

**FINAL DRAFT OF GUIDANCE MADE UNDER SECTION 7 OF WASTE
(WALES) MEASURE 2010 – IN SUPPORT OF LOCAL AUTHORITY
RECOVERY TARGETS**

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1.0 Introduction to Guidance

The Recycling, Preparation for Re-use and Composting Targets (Definitions) (Wales) Order 2011¹ and The Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011² came into force on 30 March 2011. The two statutory instruments have been made under provisions in the Waste (Wales) Measure 2010³ and support the Local Authority Recovery Targets set in the Measure.

The purpose of this Guidance, produced under section 7 of the Waste (Wales) Measure 2010, is to provide clarity in respect of the definitions of recycling, preparation for re-use and composting contained in the Order and the monitoring and reporting requirements contained in the Regulations.

Throughout the Guidance, reference is made to 'Local Authority Recovery Targets', reflecting the fact that recycling, preparation for re-use and composting (including anaerobic digestion) are recovery operations. For the purposes of the targets set in the Waste (Wales) Measure 2010 and this Guidance, **'recovery' means only recycling, preparation for re-use and composting (including anaerobic digestion) – as set out in sections 3(2) and 3(5) of the Measure.**

¹ S.I. 2011/551 (W 77)

² S.I. 2011/1014 (W 152)

³ 2010 nawm 8/No 8

2.0 Targets

The targets set in section 3 (3) of the Waste (Wales) Measure 2010 contribute towards implementation of the Welsh Government's commitment to promote a high quality recycling society. The targets have been set following extensive consultation through the *Future Directions* papers⁴, consultation on *Towards Zero Waste* and the *Municipal Sector Plan*.

Each target applies to individual local authorities in Wales. The targets will be monitored by means of annual Performance Indicators, which are derived from data provided by local authorities through the WasteDataFlow national waste database.

The targets are based on the net (i.e. less rejects) aggregated recycling, preparation for re-use and composting (including anaerobic digestion) tonnages divided by the total tonnage of local authority municipal waste collected:

$$\text{Overall recovery (\%)} = \frac{\text{Aggregated recycling, preparation for re-use and composting}}{\text{Total local authority municipal waste}} \times 100$$

The targets set in the Waste (Wales) Measure 2010 are minimum recovery (i.e. recycling, preparation for re-use and composting) targets.

Year	2012-13	2015-16	2019-20	2024-25
Recovery target %	At least 52	At least 58	At least 64	At least 70

The minimum Local Authority Recovery (i.e. recycling, preparation for re-use and composting) Targets for each year from 2012-13 are:

2012-13 = 52%
2013-14 = 52%
2014-15 = 52%
2015-16 = 58%
2016-17 = 58%
2017-18 = 58%
2018-19 = 58%
2019-20 = 64%
2020-21 = 64%
2021-22 = 64%
2022-23 = 64%
2023-24 = 64%
2024-25 = 70%

⁴ The Future Directions papers were a series of three policy discussion papers published by the Welsh Government between October 2007 and April 2009.

3.0 Definitions of what constitutes municipal waste in relation to the Local Authority Recovery Targets set under section 3(3) of the Waste (Wales) Measure 2010

It is important to consider issues of definition in turn. In section 3.1 below there is clarification of what constitutes local authority municipal wastes. In section 3.2 it is explained which of these wastes may be counted as recycled, prepared for re-use or composted (including anaerobically digested) and in section 3.3. recycling of specific wastes is considered.

3.1 Wastes to be included as local authority municipal wastes

Under section 3(8) of the Waste (Wales) Measure 2010 local authority municipal waste includes wastes collected under section 45 and subsections (1)(b) and (3) of section 51 of the Environmental Protection Act 1990. It also includes such other wastes as specified by order of the Welsh Ministers under section 3(8)(c) of the Measure, though no such Order has been made to date.

Only wastes collected by local authorities or their agents under the relevant sections of the Environmental Protection Act 1990 (referred to above) are considered local authority municipal wastes and consequently count towards Local Authority Recovery Targets.

