle applies and we expect waste producers to foot the bill.
- Given that waste producers will have to foot the bill, there is a clear incentive on producers to prevent waste arising in the first place.
- Where new waste treatment facilities are required, the Scottish Executive must ensure that the land-use planning system delivers fair decisions on where these should be sited.
- The Scottish Executive will provide better information for businesses on the recycling options open to them.
- Consultees may also be interested in viewing the Consultation Paper on Setting Targets for Recycled Content in the Public Sector (www.scotland.gov.uk/Consultations/Current) and Going for Green Growth: a Green Jobs Strategy for Scotland (www.scotland.gov.uk/Topics/Business-Industry/Enterprise/18320/13232). A draft market development plan has also been produced.

Amounts and types of commercial and industrial waste: waste data.

1.05 Commercial and industrial waste covers a wide range of waste types, quantities and characteristics and is generated by many individual producers, ranging in size from small commercial premises and sole traders to large industrial complexes. Waste streams include agricultural waste, batteries, broken items, catering waste, clinical waste, computers,

construction and demolition waste, hazardous waste, office waste, metals, paper and board, and plastics. Waste handling, treatment and disposal are carried out by a large number of different organisations, including waste producers themselves, private waste management companies, local authorities and the voluntary sector.

1.06 Most waste from industrial sources is regarded as non-municipal waste (i.e. it is not collected by or under the control of local authorities). Currently, hard data on the amount of non-municipal waste being produced is not available. Major producers of waste are the construction and demolition industry, the mining and quarrying industry; packaging and newsprint industries.

1.07 Both the Scottish Executive and SEPA recognise that better data on waste arisings must be collected. Collection of better data would enable more robust policy decisions to be taken in relation to waste management. In August 2004, SEPA started to carry out a data survey identifying the amount of waste generated by businesses in Scotland during calendar year 2003.

1.08 Annex 1 shows information on the landfilling of waste. SEPA's Waste Data Digest shows that there is a downward trend in the quantity of waste being disposed of to landfill. In 1994, around 15.9 million tonnes of controlled waste was disposed of to landfill. In 2003, around 7.9 million tonnes was disposed of to landfill in Scotland. UK figures, collected by the Customs and Excise in the context of the Landfill Tax, and reported in Budget 2005, show that the total volume of waste disposed to landfill fell by almost 20% between 1997/98 and 2003/04.

1.09 In the absence of robust data on commercial and industrial waste arisings, SEPA have carried out a number of National Best Practice Projects (formerly known as Priority Waste Stream Projects). These projects analyse waste arisings in specific sectors in Scotland; current disposal and recovery methods and make recommendations for the future, including recommendations on best practice. A table showing a list of the National Best Practice Projects, and their current status, is attached at Annex 2.

Question 1: SEPA and the Scottish Executive are carrying out a review of the National Best Practice Projects (NBPPs). We would welcome views on whether the approach taken (considering specific waste streams and making recommendations on best practice) remains appropriate. Consultees are invited to comment on:

- (a) the overall approach taken in relation to NBPPs, and whether this remains appropriate.**
- (b) waste streams/industrial sectors that might benefit from the NBPP approach.**
- (c) the aims and outputs that should be laid down and achieved when an NBPP project is established.**

1.10 The need for robust data on waste is recognised at both EU and UK level, as well as in Scotland. At EU level, the EU Regulation on Waste Statistics (2002/2150/EC) now requires the UK to submit waste data returns to the EC every two years. Data for the first reference year of 2004 will be reported in June 2006. Waste data relating to Scotland and collected by SEPA will form part of the UK return to the European Commission.

1.11 At UK level, the Department of the Environment, Food and Rural Affairs issued 'A Consultation on the Development and Implementation of a Three Year Strategy to Improve

Data across All Waste Streams in the UK'. This proposed changes to the way data on industrial and commercial waste is collected. The proposals include collecting more detailed information on waste types and a move away from surveys of waste producers. The consultation, which closed on 7 January 2005, proposes implementation of Phase 1 in England and Wales from 2006 with the potential for Scotland and Northern Ireland to participate post-2006 in Phase 2.

Question 2:

a) Do consultees consider there is more that SEPA and the Scottish Executive could do to collect better data in relation to the amount of commercial and industrial waste arisings?

b) If yes, what? (options could include further surveys; collecting more detailed information on waste types and introducing duties on waste producers to report on the waste types and quantities produced.)

SECTION 2: CURRENT ISSUES

Existing policy framework

2.01 Legislation, designed to protect the environment and human health and to promote the sustainable use of resources, is one key driver for sustainable waste management. Key legislation includes:

- The Landfill (Scotland) Regulations 2003, as amended (SSI 2003/235). These prohibit the co-disposal of hazardous and non-hazardous waste; ban most used tyres from being landfilled; require waste to be pre-treated before it is landfilled; and require the charges made by landfill operators to take account of the costs of setting up, operating and closing the landfill site (including after-care costs for a period of at least 30 years from its closure).
- The Producer Responsibility Obligations (Packaging Waste) Regulations 1997 (SI 1997/648). Under these regulations, businesses of £2m turnover and which make or use over 50 tonnes of packaging per annum must recycle or recover a proportion of what they make or use. In 2002, industry across the UK recovered 4.96m tonnes of packaging waste.

