



# **APSE response to the draft MRF regulations for insertion into Environmental Permitting (England and Wales) (Amendment) Regulations 2013**

This briefing provides details of APSE's response to the consultation on the draft MRF regulations. This applies in England and Wales.

## **Key issues:**

- This briefing includes APSE's response to the Department for Environment, Food and Rural Affairs (Defra) and Welsh Government's consultation on the draft MRF regulations.
- The views of APSE's member authorities who sent their comments through to APSE have been included in this response.
- This briefing paper outlines APSE's views on the consultation.

## **1. Introduction**

The consultation sought views on draft Materials Recovery Facilities (MRF) Regulations that Defra and the Welsh Government intend to incorporate alongside a number of other amendments into the Environmental Permitting (England and Wales) (Amendment) Regulations 2013. The aim of the proposed regulations is to improve the transparency of information on the quality of material being despatched from MRFs in England and Wales. On 26 April 2013, APSE responded to the consultation with views on the proposed changes. The views of APSE's member authorities who sent their comments through to APSE have

been included in the response. The full APSE response is shown below and the supporting consultation document is available by clicking [here](#).

## **2. APSE response to the consultation on the draft MRF regulations for insertion into Environmental Permitting (England and Wales) (Amendment) Regulations 2013**

The Association for Public Service Excellence (APSE) represents officers and members involved in the management and provision of quality public services. APSE's mission statement positions the organisation as *'The Association which consults, develops, promotes, advises and shares on best practice in the delivery and provision of efficient and accountable public services.'* APSE is currently working with 250 authorities within the United Kingdom, has advisory networks in waste and recycling and has been involved in a number of projects with a range of local authorities throughout the UK on waste related issues. APSE has consulted with its membership and feedback includes the following:

- APSE welcomes the Government's consultation on the MRF code of practice and quality action plan. The regulations are needed to ensure the quality and value of the recyclates and meet the legal requirements of the Waste Framework Directive. APSE also agreed that local authorities should have the flexibility to determine the most effective collection arrangements to suit local circumstances.
- Our member authorities have raised concerns that the sampling, audit and inspection proposals are inadequate to deliver the robust regulatory regime that Government needs to meet the revised Waste Framework Directive requirements and that the regime is open to abuse. Suggestions include that all independent audits should be unannounced and should include physical sampling by the independent auditor.
- Our member authorities are also keen to have assurances in place that the new regulations will not result in the increase in gate fees to cover the costs of this mandatory code of practice. It has already been estimated that the current proposed measures are anticipated to cost businesses approximately £12.9 million to implement and although Government anticipates that the MRF regulations will generate a benefit to business of £34.6 million through higher material revenue and reduced landfill costs, this won't necessarily be passed back to collection authorities at the gate. It is important that with the current financial and budget challenges being faced by local government

that the costs of these new measuring and sampling requirements are not borne by local authorities themselves.

- Regulation should be a risk based approach enabling monitoring and cost to be reduced following the validation of quality and proof of product consistency.
- There needs to be a standardised sampling procedure so that the same methodology is used and data from different MRF's can be compared.
- Open access to the data results would be unsuitable due to the complexity of the data but local authority access to the information should be unrestricted. This would help authorities to make informed decisions when they design collection systems and enable them to set appropriate criteria for what they can accept from householders.

Thank you for the opportunity to respond to this consultation.

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