



Llywodraeth Cymru
Welsh Government

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Welsh Government
Consultation – summary of responses

Separate collection of waste materials for recycling – a code of practice for Wales

Proposals for a code of practice providing practical guidance on how to meet the separation requirements in Wales for recyclable waste materials from non-domestic premises as proposed to be set out in the Waste Separation Requirements (Wales) Regulations 2023.

Date of Issues: April 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh
Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

Overview

This document provides an overview of the responses to the consultation entitled 'Separate Collection of Waste Materials for Recycling – A Code of Practice for Wales'. In providing an overview of the responses to the consultation as they have been received, it should be noted that some contain inaccuracies in respect of the policy proposals stemming from a misunderstanding of the regulations or the underlying legislation. The details of the proposals can be found at [Separate collection of waste materials for recycling: a code of practice for Wales | GOV.WALES](#), and the information received will be used to inform future communication and guidance on the reforms to avoid any misunderstandings going forward.

Action Required

This document is for information only.

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

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Additional copies

This summary of response and copies of all the consultation documentation are published in electronic form only and can be accessed on the Welsh Government's website: [Separate collection of waste materials for recycling: a code of practice for Wales | GOV.WALES](#)

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1. Introduction

This document provides an overview of the responses to the consultation entitled 'Separate collection of waste materials for recycling: a code of practice for Wales'. In providing an overview of the responses to the consultation as they have been received, it should be noted that some contain inaccuracies in respect of the policy proposals stemming from a misunderstanding of the regulations or the underlying legislation. The details of the proposals can be found at [Separate collection of waste materials for recycling: a code of practice for Wales | GOV.WALES](#), and the information received will be used to inform future communication and guidance on the reforms to avoid any misunderstandings going forward.

1.1 Background

The consultation ran for 12 weeks from 23 November 2022 to 15 February 2023. It was designed to seek stakeholder views on the code of practice ("the code") and whether it provides sufficient practical guidance on how to meet the separation requirements in Wales for recyclable waste materials from non-domestic premises as proposed to be set out in the Waste Separation Requirements (Wales) Regulations 2023. It also sought views on the phasing of certain waste streams.

The code will be issued under section 45AB of the Environmental Protection Act 1990 ("EPA") in relation to the separate collection of waste under section 45AA of the EPA.

The code will support the proposed Waste Separation Requirements (Wales) Regulations 2023 which will apply to non-domestic premises.

The proposed new regulations will require the following:

- 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;
- 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;
- Ban all wood waste from landfill;
- Commence a ban on disposal of food waste to sewer from non-domestic premises;
- Provide for civil sanctions to be available in relation to criminal offences associated with the above requirements.

Following consultation on options for the regulations in 2019, revised proposals on the planned phase-in for the requirements relating to small waste electrical and electronic equipment (sWEEE) and textiles have been included in the code as well

as a allowing more time for hospitals to present specified recyclable materials for collection. Proposals for the handling of cartons and similar items are also included.

The responses to this consultation will inform the final drafting of the code and the proposed Waste Separation Requirements (Wales) Regulations 2023.

2. What we asked you

2.1 What is proposed

The code sets out practical guidance on how to comply with the legal requirements placed on:

- i) the occupiers of non-domestic premises (including businesses, the public sector and charities) to present specified recyclable waste materials for collection in separate recyclable waste streams;
- ii) those collecting, or arranging for the collection of, waste to collect, or arrange for collection of, the separate recyclable waste streams separately; and
- iii) those who collect, receive, keep, treat or transport waste to not mix the separately collected recyclable waste streams with any other recyclable waste stream or with other types of waste or other substances or articles.

Specified recyclable waste materials, including sub-fractions, need to be separated for collection, collected separately, and kept separate after collection, and must be separated into the following six separate recyclable waste streams, as a minimum:

- i) food produced by premises producing more than 5kg of food waste a week;
- ii) paper and card;
- iii) glass;
- iv) metal, plastic, and cartons and other fibre-plastic composite packaging of a similar composition;
- v) unsold small waste electrical and electronic equipment (sWEEE); and
- vi) unsold textiles.

These duties are collectively referred to as the ‘separation requirements’.

In addition, there are complementary bans on the disposal of food waste to sewer from non-domestic premises, bans on specified separate recyclable waste streams going to incineration plants and landfills and a ban on all wood waste going to landfill.

Failure to comply with the separation requirements is an offence with no upper limit on the courts’ power to fine. A civil sanction may be issued for failure to comply with the separation requirements, in place of prosecution.

The code is admissible as evidence in any legal proceedings and must be taken into account by a court in determining any question to which it appears to the court to be relevant.

The regulator for the separation requirements is Natural Resources Wales.

Revised proposals on the planned phasing in of the requirements relating to sWEEE and textiles

Concerns have been raised about the feasibility and effectiveness of including a requirement within the regulations for the separate presentation and collection of sWEEE and textiles from the outset of the regulations coming into force.

This is because the kerbside collection of sWEEE and textiles is not yet widely established. In relation to textiles, the UK re-processing market is still relatively immature with a high reliance on exports, incineration and landfill.

In response, it is intended that separation and collection requirements for sWEEE and textiles from non-domestic premises are phased in after the coming into force date, by up to two and three years respectively. This will allow the waste collection, reuse, repair and recycling services to gear themselves up and to align with the planned changes in the extended producer responsibility regulations for WEEE and, potentially, for textiles.

However, unsold sWEEE and unsold textiles will be required to be presented and collected separately for recycling when the regulations come into force, although their resale or donation to charity should take priority in accordance with the statutory waste hierarchy¹.

The proposal is that all separately collected sWEEE (including unsold) and all separately collected textiles (including unsold) will be banned from going to landfill, and all separately collected sWEEE and separately collected unsold textiles will be banned from going to incineration immediately when the regulations come into force.

Clarification regarding proposed handling of cartons

Following the previous consultation in 2019, engagement with the cartons industry, waste collectors and reprocessors, and the Waste and Resources Action Programme (WRAP) have identified that cartons, and similar packaging, are best collected in the metal and plastic stream rather than in the paper and card stream. This provides the best solution for the subsequent separation of cartons for re-processing, and is not likely to result in any significant contamination of the metals or plastics streams when separated at a sorting station. We therefore propose that cartons (and similar fibre-composite packaging) are placed in the metals and plastics material stream.

Revised proposals regarding planned phasing in of the requirement for hospitals to present specified recyclable materials for collection

In response to engagement with the health sector following the previous consultation, it is proposed that hospitals will have an additional two-years to comply following the coming into force date of the regulations to reflect the additional complexity of complying with the separation requirements in wards and operating theatres. The ban on sending food waste to sewer will apply to hospitals from day one of the regulations coming into force.