2.02 As well as regulatory drivers, a number of fiscal measures are in place to promote sustainable waste management. The Landfill Tax is currently (2005/06) £18 per tonne for active wastes and £2 a tonne for inert (inactive) wastes. The level for active wastes will increase by at least £3 a year to reach a medium to long-term rate of £35 a tonne. The aim of the Aggregates Levy is to reduce demand for virgin aggregates; encourage the use of recycled materials and address the environmental costs associated with quarrying (eg noise, dust, visual intrusion). The current levy is £1.60 per tonne.

2.03 The current total cost of landfill (i.e. including the gate fee as well as the Landfill Tax) varies across Scotland. The total cost of waste disposal depends upon the type, amount and location of the waste relative to its disposal site: for example, central belt is cheaper than North East Scotland. At present, typical total waste disposal costs can vary from about £45 per tonne to £80 per tonne. During the implementation period of the Landfill (Scotland) Regulations, SEPA estimate that the number of operational landfill sites will fall from 257 in 2002 to 110 at the end of 2007, and that there will be limited capacity for hazardous waste.

Issues for Small and Medium Enterprises (SMEs) producing waste

2.04 The increasing costs of disposing of waste to landfill will make sustainable waste management more economically viable. However, a number of factors mean that it may be difficult for SMEs to prevent waste at source, to recycle and to consider other options (such as new technologies) to treat their waste. The Federation of Small Businesses has just carried out a membership survey on waste disposal. Key issues for SMEs are:

- SMEs may have little control over the packaging they receive from their suppliers. This may make it difficult for SMEs to reduce or minimise waste produced as a result of this packaging.
- Lack of storage space to collect a viable quantity of material for recycling or treatment. For smaller businesses, floor space may be better used for core business activities and sometimes there are insurance issues (e.g. fire risk) with storing waste.
- Lack of local recycling facilities in certain parts of the country. This may be a particular issue in rural areas.
- Lack of awareness of local recycling facilities.
- Mixed waste streams, which might make it difficult to separate materials for recycling.
- Lack of time.
- Although the costs of disposing of waste are increasing, they still form a relatively small part of businesses' overall costs. Water and energy costs are likely to be more significant.

2.05 Under the Environmental Protection Act 1990, local authorities are under a duty to collect commercial waste from premises when requested to do so (authorities may also collect industrial waste but are not under a duty to do so). Local authorities are expected to recover the full costs of collecting and disposing of commercial waste through charges. The most recent study which considered this issue (Audit Scotland's study on "Benchmarking Refuse Collection", published in April 2000) suggested that, across Scotland, councils were subsidising commercial refuse collection to an amount totalling some £9.7 million a year.

2.06 Following the National Waste Plan, local authorities have concentrated on improving recycling facilities for domestic householders, with the help of the Scottish Executive's Strategic Waste Fund. Increasingly, local authorities will focus on the procurement of new technologies to treat and recover municipal waste, to help meet EU targets on reducing the amount of biodegradable municipal waste sent to landfill. Municipal waste includes some waste from businesses. Therefore, some waste treated in these new plants commissioned by local authorities may come from business. In accordance with normal practice, local authorities will be expected to recover through charges the full cost of collecting and disposing of commercial waste.

2.07 Some local authorities are already providing advice to business on options available to move towards more sustainable waste management. The Scottish Executive welcomes initiatives of this nature. The Executive considers that when promoting sustainable waste management services, local authorities should promote services offered by the private and voluntary sectors, as well as its own services. The Executive and SEPA, together with other appropriate bodies, will consider whether further research on local authority trade waste collections (including the level of charges; information supplied to SMEs and the ultimate disposal route of trade waste) is required.

2.08 One barrier for SMEs may be that the amount of waste they have is relatively small. The sharing of collection and storage facilities may provide a solution to this issue. For example, some of the more recently built shopping centres and other facilities such as airports provide central waste management facilities to their tenants for waste storage, bulking and collection. This can make recycling commercially viable. The waste management costs are typically included in the service charges. In this situation, the centre/facilities management is seen as the waste producer and does not require a waste management licence.

2.09 For other centres and retail parks, the following issues can act as a barrier to the adoption of centralised or shared facilities:

- the need for waste management licensing to allow one occupant or a third party to offer storage and bulking facilities to other occupants of the centre/ retail park;
- the requirement for someone to manage and take responsibility for the bulked waste;
- the requirement for physical space to store the collected waste; and
- a clear definition of who has the Duty of Care.

