

# CONSISTENCY IN COLLECTIONS CONSULTATION

## ADEPT – DRAFT RESPONSE v0.1

### Introduction (page 16)

Q1 Your Name

Steve Palfrey

Q2 Your email address

steve.palfrey@suffolk.gov.uk

Q3 Which best describes you?

(list of options including Local Government)

Local Government

Q4 If you are responding on behalf of an organisation what is its name?

Association of Directors of Environment, Economy, Planning and Transportation (ADEPT)

Q5 Would you like your response to be confidential?

(Yes/No)

No

### Proposals on separate collection of dry recyclable waste from households

#### Proposal 1 - Collection of dry recyclable materials

Q6 Do you agree or disagree that local authorities should be required to collect the following dry materials from all households, including flats, by the end of the financial year in which payments to local authorities under Extended Producer Responsibility for packaging commences (currently proposed to be 2023/4 subject to consultation)? (P26)

	<b>Agree</b> –this material can be collected in this timeframe	<b>Disagree</b> –this material can't be collected in this timeframe	Not sure /don't have an opinion /not applicable
Aluminium foil	X		
Aluminium food trays	X		
Steel and aluminium aerosols	X		
Aluminium tubes, e.g. tomato puree tubes	X		
Metal jar lids	X		
Food and drink cartons, e.g. TetraPak		X	

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- Q7 If you have disagreed with the inclusion of any of the additional materials above in the timeframe set out, please state why this would not be feasible, indicating which dry recyclable material you are referring to in your response. (P27)

### Flats / HMO's

ADEPT would like to understand the definition of flats – does this include HMOs? ADEPT would recommend that the definition is consistent with that applied to and used for the purposes of EPR and DRS, etc.

Some Local authorities have removed recycling from communal areas in flats and HMO's due to high levels of contamination. If the collection of these materials from all households including flats / HMO's is mandated, Local authorities will need to spend a significant amount of time and resource communicating with residents in order to maintain the quality of the recycling.

### Aluminium Tubes

ADEPT is broadly in agreement with the inclusion of aluminium tubes but raise concerns around the potential contamination with substances such as food and paint.

As LARAC state: "It would not be reasonable to expect members of the public to clean them out so there would need to be an acceptance that this could lead to higher levels of food waste in the metal stream. This aspect will need confirming with metal reprocessors and sorting facilities that the materials will still be accepted and recycled with this additional food in it."

ADEPT believes that clear communication will be key for the effective recycling of tubes.

### Food and Drink Cartons

ADEPT believes that there are still issues in relation to how cartons are sorted and separated at MRF's. Cartons collected with fibre cause contamination of the fibre stream and jeopardise fibre quality standards.

ADEPT recognises the variations in different collection methods for local authorities in England from the kerbside. Therefore, cartons are not an easy stream to add into many collection systems due to the complexities of separating out cartons from other material (whether that's from a fully co-mingled collection or just mixed with the plastic stream).

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To effectively separate out cartons from other materials from co-mingled collections, more investment is required at MRF's for additional sorting technology and some MRF's may be limited in space. Some Local authorities also have issues with the compaction of cartons in the collection process and the effective use of ballistic separators ability to detect cartons that have been compacted, so this presents another issue that would need to be resolved without increasing the carbon impact. It also raises the question of whether the additional sorting processes will present value for money.

Separate collections of cartons from other materials at the kerbside would require significant operational changes that would need to be made to collect this material separately and this has the potential to increase carbon emissions, vehicle movements and could decrease recycling rates and resident confidence in comingled collections.

ADEPT therefore agrees with LARAC's view that we: "understand the logic of asking for cartons in the plastics stream, to keep fibres cleaner and trying to keep cartons in their shape so they are easier to sort. However even kerbside sort vehicles can have an element of compaction on the plastics compartment. If materials are bulked before reaching the MRF then there is another opportunity for cartons to get flattened.

Some residents may also flatten cartons to get them into their recycling container, even if the local authority instruction is not to flatten them.

Therefore, if sorting facilities cannot cope with cartons that are flattened then there is less likelihood of them being recycled, despite being collected. LARAC is concerned that the sorting capability in the UK is not robust enough to provide comprehensive coverage of MRFs that will be able to sort food and drinks cartons to a level suitable for the required end markets."

On the assumption that cartons are included in the packaging materials covered under EPR, Local authorities would get some EPR funding as a packaging material and would be modulated, which would either stimulate the market or reduce the material at source – our preferred solution of managing the waste at the top of the waste hierarchy.

If and when EPR funding is made available and this material can be effectively separated out from a co-mingled material (either at source or by sorting) then cartons should be required to be collected by all local authorities, however, until that time cartons shouldn't be a mandatory material for local authorities to collect.

It is unclear what funding would be available to support separate collection of this material or improved sorting technology through New Burdens?

It is important from a customer confidence point of view that only materials that can be effectively sorted are included in any kerbside recycling collections.

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ADEPT believe that due to the fact cartons will attract a higher modulated fee under EPR (as they are a composite material), the use of cartons as a packaging material may decline. If this is the case, then adding expensive sorting equipment at MRF's to deal with separating cartons seems premature.

Furthermore, ADEPT believes that more robust markets need to be established before Local authorities are required to collect cartons. At present, a number of Local authorities collecting cartons are unable to recycle all the materials. If the process enables the extraction of fibres, these may be recycled but are often of low quality. The plastic / metal mix is generally sent to energy from waste facilities as RDF or SRF for recovery or sent to a facility in Europe for reprocessing. UK reprocessing of the polyethylene/aluminium mix is required to generate more stable markets.

Some members of ADEPT use ACE Recycling banks for cartons which are typically collected separately through banks at HWRCs. This system works well, and ensures cartons are collected separately without contaminating other streams of recycle. Could another option be to support front of store recycling points?

One ADEPT member spoke to ACE, who are keen to obtain cartons from the kerbside but recognise the challenges we have identified in our response. ACE appear confident that the EPR funding will be available from October 2023 and will assist in developing sorting technology.

Q8 Some local authorities may not be able to collect all these items from all households at kerbside by 2023/24. Under what circumstances might it be appropriate for these collection services to begin after this date? (P28)

**Collection contracts**

**Sorting contracts**

**Materials Recovery Facility (MRF) infrastructure capacity**

**Cost burden**

**Reprocessing**

**End markets**

**Other (please specify)**

*Please provide the reason for your response and indicate how long local authorities require before they can collect all of these materials, following the date that funding is available from Extended Producer Responsibility.*

### Collection Contracts

ADEPT agrees with LARAC's views:

"Collection contracts typically are designed around the useful working life of the vehicles that are utilised on them. Standard practice is usually seven years although there can be differences to this. This then also applies to in-house operations.

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With the associated requirement to collect food waste some local authorities may require a fundamental change in their collection arrangements, rather than just “adding in” some dry recycling materials. The most cost-effective way to do this is at the end of the current contract period. There is the possibility of doing it sooner, but this would require the agreement of both parties and may involve additional contract payments. There is then the issue for government to consider as to whether these payments would be firstly covered under EPR payments and if so whether they represent value to producers on who the obligations and payments fall.

If an authority needs to move from a current co-mingled service to a source separated service, there are all the associated issues with the increase in vehicles, staff, depot space etc that will need to be taken account of and make the change much more complex and so likely to take longer to achieve.”

ADEPT believe it is vital that Consistency and EPR work in harmony. TEEP needs to work alongside what is deemed an effective and efficient service for the purposes of deciding the level of EPR payment. There is also a concern that the EPR funding would be netted off the base central government grant, presenting the potential to undermine the proposed arrangements.

ADEPT agree with LARAC’s view that:

“Concerns have been raised about the ability of the market to supply services to councils and contractors if there is high demand, due to lots of contracts and vehicle replacements happening at the same time. So, there may be shortages of collection vehicles, or longer lead in times. Also, some authorities might find they have few, or even no bidders for collection contracts. This will then lead to possible value for money issues, fewer bidders generally mean that less competitive bids will be made, and a higher service cost ensues.”

### Sorting Contracts

ADEPT agrees with LARAC’s views:

“The most cost-effective way to change contracts or contract terms is at the end of the current contract period. There is the possibility of doing it sooner, but this would require the agreement of both parties and may involve additional contract payments. There is then the issue for government to consider as to whether these payments would be firstly covered under EPR payments and if so whether they represent value to producers on who the obligations and payments fall.”

ADEPT would also like further clarity on the availability of new burden’s funding in relation to sorting contracts, and PFI’s.

### MRF Infrastructure

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ADEPT agrees with LARAC's views:

"The nature of MRF infrastructure means that some facilities may not be able to be configured to sort the new sets of materials by 2023/24. Local authorities are limited in which MRFs they can supply, as there are geographic limits to how far away from the area materials will be transported for sorting, so this limits to options available to local authorities when they let MRF contracts. Concerns have been raised by LARAC members about MRF ability to sort foil and tubes at present and the costs of retrofitting them to be able to.

LARAC has concerns about the ability of MRFs nationwide to be able to adapt to enable consistent and thorough sorting of food and drinks cartons. Although the intention to collect with plastics and so keep the containers formed and not flat, we believe currently MRFs are not configured to sort such containers.

It is believed that generally cartons are hand sorted and this is unlikely to be sustainable if all local authorities collect them. This may be one of the reasons that local authorities are currently told by MRFs that they cannot accept cartons.

Whilst all the materials listed at Q6 can be collected and sorted through current collection systems, mainly through comingled collections of mixed dry recyclable materials being sorted in a MRF, there is a loss through the sorting process of materials into the fines or contamination fraction. To increase recovery of these, MRF equipment will have to be upgraded for any collections that are not done separately. This upgrade may have to include equipment to sort out DRS obligated items that are presented in kerbside or bring collections. As councils will not receive payments for EPR obligated materials until 2023/24, and MRFs gain their income through gate fees for council contracts, it is not clear how they will receive a cash flow to provide the investment to change their equipment to be ready for the EPR materials to be collected and processed and thereby bid for future contracts unless the investment is speculative to be able to bid.

The length of time required will be dependent upon the expiry date of current contracts, either for MRF sorting or collections, and so an exact date is impossible to state for every affected council. As these changes affect the whole of England at the same time, there could be many councils seeking new contracts and the market may not have the ability to provide equal and fair competition for all. Any cherry picking by contractors or saturation of their resources will reduce competition for councils. The whole system will be affected by increased demand over a short timescale – vehicle manufacturers, collection contractors, separated material off takers, MRFs – so there could be significant capacity issues."

### Cost Burden

ADEPT agrees with LARAC's views:

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“LARAC is concerned that if EPR funding and new burden funding for food waste are not aligned, then this impacts on the whole collections system. If an authority does not currently collect food waste then they will look to implement one service change for food and dry recycling collections. So, if the funding for food waste collections were delayed this could then delay planned changes for the dry recycling materials.”

#### Reprocessing

ADEPT agrees with LARAC’s views:

“LARAC believes that the reprocessing capacity is likely to be available, in the UK and abroad, for the materials that are proposed. LARAC is more concerned about the ability of sorting facilities to get the various materials separated to the point that the reprocessors need. This is just as applicable for multi-stream collections as for co-mingled.”

#### End Markets

ADEPT agrees with LARAC’s views:

“The UK currently relies on many export end markets. The vast majority are reputable and legitimate end markets where materials are recycled properly. However, there can be a perception, through TV programmes and national media stories, that export markets are bad, and that material exported is not recycled. This then can put doubt in the public’s mind if a local authority report that they are exporting waste for recycling, that the material they are putting out for collection is getting recycled. This can then erode public confidence in the recycling systems and so participation can drop off.

The past five years has seen a change in the end markets that are available and the requirements that they place on material imports. There have been times when material markets prices have dropped to the point where is not economic for MRFs to sort material for recycling.

LARAC appreciates that there are limited interventions available to Government to assist in smoothing out the market fluctuations, but this goes to show the difficulty that local authorities then face in having end markets for all the material they collect.”

#### Other – Flats/HMO

ADEPT would like to understand the definition of flats – does this include HMOs? ADEPT would recommend that the definition is consistent with that applied to and used for the purposes of EPR and DRS, etc.

ADEPT agrees with LARAC’s views:

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“Flats and HMOs have always presented particular challenges when it comes to implementing recycling collection services. There is often a lack of space for many containers and use of shared facilities can make it difficult to undertake education and enforcement activities.

These types of properties can be very different, and it will be on a case-by-case basis as to how easily and quickly additional materials can be collected from them. There needs to be a recognition and acceptance that some flats and HMOs may either not have the materials collected within the desired timescales or will need to collect them in a co-mingled manner.”

Some Local authorities have removed recycling from communal areas in flats and HMO's due to high levels of contamination. If the collection of these materials from all households including flats / HMO's is mandated, ADEPT believe that Local authorities will need to spend a significant amount of time and resource communicating with residents in order to maintain the quality of the recycling.

Q9 Do you agree or disagree that food and drink cartons should be included in the plastic recyclable waste stream in regulations, to reduce contamination of fibres (paper and card)? (P28)

*Agree – cartons should be included in the plastic recyclable waste stream.*

*Disagree – cartons should be included the paper and card recyclable waste stream.*

***Not sure / don't have an opinion / not applicable.***

*Please provide the reason for your response and state if there are any unintended consequences that we should consider.*

ADEPT does not agree that cartons should be collected as a core material by 2023/2024 unless a sustainable end market has been established and appropriate sorting technology developed.

It would be diligent for Government to understand the impact of EPR on cartons prior to making it a core material for recycling. Local authorities will need to understand how the funding model for EPR payments to local authorities will be affected by adding cartons into the kerbside (in relation to quality of outputs).

ADEPT suggests that the timeline for introducing cartons could be aligned to that of plastic film, but with neither being enforced until sustainable end markets and appropriate sorting technology established.

ADEPT agrees with LARAC's response:

“LARAC understands the rational put forward for placing food and drinks cartons in the plastics waste stream.



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However, LARAC has concerns about the communications problems this will then give local authorities when they promote their collection services to residents. Cartons are generally seen as paper/card products by residents and so that recycling stream is likely to be the one they first think of putting cartons into. Fibre recyclers will have to accept that they will see an increase in cartons going through their system despite the concerted communications efforts that local authorities will make.

This also raises the prospect that at a time when there is a drive to make things more consistent and “easier” for residents there will confusion introduced as residents are asked to put a paper/card item in the plastics recycling container. Local authorities should not be penalised for this where they are making reasonable efforts with their communications. Experience shows that communications can be effective, to a point, and that with limited enforcement tools available there is only so much local authorities can do to compel residents to use collections systems correctly.

LARAC would also suggest that if local authorities are being directed to collect cartons with plastics, this should be considered in the exemptions that Defra are proposing, and this should be added to the exemptions undertaken at a national level to allow cartons and plastics to be collected together without they need for a written assessment to be undertaken.

Notwithstanding the above, LARAC still has concerns about the ability of MRFs to sort drinks and food cartons from plastics containers.

There was view expressed by some LARAC members that the MRFs and the market are better placed to dictate which material stream the cartons are collected with. It will ultimately depend on how the MRF a council is delivering material to is configured as to what is the best mix of materials.”

Q10 Assuming food and drink cartons are included by the date that Extended Producer Responsibility commences, what would be the financial impact on gate fees and processing costs from sending mixed material streams containing cartons into a Materials Recovery Facility? (P28)

*No increase*

*0–9% increase*

*10–20% increase*

*21-100% increase*

***Not sure / don't have an opinion / not applicable***

*Please provide the reason for your response.*

ADEPT is not clear on the likely financial impacts on MRF gate fees based on the information currently available. It could be assumed that due to the need to invest in additional technology to effectively and efficiently sort the cartons from other materials that gate fees could potentially increase (and this is certainly the view of

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the MRF contractors), or that lump capital payments may be required to maintain current gate fees or minimise an increase.

ADEPT would want to understand how adding cartons into kerbside collection systems could potentially contaminate other streams (especially the fibre stream due to the liquid and food residues) which in turn could negatively impact on EPR payments to local authorities.

ADEPT believe there are too many moving parts, and not enough detail, in the current reforms to give local authorities the confidence to include additional items into the kerbside stream that are difficult to sort and may negatively impact on what the Scheme Administrator deem to be an efficient and effective service.

#### **Proposal 2 - Collection of plastic films from households**

Q11 Do you agree or disagree that local authorities should adopt the collection of this material from all households, including flats, no later than 2026/27?

(P29)

*Agree*

**Disagree**

*Not sure / don't have an opinion / not applicable*

*If you disagree, please provide the reason for your response.*

ADEPT considers this can only occur if the EPR Scheme Administrator is in place and able to support local authorities to make this change. There are transitional costs, costs of system-change, end markets for the materials, and sorting facilities need to adapt / upgrade to enable materials to be collected, sorted, separated, and moved through the supply chain in a cost effective and efficient manner. This will all take significant time and again there are so many moving parts and unknowns that it's difficult to say how long between receiving the money and establishing the market. Unintended consequences would be around ineffective and inefficient systems, reduced payments to local authorities, and materials in the incorrect system leading to loss of confidence and public mistrust as well as contamination of quality recycle.

