



Association of Directors of  
Environment, Economy, Planning & Transport

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Dear Rebecca,

**Consultation on Consistency in Household and Business Recycling in England, response ID: ANON-T4UG-CBJQ-4**

The Association of Directors of Environment, Economy, Planning and Transportation (ADEPT) welcomes the consultation as a positive step in moving towards a circular economy and reducing the carbon footprint of managing resources. We believe the proposals will help bring clarity to the public around what can be recycled and reducing residual waste, especially in supporting Extended Producer Responsibility.

**About ADEPT**

The Association of Directors of Environment, Economy, Planning and Transport (ADEPT) represents Place Directors from county, unitary and metropolitan authorities, along with Directors of Local Enterprise Partnerships and corporate partners drawn from key service sectors. ADEPT members are at the very heart of maximising sustainable growth in communities throughout the UK. We deliver the projects that are key to unlocking broader economic success and creating more resilient communities, economies, and infrastructure. ADEPT Waste Group members have welcomed the opportunity to be extensively involved in round table and other forums where many of the issues have been explored with stakeholders.

**Summary**

This letter complements ADEPT's response to the consistency consultation and highlights the key points of greatest concern to ADEPT, particularly those areas where the constraints of the questions make it more difficult to express our views on complex issues and, where they cut across issues raised in the Extended Producer Responsibility and Deposit Return Scheme Consultations – i.e. looking at the collection and packaging reforms together. To summarise our key points:

- EPR should come first as the funding, changes in material types, improvement in sorting and end markets are critical to enabling the collection changes to happen efficiently and effectively. DRS remains an expensive distraction to this which may destabilise the effectiveness of EPR and consistency working together.

- Much more work is required on the written assessment process: if local authorities have no certainty on funding (be it new burdens or EPR) then they cannot complete a written assessment. If Local Authorities have no confidence that their written assessments are watertight then they will not be able to implement changes and this will delay roll-out of much needed improvements. The written assessment and the definition for 'Efficient and Effective' need to harmonise.
- The focus on collections means we risk losing sight of the importance of waste prevention. A focus on collecting cartons before allowing EPR modulated fees to drive down usage of these materials (let alone influence end markets and sorting capability) is a case in point.
- Providing free garden waste collections does not deliver the desired outcomes Defra describe in the consultation. There are some fundamental errors with the data that we have challenged in our response, not to mention the concern that garden waste would move down the waste hierarchy, maintain an outdated focus on recycling rates as the key measure of success, and create an unnecessary distraction at a time of great change. The top ten performers for NI191 all charge for the service. Nor does there appear to be any correlation between the amount charged by an authority and the levels of garden waste remaining in the residual stream. In addition there will be a significant increase to the public purse placing additional burden on all parts of society to fund a service which currently is being funded by those who can afford to do so – this seems somewhat perverse to supporting the most vulnerable of our society & contrary to the polluter pays principle.
- The current issue with the national shortage of HGV drivers is a factor which needs to be taken account of when considering the deliverability of all proposals. There is a national shortage of drivers, estimated to be in the realms of 100,000, introducing additional collections will only exacerbate this shortage.
- Our response highlights where local decision making is delivering innovation that statutory guidance risks stifling. This is most clearly demonstrated through the examples of the customer satisfaction, higher recycling rate, lower residual waste and reduced cost of lower frequency refuse collection.

### **Consistency and the Collection and Packaging Reforms: Integration & Timescales**

ADEPT has previously submitted a response on Extended Producer Responsibility, which we strongly support the implementation of, and raised serious concerns about the proposed approach to implementation of a DRS. There are a number of areas where ADEPT believes the proposals for DRS, EPR and Consistency consultations are potentially misaligned or that the lack of clarity will prevent realisation of the full potential of this package of reforms:

- ADEPT is of the view that EPR is the element of reforms with the greatest long-term potential, and that collections are an enabler to realisation of the potential benefits of an effective EPR system. EPR therefore needs to come first, and there needs to be a recognition that delays in implementing EPR (or in the scheme administrator clarifying funding levels for individual local authorities under different scenarios) will result in a delay to implementation of consistency. The inextricably linked nature of these changes reinforces ADEPT's view that meaningful involvement of the local government family in the EPR scheme is fundamental to achieving success. Public trust is key – collections of plastic films and flexibles should not start until we can be sure that EPR led changes mean that it can be fully recycled, ideally in the UK.
- ADEPT's view on the primacy of EPR also impacts on food waste. Whilst we support this. 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 the most cost effective and impactful way of implementation is one service change for both food and dry recycling collections. So, if the funding for EPR materials is delayed/unclear this could then delay planned changes for the dry recycling materials.

- If an all-in DRS scheme is introduced and is effective in reaching high capture rates, then this will significantly reduce kerbside tonnages and change the mix of materials. This will have fundamental implications and may mean that it is not economically practical for some authorities to move away from a commingled system – i.e. a DRS introduced too soon may result in fewer authorities moving to separate collections and have detrimental impacts on Government's ambitions as set out in the consistency consultation and the overall waste and resources strategy, as authorities wait to understand the real-world impact.

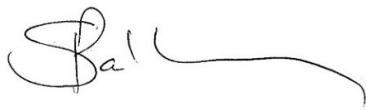
### **Funding and Written Assessments/TEEP**

The key message from ADEPT is that local authorities will not be able to implement change as quickly as we and Government desire if they do not have certainty on what funding will be available under different scenarios and that their written assessments, once reviewed, cannot be challenged. Key points in support of this are:

- The lack of detail provided means there may be a funding gap between what is legislatively required and what is deemed by producers to be 'efficient and effective' and an expectation gap for the public between what is set out in statutory guidance and what may be funded by central government or producers. This is particularly true when it comes to the transitional funding/funding certainty needed by councils to commit investment. Local authorities will not be able to judge what is economically impractical if they do not have clarity on their possible future funding streams.
- 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.
- ADEPT would like to understand the approval process for the written assessments. ADEPT are concerned that a lot of resources will be assigned to develop the written assessments, but it is not clear whether we will have certainty on funding to enable local authorities to compare alternatives, how they will be reviewed, whether they will be open to legal challenge or how long they will last. Certainty would enable local authorities to enter into agreements for fleet, containers, processing capacity, etc. with the reassurance that they are compliant for a given period of time. A lack of certainty places an unacceptable risk on local government and the use of public money, and is likely to delay implementation of the services that deliver Government's policy objectives on the ground. ADEPT believes the provision of a template/intelligent spreadsheet (or multiple templates depending on the collection methodology) could greatly assist authorities with their written assessments.
- Alignment between the written assessments required of local authorities under the consistency consultation to collect materials separately where 'technically, environmentally and economically practical' and the EPR scheme isn't clear. Whilst consistency sets out the legal requirements and the process to justify differences, it is imperative for local authorities that the Scheme Administrator, under EPR, recognise the written assessments as local best practice to demonstrate what is 'efficient and effective'.

To conclude, ADEPT is strongly supportive of the scale of ambition shown by Government in its collection and packaging reforms. Where we are challenging elements of it, this is because we are ambitious like Government is, and we want to see this once in a generation opportunity for real change realised.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sal', followed by a long, horizontal, slightly wavy line that extends to the right.

Steve Palfrey