Some specific waste types are considered in turn.

3.1.1 Home composting

Home composted material is not collected by local authorities under sections 45 or 51 of the Environmental Protection Act 1990 and is therefore not local authority municipal waste. It does **not** contribute directly towards Local Authority Recovery Targets.

3.1.2 Soil and rubble

For the purposes of the Local Authority Recovery Targets, soil and rubble delivered to facilities (civic amenity sites and household waste recycling centres) provided under section 51(1)(b) and 51(3) of the Environmental Protection Act 1990 are considered to be local authority municipal wastes.

3.1.3 Abandoned vehicles

Abandoned vehicles are not local authority municipal wastes and do **not** count towards Local Authority Recovery Targets. Data concerning the management of abandoned vehicles should continue to be entered in WasteDataFlow.

3.1.4 Beach cleansing wastes

Litter from beaches is covered by section 89(1)(a) of the Environmental Protection Act 1990 and Schedule 1(3) of The Controlled Waste Regulations 2012 and is

therefore local authority municipal waste for the purposes of the Local Authority Recovery Targets set under the Waste (Wales) Measure 2010.

For clarity, relevant land in this context includes areas of beaches that are under direct local authority control, to which the public are permitted access and which are above the place to which the tide flows at mean high water springs.

Dead sea creatures found on beaches do not count as beach cleansing wastes.

3.1.5 Plasterboard

Plasterboard is local authority municipal waste where it is collected at local authority collection facilities provided under section 51, or collected under section 45, of the Environmental Protection Act 1990. Plasterboard should be separately collected and recycled and must not be sent to landfill with biodegradable wastes.⁵

3.1.6 Incinerator Bottom Ash (IBA)

Incinerator bottom ash (IBA) [and other residues from energy from waste (EfW) processes, e.g. char from gasification, but not including air pollution control residues (APCR), [see below]] that is produced following combustion of other local authority municipal wastes (i.e. wastes collected under sections 45 and 51 of the Environmental Protection Act 1990) is considered to be local authority municipal waste.

3.1.7 Air Pollution Control Residues (APCR)

APCR, commonly referred to as 'fly ash' is a by-product of the combustion of wastes and the introduction of materials to neutralise or trap gaseous and particulate emissions from combustion. That portion of APCR which is produced directly from the combustion of other local authority municipal wastes (i.e. wastes collected under sections 45 and 51 of the Environmental Protection Act 1990) is considered to be local authority municipal waste.

It is important that in any calculation of the portion of APCR that is local authority municipal waste that all materials added to combustion products to neutralise them are excluded. These materials are added to treat the products of the combustion of local authority municipal wastes and are not themselves local authority municipal wastes. **Only the dry weight of APCR that is derived from the products of combustion of local authority municipal wastes should be included in WasteDataFlow.**

3.1.8 Tyres

Tyres are not local authority municipal waste if they are collected as constituents of abandoned vehicles. Where tyres are collected under sections 45 or 51 of the Environmental Protection Act 1990 they will count towards local authority

⁵ Guidance on plasterboard produced by EA: http://www.environment-agency.gov.uk/static/documents/Business/PS_007_Landfilling_gypsum_rev_Jan_2011.pdf.

municipal waste. It is expected that only small quantities of tyres will be collected through these routes. Where a local authority clears fly-tipped waste in its capacity as a Waste Collection Authority or principal litter authority, then any tyres collected will be considered to be local authority municipal wastes.

3.1.9 Clinical wastes

Any waste produced in a household following treatment by a visiting healthcare professional is considered to be the responsibility of the healthcare professional.

Hygiene wastes (sanitary towels, nappies and incontinence pads) are local authority municipal wastes that may be either disposed of with domestic wastes (provided that they are not hazardous), or separately collected for recovery. Any clinical wastes collected by or on behalf of a local authority under section 45 of the Environmental Protection Act 1990 will be local authority municipal waste.

