



Department
for Environment
Food & Rural Affairs

Consultation on additional policies related to Simpler Recycling in England

October 2023



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Any enquiries regarding this publication should be sent to us at recycling@defra.gov.uk

About the consultation

Background

Following support at public consultation, the Environment Act 2021 amended the Environmental Protection Act 1990 to include new requirements relating to the separate collection of waste in England. In 2021 the government consulted on the detail to go into regulations, including on the materials in scope of collection, exemptions, and implementation dates. This consultation seeks views on related policies regarding the collection of waste from non-domestic premises and information to potentially be recorded on the new waste tracking service.

Stakeholder engagement

We have engaged with stakeholders leading up to, and since, the publication of our 2021 consultation: Consistency in household and business recycling in England. We are now seeking views on the additional policies in this consultation.

We engaged with a wide range of stakeholders which are affected by these proposals ahead of the publication of our 2021 consultation. We have engaged with the following bodies: 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 re-processors.

The Waste and Resources Action Programme (WRAP) and the Environment Agency have provided input into this consultation.

Audience

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

Responding to the consultation

Please respond to this consultation in one of following ways:

Online using the citizen space consultation at <https://www.gov.uk/government/consultations/simpler-recycling-in-england-additional-policies>

Send your response by email to recycling@defra.gov.uk

Or in writing to:

Simpler Recycling Team,
Defra
Ground Floor Seacole
2 Marsham Street
SW1P 4DF

Please note, any responses sent by post must have arrived at the above address by the closing date of the consultation (20 November 2023) 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 4 weeks. The consultation opens on 21 October 2023 and closes on 20 November 2023.

Confidentiality and data protection information

A summary of responses to this consultation will be published on the government website at: www.gov.uk/defra. An annex to the consultation summary will list all organisations that responded but will not include personal names, addresses or other contact details.

Defra may publish the content of your response to this consultation to make it available to the public without your personal name and private contact details (for example, home address, email address, etc).

If you click on 'Yes' in response to the question asking if you would like anything in your response to be kept confidential, you are asked to state clearly what information you would like to be kept as confidential and explain your reasons for confidentiality. The reason for this is that information in responses to this consultation may be subject to release to the public or other parties in accordance with the access to information law (these are primarily the Environmental Information Regulations 2004 (EIRs), the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA)). We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to particular recipients or to the public in certain circumstances. In view of this, your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance these obligations for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

If you click on 'No' in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to the public, but we will not make your personal name and private contact details publicly available.

There may be occasions when Defra will share the information you provide in response to the consultation, including any personal data with external analysts. This is for the

purposes of consultation response analysis and provision of a report of the summary of responses only.

Defra is the data controller in respect of any personal data that you provide, and [Defra's Personal Information Charter](#) gives details of your rights in respect of the handling of personal data.

Compliance with the consultation principles

This consultation is being conducted in line with [government consultation principles](#).

If you have any comments or complaints about the consultation process, please address them to: consultation.coordinator@defra.gov.uk

About you

Q1. Would you like your response to be confidential? Please see the confidentiality and data protection information in the above section of this document. (Required)

- Yes
- No

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

Q2. What is your name? [Nadiya Catel-Arutyunova](#)

Q3. What is your email address? nadiya.catel-arutyunova@brc.org.uk

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, providing you submit your response by the consultation deadline. You will also receive an acknowledgement email when you complete the consultation.

Q4. 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/pack filler
- Retailer including online marketplace
- Waste management company
- Other (please provide details)

Q5. If you are responding on behalf of an organisation, what is its name?

[British Retail Consortium](#)

Executive summary

In this consultation we are seeking views on two policies related to the introduction of new policies to implement Simpler Recycling in England:

1. Expanding the list of relevant non-domestic premises

We propose to expand the list of relevant non-domestic premises that would be required to comply with the new requirements for Simpler Recycling. This would require the premises to make arrangements for recycling collections in accordance with the new requirements in section 45AZA of the Environmental Protection Act 1990, including separate food waste collections. This will align the list more closely to the non-domestic premises that produce household waste set out in the Controlled Waste (England and Wales) Regulations 2012. We propose to require these premises to introduce separate collection of food waste and the dry recyclable waste streams, except plastic films, by 31 March 2025, and plastic films by 31 March 2027. Any premises which are micro-firms, meaning that they employ fewer than 10 full-time equivalent staff, would receive a two-year exemption and be required to introduce collections by 31 March 2027.

The additional premises we propose to include in scope are:

- places of worship
- penal institutes
- charity shops selling donated goods originating from a domestic property
- residential hostels which provide accommodation only to persons with no other permanent address or who are unable to live at their permanent address
- premises used wholly or mainly for public meetings

Please note these proposals do not change the classification set out in Schedule 1 of the Controlled Waste (England and Wales) Regulations 2012 relating to charging.

2. Waste tracking service

We are consulting on additional information required to be recorded in the digital waste tracking service, which is currently in development. Where dry (glass, metal, plastic, paper and card) recyclable waste is collected in compliance with the new Simpler Recycling requirements, we are proposing to require waste collectors to record if the waste is being collected co-mingled (meaning two or more recyclable waste streams mixed together), and, if so, which recyclable waste streams have been co-mingled. This will help to improve data on recycling services.

