

Report for: Environment and Community Safety Scrutiny Panel, 13th September 2021

Title: Briefing on the changes to Waste Legislation

Report

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Ward(s) affected: All

Report for Key/

Non Key Decision: Non Key

1 Describe the issue under consideration

1.1 This report updates the panel on the Extended Producer Responsibility Consultation (EPR) 2021, the Deposit Return Scheme (DRS) 2021 and the Household and Business Consistency in Recycling Consultation 2021.

2 Recommendations

2.1 That Members are asked to note the content of the report. No decisions required yet other than to note contents of the report and that the Board agrees to receive further updates as appropriate.

3 Background

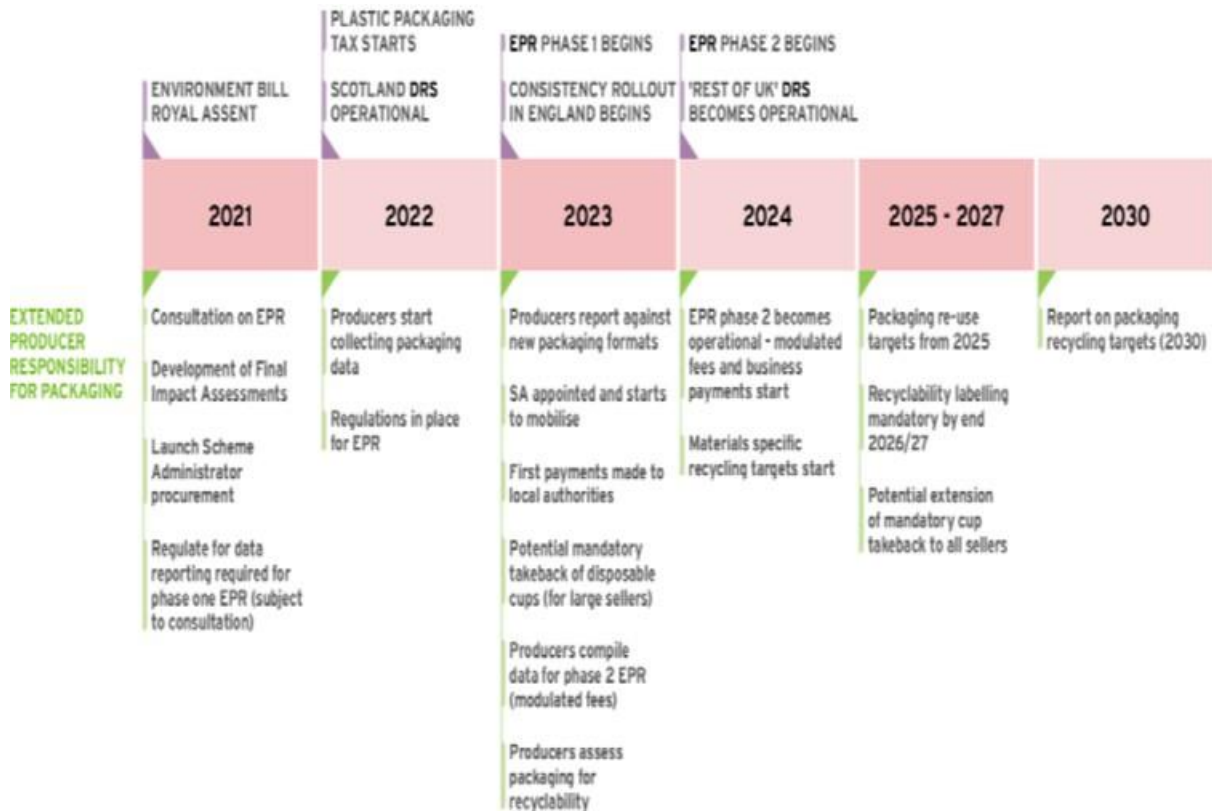
3.1 These consultations follow on from the DEFRA Resources and Waste Strategy (RAWS) in December 2018, related consultations in 2019 and the Environment Bill progression through parliament.