¹ <https://www.gov.wales/applying-waste-hierarchy-guidance>

2.2 The questions we asked

The following questions were asked:

- Q1 Please specify which sector you are representing.
- Q2 How useful is the code in explaining the separation requirements?
- Q3 Do you understand which premises are covered by the proposed separation regulations?
- Q4 Do you understand the explanation of an 'occupier', who is required to comply with the separation requirements?
- Q5 There are some exemptions from the separation requirements explained in the code, for example for reasons of national security, hazardous or clinical waste or to protect confidentiality or personal data. Are you aware of any other areas that should be exempt from the separation requirements?
- Q6 Do you find the inclusion of information about other complementary legislation operating alongside the regulations (for example, duty of care) useful?
- Q7 Are you satisfied with the definitions provided in the glossary?
- Q8 Are you satisfied with the explanation of sub-fractions that should be placed into separate streams?
- Q9 We propose excluding most sWEEE (apart from unsold sWEEE) initially from the separation requirements but intend to include them up to two years after the regulations come into force. Do you agree with this approach?
- Q10 We propose excluding most textiles (apart from unsold textiles) initially from the separation requirements but intend to include them up to three years after the regulations come into force. As a consequence, we also propose to not proceed with the proposed ban on separately collected textiles (apart from unsold textiles) going to incineration initially but intend to do so in the same timeframe. Do you agree with this approach?
- Q11 We intend to include cartons in the metal and plastic stream. Do you agree this is the best stream to place cartons in?
- Q12 Should this material stream (i.e., metal/plastic/cartons) also include 'other fibre-plastic composite packaging of a similar composition to cartons'? This wording is intended to capture materials such as rigid paper containers (for example packaging used for crisps) and cups used for hot drinks?
- Q13 Do you agree with this approach for hospitals?
- Q14 If you have any comments in respect of the code or the proposed regulations which aren't addressed directly in the above-mentioned questions, please outline these in the response form below.

2.3 The respondents

A total of 95 responses were received from 79 different organisations plus responses submitted in an individual capacity. Some organisations submitted more than one response, or different branches of an organisation responded separately. Some submissions did not specify an organisation name or were submitted in a personal capacity. Five organisations representing environmental health submitted identical responses. A list of those who responded (and agreed to share details) is provided in Annex 1 and summarised by organisation type in Table 1.

Table 1: The number of responses by organisation type (Question 1 answers)

Organisation Type	Response Count	Response Percentage (%)
A business	21	22.1%
A third sector organisation	9	9.5%
A public sector organisation	19	20.0%
Local Authority waste collection service	10	10.5%
A waste management company	11	11.6%
None of the above	25	26.3%
TOTAL	95	100.0%

The 'None of the above' category had a relatively high representation and included primarily Trade Associations with representation from universities and individuals.

3. What you told us

3.1 Overall impressions

There was general agreement with the principles the proposals were seeking to achieve, for instance that businesses, the public sector and the third sector should recycle more high-quality material. However, the detailed feedback on sections of the code indicated that there remain sectors where businesses are unclear as to the requirements and also the waste management industry and Local Authorities highlighted the relatively short timescales remaining to the proposed date of implementation which could potentially create operational challenges for collection and processing. Trade Associations also raised material-specific concerns that should be considered.

3.1 An overview of the responses to the specific consultation questions.

This section provides an overview of the responses and sets out the number of responses to each closed question including responses such as “Yes”, “No”, “Agree”, “Disagree”, “Don’t know”. In some cases, a response was not given and this is also recorded as ‘did not respond’. For each question, there was a box provided for respondents to explain an answer given and the main themes emerging from the responses are also summarised below.

Statistical analysis was undertaken as part of the response assessment to determine the proportion that responded to each question as well as identifying where organisation level responses differed to the majority response.

The main themes emerging from the responses are summarised below.

Separation Requirements

Question 2: How useful is the code in explaining the separation requirements?

Under the proposed separation requirements, occupiers of non-domestic premises, including businesses, and the public and third sectors, have a duty when they present waste for collection to ensure that certain recyclable waste materials are presented separately in specified recyclable waste streams. The materials that will need to be collected separately are summarised in section 2.1.

The responses to Question 2 are broken down by organisation type and summarised in Table 2.

Table 2: Responses by type of organisation, to Question 2 - How useful is the code in explaining the separation requirements?

Organisation Type	i) Very useful	ii) Mostly useful	iii) Some sections useful/others not so useful	iv) Not very useful	v) No use at all	TOTAL	Did not Answer
A business	8	6	5	2	0	21	0
A third sector organisation	1	5	0	1	1	8	1
A public sector organisation	1	16	0	0	0	17	2
Local Authority waste collection service	6	3	1	0	0	10	0
A waste management company	0	7	3	1	0	11	0
None of the above (please specify)	3	8	5	3	0	19	6
TOTAL	19	45	14	7	1	86	9
Percentage (%)	22.1%	52.3%	16.3%	8.1%	1.2%	100.0%	

The majority (around 74%) of respondents found the code either “Very useful” or “Mostly useful” in explaining the separation requirements.

Those (around 24%) who responded that it was “Not very useful” or that “Some sections were not useful” identified the following issues:

- One Trade Association suggested that further explanation of the types of acceptable plastics is needed, with a focus on plastic that can currently be recycled. This was so that it is as easy as possible for business owners to understand and it was also suggested that examples of plastic specific to businesses and not households should be used.
- Linked to the focus on plastic that can currently be recycled, it was identified that the list of acceptable plastic in Annex 1 to 6 would need to be updated over time, for example for soft plastics.
- Plastic lids should be included.
- More explanation of the different types of material in each category would help businesses and subsequent communication is needed to make it easy for all businesses to understand the material sub fractions. ‘Fibre-plastics composites’ are one material sub type requiring further explanation and additionally one waste management company did not agree that this material fraction should be included with the metal, plastics and cartons.
- Concerns were raised by the waste management sector regarding the number and sizes of containers that may be required by customers and the lead time involved in assessing business requirements and getting new containers in place. It was suggested that a de minimis level would be beneficial for all material fractions (this is currently applied to food waste only), which would be

particularly helpful for premises with limited space for additional containers. A 'one size fits all' approach may be difficult to implement in practice.

- Further suggestions by several waste management companies related to the possibility of having recovery and disposal exemptions in the event that there "are insufficient or prohibitively expensive recycling offtake markets" or where there is a national emergency or that recycling markets are not currently sufficiently developed, for example for textiles, to allow some flexibility within the code.
- Several businesses in the tourism sector raised the cost of additional signage required to inform the public regarding separation requirements.
- Several material types that were flagged as requiring further definition or explanation as to how they should be handled include health care wastes such as personal protective equipment (PPE) and incontinence pads (where recycling is not consistently available), soup (clarification on whether food waste or liquid waste), unsold sWEEE and unsold textiles.
- An area of potential confusion regarding separation was how to differentiate between a paper cup with a plastic liner or a compostable liner which would lead to processing and separation issues and potential higher costs.

Am I obligated to comply with the separation requirements?

Question 3: Do you understand which premises are covered by the proposed separation regulations?

The code provides illustrative examples of the types of premises covered by the separation requirements.

The responses to Question 3 are broken down by organisation type and summarised in Table 3.

Table 3: Responses by type of organisation, to Question 3 - Do you understand which premises are covered by the proposed separation regulations?

Organisation type	i) Yes	ii) No	iii) No opinion	TOTAL	Did not Answer
A business	16	2	2	20	1
A third sector organisation	6	2	0	8	1
A public sector organisation	11	5	0	16	3
Local Authority waste collection service	8	2	0	10	0
A waste management company	11	0	0	11	0
None of the above (please specify)	12	5	2	19	6
TOTAL	64	16	4	84	11
Percentage (%)	76.2%	19.0%	4.8%	100.0%	

The majority (around 76%) of respondents stated that “Yes” they did understand which premises are covered by the proposed separation regulations.

