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Welsh Government

Consultation – summary of response

## Increasing Business recycling in Wales

Proposals for Statutory Instruments under Part IV of the Environment  
(Wales) Act 2016 and the Waste (Wales) Measure 2010

March 2021

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.

This document is also available in Welsh.

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## 1. The Policy - Introduction

This document provides an overview of the responses to the [consultation](#) entitled 'Increasing Business Recycling in Wales - Proposals for Statutory Instruments under [Part IV](#) of the Environment (Wales) Act 2016 and the [Waste \(Wales\) Measure 2010](#)'.

### 1.1 Background

The consultation ran for 12 weeks from 23 September to 13 December 2019.

It set out proposals to bring forward statutory instruments (SIs) to increase recycling from non-domestic premises such as businesses and the public sector in Wales. The SIs will:

- Require the occupiers of non-domestic premises (such as businesses, charities and public sector bodies) to present specified recyclable materials for collection separately from each other and from residual waste;
- Require those that collect the materials to collect them by means of separate collection and to keep them separate;
- Ban certain separately collected recyclable materials from incineration and landfill;
- Commence a ban on disposal of food waste to sewer from business premises;
- Provide for civil sanctions to be available in relation to criminal offences associated with the above requirements.

## 2. What we asked you

### 2.1 What is proposed

We are proposing to introduce legislation to:

- Require the occupiers of all non-domestic premises such as businesses (including farms and construction sites), charities, and public sector bodies (including hospitals, prisons and schools) to present specified recyclable materials for collection separately from each other apart from (a) paper and card, and (b) metal and plastic, which can be presented together. Recyclables must be presented for collection separately from residual waste. There will be no de minimis threshold for business waste producers below which the requirement to present waste separately for collection would not apply, apart from premises that produce less than 5kg a week of food waste who will not be required to separate food waste for separate collection;
- Require those that collect the specified recyclable materials from such premises (such as waste management businesses or Local Authorities) to collect them separately and keep them separate until treatment;
- Ban specified separately collected recyclable materials from incineration and landfill;

- Commence the ban on disposal of food waste to sewer from business premises (with no exemption for any food waste treated by specified treatment technologies).

The recyclable materials to be specified for presenting separately for collection, and then to be collected separately are:

- food waste from premises producing 5kg and more/week;
- glass;
- small waste electrical and electronic equipment (WEEE);
- textiles.

The following recyclable materials can be presented together:

- paper and card;
- metal and plastic.

Operators of incineration and co-incineration facilities will no longer be able to accept the specified separately collected materials above at their facilities.

In addition to the separately collected materials above, landfill operators will not be able to accept wood waste at their facilities.

In order to allow businesses and other occupiers of non-domestic premises to prepare for the changes, we have proposed that the duties will take effect in October 2021. However, some of the proposed changes have already been legislated for; in October 2020, the four nations of the UK transposed relevant parts of the EU Circular Economy Package 2018 into law under the Waste (Circular Economy) (Amendment) Regulations 2020<sup>1</sup>. The relevant elements are principally:

- The operator of an incinerator or landfill must not accept:
  - (a) any waste paper, metal, plastic or glass if that waste has been separately collected for the purpose of preparing for re-use or recycling; and
  - (b) any waste for incineration or landfill that results from the treatment of waste referred to in paragraph (a), unless incineration or landfill of that waste delivers the best environmental outcome.

Regulation 13 of the Waste (England and Wales) Regulations 2011, as amended by regulation 15 of the Waste (Circular Economy) (Amendment) Regulations 2020, will also require consideration and subsequent amendment as regards its application to non-domestic premises.