3.2. The RAWS contains some significant changes in waste policy across the UK that will have some fundamental impacts on waste management services Nationally.

3.3. There have been four interlinking consultations relating to the RAWS. These relate to a Plastic Packaging Tax, Extended Producer Responsibility, the Deposit Return Scheme (closing date for responses for EPR and DRS was Friday 4 June 2021) and the consultation on Consistency of Collections (closing date was 4th July 2021).

3.4 Understanding the full impacts of the consultations was driven/influenced by responses from NLWA, LEDNET and London Councils, ALCO, LARAC and NAWDO though the final response was in line with our WDA - NLWA. The full responses from LBH to the EPR, DRS and Consistency Consultations can be provided by the waste team if required.

3.5 The figure below summarises the planned timescale for the introduction of the EPR and DRS. It is envisaged the first payments to LA's will be in the second half of 2023. The timescale for the consistency regulations is also from 2023.



4 EPR

4.1 On March 24th 2021, Defra published its second consultation on proposals for the introduction of a new Extended Producer Responsibility system. The Government recognises the current system needs reform and wants to make packaging producers “responsible for the full net cost of managing packaging once it becomes waste”. The consultation summarises proposals and options for these reforms and poses 104 questions for consultees to consider.

4.2. The principle aim of the EPR is to make the producers of packaging responsible for costs of managing the waste with the aim of reducing packaging in the first instance and making the remaining waste as recyclable as possible. A secondary aim is to contribute to less packaging being littered

4.3. In the consultation Defra defines five overarching principles for packaging EPR:

- Producers are incentivised through the fees they pay or by other complementary measures to reduce unnecessary and difficult-to-recycle packaging, to design and use packaging that is recyclable and to promote reusable or refillable packaging where it is a feasible option
- Producers will pay into the system either directly or through the price they are charged by others in the supply chain consistent with the ‘polluter pays’ principle

- Producers will bear the full net cost of managing the packaging they handle or place on the market including at end-of-life to achieve agreed targets and outcomes
- Costs paid by producers will support a cost-effective and efficient system for managing packaging waste, including the collection of a common set of packaging materials for recycling from households and businesses
- Actions by producers will enable consumers to play their part and correctly manage packaging waste through access to good services, labelling and other means that tell consumers how to recycle and dispose of packaging, and enhanced communications campaigns.

4.4. The desired outcomes from EPR are listed as:

- That unnecessary packaging - packaging that is not required to protect a product or excess packaging - is avoided; this will help reduce packaging and packaging waste
- That opportunities to replace single-use packaging with reusable or refillable packaging increase, particularly for consumer products
- That more packaging is designed to be recyclable, so packaging that cannot be recycled because of the material or the materials it is made from, or due to its format, will cease to be used where it can be avoided
- That packaging waste recycling increases proposing that by 2030, 73% of all packaging placed on the UK market and in scope of packaging EPR will be recycled
- That the quality of packaging materials presented for recycling increases across the packaging value chain and more packaging is recycled into higher value and closed loop applications; and
- That packaging EPR and the deposit return scheme contribute to less packaging littering.

5. **Material Scope and Targets**

- 5.1. The consultation proposes minimum recycling targets for the six packaging materials (plastics, paper/card, steel, aluminium, glass, and wood). These equate to an overall recycling rate for EPR packaging of 73% by 2030. The consultation indicates the intention to consider whether 'closed loop' recycling targets for materials, in addition to glass, are required to drive quality and end markets, and to introduce obligations, possibly in the form of targets, to increase the use of reusable/refillable packaging.
- 5.2. Plastic film and flexible packaging such as single-use carrier bags, bread bags, and wrappers make up a third of plastic packaging placed on the market annually in the UK. However only a small proportion is recycled due to challenges with collection, sorting and recycling as well as end markets. Government recognises that it needs to give a clear signal to help stimulate investment in sorting and reprocessing infrastructure. Subsequently, the proposal sets out the introduction of collections and

recycling for all plastic films and flexibles (F+F) no later than the end of financial year 2026/27, with collections of F+F from businesses no later than 2024/25.

