



## REA Member Briefing on Simpler Recycling

Government published their long-awaited post consultation response on [Simpler Recycling](#) (previously known as Consistency in Household and Business Recycling in England) on 21<sup>st</sup> October. This work started with the publication of the Resources and Waste Strategy in 2018, and the REA has been proactively feeding into consultations and discussions on behalf of members.

The response includes the planned implementation dates for when food and garden wastes must be collected from households and for business food waste collections:

- Businesses (and relevant non-domestic premises) will have to implement the collection reforms by 31st March 2025, with a two-year extension for micro firms (fewer than 10 FTEs) until 31st March 2027.
- Household collections (for all recyclables, food and garden) will need to be in place by 31st March 2026 (unless a transitional arrangement is in place regarding food waste collections).

We have [welcomed the publication](#) as clarity over dates gives much needed certainty to industry to enable plans to progress. We recognise that members may have differing views on some of the content and welcome further engagement on the areas still subject to consultation.

REA plan to arrange a webinar for members to learn more about the response and gather views to feed into the REA consultation response. We will circulate further details when available.

### Further consultation

Published alongside the response is a [consultation on the additional policies](#). This focuses on two areas: expanding the list of relevant non-domestic premises (to include prisons, and places of worship, premises used wholly or mainly for public meetings, and some charity shops and residential hostels); and additional information required to be recorded in the digital waste tracking service. This is a short (4-week) consultation, closing 20th November 2023. We welcome members' comments, please send them to [jenny@r-e-a.net](mailto:jenny@r-e-a.net)

We understand there will be a different consultation on the statutory guidance including an exemption that would allow co-collection of materials. We will circulate details when available.

### Other important points:

- Proposal to introduce an exemption to allow co-collection of materials (e.g. food waste with garden waste) without the need for a TEEP assessment (as per the original plan) - subject to consultation.
- Garden waste collections do not have to be free – Local Authorities can choose to provide garden waste collection as part of waste collections under Council Tax or collect it under a subscriber-pays service.
- Residual (non-recyclable) waste must be collected at least fortnightly set out in statutory guidance - subject to consultation.



- Government is committed to providing reasonable new burdens funding where local authorities are required to deliver food waste collections from households. This funding will be based on a modelled estimate of costs and savings for local authorities that will result from the new proposals. This includes capital costs (such as vehicles and containers), as well as resource costs (such as vehicle re-routing, communications and project management) and ongoing service costs (such as collection and disposal costs).
- Food waste must be collected on a weekly basis as set out in the Environment Act 2021.
- Further evidence is needed before government publishes guidance on caddy liners.

## Summary of requirements

### Collection of dry, recyclable waste

The dry recyclable waste streams (excluding plastic films) **must be collected from households by 31 March 2026**. Recyclable plastic film to be collected by 31 March 2027.

**Non-household municipal premises**, except micro-firms (businesses with fewer than 10 full-time equivalent – FTE – employees), will be required to arrange for the collection of the dry recyclable waste streams (excluding plastic films) by **31 March 2025**.

### **Materials for dry recycling are:**

- glass packaging (bottles & jars);
- metal (cans, aerosols, aluminium foil & food trays, jars, lids and aluminium tubes);
- plastic (bottles, pots, tubs, trays, tubes (larger than 50mm x 50mm), cartons, film packaging & bags (from March 2027));
- paper & card.

The Secretary of State may add to the materials in each recyclable waste stream set out in the regulations in the future, once there is confidence that the materials are recyclable.

Defra propose to provide a further exemption to allow all dry recyclables (paper and card, plastic, glass and metal) to be collected together in one recycling bin. If using an exemption, waste collectors would not be required to produce a written assessment to co-collect them. This exemption would apply to both household and non-household municipal premises in England but is subject to consultation and will be confirmed in upcoming regulations.

Once the Deposit Return Scheme (DRS) is operating, materials within the scope of the DRS can be returned by consumers through that scheme rather than kerbside recycling. Some materials may continue to be collected at kerbside, although by choosing this method of recycling, the consumer would then be forfeiting their deposit.

Government intends to include plastic film packaging and plastic bags made of mono-PE, mono-PP and mixed polyolefins PE and PP in the plastic recyclable waste stream, including those metallised through vacuum or vapour deposition.

Regarding non-mechanical (chemical) recycling, Defra have said that this could potentially play a role in increasing the quantity of recyclable material, particularly difficult-to-recycle plastics.



Where mechanical recycling is impractical or uneconomic, this could be complemented by non-mechanical recycling. This technology is classed as recycling if resulting oil or syngas is converted into a non-fuel product, such as replacing virgin materials in new plastic products. However, it is considered recovery if used as a fuel or to create energy.

### **Collection of food waste**

**Household** - Under the new legislation, waste collection authorities in England must arrange a **weekly collection of food waste** for recycling or composting from households **by 31<sup>st</sup> March 2026** - unless they need longer to transition due to an existing long-term waste disposal contract (see below for further details).

'If a local authority chooses to co-collect food and garden waste from households, they must ensure that food waste is collected for free on a weekly basis by 31 March 2026, where they are continuing to co-collect it with garden waste'. Defra are consulting on providing an exemption to allow food and garden waste to be collected together in one bin. If using an exemption, waste collectors would not be required to produce a written assessment to co-collect them.

Government will **provide local authorities with funding** to meet agreed reasonable new burdens arising from this policy, including capital costs (such as vehicles and containers), as well as resource costs (such as vehicle re-routing, communications and project management) and ongoing service costs (such as collection and disposal costs). All payments will initially be through distinct section 31 grants. The level of new burdens payments that each local authority will receive will be set out in letters sent to each local authority under section 31 of the Local Government Finance Act 2003.