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<sup>1</sup> <https://www.legislation.gov.uk/uksi/2020/904/contents/made>

## **2.2. The questions we asked**

The following questions were asked:

- Q1 Do you agree that the level of segregation asked of businesses is acceptable? If no, please state why and an alternative.
- Q2 Do you agree with the materials that are proposed? If not, please state why.
- Q3 Are there particular sub fractions of the specified materials that should be either included or excluded from the requirement to keep separate and separately collect (for example, contaminated paper). If there are, please state why.
- Q4 Do you agree that lead in times for the proposals are reasonable? If no, what alternative lead in time would you suggest?
- Q5 Do you have any other comments on the impact of these proposals (for example, impacts on your organisation)?
- Q6 We would like to know your views on the effects that our proposals to increase business waste recycling would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?
- Q7 Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.
- Q8 We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

## **2.3 The Respondents**

A total of 100 responses were received from 96 different organisations. Some submitted more than one response, or different branches of an organisation responded separately. A full list of those who responded is provided in the Annex, and summarised by organisation type in Table 1.

Table 1: The number of responses by organisation type.

Type	Response Count	Response Percent (%)
Business	30	31.3
Individual	12	12.5
Local Authority	12	12.5
NGO	8	8.3
Other Public Body	17	17.7
Professional Body	1	1.0
Trade Association	16	16.7
Total	96	100

5 out of the 7 Local Health Boards (included under ‘Other Public Body’ in Table 1) and 12 out of the 22 Local Authorities responded. 61% of respondents were based in Wales. Responses were split between those using the online response form and those emailing their responses directly.

### **3 What you told us**

#### **3.1 Overall impressions**

There was general positivity to the principles the proposals were seeking to achieve, i.e. that businesses and the public sector should be required to separate out their different waste streams.

There was also overall positivity in terms of how this would assist Wales in moving forward in managing its resources more effectively.

#### **3.2 An overview of the responses to the consultation questions.**

This section provides an overview of the responses and includes the identification of the number of “Yes”, “No”, and “Other” responses, the latter being where responses are more complex and not clearly “yes” or “no”. In some cases answers to the questions were given in a block of text and not all contained ‘yes’ or ‘no’ in their answers, in which case one of the three categories has been inferred from the reply given.

No statistical analysis was undertaken due to the low number of responses in some categories.

The main themes emerging from the responses are summarised below.

**Question 1: Do you agree that the level of segregation asked of businesses is acceptable?**

The modelling (conducted by Eunomia Research and Consulting) predicts the best environmental and financial benefits are provided by the adoption of a moderate level of segregation i.e. businesses required to present food waste and five stream dry recyclables ((i) paper and card; (ii) metal and plastic; (iii) glass; (iv) textiles; (v) small waste electrical and electronic equipment (WEEE)) separately for collection and for those that collect the waste to provide a service to collect these streams and keep them separate. Bans on food waste to sewer and landfill and incineration bans for separately collected materials. This was identified in the consultation document as the Welsh Government’s preferred option.

The responses to Question 1 broken down by type of organisation responding are provided in Table 2.

*Table 2: Responses, by type of organisation, to Question 1 - Do you agree that the level of segregation asked is acceptable?*

Type of organisation	Number of responses			
	Yes	No	Other	Total responses
Business	20	6	4	30
Individual	9	2	2	13
Local Authority	7	4	3	14
NGO	4	4	1	9
Other Public Body	7	5	5	17
Professional Body	1	0	0	1
Trade Association	6	4	6	16
Totals	54	25	21	100

Respondents broadly agreed that the level of segregation asked of businesses is acceptable.

Those who responded “No” predominantly preferred a lower degree of separation (i.e. Option 2). These respondents raised a variety of concerns. Key concerns included:

- Lack of space for bins, either within businesses or on public highways; cost and effort of separate bins is unnecessary given the level of waste. Respondents expressing this view included seven Local Authorities.
- The cost of new bins to businesses, and the cost of new vehicles and sorting and processing capacity to Local Authorities and waste businesses will be prohibitively expensive. Respondents expressing this viewpoint included two Local Authorities and three Health Boards.
- The level of separation will be too confusing, or too much effort, and therefore decrease recycling rates.
- The level of separation should not apply in clinical settings due to severe lack of space on wards, and the burden it will place on clinical staff and hospital

resources. This was flagged as a major concern expressed by six Health Boards (see the response to question 5).

Other “no” responses highlighted the lack of market for certain recyclates, and expressed concerns about enforcement/policing of waste segregation. Four “no” responses expressed a preference for a higher level of segregation of plastic subfractions and waste wood.