- 5.3. Currently the Council does not have access to plastic film recycling at NLWA and therefore this would need to be acquired by NLWA. An additional issue with this material is that there is a high likelihood of contamination created from residue on films potentially compromising all recyclables. Exact contamination levels at Haringey by material type are unknown and therefore difficult to quantify potential impacts from the inclusion of this material.
- 5.4. Biodegradable plastics are not proposed to be included. Presently there are challenges associated with the use and management of compostable and biodegradable packaging and evidence suggests that some of these types of materials do not fully biodegrade in the open environment and some require specific treatment at the end of their life. Subsequently, the consultation proposes that biodegradable, bio-based and compostable plastic packaging to be deemed non-recyclable until such point that the state of evidence, collections and infrastructure for this packaging can be improved and therefore this material will attract higher fee rates.
- 5.5. The recycling target for fibre-based composite packaging e.g. disposable drinks cups, sandwich boxes (skillets) and food and drink cartons and mandatory disposable paper cup takeback/collections - e.g. for businesses selling takeaway coffee is proposed at a later date of 2025/27. The consultation seeks views on whether a mandatory cup takeback and recycling requirement should be placed on businesses selling filled disposable paper cups to provide for the separate collection of used cups (either generated in-store or consumed 'on-the-go'). This could be through both instore and front of shop collection points and would extend to accepting all disposable paper cups at these collection points irrespective of brand or where the drink was purchased.

6. Administration

- 6.1. There are two proposals for how the scheme should be governed: 1) Single body administrator or 2) Single body administrator and producer compliance schemes. The general LA response is to propose a single body administrator (on a not for profit basis).
- 6.2. The administration and governance arrangements for EPR will need to support producers in complying with their obligations and have robust process and financial flows and outcomes transparent whilst providing flexibility for producers to decide how best to meet their obligations.

7. Obligations and Responsibilities

- 7.1. For the EPR, Government proposes the introduction of a single point of obligation (i.e. a single producer is responsible for the cost of managing a piece of packaging) as opposed to the current model where the obligation for a single item of packaging is shared across multiple businesses. This will focus the obligations onto those who are best placed to reduce and/or increase the recyclability of the packaging they use.

- 7.2. The consultation details the proposed obligations for reporting and payment of costs for the different types of obligated producer. The consultation proposes that the fees producers will pay to cover the disposal costs of their packaging should be varied to reflect criteria such as recyclability. For instance, producers whose packaging is easily recyclable will pay lower fee rates, while fee rates for packaging which does not contribute positively to scheme outcomes will be increased (for example polystyrene).
- 7.3. There is a proposal to lower the existing small business de-minimis threshold, and for unfilled packaging sold to small businesses under a lower de-minimis, to obligate wholesalers/manufacturers selling direct to these businesses. This effectively means that smaller business will not be exempt from the requirements.
- 7.4. There is a proposal to place obligations on online marketplaces for any filled packaging that is imported through their platform and sold directly to customers in the UK, by their clients.

8. Full Net Costs

- 8.1. The proposals for the full net costs of managing packaging waste cover the following elements and Officers have calculated the associated values though the exact apportionment of funding between Local Authorities is not known at this stage:
 - The collection, sorting and recycling of packaging waste from households and businesses - £726m when Extended Producer Responsibility is fully operational, increasing to £915m in 2032
 - The collection and disposal of packaging in the residual waste stream from households only - £289m when Extended Producer Responsibility is fully operational, reducing to £251m in 2032
 - Litter and refuse management costs, including bin and ground litter - £200m for the first year

