

**ITEM 10**Paper No. WRWA **21-15****WESTERN RIVERSIDE WASTE AUTHORITY**

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| <b>MEETING</b>            | 29 <sup>th</sup> June 2021   |
| <b>REPORT AUTHOR/DATE</b> | General Manager<br>(Contact Mark Broxup - Tel. 020 8871 2788)<br>21 <sup>st</sup> June 2021  |
| <b>SUBJECT</b>            | Report on the Authority's responses to various Government Consultation Documents.  |
| <b>CONTENTS</b>           | Page 1 Introduction<br>Pages 1 to 5 Items reported on<br>Page 5 Recommendations<br>Pages 7 to 38 Appendix A – WRWA response to Extended Producer Responsibility for Packaging consultation<br>Pages 39 to 59 Appendix B - WRWA response to the introduction of a Deposit Return Scheme in England, Wales and Northern Ireland consultation<br>Pages 60 to 88 Appendix C - WRWA response to the Consistency in Household and Business Recycling in England consultation |
| <b>STATUS</b>             | Open   |
| <b>BACKGROUND PAPERS</b>  | None   |

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## **INTRODUCTION**

1. On 24<sup>th</sup> March 2021 the Department of Agriculture, Environment and Rural Affairs (**Defra**) opened consultations on:
  - Extended Producer Responsibility (“**EPR**”) for Packaging; and
  - Introducing a Deposit Return Scheme (“**DRS**”) in England, Wales and Northern Ireland.
2. Draft responses to both consultations were circulated to Members and constituent council Technical Officers on 21<sup>st</sup> and 28<sup>th</sup> May 2021. No comments or queries were received. The consultations closed on 4<sup>th</sup> June 2021 and, as there was no Authority meeting during the consultation period, the responses were submitted as officer responses with a covering letter explaining that the Authority would formally consider them at this meeting and details of any changes would be forwarded to the consultation coordinator. The responses and their covering letters are attached as appendices A and B to this report.
3. On 7<sup>th</sup> May 2021, Defra opened a third consultation on Consistency in Household and Business Recycling in England. The closing date is 4<sup>th</sup> July 2021 and a draft response for approval is attached as Appendix C to this report.
4. This is the second time the Government has consulted on these matters and the Authority’s responses to the three previous consultation documents can be found in Paper No. WRWA 880 from the July 2019 meeting of the Authority, a copy of which can be found [here](#).
5. The Authority’s responses to EPR and DRS are, as in 2019, generally very supportive of the Government’s overriding aims, in that:
  - EPR should pass the cost of managing post-consumer packaging from local authorities to brands in line with the ‘polluter pays principle’, and
  - DRS should raise public awareness, particularly with non or occasional recyclers, of the need to recycle more and reduce litter.

6. The response to consistent collections is less supportive in that it advocates that local authorities are best placed to decide what recycling systems work best for them, particularly as a one size fits all approach may lead to worse environmental outcomes locally. For example, Paper No. WRWA 21-14 elsewhere on this agenda, reports the results of a recent [WRATE](#) study into the carbon impact of a number of potential waste management systems in the Authority's area and the report indicates that collecting food and garden waste separately may actually result in higher carbon levels, not lower, for all four constituent councils.

### **EXTENDED PRODUCER RESPONSIBILITY FOR PACKAGING**

7. This consultation on packaging EPR focuses on Government policy proposals for its introduction, including the scope of full net costs, producer obligations, scheme governance, regulation of the scheme, and packaging waste recycling targets. The aim is to create a scheme that incentivises producers to design packaging that is easy to recycle and ensure that they pay the full net cost of managing this packaging once it becomes waste. This is in line with the polluter-pays principle.
8. The current producer responsibility system for packaging has been in place since 1997; the reforms proposed are designed to reform the existing regime and to incentivise producers to take more responsibility for the materials and products they place on the market.
9. EPR is an established policy approach adopted by many countries around the world, across a broad range of products and materials. It gives producers an incentive to make better, more sustainable decisions at the product design stage, including decisions that make it easier for products to be re-used or recycled at their end of life. It also places the financial cost on producers of managing products once they reach end of life.
10. The Government wants to introduce packaging EPR as soon as possible and is proposing implementation through a phased approach commencing from 2023.
11. Full details on the consultation can be found on Defra's website [here](#) and the Authority is asked to approve the response submitted by officers at Appendix A.

## **INTRODUCING A DEPOSIT RETURN SCHEME**

12. The Government wants to move towards a more circular economy, where resources are kept in use for as long as possible and waste is minimised, and introducing a DRS forms a key part of its proposals. The aim of a DRS is to reduce the amount of littering, boost recycling levels for relevant materials, offer the enhanced possibility to collect high quality materials in greater quantities and promote recycling through clear labelling and consumer messaging. Additionally, introducing a deposit return scheme could help incentivise moves to push more material up the waste hierarchy.
13. The Government believes the earliest a DRS scheme could be introduced would be 2024.
14. Full details on the consultation can be found on Defra's website [here](#) and the Authority is asked to approve the response submitted by officers at Appendix B.

## **CONSISTENCY IN HOUSEHOLD AND BUSINESS RECYCLING IN ENGLAND**

15. Through this consultation the Government is seeking views on the following areas:
  - Collection of dry recyclable materials from households,
  - Collection of food waste from households,
  - Collection of garden waste from households,
  - Statutory and non-statutory guidance,
  - 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,
  - Collection of non-household municipal waste,
  - Proposals on options to reduce the costs that businesses, particularly small and micro-firms, face to recycle,
  - Addressing barriers to recycling for non-household municipal waste producers and on-site food waste treatment technologies,
  - 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; and

- Implementation arrangements, including transitional arrangements for collection of different material types.

16. The Government believes that increasing consistency in recycling will reduce confusion in the materials that can be collected for recycling at kerbside, but it is difficult to see how a one size fits all solution will work given the differences in population density and housing type across the country. The use of weight based recycling targets also incentivises perverse outcomes and ignores the fact that in climate change terms the key materials to target removing from the residual waste stream are very different depending on whether the residual waste is going to landfill or for energy recovery.

17. Full details on the consultation can be found on Defra's website [here](#) and the Authority is asked to approve the response submitted by officers at Appendix C.

### **ENVIRONMENT BILL 2019-21**

18. The Environment Bill 2019-21 has now passed through the House of Commons and is due to begin the committee stage in the House of Lords on 21<sup>st</sup> June 2021.

19. Part 3 of the Bill (Waste and Resource Efficiency) includes provisions that will translate the proposals the Government is consulting on into law. A large part of the detail will follow in secondary legislation, but the Bill does include the following duties and powers:

- all local authorities will be required to arrange for the collection of glass, metal, plastic, and paper and card from households, for recycling;
- all waste collection authorities in England will need to arrange for the collection of food waste, separately and at least once a week, for recycling or composting (although the exact timeframes form part of the current consultations);
- all waste collection authorities in England will need to arrange for the separate collection of garden waste for recycling or composting (whether this will need to be a 'free' service forms part of the current consultations);

- the Secretary of State will have powers to publish statutory guidance on the duties imposed by sections 45 to 45AZD of the Environmental Protection Act 1990 which are concerned with waste collection; and
- all businesses and non-domestic premises will need to arrange for the collection of glass, metal, plastic, paper and card and food waste for recycling or composting.

20. As instructed by the Authority (Paper No WRWA 20-14), on 26<sup>th</sup> August 2020 officers submitted evidence to the Public Bill Committee in respect of the Environment Bill 2019-20, highlighting that the Bill does not address what the terms ‘recycling’ and ‘recyclable’ mean and the ambiguity around what constitutes recycling, particularly with respect to Anaerobic Digestion and the extent of the powers Waste disposal Authorities (WDAs) and Waste Collection Authorities have under the Environmental Protection Act 1990 (in particular the general power given to WCAs to recycle waste in section 55(1) does not include a power to produce heat and electricity from waste). Moreover, the Authority takes the view that the Bill would increase the existing ambiguity by placing WCAs in a position where they are required to collect food waste as a “recyclable household waste stream”, but would be denied the ability to make their own arrangements for treatment by Anaerobic Digestion because of the continued limitation in section 55 of the EPA.

21. Despite the Authority’s representations, the Bill has remained unchanged in this respect and the point has been included in the Authority’s proposed response to the consultation on Consistency in Household and Business Recycling In England.

22. Additionally officers have sent letters, similar to those sent to the Public Bill Committee, to Lord Goldsmith of Richmond, Lord Teverson, Baroness Jenkin of Kennington and Baroness Jones of Whitchurch, who it is hoped might move an amendment in the House of Lords.

## **RECOMMENDATIONS**

23. Members are asked to:

- approve the responses to the following Government consultation documents:

- i. Extended Producer Responsibility for Packaging attached at Appendix A to this report;
  - ii. introducing a Deposit Return Scheme in England, Wales and Northern Ireland attached at Appendix B to this report;
  - iii. consistency in Household and Business Recycling in England attached at Appendix C to this report; and
- otherwise receive this report as information.

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M. Broxup  
GENERAL MANAGER

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21<sup>st</sup> June 2021



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Date: **4<sup>th</sup> June 2021**

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Dear Sir or Madam,

**RE: CONSULTATION ON EXTENDED PRODUCER RESPONSIBILITY FOR PACKAGING**

The Western Riverside Waste Authority was established in 1986 as an autonomous statutory local government body to undertake the waste disposal functions prescribed by the Local Government Act 1985 and the Waste Regulation and Disposal (Authorities) Order 1985 and is responsible for waste treatment on behalf of four London Boroughs; Hammersmith and Fulham, Lambeth, Wandsworth and the Royal Borough of Kensington and Chelsea.

Please find attached the Authority's response to DEFRA's Consultation on Extended Producer Responsibility for Packaging.

This is an officer response. The Authority will formally consider this response at its meeting on 29<sup>th</sup> June 2021 and details of any changes, if any, will be forwarded to the consultation coordinator.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Mark Broxup', is written over a light blue circular stamp.

**MARK BROXUP**  
**GENERAL MANAGER**

**Encs.**

# Consultation on Extended Producer Responsibility for Packaging

## About you

### 1. What is your name?

Mark Broxup  
General Manager, Western Riverside Waste Authority

### 2. 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 in Citizen Space at anytime until you submit it. You will also receive an acknowledgement email when you submit a completed response.

[mark@wrwa.gov.uk](mailto:mark@wrwa.gov.uk)

### 3. Which best describes you? Please provide the name of the organisation/business you represent and an approximate size/number of staff (where applicable).

Please tick one option. If multiple categories apply, please choose the one which best describes the organisation you are representing in your response.

- Academic or research
- Business representative organisation/trade body
- Charity or social enterprise
- Community group
- Consultancy
- Distributor
- Individual
- Local government
- Non-governmental organisation
- Product designer/manufacture/pack filler
- Packaging designer/manufacture/converter
- Operator/reprocessor
- Exporter
- Retailer including Online Marketplace
- Waste management company
- Other

If you answered 'other', please provide details

### 4. Would you like your response to be confidential?

If you answered 'yes' please provide your reason.

