

# Appendix 1 - Policy Review 2020-2021

## Household Waste Management Strategy Update

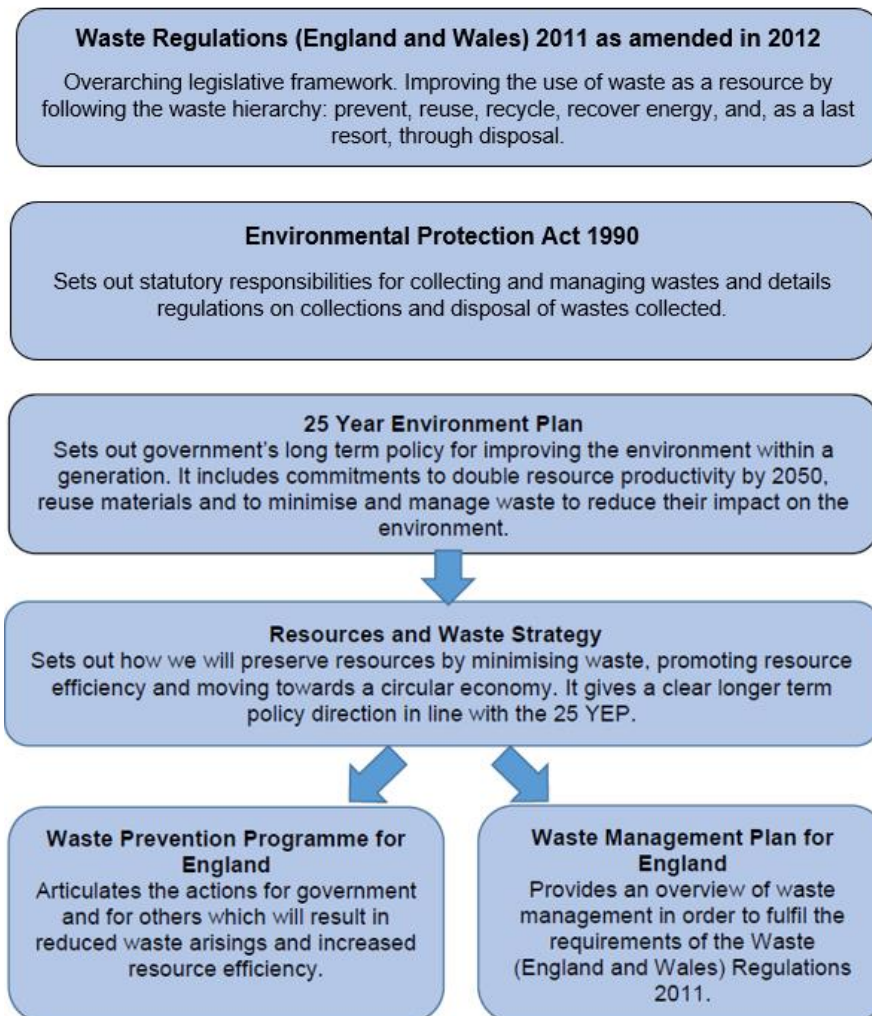
### 1. Setting the scene

The council has a statutory duty to collect, recycle and dispose of waste from its residents. The relevant duties and powers are laid out across a range of legislation.

With the publication of the government's key waste policy, The Resource and Waste Strategy for England 2018, the council is expected to be required to make changes to how its waste management service is provided in future. The policy is being enacted into law through the Environmental Bill currently making its way through parliament.

#### 1.1 National policy and legislation

The relationship between the national policy and legislative framework for waste services is illustrated by the diagram below.