9. Payments to LA's for Waste and Recycling Management

- 9.1. Proposals are for modulated fee revenues to be paid to LA's by the Producers to support additional collection of materials, upgrade recycling infrastructure and reimburse revenue losses from DRS under "necessary costs"
- 9.2. The basis of payments to Local Authorities to manage the waste is termed "full cost recovery" and the intention is to have the first phase of EPR established in 2023 which would enable "full cost recovery" payments to local authorities to be made from October 2023.
- 9.3. The consultation sets broad principles underpinning the implementation of payment mechanisms. These include the scope of necessary costs which include the following activities:
 - Operational costs to collect, manage and dispose of packaging waste such as direct vehicle, staff, and container costs (capital and revenue) for all collection methods (household and commercial waste kerbside
 - Bring banks

- HWRCs
 - Litter management
 - Maintaining and operating depots, transfer stations and other facilities required to support collection and disposal of packaging
 - Costs associated with transportation, sorting, sampling, processing and the preparation of packaging waste for recycling, reuse and/or disposal (capital and revenue expenditure)
 - Income received through the selling of materials to be netted-off (perhaps using a published indices)
 - Maintenance of capital items above
 - Associated overheads (e.g. HR, IT financial services) and materials marketing costs
 - Support costs in achieving scheme outcomes and targets, including communications and provision of public information on waste prevention and recycling, efficiency reviews, data gathering and reporting, performance incentives, and supporting local authorities in contract negotiations and variations with service providers.
- 9.4. The consultation proposes that necessary costs that LA's incur will be met through delivery of 'efficient and effective' services. However, it is not clear exactly what this means other than the proposals set out intentions for services to be designed and delivered around good practice.
- 9.5. Producers should not be expected to pay for what the Government terms "poorly designed or implemented services". However, in doing so necessary costs will account for geographic, socioeconomic and other factors that influence cost and performance. There are proposals that "family groups" already in existence are utilised to dictate the system of payments which will be based on benchmarking rather than actual cost approaches.
- 9.6. As a result of this, there is a risk that some Local Authorities may lose out financially if the modelled costs are lower than actual costs when the "family group" does not recognise fully the differing demographics, for example a London Borough versus a peer based in a different part of the Country.
- 9.7. There is also a risk on funding if the collection systems are not efficient and therefore are higher than benchmarked costs of services.
- 9.8. If an authority performs below its benchmarked performance then it will receive less than its full payment (the Government proposes a limit of 80%). However, the consultation sets out proposals for provision of support through unallocated payments to those failing to meet its performance benchmarks as well financially rewarding those who outperform their benchmark.
- 9.9. It is proposed that any costs paid will be net of income from the sale of recycling (the value based on the monthly or quarterly application of published indices). This may not reflect the full net cost recovery and therefore may leave LA's in deficit. Payments could be made a year in arrears on a quarterly basis

9.10. The definition and scope of necessary costs excludes some costs all of which apply to the Council, for example:

- Additional disposal costs
- Additional procurement costs
- Costs associated with waste compositional change
- Transitional costs for service changes

10. Payments to LA's for Litter Management

10.1. There is little detail on the calculation for used for litter payments except it will be linked to cleanliness standards. It is recognised that the data reporting on cleanliness standards needs to improve to understand a baseline and ongoing situation. The consultation does refer to payments being linked to "Litter Management Strategies".

10.2. In line with the waste and recycling payments, Local Authority responses have stressed the need to target funding for need for improvement as well as rewarding success

10.3. Other bodies such as litter authorities and charities may be brought into scope (i.e., National Trust) and it is important they are not held to lower standards or have costs calculated on an advantageous basis

10.4. There is no mention of enforcement within the consultation which will be needed for high compliance rates and this has been raised as a significant risk to achieve the EPR requirements across LA responses.

11. Payment to Businesses

11.1. Payments for packaging waste collected from businesses are proposed from 2024 and there are currently three proposals for payment mechanisms for packaging waste collected from businesses:

- A compliance based scheme based on a per tonne payment administered by a single body
- A compliance based scheme based on a per tonne payment administered by compliance schemes
- A "free bin" where all businesses would be entitled to free collection of packaging waste.