Clear guidance will need to be provided to detail what is acceptable in the collection streams – the consultation simply refers to 'bread bags, carrier bags and bubble wrap'. ADEPT recommends that the same products are accepted as those collected in supermarket front of store collection points to enable residents to continue recycling those items, avoid confusion and encourage consistency.

Public trust in recycling is crucial to the success of consistency. Collection of plastic films should only take place when we can be certain that it can be sorted and recycled – preferably in the UK. We do not want to see a situation where large quantities of plastic films are being exported and then being found dumped in countries without the infrastructure to deal with them.

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ADEPT would also recommend aligning the collection dates for household and business collections of film. Timelines are ill aligned for plastic films with business required to have this separately collected from the financial year 2023/24 and Local authorities from 2026/27, this has the potential to be problematic, particularly if Local authorities are co-collecting household and business waste.

ADEPT agrees with LARAC's views that:

“LARAC members have expressed concerns about the viability of the sorting infrastructure by this date. During discussions of the “sprint group” that examined the issues around film collections the waste management companies were very clear that existing UK MRFs could not sort films and flexibles.

LARAC members have also raised concerns about the contract changes that would be needed at MRFs if they did develop the ability to accept, sort and send films and flexibles to recycling end markets. Any costs associated with this sort of change would need to be covered by the EPR funding. This includes any ongoing changes in gate fees as result of films and flexibles being collected.

LARAC is aware that potential new end markets are being developed in relation to chemical recycling. These are still at the test stage, and it is unclear how scalable these will be and how much capacity they will end up providing.

There will be issues around how these materials are communicated to consumers and this should not be underestimated. Using the phrases films and flexibles will not work in that respect. LARAC members have raised concerns about the difficulty in communicating to residents about films and flexibles.

Given the knowledge local authorities have of existing kerbside collections there is real concern about how clean films and flexibles will be presented for collection by the public and how the sorting and reprocessing infrastructure will be set up to cope with this.

As a first step to enable end markets and possibly sorting capacity and capability to grow, there should be a drive to expand front of store and maybe bring bank collections. These would also serve to provide an indication of likely contamination levels. If take back/bring bank quality is not right, then it is unlikely that residents will get collections right via kerbside systems.

If the sorting capability is not available in the UK it would mean that films and flexibles would have to then be collected separately from all other materials. If this were the case LARAC does not believe that 2026/27 is realistic for all local authorities to be collecting this material. This is fundamentally a very different challenge to add to collections than being able to add films and flexibles to existing plastic collections.

A completely separately collected stream has implications for vehicle design and transfer station operations that would require greater changes and larger

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investments. It also impacts on collections efficiency and round configuration and there would need to be a greater understanding of this before widespread collections could be implemented with any certainty of the impact on overall operations.”

Furthermore, ADEPT is concerned about the impact of separate collections for plastic film in relation to extra collections which will mean more vehicle movements and therefore higher overall carbon emissions.

Q12 Which of the following reasons might prevent plastic film collections being offered to all households by the end of the financial year 2026/27? (P29)

Collection contracts

Sorting contracts

Materials Recovery Facility (MRF) infrastructure capacity

Cost burden

Reprocessing

End markets

Other (please specify

*Please provide the reason for your response and provide evidence to support your answer.*

The biggest barrier to collection of films is sorting and end markets. Public trust in recycling is crucial to success of consistency. Collection of plastic films should only take place when we can be certain that it can be sorted and recycled – preferably in the UK. We do not want to see a situation where large quantities of plastic films are being exported and then being found dumped in countries without the infrastructure to deal with them.

To add plastic films to kerbside collections, particularly if they need to be collected separately, may require local authorities to reconfigure collection rounds and require new vehicles and containers. The lead in times for this may be difficult for some to achieve, particularly if MRFs also need to be upgraded. There may be challenges to getting vehicles and containers within the timeframe if large numbers of local authorities and waste companies are ordering at the same time. There is also concern that separate collections may mean extra collections. Extra collections will mean more vehicle movements and higher overall carbon emissions.

The points made in response to question 11 are also applicable here.

ADEPT supports LARAC’s points that:

“As stated in the answer to question 11 the barrier to film and flexible recycling is the sorting and end markets aspects rather than actual collection. If there are concerns that the infrastructure is going to be in place for the household stream by 2026/27 then it is hard to understand how it will be in place for the business stream any earlier.

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LARAC questions why two different dates are being proposed for household and business streams of films and flexibles. LARAC accepts that there may be more opportunity for completely separate collections of film from business which could then help them meet an earlier date for collections.

Council trade waste customers tend to be smaller businesses. These often produce low quantities of waste and have little storage space for waste as well. This makes separation of materials for recycling more difficult for them. Collecting film separately from these types of business would be a challenge by 2024/25. It is also doubtful if film could be collected co-mingled by this date as the sorting capability is not present in UK MRFs.

It is also unclear what obligations will be placed on small businesses through the EPR and this consultation. There is an option that small business will not be obligated to have separate collections and one where a delay is proposed. Both options appear to contradict this proposal.”

### Proposal 3 & 4 – Food waste

Q13 Do you agree or disagree that the above should be collected for recycling within the food waste stream? (P35)

Agree

**Disagree**

*Not sure / don't have an opinion / not applicable*

*If you disagree, please provide the reason for your response and specify which materials should be included or excluded in this definition.*

ADEPT believes the definition is vague and lacks clarity. We believe it would be helpful to define food waste in terms that the public will understand and relate to in order to aid successful communications with residents e.g. bones and egg shells.

Another option would be to use terms that the public are already familiar with, such as meat, dairy, etc.

If possible, ADEPT believes that residents should be encouraged to home compost whenever they can and would suggest this is included in the definition.

ADEPT agrees with LARAC's points that:

“There will need to be further work done to better define food waste as the examples given in the consultation document are perhaps too simplistic. For example, cooked and uncooked food is not mentioned. Also, some local authorities encourage windfall fruits from gardens to go in with the food waste collections, whilst others request it is placed in the garden waste container.

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The final legal terms used will then need to be formatted into relevant communications messages to residents. This is worth bearing in mind when the final definition is made, and it would be useful if it could be written in a way that aids that translation across to the public facing messaging.

LARAC members have raised some slight concerns about tea bags and the fact some have plastic elements to them that AD plants may prefer not to have go through their systems. Whilst it is not thought these would cause issues with meeting relevant PAS levels it is still not desirable to be having a situation where you are spreading plastics on to land.”

Q14 Which parts of Proposal 4 do you agree or disagree with? (P36)

	Agree	Disagree	Not Sure or Don't have an opinion
Local authorities already collecting food waste separately must continue to collect this material for recycling at least weekly from the 2023/24 financial year	X		
Local authorities should have a separate food waste collection service (at least weekly) in place for all household properties including flats as quickly as contracts allow	X		
Local authorities without existing contracts in place that would be affected by introducing a separate food waste collection service should have a separate food waste collection service in place (at least weekly), for all households including flats, by the 2024/25 financial year at the latest		X	
Local authorities with long term existing mixed food/garden waste collection or disposal contracts in place should have a separate food waste collection service in place (at least weekly) for all household properties including flats as soon as contracts allow, with an end date to meet this requirement between 2024/25 and 2030/31		X	
Local authorities with long term residual waste disposal contracts affected by introducing a separate food waste collection service (e.g. some Energy from Waste or Mechanical Biological		X	

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Treatment contracts) should introduce a separate food waste collection service (at least weekly) to all households including flats as soon as contracts allow, with an end date to meet this requirement to be set between 2024/25 and 2030/31			
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*Please provide any views on the end date for these obligations and any evidence on associated costs and benefits.*

*Local authorities already collecting food waste separately must continue to collect this material for recycling at least weekly from the 2023/24 financial year.*

In principle, ADEPT is in agreement with this proposal.

ADEPT would like to understand the definition of flats – does this include HMOs? ADEPT would recommend that the definition is consistent with that applied to and used for the purposes of EPR and DRS, etc.

If it is intended that all households including flats and HMO's are to be provided with weekly food waste collections, this date may need to be pushed back to enable Local authorities to thoroughly and effectively extend food waste collection to these dwellings to ensure they are successful when implemented. The risks associated with this are those covered further on, including the Local authorities ability to source and procure additional food waste caddies and suitable food waste collection services to support these additional collections, when many Local authorities will be attempting to do the same.

Looking at the end market for this material, ADEPT questions whether the land bank in the UK sufficient in size to avoid market saturation if all local authorities are required to separately collect and treat via anaerobic digestion?

*Local authorities should have a separate food waste collection service (at least weekly) in place for all household properties including flats as quickly as contracts allow.*

ADEPT would like to understand the definition of flats – does this include HMOs? ADEPT would recommend that the definition is consistent with that applied to and used for the purposes of EPR and DRS, etc.

On the assumption that it includes HMOs, ADEPT is in support of all properties having separate food waste collections, however we believe that the timescale for delivery would need to be extended for these types of dwellings (flats/HMOs).

Many Local authorities have removed recycling collections in flats and HMO's due to high levels of contamination. For food waste to be effectively introduced into these



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dwelling, Local authorities will need sufficient time and resource to assess these properties within their respective areas.

Naturally the more properties expected to receive separate food waste collections the more equipment (food waste caddies) and vehicles will need to be procured. Will there be sufficient supplies for all Local authorities?

To maximise on behaviour change and reduce the amount of waste residents are throwing away, which as top of the waste hierarchy should always be the priority, many local authorities have introduced food waste collections while reducing the frequency of residual waste collections. This will be possible for those moving from say weekly to fortnightly collections of residual waste but will be restricted if residual waste collections cannot be less frequent than fortnightly.

The top performing Local Authority for the lowest Residual household waste per household (kg/household) (Ex NI191) is East Devon District Council and they run a 3 weekly residual collection service, they also sit within the top ten performers with the highest percentage of household waste sent for reuse, recycling or composting (Ex NI192). In addition to this, Somerset's roll-out of its Recycle More scheme that includes a 3 weekly residual waste collection frequency has seen 95% of residents say that it has made it easier for them to recycle and 81% of residents agreeing that the new service is an improvement via a recent customer survey. ADEPT therefore strongly feels that residual waste frequency should be a local decision based on local factors.

ADEPT supports LARAC's views that:

"LARAC broadly agrees with this approach that recognises that some authorities will be able to make changes more quickly than others, and the issues that existing contracts can on the pace of change available. That said there are specific issues related to flats food collections that make them more challenging than collections for standard housing. This can particularly be true of flats over shops for example.

With the associated requirement to collect certain dry recycling materials some local authorities may require a fundamental change in their collection arrangements, rather than just "adding in" food waste. The most cost-effective way to do this is at the end of the current contract period. There is the possibility of doing it sooner, but this would require the agreement of both parties and may involve additional contract payments. There is then the issue for government to consider as to whether these payments would be firstly covered under new burdens payments and if so whether they represent value to Government."

*Local authorities without existing contracts in place that would be affected by introducing a separate food waste collection service should have a separate food waste collection service in place (at least weekly), for all households including flats, by the 2024/25 financial year at the latest.*



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On the assumption that local authorities are notified during 2021 that separate food waste collections will be required from 2024/2025, ADEPT believe this could be achievable but there are a high number of risks to delivery and therefore disagree with this proposal.

With all local authorities introducing separate food waste collections around the same time, there will be high demand for equipment such as food waste caddies and food waste collection vehicles and we wonder whether suppliers will be able to meet this demand.

Many local authorities may look to redesign their wider waste collection service in order to maximise efficiency of collections and this may not be achievable in the time available, especially if local authorities are restricted by existing contractual arrangements.

To spread the demand on supplies and increase the chances of introducing food waste collections successfully within the timeframe, it would be helpful if the New Burden's funding could be clarified and made available to Local authorities as soon as possible. This would give local authorities greater time for planning services, negotiating contracts, procuring supplies, and resourcing the planning and introduction of successful separate food waste collections.

ADEPT is also concerned with how the collection and disposal contracts will be coordinated. It would not be efficient and effective for collection authorities to introduce separate food waste collections if the waste disposal authorities do not have the relevant contracts and infrastructure in place to successfully handle, treat and recycle the food waste.

ADEPT supports LARAC's points that:

"While the consultation is clear in its intent that separate food waste collections will be mandated for local authorities, it would be unreasonable for local authorities to progress at this time without further details on the requirements and the funding that will support it.

There also needs to be recognition of potential impacts on treatment contracts that new food waste collections might have. There could be potential impacts on minimum tonnages with disposal facilities. Collecting food waste that was previously going into the residual waste stream will also have potential impacts on the calorific value of the remaining residual waste. In some instances, there may be a benefit at the treatment plant. In others it might raise the value enough that a plant then must reduce throughput to compensate. This will obviously need to be assessed on a case-by-case basis."

ADEPT would like clarity on whether funding for the disposal and the construction of anaerobic digestions plants is included within New Burden's funding?

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*Local authorities with long term existing mixed food/garden waste collection or disposal contracts in place should have a separate food waste collection service in place (at least weekly) for all household properties including flats as soon as soon as contracts allow, with an end date to meet this requirement between 2024/25 and 2030/31.*

ADEPT disagrees with this proposal. For the introduction of separate food waste collections to be successful, waste collection and disposal authorities will need to align implementation, particularly in two-tier areas. Having differing dates for each of these parties is not conducive to facilitating a coordinated approach. ADEPT believes that a final date should be agreed upon for all parties to work together to deliver.

It would also be confusing for Unitary authorities to know which dates apply to them.

Generally, local authority contracts have mechanisms to undertake contract variations and these could be used to bring about changes for the separate collection and processing of food waste.

ADEPT agrees with LARAC's views that:

“It should be expected that most local authorities would be able to meet this requirement by the end 2030/31. The issue is then more about the cost of doing so and if this will be fully funded under the new burdens process. Local authorities would need assurances that any contact change costs arising as result of meeting this this timescale are fully funded through new burdens.

There is a danger however, that contractors may realise that contracts changes will be funded and so push to include contact change cost as much as possible. Local authorities will do what they can to manage any possible situation like this, but local authorities should not be left to fund contract changes that they would not have otherwise instigated if these requirements for separate food waste collections had not been made.

There may be instances where disposal/treatment contacts go beyond 2031 and so the contracts will need to be changed rather than replaced or renewed. With contract change comes the potential for both one off and ongoing costs.

There also needs to be recognition in all the discussions about contract changes, that different authorities will have different resource levels available to effect contract changes and let new contracts. This will then impact on the speed at which these changes can potentially be made.”

ADEPT would like to add that resource levels currently available will also impact on the costs to undertake contract changes or let new contracts if additional staff need to be employed.

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*Local authorities with long term residual waste disposal contracts affected by introducing a separate food waste collection service (e.g. some Energy from Waste or Mechanical Biological Treatment contracts) should introduce a separate food waste collection service (at least weekly) to all households including flats as soon as contracts allow, with an end date to meet this requirement to be set between 2024/25 and 2030/31*

ADEPT disagrees with this proposal. ADEPT is concerned by the need to coordinate the introduction of separate food waste collections by the waste collection authorities and the infrastructure required for the handling / bulking and treatment of the food waste before securing a market. It would not be efficient and effective for a waste collection authority to introduce food waste collections if the waste disposal authority is not ready to process and recycle it.

ADEPT believes that food waste collections should be introduced, but that the timing of the introduction needs to be coordinated between the relevant parties with a joint deadline implementation date.

For the introduction of separate food waste collections to be successful, waste collection and disposal authorities will need to align implementation in two-tier areas. Having differing dates for each of these parties is not conducive to facilitating a coordinated approach. ADEPT believes that a final date should be agreed upon for all parties to work together to deliver.

It would also be confusing for Unitary authorities to know which dates apply to them.

Generally, LA contracts have mechanisms to undertake contract variations and these could be used to bring about changes for the separate collection and processing of food waste.

Q15 Some local authorities may experience greater barriers to introducing a separate food waste collection service to all household properties, including flats, by the dates proposed above. For what reasons might it be appropriate for these collection services to begin after this date? (P37)

Collection contracts

Treatment contracts

Cost burden

Reprocessing

End markets

Other (please specify)

*If you have disagreed with any of the proposed implementation dates above, please provide examples of circumstances where it would be appropriate for this collection service to begin after these proposed dates and any supporting evidence where possible.*

## **CONSISTENCY IN COLLECTIONS CONSULTATION ADEPT – DRAFT RESPONSE v0.1**

### Collection Contracts

ADEPT agrees with LARAC's response:

"Collection contracts typically are designed around the useful working life of the vehicles that are utilised on them. Standard practice is usually seven years although there can be differences to this. This then also applies to in-house operations.

With the associated requirements to collect certain dry materials some local authorities may require a fundamental change in their collection arrangements, rather than just "adding in" food waste. The most cost-effective way to do this is at the end of the current contract period. There is the possibility of doing it sooner, but this would require the agreement of both parties and may involve additional contract payments.

It is often the case that the most cost-effective way in which to collect food waste is on the same vehicle as another material, either recycling or residual. This makes the ability to change earlier than a collection contract finishes both more difficult and potentially more costly.

