



Agenda Item

**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**CABINET MEMBER DECISION – INFRASTRUCTURE AND ENVIRONMENT**

**14 October 2021**

**Report of the Executive Director - Place**

**National Waste Strategy Consultations**

**1. Divisions Affected**

1.1 County-wide.

**2. Key Decision**

2.1 This is not a Key Decision.

**3. Purpose**

3.1 To inform the Cabinet Member, retrospectively, of responses submitted to the Department of Environment, Food and Rural Affairs (DEFRA's) recent waste strategy consultations.

**4. Information and Analysis**

4.1 Waste management operations across the UK are governed by national legislation and are currently being reviewed as leaving the EU enables Government to take more direct control over waste legislation and take forward its vision to enhance environmental standards for future generations, as set out in its 25-year Environment Plan.

4.2 As part of this plan, in 2018, the Government updated its Resources and Waste Strategy for England detailing its commitment to tackling waste, unsustainable use of resources and the consumption of

materials in large quantities to encourage more sustainable resource use.

4.3 Following the updated Strategy, there have recently been four consultation papers issued to obtain opinion and feedback from across the waste sector and from a public perspective on proposed changes to waste duties and services. Officers have submitted responses to each of the four following consultations:

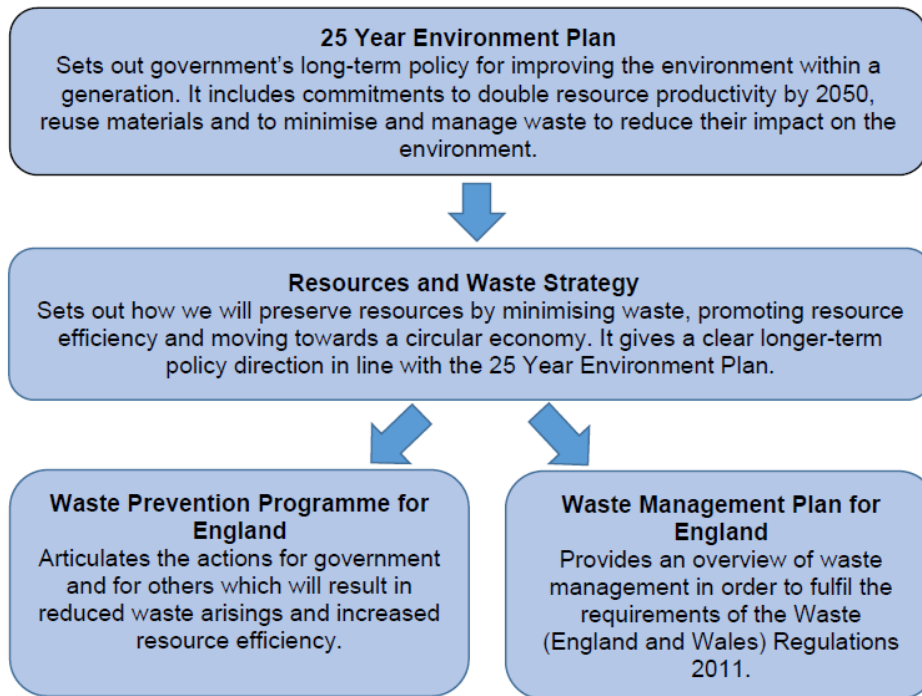
1. Extended Producer Responsibility (EPR)
2. Deposit Return Scheme (DRS)
3. Consistency in Household and Business Recycling in England
4. Waste Prevention Strategy (WPS)

4.4 Government has committed to consider the additional cost of implementation to local authorities and to cover these costs through new burden provision. New burden funding should ensure that Local Authorities are not left with additional costs of implementing Government policies. More information will become available once Government has finalised policies and the new burdens are identified.

4.5 The response to the four consultation papers follows extensive research and collaboration with the following bodies, as well as the Waste Collection Authorities (WCAs) through the Derbyshire Waste Partnership:

- The Association of Directors of Environment, Economy, Planning and Transport (ADEPT).
- The National Association of Waste Disposal Officers (NAWDO).
- The Local Authority Recycling Advisory Committee (LARAC).

4.6 These consultations are intended to gather insight into the waste sector and public's perspective on a number of waste duties and services, from packaging to collection, processing and reuse, recycling and disposal and to inform and enable the Government to achieve the targets set out in its 25-year Environment Plan. The figure below summarises DEFRA's plans and strategies to reach the aims and objectives of the Resources and Waste Strategy. In January 2021, the Waste Management Plan was published and subsequently, a Waste Prevention Programme will be published following consultation.