Those (19%) who responded “No” explained why they felt it was not clear and listed the activities or premises categories where coverage by the regulations was not clear enough or further guidance was needed. These are as follows:

- A construction company generating waste at a household premises.
- Multi occupancy buildings – occupancy by businesses, public sector and third sector, who is responsible for separation? The occupants or the landlord?
- All charities or specific charities?
- Mixed residential and non-residential properties on a site – how will it be possible for users to distinguish between the two systems?
- Car parks and public toilets, as business rates can be payable on these premises. Would prefer for these types of locations to be excluded in the same way that on street containers are excluded from the regulations.
- Clinics, health centres, vaccination centres and hospitals – separation would be difficult at some of these properties.
- Are Airbnb holiday lets included or excluded?
- Needs to be clear in the definition that this category includes residential care homes. There also needs to be clarity on the size of homes that are included in the scope, as some care arrangements are operated by a commercial organisation but in a client’s home and there are instances of residential properties that operate as ‘houses of multiple occupation’.
- The category of residential homes is a broad category and can include much variation in terms of residential home/sheltered accommodation and ‘step down’ facilities and so further guidance is requested.

- Are community centres and village halls included or excluded?
- Caravan parks with a mixture of residents and tourists where waste containers are shared.
- Other domestic and business premises where waste containers are shared.
- Are the residential blocks at universities and colleges included or excluded?
- Restaurants and cafes – does this category include takeaway premises that operate as takeaways for collection and/or deliveries? Also mobile/ static food vendors may not have sufficient storage for containers
- Are hairdressers, barbers, nail bars, tattooists, body piercers included in shops and shopping centres category?
- Are abattoirs and meat processing plants excluded?
- Local authority-owned and managed open spaces, parks, cemeteries, other areas where litter bins are provided, etc should be excluded.
- A place of worship is classified under the Controlled Waste Regulations as a producer of household waste but is included in section 6 as an obligated non-domestic premises, so the respondent expressed the view that there is an inconsistency here. The same point is also made regarding charities and premises used ‘wholly or mainly for public meetings’. Clarification was requested by the respondents regarding whether there is an inconsistency.

It was identified in response to this question that Local Authority-operated collection rounds may need to cater for co-collection from both residential properties (which are exempt from the separation requirements) and non – residential properties that are obligated, potentially increasing the number of collection rounds, associated transport emissions, collection costs and sorting requirements to maintain separation requirements.

Question 4: Do you understand the explanation of an ‘occupier’, who is required to comply with the separation requirements?

The code states that occupiers of non-domestic premises must comply with the separation requirements. Examples of occupiers in different scenarios are given.

The responses to Question 4 are broken down by organisation type and summarised in Table 4.

Table 4: Responses by type of organisation, to Question 4 – Do you understand the explanation of an ‘occupier’, who is required to comply with the separation requirements?

Organisation type	i) Yes	ii) No	iii) No opinion	TOTAL	Did not answer
A business	18	2	1	21	0
A third sector organisation	6	2	0	8	1
A public sector organisation	17	0	0	17	2
Local Authority waste collection service	10	0	0	10	0
A waste management company	11	0	0	11	0
None of the above (please specify)	13	4	2	19	6
TOTAL	75	8	3	86	9
Percentage (%)	87.2%	9.3%	3.5%	100.0%	

The majority (around 87%) of respondents stated that “Yes” they did understand the explanation of ‘an occupier’. For the minority (around 9%) who stated “No” the comments covered the following issues:

- The difficulty in the practical operation and enforcement of the separation requirements in situations where the ‘occupier’ relies on the cooperation of others such as in hotels, self-catering accommodation, at events. A similar situation might occur in multi-occupancy buildings and where responsibilities are across multiple occupants.
- The possibility of including de-minimis levels was raised by two organisations as an option for small to medium sized enterprises and low volume waste producers as well as exclusions for small temporary events, space restricted locations and sparsely populated locations. Although not directly relevant to the question, one respondent also commented on the environmental implications of collecting from rural locations.
- One respondent raised the issue of the definition of ‘occupier’ in respect of the application of the code to holiday parks with only privately owned properties.

Question 5: There are some exemptions from the separation requirements explained in the code, for example for reasons of national security, hazardous or clinical waste or to protect confidentiality or personal data. Are you aware of any other areas that should be exempt from the separation requirements?

The responses to Question 5 are broken down by organisation type and summarised in Table 5.

Table 5: Responses by type of organisation, to Question 5 – Are you aware of any other areas that should be exempt from the separation requirements?

Organisation type	i) Yes	ii) No	iii) Don't know	TOTAL	Did not answer
A business	11	7	3	21	0
A third sector organisation	2	5	1	8	1
A public sector organisation	6	10	1	17	2
Local Authority waste collection service	2	6	2	10	0
A waste management company	5	5	1	11	0
None of the above (please specify)	7	7	5	19	6
TOTAL	33	40	13	86	9
Percentage (%)	38.4%	46.5%	15.1%	100.0%	

The majority (around 62%) of respondents replied “No” or “Don’t know” to this question and therefore did not have any exemptions to add. Those that responded “Yes” to this question made some suggestions regarding additional exemptions.

There were repeated comments regarding the types of premises that should be excluded, for example public litter bins in Local Authority managed spaces and places of worship. There were also repeated calls (first raised in Question 3) for de minimis levels for all waste types and where there are environmental and cost arguments against multiple containers or travelling long distances to collect small amounts of waste. It was suggested that de minimis levels could be based on waste production thresholds or business turnover. The issue of possible exemptions for disruption to recycling markets or market collapse was again raised as a possible area for exemption (first raised in Question 2).

Suggestions for exemptions not previously covered include:

- European Waste Catalogue code 18 01 04 – non-hazardous offensive waste.
- Ambulance stations and the ambulance service to be exempted from the separation requirements due to factors such as limited space, time, budgets. It was also stated that separation on ambulances would be difficult.
- Charities and voluntary organisations.
- Contaminated waste streams.
- Residential care premises where residents live on their own and where lines of business/resident responsibility are not clear.
- Locations where public co-operation is relied on to undertake the separation, for example shopping centre food halls, theme parks, service stations, holiday parks.

Several respondents expressed concern with being able to identify the presence of persistent organic pollutants (POPs) in sWEEE and so items that could be classed as hazardous were flagged as requiring additional explanation or guidance.

The requirement to separate food waste from its packaging at retail premises where the product is either out of date or has not been sold to the public was also identified as an issue for retailers of all sizes with waste sites being identified as being more suitable to carry out this task. In addition to this, and to support this separation requirement one suggestion was that food waste should be defined as 'packaged' or 'not packaged'.

Several businesses requested that they should be exempt from requirements due to the lack of space in premises to separate waste and the likely low levels of waste generated in such stores, in particular for the textiles and food waste streams.

Complementary legislation

The separation requirements operate alongside other legal requirements, including, for example, the waste duty of care requirements. This requires anyone producing or dealing with waste to keep it safe, make sure it is dealt with responsibly and only be given to businesses authorised to take it.

