

## RESPONDING TO THE REQUIREMENTS OF THE WASTE FRAMEWORK DIRECTIVE AND 'TEEP'

### 1 Purpose

- 1.1 Environment and Living Scrutiny has previously expressed an interest in the wider work of the Recycling and Waste Team and the recent Joint Waste Partnership Strategy.
- 1.2 The confidential report attached to the agenda was submitted to Cabinet on 7 October and the contents were noted and agreed. The report has been compiled in light of the Waste Regulations coming into effect from 1 January 2015 and to demonstrate that AVDC's waste collection methodology meets the requirements of the Law.
- 1.3 The report examines the decision making process underpinning the waste collection methodology and the compliance of AVDC's current waste collection model with the requirements of the law.

### 2 Recommendations/decision

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| 2.1 To note the contents of the report. |
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### 3 Summary

- 3.1 Local authorities will soon be under a duty to separately collect four types of recyclable material from households to ensure they meet the obligations of the Waste Regulations 2011 (England and Wales)
- 3.2 The requirements set out in the Regulations flow from European legislation that dates from 2008, the Waste Framework Directive (WFD). However, uncertainty was created by legal challenges to how the Regulations transposed the WFD. The expectation that Defra would provide guidance on how to interpret the law, have until recently made it difficult for local authorities to decide on a course of action in relation to their collection method and, in particular, regarding their response to Regulation 13 of the Waste Regulations 2011 (England and Wales).
- 3.3 Regulation 13 states that from 1st January 2015, all Waste Collection Authorities (WCA) will be required to collect paper, metals, plastics and glass separately, where doing so is:
  - “necessary to ensure that waste undergoes recovery\* operations in accordance with Articles 4 and 13 of the Waste Framework Directive and to facilitate or improve recovery” (the ‘Necessity Test’); and
  - “Technically, environmentally and economically practicable” (the ‘Practicability’ or ‘TEEP Test’).
- 3.4 Local Authorities are required to ensure that they are compliant with the law and authorities need to be aware that they may be exposed to the possibility of judicial review or regulatory enforcement if compliance is not met. The Environment Agency is responsible for enforcing compliance with the Regulations in England. They may use compliance, stop and/or restoration notices where they identify non-compliant practice.

## Findings - Appendix 1

- 3.5 The commingled recycling collection service that AVDC currently operate is compliant with the Waste Framework Directive.

It is **not** necessary for AVDC to implement a kerbside sort (separate) recycling because:

The quantity of recycling collected via the commingled collection significantly outperforms that of kerbside sort (separate) collections and achieves better diversion of waste from landfill.

The quality of the recycling collected via commingled collection is high, and results in nearly all materials going back into closed loop recycling processes, even when taking rejects or contamination into account.

It is **not** technically, environmentally and economically practicable for AVDC to implement a kerbside sort recycling collection because:

The cost modelling of different collection methods showed that a kerbside sort recycling collection would cost the authority £236,000 per annum more than the existing commingled service to implement.

The environmental performance per £100K spent of the commingled collection resulted in the same net reduction of CO<sub>2</sub> (158 tonnes saved) when compared to kerbside sort.

## 4 Supporting information

### Methodology for assessing compliance

- 4.1 The first part of the assessment against the requirements of the WDF looked at AVDC's existing waste collection model and the evidence underpinning the decision to implement a fully commingled recycling collection service in 2012. The evidence is drawn from the Buckinghamshire Waste Pathfinder Project and the internal Waste Transformation Project.
- 4.2 The financial and environmental performance of the waste collection service before and after the changes implemented through the Waste Transformation project in 2012 were analysed.
- 4.3 The second part of the Assessment drew the initial findings from part one to assess compliance of the collection service with the Law and considered the environmental and financial cost of alternative collection methods. This has been done using established methods of cost modelling and using the Greenhouse Gas Calculator WRATE. It considered impacts of a 'current performance' scenario and possible performance achievable through alternative collection methods.
- 4.4 Financial and environmental impacts were brought together by means of a cost-benefit analysis, under which environmental impacts were monetised to allow financial and environmental impacts to be compared on the same basis.

## **5 Options considered**

5.1 Four recycling collection methods were modelled to compare costs and environmental performance, based on existing performance and predicted performance

- Scenario 1 Commingled Collection
- Scenario 2 Kerbside sort Collection
- Scenario 3 Two stream collection separate glass
- Scenario 4 two stream collection separate paper

## **6 Reasons for Recommendation**

6.1 The commingled recycling collection meets the requirements of the Law.

Contact Officer  
Background Documents

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Responding to the Requirements of the WFD  
Waste Framework Directive  
Waste Regulations (2011) England and Wales (amended 2012)