

## North Yorkshire County Council

### Business and Environmental Services

#### Executive Members

24 June 2022

### HM Government consultation on household waste recycling centres and preventing charges to householders for the disposal of “DIY” waste and a call for evidence on booking systems.

#### Report of Assistant Director – Travel, Environmental and Countryside Services

#### 1.0 Purpose of Report

- 1.1 To inform the Corporate Director of Business and Environmental Services and Executive Members of the Government consultation on preventing charges to householders for the disposal of “DIY” waste at household waste recycling centres.
- 1.2 To seek approval for the attached response to the above consultation on behalf of the County Council to be submitted to UK Government.

#### 2.0 Background

- 2.1 Department for Environment Food & Rural Affairs (DEFRA) are seeking views on preventing households being charged for the disposal of DIY waste and seeking evidence on the impact of booking systems at Household Waste Recycling Centres (HWRCs).
- 2.2 The stated aim of the proposal is to ensure that DIY waste is disposed of properly, and to reduce the potential risk of fly tipping, littering and backyard burning.
- 2.3 DEFRA consider DIY activities to include any construction work, such as building, decorating, or repairing activities, carried out by householders by themselves in their own homes. This would not include, for example, a whole house renovation, or any work done by a tradesperson, but it might include the householder tiling a kitchen, plumbing in a sink, plastering a room, building and installing shelving, building a raised bed for a garden etc.
- 2.4 The government’s policy is clear that householders should not be charged to dispose of DIY waste at HWRCs. In order to do so DEFRA aim to clarify in legislation that construction waste should be considered DIY waste and classified as household waste in the Controlled Waste (England and Wales) 2012 Regulations when it meets certain criteria. Those criteria are:
  - construction waste is produced by householders whilst carrying out construction works themselves at their home. Construction is defined in the Controlled Waste (England and Wales) 2012 Regulations as including improvement, repair or alteration.
  - construction waste is not produced because of commercial activities or by a commercial contractor charging for work in a domestic premise.
  - construction waste is of a volume, which is no greater than 300L (based on the approximate boot size of a family car).
  - construction waste is not produced on a regular basis requiring HWRC visits more frequently than once a week.

2.5 The proposed criteria will allow householders to deposit DIY household waste without charge. Local authorities will be able to charge for other construction waste, which is classified as industrial waste.

### **3.0 Key Responses**

3.1 The proposed key responses to the consultation are:

- The aims of the proposal to ensure that DIY waste is disposed of properly, and to reduce the potential risk of fly tipping, littering and backyard burning, are unlikely to be met. Research carried out by WRAP in 2021 concludes that there is no identifiable link between DIY waste charging at HWRCs and fly tipping.
- The proposed criteria defining DIY waste will lead to perverse outcomes as some trade persons carrying out specialist construction activities will leave the waste generated with the householder to dispose of. Further, it is difficult to see how limiting quantities to a car boot size of 300 litres per week can be recorded, evidenced or regulated, especially as many types of vehicle are capable of carrying different volumes.
- The proposal aims to support the government's wider strategy on environmental protection as 'it will remove a financial disincentive to dispose of waste properly'. Unless government can support the link between charging and disposing of waste properly, the available evidence suggests there is no link. Moreover, the practical obstacles in enforcing the proposed criteria will lead to increased waste volumes that all council taxpayers will fund, which cuts across the polluter pays principle.
- North Yorkshire County Council does not operate a booking system at HWRCs. We are aware that some local authorities did implement booking systems when HWRCs reopened following the initial coronavirus pandemic, in order to manage demand. Some local authorities have now withdrawn such booking systems; others without government intervention intend to retain them.

3.2 Waste created from improvements, repairs and alterations to a domestic property is not household waste and there is no currently legal duty to accept it, therefore North Yorkshire County Council policy is to charge for the disposal of inert and plasterboard across all HWRCs with the exception of Harrogate Stonefall HWRC, which does not accept this waste type.

### **4.0 Finance**

4.1 There are no financial implications arising directly from responding to the consultation. There could however, be financial implications in the future if the proposals which are set out in the consultation are enacted. North Yorkshire County Council introduced a limit of two full car boot equivalents per month in 2009 for DIY waste, and then in August 2014 introduced a charge for DIY material. We estimate that if these proposals are enacted, the net cost (additional disposal cost and lost revenue) arising from the government proposal in North Yorkshire will be between £500,000 and £821,000pa dependant on our ability to effectively limit and regulate waste quantities to those proposed in the consultation. In addition, the projected increase in waste volumes may require Yorwaste to invest in additional service vehicles to increase capacity and meet demand.

