



London Borough of Hammersmith & Fulham

CABINET

1 DECEMBER 2014

WASTE FRAMEWORK DIRECTIVE – TEEP REGULATIONS

**Report of the Cabinet Member for Environment, Transport & Residents Services –
Councillor Wesley Harcourt**

Open Report

Classification - For Decision
Key Decision: Yes

Wards Affected: All

Accountable Executive Director: Lyn Carpenter, Executive Director Environment,
Leisure and Residents' Services

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1. EXECUTIVE SUMMARY

- 1.1 The Waste (England and Wales) (Amendment) Regulations 2012 are designed to implement the requirements of the EU's Waste Framework Directive with regard to the handling and processing of certain recyclable materials. The aim is to ensure that materials collected as recyclables are in fact recycled and not disposed of in another way. The Directive is therefore concerned with the quality of materials collected and the ability of materials processors to sort materials and provide high quality materials for subsequent reprocessing and use.
- 1.2 However, the Directive considers this requirement from the starting point that Waste Collection Authorities should collect recyclable materials, and in particular paper, glass, plastic and metals, as separate waste streams. At first sight, therefore, this appears to preclude commingled collections as made by Hammersmith and Fulham.

- 1.3 The Directive and the Regulations which translate that into law have therefore introduced what is known as TEEP (Technically, Environmentally and Economically Practicable) and, in forming a judgement about the type of collection methodology that should be used, a TEEP analysis has been undertaken by officers to demonstrate whether or not it is 'Technically, Environmentally and Economically Practicable' to collect the four described waste streams separately.

2. RECOMMENDATION

- 2.1 That approval be given to continue collecting recyclables in commingled form, i.e. make no changes to the current system of collection.

3. REASONS FOR DECISION

- 3.1 Following the relevant assessment (included as Appendix A), it is evident that there is **no requirement for the Council to separately collect paper, plastics and metals**. With an element of doubt about the collection of glass, the Practicability Test, or TEEP analysis, was also applied to this material.
- 3.2 Where assessment indicates a need to collect a material separately, commingled collection of that material is only allowable where it can be demonstrated that separate collection is not practicable. However, separate collection must meet all three elements of the Practicability Test to be required, i.e. be "technically, environmentally and economically practicable" (TEEP). If it fails any one of them then commingled collection is permissible.
- 3.3 The TEEP assessment undertaken (included as Appendix A) suggests that for reasons of both technical and environmental impracticability **it is considered unnecessary for the Council to collect glass separately**.

4. BACKGROUND

- 4.1 In 2003, the Council elected to operate commingled collections because of their suitability and effectiveness. Residents do not need to be issued with a multitude of containers, there is no need for complex and time consuming kerbside sorting at the point of collection, collection timings and vehicle waiting times are minimised, and it has been demonstrated that commingled collections result in higher levels of participation and greater recycling performance.
- 4.2 However, the EU Directive, as indicated above, challenges the Council's methods in that it appears to preclude commingled collections.

- 4.3 The Directive and the Regulations which translate that into law have therefore introduced what is known as TEEP (“Technically, Environmentally and Economically Practicable”) and, in forming a judgement about the type of collection methodology that should be used, a TEEP analysis has to be undertaken to demonstrate that it is not Technically, Environmentally and Economically Practicable to collect the four described waste streams separately.
- 4.4 Although DEFRA has not issued guidance on how Councils should approach TEEP and the need for assessment, earlier this year the Waste and Resources Action Programme (WRAP) published a tool giving advice on how to navigate the TEEP process on behalf of a working group comprising members of local authority waste networks, the London Waste and Recycling Board (LWaRB) and WRAP itself. The TEEP process is extremely complex and must be carefully undertaken, since all local authorities using commingled collections or considering their introduction must satisfy themselves that they have considered the requirements of the Directive and the Regulations and, in the event that commingled collections continue or are introduced, can demonstrate their rationale for doing so.
- 4.5 As a result of the complexity of this process, many local authorities seem to be commissioning independent, technical advice on this matter. However, officers have undertaken the process in-house, using the guidance published by WRAP.
- 4.6 Decisions about whether commingled collections are justifiable need to be taken locally, based on the particular circumstances in each area and each Local Authority will need to carry out its own assessment. To assist with this decision making process the Waste and Resources Action Programme (WRAP) has produced a ‘Route Map’ to help waste authorities assess whether their waste collection services are compliant.
- 4.7 The Council is required to make its own assessment for those materials it collects and this has been done using the ‘Steps’ set out in the published Route Map.

