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Consultation Document

Towards Zero Waste One Wales: One Planet

Agricultural Waste Call for Evidence



Date of issue: **12 June 2014**

Action required: Responses by **4 September 2014**

Overview

This statement and call for evidence sets out the Welsh Government's aims and objectives for the wastes produced and managed by the agriculture sector in Wales. It also covers wastes fly-tipped on agricultural land. It identifies the current evidence and the support that is currently in place.

How to respond

Please respond to this consultation by replying to the questions contained in this consultation document. You can write to us at Welsh Government, Waste Strategy Branch, Cathays Park, Cardiff, CF10 3NQ or email your response to 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 should be read in conjunction with the Welsh Government Draft Position Statement on Agricultural Waste.

Contact details

For further information:

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CF10 3NQ

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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.

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Foreword

Towards Zero Waste, the overarching waste strategy for Wales sets out the Welsh Government's high level policies and targets for the management of waste in Wales. Sector plans are the key delivery documents that identify specific objectives and actions for each sector in order to make the necessary contribution towards the delivery of Towards Zero Waste.

The policies and targets in Towards Zero Waste reflect the importance of the need to change our wasteful ways urgently and to fulfil our commitment to sustainable development and well-being, which is at the heart of everything the Welsh Government does. Our Sustainable Development Scheme 'One Wales, One Planet' shows clearly our current levels of consumption are unsustainable. We have an obligation, to ourselves, to our children and to our fellow citizens to ensure that proportionally, we use the resources of only One Planet – our "fair" share. The planet on which we live including the natural resources and economy that provide us with wealth, all depend on us using resources more wisely, with the added benefit that we will become far more resource efficient in the process. This is an important issue of social justice – both for citizens in Wales and citizens in the developing and emerging economies of the World. We have to change: previously we could afford to be wasteful, we can no longer afford to continue this way.

The call for evidence sets out the current situation for the wastes produced and managed by the agriculture sector in Wales. It also covers the opportunities for the use of farm manure to generate renewable energy and the problems of wastes fly-tipped on agricultural land. It identifies the evidence and the support that is currently in place.

The call for evidence asks if there is any further evidence available and whether there is a need for further action by Welsh Government to develop a position statement or a sector specific action plan. The call for evidence is intended for agriculture businesses, waste management companies, local authorities, regulators and delivery bodies and others interested in agricultural waste and resource efficiency.



Alun Davies AM
Minister for Natural Resources and Food

Introduction

The draft position statement and call for evidence sets out the current situation for the wastes produced and managed by the agriculture sector in Wales. It also covers the opportunities for the use of farm manure to generate renewable energy and the problems of wastes fly-tipped on agricultural land. It identifies the current evidence and the support that is currently in place.

The consultation asks if there is any further evidence available and whether there is a need for further action and the development of a sector specific action plan under Towards Zero Waste, the overarching waste strategy document for Wales. The call for evidence is intended for agriculture businesses, waste management companies, local authorities, regulators and delivery bodies and others interested in agricultural waste and resource efficiency.

Background

The starting point for waste management and resource efficiency in this sector is the revised EU Waste Framework Directive 2008/98/EC. This sets various obligations on member states “to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving efficiency of use” (Article 1). The Directive (Article 28) requires member states to produce waste management plans. The requirement on the Welsh Government to produce a National waste management plan was transposed via regulation 7 of the Waste (England and Wales) Regulations 2011. The content of a waste management plan is prescribed in regulation 8 and Schedule 1 of the Regulations.

The first National Waste Strategy for Wales, *Wise About Waste*, was published in 2002. It included a commitment to a review of the strategy after 5 years. Following the review, Towards Zero Waste, the overarching waste strategy document for Wales, was published on 21 June 2010.

The outcomes, policies and targets set in Towards Zero Waste help deliver One Wales: One Planet and progress further those developed in Wise About Waste. They take full account of the principles and objectives enshrined in the revised EU Waste Framework Directive with its drive for waste prevention and to make the EU a high recycling society. There has been no change in direction; but ambitions have been stretched further in order to deliver sustainable development outcomes.

Towards Zero Waste is being delivered through a series of Sector Plans that will form the action plan for each key sector, where new actions are considered to be necessary. These form part of the waste management plan for Wales that meets the requirements laid down in Article 28 of the revised Waste Framework Directive.