Question 6: Do you find the inclusion of information about other complementary legislation operating alongside the regulations (for example, duty of care) useful?

The responses to Question 6 are broken down by organisation type and summarised in Table 6.

Table 6 Responses by type of organisation, to Question 6. Do you find the inclusion of information about other complementary legislation operating alongside the regulations (for example, duty of care) useful?

Organisation type	i) Very useful	ii) Mostly useful	iii) No opinion	iv) Not useful	TOTAL	Did not answer
A business	8	6	5	2	21	0
A third sector organisation	3	2	2	1	8	1
A public sector organisation	4	13	1	0	18	1
Local Authority waste collection service	5	3	2	0	10	0
A waste management company	5	5	1	0	11	0
None of the above (please specify)	7	8	2	2	19	6
TOTAL	32	37	13	5	87	8
Percentage (%)	36.8%	42.5%	14.9%	5.7%	100.0%	

The section in the code relating to complementary legislation was considered “Very useful” or “Mostly useful” by the majority (around 79%) of respondents. A small proportion (around 6%) felt that it was “Not useful”.

A free text box was provided to allow respondents to suggest additional complementary legislation that could be mentioned in the code. The primary suggestions by respondents included the following:

- Relevant European Waste Catalogue (EWC) codes for the separate waste streams to avoid confusion and to support businesses to use the correct codes.
- Reference to the legislation banning single use plastics products, the Deposit Return Schemes and the Extended Producer Responsibility as well as other areas of overlap, for example mandatory take back of disposable paper cups and associated reporting requirements.
- The Controlled Waste (England and Wales) Regulations 2012 including identifying premises that are eligible for free waste collections.
- Health and safety/fire safety requirements with reference to appropriate storage for containers and also the requirement not to obstruct pavements/footpaths, etc.
- Additional guidance on the separation of food waste to also be compliant with the Animal By-Product Regulations (ABPR) requirements.
- Enforcement bodies for the code and associated regulations identifying the different responsibilities of Natural Resources Wales (NRW) and Local Authorities.

Some other complementary items suggested as being useful for businesses include the following:

- Sector specific summaries of the key changes.
- Guidance on levels of contamination of loads that are acceptable/not acceptable.
- Hyperlinks to other relevant documents to make it easier to navigate information.

It was also suggested by several waste management companies that the Welsh Government should consider additional policies to support the development of markets and material recycling facility (MRF) sorting capacity, for example for the collection of aluminium foil and food trays, and food and drinks cartons.

Glossary

The glossary provides an explanation of terms used in the code to help aid understanding and clarity, for example ‘closed loop’ and ‘open loop’ recycling.

Question 7: Are you satisfied with the definitions provided in the glossary?

The responses to Question 7 are broken down by organisation type and summarised in Table 7

Table 7 Responses by type of organisation, to Question 7. Are you satisfied with the definitions provided in the glossary?

Organisation type	i) Yes	ii) No	iii) No opinion	TOTAL	Did not answer
A business	14	2	5	21	0
A third sector organisation	6	2	0	8	1
A public sector organisation	12	1	4	17	2
Local Authority waste collection service	10	0	0	10	0
A waste management company	4	3	4	11	0
None of the above (please specify)	11	6	2	19	6
TOTAL	57	14	15	86	9
Percentage (%)	66.3%	16.3%	17.4%	100.0%	

The majority (around 79%) of respondents indicated that they were either satisfied with the definitions provided in the glossary or had no opinion. A minority (around 16%) were not satisfied with the definitions provided in the glossary, with 15 respondents making some suggestions regarding additions or change to these definitions.

It was suggested that a link is added to the code directing businesses to guidance on how to classify waste correctly. (<https://www.gov.uk/how-to-classify-different-types-of-waste>)

The following additional definitions were suggested:

- A definition of 'high quality' recycling is provided, to explain if open loop recycling is included in the definition of high quality.
- A definition of 'container'.
- A definition of 'other fibre plastic composite packaging'.
- A definition of 'cartons' and 'composite materials'.

It was suggested that the definition of 'commercial waste' should be broader and clearer on the types of premises that produce commercial waste.

It was suggested that the definition of food waste should explain that food waste packaging can be recycled once cleaned.

There was some reference to definitions of specific waste streams, which would be covered in other parts of the guidance, for example plastics and specifically fibre-plastic composite packaging. It was suggested that it would be useful to provide

everyday examples and possibly pictures of items to support interpretation. There were repeated calls for the inclusion of EWC codes in the code.

Annex 1-6: List of waste sub-fractions

Following the consultation in 2019, respondents identified they wanted the separation requirements to detail the sub-fractions of waste materials that should be included in each recyclable waste stream. For all non-domestic premises, the sub-fractions that should be placed into separate containers for paper/card, metal/plastic/cartons, glass, food waste, unsold textiles and sWEEE are included in the proposed separation regulations and have been outlined in the Annex 1-6 of the code, respectively.

Question 8: Are you satisfied with the explanation of sub-fractions that should be placed into separate streams?

The responses to Question 8 are broken down by organisation type and summarised in Table 8.

Table 8 Responses by type of organisation, to Question 8. Are you satisfied with the explanation of sub-fractions that should be placed in separate streams?

Organisation type	i) Very satisfied	ii) Some what satisfied	iii) Neither satisfied nor dissatisfied	iv) Not satisfied	TOTAL	Did not answer
A business	9	4	4	4	21	0
A third sector organisation	3	3	0	2	8	1
A public sector organisation	5	9	3	1	18	1
Local Authority waste collection service	2	2	3	3	10	0
A waste management company	0	7	3	1	11	0
None of the above (please specify)	3	6	4	5	18	7
TOTAL	22	31	17	16	86	9
Percentage (%)	25.6%	36.0%	19.8%	18.6%	100.0%	

In terms of the sub-fraction descriptions, the majority (around 62%) of respondents are satisfied with the explanations provided, with a quarter of respondents selecting “very satisfied” and a third of respondents “somewhat satisfied”. A total of 34 comments were received for this question. These included comments that there is not enough clarity in respect of subfractions as well as suggestions for specific subfractions that required further explanation.

Sub-fractions identified by some respondents as needing additional information include the following:

- 'Cartons' – it should be clear that these are food and drink cartons and not cardboard cartons (Annex 2 and 3).
- 'Till receipts' should be included in the paper fraction (Annex 1).
- 'Large bones' should be defined (Annex 4).
- Portable batteries or power packs are not referenced in Annex 6.
- Are soup and smoothies defined as a food or a drink? (Annex 4).
- Shredded paper – it was questioned why there is a need for this to be recycled separately (Annex 1) by several respondents as well as others stating the need to explain how it would be recycled separately.
- Envelopes with windows (Annex 1). The benefit or need for further separation in this case is not explained.
- Containers/ packaging with contamination – how much contamination is acceptable (Annex 2) for both food and non-food packaging.
- Items where the voltage rating is not clear (Annex 6).
- Identification of POPs (Annex 5).
- The use of 'e.g.', 'etc', and 'i.e.' is considered unhelpful and confusing.
- The term 'unsold' in Annex 5 – does this cover charity shops or jumble sales or other charity events where electrical items are sold? Furthermore, how will a waste management contractor be able to identify if sold or unsold sWEEE is presented for collection?
- Metal aerosol cans – there was concern that these are typically hazardous waste (using the waste classification technical guidance WM3 if not fully empty and collected from non-domestic premises (which is different for domestic premises).
- How will large items such as mattresses, carpets, underlay, etc fit into a container. If left on the pavement these items could cause an obstruction or health and safety issues and there could also be logistical collection issues for these larger items as well as limited outlets for the items. (Annex 5).

