

Waste and Recycling Committee

Date: 13th July 2023

Subject: National Resources and Waste Strategy

Report of: Paul Morgan, Head of Commercial Services, GMCA Waste and Resources Team

Purpose Of Report

To update the Committee on recent developments on the implementation of the English Resources and Waste Strategy in relation to the deposit return scheme, extended producer responsibility for packaging and the consistency of collection of recycling (including food waste). Details are also provided on a recent technical consultation on banning biodegradable waste from landfill.

Recommendations:

Members of the Committee are recommended to:

1. Note and comment on the report.

Contact Officers

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Equalities Impact, Carbon and Sustainability Assessment:

There are no equalities impacts arising from the matters set out in this report. A fundamental principle of the English Resources and Waste Strategy the sustainable management of waste in order to reduce carbon emissions from landfill disposal and this is reflected in the GMCA's waste management contracts.

Risk Management

The English Resources and Waste Strategy and its implementation has been captured in the GMCA's Strategic Risk Register with the necessary mitigations actions identified.

Legal Considerations

Legal considerations are captured within the report but at the time of writing any consequences of undertaking actions contrary to the English Resources and Waste Strategy have not been published.

Financial Consequences – Revenue

Financial Revenue considerations are captured within the report but at the time of writing any consequences of undertaking actions contrary to the English Resources and Waste Strategy have not been published.

Financial Consequences – Capital

Financial Capital considerations are captured within the report but at the time of writing any consequences of undertaking actions contrary to the English Resources and Waste Strategy have not been published.

Number of attachments to the report:

None

Comments/recommendations from Overview & Scrutiny Committee

N/A

Background Papers

- Waste Strategy Update – Part A Waste and Recycling Committee 15th March 2023
- [Near elimination of biodegradable waste to landfill - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/near-elimination-of-biodegradable-waste-to-landfill)

Tracking/Process

Does this report relate to a major strategic decision, as set out in the GMCA Constitution?

No

Exemption from call in

Are there any aspects in this report which means it should be considered to be exempt from call in by the relevant Scrutiny Committee on the grounds of urgency?

No.

GM Transport Committee

N/A

Overview and Scrutiny Committee

N/A

1. Introduction/Background

Over and between recent Waste and Recycling Committee meetings Members have received updates on the progress on the Governmental implementation of the English Resources and Waste Strategy (RaWS).

Defra has been consulting on the RaWS over the last 4 years with a series of prolonged delays in publishing consultation responses. The four main elements to the RaWS are:

1. The introduction of a Deposit Return Scheme (DRS) for beverage containers;
2. Extended Producer Responsibility (EPR) for Packaging;
3. Consistency framework for household waste collections; and
4. The collection of food waste on a separate, weekly basis.

In March 2023 the Committee received an update on the four areas above. Since that time there has been some visible progress but not in all areas.

This report also summarises a recent consultation on the elimination of biodegradable waste from landfill and the announcement from Defra regarding the charging for the disposal of 'DIY waste' at HWRCs.

2. Key RaWS Updates

2.1 The Deposit Return Scheme

There is no progress to report in the English and Northern Irish versions of DRS which are due to be introduced in 2025 through a network of reverse vending machines. However, uncertainty hangs over the future of the Scottish system as it has become a matter of some debate in both the Westminster and Scottish Parliaments with the possibility of glass being removed from the Scottish system aligning it more closely with the DRS operating to the south of the border.

2.2 Extended Producer Responsibility for Packaging

There haven't been any formal announcements on this aspect of the Strategy although we have been involved in a number of discussions with Defra to help them understand circumstances on the ground. We have also been involved in a pilot exercise to build

cost models for the reimbursement of monies to the local authorities. Defra anticipate releasing draft EPR payment figures to local authorities in late summer 23. These figures will then be refined and confirmed by January 24 so that they can be included in budgets for the 24/25 municipal year.

2.3 Consistency of Collections

Frustratingly the Government's long promised response to the Collection Consistency consultation remains elusive. There have been several false starts but the Environment Minister announced on May 19th 2023 that the results of the consultation would be published "shortly". A further update was given at the June Waste Infrastructure Development Programme Network meeting – the response is "substantially ready to go but delayed through the Ministerial approval process" and that it had been promised "sometime this month [June]". If the response does come before this Waste and Recycling Committee meeting a summary will be provided to Members.