2.10 To help tackle the issues relating to SMEs producing waste, the Scottish Executive proposes a number of actions:

- The Waste and Resources Action Programme (WRAP), funded by the UK Government and the devolved administrations, will carry out a study in 2005/06 on the collection of recyclable materials from SMEs.
- The Scottish Waste Awareness Group (SWAG), funded by the Scottish Executive, will, in 2005/06, create a web-based facility providing information on recycling facilities available to business. SWAG will work closely with business when creating this facility, which will build on existing directories of recycling services, to avoid duplication.
- The Scottish Executive and SEPA will promote further “Netregs”: <http://www.environment-agency.gov.uk/netregs/> Netregs is a UK website run by SEPA, the Environment Agency for England and Wales and the Northern Ireland Environment and Heritage Service. It is free to use. Its aim is to help SMEs understand environmental regulations that can affect them. The site provides guidance on how to comply with environmental law as well as advice on good practice.

2.11 The Scottish Executive would be grateful for comments on the following questions:

Question 3:

a) Are the potential barriers for SMEs achieving more sustainable waste management, outlined in paragraph 2.04 above, accurate?

b) Are there any additional barriers?

c) What action can be taken to tackle these barriers?

Question 4:

a) Can Local Authorities do more to provide advice to businesses on available local services for recycling and waste prevention?

b) Are businesses aware of any particular examples that could be used as a model of good practice? If yes, please specify.

Question 5:

a) Could Trade Associations do more to encourage businesses to address waste management?

b) If yes, what? This may involve a signposting role rather than developing their own guidance.

Question 6:

a) Is it practical for businesses to share collection and storage facilities to encourage recycling?

b) Please detail any issues in relation to businesses using recycling centres (civic amenity sites).

Issues for larger businesses producing waste.

2.12 The issues for larger companies producing waste may be different to the issues facing smaller companies. Larger companies are less likely to use local authorities to dispose of their waste and are more likely to have their own arrangements with waste management companies. Larger companies, by virtue of their size, are also more likely to have an environmental manager who can advise the company on issues relating to the costs of dealing with waste. They are also more likely to be aware of potential training opportunities, such as the Waste Aware Certificate developed by the Chartered Institution of Wastes Management (www.ciw.org.uk/pm/111)

2.13. However, there are a number of barriers which may stop larger companies from developing sustainable waste management practices. Potential issues are:

- Lack of awareness. The cost of waste may just be seen as the cost of disposal whereas the true cost takes account of **all** the materials used in producing waste in the first place. A particular issue is whether those parts of larger organisations which can influence recycling/reduction of waste, such as the accounts department, the Chief Executive Officer, the Board and the purchasing department are fully aware of all the costs associated with waste.
- Centralised waste management contracts, which may not take account of local possibilities to minimise waste and to recycle.
- The need to take account of all of the manufacturing (or service) process, so that waste issues are considered throughout the process, and not just in part of it.
- The need to ensure that materials are not over-ordered in the first place. Over-ordering will lead to waste and increased costs.

2.14 One of the larger generators of waste is the construction industry, although the construction industry, as a result of increased costs, has also taken significant steps to reduce

the amount of waste sent to landfill. Possible barriers which may prevent sustainable waste management in the construction industry are:

- In the great majority of cases, a construction project is to be achieved in the shortest possible time to maximise the return. This can limit the time available for waste planning (eg. separation of materials) and to train site workers.
- Most construction projects employ a wide range of sub-contractors (can be sub-sub contractors) that varies in the course of the project. Often, these will be engaged on a project by project basis and this can lead to differences in awareness levels (of waste and other matters) and working practices
- Estimation of quantities (e.g. wood, mortar etc) is usually done on a project by project basis and often by a sub-contractor working on a specific task. This leads to over-ordering of raw materials, and raw materials remaining at the end of a project which are not transferred to the next project.

2.15 In recognition of the issues in relation to construction waste, the Scottish Waste Awareness Group, in partnership with the industry, have set up Waste Aware Construction: <http://www.wascot.org.uk/construction/> This provides straightforward advice and information to construction companies on minimising waste and on colour-coding skips to help recycling.

Question 7:

a) Should the Scottish Executive, SEPA or other agencies do more to raise awareness of waste issues amongst larger companies?

b) Are any of the following points relevant to your industry?

- i) Whether key decision makers in companies are aware of the costs of waste.**
- ii) Whether further training would be helpful.**
- iii) Ensuring that decision makers consider all parts of the manufacturing process and not just some of the process.**
- iv) Over-ordering of materials.**
- v) Ability of companies to spend time on waste issues, given the other pressures on business.**
- vi) Other (please specify)**

SECTION 3: INFRASTRUCTURE

The infrastructure required

3.01 To move commercial and industrial waste away from landfill, more infrastructure will need to be provided to ensure that waste can be recycled or composted or, where that is not possible, be treated and recovered in other waste management technologies, such as Mechanical and Biological Treatment Plants and Energy from Waste Plants.