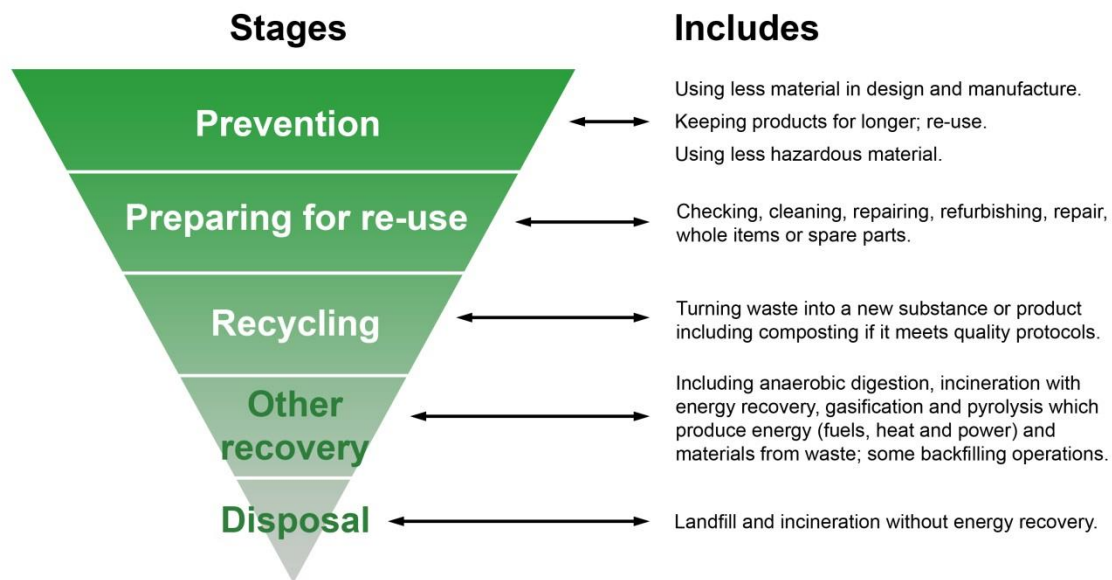


### 1.1.1 The Waste Regulations (England and Wales) 2011, as amended in 2012

The Waste Regulations (England and Wales) 2011, as amended in 2012, set out the requirement for local authorities to manage all waste in accordance with the principles of the waste hierarchy and identify measures for continuous improvement.

The waste hierarchy ranks waste management options according to what is considered best for the environment. It places the highest priority on measures that prevent waste in the first place or reducing the amount of waste we produce. Once waste is created, the second priority is to prepare it for re-use, but if it has reached the end of its useful life the third priority is to collect it for recycling. If waste cannot be managed in accordance with these priorities then energy should be recovered from it, and if waste is unsuitable to be managed higher up the hierarchy, only then should it be disposed of (i.e. to landfill). Departure from the hierarchy is permissible when the measures that would be required would not be considered reasonable in the circumstances, or when departure will achieve the best overall environmental outcome in respect of that waste.

### The Waste Hierarchy



The Waste Regulations (England and Wales) 2011 as amended in 2012 also require local authorities to take measures to promote high quality recycling and should therefore inform the design of kerbside collection services.

### 1.1.2 Environmental Protection Act 1990

Environmental Protection Act (1990) provides that the responsibility for household waste management in England lies with local authorities.

In addition, unitary authorities have a statutory duty under the Environmental Protection Act (1990) to collect household waste which includes the collection of recycling from their local authority area and are also responsible for the safe disposal and treatment of all household waste collected.

Section 45 of the EPA states that local authorities shall

- Arrange for the collection of household waste in its area except waste:

- i. which is situated at a place which in the opinion of the authority is so isolated or inaccessible that the cost of collecting it would be unreasonably high, and
  - ii. as to which the authority is satisfied that adequate arrangements for its disposal have been or can reasonably be expected to be made by a person who controls the waste
- If requested by the occupier of premises in its area to collect any commercial waste from the premises, to arrange for the collection of the waste.
  - No charge shall be made for the collection of household waste except in cases prescribed in regulations made by the Secretary of State; and in any of those cases the authority may recover a reasonable charge for the collection of the waste from the person who made the request.

Section 46 of the EPA states that where an authority has a duty to arrange for the collection of household waste, the authority may require the occupier to place the waste for collection in receptacles of a kind and number specified. The kind and number of the receptacles required shall be reasonable, but this may include separate receptacles for waste which is to be recycled and waste which is not.

In reference to the receptacles, under section 46 of the act the authority may specify

- the size, construction and maintenance of the receptacles;
- the placing of the receptacles for the purpose of facilitating the emptying of them, and access to the receptacles for that purpose;
- the waste which may or may not be put into the receptacles and the precautions to be taken where particular substances or articles are put into them; and
- the steps to be taken by occupiers of premises to facilitate the collection of waste from the receptacles.

Section 51 of the EPA states that it is the duty of each waste disposal authority to arrange

- for the disposal of the controlled waste collected in its area by the waste collection authorities (in our case the unitary authority); and
- for places to be provided at which persons resident in its area may deposit their household waste.

In providing places for residents to deposit their household waste, the council must ensure that each place is situated either within the area of the authority or so as to be reasonably accessible to persons resident in its area, is available for the deposit of waste at all reasonable times and is available for the deposit of household waste free of charge by persons resident in the area.