- 4.7 This report provides a high-level summary of each consultation document. Questions within the consultations varied with some focusing on Waste Disposal Authorities (WDAs) and others being more specific to WCAs. Officers answered all questions holistically, with an understanding that all services provided by WDAs and WCAs are part of the circular economy. Each consultation is referenced in its own specific section for ease of reading.
- 4.8 The primary powers to implement EPR, DRS and Consistency are to be set out in the Environment Bill, which is currently being reviewed by the House of Lords, and will detail how Government plans to protect and improve the natural environment.
- 4.9 **Extended Producer Responsibility (EPR)**  
The EPR consultation set out proposals to place the financial burden of managing products once they reach end of life upon the producers. It proposed to incentivise producers to make better, more sustainable decisions at the product design stage of their business, to make it easier and increase the recycling and reuse of their product and packaging. An outcome of the introduction of EPR appears to be that it could also influence a shift towards less-bulky packaging being adopted, and for more reusable/recyclable products to feature in future packaging design.

- 4.10 It is proposed that fees would be placed on producers and be modulated through EPR, incentivising them to use recyclable packaging, penalising the use of non-recyclable packaging with higher fees being payable.
- 4.11 To promote investment in more recyclable packaging, fees are likely to be varied, providing financial support, and incentivising those willing to invest in appropriate technology and materials.
- 4.12 EPR seeks to address the confusion with recyclable information and labelling on packaging. DEFRA wants to provide clear, mandatory labelling on all packaging, for consumer benefit. It is hoped that this will increase recycling participation and performance across the industry.
- 4.13 It is proposed that Local Authorities will see the costs of collecting and managing packaging that arises in household waste transfer from taxpayers to businesses. Local Authorities could be paid by obligated producers and have to collect all recyclable packaging that is identified for collection through household collection services. Collection services will be required to meet any minimum collection standards, leading to more consistent service provision across the Country.
- 4.14 Officers response to the consultation broadly agreed with the consultation proposals, including that WDAs within a two-tier authority area should receive payment for any packaging remaining within the residual waste stream or collected for recycling/disposal at its Household Waste Recycling Centres (HWRCs) through EPR payments. However, officers disagreed with the following aspects:
- A proposal that biodegradable/compostable packaging should be exempt from the 'do not recycle' labelling requirements. Officers disagreed with this proposal over concerns regarding acceptance of the packaging, where it cannot be recycled, and its impact on end product quality standards.
  - A proposal that the Scheme Administrator could make separate arrangement with producers that have failed to meet obligations. Officers disagreed with this proposal as it was considered that any arrangement should be clear and transparent when obligations are not met.
  - A proposal that Local Authorities should accept plastic film by the end 2026-27. Officers disagreed with this proposal as it is considered that the manufacturing and recycling infrastructure will not be sufficient at this point in time.

- A proposal that all Local Authorities are financially reimbursed by producers using an average calculation with other Authorities. Officers disagreed with this proposal as the Council already has existing contracting arrangements with known fixed costs. It was also highlighted that regional variations need to be taken into consideration.

#### 4.15 **Deposit Return Scheme (DRS)**

DRS is a proposed scheme whereby a consumer would pay a small deposit when purchasing a product i.e. a drinks can, which will then be refunded when the item is recycled. DEFRA believes that the provision of a small financial incentive will change consumer behaviour, by reducing littering and increasing recycling levels, with the additional benefit of clear labelling and consumer messaging supported through EPR.

4.16 The purpose of the DRS is to offer a return value on targeted materials, namely:

- plastic drinks bottles, known within the sector as PET;
- steel and aluminium cans; and
- glass bottles.

4.17 The intent is that the scheme, if implemented, would be managed by a Deposit Management Organisation (DMO), which would manage all aspects of the DRS operations. It would also be the responsibility of the DMO to ensure that financial provisions are made for Local Authorities to be reimbursed for the costs involved in treating scheme material.

4.18 DEFRA sought opinions and feedback on two proposals for implementation of the DRS:

##### 1. All-In DRS

‘All In’ is DEFRA’s preferred option (the scheme that Wales and Scotland will implement). The scheme would accept all drinks containers placed on the market, up to 3 litres in size.

or

##### 2. On-the-Go DRS

‘On the-Go’ will have size limitations, and would be limited to 750ml containers or less, targeting the items that are more likely to be consumed outside of the home but aims to exclude those sold in multi-packs. The consultation did, however, give respondents the opportunity to suggest variations to these limits.