No

**5. Government will need to understand the needs of users to build digital services for Extended Producer Responsibility. Would you like your contact details to be added to a user panel for Extended Producer Responsibility so that we can invite you to participate in user research (e.g. surveys, workshops, interviews) or to test digital services as they are designed and built?**

Yes

### **What we want to achieve: packaging waste recycling targets**

**6. Do you agree or disagree with the proposed framework for setting packaging targets?**

- Agree
- Disagree
- Neither agree nor disagree

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

**7. Do you agree or disagree that the business packaging waste recycling targets set for 2022 should be rolled over to the calendar year 2023?**

- Agree
- Disagree
- Neither agree nor disagree

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

**8. Do you agree or disagree that the recycling target to be met by 2030 for aluminium could be higher than the rate in Table 3?**

- Agree
- Disagree
- Neither agree nor disagree

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

**9. Do you agree or disagree with the proposed minimum target to be met by 2030 for glass set out in table 3?**

- Agree
- Disagree
- Neither agree nor disagree

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

**10. What should the glass re-melt target for 2030 for non-bottle packaging be set at?**

Please provide the reason for your response.

The EPR glass re-melt target should align with the target for DRS. This will ensure the best environmental outcomes for glass as a material, irrespective of how it is collected.

**11. Do you agree or disagree with the proposed minimum target to be met by 2030 for plastic set out in table 3?**

- Agree  
 Disagree  
 Neither agree nor disagree

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

The figure of 56% by 2030 seems unambitious given the high carbon content of this material and its CO2 impact on EfW residual waste treatment as well as its impact on flora and fauna when it escapes the waste management system.

**12. Do you think a higher recycling target should be set for wood in 2030 than the minimum rate shown in Table 3?**

- Yes  
 No  
 Unsure

Please provide the reason for your response.

Given that it contains biogenic carbon and can be used for energy recovery it is not as critical a material as say plastic for recycling.

**13. If higher recycling targets are to be set for 2030, should a sub-target be set that encourages long term end markets for recycled wood?**

- Yes  
 No  
 Unsure

Please provide the reason for your response.

Yes - Subject to the caveats highlighted in the answer to Q12.

**14. Do you agree or disagree with the proposed minimum target to be met by 2030 for steel set out in table 3?**

- Agree  
 Disagree  
 Neither agree nor disagree

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

**Agreed on the understanding that Government confirms that IBA metals will be included within the targets and clearly explains how tonnages will be calculated and how Local Authorities will receive EPR payments on this basis.**

**15. Do you agree or disagree with the proposed minimum target to be met by 2030 for paper/card set out in table 3?**

- Agree  
 Disagree  
 Neither agree nor disagree

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

**16. Do you agree or disagree with the proposal to set recycling targets for fibre-based composites?**

- Agree  
 Disagree  
 Neither agree nor disagree

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

**17. Do you agree or disagree that there may be a need for 'closed loop' recycling targets for plastics, in addition to the Plastics Packaging Tax?**

- Agree  
 Disagree  
 Neither agree nor disagree

Please provide the reason for your response.

**Ensures best environmental outcomes and aligns with climate emergency policies but, for simplicity, it should be phased in at a later date once the initial scheme has reached a steady state.**

**18. Please indicate other packaging material that may benefit from 'closed loop' targets?**

Please answer here

No view

## Producer obligations for full net cost payments and reporting

**19. Do you agree or disagree that Brand Owners are best placed to respond effectively and quickly to incentives that are provided through the scheme?**

- Agree
- Disagree
- Neither agree nor disagree

**20. Are there any situations where the proposed approach to imports would result in packaging being imported into the UK which does not pick up an obligation (except if the importer or first-owner is below the de-minimis, or if the packaging is subsequently exported)?**

Where available, please share evidence to support your view.

No view

**21. Of Options 2 and 3, which do you think would be most effective at both capturing more packaging in the system and ensuring the smallest businesses are protected from excessive burden?**

- Option 2
- Option 3
- Neither
- Don't know

If you answered 'neither', please provide the reason for your response and describe any suggestions for alternative approaches to small businesses.

**22. If either Option 2 or 3 is implemented, do you consider there to be a strong case to also reduce the de-minimis threshold as set out in Option 1?**

- Yes
- No

Unsure

Please provide the reason for your response.

**Yes - to further raise awareness of the issues. 25 tonnes of packaging material over a year is not an inconsiderable amount especially if it is plastic. There is an argument for different de minimis levels for different materials.**

**23. Do you think that Online Marketplaces should be obligated for unfilled packaging in addition to filled packaging?**

Yes

No

Unsure

If you answered 'yes', please provide the reason for your response.

**Yes - to avoid gaps in the system.**

**24. Do you foresee any issues with Online Marketplaces not being obligated for packaging sold through their platforms by UK-based businesses?**

Yes

No

Unsure

If you answered 'yes', please provide the reason for your response.

**It will create an unlevel playing field with non-marketplace packaging businesses.**

**25. This proposal will require Online Marketplaces to assess what packaging data they can collate and then, where there are gaps to work together to create a methodology for how they will fill those gaps. Do you think there are any barriers to Online Marketplaces developing a methodology in time for the start of the 2022 reporting year (January 2022)?**

- Yes
- No
- Unsure

If you answered 'yes', please provide the reason for your response.

**The timeline is challenging but potentially achievable with enough resource. However, the Scheme Administrator will need to review and agree which may be difficult if they have only just been appointed (assuming procurement and appointment goes to plan).**

**26. Is there any packaging that would not be reported by the obligation as proposed below (except for packaging that is manufactured and sold by businesses who sit below the de-minimis)?**

- Yes
- No
- Unsure

If you answered 'yes', please detail what packaging would not be reported by this approach.

**27. Do you agree or disagree that the Allocation Method should be removed?**

- Agree
- Disagree
- Neither agree nor disagree

### **Producer obligations: disposable cups takeback**

**28. Do you agree or disagree that a mandatory, producer-led takeback obligation should be placed on sellers of filled disposable paper cups?**

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response and/or suggest any alternative proposals for increasing the collection and recycling of disposable cups.

**29. Do you agree or disagree with the proposed phased approach to introducing the takeback obligation, with larger businesses/sellers of filled disposable paper cups obligated by the end of 2023, and the obligation extended to all sellers of filled disposable paper cups by the end of 2025?**

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response and/or how you think the mandatory takeback obligation should be introduced for sellers of filled disposable cups.

## Modulated fees, labelling and plastic films recycling

**30. Do you think that the proposed strategic frameworks will result in a fair and effective system to modulate producer fees being established?**

- Yes
- No
- Unsure

If you answered 'no' please provide the reason for your response, being specific with your answer where possible.

**31. Do you agree or disagree that the Scheme Administrator should decide what measures should be taken to adjust fees if a producer has been unable to self-assess, or provides inaccurate information? This is in addition to any enforcement that might be undertaken by the regulators.**

- Agree
- Disagree
- Neither agree nor disagree

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

**32. Do you agree or disagree with our preferred approach (Option 1) to implementing mandatory labelling?**

- Agree
- Disagree
- Neither agree nor disagree

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

**Disagree. A single uniform labelling system is required to make the system as clear and simple for the public and to aid the development of a simple national communication programme. Option 2 should be adopted.**

**33. Do you agree or disagree with the proposal that all producers could be required to use the same 'do not recycle' label?**

- Agree
- Disagree
- Neither agree nor disagree

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

**34. Do you think that the timescales proposed provide sufficient time to implement the new labelling requirements?**

- Yes
- No
- Unsure

If you answered 'no' please provide the reason for your response.

**35. Do you agree or disagree that the labelling requirement should be placed on businesses who sell unfilled packaging directly to small businesses?**

- Agree
- Disagree
- Neither agree nor disagree

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

**36. Do you think it would be useful to have enhancements on labels, such as including 'in the UK' and making them digitally enabled?**

- Yes
- No
- Unsure

If you answered 'yes', please state what enhancements would be useful.

**The labelling needs to be as simple, clear and unambiguous as possible. Most members of the public will not go beyond visually looking at it.**

**37. Do you agree or disagree that local authorities across the UK who do not currently collect plastic films in their collection services should adopt the collection of this material no later than end of financial year 2026/27?**

- Agree  
 Disagree  
 Neither agree nor disagree

If you disagree, please provide the reason for your response and/or what date you consider local authorities could collect films and flexibles from. Please share any evidence to support your views.

Some Local Authority contracts do not currently include the processing of plastic films. Costs and timescale to renegotiate and change contracts to handle this material will be significant and would need to be covered, as will the upgrading of MRF technology and purchase of any required vehicles.

If the collection of plastic films was introduced from April 2027 and the material was labelled as recyclable, it is conceivable that significant costs will be incurred to deal with contamination created from residues on films, or the contamination levels will become unsustainable and other recyclable items may be compromised both in terms of quality and sales value, having a detrimental effect on achieving targets.

The EPR scheme will need to pick up the full net costs of introducing such systems and separate collection services may be required for plastic film and the other new materials proposed which can result in food contamination at (e.g. foil trays. tubes etc.) and aerosols that present a fire hazard at MRFS.

The other key factor is that markets will need to exist for these materials in the condition that they are realistically collected. The public may also be required to store and use additional recycling containers.

**38. Do you agree or disagree that collections of plastic films and flexibles from business premises across the UK could be achieved by end of financial year 2024/5?**

- Agree  
 Disagree  
 Neither agree nor disagree

If you disagree, please provide the reason for your response and/or what date you consider this could be achieved by. Please share any evidence to support your views.

Collections of plastic films and flexibles from domestic properties and businesses should be introduced at the same time. Local Authority business waste and recycling collections

are not necessarily undertaken by a dedicated vehicle and vehicles may collect from a mix of domestic and business premises within a given collection round area. If plastic film collections from businesses were required before domestic collections this would require local authorities to separate business collections from domestic collections and mobilise for this change in requirement twice.

Whilst the collection of plastic films and flexibles from businesses is theoretically feasible, subject to full net costs being met, the recycling of the waste will be difficult and costly due to the reasons set out in the response to Q37 above i.e. treatment arrangements, outlets etc.

**39. Do you agree or disagree that there should be an exemption from the ‘do not recycle’ label for biodegradable/compostable packaging that is filled and consumed (and collected and taken to composting/anaerobic digestion facilities that accept it), in closed loop situations where reuse or recycling options are unavailable?**

- Agree  
 Disagree  
 Neither agree nor disagree

Please provide the reason for your response.

If an item of household packaging cannot be collected for recycling through the household waste collection services, then it should have a ‘do not recycle’ label. It could be this labelling is changed to a certain clear message (such as “home compost”), but these messages would need researching and testing before being approved.