### 1.1.3 25 Year Environment Plan (2018) and Environment Bill (2019)

In January 2018 the Department for Environment, Food and Rural Affairs (Defra) published a 25 Year Environment Plan which sets out government action to help the natural world regain and retain good health. This plan sets out a wide range of ambitious proposals in order to tackle growing issues associated with waste management.

### 1.1.4 Resource and Waste Strategy for England

In December 2018 Department for Environment, Food and Rural Affairs published Our Waste, Our Resources: A Strategy for England. The strategy sets out how government proposes to preserve material resources by minimising waste, promoting resource efficiency and moving towards a circular economy. Resources should be kept in use for as long as possible and

maximum value should be extracted from them. Products and materials should be re-used, regenerated, recycled and recovered to prolong their life.

Government also aims to minimise the damage caused to our natural environment by reducing and managing waste safely and carefully and by tackling waste crime. The strategy gives a longer-term policy direction in line with the 25 Year Environment Plan aiming to eliminate avoidable plastic waste over the lifetime of the 25 Year Environment Plan and eliminating avoidable waste of all kinds by 2050.

In February 2019 Department for Environment, Food and Rural Affairs published three consultations:

- Reforming the UK packaging producer responsibility system
- Consistency in household and business recycling collections in England
- Introducing a deposit return scheme in England, Wales and Northern Ireland.

At the same time HM Treasury published a consultation on the introduction of a plastic packaging tax.

The latest available information regarding these consulted changes are outlined below. Wiltshire Council will continue to engage with government on the further development and subsequent consultations on these proposals. Once there is certainty on the detail of implementation the council will review and amend its household waste management strategy and services to ensure compliance with new legislation.

#### 1.1.4.1 Extended Producer Responsibility (EPR)

Government intends to introduce an extended producer responsibility scheme in 2023, including proposals to introduce measures for product standards for five new waste streams by 2025. Department for Environment, Food and Rural Affairs has now taken primary powers in the Environment Bill to enable them to implement new extended producer responsibility (EPR) systems.

The government will consult on final proposals for EPR for packaging waste in early 2021.

There is a commitment by government to review the current statutory producer responsibility regimes for waste electrical and electronic equipment (WEEE), batteries and end-of-life vehicles in the period of 2021-2024.

The government are proposing and plan to consult on extending EPR to include another 5 materials by 2025. These materials are:

- textiles (clothing and household textiles)
- bulky waste (including mattresses, furniture and carpets)
- certain materials in the construction and demolition sector
- Vehicle tyres
- Fishing gear

#### 1.1.4.2 Consistency in recycling collections

A Framework for Greater Consistency in recycling was published in September 2016. Following the consultation in 2019, the Government have confirmed that it will introduce measures for England to increase household recycling by requiring all local authorities to collect a consistent set of dry materials from households in England; to collect food waste separately from all households on a weekly basis; and to arrange for garden waste collection where necessary from 2023.

The government have however conceded that there is more limited support for free garden waste collections and therefore have committed to give further consideration to the costs and benefits of this measure before making the final decision on whether garden waste collections should be free of charge, or whether charging should remain a matter for local decision making. A further consultation is expected with further detail proposed.

These measures are expected to increase recycling from households from current levels to in excess of 65% by 2035 to meet the national recycling target.

The key impacts for Wiltshire Council would be the proposal to mandate weekly collections of food waste and the consideration being given to the provision of fortnightly free of charge garden waste collections.

The government have committed to funding the net costs of new burdens on local authorities arising from new statutory duties introduced to increase consistency in recycling and will work with local authorities to assess costs and changes necessary. Where collections infrastructure is required to change there is an expectation this to be done at the earliest opportunity allowed for by contractual obligations.

#### 1.1.4.3 Deposit return scheme (DRS)

Government intends to introduce a deposit return scheme for drinks containers in 2023. A further consultation was due in early 2020 however this has been delayed due to Covid-19. Details of the scheme are yet to be decided however it is likely that the key impact for Wiltshire Council would be the loss of plastic bottles, steel and aluminium cans and glass bottles from the collection of dry recyclable materials. Many householders would be encouraged to return their used drinks containers for tokens with a monetary value. The current proposals extend beyond the recycling of “on the go” drinks containers in retail settings, with the scope extended to cover most drinks containers. This is likely to divert valuable recyclable drinks containers from established kerbside collection schemes, and result in a financial loss to the council as well as potentially having operational impacts on the efficiency of recycling collection services.