4.19 DEFRA proposed that the introduction of an 'All-In DRS', alongside EPR, will lead to an increase of 16 percentage points in recycling performance, nationally, by 2030.

4.20 The DRS proposal also looked to review the need for mandatory labelling of the targeted materials to encourage user engagement and reduce the risk of consumers attempting to obtain returns (payment) for non-target items. DEFRA stated that all labelling within the scheme should be as simple and clear as possible.

4.21 Officers responded to the consultation and broadly agreed with the consultation proposals, however, some concerns were highlighted, notably:

- That the 'On the Go' proposal would be more in keeping with the objectives of reducing litter.
- Measures should be in place to prevent manufacturers remodelling bottle sizes to avoid falling in scope and that re-usable items should be encouraged through the implementation of the DRS. Concern was expressed that some rigid definitions might give rise to the risk of workarounds being adopted by manufacturers to circumvent the scheme parameters.
- The proposal suggested that consumers should dispose of an item based on the type of material, however, officers disagreed with this approach and believe that consumers would have a greater understanding of the product itself rather than the material from which the product was made.

#### 4.22 **Consistency**

The Consistency consultation proposed a focus on increasing consistency in recycling collections at the kerbside at both businesses and residential properties across England to ensure that services can collect the highest quality and quantity of recyclable materials.

4.23 DEFRA proposed that WCAs collect a core set of dry recyclable materials (listed below) from all households and businesses from October 2023:

- Glass bottles and containers – including drinks bottles, condiment bottles, jars.
- Paper and card – including newspaper, cardboard packaging, writing paper.
- Plastic bottles including clear drinks containers, HDPE (milk containers), detergent, shampoo, and cleaning products.

- Plastic pots, tubs and trays.
  - Steel and aluminium tins and cans, aerosols, aluminium tubes, foil and trays and metal jar/bottle lids.
  - Food and drinks cartons e.g. Tetrapak.
- 4.24 Additionally, views were sought on the feasibility of collecting: foil and aerosols, flexible plastic packaging and cartons, and it was proposed that more flexible plastics, such as plastic film, were considered for collection by no later than 2026-27.
- 4.25 DEFRA sought views on how these materials should be collected, either separately or co-mingled (with another waste stream) and where further allowance should be considered, i.e. where it is not technically, economically, or environmentally practicable.
- 4.26 The Council's HWRCs currently collect glass bottles, paper and card, plastic bottles and steel and aluminium cans. Plastic tubs and trays are not currently accepted for recycling and only some HWRCs accept Tetrapaks (those in the areas where there are no WCA kerbside collections of this material).
- 4.27 The consultation proposed that all homes and businesses served by a WCA should receive mandatory, weekly, food waste collections from 2023-24 (if food waste is not already collected separately), and a free fortnightly collection of garden waste, by 2023-24.
- 4.28 It was proposed that all Local Authorities (both WDAs and WCAs) will be required to ensure all contractual arrangements for these changes in services are in place between 2024-25 and 2030-31. This timescale is to enable contracts to either be negotiated, naturally terminate and for new contracts to be procured.
- 4.29 The consultation also proposed to review the recycling credit mechanism where, currently, WDAs have a duty to pay recycling credits based on the financial savings in disposal costs which result from WCA recycling of household waste. The Consultation sought views on alternative methods of payment to WCAs.
- 4.30 Officers responded to the consultation and broadly agreed with the consultation proposals, however, concerns were highlighted with some proposals namely:
- The capacity of market technology and infrastructure to deliver the proposals.

- The proposed time scale for implementation across all households of no later than 2026-27 due to the impact on pre-existing long-term contracts.
- The proposed across-the-board free garden waste collections requirement because of the potential increased contamination levels compared to “charged for” garden waste collections and the need to do more to encourage home composting, to treat the waste at source to reduce the need for transportation and treatment.

#### 4.31 **Waste Prevention Strategy (WPS)**

The WPS consultation was the fourth consultation response officers submitted. The strategy focuses on maximising the value of resource use and minimising waste and, therefore, its impact on the environment.

4.32 Waste prevention is the most efficient way of addressing pressures on natural resources and deaccelerating climate change by reducing emissions and is at the top of the waste hierarchy.

4.33 The WPS aims to substantially reduce products becoming waste, and ensure that more products can be, and are, reused, repaired, and remanufactured.

