



Department for Environment Food & Rural Affairs

Consultation on Consistency in Household and Business Recycling in England

May 2021

We are the Department for Environment, Food and Rural Affairs. We're responsible for improving and protecting the environment, growing the green economy and supporting our world-class food, farming and fishing industries.

We work closely with our 33 agencies and arm's length bodies on our ambition to make our air purer, our water cleaner, our land greener and our food more sustainable. Our mission is to restore and enhance the environment for the next generation, and to leave the environment in a better state than we found it.



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Executive summary

Our 2018 Resources and Waste Strategy sets out Government's ambitions for higher recycling rates, increased resource efficiency and a more circular economy¹ in England. These ambitions require changes in how we produce and consume products and materials, as well as how we treat and dispose of them at end-of-life.

Government also supports frequent and comprehensive rubbish and recycling collections. We have seen household recycling rates in England increase considerably from 11% in 2001 to 45.5% in 2019/20. However, since 2015, progress has been slower, and rates have remained at around 44-45%.² While many local authorities continue to make improvements and have introduced new services, some have seen a drop in recycling rates or have stopped services, such as food waste collections, or do not collect the full range of recyclable materials. The public, industry and other stakeholders have called for greater consistency in the materials collected for recycling as well as, to some extent, in how these are collected.

Research by the Waste and Resources Action Programme (WRAP) indicates that the most important features of a recycling service identified by householders are having a regular and reliable service and being clear on what can/cannot be recycled.³ There have also been calls for investment in separate food waste collection to reduce the amount of food waste going to landfill, where it releases harmful greenhouse gases. Following our first consultation on "Consistency in Household and Business Recycling Collections in England", which closed in May 2019, measures were introduced in the Environment Bill requiring a set of recyclable waste streams to be collected from households, businesses and non-domestic premises, such as hospitals and schools.

In this second consultation on consistency in recycling we are looking to build on the proposals outlined in the first consultation, following stakeholder feedback and engagement with the sector. This consultation seeks to gather views on the detail of these proposals, including how the Environment Bill powers should be used and how these policies should be implemented.

We are seeking views on the following areas:

Collection of dry recyclable materials from households

Following support in response to the first consultation, the Environment Bill requires all local authorities to arrange for the collection of glass, metal, plastic, and paper and card, from households, for recycling.

This section seeks views on the materials to be included in each of the dry recyclable waste streams; timelines for when the requirements must be

¹ An economy where products and materials are kept in use for as long as possible, extracting maximum value from them. Products and materials are reused, recycled and regenerated whenever possible.

² UK Statistics on Waste

³ WRAP (2015) [Recycling Tracker Survey](#). Sample size: 1,771

Implemented by and possible exemptions from the requirement in the Environment Bill to collect a particular recyclable waste stream separately from other recyclable waste streams. This section also discusses the interaction of recycling consistency reforms with recently launched consultations on Extended Producer Responsibility (EPR) for packaging and the introduction of a Deposit Return Scheme (DRS) for drinks containers.

Collection of food waste from households

Following support in response to the first consultation, we will take powers in the Environment Bill to require all Waste Collection Authorities (WCAs) in England to arrange for the collection of food waste, separately and at least once a week for recycling or composting. This section seeks views on the timelines for the requirements to be implemented, considerations regarding collection with garden waste, provision of caddy liners and collection of biodegradable and compostable packaging materials.

Collection of garden waste from households

Following support in response to the first consultation, the Environment Bill requires all Waste Collection Authorities in England to arrange for the separate collection of garden waste for recycling or composting.

Given that there was mixed support in response to the first consultation in relation to introducing a free, minimum collection service for householders producing garden waste, this section seeks views on the costs and benefits of this proposal, which have been updated since the first consultation. If implemented, this would be a limited free collection service, with local authorities retaining the provision to charge beyond this (e.g. increased collection frequency or increased capacity).

It also seeks views on alternatives to a free minimum collection service that could achieve the aim of maximising garden waste recycling or composting and reducing the quantity of garden waste treated through residual waste treatment methods, including landfill and incineration.

Statutory and non-statutory guidance

Following support in response to the first consultation for statutory guidance, the Environment Bill allows the Secretary of State to publish guidance on the duties imposed by sections 45 to 45AZD.⁴ This consultation seeks views on the areas that could be included in statutory guidance and also details the intention to publish non-statutory guidance. Areas we are seeking views on in relation to statutory guidance include:

- Service standards for collection arrangements and frequency.
- Considerations relating to circumstances where separate collection of recyclable waste streams may not be technically or economically practicable or may not provide a significant environmental benefit.

⁴ https://publications.parliament.uk/pa/bills/cbill/2019-2020/0003/cbill_2019-20200003_en_5.htm#pt3-pb3-l1g52

Collection of non-household municipal waste

Following support in response to the first consultation, the Environment Bill requires all businesses and non-domestic premises to arrange for the collection of glass, metal, plastic, paper and card and food waste for recycling or composting.

This section seeks views on the materials to be included in each of the recyclable waste streams, possible timelines for when the requirements must be introduced by and possible exemptions from the requirement to collect recyclable waste streams separately.

This section also includes proposals on options to reduce the costs that businesses, particularly small and micro-firms, face to recycle. This includes exemptions for micro-firms, phasing micro-firms into the requirement later than larger businesses and other cost reduction options, such as waste franchising and collaborative procurement.

Other proposals include addressing barriers to recycling for non-household municipal waste producers and on-site food waste treatment technologies.

Other areas for consultation

In addition to the above areas we are also seeking views on:

- The future role of recycling credits, taking account of the forthcoming introduction of packaging Extended Producer Responsibility for packaging.
- Possible changes to sampling requirements for Materials Facilities.
- Implementation arrangements, including transitional arrangements for collection of different material types.

Next steps

Following the closure of this 8-week public consultation, we will analyse responses and publish a Government response. Ahead of the rollout of consistency measures, we will publish a final impact assessment and following the passage of the Environment Bill through Parliament we will introduce secondary legislation. We will also prepare statutory guidance and work with local authorities, the waste sector, householders and waste producers to prepare for implementation and to mobilise for the coming changes.

Policy rationale

Government supports comprehensive and frequent waste collections. England's recycling rate for waste from households has stayed at around 45% for the last 5 years. In our Resources and Waste Strategy,⁵ Government committed to achieving a recycling rate of 65% of municipal waste⁶ being recycled by 2035. Aside from landfill tax, there are few other incentives for local authorities or businesses to recycle more and move waste further up the waste hierarchy. In 2019, Government consulted on measures to increase consistency in the materials that local authorities and other waste collectors collect for recycling. This was alongside other ambitious policy proposals to reform producer responsibility for packaging to ensure that producers cover the costs of managing packaging waste and implement a Deposit Return Scheme for drinks containers. These consistency measures will ensure that every home in England will get separate food waste and garden waste collections and all households will also be able to place plastic, paper and card, glass and metal in their recycling bins so that less waste goes to landfill and more is recycled.

There was support for a large number of the proposals that we sought views on in the first consultation, including ensuring that a core set of recyclable materials is collected from households, businesses and other organisations. The Environment Bill,⁷ which is currently undergoing its passage through Parliament, legislates to increase consistency in the materials collected for recycling from households, businesses and other organisations in England.

Following the outcome of this second consultation on recycling consistency, the Secretary of State will specify the types of materials to be collected within each recyclable waste stream, in regulations. These recyclable waste streams must, without exception, be collected separately from other household waste and they must be collected for recycling or composting.

In order to achieve high-quality recycling, these recyclable waste streams must be collected separately from each other, except where this is not technically or economically practicable, or where there is no significant environmental benefit from separate collection. If a Waste Collection Authority relies on one of these exceptions, it will need to carry out a written assessment. Compliance will be assessed by the regulator in England, the Environment Agency.

⁵ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765914/resources-waste-strategy-dec-2018.pdf

⁶ Municipal waste is mixed waste and separately collected waste from households [including paper and cardboard, glass, metals, plastics, bio-waste, wood, textiles, packaging, waste electrical and electronic equipment, waste batteries and accumulators, and bulky waste, including mattresses and furniture]; and (b) mixed waste and separately collected waste from other sources, where such waste is similar in nature and composition to waste from households. This consultation is only concerned with the recycling of the following municipal wastes: glass, metals, plastic, paper and card and food and garden waste.

⁷ https://publications.parliament.uk/pa/bills/cbill/2019-2020/0003/cbill_2019-20200003_en_5.htm#pt3-pb3-1g52

Food and garden waste must, in any case, always be collected separately from the four dry recyclable waste streams (glass, metal, paper and card, and plastic) for recycling or composting.

Government recognises that these new duties will impose additional costs on local government, and it will follow the new burdens guidance to ensure the costs of new statutory duties for local authorities are covered.

The Secretary of State may also make regulations to allow for different recyclable waste streams to be collected together where this does not significantly reduce the potential for these waste streams to be recycled or composted.

We also want to improve the recycling of waste from non-domestic premises⁸ that produce household waste and relevant waste from businesses. The Environment Bill requires that arrangements must be made for recyclable waste streams, namely glass, metal, plastics, paper and card, and food waste to be collected separately from other waste from these premises and that they must be collected for recycling or composting. The recyclable waste streams must also be collected separately from each other, except where this is not technically or economically practicable, or there is no significant environmental benefit from separate collection. If a waste collector relies on one of these exceptions, it will also need to carry out a written assessment. The Environment Bill also requires that persons who present household waste from non-domestic premises or relevant waste must present it separately in accordance with arrangements made by their waste collector.

The Secretary of State may also, by regulations, specify additional recyclable waste streams to be collected in accordance with certain conditions and following consultation, for example: textiles, batteries or waste electricals. This can only be done where the Secretary of State is satisfied that the following conditions are met: that the waste stream concerned is suitable for recycling or composting and that this will have an environmental benefit; that all Waste Collection Authorities can make arrangements to collect the waste and that there is a market for the materials following collection, which includes consulting Waste Disposal Authorities (WDAs) on the impact on disposal/reprocessing. This is to allow for the inclusion of waste streams made up of materials distinct from the existing six recyclable waste streams of glass, metal, plastic, paper and card, food waste and garden waste.

With regards to the duties relating to non-domestic premises and relevant waste, the Secretary of State may create exemptions from these duties. To assist with compliance, the Secretary of State may issue guidance on these duties. Where compliance falls short, the Environment Agency may issue compliance notices to parties other than Waste Collection Authorities.

⁸ For the purposes of the Environment Bill, relevant non-domestic premises include residential homes; educational establishments; hospitals; and nursing homes.

Funding

New burdens

In the previous consultation and in Defra's Resources and Waste Strategy, Government committed to fund the net additional cost to local authorities of the new statutory duties placed on them. This would be done in line with Government guidance on new burdens.⁹

New burdens are defined as any change in a central Government policy or initiative that imposes a net cost on local government and could lead to an increase in council tax.

As part of the new duties imposed on local authorities in the Environment Bill, central Government will fund net additional capital costs (for example containers, vehicles), and transitional costs such as communications and re-routing vehicles, to implement the new consistent collection measures.

Producer payments to local authorities and businesses for managing packaging waste

Payments to local authorities for the cost of managing packaging waste generated by households, both packaging waste that is collected for recycling and packaging waste disposed of in residual waste, will be made under the packaging Extended Producer Responsibility scheme. Payments for managing packaging waste from businesses will be limited to recycling cost. The recently launched Extended Producer Responsibility consultation sets out proposals for payments to local authorities and businesses.

Consultations on producer responsibility and deposit return schemes

The UK Government has recently published two other consultations which both have synergies and interdependencies with this consultation.

The UK Government with the Devolved Administrations is consulting on reforms to the Producer Responsibility Obligations (Packaging Waste) Regulations 2007. The consultation sets out proposals for packaging Extended Producer Responsibility.

Also, the UK and Welsh Governments and the Department of Agriculture, Environment and Rural Affairs, Northern Ireland are consulting jointly on the introduction of a Deposit Return Scheme for drinks containers.

Both consultations were launched on 24th March 2021 and will be open until 11:45pm on 4th June 2021.

⁹ <https://www.gov.uk/government/publications/new-burdens-doctrine-guidance-for-government-departments>

Please see the gov.uk webpage for links to these consultations, which can be accessed at the following links:

Extended Producer Responsibility: <https://consult.defra.gov.uk/extended-producer-responsibility/extended-producer-responsibility-for-packaging>

Deposit Return Scheme: <https://consult.defra.gov.uk/environment/consultation-on-introducing-a-drs/>

Stakeholder engagement

Since the consultation in 2019, we have actively engaged with stakeholders affected by these proposals. This includes regular meetings with local authority representative bodies (including engagement with the Local Government Association (LGA), Association of Directors of Environment, Economy, Planning & Transport (ADEPT), National Association of Waste Disposal Officers (NAWDO), The Local Authority Recycling Advisory Committee (LARAC), the District Councils' Network (DCN) and some individual local authorities. We have also engaged with waste industry bodies, including the Environmental Services Association (ESA), Renewable Energy Association (REA), Anaerobic Digestion & Bioresources Association (ADBA), the Bio-based and Biodegradable Industries Association (BBIA) and representatives of waste collection operators and recycling and re-processors. With support from the Waste and Resources Action Programme (WRAP), we have also actively engaged with representatives from small and micro-firms, educational establishments, facilities managers and other bodies affected by requirements to separate waste for recycling.

With the Extended Producer Responsibility and Deposit Return Scheme teams, in Defra, we have met with representatives from a wide range of brands and producers to take views on our proposals, as well as discussing cross-cutting considerations from the three consultations.

Audience

We welcome views from all interested stakeholders including local authorities and other waste collectors, representatives from the waste and recycling industry, trade bodies, businesses, non-governmental organisations, third sector organisations, households and others.

Responding to this consultation

Please respond to this consultation in the following ways:

Online using the citizen space consultation at <https://consult.defra.gov.uk/waste-and-recycling/consistency-in-household-and-business-recycling>

By email: recycling@defra.gov.uk

Or in writing to:

Consistency in household recycling
consultation, Consultation Coordinator,
Defra 2nd
Floor, Foss
House, Kings
Pool,
1-2 Peasholme
Green, York,
YO1 7PX.

Please note, any responses sent by post must have **arrived** at the above address by the closing date of the consultation (4th July 2021) to be counted. Unfortunately, any responses received after this date will not be analysed. To ensure your response is included in the analysis, please consider responding online via Citizen Space.

Duration

This consultation will run for 8 weeks. This is in line with the Cabinet Office's 'Consultation Principles' which advises Government departments to adopt proportionate consultation procedures. The consultation opens on 7th May 2021 and closes on 4th July 2021.

Handling comments after the consultation

A summary of the responses to this consultation will be published at www.gov.uk/defra

The summary will include a list of names and organisations that responded, but not personal names, addresses or other contact details. However, information provided in response to this consultation document, including personal information, may be subject to publication or release to other parties, or disclosure in accordance with access to information regimes, such as the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018.

If you want information, including personal data that you provide to be treated as confidential, please say so clearly in writing when you send your response to the consultation (if responding via mail or email) and explain why you need these details to be kept confidential. If responding via Citizen Space, you will be asked whether you would like your response to be treated as confidential or not. If we receive a request for a disclosure under the FOIA, we will take full account of your explanation, but due to the law we cannot provide any assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as a confidentiality request.

Defra is the data controller in respect of any personal data that you provide, and Defra's Personal Information Charter, which gives details of your rights in respect of the handling of personal data, can be found at:

<https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs/about/personal-information-charter>.

Defra has contracted the Office of Public Management Ltd, trading as Traverse, to support the analysis of responses to this consultation. Traverse will treat personal data they receive and analyse as confidential and will only have access to the response data for the period of the analysis, following which the data will be permanently removed from their system and supplied to Defra. Please find further information in the accompanying Privacy Notice for this consultation.

Compliance with the consultation principles

This consultation is being conducted in line with Consultation Principles set out in the Better Regulation Executive guidance, which can be found at:

<https://www.gov.uk/Government/publications/consultation-principles-guidance>.

If you have any comments or complaints about the consultation process, please address them to:

By email: consultation.coordinator@defra.gov.uk

Or in writing to:

Consultation Co-ordinator
Defra 2nd Floor,
Foss House,
Kings Pool,
1-2 Peasholme Green,
York,
YO1 7PX

About you

Q1. What is your name? Councillor Clyde Loakes

Q2. What is your email address?

This is optional, but if you enter your email address you will be able to return to edit your consultation response on Citizen Space at any time until you submit it. You will also receive an acknowledgement email when you complete the consultation.

Please email ann.baker@nlwa.gov.uk

Q3. Which of the options below best describes you?

Please tick only one option. If multiple categories apply to you, please choose the one which **best describes you** and which you are representing in your response. (Required)

- ☐ Academic or research
- ☐ Business representative organisation/trade body
- ☐ Charity or social enterprise
- ☐ Community group
- ☐ Consultancy
- ☐ Distributor
- ☐ Exporter
- ☐ Individual
- ☒ Local government
- ☐ Non-governmental organisation
- ☐ Operator/ reprocessor
- ☐ Packaging designer / manufacturer / converter
- ☐ Product designer/manufacturer / pack filler
- ☐ Retailer including online marketplace
- ☐ Waste management company
- ☐ Other (please provide details)

Q4. If you are responding on behalf of an organisation, what is its name?

North London Waste Authority (NLWA)

NLWA is the joint waste disposal authority for north London established by the Waste Regulation and Disposal (Authorities) Order 1985. As a joint waste disposal authority NLWA is responsible for the disposal of waste collected from households and local businesses by seven north London boroughs – Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest, the ‘constituent boroughs’. NLWA manages the residual waste from all seven boroughs, recyclable and compostable waste from six boroughs and all the north London reuse and recycling centres except in one borough. NLWA also delivers extensive behaviour-change campaigns in the fields of waste prevention and recycling.

NLWA covering letter for the second Consultation on Consistency in Household and Business Recycling in England.

NLWA welcomes the opportunity to respond to the second round of consultation on recycling consistency for households and businesses in England. While we fully support the ambitions of achieving higher recycling rates, increased resource efficiency and a more circular economy we also have very significant concerns which are outlined below about the implications of some of the key policy proposals.

Creating a Circular Economy

In order to achieve a circular economy, it is necessary to consider all stages and aspects of the product lifecycle. Improved recycling is of course of significant benefit, but materials cannot be recycled infinitely. The Waste Hierarchy has for this reason set its starting principle as Waste Prevention, followed by reuse and repair to maximise resources and drive additional social value. The consultation understandably focuses on the collection and treatment of materials, it is however vitally important that we do not lose sight of the value of waste prevention.

Funding

We appreciate the commitment from Government to provide funding for capital expenditure, transitional costs and new burdens proposed in recent consultations (DRS, EPR and Consistency of Collections). However further reassurances are required for councils that have endured years of financial austerity and are continuing to deal with the impacts of Covid-19, which include reduced capacity in supply chains and increased costs.

The ambitious timings of the proposed changes and the lack of a clear financial model make it difficult for Local Authorities and other public bodies to plan for mobilisation with any certainty. We are also concerned about the accuracy of the Impact Assessment and that the assumptions made will lead to an underestimation of cost and lost revenue.

The proposal to introduce a free garden waste collection service over-estimates the amount of garden waste in the residual stream and also suggests a free collection service will increase yield. This is not the experience in North London where we have seen yields increase with the introduction of a charge. We strongly believe that providing a service and a setting the appropriate charge for what is a non-universal service is best determined by the individual Local Authority.

The transition and capital cost for the proposed food waste roll out appears to be based on existing services which are almost entirely kerbside. This significantly under-estimates the cost associated with operating these services for high and medium rise flats and for flats above shops.

Commingled collections

NLWA disputes the Government assumption that high quality dry recycling materials cannot be collected from a single container. The NLWA currently manages a successful dry mixed recycling contract for six of their constituent Boroughs, successfully processing around 115,000 tonnes a year. In an urban environment this service works extremely well.

Collecting from a single 240ltr recycling bin has many benefits. It reduces the number of smaller containers and the associated risk of manual handling injuries, the escape of waste and the containers being left on the highway. A single bin allows the WCA's to collect in the most efficient and cost-effective way by reducing the number of vehicles movements on our already busy road network. The materials

delivered to our Edmonton MRF are separated into high quality streams and sold into the market for processing at the market value. NLWA would consider a mandatory return to material separation at source to be a detrimental step, in comparison with a commingled service which has seen great progress in the quantity and quality of recycling being generated.

Garden waste

When considering the Governments proposals for garden waste, NLWA has concerns around quantities of garden waste cited as being in the residual waste stream, which we believe is significantly over-stated. We have raised this in our response as it would mean that free garden waste collections would not achieve the recycling gains claimed in the impact assessment, therefore casting doubt on the rationale for providing a free service.

A study conducted by ADEPT covering nine London boroughs indicated that there is a lower amount of garden waste in the residual stream when the service is chargeable (3.14%) than when the service is free (4.12%). The suggested alternatives to free garden waste collections, providing communications and promoting home composting are likely to have only a very small impact on those that don't already recycle or home compost in an urban environment such as London. Providing free garden waste services in London also raises concerns about equity, with residents in flats and multi-occupancy housing, arguably subsidising neighbours living in larger properties who have a private garden space.

Food waste collections from flats

NLWA boroughs have extensive experience of providing food waste collection services for flats with six of the seven boroughs offering some level of service. However, this type of service is notoriously challenging to provide, especially if including flats above shops. These collections where they exist for flats and estates are expensive. They typically have low participation rates and tonnage yields with high levels of contamination. To combat this, additional resources such as free caddy liners, bin housing units and additional communication and outreach support are required. To protect environmental quality bin washing and more frequent collections might also be considered. The environmental benefits of introducing a compulsory food waste service from flats is not clear when considering the additional infrastructure and consumables required to operate them. On this basis NLWA is supporting an exemption to mandatory food waste collections from these types of properties.

Empowering Local Authorities

It is important that local authorities are granted the flexibility to be able to decide what is the most appropriate solution locally. In order to improve recycling rates, it is necessary to place obligations on the individual or institution best placed to control the waste presented (whether that be householder, the landlord or the managing agent). Residents and businesses need to use their services correctly to enable high quality collection of all recyclable materials, this is a key issue for improving the recycling rate. We would request that Government works closely with local authorities to make household recycling compulsory and to clarify the tools available for local authorities when behaviour change communications fail to deliver the desired outcome.

We include our full response below which provides more detailed information about the points above as well as the full range of proposals. We request that Government consider our concerns when formulating its position on the proposals.

Q5. Would you like your response to be confidential?

☐ Yes

☒ No

If you have answered 'Yes' above, please give your reason.

Part 1: Measures to improve the quantity and quality of household recycling

Separate collection of dry recyclable waste from households

Introduction

In the 2019 consultation on consistency in household and business recycling in England, we proposed to legislate for all local authorities in England to be required to collect a minimum or 'core set' of dry recyclable waste streams from kerbside households, including flats. This would ensure that every householder was able to recycle the same core set of materials.

Given the strong support shown in the first consultation, the Environment Bill amends Section 45A of the Environmental Protection Act 1990 to require all English Waste Collection Authorities to collect the following dry recyclable waste streams from households: glass, metal, plastic, paper and card. The majority of respondents to the last consultation agreed that the following dry materials should be collected from households:

- glass bottles and containers – including drinks bottles, condiment bottles, jars
- paper and card – including newspaper, cardboard packaging, writing paper
- metal packaging – steel and aluminium tins and cans
- plastic bottles – including clear drinks containers, high-density polyethylene (HDPE; e.g. milk containers), detergent, shampoo and cleaning products
- plastic pots, tubs, trays

The specific types of materials included in each recyclable waste stream listed above are subject to views in this consultation.

We have engaged extensively with stakeholders on including these materials in the recyclable waste streams and our intention is to specify these materials in regulations so that they are required to be collected by all Waste Collection Authorities.

Alongside these materials, our 2019 consultation proposed that we include the following additional materials within the dry recyclable waste stream:

- foil, foil trays and metal aerosols cans, including packaging items
- food and drink cartons
- plastic film and flexible packaging

There was support from stakeholders for the inclusion of foil trays and aerosols. The

majority of stakeholders (60%) also supported including food and drink cartons. However, there was variation by organisation type in the responses, with organisations that identified as waste management companies or local authorities notably lower (48% and 50% respectively).

For plastic film, most stakeholders supported its inclusion either from the outset or being phased in at a later stage. However, there was considerable variation by organisation type and the percentage of stakeholder responses that indicated plastic film should be included in the core set varied between 16% and 74%. Organisations that identified as waste management companies or local authorities were notably lower. 42% of local authorities responded that plastic film should be included in the core set but phased in at a later date.

In our Government response, we stated that we would further consider the inclusion of these materials and other packaging materials in conjunction with developing proposals for packaging Extended Producer Responsibility.

Following further engagement with industry and local authorities, we propose that these additional materials are included in the dry recyclable waste streams. Ideally, we would want these materials collected from the introduction of Extended Producer Responsibility. However, we recognise that it may not be practicable for all local authorities and other waste collectors to collect these materials from the outset, or for sorting and treatment facilities to have made necessary changes to accept these materials by then. We are therefore seeking views on transitional arrangements that might be necessary. For example, these arrangements may be necessary to allow time for waste collectors to renegotiate contracts and to make changes to collection arrangements or sorting infrastructure. We have set out our proposals for each of the dry recyclable waste streams below.

The impact assessment for this consultation takes into account the dry materials in scope following the last consultation. There is currently limited data on collection costs and operational performance for the additional dry materials referred to above, particularly for plastic films. The final impact assessment will include revised collection costs based on the addition of the new materials into the recyclable wastestreams. The outputs of the latest WRAP Indicative Cost and Performance analysis will inform costings in the final impact assessment.

Specifying materials within each of the dry recyclable waste streams

We want to provide clarity to local authorities on the specific materials they will be required to collect from households through regulations and will provide further detail through statutory guidance. We anticipate that mandatory labelling of packaging items under Extended Producer Responsibility will help provide consumers with information on what packaging can or cannot be recycled.

In the first instance, our ambition is to work with the sector on which materials should be included in each of the recyclable waste streams to be collected from households and non-household municipal premises. Any additional items that become recyclable can be added through amendments to the regulations.

Each dry recyclable material that waste collectors are required to collect must fall within one of the four dry recyclable waste streams specified in the Environment Bill (glass, metal, plastic, paper and card). If not, a new recyclable waste stream must be specified by the Secretary of State. The Bill provides powers to the Secretary of State to add further recyclable waste streams through regulations, provided certain conditions are met. For example, that the waste stream is suitable for recycling or composting and there is a market for it after collection.

For packaging, we would expect the Extended Producer Responsibility Scheme Administrator to make recommendations to Government on any additional packaging items that should be included in the consistency regulations. This includes providing relevant evidence of engagement with stakeholders such as local authorities, waste management companies and producers.

Timing for requirements on each dry recyclable waste stream

We anticipate that consistency reforms for dry recyclable waste streams will be introduced by the date that packaging Extended Producer Responsibility is implemented – throughout this consultation we use this milestone as the proposed start point for consistency rollout for these materials. We are consulting on the feasibility of packaging Extended Producer Responsibility being introduced through a phased approach starting in October 2023, through the EPR consultation.