There are associated factors related to changing collection contract if there is move from comingled to source separation collection to facilitate cost effective food collection. The vehicle fleet is very likely to increase in size which means additional resources in terms of staff, fleet support services and depot space." It is worth bearing in mind that a significant number of the top ten performers for both residual household waste per household (kg/household) (Ex NI191) and the percentage of household waste sent for reuse, recycling or composting (Ex NI192) operate a comingled collection service for dry recyclables.

### Treatment Contracts

ADEPT agrees with LARAC's response:

"The availability of AD processing sites is not yet at the level that would meet the demand that England wide food waste collections would generate. This may mean that it is more difficult for some local authorities to enter into contracts than others. It will also impact on the costs of some contacts that may initially be let with a large transport element as food waste is transported to far way plants while new plants are built nearer to where the waste is generated. This may then also have a knock-on effect on transfer stations.

Existing transfer stations may not be configured or licenced to accept food waste. If food waste must be transported longer distances then this will impact on the design and operation of a transfer station. The timetable is very tight in terms of allowing time for new transfer stations to be planned and built.

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If an authority does not have any collections in place then it is both the collection and treatment infrastructure that need to be procured. There are doubts that all local authorities will be able to source AD treatment contracts by 2024/25, especially those in regions where there is limited AD capacity.”

Looking at the end market for this material, ADEPT questions whether the land bank in the UK sufficient in size to avoid market saturation if all local authorities are required to separately collect and treat via anaerobic digestion?

### Cost Burden

ADEPT agrees with LARAC’s response:

“LARAC members have expressed concern about whether the cost burden of mandated weekly food waste collections will be fully covered on an ongoing basis. Whilst LARAC appreciates that Defra have stated this is the case, there are no firm funding proposals in place yet and will ultimately be subject to the next spending review and financial settlement for local authorities.

There has also been concern expressed that any additional funding may well be offset by reductions in funding elsewhere, meaning that ultimately the full costs of the new burden is not funded.”

ADEPT would like to understand if the Government will net off the EPR and New Burdens funding from the base central Government grant to local authorities?

### Reprocessing

ADEPT agrees with LARAC’s response:

“LARAC believes that the reprocessing capacity is likely to become available in due course but there are concerns if there will suitable capacity by 2023/24 or 2024/25. As highlighted above there needs to be proper consideration of the transfer station network that is needed to enable local authorities to efficiently manage food waste collection onward movement to AD plants.

The requirement to add a composting stage to AD plants to enable them to be able to fully deal with caddy liners is also a concern in relation to reprocessing capacity.”

### End Markets

ADEPT agrees with LARAC’s response:

“The comments above relate to availability of AD plants in relation to that aspect of end markets. However, in relation to the end markets for the outputs of AD plants LARAC has concern about the land bank available for the digestate. There may need to support for the AD industry to grow such markets to the levels that can

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economically deal with the amount of digestate that will be produced when all councils collect food waste.

With the move towards electrical vehicles, it is unclear if end uses such as vehicle fuel for gas produced by AD plants is a viable long-term solution.

LARAC would encourage governments to look at how they can support end markets for AD plants for both digestate and gas. This will ensure that gate fees remain lower and the burden then on local authorities and governments in relation to that cost is reduced.”

### Other – Flats/HMO

ADEPT would like to understand the definition of flats – does this include HMOs? ADEPT would recommend that the definition is consistent with that applied to and used for the purposes of EPR and DRS, etc.

ADEPT agrees with LARAC’s response:

“There are well documented issues with collected food from flats. Those local authorities with higher-than-average numbers of flats and HMOs it may prove more difficult to meet the stated deadlines for at least part of their area. There could also be higher costs associated with the provision of those services to these types of property.

There are also issues related to collection in very rural areas. It could be that more narrow access vehicles are required as one example and if several authorities are trying to procure these at the same time what the availability of them is.”

### **Proposal 5 - Caddy Liners**

Q16 Do you agree or disagree with this proposal? Please provide any other comments on the use of caddy liners in separate food waste collections, including on any preferences for caddy liner material types. (P39)

*Agree*

**Disagree**

*Not sure / don’t have an opinion / not applicable*

Whilst ADEPT recognises that caddy liners can improve capture rates in many cases, many local authorities are achieving good capture rates whilst not providing free liners. Provision of free liners is an expensive ongoing cost and if they are required, there needs to be certainty of ongoing funding to provide this. Using the figures provided in the consultation, for an average authority with 70,000 households, this cost will equate to around £105,000 per year. Caddy liners are now widely available to purchase, and there are alternatives that can be used including paper bags, compostable carrier bags and newspaper.

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Adept feels that this decision should be left to local authorities to make based on what is required locally by the reprocessors and local demographics. There are other methods that can be used to increase capture of food waste, including regular national and local campaigns, the use of 'no food waste' stickers on refuse bins, and also restricting residual capacity to drive materials from the refuse bin to the food waste bin. Ensuring that residual waste is collected less frequently than food waste is another important tool to increase capture of food waste.

ADEPT supports LARACs views that:

"There are good examples (such as in Somerset) of collection systems that have high levels of food waste recycling without the use of liners. Given that not all AD plants can fully treat liners at this moment in time, mandating caddy liners could cause problems at the treatment stage."

#### **Proposal 6 – Biodegradable and compostable packaging**

**Q17** Do you have any comments on how the collection and disposal of compostable and biodegradable materials should be treated under recycling consistency reforms? For example, this could include examples of what should be provided in guidance on the collection and disposal of these materials. (P42)

Annex 6 of the EPR consultation document and DEFRA's own call for evidence in July 2019 provides no strong evidence base to allow compostable packaging through AD and composting treatment. The emerging body of evidence suggests that microplastics pose risks to animal health and the natural environment, and more work is required to establish if they have an impact on human health. There are potential unintended consequences that could arise because of a growth in use of compostable plastics.

As is stated in the consultation, the treatment of compostable packaging is essentially a disposal route, not a recycling route. Until there are clear benefits to the material that can be demonstrated, taking into account environmental and land use issues, then ADEPT considers that compostable packaging should be clearly labelled as non-recyclable, and the advice is to send it through the disposal route.

ADEPT recognises that there are some situations where compostable packaging may be an option – i.e. in closed events such as festivals, where separate bins can be provided, and a composting route can be obtained, but this should not distract from the day to day operations, where these options are not currently available.

ADEPT believe that under the EPR consultation, biodegradable and compostable packaging is not considered recyclable and would attract the highest modulated fee.

**Q18** Do you agree or disagree that anaerobic digestion plants treating food waste should be required to include a composting phase in the treatment process? (P42)

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*Agree*

**Disagree**

*Not sure / don't have an opinion / not applicable*

*Please provide any evidence where possible and explain any advantages and disadvantages.*

Requiring all anaerobic digestion plants to have a composting phase is an expensive option which may not solve the problem of contamination. Whilst the additional composting time may break down compostable packaging, it will not remove microplastic fragments. PAS110 requirements should be sufficient to ensure all contaminants are removed.

ADEPT does not support the requirement for caddy liners to be provided on an ongoing basis for food waste, nor does it support the inclusion of compostable packaging within food waste.

Improvements on front end sorting and removal of contaminants, clear labelling of compostable packaging, plus encouraging use of paper to wrap food waste as an alternative to a compostable/plastic bag, will help reduce incidences of compostable/plastic fragments in the digestate.

ADEPT supports LARAC's views that:

"If anaerobic digestion plants were required to include a composting phase this will impact on the operating costs of such plants, and therefore gate fees. These additional costs will need to be covered by new burdens funding if the government strongly believe the environmental gains to be worthwhile."

### **Proposal 7 – Definition of Garden Waste**

Q19 Do you agree or disagree with the materials included in and excluded from this description of garden waste? (P46)

*Agree*

**Disagree**

*Not sure / don't have an opinion / not applicable*

*If you disagree, please provide the reason for your response and specify which materials should be included or excluded in this definition.*

ADEPT is broadly in agreement with the proposed definition but feels that some of the suggested bullet points need to be clarified. For example, the term garden weeds could be interpreted to include Japanese Knotweed and this is not a waste material that collectors or processors of garden waste would want included as it significantly reduces the quality of the compost. To aid resident engagement and understanding, a simple yes/no list could be developed.

### **Proposal 8 –Free Garden waste collection**



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Q20 Given the above costs, recycling benefits and carbon emissions reductions, do you agree or disagree that local authorities should be required to introduce a free minimum standard garden waste collection (240 litre containers, fortnightly collection frequency and throughout the growing season), if this is fully funded by Government, and if authorities remain free to charge for more frequent collections and/or additional capacity? (P47)

Agree

**Disagree**

*Not sure / don't have an opinion / not applicable*

*Please provide any comments or evidence on the costs and benefits presented above.*

Whilst ADEPT is supportive of the UK's ambition to achieve a 65% recycling rate, we believe this weight-based target is driving behaviours that are not in accordance with the waste hierarchy and that free garden waste collections would draw in garden waste that would otherwise be prevented through home composting. ADEPT does not believe that free garden waste collections should be made available to residents for many reasons and that further work should be undertaken to increase home composting.

Firstly, ADEPT believes it will encourage residents to move waste 'down' the waste hierarchy from waste prevention to recycling increasing costs to taxpayers through collection, transport and disposal fees that would not otherwise materialise. Increased volumes of garden waste being collected and transported will also increase the impact on the environment and carbon emissions that could be avoided or even improved with more focus and promotion of home composting.

The data used in the consultation is circa 10 years old, and will have changed because of many factors such as housing developments, weather, and climate change, etc.

Some local authorities are experiencing low levels of garden waste within the residual waste streams ranging from 2% to 7% in most cases and variable on the demographics of the area and the time of year the waste composition analysis was completed. There does not appear to be any strong correlation between the charges levied by local authorities and the level of garden waste remaining in the residual stream, appreciating that there are always differences in waste composition sampling methodologies.

In addition to this, all top ten performers with the lowest residual household waste per household (kg/household) (Ex NI191) charge for their garden waste collection services, supporting not only the point that a free garden waste collection service may move waste 'down' the waste hierarchy, but also that it does not appear to impact adversely on high levels of recycling and residual kg per household performance when compared to those Authorities that offer a free garden waste collection service.

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Furthermore, ADEPT thinks that the data used to calculate the financial aspects is based solely on the potential levels of garden waste within the residual waste and does not take into account the garden waste that could arise as a result of free collections that would otherwise be home composted.

Whilst funding may compensate waste collection authorities for providing free garden waste collections, it is not clear whether waste disposal authorities will be compensated for any increases in garden waste arisings as a result of any potential increased uptake, which is likely to result from residents moving waste ‘down’ the waste hierarchy.

This will mean more garden waste to move around, so more vehicles on the road, and more garden waste to process and source a market for, rather than it be repurposed by residents themselves on their own premises.

ADEPT believes that residents take more responsibility and ownership of a service when they are choosing to pay for it and that the quality of the garden waste collected from a paid for kerbside service is of better quality and includes less contamination than from a free service. The better the quality of the garden waste, the lower the risk of it being rejected by the composting site / contractor.

The concept of free garden waste collections is also unfair towards those that do not have gardens and who would effectively be subsidising those that do. ADEPT believes we should follow the polluter-pays principle.

ADEPT strongly supports the polluter pays principle where those who require the use of the service pay for the privilege. There is no evidence to suggest that a lower cost of service or free service will increase participation, and in contrast there is a risk of increased contamination as residents lose a sense of ownership and responsibility for the service.

ADEPT support LARAC’s findings that:

“LARAC members have reported that the level of subscriptions in paid for services has increased during the period of the Covid 19 pandemic. As things have opened up, they have not seen these subscriptions drop back off. This indicates that the figures and assumptions Defra have previously used in their proposal for a mandated may no longer be representative of how services operate in a post Covid environment.”

#### Proposal 9 – Other Garden waste collection options

Q21 How likely are the following options to support the above policy aims? (P48)

	Very Likely	Likely	Unlikely
Provide updated guidance on reasonable charges for garden waste.	X		

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Issue clear communications to non-participating households.	X		
Support on increasing home composting (e.g. subsidised bin provision).	X		

ADEPT has assumed that these will be applied based on charged garden waste collection services.

Q22 Do you have any further comments on the above options, or any other alternatives that could help to increase the recycling of garden waste and/or reduce the quantity of garden waste in the residual waste stream? Please provide supporting evidence where possible. (P48)

#### Reasonable Charges

ADEPT agrees with LARAC's view that:

“Charged for services are known to provide better quality material for composting operations than free services. The effect of charging is that people are more invested in the collection system and are likely take more care in what garden waste they place in their containers.

LARAC is concerned with the low-price range quoted in the consultation document (£18 to £30) given Defra's own research indicates the average charge is £43 per household. That means for most local authorities, the charge will not cover their full collections costs. This would then require Defra to fund the resultant difference in costs for local authorities as it would fall under the new burden's doctrine.

The research undertaken by SOENECS on behalf of LARAC shows similar ranges of charge as Defra have indicated. It also shows that there are regional variations, with London and Southeast authorities having higher average charges. This would fit with the higher costs incurred by authorities in those regions in terms of employment and costs of providing services etc.

The research shows that many councils who charge do so in the band £40 to £60. This is around the average charge and higher than the band that Defra have indicated they would like to cap charges at.

LARAC strongly believes that if a cap on charges were introduced it would need to be set higher than the £18 to £30 band Defra have proposed.

LARAC would also like to put forward an alternative to a banded capped charge. Instead, agreement would be reached on what costs (such as overheads etc) a local authority could include when calculating their charges and then this would be the basis that a cap would work. This would allow for regional variations in operating costs and ensure local authorities are able to recover their collections costs. LARAC

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and other local authority bodies would welcome the opportunity to explore this proposal in more detail with Defra.

LARAC does not believe that the use of public funds to provide free garden waste services could be considered value for money. By charging for garden waste services local authorities have been able to keep these collections services going in the face of public sector funding cuts. It has also meant the funds are available with a local authority to provide other essential services.”

ADEPT believes that the principles for charging should be agreed for local authorities to calculate their individual charges, as opposed to applying a maximum or set charge. Having principles to calculate charges, will allow local authorities to consider variations such as increased fuel for transporting greater distances, fluctuations in gate fees, etc.

ADEPT proposes the following direct costs as the basic principles for calculating appropriate garden waste charges:

- Vehicle and staff direct costs for service (including fuel);
- Container capital cost;
- Container delivery/collection charges to the residents property;
- Contribution to depots (costs for depots split by % of garden waste vehicles housed at that depot);
- Contribution to waste transfer stations (based on % of tonnage throughput of garden waste); and
- Garden waste haulage costs.

#### Proposal 10 – Exemptions on separate collection of two recyclable streams

Q23 Could the following recyclable waste streams be collected together from households, without significantly reducing the potential for those streams to be recycled? (P50)

	Agree	Disagree	Not Sure / Don't have an opinion
Plastic and metal	X		
Glass and metal	X		

*If you have agreed with either of the above, please provide evidence to justify why any proposed exemption would be compatible with the general requirement for separate collection of each recyclable waste stream.*

#### Plastic and Metal

Collecting plastic and metal together is standard practice within both commingled and source separated collections, and the materials are very easily separated without loss of quality. ADEPT would strongly support this exemption from the written assessment.

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However, ADEPT agrees with LARAC's points on food and drinks cartons and plastic films:

"Virtually all local authorities in the UK collect plastics and metal together, even on "source separated" collections. LARAC does not believe this causes any issue regarding material quality. Therefore, this is a logical exemption to put in place for all local authorities. For every local authority in the country to have to write an exemption for standard practise makes no sense.

Given that Defra are advocating placing food and drinks cartons in the plastics stream this would mean they would also fall under this exemption. It is not clear how the quality/integrity of cartons may be impacted if they are mixed with metals. If the quality of cratons could be impacted negatively LARAC would not want this to be reason that an exemption for plastics and metals was taken forward. In this instance LARAC believes that an alternative route for cartons would be needed.

LARAC is aware that research is ongoing into the viability of chemical recycling processes for plastic. There is concern about the impact of cartons on this potential end market.

It is unclear from the consultation proposal if plastic film would form part of this exemption. At present the MRFs in the UK cannot process plastic film and there are concerns that film might have the ability to contaminate cartons if they were included in the plastics stream."

### Glass and Metal

ADEPT also supports the collection of glass and metal together provided they can be sorted easily.

However, ADEPT supports LARAC's point that:

"There can be issues with noise levels when glass is collected separately at the kerbside. LARAC members expressed concern that collecting glass and metal together might have the potential to increase this risk."

**Q24** What, if any, other exemptions would you propose to the requirement to collect the recyclable waste in each waste stream separately, where it would not significantly reduce the potential for recycling or composting? (P50)

With the proposed exemptions above, ADEPT feel that it would be prudent to have an exemption for a 'container' recycling stream consisting of glass, plastic and metals. This should exclude plastic films and cartons which should be dealt with separately. If an authority wanted to add films and/or cartons to a container stream, then this would need to be included in the written assessment.

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ADEPT support LARAC's views that:

"There is also a wider principle that LARAC members have raised. If a MRF is shown to be supplying sustainable end markets then materials can be collected together in any combination that the MRF can accept.