4.34 DEFRA proposed seven key sectors (construction, textiles, furniture, electronics, vehicles, food, plastic packaging) that will be focussed on in the WPS based on the most significant in terms of tonnages of waste arising, carbon emissions from production, public interests.

4.35 Officers responded to the consultation and broadly agreed with the consultation proposals, however, highlighted the importance of:

- Educating consumers to prevent waste.
- Ensuring spare parts are readily available for products, at a reasonable cost (it is often cheaper to buy a new product compared to repairing).
- Introducing mandatory funding policies (rather than voluntary agreements) for the fashion industry, providing funding for Local Partnership advisers.

#### 4.36 **Next Steps**

In summary, the potential implications for the Council, from the consultations proposed are:

- DRS could reduce the amount of material at the HWRCs due to drinks bottles and cans potentially being recovered elsewhere under the proposals.



- Recycling credits are likely to change and the Council may not be required to pay WCAs for materials within DRS or EPR scope.
- The Consultations collectively may cause a change to the nature of the residual waste stream, including calorific value (potentially affecting materials sent to treatment facilities in the future).
- The Council would receive an income through EPR payments for the packaging waste that remains within the residual waste stream, as the Council would dispose of this waste on the producer's behalf. Impact on current and future green/food waste contracts if source separation is required.
- Income to support HWRC recycling costs from EPR/DRS.
- All costs and income to be determined through Government's new burden's proposals.

4.37 It is DEFRA's intention to release the summary responses to the consultations by early 2022, with the expectation that the changes in regulations and legislation be implemented by the following dates:

- EPR to be implemented by 2023.
- DRS to be implemented by 2024.
- Consistency to be implemented by October 2023.
- Waste Prevention Strategy (WPS) implementation in 2022.

\*please note: DEFRA acknowledges these dates are ambitious.

4.38 Early in 2022, officers will need to review the outcomes of the consultations and changes in regulations and legislation. There will potentially be considerable changes within the Waste Management industry, which could result in financial risk to the Council. Officers will work closely with industry and partners once the outcomes of the consultations are known. Any significant impact resulting from the consultations will be reported to Members once these are understood.

## 5. Consultation

Not applicable, this report is a briefing on several consultations released by DEFRA.

## 6. Alternative Options Considered

6.1 Do Nothing and therefore not respond to DEFRA Consultations. Officers considered that the best option to understand the Consultations holistically was to review and respond to all collectively.

6.2 Only respond to a limited number of consultations. Officers felt that the best option to understand the Consultations holistically was to review and respond to all collectively.

## **7. Implications**

7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

## **8. Background Papers**

8.1 DEFRA Consultation on Consistency in Household and Business Recycling in England – May 2021

8.2 DEFRA Consultation on Introducing a Deposit Return Scheme in England, Wales and Northern Ireland – March 2021

8.3 DEFRA Consultation on Extended Producer Responsibility for Packaging – March 2021

8.4 DEFRA Consultation on the Waste Prevention Programme for England: Towards a Resource-Efficient Economy – March 2021

8.5 Consultation Questionnaires are large sizeable documents, therefore, they are not included as an annexe but can be obtained from Louise Bradley [louise.bradley@derbyshire.gov.uk](mailto:louise.bradley@derbyshire.gov.uk), Waste Management Team.

## **9. Appendices**

9.1 Appendix 1 - Implications.

## **10. Recommendation**

That the Cabinet Member:

a) Gives retrospective approval to the responses submitted to the Department of Environment, Food and Rural Affairs to recent waste strategy consultations as detailed in the report.

## **11. Reason for Recommendation**

11.1 That the Cabinet Member is able to review and acknowledge the Consultations.

**12. Is it necessary to waive the call in period?**

12.1 No.

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**This report has been approved by the following officers:**

<p><b>On behalf of:</b></p> <p>Director of Legal Services and Monitoring Officer Director of Finance and ICT Managing Executive Director Executive Director(s)</p>	
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**Implications**

**Financial**

1.1 There are no financial implications as this is a response to a consultation.

**Legal**

2.1 None.

**Human Resources**

3.1 None.

**Information Technology**

4.1 None.

**Equalities Impact**

5.1 None.

**Corporate objectives and priorities for change**

6.1 The Department of Environment, Food and Rural Affairs (DEFRA's) Consultations support the Council's impending Climate change strategy.

**Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)**

7.1 Deposit Return Scheme (DRS) and Extended Producer Responsibility (EPR) – may have a negative affect on the County wide recycling rate as this material will no longer come under Local Authority control. However, both proposals are intended to increase overall recycling which will have an environmental benefit.