### **5.0 Equalities**

5.1 The proposals are part of a consultation exercise and there is insufficient information on which to base an Equalities Impact Assessment. The government is of the view that there are no likely significant impacts of the proposal on those who may have protected characteristics under the Public Sector Equality Duty.

## **6.0 Legal**

- 6.1 Section 51 of the Environment Protection Act 1990 requires councils who are Waste Disposal Authorities to provide residents with a place to dispose of their household waste. These are usually called Household Waste Recycling Centres.
- 6.2 The Local Government (Prohibition of Charges at Household Waste Recycling Centres) (England) Order 2015 and The Local Authorities (Prohibition of Charging Residents to Deposit Household Waste) Order 2015 prevent councils in England from charging residents to deposit household waste at HWRCs.
- 6.3 The consultation aims to review the criteria of small-scale 'DIY waste' generated by residents and reclassify as Household Waste, and to amend the Controlled Waste (England and Wales) Regulations 2012 in order to prevent charging.
- 6.4 North Yorkshire County Council's current HWRC policy will need to be changed and updated if the proposal goes ahead as drafted.

## **7.0 Climate Change**

- 7.1 The consultation on preventing households being charged for the disposal of DIY waste would help the UK achieve its decarbonisation targets. A small number of householders will currently be disposing of small quantities of DIY waste in their wheeled bins, whereas under the free of charge proposal they will be more inclined to dispose of it at a HWRC.
- 7.2 A Climate Change Impact Assessment has been completed, and concluded a minor positive impact will arise. The impact assessment is included in Annex 2.

## **8.0 Conclusion**

- 8.1 The Government is not consulting on the broad intent that DIY household waste should be free to dispose of for local residents. However, our proposed response to Government is that we strongly disagree with this proposal.
- 8.2 One of Government's stated aims of this proposal is that it will ensure that DIY waste is disposed of properly, and will reduce the potential risk of fly tipping.
- 8.3 The available evidence suggests that there is no link between charging and increased levels of fly tipping and that very few incidences of fly tipping are from a truly household source.
- 8.4 The technical principles underlying this proposal cannot be put into practice or enforced which will lead to increased waste volumes that all council tax payers will fund as opposed to those undertaking construction and demolition activities which undermines the polluter pays principle.

## **9.0 Recommendations**

- 9.1 It is recommended that the Corporate Director Business and Environmental Services (BES) and BES Executive Members consider the issues raised by the consultation on preventing charges to householders for the disposal of “DIY” waste at household waste recycling centres.
- 9.2 It is recommended that the Corporate Director BES in consultation with BES Executive Members approve the attached responses to the above consultations on behalf of the County Council to be submitted to UK Government.

MICHAEL LEAH

Assistant Director – Travel, Environmental and Countryside Services

Authors of Report:

Peter Jeffreys – Head of Waste

Leanne Taylor – Service Development Manager, Waste

Background documents: None

## Consultation on household waste recycling centres and preventing charges to householders for the disposal of “DIY” waste and a call for evidence on booking systems.

11 April 2022

### Our Proposals

**Q1. Do you agree or disagree with these technical principles when the government amends the 2012 regulations?**

- a) Agree
- b) Disagree**

If you answered ‘Disagree’ above, please give your reason.

NYCC disagree with the proposed amendment to allow householders to deposit DIY waste for free with the objective being to reduce fly tipping rates.

Furthermore, the implications of enabling DIY waste to be disposed of without a charge would be significant in terms of overall service provision.

Research carried out by WRAP in 2021 concludes that there is no identifiable link between DIY waste charging and fly tipping. The WRAP data covered 301 local authorities out of a possible 317. Of these, 132 operated some type of charge for HWRC waste (typically DIY waste, tyres and asbestos) while 169 did not have any charging in place. Results found that:

- the average number of fly-tips for local authorities that charge at HWRCs is 13.3 per 1,000 people per year
- The average number of fly-tips that do not charge at HWRCs is 15.3 per 1,000 people per year

A difference small enough to conclude that there is no evidence that charging at HWRCs increases fly-tipping rates.

It is difficult to see how limiting quantities to a car boot size of 300 litres per week can be recorded, evidenced or regulated, especially as many types of vehicle are capable of carrying different volumes.

The criteria for limitations set out in the consultation are unenforceable for the following reasons:

- 1) There is a risk that trade persons will leave waste generated by specialist construction work with the householder to dispose of.
- 2) Limiting quantities to a car boot size per week cannot be recorded, evidenced or regulated. It would be very difficult for site staff to adequately monitor inputs and be able to quickly and confidently say whether a householder had already attended a site that week, and this will lead to significant additional costs to monitor and enforce.