3.1.10 Road sweepings and gully wastes

Road and street sweepings collected by local authorities under section 89(2) of the Environmental Protection Act 1990 are defined as household wastes in Schedule 1(3) of The Controlled Waste Regulations 2012 and are therefore local authority municipal wastes.

Gully wastes (wastes washed from drainage channels on roads and car parks into underground pots) contain a range of materials including chippings, leaves and litter. Where these are collected under section 89(2) of the Environmental Protection Act 1990 they are defined as household wastes in Schedule 1(3) of The Controlled Waste Regulations 2012 and are therefore local authority municipal wastes.

3.1.11 Asbestos

Asbestos may be deposited at Civic Amenity (CA) sites by householders under section 51 of the Environmental Protection Act 1990. Local authorities may also arrange for collection of asbestos from households under section 45 of the Environmental Protection Act 1990. In both cases the wastes will be local authority municipal wastes.

3.2 Recycling, preparation for re-use and composting

Recycling, preparation for re-use and composting of the materials confirmed to be local authority municipal wastes counts towards local authority recycling, preparation for re-use and composting targets, henceforth referred to as Local Authority Recovery Targets.

3.2.1 The definition of recycling

For waste to be considered as recycled it must satisfy the criteria set out in Article 3 of the Recycling, Preparation for Re-use and Composting Targets (Definitions) (Wales) Order 2011; it must have undergone a reprocessing recovery operation so

that it has been reprocessed into a product, material or substance, whether for its original or other purpose. In terms of such waste counting towards Local Authority Recovery Targets, careful attention should be paid to section 4.3 of this Guidance.

Materials that are rejected during post collection sorting, or that are rejected at a re-processor because they are contaminants, must **not** be counted towards Local Authority Recovery Targets (unless the contaminants themselves are subsequently recovered). All materials rejected between collection and final re-processing must be recorded as far as practicable and will be excluded from contributing towards the calculation of recovery rates via the WasteDataFlow system. This does not include materials rejected during re-processing as a consequence of the process itself (e.g. short fibres and clay particles which are components of paper and which are rejected during paper re-processing).

Water that is lost during processes that treat 'dry recyclable' wastes (e.g. paper, glass, metals and plastics) that have become wet due to rain or other sources of water, is not considered recycled and may not count towards Local Authority Recovery Targets. This includes bodily fluids contained in absorbent hygiene products (AHP). This contrasts with the position in relation to the composting (including anaerobic digestion) of food wastes or green wastes, where the weight of the input materials (less contamination) is counted towards Local Authority Recovery Targets. Water is an inherent component of food and green wastes and is counted towards Local Authority Recovery Targets for these materials. Water is not an inherent component of 'dry recyclables' (including AHP).

Any product, material or substance that is to be used for backfilling⁶ (including treated bio-wastes) must not be counted as recovered for the purposes of the Local Authority Recovery Targets set under the Waste (Wales) Measure 2010.

Where IBA derived from the combustion of local authority municipal wastes is recycled via a reprocessing recovery operation its dry weight may count towards Local Authority Recovery Targets.

Where APCR derived from the combustion of local authority municipal wastes is recycled via a reprocessing recovery operation, the dry weight of that portion of APCR derived from the combustion of local authority collected municipal waste may count towards Local Authority Recovery Targets. This will be the dust fraction, and it is likely to be a small proportion of the overall weight of APCR residue. Any weight of APCR due to material introduced to react with the by-products of combustion may **not** count towards local authority recycling targets.

IBA and APCR may be shown to be recovered if a Quality Protocol for the materials is complied with or if an application to the 'Definition of Waste Panel' confirms that end of waste criteria (EoWC) are met. Natural Resources Wales

⁶ Backfilling means a recovery operation where suitable waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping and where the waste is a substitute for non-waste materials.

(NRW) as the Monitoring Authority for the Local Authority Recovery Targets will advise whether IBA/APCR has been recovered.

