

Cabinet Meeting	
Meeting Date	4 February 2015
Report Title	EU Waste framework directive
Cabinet Member	Cllr David Simmons, Cabinet Member for Environment
SMT Lead	Dave Thomas, Head of Commissioning & Customer Contact
Head of Service	Dave Thomas, Head of Commissioning & Customer Contact
Lead Officer	Alan Turner, Contracts & Procurement Manager
Key Decision	No
Classification	Open
Forward Plan	Yes
Recommendations	<ol style="list-style-type: none"> 1. To note the report, and 2. Adopt the proposed TEEP assessment.

1 Purpose of Report and Executive Summary

- 1.1 The EU Waste Framework Directive 2008 requires all governments to manage waste collection and disposal in a manner which encourages and promotes recycling to a high quality standard. These requirements have been adopted into English Law by the Waste (England & Wales) Regulations 2011, which were further amended in 2012, and were the subject of a judicial review.
- 1.2 In summary, this law requires local authorities to collect the four principle types of recyclate separately (i.e. paper/card, metals, glass and plastics) unless it is not technically, environmentally and economically practical (TEEP) to do so.
- 1.3 For those local authorities, like Swale, who have forms of co-mingled collections of recyclate, it is recommended that they prepare a statement in the form of a "TEEP Assessment" which states the rationale for the local authority not collecting these materials separately.
- 1.4 At this stage, the implications of not preparing such a statement are not clear though it is understood that the Environment Agency will be required to monitor their availability and content. A clear statement will therefore reduce the risk of any future successful challenge.

2 Background

- 2.1 In order to fully consider all aspects of a rationale for separate collection, a Waste Regulations Route Map has been published by a consortium including representatives of local authority waste networks and WRAP (Waste Resources Action Programme)¹. The Kent Resource Partnership (KRP) has endorsed the Route Map and has provided financial support for all districts to engage external support to produce a TEEP assessment based on the suggested requirements of the route map.
- 2.2 White Young Green (WYG), who supported and advised the Mid Kent Joint Waste Partnership (MKJWP) during the procurement of the current joint waste collection contract, were commissioned to formulate a TEEP assessment report on behalf of the MKJWC. This is shown at Appendix I to this report.
- 2.3 As a supplement to the TEEP assessment for MKJWP undertaken by WYG, officers are undertaking a detailed analysis of the quality and processing methods adopted with the recyclate collected in Swale. This underpins the TEEP statement and establishes whether or not we can be satisfied that we are doing all that is reasonably practical to ensure the highest possible quality of recycled materials. This is a lengthy process, which analyses all stages of recyclate from collection through to end destinations and uses.
- 2.4 The MKJWP undertook a lengthy and robust procurement of its current contract, on a competitive dialogue basis. Through discussion with the market during this process, it was agreed by the MKJWP to adopt a fully co-mingled alternate week collection service across the three districts, comprising fortnightly residual waste and fortnightly recycling collections, supplemented by a weekly food waste collection. There are also additional collections of Waste Electrical and Electronic Equipment (WEEE), textiles and household battery collections.
- 2.5 The procurement process demonstrated that co-mingled collections are most likely to yield significantly greater volumes of recyclate. This is evidenced by Waste Data Flow (WDF) analysis², which shows that during 2012/13, 29 of the top 30 highest performing LA's in terms of recycling levels collect a form of co-mingled recyclate. Conversely, 25 of the lowest 30 performing LA's provide a kerbside sort based service. The message being that the easier the system is for residents to understand and use, the more likely they are to embrace the service. Co-mingling also requires fewer containers for households and whilst this is not a factor in applying TEEP, again it reflects a simpler, easier to use service.
- 2.6 Following collection, the materials are delivered to KCC at their Church Marshes Transfer Station, where the materials fall into KCC's ownership. Subject to KCC's

¹ <http://www.wrap.org.uk/content/requirements-waste-regulations>

² <https://www.gov.uk/government/statistical-data-sets/env18-local-authority-collected-waste-annual-results-tables>

own processing contracts, the materials are “bulked up” and transported to the processors premises for processing.