It should be noted that a lot of the top performing recycling local authorities in England operate a co-mingled collection system now. This shows that these collections can provide both the quality of material that the markets need and the quantity of material to achieve a high national recycling rate and enable packaging producers to meet the targets they will be set.

Local authorities have developed a large bank of knowledge and experience in proving collection services and systems that meet the expectations of their residents, are operationally efficient and provide materials to the specification that the wide variety of end markets that exist need.

There have been numerous examples of resident kick back against multi stream collections due to the higher number of containers they have to accommodate in their homes. This has seen some authorities move to twin stream or co-mingled collections services without dropping either the quantity or quality of the material collected."

ADEPT has concerns around resident's engagement should local authorities be required to move away from co-mingled collections where residents utilise and store one container, to a single or twin stream collection where residents are required to sort their waste and store multiple containers. ADEPT believe that many residents may see this as a backwards step and disengage with recycling collections, potentially favouring the ease of throwing quality recycling into their residual waste bins.

### **Proposal 11 – Exceptions on two or more streams collected together**

Q25 Do you have any views on the proposed definition for 'technically practicable'? (P54)

ADEPT believes that aspect of the TEEP assessment is homogenous, and so whilst responding to the relevant point, ADEPT would like it to be recognised that each element relates to and has implications upon on one another, whilst also needing to cross reference and harmonise with EPR's criteria for an effective and efficient service.

ADEPT believes that if local authorities successfully secure a technical exemption, the EPR payment should not be decreased because it is not deemed an effective and efficient service.

ADEPT supports LARAC's views that:

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LARAC believes that the local circumstances relevant to a particular local authority, or parts of it, are key considerations as to what might be considered then technically practicable for that authority. A simple assertion that because one local authority can do it so can another is not a reason why an assessment that cites a technical reason where separate collections are not practicable should be dismissed.

Within the context of technical practicability, the impacts of citizen behaviour also need to be taken in to account as this ultimately impacts all recycling collection services.

There is also a wider principle that LARAC members have raised. If a MRF is shown to be supplying sustainable end markets, then materials can be collected together in any combination that the MRF can accept. Therefore, if a MRF can demonstrate it is supplying suitable end markets then it is technically feasible to collect materials together. Currently hundreds of thousands of tonnes of material are co-collected and sent to quality end markets.

There should be recognition of the infrastructure needed to support separate collection under the technical aspect of exemptions. If separate collection requires increased collection fleet that cannot be accommodated in existing depots this could be considered a technical exemption. It may also fall into an economic one as well depending on the costs of a new depot.

If a DRS were to go ahead in England (something LARAC [and ADEPT] does not support at this time) it is unclear on the impact this will have on household collections. There is the potential to change what is technically possible to collect separately in some local authority areas. It could make some source separated collection much less efficient if a great deal of material is removed through a DRS.”

Could the implementation of a DRS adversely impact quality and lessen the likelihood of LAs being able to secure this exemption through no fault of their own?

ADEPT does not believe it to be technically practicable to remove perfectly good co-mingled recycling bins from residents’ properties and replace them with multiple containers. There are the technicalities of collecting and disposing of old bins responsibly, and sourcing and distributing new containers – increasing carbon emissions.

As highlighted in Q24, ADEPT has concerns around residents engagement should local authorities be required to move away from co-mingled collections where residents utilise and store one container, to a single or twin stream collection where residents are required to sort their waste and store multiple containers. ADEPT believe that many residents may see this as a backwards step and disengage with recycling collections, potentially favouring the ease of throwing quality recycling into their residual waste bins.

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Q26 Do you agree or disagree that the proposed examples cover areas where it may not be 'technically practicable' to deliver separate collection? (P54)

Agree

Disagree

Not sure / don't have an opinion / not applicable

*If you disagree with any of the above, please provide the reason for your response and indicate which example you are referring to.*

ADEPT does not believe this proposed list of examples is exhaustive and thinks that more work needs to be undertaken to further develop the examples where it may not be 'technically practicable'.

When a high performing MRF is producing good quality recyclables that are sold on to an end market, it should be deemed as technically practicable. Good quality recyclables produced through 'effective and efficient' MRF sorting processes should also attract the same level of income as single-stream recyclables through EPR.

ADEPT supports LARAC's suggestion that:

"The proposed examples do cover areas where it may not be technically practicable to deliver separate collections. However, these may not be the only areas and LARAC [and ADEPT] would be keen to use its members' knowledge to assist in providing further examples ready for any more detailed guidance that may be published. Examples that they have given already include:

- End markets
- Collection opportunities at flats/HMOs
- Houses that have no frontage
- Rurality of properties
- Storage of containers at premises"

Q27 What other examples of areas that are not 'technically practicable' should be considered in this proposal? Please be as specific as possible. (P54)

ADEPT agrees with the suggestions proposed by LARAC:

"Examples that LARAC members through their extensive operational knowledge have given include:

- Social and economic demographics of an area
- Health and safety guidelines and risk assessments for kerbside sort
- HSE guidance - collectors should lift as little as possible.
- Access issues should be considered for example narrow roads, back lanes, resident parking causing access issues.
- Glass boxes are heavy and will pose H&S risks



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- Vehicle availability – long lead-in times for purchasing.
- Depot space – for vehicles, transfer of materials, containers
- Electric vehicles charging points required for electric vehicles.
- Additional vehicles requiring more staff, shortage in frontline staff and trained drivers and cost of training.
- Permitting restrictions, licensing, maintenance, maintenance crews (for vehicles)
- Type of housing stock and access
- Flats having space for bins.
- SME space for bins.
- Consumers are unwilling to participate(?)”

Q28 Do you agree or disagree that the proposed examples cover areas that may not be ‘economically practicable’ to deliver separate collection? (P55)

*Agree*

**Disagree**

*Not sure / don’t have an opinion / not applicable*

*If you disagree with any of the above, please provide the reason for your response and indicate which example you are referring to.*

ADEPT finds it difficult to comment on this question due to vague nature of the proposal and would like to understand how the term ‘significantly more expensive’ is to be defined, whilst needing to cross reference and harmonise with EPR’s criteria for an effective and efficient service.

ADEPT broadly agrees with the examples but would like clarity on the term used to consider what other examples may be relevant.

Q29 What other examples of ‘economically practicable’ should be considered in this proposal? Please be as specific as possible. (P55)

ADEPT agrees with the suggestions proposed by LARAC:

“Examples that LARAC members through their extensive operational knowledge have given include:

- Markets should be considered for materials.
- Communication costs to the public will be a big problem with too many containers.
- Sourcing of vehicles at the same time will cause some massive problems, the market is not geared up for this to deliver such a change.
- Contract changes
- Cost of additional fleet, containers, crews, staff, stickering, communications
- Higher contamination could lead to more rejected loads and a higher cost to LAs.

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- Market prices for higher quality materials
- Increase in quantity of material – saturation of the market, lower prices or even have to pay to get rid of it.
- Vehicles including fuel type i.e. electric, hydrogen
- Drivers
- Where you are in the country
- Where the disposal facilities are located
- Cost of containers and availability”

Q30 Do you have any views on what might constitute ‘excessive costs’ in terms of economic practicability? (P55)

ADEPT agrees with LARAC’s response:

“LARAC has some concerns about the use of the phrase “excessive costs” as this implies that there is a high degree of magnitude above the standard cost before it becomes uneconomic for a local authority to collect materials separately.

Local authorities are concerned, that like the current PRN system, they will be expected to put more and more of their own funding into collection systems to collect packaging on behalf of producers to help meet them meet the targets that they (not local authorities) are obliged to meet. This then goes against the concept of full net cost that is at the heart of EPR.

This then also brings into the discussion the point at which producers legitimately feel that a solution is “excessive cost” in relation to their obligations and the funds they are paying into the system. If a local authority felt that costs were excessive for separate collections, but producers/Scheme Administrator did not, who would ultimately decide? Equally the other way around. There could be issues with local authority sovereignty and local decision making as an unintended consequence.

What is deemed “excessive” will vary from authority to authority depending on the wide range of factors that impact on each area. This means that each authority will need to be treated on a case-by-case basis. This then leads to the problem that it could become very subjective. This would not be a situation that could be tolerated and so at the least it is likely to need a set of principles that could be applied that still allows for local differences but also brings an element of consistency to how “excessive” is applied.

There is no detail within the consultation on what level and type of evidence would be required to demonstrate that costs would be excessive for a local authority to collect materials separately. Until this is known it then makes it more difficult to comment thoroughly on this proposal.”

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Q31 Do you have any views on what should be considered ‘significant,’ in terms of cases where separate collection provides no significant environmental benefit over the collection of recyclable waste streams together? (P56)

ADEPT agrees with LARAC’s response:

“As with the phrase “excessive” the use of “significant” in this case suggests a very high threshold of prove that something has less of an environmental benefit when not collected separately. LARAC supports good environmental outcomes generally and specifically in relation to resource use. At what point should public funds that are scarce are used to achieve environmental performance?

What is deemed “significant” will vary from authority to authority depending on the wide range of factors that impact on each area. This means that each authority will need to be treated on a case-by-case basis. This then leads to the problem that it could become very subjective. This would not be a situation that could be tolerated and so at the least it is likely to need a set of principles that could be applied that still allows for local differences but also brings an element of consistency to how “significant” is applied.

It should be note that several the top performing recycling local authorities in England operate a co-mingled collection service. If they were forced to move to source separation service, there is a good probability that they would see a decrease in the tonnage of recycling collected. This would then have a negative environmental impact, which most people would see as significant.

There are examples of authorities that have moved from a source separated collection system to a twin stream system and seen their recycling rates increase whilst still supplying material to the same end markets as they did previously. This means they have increased the environmental benefit of the systems they operate.”

Q32 Do you agree or disagree that the proposed examples for ‘no significant environmental benefit’ are appropriate? (P56)

*Agree*

**Disagree**

*Not sure / don’t have an opinion / not applicable*

*If you disagree with any of the above, please provide the reason for your response and indicate which example you are referring to.*

As above, ADEPT finds it difficult to comment on this question due to vague nature of the proposal and would like to understand how the term ‘no significant environmental benefit’ is to be defined.

ADEPT broadly agrees with the examples but would like clarity on the term used to consider what other examples may be relevant.

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Q33 What other examples of ‘no significant environmental benefit’ should be included in this proposal? Please be as specific as possible. (P56)

ADEPT does not believe there to be any environmental benefit to remove perfectly good co-mingled recycling bins from residents’ properties and replace them with multiple containers. There are the technicalities of collecting and disposing of old bins responsibly, and sourcing and distributing new containers – increasing carbon emissions and having a negative environmental impact.

It is worth bearing in mind that a significant number of the top ten performers for both residual household waste per household (kg/household) (Ex NI191) and the percentage of household waste sent for reuse, recycling or composting (Ex NI192) operate a comingled collection service for dry recyclables.

ADEPT agrees with the suggestions proposed by LARAC:

“Examples that LARAC members through their extensive operational knowledge have given include:

- Carbon impact
- Additional vehicles
- Balance between the quality in comingled and vehicle miles in collecting separately for possibly no or little increase in quality.”

#### Proposal 12 – Compliance and enforcement

Q34 Do you agree or disagree that local authorities should only be required to submit a single written assessment for their service area? (P58)

**Agree**

*Disagree*

*Not sure / don’t have an opinion / not applicable*

*If you disagree, please provide the reason for your response.*

ADEPT and LARAC supports the concept of a single written assessment including a single assessment for more than one authority where treatment is shared. ADEPT and LARAC also supports a single written assessment that covers more than one local authority area where this is appropriate.

Whilst in agreement with this proposed approach, ADEPT would like clarity on the definition of a ‘service area’ and clarity on the cross over with EPRs definition of effective and efficient services. If an authority successfully secures an overall exemption for its service, its individual EPR payments should not be decreased because it is not deemed an effective and efficient service.

Q35 What other ways to reduce the burden on local authorities should we consider for the written assessment? (P58)

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ADEPT agrees with LARAC's response:

"When the TEEP requirements were introduced there was a lack of clear guidance and advice available to local authorities. As a result, they came together and produced the "Route Map" that was designed assist local authorities in their decision making on sperate collections of recyclables.

LARAC believes that the original Route map could act as a template for any future guidance and templates. LARAC would welcome work being undertaken to update the Route Map to make it fit for purpose for the new TEP requirements that are proposed in this consultation.

LARAC believes there is value in allowing one written assessment to cover a county or partnership area, where the services are aligned enough for that to happen.

The assessment could be written by any one of the authorities in the area, WDA or WCA on behalf of the others, with some sort of sign off indicating that all the authorities named are happy with the content of the assessment. This would be a voluntary system and LARAC is not advocating mandating of county level written assessments.

LARAC members have welcomed the fact that the WRAP assessment tool is being updated. Support from WRAP in using this would prove very useful to authorities in making their assessments.

Templates are supported if they are then not too restrictive. LARAC believes this can be avoided if Defra and WRAP engage with local authorities to co-design any templates that are used. Guidance and examples to support templates would also be welcome resources. Not only will this assist local authorities it would also help provide consistency in in the written assessments. [ADEPT additional note: This will also negate the use of multiple and expansive consultancies and overall is a more credible approach for scrutiny.]

Given that the requirement to complete a written assessment is a new requirement and therefore a new burden on local authorities, the additional funding to cover the extra resources that will be needed to complete these assessments must be provided by Government."

Furthermore, ADEPT would like to understand the approval process for the TEEP assessments. ADEPT are concerned that a lot of resources will be assigned to develop the TEEP assessments and that these will go unreviewed and leave uncertainty in the service areas ability to move forward with their contracts and solutions due to the threat of a judicial review. ADEPT would therefore like the approval process to be fully worked up, and to understand once approved, for how long the TEEP assessment remains valid. This would enable Local authorities to enter into agreements for fleet, containers, processing capacity, etc. with the certainty that they are compliant for a given period of time.

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Q36 What factors should be taken into consideration including in the written assessment? For example, different housing stock in a service area, costs of breaking existing contractual arrangements and/or access to treatment facilities. (P58)

ADEPT agrees with the suggestions proposed by LARAC:

“In workshops that LARAC organised for its members the following suggestions were brought forward:

- Rurality and urbanisation of local authority.
- Carbon impact.
- Infrastructure needed and space needed for vehicles for example if need to go to kerbside sort, can existing infrastructure cope/be adapted – what is reasonable?
- Changing/amending contracts as costs involved in that.
- There is a need to reflect the demographics in a local authority area.
- MRF infrastructure. Dependant on markets.
- Reprocessors. All infrastructure should be taken into consideration. Fixed assets, depots.
- The lack of resident’s consultations in these proposals was highlighted as something local authorities have a legal duty to consider.
- H&S assessment
- Flats /HMO’s with limited or no storage space
- Operational costs.”

Q37 Do you agree or disagree that reference to standard default values and data, which could be used to support a written assessment, would be useful? (P59)

*Agree*

**Disagree**

*Not sure / don’t have an opinion / not applicable*

*If you disagree, please provide the reason for your response.*

ADEPT agrees with LARAC’s response:

“Whilst the use of standard or default values can be useful in making an assessment quicker and easier, they also mean the assessment is less representative of the actual situation a local authority faces.

The use of default values should therefore not be mandatory, and the preference would be that local authorities use their own values as much as possible. The use of such values should therefore be available but be the exception not the rule.

LARAC suggests that a range of default values would need to be developed and used if default values are to be used at all, instead of one default value. LARAC believes

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this is an area it could usefully work with WRAP to produce and would welcome the opportunity to do so.

By having a range of values instead of just one value they become more representative for the authorities using them, making the assessment more meaningful and accurate. There would then also be a better link across to EPR and the relevant payments if the range of values reflected the “family groupings” etc that are being proposed for EPR payments.”

Q38 Do you agree or disagree that a template for a written assessment would be useful to include in guidance? (P59)

**Agree**

*Disagree*

*Not sure / don't have an opinion / not applicable*

*If you disagree, please provide the reason for your response.*

ADEPT believes the provision of a template (or multiple templates depending on the collection methodology) could greatly assist LAs with their written assessments.

ADEPT suggests an intelligent spreadsheet where all areas for assessment are defined and a new tab can be used for each LA within the defined service area. This would enable a coordinated and consistent approach and reduce resources for completion.

### Proposal 13 – Minimum service standards of dry recyclable materials

Q39 Do you agree or disagree with Proposal 13, particularly on the separation of fibres from other recyclable waste streams and the collection of plastic films? (P61)

*Agree*

**Disagree**

*Not sure / don't have an opinion / not applicable*

*If you disagree, please provide the reason for your response.*

ADEPT would not like to see any authority miss out on EPR payments for collecting packaging waste based on arbitrary minimum service standards, particularly when these services have been through a TEEP assessment. There needs to be care taken to ensure that EPR, Consistency and DRS all align to ensure that service standards are not being missed through no fault of local authorities.