11.2. The views of local government and some of the other stakeholders are crystallising in support of an alternative 'Option 4'. At its core it involves Waste Collection Authorities being responsible for the collection of packaging waste for recycling through a 'free bin' system from small and micro-businesses in their area with the option for larger businesses to join this at their discretion (otherwise they would access the free bin system delivered by another provider). Within the consistency consultation there are

proposals around zoning/franchising and, potentially, direct/localised business and it is felt this would dovetail in well.

12. Communications

- 12.1. The consultation document does not define exactly what communications support will be available, however it is mentioned as a “necessary cost” thereby it is likely to receive an element of funding
- 12.2. Only producers who are paying waste management costs are likely to contribute to communications campaigns and it is likely that campaigns will need to follow national (and possibly local) guidance, for example WRAP iconography.
- 12.3. The communications element of the consultation is strongly linked to the labelling proposals and support is generally for a single scheme due to its ease of use for consumers. Officers have stated the need for labelling to be clearly defined to avoid confusion amongst residents, i.e. recyclable, not recyclable (for example OPRL scheme)

13. Data

- 13.1. It is recognised by Government that a detailed understanding of how much obligated packaging is put on the market and in which stream (recycling or residual waste) is required. This includes collection and disposal services/facilities for households and businesses served.
- 13.2. Waste composition analysis vital to determine packaging quantities and proportions and up to date data is not available to all LA's (included Haringey). Businesses generally have even less waste compositional data. Local Authorities have voiced this need for significant compositional data sampling to allow for accurate payments accordingly.
- 13.3. It is not clear exactly what data reporting system will be used except that it will need to be provided to the Scheme Administrator through a “fit for purpose” system. There is a view that it is likely to mirror the “Waste Data Flow” system

14. DRS

- 14.1. A Deposit Return Scheme (DRS) for drinks containers was proposed by the Government in the Resources & Waste Strategy (RWS) of 2018 and enabling powers for the introduction of a DRS are included in the Environment Bill.
- 14.2. A DRS will be a form of Extended Producer Responsibility (EPR) which comes from the EU's Circular Economy Package and the UK Government's Resources & Waste Strategy.
- 14.3. The principle aim of the DRS is to collect recyclable drinks containers through a redeemable deposit system. All retailers of drinks in in-scope containers will be required to take back empty containers from consumers and give them back their deposit (noncash); this will include small 'corner-shops' as well as major retailers by

hosting a return point (e.g. via reverse vending machine (RVM) or manual return points) and refund the deposit fee.

- 14.4. The consultation summarises proposals and options for these reforms and posed 78 questions for consultees to consider.

15. Material Scope and Targets

- 15.1. The scope of the scheme is to capture PET plastic bottles, glass bottles (optional) and steel and aluminium cans through incentivising return via a deposit on the container. HDPE bottles, beverage cartons, sachets and pouches are excluded and disposable cups form part of the later EPR regulations as set out earlier.
- 15.2. The value of the deposit is out for consultation and whether it is an 'all in' scheme - containers up to 3 litres (currently preferred option for Wales) or an 'on the go' scheme – containers up to 750ml remains undetermined for England and Northern Ireland now. There are also options for the inclusion or exclusion of multi packs.
- 15.3. The consultation sets out a cost benefit analysis and benefits as well as the disadvantages of each scheme and asks for responses to support the analysis and state what our preferred option would be and why we have concluded that. The Council has supported an "all in scheme" as it is deemed less confusing for residents as well as being easier to manage in terms of capture from litter.
- 15.4. There are no recycling targets as such within the proposal, instead the onus is for the Deposit Management Organisation (DMO) to achieve a 90% collection rate after three years from introduction. The DMO will be legally obligated to provide evidence that all materials collected through the DRS have been passed onto a reprocessor.