3.02 As with infrastructure required to treat domestic waste, the land-use planning system should provide a clear indication of where plants should be sited, ensuring that the interests of the Scottish economy, the environment, business and local residents are met. The Scottish Executive and SEPA are taking a number of steps:

- The Scottish Executive will start in 2005 to review and update National Planning & Policy Guidance (NPPG) 10, on planning for waste management.
- The Scottish Executive and SEPA are just completing a survey on the coverage of waste policies in local plans. This research will help the Executive and local authorities determine where action is needed to update local plans.
- The Scottish Executive is commissioning a study on how land-use planning applications for waste management plants have been dealt with in the past, and what lessons that might show for future applications.
- The Scottish Executive and SEPA will carry out further training for elected members and planners on waste management facilities.
- When reviewing the Area Waste Plans, SEPA will ensure that these consider the need for **all** waste infrastructure, to treat both domestic and commercial and industrial waste.

Consultees will be aware that the Scottish Executive is reviewing the land-use planning system more generally. Our recent White Paper on Modernising the Planning System can be found at: <http://www.scotland.gov.uk/Publications/2005/06/27113519/35231>

3.03 The Scottish Executive recognises that some of the facilities that will be provided to deal with local authorities' residual waste may also be made available, on a cost recovery basis, to some commercial and industrial wastes. This does not mean that the Strategic Waste Fund should be used to fund facilities for non-municipal waste. The Executive's position is that the Strategic Waste Fund should be used to prevent and recycle municipal waste and divert it from landfill. If facilities are provided by local authorities which will also handle commercial and industrial waste, it would be for local authorities to recover the costs involved from commercial and industrial waste producers, rather than from Government.

3.04 As indicated above, the Scottish Executive does not consider that large-scale financial resources should be made available to tackle commercial and industrial wastes. However, the Scottish Executive has funded WRAP to carry out some capital grant competitions to increase recycling infrastructure in relation to aggregates, organic wastes, wood, and other materials and to increase the amount of recycling infrastructure generally. These competitions recognise that there have been limitations in the UK's recycling infrastructure, given our recent low levels of recycling. The recycling infrastructure provided will process both domestic and commercial and industrial wastes. The Scottish Executive will consider, with WRAP, the need for further capital grant competitions to increase recycling infrastructure in Scotland.

3.05 WRAP has also introduced the eEquip Residual Value Guarantee (RVG) Scheme to help recycling companies secure the financial help they need. The eEquip RVG Scheme guarantees the future residual value of the machinery needed and has set up a panel of banks and leasing companies who will consider leasing to the recycling sector. RVG schemes are available to firms operating in the glass, plastic, wood, paper, aggregates and organic sectors.

3.06 WRAP has also established the Recycling Fund, an equity investment fund dedicated to the UK recycling sector. £5.5m has now been raised to fund small to medium sized enterprises (SME's) in the UK's recycling sector. WRAP are also working to reduce waste in

the retail sector, through an Innovation Fund which seeks to encourage innovative ways of reducing waste in products and packaging.

Question 8:

a) Is there any more the Scottish Executive and SEPA or other agencies could be doing in relation to the provision of infrastructure to deal with commercial and industrial waste?

b) If yes, what?

c) Is there any more the Scottish Executive and SEPA or other Government agencies could be doing to take account of potential synergies between domestic waste and commercial and industrial waste?

d) If yes, what?

SECTION 4: OTHER ISSUES

Use of advice and conditions to promote waste prevention and recycling

4.01 Planning Advice Note 63 indicates that developers should be encouraged to provide space in their proposed developments to accommodate provision within the premises for facilities to separate and store different types of waste at source. The Scottish Executive considers that there may be greater scope to promote waste prevention and recycling during both the construction phase and the lifetime of the new development. For example, the Forth Valley Area Waste Group have issued a Supplementary Development Advice Note on Managing Waste in Housing and Commercial Developments: http://www.stirling.gov.uk/dan_waste_management.pdf

4.02 This Note provides straightforward guidance to developers on the inclusion of waste management and recycling facilities in new developments and on minimising and recycling waste during the planning and construction process. For example, it advises developers that they should consider producing a waste management plan. This would cover wastes to be produced and how they will be recycled/reclaimed; steps taken to minimise waste and maximise the use of recycled materials; procedures for the management of waste on-site and waste leaving the site; information about waste carrier(s), waste transfer(s) and sites that receive the waste.

4.03 Section 37 of the Town and Country Planning (Scotland) Act 1997 allows planning authorities to grant planning permission either unconditionally or subject to such conditions as they see fit. Guidance on conditions was issued in Scottish Office Development Department Circular 4/1998: http://www.scotland.gov.uk/about/Planning/Circular_4_1998_INT.aspx In England and Wales, section 54 of the Clean Neighbourhoods and Environment Act 2005 empowers the Secretary of State/the National Assembly for Wales to make regulations requiring site waste management plans to be drawn up by “persons of a specified description”.

Question 9:

a) Do consultees consider that more should be done to promote site waste management plans?

b) if yes, what?

c) Could planning conditions be used by local authorities to require developers to produce construction and demolition waste prevention and management plans for developments above a specified (financial) threshold?

d) If yes, what should this threshold be?

4.04 Local authorities may also wish to consider the use of conditions in other areas. For example, when issuing/renewing licences under the Civic Government (Scotland) Act 1982, and other legislation, local authorities may wish to consider if it would be appropriate to require the licence holder to provide or use recycling facilities.

4.05 The Scottish Executive intends to approach bodies holding major sporting or art events to ask what actions they have taken regarding waste minimisation and recycling.

Targets

4.06 For municipal waste, the Scottish Executive, and the European Union, have set detailed targets in relation to recycling and diverting biodegradable municipal waste away from landfill. There is also a commitment in the National Waste Plan to stop growth in municipal waste by 2010.

4.07 Currently there are no landfill reduction targets specifically related to commercial and industrial waste collected by the private and voluntary sector (although the amount of such waste being landfilled is falling). Recovery targets are limited to products covered in the Packaging and Producer Responsibility regimes. There are no waste minimisation targets for commercial and industrial waste, although the Pollution Prevention and Control regime, which applies to a number of industries, does require operators to consider what they can do to minimise waste (see paragraphs 4.13 to 4.17 below).

4.08 Targets for commercial and industrial waste could only be developed when robust data on the amount of commercial and industrial waste produced is available. Any such targets could contribute to targets to combat climate change.

4.09 One option, for example, might be to set high-level targets at an all-Scotland level. Such targets could simply be to reduce the amount of non-municipal waste arising, increase the proportion of waste recycled or reduce the amount of non-municipal waste landfilled. If targets of this nature were set, then the Executive and SEPA could produce an annual report on progress and possible further action.

4.10 Another option might be to set detailed targets on waste arisings and waste landfilled for specific industries, with good, and bad, practice being highlighted. A further option might be to set targets for the public sector, in line with existing work to improve public bodies' environmental performance.

4.11 An alternative to targets might be further voluntary agreements to meet certain targets or challenges. For example, the newspaper industry has an agreement with the Government on targets for using recycled newsprint. The PVC industry also has voluntary commitments to increase recycling.

4.12 Before any new targets were set, there would have to be further consultation with those who might be affected.

Question 10:

a) Do consultees consider targets could be introduced, after further consultation?

b) If so, what areas could be covered and what targets could be set?

c) Would the public sector be a possible candidate for targets?

Question 11:

a) Are voluntary agreements a way of reducing waste arisings; or reducing waste going to landfill or encouraging recycling?

b) If so, to which sectors could these be extended and what would be the main areas which such an agreement should cover?

c) Please give details of any industry that would consider entering into voluntary agreements with the Executive on sustainable waste management.

Use of Pollution Prevention and Control (PPC) regime.

4.13 The Scottish Executive and SEPA consider that the use of conditions in Part A Pollution Prevention and Control (PPC) permits will improve the waste management on permitted sites. Part A sites, which are the larger sites, will have to take account of low waste technology and the consumption of raw materials (including water) plus energy efficiency.

4.14 A key objective of PPC is to achieve optimal protection of the environment as a whole. As such, the requirements of the PPC permit will focus on the largest environmental impacts. For many Part A sites, waste minimisation is new to them so during the initial period of PPC permitting, sites will be required to assess the resource usage (including raw materials) and how these resources and wastes can be minimised.

4.15 Currently, there are no waste minimisation targets, although there is inherent in the PPC Regulations a requirement that applications meet BAT (Best Available Techniques). The operator has to justify their performance relative to industry BREF Notes (Best Available Techniques Reference Document) and sector specific UK technical guidance. These identify good practice throughout the process and will identify targets for the utilisation of raw materials (including energy), techniques for material recycling and the ways to minimise and dispose of waste.

4.16 Permits can be reviewed at any stage to ensure that BAT is being met and this will include comparing the waste management aspects with the Best Practice Guidance developed by the relevant sector through the National Best Practice Projects.

4.17 The current approach requires the assessment of wastes produced and a demonstration of how the waste is managed. This has already resulted in some applicants realising cost benefits from changing their waste management practices.

Question 12:

a) Do consultees consider that the promotion of waste minimisation within the PPC regime should be strengthened?

b) If yes, how?

Landfill Bans

4.18 Whole used tyres (with a few exceptions) can no longer be sent to landfill. There may be scope for introducing bans on further materials going to landfill, on the grounds that a good recycling market exists for the materials and collection and treatment infrastructure is in place. Such bans could, for example, cover materials such as metal, wood and glass. Other countries around the world have used landfill bans to further sustainable waste management.

4.19 Clearly there would be concerns about enforcing bans of this nature, particularly if the materials in question are attached to other materials, which might make recycling or other uses more difficult. Some of the materials might appear in very small quantities, which would again make enforcement difficult. Identifying where the responsibility for compliance ultimately falls - the waste producer or the waste contractor – would be challenging. The Scottish Executive would also need to consider further its legal powers to introduce bans of this nature.