3.2.2 The definition of preparation for re-use

For waste to be considered as prepared for re-use it must satisfy the criteria set out in Article 4 of the Recycling, Preparation for Re-use and Composting Targets (Definitions) (Wales) Order 2011. After waste prevention, preparation for re-use is the next best option in the waste hierarchy and it can make significant contributions towards reducing carbon and ecological footprints.

The three permitted preparation for re-use recovery operations are checking, cleaning and repairing.

It is particularly important that thorough checking is carried out of all items that are being prepared for re-use to ensure that they are safe, meet required standards and are fully legally compliant before re-use. This includes the checking, testing and certification of electrical items and checking that upholstered furniture and other items meet all fire safety requirements.

Repair of items includes the replacement of worn, damaged or malfunctioning component or parts. This includes all carpentry operations required to repair wooden items (including furniture), all metal working operations on relevant items, the replacement of glass in mirrors and similar, re-upholstering of furniture, and all other operations that are required such that an item is fit for use for its originally intended purpose.

Once items are checked, cleaned and repaired such that they are ready for re-use, their weights may be entered into WasteDataFlow so that they count towards the Local Authority Recovery Targets.

3.2.3 The definition of composting and anaerobic digestion (AD)

For waste to be considered as composted, it must satisfy the criteria set out in Article 5 of the Recycling, Preparation for Re-use and Composting Targets (Definitions) (Wales) Order 2011. Article 5(1)(a) of the Order confirms that, for the purposes of section 3 of the Waste (Wales) Measure 2010, 'composting' includes both composting and anaerobic digestion processes.

Biodegradable wastes (e.g. food wastes and green garden wastes) may be considered composted if they undergo a recovery operation which produces a product, material or substance that is capable of use as a soil conditioner, fertiliser or growing medium.

Where composts and digestates comply with Article 5 of the Order, the amount considered recovered for the purposes of the targets set under the Waste (Wales) Measure 2010 will be the weight of the input to a composting or anaerobic digestion facility minus rejects (including plastics, metals, glass, oversized items and where appropriate non-degraded corn starch bags).

3.3 Recycling of specific wastes

The following wastes may count towards Local Authority Recovery Targets where they undergo a reprocessing recovery operation to produce a product, substance or material, as in Article 3 of the Order.

3.3.1 Soil and rubble

Soil and rubble may count towards Local Authority Recovery Targets where they undergo a reprocessing recovery operation to produce a product, substance or material.

3.3.2 Beach cleansing wastes

Where litter collected from beaches undergoes a reprocessing recovery operation to produce a product, substance or material, it may count towards the Local Authority Recovery Targets.

3.3.3 Plasterboard

Plasterboard that undergoes a reprocessing recovery operation to produce a product, substance or material may count towards the Local Authority Recovery Targets.

3.3.4 Incinerator bottom ash (IBA)

IBA may count towards the Local Authority Recovery Targets if it undergoes a reprocessing recovery operation to produce products, materials or substances in accordance with Article 3 of the Order.

3.3.5 APCR

Air pollution control residues (APCR) may count towards the Local Authority Recovery Targets if they undergo a reprocessing recovery operation to produce products, materials or substances in accordance with Article 3 of the Order, consistent with paragraph 3.3.1.

3.3.6 Tyres

Recycling of tyres may count towards the Local Authority Recovery Targets if they undergo a reprocessing recovery operation to produce products, materials or substances in accordance with Article 3 of the Order.

3.3.7 Clinical waste

Some wastes considered as clinical wastes may be recycled. The principal example of this is absorbent hygiene products (AHP) such as nappies and incontinence pads. These wastes are categorised in the List of Wastes as:

18 01 04 wastes whose collection and disposal is not subject to special requirements in order to prevent infection (for example dressings, plaster casts, linen, disposable clothing, diapers).