2.4 Separate Weekly Food Waste Collections to All Households

As reported at the March 23 meeting of the Committee, we were considering our options as regards the implementation of the RaWS' requirement for weekly, separate food waste collections from 100% of households from March 2025. Defra has invited the GMCA to consider an application for 'Transitional Arrangements' (TA) should we consider that the introduction of weekly, separate food waste collections might have a detrimental impact on our residual waste treatment contracts.

After much assessment and deliberation an application was made for six of the nine authorities for a transitional arrangement. This would mean that those six authorities would not be required to introduce the food waste collection obligation until (in our case) 2034. Three districts not included in the application are Stockport, Tameside and Trafford as they considered that they were the least affected by the requirement to change as collections are already weekly and that the number of multi-occupancy properties is relatively low (for expanding collections into). These three would then seek to use the technical, environmental and economic arguments to maintain the current mixed organics service from 2025, the only change being to collect from 100% of households.

GMCA and the six districts received an email in early June confirming the TA application had been approved with Regulations to be laid later in the year. Apparently, 37 waste collection authorities will benefit from TAs. Although not yet confirmed it is believed that the Government is considering allocating new burdens funding to those authorities two to three years before the TA expires.

3. Call for Evidence to Support the near Elimination of Biodegradable Waste to Landfill

In late May Defra published a call for evidence to seek data and views on banning biodegradable wastes from landfill.

The call for evidence is the first step in the development of policies to stop biodegradable waste being landfilled. In this context biodegradable waste is defined as 'any waste that is capable of undergoing anaerobic or aerobic decomposition, such as paper and cardboard, food, garden waste, natural fibre textiles and wood.'

This first step is a technical exercise and it seeks data on quantities and composition of waste and seeks views on how materials are and can be diverted from landfill. The GMCA has submitted a response (the consultation had a relatively short response window) but as we landfill less than 1% of the waste generated (and the amount of biodegradable waste within that fraction will be relatively small) the impact of a possible ban is considered small.

4. DIY Waste Disposal Charges

As this update was being finalised Defra announced via a tweet and a press release (see [Council DIY waste charges abolished - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/council-diy-waste-charges-abolished)) that the Government was banning the ability for local authorities to charge for the disposal of 'DIY waste'. In the Controlled Waste Regulations 2012 "Waste from construction or demolition works, including preparatory works" is classified as industrial waste not household waste. The announcement follows a technical consultation on this in April 2022.

To support the move Defra says there was “overwhelming public support” and that it will encourage householders to dispose of their waste in a responsible manner encouraging recycling. It may also “reduce the temptation to use waste cowboys who fly-tip rubbish”.

A range of questions were asked in the consultation but central to it was the proposal that construction waste should be considered DIY Waste and classified as household waste in the 2012 Regulations when it meets certain criteria – those being:

- The construction waste is produced by householders whilst carrying out construction works themselves at their home. Construction is defined in the 2012 Regulations as including improvement, repair or alteration;
- The construction waste is not produced as a result of commercial activities or by a commercial contractor charging for work in a domestic premises;
- The construction waste is of a volume, which is no greater than 300L (based on the approximate boot size of a family car); and
- The construction waste is not produced on a regular basis requiring HWRC visits more frequently than once a week.

If these criteria are met it was proposed that the householder would not be charged for the waste (noting that quantities above 300 litres and/or delivered more frequently than weekly could be charged). The consultation also sought to provide a list of materials ‘qualifying’ as construction waste.

Responding to the consultation, GCMA agreed with the proposal above but stated local authorities should retain the ability to charge for this kind of waste. Additionally we asked for a strengthening of wording around who can deliver the waste (being the same person who generated).

However, the press release does not mention some of the detail of the changes that will be introduced. After a query to Defra, a link was provided to the Government’s full response to the consultation ([Summary of responses and government response - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/271212/summary_of_responses_and_government_response_-_gov_uk.pdf)). The document provides an analysis of the consultations and gives the Government’s position on each.

In brief, in response to concerns about traders Defra has tightened restrictions on the delivery of DIY waste to HWRCs, namely:

- The waste is produced by the person at the property (and their primary property);
- The waste isn't produced by someone generating an income from carrying out the works;
- Volume of waste is limited to 2x50 litre rubble bags or a bulky item (defined as one bulky or fitted item no larger than 2,000mm by 750mm by 700mm, the approximate size of a bathtub or shower screen); and
- Frequency of generating the waste – limited to 4 visits over a 4 week period.

Defra states it will be amending the Controlled Waste Regulations 2012 later this year. GMCA will then need to consider how to amend its HWRC Access Policy to reflect the changes introduced.