Proposed arrangements for each dry recyclable waste stream

Glass

Glass bottles and containers

The majority of organisations responding to the previous consultation agreed that glass bottles and containers should be included in the materials collected for recycling, including drinks bottles not returned under a Deposit Return Scheme, condiment bottles and jars. These materials will therefore be specified within the glass recyclable waste stream in regulations.

We propose to include all types of recyclable glass including bottles and containers of any colour.

Some types of glass cannot be recycled because they have a different melting point to glass bottles and containers. These include, but are not limited to, drinking glasses, glass cookware and ceramics. As a result, these types of glass would not be included for collection as part of the recyclable waste streams.

Paper and card

There was strong support for the inclusion of paper and cardboard in the core set of materials for recycling. Therefore, paper and card, including newspaper, cardboard packaging and writing paper, will be included within this recyclable waste stream in regulations.

Disposable cups

Disposable paper cups are not currently in scope for inclusion in the paper and card recyclable waste stream to be collected from households for recycling. As these items are largely consumed 'on-the-go' or away from home, including workplaces, we consider it more appropriate to manage disposable cups that are classified as packaging through Extended Producer Responsibility policy measures.

Proposals around disposable cups are explored in the packaging Extended Producer Responsibility consultation, including proposals for a producer-led takeback scheme for disposable paper cups.

Metal

Steel and aluminium tins and cans

In the 2019 consultation there was strong support for inclusion of steel and aluminium cans in the materials to be collected for recycling. We have agreed that these materials will be included within the metal recyclable waste stream in regulations.

Foil, food trays, jar lids and aluminium tubes

There was support for the addition of other metal recyclable materials such as tin foil and foil trays in the first consultation. Based on responses to the consultation and further engagement with local authorities and industry, we propose to include aluminium foil, aluminium food trays, metal jar lids and aluminium tubes (e.g. tomato puree tubes) into the recyclable metal waste stream by the start of packaging Extended Producer Responsibility and set out these materials in regulations.

The majority of local authorities in England target metal foil, food trays and jar lids as part of their dry recycling collections (76%, 75% and 73% respectively).¹⁰ Including these materials is likely to help reduce householder confusion and help increase recycling of these items.

Research indicates that it is unlikely that significant changes to existing sorting infrastructure would be required, if these materials were added into the metal recyclable waste stream by the date that packaging Extended Producer Responsibility is implemented,¹¹ due to existing high capture rates and relatively low tonnages of the materials; existing sorting of aluminium is also well established. However, adding these metal packaging items into this waste stream may increase contamination, particularly from food residue on trays and foil. To help mitigate this, clear communications will be required, for example through advising householders to rinse items and to place heavily soiled items in the residual waste bin. We will work with local authorities on messaging to their residents about the new arrangements for the collection of recyclable materials. We also intend to undertake further reviews

¹⁰ Data from WRAP's Local Authority Portal

¹¹ To align with the start of Extended Producer Responsibility for packaging – timeline is subject to the outcome of the Extended Producer Responsibility consultation

of Materials Recovery Facilities (MRFs) and sorting systems, to understand capacity available at existing sorting infrastructure and efficiency of sorting equipment.

Steel and aluminium aerosols

When asked if aluminium cans or other items should or should not be included in the materials to be recycled from the outset, there was support for the addition of aerosols.

As the majority of local authorities in England already offer kerbside collection of aerosols from households (92% of local authorities in England), including these items from the outset is likely to help reduce householder confusion and help achieve high levels of recycling of these items. Aluminium also tends to have a high market value and stable end markets.

There is a risk of fire or explosion, albeit low due to the relatively low percentage of aerosols in the metal waste stream, associated with the sorting and baling of aerosols. However, we understand that these risks can be mitigated, for example, through improvements to sorting efficiencies and providing householders with advice on emptying aerosols. There is also sector guidance from the regulators on the safe storage and treatment of waste aerosol canisters.¹²

Based on responses to the first consultation and further engagement with local authorities and industry, we propose to include aerosols into the metal recyclable waste stream in regulations.

Plastic

Plastic bottles

In the previous consultation the majority of organisations agreed that plastic bottles should be included in the core materials to be collected for recycling, including clear drinks containers, HDPE (milk containers), detergent, shampoo and cleaning products. These materials will be included within the plastic recyclable waste stream in regulations.

We propose to specify, in regulation, the type of plastic bottles that should be collected for recycling, with a view to update and amend the regulations over time, as required, when other types of plastic become widely recyclable and can be collected.

Plastic pots, tubs and trays

There was strong support for inclusion of plastic pots, tubs and trays in the core materials to be collected for recycling. These materials will be included within the plastics recyclable waste stream in regulations.

¹²

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/300897/geho111bved-e-e.pdf

We propose to specify the type of plastic (i.e. by polymer type) to be collected for recycling in regulations, with a view to amending the regulations over time, as required, as a greater range of plastics become more widely recyclable.

Plastic film

The first consultation produced a range of views on the inclusion of plastic bags and films in the core materials to be collected for recycling. Responses from organisations focused on the work of the UK Plastics Pact supported this, to enable solutions to be implemented nationally, and highlighted issues around material quality, sorting, reprocessing and contamination.

There are a wide range of plastic films of different polymer types placed on the market. For the purposes of this consultation we use the term plastic film to refer to any post-consumer plastic film and flexible packaging, arising in household and household-like waste. This includes, for example, items such as bread bags, carrier bags and bubble wrap.

Government wants to see the recycling of plastic film increased and plastic films included into the plastic recyclable waste stream for consistent collections. The inclusion of plastic films will simplify recycling for householders and will contribute to achieving the ambitious plastic packaging targets that will be placed on producers. Of the estimated 2.4 million tonnes per year of plastic packaging placed on the market in the UK, approximately a third of this packaging is plastic film.

In our last consultation there was support for including plastic bags and films into the 'core set' of recyclable materials. However, as noted by respondents, there are challenges with introducing plastic films into kerbside recycling collections. Few local authorities in England currently offer plastic film collection for this reason. It is also estimated that the current recycling rate for plastic films and flexible packaging is very low at just 5%.¹³

Where plastic film is collected, collection methods tend to vary as do the types of films collected. Plastic film can cause issues at the sorting stage when snagging on sorting equipment. The inclusion of plastic films into the plastic recyclable waste stream could require significant investment in sorting infrastructure. We expect private investment to flow as a result of a clear legislative signal supported by an appropriate investment period.

Under proposals for Extended Producer Responsibility, the cost of collecting, sorting and recycling of plastic packaging waste will fall to producers. The Extended Producer Responsibility consultation outlines proposals for payments to local authorities and supports the collection of plastic films for recycling when producer funding becomes available.

Defra has worked with stakeholders across the plastic packaging value chain together evidence on the issues related to introducing plastic films into kerbside collections. This has included establishing a UK Plastics Pact facilitated 'Sprint

¹³ UK Household Plastics Collection Survey 2019, RECOUP

Group' which brought together industry, local authorities and Government, to inform policy development for achieving consistency in recycling collections in England, as well as reforms to the producer responsibility system for packaging. The Sprint Group has reported on their conclusions and recommendations on the introduction of plastic films into kerbside collections.¹⁴

This includes a recommendation that the collection of plastic films from households and businesses should be achieved by no later than 2028. We think that the introduction of plastic film into consistent collections can be achieved earlier. We propose that plastic films should be phased in for collection from households in England by the date that Extended Producer Responsibility commences,¹⁵ with a defined 'end date' of the financial year 2026/27. Where local authorities have plastic film collections already in place, they would be required to comply by the date Extended Producer Responsibility commences, but where this is not the case, local authorities would be required to adopt collections of film by no later than the end of 2026/27. We are seeking views on any specific circumstances that might make these timescales difficult to achieve.

Government has received a clear message from industry that early signalling of the intent to require the collection of plastic film and flexible packaging for recycling is necessary to stimulate the investment needed in UK recycling infrastructure. This investment will not occur without some certainty that the feedstock will be available. By proposing the phasing in of plastic film collections and an end date by which collections are to be in place, this is intended to give that signal to industry whilst enabling collections to ramp up. The costs of plastic packaging film collection and sorting will be covered by producer payments under Extended Producer Responsibility.

The Plastic Film Sprint Group report recognises that trials will be needed, in order to gather further data and evidence on operational and collection costs. In a later section of this consultation, we outline the work Defra and WRAP are undertaking to develop implementation plans, which scope out the activities needed to be addressed in the build-up to household and non-household municipal waste scheme changes. It will be important to work with industry to ensure schemes provide clear information and develop good practice and cost-effective film services.

During the transition period, retailer-led front of store collections of plastic films will help support the recycling of plastic film packaging as outlined in the UK Plastic Pact 2025 Roadmap.¹⁶ Until household collection of plastic film is fully in place, packaging labelling would need to instruct the consumer to take their film to the nearest front of store recycling point, or to check if the material can be recycled locally by their local authority.

¹⁴ <https://wrap.org.uk/resources/report/defra-collections-implementation>

¹⁵ Current timelines for Extended Producer Responsibility delivery from October 2023, subject to further consultation.

¹⁶ <https://wrap.org.uk/resources/guide/roadmap-2025-uk-plastics-pact>

It is our intention that all plastic films should be recyclable in the future. We propose to include those types of plastic film that are widely recyclable in the plastic recyclable waste stream initially. With the setting of producer fees under Extended Producer Responsibility and labelling requirements, the plastic films in scope of collection will be expected to change over time.

Without a guaranteed supply of plastic waste feedstock, processing capacity and appropriate end markets are not expected to develop at pace. Non-mechanical (chemical) recycling has the potential to play a role in increasing the quantity of material that can be recycled, particularly in the recycling of currently difficult-to-recycle plastic packaging. We recognise that non-mechanical recycling could help contribute to the development of viable end-markets for plastic films and other types of plastic packaging.

Food and drink cartons

In the first consultation we asked for views on the inclusion of food and drink cartons, such as TetraPak packaging, in the core materials to be collected for recycling. The responses were varied although generally in favour of their inclusion. Food and drink cartons are widely collected by local authorities in England, with 60% currently offering kerbside collection from households.

Cartons are a composite material, made up mostly of paperboard and plastic, and typically come in two formats: chilled and aseptic. Aseptic cartons also contain a thin internal layer of aluminium which helps keep long-life products fresh. Around two thirds of the cartons sold in the UK are aseptic cartons, with a third chilled cartons.¹⁷

Based on responses to the consultation and further engagement with local authorities and industry, we propose to include food and drink cartons into the plastics recyclable waste streams to be collected.

As is the case for foil trays and aerosols, not including these materials is likely to cause confusion for the consumer. However, we do recognise that there are sorting and reprocessing challenges that we want to explore in this consultation and seek views on how these might be addressed. Capital investment in infrastructure, particularly upgrades to Materials Recovery Facility sorting equipment, is likely to be required to be able to collect food and drink cartons through consistent collections. We are therefore seeking views on any financial impacts of sending food and drink cartons in a mixed material stream to Materials Recovery Facilities.

The method of collecting cartons varies between local authorities. Food and drink cartons can end up in different material streams within Materials Recovery Facilities, and this influences how they are identified and sorted. Cartons collected two-dimensionally, or flattened, tend to behave in a similar way to paper and card, while those retaining their three-dimensional shape tend to be sorted into the same stream as other drinks containers. Cartons sorted into the fibre (i.e. paper and card) streams can cause issues for paper mills and are often rejected at the mill as a contaminant.

¹⁷ https://wrap.org.uk/sites/default/files/2020-09/WRAP_2923_Collection-food-drink-cartons-kerbside-guidance.pdf

There is limited data on waste flow tonnages for cartons, but we understand that the majority of food and drink cartons are exported or treated as non-target material and disposed of as residual waste. Both aseptic and chilled cartons are, however, recyclable and end markets exist for these materials.

Although food and drink cartons contain plastic and metal, the predominant material in cartons is paperboard and, as such, under existing legislation¹⁸ this material is included as paper. However, given the risk of food and drink cartons being rejected for recycling if collected together with fibres (paper and card), we propose to include cartons in the plastic recyclable waste stream in the consistency in recycling regulations. If cartons are included within the paper and card recyclable waste stream in regulations, cartons would be collected together with fibres. We are seeking views on this approach, including any unintended consequences which may arise, and will consider further guidance on collection arrangements as part of statutory guidance.

Timeline for implementation of consistent collection of dry recyclable materials

In our previous consultation, it was expected that local authorities would transition to consistent collections at the point of next contract renewal.

The dry recyclable waste streams (metal, plastic, glass, paper and card) are currently being collected by 76% of local authorities in England. This typically includes metal packaging, glass, paper and card and most plastic packaging, aside from plastic films. We would therefore expect all local authorities to be able to collect these materials from October 2023 to align with the date that we anticipate Extended Producer Responsibility for packaging will commence.¹⁹ The exception is for plastic films, where we have proposed this should be phased in with a defined 'end date' of the financial year 2026/27. We are seeking views on this approach and any circumstances which would prevent local authorities from complying with this requirement.

Proposals on separate collection of dry recyclable waste from households

Proposal 1

Collection of dry recyclable materials (with the exception of plastic film – see Proposal 2)

Given the strong support in our previous consultation, we have legislated in the Environment Bill for a core set of dry recyclable waste streams to be collected from

¹⁸ <https://www.legislation.gov.uk/ukxi/2016/1154/schedule/9/made>

¹⁹ Current timelines for Extended Producer Responsibility delivery from October 2023, subject to further consultation.

households. These dry recyclable waste streams are: glass, metal, plastic, paper and card.

The types of materials to be included in each recyclable waste stream will be specified in regulations. Our intention is to include the following materials in regulations, so that they are required to be collected by all local authorities:

- glass bottles and containers – including drinks bottles, condiment bottles, jars
- paper and card – including newspaper, cardboard packaging, writing paper
- plastic bottles – including clear drinks containers, HDPE milk containers, detergent, shampoo and cleaning product containers
- plastic pots, tubs and trays
- steel and aluminium tins and cans

In addition to the above items, we propose that the recyclable waste streams will also include the following items:

- Aluminium foil
- Aluminium food trays
- Steel and aluminium aerosols
- Aluminium tubes, e.g. tomato puree tubes
- Metal jar/bottle lids
- Food and drink cartons, e.g. TetraPak
- Plastic films, e.g. bread bags, carrier bags (see Proposal 2)

Most local authorities already collect the majority of materials we propose to include in the dry recyclable waste streams. This is particularly the case for metal packaging, glass, paper and card, and most plastic packaging aside from plastic films.

We would therefore expect all local authorities to be able to collect these materials (with the exception of plastic film) by the end of the financial year in which payments to local authorities under Extended Producer Responsibility commences (currently proposed to be 2023/24 subject to consultation).²⁰ For local authorities that do not currently collect all of the materials on the list, based on previous stakeholder engagement, we anticipate that these additional materials could be incorporated within this timeframe but welcome further view from stakeholders on how quickly they can collect these items once funding is available from Extended Producer Responsibility. The exception is for plastic films, where we have proposed this should be phased in with a defined 'end date' of the financial year 2026/27.

Q6. Do you agree or disagree that local authorities should be required to collect the following dry materials from all households, including flats, by the end of the financial year in which payments to local authorities under

²⁰ Current timelines for Extended Producer Responsibility delivery from October 2023, subject to further consultation.

Extended Producer Responsibility for packaging commences (currently proposed to be 2023/4 subject to consultation)?²¹

	Agree – this material can be collected in this timeframe	Disagree – this material can't be collected in this timeframe	Not sure / don't have an opinion / not applicable
Aluminium foil	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aluminium food trays	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Steel and aluminium aerosols	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aluminium tubes, e.g. tomato puree tubes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Metal jar lids	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Food and drink cartons, e.g. TetraPak	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q7. If you have disagreed with the inclusion of any of the additional materials above in the timeframe set out, please state why this would not be feasible, indicating which dry recyclable material you are referring to in your response.

With the exception of plastic film all of the materials listed are in scope of the NLWA's contract for MRF services with Biffa. The recyclates are delivered as a single stream. However, cartons, whilst accepted in the recycling stream, in most cases are separated into the fibre stream into a separate stream and are likely to be removed as a contaminant downstream.

Although we agree with the inclusion of cartons, in line with our responses to the DRS and Packaging EPR consultations, they should be included in the scope of the proposed DRS. The inclusion of 'other metal packaging' should be subject to an assessment of the impacts on

²¹ Current timelines for Extended Producer Responsibility delivery from October 2023, subject to further consultation.

collections/output quality. Furthermore, the detail of the definitions of in-scope materials and the need for collection, sorting and reprocessing capacity to be 100% in place before the inclusion of any material need to be carefully considered.

The MRF currently does not have the capability to reliably separate cartons from a commingled stream. We are in discussions with Biffa around the implications of the proposed mandatory requirement to collect and separate cartons for recycling. Given the costs and challenges around cartons in North London and more widely, the NLWA recommends that cartons be in scope of the proposed DRS in line with the responses to the DRS/EPR consultations.

The North London Waste Authority area contains some of the most challenging areas for recycling in the country. It has high density housing, restricted waste storage arrangements, limited transfer infrastructure and many hard to reach communities, so the challenges of separating cartons and plastic film from twin or multi streams would be different from other parts of the country.

Without fully understanding the implications of the requirements to separate waste for waste recycling it is difficult to understand the potential effects of collecting additional materials for recycling on the NLWA's MRF contract and downstream activity.

Another area of uncertainty is around the impact of beverage containers being diverted from local authority systems to the proposed DRS and, to a lesser extent, product switching driven by DRS and EPR. Foil, other metal packaging beyond cans and aerosols do not currently present a problem in the NLWA and constituent Borough collection and processing systems.

If there are any exceptions where materials collected for recycling do not, in fact, get recycled in line with the expectations, this undermines the whole system. Only when the constraints around areas such as this are overcome should the collection of individual materials be made mandatory.

Statutory guidance should be of a sufficiently high-level such that it allows LAs to determine how best to meet the objectives of the legislation in the most efficient way and be sufficiently flexible to reflect the inevitable changes in that will occur over time without frequent revision and updating.

In summary, with the exception of plastic film and the potential need for a MRF upgrade to separate cartons into a separate stream, the proposals at a high level should not present a significant problem in North London. However, there are still many unknown factors and challenges to be overcome beyond North London.

Q8. Some local authorities may not be able to collect all these items from all households at kerbside by 2023/24. Under what circumstances might it be appropriate for these collection services to begin after this date?

- ☒ Collection contracts
- ☒ Sorting contracts
- ☒ Materials Recovery Facility (MRF) infrastructure capacity
- ☒ Cost burden
- ☒ Reprocessing
- ☒ End markets
- ☐ Other (please specify)

Please provide the reason for your response and indicate how long local authorities require before they can collect all of these materials, following the date that funding is available from Extended Producer Responsibility.

Collection contracts

At present all of the proposed main categories of materials proposed are already collected for recycling. However, with a few minor exceptions, these recyclates are currently universally collected single stream commingled. Depending on the precise tests and transitional considerations with regards the separation of waste for recycling, the impact of DRS on volumes collected and the precise arrangements for full net cost recovery (including transitional costs) there may be significant issues around collection contracts but they cannot be determined at this time.

Sorting contracts/ Materials Recovery Facility (MRF) infrastructure capacity

As set out in the response to Q6, under the NLWA's current contract with Biffa, the inclusion of cartons as a material for mandatory recycling where recyclates continue to be delivered single stream commingled would necessitate the upgrading of the MRF used. Under the change of law provisions within the contract the NLWA would be obligated for any additional costs relating to this. The contract extends until December 2025 with an extension of up to 4 years subject to mutual agreement of the parties.

The implications become more complicated for this contract with the overlay of the requirements around the separate collection of recyclates. This is because the contractor has exclusivity over the materials however they are delivered, but the implications if there were a range of recyclate streams cannot be determined at this time ahead of more detail from Government.

Cost burden

There are potential cost implications from contract variations and terminations depending on the extent of changes.

Reprocessing/End markets

MRF technology may need upgrading for the additional waste streams and there also needs to be demand for the reprocessed material to ensure stable end markets.

Q9. Do you agree or disagree that food and drink cartons should be included in the plastic recyclable waste stream in regulations, to reduce contamination of fibres (paper and card)?

- ☐ Agree – cartons should be included in the **plastic** recyclable waste stream
- ☐ Disagree – cartons should be included the **paper and card** recyclable waste stream
- ☒ Not sure / don't have an opinion / not applicable

Please provide the reason for your response and state if there are any unintended consequences that we should consider.

This a difficult to recycle material and will depend on local infrastructure.

Drinks cartons made from composite materials are presently not being universally recycled through mainstream collection and sorting systems. The above proposal will reduce the risk of liquid contamination to paper and cardboard if collected separately from that stream. If collected with paper and card without a robust means of separation, the cartons themselves may still be rejected as a contaminant, as is currently the case in some collection systems.

Q10. Assuming food and drink cartons are included by the date that Extended Producer Responsibility commences, what would be the financial impact on gate fees and processing costs from sending mixed material streams containing cartons into a Materials Recovery Facility?

- ☐ No increase
- ☐ 0–9% increase
- ☐ 10–20% increase
- ☐ 21-100% increase
- ☒ Not sure / don't have an opinion / not applicable

Please provide the reason for your response.

The NLWA MRF provider's view is that it's impossible to assess with any certainty at present with so many variables at play across the RWS measures, including impacts of DRS and EPR and the interplay between all the proposals collectively. However, it should be noted that capital cost for MRF upgrades to include additional sort/quality lines for materials such as fibre or sophisticated plastics sorting are potentially considerable and high levels of confidence around regulatory detail and timing would be necessary to support such substantial investment. Even if multi-stream collection systems were deployed across the board, sophisticated plastics sorting would still be required as the plastics collection would be mixed plastics. Availability and price volatility of end markets for known problem materials such as flexible/film plastics and food and drink cartons would also have an impact on overall costs, if and when such materials are added to the core target materials list.

Proposal 2

Collection of plastic films from households

We propose that local authorities already providing a collection service for plastic films should continue to do so. We propose that local authorities without a collection service for plastic films as soon as possible and by no later than the end of the financial year 2026/27.

Q11. Do you agree or disagree that local authorities should adopt the collection of this material from all households, including flats, no later than 2026/27?

- ☐ Agree
- ☐ Disagree
- ☒ Not sure / don't have an opinion / not applicable

If you disagree, please provide the reason for your response.

Existing contractual arrangements may prevent early service changes or have substantial financial penalties and there may be incurred costs in providing these services for which Boroughs should be fully funded.

MRF sorting technology and end markets also need to be available and have the capacity to deal with these materials, particularly plastic films. Adaptations to existing MRF technology or installing new equipment can have lengthy lead times and markets can be unpredictable and slow to develop so this needs to be factored into the proposed timescales.

Q12. Which of the following reasons might prevent plastic film collections being offered to all households by the end of the financial year 2026/27?

- ☒ Collection contracts
- ☒ Sorting contracts
- ☒ Materials Recovery Facility (MRF) infrastructure capacity
- ☒ Cost burden
- ☒ Reprocessing
- ☒ End markets
- ☒ Other (please specify)

Please provide the reason for your response and provide evidence to support your answer.

All of the reasons are relevant to preventing plastic film collections being offered to all households by the end of 2026/27. Plastic films cause operational issues at the MRF used by NLWA and there are currently no or limited end markets for this material. To upgrade the technology or introduce more labour to facilitate the sorting of this material will increase costs. The Authority understands there are developments in chemical recycling of plastics which may support this, but presumably it will take time to develop and establish a viable market for chemical recycling- **Chemical Recycling 101 (bpf.co.uk)**

Alternatively, the take back schemes for plastic films at supermarkets could be promoted and expanded so that those materials are given back directly to the packaging chain at the point of consumption. Such actions could be integrated into existing shopping trips and not be based on dedicated journeys.

Dry recyclable materials in scope of a Deposit Return Scheme

The measures introduced through a Deposit Return Scheme (DRS) will impact on the collection of some of the dry recyclable materials to be collected by local authorities from kerbside. The impact on local authorities of a Deposit Return Scheme is outlined in the Deposit Return Scheme consultation and impact assessment, and local authorities are encouraged to respond to this consultation.

The Deposit Return Scheme consultation considers that the scope of the scheme should be determined based on material rather than product, and proposes the scheme captures polyethylene terephthalate (PET) plastic bottles, glass bottles, and steel and aluminium cans. With regards to the size of containers included, the Deposit Return Scheme consultation remains open on this matter and seeks further views on whether the Deposit Return Scheme should be an 'all-in' scheme (capturing drinks containers up to 3L in size) or an 'on-the-go' Deposit Return Scheme (capturing drinks containers under 750ml in size and excluding those containers sold in multipacks) targeting those containers typically consumed away from the home.

The materials proposed for inclusion under a Deposit Return Scheme are also in scope of consistent collections. These materials are already widely collected by local authorities, and under the new measures, consumers would still have the option of presenting their containers for kerbside collection but in doing so they would forfeit their deposit payment. The Deposit Return Scheme consultation considers unredeemed deposits further.

Under the assumptions made in the Deposit Return Scheme impact assessment, we expect approximately 7% of the remaining containers placed on the market to continue to be collected through kerbside collections. The Deposit Return Scheme consultation sets out three options to deal with drinks containers in-scope of a Deposit Return Scheme ending up in local authority waste streams.

The Deposit Return Scheme consultation considers the proposal to introduce a mandatory labelling system to ensure the relevant drink containers are marked so they can be identified as being part of a Deposit Return Scheme.

Labelling of packaging in scope of Extended Producer Responsibility

Following support in the 2019 consultation on Extended Producer Responsibility to place a mandatory obligation on producers to label their packaging as recyclable or not recyclable, Government is exploring options through the second consultation on Extended Producer Responsibility for mandatory labelling.

The Extended Producer Responsibility consultation proposes that the requirement to label packaging will be introduced through regulations, in which producers will be required to label packaging items in a way that is consistent with the requirements

set out in the regulations and in a way which makes it clear to consumers what packaging they can and cannot recycle.

The Extended Producer Responsibility consultation outlines proposals on how mandatory labelling will apply. Packaging which comprises multiple components (e.g. the sleeve, tray and film in a ready meal pack) should provide clear advice on whether each component is recyclable, but each separate component would not be required to be labelled.

The Extended Producer Responsibility scheme including labelling will be UK-wide. We are working with the devolved administrations, to align the types of material that will be collected as part of household and business collections under the new measures.

Separate collection of food waste from households for recycling

Introduction

In circumstances where food waste cannot be avoided through prevention or by re-distribution for human or animal consumption, recycling of this waste stream presents the best environmental outcome, in accordance with the food and drink waste hierarchy.²²

If food waste is collected separately from other waste streams it can be sent, preferentially, to anaerobic digestion (AD) for recycling. It can also be sent to composting for recycling. Anaerobic digestion breaks down the food waste to generate biofuel and avoids landfill. The anaerobic digestion process also generates digestate, a nutrient-rich fertiliser and soil improver, which can be used to displace traditional chemical fertilisers and provide benefits to soil. Operators should ensure the digestate material produced meets necessary standards on the control of plastic contamination and the distribution to soil is managed according to good agricultural practices to minimise ammonia emissions and other perverse impacts on the environment.²³

Our first consultation on recycling consistency sought views on Waste Collection Authorities providing a separate food waste collection service for all kerbside properties, including flats, in England. Given the strong support for this proposal, we have included in the Environment Bill a statutory requirement on Waste Collection Authorities to provide a separate food waste collection to household properties at least once a week.