WRAP's analysis of Municipal Residual Waste Composition, 2017 (<https://wrap.org.uk/sites/default/files/2020-11/WRAP-National%20municipal%20waste%20composition%20England%202017.pdf>) shows that over 60% of the residual waste composition comprises of recyclable materials. In order to increase capture of these materials, it is important to make sure that there is sufficient recycling capacity whilst also restricting the residual capacity to

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ensure that materials are driven to the correct place. This may be done by issuing smaller bins, or usually by reducing the frequency of residual waste collection, which has the additional benefit of reducing costs and ensuring a more efficient and effective collection. This has been demonstrated by many local authorities around the UK, who are now consistently achieving high recycling rates and lower residual tonnages as can be seen in waste statistics published by Defra and the devolved governments.

The top performing Local Authority for the lowest Residual household waste per household (kg/household) (Ex NI191) is East Devon District Council and they run a 3 weekly residual collection service, they also sit within the top ten performers with the highest percentage of household waste sent for reuse, recycling or composting (Ex NI192). In addition to this, Somerset's roll-out of its Recycle More scheme that includes a 3 weekly residual waste collection frequency has seen 95% of residents say that it has made it easier for them to recycle and 81% of residents agreeing that the new service is an improvement via a recent customer survey. ADEPT therefore strongly feels that residual waste frequency should be a local decision based on local factors.

#### Fibres

ADEPT support LARAC's view that:

"There is a general feeling from LARAC members that this will be difficult to achieve for all councils in the timescale proposed. The magnitude of service change for some authorities is such that it will be a large-scale project that will take time to complete effectively.

There are also numerous examples of fibres being collected with one or more other materials that are of a suitable quality and are supplying end markets with no issues to the specification desired. This then calls into question the need to increase collection costs across the country substantially."

#### Plastic Film

ADEPT support LARAC's view that:

"LARAC does not believe it is viable for all local authorities to collect plastic film by 2026/27 due to a lack of sorting and end market capacity."

#### **Proposal 14 – Non-statutory guidance**

Q40 Which service areas or materials would be helpful to include in non- statutory guidance? (P63)



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ADEPT is not minded to support the inclusion of non-statutory guidance. ADEPT believes that guidance should be mandated and / or statutory if it is needed. The inclusion of non-statutory guidance risks unfunded new burdens.

The one area of exception that ADEPT would suggest non-statutory guidance be developed for, and that is for the clarification and direction on completion of the TEEP assessments.

### **Proposal 15 – Review of Environmental Permitting Regulations**

**Q41** Do you have any comments on the recommendations from the review of the Part 2 of Schedule 9 of the Environmental Permitting Regulations? (P64)

ADEPT would support the seven recommendations as stated on page 63 of this consultation to amend Schedule 9 of the Environmental Permitting Regulations 2016 ("Schedule 9"). However, we'd propose that initially any changes are kept to a minimum in order to primarily ensure that Schedule 9 is aligned and supportive of the reporting aspects required with other proposed changes (e.g. relevant aspects which may arise from the recent consultations related to DRS and EPR). We do not consider that all of the recommendations proposed are essential to the function of Schedule 9 and are more enhancements, ADEPT would welcome the opportunity to work with Government and comment upon the draft legislation.

Additionally, it is highly likely the requirements may change over the next few years as services align with the required changes (e.g. dry recyclable collection systems) and the impact of proposed changes manifest. In theory changes in the structure and approach of MRFs nationally would follow changes in waste collection systems and composition. The unintended consequences maybe to roll back or significantly amend the proposed changes, further adding complexity and cost risks arising from repeated contract changes for local authorities. Consideration also needs to be given with respect to any changes regarding mandatory or changes to electronic Duty of Care and avoiding duplication of systems. This means there needs to be clear definitions in place for non- targeted material that is an operational concern but does not impact material quality, and genuine contamination that impacts on material quality. The protocol should not be designed in a way that leaves loopholes that will reduce or remove justifiable payments to local authorities and other waste collectors. So, in summary Schedule 9 is in and working; granted with some areas of potential improvement. ADEPT would suggest to Government to minimise amending any part of Schedule 9 that is specifically necessary to ensure that Schedule 9 is aligned with and supportive of the data requirements for EPR.

**Q42** If amendments are made to Part 2 of Schedule 9, do you agree or disagree that it is necessary to continue to retain requirements to sample non-packaging dry recyclable materials? (P64)

**Agree**

*Disagree*

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*Not sure / don't have an opinion / not applicable*

*Please provide the reason for your response where possible.*

We agree that it is necessary to continue to sample all dry recyclable inputs to MRFs. The sampling regime whilst not perfect is established, aids transparency and is aligned with minimises risk and costs of contract changes. This will also overcome the issue that our members will all be implementing changes at different times, so in effect the current requirements will be necessary as local authorities implement transitional systems / methods of collection to the new requirements. Careful consideration should be given to ensure loopholes do not exist that will reduce or remove justifiable payments to local authorities and other waste collectors. However, ADEPT recognises that additional data information would need to be provided, as the current sampling requirements do not fully distinguish between packaging and non-packaging materials for example, mixed papers and rejects.

### Proposal 16 – Recycling Credits

Q43 Do you agree or disagree that provision for exchange of recycling credits should not relate to packaging material subject to Extended Producer Responsibility payments? (P68)

**Agree**

*Disagree*

*Not sure / don't have an opinion / not applicable*

*Please provide the reason for your response.*

As some local authorities no longer use recycling credits as incentives to increase recycling, and with the introduction of EPR payments for packaging materials and a decline in paper usage, ADEPT do not see a need for recycling credits as there would be very few materials left that the credits would apply to, rendering them irrelevant. We therefore agree that recycling credits should not relate to packaging materials, particularly if the base Gov funding is decreased to net off EPR funding.

Q44 In relation to recycled waste streams not affected by Extended Producer Responsibility or which are not new burdens we are seeking views on two options: (P68)

- Option 1 Should we retain requirements for Waste Disposal Authorities to make payment of recycling credits or another levy arrangement with Waste Collection Authorities in respect of non-packaging waste?
- Option 2 Should we discontinue recycling credits and require all two-tier authorities to agree local arrangements?

	Agree	Disagree	Not Sure / Don't have an opinion / not applicable
Option 1		X	
Option 2	X		

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ADEPT and LARAC agree that:

“Whilst there is general agreement that the current recycling credits system is no longer fit for purpose, there is some nervousness from WCAs about abolishing them completely. Credit payments can still contribute a sizeable amount to WCA collection budgets. After years of public sector spending reductions this addition to base budgets takes on more significance. There will therefore be understandable reluctance to lose this funding, despite the anticipated additional funding that EPR is expected to bring in relation to packaging.

There have been instances in the past couple of years where authorities have unilaterally stopped credit payments, again driven by the public sector funding cuts those local authorities have had to endure. It is therefore important that a requirement to have local agreements is put in place, and that there is a process and system in place that means these agreements are fair to both tiers of local government. A suitable conciliation process also needs to be available if agreements prove difficult to reach.

The recycling credits for non-packaging waste need to be viewed in the context of a continued and sustained decline in the amount of paper/newsprint collected for recycling. Any changes in the system should be designed with this in mind and the likely future occurrence of paper in the recycling stream in the next five to ten years.”

Q45 Where local agreement cannot be arrived at what are your suggestions for resolving these? For example, should a binding formula be applied as currently and if so, please provide examples of what this could look like. (P68)

ADEPT and LARAC agree that:

“If a binding formula were put in place then in effect recycling credits as they are now would be reintroduced. Given that this consultation is exploring how recycling credit legislation could be improved and brought up to date, this does not appear to be a suitable proposal. Therefore, LARAC and ADEPT would not support a system that involved any sort of binding formula.

Both LARAC and ADEPT believe there is scope to put in place an appropriate appeals/mediation process in the unlikely event that a local agreement cannot be reached. Purely by having the process in place it is more likely an agreement can be reached and stops one tier acting in a unilateral manner.”

### **Proposal 17 – dry recycling collections from non-household premises**

Q46 Do you agree or disagree that waste collectors should be required to collect the following dry materials from all non-household premises for recycling, in 2023/24? (P76)

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	Agree –this material can be collected in this timeframe	Disagree –this material can't be collected in this timeframe	Not sure / Don't have an opinion /not applicable
Aluminium foil	X		
Aluminium food trays	X		
Steel and aluminium aerosols	X		
Aluminium tubes, e.g. tomato puree tubes	X		
Metal jar lids	X		
Food and drink cartons, e.g. TetraPak		X	

*If you disagree with the inclusion of any of the materials above in the timeframe set out, please provide the reason for your response and indicate which dry recyclable material you are referring to.*

ADEPT recognise the fact that all local authorities have a different starting point and what they will be able to collect from businesses will be mirrored in what they can collect for householders. So, this question needs to be considered alongside question 6 of this consultation.

### Co-mingled collection

Aluminium is the easiest material to include in a comingled mix. However, there would need to be good communications about rolling foil into a tennis ball size in order to get it through the MRF.

In order to collect cartons you would have to increase the number of people on the picking line to extract this material effectively from a MRF, and due to the end markets for cartons, this currently doesn't stack up economically. Furthermore, it doesn't make sense from an environmental point of view to transport cartons around the county to separate them out for reprocessing, due to the fact they're lightweight and targets are still currently based on tonnage.

Cartons also have the potential to contaminate the fibre stream at MRF's due to the difficulty in separating them out.

### Kerbside sort collection

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Carton's shouldn't be mixed with fibre, but this is a difficult message to communicate to residents, as they view cartons as fibre items for recycling. Will residents really separate out cartons successfully into a plastics container? With the increase in range of plastics collected in this reform there might not be enough capacity on existing vehicles to add cartons into the plastics mix.

Below is a copy of ADEPT's response to Q6, the points of which apply to this question also:

### Aluminium Tubes

ADEPT is broadly in agreement with the inclusion of aluminium tubes but raise concerns around the potential contamination with substances such as food and paint.

As LARAC state: "It would not be reasonable to expect members of the public to clean them out so there would need to be an acceptance that this could lead to higher levels of food waste in the metal stream. This aspect will need confirming with metal reprocessors and sorting facilities that the materials will still be accepted and recycled with this additional food in it."

ADEPT believes that clear communication will be key for the effective recycling of tubes.

### Food and Drink Cartons

ADEPT believes that there are still issues in relation to how cartons are sorted and separated at MRF's. Cartons collected with fibre cause contamination of the fibre stream and jeopardise fibre quality standards.

ADEPT recognises the variations in different collection methods for local authorities in England from the kerbside. Therefore, cartons are not an easy stream to add into many collection systems due to the complexities of separating out cartons from other material (whether that's from a fully co-mingled collection or just mixed with the plastic stream).

To effectively separate out cartons from other materials from co-mingled collections, more investment is required at MRF's for additional sorting technology and some MRF's may be limited in space. Some Local authorities also have issues with the compaction of cartons in the collection process and the effective use of ballistic separators ability to detect cartons that have been compacted, so this presents another issue that would need to be resolved without increasing the carbon impact. It also raises the question of whether the additional sorting processes will present value for money.

Separate collections of cartons from other materials at the kerbside would require significant operational changes that would need to be made to collect this material

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separately and this has the potential to increase carbon emissions, vehicle movements and could decrease recycling rates and resident confidence in comingled collections.

ADEPT therefore agrees with LARAC's view that we: "understand the logic of asking for cartons in the plastics stream, to keep fibres cleaner and trying to keep cartons in their shape so they are easier to sort. However even kerbside sort vehicles can have an element of compaction on the plastics compartment. If materials are bulked before reaching the MRF then there is another opportunity for cartons to get flattened.

Some residents may also flatten cartons to get them into their recycling container, even if the local authority instruction is not to flatten them.

Therefore, if sorting facilities cannot cope with cartons that are flattened then there is less likelihood of them being recycled, despite being collected. LARAC is concerned that the sorting capability in the UK is not robust enough to provide comprehensive coverage of MRFs that will be able to sort food and drinks cartons to a level suitable for the required end markets."

On the assumption that cartons are included in the packaging materials covered under EPR, Local authorities would get some EPR funding as a packaging material and would be modulated, which would either stimulate the market or reduce the material at source – our preferred solution of managing the waste at the top of the waste hierarchy.

If and when EPR funding is made available and this material can be effectively separated out from a co-mingled material (either at source or by sorting) then cartons should be required to be collected by all local authorities, however, until that time cartons shouldn't be a mandatory material for local authorities to collect.

It is unclear what funding would be available to support separate collection of this material or improved sorting technology through New Burdens?

It is important from a customer confidence point of view that only materials that can be effectively sorted are included in any kerbside recycling collections.

ADEPT believe that due to the fact cartons will attract a higher modulated fee under EPR (as they are a composite material), the use of cartons as a packaging material may decline. If this is the case, then adding expensive sorting equipment at MRF's to deal with separating cartons seems premature.

Furthermore, ADEPT believes that more robust markets need to be established before Local authorities are required to collect cartons. At present, a number of Local authorities collecting cartons are unable to recycle all the materials. If the process enables the extraction of fibres, these may be recycled but are often of low quality. The plastic / metal mix is generally sent to energy from waste facilities as

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RDF or SRF for recovery or sent to a facility in Europe for reprocessing. UK reprocessing of the polyethylene/aluminium mix is required to generate more stable markets.

Some members of ADEPT use ACE Recycling banks for cartons which are typically collected separately through banks at HWRCs. This system works well, and ensures cartons are collected separately without contaminating other streams of recyclate. Could another option be to support front of store recycling points?

One ADEPT member spoke to ACE, who are keen to obtain cartons from the kerbside but recognise the challenges we have identified in our response. ACE appear confident that the EPR funding will be available from October 2023 and will assist in developing sorting technology.

Q47 Some waste collectors may not be able to collect all the items in the dry recyclable waste streams from all non-household municipal premises in 2023/24. Under what circumstances might it be appropriate for these collection services to begin after this date? (P76)

Collection contracts

Sorting contracts

Materials Recovery Facility (MRF) infrastructure capacity

Cost burden

Reprocessing

End markets

Other (please specify)

*Please provide the reason for your response and indicate how long waste collectors require before they can collect all these materials.*

All of this is subject to the written assessment and whether local authorities can continue to collect materials in the way they are currently doing. If the written assessment (and/or funding model from EPR) dictates a change in how items are collected, then it's highly unlikely the items will be able to be collected by 2023/24.

Depending on the outcome of the written assessment, and any required changes to collection systems, Local authority/ local waste infrastructure is also an issue to take into consideration. For example, the waste depots and transfer facilities may need to be redeveloped to accommodate additional vehicles / pre-sorting equipment which will likely be beyond the proposed 2023/24 implementation date. It's worth noting that with the additional changes to household waste collections (weekly food waste and free garden waste for example) local authority infrastructure is going to be under pressure, so there will be limited capacity to provide extensive services for businesses without some longer term capital investment in infrastructure.

Local Authority trade waste services will need to reflect the domestic service, so any change to the domestic core list of materials should also be changed in the non-household dry recycling list too.

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Below is a copy of ADEPT's response to Q8, the points of which apply to this question also:

### Collection Contracts

ADEPT agrees with LARAC's views:

"Collection contracts typically are designed around the useful working life of the vehicles that are utilised on them. Standard practice is usually seven years although there can be differences to this. This then also applies to in-house operations.

With the associated requirement to collect food waste some local authorities may require a fundamental change in their collection arrangements, rather than just "adding in" some dry recycling materials. The most cost-effective way to do this is at the end of the current contract period. There is the possibility of doing it sooner, but this would require the agreement of both parties and may involve additional contract payments. There is then the issue for government to consider as to whether these payments would be firstly covered under EPR payments and if so whether they represent value to producers on who the obligations and payments fall.

If an authority needs to move from a current co-mingled service to a source separated service, there are all the associated issues with the increase in vehicles, staff, depot space etc that will need to be taken account of and make the change much more complex and so likely to take longer to achieve."

ADEPT believe it is vital that Consistency and EPR work in harmony. TEEP needs to work alongside what is deemed an effective and efficient service for the purposes of deciding the level of EPR payment. There is also a concern that the EPR funding would be netted off the base central government grant, presenting the potential to undermine the proposed arrangements.

ADEPT agree with LARAC's view that:

"Concerns have been raised about the ability of the market to supply services to councils and contractors if there is high demand, due to lots of contracts and vehicle replacements happening at the same time. So, there may be shortages of collection vehicles, or longer lead in times. Also, some authorities might find they have few, or even no bidders for collection contracts. This will then lead to possible value for money issues, fewer bidders generally mean that less competitive bids will be made, and a higher service cost ensues."

### Sorting Contracts

ADEPT agrees with LARAC's views:



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“The most cost-effective way to change contracts or contract terms is at the end of the current contract period. There is the possibility of doing it sooner, but this would require the agreement of both parties and may involve additional contract payments. There is then the issue for government to consider as to whether these payments would be firstly covered under EPR payments and if so whether they represent value to producers on who the obligations and payments fall.”

ADEPT would also like further clarity on the availability of new burden’s funding in relation to sorting contracts, and PFI’s.