Towards Zero Waste made a commitment by Welsh Government to publish the following Sector Plans:

- Municipal.
- Collections Infrastructure and Markets.
- Industrial and Commercial.
- Food Manufacture, Service and Retail.
- Construction and Demolition.
- Public Sector.
- Agriculture.

In addition to the sector plans the Welsh Government has published a waste prevention programme (as required under Article 29 of the Waste Framework Directive).

Section One: Sector plans

Sector plans are the implementation plans for Towards Zero Waste. They describe the role of the sector, the Welsh Government and others in delivering the outcomes, targets and policies in the Waste Framework Directive and Towards Zero Waste. The plans have been developed with sector representatives to make sure they can be achieved and will be living, flexible documents that are published on the Welsh Government website.

The plans:

- Define what and who is included in that sector.
- Outline the current performance of the sector, including providing details of the types, quantities, source and management of waste.
- Describe how the principles, outcomes, policies and targets laid out in the Waste Framework Directive and Towards Zero waste apply to the sector.
- Identify the gap between current performance and that required by the sector to meet the policies and targets laid down in Towards Zero Waste.
- Identify the current actions in place and new actions necessary to address the gap in performance.

1.1 - Why a Position Statement and Call for Evidence?

Waste produced by agriculture (excluding manures and slurries¹) only accounts for a relatively low proportion of the total waste produced by the commercial and industrial sectors in Wales (<1%); however, it needs to be taken into account under the Waste Framework Directive and Towards Zero Waste (TZW). Up to date accurate data of the type and volume of waste produced on farms, or waste recovered² on agricultural land, is not available

¹ Manure and slurry are not waste when used directly as a fertiliser. This includes when they are used on a different farm to where they came from. However, manures or slurries that are fed into an anaerobic digestion plant on a farm are classified as controlled wastes, and an exemption or permit is required.

² “Recovered” wastes include the spreading to land of biowastes, and the use of inert wastes in construction.

at present and is a barrier for identifying appropriate targets for the sector to meet TZW commitments and to develop actions for the sector.

Since 2006, agricultural waste has been subject to the same controls that have applied to other sectors for many years (Environmental Permitting / Registration of Exemptions etc), with uncontrolled burning or tipping of waste on farm becoming illegal. It is a good time to review what impact this change and subsequent legislation has had and whether these controls have achieved the desired outcome of reducing the impact of agricultural waste on the environment/human health and in reducing overall impact of resource use and improving the efficiency of such use.

The agricultural sector is able to recover wastes generated by other sectors by beneficially using them within agriculture – including using biowastes as fertilisers and inert construction and demolition wastes to improve land and help with the management of the land (e.g. construction of farm tracks). It therefore provides an important market for the recycling or recovery of these wastes streams. It provides the opportunity for a circular economy for organic materials. However, as well as being a financial opportunity, it also brings risks and challenges in terms of ensuring that no harm to the environment or human health occurs when these wastes are managed on agricultural land. It is a subject that needs consideration to ensure that the important role of the sector is understood, that benefits are maximised and that any problems are addressed adequately.

Evidence available so far, especially in relation to the relatively small quantities involved, indicates that agricultural waste is not, at a strategic Wales level, a problematic waste, although components such as asbestos from farm buildings, demolition wastes, hazardous farm chemicals, animal drugs, sheep dip chemicals etc, can cause problems locally if not managed correctly. This call for evidence will assist with the identification of data and information to inform the Welsh Government's thinking on whether it is necessary to produce a full sector plan specifically for the agriculture sector, or whether a position statement identifying current activity would suffice in respect of meeting the Article 28 requirements of the Waste Framework Directive.

Section Two: Purpose of the draft position statement and call for Evidence

Through the draft position statement we are setting out our understanding of available data on wastes produced and managed by this sector. The call for evidence invites views on wastes produced and managed by the agriculture sector and key stakeholders in Wales.

We aim to collate evidence and views of the industry in order to expand our knowledge base as well as identify issues, barriers and practical problems that the sector faces. The feedback from this consultation will provide us with information to decide whether to develop a full sector plan in the future, or

whether an updated position statement will suffice in order to complement other sector plans and meet TZW commitments.

A series of questions aim to gather additional evidence to address gaps in our knowledge base and explore some practical issues surrounding this type of waste.

The Welsh Government is inviting contributions from all interested parties in the agriculture sector (including businesses and farmers) and those who use the agriculture sector to manage wastes produced by other sectors.

