

**NORTH LONDON WASTE AUTHORITY**

**REPORT TITLE:** CONSULTATIONS AND POLICY UPDATE

**REPORT OF:** MANAGING DIRECTOR

**FOR SUBMISSION TO:** AUTHORITY MEETING

**DATE:** 7 OCTOBER 2021

**SUMMARY OF REPORT:**

This report provides the regular update on consultations and policy issues that have the potential to impact on Authority operations or activities. The report confirms submission of a response to a government consultation on recycling collections in July 2021 and a response to possible implications of a new National Planning Policy Framework (NPPF) on the North London Waste Plan, the spatial strategy for waste in north London. The report also provides an update on progress with the Environment Bill and further action on single use plastics.

**RECOMMENDATIONS:**

The Authority is recommended to:

- A. Note the submission of the following Authority responses:
  - i. to the government Consultation on Consistency in Household and Business Recycling in England and,
  - ii. to an invitation to consider the possible implications of a new National Planning Policy Framework (NPPF) on the North London Waste Plan, the spatial strategy for waste in north London.
- B. Note the progress with the Environment Bill.

**SIGNED:** .....  ..... **Managing Director**

**DATE:** 27 September 2021

## **1. PURPOSE AND STRUCTURE OF THE REPORT**

- 1.1. The Consultations and Policy Update is a regular report which provides an update for Members on consultations and policy issues that are relevant to the Authority such that the proposals have the potential to affect the Authority's operations and/or costs. The report additionally seeks approval for responses where appropriate.
- 1.2. The report is organised as follows:
  - 1.2.1. Consultations to which responses have been submitted since the last Authority meeting.
  - 1.2.2. Current and upcoming consultations and/or policy matters for consideration.

## **2. CONSULTATION RESPONSES SUBMITTED SINCE THE JUNE AUTHORITY MEETING**

### **Consultation on Consistency of Waste Collections in England**

- 2.1. At the June 2021 Authority meeting it was agreed that a response should be finalised by the Managing Director in consultation with the Chair and Vice Chair to a government consultation on consistency of waste collections in England.
- 2.2. This consultation was concerned with having consistent recycling collections on the basis that this would improve the quantity and quality of municipal waste recycled and achieve a national recycling rate of 65% by 2035. The proposals were for all waste collection authorities to:
  - 2.2.1. collect the same core set of dry recyclable materials from households.
  - 2.2.2. collect recyclable waste streams separately from each other and residual waste, or if this is not possible then to adopt a twin stream or as a last resort a comingled approach, both of which would need to be justified.
  - 2.2.3. have separate weekly food waste collections from households.
  - 2.2.4. have separate, minimum fortnightly, collections of green garden waste (possibly free).

The proposals directly impact on local authority waste services and costs. None of the north London boroughs collect recyclable waste streams separately.

- 2.3. In preparing a response to this consultation, officers participated in discussions with individual local authorities, local authority representative groups, private sector recycling reprocessors and the network of waste disposal authorities.

2.4. The Local Authority Recycling Advisory Committee (LARAC) made its response public voicing concerns about the “potentially prescriptive nature” of the government proposals for collection systems. They also noted that proposals for a nationwide free garden waste collections were a backwards step.

“Our members told us that garden waste is not going in the residual bin and that they are achieving good returns through charged for systems.

“By allowing charges, it frees up central funding to support other aspects of the collection system. Food waste collections are one area where that funding could be used, with local authorities supportive of fully funded food waste collections.”

2.5. The Authority summarised its response in a press statement at <https://www.nlwa.gov.uk/news/government-plans-consistent-waste-collections-listen-local-authorities-says-nlwa>.

2.6. The key issues highlighted were:

2.6.1. The Government has indicated that it will provide funding to fully cover capital, transition, and new burden costs. This guarantee must be based on the actual costs incurred by local councils, so that council taxpayers’ interests are properly protected. Costs for services in north London are affected by specific needs such as high proportions of properties with communal waste facilities.

2.6.2. It is very welcome that Government is proposing new materials should be included in dry mixed recycling collections. To make a success of this the Government needs to take an active role in developing markets for these recycled materials, especially to create UK reprocessing opportunities. This would be in line with NLWA’s drive which is already resulting in 100% of its plastic and metal recycling being undertaken in the UK.