**40. Do you consider that any unintended consequences may arise as a result of the proposed approach to modulated fees for compostable and biodegradable plastic packaging?**

- Yes  
 No  
 Unsure

If you answered 'yes', please detail what you think these unintended consequences could be and provide any suggestions for how they may be avoided.

Yes. As the consultation document highlights compostable and biodegradable plastic packaging should be regarded as unrecyclable initially. It is essential that to begin with the scheme is as simple as possible for the public.

## Payments for managing packaging waste: necessary costs

### 41. Do you agree or disagree with the proposed definition and scope of necessary costs?

- Agree  
 Disagree  
 Neither agree nor disagree

If you disagree, please detail why and provide any costs you think should be included under the definition of necessary costs.

The narrative and Table 7 do not reflect all the costs local authorities may incur. It may be the intent of DEFRA to include the full range of costs but much more detail is needed.

Other relevant costs could include:

- Transitional costs (capital and revenue) to move to new systems – especially where this involves a change in materials or collection methods.
- Enforcement and 'nudge' costs, to increase participation and prevent abuse.
- Contract variation costs should be included where changes are required, with a separate application process for assessment and refunding of necessary costs including legal costs, and overheads of the variation process. This should also include the potential for some existing contracts to become not viable in light of the significant changes, and the termination costs that might result.
- Scheme compliance costs including data management, funding claims and reporting of outcomes.
- Changes in gate fees due to differences in material compositions required for compliance, or where greater quantities of material result in higher gate fees where supply of material exceeds processing capacity.
- The modelling mechanism would need to recognise and compensate for 'London costs' and regional cost variations need to be reflected - e.g. land and labour.

## Payments for managing packaging waste from households

**42. Do you agree or disagree that payments should be based on good practice, efficient and effective system costs and relevant peer benchmarks?**

- Agree  
 Disagree  
 Neither agree nor disagree

If you disagree, please detail any issues you think there are with this approach and how you think payments should instead be calculated.

**Whilst it is difficult to disagree with the principle the Authority is concerned with how this will work in practice. Local authorities are supposed to be recover their full net costs and the system should do that. Collating, reporting, and auditing those costs should be feasible within a template. The proposed mechanism is based on a myriad of assumptions that will inevitably result in winners and losers. Local authority waste systems are based on local need as judged by elected politicians and then subjected to competitive tender. The cost of services between local authorities will vary for a myriad of reasons not just the tender specification. Location, housing density, available competition, interest rates, steel prices, energy prices, commodity prices, market availability, legislation prevailing at the time etc. etc. What is being proposed is that the Scheme Administrator would make judgements on those services and will amend payments if changes, that it thinks are desirable, are not made by local authorities.**

**43. Do you agree or disagree that the per tonne payment to local authorities for packaging materials collected and sorted for recycling should be net off an average price per tonne for each material collected?**

- Agree  
 Disagree  
 Neither agree nor disagree

If you disagree, please detail how material value should be netted-off a local authority's payment.

**The system should deduct the actual income received. Multiple outlets are often secured for the same material as a mechanism to hedge risk not just on price but also on outlet availability, especially as local authorities will be collecting and marketing the same materials from non-EPR sources.**

**44. Do you agree or disagree that the Scheme Administrator should have the ability to apply incentive adjustments to local authority payments to drive performance and quality in the system?**

- Agree  
 Disagree  
 Neither agree nor disagree

If you disagree, please detail why you think the ability to apply an incentive adjustment should not apply.

As with Question 42 it is difficult to disagree with the principle, but the Authority is concerned how the system will work in practice. Local authorities should be re-imbursed their actual costs but if the scheme wishes to offer extra incentives for a local authority to change its system that should be within its remit. These incentives might be time limited.

**45. Do you agree or disagree that local authorities should be given reasonable time and support to move to efficient and effective systems and improve their performance before incentive adjustments to payments are applied?**

- Agree
- Disagree
- Neither agree nor disagree

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

**46. Should individual local authorities be guaranteed a minimum proportion of their waste management cost regardless of performance?**

- Yes
- No
- Unsure

Please provide the reason for your response.

A minimum level will provide some budget certainty but the principle that local authorities should ultimately be refunded their full net costs must remain with producers incentivising change if they feel that it is required.

**47. Do you agree or disagree that there should be incentive adjustments or rewards to encourage local authorities to exceed their modelled recycling benchmarks?**

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please detail why you think incentive adjustments should not be applied to encourage local authorities to exceed their recycling performance benchmarks.

**48. Do you agree or disagree that unallocated payments should be used to help local authorities meet their recycling performance benchmarks, and contribute to Extended Producer Responsibility outcomes through wider investment and innovation, where it provides value for money?**

- Agree  
 Disagree  
 Neither agree nor disagree

If you disagree, please detail how you think any unallocated payments to local authorities should be used.

**49. Do you agree or disagree that residual payments should be calculated using modelled costs of efficient and effective systems based on the average composition of packaging waste within the residual stream?**

- Agree  
 Disagree  
 Neither agree nor disagree

If you disagree, please detail how you think residual waste payments should instead be calculated.

**Actual costs should be used as these will vary between local authorities and should not be based on models. Fully funded, periodic compositional analysis of each local authority's residual waste stream should be a requirement of EPR and the most recent sample used to calculate payments. Periodic sampling in this way will help identify trends over time. The definition of the 'residual waste stream' also needs to include rejects from MRFs and other sorting facilities.**

**50. Do you agree or disagree that a disposal authority within a two-tier authority area (England only) should receive the disposal element of the residual waste payment directly?**

- Agree  
 Disagree  
 Neither agree nor disagree

**The benefits of those payments will then flow directly back to the taxpayer in unitary and most two-tier waste disposal areas. Separate systems may need to be developed for some of the five statutory joint waste disposal and possibly some voluntary joint waste disposal authorities to ensure that the same principle applies, and the correct taxpayers benefit from the payments.**

## Payments for managing packaging waste from businesses

**51. Do you agree or disagree that there remains a strong rationale for making producers responsible for the costs of managing packaging waste produced by businesses?**

- Agree
- Disagree
- Neither agree nor disagree

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

**52. Do you agree or disagree that all commercial and industrial packaging should be in scope of the producer payment requirements except where a producer has the necessary evidence that they have paid for its management directly?**

- Agree
- Disagree
- Neither agree nor disagree

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

**53. Which approach do you believe is most suited to deliver the outcomes being sought below?**

- Option 1
- Option 2
- Option 3
- All could work
- Do not know enough to provide a view

**Option 1 as being the simplest to operate.**

**54. Do you disagree strongly with any of the options listed in the previous question?**

- Yes
- No
- Unsure

If you answered 'yes', please explain which and provide your reason.

**Under options 2 and 3, the potential for numerous competing compliance schemes will only complicate the system further.**

**55. Do you think there will be any issues with not having either Packaging Recovery Notes/Packaging Export Recovery Notes or the business payment mechanism (and as a result recycling targets) in place for a short period of time?**

- Yes  
 No  
 Unsure

If you answered 'yes', please detail what issues you think there will be.

## **Payments for managing packaging waste: data and reporting requirements**

**56. Do you agree or disagree with the proposal to introduce a sampling regime for packaging as an amendment to the MF Regulations in England, Wales and Scotland and incorporation into new or existing regulations in Northern Ireland?**

- Agree  
 Disagree  
 Neither agree nor disagree

If you disagree, please detail why you think the proposed sampling regime for packaging waste should not be incorporated as an amendment to MF Regulations in England, Wales and Scotland and incorporated into new or existing regulations in Northern Ireland.

**57. Do you agree or disagree with the proposal to require all First Points of Consolidation to be responsible for sampling and reporting in accordance with a new packaging waste sampling and reporting regime?**

- Agree  
 Disagree  
 Neither agree nor disagree

If you disagree, please detail who you think should be required to meet the packaging sampling and reporting regime for Extended Producer Responsibility purposes.

**Agree but the full costs need to be covered by producers. In many cases due to size and operational constraints material may need to be sampled and then transported to another site for analysis (perhaps a central independent hub) by many WTS.**

**58. Do you agree or disagree that the existing MF Regulations' de-minimis threshold of facilities that receive 1000 tonnes or more per annum of mixed waste material would need to be removed or changed to capture all First Points of Consolidation?**

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please detail why you think a de-minimis threshold is required.

**Agree but with the same concerns as set out in the response to Q57 above.**

**59. Do you think the following list of materials and packaging formats should form the basis for a manual sampling protocol?**

- Yes
- No
- Unsure

If you answered 'no', what other materials, format categories or level of separation should be included as part of the manual sampling protocol?

**60. Do you think it is feasible to implement more rigorous sampling arrangements within 6-12 months of the regulations being in place?**

- Yes
- No
- Unsure

If you answered 'no', please provide the reason for your response and detail what should be considered in determining an appropriate implementation period.

**For the reasons set out in the response to Question 57.**

**61. Do you think visual detection technology should be introduced from 2025 to further enhance the sampling regime?**

- Yes
- No

Unsure

If you answered 'no', please detail why you think it should not be considered as a medium to long-term method of sampling.

**62. Do you think existing packaging proportion protocols used by reprocessors would provide a robust and proportionate system to estimate the packaging content of source segregated materials?**

- Yes  
 Yes, with refinement  
 No  
 Unsure

If you answered 'no', please detail why you think these would not be suitable to use to determine the packaging content in source segregated material.

**63. Do you agree or disagree that minimum output material quality standards should be set for sorted packaging materials at a material facility?**

- Agree  
 Disagree  
 Neither agree nor disagree

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

**Output quality will be significantly determined by the quality of the input i.e. the amount and type of contamination. Producers will now be responsible for communication campaigns and therefore contamination should be judged as a failure of that process and the direct and indirect costs of contamination should be borne by the producers.**

**64. Do you agree or disagree that material facilities that undertake sorting prior to sending the material to a reprocessor or exporter should have to meet those minimum standards in addition to just assessing and reporting against them?**

- Agree  
 Disagree  
 Neither agree nor disagree

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

**See answer to Question 63.**

**65. Do you think any existing industry grades and standards could be used as minimal output material quality standards?**

- Yes  
 No

Unsure

If you answered 'yes' please provide evidence of standards you think would be suitable for use as minimal output material standards.

## Payments for managing packaging waste: reporting and payment cycles

**66. Do you agree or disagree that local authority payments should be made quarterly, on a financial year basis?**

- Agree  
 Disagree  
 Neither agree nor disagree

If you disagree, please provide the reason for your response and/or suggest any alternative proposals.

**67. Do you agree or disagree that household and business packaging waste management payments should be based on previous year's data?**

- Agree  
 Disagree  
 Neither agree nor disagree

If you disagree, please provide any concerns you have with the proposed approach and/or any alternative proposals.