16. Administration and Funding of the Scheme

- 16.1. A Deposit Management Organisation (DMO) will administer DRS in England, Wales and Northern Ireland and will be paid for by the drinks container industry. The Government proposes that the DMO is financed by a combination of: a) the income it receives for selling recyclable containers to reprocessors; b) the fees it charges to producers; and c) the proportion of deposit income that is not redeemed by consumers.
- 16.2. The consultation asks for feedback on the approach to funding the scheme, particularly around the unredeemed deposits and seeks views on the amount the deposit should be set at. Point C in 2.1 is likely to be the responsibility of LA's and therefore LA's have voiced the need to ensure any such costs are met accordingly through the EPR.
- 16.3. The consultation proposes that the DMO will be held accountable for the scheme using a combination of regulations, the tender process to appoint the DMO and a series of key performance indicators. The consultation asks for feedback on contract length for the DMO, the scope within the tender specification and contract management

17. Regulation

- 17.1. It is proposed that the overall scheme will be regulated by the Environment Agency but that the retailer's compliance will be overseen by Local Authority Trading Standards Officers.

18. Deposit Schemes and Collection from LA Kerbside Services

- 18.1. The consultation details proposals for retailers who sell in scope drink containers to be obligated to accept returns of in scope materials by hosting a return point, most likely via a reverse vending machine or through instore returns.
- 18.2. In relation to material not collected through these systems and that remain in kerbside collection systems, there are three options proposed within the consultation:
- Do Nothing - LA's redeem DRS deposits from containers collected in their waste streams
 - The DMO makes payments for deposit return scheme containers appearing in all local authority waste streams (Like EPR) plus any deposits (supported)
 - Hybrid - DMO pays a deposit value on containers that are returned and any additional scheme material in LA waste streams is covered under option 2.
- 18.3. The Government's preferred option is option 2 to be taken forward for final scheme design and this is generally supported by Local Authorities as being the most effective way to ensure there are no financial losses for authorities as well as ease of use for the residents.
- 18.4. The consultation outlines digital solutions for residents to scan items into their kerbside collections as to recover their deposit, but further clarity is required on how this would work in terms of items not being scanned or impacts on residents who do not have the technological ability to do this. The consultation considers how to minimise fraud by ensuring that once containers are scanned and returned, they lose their deposit value and cannot be returned again.

19. Potential Impacts on Local Authorities – Kerbside Collections

- 19.1. Cartons are currently excluded due to concerns on infrastructure, but these make up a significant element of take away products. If the scheme is material based rather than product based it may lead to confusion and contamination of waste streams. It is unclear how contamination will be managed.
- 19.2. The material scope may lead to increase of materials not included – i.e. pouches etc being used by producers to avoid the scheme. Currently these are not included in Haringey's recycling service and therefore may negatively impact on residual waste tonnage.
- 19.3. The glass in option may impact on current tonnage driven recycling rate resulting in decreases in recycling rates. There is a lack of clarity on whether recycle tonnage captured by DRS will be reported back to LA's which impacts on London Environment Strategy achievements

- 19.4. The value of what local authorities deliver to sorting facilities (MRFs) may be reduced by the materials being removed and this may lead to a negative cost impact although the impacts of this are unknown at this stage

20. Possible Impacts on Local Authority Street Scene

- 20.1. The Impact analysis makes a correlation between reduction in litter and cost savings for street cleansing which may not be practical as there is still a given area to cover albeit it quicker.
- 20.2. For take back schemes in store, there is a potential storage issue in areas with insufficient space which is particularly relevant to a borough like Haringey. "Bin Diving" from these bins (and household bins) may become an issue as people seek out containers for money.
- 20.3. The installation of the proposed reverse vending machines (RVMs) under permitted development rules; particularly with a scheme for containers up to 3ltr, such RVMs could be very large
- 20.4. There are concerns about street scene arising from the RVM's from fly tipping as well as placement on pavements that may already be congested

21. Possible other Impacts on Local Authority Resources

- 21.1. It is proposed that Local Authority Trading Standards Officers will be responsible for enforcing legislation for retailer requirements and this is a resource implication for LBH
- 21.2. If RVM's require planning permission, there is a possible resource implication for approval processes.
- 21.3. There is a likelihood that complaints/queries about the scheme are directed back to the Council.