### MRF Infrastructure

ADEPT agrees with LARAC’s views:

“The nature of MRF infrastructure means that some facilities may not be able to be configured to sort the new sets of materials by 2023/24. Local authorities are limited in which MRFs they can supply, as there are geographic limits to how far away from the area materials will be transported for sorting, so this limits to options available to local authorities when they let MRF contracts. Concerns have been raised by LARAC members about MRF ability to sort foil and tubes at present and the costs of retrofitting them to be able to.

LARAC has concerns about the ability of MRFs nationwide to be able to adapt to enable consistent and thorough sorting of food and drinks cartons. Although the intention to collect with plastics and so keep the containers formed and not flat, we believe currently MRFs are not configured to sort such containers.

It is believed that generally cartons are hand sorted and this is unlikely to be sustainable if all local authorities collect them. This may be one of the reasons that local authorities are currently told by MRFs that they cannot accept cartons.

Whilst all the materials listed at Q6 can be collected and sorted through current collection systems, mainly through comingled collections of mixed dry recyclable materials being sorted in a MRF, there is a loss through the sorting process of materials into the fines or contamination fraction. To increase recovery of these, MRF equipment will have to be upgraded for any collections that are not done separately. This upgrade may have to include equipment to sort out DRS obligated items that are presented in kerbside or bring collections. As councils will not receive payments for EPR obligated materials until 2023/24, and MRFs gain their income through gate fees for council contracts, it is not clear how they will receive a cash flow to provide the investment to change their equipment to be ready for the EPR materials to be collected and processed and thereby bid for future contracts unless the investment is speculative to be able to bid.

The length of time required will be dependent upon the expiry date of current contracts, either for MRF sorting or collections, and so an exact date is impossible to state for every affected council. As these changes affect the whole of England at the

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same time, there could be many councils seeking new contracts and the market may not have the ability to provide equal and fair competition for all. Any cherry picking by contractors or saturation of their resources will reduce competition for councils. The whole system will be affected by increased demand over a short timescale – vehicle manufacturers, collection contractors, separated material off takers, MRFs – so there could be significant capacity issues.”

### Cost Burden

ADEPT agrees with LARAC’s views:

“LARAC is concerned that if EPR funding and new burden funding for food waste are not aligned, then this impacts on the whole collections system. If an authority does not currently collect food waste then they will look to implement one service change for food and dry recycling collections. So, if the funding for food waste collections were delayed this could then delay planned changes for the dry recycling materials.”

### Reprocessing

ADEPT agrees with LARAC’s views:

“LARAC believes that the reprocessing capacity is likely to be available, in the UK and abroad, for the materials that are proposed. LARAC is more concerned about the ability of sorting facilities to get the various materials separated to the point that the reprocessors need. This is just as applicable for multi-stream collections as for co-mingled.”

### End Markets

ADEPT agrees with LARAC’s views:

“The UK currently relies on many export end markets. The vast majority are reputable and legitimate end markets where materials are recycled properly. However, there can be a perception, through TV programmes and national media stories, that export markets are bad, and that material exported is not recycled. This then can put doubt in the public’s mind if a local authority report that they are exporting waste for recycling, that the material they are putting out for collection is getting recycled. This can then erode public confidence in the recycling systems and so participation can drop off.

The past five years has seen a change in the end markets that are available and the requirements that they place on material imports. There have been times when material markets prices have dropped to the point where is not economic for MRFs to sort material for recycling.

LARAC appreciates that there are limited interventions available to Government to assist in smoothing out the market fluctuations, but this goes to show the difficulty

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that local authorities then face in having end markets for all the material they collect.”

### Proposal 18 – Collection of film from non-household premises

Q48 Do you agree or disagree that collections of plastic films could be introduced by the end of 2024/25 from non-household municipal premises? (P77)

Agree

**Disagree**

Not sure / don't have an opinion / not applicable

*If you disagree, please provide the reason for your response and any evidence as to why this would not be feasible.*

It is proposed earlier in this consultation that the collection of plastic films from households would be introduced by the end of the financial year 2026/27. Many local authorities also collect non-household municipal waste, sometimes co-collected with household waste to maximise efficiency in rural areas. For local authorities to collect plastic film effectively and efficiently from non-household municipal premises the implementation date would need to be the same for household and non-household premises.

Under proposal 21 there is a proposal for micro-sized non-household municipal waste producers to consider having their waste collected with household waste. This makes sense environmentally, however in order to do this, household collection rounds would need to be completely changed to accommodate this additional material. Large scale route optimisation projects take time, and local authorities would need advance notice as to whether these businesses will be using the local authorities services or private sector services. Therefore, there is a longer lead in period of time required than that which is being proposed.

Each local authority is starting from a different point. If collections are currently comingled, then there's concern from the MRF's about this additional material going through the process, and the contamination this would bring.

This timeframe wouldn't be long enough to develop separate collection of this material and the carbon benefit of providing separate collections for films and flexibles is questionable.

Small scale trials should be conducted to understand the logistics of collecting and sorting this material from businesses. As the end markets don't currently exist for this material there is concern about its viability as a product for recycling, especially due to the level of contamination that's likely to be on films and flexibles.

ADEPT's response to Q11 is also relevant to this question.

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ADEPT considers this can only occur if the EPR Scheme Administrator is in place and able to support local authorities to make this change. There are transitional costs, costs of system-change, end markets for the materials, and sorting facilities need to adapt / upgrade to enable materials to be collected, sorted, separated, and moved through the supply chain in a cost effective and efficient manner. Unintended consequences would be around ineffective and inefficient systems, reduced payments to local authorities, and materials in the incorrect system leading to loss of confidence and public mistrust as well as contamination of quality recycle.

Clear guidance will need to be provided to detail what is acceptable in the collection streams – the consultation simply refers to ‘bread bags, carrier bags and bubble wrap’. ADEPT recommends that the same products are accepted as those collected in supermarket front of store collection points to enable residents to continue recycling those items.

Public trust in recycling is crucial to success of consistency. Collection of plastic films should only take place when we can be certain that it can be sorted and recycled – preferably in the UK. We do not want to see a situation where large quantities of plastic films are being exported and then being found dumped in countries without the infrastructure to deal with them.

ADEPT agrees with LARAC’s views that:

“LARAC members have expressed concerns about the viability of the sorting infrastructure by this date. During discussion of the “sprint group” that examined the issues around film collections, the waste management companies were very clear that existing UK MRFs could not sort films and flexibles.

LARAC members have also raised concerns about the contract changes that would be needed at MRFs if they did develop the ability to accept, sort and send films and flexibles to recycling end markets. Any costs associated with this sort of change would need to be covered by the EPR funding. This includes any ongoing changes in gate fees as result of films and flexibles being collected.

LARAC is aware that potential new end markets are being developed in relation to chemical recycling. These are still at the test stage, and it is unclear how scalable these will be and how much capacity they will end up providing.

Given the knowledge local authorities have of existing trade waste collections there is real concern about how clean films and flexibles will be presented for collection by businesses and how the sorting and reprocessing infrastructure will be set up to cope with this.

If the sorting capability is not available in the UK it would mean that films and flexibles would have to then be collected separately from all other materials. If this were the case, LARAC believes that 2024/25 is unrealistic for all businesses to be

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separating their material for collection. This is fundamentally a very different challenge than being able to add films and flexibles to existing plastic collections.

A completely separately collected stream has implications for vehicle design and transfer station operations that would require greater changes and larger investments. It also impacts on collections efficiency and round configuration and there would need to be a greater understanding of this before widespread collections could be implemented with any certainty of the impact on overall operations.

Given the issues LARAC raises in this response, there is a question about why it is felt businesses can be provided with film collections earlier than households? LARAC believes that the 2026/27 date for films from all households is not achievable and for most small and micro firms it will not be achievable either. They present their waste streams in very similar ways to households, have very little storage to separate materials out into and to accommodate multiple containers. LARAC believe these proposals and timeline do not take account of this vast sector of trade waste customers.

Some local authorities may also wish to co-collect household and non-household recycling streams together to drive efficiency. Therefore, there needs to be alignment with the HH and non-HH streams in terms of dates, types of materials and how they are collected. This means that it is less likely that film collections from businesses will be able to happen before they can do from households.

There is also a danger that mandating film from business earlier than households puts local authority trade waste services at a disadvantage where they do co-collect with household waste. There is then the potential that local authorities could be at risk of losing trade waste customers. The requirement could then have the consequence of being anti-competitive for local authority trade waste services.

Furthermore, ADEPT is concerned about the impact of separate collections for plastic film in relation to extra collections which will mean more vehicle movements and therefore higher overall carbon emissions.”

**Q49** Do you have any other comments on this proposal? For example, please specify any barriers that may prevent collectors delivering these services.  
(P77)

The biggest barrier to collection of films is sorting and end markets. Public trust in recycling is crucial to success of consistency. Collection of plastic films should only take place when we can be certain that it can be sorted and recycled – preferably in the UK. We do not want to see a situation where large quantities of plastic films are being exported and then being found dumped in countries without the infrastructure to deal with them.

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To add plastic films to kerbside collections, particularly if they need to be collected separately, may require local authorities and waste companies to reconfigure collection rounds and require new vehicles and containers. The lead in times for this may be difficult for some to achieve, particularly if MRFs also need to be upgraded. There may be challenges to getting vehicles and containers within the time frame if large numbers of local authorities and waste companies are ordering at the same time.

Without the ability within the MRF's to separate this material effectively as yet, and the markets yet to be established, ADEPT questions why anyone would invest all of the carbon in collecting it when there's little or no carbon benefit. Films and flexibles should initially be focused on through EPR, so producers pay for the development of the technology to ensure it can be effectively sorted in the future.

The carbon benefit of collecting films and flexibles (especially separately) also needs to be addressed.

The written assessment outcome will dictate how this material can be collected, so it's almost too early to say with any confidence how the best way of collecting this material is. Furthermore, the written assessment outcome on household collection model will impact on the non-household municipal collections for local authorities.

ADEPT support LARAC's view that:

"LARAC believes it will be very difficult to undertake extensive separate collections of films from small and micro businesses. They often have little room for storage of separate streams of waste of the containers needed. It is much more likely that they will end up having to receive collections of mixed recyclables.

This then needs the sorting infrastructure in the UK to be able to deal with film. Currently UK MRFs cannot effectively sort film for supply to viable end markets. This calls into question then the viability of film collections from small and micro businesses in the short and medium term."

#### **Proposal 19 – on-site food waste treatment technologies**

Q50 Do you agree or disagree with Proposal 19? (P79)

*Agree*

*Disagree*

*Not sure / don't have an opinion / not applicable*

Q51 Do you have any other comments on the use of these technologies and the impact on costs to businesses and recycling performance? (P80)

ADEPT agrees with LARAC that:

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“A choice best left to individual businesses who are best placed to decide if they wish to bear the cost of operation themselves or use a waste management company.”

### Proposal 20 – reducing barriers to non-household waste recycling

Q52 What are the main barriers that businesses (and micro-firms in particular) face to recycle more? (P81)

	Large barrier	Some barrier	Low/no barrier
Communication		X	
Financial	X		
Space	X		
Engagement		X	
Drivers to segregate waste	X		
Location		X	
Enforcement		X	
Variation in bin colours and signage		X	
Contractual		X	
Staff/training		X	
Other		X	

*If you have selected other above, please specify.*

#### OTHER – Franchising / Zoning

The franchising/zoning of waste collections could be a future barrier if contractor specific zones/exclusivity applied. Cost is one barrier, but service quality/reliability is another factor and exclusivity could impact this (customers can currently switch providers if receiving a poor service – but exclusivity and missed recycling collections could result in material entering residual waste stream).

#### OTHER – Street Scene/ Times of Collection

If all businesses require waste to be collected prior to their business opening this could push evening/ night-time collections which can lead to increased H&S risks for the collectors, increased litter, more trip hazards etc.

*Please provide any comments on how these barriers can be overcome.*

Small businesses will need to mix their DMR to overcome space issues, but this needs to be consistent with household collections for local authorities if they are to collect micro-firms waste together with household waste.

ADEPT support LARAC's points that:

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“Additional staff needed by WCAs to educate and enforce correct use of bins. This resource should not be underestimated as education is an ongoing process and it can take several visits with a business to have collections running as they should. Businesses have staff turnover, so in some respects, more education may be needed.

Enforcement powers for Non-HH and HH waste are needed to back up any education that does take place. Local authorities do want to use enforcement powers as this means behaviour has not changed but having the threat of enforcement is a huge aid to the education process. When enforcement action is sued this can then also assist the local authority in their engagement with other businesses.

Small and micro business are less likely to know or understand their legal obligations regarding waste, especially when these new requirements to recycle and separate waste are introduced. This forms part of the education activities that local authorities will need to undertake, and this includes for businesses that are not their customers as local authorities will often be contacted for advice from businesses.

The availability of service providers in rural areas may mean that businesses have limited choice in the type of service they can access.”

#### **Proposal 21 – exemptions and phasing on micro-firms**

Q53 Should micro-firms (including businesses, other organisations and non-domestic premises that employ fewer than 10 FTEs) be exempt from the requirement to present the five recyclable waste streams (paper & card, glass, metal, plastic, food waste) for recycling? Please select the option below that most closely represents your view and provide any evidence to support your comments. (P83)

*Yes – all micro-firms should be exempt from the requirement – Option 1*

*No – but all micro-firms should be given two additional years to comply with the new requirements in the Environment Bill (i.e. compliant in 2025/26) – Option 2*

***No – all micro-firms should be required to present these waste streams for recycling, from the ‘go live’ date in 2023/24***

Collections from businesses need to be harmonised, in order to be consistent across the board so people recycle the same whether at home or at work, there should be no exemptions.

There are already high recycling rates from domestic waste streams, as an industry we need to improve businesses performance so there shouldn’t be exemptions. Flats for example aren’t being excluded from household requirements, it could be argued that they too have very little space/ resource to separate etc.

ADEPT support LARAC’s view that:



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“Collections are best optimised when the same service is delivered to all customers on the collection round. This enables standardised vehicles, containers, and customer engagement. With the new consistency for recycling coming into force in 2023/24 it does not seem to be supportive of the aims of the policy to allow a proportion of the potential customers to be able to retain a different collection system (food in residual, mixed dry recycling) for up to two years. This will increase the complexity of the necessary collection systems which will be a cost that is passed to Government under the new burdens funding. It is more efficient and effective if the same requirements are on all households and non-households on the same implementation timetable.

That said there will be operational challenges for micro businesses and their collectors (predominantly local authorities) to overcome to enable separate collections to be undertaken. An initial view is that there are likely to be more exemptions from these types of businesses and it could be that a different assessment process/template is devised that is more applicable to micro businesses.

On the basis that it is understood that a large proportion of micro firms will need to have co-mingled collections it would be preferable if the requirements apply to the same timescale as requirements on households.”

Q54 Should any non-household municipal premises other than micro-sized firms be exempt from the requirement? Please provide evidence to support your comments. (P84)

No.

ADEPT is keen to ensure that EPR funding takes into account distance travelled in the payments to businesses. Local authorities often end up collecting more rural (expensive) business waste. This is OK for local authorities who operate variable charging but if local authorities only have fixed charges then some consideration for rurality could be considered.

#### Proposal 22 – Waste franchising/zoning

Q55 Which recyclable waste streams should be included under a potential zoning scheme? (P88)

	Agree	Disagree	Not Sure / Don't have an opinion / not applicable
Dry recyclable waste streams		X	
Food waste	X		
Other items e.g. bulky office waste		X	

Collaborative procurement with an ‘opt in’ approach would be best and allow businesses to reduce collection costs whilst retaining the ability to choose their service provider.

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This ensures businesses can change provider if there are service issues.

ADEPT supports LARAC's points that:

"Waste management systems work most effectively and efficiently where there is a standardised service being delivered to the widest range of customers in a locality. This creates better value and more robust process and supply chains. If these are enabled through a zoning approach then all businesses are guaranteed an equitable level of service provision for comparative cost. New innovative solutions such as shared waste and recycling containers then become possible. The collection provider can spread their overheads and development costs over the widest cost recovery base to minimise the pass on charge to individual businesses."

Q56 Which of the below options, if any, is your preferred option for zoning/collaborative procurement? Please select the option that most closely aligns with your preference. (P89)

- *Encouraging two neighbouring businesses to share the same containers under contract*

This would require businesses to establish a payment mechanism between them. Possibility for contract disputes if payment/contamination issues and issues around Duty of Care need to be resolved.

- *Encouraging businesses to use shared facilities on a site/estate*

ADEPT supports LARAC's view that:

"As with the option above there would need to be thought given as to how the current Duty of Care system would need to change to reflect joint usage of containers and collections. The issues regarding problems with enforcement are harder in this option as you have multiple businesses sharing facilities. The issues and problems that local authorities have with flats and HMOs and their communal facilities suggest this option is one that has more problems associated with it than others.

Also shared facilities tend to lend themselves more to co-mingled collections. Different containers for different materials can be provided but the education and enforcement on the use of these amongst multiple users becomes much more problematic."

- ***Business Improvement Districts/partnerships tendering to offer a preferential rate (opt-in)***

ADEPT believes this to be the best option presented.

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This allows businesses to achieve cost reductions. Benefit of this is that businesses can opt-in and using a specific supplier is not compulsory. Maintains a competitive market.

ADEPT agrees with LARAC that:

“LARAC members have raised concerns about the expertise and knowledge that might be available in BIDs to run and operate such a procurement exercise. This may mean that there needs to be role for local authorities or others to support the procurement.”

- *Co-collection – the contractor for household services also deliver the non-household municipal services*

This option could be good for local authorities but possibly big impacts on domestic waste rounds. Wide scale route optimisation required to achieve this. This would likely require an increase in the domestic fleet/crews to accommodate the co-collection. Another limitation is collection frequencies – businesses would have to align with domestic collections – this may increase the number of containers businesses have to accommodate (so this could create additional barriers e.g. space issues).

ADEPT supports LARAC’s view that:

“Where local authorities tender out their household collection services this will increase the size and scale of the contracts that they let. It is also likely that in some instances there might be more than one business collection zone in a local authority area. This will further increase the scale of the procurement exercise. As such there will need to be a recognition that local authorities will require extra resources for this option. Some of this could be short term external assistance. There will however be ongoing contract management resources that need to be factored in.”

- *Framework zoning – shortlist of suppliers licensed to offer services in the zone*

ADEPT would need clarity as to who would manage/undertake framework zoning? If local authorities, then can their trade waste services be included? A framework would ensure that suppliers are legally compliant, which businesses wouldn’t have to check themselves.

ADEPT supports LARAC’s view that:

“LARAC believes that this option is worth pursuing and should have more research put into it as medium to long term option.

Thought would need to be given as the role/roles that local authorities may have under this option. As a total of the market, when taken together, local authorities make up the biggest trade waste collector. They would be keen to be able to bid into

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any framework and so would want to ensure that if they had a client role there were suitable processes in place to ensure that other bidders could not challenge to any award to a local authority based on fairness.

Where a local authority does not appear on a framework then thought needs to be given to removing the statutory duty of a local authority to make arrangements for collection of business waste. Local authorities are often the collector of last resort, which is why they have so many small and micro business customers. You would lose some of the gains of a framework if a local authority were not on the framework but then ended up collecting business waste in a zone anyway.

This means that any firm that is on a framework has a duty or obligation placed on them that is like the one local authorities currently have to ensure that all businesses in that zone can access suitable collections services.”

- *Material specific zoning – one contractor delivers food, one for packaging, one for refuse collection services*

ADEPT believe this would require a lot of management from the zone manager – would this be the local authorities? What happens if a business has missed collections or poor service? Can they switch provider if local authorities not met (exit clause) and would the zone manager be responsible for this?

ADEPT supports LARAC’s view that:

“Given the amount of co-collection with household waste that local authority trade waste services do and the amount of co-mingled collections they do (due to the high number of small and micro business trade waste customers) this option poses the highest risk to local authority trade waste services. As has been highlighted elsewhere, small, and micro business rely on local authorities to provide their trade waste collections and so if material zoning were brought in there would need to be an obligation placed on the relevant waste collector that they provide a service to all businesses in their zone. There would also need to be the removal of the obligation in the Environmental Protection Act for a local authority to make arrangements for collections if requested.

Concerns have also been raised about potential competition issues related to this option. These should be seen as areas that need addressing and taking account of and not a barrier to undertaking this option.”

- *Exclusive service zoning – one contractor delivers the core recycling and waste services for the zone*

ADEPT believe this would require a lot of management from the zone manager – would this be the local authorities? What happens if a business has missed collections or poor service? Can they switch provider if local authorities not met (exit clause) and would the zone manager be responsible for this?

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ADEPT support LARAC's view that:

“Linked to the consultation on EPR, LARAC believes there is a good deal of merit in bringing forward proposals on the zoning of business waste services. This concept of zoning services has the potential to increase efficiency and effectiveness of business waste collections.

Given the amount of co-collection with household waste that local authority trade waste services do and the amount of co-mingled collections they do (due to the high number of small and micro business trade waste customers) this option poses the highest risk to local authority trade waste services. As has been highlighted elsewhere, small, and micro business rely on local authorities to provide their trade waste collections and so if material zoning were brought in there would need to be an obligation placed on the relevant waste collector that they provide a service to all businesses in their zone. There would also need to be the removal of the obligation in the Environmental Protection Act for a local authority to make arrangements for collections if requested.

Concerns have also been raised about potential competition issues related to this option. These should be seen as areas that need addressing and taking account of and not a barrier to undertaking this option.

There issues around the zoning of rural areas were raised by some LARAC members and how this might work under this option. As with other comments it is something that needs to be considered when designing a zoning collection system and not a reason to not do it.”

- *None of the above*

Preference would be for businesses to receive support on how to ‘shop around’ to achieve best value for money. This could be a localised register of licenced waste collection companies operating in an area with links to getting quotes (i.e. make it easier for businesses to get quotes). This will maintain competition but allow businesses to choose which company they use.

Q57 Do you have any views on the roles of stakeholders (for example Defra, the Environment Agency, WRAP, local authorities, business improvement districts, businesses and other organisations and chambers of commerce) in implementing a potential zoning or franchising scheme? For example, do you think there could be roles for one or more of these organisations in each of the following activities: (P89)

- *Procurement* DEFRA
- *Scheme design* DEFRA
- *Administration and day to day management* LA
- *Enforcement* EA/LA

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- Business support *BID/LA*
- Development of tools and guidance *WRAP*
- Delivery of communications campaigns *WRAP/DEFRA*
- Any other activities (please specify)

*If you think that there is a role for any other stakeholders, please specify.  
Please provide explanations where possible to support your above response.*

Local authorities operate non-household waste collections – local authorities involvement in establishing or administering any franchising or zoning scheme could create a conflict of interest. ADEPT would be keen to ensure that local authorities involvement wouldn't preclude them from bidding for trade contracts.

Zoning/franchises would likely create a high level of administration costs and support – contract disputes, SLA breaches and failures etc. Would the Scheme Administrator for EPR need some kind of involvement?

ADEPT agree with LARAC that:

“Any stakeholder responsible for implementing a zoning/franchising scheme must be representative and publicly accountable and local authorities or BIDs fulfil these criteria. They must be committed to delivering best value for the best quality services that can be procured. Both organisations can deliver all the activities listed above, either individually or in partnership. As shapers of place and locality local councils (or working through BIDs) are best placed to assume this strategic role.”

Q58 Do you have any further views on how a potential waste collection franchising / zoning scheme could be implemented? (P89)

Developing a register/portal/directory of licenced waste collection providers for a zone/area (e.g. local authority district/borough) would ensure that businesses use reputable and licenced companies, but allow businesses to have access to all the companies that service their area along with the ability to request multiple quotes to source the best value for money service.

ADEPT would be supportive of an approach aligned to the proximity principal and the requirement to use/ prioritise local services and/or infrastructure.

ADEPT supports LARAC's points that:

“The procurement of any franchising/zoning scheme must acknowledge any available capacity via municipal infrastructure (EfW, MRF, AD etc) to maximise local processing/disposal before longer distance solutions. The proposal should consider how this can be hard wired into the procurement process to promote public-private partnership working. This will stimulate local investment in municipal treatment

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infrastructure and could better deliver CEP principles and locally sustainable solutions.

There would need to be duty placed on waste producers that they use the collector(s) stated for their zone. This goes beyond the current Duty of Care requirements so will need consideration of how best to implement such an obligation.

As stated elsewhere there will also need to be an obligation on waste collectors to provide collection services to all producers that fall within their zone and removal of the obligation on local authorities under the Environmental Protection Act 1990 to make arrangements for the collection of business waste when requested to do so.”

Q59 Do you have any views on how Government can support non-household municipal waste producers to procure waste management services collaboratively? This could include working with other stakeholders. (P90)

In addition to the Business Improvement Districts and Chambers of Commerce stakeholders previously mentioned, Local Enterprise Partnerships could also be used to support collaborative procurement exercises.

ADEPT agrees with LARAC that:

“Unless there is a legal requirement to commit to what will likely be long term arrangements, the cyclical nature of business will introduce higher costs and more bureaucracy into the system as participant numbers fluctuate or new businesses are informed of and commit to the arrangements in place. Businesses/NHM waste producers should be obligated to be included within the local franchise/zoning arrangement by default. This would mean that information on their obligation and participation can be provided from their first contact with the necessary authorities (planning, environmental health, BID, chamber of commerce etc) and the service(s) to them started immediately upon them becoming operational as a business. This will make enforcement easier and lead to an improvement in the amenity and quality of the street scene.”

Q60 Which type(s) of business support would be helpful? (Select any number of responses) (P90)

1:1 support

National /regional campaigns

National guidance and good practice case studies

Online business support tools (e.g. online calculators and good practice guidance)

Other (please specify)

All of the above.

ADEPT agree with LARAC that:

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“Businesses need reference information to hand and 1:1 personal or group (in forums) support to refresh their knowledge.

More resources at will needed to local authority level to then support businesses and provide information to them.”

Q61 Are there any barriers to setting up commercial waste bring sites, and do you find these sites useful? (P90)

Suitable sites that are close to businesses that can meet the relevant planning and permitting requirements are going to be few and far between.

If existing HWRC's are to be used there's a conflict between household and business users, especially at the smaller sites. Most sites don't have weighbridges so are not able to accurately record the weight of material coming in (and hence charging by volume rather than weight which could be disadvantageous to local authorities).

ADEPT agrees with LARAC that:

“Finding locations that can meet regulatory requirements (planning, permitting) may prove problematic in the short to medium term. The Covid 19 pandemic necessitated the introduction of booking systems and other processes at HWRCs to manage use of the sites and social distancing. Whilst this has had the effect of limiting capacity in some instances it has also improved the overall efficiency of operations at several sites. This means such systems may be maintained in the longer term.

If sites are then expected to take additional material through businesses this will put new pressures on site usage that may be difficult to meet through the existing infrastructure. It will also mean that new HWRC sites may require larger sites and plots of land than perhaps they had previously. This could make their development take longer and fewer new sites may ultimately come forward.  
Space on existing sites (HWRCs).

Availability of sites maybe an issue going forward, especially for small and micro businesses. These businesses may have little opportunity to use bring sites during their own working hours and so would want to use them to or from work. Most current sites will not operate outside normal business working hours, especially during winter. There may also be site licence requirements that will restrict any expansion of opening hours.

If sites need to be staffed for some or part of their availability then this resource levels and implications will need to be taken. This is likely to then lead to sites needing to be licenced and the issues around this in terms of the time and work taken to go through the licensing process and then ongoing costs of complying with license conditions and operating sites to a suitable standard.



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The use of bring sites by commercial waste producers will need to comply with any duty of care requirements. This may be difficult under the current duty of care system, especially in terms of any possible enforcement activity that could be needed. It is suggested the duty of care requirements will need to be reviewed considering all the changes that the consistent collections and EPR proposal are likely to bring about.

Notwithstanding the above comments it is worth noting that, despite the best efforts of local authorities, there will already be a certain amount of non-household waste going through HWRCs, bring sites and being placed in kerbside schemes. By its very nature, this has always been hard to quantify, but will need to be a factor considered when trying to assess possible capacity needs of any future commercial waste bring site infrastructure.”

### Proposal 23 – exemptions to separate collection from non-household premises

Q62 Could the following recyclable waste streams be collected together from non-household municipal premises, without significantly reducing the potential for those streams to be recycled? (P91)

	Agree	Disagree	Not Sure / Don't have an opinion
Plastic and metal	X		
Glass and metal	X		

*If you have agreed with either of the above, please provide evidence to justify why any proposed exemption would be compatible with the general requirement for separate collection of each recyclable waste stream.*

Local authorities collecting business waste often align the collection model/services with the household collection (due to infrastructure/disposal contracts and co-collection of waste), so these exemptions would also need to be applied across the household and non-household premises.

#### Plastic and Metal

Collecting plastic and metal together is standard practice within both commingled and source separated collections, and the materials are very easily separated without loss of quality. ADEPT would strongly support this exemption from the written assessment.

However, ADEPT agrees with LARAC's points on food and drinks cartons and plastic films:

“Virtually all local authorities in the UK collect plastics and metal together, even on “source separated” collections. LARAC does not believe this causes any issue regarding material quality. Therefore, this is a logical exemption to put in place for all

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local authorities. For every local authority in the country to have to write an exemption for standard practise makes no sense.

Given that Defra are advocating placing food and drinks cartons in the plastics stream this would mean they would also fall under this exemption. It is not clear how the quality/integrity of cartons may be impacted if they are mixed with metals. If the quality of cratons could be impacted negatively LARAC would not want this to be reason that an exemption for plastics and metals was taken forward. In this instance LARAC believes that an alternative route for cartons would be needed.

LARAC is aware that research is ongoing into the viability of chemical recycling processes for plastic. There is concern about the impact of cartons on this potential end market.

It is unclear from the consultation proposal if plastic film would form part of this exemption. At present the MRFs in the UK cannot process plastic film and there are concerns that film might have the ability to contaminate cartons if they were included in the plastics stream.”

### Glass and Metal

ADEPT also supports the collection of glass and metal together provided they can be sorted easily.

However, ADEPT supports LARAC’s point that:

“There can be issues with noise levels when glass is collected separately at the kerbside. LARAC members expressed concern that collecting glass and metal together might have the potential to increase this risk.”

**Q63** What, if any, other exemptions would you propose to the requirement to collect the recyclable waste stream in each waste stream separately where it would not significantly reduce the potential for recycling or composting?  
(P91)

With the proposed exemptions above, ADEPT feel that it would be prudent to have an exemption for a ‘container’ recycling stream consisting of glass, plastic and metals. This should exclude plastic films and cartons which should be dealt with separately. If an authority wanted to add films and/or cartons to a container stream, then this would need to be included in the written assessment.

ADEPT support LARAC’s views that:

“There is also a wider principle that LARAC members have raised. If a MRF is shown to be supplying sustainable end markets, then materials can be collected together in any combination that the MRF can accept.

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Local authorities have developed a large bank of knowledge and experience in proving collection services and systems that meet the expectations of their residents, are operationally efficient and provide materials to the specification that the wide variety of end markets that exist need.”

### **Proposal 24 – exemption on two or more recyclables from non-household premises**

Q64 Do you have any views on the proposed definition for ‘technically practicable’? (P93)

ADEPT agrees with LARAC that:

“Whilst the list of circumstances is extensive, it may introduce a complexity and bureaucracy that imposes cost and “red tape” on individual businesses. Better that these issues and considerations are done at the franchise/zoning level as a holistic exercise for all types of business. This would enable minimum standards and best practice to be included within the procurement and a more equitable and fair level of service provision for local communities through benchmarking and comparison. A comparison would be a locality-based waste/recycling management plan, the smaller scale equivalent of a JMWMS for NHM waste.”

Q65 Do you agree or disagree that the proposed examples cover areas where it may not be ‘technically practicable’ to deliver separate collection? (P94)

*Agree*

**Disagree**

*Not sure / don’t have an opinion / not applicable*

*If you have disagreed with any of the above, please say why and indicate which example you are referring to.*

ADEPT believes that the proposed examples do cover some areas where it may not be technically practicable to deliver separate collections. However, ADEPT do not believe these examples the only areas and would be keen to use it members knowledge to assist in providing further examples ready for any more detailed guidance that may be published.

Q66 What other examples of areas that are not ‘technically practicable’ should be considered in this proposal? Please be as specific as possible. (P94)

ADEPT agrees with the suggestions proposed by LARAC:

“Examples that LARAC members through their extensive operational knowledge have given include:

- Social and economic demographics of an area
- Health and safety guidelines and risk assessments for kerbside sort
- HSE guidance - collectors should lift as little as possible.

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- Access issues should be considered for example narrow roads, joint congested service areas, parking causing access issues.
- Vehicle availability – long lead-in times for purchasing.
- Depot space – for vehicles, transfer of materials, containers
- Electric vehicles charging points required for electric vehicles.
- Additional vehicles requiring more staff, shortage in frontline staff and trained drivers and cost of training.
- Permitting restrictions, licensing, maintenance, maintenance crews (for vehicles)
- Type of office/retail stock and access
- SME space for bins.
- Businesses are unwilling to participate.”

Q67 Do you agree or disagree that the proposed examples cover areas that may not be ‘practicable’ to deliver separate collection are appropriate? (P94)

Agree

**Disagree**

*Not sure / don’t have an opinion / not applicable*

*If you have disagreed with any of the above, please say why and indicate which example you are referring to.*

ADEPT finds it difficult to comment on this question due to vague nature of the proposal and would like to understand how the term ‘significantly more expensive’ is to be defined, whilst needing to cross reference and harmonise with EPR’s criteria for an effective and efficient service.

ADEPT broadly agrees with the examples but would like clarity on the term used to consider what other examples may be relevant.

ADEPT supports LARAC’s view that:

“Whilst the list of circumstances is extensive, it may introduce a complexity and bureaucracy that imposes cost and “red tape” on individual businesses. Better that these issues and considerations are done at the franchise/zoning level as a holistic exercise for all types of business. This would enable minimum standards and best practice to be included within the procurement and a more equitable and fair level of service provision for local communities through benchmarking and comparison. A comparison would be a locality-based waste/recycling management plan, the smaller scale equivalent of a JMWMS for NHM waste.”