**Agree provided the previous year's data includes all the relevant costs to ensure that the producers take the full financial responsibility for the packaging they place on the market. Given the seasonal variation and the nature of packaging, Government may wish to consider a 12 month rolling period to capture these variations. Only if this cannot be achieved then a static previous year's figures should be used with an annual reconciliation.**

## Litter payments

**68. Do you agree or disagree that the costs of litter management should be borne by the producers of commonly littered items based on their prevalence in the litter waste stream as determined by a composition analysis which is described in option 2?**

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response and/or provide an alternative approach to litter management costs being based on a commonly littered basis.

**69. In addition to local authorities, which of the following duty bodies do you agree should also receive full net cost payments for managing littered packaging? Please select all that apply.**

- Other duty bodies
- Litter authorities
- Statutory undertakers
- None of the above
- Any other(s) - please specify

If you selected 'Any other(s)' - please specify here.

**All non-commercial bodies with a statutory or similar obligation to clear litter from publicly accessible non-commercial land should receive payments. However, this should be with the same cost contribution for equivalent local authority land and with the same standards for data reporting/litter strategy adoption when or if equivalent full net cost recovery systems are implemented. However, voluntary litter picks relating to local**

authority land should be funded via local authorities to enable the best consideration in the round as to how best to manage litter in a given area.

**70. Do you agree or disagree that producers should contribute to the costs of litter prevention and management activities on other land?**

- Agree
- Disagree
- Neither agree nor disagree

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

**71. Do you agree or disagree that local authority litter payments should be linked to improved data reporting?**

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please detail why you think litter payments should not be linked to improved data reporting.

**72. Do you agree or disagree that payments should be linked to standards of local cleanliness over time?**

- Agree
- Disagree
- Neither agree nor disagree

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

This could overcomplicate things. If the payment is linked to tonnage of litter collected and managed, the onus is on the local authority to collect litter to the extent that it deems sufficient for its residents. If after consultation it is deemed that standards are to be developed, then local authorities should be involved in that development to ensure it is fair, equitable and achievable.

**Scheme administration and governance**

**73. Do you agree or disagree that the functions relating to the management of producer obligations in respect of household packaging waste and litter including the distribution of payments to local authorities are managed by a single organisation?**

- Agree
- Disagree
- Neither agree nor disagree

**This is important to ensure consistency in this complex area. The Authority agrees that it should be an independent, not for profit organisation and its governance structure needs to reflect ALL the major stakeholders, including local government representatives.**

**74. Overall which governance and administrative option do you prefer?**

- Option 1
- Option 2
- Neither Option 1 nor Option 2

Please provide the reason for your response.

**Simplicity.**

**75. How do you think in-year cost uncertainty to producers could be managed?**

- A reserve fund
- In-year adjustment to fees
- Giving individual producers flexibility to choose between options 1) and 2)
- No preference
- Need more information to decide

**A reserve fund. This reduces the risk that insufficient funds will be available to reimburse local authorities their costs.**

**76. Under Option 1, does the proposed initial contract period of 8-10 years (2023 to 2030/32) provide the necessary certainty for the Scheme Administrator to adopt a strategic approach to the management and delivery of its functions and make the investments necessary to deliver targets and outcomes?**

Option 1 - Scheme Administrator delivers all functions.

- Yes  
 No  
 Unsure

If you answered 'no', please detail what you think would be an appropriate contract length.

**77. Under Option 2, does the proposed initial contract period of 8-10 years (2023 to 2030/32) provide the necessary certainty for the Scheme Administrator to adopt a strategic approach to the management and delivery of its functions and make the investments necessary to deliver targets and outcomes?**

Option 2 - Scheme Administrator delivers functions related to household packaging waste and litter.

- Yes  
 No  
 Unsure

If you answered 'no', please detail what you think would be an appropriate contract length.

**78. Do you agree or disagree with the timeline proposed for the appointment of the Scheme Administrator?**

- Agree  
 Disagree  
 Neither agree nor disagree

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

**79. If the Scheme Administrator is appointed in January 2023 as proposed, would it have sufficient time to mobilise in order to make payments to local authorities from October 2023?**

- Yes  
 No  
 Unsure

If you answered 'no' please provide the reason for your response.

**It is a substantial challenge for such a highly complex system to be launched and delivered. From appointment to distributing funding in 9 months, risks making decisions in undue haste.**

**It would be better for key decisions on the initial funding allocation process to be made in advance of the appointment and then administered, rather than determined by the scheme administrator. This would require a data submission or claims process by local authorities ahead of the appointment of the scheme administrator.**

**80. Do you agree or disagree with the approval criteria proposed for compliance schemes?**

- Agree  
 Disagree  
 Neither agree nor disagree

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

**However, the Authority believes that introducing compliance schemes will bring an additional and unnecessary level of complexity into what is already a complex proposal.**

**81. Should Government consider introducing a Compliance Scheme Code of Practice and/or a 'fit and proper person' test?**

- A Compliance Scheme Code of Practice  
 A 'fit and proper person' test for operators of compliance schemes  
 Both  
 Neither  
 Unsure

Please provide the reason for your response.

**To give confidence in the compliance schemes that are established there needs to be a Code of Practice which includes the need for a 'fit and proper person' test to be an operator of a compliance scheme.**

**82. Do you agree or disagree with the proposed reporting requirements for Option 1?**

- Agree  
 Disagree  
 Neither agree nor disagree

**83. Do you agree or disagree with the proposed reporting requirements for Option 2?**

- Agree  
 Disagree  
 Neither agree nor disagree

**Reprocessors and exporters**

**84. Do you agree or disagree with the proposal that all reprocessors and exporters handling packaging waste will be required to register with a regulator?**

- Agree

- Disagree  
 Neither agree nor disagree

If you disagree, please provide the reason for your response and detail any exemptions to the registration requirement that should apply.

**85. Do you agree or disagree that all reprocessors and exporters should report on the quality and quantity, of packaging waste received?**

- Agree  
 Disagree  
 Neither agree nor disagree

**The Authority would assume that this is already picked up through the current acceptance arrangements, but if not then it would seem sensible to include this to ensure material quality throughout the process.**

**86. What challenges would there be in reporting on the quality and quantity of packaging waste received at the point of reprocessing and/or export?**

Please also provide specific detail on any processes, measures and/or costs that would be necessary to address these challenges.

**Potential under resourcing of enforcement combined with incentives to over report quality and quantity. Requirements should be very prescriptive and properly enforced. It is likely additional costs will be incurred if extra measures need to be implemented to ensure accurate reporting. The volatility of markets at times also needs to be considered, where material could end up diverted elsewhere, particularly if being exported.**

**87. Do you think contractual arrangements between reprocessors and material facilities or with waste collectors and carriers are a suitable means for facilitating the apportionment and flow of recycling data back through the system to support Extended Producer Responsibility payment mechanisms, incentives and targets?**

- Yes

- No  
 Unsure

If you answered 'no', please provide the reason for your response and suggest any alternative proposals for using the quantity and quality data reported to support payments, incentives and targets.

**88. Do you agree or disagree that exporters should be required to provide evidence that exported waste has been received and processed by an overseas reprocessor?**

- Agree  
 Disagree  
 Neither agree nor disagree

If you disagree, please detail why you think exporters should not have to provide this evidence.

**89. Do you agree or disagree that only packaging waste that has achieved end of waste status should be able to be exported and count towards the achievement of recycling targets?**

- Agree  
 Disagree  
 Neither agree nor disagree

If you disagree, please detail why you think it would not be necessary for waste to meet end of waste status prior to export.

**90. Do you agree or disagree that there should be a mandatory requirement for exporters to submit fully completed Annex VII forms, contracts and other audit documentation as part of the supporting information when reporting on the export of packaging waste?**

- Agree  
 Disagree  
 Neither agree nor disagree

If you disagree, please detail why you think these additional registration requirements on exporters are not required.

**91. Do you agree or disagree that regulators seek to undertake additional inspections of receiving sites, via 3rd party operators?**

- Agree  
 Disagree  
 Neither agree nor disagree

If you disagree, please detail why you think it would not be necessary to undertake additional inspections and provide any alternative arrangements which could be implemented.

## Compliance and enforcement

### **92. Do you agree or disagree with the proposed approach to regulating the packaging Extended Producer Responsibility system?**

- Agree  
 Disagree  
 Neither agree nor disagree

If you disagree, please detail any perceived problem or issues with the proposed regulation of the system and provide comments on how the system could be regulated more effectively.

**Agree but the Authority has a concern that there will be more focus on local government collectors over the private sector. The local government sector is fundamentally easier to regulate as the private sector is far more fragmented. The monitoring and inspection regime must target compliance equally across all parts of the supply chain.**

### **93. Do you have further suggestions on what environmental regulators should include in their monitoring and inspection plans that they do not at present?**

Please answer here

### **94. In principle, what are your views if the regulator fees and charges were used for enforcement?**

**It seems appropriate that enforcement is covered by these fees.**

### **95. Would you prefer to see an instant monetary penalty for a non-compliance, or another sanction as listed below, such as prosecution?**

**Clearly there will be minor or unintentional breaches and there should always be significant scope for discretion by the regulator to impose a range of appropriate instant monetary penalties. However, prosecution should always be available as an option in significant or repeated cases. The options and triggers should be kept under constant review to ensure that the necessary proportionate deterrents are in place.**

## Implementation timeline

**96. Do you agree or disagree with the activities that the Scheme Administrator would need to undertake in order to make initial payments to local authorities in 2023 (as described above under Phase 1)?**

- Agree  
 Disagree  
 Neither agree nor disagree

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

**There is insufficient detail of how the funding is intended to be distributed between councils to respond to this meaningfully.**

**Ideally arrangements for setting payments to different authorities should be determined and agreed, prior to the appointment of the Scheme Administrator who would then administer the system.**

**97. Do you think a phased approach to the implementation of packaging Extended Producer Responsibility, starting in 2023 is feasible and practical?**

- Yes  
 No  
 Unsure

If you answered 'no', please provide the reason for your response and detail any practical issues with the proposed approach.

**Phased implementation will be necessary, particularly as recycling markets for non-core packaging materials may not be available. Packaging film is a good example where there are currently limited markets and little evidence to suggest that this change by 2023.**

**98. Do you prefer a phased approach to implementing Extended Producer Responsibility starting in 2023 with partial recovery of the costs of managing packaging waste from households or later implementation, which could enable full cost recovery for household packaging waste from the start?**

- Phased approach starting in 2023

- Later implementation
- Unsure

**Phased implementation, starting in 2023 would be better. It will be better to mobilise some aspects of the change earlier, to give them chance to become operational and effective, before then moving to later phases. Flow of funding to support the cost of managing packaging in the waste stream by producers should be forthcoming from 2023.**

**99. Of the options presented for reporting of packaging data for 2022 which do you prefer?**

- Option 1
- Option 2
- Neither

If you answered 'neither' please suggest an alternative approach.