²² <https://www.gov.uk/government/publications/food-and-drink-waste-hierarchy-deal-with-surplus-and-waste/food-and-drink-waste-hierarchy-deal-with-surplus-and-waste>

²³ Separately collecting food waste from other material streams and reducing confusion through implementing recycling consistency policies will help towards reducing plastic contamination in this product and good practice guidance has been published: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/268691/pb135_58-cogap-131223.pdf

The Environment Bill requires that food waste must always be collected at least weekly, separately from other household waste and from the dry recyclable waste streams (i.e. glass, metal, plastic, paper and card) and sent for recycling or composting. Therefore, we would expect food waste to be treated through anaerobic digestion or In Vessel Composting (IVC) rather than Mechanical Biological Treatment (MBT) processes, where it is normally collected as part of the residual waste stream. For local authorities where adhering to these requirements would be an issue, we would seek to work with them through the Waste Infrastructure Delivery Programme (WIDP), the Waste and Resources Action Programme (WRAP) and the organics sector to support them to transition to a separate food waste collection service as quickly as practicable.

During the 2019/20 financial year, 37% of local authorities in England provided a separate food waste collection service, 11% of local authorities provided a service collecting food waste with garden waste and 3% of local authorities provided both services. The remaining 49% of local authorities did not provide a food waste collection service.

Exceptions to the separate collection requirement

Collecting food waste mixed with garden waste can lead to lower yields compared to a weekly, separate food waste collection. A lower frequency collection can also lead to odour and other issues which may discourage householders from using the service.²⁴ We recognise that there are some cases where it will not be technically or economically practicable to collect these waste streams separately, or separate collection presents no significant environmental benefit, and it will be necessary in these cases to allow the collection of food waste with garden waste at kerbside so that the two waste streams can be collected in the same container. In these circumstances, the Environment Bill still requires food waste to be collected weekly.

Our preference is that food waste is collected separately from garden waste to allow this unavoidable food waste to be treated through anaerobic digestion. However, in circumstances where it is not technically or economically practicable, or there is no significant environmental benefit from separate collection, the food waste may be collected with garden waste on a weekly collection cycle, subject to a written assessment. Further information on this is provided in the section on [conditions where exceptions may apply](#).

Transitional arrangements

We want local authorities to have a separate food waste collection service in place as soon as possible. We propose that the requirement for weekly separate food waste collection would be introduced during the 2023/24 financial year. It is expected that many local authorities would be able to roll out these services from that date,

²⁴ <https://wrap.org.uk/resources/report/performance-analysis-mixed-food-and-garden-waste-collection-schemes>

including those local authorities that already run a separate food waste collection service. However, some local authorities will need more time to make necessary arrangements, or to adjust contractual obligations. Our impact assessment therefore assumes a transition period for local authorities to have a separate food waste collection service in place for all households.

For local authorities without existing contracts in place that would be affected by introducing a separate food waste collection service, we want them to have a separate food waste collection service in place as soon as possible and we anticipate requiring local authorities to have this in place by the **2024/25** financial year at the latest. We welcome views on this in this consultation and following the outcome of this consultation a date within this financial year would be set in regulations. This reflects the additional time required to procure the necessary capital goods and services and to implement separate food waste collections effectively.

For local authorities with long term residual waste disposal contracts that may be affected by introducing a separate food waste collection (e.g. some Energy from Waste or Mechanical Biological Treatment contracts), we will explore the costs further for these local authorities to transition to a weekly, separate food waste collection service. We propose that these local authorities should have a separate food waste collection service in place as quickly as contracts allow. We are seeking views on the latest this should be done by – we anticipate setting a date between **2024/25** and **2030/31**, subject to further evidence on the associated costs and benefits.

We would expect local authorities with existing mixed food/garden waste contracts in place to collect food waste separately for recycling for all households including flats, as soon as contracts allow. We are seeking views on the latest that this should be done by and we anticipate setting a date between **2024/25** and **2030/31** for this requirement to come in. We are exploring compensation costs for local authorities with long term collection and disposal contracts that may act as barriers to implementing separate food waste collection services, where these contracts run beyond the end date for the separate food waste collection requirement.

Local authorities would be required to arrange for the weekly, separate collection of food waste for all properties including flats by the transitional end dates, unless an exception applies as per Proposal 11 below, in which case food waste could be co-collected with garden waste.

Even in circumstances where an exception as per Proposal 11 below applies, food waste must continue to be collected on a weekly basis, as per the Environment Bill requirement.

Where additional time is taken to rollout a separate food waste collection, it would be necessary to have clear communications with householders as to why this arrangement is in place to avoid undermining public confidence in recycling.

We are also seeking views on circumstances where local authorities would not be able to provide a separate food waste collection service to all properties, including flats, by the above proposed timings.

We recognise that there are properties that experience some barriers to providing a separate food waste collection service. This includes flats, properties above commercial premises and houses of multiple occupancy. We want all householders including those living in flats to be able to recycle more and to have access to separate, weekly food waste recycling collections. It will be for local authorities to decide how best to implement a separate food waste collection service for these properties and comply with their new duties introduced through the Environment Bill, with many already collecting food waste from these types of properties.^{25, 26}

Guidance

We understand that mandating separate food waste collections at least once a week may reduce the quantity of residual waste collected as food waste is diverted for recycling. We support frequent and comprehensive residual waste collections and we will provide more information on this in statutory guidance.

During the first consultation, we sought views on allowing local authorities to combine food and garden waste after separately collecting at kerbside, in cases for example where longer-term disposal contracts require these materials to be mixed at for treatment purposes. There were differing views to this proposal, with some support, but also concerns raised on ensuring communications to householders are clear if these arrangements are in place. We will work with local authorities with long term waste disposal contracts to understand flexibility in local circumstances and where these arrangements might be appropriate, as part of implementing the policy.²⁷

We also propose to set out examples of good practice for food waste collections in non-statutory guidance covering the above circumstances and will work with local authorities to help them to deliver efficient and effective services to householders.

Costs

We estimate an initial capital investment of approximately £200 million would be needed to roll out separate food waste collections across England, to cover the cost of additional bins and vehicles. It would also require c. £100m to cover wider transition costs such as project management, re-routing, communications and engagement and staff costs. Given the additional costs involved in separate food waste collection, Government will ensure that local authorities are resourced to meet any new burdens arising from this policy, including up front transition costs and ongoing operational costs.

²⁵ https://resource.london.org/wp-content/uploads/2020/01/LWARB-Making-recycling-work-for-people-in-flats-full-report_200128-1.pdf

²⁶ <https://wrap.org.uk/resources/guide/recycling-collections-flats>

²⁷ Local authorities must still continue to comply with existing legislation, including Regulation 14 of the Waste Regulations 2011 (as amended by the Circular Economy Package Statutory Instrument).

Proposals on the definition of food waste

Proposal 3

We propose that the following should be included in regulations to describe the materials to be included within the food waste stream: ²⁸

All food material that has become a waste, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be consumed by humans and including any substance, including water, intentionally incorporated into the food during its manufacture, preparation or treatment. This includes the following:

- Food scraps
- Tea bags
- Coffee grounds

We propose that the above describes the materials to be collected as food waste from households, businesses and non-domestic premises.

Food waste can be collected in caddy liners (for further information please see the [section below](#)) and we will set out further detail on collection arrangements for food waste and other waste streams in statutory/non-statutory guidance.

Q13. Do you agree or disagree that the above should be collected for recycling within the food waste stream?

- ☒ Agree
- ☐ Disagree
- ☐ Not sure / don't have an opinion / not applicable

If you disagree, please provide the reason for your response and specify which materials should be included or excluded in this definition.

These are already accepted in the food waste criteria in the NLWA contract. Are plastics in tea bags a concern? If yes, then there is a call for producers to ensure that their teabags are fully compostable.

Proposals on separate collection of food waste from households for recycling

Proposal 4

The Environment Bill will require local authorities in England to arrange for the separate collection of food waste for recycling at least weekly. We propose that local authorities already collecting food waste separately must, as required under the

²⁸ These materials are classed as Category 3 under animal by-product guidance: <https://www.gov.uk/government/collections/guidance-for-the-animal-by-product-industry>

Environment Bill duties, continue to collect this for recycling from all household properties, including flats, at least weekly, in the **2023/24** financial year. There may be local authorities that require longer to implement a separate food waste collection service, and these are detailed below.

Local authorities without existing contracts in place that would be affected by introducing a separate food waste collection service, should have a separate, weekly food waste collection service in place by the **2024/25** financial year at the latest. This reflects the additional time required to procure the necessary capital goods and implement separate food waste collections effectively.

For local authorities with existing long-term mixed food/garden waste collection or disposal contracts in place (e.g. In Vessel Composting contracts), we propose that they should transition to a separate, weekly food waste collection service for all household properties including flats, as quickly as contracts allow. We are seeking views on the latest this should be done by – we anticipate setting a date between **2024/25 and 2030/31** subject to further evidence on the associated costs and benefits.

Local authorities with long term residual waste disposal contracts affected by introducing a separate food waste collection service (e.g. some Energy from Waste or Mechanical Biological Treatment contracts) should introduce a separate, weekly food waste collection service to all households including flats as soon as contracts allow. We are seeking views on the latest this should be done by – we anticipate setting a date between **2024/25 and 2030/31** subject to further evidence on the associated costs and benefits. For these local authorities, there may be some barriers to implementing a separate food waste collection service and we will be exploring the transitional barriers including costs (arising from, for example, amending or breaking existing contracts where necessary) with those local authorities.

In all the cases above, the collection service introduced should be a separate food waste collection, unless an exception applies that would allow the collection of food waste with garden waste, as per Proposal 11 below.

Q14. Which parts of Proposal 4 do you agree or disagree with?

	Agree	Disagree	Not sure / don't have an opinion / not applicable
Local authorities already collecting food waste separately must continue to collect this material for recycling at least weekly from the 2023/24 financial year	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Local authorities should have a separate food waste collection service (at least weekly) in place for all	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

household properties including flats as quickly as contracts allow			
Local authorities without existing contracts in place that would be affected by introducing a separate food waste collection service should have a separate food waste collection service in place (at least weekly), for all households including flats, by the 2024/25 financial year at the latest	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Local authorities with long term existing mixed food/garden waste collection or disposal contracts in place should have a separate food waste collection service in place (at least weekly) for all household properties including flats as soon as soon as contracts allow, with an end date to meet this requirement between 2024/25 and 2030/31	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Local authorities with long term residual waste disposal contracts affected by introducing a separate food waste collection service (e.g. some Energy from Waste or Mechanical Biological Treatment contracts) should introduce a separate food waste collection service (at least weekly) to all households including flats as soon as contracts allow, with an end date to meet this requirement to be set between 2024/25 and 2030/31	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please provide any views on the end date for these obligations and any evidence on associated costs and benefits.

NLWA agrees that local authorities already collecting food waste separately must continue to collect this material for recycling at least weekly from the 2023/24 financial year.

There will need to be treatment facilities to take this waste and at the appropriate capacity which currently may not be the case. Often facilities for London are out of the area and so there will be additional pressure on transfer stations and other resources as well as treatment facilities themselves. Transfer station infrastructure in London is considerably constrained; any need for vehicles to deliver to more remote/multiple tipping locations is a cause of concern with regards congestion and air quality, over and above the direct financial impact. There are only so many tipping bays in London with limited capacity to expand existing facilities.

NLWA disagrees with the other options.

Food waste collection for NLWA Boroughs will be operationally and financially challenging

particularly where there are high levels of flats and flats above shops. Local experience of this service for NLWA boroughs has shown that there is high contamination and low participation for this waste stream both on estates and with flats above shops. WRAP have also outlined similar challenges in their report when collecting food waste from flats. See - **Food waste collection from flats | WRAP**.

The difficulties in providing this service should also be supported by a focus on food waste prevention activities in the first instance.

Q15. Some local authorities may experience greater barriers to introducing a separate food waste collection service to all household properties, including flats, by the dates proposed above. For what reasons might it be appropriate for these collection services to begin after this date?

- ☒ Collection contracts
- ☒ Treatment contracts
- ☒ Cost burden
- ☒ Reprocessing
- ☒ End markets
- ☒ Other (please specify)

If you have disagreed with any of the proposed implementation dates above, please provide examples of circumstances where it would be appropriate for this collection service to begin after these proposed dates and any supporting evidence where possible.

Potentially all of the criteria could apply but particularly reprocessing/end markets and the provision to flats especially flats above shops which make up approx 5-10% of housing in some London boroughs.

The processing facilities that NLWA use are in the home counties and so there will be increased pressure on transfer stations, increased vehicle movements and potentially capacity issues at some processing facilities depending on take up of the scheme locally and regionally. There are also permitting and control measures that need to be factored in with managing facilities that accept food waste.

Flats are challenging to service and where food waste collections exist there are issues with low participation and contamination. There is an expectation that communal food waste bins should be cleaned on a regular basis to manage odours and pests which adds additional costs. Where food waste for flats is not already happening, implementation should not be rushed if the scheme is to be a success with comprehensive engagement and communications support.

There should be an exemption for flats above shops as it is operationally impractical to collect food waste from these premises without risk of diminishing the street scene, causing additional clutter and littering. Although some councils offer this service in theory (Camden), in practice service provision criteria preclude these properties from participating.

Government should have an exemption with specified criteria for properties where a food waste collection is problematic e.g. no frontage, in high streets, etc.

Caddy liners

In our first consultation we sought views on the free provision of caddy liners to householders, as part of a separate food waste collection service. There were a range of views from respondents on this proposal. Householders broadly supported the principle and there is evidence that caddy liners significantly increase uptake in food waste collection services. For example, without their provision, WRAP estimate around 20% lower yield per household in year one of implementing a separate food waste collection service, compared to if free caddy liners are provided to participating households, dropping to 50% of expected yield by year three. Caddy liners help to increase yield and improve cost effectiveness of a separate food waste collection service.

The costs of introducing free caddy liners are estimated to be £0.50 per household per annum start-up costs and £1.50 per household per annum ongoing costs, equating to approximately £12m per annum start-up liner costs and £37m per annum on-going costs for all local authorities in England.²⁹ This modelling assumes that compostable liners are supplied and not cheaper polyethylene (PE) liners, which are not suitable for all food waste treatment facilities, and also that the liners are supplied by request to participating households to minimise wastage.

Given the evidence provided in the first consultation on caddy liners and the benefits that this would provide towards the successful implementation of separate food waste collection services, the costs of provision are included in the accompanying impact assessment. We continue to promote the use of caddy liners by householders in England and will consider guidance recommending that these should be provided as part of the service.

Differing standards for caddy liners or the use of different material types can cause difficulties separating liners in treatment facilities. A joint approach between industry and local authorities to ensure that caddy liner material type can be matched to the end-destination would help to ensure that material can be processed effectively and minimise contamination of food waste feedstocks. We will work with WRAP, local authorities and the anaerobic digestion sector to promote this.

²⁹ Costs dependent on a number of variables, including number of participating households and local housing growth.

Proposal on caddy liners

Proposal 5

We propose that the provision of caddy liners in the collection of separately collected food waste should be promoted as good practice and that guidance should be provided on caddy liners, including on caddy liner material types.

Q16. Do you agree or disagree with this proposal? Please provide any other comments on the use of caddy liners in separate food waste collections, including on any preferences for caddy liner material types.

- ☒ Agree
- ☐ Disagree
- ☐ Not sure / don't have an opinion / not applicable

However, caddy liners do help with participation but whether or not they help or hinder the benefits of a food waste service will depend on the treatment facilities. With in-vessel composting facilities (IVC) they breakdown more effectively but with AD they are seen as a barrier and are extracted with other packaging which defeats the objective of using them above plastic or paper bags. They are also comparatively expensive and not necessarily from sustainable sources so best avoided.

If this becomes a new burden for LA's, they should be included in the net cost recovery model.

Biodegradable and compostable plastic packaging materials

Responses to the initial consultation on recycling consistency and subsequent engagement with stakeholders has made it clear that careful consideration is required regarding how biodegradable and compostable plastics fit into recycling systems and the new waste reforms.

Compostable materials are a subset of biodegradable materials that break down safely into water, biomass and gases under composting conditions. Industrial composting conditions are optimal, which include temperatures of at least 55°C, high humidity and oxygen. Materials that break down in industrial composters may not break down fully under home composting conditions.

In July 2019, Defra launched a call for evidence on standards for biodegradable, compostable and bio-based plastics, which sought evidence on the suitability of existing industrial and home composting standards, on whether a home composting standard would be desirable and on the potential unintended consequences that could arise as a result of a growth in use of compostable plastics.³⁰ A wide variety of responses were received and Government's response has recently been published.³¹

³⁰ <https://www.gov.uk/government/consultations/standards-for-biodegradable-compostable-and-bio-based-plastics-call-for-evidence>

³¹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/976912/standards-biobased-biodegradable-compostable-plastics.pdf

At present, there cannot be reasonable certainty over whether there are benefits to the final digestate and compost products resulting from the inclusion of biodegradable and compostable plastic materials as feedstock. Should the majority of this material break down into just water and gases, with no or little biomass contributed to compost or digestate, this would also not accord with circular economy principles as it would be more akin to a form of disposal than recycling.

A further consideration as to whether biodegradable and compostable plastic packaging can be considered to be recyclable is the ability of industrial composting and anaerobic digestion facilities to treat the material. Whilst a small number of anaerobic digestion plants include a composting phase, meaning that these plants can accept biodegradable and compostable plastic, such materials are not generally suitable for anaerobic digestion, and these materials are consequently removed from the facilities as contaminants and sent to incineration or landfill. We are interested in understanding whether there should be a requirement on anaerobic digestion plants treating food waste to include a composting phase in the treatment process. This could have benefits by reducing plastic contamination through treating compostables, reducing ammonia emissions and valorising digestate, if the composting is carried out according to best practice.

If biodegradable or compostable plastics persist in the digestate product as the conditions do not allow the composting of these materials, or removal from input materials has been ineffective, then the plastic contamination of the product would increase, which has a number of significant detrimental impacts on the environment if spread to soil as a fertiliser. The digestate product is subject to a strict Publicly Available Specification (PAS110) standard which includes plastic contamination levels to mitigate against this.³² Digestate which exceeds these levels of contamination would not qualify as a product under PAS110.

Biodegradable and compostable plastics are not included as a separate recyclable waste stream in the Environment Bill and we do not propose to include these materials in any of the other recyclable waste streams. There are, however, provisions in the Environment Bill to add additional waste streams in the future, subject to certain conditions. Given the above, the mandatory collection of biodegradable and compostable packaging (as a separate recyclable waste stream in the Environment Bill, which must either be collected separately or co-collected with another waste stream, such as food waste) is not proposed to occur unless the following conditions are met:

- There can be confidence that the biodegradable/compostable material placed on the market complies to standards that ensure it safely biodegrades:
 - In all likely destinations (including composting and anaerobic digestion facilities and the wider environment);
 - Over a reasonable timeframe; and

³² <https://www.wrap.org.uk/content/bsi-pas-110-producing-quality-anaerobic-digestate>

- Without significant adverse environmental consequences.
- It can be ensured that compostable plastic can be treated at the end destination (such as anaerobic digestion or composting facilities) in a way that does not increase plastic contamination in the digestate of compost products;
- The environmental benefit of separate collection or co-collection of compostable packaging with food and/or garden waste can be shown, particularly through ensuring that by collecting these materials, contamination from plastics does not increase, and the digestate and compost can reach end of waste status through the relevant quality protocols; and
- All Waste Collection Authorities in England can make provision for compostable plastics to be collected, either separately or with another waste stream. Others including Waste Disposal Authorities, the Environment Agency and anyone else the Secretary of State considers appropriate must also be consulted.

At the present time there cannot be certainty over the above criteria being achievable for biodegradable and compostable materials. Consequently, mandatory collection of this material from households and businesses is not proposed. This would not preclude local authorities or businesses from arranging for a separate compostable/biodegradable packaging collection which would be outside of the scope of these recycling consistency reforms. If collected, these materials would have to be collected separately from the recyclable waste streams under the Environment Bill requirements.

Given the current absence of evidence in the area, it is not possible to place a timescale on establishing each of the above considerations at the present time. We therefore propose to provide further guidance to local authorities on how to direct householders to dispose of biodegradable and/or compostable waste in statutory guidance. The consultation on packaging Extended Producer Responsibility is also seeking views on how compostable materials align with these reforms.

It should be noted that the above proposals on recycling consistency apply to kerbside collection of materials. The Waste and Resources Action Programme (WRAP) have published guidance on considerations for compostable plastic packaging, which discusses key potential applications of these materials.³³ [The section on caddy liners above](https://wrap.org.uk/resources/guide/compostable-plastic-packaging-guidance) also details further information on the potential use of compostable liners.

³³ <https://wrap.org.uk/resources/guide/compostable-plastic-packaging-guidance>

Proposals on biodegradable and compostable plastics packaging materials

Proposal 6

We propose to provide further guidance to local authorities and other waste collectors on the collection and disposal of compostable and biodegradable materials in kerbside waste streams.

Q17. Do you have any comments on how the collection and disposal of compostable and biodegradable materials should be treated under recycling consistency reforms? For example, this could include examples of what should be provided in guidance on the collection and disposal of these materials.

NLWA believes the collection and disposal of compostable and biodegradable plastic like materials should be treated as non-recyclable in line with EPR reforms to minimise confusion. Through current contracts these products are being removed from food waste deliveries to AD facilities and disposed of as residual waste negating any potential environmental benefits they purport to have.

Q18. Do you agree or disagree that anaerobic digestion plants treating food waste should be required to include a composting phase in the treatment process?

- ☐ Agree
- ☒ Disagree
- ☐ Not sure / don't have an opinion / not applicable

Please provide any evidence where possible and explain any advantages and disadvantages.

It seems like an additional burden to include a second treatment stage to deal with a product that is best avoided if at all possible.

NLWA question where in the AD process you would introduce a composting phase. If the proposal is to produce a solid compost rather than a liquid fertiliser at the end of the process this will preclude farmers from receiving a highly nutrient rich fertiliser which displaces chemical fertilisers. If the suggestion is based on so called "Dry AD", this technology has never been proved to work (despite many attempts) so the best route for food waste is AD through separate food waste collections.

Separate collection of garden waste from households

Providing a free minimum service for collection of household garden waste

Currently, 98% of local authorities in England provide a garden waste collection

service. Following support in response to the first consultation, garden waste is included in the Environment Bill as one of the six recyclable waste streams to be collected from households in England for recycling. Like food waste, it must be collected separately from other household waste and from other recyclable waste streams. It can, however, be collected together with food waste where separate collection of food waste is not technically or economically practicable or there is no significant environmental benefit from separate collection of food waste. For further information on this please see the [above section on background and proposals for weekly food waste collections](#).

Following the outcome of the first consultation and stakeholder engagement since, we propose that all local authorities will have to arrange for the collection of garden waste for recycling in the **2023/24** financial year. The preference is for this to be collected separately, for further information please see the sections above on [exceptions and transitional arrangements](#)).

The collection of garden waste for recycling or composting has several benefits, including job creation and diverting the material from residual waste streams, where it can end up in landfill and release harmful greenhouse gases. The recycling of garden waste also generates compost or digestate, contributing to a more circular economy. Introducing a minimum free garden waste service would increase England's household recycling rate by approximately 5% (WRAP estimate),³⁴ compared to if all local authorities were to charge for garden waste collection. This would also substantially increase the quantity of garden waste collected, increasing job creation and moving garden waste further up the waste hierarchy, towards composting and away from residual waste treatment processes such as landfill or incineration.

The Controlled Waste (England and Wales) Regulations 2012 allow local authorities to charge for the collection of garden waste for recycling and 65% of local authorities currently choose to charge for this service.^{35,36} There was support from individual/householder respondents for a free minimum level garden waste collection service (80% agreed); however, only 38% of stakeholders overall agreed with the proposal. There was opposition in particular from local authorities, with 71% disagreeing with the proposal.

Given mixed support at consultation, we stated that we would give further consideration to the costs and benefits of the policy before making a decision. If a free minimum service was introduced, Government would cover the cost of this additional statutory duty in line with new burdens guidance.

When asked about the standard of service to be provided as a minimum, there was support for this to be a minimum fortnightly collection service of equivalent to a maximum capacity of 240-litre (either bin or sacks). Local authorities would be able to charge for more frequent collections and/or additional capacity.

³⁴ Dependent on waste prevention activity and relevant scenario in impact assessment

³⁵ The power to prescribe in regulations where charges can be made for the collection of household waste is set out in s45(3) of the EPA 1990.

³⁶ <https://www.legislation.gov.uk/uksi/2012/811/contents/made>

Following further analysis, a free minimum garden waste collection service provided by local authorities to householders with a garden still offers good carbon emission reduction benefits and other recycling benefits compared to a charged service. This is therefore presented as the preferred option in our updated impact assessment, due to the higher Net Present Value (NPV) of providing this service. When compared to a charged garden waste scenario, a free garden waste collection delivers additional carbon savings of £732m over the total appraisal period (2023 to 2035).³⁷ This equates to average carbon savings of 793 kT CO₂e per annum (traded, 84kT CO₂e, non-traded, 709 kT CO₂e respectively), equivalent to taking approximately 176,000 vehicles off the road each year.³⁸ This also results in a 25% increase of garden waste tonnage collected for recycling, shifted from residual waste.³⁹

Overall, the free garden waste collection delivers an additional societal value of £691m, when compared to a charged version of the same service provision.⁴⁰

However, as noted in our response to the 2019 consultation, we recognise that there are significant costs associated with implementing this proposal. There are also distributional impacts as this policy would provide a free, limited collection service only to those householders with a garden. Our impact assessment estimates that a free garden waste collection service as described increases local authority waste management costs by £2,222m over the total appraisal period, compared to a scenario where all local authorities charge for garden waste collections. This is largely driven by lost revenue from garden charging on current charge levels (i.e. loss of revenue represents savings made by households in the same period, in the value of £2,514m). As noted above, if implemented, the costs of providing a free minimum service for collection of household garden waste (up to a specified capacity and frequency, with local authorities retaining the option to charge beyond this) would be covered through new burdens funding and subject to a new burdens assessment.

³⁷ All monetary values given are discounted, with 2023 implementation base year

³⁸ Based on a typical passenger vehicle emitting approximately 4.6 metric tons of CO₂ per year

³⁹ WRAP has undertaken several unpublished studies on garden waste collections performance. The most recent analysis showed that the introduction of charges to existing (previously free) garden waste collection was likely to result in the reduction in recycling yields by c.25%, down from 144kg per household per year to 106kg per household per year (+/- 26 kg within a 95% confidence interval). In other words, the average subscription rate was 34%. Further studies indicated the level of subscription to be 25% (+/-5%) of possible users of garden waste collections.