**Question 2: Do you agree with the materials that are proposed?**

The recyclable materials to be specified for separate collection and banned from incineration and landfill are: paper, card, plastic, metal, glass, food, textiles and small waste electrical and electronic equipment (WEEE). Separately collected wood waste will be banned from landfill only.

The responses to Question 2 broken down by type of organisation responding are provided in Table 3.

*Table 3: Responses, by type of organisation, to Question 2 - Do you agree with the materials that are proposed?*

Type of organisation	Number of responses			
	Yes	No	Other	Total responses
Business	19	3	7	29
Individual	8	2	0	10
Local Authority	7	1	4	12
NGO	9	0	0	9
Other Public Body	10	1	3	14
Professional Body	1	0	0	1
Trade Association	5	2	4	11
Totals	59	9	18	86

Most respondents agreed with the focus on the materials proposed, though some suggested that waste wood should be added as a material for segregation.

A quarter of respondents disagreed with the proposed materials – some thinking that some materials proposed were unnecessary with others thinking additional materials should be considered for inclusion. There was no clear distinction in terms of response between the categories of respondents.

**Question 3: Are there particular sub fractions of the specified materials that should be either included or excluded from the requirement to keep separate and separately collect (for example, contaminated paper). If there are, please state why.**

The responses to Question 3 broken down by type of organisation responding are provided in Table 4.

*Table 4: Responses, by type of organisation, to Question 3 - Are there particular sub fractions of the specified materials that should be either included or excluded from the requirement to keep separate and separately collect?*

Type of organisation	Number of responses			
	Yes	No	Other	Total responses
Business	16	4	4	24
Individual	6	1	0	7
Local Authority	10	0	1	11
NGO	7	0	0	7
Other Public Body	5	3	6	14
Professional Body	0	0	0	0
Trade Association	4	0	6	10
Totals	48	8	17	73

Around two thirds of respondents considered that particular material sub fractions should be either included or excluded. For instance, a waste collection business stated plate glass and glass bottles should be collected separately, and an NGO requested hard and soft plastics should be collected separately, the justification being separation of these sub-fractions provides higher quality recyclate, which fetches a higher market price.

Contamination of materials with food (e.g. bottles and cans, takeaway cardboard packaging) was a common issue raised. It was noted that discussions with those responsible for reprocessing these materials would be desirable as the policy is developed.

There were some concerns about specific challenges faced by specialist sectors, e.g. contaminated silage wrap in the agricultural sector.

The health care sector again noted their specific challenge – separating out each stream of waste presented some major health risk challenges for them. They would need clear guidance agreed with the NHS in Wales.

**Question 4: Do you agree that lead in times for the proposals are reasonable?**

In order to allow businesses to prepare for the changes, we proposed that the duties will take effect in October 2021, apart from those elements that need to be applied

earlier to meet our remaining commitments on new EU legislation, as explained in section 2.1 above.

The responses to Question 4 broken down by type of organisation responding are provided in Table 5.

*Table 5: Responses, by type of organisation, to Question 4 - Do you agree that lead in times for the proposals are reasonable?*

Type of organisation	No of responses			
	Yes	No	Other	Total responses
Business	16	6	6	28
Individual	5	2	1	8
Local Authority	7	6	1	14
NGO	8	0	1	9
Other Public Body	5	9	2	16
Professional Body	1	0	0	1
Trade Association	6	2	6	14
Totals	48	25	17	90

Just over half of respondents thought the timetable was reasonable. Businesses, trade bodies and NGOs were largely supportive of the timetable, with less support from other public bodies. Local Authorities had mixed views.

A number of respondents noted that those impacted by the Regulations would need clear guidance and support to meet the requirements.

Existing contracts presented an issue for some Local Authority respondents, noting that it would be difficult to change existing contracts when no Local Authority budget is currently allocated to this issue beyond continuing the current state of play. Several respondents noted that Local Authority business waste collectors tend to set annual prices in April for the year ahead. Similarly, many businesses may be locked into long-term contracts with private waste collection suppliers.

Local Authority respondents suggested that communication with the Welsh Government would be key to successful implementation.