**Option 2 - A complete picture of packaging flows is needed given the complexities.**

**100. Are there other datasets required to be reported by producers in order for the Scheme Administrator to determine the costs to be paid by them in 2023?**

- Yes
- No
- Unsure

If you answered 'yes', please detail which datasets will be needed.

**101. Which of the definitions listed below most accurately defines reusable packaging that could be applied to possible future reuse/refill targets or obligations in regulations**

Further information to help answer this question (and the 4 that follow) can be found in Annex 1 of the consultation document.

- Definition in The Packaging (Essential Requirements) 2015
- Definition in The Packaging and Packaging Waste Directive (PPWD)
- Definition adopted by The UK Plastic Pact/The Ellen MacArthur Foundation
- None of the above

If you selected 'none of the above', please provide the reason for your response, including any suggestions of alternative definitions for us to consider.

**No firm view on which definition but whatever one is chosen it should be consistent across all UK legislation.**

**102. Do you have any views on any of the listed approaches, or any alternative approaches, for setting reuse and refill targets and obligations? Please provide evidence where possible to support your views.**

Please answer here.

**The system adopted needs to be simple and transparent in its effectiveness to the public. The targets should also align with the Waste Prevention Plan.**

**103. Do you agree or disagree that the Scheme Administrator should proactively fund the development and commercialisation of reuse systems?**

- Agree
- Disagree
- Neither agree nor disagree

Please provide the reason for your response.

**Ideally this approach will result in standardisation of product design, across brands, and therefore be simpler for the public to adopt.**

**104. Do you agree or disagree that the Scheme Administrator should look to use modulated fees to incentivise the adoption of reuse and refill packaging systems?**

- Agree
- Disagree
- Neither agree nor disagree

Please provide the reason for your response.

**Agree. Reuse and refillable packaging is in many instances an environmentally preferable packaging option but may require a shift in technologies and logistics to enable a significant shift. Modulated fees at appropriate rates may support this shift. This does require the modulated fees system to have sufficient levels to enable the right drivers towards reuse for the right products.**



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Contact: **Mark Broxup**

Date: **4<sup>th</sup> June 2021**

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York  
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[drs@defra.gov.uk](mailto:drs@defra.gov.uk)

Dear Sir or Madam,

**RE: CONSULTATION ON INTRODUCING A DEPOSIT RETURN SCHEME IN ENGLAND, WALES AND NORTHERN IRELAND**

The Western Riverside Waste Authority was established in 1986 as an autonomous statutory local government body to undertake the waste disposal functions prescribed by the Local Government Act 1985 and the Waste Regulation and Disposal (Authorities) Order 1985 and is responsible for waste treatment on behalf of four London Boroughs; Hammersmith and Fulham, Lambeth, Wandsworth and the Royal Borough of Kensington and Chelsea.

Please find attached the Authority's response to DEFRA's Consultation on Introducing a Deposit Return Scheme in England, Wales and Northern Ireland.

This is an officer response. The Authority will formally consider this response at its meeting on 29<sup>th</sup> June 2021 and details of any changes, if any, will be forwarded to the consultation coordinator.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Mark Broxup', is written over a light blue horizontal line.

**MARK BROXUP**  
**GENERAL MANAGER**

**Encs.**

# Consultation on Deposit Return Scheme (England, NI, Wales)

## Introduction

### 1. What is your name?

Mark Broxup  
General manager Western Riverside Waste Authority.

### 2. What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

[mark@wrwa.gov.uk](mailto:mark@wrwa.gov.uk)

### 3. Which best describes you?

- Academic or researcher
- Business representative organisation or trade body
- Charity or social enterprise
- Community group
- Consultancy
- Distributor
- Exporter
- Individual
- Local government
- Non-governmental organisation
- Product designer/ manufacturer/ pack filler
- Packaging designer/ manufacturer/ converter
- Operator/ Reprocessor
- Retailer including online marketplace
- Waste management company
- Other

If other, please specify.

### 4. What is your organisation? If you are responding on behalf of an organisation, what is its name?

Western Riverside Waste Authority

### 5. Would you like your response to be confidential?

No

If you answered 'yes' please provide your reason.

**6. Given the context of the Covid-19 pandemic we are currently experiencing, do you support or oppose our proposals to implement a deposit return scheme for drinks containers in 2024?**

- Support
- Neither support nor oppose
- Oppose
- Not sure

Please elaborate on your answer if you wish.

**Support introduction at the earliest opportunity. Recycling in the UK has stalled new systems are needed to engage those that only recycle occasionally or don't recycle at all. DRS is an essential component in changing public behaviour seeing waste as something with value.**

**7. Do you believe the introduction of a deposit return scheme will have an impact on your everyday life?**

- Yes, a detrimental impact
- No, there will be no impact

If you answered yes the scheme would have a detrimental impact, how significant would this impact be?

- No significant impact
- Some impact but manageable
- Large impact but still manageable
- Large impact and impossible to comply with

**8. Have your views towards implementation of a deposit return scheme been affected following the economic and social impacts of the Covid-19 pandemic?**

- Yes - because of economic impacts
- Yes - because of social impacts
- Yes - because of both economic and social impacts
- No
- Not sure

Please elaborate on your answer if you wish.

**However, the need is probably greater now given the increase in household waste as people work from home. Litter has also increased during Covid as people spend more time in parks and public spaces. Increased recycling and reduced littering will result in both economic and environmental savings.**

## Chapter 1: Scope of the Deposit Return Scheme

**9. Do you agree that the cap should be included as part of the deposit item in a deposit return scheme for:**

- Plastic bottle caps on plastic bottles
- Aluminium bottle caps on glass bottles
- Corks in glass bottles
- Foil on the top of a can/ bottle or used to preserve some drinks

**Why disincentivise the return of the container for the sake of a relatively minor component? Return of caps and corks should be encouraged but not mandatory. Many sport and entertainment events require the removal of tops at the point of sale for safety reasons.**

**10. Do you believe we have identified the correct pros and cons for the all-in and On-the-Go schemes described above?**

- Yes
- No

Please elaborate on your answer if you wish.

**11. Do you foresee any issues if the final scope of a deposit return scheme in England and Northern Ireland does not match the all-in decision taken in Wales? E.g. an On-the-Go scheme in England and an all-in scheme in Wales.**

- Yes
- No

Please elaborate on your answer if you wish.

**Yes. Consistency should be sought but if that is not possible England and NI's needs should not be compromised.**

**12. Having read the rationale for either an all-in or On-the-Go scheme, which do you consider to be the best option for our deposit return scheme?**

- All-in
- On-the-go

Please elaborate on your answer if you wish.

**All In. As demonstrated by the Impact Assessment, this provides significant economic and environmental benefit relative to its costs.**

**13. Given the impact Covid-19 has had on the economy, on businesses and consumers, and on everyday life, do you believe an On-the-Go scheme would be less disruptive to consumers?**

- Yes  
 No

Some disruption in behaviour is what the scheme is designed to affect. Both systems will require quite behavioural adjustments from consumers/citizens. It is better to choose the scheme with the greatest benefits relative to similar adjustments. Equally, it is arguable that the experience of the pandemic may have made consumers more flexible in modulating their behavioural responses to circumstance.

**14. Do you agree with our proposed definition of an On-the-Go scheme (restricting the drinks containers in-scope to less than 750ml in size and excluding multipack containers)?**

- Yes  
 No

If no, how would you change the definition of an On-the-Go scheme?

The upper limit of 750ml for drinks containers is reasonable for on-the-go, but the Authority does not believe that multipack items should be excluded.

**15. Do you agree that the size of containers suggested to be included under an On-the-Go scheme are more commonly consumed out of the home than in it?**

- Yes  
 No  
 Difficult to say

**16. Please provide any information on the capability of Reverse Vending Machines to compact glass?**

No view.

**17. Do you agree that the scope of a deposit return scheme should be based on container material rather than product?**

- Yes  
 No

**18. Do you agree with the proposed list of materials to be included in scope?**

- Yes  
 No

The Authority would also like to see cartons included.

**19. Do you consider there will be any material switching as a result of the proposed scope?**

- Yes  
 No

Please provide evidence to support your response.

Yes.

Positively to the extent that reducing the number of packaging types and improving design (reduction in composite materials) will aid recycling and in time more reuse.

Negatively if there is an increase in carton use my producers, to avoid DRS. This must be discouraged via higher costs under EPR. It is essential that DRS and EPR are joined up in their pricing to drive the correct overall environmental behaviour from producers.

## Chapter 2: Targets

**20. Which of the following approaches do you consider should be taken to phase in a 90% collection target over 3 years?**

- 70% in year 1, 80% in year 2, 90% in year 3 and thereafter  
 75% in year 1, 80% in year 2, 90% in year 3 and thereafter  
 75% in year 1, 85% in year 2, 90% in year 3 and thereafter  
 80% in year 1, 85% in year 2, 90% in year 3 and thereafter

A year 1 target of 70% seems suitably realistic for a collection rate. However, the Authority is concerned that these targets just specify collection rate. There is a need for corresponding recycling targets to also be set.

**21. What collection rate do you consider should be achieved as a minimum for all materials after 3 years?**

- 80%  
 85%  
 90% collection rate should be achieved for all materials

The best performing systems across Europe achieve in excess of 90%.

**22. Is it reasonable to assume that the same collection targets could be met with an on-the-go (OTG) scheme as those proposed for an all-in scheme for in-scope materials?**

- Yes  
 No

Please provide evidence to support your response.

**The lack of Reverse Vending Machine density and coverage, as well as more reliant on more unplanned consumer behavioural responses.**

**23. Who should report on the volumes of deposit return scheme material placed on the market in each part of the United Kingdom (England, Wales and Northern Ireland) for the proposed deposit return scheme?**

- The producer/ importer  
 The retailer  
 Both the producer/ importer and retailer

What would be the implications of obligations to report on volumes of deposit return scheme material for producers/ importers and retailers? Please provide evidence to support your answer.

**Both the producer/importer and retailer. The retailer figures will act as a sense check on the producer/importer figures and also provide insight as to where in the UK the material is being placed onto the market. This information can then be compared with where material is being collected and used to target local education campaigns if necessary.**

**24. What evidence will be required to ensure that all material collected is passed to a reprocessor for the purpose of calculating the rate of recycling of deposit return scheme material?**

**Like the current system with packaging waste, accredited reprocessors or exporters providing consignment/evidence note for delivery with type and tonnage details.**

## Chapter 3: Scheme Governance

**25. What length of contract do you think would be most appropriate for the successful bidder to operate as the Deposit Management Organisation?**

- 3 - 5 years  
 5 - 7 years  
 7 - 10 years  
 10 years +

**The contract would need to be long enough to provide sensible loan terms and arrangements and subsequent cash flows.**

**26. Do you agree that the above issues should be covered by the tender process?**

- Yes  
 No

Please list any further issues you believe should be covered as part of the tender process?