In each case of transitioning from a free to a charged garden collection, the kerbside residual waste arisings appear to have increased, albeit to different degrees. This strongly suggests that residents are, in most cases, avoiding the charge and depositing some garden waste into residual streams. Increasing the amount of garden waste in residual waste increases disposal and collection costs to Local Authorities and increases undesirable environmental impacts, compared to alternative treatment opportunities (e.g. garden waste composting). The most recent review of national waste composition studies also found high concentrations of garden waste in the residual waste particularly amongst non-subscribers of the service; <https://wrap.org.uk/resources/report/quantifying-composition-municipal-waste>

⁴⁰ All monetary values given are discounted, with 2023 implementation base year

Alternative options to increase recycling of garden waste

It was noted by a variety of respondents to the previous consultation that there are significant costs associated with the introduction of a free, minimum collection service for garden waste, despite the benefits noted. We are therefore also consulting on alternatives to this. These options could achieve the policy aims of increasing the recycling of garden waste and reducing the quantity of garden waste disposed through landfill and incineration.

- **Produce updated guidance on reasonable charges**

Local authorities in England currently levy a charge of between £24 and £96 per annum per household for garden waste collections services, with the average charge at £43 per annum. This means that there is a wide range of charges set for different local authorities, even when allowing for differing barriers to recycling in different local authorities and differing rurality.

Local authorities are already required under legislation to levy a charge for garden waste collections that is reasonable.⁴¹ A reasonable charge can only be made for collection and associated administration, but WRAP analysis indicates that this would be in the region of approximately £18 to £30 per household per year, depending on the region.⁴² Producing updated guidance on reasonable garden waste charges, which would consider factors such as rurality and density of housing, could deliver significant savings in terms of greenhouse gas emissions, without leading to the high costs associated with introducing a free minimum collection service for garden waste. This would not, however, deliver the same level of carbon and societal savings as a free minimum collection service.

Preliminary analysis suggests that if all local authorities levied only a reasonable charge, this could reduce garden waste arisings by 7%. (2017/18 garden waste arisings; WRAP estimate).

- **Clear communications to non-participating households**

Householders generating garden waste could be discouraged from placing garden waste in the residual waste bin through targeted communications on the benefits and positive environmental impacts of recycling garden waste and promoting other activities such as home composting.

- **Increasing home composting**

Home composting prevents garden waste from entering the waste management chain, so is higher up the waste hierarchy than recycling. A study by WRAP (2009) estimated that home composting could on average divert 114kg/household/year of material from garden waste collections on two conditions:

- Dedicated bin/s needed to be built, or a subsidised bin provided.
- Households would require support to use the home composter.

⁴¹ <https://www.legislation.gov.uk/ukxi/2012/811/schedule/1/made>

⁴² These values have not been used in the impact assessment, which instead use actual charges.

The WRAP home composting programme ran from 2001-2009 to promote home-composting through the provision of subsidised compost bins and education.⁴³ Throughout the project, approximately 1.7 million bins were supplied to households.

The most recent study estimated that one third of households with a garden have a compost bin, and 40% of these came from a subsidised compost bin scheme. However, only 20% of households with a garden are 'committed' composters (DEFRA, 2009) and there is a strong correlation between a household's social-economic status and likelihood they will compost.

A WRAP survey (2007) stated that 37.4% of non-composters felt that nothing would encourage them to start composting.

As the WRAP home composting scheme closed just over a decade ago, the home composting market may have changed significantly since then and may no longer be saturated. Hence, home composting may present an effective alternative to a free minimum collection service for garden waste and may be worthy of further consideration.

⁴³ <https://www.wrap.org.uk/content/home-composting-guidance-and-information>

Proposal on the definition of garden waste

Proposal 7

We propose that the following should be included in the description of garden waste included in regulations.

Unwanted organic material arising from a garden, including:

- Grass cuttings
- Garden weeds
- Plants and flowers
- Hedge Clippings
- Leaves
- Twigs and small branches⁴⁴
- Waste products of animal origin
- Bulky waste (including but not limited to garden furniture and fencing)
- Plant pots
- Garden tools or other gardening equipment
- Soil, stone, gravel or bricks

Q19. Do you agree or disagree with the materials included in and excluded from this description of garden waste?

- ☒ Agree
- ☐ Disagree
- ☐ Not sure / don't have an opinion / not applicable

If you disagree, please provide the reason for your response and specify which materials should be included or excluded in this definition.

NLWA agree with the list and believe the exclusions should also have invasive species such as Japanese knotweed and giant hogweed and plant materials with disease and infestations e.g. processionary moth caterpillars.

⁴⁴ Exclusions are proposed to be included in guidance.

Proposals on increasing the recycling of garden waste from households

Proposal 8

In response to the first consultation, there was mixed support that, if a free minimum collection service for garden waste is introduced for households with a garden, this should be a minimum fortnightly collection service, equivalent to a maximum capacity of 240-litre (either bin or sacks) and local authorities would be able to charge for more frequent collections and/or additional capacity. We are seeking further views on the updated costs and carbon benefits of this proposal as detailed in the table below, subject to securing funding for the policy.

Please note that any new additional burdens to local authorities incurred through this policy would be covered by Government.

Costs	Benefits
Increase in waste management costs of £2,222m over the total appraisal period (i.e. mainly driven by lost revenue from garden waste charging; some of which is partly offset by some savings from residual waste treatment).	<p>Average carbon savings of 793 kT CO₂e per annum (traded, 84kT CO₂e, non-traded, 709 kT CO₂e respectively).</p> <p>25% increase of garden waste tonnage collected for recycling, shifted from residual waste.⁴⁵</p> <p>Societal savings from not paying for garden waste services, totalling £2,514m.</p>

Table A: The estimated costs and benefits of a free minimum collection service for garden waste as set out in the impact assessment.

Note, the appraisal period is between the 2023/24 and 2035/36 financial years. These costs and benefits compare a scenario where all local authorities charge with a free minimum collection service. All costs and benefits are discounted (please see glossary).

Q20. Given the above costs, recycling benefits and carbon emissions reductions, do you agree or disagree that local authorities should be required to introduce a free minimum standard garden waste collection (240 litre containers, fortnightly collection frequency and throughout the growing season⁴⁵), if this is fully funded by Government, and if authorities remain free to charge for more frequent collections and/or additional capacity?

- ☐ Agree
☒ Disagree

⁴⁵ To be defined further in guidance.

☐ Not sure / don't have an opinion / not applicable

Please provide any comments or evidence on the costs and benefits presented above.

Local Authorities should continue to be allowed to charge for garden waste collection. In the NLWA boroughs, residents seem willing to pay for this service and there is no clear evidence that garden waste is being diverted to residual waste as a result of the charges. Prior to garden waste charges being introduced in some NLWA boroughs, a waste composition analysis study indicated 3.2% garden waste in the residual waste stream which is at a similar level to other councils who have implemented chargeable garden waste collection services.

According to the LGA the evidence they have seen from other councils who have introduced charges conflicts with the information in the consultation. For example: A waste compositional analysis carried out in September 2018 found that garden waste formed on average 3.6% of residual waste across the Project Integra Partnership (all waste authorities in Hampshire including the unitary authorities of Portsmouth and Southampton City Councils); Surrey's 2016/17 waste composition analysis found that only 4% of kerbside residual waste was made up of garden waste and in 2018 garden waste was on average 1.2% of the residual waste on average across Warwickshire.

In London in particular, free fortnightly garden waste collections are likely to be relatively inefficient, with vehicles having to undertake lengthy rounds where householders with small or no gardens will not be regularly participating in the scheme. The charged garden waste system, by contrast, enables vehicles to work more efficiently based on subscribers of the service, reducing vehicle emissions per tonne collected. Adding additional service flexibility around growing seasons and collection frequency may create seasonal pressures on resources and infrastructure (transfer plants and treatment facilities) which will need to be considered as well as the level at which the cap on charges would be set.

There are also significant concerns overall about funding arrangements between Government and local authorities with this proposal which need further clarification.

Proposal 9

We are seeking views on options, either alongside or instead of a free, minimum collection service for garden waste, and the extent to which they would achieve the aim of increasing the recycling of garden waste and decreasing the quantity of garden waste in residual waste streams.

Q21. How likely are the following options to support the above policy aims?

	Very likely	Likely	Unlikely
Provide updated guidance on reasonable charges for garden waste. ⁴⁶	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Issue clear communications to non-participating households.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Support on increasing home composting (e.g. subsidised bin provision).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Q22. Do you have any further comments on the above options, or any other alternatives that could help to increase the recycling of garden waste and/or reduce the quantity of garden waste in the residual waste stream? Please provide supporting evidence where possible.

There are likely to be some benefits i.e. increased tonnages if free garden waste collections are implemented with the support suggested but the scale of these is unknown, likewise the costs and environmental impacts. In the NLWA area there are a significant number of residents in multiple occupancy properties so any increase in performance will be nominal compared with more rural councils. There is a view that home composting is already saturated and so promoting this will have minimal impact and providing communications is unlikely to change the behaviours of those that don't already recycle or home compost their garden waste.

To support the policy aims there should be stronger guidance on banning garden waste from being put in residual waste bins supported by Government and extra powers provided to Local Authorities to enforce this.

There could be more promotion of the free garden waste facilities at HWRCs and although home composting is thought to be already saturated, it would still be worth promoting and supporting this due to the transient nature of London's population.

⁴⁶ Note, we propose that the value of this cap in updated guidance would be dependent on a number of factors, such as the rurality and density of each local authority.

Separate collection of recyclable waste from households

Exemptions from the requirement that recyclable waste from each waste stream must be collected separately

The Environment Bill gives powers to the Secretary of State to set exemptions in regulations, from the requirement to collect recyclable waste in each of the recyclable waste streams separately in relation to two or more recyclable waste streams. An exemption would allow local authorities to always co-collect recyclable waste in a recyclable waste stream with at least one other recyclable waste stream, without the need to demonstrate that it is not technically or economically practicable to collect separately, or that there is no significant environmental benefit of doing so. The relevant waste streams could still be collected separately, but waste collectors would have the option to co-collect. Local authorities collecting the proposed recyclable waste streams together would not have to complete a written assessment.

We want to ensure a high quality of recyclable material collected, while also avoiding unnecessary burden on local authorities. The Secretary of State can only exercise the power to set exemptions if satisfied that doing so will not significantly reduce the potential of the recyclable waste streams to be recycled or composted.

We are seeking views on exemptions for the following waste streams to be collected together from households (and non-household municipal premises in the [section on non-household municipal exemptions](#)):

- plastic and metal;
- glass and metal.

Proposals on exemptions for the separate collection of two recyclable waste streams from households

Proposal 10

For certain waste streams collected from households, exemptions to separate collection may be appropriate in cases where collection of recyclable waste streams together does not significantly reduce the potential for these recyclable waste streams to be recycled or composted.

Q23. Could the following recyclable waste streams be collected together from households, without significantly reducing the potential for those streams to be recycled?

	Agree	Disagree	Not sure / don't have an opinion / not applicable
Plastic and metal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Glass and metal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you have agreed with either of the above, please provide evidence to justify why any proposed exemption would be compatible with the general requirement for separate collection of each recyclable waste stream.

Agree with both the proposed material streams as they are already being successfully recycled through existing commingled collection services and MRF facilities. There is no strong evidence as to why the three materials couldn't be co-collected and we support that further exemption.

Q24. What, if any, other exemptions would you propose to the requirement to collect the recyclable waste in each waste stream separately, where it would not significantly reduce the potential for recycling or composting?

In an urban environment we believe an exemption for: fibre (paper and card) glass, plastics and metals in a single bin should be allowed. This is for reasons of operational efficiency, simplicity for the residents, storage of containers, impacts on the street scene, depot space and MRF and treatment infrastructure.

This mix of materials in a single container has proved highly successful in North London – it is well understood by the residents that we serve (circa - two million). It is collected in the most cost effective and environmental sympathetic way by seven WCA's (the London Boroughs of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest and is separated into high quality materials at the Biffa MRF in Edmonton and sold into the market at the market rate.

Adding or changing recyclable waste streams or materials collected for recycling

In the previous consultation there was overwhelming support for regularly reviewing the core set of recyclable materials. It was appreciated that these may need to change over time but that stable end markets should be in place and clear communications would be needed on any changes to the materials collected.

The Secretary of State has powers to add further recyclable waste streams through regulations. However, this power may only be exercised if the following conditions are satisfied: there is waste in that waste stream which is suitable for recycling or composting and doing so will have an environmental benefit; all English Waste Collection Authorities can make arrangements for collecting the new waste stream according to the conditions set out in the Environment Bill; and there are appropriate end markets.

In addition to this, we propose to work with industry, and the Extended Producer Responsibility Scheme Administrator for packaging, to establish a process for updating the list of materials included in the recyclable waste streams. The description of any new material being added to the current recyclable waste streams will need to be set out in regulations. We anticipate that some materials that are not widely recycled now will be routinely recycled in the next few years when recycling technology is more advanced.

Statutory guidance and minimum service standards

Central Government currently does not provide guidance to local authorities on the collection of recyclable waste streams. In our previous consultation we sought views on minimum service standards and guidance for local authorities to help them provide efficient recycling collections.

Most respondents to the consultation supported the need for Government to provide guidance for local authorities. However, many comments highlighted that guidance should be flexible to take account of varying local circumstances. Respondents also wanted the guidance to include good practice and encourage innovation so that recycling collections can be made more efficient over time. The Environment Bill grants powers to the Secretary of State to issue statutory guidance on the duties imposed by the Environment Bill. Local authorities, and other waste collectors, must have regard to the guidance when carrying out their waste management duties.

Whilst guidance can cover any part of the duties imposed by Section 45 of the Environmental Protection Act 1990 and the new separate collection measures, the Environment Bill states that the guidance may deal with:

- The circumstances in which it may not be technically or economically practicable to collect recyclable household waste or recyclable relevant waste in recyclable waste streams separately, or circumstances in which separate collection may not have significant environmental benefit.
- The frequency with which household waste other than recyclable household waste which is food waste should be collected;
- The kinds of waste which are relevant waste;
- The type of written assessment required where a waste collector proposes to collect two or more recyclable waste streams together

We will publish statutory guidance to provide further information on these areas and to support achieving an increase in the overall quantity and quality of material collected for recycling. The guidance will also help Waste Collection Authorities and Waste Disposal Authorities, and other waste collectors, to understand what they must do to comply with the law. Minimum service standards will be provided on household collections, including flats.

There is a requirement to consult before issuing guidance and, subject to this, we plan to publish guidance alongside the making of secondary legislation, ahead of introducing the reforms. We have begun to engage with the sector, including local authorities, on the proposed content for this guidance and will continue to consult with the sector before issuing guidance. It will be kept under review and updated when necessary. Any amendments to the guidance will need to allow sufficient time for local authorities and other waste collectors to adapt their services accordingly.

On this basis, we intend to consider the following areas in statutory guidance:

1. Conditions where an exception to the condition that recyclable waste in each recyclable waste stream must be collected separately may apply and where, as a consequence, two or more recyclable waste streams may be collected together
2. Compliance and enforcement
3. Minimum service standards for the separate collection of dry recyclable materials from households and non-domestic premises and premises producing commercial or industrial waste
4. Minimum service standards for the collection of residual waste from households
5. Minimum service standards for the separate collection of food and garden waste from households

Statutory guidance proposed content 1: Conditions where an exception to the condition that recyclable waste in each recyclable waste stream must be collected separately may apply and where, as a consequence, two or more recyclable waste streams may be collected together

The Environment Bill legislates for glass, metal, plastic, paper and card, food and garden waste to be collected for recycling from households. These recyclable waste streams must be collected by collectors of household waste without exception.

The Environment Bill stipulates that the recyclable waste in each recyclable waste stream can be collected together only if it is not technically or economically practicable to collect separately, or if there is no significant environmental benefit from separate collection.

We recognise there may be instances where the three exceptions (technical and economical practicability and significant environmental benefit) interact, and therefore examples may fall under more than one category. We propose to provide further detail on the types of examples included under these exceptions in statutory guidance, while allowing flexibility for local circumstances.

Technically practicable

By technically practicable we mean that the separate collection may be implemented through a system which has been technically developed and proven to function in practice.

In order to make the case that separate collection is not technically practicable, local authorities will need to demonstrate that their local circumstances mean that it is not technically practicable to have separate collection of the recyclable waste streams. This could apply to one or more areas within a collection service area, rather than the authority area as a whole.

Examples of this could include, but are not limited to:

- Type of housing stock and accessibility – e.g. flats, houses of multiple occupation, student accommodation, historic buildings, dwellings with communal recycling points
- Rurality and geography of property location
- Availability of suitable containers
- Storage of containers at properties
- Storage in existing waste transfer infrastructure

Economically practicable

Economically practicable refers to separate collection which does not cause excessive costs in comparison with the treatment of a non-separated waste stream, considering the added value of recovery and recycling and the principle of proportionality. If the additional cost of collecting a recyclable waste stream separately outweighs its value once collected it may not be economically practicable to collect the waste streams separately.

In order to make the case that separate collection is not economically practicable, local authorities will need to demonstrate that their specific financial costs (caused by their local circumstances) makes it significantly more expensive to have separate collection. Examples of this could include, but are not limited to:

- Type of housing stock and accessibility – e.g. flats; houses of multiple occupation, student accommodation, historic buildings, dwellings with communal recycling points
- Rurality and geography of property location
- Available recycling and treatment infrastructure

No significant environmental benefit

In order to make the case that separate collection is of no significant environment benefit compared to collecting recyclable waste streams together, local authorities will need to demonstrate that this is the case in their circumstances and that separate collection does not provide a significant environmental benefit over other systems. Local authorities should consider the overall impact of the management of the household waste stream from collection through to reprocessing. Examples of this could include, but are not limited to:

- Greenhouse gas emissions – for example from vehicles or Materials Facilities
- Lifts per vehicle and journey length
- Availability of recycling facilities
- Reject tonnages

Proposals on conditions where an exception may apply, and two or more recyclable waste streams may be collected together from households

Proposal 11 Technically practicable

By technically practicable we mean that the separate collection may be implemented through a system which has been technically developed and proven to function in practice.

Q25. Do you have any views on the proposed definition for ‘technically practicable’?

No additional comments on the definition of ' technically practicable'. However there is a presumption that there are accessible processing facilities and end markets for these recyclables.

In order to make the case that separate collection is not technically practicable, local authorities will need to demonstrate that their local circumstances mean that it is not practicable to have separate collection of the recyclable waste streams. Examples of this could include, but are not limited to:

- Type of housing stock and accessibility – e.g. flats, houses of multiple occupation, student accommodation, historic buildings, dwellings with communal recycling points
- Rurality and geography of property location
- Availability of suitable containers
- Storage of containers at properties
- Storage in existing waste transfer infrastructure

Q26. Do you agree or disagree that the proposed examples cover areas where it may not be ‘technically practicable’ to deliver separate collection?

- ☒ Agree
- ☐ Disagree
- ☐ Not sure / don't have an opinion / not applicable

If you disagree with any of the above, please provide the reason for your response and indicate which example you are referring to.

NLWA agrees with all the points suggested. The proposed examples do cover areas where it may not be technically practicable to deliver separate collections. However, these may not be the only areas and could also include:

- End markets
- Collection opportunities at flats/HMOs
- Properties that have no frontage

- Storage of containers at premises

Q27. What other examples of areas that are not ‘technically practicable’ should be considered in this proposal? Please be as specific as possible.

In the NLWA area there are many properties that have limited internal storage, so segregating and storing refuse and recycling is an issue. Externally many properties have limited or no frontage conflicting with street scene issues such as fly-tipping.

Older properties especially flats have inadequate bin storage areas to cater for the quantities of waste produced and facilitate cost effective high capture and recycling rates.

Additional criteria should be added including health and safety where crews, if doing any degree of material separation at the kerbside are often subject to abuse if delaying traffic and increased risk of manual handling injuries. Also the availability of offloading points for the material streams collected. The ones in operation in NLWA are already constrained with the current materials collected (MDR, food waste, garden waste and mixed organics as well as residual waste).

Economically practicable

In order make the case that separate collection is not economically practicable, local authorities will need to demonstrate that their specific financial costs (caused by their local circumstances) mean that it is significantly more expensive to have separate collection. Examples of this could include, but are not limited to:

- Type of housing stock and accessibility – e.g. flats; houses of multiple occupation, student accommodation, historic buildings, dwellings with communal recycling points
- Rurality and geography of property location
- Available recycling and treatment infrastructure

Q28. Do you agree or disagree that the proposed examples cover areas that may not be ‘economically practicable’ to deliver separate collection?

- ☒ Agree
- ☐ Disagree
- ☐ Not sure / don’t have an opinion / not applicable

If you disagree with any of the above, please provide the reason for your response and indicate which example you are referring to.

Q29. What other examples of ‘economically practicable’ should be considered in this proposal? Please be as specific as possible.

For the economic assessment it would be useful to have levels at which a given level of separation is deemed viable although that will be dependent on an individual LAs financial

position.

1. Collection contract change costs. There are likely to be a number of examples of local authorities who will incur costs if they change collection arrangements mid-contract, so these will need to be taken into account (depending on whether transition funding through EPR or New Burdens is sufficient to cover this).

2. Treatment/disposal contract prices. As with collection contracts there may be cost implications for changing treatment and disposal contracts as a result of moving to more segregated collection systems.

3. Actual treatment gate fees vs modelled assumptions. It is essential that local authorities are able to assess economic practicability against the gate fees (plus any transfer and haulage) that they are able to get from the market for their material, rather than averages or benchmarks prescribed by the Government.

4. Overall system efficiency. The delivery of different recycling services in different neighbourhoods according to technical practicability criteria may lead to lower overall levels of operational efficiency, particularly if different collections require different types of vehicles. Waste collection vehicles require regular maintenance meaning that operators need to keep a fleet of spares on hand to ensure services can be delivered, and a more diverse fleet will usually mean that the overall number of spares that are needed will be higher.

5. Local congestion/emissions charging schemes. The operation of additional collection vehicles for more complex recycling systems will, in some areas (such as Central London), potentially attract higher charges because of local/regional emissions or congestion zones.

Economically practicable refers to separate collection which does not cause excessive costs in comparison with the treatment of a non-separated waste stream, considering the added value of recovery and recycling and the principle of proportionality. If the additional cost of collecting a recyclable waste stream separately outweighs its value once collected it may not be economically practicable to collect a waste stream separately.

Q30. Do you have any views on what might constitute 'excessive costs' in terms of economic practicability?

This definition is vague - what is the definition of 'excessive costs' expensive as outlined in the consultation. Some of the NLWA Boroughs will be affected by congestion and ULEZ zone charges.

This is difficult to define but for some LAs and will vary from authority to authority depending on the wide range of factors that impact on each area. This means that each authority will need to be treated on a case-by-case basis. This then leads to the problem that it could become very subjective unless there is a set of principles that could be applied that still allows for local differences but also brings an element of consistency to how "excessive" is applied.

For some councils it could be the case that any cost that is more than the current operations will not be acceptable with the conflicting financial pressures they face.

No significant environmental benefit

In order to make the case that separate collection is of no significant environment benefit compared to the collection of recyclable waste streams together, local authorities will need to demonstrate that this is the case in their circumstances and that separate collection does not provide additional benefits over other systems. Local authorities should consider the overall impact of the management of the household waste stream throughout the system, from collection through to reprocessing. Examples of this could include, but are not limited to:

- Greenhouse gas emissions – for examples from vehicles or Materials Facilities
- Lifts per vehicle and journey length
- Availability of recycling facilities
- Reject tonnages

Q31. Do you have any views on what should be considered ‘significant,’ in terms of cases where separate collection provides no significant environmental benefit over the collection of recyclable waste streams together?

As with the phrase “excessive” the use of “significant” in this case suggests a very high threshold of proof that something has less of an environmental benefit when not collected separately.

Officers considered this question to be very vague. Examples might include greater impacts on local air quality and traffic impacts caused by a number of vehicles undertaking separate collection as compared to a single vehicle undertaking a co-mingled collection. Measurements might be based on emissions when looking at the quantity and type of vehicles required to carry out the collections, distance travelled and types of material being sent for recycling.

Q32. Do you agree or disagree that the proposed examples for ‘no significant environmental benefit’ are appropriate?

- ☒ Agree
☐ Disagree
☐ Not sure / don’t have an opinion / not applicable

If you disagree with any of the above, please provide the reason for your response and indicate which example you are referring to.

NLWA agree that these are appropriate examples. However, "availability of recycling facilities" must sufficiently capture the travel distance that will be required to reach such facilities, and the emissions that would result from these journeys.

Q33. What other examples of ‘no significant environmental benefit’ should be included in this proposal? Please be as specific as possible.

NLWA believe that there are a number of other factors which should be taken into account and include local air quality, the treatment facilities used and carbon impacts.

Until there are suitable alternatives most collection services will continue using diesel-powered LGVs and HGVs for the foreseeable future, which will produce emissions that can significantly affect local air quality, the improvement of which is a key priority for many urban local authorities. Multi-stream collection systems which require a greater number of vehicles and/or slower speeds of collection may cause additional emissions from the fleet itself as well as other vehicles that are delayed because of extra service requirements.

Developments in sorting technologies must be factored in, and any templates/benchmarks used be sufficiently adaptable to reflect this. For example, individual MRFs may be able to achieve higher material qualities through improved sorting processes and technology than overall industry averages.

Participation and capture rates should be considered as they are likely to be lower for more complex recycling systems where residents are required to separate items into several streams. This should include food waste collection participation and capture rates for HMOs and flats above shops , to determine whether the service should even be introduced at all, given the emissions the collection vehicles will emit for potentially little material capture.

Embedded carbon and raw material use in existing collection vehicles, containers and sorting facilities must be taken into account, so as to be able to fully assess the environmental impacts of withdrawing these prematurely so as to be able to introduce a different collection system.

Statutory guidance proposed content 2: Compliance and enforcement

The Environment Agency (EA) is responsible for enforcing compliance with the duties set out in the Environment Bill in England. In cases where it is not technically or economically practicable to collect recyclable waste streams separately, or cases in which separate collection does not have significant environmental benefit, any obligated parties are required to complete a written assessment.

The Environment Agency can assess compliance of Waste Collection Authorities but cannot serve compliance notices on Waste Collection Authorities. The Environment Agency may audit parties in the waste chain to assess compliance with legislation and statutory guidance. As part of this, the Environment Agency would be able to request and audit a proportion of written assessments.

Completing a written assessment

We want to ensure written assessments are straightforward to complete and avoid unnecessary burden on the obligated party and the Environment Agency. Different local authorities may need to operate different systems, for example depending on the housing stock and accessibility of properties or recycling facilities to reduce the extent of assessments required it may be appropriate for local authorities to

complete a single written assessment for their service area. This assessment would take into account the different collection service requirements within an authority and set out justification for decisions on separate collection as necessary according to their circumstances. Some authorities, such as two tier and combined authorities, may also share treatment infrastructure, and therefore operate very similar systems. It may be appropriate under these circumstances for a single assessment to be completed across more than one authority. Additional guidance could be provided on what criteria may be included in the written assessments based on the regulations.

Where collection circumstances change, regarding collecting two or more of the recyclable waste streams together, authorities would be required to update their written assessment (or complete a new assessment if moving from a previous separate collection system). We would expect written assessments to be reviewed following any significant changes to an authority's collection service contract, for example, if a new material is added into the recyclable waste stream. If an authority is relying on an exemption specified in regulations (for example, collecting metals and plastics together) a written assessment would not be required.

