

**REPORT FROM: ASSISTANT DIRECTOR OPERATIONAL SERVICES**

**TO: EXECUTIVE**

**DATE: 20<sup>th</sup> JULY 2023**

**Report Author: David Walker**  
**Tel. No: 01282 661746**  
**E-mail: david.walker@pendle.gov.uk**

## **ENVIRONMENT ACT 2021 WEEKLY FOOD WASTE COLLECTIONS**

### **PURPOSE OF REPORT**

To provide Members with an overview of the DEFRA guidance covering the weekly collection of food waste from domestic properties within Pendle, the cost of introducing the new scheme and the current discussions being held in relation to the disposal of East Lancashire Districts food waste.

### **RECOMMENDATIONS**

1. That Members note the content of the report.
2. That Members grant approval for more detailed work to be undertaken to seek an exemption to the introduction of food waste through a TEEP assessment. (Technically, environmentally, economically practicable.)
3. That Members grant approval for Officers to continue to work with County and District partners to pursue capital and revenue funding in order to introduce weekly food waste scheme if economically viable.
4. That Members receive further updates as and when available.

### **REASON FOR RECOMMENDATIONS**

To ensure the Council continues to deliver critical and income generating services effectively without impacting on the environment and the Council's budget any more than it currently does.

## ISSUES

### Background

1. The Environment Act 2021 became law in November 2021, introducing changes to waste collection so that recyclable household waste (which includes food waste) must be 'collected separately from other household waste'. Food waste itself must be collected at least once a week.
2. DEFRA expect food waste to be treated through anaerobic digestion or In Vessel Composting (IVC) rather than Mechanical Biological Treatment (MBT) processes, where it is normally collected as part of the residual waste stream. In preparation for this the County Council have been redeveloping the material reclamation facility in Farington in order to be able to accept food waste at this site.
3. The County Council report no other facilities are currently being provided for food waste and as such each District will be required to deliver material collected from kerbside collections to the facility at Leyland.
4. DEFRA initially reported that they wanted local authorities to have a separate food waste collection service in place as soon as possible. Initially they proposed that the requirement for weekly separate food waste collection would be introduced during the 2023/24 financial year. This deadline has moved back to April 2025.
5. At the time of writing this report we await further details on funding for new schemes, new burdens payments calculations and confirmation of the exact timescales by which local authorities will need to change their current arrangements to comply with the Environment Act.
6. In contrast to DEFRA's initial stance on the deadline for introducing weekly collection schemes the initial consultation issued in May 2021 outlined that if an authority has a long-term arrangement in place for the collection and/or disposal of their waste, they may be able to delay introducing separate food collection and/or disposal.
7. DEFRA similarly reported that If no long term arrangement was in place then Local Authorities would need to introduce weekly collection schemes as outlined below.

Type of Contract	Expected Timeframe
<b>Currently providing a separate food waste collection</b>	Continue separate collections at least weekly from 2023/24
<b>No existing contract</b>	By the 2024/25 financial year at the latest
<b>Mixed food waste and garden waste contract</b>	Transition to a weekly, separate food waste collection service proposed between 2024/25 and 2030/31
<b>Long-term residual waste contracts affected by the proposals (such as Energy from Waste or Mechanical Biological Treatment)</b>	Transition to a weekly, separate food waste collection service proposed between 2024/25 and 2030/31 subject to further evidence on the associated costs and benefits

8. The Environment Act does states that Local Authorities can seek exemption from introducing weekly food waste collections if it is not technically or economically practicable to collect food waste separately or collecting food waste separately has no significant environmental benefit (having regard to the overall environmental impact of collecting it separately or of collecting it together for those that currently collect food waste with garden waste)
9. In October 2021 the government announced that it would be distributing £295 million one off capital funding to allow local authorities in the UK to implement free weekly food collections. The distribution of funding would be undertaken in 2023/24 and would be based on a funding formula that considered commonalities such as population, deprivation, rurality and workload against variables such as flats / communal properties, food waste yields, liner supply method and location of depots and tipping points.
10. As of yet we have no information on any funding available for Pendle. Given indicative capital costs for vehicles, internal and external food caddies and caddy liners are expected to be in the region of £2.7 million pound we are reluctant to progress with introducing a weekly collection scheme without confirmation of capital.
11. We are similarly hesitant to progress with introducing a new collection scheme until clear guidance on new burden payments has been provided. In relation to ongoing revenue (new burden) costs we feel staffing, replacement caddies, liners and ongoing vehicle costs will be in the region of £915,000 per year.
12. Should funding be provided at this stage it is unlikely due to manufacturing lead times vehicles, caddies and liners would be all available for the April 2025 deadline.
13. Similarly should we receive positive information about our new burden payments given the number of staff required to run the collection scheme we feel without significant incentives being created then recruitment to driver and waste collection operative posts could be a challenge as we head towards 2025.
14. Given both the financial and environmental impact introducing a new weekly collection scheme would have within Pendle we reluctantly feel that until such times that sufficient financial support and appropriate disposal infrastructure is made available we have no option but to pursue an exemption to the introduction of weekly food waste collections.
15. By regulation The Secretary of State may exercise such power to grant an exemption in relation to collection of two or more recyclable waste streams only if satisfied that doing so will not significantly reduce the potential for recyclable household waste or recyclable relevant waste in those waste streams to be recycled or composted
16. At this stage our recommendation would be to grant approval for the Assistant Director Operational Services with support from finance and legal to complete a TEEP assessment and submit to the Secretary of State for consideration within twelve months of this report. This would allow sufficient time for DEFRA to provide information on capital and revenue funding and for a review nationally on the deadline date of April 2025 to have been considered

## **IMPLICATIONS**

**Policy:** Corporate policy connected people and places Strategic response to Environment Bill

**Financial:** £2.7 million pound capital and £915,000 annual revenue cost identified.

**Legal:** The TEEP assessment is likely to be challenged by DEFRA / Secretary of State

**Risk Management:** Significant financial and environmental impact created by the number of additional resources required in order to collect and transfer waste to Farington.

**Health and Safety:** None arising from this report

**Sustainability:** Significant financial and environmental impact created by the number of additional resources required in order to collect and transfer waste to Farington.

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

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

## **APPENDICES**

### **LIST OF BACKGROUND PAPERS**