5. PROPOSAL AND ISSUES

- 5.1 The Council needs to assess whether or not separate collection is necessary to facilitate or improve recovery (the Necessity Test) and then whether it is Technically, Environmentally and Economically Practicable (TEEP) to collect separately (the Practicability Test).
- 5.2 The Necessity Test asks *‘Is it clear that separate collection will lead to an increase in either the quantity or quality of material collected’* and *‘Is it clear that separate collection will lead to an increase in either the quantity or quality of recycling?’*

- 5.3 Experience gained over the last eleven years suggests that separate collection would not lead to an increase in the quantity of material collected and would, in fact, most likely lead to a reduction. Equally, officers have found no evidence to suggest that separate collection would lead to a reduction in contamination and an improvement in the quality of material collected.
- 5.4 Higher quality recyclate is important as it will improve the public's confidence and therefore their participation in recycling, improve resilience in the recyclate market and ensure that materials are suitable for reprocessors within the UK as well as for export. Information provided by Western Riverside Waste Authority (WRWA) suggests that its MRF is achieving good prices for all materials as a result of their quality and that separate collection would not improve this.
- 5.5 Whilst the Necessity Test indicated that **separate collection is unnecessary for paper, plastics and metals**, it was considered prudent to also apply the Practicability Test to glass for additional assurance, whereby separate collection still has to prove 'technically, environmentally and economically practicable' (TEEP).
- 5.6 For reasons including traffic congestion, density of population, a lack of household waste storage (both internal and external), and the requirement for twice weekly collections in some areas, separate collections of glass are not considered technically practicable. Separate collection will also have negative environmental implications in the sense that a separate collection round will result in additional vehicle emissions, a possible increase in traffic congestion and the likely manufacture of separate containers, whilst there is a further question mark over the fact that evidence suggests that separate collections are likely to produce significantly lower collected weights and will therefore be environmentally inferior in that respect.
- 5.7 If separate collection of a material fails any one of the elements of TEEP then commingled collection of the material is permissible. The TEEP assessment undertaken suggests that for reasons of both technical and environmental impracticability **it is considered unnecessary for the Council to collect glass separately**. It is proposed therefore that the Council continues to collect recyclables as at present.

6. OPTIONS AND ANALYSIS

- 6.1 Along with a number of other London Boroughs, the Council has been experiencing a decline in recycling performance, with the recycling rate dipping to 21.67% in 2013/14.
- 6.2 Even without the need to conduct a TEEP assessment, changing the collection system in operation is not considered desirable for the simple reason that it would lead to further depression of the recycling rate. On top of this, a separate

service collecting glass would be extremely costly and certainly in excess of £0.5m per annum.

- 6.3 For these reasons, officers are further minded to recommend opposition to any moves to operate separate collections.

7. CONSULTATION

- 7.1 This report has been drafted in consultation with the Western Riverside Waste Authority and Cabinet Member for Environment, Transport & Residents Services and will be reported to the relevant PAC in November.

8. EQUALITY IMPLICATIONS

- 8.1 Not applicable.

9. LEGAL IMPLICATIONS

- 9.1 The Waste (England & Wales) Regulations 2011 as amended provide that separate collection of waste paper, metal, plastic or glass need only be taken if these are technically, environmentally and economically practicable and further appropriate to meet the necessary quality standards of the relevant recycling sectors. Such duty for separate collection applies only when it facilitates or improves recovery. As the assessment report mentions that for environmental, technical and economical reasons, separate collections are not considered practicable, therefore the recommendations are endorsed by the Director of Law.

- 9.2 Legal comments provided by Babul Mukherjee, telephone 020 7361 3410.

10. FINANCIAL AND RESOURCES IMPLICATIONS

- 10.1 The Council is currently budgeted to spend circa £15.7m per annum on the collection and disposal of waste across the borough (including commercial waste). The cost of processing a tonne of recyclate is significantly less than the cost of processing a tonne of general waste (£142 per tonne compared to £25 per tonne respectively). As such, any operational changes that might shift recyclate to the general waste stream will significantly increase the borough's disposal costs. Assuming overall tonnages and prices per tonne remain static, costs will increase by circa £365k for every 5% of waste transferred from the recyclate to the general waste stream. Additionally, current budgets are set on the basis of the existing collection arrangements. As such, budget growth would be required to fund any additional collection costs, which could be significant.

- 10.2 The TEEP analysis recommends that it is not necessary for the Council to collect the described waste streams separately and therefore proposes no changes to the existing waste collection and disposal arrangements. Consequently, there are no financial implications resulting from supporting this recommendation.
- 10.3 Finance comments completed by Kellie Gooch, Head of Finance – ELRS, telephone 0208 753 2203.

11. RISK MANAGEMENT

- 11.1 The risk that the TEEP requirements could result in a need to separately collect materials is included in the Bi Borough Risk Register.

Sue Harris
Director for Cleaner, Greener and Cultural Services

Cleared by Finance (officer's initials)	KG
Cleared by Legal (officer's initials)	BM

Local Government Act 1972 (as amended) – Background papers used in the preparation of this report

None.

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