

Reporting of “local authority municipal waste” in WasteDataFlow

Guidance for Local Authorities (LAs) in Wales

This guidance has been produced to support accurate and consistent reporting for the Landfill Allowances Scheme (LAS) and the Statutory Local Authority Recovery Targets (LART).

Introduction

Local authorities must only report materials or items that are defined as ‘local authority municipal waste’ in WasteDataFlow. It is particularly important to ensure that the definition of waste is adhered to when making any decisions as to whether any materials or items are to be handled and reported as ‘local authority municipal waste’.

This guidance note signposts local authorities in Wales to the relevant definitions that must be used to ensure that local authorities accurately report ‘local authority municipal waste’ in order to comply with their statutory reporting obligations in relation to the Landfill Allowances Scheme¹ and Local Authority Recovery Targets².

Definition of waste

Local authorities must ensure that only materials or objects that have become a ‘waste’ are reported in WasteDataFlow as a ‘local authority municipal waste’.

The current definition of waste is embedded in the Waste Framework Directive³. Article 3 (1) defines “waste” as:

“...any substance or object which the holder discards or intends or is required to discard...”

This indicates that once a material or item ceases to be required for its original purpose, normally because it is unsuitable, unwanted or surplus to requirements, it becomes waste. The ‘Holder’ means the waste producer or the natural or legal person who is in possession of the waste.

Defining a material as a waste gives rise to many consequences as to how the material is handled, what administrative procedures apply to its transportation and processing, and what costs will be incurred by the waste handler.

¹ The Landfill Allowances Scheme (Wales) Regulations 2004

² The Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011

³ Directive 2008/98/EC on waste (Waste Framework Directive)

Definition of Local Authority Municipal waste

As a waste collector, local authorities must take all such measures as are reasonable in the circumstances to apply the waste hierarchy to prevent waste as a first priority⁴.

Local authorities must ensure that only wastes collected by local authorities or their agents under the relevant sections of the Environmental Protection Act 1990 (referred to below) are reported as local authority municipal waste generated in WasteDataFlow.

The Waste (Wales) Measure 2010 defines local authority municipal waste as follows:

- (a) All waste collected in that year by a local authority under section 45 of the Environmental Protection Act 1990.⁵
- (b) All waste deposited in that year at places provided by a local authority under subsections (1) (b) and (3) of Section 51 of the Environmental Protection Act 1990.⁶
- (c) Such other wastes as may be specified by order of the Welsh Ministers.⁷

The Controlled Waste (England and Wales) Regulations 2012 provides further details of waste which is to be treated as household waste. This includes waste arising from the discharge of local authority duties in relation to collecting litter and refuse and ensuring highways and roads are kept clean (local authority duties specified under section 89 of the Environmental Protection Act 1990).

Local Authorities should also refer to the latest Welsh Government guidance in support of the Local Authority Recovery Targets made under the Waste (Wales) Measure 2010 for further material specific guidance.

Further guidance

In circumstances where a local authority is unclear as to whether any specific material or item it collects can be reported as a local authority municipal waste in WasteDataFlow, it should obtain its own legal advice in the first instance, to ensure that it has accurately reported local authority municipal waste in compliance with its statutory reporting obligations.⁸

Further technical queries regarding reporting the correct management categories of reported local authority municipal waste generated in WasteDataFlow should be sent to: alexander.ross@naturalresourceswales.gov.uk.

⁴ Regulation 12 of the Waste (England and Wales) Regulations 2011.

⁵ This places a duty on local authorities to arrange for the collection of all household waste in its area (with some stipulated exceptions) and to arrange for the collection of commercial waste from premises in its area if requested by the occupier to do so.

⁶ This refers to the arrangement of places to be provided for persons resident in its area to be available for the deposit of household waste or other controlled waste by other persons.

⁷ No such Order has been made to date.

⁸ To avoid being liable to any failure to comply with reporting requirements penalties, as specified in the Landfill Allowances Scheme (Wales) Regulations 2004 and The Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011.