It was noted that existing Local Authority kerbside collection arrangements provided a very sound basis to extend to businesses and beyond – as long as the materials for collection mirrored those already collected. The issue of consistency was highlighted as needing to be discussed with, and made clear to, local government.

In terms of SMEs (small and medium enterprises – who make up the vast majority of businesses in Wales), there was an appeal for support and guidance.

## Question 5: Do you have any other comments on the impact of these proposals (for example, impacts on your organisation)?

The proposals will affect numerous players:

- **Non-domestic producers of waste**, such as businesses, the public sector and charities, will need to separate the specified recyclables materials on their premises.
- **Those that dispose of food waste to sewer**, such as hospitality businesses and public sector institutions, will no longer be able to do so, and will need to present the food waste separately for collection.
- **Waste collectors**, such as waste management companies and Local Authorities, will be required to collect the material streams from non-domestic premises by means of separate collection and recycling rather than energy recovery or landfill disposal. They will be prohibited from subsequently mixing the materials.
- **Operators of incineration and co-incineration facilities** will no longer be able to accept the specified separately collected materials at their facilities.
- **Operators of landfill facilities** will no longer be able to accept the specified separately collected streams at their facilities. In addition to the separately collected materials, landfill operators will not be able to accept separately collected wood waste at their facilities.
- **Natural Resources Wales (NRW)** will regulate all the requirements other than the ban on food waste to sewer.
- **Local Authorities** will regulate the ban on the disposal of food waste to sewer from non-domestic premises.

This section explores the respondents' views on how the proposals could impact different sectors of society.

### The impact on businesses

The following is a summary of issues raised by respondents on the impact of the proposals on the business sector:

- A key concern shared by many respondents was the cost to businesses of additional bins, and the potential rising cost of recycling collection due to the more stringent separation requirements. This concern was expressed by businesses large and small, as well as local authorities, NGOs and individuals.
- Another concern frequently expressed was the lack of space for additional bins within business premises. Several respondents questioned the wisdom of having a separate glass or textiles bin if a business produces minimal quantities of this waste stream.

- Three respondents raised the issue that extra bins and vehicle movements (for instance, at visitor attractions such as National Trust sites) may be a health and safety or fire hazard, as well as being visually unappealing.
- Other respondents feared that buy-in from business owners and staff would take time, and the transition period was too short to achieve this. However, no waste-producing businesses expressed this view; only three Local Authorities and one waste collection business did so.
- Others expressed confusion over responsibility for segregation and which businesses were included. For instance, a trade association held the view that holiday park operators should not be penalised for the failure of customers to separate waste (it should be noted that caravans are classed as domestic premises and so the requirements on non-domestic premises will not apply to them). There were requests for childminders to be excluded from the definition of a business, and markets and festivals to be included.
- Several issues specific to the farming community were raised. The NFU Cymru stated that farmers currently send plastic wrap (e.g. silage wrap) to landfill or incineration due to a lack of options for domestic recycling, and expressed concern for the financial impact on farmers of being required to recycle this waste stream. They also mentioned the potential benefits and costs to farmers of accepting domestic food waste in on-farm anaerobic digestion (AD).
- One trade association whose members include manufacturers of domestic food waste disposers (FWD) was concerned about the impact of the ban on food waste to sewer on these businesses.

### The impact on Local Authorities

The following is a summary of issues raised by respondents on the impact of the proposals on Local Authorities.

- The cost to Local Authorities was a major concern for five Local Authorities and a waste business. Respondents raised concerns over the cost of new vehicles, new collection methods, new sorting facilities and infrastructure (MRFs), new staff training and enforcement and new engagement materials. Some Local Authorities stated the income received from business recycling will be negligible for the quantity generated in rural areas, and feared being undercut by private waste providers in urban areas, leaving the Local Authority to service the more expensive rural areas. Several Local Authorities asked for more financial support from central government to implement the proposals.
- However, three Local Authorities stated there may be a positive cost impact to Local Authorities, through levelling the playing field between the Local Authority and private waste providers (via the blanket requirement to collect waste separately), and through helping Local Authorities meet their statutory recycling targets.