#### 1.1.4.4 Environment Bill 2019

The Environment Bill was introduced to Parliament on 15 October 2019. The bill establishes a regulatory body to hold the government and public bodies to account and to set legally binding environmental improvement targets in line with the commitments in the 25 Year Environment Plan. It also lays the groundwork for enacting the measures outlined in the Resource and Waste Strategy from England.

The Bill aims to transform the way we manage our waste through providing powers to ensure that producers take responsibility for the waste they create, introducing a consistent approach to recycling, tackling waste crime, introducing bottle deposit return schemes and more effective litter enforcement. Powers to introduce new charges will minimise the use and impacts of single use plastics. It remains government’s intention that measures come into effect in 2023.

The bill requires local authorities to collect the following recyclable household waste separately:

- iii. Glass
- iv. Metal
- v. Plastic
- vi. Paper and card

- vii. Food waste and
- viii. Garden waste.

In addition, recyclable household waste which is food waste should be collected at least once a week. The explanatory notes to the bill state that the circumstances in which it is not technically or economically practicable to separate waste streams, or where it would have no significant environmental benefit, will be set out in statutory guidance and the proposals remain subject to further stakeholder consultation.

The government have recently indicated that, as part of the consultation of consistency in recycling, they propose to clarify the requirements for separate collections under the Waste Regulations to make these clearer. The government have set out requirements for separate collection of recyclables in the Environment Bill. This will be supported by statutory guidance and further regulations which will be consulted upon in 2021. The government have committed that the statutory guidance will help local authority decision making in order to meet their duties in relation to separate collection and promote high quality recycling. The statutory guidance would also set out the process by which local authorities may collect materials together where separate collection is not technically, environmentally or economically practicable.

Progress of the Environment Bill through parliament has been delayed due to COVID-19

#### **1.1.5 UK's exit from the EU**

The UK left the EU in December 2018 and therefore EU waste legislation is no longer a driver for sustainable waste management activities in England.

Following the UK's exit from the EU, key environmental legislation including the Waste Framework Directive (revised 2008) and the Landfill Directive (1999) do not apply. However, the government have committed to ensure environmental standards remain consistent with those in the EU, including the EU Circular Economy Package.

From 1 January 2021 there will be new arrangements for the movement of waste between the UK and the EU. The council continues to work with its contractors to understand the impact of these new arrangements and the costs associated with their implementation. Currently all of the Solid Recovered Fuel produced at the Northacre MBT facility is exported to Europe and Scandinavia for use in Energy from Waste facilities. However, in 2019/20 only 6% of the waste collected for recycling, composting or reuse was sent outside of the UK.

### **1.2 Local policy drivers**

The council's waste service will endeavour to meet residents' expectations and requirements while aiming to achieve the goals set out in the council's business plan within the resources available. In addition, we must work collaboratively with other council departments to meet a wider range of aims and objectives set out within the council's business plan. A key area will be making the most efficient and effective use of the council's digital platforms for communication with our residents.

The waste management strategy needs to reflect the wider priorities of the council including growing the economy, developing stronger communities and protecting the vulnerable.

Residents' expectations reflect their knowledge of new products, services and waste streams. In addition, overall demand on waste management services will increase as the population and housing stock grows. Over time, an ageing population may increase demand for assisted waste and recycling collection services and clinical waste collection services.

### 1.2.1 Financial drivers

The council faces ongoing financial pressures, and this has clearly increased as a result of the unprecedented impacts of COVID-19. These funding challenges are therefore expected to continue for the term of this strategy. The targets and actions agreed therefore should be affordable and reflect the need to make optimum use of the financial resources available.

The rate of landfill tax payable in 2020/21 has increased by 3% to £94.15 per tonne and is likely to increase further in subsequent years. Reducing waste sent to landfill therefore remains a primary financial driver.

These demands reinforce the need for a household waste management strategy which highlights the need to deal with these pressures, whilst also ensuring that performance against statutory targets and business plan goals are not compromised.

### 1.2.2 Social and environmental drivers

The number of households in Wiltshire has continued to increase, placing additional demand on many key services. Projected future housing delivery is detailed in the council's Local Plan Core Strategy. Growth in housing and population directly impacts on the amount of waste produced in Wiltshire, and which the council has a statutory duty to manage, as well as placing an increasing demand on the council's operational waste services.

Renewed media interest in the impact of waste on the environment has been noted, and this is reflected in residents' awareness of the issues we are seeking to address through this strategy. The importance of recycling clearly resonates with many residents, informing their consumer behaviour and is also demonstrated in our current recycling performance.