2.6.3. The Authority does not agree with Government proposals to require different recycling material to be collected in different bins. A single bin has significant advantages, particularly in an urban environment. It is easy for residents to understand, cost-effective, requires fewer containers, avoids health and safety issues, protects the street scene from spillage and unsightly bags and boxes. The Government proposes separating materials would increase quality and income. However, in NLWA’s case where we largely operate in a ‘co- mingled’ collection environment, we are already successfully separating and selling recyclables at market rate.

2.6.4. The Authority supports the argument for increasing collections of separate food waste. However, this needs to be balanced with practical considerations, especially for estates and flats above shops. The government’s impact assessment does not adequately reflect the additional

cost of collecting food waste from these property types or the additional education/outreach and additional infrastructure that will be required. Food waste collections should only be implemented for estate and flats above shops after local technical, economic, and environmental analyses are done.

- 2.6.5. The Authority urges that the Government allows the decision to charge for green waste collection, and how much, to be taken locally to take account of local factors and additional cost (for example, Ultra Low Emission Zone and congestion charges). The Government argues that making garden waste collections free will automatically increase recycling tonnages. However, there is evidence that in north London – where garden waste makes up a much smaller proportion of overall tonnage than in much of England – green waste volumes collected have increased since residents using the garden waste service were asked to pay for the extra service which they receive, and which many residents simply don't need.
- 2.7. The full NLWA response is available at <https://www.nlwa.gov.uk/ourauthority/consultation-responses> The government is now reviewing the responses. There have been some initial indications reported by the media that the Government is likely to defer responding to this consultation until 2022.

### **North London Waste Plan**

- 2.8. The North London Waste Plan (NLWP) is the spatial strategy for waste in north London. The plan is currently undergoing examination by an independent Planning Inspector, whose role is to assess whether the plan complies with legal requirements and is sound. If the inspector agrees that the plan is sound, the document will then be adopted as the spatial strategy for waste facilities and developments in north London.
- 2.9. On 20 July 2021 the Government published a revised National Planning Policy Framework (the Framework). There were no transitional arrangements for Local Plans submitted after 24 January 2019. This meant that, with immediate effect from 20 July, the policies in the Framework became 'material considerations' for local plans, such as the NLWP.
- 2.10. One of the tests of soundness for the NLWP and other local plans is 'consistency with national policy'. With the publication of the Framework, national policy had changed.

Given the late stage in the examination process for the NLWP, the Planning Inspector for the NLWP provided an opportunity for those who had already submitted a response to the consultation on the main modifications to the NLWP

to submit further comments on the implications of the revised Framework. Any comments had to be restricted to the implications of the Framework on the NLWP. The Inspector provided consultees with 16 days to submit comments and given the limited nature of the opportunity to respond, an officer response was provided. The letter of response sought to protect the suitability of the Pinkham Way site (part of which is owned by NLWA) for waste use, in line with previous Authority responses to the development of the NLWP. Comments which were submitted in a letter on 11 August 2021. A copy of the letter is available at <http://www.nlwa.gov.uk/consultations/our-responses/>

### **3. CURRENT AND UPCOMING CONSULTATIONS AND/OR POLICY MATTERS**

#### **Environment Bill**

- 3.1. The Environment Bill was introduced to Parliament on 30 January 2020. The Bill enables the Government to set environmental targets. It will also establish a new environmental watchdog – the Office for Environmental Protection (OEP) – to hold the Government and other public bodies to account and ensure that environmental laws are complied with.
- 3.2. In relation to waste, the Bill will provide the enabling legislation for further measures on waste management to be introduced, such as powers to introduce new extended producer responsibility schemes and consistent recycling collections referenced in section 2 above. Specifically, the Bill will enable the government to:
  - 3.2.1. Introduce a [Deposit Return Scheme](#) (DRS) for England for drinks containers. Through a small deposit placed on drinks products, the DRS will incentivise people to recycle;
  - 3.2.2. Implement an [Extended Producer Responsibility](#) scheme for packaging that will help to ensure companies cover the full cost of recycling and disposing of their packaging. Producers of commonly littered packaging will also pay fees to cover the cost of cleaning up and for litter prevention activities;
  - 3.2.3. Establish plans for [Consistent Recycling Collections](#) for households and business in England, with the aim of increasing recycling; and
  - 3.2.4. Introduce a [plastic packaging tax](#) from April 2022, set at £200 per tonne, on plastic packaging which doesn't meet a minimum threshold of at least 30% recycled content. This will set out to encourage greater use of recycled plastic, leading to increased levels of recycling and plastic waste collection.
- 3.3. The Environment Bill has recently passed its Report stage in the House of Lords, which gives Members the chance to discuss amendments, which will be later considered again in the Commons. The Bill's movement through parliament has

