

Consistency Consultation Summary

Please note Portsmouth is both a waste collection authority and a waste disposal authority.

Introduction

This consultation proposes consistent recycling collections across England to improve the quantity and quality of municipal waste and achieve a national recycling rate of 65% by 2035. The key points of the consultation summarised in the introduction are as below:

- Following the outcome of this second consultation, the Secretary of State will specify the types of materials to be collected within each recyclable waste stream in regulations.
- These recyclable waste streams must, without exception, be collected separately from other household waste and they must be collected for recycling or composting.
- These recyclable waste streams must be collected separately from each other, except where this is not technically or economically practicable, or where there is no significant environmental benefit from separate collection. If a Waste Collection Authority (WCA) relies on one of these exceptions it will need to carry out a written assessment, with compliance assessed by the Environment Agency.
- The Secretary of State may also regulate for additional recyclable waste streams to be collected in accordance with certain conditions and following consultation (i.e. textiles, batteries or waste electricals). This will only be done when the following conditions are met:
 - The waste stream concerned is suitable for recycling or composting and doing so will have an environmental benefit.
 - All WCAs can make arrangements for collection.
 - There is a market for the material.
 - The Waste Disposal Authority (WDA) has been consulted on the impact on disposal/reprocessing.

New Burdens Funding

- 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'.
- Central Government will fund net additional capital costs (i.e. containers, vehicles) and transitional costs such as communications and re-routing vehicles, to implement the new consistent collection measures.

Part 1: Measures to improve the quantity and quality of household recycling

- The majority of respondents to the last consultation agreed that the materials listed below should be collected from households. The specific types of materials included in each recyclable waste stream are considered further in this consultation.
 - Glass bottles and containers – including drinks bottles, condiment bottles, jars.
 - Paper and card – including newspaper, cardboard packaging, writing paper
 - Metal packaging – steel and aluminium tins and cans
 - Plastic bottles – clear drinks containers, High density polyethylene (HDPE), detergent, shampoo and cleaning products
 - Plastic pots, tubs and trays

- The 2019 consultation proposed that the following additional materials are included in the DMR stream:
 - Foil, foil trays and metal aerosol cans, including packaging items
 - Food and drink cartons
 - Plastic film and flexible packaging

Government proposes these additional items are collected in Dry Mixed Recycling (DMR), ideally from the introduction of extended producer responsibility (EPR). However, views are sought on the transitional arrangements that will be necessary to make this possible.

- Each DMR material that WCAs are required to collect must fall within one of the four recyclable waste streams specified in the Environment Bill (glass, metal, plastic, paper and card) and if they don't, a new recyclable waste stream must be specified by the Secretary of State. For packaging, the EPR scheme will be expected to make recommendations to Government on any additional packaging items that should be included in the consistency regulations.
- **Timing** It is anticipated that consistency reforms for DMR will be introduced by the date that EPR is implemented (i.e. from October 2023), with the exception of plastic film, for which under EPR the timeline is by the end of 2026/27.

Separate Collection of Food Waste

- The Environment Bill requires that food waste must always be collected at least weekly and sent for recycling or composting.
- The preference is for food waste to be collected separately from garden waste, unless not technically or environmentally practicable.
- It is proposed that separate food waste collections would be introduced during the 2023/24 financial year. For authorities for which existing contracts would be affected by the introduction of food waste, it is anticipated they will have food waste in place by the 2024/25 financial year at the latest. These dates include food waste collections to all properties including flats.
- Government is exploring compensation costs for local authorities with long term collection/disposal contracts which may act as barriers to implementing separate food waste collections, where these contracts run beyond the end date for the separate food waste collection requirement.
- Non-statutory guidance will set out examples of good practice for food waste collections and will work with local authorities to help them deliver efficient and effective services.
- Government will ensure local authorities are resourced to meet any new burdens arising from this policy, including up front transition costs and ongoing operational costs.
- Caddy liners will be promoted as good practice and guidance will be provided on caddy liners including material types.

Separate collection of garden waste from households

- Free garden waste collections are still the preferred option due to the carbon benefit, however the issues of this raised in the first consultation responses are recognised, as is the large cost. Therefore, Government is consulting on alternative options, as follows:
 - Produce updated guidance on reasonable charges.
 - Clear communications for households that do not participate in garden waste collections.
 - Increasing home composting.

- The consultation again asks if we agree or disagree with free garden waste (based on 240 litre containers, fortnightly collections, through the growing season), given the costs, recycling benefits and carbon emission reduction **if** it is fully funded by Government and authorities are able to charge for more frequent collections and/or additional capacity.

Separate collection of recyclable waste from households

- This proposes that certain streams could be exempt from being collected separately, with the two proposed being:
 - Plastic and metal
 - Glass and metal

Statutory guidance and minimum service standards

Defra intend to publish statutory guidance alongside the publishing of the secondary legislation that will enact consistent collections. This section proposes the areas to be included in statutory guidance and the intention to publish non-statutory guidance. Local Authorities must have regard to the guidance when carrying out their waste management duties. The guidance will cover:

- The circumstances in which it may not be technically or economically practicable to collect recyclable household waste streams separately or has no significant environmental benefit.
- The frequency with which household waste other than recyclable household waste which is food waste should be collected.
- The kinds of waste which are relevant waste.
- The type of written assessment required where a waste collector proposes to collect two or more recyclable waste streams together.
- Minimum service standards will be provided on household collections, including flats.

Statutory guidance proposed content 1: Conditions where an exception to the condition that recyclable waste in each recyclable waste stream must be collected separately may apply and where, as a consequence, two or more recyclable waste streams may be collected together

The Environment Bill stipulates that the recyclable waste in each stream can only be collected together if it is not technically or economically practicable to collect separately, or if there is no significant benefit from separate collection. Further detail on the types of examples included under these exceptions will be included in statutory guidance while allowing flexibility for local circumstances.

Technically practicable:

- By technically practicable we mean that the separate collection may be implemented through a system which has been technically developed and proven to function in practice.
- LA's will need to demonstrate that their local circumstances mean that separate collections are not technically practicable. This could apply to one or more areas within a collection service area, rather than the authority as a whole. Examples of this could include:
 - Types of housing stock and accessibility
 - Rurality and geography of property location
 - Availability of suitable containers
 - Storage of containers at properties
 - Storage in existing waste transfer infrastructure

Economically practicable

- This refers to separate collection which does not cause excessive costs in comparison with the treatment of a non-separated waste stream. If the additional cost of collecting a recyclable waste stream separately outweighs its value once collected it may not be economically practicable to collect the waste streams separately.
- LA's will need to demonstrate their specific financial costs makes it significantly more expensive to have separate collections.

No Significant Environmental Benefit

- To make the case that separate collection is of no significant environment benefit compared to collecting recyclable waste streams together, LA's will need to demonstrate that this is the case in their circumstances.
- The overall impact of the management of the household waste stream from collection through to reprocessing should be considered. Examples of this could be included but are not limited to:
 - Greenhouse gas emissions – for example from vehicles or Materials Facilities
 - Lifts per vehicle and journey length
 - Availability of recycling facilities
 - Reject tonnages

Statutory guidance proposed content 2: Compliance and Enforcement

- The Environment Agency is responsible for enforcing compliance with the duties set out in the Environment Bill in England, including assessing local authority written assessments to demonstrate where separate collections are not practicable given the above criteria.

Statutory guidance proposed content 3: Minimum Service Standards for the collection of DMR from households

- Multi-stream collections should be considered in the first instance, however, where these are not technically, economically or environmentally practicable twin-stream should be considered.
- A co-mingled collection should be considered as the last resort.
- Justification for any approach that is not multi-stream will be required through a written assessment.

Statutory guidance proposed content 4: Minimum Service Standards

- Government will consider whether a recommended minimum service standard of AWC for residual collection might be appropriate, subject to an assessment of affordability and value for money.

Review of Part 2 of Schedule 9 (of the Environmental Permitting Regulations 2016: Materials Facilities)

- Under EPR all Materials Facilities that receive waste containing packaging would be considered evidence points. The proposal is that these facilities would be required to undertake sampling and compositional analysis to identify the tonnage and composition of packaging waste.

- A recent review of the requirements under Part 2 Schedule 9 recommended the following to consider:
 - Review the stance on Materials Facilities that are required to report and sample their target material, particularly reviewing small Materials Facilities and whether there should be moves to include them in reporting requirements.
 - Consider more robust and frequent auditing of the results and procedures.
 - Consider publishing the Environment Agency reporting compliance and inspection efforts.
 - Consider more accountability in naming suppliers who input materials to Materials Facilities to increase transparency and waste tracking via the Waste and Resources Action Programme (WRAP) portal.
 - Consider amending regulations to require waste transferred between Materials Facilities to be reported.
 - Consider amending the 2016 Environment Agency guidance to provide clearer guidance on 'target' materials and how to sample and report 'target' materials for consistency across the system.
 - Explore connections between Materials Facility data reporting and EPR data requirements.

