

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Environmental Services Portfolio Holder 9<sup>th</sup> November 2009  
**AUTHOR/S:** Executive Director (Operational Services) / Corporate Manager (Health and Environmental Services)

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### CONSULTATION ON REVISED WASTE FRAMEWORK DIRECTIVE

#### Purpose

1. This report seeks Portfolio Holder endorsement of the RECAP response to the Stage One consultation paper, issued jointly by the Department for Environment, Food and Rural Affairs (DEFRA) and the Welsh Assembly Government, on the transposition of the revised Waste Framework Directive<sup>1</sup> (WFD).
2. It considers possible implications of the revised WFD for this council as a Waste Collection Authority.
3. This is not a key decision

#### Background

4. The revised WFD clarifies and rationalises EU legislation on waste, replacing the existing WFD, the Waste Oils Directive and the Hazardous Waste Directive. It also includes several new provisions, some of which will require policy decisions before the necessary transposing legislation.
5. Member States are required to bring into force by 12 December 2010 the laws, regulations and administrative provisions necessary to comply with revised WFD.
6. The Stage One consultation paper seeks views on these new provisions in order to aid policy development. A report summarising the Stage One consultation responses will be published by 4 January 2010, followed by a Stage Two consultation paper on the Regulations necessary to ensure that the revised WFD is fully and correctly transposed.

#### Considerations

7. The revised WFD sets the EU's first ever general waste recycling target and for the first time enshrines the five-step waste hierarchy - prevention, reuse, recycling, recovery and disposal - into EU law.
8. It clarifies the meaning of 'waste' and those of other concepts like 'recycling' and 'recovery' and introduces a definition of 'by-products' that allows some materials currently defined as waste to become non-wastes, which therefore no longer have to comply with waste regulation e.g. items donated to charity shops or sold second-hand whilst still in a fit condition to be used for their originally intended purpose.
9. It expands the 'polluter pays' principle by emphasising producer responsibility, applies more stringent waste reduction and waste management targets for Member States and requires enhanced content in waste management plans.

10. It also introduces a target to recycle 50% of waste from households by 2020, in line with the target in the National Waste Strategy for England 2007. There is also a target for member states to reuse, recycle or recover 70% of non-hazardous construction and demolition waste by 2020.
11. It does not however set waste prevention targets, instead, obliging member states to establish waste prevention programmes within four years of its entry into force.
12. Much of the Stage One consultation paper explains how the UK already has policies in place to meet the revised WFD's requirements. However, it asks for views on some key issues from a Waste Collection Authority perspective.
13. Article 11 (1) relates to separate collections of waste. It requires Member States to *'take measures to promote high quality recycling and to this end...set up separate collections of waste (for at least the following: paper, metal, plastic and glass by 2015) where technically, environmentally and economically practicable, to meet the necessary quality standards for the relevant recycling sectors.'* The emphasis is on achieving high quality recyclable materials.
14. DEFRA's view is that ensuring the right quality of recyclable materials must be paramount and that the approach to separate collection should be determined by what is most appropriate in the circumstances. Following representation by the UK Government, the European Commission has accepted this view and provided this outcome is achieved, the type of collection system used is a matter of local responsibility. As a result, if co-mingled collections of recyclable materials, followed by their subsequent separation, achieve high quality recyclable materials, then co-mingled collections can continue.
15. The approach adopted during the recently completed Strategic Review of Refuse and Recycling Services, which placed an emphasis on a collection configuration that produced high quality recyclable material, is entirely consistent with this position.
16. Article 11 (2)(a) relates to household waste recycling targets. The consultation paper notes that good progress nationally is being made towards the 50% target (UK 36.6% July 2007 – September 2008). However, whilst the term 'recycling' includes 'the reprocessing of organic material' (e.g. composting), material rejected from the composting process e.g. contaminants such as plastics, textiles, wood and partly composted cardboard, which are used as landfill day cover and currently count towards recycling targets, will no longer be able to be classified as 'recycled' and will therefore no longer count towards recycling targets.
17. It is therefore essential that all contaminants are excluded from the green waste collections as far as practicable e.g. through the continued application of a robust contamination policy and that cardboard is migrated out of the green bin into, for example, a dry recycling collection as envisaged by the post October 2010 preferred Option 7 service.
18. Article 29 (1) relates to waste prevention programmes. The revised WFD requires Member States to write waste prevention plans by 2014. DEFRA's view is that drawing up a freestanding national programme would work best, since the measures envisaged are in general those better taken by Government rather than by local authorities.

## Implications

19.	Financial	No adverse impacts have been identified for the council as a Waste Collection Authority arising out of the Stage One consultation into the revised WFD.
	Legal	
	Staffing	
	Risk Management	
	Equal Opportunities	

## Consultations

20. RECAP partners have considered the consultation and submitted a joint response attached as Appendix A.

## Effect on Strategic Aims

21.	<b>Commitment to ensuring that South Cambridgeshire continues to be a safe and healthy place for all.</b>
	<b>Commitment to making South Cambridgeshire a place in which residents can feel proud to live.</b>
	<b>Commitment to assisting provision for local jobs for all.</b>
	<b>Commitment to providing a voice for rural life.</b>
	Compliance with the policies and legislation arising out of the revised WFD will enable SCDC to continue to provide a cost effective and efficient service, high levels of customer satisfaction/perception, a flexible service able to respond to external influences whilst minimising environmental impact, thereby contributing to the above commitments.

## Conclusions/Summary

22. The Stage One consultation paper on the transposition of the revised Waste Framework Directive considers several new provisions, some of which will require policy decisions by the UK Government before the necessary transposing legislation.
23. SCDC will have the opportunity to comment during the envisaged Stage Two consultation into Regulations necessary to transpose the revised WFD into UK law.
24. No adverse impacts have been identified for the council as a Waste Collection Authority arising out of the Stage One consultation into the revised WFD.
25. The council's approach to the recent strategic review of the refuse and recycling service (the Service) and the aims and objectives to be achieved by the preferred Option 7 reconfiguration of the Service, emphasising the collection of high quality recycling, the consequential need to reduce contamination and move materials such as cardboard out of the existing green bin and into the dry recycling stream, is entirely consistent with the provisions of the revised WFD.

## Recommendations

26. The Portfolio Holder is asked to:
- (a) Endorse the RECAP response to the Stage One consultation paper on the transposition of the revised Waste Framework Directive (Directive 2008/98/EC) outlined in this report.

- (b) Note the approach and result of the Council's strategic review of refuse and recycling service was entirely consistent with the provisions of the revised WFD.

**Background Papers:** the following background papers were used in the preparation of this report:

Stage One: Consultation on the transposition of the revised Waste Framework Directive (Directive 2008/98/EC) – A consultation document issued jointly by the Department for Environment, Food and Rural Affairs (DEFRA) and the Welsh Assembly Government.

<http://www.defra.gov.uk/corporate/consult/waste-framework/consultation.pdf>

Revised Waste Framework Directive (Directive 2008/98/EC)

[eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:312:0003:0030:EN:pdf](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:312:0003:0030:EN:pdf)

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