1. Expanding the list of relevant non-domestic premises

Section 45AZA of the Environmental Protection Act 1990 sets out that relevant non-domestic premises are residential homes, premises forming part of a university or school or other educational establishment and premises forming part of a hospital or nursing home. Section 45AZA also includes a provision to add additional relevant non-domestic premises in regulations. This power gives us the flexibility to ensure that the definition of relevant non-domestic premises accords with the non-domestic premises producing household waste set out in the Controlled Waste (England and Wales) Regulations 2012.

Paragraph 2 of Schedule 1 to the Controlled Waste (England and Wales) Regulations 2012 sets out the classification of waste by place of production. The following are classified as producers of household waste for the purposes of the Controlled Waste (England and Wales) Regulations 2012, but are not yet included as relevant non-domestic premises for the purposes of section 45AZA of the Environmental Protection Act 1990:

- a place of worship a penal institute
- a charity shop selling donated goods originating from a domestic property
- a residential hostel which provides accommodation only to persons with no other permanent address or who are unable to live at their permanent address
- premises used wholly or mainly for public meetings

Please note these proposals do not change the classification set out in Schedule 1 of the Controlled Waste (England and Wales) Regulations 2012) relating to charging.

Until these non-domestic premises are listed as relevant non-domestic premises in regulations, these premises are not required to arrange for the separate collection of recyclable household waste in accordance with section 45AZA of the Environmental Protection Act 1990. However, where their waste is collected by a waste collection authority, they could already be considered in scope of separate collection requirements in line with section 45A of the Environmental Protection Act 1990. This consultation serves to close a legal loophole so these premises are correctly defined as a non-domestic premises.

We are seeking views on including the premises listed above as relevant non-domestic premises for the purpose of section 45AZA of the Environmental Protection Act 1990. If included as relevant non-domestic premises in regulations, the premises would be required to make arrangements to have their recyclable waste collected separately in accordance with section 45AZA of the Environmental Protection Act 1990, and there would be a duty on these premises to present their waste for separate collection in accordance with these arrangements.

Including these premises within the scope of the reforms to improve consistency in recycling would increase recycling and ensure that any non-domestic premises, which are treated as producing household waste under legislation, are also subject to the new requirements in section 45AZA of the Environmental Protection Act 1990. These non-domestic premises would be required to comply with the requirements under section

45AZA of the Environmental Protection Act 1990 at the same time as the non-domestic premises already listed as relevant non-domestic premises. This means that these non-domestic premises would have to introduce separate collection of food waste and the dry recyclable waste streams except plastic films by 31 March 2025, and plastic films by 31 March 2027.

As announced in our government response to the 2021 consultation on consistency in household and business recycling, micro-firms will receive an exemption from the requirement to separately collect waste until 31 March 2027. This means relevant non-domestic premises that have fewer than 10 full-time equivalent (FTE) employees would be exempt from the requirements set out in sections 45AZA of the Environmental Protection Act 1990 until 31 March 2027.

Questions

Q6. Do you agree or disagree that places of worship should be included as a relevant non-domestic premises for the separate collection of waste?

- Agree
- Disagree (please explain why you disagree)
- Unsure (please explain why you are unsure)

Q7. Do you agree or disagree that penal institutes should be included as a relevant non-domestic premises for the separate collection of waste?

- Agree
- Disagree (please explain why you disagree)
- Unsure (please explain why you are unsure)

Q8. Do you agree or disagree that charity shops selling donated goods originating from a domestic property should be included as a relevant non-domestic premises for the separate collection of waste?

- Agree [However, reasonable thresholds needs to be in place for food waste collections](#)
- Disagree (please explain why you disagree)
- Unsure (please explain why you are unsure)

Q9. Do you agree or disagree that residential hostels which provide accommodation only to persons with no other permanent address or who are unable to live at their permanent address should be included as a relevant non-domestic premises for the separate collection of waste?

- Agree
- Disagree (please explain why you disagree)
- Unsure (please why you are unsure)

Q10. Do you agree or disagree that premises used wholly or mainly for public meetings should be included as a relevant non-domestic premises for the separate collection of waste?

- Agree
- Disagree (please explain why you disagree)
- Unsure (please explain why you are unsure)

2. Waste tracking service

The new digital waste tracking service is [currently in development](#). The development of the waste tracking service presents an opportunity for us to improve data recording to ensure we have a full picture of how recyclable waste streams are collected, improve planning and monitor compliance with requirements regarding the separate collection of waste.

We are therefore proposing some additional information be required to be recorded in the waste tracking service as part of the waste description where dry recyclable waste streams are collected pursuant to sections 45A, 45AZA and 45AZB of the Environmental Protection Act 1990.

Information to be recorded for dry recyclable waste streams (meaning glass, metal, plastic, paper and card):

1. when collected from non-household sources (meaning businesses, relevant non-domestic premises); or
2. collected from household sources when it is moved from its first destination following collection:

If the waste is being collected co-mingled (meaning two or more recyclable waste streams mixed together), which recyclable waste streams have been co-mingled.

Questions

Q11. Do you agree with the above proposal, where dry recyclable waste is collected co-mingled from certain collection points, to use the waste tracking service to record which recyclable waste streams have been co-mingled?

- Agree
- Disagree (please explain why you agree)
- Unsure (please explain why you are unsure)

Assuming that the information supplied to the waste tracking service is likely to be publicly available, we're concerned about the unintended consequences of recording what could be seen as commercially sensitive data.