



LINCOLNSHIRE WASTE PARTNERSHIP

25 JULY 2013

| | |
|--------------------|--|
| SUBJECT: | CO-MINGLED COLLECTIONS – DEFRA VIEWS TO A RECENT MEETING OF THE NATIONAL ASSOCIATION OF WASTE DISPOSAL OFFICERS |
| REPORT BY: | WASTE OFFICER GROUP |
| CONTACT NO: | IAN TAYLOR – 01522 552376 |

BACKGROUND INFORMATION

In 2011 a Judicial Review was launched against Defra and the Welsh Government fronted by the Campaign for Real Recycling and supported by various industry bodies which challenged the way in which UK Regulations transposed provisions of the EU Waste Framework Directive related to the separate collection of paper, metal, plastic and glass.

The Waste (England and Wales) Regulations 2011 as amended by the 2012 Regulations set out what Waste Collection Authorities have to do as follows:

From 1st January 2015 an establishment or undertaking which collects waste paper, metal, plastic or glass must do so by way of separate collection. And every waste collection authority must, when making arrangements for the collection of waste paper, metal, plastic or glass, ensure that those arrangements are by way of separate collection, where separate collection:

(a) is necessary to ensure that waste undergoes recovery operations... and to facilitate or improve recovery; and

(b) is technically, environmentally and economically practicable.

The Judicial Review revolved around whether co-mingled collections as outlined in the above regulation (of the kind operated by all the Waste Collection Authorities in Lincolnshire) met the requirements of the EU legislation related to separate collections and high quality recyclables.

The application was dismissed on Wednesday 6 March 2013, with the judge

commenting as follows:

The phrase “technically, environmentally and economically practicable” is used in the Directive as a term of art, importing the principle of proportionality and demanding a sophisticated context-driven exercise of judgment, balancing (amongst other things) the positive and negative environmental and economic effects of separate collection.

It was and is open to the United Kingdom to fulfil its obligations under the Directive by the system created by the 2011 Regulations, which allows a local authority to determine within its area whether separate collection is technically, environmentally and economically practicable; enforced by the Environment Agency.

It appears to be common ground that, whilst glass is a well-recognised potential contaminant, metal and plastic can be separated at a stage later than kerb-side without any significant contamination or other relevant disadvantage.

There was a great deal of relief within local authorities at this ruling as the implications had it not gone favourably would have required radical changes to recycle collection practices all over the country.

Defra's Position

However, at a recent meeting of the National Association of Waste Disposal Officers representatives from Defra gave clear indications that the matter was not as clear cut as has been previously thought.

There is some considerable discussion within Government concerning the interpretation of the Technical, Environmental and Economic Practicability (TEEP) of separate collections as outlined in the Regulation above.

It is important to stress that none of this has yet been formally released by Defra but the overall position appeared to be that some change will be coming, that it is likely to affect co-mingled glass. This will require WCA's to prove TEEP if they wish to continue making co-mingled collections including glass.

When questioned Defra accepted that where the removal of glass from a current kerbside scheme was required to meet a Government-imposed regulatory requirement a separate collection provided through glass banks would most likely be acceptable as an alternative method of providing a separate collection.

There is also an issue with glass and the End of Waste Directive where an initial view is that material that does not go for re-melt may not count toward recycling performance, although again this has yet to be formally clarified.

RECOMMENDATIONS

Committee is recommended to note the contents of this report and for the Officer Working Group to review Defra's position as required and duly report back to the Partnership.