Where these wastes undergo reprocessing recovery operations to produce products, substances or materials as in Article 3 of the Order they may count towards Local Authority Recovery Targets. Any bodily fluids contained within wastes delivered for recycling are not part of the product, do not get recycled into new products, materials or substances and **may not** be included in recycling figures. The % recycling rate for AHP applies only to the dry weight of the material that is recycled.

3.3.8 Road sweepings and gully wastes

Street sweepings and leaf fall may count towards the Local Authority Recovery Targets where they undergo reprocessing recovery operations to produce a product, substance or material as in Article 3 of the Order or undergo composting or anaerobic digestion to produce a product, substance or material that is capable of use as a soil conditioner, fertiliser or growing medium as in Article 5 of the Order.

3.3.9 Wood

Wood and wood products may count towards the Local Authority Recovery Targets provided that they undergo reprocessing recovery operations to produce a product, substance or material as in Article 3 of the Order or undergo composting or anaerobic digestion to produce a product, substance or material that is capable of use as a soil conditioner, fertiliser or growing medium as in Article 5 of the Order.

4.0 Monitoring and reporting

The Local Authority Recovery Targets set under the Waste (Wales) Measure 2010 are intended to promote high levels of recovery and to realise concomitant benefits. These are monitored through accurate and timely reporting of data, which is critical to the success of the legislation that sets targets and to the strategies behind that legislation.

4.1 WasteDataFlow and reporting requirements

Regulation 5 of The Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011 obliges local authorities to use the WasteDataFlow national waste database as the means of reporting waste flows in a way that enables local authority recovery rates to be calculated.

The current reporting periods are each of three months and data returns must currently be submitted within one month of the end of the three month period.

4.2 End destinations and reject rates

The Local Authority Recovery Targets set under the Waste (Wales) Measure 2010 must be accurately reported and only materials that are actually recycled, prepared for re-use or composted (including anaerobically digested) will be included in the calculation of local authority recovery rates. The accuracy of this calculation depends upon accurate reporting of reject rates (see section 3.2.1), including those from sorting facilities and re-processors – whether these are involved through long-term contracts or via the ‘spot market’. For this reason it is important that local authorities follow, as far as is practicable, the flows of materials after they have been collected.

It is important that end destinations are identified as far as practicable. The end destinations of materials will be:

- The materials re-processor where materials are recycled, prepared for re-use or composted (including anaerobically digested) into a product, material or substance.
- The disposal facility where materials rejected during sorting of recyclables, preparation of items for re-use or composting (including anaerobic digestion) are disposed of or are subject to energy recovery.
- The first country to which material intended for recovery (as referred in the Introduction to this Guidance) is exported outside the United Kingdom (UK).

Material flows should, wherever practicable, be monitored from the point of collection to the appropriate end destination – to include identification of intermediate sorting facilities. Question 100 of WasteDataFlow has been developed to assist with reporting of waste flows and all local authorities in Wales have been using Question 100 from 1st April 2012.

There are occasions where collected materials may pass through several stages between collection and re-processing and during which wastes from different local authorities may become mixed with non local authority wastes. These materials may also be sent to more than one re-processor. It is important that local authorities report intermediate sorting facilities, reject rates and end destinations as comprehensively as practicable.

It is important that wherever local authorities use contractors for collection and sorting of waste materials that their contracts require the submission to the local authorities of timely and accurate data. This approach would be assisted by requiring that all tenderers for contracts agree to use the approaches contained in Publicly Available Standard 402 for reporting back to local authorities. Once materials pass beyond the first stage of sorting it is recommended that it is the responsibility of the first stage (primary) facility to request information about reject rates and next destinations from the secondary facilities. The primary facility may then pass on the information to the local authority/ies. Similarly, secondary facilities may obtain information from tertiary facilities and pass this back to the primary facility – and so on. It is appreciated that the accurate monitoring and reporting of rejects and next destinations will become more difficult as materials go through more stages of sorting and treatment prior to re-processing. The approaches outlined in section 4.3 are intended to assist in making reporting easier. For small weights of material that have passed through several different facilities, the advantages of tracking the material flows may be outweighed by the time and costs of collating and returning data. Where local authorities consider this to be the case, they should consult the Monitoring Authority to seek agreement on the definition of the effective end destination. The Monitoring Authority shall advise on any *de minimis* approaches to be taken.

