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Your Ref:

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Date:

2nd July 2021

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2 July 2021

Dear sir/ madam

Consultation Response- Consistency in Household and Business Recycling in England

Mid Sussex District Council (MSDC) is providing this response in support of the response issued by the West Sussex Waste Partnership.

MSDC, as a member of the West Sussex Waste Partnership has contributed to, and fully endorses the partnership response; but considers the Consistency in Collection Consultation of great importance, and feels that there are a number of important matters that require addressing in this separate response.

The outcome could have significant financial and operational impacts for all local authorities, and we are particularly concerned about the lack of clarity on how the New Burdens Funding will be made available (and when).

The Council also feels strongly that the Government should have delayed the response deadline for the Extended Producer Responsibility and Deposit Return Scheme Consultations in order to allow local authorities sufficient time to provide a considered response to all three consultations, given that each outcome will impact the other.

Below is a summary of our observations on a number of specific areas of the consultation.

Proposal 1- Collection of dry recyclable materials

MSDC agrees that local authorities should be required to collect most of those items outlined in Proposal 1 by 2023/24 based on our experience with our current collection and disposal arrangements; and our knowledge of many others across the Country. We understand however that the collection and disposal of food and drink cartons may be difficult and securing viable end markets has proven a challenge for many local authorities in the past; and we would therefore disagree with the deadline in respect of this material.

Working together for a better Mid Sussex

Whilst the introduction of Extended Producer Responsibility should have a positive effect and stimulate the end market within the UK (which is currently lacking), it is unlikely that effect would be felt within the Government's suggested timeline. We therefore do not consider 2023/24 an appropriate deadline for food and drink cartons.

Proposal 2- Collection of plastic film from households

For the same reasons, we also disagree with the proposal that local authorities should be required to adopt the collection of plastic film from all households, including flats, by 2026/27.

As a local authority that runs services through a contractual arrangement, we do not feel collections contracts should be a barrier to making changes to the range of materials collected within the dry recycling stream (subject to further considerations around the recommendations for the collection of dry recycling in Proposal 10). However, we believe the lack of understanding in relation to the availability of New Burdens Funding may prevent some from issuing a positive response- especially if, in order to meet these new requirements, some authorities will have to purchase additional vehicles and kerbside containers.

As noted, it is our view that the introduction of additional materials presents difficulties in relation to the sorting, disposal and final reprocessing of these materials and our concerns in respect of food and drink cartons have been stated. Having viable, secure and long-term end market solutions is vital to the stability of any kerbside recycling collection service and we believe that, if additional materials begin to be collected before end market solutions are in place, these items may not be recycled, thereby having an adverse effect on the confidence of the public in kerbside recycling systems.

We therefore consider the proposal to require all local authorities to adopt the collection of all materials outlined in Proposals 1 and 2 by 2023/24 and 2026/27 respectively unrealistic.

Proposal 3 & 4- Food waste

MSDC agrees, in principle, with Proposals 3 and 4 (outlining the mandatory weekly collection of food waste from all properties between 2023/24 and 2030/31- dependant on local circumstances) although feel that the target date outlined for the introduction of collections at flatted properties may be ambitious for some. The Proposal indicates an acknowledgement by the Government that some authorities may struggle to introduce food waste collections and secure suitable disposal outlets by 2023/24- it being that the simplest method may be to introduce these collections and disposal routes at the end of current contract terms. There would be the possibility of introducing these collections sooner (where both parties agree, and disposal outlets can be established) through negotiation (and possible additional contract payments).

It is currently unclear whether the Government's proposed New Burdens funding would cover these additional payments and whether they would represent value to Government.

We would also strongly encourage Government to consider offering New Burdens payments to those local authorities who are set to enter into new contract arrangements prior to the 2023/24 deadline in order to avoid delaying service changes that are already in the planning stages, and creating increased demand for (and potentially inflating costs of) food waste containers and additional vehicles in 2023/24 and beyond.