Although perhaps more relevant as a response to Question 11, the issue of placing cartons and other fibre-plastic composite packaging in the plastic and metal stream was raised by several respondents against this question, stating that they did not agree with this requirement and that cartons should be placed in the paper and card stream. It was also raised that this could be confusing for businesses as this is a different requirement to domestic collection separation where the mixing of cartons is allowed. It was suggested that there should be greater alignment with the separation requirements from domestic premises to reduce confusion for individuals.

It was suggested that a clear review mechanism for the code should be included so that the issue of changes to the recyclability of material sub fractions and available reprocessor markets can be addressed on a regular basis.

It was suggested that diagrams could be used to support the descriptions of waste fractions.

Part II Proposed Policy Changes

Revised proposals on the planned phasing in of the requirements relating to Small Waste Electrical and Electronic Equipment (sWEEE) and textiles

Concerns have been raised about the feasibility and effectiveness of including a requirement within the regulations for the separate presentation and collection of all sWEEE and all textiles from the regulations coming into force. In response, the policy intention is that the separation and collection requirements for sWEEE and textiles from non-domestic premises will be introduced up to two and up to three years respectively, after the regulations come into force. Unsold sWEEE and unsold textiles will be included in the separation requirements from the outset.

Small Waste Electrical and Electronic Equipment (sWEEE)

Question 9: We propose excluding most sWEEE (apart from unsold sWEEE) initially from the separation requirements but intend to include them up to two years after the regulations come into force. Do you agree with this approach?

The responses to Question 9 are broken down by organisation type and summarised in Table 9.

Table 9 Responses by type of organisation, to Question 9. Are you satisfied with the proposal to exclude most sWEEE (apart from unsold sWEEE) initially from the separation requirements?

Organisation type	i) Yes	ii) No	TOTAL	Did not answer
A business	17	4	21	0
A third sector organisation	5	3	8	1
A public sector organisation	11	6	17	2
Local Authority waste collection service	5	5	10	0
A waste management company	7	4	11	0
None of the above (please specify)	10	5	15	10
TOTAL	55	27	82	13
Percentage (%)	67.1%	32.9%	100.0%	

The majority (around 67%) of respondents agreed with the proposal to allow more time for the inclusion of sWEEE in the initial separation requirements. However, Local Authority respondents were divided on the issue, with the same number answering “Yes” and “No” to this question.

Those that responded “No” and provided a reason for their answer stated that these requirements should not be delayed because:

- There are already facilities that reprocess sWEEE.

- It will avoid confusion regarding the management of this waste stream for businesses.
- sWEEE often contain rechargeable batteries that present an ignition risk in waste collection vehicles and at waste facilities and ought to be collected and separately.
- sWEEE can often be classed as hazardous waste and should therefore be a priority for separated collection.

Several respondents went further on the batteries issue stating that the code should make it clear that batteries should be removed from sWEEE prior to a separate collection.

Several Local Authorities raised the issue of separate collection of sWEEE from businesses, where asked to do so, and the potential inefficiencies in doing this. To deal with the issue, several Local Authorities queried whether allowing businesses to have access to Household Waste Recycling Centres (HWRCs) (at a charge) to dispose of sWEEE would satisfy the separate collection requirements.

It was noted that the statement 'up to two years after the regulations come into force' does not provide sufficient clarity as to the timetable for implementation that would allow for suitable planning to take place regarding this waste stream.

Textiles

Question 10 We propose excluding most textiles (apart from unsold textiles) initially from the separation requirements but intend to include them up to three years after the regulations come into force. As a consequence, we also propose to not proceed with the proposed ban on separately collected textiles (apart from unsold textiles) going to incineration initially but intend to do so in the same timeframe. Do you agree with this approach?

The responses to Question 10 are broken down by organisation type and summarised in Table 10.

Table 10: Responses by type of organisation, to Question 10. Do you agree with this approach to excluding textiles initially from the separation requirements?

Organisation type	i) Yes	ii) No	TOTAL	Did not answer
A business	14	5	19	2
A third sector organisation	6	1	7	2
A public sector organisation	12	4	16	3
Local Authority waste collection service	5	5	10	0
A waste management company	11	0	11	0
None of the above (please specify)	11	1	12	13
TOTAL	59	16	75	20
Percentage (%)	78.7%	21.3%	100.0%	

The majority (around 79%) of respondents support the decision to allow more time for the inclusion of most textiles in the separation requirements. In common with Question 9, Local Authority respondents were divided on the issue, with the same number answering “Yes” and “No” to this question.

Several respondents to this question requested clarification on what is meant by ‘unsold’ textiles in the context of the regulations (an issue also identified in Question 9, covering unsold sWEEE). There were also a range of alternative suggestions to having an unsold textiles separation requirement, these are summarised below.

- There was some concern that the list of textiles to be separately collected would not be recyclable by 2026 and should be limited to clothing textiles and also that waste management companies and Local Authorities may not have the capacity to deal with this waste type, for example in terms of the need to separate textiles on vehicles and the impact on vehicle logistics and also the need to collect bulky textile items such as mattresses and carpets.
- It was commented on by several respondents that the case for the exemption was not clear and also queried why it is three years for textiles and only two years for sWEEE.
- In common with comments in Question 9 for unsold sWEEE the question is posed as to whether it would be possible to send unsold textiles to HWRCs or charity shops for reuse or recycling as part of the separation requirements.
- One respondent suggested that textiles are best dealt with through an extended producer responsibility (EPR) scheme for textiles.

Carton sub fraction

Discussions with representatives of the cartons industry, waste collectors, reprocessors and WRAP have identified that cartons are best collected in the metal and plastic stream and that this provides the best solution for the subsequent separation of cartons for re-processing. The capacity also currently exists within the market to take all household and commercial cartons arising in Wales.

Question 11: We intend to include cartons in the metal and plastic stream. Do you agree this is the best stream to place cartons in?

The responses to Question 11 are broken down by organisation type and summarised in Table 11.

Table 11: Responses by type of organisation, to Question 11. We intend to include cartons in the metal and plastic stream. Do you agree this is the best stream to place cartons in?

Organisation type	i) Yes	ii) No	iii) Don't know	TOTAL	Did not answer
A business	13	2	5	20	1
A third sector organisation	7	0	0	7	2
A public sector organisation	10	1	6	17	2
Local Authority waste collection service	5	3	2	10	0
A waste management company	4	5	2	11	0
None of the above (please specify)	11	3	6	20	5
TOTAL	50	14	21	85	10
Percentage (%)	58.8%	16.5%	24.7%	100.0%	

The majority (around 59%) of respondents were in favour of the decision to include cartons in the metal and plastic stream, however, nearly a quarter of respondents responded “Don’t know” to this question. This is a relatively high proportion given primarily by respondents in the business, public sector and ‘other’ categories. Waste management company respondents were the only category to disagree with the majority view, with 5 respondents replying “No” to this question compared to 4 that replied “Yes”.