Under current legislation there is no requirement for a 'TEEP' assessment⁴⁷ to be in writing and waste collectors are able to use a number of different analysis methods to complete this assessment. As a result, types of assessment vary between waste collectors, and inconsistencies in interpretations of the requirements on waste collectors exist. Having left the EU, we have full freedom to set our own laws and standard, enabling us to tackle environmental issues locally. We want to ensure a standardised approach across England in future, to create greater consistency between written assessments and the circumstances in which the exceptions apply. We propose to include reference to the type and standard of evidence needed to support a written assessment in statutory guidance, such as the WRAP 'Kerbside Recycling: Indicative Cost and Performance'⁴⁸ online tool which is currently being updated. We will also consider the use of non-binding performance indicators, to ensure similar benchmarks are set to assist waste collectors when assessing their collection system under the new requirements.

To provide guidance to waste collectors on the type of assessment required, an example template for a written assessment could be provided in statutory guidance, which waste collectors could adapt where appropriate. This could include default values, for example on greenhouse gas emissions, and would allow standardised calculations to be made. We will also work with WRAP and other stakeholders to update current guidance and advice on this area including revising the Waste Regulations Route Map⁴⁹, taking account of the new requirements when they come into force. This will help waste collectors to evaluate which exceptions might apply and the appropriate course of action

⁴⁷ <https://wrap.org.uk/resources/report/waste-regulations-route-map>

⁴⁸ <https://laportal.wrap.org.uk/ICPToolhome.aspx>

⁴⁹ <https://wrap.org.uk/resources/report/waste-regulations-route-map>

Proposals on compliance and enforcement

Proposal 12

In circumstances where it is not technically or economically practicable, or where there is no significant environmental benefit to collecting two or more waste streams separately, obligated parties are required to complete a written assessment.

We want to avoid unnecessary burden on local authorities. We therefore propose that local authorities should only be required to complete a single written assessment for their service area, which will take account of the different exceptions, rather than multiple assessments for the same service area. It may be appropriate for a single assessment to be completed across more than one authority. For example, for two-tier authorities, partnerships, or authorities that share treatment infrastructure.

Q34. Do you agree or disagree that local authorities should only be required to submit a single written assessment for their service area?

- ☒ Agree
- ☐ Disagree
- ☐ Not sure / don't have an opinion / not applicable

If you disagree, please provide the reason for your response.

NLWA support the proposal of simplifying the process and having a single written assessment for a service area.

Q35. What other ways to reduce the burden on local authorities should we consider for the written assessment?

NLWA believes there should be a standard template issued with guidance so that there is a degree of consistency across the process. However depending on the information required and the format of the assessment it may be a case that 'one size' does not fit all so there should also be a way for Authorities to highlight where there are anomalies within the assessment.

Q36. What factors should be taken into consideration including in the written assessment? For example, different housing stock in a service area, costs of breaking existing contractual arrangements and/or access to treatment facilities.

Any assessment should include: Borough demographics, fleet info, service information - materials and frequencies, tonnages, contract costs, treatment facilities and costs, performance, contamination rates. It should have consideration of the type of area (rural or urban), health and safety implications and flats with limited storage areas. It should be clear where the assessment starts and ends i.e does it follow materials through to final destinations even if abroad or where the material no longer belongs to the Authority. Is it expected that

WDAs do separate assessments for their facilities or contribute to those of the Boroughs?

Q37. Do you agree or disagree that reference to standard default values and data, which could be used to support a written assessment, would be useful?

- ☒ Agree
- ☐ Disagree
- ☐ Not sure / don't have an opinion / not applicable

If you disagree, please provide the reason for your response.

It would simplify the process for completion of the assessments but there is a risk they would be less meaningful as the outcomes would not be truly representative of individual Boroughs circumstances. This may result in service changes based on flawed evidence.

Q38. Do you agree or disagree that a template for a written assessment would be useful to include in guidance?

- ☒ Agree
- ☐ Disagree
- ☐ Not sure / don't have an opinion / not applicable

If you disagree, please provide the reason for your response.

However, depending on the information required and the format of the assessment it may be a case that 'one size' does not fit all so there should also be a way for Authorities to highlight where there are anomalies within the assessment.

Statutory guidance proposed content 3: Minimum service standards for the separate collection of dry recyclable materials from households

Evidence shows that recyclable waste streams that are collected separately from other recyclable waste streams and residual waste are of a higher quality than those collected in a co-mingled system and fetch higher prices on secondary materials markets. However, there are circumstances where it may not be practicable to collect the recyclable waste streams separately from each other, for example due to space restrictions to store recyclable waste streams separately. It is also possible for some recyclable waste streams to be collected together, for example plastic and metal, without them having a detrimental impact on the environment.

In circumstances where it is not technically or economically practicable to collect the recyclable waste streams separately, or where there is no significant environmental benefit in doing so, waste collectors should consider whether a multi-stream system is practicable in the first instance. If any of the above exceptions apply, and it is not practicable to offer a multi-stream system, local authorities should consider whether a twin-stream collection system can be offered. Justification for this approach should be provided through a written assessment.

If a twin-stream collection approach is not practicable, a co-mingled collection service could be considered as a last resort. A mixed collection of dry materials, or co-mingled collection service, would not be advised where other collection methods (multi-stream or failing that twin stream in a fibre and container mix) are practicable.

Twin-stream still retains a higher level of quality compared to a co-mingled dry material collection service.

Following engagement with the sector and further research, it is understood that collecting plastics and glass together with paper and card, can lead to a detrimental impact on the quantity and quality of the recyclable material collected. We are minded in statutory guidance to recommend that fibres (paper and card) are kept separate from all other recyclable waste streams, where practicable. We are seeking views on whether statutory guidance should advise local authorities and other waste collectors, to keep materials in the paper and card recyclable waste streams separate from other recyclable waste streams, where at all possible.

The separation of fibres is particularly important for retaining the quality of this material and enabling the recycling of food and drink cartons and plastic film. Plastic films tend to contaminate other more valuable recyclable materials. Food and drink cartons, when collected with paper and card, can cause contamination issues downstream if sorted into the paper stream. UK paper mills typically do not want to receive laminated materials. We are seeking views in the [section on dry recyclable materials](#), on the appropriate recyclable waste stream for food and drink cartons.

To achieve greater quality and quantity of these items for recycling, we are seeking views on setting minimum separation requirements in statutory guidance, that would require food and drink cartons to be collected within a container stream, (i.e. with metals, glass, plastic in a multi-stream or twin-stream collection service) unless the local authority is relying on an exception.

We are also seeking views on best practice around the separate collection of plastic films for inclusion in the guidance. Plastic films would be included within the plastic recyclable waste stream in regulations. However, ideally films would be segregated from other recyclable materials within the plastic waste stream by households to facilitate easier sorting.

We are aware that the frequency of recycling collection services has a bearing on consumer satisfaction, as well as the quantity and quality of the material collected. We intend to provide further information in statutory guidance on best practice around the frequency of collection of dry materials and engage further with stakeholders on the frequencies commonly observed in existing service arrangements.

Proposal on minimum service standards for the separate collection of dry recyclable materials from households

Proposal 13

We propose to include guidance on how different types of recyclable waste should be collected separately from each other.

Q39. Do you agree or disagree with Proposal 13, particularly on the separation of fibres from other recyclable waste streams and the collection of plastic films?

- ☒ Agree
- ☐ Disagree
- ☐ Not sure / don't have an opinion / not applicable

If you disagree, please provide the reason for your response.

NLWA agrees subject to the TEEP assessment.

Statutory guidance proposed content 4: Minimum service standards for the collection of residual waste from households

As the quantity of materials collected for recycling increases, we expect the amount of residual 'black bag' waste to continue to decrease. Since 2001, residual waste has fallen from 22 million tonnes to just over 12 million tonnes in 2018. In addition, we have committed to achieve less than 10% of municipal waste being sent to landfill by 2035.⁵⁰ Reductions in the amount of residual waste mean that many local authorities now provide alternate weekly collections of residual waste. A small number of local authorities provide collections of residual waste once every three weeks. Many respondents to the previous consultation thought that guidance on the frequency of collections would be helpful.

Government wants to ensure that householders are not inconvenienced by being able to get rid of putrescent or smelly waste weekly or having insufficient capacity to recycle or to remove residual waste. We will be mandating weekly separate food waste collection and will consider whether a recommended minimum service standard of alternate weekly collection for residual waste (alongside weekly food waste collection) might be appropriate, subject to an assessment of affordability and value for money. We will be seeking views on including this in the proposed statutory guidance on minimum service standards for rubbish and recycling, and will assess

⁵⁰

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765914/resources-waste-strategy-dec-2018.pdf

the costs for this when consulting on statutory guidance. Our assessment new burdens costs for introducing separate weekly food waste collections will explore the cost of providing that new service. Local authorities that currently collect residual waste on a fortnightly basis should not need to reduce their capacity of collection or frequency further as a result of consistency measures.

Statutory guidance proposed content 5: Minimum service standards for the separate collection of food and garden waste from households

Proposals on the separate collection of food waste and garden waste from households can be found [in the relevant section above](#). Following consultation, we will provide further information on recommended minimum service standards for the collection of food and garden waste in guidance.

Non-statutory guidance

Alongside statutory guidance, we propose to work with WRAP, to develop and publish non-statutory guidance for both the household and non-household municipal sector.

Non-statutory guidance would highlight best practice in the collection of recyclable materials, including waste streams not included in the Environment Bill (for example, sanitary products and hazardous waste), and may also include guidance on areas such as bring sites and litter collection.

WRAP has undertaken research into good practice and expected levels of service delivery to complement core services, as well as considering how difficult-to-recycle products could be incorporated into future services. WRAP intends to continue to engage with the sector, including local authorities and industry, to develop non-statutory guidance.

Proposal on non-statutory guidance

Proposal 14

We propose to work with WRAP, to develop and publish non-statutory guidance on good practice around collection. This may include guidance around the collection of waste streams not included in the Environment Bill (for example, sanitary products and hazardous waste), and may also include guidance on areas such as bring sites and litter collection.

The aim of the guidance will be to demonstrate current good practice in service delivery from across the country and help inform scheme design in light of any future changes needed under New Burdens and Extended Producer Responsibility.

Q40. Which service areas or materials would be helpful to include in non-statutory guidance?

For the NLWA areas it would be helpful to have guidance for multiple occupancy properties and contamination, 'on the go' recycling and for food waste.

Review of Part 2 of Schedule 9 (of the Environmental Permitting (England and Wales) Regulations 2016: Materials Facilities)

Under packaging Extended Producer Responsibility proposals, all Materials Facilities that receive waste containing packaging would be considered evidence points. It is proposed that these facilities would be required to undertake sampling and compositional analysis to identify the tonnages and composition of packaging waste.

We are currently reviewing the requirements under Part 2 of Schedule 9 of the Environmental Permitting Regulations 2016 for Materials Facilities,⁵¹ which regulate how Materials Facilities of a certain size must sample, test and report the quality of input and output recycling streams they receive and process. Through this review, we have assessed the effectiveness of Part 2 of Schedule 9, to ensure the regulations are fit for purpose and in line with future Extended Producer Responsibility requirements and support their intended objectives to improve material quality.

The review recommended that Government should consider amending Part 2 of Schedule 9 of the Environmental Permitting Regulations 2016, and provided the following specific recommendations to consider:

- Review the stance on Materials Facilities that are required to report and sample their target material, particularly reviewing small Materials Facilities and whether there should be moves to include them in the reporting requirements.
- Consider more frequent and robust audit of the results and procedures.
- Consider publishing the Environment Agency reporting compliance and inspection efforts.
- Consider more accountability in naming suppliers who input materials to Materials Facilities to increase transparency and waste tracking via the WRAP portal.
- Consider amending regulations to require waste transferred between Materials Facilities to be reported.
- Consider amending the 2016 Environment Agency guidance to provide clearer guidance on 'target' materials and how to sample and report 'target' materials for consistency across the system.
- Explore connections between Materials Facility data reporting and Extended Producer Responsibility data requirements.

⁵¹ <https://www.legislation.gov.uk/uksi/2016/1154/schedule/9/made>

The Extended Producer Responsibility consultation explores how proposed sampling and compositional analysis requirements for packaging materials might be incorporated within current regulations, and whether this could be achieved by amending Part 2 of Schedule 9, or whether the specific Extended Producer Responsibility requirements should be set out in separate regulations.

We are minded to amend Part 2 of Schedule 9 of the Environmental Permitting Regulations 2016, taking into account the proposals in the Extended Producer Responsibility consultation and any responses to them, together with any other relevant considerations. As part of this, we are seeking views on whether it is necessary to continue to retain requirements to sample non-packaging dry recyclable materials (e.g. newspapers, kitchen foil etc.) at Materials Facilities.

Proposals on Review of Part 2 of Schedule 9 of the Environmental Permitting Regulations 2016

Proposal 15

Q41. Do you have any comments on the recommendations from the review of the Part 2 of Schedule 9 of the Environmental Permitting Regulations?

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NLWA supports any moves to improve transparency and robustness of data on reporting material flows.

Views from the NLWA MRF operator are that they agree with the recommendations, however any review of the sampling will need to consider the outcomes required from the system and account for the physical ability to deliver the required sampling both on time and also in a safe working environment.

For example current MRF code takes typically around 2 hours per sample to complete full analysis, therefore upscaling from every 125 tonnes to every 25 tonnes for instance would take 5 times longer to achieve the same volume throughput or 10 hours per day.

The sampling frequency would need to be clarified if the 8-25 tonnes for EPR is a sub sample that can be accumulated over the day for a particular supplier then tested for packaging, or whether a full analysis is needed on each smaller sample, which may be impossible, as it could take up to 2 hours to conduct a sample analysis. Also the turnaround on analysis and whether regional sampling sites can be shared by smaller operators or where there is limited space on an operational site could determine the speed to which this can be rolled out.

NLWA believe a better approach would be to use a single testing methodology with the flexibility to develop new technologies and where they can be proved to be reliable and effective, they can be introduced to the sampling regime. This would then provide the basis for MRF operators to apply the most appropriate approach for their site based on space, throughput and Health and Safety, along with the presentation of the waste. Sites who believe it would be beneficial and cost efficient would then naturally invest in the alternatives to

a manual process, which is not any different to what we have seen with automation of some MRF facilities from manual sort

Q42. If amendments are made to Part 2 of Schedule 9, do you agree or disagree that it is necessary to continue to retain requirements to sample non-packaging dry recyclable materials?

- ☒ Agree
- ☐ Disagree
- ☐ Not sure / don't have an opinion / not applicable

Please provide the reason for your response where possible.

According to the NLWA MRF provider, you would have to be sampling incoming recycling streams and it would be mixed packaging and non-packaging, other than perhaps in a few specific cases from specific sources. In which case you have to sample all of the material coming in, but could report back on packaging and non-packaging content in the sample reporting (either based on protocols such as now for mixed paper, or material/application specific criteria, e.g. farm plastics). All of this, together with its costs (to be included as part of producer EPR compliance fees) would have to be subject to further development and consultation on standards, methodology and protocols.

Non-binding performance indicators and alternatives to weight-based targets

In our previous consultation we proposed working with local authorities on developing a framework of non-binding performance indicators. The framework would be used to assess the performance of each local authority on recycling and identify which local authorities need extra support to help them improve their recycling performance. Most respondents to the consultation were in favour of this proposal.

We have also committed to transparency of data in the Resources and Waste Strategy so it's important that any framework of indicators can be easily understood.

If householders cannot understand the indicators, they may become disengaged from recycling which is something we want to avoid. The indicators must be practical and achievable for local authorities.

Currently local authority recycling performance is measured by weight. One of the disadvantages of weight-based metrics is that garden waste, which is heavy, can skew the recycling data. In other words, local authorities that have many properties with gardens can appear to have an advantage over inner city local authorities that have mainly flatted properties.

We wish to have targets which better reflect the carbon benefits of recycling. Weight-based metrics will continue to play a role and Government recently committed to the weight-based target of 65% of municipal waste being recycled by 2035. Our previous consultation explored proposals for alternative metrics such as contamination levels, and the amount of waste sent to landfill and incineration.

Carbon emissions have also been suggested as an alternative to weight-based targets. We will engage local authorities on developing non-binding performance indicators and alternatives to weight-based targets.

Recycling credits

Section 52 (1) of the Environmental Protection Act 1990 introduced recycling credits as a mechanism for incentivising recycling and composting of household waste by Waste Collection Authorities operating with a Waste Disposal Authority (i.e. non unitary authorities) and third parties. It requires Waste Disposal Authorities to pay waste recycling credits to a Waste Collection Authority in its area when the Waste Collection Authority diverts waste from the household waste stream for recycling.

A review of the scheme and consultation were carried out in 2004 and subsequent changes to the scheme were included in section 49 of the Clean Neighbourhoods and Environment Act 2005 (CNEA 2005). From April 2006 credit payments have not been obligatory where Waste Collection Authorities and Waste Disposal Authorities have agreed other financial arrangements within their local partnerships. The flexibility introduced by the Clean Neighbourhoods and Environment Act 2005 allowed authorities to develop joint working arrangements tailored to their area by mutually agreeing not to make inter-authority recycling credit payments. Government guidance at the time encouraged local authorities to consider whether a better, more appropriate, cost-sharing model for their area could be developed to aid local plans for recycling and composting. However, where local financial arrangements did not exist or could not be agreed then payments of recycling credits were to be made in accordance with the Environmental Protection (Waste Recycling Payments) Regulations 2006. These Regulations set representative per tonne payment levels for different types of disposal authority.

There are a small number of Joint Waste Disposal Authorities (JWDAs). These were set up by The Waste Regulation and Disposal Authorities Order 1985 and they cover Merseyside and parts of London. They only have powers in relation to waste disposal and act on behalf of their member authorities to dispose of waste and to manage investment in large waste infrastructure. They were set up as strategic bodies which allowed several Borough, District or City councils and Metropolitan Boroughs in London to work together and pool resources so that costs of waste disposal could be reduced.⁵²

⁵² Greater Manchester Joint Waste Disposal Authorities was subsumed into Greater Manchester Combined Authority in 2016.

Joint Waste Disposal Authorities act on behalf of their member authorities to dispose of waste and to manage investment in large waste infrastructure. Joint Waste Disposal Authorities are no longer required to pay recycling credits to their Waste Collection Authorities. This is because section 52(1A) of the Environmental Protection Act 1990 conferred powers on the Secretary of State to remove by order the duty imposed on those authorities by section 52(1) in relation to Joint Waste Disposal Authorities. The Joint Waste Disposal Authorities (Recycling Payments) (Disapplication) (England) Order 2006 duly did this. Joint Waste Disposal Authorities generally now operate through a local levy payment arrangement where Waste Collection Authorities within the Joint Waste Disposal Authorities agree levy payments to be made to the Joint Waste Disposal Authority to cover recycling and residual disposal costs as well as services such as household waste recycling centre management.

The intention behind recycling credits was to ensure that savings from avoided waste disposal costs by a Waste Disposal Authority were shared with Waste Collection Authorities to provide a financial incentive to improve recycling and to reduce disposal costs. This was particularly the case when low material sales values for certain recyclable materials would not offset their collection costs. Surveys by the Local Authority Recycling Advisory Committee (LARAC) suggest that whilst many authorities still operate some form of recycling credit payment for categories of recycling collected and many also operate other local arrangements by agreement. Some two-tier areas do not have any recycling credit payment arrangements and Waste Disposal Authorities take ownership of materials collected by collection authorities and cover the disposal cost for these as well.

The major reforms proposed for both Extended Producer Responsibility and for consistency in recycling will transform the incentives for collection and recycling of waste. Consistency in recycling will require all Waste Collection Authorities to collect six recyclable waste streams including glass, metal, paper and card, plastics, food waste, and garden waste. Full net cost recovery under Extended Producer Responsibility will bring in a new funding stream to cover the collection and treatment costs for all packaging material collected by local authorities. Government has also committed to paying the costs of additional new burdens arising from statutory duties imposed on local authorities in relation to consistency reforms. This commitment would cover new statutory duties in relation to food waste collections for example. These reforms call into question the continued need for recycling credits and review is necessary to ensure they remain fit for purpose and do not duplicate other funding arrangements.

Extended Producer Responsibility will cover all packaging collection and treatment costs. However, these will not affect the costs of non-packaging dry materials such as newspapers, magazines and other non-packaging dry materials collected locally. Similarly, whilst the costs of implementing separate food waste collections might be covered by new burdens there may be other implications arising from the management of these waste streams which affect the funding arrangements at local level, which may require some level of recycling credit exchange or levy amendment between two tier authorities.

Discussions with local authorities on the continued role of recycling credits have suggested recycling credits should take account of the fact that costs relating to packaging waste will be covered by full net cost arrangements under Extended Producer Responsibility. It is proposed that Extended Producer Responsibility payments in two tier areas should be made where costs are accrued, unless a separate payment arrangement has been agreed between the two authorities. This would mean recycling and residual collection payments generally being made to the collection authority, which delivers those services, and payments for disposal processes being made to the disposal authority. It has also been suggested that where new burdens payments are made to cover the costs of new statutory duties such as food waste collection then the need for recycling credits in respect of these might diminish. However, it is not clear whether that would be the case in every circumstance or whether there would remain a need for some local arrangements for transfer of funding between tiers in relation to costs or savings from treatment of food waste or other waste such as garden waste.

Some local authorities have also suggested that different arrangements such as levy based schemes that operate in Joint Waste Disposal Authorities should be considered. For example, a per tonne levy for disposal of waste being paid by the collection authority to the relevant disposal authority. This arrangement might provide incentives for greater recycling and waste prevention. The amount might need to be variable to cover proportional costs of managing materials

There is further consultation needed on this area, but we think that with the introduction of Extended Producer Responsibility for packaging waste there will no longer be the necessity for payment of recycling credits to include packaging waste subject to full net cost payments.

With respect to the payment of recycling credits in relation to non-packaging waste, such as newspapers, magazines or food waste, we are interested in views on whether the option to pay recycling credits should be retained in this longer term. An alternative would be to require local authorities in two tier areas to make local arrangements as necessary for sharing costs and/or savings arising from management of waste other than packaging. However, where agreement cannot be arrived at it may still be necessary to have some legally based backstop for payments. Any substantive change to the current system is likely to require primary legislation.

Proposals on recycling credits

Proposal 16

Q43. Do you agree or disagree that provision for exchange of recycling credits should not relate to packaging material subject to Extended Producer Responsibility payments?

- ☐ Agree
☐ Disagree
☒ Not sure / don't have an opinion / not applicable

Please provide the reason for your response.

Recycling credits are not applicable in joint statutory waste disposal authority areas

Q44. In relation to recycled waste streams not affected by Extended Producer Responsibility or which are not new burdens we are seeking views on two options:

Option 1 Should we retain requirements for Waste Disposal Authorities to make payment of recycling credits or another levy arrangement with Waste Collection Authorities in respect of non-packaging waste?

Option 2 Should we discontinue recycling credits and require all two-tier authorities to agree local arrangements?

	Agree	Disagree	Not sure / don't have an opinion / not applicable
Option 1	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Option 2	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Q45. Where local agreement cannot be arrived at what are your suggestions for resolving these? For example, should a binding formula be applied as currently and if so, please provide examples of what this could look like.

Recycling credits are not applicable in joint statutory waste disposal authority areas.

Bin colour standardisation

The majority of respondents to the previous consultation were in favour of bin colour standardisation because they thought it was necessary if recycling collections are to be truly consistent. Standardised colours will make recycling easier for many because it will help them to understand what they can put in each recycling bin.

However, we have considered the views both for and against bin colour standardisation. While we agree that there are some benefits to bin colour standardisation, we have decided not to pursue this policy at this stage because of the costs it will incur and the practicalities of rolling out across the country at the same time. There are viable alternatives such as bin stickers and numbering.

When replacing existing bins or waste containers, local authorities should consider moving to the most appropriate bin colours to reduce confusion, which might include working collaboratively and procuring with neighbouring local authority areas, or in waste partnerships. There are also other options with lower costs such as bin stickers, and we are considering setting out further information on these options in guidance.

When replacing existing bins/waste containers, our preference is that local authorities should consider moving to the most appropriate bin colours to reduce confusion, particularly through working collaboratively and procuring with neighbouring local authority areas, or in waste partnerships. There are also other options with lower costs such as bin stickers, and we intend to set out further information on this in guidance.

Communication and implementation

As mentioned elsewhere in this document, the majority of respondents to the previous consultation agreed that consistency of messaging on recycling is important. Proposals on labelling for packaging are being asked in the consultation on Extended Producer Responsibility. We agree that messaging and communications should be consistent, however, whilst we would expect labelling to be consistent, other communications may have to have some regional/local variation.

With support from WRAP, we have developed implementation plans for the roll out of consistency measures across households and across the non-household municipal sector in England.⁵³ The plans set out the timeline and activities required for the delivery of consistent collections to households, non-domestic premises (such as schools or hospitals) and premises that produce commercial and industrial waste in England. The plans aim to address major barriers to scheme roll out; initiate cross-sector preparations in advance of roll-out and increase the likelihood of high performing schemes that ensure high satisfaction with consumers.

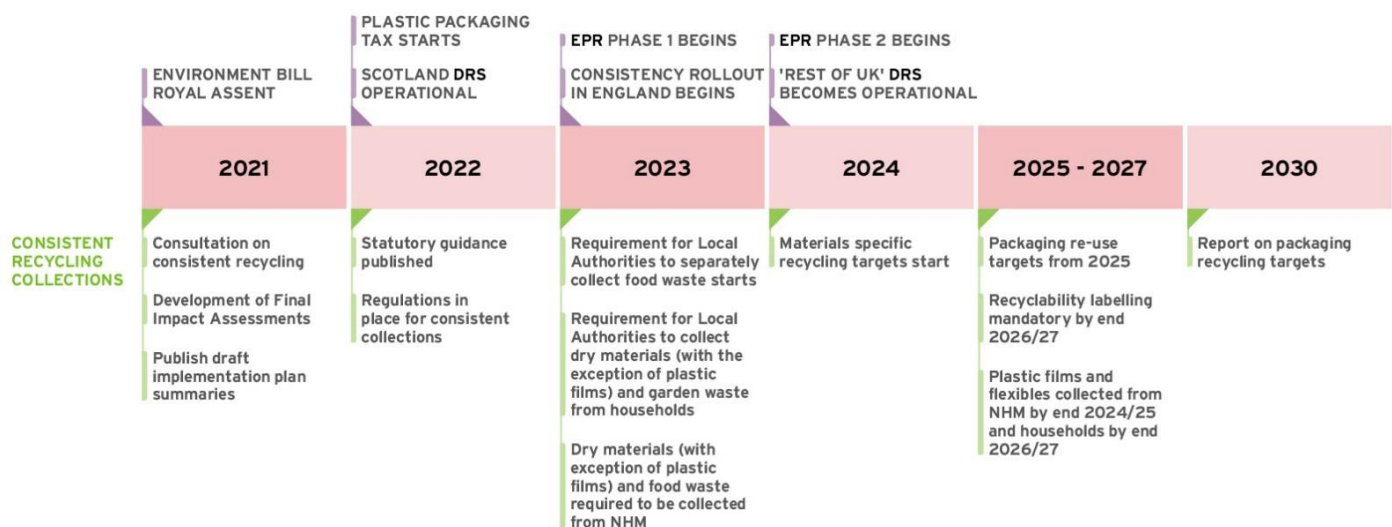
⁵³ The non-household municipal sector includes non-domestic premises that produce household waste and relevant waste from commercial and industrial premises.