**27. Do you agree that the issues identified should be monitored as Key Performance Indicators?**

- Yes  
 No

Please list any further issues you believe should be covered by Key Performance Indicators?

**28. Do you agree that the Government should design, develop and own the digital infrastructure required to register, and receive evidence on containers placed on the market on behalf of the Deposit Management Organisation and regulators?**

- Yes  
 No

Please elaborate on your answer if you wish.

**Consistency and integration for local authorities will be key, especially given other reporting regimes (e.g. EPR, waste data flow etc.). It also allows for the DMO contractor to be easily replaced in future.**

**29. Government will need to understand the needs of users to build digital services for deposit return scheme. Would you like your contact details to be added to a user panel for deposit return scheme so that we can invite you to participate in user research (e.g. surveys, workshops interviews) or to test digital services as they are designed and built?**

- Yes  
 No

## **Chapter 4: Financial Flows**

**30. What is an appropriate measure of small producers for the purposes of determining the payment of registration fees?**

- Taxable Turnover  
 Drinks containers placed on the market  
 Other

If other, please specify.

**31. Is a high level of unredeemed deposits funding the scheme problematic?**

- Yes  
 No

Please explain your answer.

**Yes, if targets are not being met. If targets are not met, penalties must be greater than the value of any unredeemed deposits.**

**32. Which option to treatment of unredeemed deposits do you support?**

- Option 1  
 Option 2

**Option 1 as it better encourages efficiency and target achievement.**

**33. With option 2, do you foresee any unintended consequences of setting a minimum percentage of the net costs of the deposit return scheme that must be met through the producer fee?**

Are there any unintended consequences of option 2?

**It is better that the DMO manage its own structure with producers and that it be an output driven organisation with Government setting the outputs it requires.**

**34. If a floor is set do you consider that this should be set at:**

- 25% of net costs
- 33% of net costs
- 50% of net costs
- Other

Please provide evidence to support your response.

**The Authority finds it hard to form a view on the limited information provided.**

**35. Do you agree that any excess funds should be reinvested in the scheme or spent on other environmental causes?**

- Reinvested in the scheme
- Environmental causes

**Yes, they should be reinvested in the scheme. The danger is that if they are not reinvested, the public may view putting deposit return containers into local authority recycling or residual waste streams as a form of charitable donation to an environmental cause.**

**36. What should be the minimum deposit level set in legislation?**

- 10p
- 15p
- 20p
- Other

If other, please specify.

**37. Do you agree that there should be a maximum deposit level set in legislation?**

- Yes
- No

**The DMO should be free to set deposits, above the Government minimum, required to meet its targets.**

- 30p
- 40p
- 50p
- Other

If other, please specify.

**38. Recognising the potentially significant deposit costs consumers could pay on a multipack purchase, how best can we minimise the impact of the scheme on consumers buying multipacks?**

**Giving the DMO the ability to set variable rates if it wishes.**

**39. Do you agree with our approach to letting the Deposit Management Organisation decide on whether to adopt a fixed or variable deposit level, particularly with regards to multipacks?**

- Yes
- No

Please provide evidence to support your response.

## **Chapter 5: Return Points**

**40. Do you agree that all retailers selling in-scope drinks containers should be obligated to host a return point, whether it is an all-in or on-the-go (OTG) deposit return scheme?**

- Yes
- No

Please provide evidence to support your response.

**Yes, subject to a de minimis level.**

**41. Given the proposed extensive distribution and availability of return points for consumers to return bottles to, do you think customers would be likely to experience delays / inconveniences in returning drinks containers?**

- Yes
- No

If so, how long or how frequently would such delays be likely to arise for?

**Potentially at large supermarkets but it will incentivise retailers to make the return system as easy as possible.**

**42. Do you have a preference, based on the 3 options described, on what the schemes approach to online takeback obligations should be?** We welcome views from stakeholders on who this obligation should apply to, including if there should be an exception for smaller retailers or low volume sales.

- Option 1  
 Option 2  
 Option 3

Please explain your answer.

**Option 2 - this provides a fall-back option and service for those that wish to get deposit items returned without making journeys and allows it to fit into the online shopping service they receive, but, at the same time, it recognises that for many smaller on line providers (e.g. takeaways) this would be prohibitively expensive and journey intensive. Take back for larger online retailers one assumes could simply fold into their existing delivery logistics (e.g. reverse logistics). How do the majority of customers who use online actually use the service? If it is a regular shopping slot then take back should be relatively simple. De minimis thresholds could also still be combined with the DMO working with smaller retailers and online providers to provide a centralised service as an addition.**

**43. Do you agree with the proposed criteria for the calculation of the handling fee?**

- Yes  
 No

Would you propose any additional criteria are included for the calculation of the handling fee?

**No view**

**44. Please tick which exemptions you agree should be included under the scheme:**

- Close proximity  
 Breach of safety

Any further comments you wish to make.

**To assist with collections, the Authority supports the exemption on close proximity for retail premises below a certain size but clear signage on where the nearest return point is must be displayed and regulations should stipulate a maximum distance. We support the exemption on grounds of health and safety. Street scene should also be a consideration, but the DMO should collect materials sufficiently frequently to avoid build-up of on deposit containers.**

**45. Please can you provide any evidence on how many small and micro sized retail businesses we might likely expect to apply for an exemption to hosting a return point, on the grounds of either close proximity to another return point or on the compromise of safety considerations?**

No view.

**46. Do you think obligations should be placed on retailers exempted from hosting a return point to display specific information informing consumers of their exemption?**

- Signage to demonstrate they don't host a return point
- Signage to signpost consumers to the nearest return point

Anything else?

To avoid some exempt retailers essentially circumventing any requirements there should be very specific requirements on legibility, branding, size, etc and it might be useful if standard signs/templates could be produced and sold/distributed by the Deposit Management Organisation. Businesses should be obliged to support the objectives of the DRS scheme.

**47. Do you agree with our rationale for not requiring retailers exempted on the basis of a breach of safety not to be required to signpost to another retailer?**

- Yes
- No

Please explain your answer.

No. It is not an onerous requirement, and an exemption creates a gap in the system so there should be a requirement to signpost.

**48. How long do you think exemptions should be granted for until a review date is required to ensure the exemption is still required?**

- 1 year
- 3 years
- 5 years or longer

3 years seems reasonable but with a statutory obligation to review sooner if there is a significant change in relevant circumstances.

**49. Do you think the scheme could benefit from technological solutions being incorporated as a method of return, alongside reverse vending machines and manual return points?**

Yes

No

The use of technology should not be prevented or discouraged but Government should be required to approve and regularly review such systems so as to ensure that containers are actually returned and recycled and such systems do not inadvertently encourage fraudulent activity.

**50. How could a digital deposit return scheme solution be integrated into existing waste collection infrastructure?**

Please explain your answer.

It is difficult to see how this could be achieved as part of a mixed recyclable collection round and even with source segregated collections the potential for fraud is a concern if the resident doesn't physically witness the return. Bring banks might be a solution but they could be subject to vandalism if the deposit on the containers within it could be reclaimed again.

**51. What are the potential fraud control measures a digital deposit return scheme could bring?**

Please explain your answer.

The Authority sees the potential for fraud to be significant. The most obvious being:

- 1) the recipient not being present to witness the deposit return and therefore someone else claiming it, and
- 2) the recipient claiming the deposit but them not returning the container correctly.

**52. Do you think a digital deposit return scheme could ensure the same level of material quality in the returns compared to a tradition return to retail model, given containers may not be returned via a reverse vending machine or manual return point where there is likely to be a greater scrutiny on quality of the container before being accepted?**

Yes

No

Please explain your answer.

*It may increase capture rate, but the material quality is likely to be lower and that will affect recyclability. Whilst the DRS targets are set in terms of collection the scheme needs to work in tandem with the EPR scheme so that the material is proven to be recycled to ensure that the overarching environmental objective is being met. In future targets should be modified to encourage greater re-use of containers.*

**53. If the digital deposit return scheme system can be integrated into the existing waste collection infrastructure would its implementation and running costs be lower?**

Please provide evidence to support your response.

*Without detail of how such a digital system is proposed to work in practice it is difficult to comment.*

**54. Do you support the proposal to introduce a new permitted development right for reverse vending machines, to support the ease of implementation for the scheme?**

Yes

No

Do you have any amendments or additional parameters you would propose are reflected in the permitted development right?

## Chapter 6: Labelling

**55. Do you agree that the following should be part of a mandatory label for deposit return scheme products?**

- An identification marker that can be read by reverse vending machines and manual handling scanners.
- A mark to identify the product as part of a deposit return scheme.
- The deposit price

**56. Are you aware of further measures that can be taken to reduce the incidence and likelihood of fraud in the system?**

No.

**57. Do you agree with our proposals to introduce mandatory labelling, considering the above risk with regards to containers placed on the market in Scotland?**

- Yes
- No

**58. Do you consider the risk of incorrectly labelled products entering the markets of England, Wales or Northern Ireland via Scotland to be a significant risk?**

- Yes
- No

Please provide evidence to support your response.

**59. Do you consider leaving any labelling requirements to industry to be a better option than legislating for mandatory labelling requirements?**

- Yes
- No

Please explain your answer.

**60. Are you aware of any other solutions for smaller producers who may not currently label their products?**

Please explain your answer.

No.

**61. We believe 18 months is a sufficient period of time for necessary labelling changes to be made. Do you agree?**

- Yes
- No

Please provide evidence to support your response.

**62. Will your processes change as a result of mandatory labelling?**

- Yes
- No
- Don't know

Please explain your answer.

**Not applicable.**

**63. Do you agree that our proposed approach to labelling will be able to accommodate any future changes and innovation?**

- Yes
- No
- Don't know

There is not enough information about the proposed approach and the terms of engagement of a DMO and its remit to justify a definitive view.

Are you aware of any upcoming technology in the field of labelling?

## Chapter 7: Local authorities and local councils

**64. Do you agree that local authorities will be able to separate deposit return scheme containers either themselves or via agreements with material recovery facilities to regain the deposit value?**

- Yes  
 No

Please explain your answer.

MRFs are unlikely to have the technology necessary to separate DRS containers from other containers of the same material type and may not have the necessary space to retrofit any new technology. It should be clear too that Producers, either through the DRS or EPR scheme, must be responsible for contamination levels within incoming material as this will be evidence that their communication and marketing campaigns are not driving the correct public behaviour.

**65. Do you agree that local authorities will be able to negotiate agreements with material recovery facilities to ensure gate fees reflect the increased deposit values in waste streams or a profit sharing agreement on returned deposit return scheme containers was put in place?**

- Yes  
 No

Please explain your answer.

Not sure. This will depend on existing contractual arrangements. It could form part of future tenders, but some local authorities will be locked into long term arrangements. As it's a new source of income, the Regulations could detail how such new revenues should be distributed.