Proposal 5- Caddy liners

We understand the rationale developed by the Government for the provision and use of caddy liners in order to support separate collections of food waste; but there is not sufficient evidence to suggest that providing caddy liners results in a higher uptake or increased yield. Providing caddy liners comes at significant additional cost to local authorities and as mentioned elsewhere, the lack of clarity on how New Burdens Funding will be made available, when and for how long makes this expenditure (given the lack of evidence to support it) feel unjustified. It would be our recommendation that householders purchase their own liners or use newspaper.

It is commonly understood across the waste industry that most liners (whether compostable or plastic) are removed at the front end of the anaerobic digestion process and that AD operators express a preference for no liners or paper. We therefore believe the Government should engage with AD operators in order to establish a clear preference for caddy liner material types.

Proposal 8- Free Garden waste collection

We strongly disagree with Proposal 8 and consider that the provision of garden waste collections should continue to be discretionary. We do not believe that offering a free, universal garden waste service would assist the Government in achieving the targets set out in the Resources and Waste Strategy; but rather serve as a disincentive to home composting and draw additional waste back into the system.

Feedback from local authorities across the Country shows an exponential growth in garden waste customers during the pandemic and this growth shows no sign of slowing. MSDC also knows (based on a waste composition analysis undertaken in 2018) that less than 2% of its residual waste stream (by weight) is made up of garden waste and we therefore do not feel offering a chargeable garden waste service in our District is a barrier to participation or overall material capture.

Offering a free mandatory garden waste collection service would require significant investment in additional vehicles, staff and containers; and this would, in our view, undermine the Government's assertions that there would be increased carbon benefit from a free service offer.

There is also a lack of clarity on the extent of Government funding of any mandatory service provision and what, exactly, this funding may cover - especially given the extent of the costs local authorities will incur as a result.

Proposal 9- Other garden waste collection options

We would, however, welcome the Government providing clear guidance on how reasonable charges for a discretionary garden waste service should be developed. As it currently stands, charges for garden waste services vary significantly across the Country and this is sometimes because of inconsistencies in how local authorities calculate their charges- clear guidance on how these charges should be calculated would therefore be welcome.

However, it should also be noted that the amounts charged to local authorities by collection contractors, waste transfer stations and composting facilities also vary across the Country and, whilst we would welcome guidance on how the charges should be calculated, we do not feel it

appropriate for the Government to set the charges itself, or to statutorily require local authorities to set their charges within a prescribed range.

Support on issuing clear communications to non-participating households and to increase the uptake of home composting (in the context that garden waste collections continue to be discretionary) are also very likely to support the Government's policy aims.

Proposal 10- Exemptions on separate collection of two recyclable streams

We believe that plastic and metal, and glass and metal could both be collected together without significantly reducing the potential for them to be recycled. Indeed, we believe that if a MRF is shown to be supplying sustainable end markets then local authorities should be allowed to continue to collect materials together in any combination that the MRF can accept.

Most of the top performing recycling local authorities in England operate a co-mingled collection system; demonstrating 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 as well as enabling packaging producers to meet the targets they will be set.

Over the years, we have developed significant knowledge and experience in providing collection services and systems that meet the expectations of our residents, are operationally efficient and provide materials to the specification that the end markets need.

We would be concerned about the likely 'kick back' from our residents should we be forced to replace our very successful and popular co-mingled collection service with more complicated multi-stream collections.

Proposal 11- Exceptions on two or more streams collected together

We agree with the examples of 'technically, environmentally and economically practicable' provided; however, we feel that a number of other significant factors should also be taken into account. For example:

- The impacts of resident behaviour need to be taken in to account as this is likely to be a significant factor when it comes to the technical practicability of a solution.
- The infrastructure requirements associated with the provision of separate collections should be recognised. For example, if separate collection requires increased collection fleet that cannot be accommodated in existing depots, this could be considered both a technical (and economic) exemption.
- If a DRS were to go ahead this too may potentially change what is technically possible to collect separately, as it could make some source separated collection much less efficient if large quantities are diverted to a DRS
- If (as is the case in West Sussex) a MRF can demonstrate that it is supplying suitable end markets then it should be considered technically feasible to continue to collect materials together.