The implementation plans outline a broad range of activities and key stakeholders across seven overarching themes, under which specific activities will fall:

- Policy and legislation
- Citizen behaviour change
- Collections and supporting infrastructure
- Improving data
- Knowledge, skills and training
- Procurement and contracts
- Sector engagement

We have engaged with a wide range of stakeholders across the value chain to refine and sense check the plans. The implementation plans will continue to be refined, following further engagement with the sector, and we intend to publish a summary of the plans later in 2021. The implementation plan will be reviewed at regular intervals to measure progress, and timelines will be updated where required.

The diagram below summarises the proposed delivery timeline for the consistency measures and related milestones. The indicative timeline is subject to Extended Producer Responsibility payments and new burdens funding starting from 2023 and the Environment Bill reaching Royal Assent in 2021.



Delivery of household collections

The implementation plan takes into account collections and support infrastructure, including vehicles, containers and design for storage, as well as facility capacity and capability in Material Recovery Facilities and Waste Transfer Facilities. Services are likely to change with the new consistency measures. We will review and update vehicle and container industry capacity to respond to potential increase in demand.

Ahead of the introduction of consistency measures, WRAP will engage with local authorities to accelerate and support service change. To ensure that the new

measures are rolled out effectively and efficiently, skills gaps in local authorities will be identified, in relation to the new measures. With WRAP we will provide support to local authorities to make service changes including, where necessary, training aids on good practice for implementation; upskilling operational staff and support for service transition plans.

Alongside this we will develop and deliver communications advisory support to local authorities moving to the new measures. The Recycle Now behaviour change strategy for England will be updated and we will work with WRAP and others to support national citizen-facing communications.

We will also work to improve gaps in the data, including household waste data reporting, Household Waste Recycling Centres (HWRCs) estimates and flats inventories.

Defra is aware of the possible impacts that the Environment Bill measures and recycling consistency proposals may have on long terms contractual arrangements that exist in the waste sector, such as Private Finance Initiative (PFI) or Public Private Partnership (PPP) contracts. Defra will continue to work closely with the industry and authorities and engage with organisations such as WRAP and Local Partnerships, to better understand and work through these issues.

Delivery of non-household municipal collections

The implementation plan for the non-household municipal sector details the actions required to successfully implement of the Environment Bill separate collection requirements, for organisations that produce relevant waste and non-domestic premises that produce household waste (e.g. schools and hospitals).

Many actions in the plan follow a similar structure to the household plan. We will, for example, develop statutory guidance for collectors of non-household municipal waste and strongly consider the supporting infrastructure required to deliver non-household municipal collections. We will also work with Recycle Now and WRAP to support national communications campaigns for the non-household municipal sector to implement recycling consistency policy changes.

We will continue to engage with key stakeholders and establish working group(s), engaging with these throughout the implementation period and using these groups to agree the implementation plan and review its progress.

To ensure that the new measures are rolled out effectively and efficiently, we will identify where there may be skills gaps among staff in collection, delivery, processing and non-household municipal subsectors. We will work with waste management companies to develop training, tools and guidance to upskill staff and support collections in specific sectors as necessary. We will also consult on and implement enforcement mechanisms for the non-household municipal sector.

We will also work with the sector to support behavioural change, including exploring measures that encourage the take-up of recycling behaviours at work and a communications plan for disseminating this information to businesses.

We will work to improve gaps in waste data reporting for businesses, supporting the development of systems for mandatory reporting by businesses. To do this we will quantify gaps in businesses between their existing services and the new Minimum Services Standards.

The implementation plan will be reviewed at regular intervals to measure progress, and timelines will be updated where required. Insights gained through stakeholder engagement will ensure that activities and cost profiles are updated over time.

We will also build the impact of policy decisions into the implementation plan, following feedback from this consultation, such as phasing or exemptions for micro-firms, as well as how cost reduction options can be successfully rolled out.

Part 2: Measures to improve the recycling of non-household municipal waste from businesses and non-domestic premises

We want to increase the recycling of packaging, food and other recyclable materials beyond the household sector. In our first consultation on recycling consistency we proposed that businesses, public organisations (e.g. schools, universities, hospitals and Government buildings) and other organisations (including charities and not-for-profit organisations) producing household-like waste, should arrange for this waste to be collected for recycling. There was overall support for this proposal, with over 95% of respondents in agreement. Support was also very high across all stakeholder groups.

The Environment Bill introduces a requirement that, in respect of household waste from non-domestic premises and relevant waste, arrangements must be made for five recyclable waste streams to be collected separately from other waste for recycling or composting. These waste streams are: glass, metal, plastic, paper and card, and food waste. In addition to this, there is a requirement that the person who presents the waste does so in accordance with the arrangements. Non-domestic premises that produce household waste include residential homes, educational establishments, hospitals, nursing homes, or any other non-domestic premises specified in regulations made by the Secretary of State.

For the purposes of this consultation, we collectively describe non-domestic premises that produce household waste and premises producing relevant waste as 'non-household municipal premises' and that household waste and relevant waste produced there as 'non-household municipal waste.'

The recyclable waste streams collected from non-household municipal premises are to be collected separately from each other unless the following apply: it is not technically or economically practicable or there is no significant environmental benefit in doing so; or if an exemption to this requirement is set out in legislation. Food waste must always be collected separately from the other recyclable waste streams and residual waste.

This section seeks views in relation to the collection of recyclable non-household municipal waste. We are interested in your views on: the types of waste materials to be included in the recyclable waste streams; the extent to which new duties should apply to different types of non-household municipal premises; and measures to reduce the cost of recycling and waste management for businesses and micro-firms in particular, to help them recycle more and make it easier to comply with the Environment Bill measures.

Dry materials to be collected from non-household municipal premises for recycling

We propose that the dry recyclable waste streams collected from non-household municipal premises should include the same materials as those in the equivalent recyclable waste streams from households, in the financial year 2023/24. This would ensure consistency between what people are able to recycle at home, at school and at work.

The recycling costs of managing packaging waste from businesses will be covered by producer payments under Extended Producer Responsibility. The Extended Producer Responsibility consultation sets out proposals for payments to businesses for managing this waste.

In summary this means that the following materials, as [described in the above section on household waste](#), would form part of the four dry recyclable waste streams from non-household municipal premises:

Glass

- Glass bottles and containers – including drinks bottles, condiment bottles, jars

Paper and card

- Including newspaper, cardboard packaging, writing paper

Metal

- Steel and aluminium tins and cans
- Foil, food trays and metal lids
- Steel and aluminium aerosols
- Aluminium tubes (e.g. tomato puree tubes)

Plastic

- Plastic bottles – including clear drinks containers, HDPE (milk containers), detergent, shampoo and cleaning products
- Plastic pots tubs and trays
- Food and drink cartons
- Plastic films

For plastic film and for food waste collected from households we have proposed that additional time may be necessary to allow for Waste Collection Authorities to establish infrastructure and amend contracts. In the non-household municipal waste sector, contracts are generally shorter in duration and changes to collection arrangements may take less time to implement. The earlier introduction of plastic films collections from non-household municipal premises would help achieve an increase in tonnages of films as soon as possible, helping to stimulate upgrades to sorting and reprocessing infrastructure and, in turn, end markets ahead of collection of this material from households.

We would therefore welcome views on whether more time should be allowed for film or food waste to be collected for recycling from the non-household municipal sector beyond 2024/25. Proposals on the collection and recycling of food waste from non-household municipal premises are included in the following section.

Proposals on dry materials to be collected from non-household municipal premises for recycling

Proposal 17

Collection of dry recyclable materials (with the exception of plastic films)

The four dry recyclable waste streams are to be collected from non-household municipal premises (glass metal, plastic, paper and card).

The types of materials to be included in each recyclable waste stream will be specified in regulations. Our intention is to include the following materials in regulations, so that they are required to be collected by all waste collectors:

- glass bottles and containers – including drinks bottles, condiment bottles, jars
- paper and card – including newspaper, cardboard packaging, office paper
- plastic bottles – including clear drinks containers, HDPE (milk containers), detergent, shampoo and cleaning products
- plastic pots tubs and trays
- steel and aluminium tins and cans

In addition to the above items, we propose that the recyclable waste streams will also include the following items:

- Aluminium foil
- Aluminium food trays
- Steel and aluminium aerosols
- Aluminium tubes, e.g. tomato puree tubes
- Metal jar/bottle lids
- Food and drink cartons, e.g. TetraPak
- Plastic films, e.g. bread bags, carrier bags

We propose that these additional items, with the exception of plastic film (see Proposal 18), should be collected from non-household municipal premises in the financial year 2023/24.

Q46. Do you agree or disagree that waste collectors should be required to collect the following dry materials from all non-household premises for recycling, in 2023/24?

	Agree – this material can be collected in this timeframe	Disagree – this material can't be collected in this timeframe	Not sure / don't have an opinion / not applicable
Aluminium foil	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aluminium food trays	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Steel and aluminium aerosols	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aluminium tubes e.g. tomato puree tubes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Metal jar lids	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Food and drink cartons e.g. TetraPak	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you disagree with the inclusion of any of the materials above in the timeframe set out, please provide the reason for your response and indicate which dry recyclable material you are referring to.

NLWA agree with most items, as they are already collected although food tubes are impossible to clean out so could give rise to contamination issues.

Based on discussions with our MRF operator, potential inclusion of cartons is the subject of other specific questions and there are concerns about dependency on end markets, for the necessary volumes, at the time they are needed. This should not be dependent on export solutions as the UK needs to get away from exports, not increase them. LAs and operators should not be at risk of prosecution for having to send such material to UK EfW (for example), because there are inadequate off take markets, or they are prohibitively expensive due to being in short supply. The Environment Bill / regulations should make an allowance for that, or alternatively, in terms of packaging, the material or compliance obligation should flow back to the producer in line with the wider principle of EPR.

Q47. Some waste collectors may not be able to collect all the items in the dry recyclable waste streams from all non-household municipal premises in 2023/24. Under what circumstances might it be appropriate for these collection

services to begin after this date?

- ☒ Collection contracts
- ☒ Sorting contracts
- ☒ Materials Recovery Facility (MRF) infrastructure capacity
- ☒ Cost burden
- ☒ Reprocessing
- ☒ End markets
- ☒ Other (please specify)

Please provide the reason for your response and indicate how long waste collectors require before they can collect all these materials.

All of the factors mentioned may affect the ability to collect all of the items on a Borough by Borough basis depending their collection services.

Collection contracts

At present all of the proposed main categories of materials proposed are already collected for recycling. However, with a few minor exceptions, these recyclates are currently universally collected single stream commingled. Depending on the precise tests and transitional considerations with regards the separation of waste for recycling, the impact of DRS on volumes collected and the precise arrangements for full net cost recovery (including transitional costs) there may be significant issues around collection contracts but they cannot be determined at this time.

Sorting contracts/ Materials Recovery Facility (MRF) infrastructure capacity

As set out in the response to Q6, under the NLWA's current contract with Biffa, the inclusion of cartons as a material for mandatory recycling where recyclates continue to be delivered single stream commingled would necessitate the upgrading of the MRF used. Under the change of law provisions within the contract the NLWA would be obligated for any additional costs relating to this. The contract extends until December 2025 with an extension of up to 4 years subject to mutual agreement of the parties.

The implications become more complicated for this contract with the overlay of the requirements around the separate collection of recyclates. This is because the contractor has exclusivity over the materials however they are delivered, but the implications if there were a range of recyclate streams cannot be determined at this time ahead of more detail from Government.

Cost burden

There are potential cost implications from contract variations and terminations depending on the extent of changes.

Reprocessing/End markets

MRF technology may need upgrading for the additional waste streams and there also needs to be demand for the reprocessed material to ensure stable end markets.

Proposal 18

Collection of plastic films from non-household municipal premises

We propose that waste collectors should be required to collect all recyclable plastic films from non-household municipal premises no later than the end of the financial year 2024/25. We are seeking views from businesses and waste collectors on whether this timing is appropriate, or if more time is required. We are also seeking to understand any major differences in collection methods between household and non-household municipal collections.

Q48. Do you agree or disagree that collections of plastic films could be introduced by the end of 2024/25 from non-household municipal premises?

- ☐ Agree
- ☒ Disagree
- ☐ Not sure / don't have an opinion / not applicable

If you disagree, please provide the reason for your response and any evidence as to why this would not be feasible.

NLWA believes that plastic films from non household municipal premises should be introduced at the same time as households. This is due to consistency purposes, particularly where household and non-household waste is co-collected.

As with Q46 potential inclusion of plastic films is the subject of other specific questions and there are concerns about dependency on end markets, for the necessary volumes, at the time they are needed. This should not be dependent on export solutions as the UK needs to get away from exports, not increase them. LAs and operators should not be at risk of prosecution for having to send such material to UK EfW (for example), because there are inadequate off take markets, or they are prohibitively expensive due to being in short supply. The Environment Bill / regulations should make an allowance for that, or alternatively, in terms of packaging, the material or compliance obligation should flow back to the producer in line with the wider principle of EPR.

Q49. Do you have any other comments on this proposal? For example, please specify any barriers that may prevent collectors delivering these services

NLWA has no further comments

Separate collection of food waste from non-household municipal premises

The Environment Bill requires food waste to be collected from all non-household municipal premises that produce food waste. Food waste must always be collected separately from the dry recyclable waste streams of glass, metal, plastic, paper and card, as well as residual waste.

We propose that the description of food waste from non-household municipal premises should be consistent with the proposal for food waste produced from

households:

All food material that has become a waste, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be consumed by humans and includes any substance, including water, intentionally incorporated into the food during its manufacture, preparation or treatment. This includes the following:

- Food scraps
- Tea bags
- Coffee grounds

For further information on this proposal, see [the relevant section above](#).

During the first consultation, we proposed that businesses, public bodies or other organisations producing sufficient quantities of food waste should be required to separate this from other recyclable waste streams and arrangements for this food waste to be recycled should be made. There was support for this proposal, with 94% of individual respondents and 90% of stakeholder respondents agreeing. We have since legislated for this through the Environment Bill and this requirement will be mandatory from the 2023/24 financial year.

There were mixed views on the introduction of a *de minimis* threshold for those businesses producing below a certain quantity of food waste per week. WRAP's evidence has found that most businesses produce 5 kg of food waste per week and therefore would not be exempt from the requirement. Most consultation responses agreed that businesses that produce sufficient quantities of food waste should separate it from residual waste for collection and recycling. Furthermore, the *de minimis* option would present difficulties with enforcement of weight-based compliance. Following engagement with the sector, we have instead decided to continue to explore exemptions by business size, which are discussed in more detail below. All non-household municipal producers generating food waste would therefore be in scope of the proposals below.

On-site food waste treatment technologies and the waste hierarchy

The food and drink waste hierarchy, set out in statutory guidance, prioritises the treatment options for food and drink surplus and waste.⁵⁴ Prevention and redistribution measures are placed at the top of the hierarchy, followed by recycling and recovery processes. Disposal, for example by sending to landfill or disposing to sewer, is the least preferred option.

We will be consulting separately on introducing regulations to make the reporting of food surplus and waste data mandatory for food businesses of an appropriate size in England. Alongside the Environment Bill measures to separately collect food waste from non-household municipal premises producing this waste stream, the reporting requirement will encourage the movement of food surplus and waste up the food and drink waste hierarchy.

⁵⁴ <https://www.gov.uk/government/publications/food-and-drink-waste-hierarchy-deal-with-surplus-and-waste/food-and-drink-waste-hierarchy-deal-with-surplus-and-waste>

There are a number of treatment technologies for food waste that are used at the site of production in a range of sectors, including hospitality, healthcare and in prisons. These vary substantially in nature and in some cases more than one treatment may be carried out on-site. In some cases, these technologies may be used to recycle or recover food waste, such as through In Vessel Composting or anaerobic digestion.

However, in other cases, they are used simply to change the physical properties of the food waste, for example by maceration. Where this is the case, the waste will require further treatment and it should be separately collected and transported to an authorised site for recycling or recovery.

Disposal of food waste, for example by landfill or to the sewer system (even if it is treated on site in order to do so), should not be undertaken unless disposal is justified as a last resort in accordance with the waste hierarchy.⁵⁵

Where these technologies are used, they should follow the food and drink waste hierarchy, engage with the water company (if applicable), take account of the impacts such technologies might have on local water company assets and follow local guidelines and relevant advice on environmental management.

Proposals for on-site food waste treatment technologies

Proposal 19

Food waste that is not properly recycled or fully recovered on the site of production should be separately collected for recycling or recovery elsewhere.

Food waste treatment technologies can be used to pre-treat waste prior to being separately collected for these purposes. Disposal of food waste by landfill or into the sewer system (even if pre-treated) should only be carried out as a last resort in accordance with the waste hierarchy.

Where food waste treatment technologies are used, they should be operated in line with relevant guidelines on environmental and wastewater management and should be compliant with Animal By-Product (ABP) regulations and other appropriate regulatory requirements.

Q50. Do you agree or disagree with Proposal 19?

- ☒ Agree
- ☐ Disagree
- ☐ Not sure / don't have an opinion / not applicable

⁵⁵ The fact that a site has a permit or is allowed to carry out the activity under a current regulatory position statement for example RPS 229 (<https://www.gov.uk/government/publications/treating-food-waste-where-the-food-was-served-and-consumed-rps-229>) does not alter the obligation to comply with the waste hierarchy.

Q51. Do you have any other comments on the use of these technologies and the impact on costs to businesses and recycling performance?

NLWA is not familiar with the on-site food waste treatment technologies available to businesses but in principle proposal 19 seems reasonable. However, there needs to be regulation of any new technology used.

Reducing barriers to recycling for non-household municipal waste producers

Through responses to the first consultation and other stakeholder engagement, it is clear that some businesses and small and micro-firms (i.e. those employing fewer than 50 and 10 Full Time Equivalent employees respectively) in particular, face higher barriers to recycling. We want to improve access to recycling, remove or reduce these barriers, and reduce the costs as much as is feasible for businesses.

These barriers might include financial; contractual; space for segregation of waste, particularly at smaller premises; engagement to segregate waste; services offered by waste contractors; and knowledge of recycling at work. There may also be additional barriers to recycling faced by those businesses in rural locations, businesses based in homes and non-domestic premises.

Understanding legislative changes and requirements can also be more difficult to some types of businesses. However, there are routes through trade bodies, local authorities, Business Improvement Districts (BIDs) and chambers of commerce that can be used to disseminate information on the separate collection requirements ahead of introducing recycling consistency changes. We will continue to engage with these networks and explore information dissemination routes with stakeholders.

The following sections consider the case for exempting micro-firms from the separate collection requirements in the Environment Bill or for delaying introducing these requirements. Micro-firms include any producers of non-household municipal waste employing fewer than 10 employees. We also continue to explore cost reduction options for businesses (small and micro-firms in particular) and have included proposals on these below.

We are interested in understanding more about the barriers that non-household municipal premises face to arranging for separate collection recycling services. The co-collection proposals under the above [section on exceptions](#) could mitigate against these to some extent.

Proposals on reducing barriers to recycling for non-household municipal waste producers

Proposal 20

We propose to continue to support businesses and small and micro-firms (i.e. those employing fewer than 50 and 10 Full Time Equivalent employees respectively) to

recycle and overcome any barriers associated with increasing recycling.

Q52. What are the main barriers that businesses (and micro-firms in particular) face to recycle more?

	Large barrier	Some barrier	Low / no barrier
Communication	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Financial	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Space	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Engagement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Drivers to segregate waste	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Location	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Enforcement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Variation in bin colours and signage	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Contractual	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff / training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you have selected other above, please specify.

Please provide any comments on how these barriers can be overcome.

Ensuring effective business collections can take a lot of assistance and support to have systems in place to ensure they operate as they should. Businesses have staff turnover, so more education may be needed.

Enforcement powers for Non-HH and HH waste are needed to back up any education that does take place. Local authorities do want to use enforcement powers as this means behaviour has not changed but having the threat of enforcement helps the education process. When enforcement action is used, this can then also assist the local authority in their engagement with other businesses.

In this regard NLWA request that Government works closely with local authorities to make household and non-household recycling compulsory and to clarify the tools available for local authorities when behaviour change communications fail to deliver the desired outcome.

In busy urban centres there are problems with internal and external waste and recycling separation and storage practices leading to public realm issues with streets filled with bins and waste bags, litter from split bags, issues with vermin, obstructions to traffic or pedestrians.

Contractual arrangements are often complicated which do not help the customer to do the right thing.

Exemptions and phasing for micro-firms

The Environment Bill includes a regulation-making power for the Secretary of State to set exemptions from the requirements relating to the collection of waste from non-household municipal premises either completely, or with respect to a particular waste stream.

The impact assessment shows that for some micro-firms, the costs of compliance, would be significantly higher than larger firms, with an average cost increase of £160 per year per micro-firm, compared to an average £400 saving per year per large firm.⁵⁶ Given the higher costs assessed for micro-firms, which comprise the majority of businesses, the impact assessment has also explored scenarios where micro-firms are exempt from the requirements in the legislation or where the requirements are phased in after two years.

Given the significant cost burden that micro-firms would experience, we are consulting on an exemption for micro-firms. This exemption would exclude any producer of non-household municipal waste with fewer than 10 FTE employees from the requirements to arrange for the separate collection of five recyclable waste streams and to present the recyclable streams in accordance with the arrangements.

This scenario results in an approximate cost increase of £444m to the non-household municipal sector across the total appraisal period, achieving a projected non-household municipal sector recycling rate of 60% by 2035. This is a significantly lower cost compared to Scenario two (which phases in micro-firms after two years) and leads to a cost increase of £4,211m.

⁵⁶ These costs are modelled around optimisation, so that the cheapest container option is implemented for that waste stream and volume of waste, and until a specific recycling waste collection is included in waste provision scenario, the associated waste is counted in the residual bin.

Although a full exemption would reduce the cost burden on micro-firms and presents the best option with the highest Net Present Value (NPV), it should be noted that they constitute approximately 85% of all waste producers and 25% of all waste tonnages produced for the non-household sector. In addition, exemptions would result in lower tonnages collected for recycling and fewer carbon emissions savings, compared to any scenario where micro-firms are not exempt. This would make it more difficult to achieve a 65% recycling rate overall, would make it more difficult for producers to meet their statutory packaging targets and reduce societal benefits, such as job creation, from the measures. This would also reduce the economies of scale benefits for business support.

We are therefore consulting on an option where micro-firms are phased into the requirements, two years after the consistency go-live date. This results in an approximate cost of £160 per year per micro-firm, achieving a non-household sector recycling rate of 70% by 2035. Phasing the requirement would delay the costs on businesses and we would work with the sector in the interim to support further cost reduction options. Under this scenario, micro-firms would be required to arrange for the collection of all materials in the recyclable waste streams (glass, metal, plastic, paper and card, food waste) from non-household municipal premises in the financial year 2025/26. This would include the additional materials **covered above**, including other metal items, food and drink cartons, and plastic films.

We are seeking views on both options.

In any scenario where an exemption applies or micro-firms are phased into the requirement, these businesses would still be required to comply with existing legislation.

Proposals on exemptions and phasing for micro-firms

Proposal 21

We propose that micro-sized producers of non-household municipal waste should have special arrangements in place to reflect the higher barriers to recycling that they often face.

We are consulting on two options:

Option 1: Micro-firm producers of non-household municipal waste should be **exempt** from the requirement to arrange for the collection of five recyclable wastestreams (glass, metal, plastic, paper and card, food waste) for recycling and to present this waste in accordance with the arrangements.

Option 2: Micro-firm producers of non-household municipal waste are **phased** into the new recycling consistency requirements in the Environment Bill, two years after the recycling consistency go live date.

Option 1: Exemption for micro-firms	Option 2: Phasing micro-firms into the requirement two years after the recycling consistency 'go live' date
<p>Approximate cost increase of £444m to the non-household municipal sector (versus the baseline). This includes no cost increases to micro-firms.</p> <p>Projected non-household municipal recycling rate of 60% by 2035</p>	<p>Approximate cost increase of £4,211m to the non-household municipal sector (versus the baseline). This includes an approximate cost of £160 per year per micro-firm.</p> <p>Projected non-household municipal recycling rate of 70% by 2035</p>

Table B: Summary of costs and benefits

Q53. Should micro-firms (including businesses, other organisations and non-domestic premises that employ fewer than 10 FTEs) be exempt from the requirement to present the five recyclable waste streams (paper & card, glass, metal, plastic, food waste) for recycling? Please select the option below that most closely represents your view and provide any evidence to support your comments.

- ☐ Yes – all micro-firms should be exempt from the requirement – **Option 1**
- ☐ No – but all micro-firms should be given two additional years to comply with the new requirements in the Environment Bill (i.e. compliant in 2025/26) – **Option 2**
- ☒ No – all micro-firms should be required to present these waste streams for recycling, from the 'go live' date in 2023/24

NLWA believes that all stakeholders producing waste should be obligated to recycle as much as they can in line with the requirements for householders and other businesses.

Q54. Should any non-household municipal premises other than micro-sized firms be exempt from the requirement? Please provide evidence to support your comments.

No – NLWA believes that all stakeholders producing waste should be obligated to recycle as much as they can in line with the requirements for householders and other businesses.

Other cost reduction options

We also sought views in the first consultation on measures to reduce the financial burden on non-household municipal waste producers in scope of the Environment Bill measures, to support them to transition to recycling consistency. These could reduce the costs for both small businesses (i.e. those employing fewer than 50 Full Time Equivalents) and micro-firms (i.e. those employing fewer than 10 Full Time Equivalents), either alongside, or separate to, exemptions. These might also help to increase recycling and maximise efficiency in services provided. We would not expect to introduce new requirements for micro-firms until some combination of these cost-effective measures could be put in place.

Defra has continued to engage with non-household municipal sectors since the first consultation with the aim of refining the proposals that gained interest in the 2019 responses. In summer 2020, in conjunction with WRAP, Defra held a series of virtual engagement sessions with active representatives of non-household municipal businesses. The sessions were attended by representatives across England including Business Improvement Districts, regional Chambers of Commerce, regional business networks, organisations in real estate and facility management, not-for-profit business support organisations, SME businesses and waste and recycling service providers.

The engagement sessions sought business representative views on the new proposals and how these should be implemented to reduce the practical and cost burden on businesses.

Each short online workshop aimed to inform and consult Business Improvement Districts, businesses, and business representative organisations on three areas of Government's waste management policy development.

The workshops were structured into three sections focusing on:

- The new requirements for recycling from non-household municipal premises and material separation.
- Support for the obligated non-household municipal premises in maximising recycling and minimising cost.
- Timeline for implementation and delivery considerations.

Finally, the sessions invited attendees to complete an online survey to provide further insights on the design of new support and tools and to provide comments on the implementation of these upcoming changes.