**66. In order to minimise the risk of double payments from the Deposit Management Organisation to local authorities, where should data be collected regarding the compositional analysis to prevent the containers then being allowed to be redeemed via return points?**

The Authority is not of the view that there is any credible risk of local authorities seeking to benefit from double payments at all. However, a solution could be to modify the MRF Input sampling regime to also require recording of the percentage of DRS material. Also the introduction of new regulations to require routine compositional analysis of the residual waste stream of collection authorities. Producers would need to pay for the costs this additional analysis either by way of the EPR or DRS schemes.

**67. How difficult do you think option 3 would be to administer, given the need to have robust compositional analysis in place?**

Please explain your answer.

**No more difficult than Option 2 if the Regulations set out what is required in terms of sampling.**

**68. What option do you think best deals with the issue of deposit return scheme containers that continue to end up in local authority waste streams?**

- Option 1
- Option 2
- Option 3

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

**Option 1 is not acceptable, but Options 2 or 3 would be acceptable.**

## **Chapter 8: Compliance Monitoring and Enforcement**

**69. Are there any other producer obligations you believe the Environmental Regulators should be responsible for monitoring and enforcing?**

Please explain your answer.

**No.**

**70. Are local authorities (through the role Trading Standards and the Primary Authority Scheme) best placed to enforce certain retailer obligations?**

- Yes
- No

To what extent will local authorities be able to add on monitoring and enforcement work for the deposit return scheme to existing duties they carry out with retailers?

**The Primary Authority Scheme is voluntary and does not guarantee that a business will not breach the requirements. This is a new burden and the costs of Trading Standard Enforcement should be borne by producers.**

**71. In addition to those in the table, are there any other types of breaches not on this list that you think should be? If so, what are they? These may include offences for participants not listed e.g. reprocessors or exporters.**

Additional offences for retailers, falsely claiming an exemption and lack fulfilling signage and other requirements on exempt retailers. The interaction of the offence of leaving containers unsecured with s47 and s33 offences needs to be carefully considered. The offences of not providing accurate data and inappropriately handling materials. The potential for breaches by consumers MRF operators also needs to be considered.

**72. Are there any other vulnerable points in the system?**

If so, what? Please explain your answer

There may be a potential for fly tipping and litter around return points including antisocial behaviour if improperly sited. Whilst we support permitted development of RVM's, careful consideration and consultation with local authorities should be a requirement. There should be triggers for remedial action, including relocation of RVM's if nonretail settings is problematic.

**73. Do you see a role for the Deposit Management Organisation to seek compliance before escalating to the Regulator?**

Yes / No Please explain your answer

Yes, as long as there is a clear route of escalation.

**74. Do you agree with the position set out regarding enforcement response options?**

Yes

No

If no, please explain your answer.

## Chapter 9: Implementation Timeline

### 75. Do you have any comments on the delivery timeline for deposit return scheme?

Please pose any views on implementation steps missing from the above?

**No.**

### 76. How long does the Deposit Management Organisation need from appointment to the scheme going live, taking into account the time required to set up the necessary infrastructure?

- 12 months
- 14 months
- 18 months

Any other (please specify)

If other, please specify.

Please provide evidence to support your response.

**18 - 24 months to ensure smooth transition to live operations and infrastructure testing.**

### 77. Depending on the final decision taken on the scope of the scheme in England and Northern Ireland – all-in or on-the-go – what, if any, impact does this have on the proposed implementation period?

**Provided the new burdens payments fully address the impacts on local authorities (including full remuneration for any contract variations) there should be no reason to delay from the local government sector. As above, if there is delay the DRS materials should be brought in scope of EPR for the transitional period.**

## Chapter 10: Summary Approach to Impact Assessment

### 78. Do you agree with the analysis presented in our Impact Assessment?

- Yes
- No

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

**Undecided.**

## Consultation on Consistency in Household and Business Recycling in England

### INTRODUCTION

#### Q1. What is your name?

Mark Broxup  
General manager Western Riverside Waste Authority.

#### Q2. What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

[mark@wrwa.gov.uk](mailto:mark@wrwa.gov.uk)

#### Q3. Which of the options below best describes you?

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

If other, please specify.

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

Western Riverside Waste Authority

#### Q5. Would you like your response to be confidential?

No

If you answered 'yes' please provide your reason.

## PART 1: MEASURES TO IMPROVE THE QUANTITY AND QUALITY OF HOUSEHOLD RECYCLING

### Proposal 1: Collection of dry recyclable materials (with the exception of plastic film – see Proposal 2)

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

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

For all the materials disagreed with the trigger should not be when payments to local authorities under the EPR commence, but when there are markets available for these materials and when the local authority can collect and sort such material effectively. A large number of MRFs will not be able to effectively sort most of these materials, aerosols are a proven source of MRF fires and a number of materials are likely to bring substantial amounts of food waste with them. If residual waste is sent to energy recovery these materials will be collected from bottom ash without the risk of causing problems at MRFs.

It is questionable if the environmental benefits of recycling these products will outweigh the disadvantages. Separate collection of these materials may prove to be necessary which could result in excessive financial cost and a net environmental disbenefit.

**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.

Cost should not be a factor for local authorities for the packaging elements as the EPR system is supposed to cover the additional cost. However, any or all of the factors in combination could prevent collection in the timescale envisaged.

**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.

**Ideally these materials would be in neither as they tend to be a contaminant within both. Food cartons are also likely to bring remnant food contamination which will affect both plastics and paper/card. Remnant liquids will affect the ability to sort and market paper and card.**

**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

**In the short term it would depend on the wording of existing contracts, but as contracts get renewed it will probably lead to cost increases due to increased sorting requirements, increased levels of contamination and the impact that will also have on the quality of MRF outputs.**

## Proposal 2: Collection of plastic films from households

**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.

**This material is not suited to separation in MRFs and would need to be collected separately, but that is difficult to justify environmentally or on cost. A holistic view needs to be taken on plastics generally as to its role in being a lightweight product that protects and preserves goods, particularly foodstuffs. The pre-consumer benefits of plastic packaging can often outweigh the disadvantages post-consumer. Minimising the unnecessary use of plastic film should be a greater focus and this should be addressed through the Extended Producer Responsibility proposals.**

**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.

**Cost should not be a factor for local authorities as the EPR system is supposed to cover the additional cost. However, any or all of the factors in combination could prevent collection in the timescale envisaged.**

## Proposal 3: On the definition of food waste

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

**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.

**Disagree due to the following concerns. Tea bags containing plastic would need to be banned first. Clarity is needed on whether or not the definition includes bones and the definition has to be clear that the food is to be unpackaged.**

**Proposal 4: On separate collection of food waste from households for recycling**

**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"/> |   |
| Local authorities should have a separate food waste collection service (at least weekly) in place for all household properties including flats as quickly as contracts allow   |       | <input checked="" type="checkbox"/> |   |
| 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 <b>2024/25</b> financial year at the latest   |       | <input checked="" 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 <b>2024/25</b> and <b>2030/31</b>   |       | <input checked="" 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 <b>2024/25</b> and <b>2030/31</b> |       | <input checked="" type="checkbox"/> |   |

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

The Authority recently commissioned a detailed study into the carbon impact of its own and its constituent councils' waste management arrangements. The current baseline operation is that food, as part of the residual waste stream, is transported by river for energy recovery. The study, using WRATE, highlighted that separately collecting food waste to send by road to Anaerobic Digestion would generate more carbon than the current baseline operation. This disparity will increase if plans to utilise the waste heat from the existing energy recovery plant are realised. It should therefore be left to individual local authorities to decide how to manage their own waste to best address the climate emergency.

**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)

Cost should not be a factor for local authorities if the Government covers the all the additional cost as it should through New Burdens. However, any or all of the factors in combination could prevent collection in the timescale envisaged. There is unlikely to be sufficient treatment capacity available in the timescales envisaged, particularly in urban areas. Whether or not there would be sufficient demand for all the digestate products produced also needs to be given greater consideration.

Many transfer stations will not be suitable for bulking and transporting food waste, new storage facilities and containers will be needed and the Government will also need to cover the additional capital and operational costs. Food waste is a wet and corrosive product that behaves differently when collected separately, as opposed to being mixed with the rest of the residual waste stream that is relatively dry.

There is the potential for the separate collection of food waste to have a greater environmental impact for some local authorities than leaving it in the residual waste stream, and the operational practicalities of collecting from flatted properties needs far more consideration than has been shown in this consultation document.

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.

Not all local authority contracts will have expired by 2031. This Authority's contract expires in October 2032. If the Government does impose such requirements, then they should be:

- linked to the expiry of existing contractual conditions not pre-defined dates (that does not preclude local authorities from negotiating contract amendments if they are able and wish to); or
- Government must compensate local authorities fully for all their additional costs, including those associated with contractual change-in-law provisions through New Burdens.

WRWA believes that there has long been ambiguity around what constitutes recycling, particularly with respect to Anaerobic Digestion and the extent of the powers Waste Disposal Authorities (WDAs) and Waste Collection Authorities have under the Environmental Protection Act 1990 (in particular the general power given to WCAs to recycle waste in section 55(1) does not include a power to produce heat and electricity from waste). The current Environment Bill could be an opportunity to remove any such ambiguity (the current draft does not, but the Authority is lobbying peers on this point). Moreover, the Authority takes the view that the Bill would increase the existing ambiguity by placing WCAs in a position where they are required to collect food waste as a “recyclable household waste stream”, but would be denied the ability to make their own arrangements for treatment by Anaerobic Digestion because of the continued limitation in section 55 of the EPA.

## Proposal 5: On caddy liners

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

If the Government believes that these are necessary to achieve the participation required to meet targets, the costs of provision and distribution should be covered by New Burdens. AD facilities should be consulted on the material types concerned, to ensure they are in keeping with industry reprocessing practices.

## Proposal 6: On biodegradable and compostable plastics packaging materials

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.**

The Government needs to properly assess the types of technology that can break down these types of packaging to ensure there is a viable route to incorporating them into kerbside streams.

There should also be regulation of the terms "compostable" and "biodegradable" in line with the findings of research into treatment options. Consumers are likely to do little more than glance at labelling before making a decision on how to dispose of an item and, as such, there should be no scope for brands, retailers and other bodies to continue using terms that cause confusion or mislead consumers about the environmental credentials of their products. Mandatory, simple, logo-based labelling for any products that can be disposed of in food or garden waste collection services should be implemented by Government.

The Government should pay particular attention to products like disposable nappies, which some manufacturers have started to produce "biodegradable" versions of to attract more environmentally conscious consumers.

**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.

The feasibility of introducing this will be for plant operators to respond about. However, it will undoubtedly lead to an increase in gate fees for food waste treatment, both through additional operating costs as well as to cover capital repayments for expanding the treatment operation. This must be taken into account in the calculation of New Burdens funding for local authorities. The Government should also consider 'Dry AD' technologies given that they include both digestion and composting phases while also permitting co-treatment (and thus co-collection) of food and garden waste. This could generate both financial savings and carbon emission reductions compared to separate collections of the two organic materials. However, there would need to be a market demand for the solid by product (which can amount to as much as 40% of the input weight) as otherwise it would simply be diverted to the residual waste stream.