- 2.7 From April 2014, Viridor have held the contract with KCC for processing MKJWP recyclate at their Materials Recycling Facility (MRF) at Crayford, where the materials are sorted for dispatch onto various specialist processing plants.
- 2.8 As evidenced by the KRP End Destinations of Materials 2013/14 publication³, approximately 78% of the recyclate collected in Swale is processed within Kent whilst a further 9% is processed elsewhere within the UK. The remaining 13% is exported, and this includes textiles which are exported as clothes to areas of need.
- 2.9 Swale’s residual waste is currently processed at Allington, where it is incinerated through Waste to Energy.
- 2.10 One of the biggest challenges is that there is no definitive description of what constitutes “quality recyclate”. Often, it is considered that any recyclate that is exported is not high quality, but this is not necessarily the case; it is the market which influences where materials will be sold by the processors. For example, the Far East may have higher demand for paper and card to manufacture packaging for their export goods, so these materials might be sold to foreign markets.
- 2.11 “Closed Loop” is a recycling system whereby the end products may be used in the production of another similar product. For example recycled milk cartons being used to produce new ones, and waste paper being used to produce newsprint. This is regarded as an optimum method of recyclate processing, though is not necessarily the definitive highest quality output.
- 2.12 Clearly, the over-riding objective of this legislation is to ensure that the quality of recyclate after processing is improved. It is important however to ensure that in order to maintain the highest quality output levels, the volumes collected do not drop significantly as a result. The market in terms of processing recyclate is continuing to develop and improve, largely through technology developments and demand for better quality outputs of recycled materials.
- 2.13 During the MKJWP procurement exercise, feedback from the market was that MRF operators are able to process recyclate just as efficiently (in terms of quality of outputs and cost) whether or not the materials are collected separately. This was another determining factor in the decision of the MKJWP in deciding on a co-mingled collection method.
- 2.14 Whilst the processing methodology and therefore associated quality of outputs are down to the contract that KCC lets, the MKJWP has been supported by KCC in attempting to work with Viridor to ensure the highest possible quality outputs,

³ http://www.kent.gov.uk/__data/assets/pdf_file/0013/20614/KRP-materials-end-destination-and-annual-report-2013-14.pdf

ensuring “closed loop” recycling. This is confirmed in a letter from KCC which is shown at Annex II.

- 2.15 In summary therefore, the report shows that it is clear that SBC has fully analysed all options available during the procurement process along with our MKJWP colleagues. The route map demonstrates that the quality of the ultimate outputs is high and the volumes of recyclate have continued to increase in Swale since the adoption of the new collection method. Ongoing activity with our communities will ensure that the level of awareness and participation in Swale’s recycling schemes will continue to ensure increased volumes and quality of recyclate.

3. Proposals

- 3.1 It is proposed that this report and the accompanying TEEP report are agreed and noted, and made available in case of any future challenge to SBC.

4 Alternative Options

- 4.1 Whilst there is no legal requirement to produce a statement, it is considered that it would expose the authority to risk of a likely challenge should one not be adopted.
- 4.2 To change the current method of collection to an entirely “source separated” service would have significant cost implications in terms of the current contract (additional containers, new fleet, more operatives, etc.), and with reference to paragraph 2.5, it is anticipated that the volumes of recyclate collected would drop, which would conflict with the overall objectives of the legislation.

5 Consultation Undertaken or Proposed

- 5.1 There has been no specific consultation relating to the objectives of this report. However, the chosen collection methodology deployed by SBC and its MKJWP partners is as a result of consultation before and during the procurement process.
- 5.2 One of the objectives of obtaining an external viewpoint of this matter, through the WYG review, was to ensure that an independent viewpoint was available.

6 Implications

Issue	Implications
Corporate Plan	Healthy Environment – There are no implications on this objective over and above those already identified in approving the current collection methodology at the time of the procurement of the

	contract.
Financial, Resource and Property	There are no financial implications contained in this report. The cost of the independent external review was met by the KRP on behalf of the MKJWP.
Legal and Statutory	There is no legal requirement for this statement to be produced. However, there was very significant Legal advice taken during the procurement exercise when the forthcoming legislation in respect of materials separation was emerging.
Crime and Disorder	None
Sustainability	As identified in the body of the report, the current method of collection is likely to encourage the highest levels of recycling, and enables future improvements with the ability to collection further materials still.
Health and Wellbeing	None
Risk Management and Health and Safety	The adoption of this report will reduce the risk of challenge to SBC, and reduce the risk of losing any challenge should one arise.
Equality and Diversity	None

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: TEEP Assessment report by WYG on behalf of MKJWP.
- Appendix II: Letter from KCC confirming commitment to working towards closed loop with their contractor Viridor.

8 Background Papers

None