Throughout Autumn 2020, Defra also ran a series of workshops with the Local Authority Recycling Advisory Committee (LARAC) and WRAP aimed at local authorities operating extensive commercial waste collection and enforcement services. The sessions followed a similar structure to the business facing sessions. Overall, feedback was considered very useful and despite different perspectives there was consensus on the issues and viability of potential solutions.

The insights from the sessions have helped refine the original proposals further and are presented below.

We sought views on the following cost reduction options in the first consultation:

Business support tools and direct support

Feedback from businesses has confirmed the need for business-facing support tools that can advise on responsibilities, inform good practice in storage and material separation relative to the building the premises are situated in, procurement, how to train and engage staff and how to optimise the system and keep costs down. Reviewing containment needs and then maximising the number of recycling containers could also mitigate against cost increases as recycling services are broadly lower in price than residual waste services. Defra's review of tools and guidance suggests there are clear gaps in provision, particularly given the diverse sub-sectors in scope of non-household municipal regulations. Development of an initial suite of tools has begun using information from the business engagement exercises carried out in 2020.

We propose to work with WRAP to continue to develop online tools that help businesses optimise and rationalise their waste collection services.

Government recognises that businesses are time limited and may need direct support and engagement to help transition to the efficient high recycling scenarios that are outlined in these proposals. The key interest in business support appeared to be for direct contact with the business to offer advice and solutions and signpost the support tools. Assessment of the scale of direct support and how this could be delivered as part of other business-facing support is under further review.

Collaborative procurement projects

This is where a small number of businesses in the same geographic location such as a high street, business estate or shopping centre, work together to procure waste

management services.⁵⁷ This joint procurement could be as straightforward as neighbouring businesses sharing the same containers under a joint contract or shared facilities on a retail site or estate. Survey data suggests that some small businesses are already following this approach in sharing waste container provision to keep costs down. Defra and WRAP stakeholder engagement has also suggested that many surveyed businesses would be happy for another organisation to choose their waste collector if it would mean lower costs and higher recycling for their organisation.

On a larger scale there are good practice examples of where Business Improvement Districts or regional partnerships have undertaken tendering to offer businesses in their area a preferential rate on an opt-in basis. Defra could prepare and disseminate guidance to encourage more small business to identify joint procurement arrangements.

Local franchising of waste services

This model would allow local authorities or other partnerships to issue contracts for the collection of waste from businesses and other similar organisations in particular areas of a town or city. This would give rights to the operator(s) awarded the contract(s) to collect recyclables, food and residual waste in the designated zones. The system would reduce the number of operators and hence vehicles and associated emissions in collecting waste and make it more efficient for the waste collectors by maximising the number of pick-ups they could make in a particular area. It would operate in a similar way to business-based collaborative contracts but is expected to drive much bigger economies of scale and reduce costs to individual businesses. The franchising would likely be managed by local authorities and cover all non-household municipal waste producers in a defined area with funding made available for council administration and direct support. At the same time, it might be beneficial for the local authority to undertake business support activities, often in partnership with non-household municipal sector bodies. If local authorities were involved in a zoning scheme, any new burdens would be fully funded in line with Government guidance on new burdens.⁵⁸

Franchising (or zoning) examples are wide ranging and have been in use for some time internationally. This general approach would require further development and assessment and would require legislative change to become operational. Any substantive change to the current system is likely to require primary legislation.

Some respondents to the first consultation, however, expressed concern that these options may be anti-competitive and requested more information on how zoning might work in practice. Consideration would also have to be given to firms with national or regional waste haulage arrangements and where exemptions might apply. However, there are several design options for commercial waste zoning in encouraging competition through good procurement, having several zones per local

⁵⁷ <http://www.citylogistics.info/projects/london-collaboration-in-business-improvement-district-to-reduce-urban-freight-movements/>

⁵⁸ <https://www.gov.uk/government/publications/new-burdens-doctrine-guidance-for-government-departments>

authority area, appropriately sizing the zones and encouraging bids from smaller waste management companies and partnerships.

Examples of different types of franchising/zoning include:

- Co-collection –the contractor for household collection services also delivers the non-household municipal services
- Framework zoning –a shortlist of suppliers are licensed to offer services in the zone
- Material specific zoning –one contractor delivers food, one for packaging, one for residual waste services.
- Exclusive service zoning –one contractor delivers the core recycling and waste services for the zone

We will continue to develop proposals on zoning and are interested in views on the role that organisations, including waste management companies, local authorities, business improvement districts and chambers of commerce would have in the implementation of a potential zoning system.

Combining household and business collections

For micro-sized non-household municipal waste producers situated within residential areas it may make sense to consider more opportunities for the joint collection of household and non-household municipal waste. These options could help increase access to services and improve the economies of scale to reduce costs. Linking into collaborative procurement options and/or options to increase the number of bring sites would benefit this approach, especially where the material stream collected could be made more consistent. Accounting for the costs and data of the different material flows will be important in ensuring that waste is adequately tracked and accounted for. Combined collections of both non-household municipal waste and household waste might also offer environmental benefits such as fewer waste disposal journeys along streets where there are both homes and non-household municipal waste producers.

Investing in more commercial waste drop off sites (or bring sites)

As well as doorstep collection, extending the range of drop off/bring site facilities that small non-household municipal waste producers could use to recycle and dispose of their waste could also increase the convenience and reduce the cost. Already there are good examples of commercial waste bring sites in operation around the country. Central disposal or recycling facilities could be developed for small firms to drop off good quality dry recycling and could be attached to other waste management facilities such as civic amenity sites.

Financial incentives to non-household municipal waste producers

Once access to services and range of materials has improved, other measures to incentivise all businesses to use the collections systems correctly may be necessary.

These could include further price reductions for recycling and food collections and higher charging levels for the remaining residual streams. Differential pricing is likely to work better where the collector has control over all the services under one contract to enable the incentives and disincentives to be apportioned correctly.

Feedback from the engagement with business representatives in 2020 highlighted that financial discounts would have to be considerable to drive business change and so the level of incentive would need to be reviewed. This was because waste and recycling services are a small proportion of business turnover and small rebates were unlikely to be effective, especially where the additional administration time or costs of managing payments outweigh any saving.

Extended Producer Responsibility for packaging means that businesses producing packaging waste will receive a financial incentive/rebate on recycling collections, reducing the cost burden for businesses. For further information on this, please see the [consultation on Extended Producer Responsibility for packaging](#).

Please note that these cost reduction options are not mutually exclusive and continue to be explored in tandem.

Of the measures outlined above there was support for greater collaboration and sharing of services, as well as support for waste franchising, or zoning at initial consultation.

We are minded to continue to take forward these cost reduction options and to understand in more detail how they could be practically implemented.

Proposals on other cost reduction options

Proposal 22

We propose to continue to explore cost reduction options to reduce the cost burden for non-household municipal waste producers and are seeking further views on waste zoning/franchising and collaborative procurement options. We continue to develop these and other cost reduction options that we consulted on previously.

Waste franchising / zoning

Q55. Which recyclable waste streams should be included under a potential zoning scheme?

For each option, please select either agree, disagree, or not sure / don't have an opinion / not applicable.

- ☒ Dry recyclable waste streams (glass, metal, plastic, paper and card) **Agree**
- ☒ Food waste **Agree**
- ☒ Other items e.g. bulky office waste (please specify)

NLWA believes all material streams should be included.

Space constraints mean that segregation will not always be possible, but it should be the default with the local authority then deciding whether it is possible. Under such a scheme, it would be expected the exceptions to those businesses required to segregate waste for recycling to be limited.

Q56. Which of the below options, if any, is your preferred option for zoning/collaborative procurement? Please select the option that most closely aligns with your preference

- ☐ Encouraging two neighbouring businesses to share the same containers under contract
- ☐ Encouraging businesses to use shared facilities on a site/estate
- ☐ Business Improvement Districts/partnerships tendering to offer a preferential rate(opt-in)
- ☐ Co-collection – the contractor for household services also deliver the non-household municipal services
- ☐ Framework zoning – shortlist of suppliers licensed to offer services in the zone
- ☐ Material specific zoning – one contractor delivers food, one for packaging, one for refuse collection services
- ☐ Exclusive service zoning – one contractor delivers the core recycling and waste services for the zone
- ☐ None of the above

NLWA does not have a preferred option but would support those that reduce negative environmental impacts such as vehicle movements and increase recycling.

Q57. Do you have any views on the roles of stakeholders (for example Defra, the Environment Agency, WRAP, local authorities, business improvement districts, businesses and other organisations and chambers of commerce) in implementing a potential zoning or franchising scheme?

For example, do you think there could be roles for one or more of these organisations in each of the following activities:

- ☒ Procurement
- ☒ Scheme design
- ☒ Administration and day to day management
- ☒ Enforcement
- ☒ Business support
- ☒ Development of tools and guidance
- ☒ Delivery of communications campaigns
- ☒ Any other activities (please specify)

If you think that there is a role for any other stakeholders, please specify.

Please provide explanations where possible to support your above response.

Stakeholders roles should be clearly defined so there is no duplication, gaps or inefficiencies in implementing a potential zoning and franchising scheme.

Procurement

The Environment Agency should have a regulatory role in individual procurement exercises in the event that a complainant seeks recourse short of full legal redress in line with public sector procurement regulations. The individual procurements should be conducted by local authorities in line with the agreed scheme design, Defra guidance, public sector procurement legislation and any further guidance/statutory instruments issued by Government.

Scheme design

Government should issue guidance and statutory instruments as necessary on scheme design which local authorities should be required to follow. High level scheme design (including associated TEEP assessments) should be subject to the approval of the EA and there should be recourse for complainants to the EA. There should be a requirement for local authorities to demonstrate that they have consulted with private sector waste collectors that are active in the wider area in scheme design (in terms of the existing infrastructure that could be brought to bear in the delivery of franchises) and relevant waste producers, including BIDS (in terms of balancing key considerations in scheme design) in the area.

In line with the proposed approach to the TEEP assessments individual waste producers in the relevant areas should be statutorily obligated to provide information to support the TEEP assessments.

Administration and day to day management, Enforcement and Local Direct Business Support

These should be the responsibility of local government to deliver and should be fully funded new burdens.

Development of tools and guidance and national business support

These should be WRAP's responsibility with the exception of formal technical guidance which should be the responsibility of Defra.

Delivery of communications campaigns

These should be the responsibility of WRAP.

Q58. Do you have any further views on how a potential waste collection franchising / zoning scheme could be implemented?

No further comments

Collaborative procurement

Q59. Do you have any views on how Government can support non-household municipal waste producers to procure waste management services collaboratively? This could include working with other stakeholders.

As the consultation notes most businesses are not motivated by small reductions in the cost of waste management services. Poorly designed/delivered waste services are ongoing business costs that may significantly exceed any such savings in any event. Many businesses also have a strong interest in a high quality street scene.

Even in the event that the Government did not seek to move away from the currently deregulated arrangements for non-domestic waste collection it would be difficult for businesses to procure the best solution without the input of the relevant local authority as the body responsible for managing the street scene.

A significant barrier to better procurement, joint or otherwise, is the break clauses in and inflexibility of many existing waste services contracts. Often such contracts are entered into under 'teaser' deals and become difficult to break. Government intervention in this area would be welcome.

Business support

Q60. Which type(s) of business support would be helpful? (Select any number of responses)

- ☒ 1:1 support
- ☒ National /regional campaigns
- ☒ National guidance and good practice case studies
- ☒ Online business support tools (e.g. online calculators and good practice guidance)
- ☒ Other (please specify)

NLWA supports all the proposals

1:1 support

Clearly based on the research cited in there is demand for this from business. Some businesses can be 'hard to reach', just as much as some householders, and it is likely that these businesses will only be reached through direct engagement. Clearly local Government would be better placed than most other stakeholders to provide this support. Delivering such activity in conjunction with an enforcement role (if both fully funded) would provide greater reach.

National /regional campaigns

It's not clear what value regional campaigns would have. Clearly the proposals are complex and there is only so much that can be achieved through national communications campaigns alone. However, a well-designed and resourced campaign will be essential to at least raise the profile of the changes and signpost to further information.

Producing materials that can be disseminated through local government communications channels will increase their reach.

National guidance and good practice case studies

A distinction should be made between any formal technical guidance which needs to be very precise and more high-level guidance to provide a high level, user friendly overview of the requirements. Practical case studies and examples can be useful but aspirational good practice case studies can be unhelpful as they tend to omit the downside factors and are often not replicable in more typical circumstances.

Online business support tools (e.g. online calculators and good practice guidance)

Practical guidance that sits between high level introductory guidance and more formal technical guidance would be welcome. As above, the basis of the assessments on the separation of waste for recycling should be through a ready reckoner tool but other, perhaps less formal tools and calculators would be welcome – not least to assist with container sizing for a given collection frequency and what materials/products are in scope of each stream at a high level.

Other (please specify)

Businesses may seek some form of standard reporting to customers and other stakeholder of carbon savings and other benefits.

Commercial waste bring sites

Q61. Are there any barriers to setting up commercial waste bring sites, and do you find these sites useful?

With regards the specific question relating to bring sites for commercial waste these do have a role in facilitating the optimal waste containment arrangements under specific circumstances from the perspective of the waste collector and waste producer whilst also minimising street scene impacts. However, this should be in the context of the following:

- The earliest possible introduction of waste franchising and zoning arrangements as proposed in the consultation document.
- The adoption of option 4 considered by the Sprint group in relation to the recycling of packaging from non-household sources.
- Government funded research into smart bin solutions and the assumed links between bring sites and overall flytipping. Ideally technology would be affordable and be able to widely implemented over time that was able to record the weight deposited from individual sources.
- Wrap-around funded business support and local communications by local authorities to manage the necessary step change at local level.
- Clearer guidance on the apportionment of co-collected waste and waste per premises for reporting purposes.- particularly where household and other wastes are mixed in individual bring sites.
- Enhanced s47 powers backed by statutory guidance for clarity, ideally with the extension of the time banded collection powers contained in the London Local Authority Act 2007 as part of the enabling legislation for franchising. Given the expected increase in containers on highways (presumably some of which would be bring sites) powers are needed for local authorities to directly intervene and take a view in the round on matters of street scene and waste management in the round. This should be funded as a new burden given the change in context.

- Potentially making local government an enforcement body with regards the basic offences relating to non-household waste (i.e. not setting waste out in compliance with the TEEP assessment and the basic requirements for setting out waste for recycling). This would achieve better results against the objectives of the policy but would be a new burden and would need to be funded as such to be effective.

If properly managed as part of a wider waste management and street scene system bring sites have considerable potential to open up possibilities – not least make a higher degree of separation at source technically and, potentially economically practicable, in a given setting than would otherwise be possible due to constraints on internal space and the street scene impacts of the prerequisite individual bins.

Clearly a bring site led system would need to also be a local authority led system delivered in the context above as it cannot be realistically delivered unless the conditions set out above are in place. It cannot be delivered in an unregulated local commercial waste collection market. It is also obviously subject to the prerequisite technological solutions being in widespread availability.

There is an issue in terms of the blanket obligation for WCA's to collect household waste as it applies to non-domestic premises. Both exemptions under s45(a) i and ii have to be met for the statutory obligation on WCA's to collect household waste from such premises'. However, especially where this is a premises that would be liable for the costs of both collection and disposal, of any waste collected by a WCA the occupants may wish to make arrangements outside of the local authority system. Therefore, in the instance of such premises the two exemptions should become either/or such that the WCA obligation clearly falls away.

Separate collection of recyclable waste streams from non-household municipal waste producers

Exemptions from the requirement that recyclable waste from each waste stream must be collected separately

We want to ensure a high quality of recyclable material collected, while also avoiding any unnecessary burden on local authorities and businesses. The Secretary of State can only exercise the power to set exemptions if satisfied that doing so will not significantly reduce the potential of the recyclable waste streams to be recycled or composted.

We are seeking views on exemptions for the following waste streams to be collected together from non-household municipal premises:

- plastic and metal;
- glass and metal;

Proposals on exemptions to the separate collection of two waste streams from non-household municipal premises

Proposal 23

For certain waste streams collected from non-household municipal premises, exemptions to separate collection may be appropriate in cases where collection of recyclable waste streams together does not significantly reduce the potential for these recyclable waste streams to be recycled or composted.

Q62. Could the following recyclable waste streams be collected together from non-household municipal premises, without significantly reducing the potential for those streams to be recycled?

	Agree	Disagree	Not sure / don't have an opinion / not applicable
Plastic and metal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Glass and metal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you have agreed with either of the above, please provide evidence to justify why any proposed exemption would be compatible with the general requirement for separate collection of each recyclable waste stream.

Plastic and metal

Yes, these materials are fairly straightforward to separate based on their respective physical properties. The potential for separation is improved by lower compaction and waste producer presentation.

Glass and metal

Whilst relatively straightforward to separate pieces of glass are more likely to enter the metal fraction.

Both the proposed material streams are already being successfully recycled through existing commingled collection services and MRF facilities. The main issue is the paper and card which is subject to contamination from glass and liquids, therefore in theory all three materials could be co-collected, sorted and recycled without causing quality issues which NLWA also supports.

Q63. What, if any, other exemptions would you propose to the requirement to collect the recyclable waste stream in each waste stream separately where it would not significantly reduce the potential for recycling or composting?

Commercial waste is much more likely to arise in more congested areas of a given WCA area than household waste, irrespective of the context of the wider WCA area. As such widespread kerbside sort collections can safely be discounted as an option with the default option in terms of separation likely to realistically be achieved at the point of collection with three streams at a maximum. As such, seeking justification for why separation cannot be achieved beyond this is likely to be counter-productive. Given the assumption that cartons will be collected separately from fibre this creates an additional stream. In any event, the separation of cartons from a plastics and metals only (and plastics or metals) stream would be relatively straightforward and this should be included as a blanket exemption.

Conditions where two or more recyclable waste streams may be collected together

In our last consultation, there was support for the proposals to promote separate collection of materials where this was necessary to achieve high quality recycling.

In the Environment Bill there is a requirement that, in respect of non-household municipal waste, arrangements are made to have a core set of dry recyclable waste streams to be collected separately from residual waste and that these dry recyclable waste streams must be presented in accordance with these arrangements. These recyclable waste streams are glass, metal, plastic, paper and card. These dry recyclable waste streams must be collected separately from each other, unless it is not technically or economically practicable to collect separately, or if there is no significant environmental benefit from separate collection.

Whilst some producers of non-household municipal waste will present and arrange for the collection of the five recyclable waste streams separately, we expect some will have to rely on the exceptions in the Environment Bill that allow them to collect some of the dry, recyclable waste streams together for technical, economic or environmental reasons. We would expect non-household municipal waste producers to cooperate with their waste collector in providing input and evidence for a written assessment and provide advice, as necessary, on technical, economic or environmental considerations.

We would expect written assessments to be reviewed following any significant changes to a waste management company's collection system, for example if a new material is added into the recyclable waste stream. If a waste collector is relying on an exemption specified in regulations (for example, collecting metals and plastics together) a written assessment would not be required.

We recognise there may be instances where the three exceptions (technical and economical practicability and environmental benefit) interact, and therefore examples may fall under more than one category. We propose to provide further detail on the types of examples included under these exceptions in guidance, while allowing flexibility for local circumstances.

Technically practicable

By technically practicable we mean that the separate collection may be implemented through a system which has been technically developed and proven to function in practice.

In order to make the case that separate collection is not technically practicable, waste collectors will need to demonstrate that their local/specific circumstances mean that it is not technically practicable to have separate collection. Examples of this could include, but are not limited to:

- Type of premises and accessibility
- Rurality and geography of premises
- Availability of containers
- Storage of containers at premises
- Storage in existing waste transfer infrastructure

Economically practicable

Economically practicable refers to separate collection which does not cause excessive costs in comparison with the treatment of a non-separated waste stream, considering the added value of recovery and recycling and the principle of proportionality. If the cost of collecting the material individually separated outweighs its value once collected it may not be economically practicable to collect the wastestreams separately.

In order to make the case that separate collection is not economically practicable, waste collectors will need to demonstrate that their local circumstances economic costs mean that it is not practicable to have separate collection. Examples of this could include, but are not limited to:

- Type of premises and accessibility
- Rurality and geography of premises

No significant environmental benefit

In order to make the case that separate collection is of no significant environmental benefit compared to collection recyclable waste streams together, waste collectors will need to demonstrate that this is the case in their circumstances and that separate collection does not provide a significant environmental benefit over other systems. Waste collectors should take into account the overall impact of the management of the non-household municipal waste stream. Examples of this could include, but are not limited to:

- Greenhouse gas emissions – for example from vehicles or Materials Facilities
- Lifts per vehicle and journey length
- Availability of recycling facilities
- Reject tonnages

Proposals on conditions where an exemption may apply and two or more recyclable waste streams may be collected together from non-household municipal premises

Proposal 24 Technically practicable

By technically practicable we mean that the separate collection may be implemented through a system which has been technically developed and proven to function in practice.

Q64. Do you have any views on the proposed definition for ‘technically practicable’?

We believe that the definition of Technical Practicability should be widened to cover instances where the delivery of a given degree of separation would lead to significant technical complications with other activities and functions outside of a narrow waste management context (even where, at face value and notwithstanding this, there is a viable waste management solution. Clearly the basic obligation to present waste for recycling separately may, in itself, be perceived to fall into scope of this by some waste producers but this is intended to capture examples where other functions or activities would adversely affected beyond the scope of what would be considered reasonable.

From a local authority perspective concerns in this regard would obviously be focussed on street scene impacts as below and above but examples could include overriding health and safety considerations, fire safety and access within the premises.

In order to make the case that separate collection is not technically practicable, waste collectors will need to demonstrate that their local circumstances mean that it is not practicable to have separate collection. Examples of this could include, but are not limited to:

- Type of premises and accessibility
- Rurality and geography of premises
- Availability of containers
- Storage of containers at premises
- Storage in existing waste transfer infrastructure

Q65. Do you agree or disagree that the proposed examples cover areas where it may not be ‘technically practicable’ to deliver separate collection?

- ☒ Agree
- ☐ Disagree
- ☐ Not sure / don’t have an opinion / not applicable

If you have disagreed with any of the above, please say why and indicate which example you are referring to.

NLWA agree with the list.

Where a proportion of businesses in a zone/ franchise are unable to separate waste (space constraints, containers etc.) a general exemption in that zone should be permitted due to consistency for the businesses and so an environmentally sympathetic collection system can be put in place.

Q66. What other examples of areas that are not ‘technically practicable’ should be considered in this proposal? Please be as specific as possible.

If, as proposed, the TEEP assessments for individual premises are undertaken by the collector with input from the waste producer occupying the premises under unregulated local commercial waste collection markets then the following issues arise in relation to the proposed definition for ‘technically practicable’:

- A bring-site led solution would not be able to be delivered on busy high streets. In this context individual collectors incentivised to accrue as many customers as possible will likely adopt a ‘lowest common denominator’ approach to what is technically practicable in terms of the degree of separation for any given collection round.
- There would be no account of the cumulative technical constraints presented by an unacceptable impact on the street scene due to a proliferation of containers.
- The Government could consider issuing guidance in this regard for consistency. Even under a solution that is not substantively local authority led technical practicability in terms of street scene impacts should be able to be judged cumulatively by the relevant local authority on a cumulative basis with regards the assessments for individual non-household premises and commercial waste collectors.

Under any system, except for a local authority bring-site led solution (which would facilitate the deposit of small amounts of separated recyclate from premises that do not generate sufficiently viable volumes in themselves that would make separate set out through an individual container viable) the government should issue guidance that exempts specific types of premises from the default position of having to present very small volumes of a given material separately for reasons of technical practicability (and allowing more focus on the larger volumes of materials that they are more likely to generate).

Economically practicable

In order make the case that separate collection is not economically practicable, waste collectors will need to demonstrate that their local circumstances financial costs mean that is significantly more expensive to have separate collection.

Examples of this could include, but are not limited to:

- Type of premises and accessibility
- Rurality and geography of premises

Q67. Do you agree or disagree that the proposed examples cover areas that may not be ‘economically practicable’ to deliver separate collection are appropriate?

- ☒ Agree
- ☐ Disagree
- ☐ Not sure / don’t have an opinion / not applicable

If you have disagreed with any of the above, please say why and indicate which example you are referring to.

NLWA agree although the definition set out in the document potentially sets too low a bar. The government could consider providing guidance on the values to be assumed to be placed on the added value of recovery and recycling as, without this, the consideration will be entirely subjective and qualitative.

It is not clear if the assessment will reflect an ‘open book’ assessment of the relative marginal costs or the relative costs the waste producer would pay for the collection and management of the waste (i.e. including profit margin, administrative costs, etc). If the former it is likely to hit concerns around commercial confidentiality. For the sake of comprehensiveness (and at the expense of complexity) it would be useful to include any costs uncured by the relevant business in separating, containing and presenting separated recyclates.

As above, the examples provided are too broad the assessments should be conducted on a case by case basis balanced against cumulative considerations such that the level of separation achieved is not driven by the lowest common denominator. A commercial waste collection round will typically not just serve one type of premises – it will generally be driven by proximity, rather than clustering businesses of particular types.

Q68. What other examples of ‘economically practicable’ should be considered in this proposal? Please be as specific as possible.

Economically practicable refers to separate collection which does not cause excessive costs in comparison with the treatment of a non-separated waste stream, considering the added value of recovery and recycling and the principle of proportionality. If the additional cost of collecting a recyclable waste stream separately separated outweighs its value once collected, it may not be economically practicable to collect a waste stream separately.

It is also unclear at this moment in time how “economically practicable” will be determined in relation to EPR payments and the options for business waste that were put forward in that consultation.

However, other considerations for this proposal include

- Markets for materials.
- Communication costs to businesses could be a big problem with too many containers.
- Sourcing of vehicles at the same time will cause production and delivery problems as the market is not geared up for this to deliver such a change.
- Contract changes
- Higher contamination could lead to more rejected loads and a higher cost to LAs.
- Where the disposal facilities are located
- Cost of containers and availability

Economically practicable refers to separate collection which does not cause excessive costs in comparison with the treatment of a non-separated waste stream, considering the added value of recovery and recycling and the principle of proportionality. If the additional cost of collecting a recyclable waste stream separately separated outweighs its value once collected it may not be economically practicable to collect a waste stream separately.

Q69. Do you have any views on what might constitute ‘excessive costs’ in terms of economic practicability?

It would be when any degree of separation costs more than a lesser degree of separation for a waste collection round when all of the, currently externalised, costs such as the monetised benefits of recycling are taken into account. If all of the externalities are correctly taken into account.

No significant environmental benefit

In order to make the case that separate collection is of no significant environmental benefit compared to collection of recyclable waste streams together, waste collectors will need to demonstrate that this is the case in their circumstances and that separate collection does not provide additional benefits over other systems. Waste collectors should take into account the overall impact of the management of the household waste stream throughout the system, from collection through to reprocessing. Examples of this could

include, but are not limited to:

- Greenhouse gas emissions – for examples from vehicles or MaterialsFacilities
- Lifts per vehicle and journey length
- Availability of recycling facilities
- Reject tonnages

Q70. Do you have any views on what should be considered ‘significant,’ in terms of cases where separate collection provides no significant environmental benefit over the collection of recyclable waste streams together?

The relative monetised externalised costs of different options should be included in the above assessment. This should, for example, reflect the relative amounts of recyclate entering a reprocessing process and the respective secondary uses for the material in this regard.