4.3 Allocation of rejects and sampling at Materials Recovery Facilities (MRFs) and other waste facilities

The simplest approach to allocating rejects is a pro rata approach. A waste facility will determine the amount of material that is provided to it from multiple sources, whether the facility is bulking materials or sorting them prior to bulking. The percentage of inputs to a facility from a specified local authority is therefore easily reported. The outputs from a sorting facility will be in three basic categories:

- Material rejected for disposal.
- Material that has been sorted to a standard whereby it will be accepted by a re-processor.
- Material that has been sorted but which requires further sorting before it will be accepted by a re-processor.

The following example is provided to explain how the calculations need to be made.

Example 1

If 10% of the material received at a waste sorting facility is rejected for disposal or to energy from waste, then 10% of all the inputs to that facility from a specified local authority will be considered as rejected for disposal. Thus, if a local authority sends 1000 tonnes to a sorting facility that has an overall material reject rate of 10%, then 100 tonnes will be entered into WasteDataFlow as being rejected.

Material of sufficient quality that it will be accepted by a re-processor will contain some non target materials that will be rejected by the re-processor. Unless these non-target materials are recycled as a consequence of arrangements made by the re-processor they will be rejected for disposal or sent to energy from waste. They will similarly need to be counted as rejected in WasteDataFlow.

If 70% of the input material to the MRF is sent to a re-processor that then rejects 10% of the material received, then 7% of the input from a specified local authority will be material rejected for disposal or to energy from waste at the re-processor. Thus, if a local authority sends 1000 tonnes to a sorting facility, then 70 tonnes will be entered into WasteDataFlow as being rejected at the re-processor.

Material which is not of sufficient quality to be accepted by a re-processor is sent for subsequent (secondary, tertiary, etc) sorting until it is of an acceptable quality to be received by a re-processor.

If 20% of the input material to the MRF is sent to secondary sorting and thence to re-processors and disposal, or energy from waste, resulting in half being recycled and half disposed of, or sent for energy recovery, then of the 1000 tonne input from the specified local authority 100 tonnes will be rejected for disposal or energy from waste and will be entered into WasteDataFlow as rejected.