## Proposal 7: On the definition of garden waste

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 branches

This excludes:

- 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

Agree in principle, however the definition need to be tighter, for example what exactly constitutes a "small" branch?

## Proposal 8: On increasing the recycling of garden waste from households

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

| Costs   | Benefits   |
|---|--|
| <p>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> | <p>Average carbon savings of 793 kT CO<sub>2</sub>e per annum (traded, 84kT CO<sub>2</sub>e, non-traded, 709 kT CO<sub>2</sub>e respectively).</p> <p>25% increase of garden waste tonnage collected for recycling, shifted from residual waste.<sup>35</sup></p> <p>Societal savings from not paying for garden waste services, totalling £2,514m</p> |

**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 season<sup>45</sup>), if this is fully funded by Government, and if authorities remain free to charge for more frequent collections and/or additional capacity?**

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

The Authority recently commissioned a detailed study into the carbon impact of its own and its constituent councils' waste management arrangements. The current baseline operation is that some boroughs recycle garden waste (as a subscription service) and others do not recycle it, and if it is in the residual waste stream it is transported by river for energy recovery. The study, using WRATE, highlighted that separately collecting garden waste for recycling would generate more carbon than the current baseline operation, primarily due to the increased vehicle movements. For those authorities that send residual waste to landfill the result would be very different and that is why it should be left to individual local authorities to decide how best to manage their waste to address the climate emergency.

The development of subscription based garden waste services has been undertaken at local level up to the present, in line with the Controlled Waste Regulations, and is the product of local political decisions on the allocation of resources to services. Charging for these services both helps manage demand for services (costs are only incurred to provide services to those who need them) and allows resources generated from charging to be deployed into local services to reflect local political decisions – for which local politicians are accountable.

On a practical level, it is unlikely to be realistic for councils to choose to operate a free minimum statutory service, alongside fee-based voluntary top up services. On an operational level, for crews on the ground, it is likely to be impossible to distinguish between free service users and paid service users in order to provide separate services – unless they are provided by different crews and vehicles which would represent a substantial loss of operational efficiency.

As a general principle, the provision of garden waste collection services should be based on user need, not on mandatory free provision by the service provider, unless there is a wider public interest in doing so. Many properties have 'gardens' without planted space, or residents may prefer to compost their waste and do not wish to use a collection service at all. Where there is a price for the service, apart from providing a demand signal to enable allocation of resources, it allows those who need the service to receive it by paying, without requiring more resources to be expended providing the service, with no income to those who do not need it.

**Proposal 9: 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.       |             |                                     | <input checked="" type="checkbox"/> |
| Issue clear communications to non-participating households.            |             | <input checked="" type="checkbox"/> |                                     |
| Support on increasing home composting (e.g. subsidised bin provision). |             | <input checked="" 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.**

*Extra powers needed, including a meaningful s46 power to direct residents on use of waste containers, and to charge for waste presented in contravention of a S46 notice.*

**Proposal 10: On exemptions for the separate collection of two recyclable waste streams from households**

**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"/> |          |   |
| Glass and metal   | <input checked="" 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.

**These materials are well understood to be separable from each other.**

**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?**

**Nothing to add.**

## **Proposal 11: On conditions where an exception may apply, and two or more recyclable waste streams may be collected together from households**

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

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

**No**

**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

**Yes, as the definition is not exhaustive and other examples can be cited.**

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

**None**

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

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) 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

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.**

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.

**Contract breakage costs. Climate Change impact if the benefits of separate collection are outweighed by the additional resources needed to collect the materials.**

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

No

**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?**

The rationale for doing it all should be questioned if it provides no clear environmental benefit.

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

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

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.

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

“Availability of recycling facilities” should be expanded to “availability and location of recycling facilities”, as the environmental impact of transporting the material also needs to be considered.  
Air Quality.

## Proposal 12: On compliance and enforcement

**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.

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

Nothing to add.

**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.**

**The capital and operational costs of treatment and transportation.**

**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.

**Yes, as long as that does not preclude local authorities supplying their own data where it better matches the reality if their particular circumstances.**

**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

**Yes, as long as the template is simply a guide and allows flexibility where a local authority deems it necessary.**

### **Proposal 13: On minimum service standards for the separate collection of dry recyclable materials from households**

**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

**There is a danger that introducing statutory guidance will lead to unintended consequences. There will be contractual problems for existing MRFs, particularly those that already manage to successfully sort and market their materials. Also, the impacts of DRS and EPR need to be factored in. DRS will fundamentally change the mix of materials that local authorities collect and EPR ought to lead to changes in packaging materials and volumes. Plastic film is not suited to collection with other materials as it naturally wraps around the other materials and the sorting machinery.**

## Proposal 14: On non-statutory guidance

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

However, until the impacts of DRS and EPR on local authority recycling collections are better understood it is difficult to be specific on what areas should be prioritised for non-statutory guidance. A focus on non-packaging materials, such as textiles and nappies, would therefore seem a sensible place to start, with particular emphasis on how to capture those materials from flatted properties.

## Proposal 15: On Review of Part 2 of Schedule 9 of the Environmental Permitting Regulations 2016

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

No.

**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

## Proposal 16: On recycling credits

**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 where possible

**Recycling Credits are not applicable in statutory Joint 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 checked="" type="checkbox"/>               |
| Option 2 |       |          | <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 statutory Joint Waste Disposal Authority areas.**

## PART 2: MEASURES TO IMPROVE THE RECYCLING OF NON-HOUSEHOLD MUNICIPAL WASTE FROM BUSINESSES AND NON-DOMESTIC PREMISES

### Proposal 17: On dry materials to be collected from non- household municipal premises for recycling

**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?**

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

The answer to this question is the same as that for Question 6. The requirement should be consistent with that required for household waste. Having different requirements will be confusing and inefficient.

For all the materials disagreed with this should only be considered when there are markets available for these materials and when they can be collected and sorted effectively. A large number of MRFs will not be able to effectively sort most of these materials, aerosols are a proven source of MRF fires and a number of the materials are likely to bring substantial amounts of food waste with them. If residual waste is sent to energy recovery, these materials will be collected from bottom ash without the risk of causing problems at MRFs.

It is questionable if the environmental benefits of recycling these products will outweigh the disadvantages. Separate collection of these materials may prove to be necessary which could result in excessive financial cost and a net environmental disbenefit.

**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.

As with local authorities, cost should not be a factor for waste collectors for the packaging element as the EPR system is supposed to cover the additional cost. However, any or all of the other factors in combination could prevent collection in the timescale envisaged.

## Proposal 18: Collection of plastic films from non-household municipal premises

**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.

This material is not suited to separation in MRFs and would need to be collected separately, but that is difficult to justify environmentally or on cost. A holistic view needs to be taken on plastics generally as to its role in being a lightweight product that protects and preserves goods, particularly foodstuffs. The pre-consumer benefits of plastic packaging can often outweigh the disadvantages post-consumer. Minimising the unnecessary use of plastic film should be a greater focus and this should be addressed through the Extended Producer Responsibility proposals.

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

See answer to Q48.

### Proposal 19: For on-site food waste treatment technologies

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

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

No

### Proposal 20: On reducing barriers to recycling for non-household municipal waste producers

**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 |               |              |                  |

|  |  |  |  |
|--|--|--|--|
| <b>Financial</b>                           |  |  |  |
| <b>Space</b>                               |  |  |  |
| <b>Engagement</b>                          |  |  |  |
| <b>Drivers to segregate waste</b>          |  |  |  |
| <b>Location</b>                            |  |  |  |
| <b>Enforcement</b>                         |  |  |  |
| <b>Variation in bincolours and signage</b> |  |  |  |
| <b>Contractual</b>                         |  |  |  |
| <b>Staff / training</b>                    |  |  |  |
| <b>Other</b>                               |  |  |  |

Not Applicable. A question for businesses to answer.

## Proposal 21 on exemptions and phasing for micro-firms

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.

**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.**

**Option 2.**

**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.**

## **Proposal 22: On other cost reduction options**

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.

**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)
- Food waste
- Other items e.g. bulky office waste (please specify)

**A question for waste collection authorities and waste collectors to answer.**

**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

**A question for waste collection authorities and waste collectors to answer.**

**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.

**Not a question for waste disposal authorities.**

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

**Not a question for waste disposal authorities.**

**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.**

**Not a question for waste disposal authorities.**

**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)

**Not a question for waste disposal authorities.**

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

**Not a question for waste disposal authorities.**

## Proposal 23: On exemptions to the separate collection of two waste streams from non-household municipal premises

**Q62. Could the following recyclable waste streams be collected together from non-households 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"/> |          |   |
| Glass and metal   | <input checked="" 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.

**These materials are well understood to be separable from each other.**

**Q63. 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?**

**Nothing to add.**

## Proposal 24: On conditions where an exemption may apply and two or more recyclable waste streams may be collected together from non-household municipal premises

**Q64. Do you have any views on the proposed definition for 'technically practicable'?**

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

No

**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

**Yes, as the definition is not exhaustive and other examples can be cited.**

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

None

**Q67. Do you agree or disagree that the proposed examples cover areas that may not be 'economically practicable' to deliver separate collection are appropriate?**

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 premises and accessibility
- Rurality and geography of premises

- 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.

**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 outweighs its value once collected it may not be economically practicable to collect a waste stream separately.

**Contract breakage costs. Climate Change impact if the benefits of separate collection are outweighed by the additional resources needed to collect the materials.**

**Q69. Do you have any views on what might constitute ‘excessive costs’ in terms of economic practicability?**

No

**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 rationale for doing it all should be questioned if it provides no clear environmental benefit.

**Q71. Do you agree or disagree that the proposed examples for ‘no significant environmental benefit’ are appropriate?**

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

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.

**Q72. What other examples of ‘no significant environmental benefit’ should be included in this proposal? Please be as specific as possible.**

“Availability of recycling facilities” should be expanded to “availability and location of recycling facilities”, as the environmental impact of transporting the material also needs to be considered. Air Quality.

## Proposal 25: On compliance and enforcement

**Q73. What other ways to reduce the burden on waste collectors should we consider for the written assessment?**

Nothing to add.

**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?**

**The capital and operational costs of treatment and transportation.**

**Q75. Would reference to standard default values and data, that 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.

**Yes, as long as that does not preclude waste collectors supplying their own data where it better matches the reality of their particular circumstances.**

**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

**Yes, as long as the template is simply a guide and allows flexibility where a local authority deems it necessary.**

**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

## **Proposal 26: On the costs and benefits of implementing the changes proposed in this consultation**

**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?**

No

**Q79. Do you have any comments on our impact assessment assumptions and identified impacts (including both monetised and unmonetised)?**

No