- Only one Local Authority cited the lack of public space for bins as a potential issue.
- Enforcement of the regulations was a major concern for Local Authorities, with ten Local Authorities and two public bodies expressing strong views on the subject. A common query was where the responsibility for enforcement of businesses segregating waste and the ban on incineration lies - with Natural Resources Wales (NRW) or the Local Authority. Some felt NRW should take on more responsibility, and some the Local Authority. Some believed the full costs of enforcement in either scenario had not been properly accounted for. One respondent asked for businesses to be subject to the same requirements to audit their waste collection as Local Authorities. In general, the view was that clear and strong enforcement is necessary across the board.
- In terms of the enforcement of the ban of food wastes to sewer, there is a concern about the cost impact on Local Authorities, and whether food inspectors have the required time and resources to implement the ban. Guidance and support from government was requested. Two Local Authorities believed Dwr Cymru/Welsh Water should enforce the ban.
- Other concerns were over a drop in participation and the resulting reputational damage to Local Authorities; the lack of demand for recycle/volatility of materials markets; and whether in some exceptional circumstances (e.g. extreme weather events) waste collections could be missed without penalty.

### Impact on waste collection businesses

Below is a summary of issues raised by respondents on the impacts of these proposals on waste collection (and processing) businesses:

- Two waste collection businesses, two Local Authorities and an NGO mentioned the cost to waste collection businesses of new vehicles, staff and collection and sorting facilities (plant).
- Two trade associations and a business believed it could have a positive cost impact by increasing the quality of recycle; however, a waste collection business and a Local Authority believed there would not be sufficient demand for recycle. The British Plastics Federation asked for a clear definition of which plastics will be collected under the proposal, stating all types of plastic (including pots, trays and tubs and plastic film) should be collected in order not to discourage future innovation.
- There was confusion around enforcement, with queries over whether waste collectors will be required to enforce the ban on recyclables to landfill, and how enforcement will operate for collectors who work across the English/Welsh border (from two waste businesses and a trade association).
- One waste business believed energy from waste should still be an option, whereas another was concerned about customer loss and reputational damage.

### Impact on public bodies and NGOs

Respondents raised a variety of potential impacts on Wales' diverse public bodies and NGOs:

- Cost was a key concern: the cost of additional bins, new staff or collection rounds, and new engagement, signage and labelling.
- Space for bins could also impact public bodies and NGOs/charities in a similar way to how it might impact businesses. Vehicle movements at NGOs which operate outdoor attractions were raised as a potential health and safety concern.
- One Local Authority commented these regulations will apply to waste from schools and parks, and suggested potential issues for these places (e.g. the predominance of mixed litter bins in these situations).
- One charity which operates a chain of shops requested that donations from households are treated as household waste, not commercial waste, in order not to place a heavy financial burden on these charities.
- As stated previously, several Local Authorities were concerned about the potential impact on NRW of enforcement, questioning whether NRW has the requisite financial and human resources to carry out business waste inspections.

### Impact of the proposals on healthcare settings

Although included in the "public bodies" category, the potential impacts on healthcare settings, such as hospitals, clinics and care homes were highlighted in the responses to the consultation, and are therefore detailed separately below. Four Health Boards and one emergency service provider answered this question, and the concerns they raised were broadly in four areas:

- Lack of space, sometimes severe, particularly on hospital wards. This could impact on the quality of care, for instance by reducing the space available for patient rehabilitation activities.
- Increased number of bins will place an additional burden on overstretched clinical staff, who must already segregate clinical waste. There is a potential for infection rates to increase with additional bins; it was claimed that introducing new bin receptacles could contravene current infection prevention and control (IPC) schemes.
- Costs of new bins, or new on site sorting and processing, new staff/increased hours (e.g. of porters), and new signage and engagement will be high. One Health Board estimated costs to be in region of £2-2.5 million.
- The risk that bins accessible to the public could become contaminated, and the view of respondents was that the NHS should not be penalised for poor recycling of visitors/patients. One Health Board stated they would prefer to continue sending their waste to incineration, as per current arrangements.

## Impact of the proposals on the wider economy, society and the environment

Responses, no matter which sector they originated from, often commented on the impact of the proposals on Wales as a whole and on the natural environment.