22 Consistency In Household and Business Recycling

- 22.1 The first consultation on Consistency was run in the spring of 2019 and they are linked to the EPR/DRS regulations with timescales of implementation from 2023 – 2031. The main aim of the regulations is to establish more consistent recycling collections across England by standardising services.
- 22.2 The regulations focus on the range of materials that local authorities collect and the design of collection systems, as well as some issues around frequency and charging whilst for businesses, the Consistency proposals also extend to making the segregation of certain recyclable materials mandatory.
- 22.3 The regulations have a requirement for the separate collection of glass bottles and jars, paper, card (exc. disposable cups), plastic bottles, pots, tubs, trays, metal drinks and food cans.
- 22.4 The consultation sought views on the inclusion and necessary transitional measures required to collect additional materials including aluminium foil, trays and

tubes, aerosols, jar/bottle lids, cartons (in plastics stream) and plastic films inc. carrier bags (by end of 26/27). Further materials have been looked at for inclusion i.e. WEEE, textiles and batteries through the regulations when necessary tests (i.e. infrastructure and markets availability) are met.

22.5 On the issue of residual waste frequency, the Government is not making a firm commitment to any policy direction at this stage. However, the frequent use of the term “efficient and effective systems” in the EPR consultation, appears to suggest that fortnightly residual waste collections (alongside weekly food waste and whatever frequency of dry recycling collection is appropriate) may become the default for any legislation arising from this consultation.

25. New Burdens Funding

25.1 There is a continued commitment to fund the net additional cost to local authorities of the new statutory duties placed on them in line with new burdens guidance. New burdens are defined as any change in a central Government policy or initiative that imposes a net cost on local government and could lead to an increase in council tax

25.2 Whilst there is a commitment to fund net additional capital costs (for example containers, vehicles), and transitional costs such as communications and re-routing vehicles, to implement the new consistent collection measures, ongoing operational costs are mentioned in some places but not others and further clarity is required to understand the funding possibilities.

26 Separate Collections

26.1 The Government is legislating through the Environment Bill to require local authorities to collect glass, metal, plastic, paper and card separately, with provisions for guidance to be issued that provides further details about this requirement.

26.2 There already exists (from 2011 regulations) a statutory requirement for the different recyclable streams (paper, plastic, glass etc.) to be separately collected from one another, except where it is either not necessary to maintain material quality, or where not technically, economically, or environmentally practicable to do so. This concept is generally known as TEEP.

26.3 The TEEP requirement created concern at its inception around 2015 when it came into force but has not been followed through owing to a lack of funding for its regulation.

26.4 The Environment Bill and Consistency proposals resurrect the TEEP requirements but alter the environmental practicability assessment to instead be one of “no significant environmental benefit”. There is also likely to be tests on practicability and economically practicability. Under the 2015 TEEP, it was relatively simple to prove that a service was not “practical” or “economical”, for example having a source

separated collection for urban areas where space is an issue and that offering more frequent collections to reduce the overall space required would then not be “economically practical”. However, with potential new burdens funding available, previous exclusions may be more difficult to justify.

- 26.5 The Government wishes to standardise the assessment procedure and is proposing to provide a template for written assessments in statutory guidance, as well as details on the type and standard of evidence needed to support such an assessment.
- 26.6 It is also proposed to consider how to reduce the burden on both local authorities and the regulator (Environment Agency) through allowing multi-authority assessments where local circumstances (treatment infrastructure) have resulted in the use of the same collection systems.