The comments provided by the waste management companies were:

- That they do not have the facilities to separate this waste stream so would need to be transported to another site for processing.
- That they should have the flexibility to determine the recycling stream that should be used for cartons.
- One company identified that cartons would require manual picking at their facility in Wales and there are only a small number of mills in the UK that reprocesses these materials. Extended producer responsibility (EPR) may not fund business collections and so the cost will be passed back to producers.
- This carton packaging stream may change over time and then be more suited to the cardboard and paper stream in the future, for example if the liner material is changed. It is currently based on the assumption that the liner material makes some cartons incompatible with the cardboard stream.

Local Authority responses include:

- The approach is acceptable if plastic reprocessors have confirmed that cartons would not create a potential contaminant.
- Evidence from the discussions with reprocessors is requested so that the basis of the decision can be understood as our current plastic reprocessor has stated that cartons are considered to be a contaminant.

- Two authorities identified that installation of sorting infrastructure to separate the sub-fractions would be required – metals/cartons/plastic would be expensive for the inclusion of a low volume material and require financial support.
- Our understanding is that private sector MRFs do not consider cartons to be a recyclable component, although some would accept cartons within the low grade paper mix.
- Composite cartons are not understood to be recyclable due to the need to separate the layers within the packaging.
- Cartons are currently collected within the card stream from domestic premises, and changes to this might impact on the material quality and ultimately income received from reprocessors.

Representation from a metal recycling Trade Association echoed some of the concerns of the waste management companies, stating that carton collection would contribute to increased contamination of the metal and plastic streams which the industry have been working hard to reduce as well as a need for sorting infrastructure to be put in place. A plastic recycling Trade Association had a similar view on the issue of contamination of the plastic stream.

Several business respondents queried the definition of a carton and others asked why the system for carton collection is different between domestic and non-domestic collections. Some businesses were supportive of the increased mixing of waste streams as it places a lesser burden on their operations.

Inclusion of ‘other fibre-plastic composite packaging of a similar composition to cartons’

Question 12: Should this material stream (i.e., metal/plastic/cartons) also include ‘other fibre-plastic composite packaging of a similar composition to cartons’? This wording is intended to capture materials such as rigid paper containers (for example packaging used for crisps) and cups used for hot drinks?

The responses to Question 12 are broken down by organisation type and summarised in Table 12.

Table 12: Responses by type of organisation, to Question 12. Should this material stream (i.e., metal/plastic/cartons) also include 'other fibre-plastic composite packaging of a similar composition to cartons'?

Organisation type	i) Yes	ii) No	iii) Don't know	TOTAL	Did not answer
A business	16	4	0	20	1
A third sector organisation	7	0	1	8	1
A public sector organisation	12	3	2	17	2
Local Authority waste collection service	3	6	1	10	0
A waste management company	3	6	2	11	0
None of the above (please specify)	9	5	5	19	6
TOTAL	50	24	11	85	10
Percentage (%)	58.8%	28.2%	12.9%	100.0%	

The majority (around 59%) of respondents were in favour of the decision to include 'other fibre-plastic composite packaging' in the metal/plastic/carton stream. However, both Local Authorities and waste management companies disagreed with the overall position with more respondents stating "No" than "Yes" against this question.

The comments provided by Local Authorities and waste management companies are as follows:

- This is acceptable if plastic reprocessors have confirmed that there will be no risks to contamination from the addition.
- Difficult to recycle containers should not be manufactured in the first place
- Recycling infrastructure for 'fibre-plastic composite packaging' is limited in Wales and the UK and this material is a contaminant in many household waste recycling streams and MRFs or other sorting locations are not equipped to separate this material and so should not be included until capacity is available.
- We do not currently have an outlet for paper cups with plastic liners, many reprocessors do not accept this type of material.
- This requirement conflicts with the EPR requirement for the sellers of fibre-based composite cups to provide for the separate collection of cups.
- There is a risk of confusing businesses by removing fibre-plastic composite packaging' from the paper and card stream, which may cause contamination.

The view from Trade Associations was mixed, with some agreeing with the waste collector view above regarding adding complexity to sorting arrangements and potential contamination.

The view of one Trade Association was that the inclusion would be positive for increasing the recycling of paper cups and give access to recycled fibre from business sources and work in parallel with EPR cup take back requirements.

Another Trade Association advised that ‘fibre based composites’ can be variable in terms of material composition which potentially contaminates recycling operations and would advise on further investigation of this issue with reprocessors. Another suggestion was to have a separate stream for this type of material to enable ‘high quality recycling’. Several businesses flagged the risk of contamination of this waste stream or inadvertent non-compliance due to not being able to correctly identify recyclable material.

Phasing in for hospitals

We intend for hospitals to be subject to the separation requirements two years after the regulations come into force, meaning that hospitals will have to comply with the separation requirements from 1 October 2025. This phasing in is intended to reflect the pressures that hospitals have faced during the recent pandemic.

Question 13: Do you agree with this approach for hospitals?

The responses to Question 13 are broken down by organisation type and summarised in Table 13.

Table 13: Responses by type of organisation, to Question 13. Do you agree with this approach for hospitals?

Organisation type	i) Yes	ii) No	iii) Unsure	TOTAL	Did not answer
A business	12	2	5	19	2
A third sector organisation	4	1	1	6	3
A public sector organisation	9	4	3	16	3
Local Authority waste collection service	5	2	3	10	0
A waste management company	4	6	0	10	1
None of the above (please specify)	10	2	4	16	9
TOTAL	44	17	16	77	18
Percentage (%)	57.1%	22.1%	20.8%	100.0%	

The majority (around 57%) of respondents agree to the inclusion of hospitals in the separation requirements in 2025 rather than 2023, although around a fifth of respondents responded “Unsure” to this question. Waste management companies disagreed with the view of the majority, having a higher number of those responding “No” rather than “Yes”.

The feedback from waste management companies was that:

- All businesses have been adversely affected by the pandemic and there is no reason why hospitals should be treated differently on this aspect.

- Under the proposal, it would be necessary for waste management companies to operate different collection rounds to accommodate collections from hospitals, causing inefficiencies from a cost and environmental perspective. There would be an associated impact on sorting infrastructure to deal with the different systems. It is also likely that a high quantity of recyclables will be generated by hospitals and so a delay will impact negatively on the overall diversion potential.

Comments from other respondents covered similar issues raised by waste management companies regarding the need for separate collection systems for hospitals. The following additional comments were raised:

- Several respondents queried why hospitals should be treated differently from other organisations such as charities, care homes or retailers who also have experienced the negative impacts of the pandemic along with having limited space/resources and other challenges? It was noted that hospital kitchens are not different to kitchens in other non-domestic establishment.
- The ambulance service requested to be included in the delay.
- One hospital trust raised fire safety issues indirectly arising from the separation requirements in respect of the storage of materials and need for additional bins as well as issues accommodating these due to the age and layout of the trust's buildings. Concern was also raised about the storage of materials and need for additional bins being at odds with internal work to reduce obstructions in wards and corridors in order to provide greater internal space. There will be cost pressures involved in setting up new systems across the Trust.
- Two other hospital trusts identified insufficient space and capital costs involved in compliance to provide storage facilities.