Q68 What other examples of ‘economically practicable’ should be considered in this proposal? Please be as specific as possible. (P95)

ADEPT agrees with the suggestions proposed by LARAC:

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“Economically practicable refers to separate collection which does not cause excessive costs in comparison with the treatment of a non-separated waste stream, considering the added value of recovery and recycling and the principle of proportionality. If the additional cost of collecting a recyclable waste stream separately separated outweighs its value once collected, it may not be economically practicable to collect a waste stream separately.

It is also unclear at this moment in time how “economically practicable” will be determined in relation to EPR payments and the options for business waste that were put forward in that consultation. This is complicated further by the fact that there is working group looking at further options that have not been presented in that consultation.

Examples that LARAC members through their extensive operational knowledge have given include:

- Markets should be considered for materials.
- Communication costs to businesses could be a big problem with too many containers.
- Sourcing of vehicles at the same time will cause some massive problems, the market is not geared up for this to deliver such a change.
- Contract changes
- Cost of additional fleet, containers, crews, staff, stickering, communications
- Higher contamination could lead to more rejected loads and a higher cost to LAs.
- Market prices for higher quality materials
- Increase in quantity of material – saturation of the market, lower prices or even have to pay to get rid of it.
- Vehicles including fuel type i.e. electric, hydrogen
- Drivers
- Where you are in the country
- Where the disposal facilities are located
- Cost of containers and availability.”

Q69 Do you have any views on what might constitute ‘excessive costs’ in terms of economic practicability? (P95)

ADEPT agrees with LARAC’s response:

“LARAC has some concerns about the use of the phrase “excessive costs” as this implies that there is a high degree of magnitude above the standard cost before it becomes uneconomic for a local authority to collect materials separately.

Local authorities are concerned, that like the current PRN system, they will be expected to put more and more of their own funding into collection systems to collect packaging on behalf of producers to help meet them meet the targets that

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they (not local authorities) are obliged to meet. This then goes against the concept of full net cost that is at the heart of EPR.

This then also brings into the discussion the point at which producers legitimately feel that a solution is “excessive cost” in relation to their obligations and the funds they are paying into the system. If a local authority felt that costs were excessive for separate collections, but producers/Scheme Administrator didn’t, who would ultimately decide? Equally the other way around. There could be issues with local authority sovereignty and local decision making as an unintended consequence.

There is no detail within the consultation on what level and type of evidence would be required to demonstrate that costs would be excessive for a local authority to collect materials separately. Until this is known it then makes it more difficult to comment thoroughly on this proposal.

As stated in the response to the previous question, there are still huge unknowns in relation to how EPR payments will be made in relation to business waste. This makes it extremely difficult to say what might constitute “excessive costs” s to a certain extent there will be a view from producers on what outcomes they are willing to fund.

From a local authority viewpoint, any additional costs to them are deemed excessive as it takes away funds from other services that they provide. When viewed against a backdrop of ten years of funding cuts to local authorities therefore even a small increase in costs to local authorities is excessive.”

**Q70** Do you have any views on what should be considered ‘significant,’ in terms of cases where separate collection provides no significant environmental benefit over the collection of recyclable waste streams together? (P95)

ADEPT agrees with LARAC’s response:

“As with the phrase “excessive” the use of “significant” in this case suggests a very high threshold of prove that something has less of an environmental benefit when not collected separately. LARAC supports good environmental outcomes generally and specifically in relation to resource use. At what point should public funds that are scarce used to achieve environmental performance?

What is deemed “significant” will vary from authority to authority depending on the wide range of factors that impact on each area. This means that each authority will need to be treated on a case-by-case basis. This then leads to the problem that it could become very subjective. This would not be a situation that could be tolerated and so at the least it is likely to need a set of principles that could be applied that still allows for local differences but also brings an element of consistency to how “significant” is applied.”

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Q71 Do you agree or disagree that the proposed examples for ‘no significant environmental benefit’ are appropriate? (P95)

*Agree*

**Disagree**

*Not sure / don't have an opinion / not applicable*

*If you have disagreed with any of the above, please say why and indicate which example you are referring to.*

As above, ADEPT finds it difficult to comment on this question due to vague nature of the proposal and would like to understand how the term ‘no significant environmental benefit’ is to be defined.

ADEPT broadly agrees with the examples but would like clarity on the term used to consider what other examples may be relevant.

ADEPT supports LARAC's view that:

“Whilst the list of circumstances is extensive, it may introduce a complexity and bureaucracy that imposes cost and “red tape” on individual businesses. Better that these issues and considerations are done at the franchise/zoning level as a holistic exercise for all types of business. This would enable minimum standards and best practice to be included within the procurement and a more equitable and fair level of service provision for local communities through benchmarking and comparison. A comparison would be a locality-based waste/recycling management plan, the smaller scale equivalent of a JMWMS for NHM waste.”

Q72 What other examples of ‘no significant environmental benefit’ should be included in this proposal? Please be as specific as possible. (P96)

ADEPT would like to see a carbon tool developed that can be easily used to demonstrate the environmental benefits of collecting some recycling waste streams together, especially from rural locations. There needs to be a focus on the carbon cost of collecting the materials per mile versus the carbon saving per kg of recyclable material collected.

ADEPT agrees with the suggestions proposed by LARAC:

“Examples that LARAC members through their extensive operational knowledge have given include:

- Carbon impact
- Additional vehicles
- Balance between poor quality in comingled and vehicle miles in collecting separately.”

**Proposal 25 – compliance and enforcement**

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Q73 What ways to reduce the burden on waste collectors and producers should we consider for the written assessment? (P97)

ADEPT would like to understand the Environment Agency's response to the enforcement of a TEEP assessment on businesses. Culturally it would make sense for households and businesses to have the same collection arrangements. But how long would this take to "approve" all the written assessments?

ADEPT wonders if Environmental Health or Trading Standards have a role to play on the compliance and enforcement of written assessment.

Q74 We are proposing to include factors in the written assessment which take account of the different collection requirements, for example, different premises within a service area. What other factors should we consider including in the written assessment? (P98)

ADEPT agrees with the suggestions proposed by LARAC:

- "Collective container provision shared between businesses in franchise area/zone. This would need to subject to considerations relating to duty of care obligations.
- Secure digital access to containers like RF transponders (bin chipping) on bin lifts. Linked with automatic bin weighing/volume measurement (Big Belly litter bins) it will enable businesses to just pay for the waste/recycling they produce so fairer. These costs amortised across a zone/franchise area will be lower than if put on an individual business.
- If business collections are undertaken on a zoning basis thought may need to be given to the size of zone in relation to then the assessment. It is likely that there may need to be several different collection methods within each zone to take account of the different business types and characteristics in each zone."

Q75 Would reference to standard default values and data, that could be used to support a written assessment, be useful? (P98)

*Agree*

**Disagree**

*Not sure / don't have an opinion / not applicable*

*If you disagree, please provide the reason for your response.*

ADEPT agrees that LARAC's response that:

"Whilst the use of standard or default values can be useful in making an assessment quicker and easier, they also mean the assessment is less representative of the actual situation a local authority faces.



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The use of default values should therefore not be mandatory, and the preference would be that local authorities use their own values as much as possible. The use of such values should therefore be available but be the exception not the rule.

LARAC suggests that a range of default values would need to be developed and used if default values are to be used at all, instead of one default value. LARAC believes this is an area it could usefully work with WRAP to produce and would welcome the opportunity to do so.

By having a range of values instead of just one value they become more representative for the waste collectors using them, making the assessment more meaningful and accurate.”

Q76 Do you agree or disagree that a template for a written assessment would be useful to include in guidance? (P98)

**Agree**

*Disagree*

*Not sure / don't have an opinion / not applicable*

*If you disagree, please provide the reason for your response.*

ADEPT believes the provision of a template (or multiple templates depending on the collection methodology) could greatly assist LAs with their written assessments.

ADEPT suggests an intelligent spreadsheet where all areas for assessment are defined and a new tab can be used for each LA within the defined service area. This would enable a coordinated and consistent approach and reduce resources for completion.

Q77 Do you agree or disagree that the proposed approach to written assessments and non-household municipal collections will deliver the overall objectives of encouraging greater separation and assessing where the three exceptions (technical and economical practicability and environmental benefit) apply? (P98)

*Agree*

**Disagree**

*Not sure / don't have an opinion / not applicable*

ADEPT has concerns over the length of time it would take to for local authorities and businesses to complete the written assessments and for an appropriate body to review and approve the written assessments for both household and non-household waste.

ADEPT would like further clarification of the written assessment approval process.

ADEPT is concerned that without a formal approval that deems the written assessment valid for a given period of time, local authorities will be reluctant to risk changing collection arrangements, procuring new vehicles or entering into new

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contracts, due to the risk of a judicial review. ADEPT suggests that the validation of the written assessment should be for a period sufficient enough to enable local authorities to change collection arrangements, procure new vehicles and award new contracts.

### **Proposal 26 – costs and benefits**

Q78 Do you have any comments and/or evidence on familiarisation costs (e.g. time of FTE(s) spent on understanding and implementing new requirements) and ongoing costs (e.g. sorting costs) to households and businesses? (P103)

It is difficult for local authorities to predict the exact costs as until they receive certainty of funding and requirements, as until then it is impossible to determine which, if any, service changes are required to achieve the Consistency/EPR aims.

Resource requirements are significantly higher for moving HMOs, flats, and communal properties over to consistent collections, as a significant level of support is needed to address space issues, participation and contamination levels. This will be particularly important with the introduction of food waste collections, to ensure that there are not high levels of rejected loads due to contamination. This support needs to be fully funded.

Additional costs will be higher if there is a phased approach to implementation as clear communications will be required. This is particularly important if business and household collections implement changes at different times and will significantly impact on those LAs who collect both household and commercial waste.

ADEPT supports LARAC's view that:

“Until the full extent of the changes is known it is very difficult to provide any firm figures on this. Given that this consultation and the EPR consultation still contain a great many unknowns it is unreasonable to expect local authorities to plan in any level of detail for the changes. The number of unknowns make it an exercise that has little value at this moment in time.

Local authorities are likely to have examples of costs of previous service changes but few of these are likely to fully reflect the changes that would be needed to meet the demands of the policy changes proposed in this and the EPR consultations.

The following thoughts have been provided by LARAC members through their own experiences in service change.

A

We moved from a source segregated system using boxes based on resident demands for more recycling capacity, a simpler system and to reduce the litter that was associated with recycling collections. This will make a change back to more containers and more source segregation more difficult. The move to a wheeled bin and a caddy (for glass) was very popular, resulting in a doubling of the recycling

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captured at the kerbside. Many of the properties have little or limited outdoor space so if additional containers, e.g. more bins are required, then familiarisation costs will require detailed assessment in many areas of physical capacity. There are also planning considerations for new developments, where currently we can require adequate storage, but that is difficult if these requirements are changing. There will be ongoing costs for residents and businesses with source segregation and separate storage of materials;; this is based on our historic experience. There is also an increased risk of litter if, due to space limitations, we must use boxes and bags. Given the complex nature of the waste streams, for example plastics, there will still be a requirement for sorting infrastructure and costs.

B

When introducing a service change there will be a lot of one-off costs, e.g. additional staff needed to liaise with businesses and households, communications work/advertising/literature, possibly delivery of new containers etc. Ongoing costs include constantly educating and enforcing consumers.”

Q79 Do you have any comments on our impact assessment assumptions and identified impacts (including both monetised and unmonetised)? (P103)

The data used in the consultation is circa 10 years old, and will have changed as a result of many factors such as housing developments, weather and climate change, etc.

Some local authorities are experiencing low levels of garden waste within the residual waste streams ranging from 2% to 7% in most cases and variable on the demographics of the area and the time of year the waste composition analysis was completed. There does not appear to be any strong correlation between the charges levied by local authorities and the level of garden waste remaining in the residual stream, appreciating that there are always differences in waste composition sampling methodologies.

In addition to this, all top ten performers with the lowest residual household waste per household (kg/household) (Ex NI191) charge for their garden waste collection services, supporting not only the point that a free garden waste collection service may move waste ‘down’ the waste hierarchy, but also that it does not appear to impact adversely on high levels of recycling and residual kg per household performance when compared to those Authorities that offer a free garden waste collection service.

No assessment of value of low frequency collections to drive increase in capture of recycling and food waste – will also reduce garden waste in the bin. The top performing Local Authority for the lowest Residual household waste per household (kg/household) (Ex NI191) is East Devon District Council and they run a 3 weekly residual collection service, they also sit within the top ten performers with the highest percentage of household waste sent for reuse, recycling or composting (Ex NI192). In addition to this, Somerset’s roll-out of its Recycle More scheme that

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includes a 3 weekly residual waste collection frequency has seen 95% of residents say that it has made it easier for them to recycle and 81% of residents agreeing that the new service is an improvement via a recent customer survey.

ADEPT agrees with LARAC's response that:

"There are various areas of the impact assessment where LARAC has concerns about the data presented. However, because of the high-level nature of the assessment and some of the explanations (or lack of) in the accompanying text it is difficult to provide detailed. Some of our concerns are outlined below.

### Garden Waste Collections

There are concerns about the assessment and carbon savings attributed to the mandated free collection of garden waste. Knowledge of charged for services form LARAC members shows that the carbon inputs related to collections are generally much lower than free services. Less vehicles are used in collections; their routes are far more optimised and so the carbon attributed to them smaller.

The quality of green waste collected on paid for services is also higher than free services. This means less rejected material, with the carbon loss that incurs, and a better quality of compost that is produced, with the carbon gains that accrues.

### Dry Recycling Collections

Great emphasis has been placed on the suggested carbon impacts that a free garden waste service might realise but there does not appear to be the same carbon assessment of the dry recycling collections proposals. If carbon savings are a key driver going forward then the assessments must be done across all material streams and policy proposals to ensure that there are not any unintended consequences in one policy area caused by a proposal in another policy area.

The consultation, along with the consultations on DRS and EPR, talk a lot about improving material "quality". However, "quality" is rarely defined in this context or the actual issues that are trying to be addressed in this area properly articulated.

LARAC is aware that processors would like to see material provided to them in a perfect manner all the time. However, these same processors are often taking material from all types of collection system, source separated, twin stream and co-mingled. If a reprocessor is accepting material for recycling then that material is quality because it is fit for purpose.

The issue of reject rates at MRFs is a complex one and can be easily used as a reason to cite certain collection methods as providing "poor quality". It remains true however that most materials collected at the kerbside, regardless of collection system, ends up being recycled. Large elements of "rejects" will contain materials

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that were never asked for in the first place and which residents should never have placed in the recycling container.

LARAC appreciates that processors are keen to minimise their costs and maximise their profits as a business, which is not unreasonable. However, residents are the start of the supply chain which means between them local authorities are dealing with over 26 million suppliers. Managing this supply chain as well as they already do should be commended and the issues involved in doing that not to be underestimated.

LARAC is not certain therefore, that the extra costs of source separated collections have been accurately reflected against the often-small increase in income and benefits that the material then accrues, if at all.

### Relevance of Modelling – Covid-19 Impacts

LARAC appreciate that the modelling involved in producing the impact assessments is an in-depth process and large task. As a result, it takes time to do and relies on data that is not always up to date.

The Covid-19 pandemic has created some major and long-lasting changes in the waste that people and business produce, where it is produced and the impacts this has had on collection and treatment operations.

These changes cannot be ignored if the proposed policies are to design and implement a new system of household and business waste management that is future proofed. This is true not just for the proposal in the consistent collections consultation, but also in the DRs and EPR consultations.

There needs to be further urgent work done on the impact assessments to take account, as best as can be possible, the impacts on waste production of the Covid-19 pandemic.

### New Burdens

LARAC has concerns about the estimates of the new burdens local authorities will face if the proposals in the consultation are implemented. There are legitimate costs in operating waste management services that LARAC believe may not have been captured, both existing and potential. One example is the amount of resource needed to undertake written assessments. Whilst the consultation contains proposals on how this burden may be minimised, LARAC members have expressed concerns about the possibility of judicial challenges if their written assessments conclude that they should deviate from source separated collections. This comes in part from the threats that were made by pressure groups when the TEEP requirements were implemented to challenge local authorities on their collections. LARAC is aware that one group came very close to bringing a challenge against a local authority.

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With the new requirements requiring written assessments and the funds that will flow into local authority collections through EPR payments, the concern about possible challenges to legitimate collection methods has been raised by local authorities, they will therefore want to ensure their assessments are robust and have suitable levels of research and evidence behind them. This may mean they require much more resource than has been anticipated in the modelling and the impact assessment.

There is also concern from local authorities that they will not receive full funding for the new burdens these proposals will incur. Defra themselves have indicated that the proposals are subject to confirmation in the next spending review, which will be one of the most difficult since the financial crash and has many national and international level pressures on it. This may see the spending on waste moved down the overall priorities in the spending review compared to where it might have been pre pandemic and when the first round of consultations was released in 2019.”