**Non-household** - All non-household municipal premises in England must arrange for the **separate collection of food waste by 31<sup>st</sup> March 2025** and to present their waste in accordance with these arrangements, but they are not required to have weekly collections. Micro-firms (fewer than 10 FTE employees per enterprise) have extra time, they must comply by 31<sup>st</sup> March 2027. In cases where a non-household municipal premise does not produce any food waste, it is not required to arrange for its separate collection.

Government's preference is for food waste to be collected for treatment by anaerobic digestion (AD), which presents the best environmental outcome for the treatment of unavoidable food waste (in their assessment), due to the generation of bio-fuel and digestate. This digestate can be spread to land, ensuring nutrients are recycled, creating a more circular economy. They have [extended the Green Gas Support Scheme](#) to 31<sup>st</sup> March 2028.

The following materials will be included in the food waste stream:

- all food intended for human or household pet consumption, regardless of whether it has any nutritional value
- biodegradable material resulting from the processing or preparation of food, including inedible food parts such as bones, eggshells, fruit and vegetable skins, tea bags and coffee grounds'



The same materials will be included in the food waste stream for households and non-household municipal collections.

To assist waste collection authorities in complying with their duties under the new section 45A of the Environmental Protection Act 1990 (as amended), Defra intend to include additional detail in statutory guidance on what should not be included as part of the food waste stream.

### **Caddy liners**

Further evidence is needed before publishing guidance on caddy liner use. Defra will continue to explore options that promote the best environmental outcomes in this area.

### **On-site food waste treatment technologies**

Defra are seeking to do further research into food waste treatment technologies to provide greater clarity on this issue.

### **Collection of food waste: where there are long-term residual waste disposal contracts**

The government's position is that all local authorities should implement food waste collections by the end of March 2026. However, they recognise that there are exceptional circumstances in which specific local authorities may need longer due to existing long-term waste disposal (mechanical biological treatment and energy from waste) contracts that run beyond 31 March 2026. Government is not prepared to meet the costs of breaking long-term contracts.

Defra will proactively work with local authorities to provide transitional arrangements where needed to avoid contract-breaking. Any local authority that does not request a transitional arrangement and is subject to variation or contract break costs must meet those costs itself. The Secretary of State may in certain circumstances specify that an authority should be subject to a transitional arrangement, where the Secretary of State is satisfied that there would be a significant cost to the taxpayer if an arrangement was not in place.

The reduction of food waste collected within the residual waste stream following the introduction of food waste collections could cause increased contractual costs or financial penalties for affected waste disposal or unitary authorities. Defra's evidence shows that it would not represent good value for money were government to compensate waste disposal authorities and unitary authorities for these costs, as required by the new burdens doctrine. This is because the carbon benefits may be marginal compared to far greater carbon savings per pound spent on other government projects.

Defra will therefore provide named waste collection authorities with bespoke transitional arrangements so that they have until existing long-term contracts expire - or an earlier date if agreed - before they need to bring in separate weekly food waste collections. Following one-to-one engagement with local authorities this year, waste collection authorities who require a transitional arrangement will be listed in the commencement regulations, along with the date by which they are required to provide a weekly food waste collection.



### **Collection of garden waste from households**

Waste collection authorities will be required to collect garden waste in accordance with the new requirements **by 31 March 2026** but, as is currently the case, they will still be able to charge for the service (on a householder subscription basis). After analysis of estimated carbon savings, Defra say 'the economic and environmental case is not strong enough to proceed with the proposal to require waste collection authorities to introduce a free minimum garden waste collection service (under services householders pay for via Council Tax). The final impact assessment will be published alongside regulations.

The following items will be included in the garden waste stream. All organic material from the garden except:

- ash
- full-sized trees
- invasive weeds and species
- soil
- turf cuttings
- waste products of animal origin'

To assist waste collection authorities in complying with their duties under the new section 45A of the Environmental Protection Act 1990, Defra will include additional detail in statutory guidance on what should not be included as part of the garden waste stream.

Defra will continue to monitor garden waste recycling rates.

### **Guidance on biodegradable and compostable plastic packaging materials**

Government do not require the separate collection of biodegradable and compostable plastic packaging materials under the new legislation. 'This is due to concerns over suitability for recycling, as highlighted by the waste and recycling industry in Defra's call for evidence on standards for biodegradable, compostable and bio-based plastics.'

Defra encourage innovative technologies, having funded ground-breaking research and innovation to make plastic packaging fit for a sustainable future through the £60m Smart Sustainable Plastic Packaging Challenge. They also understand the importance of ensuring any new sustainable products, materials and processes are in line with circular economy principles and fit with existing and readily available waste management practices.

Defra will continue to engage with the sector as the evidence develops to inform future guidance.

### **Anaerobic digestion composting phase**

Due to concerns regarding the cost of an AD composting phase, as well as planning and space constraints, Defra currently do not intend to require AD plants treating food waste to include a composting phase.

### **EPR for packaging**

EPR for packaging payments will be provided to local authorities, with packaging producers responsible for the costs of collecting and managing packaging waste through efficient and effective services. This includes the collection of additional packaging materials for recycling,



such as plastic films and flexibles. Initial estimates are that local authorities in England will collectively receive payments in the region of £900 million per annum for managing household packaging waste. Payment modelling is currently under way to refine this estimate in readiness for the implementation of EPR for packaging.