- Positive comments from six respondents included the potential for increased business recycling to contribute towards a circular economy and less wastage of natural resources; many respondents believe the proposals will change attitudes to waste and increase recycling rates, and were supportive of this. Three NGOs called for a change in language – no longer referring to any materials as ‘waste’ or ‘litter’ – to facilitate this.
- A similar number of respondents believed the Welsh Government should focus more on reducing and reusing waste, rather than recycling.
- One respondent (an NGO) believed the proposals would decrease fly-tipping and littering, whereas a Local Authority and a trade association believed fly-tipping rates may increase due to non-compliance by businesses.
- Several respondents (two waste businesses, a Local Authority and a trade association) questioned the underlying assumptions of the modelling, for example, material prices and whether increased segregation will increase quantity of recycling, fearing projected financial benefits may not materialise. There was also a stated uncertainty over the impact of the deposit-return and extended producer responsibility schemes on presentation and volumes of waste.
- Several more respondents were of the view that the carbon emissions from increased vehicle movements had not been properly accounted for, and more vehicles on the roads could cause increased health risks.
- The cement manufacturing industry raised the potential for increased greenhouse gas emissions from replacing energy-from-waste with coal in cement kilns. One respondent estimated that “if waste derived fuels were inadvertently banned from in cement kilns in Wales and replaced by coal, over the ten year period from 2020 to 2029, emissions from cement manufacturing in Wales would increase by around 0.4 million tonnes, based on 2018 production levels and fuel mix.”

**Question 6: We would like to know your views on the effects that our proposals to increase business waste recycling would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?**

Around half the respondents either left this question blank or put ‘No response’.

The responses to Question 6 broken down by type of organisation responding are provided in Table 6.

*Table 6: Responses, by type of organisation, to Question 6 - Views on the effects that our proposals to increase business waste recycling would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.*

Type of organisation	Number of responses				
	Negative	Positive	No effect	Other	Total responses
Business	0	2	9	3	14
Individual	0	0	7	1	8
Local Authority	1	1	4	4	10
NGO	0	1	3	2	6
Other Public Body	0	4	4	4	12
Professional Body	0	0	1	0	1
Trade Association	0	0	1	0	1
Totals	1	8	29	14	52

There were some questions regarding whether the new Regulations would effectively place a duty on Local Authorities (with an additional need to produce bilingual literature, livery and signage) which would not apply to independent Waste Management Companies who are not bound by the Welsh Language Act 1993.

There are general comments on communicating to people in businesses, especially where English or Welsh is not a first language, to ensure everyone is aware of the changes and what is expected of people, e.g. shop workers, front of house staff and customers.

**Question 7: Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.**

The majority of respondents who answered this question indicated that they currently operate within current Welsh Language legislation. The remainder stated that they have no comment or felt that it would not impact on their current operations.

### Business

A number of business representatives that responded noted that reference should be made to the Well-being of Future Generations (Wales) Act 2015 and the seven objectives in relation to sustainability – noting that one of these refers to the Welsh language.

Those bodies who have a duty under the Act may need to think about the implications.

Some respondents noted that education plays a pivotal role in engagement for re-use and recycling and education in Wales is provided bilingually.

### Local Authorities

A point was made that all Local Authorities have contracts with clauses written in to state that all of their sub-contractors must comply with the Welsh Language Standards, which encourage their contractors to do the same as the council; however, there is no such leverage on other private companies. Therefore, the English language would be treated more favourably as there are no corresponding standards for private sector businesses to comply with.

A suggestion was made that under this piece of legislation a proposal could be formulated so that the requirements on private businesses providing collections for waste treatment and recycling should mirror those of the Local Authority, including bilingual signs, livery and bilingual correspondence. This would ensure that the Welsh Language is not treated any less favourably than the English language.