Q71. Do you agree or disagree that the proposed examples for ‘no significant environmental benefit’ are appropriate?

- ☒ Agree
- ☐ Disagree
- ☐ Not sure / don’t have an opinion / not applicable

If you have disagreed with any of the above, please say why and indicate which example you are referring to.

Whilst the list of circumstances is extensive, it may introduce a complexity and bureaucracy that imposes cost and “red tape” on individual businesses. Better that these issues and considerations are done at the franchise/zoning level as a holistic exercise for all types of business. This would enable minimum standards and best practice to be included within the procurement and a more equitable and fair level of service provision for local communities through benchmarking and comparison.

Q72. What other examples of ‘no significant environmental benefit’ should be included in this proposal? Please be as specific as possible.

A clear example would be where, without the processing provided by a MRF, a stream would reasonably be too contaminated to find a market a significant proportion of the time and a significant proportion of the loads would be rejected.

Compliance and auditing of waste management companies

The Environment Agency is responsible for ensuring compliance with the duties set out in the Environment Bill in England. In cases where it is not technically or economically practicable to collect recyclable waste streams separately, or cases in which separate collection does not have significant environmental benefit, waste

collectors are required to complete a written assessment.⁵⁹

The duties in the Environment Bill outline the enforcement powers of the Environment Agency. The Environment Agency may issue compliance notices where it has reasons to suspect non-compliant practice and is able to request and review assessments by waste management companies. As part of this, the Environment Agency would be able to request and audit a proportion of written assessments.

Compliance notices

The Environment Agency has powers to issue a compliance notice to an obligated party (a person other than a Waste Collection Authority) failing to comply with the separate collection requirements. The obligated party will be required to take specified steps within a specified period to ensure that the failure does not continue or recur.

A compliance notice issued by the Environment Agency must:

- specify the failures to comply with section 45AZA or 45AZB in the Environmental Protection Act 1990;
- specify the steps which must be taken for the purpose of preventing the failure continuing or recurring;
- specify the period within which those steps must be taken;
- give information as to the rights of appeal (including the period within which an appeal must be brought).

If the obligated party fails to comply with a compliance notice, they are committing an offence and are liable on summary conviction or conviction on indictment to a fine.

Appealing a compliance notice

A person who is given a compliance notice may appeal to the First-tier Tribunal against the notice or any requirement in the notice. The notice or requirement has effect pending the determination of the appeal, unless the tribunal decides otherwise. The tribunal may:

- Quash the notice or requirement
- Confirm the notice or requirement
- Vary the notice or requirement
- Take any steps the Environment Agency could take in relation to the failure giving rise to the notice or requirements
- Remit any matter relating to the notice or requirement to the Environment Agency

⁵⁹ <https://wrap.org.uk/resources/report/waste-regulations-route-map>

Obligations on those that present non-household municipal waste in accordance with the arrangements

The requirements relating to separate collection apply where waste is collected by a person who does so, in the course of a business or in carrying out a public function. The obligations apply to both parties to an arrangement for collection and the person presenting the waste for collection, who must do so in accordance with any arrangements. As a result, the producer of non-household municipal waste (and anyone subsequently involved in presenting the waste for collection such as a landlord) has a legal requirement to separate out the recyclable waste in accordance with the arrangements. If they fail to do so, the Environment Agency will have the power to serve a compliance notice. As a result, the obligations extend to a wide range of people involved in waste collections and would, for example, include brokers.

Proposals on compliance and enforcement

Proposal 25

In circumstances where it is not technically or economically practicable, or where there is no significant environmental benefit to collecting two or more waste streams separately, we want to avoid unnecessary burdens on waste collectors and waste producers.

Q73. What ways to reduce the burden on waste collectors and producers should we consider for the written assessment?

Given that the EA's resources are likely to be stretched and it generally does not enforce at local level as proposed the enforcement of the separation and set out requirements on non-domestic waste producers/collectors local authorities should be given the relevant enforcement powers. This should be funded as a new burden. Clearly local authorities cannot enforce against themselves, and this oversight should still be provided by the Environment Agency. In the context of the question this will provide a more accessible point of contact for both waste producers and collectors and could be combined with direct business support if this were funded.

As above the assessment would be substantially simplified under a franchising system where the assessments are integrated into the process – local government would essentially take on responsibility for the assessments. These could then consider cumulative impacts and have regard to the prevailing collection systems to household waste in each one.

Even in the context of the current deregulated collection arrangements and in the absence of any further powers/resources at local level the relevant local authority should still be a consultee in individual assessments.

As above, many individual businesses will seek the easiest collection system for them to use with the lowest street scene and other impacts. Under the current deregulated collection market this will mean that they are likely to seek out those collectors that have least rigorously applied the tests around separation. The collectors will obviously also be incentivised to produce assessments that facilitate commingling and build/maintain their custom base. Clearly the EA are not going to have the time or resources to read individual assessments in local areas unless there is a complainant (such as a local Authority or competitor). As such, the assessment process should be very rigid – conducted through a ready reckoner that leaves little latitude for interpretation. If the assessments are submitted in a form such as this data analysis can be used to flag outliers for further investigation.

We have a further concern that, were the EA to conduct scrutiny of individual assessments, there is a danger of a 'twin track' system under which local authority collections (household and non-household) come under more scrutiny as a 'low hanging fruit' than private sector waste collectors, particularly smaller, local operations.

Q74. We are proposing to include factors in the written assessment which take account of the different collection requirements, for example, different premises within a service area. What other factors should we consider including in the written assessment?

There should not be a written assessment. The assessment exercise should be data driven and spreadsheet based within a fixed ready reckoner. As above this process would be significantly simplified and better able to deliver the outcomes sought if the current deregulated waste collections are replaced with a 'wraparound' local authority driven system based on franchising and bring systems.

Clearly the ready reckoner would need to be very sophisticated to capture the nuance of local circumstances. Factors that could be included include:

- Each premises in the round by size/SIC code – feeding into default waste arisings and composition data.
- Waste storage space within each premises.
- On street waste storage arrangements/capacity (this would presumably be by broad category – (i.e. red route or similar in an urban area, less constrained areas where businesses are able to present waste within their own curtilage).
- Density of premises requiring collection and average vehicle speed.
- Presence of barriers such as time banded collections and on street parking.
- Existing vehicle fleet and depreciation timescale.
- Distance to depot/tip.
- Depot vehicle operator's license restrictions (i.e. number of vehicles, operating times)
- Number of bays/chutes available at the relevant tipping points and any relevant licensing/planning restrictions at tipping points.
- Calculated cost of collection and relevant gate fees/income.
- MRF, sorting and market data.
- Prevailing household waste recycling arrangements in the majority of the relevant area.

Even the most sophisticated ready reckoner would not be able to capture all of the necessary nuance of every situation and, whilst the scope for subjectivity and interpretation should be limited, there should still be scope.

The output of the ready reckoner should therefore be data in a standard format that the EA can readily analyse and a strong recommendation for the waste collector that they collect waste in a given pattern of separation and the limits to the grounds on which they might be able to collect any materials less separated. The approach would identify the precise restrictions that the collector is experiencing in collecting materials any more separated and provide actions to seek to resolve them over time (i.e. please resubmit your assessment upon commencement of your next vehicle purchasing cycle, please resubmit your assessment in six months having explored solutions to the waste storage resections of the waste producers on

this round, etc).

This would be a data-heavy exercise and, on the face of it, it could be perceived as quite onerous if each waste collector has to undertake it for every area but much would be replicable from assessment and, if well designed (i.e. incorporating default figures, dropdowns, etc) it could be significantly less onerous than producing written assessments.

Q75. Would reference to standard default values and data, that could be used to support a written assessment, be useful?

- ☒ Agree
- ☐ Disagree
- ☐ Not sure / don't have an opinion / not applicable

If you disagree, please provide the reason for your response.

NLWA strongly agree. These should however be based on robust research and data and continually updated and refined not least through data analysis of assessments submitted through the ready reckoner above.

Q76. Do you agree or disagree that a template for a written assessment would be useful to include in guidance?

- ☒ Agree
- ☐ Disagree
- ☐ Not sure / don't have an opinion / not applicable

If you disagree, please provide the reason for your response.

The assessments should be undertaken through a ready reckoner as above. The scope for supplementary written material should be limited.

Q77. Do you agree or disagree that the proposed approach to written assessments and non-household municipal collections will deliver the overall objectives of encouraging greater separation and assessing where the three exceptions (technical and economical practicability and environmental benefit) apply?

- ☐ Agree
- ☐ Disagree
- ☒ Not sure / don't have an opinion / not applicable

The process of a business having to do an assessment may encourage them to seriously consider recycling more of their waste although they are more likely to respond positively to financial incentives. There are also concerns that this will be too onerous a process for businesses and questions about how it will be enforced.

Summary of costs and benefits of implementing the changes proposed in this consultation

This consultation is supported by an impact assessment, which sets out the potential costs of expanding dry recycling collections and adding food and garden waste collections.

We expect that the measures set out in this consultation could help to:

- Increase the quantity and quality of household and business recycling
- Make recycling easier for householders, helping them to put waste materials into the correct recycling bins
- Support comprehensive waste and recycling collections through establishing minimum service standards
- Give confidence to producers that an increased amount of quality recyclable material will be collected and returned to secondary materials markets to be reprocessed, which will support proposals under packaging Extended Producer Responsibility and Deposit Return Scheme for drinks containers
- Improve investor confidence and help increase UK-based recycling capacity and minimise dependence on overseas export markets for recycling
- Ensure an increased amount of separately collected food waste and garden waste can be recycled through anaerobic digestion and composting, respectively
- Improve estimates of the demands for future recycling and residual waste treatment infrastructure
- Ensure only what is necessary is sent for energy recovery or to landfill. This will help to reduce greenhouse gas emissions from residual waste disposal and be beneficial for the environment
- Significantly increase job creation in collection implementation, promotion and management of the new services

This policy dovetails with Extended Producer Responsibility for packaging and the introduction of a Deposit Return Scheme for drinks containers:

- Reforms to the UK-wide packaging producer responsibility system will see producers bearing much greater costs for the collection and disposal of packaging waste than at present. Fees paid by producers will be used to support both local authorities and businesses to provide packaging waste management services. In turn, the increased quantity and quality of recycling collected will help producers to meet packaging obligations and demonstrate that packaging placed on the market is properly recycled.
- In addition to placing the cost of managing packaging waste on producers, proposals for Extended Producer Responsibility include a mandatory requirement for producers to label their packaging as 'Recyclable' or 'Not Recyclable.' Further details can be found in the [consultation on Extended Producer Responsibility for packaging](#).
- The proposed materials to be included in scope of a Deposit Return Scheme in

England, Wales and Northern Ireland are: PET bottles, steel and aluminium cans and glass bottles. This is based on an 'All-in' Deposit Return Scheme, subject to consultation. Government is consulting on whether to adopt an 'All-in' or 'On-the-go' scheme. Further details can be found in the [consultation on a Deposit Return Scheme](#).

For modelling purposes, we have assumed that implementation of changes to adopt consistent dry collections, separate food waste collection and free garden waste collection would begin from April 2023 and would continue for several years as local authorities renegotiate contracts and adopt additional collection arrangements. This timing will be updated for the final impact assessment.

The options considered in this analysis are informed by our first consultation and associated impact assessment.⁶⁰ They include well established collection scheme design principles and peer reviewed industry assumptions. Each option is underpinned by best practice for both household and non-household municipal sectors and this impact assessment focuses on the combined effects.

Based on the analysis of costs and benefits, the following four municipal options are presented in the overall NPV calculations (Table D below). These were selected from a list of 12 scenarios when combining four household and three non-household municipal options.

Household sector options

1hh: Consistent weekly collection of dry recyclables under multi-stream systems for low-rise properties. Collection of dry recyclables and food waste at flatted properties. Fortnightly residual collections, separate weekly food waste and free minimum standard fortnightly garden waste collections are covered under this policy option.

2hh: Consistent collection of dry recyclables under collection systems with the lowest cost at a local authority level for low rise properties. Collection of core dry recyclables and food waste at flatted properties. Fortnightly residual collections, separate weekly food waste and free minimum standard fortnightly garden waste collections are covered under this policy option.

⁶⁰ <https://www.gov.uk/government/consultations/waste-and-recycling-making-recycling-collections-consistent-in-england/outcome/consistency-in-recycling-collections-in-england-executive-summary-and-government-response#government-response-to-consultation-on-consistency-in-household-and-business-recycling>

Non-household municipal options

1nhm: Non-household municipal premises separate waste to residual, mixed dry recyclables, separate glass waste collections and separate food waste collections. Micro-sized firms, those who employ fewer than ten, are exempt in this policy option to mitigate against cost pressure.

2nhm: Non-household municipal premises separate waste to residual, mixed dry recyclables, separate glass waste collections and separate food waste collections. Micro-sized firms are included and phased into the policy in the year 2025/26, two years after implementation to allow time for businesses to account for new provisions.

The above household and non-household sector options have been combined to generate four scenarios (**1M, 2M, 3M and 4M**; Table C), the impact of which is described in table D below. For modelling purposes, we have used a model of alternate residual waste collections with weekly food waste collections, many councils are likely to continue to provide weekly residual collections, reflecting the wishes of local residents.

Table C: Combinations of municipal (M) sector options considered for household and non-household municipal waste.

Sectors		Non-Household Municipal Sector	
Household Sector		1 <i>nhm</i>	2 <i>nhm</i>
	1	1M	2M
	<i>h</i>		
	<i>h</i>		
	2	3M	4M
	<i>h</i>		
	<i>h</i>		
	<i>h</i>		

The below table summarises the impacts of each policy option.

Table D: Summary of impacts of considered policy options, £ millions, discounted.

Change over 2023-2035 (against baseline)	Option 1M	Option 2M	Option 3M	Option 4M
Municipal recycling rate* achieved (Baseline rate 44.0%)	60.0%	64.2%	60.5%	64.7%
Savings to households from removed garden waste charging	£ 1,318	£ 1,318	£ 1,318	£ 1,318
GHGs emissions savings (traded and non-traded)	£ 3,627	£ 4,566	£ 3,726	£ 4,661
Non-household municipal landfill tax saving	£5,505	£6,981	£5,611	£7,087

Social benefits (total)	£ 10,450	£ 12,865	£ 10,655	£ 13,066
Additional LAs net service costs (+)/savings (-) from changes in dry recycling, food waste and free garden waste collections for all HHs	£1,220: £ 829 transition costs, -£679 savings on ongoing costs**, -£248 DRS net effect; and £ 1,318 lost income from garden waste charging	£1,220: £ 829 transition costs, -£ 679 savings on ongoing costs**, -£248 DRS net effect; and £ 1,318 lost income from garden waste charging	£931: £ 726 transition costs, -£ 939 savings on ongoing costs**, -£174 DRS net effect; and £ 1,318 lost income from garden waste charging	£931: £ 726 transition costs, -£ 939 savings on ongoing costs**, -£174m DRS net effect; and £ 1,318 lost income from garden waste charging
Net waste management costs to non-household municipal businesses under increased recycling collections	£ 351	£ 3,276	£ 351	£ 3,276
Non-household municipal net DRS effect adjustment***	-£ 19	£ 1,641	-£ 19	£ 1,641
Policy costs to apply best practices in recycling collections	£ 161	£ 430	£ 162	£ 431
Reduction in Government landfill tax receipts (benefits to municipal sector included in LA and non-household municipal rows) ⁶¹	£ 5,972	£ 7,448	£ 6,143	£ 7,619
Social costs (total)	£ 7,713	£ 11,970	£ 7,596	£ 11,854
Net present value ⁶²	£ 2,746	£ 491	£ 3,067	£ 809

Source: Defra analysis

*Municipal recycle rate is adjusted to include improvement in recycling due to Deposit Return Scheme (DRS) and the effect is estimated to enhance municipal recycling rate by 1-2%.

**Savings on ongoing costs are composed of changes in: (i) annual bulking and treatment costs; (ii) annual operating and comms; (iii) DRS effect.

*** The DRS net effect is presented here for illustration purposes only – illustrating how taking out dry recyclable material (chosen materials from DRS) from kerbside collection will affect the recycling collection costs. It is considered as a transfer effect with a full cost being absorbed by the Deposit Management Organisation, the scheme administrator for the Deposit Return Scheme – please see Annex A for more details on non-household municipal DRS analysis.

⁶¹ As explained in the key municipal-wide sector assumptions section, the landfill tax value is assumed to be flat and at the 2019 level of £91.35 per tonne of waste sent to landfill. Whilst the landfill tax is expected to rise in line with the

growth in the Retail Price Index in reality, a constant rate has been assumed for the modelling purposes as all other prices have been kept constant.

⁶² The net present value calculation removes the garden waste charges and landfill tax changes from the overall societal costs or savings as these are transfers between relevant parties (garden waste charging – costs to LAs, savings to householders; landfill tax changes – loss to Government, saving to municipal sector).

Proposals on the costs and benefits of implementing the changes proposed in this consultation

Proposal 26

In the impact assessment, we have specified a few areas on which we would like stakeholder views and additional evidence. These include the following:

- Familiarisation costs to households and businesses have not been accounted for. Nor are the ongoing costs to households and businesses of sorting waste for new collection requirements.
- We would like to improve our approach to accounting for uncertainty in LA and business-related costs.
- Wider impacts on the recycling and waste industry have not been monetised either.

Familiarisation costs include costs to businesses and consumers in adapting to and implementing the proposals and maintaining the requirements outlined over time.

Ongoing costs are recurring costs to deliver the services following implementation. Ongoing costs include capital and operating costs in service delivery as well as fees for the treatment of recyclables and residual waste.

Uncertainty refers to the level of confidence that can be placed in data sets or assumptions and the relative impact it may have on the results.

Monetised refers to the outputs from the analysis that can be expressed in economic terms such as capital and operating costs.

Unmonetised refers to outputs that cannot easily be expressed in monetised terms, such as wider environmental impacts, financial costs not directly related to the core services, any burden on consumers or local disamenity.

It is important to note that the impact assessment is designed to identify potential benefits from preferred options listed and in doing so generates indicative results at a national level. Further refinements to national analyses will be undertaken according to the objective of the outputs. Respondents are encouraged to provide further evidence to help refine estimates by submitting supporting documents or references to this consultation, referencing this question.

Q78. Do you have any comments and/or evidence on familiarisation costs (e.g. time of FTE(s) spent on understanding and implementing new requirements) and ongoing costs (e.g. sorting costs) to households and businesses?

These may also include communication materials and container purchasing. Some waste collectors charge additional fees for Duty of Care documentation. Enforcement and engagement for household and business implementation will require funding

Q79. Do you have any comments on our impact assessment assumptions and identified impacts (including both monetised and unmonetised)?

Assumptions on commercial waste have not included the complex chain of responsibility and where the waste producer has no relationship with the waste collector due to the many sub-contracts in place (waste producer-facilities management provider-cleaning contractor-waste broker-waste collector Business Improvement District)

Glossary of selected terms and acronyms

Acronym or term	Brief description
AD (Anaerobic Digestion)	A treatment system where organic wastes – mainly food waste – is broken down naturally by micro-organisms under anaerobic (i.e. occurring in the absence of oxygen) conditions. This process produces biogas and fertiliser (digestate).
Business Improvement Districts	A Business Improvement District is a defined area in which a levy is charged on all business rate payers in addition to the business rates bill. This levy is used to develop projects which will benefit businesses in the local area.
CEP (Circular Economy Package)	The Circular Economy Package introduces a revised legislative framework, identifying steps for the reduction of waste and establishing a long-term path for waste management and recycling.
CO2e (Carbon dioxide equivalent)	CO2e, or carbon dioxide equivalent, is a standard unit for measuring carbon footprints. The idea is to express the impact of each different greenhouse gas in terms of the amount of CO2 that would create the same amount of warming.
Co-mingled collection	Where different types of recyclable waste streams are collected together in a single bin or container.
Consistency	In this consultation document, consistency refers to the range of measures being proposed by Government to improve the quantity and quality of recycling in England. This includes measures such as requiring all local authorities and eligible organisations to collect the same set of dry recyclable waste streams, to provide separate, weekly food waste collections and to have regard to minimum service standards.
Contamination	Contamination arises from people putting items in their recycling bin that are not collected locally for recycling or from cross contamination e.g. shards of glass in paper, or food waste mixed with dry recyclable waste.
DAs	Devolved administrations.
Discounting	Future benefits or costs arising from a policy measure are considered to have less worth than if they were accrued immediately. This lower worth is accounted for in the impact assessment by applying a discounting factor from the HMT Green Book.
DRS (Deposit Return Scheme)	A system whereby consumers of qualifying drinks containers will have a deposit added to the cost of their drinks. The deposit is

	redeemable following the return of the containers to specified return points or reverse vending machines.
EfW (Energy from Waste)	In the context of the consistency consultation document, this refers to combustion in a specialised plant specifically to generate power and/or heat from waste. This method is typically used to manage residual ("black bag") waste.
Exceptions	Where a WCA or waste collector is unable to collect the recyclable waste in each recyclable waste stream separately because it is not technically or economically practicable, or there is no significant environmental benefit, they may rely on one or more of these exceptions to collect recyclable waste in two or more recyclable waste streams together.
Exemption	Exemptions may be provided for by the Secretary of State in regulations. The Secretary of State may exercise this power in relation to two or more recyclable waste streams only if satisfied that doing so will not significantly reduce the potential for recyclable household waste or recyclable relevant waste in those waste streams to be recycled or composted. With regards to the duties relating to non-domestic premises and relevant waste, the Secretary of State may also create exemptions from these duties.
Extended Producer Responsibility (EPR)	A scheme where producers are required to bear greater responsibility for the costs of managing their products at the end-of- life stage. The overall objective of producer responsibility schemes is to incentivise more sustainable product design and increase product recyclability. It is in keeping with the 'polluter pays' principle.
Food producing business	Restaurants, cafes, shopping centre food court, canteens, hotels, public houses that serve food, shops that sell food, supermarkets, schools and colleges with canteens, prisons, nursing homes, hospitals, offices with canteens.
GHG (Greenhouse gas)	Gases that contribute to global warming by absorbing and emitting radiation.
Household Waste	Household waste' is defined in the Environmental Protection Act 1990, and comprises: all waste collected by waste collection authorities (WCAs) under section 45(1) of the EPA 1990; all waste arisings from Household Waste Recycling Centres established under section 51(1)(b) of the EPA 1990, as explained in Section 5.2; and waste collected by third parties for which collection or disposal re-use or recycling credits are paid under section 52 of the EPA 1990.

HWRC (Household Waste Recycling Centre)	A place where householders can take their recyclable materials, residual waste and other specified waste items for management by the Waste Disposal Authority or Council. Otherwise called a Civic Amenity (CA) site, or colloquially known as a 'tip' or 'dump'.
IVC (In-Vessel Composting)	A composting process involving the aerobic (i.e. occurring in the presence of oxygen) breakdown of garden waste and food waste in a contained environment, typically containers with roofs or tunnels.
MBT (Mechanical Biological treatment)	A type of waste treatment, typically for residual waste, which combines a sorting facility with a form of biological treatment such as composting or anaerobic digestion. Mechanical Biological Treatment processes aim to recover recyclates and/or produce a fuel product.
MRFs (Materials Recovery Facility) / MFs (Materials Facilities)	A series of machines that sort waste into different groups, e.g. plastic bottles, paper, tins, etc.
Multi-stream collections	Where recyclable waste streams collected for recycling are collected in distinct groups, in distinct bins or boxes, e.g. plastics, glass and paper are each collected separately from each other.
Municipal waste	(a) Mixed waste and separately collected waste from households [including paper and cardboard, glass, metals, plastics, bio-waste, wood, textiles, packaging, waste electrical and electronic equipment, waste batteries and accumulators, and bulky waste, including mattresses and furniture]; and (b) Mixed waste and separately collected waste from other sources, where such waste is similar in nature and composition to waste from households.
New burdens	Any change in a central Government policy or initiative that imposes a net cost on local government and could lead to an increase in council tax.
NPV (Net Present Value)	Sum of discounted costs and benefits to give a net overall result. A positive NPV implies an intervention is beneficial for society, and vice-versa. Not all costs and benefits can be quantified or expressed in monetary terms however, so an NPV, while useful, should not be the sole decision-making tool for policy.
Non-domestic premises	Non-domestic establishments such as residential homes; premises forming part of a university or school or other educational establishment; premises forming part of a hospital or nursing home that produce household waste.

Non-household municipal (NHM) premises	This includes non-domestic premises, businesses and other producers of relevant waste.
Non-household municipal (NHM) waste	Waste produced from non-domestic premises.
On-site food waste treatment technologies	A range of different technologies that process or treat food waste on the same site that it is produced, rather than treating post-collection.
Recyclable household waste	Waste produced from households or non-domestic premises that falls within any of the recyclable waste streams and which is of a description set out by the Secretary of State in regulations.
Recyclable relevant waste	Relevant waste within any of the recyclable waste streams and which is of a description set out by the Secretary of State in regulations.
Relevant waste	Industrial or commercial waste which is similar in nature and composition to household waste.
Recyclable waste streams	The recyclable waste streams set out in the Environment Bill are: glass; metal; plastic; paper and card; food waste (and garden waste for households).
Residual waste	‘Black bag’ waste – waste that is collected so that it can be sent for energy recovery or landfill.
Societal Cost/Benefits	The sum of all costs or benefits from a policy, whether financial, environmental, etc.
Spending Review	Government process through which expenditure limits are set across different Government departments, setting what areas funding will be spent in. They can cover one or multiple financial years.
TEEP (technically, environmentally or economically practicable)	The pre-CEP set of exceptions from the requirements on waste collection authorities to not separately collect certain wastes because of the negative consequences of doing so.
Two-stream collections	Where recyclable waste streams collected for recycling are collected in two distinct groups, e.g. paper is collected in a separate bin or box to the other recyclables.
Waste collector	This includes waste collection authorities and waste management companies.
Waste collection authority (WCA)	A local authority in England providing a waste collection service for households and, in some cases, non-household municipal premises.
Waste disposal authority (WDA)	A local authority in England providing a waste disposal service for households and/or non-household municipal premises. WDAs

	usually have the function of managing collections from Household Waste Recycling Centres.
Waste Data Flow	A web-based data reporting system for local authority waste.
Waste hierarchy	The waste hierarchy ranks waste management options according to what is best for the environment. When waste is created, it gives top priority to preparing it for re-use, then recycling, then recovery, and last of all disposal (e.g. landfill).
WIDP	The Waste Infrastructure Delivery Programme. It focuses on contracts delivered under the Public Finance Initiative (PFI).
WEEE	Waste electrical and electronic equipment.
WfH (Waste from Households)	<p>This is “waste generated by households” and is distinct from household waste (see above).</p> <p>WfH includes waste from:</p> <ul style="list-style-type: none"> Regular household collection Civic amenity sites ‘Bulky waste’ ‘Other household waste’. <p>WfH excludes waste from:</p> <ul style="list-style-type: none"> Street cleaning/sweeping Gully emptying Separately collected healthcare waste Soil, Rubble, Plasterboard & Asbestos waste.
WRAP (Waste and Resources Action Programme)	A non-Governmental organisation that works closely with Defra to provide research and support with policy delivery.