

**REPORT FROM:** DEPUTY CHIEF EXECUTIVE  
WASTE SERVICES MANAGER

**TO:** EXECUTIVE

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## COLLECTION OF RECYCLABLE MATERIALS

### PURPOSE OF REPORT

To consider the implications of The Waste (England and Wales) Regulations 2011 (amended 2012) and the outcome of the Technically, Environmentally, and Economically Practicable (TEEP) test on the Council's current waste collection arrangements.

### RECOMMENDATIONS

1. That the Executive note the requirements of The Waste (England and Wales) Regulations 2011 (Amended 2012).
2. That the Executive approves the TEEP assessment and endorses the continuation of the current household waste collection regime.

### REASONS FOR RECOMMENDATIONS

1. For information.
2. To be compliant with current waste legislation.

### ISSUE

#### Background

1. The EU Waste Framework Directive provides the legislative framework for the collection, transport, recovery and disposal of waste. The directive requires all member states to take measures to promote high quality recycling and ensure that waste is recovered or disposed of without endangering human health or causing harm to the environment.
2. The directive also requires member states to take appropriate measures to encourage firstly, the prevention or reduction of waste production and its harmfulness and secondly the recovery of waste by means of recycling, reuse or reclamation or any other process with a

view to extracting secondary raw materials, or the use of waste as a source of energy. The directive's requirements are supplemented by other directives for specific waste streams.

3. The UK Government transposed the Waste Framework Directive into UK law through the Waste Regulations 2011, which came into force on 1st October 2012. The regulations stated that as from 1st January 2015, Waste Collection Authorities (WCAs) must collect waste paper, metal, plastic and glass separately. It also imposes a duty on WCAs, from that date, when making arrangements for the collection of such waste, to ensure that those arrangements are by way of separate collection.
4. Originally the regulations (2011) stated that commingled collections of recycling were an acceptable way of meeting that duty. However the regulations were amended (2012) to remove the statement about commingled collection being acceptable.
5. The amended regulations state that separate collections of at least paper, metal, plastic and glass are required where they are technically, environmentally and economically practicable (TEEP) and appropriate to meet "the necessary quality standards for the relevant recycling sectors" by January 2015. Therefore if a WCA does not collect recycling separately, it must apply the necessity and TEEP tests to determine if this is needed in their circumstances.
6. Pendle's recycling collection system was designed to meet the requirements of the Lancashire Waste Strategy, which was adopted in 2001 (A Greener Strategy for a Greener Future) along with the other 14 Waste Collection/Disposal Authorities in Lancashire. The strategy was revised in 2009 (Rubbish to Resources) which we signed up to in 2010.
7. A ten-year Cost Sharing Agreement (CSA) was developed as to support the strategy targets and the CSA is prescriptive as to types of recycling to be collected. Pendle Council entered into this agreement in 2005 and this was extended in 2012 for a further 5 years.
8. Currently we collect commingled glass bottles/jars, cans and plastic bottles, paper and cardboard as well as separately collected textiles/clothing. As we commingle glass, cans and plastics, this is subject to the necessity and TEEP tests as outlined previously.
9. These duties apply to waste classified as waste from households and waste that is classified as commercial or industrial waste.

### Waste Regulations Route Map

10. In April 2014, the Waste Regulations Route Map was launched in order to help guide WCAs. It was developed by a working group comprising WRAP, LWARB and the Waste Network Chairs (e.g. LARAC, LGA) assisted by environmental consultancy Eunomia.
11. In the absence of any case law and formal government guidance, the Route Map forms the basis for tackling the legislative changes by offering guidance on assessments in the form of step by step guide, with 'tests' to determine the likelihood of meeting the regulations.
12. The Environment Agency (EA) is the body that will enforce the Waste Regulations in England and they have endorsed the use of the Route Map saying that it is helpful and regarded as good practice. The EA is not looking to prosecute councils for failing to meet the regulations at this stage, but will be requesting information from councils as to how we have assessed our collection system in order to meet the requirements of the current legislation, with a view to assessing whether any improvements are necessary.
13. The Environment Agency issued a briefing note December 2014 indicating what they expect of collectors and how they will take account of local circumstances. They have indicated

that they have developed a risk based regime for regulation, for example whereby a high level of compliance would lead to low levels of intervention.

### Pendle's TEEP assessment

14. In April 2014, a working group was established consisting of five district councils (including Pendle) along with Lancashire County Council and their contractor, Global Renewables Ltd. The working group was tasked to produce a template document to be used by Lancashire councils that aims to provide a TEEP assessment in accordance with the Route Map. We have used the template document produced as a basis for Pendle's TEEP assessment.
15. The TEEP assessment undertaken for Pendle (Appendix 1) has demonstrated that it is not economically practicable to collect the four affected waste streams separately from one another and from other waste types.
16. The recommendation is that the Council continues, at this stage, with its current household waste collection system by separately collecting the paper/cardboard from all other waste types, and collecting plastic bottles, glass and metal commingled, and separate from other waste types.

### **IMPLICATIONS**

**Policy:** None arising directly from the report

**Financial:** There are no immediate financial implications in this report. If the Council had not met the TEEP requirements and been obliged to change its collection methodology the costs would be significant and the subject of a further report.

**Legal:** Pendle Council needs to produce a TEEP assessment in order to meet the requirements of the Waste Regulations 2011 (amended 2012). The completion of the TEEP assessment and the associated documentation will need to be retained to demonstrate compliance with Regulation 13 of the Waste Regulations and to facilitate subsequent TEEP assessments. Enforcement of the new Regulations will be the responsibility of the Environment Agency. It is anticipated the Environment Agency will request the TEEP information from the Council in March 2015 and assess this in conjunction with data on the quality of the MRF when this becomes available from June 2015 onwards. Having completed the TEEP assessment and demonstrated that it is not economically practicable to collect the four described waste streams separately, the Council can now proceed. To minimise the risk to the Council of legal challenge until further guidance is issued, it would be prudent to perform TEEP assessments where any significant changes to the Council's waste management services are planned or have occurred.

**Risk Management:** None arising directly from the report

**Health and Safety:** None arising directly from the report

**Sustainability:** None arising directly from the report

**Community Safety:** None arising directly from the report

**Equality and Diversity:** None arising directly from the report

### **List of Appendices:**

Appendix 1: TEEP assessment for Pendle Council