Responses will be used to identify whether further action is necessary.

2.1 - What do we mean by the “agriculture sector”?

The Agriculture Act 1947 defines "agriculture" as including: "horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of the land for other agricultural purposes, and 'agriculture' shall be constructed accordingly."

2.2 - What waste is produced and managed by the agriculture sector and why is it important?

Typical waste streams produced on agricultural premises include:

- Empty pesticide containers;
- Old silage wrap and crop cover plastic film;
- Out of date medicines and wormers;
- Used tyres;
- Scrap metal;
- End of life machinery and vehicles;
- Surplus milk and tank washings;
- Unwanted crops dug back in;
- Manure and silage effluent³.

We are also giving consideration to all externally produced wastes managed or found on agricultural land, including:

- Sewage sludge;
- Paper production sludge;
- Dredging spoil;
- Abattoir waste (blood / gut contents);
- Tar / road planings;

³ Manure, slurry and silage effluent are not waste when used directly as a fertiliser. However, manures or slurries that are fed into an anaerobic digestion plant on a farm are classified as controlled wastes, and an exemption or permit is required.

- Building rubble (e.g. use for sub-base, tracks, yards, and for agricultural improvement etc);
- Soil;
- Anaerobic digestion (AD) digestate;
- Tyres – for silage clamps;
- Compost;
- Food waste for animal feed;
- Animal bedding (e.g. sawdust);
- Telephone poles (re-used for gate posts / buildings);
- Fly-tipping;
- Ash from wood chip burners, pig and poultry carcasses
- Untreated wood.

2.3 - Who has an interest?

The draft Position statement and Call for evidence will be of interest to:

- Farmers;
- Horticulturalists;
- Farming unions;
- Trade bodies;
- Agricultural suppliers;
- Food and drink manufacturers and retailers;
- Waste companies;
- Conservation and environmental NGOs;
- Regulators (eg. Natural Resources Wales, Local Authorities, State Veterinary Service);
- Water and sewerage companies;
- Consultants.

Section Three: Call for evidence questions

Below are a list of specific questions where we would like evidence and views from the industry to expand our knowledge base as well as identifying issues, barriers and practical problems the industry faces.

If you feel there are other sources of evidence that would be important to be highlighted in terms of agricultural waste then please feel free provide this in your response.

Data

1. Do you have evidence of actual types and volumes of agricultural waste produced, and the types and volume of waste recovered on agricultural holdings annually in Wales?
2. Do you have evidence of the methods/facilities (including waste types and volume) used currently by the agricultural sector to manage wastes and if there are adequate facilities and capacity available?

Regulation

3. Do you have evidence of whether management of agricultural waste has improved since Regulation was introduced in 2006? Do you consider that there is adequate knowledge within the agricultural industry on sustainable waste management and how to comply with Regulations?
4. Do you think current waste regulations are adequate to control the management of waste from the agricultural sector sufficiently to protect the environment and human health? How could they be improved and what are the main issues with agricultural waste (compliance, enforcement, monitoring)?
5. Do you have any evidence for the effectiveness or otherwise of waste legislation controlling the use on farm land of wastes produced by other sectors?

Information

6. Do you have evidence of the practical issues and main barriers to the agricultural industry in managing, reducing, reusing and recycling agricultural waste?

General

7. What do you think are the main issues concerning agricultural waste management in Wales?
8. Do you have evidence of how the agricultural sector can support other sectors in reducing, reusing and recycling waste in a sustainable way?

9. Do you have evidence of how agricultural services can support the industry in managing agricultural waste, including reduce packaging/take back/discounts, etc.?
10. Should there be more of a focus on agricultural waste management in current and/or future schemes (e.g. cross compliance, Glastir, RDP). If yes, what should that focus be?
11. Do you think that the agricultural industry requires a specific sector plan? Please give evidence and reasons.
12. We would welcome your views, and evidence, on how the agricultural sector can support the recovery of biodegradable waste through AD in Wales.

Other

13. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please raise them in your response. Please also raise any other general views or comments which you would like to bring to the Welsh Government's attention.

Section Four: Concluding remarks

The Welsh Government will use the responses to this call for evidence to decide whether there is a need for further action and whether there is a need for the development of a sector specific action plan or whether a finalised Position Statement will suffice.

Consultation Response Form

Your name:

Organisation (if applicable):

email / telephone number:

Your address:

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept confidential, please tick here: