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Llywodraeth Cymru
Welsh Government

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Consultation Document

Welsh Government Third Stage Consultation on:

Guidance in support of
The Recycling, Preparation for Re-use and Composting
Targets (Definitions) (Wales) Order 2011

Regulations 4 and 5 of The Recycling, Preparation
for Re-use and Composting Targets (Monitoring and
Penalties) (Wales) Regulations 2011

Made under the Waste (Wales) Measure 2010.

Date of issue: **26 August 2013**

Action required: Responses by **4 October 2013**

Overview

The Recycling, Preparation for Re-use and Composting Targets (Definitions) (Wales) Order 2011 (“the Order”) defines recycling, preparation for re-use and composting for the purposes of the targets set in section 3 of the Waste (Wales) Measure 2010.

The Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011 (“the Regulations”) detail how compliance with targets will be monitored and set out the penalties regime for non compliance.

The Guidance is prepared under section 7 of the Waste (Wales) Measure 2010 and supports the definitions contained in the Order and the monitoring regime set under regulations 4 and 5 of the Regulations.

This third stage consultation seeks final comments on the draft Guidance.

How to respond

Responses to this consultation should be submitted in writing to:

Russell Owens
Waste Strategy Officer
Waste Strategy Branch
Waste and Resource Efficiency Division
Welsh Government
Floor 3 Cathays Park
Cardiff CF10 3NQ

Or via the Welsh Government’s Waste Strategy website: WasteStrategy@Wales.Gsi.Gov.Uk

Further information and related documents

Large print, Braille and alternate language versions of this document are available on request.

This consultation contains:

Draft Guidance in support of The Recycling, Preparation for Re-use and Composting Targets (Definitions) (Wales) Order 2011 and Regulations 4 and 5 of The Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011.

Contact details

For further information:

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Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone’s name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

INTRODUCTION

This document is a third stage consultation on:

Guidance in support of:

The Recycling, Preparation for Re-use and Composting Targets (Definitions) (Wales) Order 2011

Regulations 4 and 5 of The Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011 Made under the Waste (Wales) Measure 2010.

This is the final stage of a consultation process that formally started on 1st December 2010 with the consultation (WAG10-10743):

Waste (Wales) Measure 2010

The draft Recycling, Preparation for Re-use and Composting Targets (Definitions) (Wales) Order 2011

The draft Recycling, Preparation for Re-use and Composting Targets (Monitoring & Penalties) (Wales) Regulations 2011

and continued with the second stage consultation (WG14470):

Draft Guidance in support of

The Recycling, Preparation for Re-use and Composting Targets (Definitions) (Wales) Order 2011

Regulations 4 and 5 of The Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011 Made under the Waste (Wales) Measure 2010

and

Consultation on issues affecting de-watering, apportionment of recycling rates from anaerobic digestion, composting and the recycling of incinerator bottom ash (IBA).

The Welsh Government considers it essential that the consultation on the Guidance documents prepared in support of its Local Authority Recovery Targets is comprehensive and affords the opportunity to reflect the concerns of its stakeholders. One consequence of this approach is that the consultation period is extended and the final Guidance will not be issued until well into the start of the Local Authority Recovery Targets regime. It is expected that the final Guidance will need few changes following the consultation and that the final Guidance will be issued later in 2013.

DISCUSSION:

The scope of the final draft guidance has been narrowed in comparison to earlier stages of the consultation process. Earlier drafts of the guidance included areas which the Welsh Government now considers require further work and clarification, before they can be included in the guidance.

Areas upon which additional clarification is required include:

- The use of End of Waste (EoW) criteria to define products, materials and substances.
- The consequences of de-watering digestate produced by anaerobic digestion (AD), including calculation of recovery rates.
- The apportionment of recovery in respect of AD and energy from waste (EfW) facilities that receive materials from municipal and non-municipal sources.
- Extending the period of reporting to WasteDataFlow.

Providing clarity in respect of these matters will require further consideration, and possibly legislation.

**Consultation
Response Form**

Your name:

Organisation (if applicable):

email / telephone number:

Your address:

Question: Does the final draft Guidance need any changes? If so what changes should be made, and why?

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: