

Meeting: Environment, Economy, Housing and Transport Board

Date: 21 March 2023



Waste and recycling

Purpose of report

For direction

Summary

Waste and recycling services are one of the most visible services for residents and represent an area of high spending for councils.

This report provides a brief update on the Resource and Waste Strategy reforms and looks at other current and long-term issues relating to waste and recycling services.

Is this report confidential? No

Recommendation/s

That the LGA EEHT Board is asked to:

- Review and comment on our approach regarding the current set of waste reforms, as set out in paragraphs 6 to 15.
- Review and comment on potential future work on waste and recycling policy set out in paragraphs 23 to 31.

Contact details

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Waste and recycling



Background

1. Waste and recycling services are one of the most visible services for residents and represent an area of high spending for councils.
2. The EEHT Board last reviewed waste and recycling in response to Defra's Resources and Waste Strategy and subsequent consultations.
3. This report:
 - provides a brief update on these reforms, seeking the Board's views on progress and any comments on next steps.
 - looks at other waste issues, both current and longer term, that are concerning councils and seeks the Board's views on the LGA's position and activity on these issues.
4. The Board Chair met with the Minister Rebecca Pow MP on 9 March 2023 to discuss some of the issues set out in this paper.
5. LGA continues to engage with officials and the council waste professional bodies on all issues covered in the paper.

Taking forward the Resources and Waste Strategy – Extended Producer Responsibility (EPR), consistency in collection, Deposit Return Scheme (DRS)

6. The LGA has continued a wide range of engagement with the government and councils on the waste reforms initially proposed by the Resources and Waste Strategy and subsequent consultations, with our positions summarised online¹.
7. Altogether, at a strategic level, we have continually raised issues on the need for an element of local flex in meeting collective ambitions, the impact of delays and uncertainty for councils on long-term planning (and contracts), and how all the different reforms come together in a coherent way on the ground.
8. A brief update with issues for each reform area is given below -

Extended Producer Responsibility (EPR)

¹ <https://www.local.gov.uk/topics/climate-environment-and-waste/lga-response-resources-and-waste-consultations>

9. Defra set out its approach to EPR in a consultation response last year². Obligated manufacturers and retailers must record packaging data and report it every six months. From April 2024 a new Scheme Administrator will collect payments from producers, and it will make transitional payments to councils. Government has also taken decisions on the scope of EPR, for instance not to include litter or commercial waste.
10. The LGA, working with professional waste networks and through membership of a number of DEFRA working groups, has made a range of representations on EPR. Key issues include:
 - The need for a whole-system approach, with packaging producers working with councils and government
 - Ensuring councils have a role in the Scheme Administrator and can influence decisions on important principles including whether EPR funding should be used to incentivise '*efficient services*' and what this might mean in practice.
 - Ensuring that funding to councils reflects the real costs of collecting and processing waste

Consistency in collections

11. At the time of drafting there is still no Government response on the consultation for consistency reforms, but it is widely expected to be published soon. Our submission³ to the consultation sets out our views on the proposals – including those on: free garden waste; regularity of residual waste collections; consistency as aligned to EPR; and under what circumstances the Technically, Environmentally and Economically Practicable (TEEP) rules might allow the collection of mixed waste.
12. The consistency in collection consultation also includes proposals for mandatory weekly food waste collections, and Defra are progressing this with a view to implementation in 2025/26. The LGA has been involved in discussions with Defra and the waste networks around new burdens and practicality of delivery. We have raised issues around ensuring new burdens is sufficient in covering all costs; ensuring the set-up costs and ongoing revenue costs are sufficient, and that Defra considers in detail with councils the practical challenges of delivering this everywhere for 2025/26. We also know that some councils who are considering implementing food collections earlier than 2025/26 will want to ensure that they are not financially worse off by taking action before the implementation date.

Deposit Return Scheme (DRS)

13. In January, Defra published next steps on DRS⁴. A new deposit return scheme for drinks containers will be introduced in England, Wales and Northern Ireland in 2025. It

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1063589/epr-consultation-government-response.pdf

³ <https://www.local.gov.uk/consultation-consistency-recycling-collections-england-lga-response>

⁴

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1130296/DRS_Government_response_Jan_2023.pdf

will cover all containers between the sizes of 50ml and 3 litres made of steel, aluminium and plastic. Glass drinks containers are not in scope.

14. Councils will be able to participate in the DRS scheme by separating out containers and redeeming the deposit on them, but there will not be a digital DRS scheme. Generally, it is anticipated that individuals will deposit at reverse vending machines required in locations such as supermarkets. It is not clear yet how DRS will impact waste moving through the household collection route.
15. Other relevant issues for councils include the proposed use of permitted development rights to install reverse vending machines in public locations, which we have concerns over regarding council oversight. There will also be requirements on council trading standards teams to provide guidance and enforcement in relation to retailer obligations, and we have concerns over resourcing.