Additional comments

Question 14: If you have any comments in respect of the code or the proposed regulations which aren't addressed directly in the above-mentioned questions, please outline these in the response form below.

The consultation received 69 responses to this question, almost three quarters of respondents provided additional commentary. In many cases there was repetition of the issues raised against the previous questions, for example covering de minimis requirements for space and tonnage reasons, potential inefficiencies of separate collections for certain materials, the cost and operational impacts of changes to collection and sorting arrangements to accommodate increased separation and the impacts on Local Authorities of operating domestic and non-domestic collection and sorting systems that are different.

Issues and concerns that are not previously raised or raised briefly against each question include the following:

Impacts

- Concern from businesses that even with the new regulations in place, waste management companies will not want to collect from premises that generate low tonnages of waste/recyclables and so finding contractors may be problematic.
- Queries regarding how enforcement of the new systems will work in practice, including how waste collectors should deal with contaminated loads at the kerbside and at sorting facilities where there is a mixed load from multiple customers. Also how do waste collectors demonstrate that they have encouraged businesses to separate recyclable waste as fully as possible and that waste is not going into the general waste stream.
- The costs of waste disposal and recycling in general for small businesses was a concern raised by several businesses.
- The costs to small businesses and charities of paying for additional containers as part of the separation requirements and the time involved in separation was identified as a concern by multiple respondents. Space constraints were also raised as an issue by many organisations, both large and small. Waste collection costs are likely to increase for all business, regardless of size which is an additional burden in the current economic climate.
- The challenges of collecting waste and recycling in rural areas, for example in mid Wales was identified as potentially not generating enough tonnage to make the storage, baling and onward transfer financially viable for waste management companies. There may be a need for changes to site permit requirements, which may be costly due to having to store material for longer periods of time and alternative collection systems or subsidised collection may be needed in rural areas. It was proposed that the so-called TEEP (technically, environmentally or economically practicable) test should apply in rural areas.
- There were concerns that the code may impact on third sector organisations involved in food redistribution and may cause a resource constraint issue in instances where food separation is needed from packaging, for example a pallet of bottled sauces that cannot be used.
- There is potential for increased congestion on the roads, in particular in town centres, caused by additional vehicle requirements and potential also for increased bins or large recycle items being left on the highway for collection causing obstruction, and health and safety risks and also instances where contamination could mean non collection of items or full bins.
- Concerns that public recycling bins could be easily contaminated and not comply with the proposed code.

Scope

- It was suggested that it should be a mandatory requirement to provide information on the destination of materials separated for recycling through the proposed regulations.
- Plastic lids from drinks cartons are these in the scope of the regulations and how should they be handled.
- It was proposed that pharmacies and other clinical and healthcare establishments should benefit from a delayed introduction of the separation requirements (as proposed for hospitals) due to time and space constraints and the current pressures on the health service.
- One health board requested that there is a phased approach to the regulations, with a delay in the requirements for food separation for two years. It was also requested that an impact/feasibility study be funded to look at the impacts of the regulations/code on hospitals from a cost and operational perspective. Another health board stressed the likely cost implications in terms of staffing to implement and manage new systems, cost of bin procurement, staff training, new storage areas, increased collections, space constraints both internally and externally.
- A further query raised was if it would be possible within the scope of the regulations for a health board to handle space constraints by separating their own waste at a dedicated site before collection by a waste contractor.
- Clarification is requested regarding the obligation for Local Authorities to provide separate collections services or simply 'arrange for collections' in order to be compliant with the code, as the code mentions options to subcontract services.
- One respondent considered that the inclusion of places of worship, charity shops, and places used for public meetings in the code is contrary to the Controlled Waste Regulations 2012.
- One Trade Association was concerned that polypropylene plant pots are not included in the list of recyclable waste fractions. These are recyclable if they do not include a black pigment. Taupe polypropylene plant pots are also recyclable but these are not generally accepted by Local Authorities and waste management companies. The inclusion of these two types of plant pot in the non-domestic (and domestic) recycling stream should be considered. The Trade Association set up a scheme in 2018 to collect plastics from its members for reuse and recycling but there is still a considerable amount of this plastic that enters the residual stream.
- Food waste disposal to sewer – it was highlighted that the code does not cover grease traps, the inclusion of which in the regulations may have a benefit in removing blockages to sewers.

Timescales and Exemptions

Multiple respondents stated that there is insufficient time to prepare for the regulations coming into force in October 2023.

- Several Local Authorities highlighted that they must plan for the purchase of new vehicles (for which there can be a two year lead time), containers, contract changes, sorting facility changes and associated permit condition changes, reviews of collection rounds and storage arrangements, communicating with business premises as to the new collection arrangements and the incorporation of changes into budget plans. Waste management companies highlighted similar issues with vehicle and container purchasing lead times and changes to sorting facilities and permit conditions. One company stated the need to take depreciation policies into account in the infrastructure planning process. Business respondents identified the time needed to re-tender waste collection contracts as well as providing training for staff.
- In addition, several Local Authorities highlighted a concern regarding how the private sector will respond to the new regulations and one authority suggested that the private sector may be unwilling to offer services to rural businesses, in which case Local Authorities may need to provide services, which makes planning difficult. The private sector may also not collect waste streams that do not have significant value to them, leaving Local Authorities to provide these services.
- One university requested an exemption from the regulations for 2 years, as has been allocated to hospitals, due to the complexity of university estates, variety of different spaces, volume of users. One university is currently in a consortium arrangement with the All Welsh Health Board for waste management. The Circular Economy Fund is no longer open for further rounds of funding and it is requested that the fund is re-opened. The funding could support the necessary infrastructure changes at the University to provide additional bins, storage areas and coordination staff.

Additional Guidance/Information

- Specialist guidance for the care service would be beneficial so that the regulations can be correctly interpreted, particularly on whether or not certain care settings fall within the scope of the guidance –for example, which would be defined as non-domestic for the purposes of the regulations.
- One Trade Association raised a concern that there is variation in terms of the recycling rules across the UK and that this puts an unnecessary burden on business operating in multiple UK locations.
- Whilst acknowledging that the code focuses on recycling, one organisation raised the issue of making it clear that reuse and repair are also important options in the waste hierarchy and should be highlighted more frequently.
- Additional guidance on how to redistribute food waste should be included in the guidance so that it can be encouraged. The code should also include a voluntary requirement for all non-domestic textiles and sWEEE to be separated and not just focus on unsold textiles and unsold sWEEE. This would encourage a change in the industry and allow the necessary reprocessing infrastructure to be developed.

- A Trade Association identified that there remains confusion amongst many businesses as to the requirements and scope of the regulations and what is involved. A widespread communication campaign was requested covering the requirements, time frame and signposting to sources of information.