**Question 8: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:**

The following is a summary of key issues raised (when not replicated in the answers to any of the preceding questions):

- Many respondents raised points surrounding enforcement of the measures. Some questioned what form the enforcement would take and how intrusive it would be to businesses. A few respondents suggested enforcement should be 'soft' in the initial year of the new policy (i.e. support and guidance to businesses to make changes), before moving towards ensuring compliance. One commented on the need for NRW and Local Authorities to work together on enforcement.
- Several responses emphasised the need for clear guidance or education, support and training around recycling, e.g. which plastics can be composted, which can be recycled and which must go to landfill. Some businesses asked for financial support to implement the training of staff in new recycling measures. The same colour-coded scheme across all Local Authority areas was suggested to improve clarity of the system.
- Many responses expressed confusion or asked for clarification around definitions (e.g. what does "food wastes" cover –does it include liquid wastes such as milk and cooking oil, animal feed, farm wastes, unused food within packaging)?.
- There were expressions of confusion over what the collection regime would look like 'on-the-ground' (e.g. could the recyclable materials be presented in

separate bags, but placed in the same bin receptacle? Will Material Recovery Facilities (MRFs) still be required?).

- Concerns stemming from a ban on food waste to sewer were raised by four respondents (two Health Boards, NHS Shared Partnership and the Catering Equipment Suppliers Association). Points raised included: the ban on food waste to sewer will cause food waste disposer (FWD) and in-vessel composters (IVC) manufacturers to lose profit, custom and potentially jobs; the requirement to present food waste for collection may be a security risk at prisons. The Health Boards stated dewaterers are already in place in several hospitals, and reduce volume of food waste. Some believed hospitals should still be allowed to macerate food waste and dispose it to the sewer, whereas another felt that food waste should be dewatered and then sent for anaerobic digestion.
- Several responses asked for specific exceptions to the guidance, or further consideration to be made, for: places of worship, care homes, sheltered accommodation and private childcare. Charity shops were concerned mandatory recycling of textiles would perversely affect their sector by reducing donations.
- Several respondents called for packaging manufacturers/fillers to take more responsibility for their product. Some questioned how the measures would interact with the proposed Extended Producer Responsibility (EPR) scheme. One waste business was concerned about a potential disparity of the distribution of funds from the EPR scheme between Local Authorities and private waste providers.
- Five respondents held the view that recyclables should be used in the UK/Wales and not shipped overseas, and lead to increased investment and development of reprocessing infrastructure in Wales, with a request for specific funding for this.
- The Health and Safety Executive (HSE) commented that full risk assessments must be carried out before the roll-out of any new collection service; however, Health and Safety should not be an excuse for not carrying out separate collection. Guidance on Health and Safety for separate collection is available from the HSE.
- One business raised the issue of waste from food markets and festivals, particularly the provision for compostable plastics and paper-based takeaway packaging. This respondent claimed that only one facility is currently able to process this waste stream in Wales, and most food waste digesters will not currently accept this type of waste and questioned if festivals will also be exempt from the regulations.
- Some respondents asked how the proposed changes fit in with other policies - the National Strategy (Prosperity for All) and the Wellbeing Goals.

#### **4 What we will do next**

The responses will inform the development of the legislation.

We will engage with stakeholders who have raised issues in the consultation (for instance, the healthcare sector) and work with them in developing the detailed regulations, for example to determine whether any potential exceptions should apply. Through the Circular Economy Fund, we have also already been supporting businesses and public sector bodies to prepare for the changes in recycling regulations.

The regulations will be developed in order to be ready to bring before the Senedd later in 2021. We will also prepare guidance for, and continue to engage with those who will be affected by these changes before the regulations come into effect.

As previously outlined, it is proposed that the regulations will come into place and the duties will take effect from October 2021, apart from those elements that have already come into force through the transposition of the EU Circular Economy Package 2018 as referred to in section 2.1.

The regulations are also a key part of the action set out in our consultation on a new circular economy strategy, *Beyond Recycling*, which will be published in early 2021. A circular economy means keeping resources in use for as long as possible and avoiding waste. How we manage and value our resources, including those referred to in this consultation, will be key to this transition.

## Annex: List of respondents

This list does not include those respondents who asked for their response to be kept confidential.