Other current ongoing issues

16. Collection and disposal of soft furnishings containing Persistent Organic Pollutants (POPS), most often sofas – Councils want to work pragmatically on this issue to best protect the environment and health. We've raised concerns about the Environment Agency guidance being too rigid, and creating significant additional costs for some councils to comply. There are also concerns on the sufficiency of funding to enable compliance, and the need to approach the issue strategically should future items need to be treated similarly.
17. Emissions Trading Scheme - In 2022 government consulted on including the waste sector in the carbon emissions trading scheme. If implemented, this would require waste incineration and energy from waste plants to purchase credits linked to their carbon emissions. The LGA response is online⁵.
18. Defra's Environmental Improvement Plan⁶ - published in February 2023 includes targets on waste and recycling including a long-term target to halve 'residual' waste (excluding major mineral waste) produced per person by 2042.
19. DIY waste at household waste recycling centres – we are awaiting governments response following its consultation on booking systems and mandating free DIY waste disposal at household waste recycling centres, which included waiving the new burdens process. We have raised a range of concerns with this, including the need for it, and the cost impacts of not funding councils to undertake it⁷.
20. Electricity Generators Levy (EGL) – the LGA has made representations to HM Treasury on the application of the EGL tax to energy from waste, and how it applies to councils using plants subject to the tax. While we've received some concessions on

⁵ <https://www.local.gov.uk/parliament/briefings-and-responses/lga-response-consultation-developing-uk-emissions-trading-scheme>

⁶

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1133967/environmental-improvement-plan-2023.pdf

⁷ <https://www.local.gov.uk/parliament/briefings-and-responses/lga-response-defra-call-evidence-booking-systems-household-waste>

deducting costs to be covered by the tax, we are concerned that council revenues could be impacted by the tax.

21. Office for Local Government - DLUHC announced that waste management is one of the four priorities area for the new Office for Local Government (Oflog) to review.
22. Coastal landfills - Research by the LGA's Coastal SIG group identified 26 coastal councils that have closed landfill sites at risk of spilling waste onto cliffs and beaches⁸. The landfill sites were opened before regulations came into forces requiring waste sites to be documented and well managed.

Future areas of work for consideration

23. Linked to the range of current reforms underway, there are issues on which the Board might want to undertake further activity, depending on capacity. These are summarised below, together with some potential LGA activity:
24. Waste and net zero. Building on the proposed extension of the carbon emissions trading scheme (ETS) to waste services (see paragraph 17 above), the LGA improvement team are seeking to help councils explore how waste services can support decarbonisation ambitions, including through baselining current emissions. The LGA could build on this by working with improvement services to commission further resources for councils and sharing examples of innovation and good practice, linked to the impact of the current waste reforms.
25. Waste minimisation and household waste. Government is still due to publish its waste minimisation strategy, although we understand it will likely add little to the wider reforms. If waste and recycling reforms and trends have the impact expected it is likely that there will be less waste coming through, and that councils will be increasingly left with difficult to treat items. Longer-term planning around these kinds of issues will be necessary, and the LGA could seek to bring government, councils and other sectors (for example retailers, product designers and community and charitable organisations) together on the long-term trends and their impacts.
26. The LGA could refresh data on costs and call for other forms of funding. As part of the lobbying strategy, we could make the case for EPR type schemes for items such as single use vapes, following the "polluter pays" principle. DRS schemes have only been discussed in the context of drinks containers, but these could have a useful role to play in collecting items such as batteries and small electrical items.
27. Commercial waste. Data on commercial waste is poorly defined and inconsistent, compared to household waste. Defra figures indicate that the commercial and industrial waste sector accounted for 19% of all waste, compared to 12% for households⁹. Information on recycling rates from businesses is patchy at best. Defra has proposed that the consistency framework for recycling collections will extend to businesses as well as households. The EPR scheme for packaging originally intended

⁸ <https://www.local.gov.uk/about/news/coastal-landfill-time-bomb-needs-urgent-action>

⁹ <https://www.gov.uk/government/statistics/uk-waste-data/uk-statistics-on-waste#waste-from-commercial-and-industrial-ci-activities>

for payments to be made to business as well as councils. After review, Defra will not take this forward, but remain committed to exploring the options.

28. The LGA could work with councils to explore the opportunities to make business waste services greener and better prepared for the future. There are examples from other countries of “zoning” and other approaches to managing business waste, and these bring other advances such as reducing the cost to business and rationalising collections (cutting the number of vehicles on the roads).
29. Recycling economy. Government is restricting exports of plastic waste to non-OECD countries and it will become mandatory for councils to collect flexible plastics (such as crisp packets, bread wrappers). This type of plastic can technically be recycled, but this is not done at scale and the cost of the recycling process means that it is not economically viable. Many stakeholders across Defra and industry agree on the need to develop more recycling infrastructure in the UK, but there is not an agreement on how to do this. Councils have pointed to the long lead in times for bringing forward new waste and recycling infrastructure and costs. The LGA has made this point when responding to consultations, but Board members may wish to make this a stronger key message (linked to the point above on refreshed data on costs and other forms of funding).
30. Chemicals. We are seeing greater awareness and evidence of the environmental damage caused by hazardous waste material and poor management of waste in the past. Councils are being asked to deal with complex legacy issues, without the resources to do so, the Environmental Improvement Plan (p128) signals that this will grow as an issue.
31. The LGA could seek to build on our experience of POPs in soft furnishings, which has highlighted the need for strategic early planning between government, councils, waste contractors and other partners. As part of the lobbying strategy, the LGA might also prioritise the case for the ‘polluter pays’ principle applying into the process of waste disposal.

Next steps

32. The Board is asked to:
 - Review and comment on our approach regarding the current set of waste reforms, as set out in paragraphs 6 to 15.
 - Review and comment on potential future work on waste and recycling policy set out in paragraphs 23 to 31.

Implications for Wales

33. Waste and recycling policy is a devolved matter in Wales and policy is set by the Welsh Government. There are no implications for Wales.

Financial Implications

34. There are no direct financial implications for the LGA.

Equalities implications

35. In delivering services locally, councils take account of equalities considerations. Equality, human rights and diversity are not strong themes of national debate on waste and recycling and Defra has not published an equalities impact assessment for the key components of the waste and resources strategy.