Enforcement, Funding, Regulatory Impact Assessment

- A phased approach to enforcement of the regulations was requested with a grace period for compliance in which fines are not collected or issued from the initial date of implementation. Both 6 months and 12 months were suggested by different respondents.
- Local Authorities have a new role in enforcing the ban on the disposal of food waste to sewer, and several authorities queried if there will be additional funding made available for this new function. It was also flagged that there will be a time impact for inspection visits to cover this new requirement. Some businesses may also be unwilling or cannot afford to remove macerators which involves time for the Local Authority in handling this aspect.
- Several Local Authorities highlighted that the underlying modelling on food waste in the regulatory impact assessment (RIA) was completed in 2019, and suggested that the figures do not reflect the current economic climate and should be revisited. Based on the experience of Environmental Health teams, the assumptions regarding the use of macerators, dewatering and enzymic digestors are also flagged as being not reflective of current practice, (the number of businesses using all types of food treatment technology is much lower) as well as the estimates of food waste currently disposed of to sewer suggested as being too high.
- Several waste management companies stated that the RIA has not accounted for the impact of the introduction of a deposit return scheme and the removal of high value materials from the recycle stream (aluminium and polyethylene terephthalate (PET) plastic containers) and that the income streams were overestimated and the costs underestimated in the RIA.
- One respondent identified the need for an Equality Impact Assessment for the code at this stage. The plan to publish this at the time of laying the regulations will not allow time to make any necessary amendments.
- Evidence that dry mixed recycling (DMR) collections lead to low quality recycling was requested, as well as evidence that there will be no increased vehicle journeys as a consequence of the regulations.
- One respondent queried that as sWEEE is part of the Waste Electrical and Electronic Equipment regulations, won't sWEEE also be dealt with as part of compliance with the new regulations?
- Several waste management companies identified that cross border movements by commercial businesses should be considered along with how conflicting requirements between the Environment Agency (EA) and NRW will be dealt with.

Environmental Impacts

- It was highlighted that the Government Reporting Tool for annual carbon figures does not show a carbon benefit for recycling waste rather than sending to Energy from Waste, the carbon factors used for both activities are the same.

Other

- Concern was raised by one Local Authority that some waste management companies may continue to provide a DMR service after the regulations are in place and that business customers may not know about the obligations and continue to procure these services or feel that they are tied into contracts that extend beyond the period of the date of enforcement of the new requirements
- A Trade Association proposed that levels of household like packaging recycling could be boosted by transferring the costs for small businesses to producers. Small businesses are more likely to produce household like packaging and small quantities of commercial and industrial packaging and for collection of it to be costly to business. It was also noted by the same Trade Association that the code makes reference to 'the polluter pays principle' in terms of paying for waste collection, which is not consistent with the Welsh Government/Defra long term EPR plans for business packaging waste.
- There was concern expressed by one Trade Association regarding the lack of reprocessing infrastructure in place for all waste streams that are to be separated, and the need for some wastes to be reprocessed in other parts of the UK and overseas. Local capacity for all waste streams would be the ideal and retains the economic value within Wales and the necessary investment to support this is required.

Question 15: We would like to know your views on the effects that the business, public and third sector recycling regulations 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?

The consultation received 29 responses to this question (approximately one third of the respondents).

Overall, the majority, around (79%) of respondents felt there would be no positive or negative impacts on the Welsh language. Many noted the requirement for the legislation and associated communication to be in both English and Welsh, with one respondent stressing the importance of the Welsh translations being very clear for technical aspects of the regulations.

Two respondents thought there may be a positive impact in terms of generating an opportunity to talk with customers in Welsh.

One respondent thought that consideration/inclusion of other languages (such as Polish, Mandarin and Turkish) was desirable so that the regulations are widely understood.

Question 16: Please also explain how you believe the proposed regulations 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 consultation received 19 responses to this question (approximately a fifth of the respondents).

Overall, the majority (68%) felt there would be no positive or negative impacts on the Welsh language. Many noted the requirement for the legislation and associated communication to be in both English and Welsh, with several respondents stressing the importance of the Welsh translations being very clear for technical aspects of the regulations.

Two respondents thought that consideration/inclusion of other languages (such as Polish, Mandarin and Turkish) was desirable so that the regulations are widely understood and complied with.

Three respondents were concerned the regulations might impact negatively on Welsh language usage, by increasing demand for private service collectors, as some private collectors may not have capabilities to deal with enquiries in Welsh, or because they are dealing with collectors/brokers based outside of Wales.

4. What we will do next

Feedback from the consultation will be considered when developing the legislation and the code of practice.

The legislation and a final code of practice, providing practical guidance on how to comply with the separation requirements, are intended to be laid before the Senedd in Autumn 2023 and the duties are intended to take effect from 6th April 2024.

We will run a national media campaign throughout 2023 and 2024 to further raise awareness of the legislation for those affected. We will also provide practical resources to support non-domestic premises and the waste sector to prepare for the legislation coming into force, such as best practice guides and case studies and downloadable posters and signage.

These reforms are a key part of how we are delivering on our Programme for Government commitments to build a stronger, greener economy based on the principles of sustainability and the industries and services of the future as well as being an essential component of action to decarbonise and respond to the climate and nature emergency.

Annex 1: List of respondents

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

It also does not include those respondents who did not specifically respond to this question in their response.

Name	Type of Organisation
Cardiff and Vale University Health Board	A public sector organisation
Cefnsuran farm holidays	A business
Swansea Council	Local Authority waste collection service
Williams a Williams cyf	A waste management company
Distinction Windows Ltd	A business
Browns Waste Management and Recycling Ltd	A waste management company
East Park Care Centre	A business
Swansea Council	Local Authority waste collection service
Brechfa Country House Ltd	A business
Iris Prize Outreach	A third sector organisation
The Gamers' Emporium	A business
Torfaen County Borough Council	Local Authority waste collection service
British Plastics Federation	None of the above (please specify)
AVA: The Vending & Automated Retail Association	A public sector organisation
FareShare Cymru	A third sector organisation
Foodservice Packaging Association	None of the above (please specify)
The Albert Hall	A third sector organisation
Pitton Cross Caravan Park	A business
Benders Paper Cups	A business
LARAC - Local Authority Recycling Advisory Committee	A public sector organisation
Swansea Bay University Health Board	A public sector organisation
Transport for Wales	A public sector organisation
Industry Council for Packaging and the Environment	None of the above (please specify)
Sinclair Group	A business
ASH Waste Services Ltd	A waste management company
LAS Recycling Ltd	A business
Welsh Local Government Association	A public sector organisation
Welsh Ambulance Services NHS Trust	A public sector organisation
Bevan Commission	A third sector organisation
Biffa	A waste management company
United Resource Operators Consortium (UROC)	None of the above (please specify)
Community Pharmacy Wales	A public sector organisation

ACE UK	None of the above (please specify)
Association of Convenience Stores	A third sector organisation
Advetec Holdings UK Limited	None of the above (please specify)
British Holiday and Home Park Association (BH&HPA)	A business
Caerphilly County Borough Council	Local Authority waste collection service
Care Forum Wales	None of the above (please specify)
Clarach Bay Services Ltd	A waste management company
Caerphilly County Borough Council	Local Authority waste collection service
SUEZ Recycling and Recovery UK Ltd	A waste management company
Environment Health Wales	A public sector organisation
Flintshire County Council – Environmental Health Services	A public sector organisation
Federation of Small Businesses (Wales)	A third sector organisation
Newport City Council	A public sector organisation
Public Health Wales NHS Trust	A public sector organisation
Cytûn (Churches together in Wales)	None of the above (please specify)
DS Smith	A waste management company
Confederation of Paper Industries	None of the above (please specify)