Question 13: Do consultees believe that it is feasible to introduce bans on the landfill disposal of certain materials? If so, would consultees please identify the materials for which a ban could be imposed.

EU Thematic Strategy on waste prevention and recycling

4.20 The European Commission are currently working on a Thematic Strategy on Waste Prevention and Recycling. More details can be found on the Commission's website at <http://europa.eu.int/comm/environment/waste/strategy.htm> This Strategy, when published, may contain proposals for amendments to EU legislation, including legislation impacting on the definitions of the disposal and recovery of waste. The Scottish Executive will keep interested parties informed, when the Strategy is published.

SECTION 5: RESPONSES TO THE CONSULTATION PAPER

5.01 We would welcome written responses to this consultation paper by 16 December 2005. Please also complete and return the Respondent Information Form attached with the cover letter to this consultation.

Please email your response to

BusinessWasteConsultation@scotland.gsi.gov.uk

Or send it by post or fax to

Kirstie Macfarlane
Scottish Executive
Environment and Rural Affairs Department
SEPA Sponsorship and Waste Division
Area 1-J (North)
Victoria Quay
Edinburgh
EH6 6QQ

Fax: 0131 244 0245

Access to responses

5.02 This consultation, and all other SE consultation exercises, can be viewed at <http://www.scotland.gov.uk/consultations>. Electronic comments would be preferred but all responses, whether electronic or written, will be carefully considered. The electronic questionnaire can be accessed and downloaded at the following website address <http://www.scotland.gov.uk/consultations>. You can telephone Freephone 0800 77 1234 to find out where your nearest public internet access point is.

5.03 We will make all responses available to the public in the Scottish Executive Library by 24 January 2005, unless confidentiality is requested. All responses not marked confidential will be checked for any potentially defamatory material before being placed in the library.

The Scottish Executive and the Scottish Environment Protection Agency
August 2005

Annex 1: Waste Data

Detailed data on commercial and industrial wastes arising is not currently available. As indicated above, SEPA have commissioned a survey of commercial and industrial waste. SEPA have also carried out a number of National Best Practice Projects (formerly known as Priority Waste Stream Projects) on specific waste streams. Some key results from these Projects are outlined in Annex 2.

SEPA's Waste Data Digest 5 for 2005 (http://www.sepa.org.uk/pdf/publications/wds/wdd_5.pdf) records the total waste landfilled in Scotland during 2003 as 7.88 million tonnes. This figure includes both domestic wastes and other forms of waste. A summary is shown below:

- The top eight European Waste Codes
 - Code 10. Mixed ordinary wastes 4.05 million tonnes
 - Code 12. Mineral Wastes 3.33 million tonnes
 - Code 7. Non-metallic waste 0.103 million tonnes
 - Code 9. Animal and vegetable matter 0.101 million tonnes
 - Code 3. Other Chemical wastes 0.074 million tonnes
 - Code 13. Solidified stabilised or vitrified 0.057 million tonnes
 - Code 11. Common sludges 0.037 million tonnes
 - Code 8. Discarded equipment 0.016 million tonnes
- Remaining five European Waste Codes (individually less than 5,000tonnes)
0.010 million tonnes
- Un-coded waste 0.098 million tonnes

Annex 2: National Best Practice Projects - Current status of projects, July 2005

Project	Phase 1			Phase 2 ✓ indicates Briefing Note available on SEPA website
	Proposed Commencement Date	Completed	Executive Summary available on SEPA website See note 1	
Agricultural wastes	Reviewing data collected by UK project			In progress
Clinical and Sanpro waste	Commenced July 2004			Due December 05
Construction & demolition wastes	N/A	✓	www.sepa.org.uk/pdf/nws/data/pws/pwsp_c_and_d.pdf	✓
End-of life vehicles (ELVs)	N/A	✓	www.sepa.org.uk/pdf/nws/data/pws/pwsp_elv.pdf	Complete. Guidance available. See note 2 below.
Fish Wastes	✓	✓	Data to be included in Phase 2 Report	✓
Food Preparation and Processing Wastes	Commencing May 2005		Due January 2006	
Forestry Wastes	Commencing May 2005		Due January 2006	
Household hazardous wastes	N/A	✓	www.sepa.org.uk/pdf/nws/data/pws/pwsp_hhw.pdf	Awaiting confirmation of pilot projects
Oil Wastes:				
a) Cooking oils	Commenced 2002/2003		Due September 2005	
b) Mineral Oils	Commenced 2002/2003		Due October 2005	
Petroleum Refining, Natural Gas Purification & Pyrolytic Treatment of Coal Wastes	Commenced June 2004		Due August 2005	
Used tyres	N/A	✓	www.sepa.org.uk/pdf/nws/data/pws/pwsp_tyres.pdf	✓
Waste batteries	Commenced 2002/2003		Due September 2005	
Waste electrical and electronic	N/A	✓	www.sepa.org.uk/pdf/nws/data/pws/	Regulations expected

equipment (WEEE)			<u>pwsp weee.pdf</u>	Summer 2005
Chlorofluorocarbons and ozone depleting substances	Superseded by regulations			
Newsprint	N/A	✓	Summarised in Data Digest 2 – 2000/2001 data www.sepa.org.uk/pdf/publications/wds/wdd_2.pdf	Phase 1 initiated to facilitate funding bid. Phase 2 not required
Packaging wastes	Superseded by regulations			
Special wastes	Superseded by Regulation			