We do have some concerns over the definition (or lack thereof) of 'excessive costs'; and believe that- without a very clear definition or set of guiding principles, it would be impossible to apply a consistent approach across all local authorities.

We would also need to understand how any additional costs arising from implementing separate collections would be met (presumably either via new burdens funding, or via a levy on producers in respect of the EPR scheme) before commenting further.

Proposal 12- Compliance and enforcement

MSDC supports the concept of a single written TEEP assessment; and believes that this should extend to a single assessment for more than one authority where treatment is shared (as is the case in West Sussex).

We feel it is important that the TEEP approval process is fully worked up, and that clarity is provided as to how long an assessment remains valid once approved. Without this clarity, LA's would essentially be required to enter into long-term contractual agreements without any certainty that they are considered compliant for a given period of time.

We also feel strongly that a template should be made available to all local authorities for completing their written assessment. Not only does this relieve some of the burden of completing bespoke assessments; but it also ensures a consistency of approach across all local authorities.

Proposal 13- Minimum service standards of dry recyclable materials

Having recently undertaken a significant and wide reaching modelling exercise, we believe that the only way to achieve the government's recycling and waste targets in Mid Sussex would be through the provision of a comprehensive dry recycling and organic waste collection service combined with a reduction to a three-weekly residual waste collection frequency. We are therefore very concerned that any statutory guidance in relation to minimum service provision for dry recycling and residual waste collection could undermine the long-term targets the Government would like to put in place in this Strategy.

For this reason, we strongly feel that residual waste collection frequency should be a local decision based on local factors and should not be the subject of statutory guidance.

In respect of the collection of fibres specifically, there are numerous examples (including in West Sussex) of fibres being collected together with one or more other materials and still being of a suitable quality to supply end markets to the specification desired. We currently collect paper and fibres as part of a comprehensive co-mingled system, and this works extremely well, with a high capture rate and very low levels of contamination. We therefore do not believe that local authorities should be required by law to collect fibres separately.

Proposal 14- Non-statutory guidance

Based on the information in the consultation document it is difficult to provide a conclusive response to Proposal 14; however, historically, non-statutory guidance has been helpful. For example, many forward-thinking local authorities already collect a number of the materials outlined in proposals 1, 3 and 4 without these collections having been made statutory- often spurred on by best practice advice (rather than financial incentives). We consider the following areas to be good candidates for a review of best practice advice or non-statutory guidance:

- Bulky waste collections
- Communications best practice

- Clinical waste collections
- Enforcement for non-compliance
- Use of Household Reuse Recycling Centres

Proposal 16- Recycling Credits

Subject to Extended Producer Responsibility payments coming on-line, MSDC agrees that there should not be any requirement for a recycling credit system for packaging material in the future.

West Sussex is among many county areas that no longer use the recycling credit payment system to pay WCA's for recycling collections.

It is therefore felt that the recycling credits system as set out in legislation is no longer fit for purpose, and that it is more appropriate to leave Waste Partnerships to establish and agree their own local arrangements.

However, where local agreement cannot be reached regarding payments for non-packaging materials which are also not new burdens, MSDC feels that it would be helpful to establish an appropriate appeals/ mediation process which could be used to resolve any disagreements between WDA and WCA's.

Funding the transition prior to 2023

On a more general note, it is clear that Local Authorities will need to start planning now for the changes that will need to be made to services to meet the timescales proposed in this consultation. However, there is little detail around what, if any, transition funding will be available prior to 2023.

MSDC feels very strongly that the early release of New Burdens Funding is essential to ensure the timely and effective implementation of the proposed measures, and would welcome clarity on how the transition period will be funded.

Yours sincerely

A handwritten signature in black ink that reads "John Belsey". The signature is written in a cursive style with a large, looping 'J' and 'B'.

Councillor John Belsey
Cabinet Member for Environment and Service Delivery