27 Food Waste

- 27.1 As expected, the Government has used the consultation to set out its plans for introducing a requirement for local authorities to provide at least a weekly separate collection of food waste from households by 2024/25 at the latest (subject to contracts)
- 27.2 The Council already provides this service; however the proposals are likely to include flats above shops which is likely to present challenges in urban areas in terms of placement and contamination. The Government has recognised that there are barriers to providing this type of service for some properties but has not allowed for any exemptions on the requirements because of this. The costs for setting up separate food waste collections may be covered by New Burdens funding (outlined below), which will be based on benchmarking and modelling. Ongoing operational costs are unclear at this stage.
- 27.3 Treatment is expected to be by AD rather than IVC or MBT which is in line with the Council’s current arrangements through NLWA.
- 27.4 Biodegradable plastic collections are not required but collected separately where collected and caddy liners promoted as good practice though unlikely to be requirement

28 Garden Waste

- 28.1 The Environment Bill requires a separate proposal for a minimum fortnightly garden waste service with a maximum 240litre wheeled bin service only to homes with gardens from 2023/24. There is no mention of the growing season which indicates it would be a year round service.
- 28.2 The Government had previously consulted on introducing a requirement for free garden waste collections for householders which has received mixed support for universal free collections in the first consultation and low support from local authorities.

- 28.3 The consultation provides updated costs and benefits presented include an estimated 5% recycling rate increase through the provision of free garden waste collections.
- 28.4 Views are sought on the carbon and recycling benefits of a free fortnightly service, as well as alternative methods for managing garden waste that could operate alongside or instead of the proposed free service, for example charges for increased collection or capacity.
- 28.5 Local authorities are likely to retain the provision to charge beyond this (e.g. increased collection frequency or increased capacity) and the consultation does ask for views on alternative models to free of charge services, for example setting a maximum rate for the charge (WRAP suggests £18-£30) and/or promoting home composting beyond the current estimated rate of 20%.
- 28.6 It is not clear if the new burdens cover all costs and any potential loss of income where charging is in place for the collection (but not treatment) of household garden waste which is allowable under the Controlled Waste Regulations 2012.

29 MRF Regulations

- 29.1 There are proposals to amend Environmental Permitting Regulations 2016 to increase the amount of sampling undertaken at MRFs with more frequent and robust audits as well as better guidance on target materials. This links to the increased data requirements that the EPR proposals will create.

30 Non Household Municipal Waste

- 30.1 The proposals have the same requirements as householders to segregate recyclable waste for separate collection with the same scope of materials (ex garden) and the same timescales though there is a shorter transition for plastic film (24/25) and possibly also food waste.
- 30.2 There are also the same proposals in terms of a requirement for TEEP assessment by the waste collector (with input from producer) although there is a proposal for a blanket exemption or two year delay for micro firms (<10 FTE). The TEEP requirement may be a significant burden for SME's however the consultation proposes that WRAP will develop online business support and that there could be a collaborative approach – i.e. BIDS between businesses. There are also proposals for franchising/zoning with the local authority providing possible administration (possibly business support) which may represent a new burden and therefore funding may be available.

30.3 The proposals will create a requirement for more commercial recycling services to be provided across the country. This, along with the EPR proposals are likely to mean significant changes to the commercial waste market. The local impacts of these changes are harder to predict than for the household waste proposals, given it is not clear how the commercial waste market will change however it is likely that the council will need to consider investment to expand commercial waste services both in area coverage and material scope provision. Again, it is not clear at this stage how funding will be available to undertake this.

31. Other Proposals

- There are also proposals to consult on non-binding targets and carbon based metrics
- The Recycling Credits regime may be amended or abolished through the introduction of EPR payments which may impact on community groups through NLWA funding
- Bin colour standardisation has been abandoned
- There is some wording on communication and implementation though little detail is provided on how this would work in practice

32 Summary

32.1 Arising legislative changes from these consultations have the potential to change the landscape of the waste industry significantly. The timescales for implementation are from 2023 but full impacts of all three consultations are not fully known yet and Officers will report back to Council as further information is released.

32.2 The current Waste Management contract with Veolia expires April 2025 and a service Review is starting imminently which will review the natural end of the contract and assess viability of a number of options. Legislative changes resulting from these consultations will feed into that process to determine the methodology to future proof waste and recycling management collection systems for the council.