Note

1. SEPA website: http://www.sepa.org.uk/nws/business/practice_projects.htm

2. Guidance has been prepared to support the End of Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003. The Guidance on the Keeping and Treatment of Waste Motor Vehicles and Conditions of Site Licences is available on the Scottish Executive website at: http://www.scotland.gov.uk/library5/environment/ELV_Guidance.pdf

Annex 3: List of Consultation Questions

Question 1: SEPA and the Scottish Executive are carrying out a review of the National Best Practice Projects (NBPPs). We would welcome views on whether the approach taken (considering specific waste streams and making recommendations on best practice) remains appropriate. Consultees are invited to comment on:

- (a) the overall approach taken in relation to NBPPs, and whether this remains appropriate.**
- (b) waste streams/industrial sectors that might benefit from the NBPP approach.**
- (c) the aims and outputs that should be laid down and achieved when an NBPP project is established.**

Question 2:

- a) Do consultees consider there is more that SEPA and the Scottish Executive could do to collect better data in relation to the amount of commercial and industrial waste arisings?**
- b) If yes, what? (options could include further surveys; collecting more detailed information on waste types and introducing duties on waste producers to report on the waste types and quantities produced.)**

Question 3:

- a) Are the potential barriers for SMEs achieving more sustainable waste management, outlined in paragraph 2.04 above, accurate?**
- b) Are there any additional barriers?**
- c) What action can be taken to tackle these barriers?**

Question 4:

- a) Can Local Authorities do more to provide advice to businesses on available local services for recycling and waste prevention?**
- b) Are businesses aware of any particular examples that could be used as a model of good practice? If yes, please specify.**

Question 5:

- a) Could Trade Associations do more to encourage businesses to address waste management?**
- b) If yes, what? This may involve a signposting role rather than developing their own guidance.**

Question 6:

- a) Is it practical for businesses to share collection and storage facilities to encourage recycling?
- b) Please detail any issues in relation to businesses using recycling centres (civic amenity sites).

Question 7:

- a) Should the Scottish Executive, SEPA or other agencies do more to raise awareness of waste issues amongst larger companies?
- b) Are any of the following points relevant to your industry?
 - i) Whether key decision makers in companies are aware of the costs of waste.
 - ii) Whether further training would be helpful.
 - iii) Ensuring that decision makers consider all parts of the manufacturing process and not just some of the process.
 - iv) Over-ordering of materials.
 - v) Ability of companies to spend time on waste issues, given the other pressures on business.
 - vi) Other (please specify)

Question 8:

- a) Is there any more the Scottish Executive and SEPA or other agencies could be doing in relation to the provision of infrastructure to deal with commercial and industrial waste?
- b) If yes, what?
- c) Is there any more the Scottish Executive and SEPA or other Government agencies could be doing to take account of potential synergies between domestic waste and commercial and industrial waste?
- d) If yes, what?

Question 9:

- a) Do consultees consider that more should be done to promote site waste management plans?
- b) if yes, what?
- c) Could planning conditions be used by local authorities to require developers to produce construction and demolition waste prevention and management plans for developments above a specified (financial) threshold?
- d) If yes, what should this threshold be?

Question 10:

- a) Do consultees consider targets could be introduced, after further consultation?
- b) If so, what areas could be covered and what targets could be set?
- c) Would the public sector be a possible candidate for targets?

Question 11:

- a) Are voluntary agreements a way of reducing waste arisings; or reducing waste going to landfill or encouraging recycling?
- b) If so, to which sectors could these be extended and what would be the main areas which such an agreement should cover?
- c) Please give details of any industry that would consider entering into voluntary agreements with the Executive on sustainable waste management.

Question 12:

- a) Do consultees consider that the promotion of waste minimisation within the PPC regime should be strengthened?
- b) If yes, how?

Question 13: Do consultees believe that it is feasible to introduce bans on the landfill disposal of certain materials? If so, would consultees please identify the materials for which a ban could be imposed.