Non-Binding Performance Indicators and Alternatives to Weight-based Targets

- Weight-based metrics will continue to play a role as Government has committed to the target of 65% of municipal waste being recycled by 2035. However, other metrics such as carbon emissions are being considered.
- Government will engage with LA's to develop non-binding performance indicators and alternatives to weight-based targets.

Recycling Credits

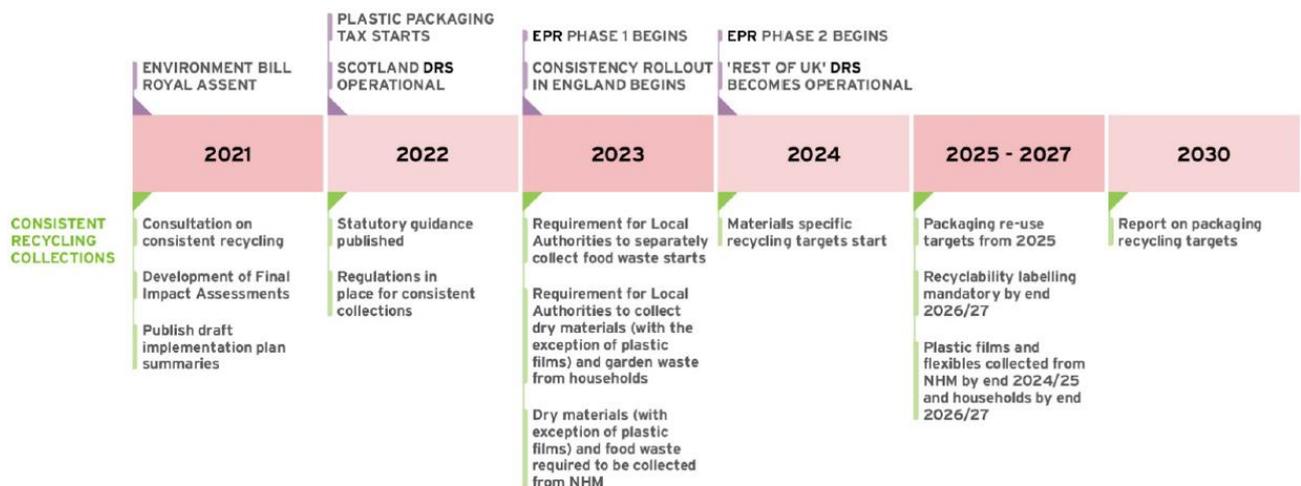
- EPR will bring in a new funding stream to cover the collection and treatment costs for all packaging material collected by local authorities.
- Government has committed to paying the costs of additional new burdens arising from statutory duties in relation to consistency reforms.
- These reforms call into question the continued need for recycling credits and review is necessary to ensure they remain fit for purpose and do not duplicate other funding arrangements. An alternative would be to require local authorities to make local arrangements as necessary for sharing costs and/or savings arising from management of waste other than packaging.
- Any substantive change to the system is likely to require primary legislation.

Bin Colour Standardisation

- It has been decided not to pursue this policy at this stage because of the costs it will incur and the practicalities of rolling out across the country at the same time.
- However, when replacing existing bins, local authorities should consider moving to the most appropriate bin colours to reduce confusion, which might include working collaboratively and procuring with neighbouring authorities or in waste partnerships.
- Government is considering giving guidance on other options such as bin stickers.

Communication and Implementation

- Government with support from WRAP have developed implementation plans for the roll out of consistency measures. These set out the timelines and activities required for the delivery of consistent collections, and addresses major barriers to scheme roll out to increase the likelihood of high performing schemes and ensure high satisfaction.
- The implementation plans outline a broad range of activities under seven overarching themes under which specific activities will fall:
 1. Policy and legislation
 2. Citizen behaviour change
 3. Collections and supporting infrastructure
 4. Improving data
 5. Knowledge, skills, and training
 6. Procurement and contracts
 7. Sector engagement
- A summary of the plans is due to be published later in 2021.
- The implementation plan will be reviewed at regular intervals to measure progress, and timelines will be updated where required.



Delivery of Household Collections

- The implementation plan takes into account collections and support infrastructure, including vehicles, containers, and designers for storage, as well as facility capacity and capability in MRFs and transfer stations. Government will review and update vehicle and container industry capacity to respond to the potential increase in demand.
- WRAP will engage with Local Authorities to support service change, identifying skills gaps and where necessary providing training aids on good practice, upskilling operational staff, and support for service transition plans.
- The Recycle Now behaviour change strategy will be updated and support will be given to national communications.