Name/Organisation	Type
<b>Abergavenny Fine Foods</b>	Business
<b>Alupro</b>	Trade Association
<b>Amgen Cymru</b>	Business
<b>Antur Waunfawr</b>	Business
<b>Association of Convenient Stores (ACS)</b>	Trade Association
<b>Association of Manufacturers of Domestic Appliances</b>	Trade Association
<b>Betsi Cadwaladr University Health Board</b>	Other (Public Body)
<b>Biffa</b>	Business
<b>British Glass Manufacturers Confederation</b>	Trade Association
<b>British Holiday and Home Parks Association</b>	Trade Association
<b>British Plastics Federation</b>	Trade Association
<b>British Soft Drink Association</b>	Trade Association
<b>Caerphilly County Borough Council</b>	Local Authority
<b>Canal &amp; River Trust</b>	NGO
<b>Cardiff Council</b>	Local Authority
<b>Cardiff University</b>	Other (Public Body)
<b>Carol Richardson</b>	Individual

<b>Catering Equipment Suppliers Association (CESA)</b>	Trade Association
<b>Catherine Brown</b>	Individual
<b>Ceredigion Technical Services</b>	Local Authority
<b>Chris Brown</b>	Individual
<b>Chris Moorman</b>	Individual
<b>Conwy CBC – Neighbourhood Services</b>	Local Authority
<b>Conwy CBC – Regulatory and Housing Services</b>	Local Authority
<b>Country Land and Business Association Cymru</b>	Trade Association
<b>Cwm Taf University Health Board</b>	Other (Public Body)
<b>DS Smith</b>	Business
<b>Dŵr Cymru Welsh Water</b>	Other (Public Body)
<b>Ewan Drummond</b>	Individual
<b>Federation of Small Businesses (FSB) Wales</b>	Trade Association
<b>Food &amp; Drink Federation</b>	Trade Association
<b>FRAME</b>	NGO
<b>Hanson UK</b>	Business
<b>Haven Automation Ltd</b>	Business
<b>Health &amp; Safety Executive (HSE)</b>	Other (Public Body)

<b>Hywel Dda University Health Board</b>	Other (Public Body)
<b>Institute of Civil Engineers (ICE)</b>	Professional Body
<b>Local Authority Recycling Advisory Committee (LARAC)</b>	Other (Public Body)
<b>Mair Davies</b>	Individual
<b>Merthyr Tydfil CBC</b>	Local Authority
<b>Mineral Products Association</b>	Trade Association
<b>Mission HERU Ltd</b>	Business
<b>National Trust in Wales</b>	NGO
<b>Newmore Wallcoverings</b>	Business
<b>Newport Council</b>	Local Authority
<b>NFU Cymru</b>	Trade Association
<b>NHS Shared Partnership</b>	Other (Public Body)
<b>Pembrokeshire CC</b>	Local Authority
<b>Pembrokeshire Coast National Park Authority</b>	Other (Public Body)
<b>Plas Farm Ltd.</b>	Business
<b>Powys County Council</b>	Local Authority
<b>Public Health Wales</b>	Other (Public Body)
<b>Rachel Pillar</b>	Individual
<b>REPIC Ltd</b>	Business
<b>Rhondda Cynon Taf CBC</b>	Local Authority
<b>RSPCA Cymru</b>	NGO

<b>Salvation Army Trading Company</b>	Business
<b>Solon Security</b>	Business
<b>Sustainable Wales</b>	NGO
<b>Tarmac</b>	Business
<b>Tenovus Cancer</b>	NGO
<b>The Wood Recyclers' Association (WRA)</b>	Trade Association
<b>Torfaen CBC</b>	Local Authority
<b>TYF Group</b>	Business
<b>Unisan UK</b>	Business
<b>Unknown</b>	Individual
<b>Unknown</b>	Individual
<b>Unknown</b>	Individual
<b>Welsh Blood Service</b>	Other (Public Body)
<b>Welsh Environmental Services Association (WESA)</b>	Trade Association
<b>Welsh Local Government Association (WLGA)</b>	Other (Public Body)
<b>Welsh Retail Consortium (WRC)</b>	Trade Association
<b>Williams a Williams Cyf</b>	Business
<b>Wrexham CBC</b>	Local Authority
<b>Zero Waste International Trust</b>	NGO