Annex 4: List of consultees

Local Authorities

Aberdeen City
Aberdeenshire
Angus
Argyll and Bute
Clackmananshire
Dumfries and Galloway
Dundee
East Ayrshire
East Dunbartonshire
East Lothian
East Renfrewshire
Edinburgh City
Eilean Siar
Falkirk
Fife
Glasgow
Highland
Inverclyde
Midlothian
Moray
North Ayrshire
North Lanarkshire
Orkney
Perth and Kinross
Renfrewshire
Scottish Borders
Shetland
South Ayrshire
South Lanarkshire
Stirling
West Dunbartonshire
West Lothian

Other Interested Bodies

Agriculture Industries Confederation
Aluminium Federation
Border Construction Industry Forum
British Aggregates
British Beer and Pub Association
British Box and Packaging Association
British Glass
British Metals Recycling Association
British Non-Ferrous Metals Federation
Business Environment Partnership
Business Tourism Scotland

Cast Metals Federation
Centre for the Built Environment
Chemical Industry Association
CIRIA
Composting Association
Community Recycling Network Scotland
Confederation of British Industry
Scotland
Confederation of Business and Industry
Construction Industry Council
Convention of Scottish Local Authorities
DEFRA
Design Council
Department of the Environment for
Northern Ireland
DERL Dundee
DTI
Ecodyn
Ecological Energy Solutions
Edinburgh University Estates and
Buildings
Electronics Scotland
Environment Agency
Environmental Association for
Universities and Colleges
Enviros
Envirowise
European Commission
Factor 10
Federation of Electronics Industry
Federation of Master Builders
Federation of Small Businesses
Forestry and Timber Association
Forestry Commission
Forum of Private Businesses
Forward Scotland
Friends of the Earth Scotland
Glasgow Caledonian University
Highland and Islands Enterprise
International Paper (UK) Ltd
Malt Distillers Association
Maltsters Association of Great Britain
Manufacturing Advisory Service
Mechanical and Metal Trades
Confederation (Scotland)
National Farmers Union
National Network of Community
Businesses

National Packaging Council
National Trust for Scotland
NHS Scotland
Niblock Environmental
Recoup
Recycling Advisory Group Scotland
Remade
Royal Institute of Chartered Surveyors
Scottish Agricultural College
Scottish Business in the Community
Scottish Chambers of Commerce
Scottish Council for Development and Industry
Scottish Dairy Association
Scottish Development International
Scottish Energy Efficiency Office
Scottish Enterprise
Scottish Environment Link
Scottish Environmental Services Association
Scottish Financial Enterprise
Scottish Fish Merchants Federation Ltd
Scottish Food and Drinks Federation
Scottish Food Trade Association
Scottish Further Education Unit
Scottish Grocers Association
Scottish Industrial Symbiosis Programme
Scottish Newspaper Publishers Association
Scottish Publishers Association
Scottish Retail Consortium
Scottish Rural Property and Business Association
Scottish Waste Awareness Group
Scottish Water
Scotch Whisky Association
Sheet Plant Association
SITA
SLR Consultants
Society of Independent Brewers
Sustainable Development Commission
The British Soft Drinks Association
The Lothian and Edinburgh Environmental Partnership
The Paper Federation
The Royal Highland and Agricultural Society of Scotland
UK Steel Association

Universities Scotland
University of Dundee
University of Stirling
Waste and Resources Action Programme
Wastepack
Welsh Assembly
Wren and Bell
WWF Scotland

Political Parties

Campbell Martin MSP
Dennis Canavan MSP
Jean Turner MSP
Margo MacDonald MSP
Scottish Conservative Party
Scottish Green Party
Scottish Labour Party
Scottish Liberal Democrats
Scottish National Party
Scottish Senior Citizens Unity Party
Scottish Socialist Party

Professional Institutes

Association of Building Engineers
British Association of Landscaping Industries
Building Research Establishment Scotland
Chartered Institute of Building in Scotland
Chartered Institute of Wastes Management
Institution of Civil Engineering Surveyors
Institution of Civil Engineers
Institute of Directors
Institute of Electrical Engineers
Institute of Mechanical Engineers
Federation of Master Builders
Manufacturing Advisory Service
Mechanical and Metal Trades Confederation (Scotland)
Royal Institute of Chartered Surveyors
Scottish Society of Directors of Planning
The Royal Incorporation of Architects in Scotland
Scottish Engineering

Annex 5

THE SCOTTISH EXECUTIVE CONSULTATION PROCESS

Consultation is an essential and important aspect of Scottish Executive working methods. Given the wide-ranging areas of work of the Scottish Executive, there are many varied types of consultation. However, in general, Scottish Executive consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Executive encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

Typically Scottish Executive consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Executive web site enabling a wider audience to access the paper and submit their responses¹. Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Executive library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, telephone 0131 244 4565).

All Scottish Executive consultation papers and related publications (eg, analysis of response reports) can be accessed at: Scottish Executive consultations (<http://www.scotland.gov.uk/consultations>)

The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

¹ <http://www.scotland.gov.uk/consultations>

Consultation Paper on the Sustainable Management of Waste from Business and Public Sector Organisations in Scotland

August 2005
Paper 2005/16

100% of this document is printed on recycled paper and is 100% recyclable.

This document is also available on the Scottish Executive website: www.scotland.gov.uk
Astron B42526 07/05

ISBN 0-7559-2663-3



9 780755 926633