been delayed multiple times but is now expected to receive Royal Assent later this autumn.

- 3.4. When enacted, the Bill will provide a welcome framework for additional activity and will provide enabling powers for waste initiatives described in sections 3.2 which should contribute to deliver a more circular economy. However, there is still uncertainty as to the nature and timing of the specific measures. NLWA has substantial experience as a practitioner organisation in these areas. Therefore NLWA will continue to promote and raise the profile of the issues we have flagged up in consultation responses. This means continuing to work to build alliances with like-minded organisations, to seek opportunities for direct engagement with Government and to use NLWA's media and social media influence to set out how these initiatives should be enacted. Officers will also be assessing the financial and logistical consequences in response to any signals from Government as to the likely specific proposals for implementation.

#### **Further action on single use plastics**

- 3.5. It is also reported (Chartered Institution of Wastes Management, Circular, 31 August 2021), that the UK government is intending to consult on banning more single-use plastics in England this Autumn, including plates, cutlery and polystyrene cups.
- 3.6. The Department for Environment, Food and Rural Affairs (Defra) says that the proposals will lead to businesses 'using more sustainable alternatives'. This is in line with the principles being taken forward in the NLWA Low Plastic Zones since 2019 as these are all materials that we are encouraging High Street businesses to minimise and avoid. A national legal ban would obviously be welcome as NLWA initiatives have to rely on cooperation and voluntary action.
- 3.7. It is estimated that each person uses 18 single-use plastic plates and 37 single-use plastic items of cutlery each year in England, according to the Department.

#### **Data: a new direction**

- 3.8. The Department for Digital, Culture, Media and Sport has launched a consultation with proposals that build on the key elements of the current UK General Data Protection Regulation (UK GDPR), such as its data processing principles, its data rights for citizens, and its mechanisms for supervision and enforcement. The deadline for this consultation is 19 November 2021.
- 3.9. The Government says it wishes to unlock the power of data as a strategic asset and see this consultation as the first step in delivering on Mission 2 of the National Data Strategy to secure a pro-growth and trusted data regime.

3.10. Officers will review the detail of the consultation and consider whether a response is needed. If so, the managing director would intend to use his delegation under Standing Order 2.14 to prepare a response in consultation with the Chair and Vice Chair.

#### **4. EQUALITIES IMPLICATIONS**

4.1. The impact of implementing the government consultation on consistency of recycling collections set out in paragraphs 2.1 – 2.5 is unknown at this stage. Similarly, if there are any equalities implications of proposals to ban further single-use plastics, these will be identified in future Authority reports to Members.

#### **5. COMMENTS OF THE LEGAL ADVISER**

5.1. The Legal Adviser has been consulted in the preparation of this report and comments have been incorporated.

#### **6. COMMENTS OF THE FINANCIAL ADVISER**

6.1. The Financial Adviser has been consulted in the preparation of this report and comments have been incorporated.

#### **List of documents used:**

**Consistency in Household and Business Recycling in England**, Defra', May 2021. Available at: <https://consult.defra.gov.uk/waste-and-recycling/consistency-in-household-and-business-recycling/>

**North London Waste Plan**: Proposed Submission Plan, January 2019. Available at: <https://www.nlwp.net/document-centre/>

**Environment Bill**, Originated in the House of Commons, Sessions 2019-21, 2021-22. Available at: <https://bills.parliament.uk/bills/2593>

**Policy paper September 2021: Waste and resource efficiency factsheet (part 3)** - Updated 6 September 2021. Available at: <https://www.gov.uk/government/publications/environment-bill-2020/10-march-2020-waste-and-resource-efficiency-factsheet-part-3>

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