

Criteria for designating areas as being unsuitable for Wheeled Bin collections of household kerbside waste and thereby as being only suitable for the collection of such waste in non-reusable receptacles such as bags

Legislative background:

Article 2 of the Waste Management (Collection Permit) (Amendment) Regulations 2016 (S.I. No.24 of 2016) – provides that:

2. The Waste Management (Collection Permit) Regulations 2007 (S.I. 820 of 2007) are hereby amended by—.....[Article 20(2)(g)(iv)]:

(iv) ensure that from 1 July, 2016 household kerbside waste is only collected in approved receptacles which are designed for reuse, with the exception of the collection of such waste in **SPECIFIC AREAS DESIGNATED BY A LOCAL AUTHORITY** as being only suitable for the collection of such waste in non-reusable receptacles such as bags,

Context:

Regulations require household waste collectors to charge on a pay-by-weight basis from 1 July, 2016 through conditions in their permits. Ideally, charging on a pay-by weight basis would be applied without exception. The benefits of pay by weight charging are many, including a reduction in the presentation of waste and increased segregation of waste by householders.

In addition, it is generally recognised that there are problematic issues associated with the collection of household waste in bags, such as litter caused by ripped bags, litter caused by the fly tipping on streets where bag collections take place, and lower presentation rates of food waste and mixed dry recycle.

In light of the above issues, the collection of household waste in bags would ideally cease.

However, following discussions with local authorities and industry it is apparent that:

- (i) there will be some exceptional areas where it will not be possible to collect reusable receptacles, such as wheelie bins; and
- (ii) pay-by-weight is not as easily applicable where bags are being collected.

The exercise of designating areas where collections of household waste in bags may continue post 1 July, 2016 will therefore provide an unavoidable exception to the national initiative to introduce pay-by-weight charging. However, the default position should be that household kerbside waste is not collected in bags post 1 July, 2016, barring in exceptional circumstances. It should also be noted that the designation of an area is not to be considered permanent in nature, as evolving technologies, practices and developments may emerge which would make it possible for an area to be suitable for wheelie bin use (or other reusable receptacle) in the future. A review of the designation should be undertaken as appropriate, as and when circumstances change, however a date should be set for a review of any decision to designate an area under criterion 1 not more than 12 months after that decision.

The objective of introducing these criteria is to give guidance on providing exceptions to the requirement for the use of wheeled bin receptacles. However, the over-riding policy is to maximise

to the greatest extent possible the number of households who will pay for their kerbside waste collection services on a pay by weight basis, which for the purposes of 1 July, 2016 requires the use of wheelie bins. In light of the above, it is the intention that:

- Areas where household kerbside waste is currently being collected in bags will not be granted an automatic exemption from the requirement to use wheeled bin receptacles;
- Areas where household kerbside waste is currently being collected in wheelie bins (and where bags are not being currently collected) will not be considered for designation as 'bag collection' areas.

There are certain areas where currently a mix of both bags and wheelie bins are being collected. If it is determined that such areas are not suitable to move in their entirety to wheelie bins, they may be designated as 'bag collection' areas. However, the designation of the geographic area should be as restrictive as possible so as to maximise the number of households on a wheelie bin service. Reducing the number of households which remain on a bag collection will remove many of the problems associated with bag collections as outlined above and will ensure the greatest possible application of pay by weight charging for household kerbside waste collection.

The obligation to charge on a pay by weight basis (for wheelie bins, not bags) will be enforced through permit conditions attached to each collector's permit (as opposed to obliging the householder to present waste in a specific way). Designating areas as being only suitable for the collection of household kerbside waste in bags falls under the waste collection permitting process and is an executive function. It is intended that the designated areas be published by each local authority on their website and this register be notified to the NWCPO which can develop conditions which 'point' to the register.

Criteria

The criteria for designating an area as being only suitable for the collection of household kerbside waste in non-reusable receptacles are as follows:

1. No space within the boundary of the property, front, rear or side to store 3 bins. However, as the waste must be stored somewhere, even when it is presented in bags, options should be explored as to whether smaller wheelie bins or other such reusable receptacles could be used in such circumstances. In this regard, if this criterion is used to designate an area, a date should be set for a review of that decision not more than 12 months after that decision, in order to evaluate whether smaller wheelie bins or other such reusable receptacles could be used.
2. Physical features which make it difficult to move a bin to the front edge of the property or nearest boundary for presentation, e.g. steep gradient and or steps (the advice of a Roads Engineer should be sought) or that would present an unreasonable difficulty.
3. The area (e.g. street) is too narrow for an RCV to access properties and the nearest Designated Collection Point or suitable presentation point is greater than 100m from the property (again the advice of a Roads Engineer should be sought for advice on this issue).
4. Where the Local Authority is notified of exceptional circumstances by a householder / resident and the Local Authority certifies same. Such circumstances may include where, due to the rural location of isolated households, a kerbside collection service currently being

provided would not be available to households should the collector be required to move to wheelie bins. Again, if this criterion is used to designate an area, where appropriate and keeping in mind the intention to make the collection of bags an exception, a date should be set for a review of that decision, in order to evaluate whether the exceptional circumstances have changed to facilitate a move to wheelie bins.

Note

- (a) In applying the above, if criterion 2, 3 or 4 determines the designation of an area as a bag area, this would overrule the designation of an area under any other criterion as being suitable for wheelie bins. Example, under criterion 1, a person may have sufficient space for 3 bins, but under criterion 3, the street is too narrow. In this example, criterion 3 overrules criterion 1.