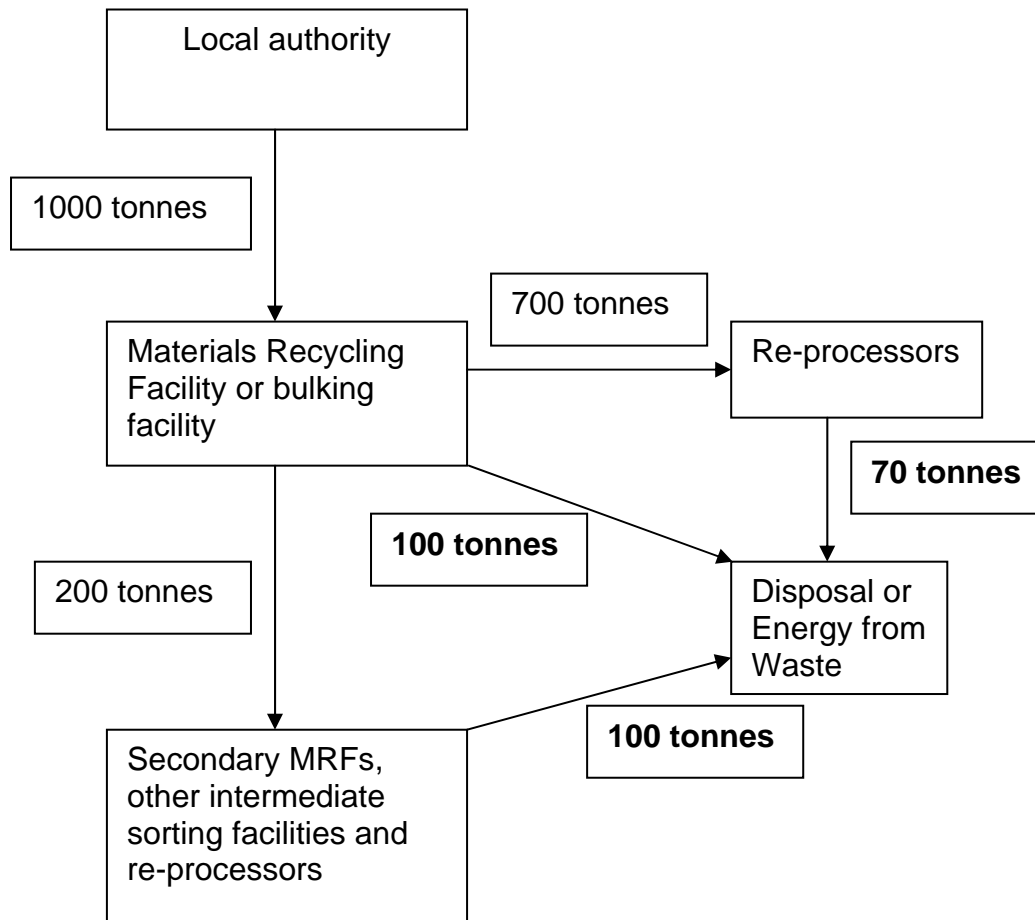
The net effect of the rejection of material through the three distinct categories outlined is that a local authority sending 1000 tonnes to the initial sorting facility should enter into WasteDataFlow that:

270 tonnes have been rejected for disposal or energy from waste; and

730 tonnes have been recycled.

Figure 1 illustrates the three main routes from which rejected materials are produced and which should be reported via WasteDataFlow, using Example 1 above.

Figure 1 – The loss of materials due to rejection and the amounts to be reported as rejects via WasteDataFlow (in bold)



The same approach illustrated in Example 1 should apply to all materials, MRFs, bulking stations and re-processors, irrespective of how material is collected. All local authorities must take all reasonable and practicable steps to report accurately all materials that are rejected and that are consequently not recycled, consistent with the constraints outlined in section 4.2.

Local authorities will have different levels of contamination in the materials they collect, depending upon how the material is collected. They will be variously advantaged and disadvantaged by a system of reporting based on apportionment. It is something that all local authorities should consider when deciding on the selection of sorting facilities for their materials.

An alternative to apportionment is sampling, where instead of pro rata reject assessments based on inputs, the inputs themselves are sampled and estimates of probable rejected material are determined based on the assessed recyclability of component materials. This approach can result in more accurate data for each individual authority; however, it can also be more onerous. Any approach based on sampling of inputs of materials for sorting should only be undertaken following

consultation with the Monitoring Authority, which needs to be reassured that the sampling is representative of inputs, that the sampling frequency is appropriate and that the robustness of the sampling protocols and practices is such that accurate data will be provided for entry into WasteDataFlow. Monitoring Authority Guidance on sampling procedures may be obtained via the following link:

<http://www.environment-agency.gov.uk/business/topics/waste/138482.aspx>

4.4 The calculation of recovery (recycling, preparation for re-use and composting) through WasteDataFlow

The calculation of local authority recovery (recycling, preparation for re-use and composting) rates will be based on data provided by local authorities to WasteDataFlow (WDF). The overall performance against targets will be calculated by considering:

Total Recovery/Total Local Authority Municipal Waste x 100, as in section 2 of this Guidance.

Total Recovery is the sum of all the relevant material types entered into WDF (excluding abandoned vehicles) as having been sent to destinations, i.e. the tonnage entered against Final Destination into Question 100 (equivalent to Questions 19, 19a and 35 formerly).

This new method simplifies the equation significantly and is a more accurate representation of what is actually being recycled within that period and the way that waste is managed overall by a local authority.