

Powers in Place briefing



Waste

The Key Takeaway

Local authorities' have no statutory powers in the most important areas of waste reduction and re-use. However, they have a direct responsibility for waste collection and/or disposal, so they need to use their role to influence emissions reductions across the waste hierarchy.

About UK100

UK100 is a network of local leaders who have pledged to lead a rapid transition to Net Zero with Clean Air in their communities ahead of the government's target.



Executive Summary

Powers in Place is a handbook of the powers that local authorities have to deliver Net Zero, and whether they can deploy these powers effectively to create change. The report covers five areas - powers, transport, buildings, energy and waste.

The Climate Change Committee (CCC) states that to be on track for Net Zero, sending biodegradable waste to landfill must stop by 2030 or earlier and municipal recycling rates should increase from around 45% in England to 65% by 2025 and 70% by 2030.

The key challenges are to end the landfilling of biodegradable waste and reduce reliance on incineration by delivering a step-change in recycling, re-use and waste prevention. Reducing waste at source is essential to reducing emissions, both from the waste itself and in producing industries. This will involve moving to a circular economy: designing out waste, reusing/ recycling of waste as raw materials, devising new business models around services rather than ownership, enabling repair and developing a sharing economy.

Key Recommendations



Provide powers to reduce residual waste from both domestic and commercial settings. This includes the power to enforce recycling separation and the power to intervene in the commercial waste market in line with Net Zero ambitions.



Provide clarity, support and funding for local authorities to meet the new requirements on waste collection in the Environment Act 2021.



Fast track policies on producer responsibility, deposit return schemes and the circular economy to reduce waste at source.

Challenges



Lack of a whole-system policy

- Funding is restricted to helping local authorities invest in collection but not the disposal infrastructure which means Waste Disposal Authorities may end up receiving separate collection streams and actually mixing them back up again.



Waste market

- Waste management companies may find it difficult to meet particular targets as they operate in a volatile global market.
- The government amended the Waste Shipment Regulations, in January 2021, limiting when waste can be shipped to or from the UK. This aims to increase protection for vulnerable countries from unwanted imports.



Poor quality recycling

- This results in contaminated materials streams which can be rejected at the gate by materials recycling facilities and therefore affects the income stream for the disposal authority.



Lack of power

- Local authorities have no power to enforce recycling or separation of food waste by householders. They must rely on persuasion, marketing and provision of good collection services.



Energy from Waste (EfW)

- Local authorities use waste to generate energy. The CCC modelling for Net Zero by 2050 assumes that Carbon Capture and Storage (CCS) technologies need to be fitted to EfW plants from 2040 with all EfW plants fitted by 2050.
- Thus, Waste Planning Authorities need to evaluate whether to consent to new EfW plants and if so, to consider their location so they are located near planned CCS facilities or transport CO₂ as a gas to locations able to handle, process or store it.



Commercial waste

- Local authorities and the Environment Agency have a duty to ensure that commercial waste is collected and disposed of by a licensed collector.
- Current regulations do not provide the ability to zone or franchise local areas and provide a concession for that whole area to a single commercial waste provider. This however could improve recycling rates in small businesses, streamline the service, address air quality issues and improve commercial waste recycling.
- Data on commercial waste is of poor quality and not visible to local authorities. Thus, local authorities wanting to devise commercial solutions, particularly for poorly served SMEs cannot do so.





Sunderland City Council has approved planning permission for Quantafuel Sunderland Limited's new plastics recycling facility at Port of Sunderland, to be opened in 2025. Creating over 100 jobs, this will take 100,000 tonnes of low value mixed plastic waste from north of England that otherwise would have gone to EfW or landfill and will produce a raw material for use in further high-grade plastics, reducing emissions by 70% compared to the plastics being used in EfW.

Essex County Council have participated in developing The BLUEPRINT Model, a project designed to help local authorities transition to a circular economy across England and France. It focuses on four key areas: procurement, waste management, training and job opportunities and behaviour change. It provides support for baselining, supporting social enterprise in delivering circular economy training, and provides resources for community engagement on waste and recycling.



[Read Powers in Place](#)

[Read Briefing Notes on Buildings, Energy Infrastructure, Local Powers and Waste](#)

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Relevant Legislation	Power enabled or blocked
Environment Act 2021 The Environmental Protection Act 1990 s.45 amended under the Environment Act 2021 replaced with s.45A	Duty to collect household waste Collection of household waste separate from collection of recyclable household waste Recyclable household waste must be collected for recycling or composting Household food waste must be collected at least once a week Recyclable waste should be collected separately (unless not technically or economically practicable) but food and garden waste cannot be collected together with other recyclable waste such as plastics, paper/card, metal and glass
Waste and Emissions Trading Act 2003	Duty to report waste data Duty on two-tier authorities to produce a joint waste strategy
The Environmental Protection Act 1990 s.59	Power to require removal of waste unlawfully deposited on land; under certain circumstances can remove waste and charge for removal
The Environmental Protection Act 1990 s.55	Powers to purchase, sell and utilise recycled waste
Local Government Act 1972 s.101(5) and 102	Power to set up committees, made up of several local authorities
Town and Country Planning Act 1990	Planning permission for Waste Treatment/EfW facilities by the LPA
Sale of Electricity by Local Authorities (England and Wales) Regulations 2010	Sale of electricity, e.g. if an EfW plant is publicly owned
The Controlled Waste (England and Wales) Regulations 2012	Local authorities can charge for some kinds of waste from schools, prisons etc.
s.51 of the Environmental Protection Act 1990	Local authorities may provide commercial waste collection and disposal
s.51 of the Environmental Protection Act 1990	Local authorities may give prescribed financial assistance directions to assist in the disposal of commercial or industrial waste
The Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020 Enforced through civil sanctions set out in regulations using powers in Part 3 of the Regulatory Enforcement and Sanctions Act 2008 369	Council enforcement of restrictions on the supply of single- use plastic straws and stirrers, and plastic-stemmed cotton buds; and from October 2023, the supply of single-use plastic plates, trays, bowls, cutlery, balloon sticks, and certain types of polystyrene cups and food containers Similar bans are in place in Scotland and Wales with a ban in line with the EU Single Use Plastic Directive due in Northern Ireland
Section 34(2A) of the Environmental Protection Act 1990 in England	Local authority powers to issue a Fixed Penalty Notice for failure to meet duty of care – e.g. waste that is fly tipped, private waste transferred to an unauthorised waste carrier or to an unauthorised person on a site without a permit