Equally, it would not be possible for site staff to ascertain, at the point of disposal, whether the waste arose from the activities of the householder themselves or a commercial contractor doing works on behalf of the householder.

3) There is no standard size of car boot and many types of vehicle including vans, SUV estates, MPVs, pickups etc. are all capable of carrying different volumes.

The technical principles cannot be put into practice leading to increased waste volumes that all council tax payers will fund as opposed to those undertaking construction & demolition activities which undermines the polluter pays principle.

**Q2. Given the government’s stated policy, do you agree or disagree with these tests on whether construction waste should be treated as DIY waste and classified as household waste, and should not be charged for when disposed of at a HWRC, when:**

	<b>Agree – this should be included</b>	<b>Disagree – this should be excluded</b>	<b>Not sure / don’t have an opinion / not applicable</b>
The waste is produced by householders whilst carrying out small-scale construction or demolition works at their home	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The waste does not arise from activities that generate an income for the person who carried them out	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The waste is not produced on a regular basis requiring HWRC visits more frequently than once a week	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The volume of waste is no greater than 300L (based on the approximate boot size of a family car)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Q3: If you have disagreed with the inclusion of any of the above criteria, please state why, indicating which part of the criteria you are referring to in your response.**

<p>The waste is produced by householders whilst carrying out small-scale construction or demolition works at their home</p>	<p>NYCC disagree with the criteria in principle. We also believe that the financial impact on Councils due to DLUHC Ministers deciding to waive the New Burdens Doctrine should be reviewed.</p> <p>North Yorkshire County Council introduced a limit of 2 full car boot equivalents per month in 2009 for DIY waste, and then in August 2014 introduced a charge for DIY material.</p> <p>We estimate that the net cost (disposal cost and lost revenue) arising from the government proposal in North Yorkshire will be between £500,000 and £821,000pa.</p> <p>Again the technical principles cannot be put into practice which will lead to increased waste volumes that all council tax payers will fund as opposed to those undertaking construction &amp; demolition activities. This undermines the polluter pays principle.</p> <p>Income from charges currently go back into the service so the authority can continue to offer safe and legal means of disposal for these DIY materials to the residents who utilise the facilities without impacting every tax payer in the County who don't all necessarily utilise the HWRC service.</p> <p>Also the criteria for limitations set out are unenforceable since the definition of small scale will be interpreted differently by residents without introducing a number of costly monitoring systems, and could result in a possible increase in conflict on HWRC sites as operatives will be required to challenge residents/visitors on the source of the waste they are disposing of.</p>
<p>The waste does not arise from activities that generate an income for the person who carried them out</p>	<p>How will the policy ensure that the system is not abused by those seeking to dispose of trade waste for free?</p> <p>It is our view that it will not be possible for site staff to determine at the point of disposal, whether or not the waste arose from the activities of the householder themselves or from a tradesperson carrying out the works on their behalf.</p> <p>There is a risk that tradespersons will leave waste generated by specialist construction work with the householder to dispose of.</p> <p>Checking and monitoring waste brought into the HWRC will incur additional management time and cost to Councils, and could also cause delays or queues for all site users which may result in reduced customer satisfaction and increased complaints to the Council (which also take officer time to respond to).</p>

<p>The waste is not produced on a regular basis requiring HWRC visits more frequently than once a week</p>	<p>It is our view that the criteria for limitations set out are unenforceable without introducing a number of costly monitoring systems, and is open to misuse by both residents and commercial customers.</p> <p>HWRC sites operatives will be unable to monitor cross-county use and frequent visitors, without back office support systems, management time and investment leading to further pressure on budgets and possible cost to tax payers.</p> <p>Monitoring the frequency of visits is most easily done using an ANPR systems, and a number of authorities have combined this with booking systems to accurately manage customer numbers and frequency of visits.</p> <p>Whilst NYCC does not have a booking system in operation, we do have ANPR and we can see why some authorities have chosen to combine the two and the benefits that they would offer in trying to enforce the proposal.</p> <p>Without some sort of monitoring or booking system, it will be virtually impossible to quickly check the number of visits by a single vehicle within a week, whilst at the site entrance.</p>
<p>The volume of waste is no greater than 300L (based on the approximate boot size of a family car)</p>	<p>There is no standard size of car boot and many types of vehicle including vans, SUV estates, MPVs, pickups etc. are all capable of carrying different volumes of waste, a lot in excess of the 300L capacity proposed.</p> <p>This could lead to increased conflict at HWRCs arising from differences in opinion and will result in additional operatives being required on site, or increased officer time to deal with complaints, both of which have an additional cost.</p>

**Q4: Do you have any other views on the technical circumstances in which construction waste should be considered DIY waste and classified as householdwaste?**

Evidence does not support the base assumption that charging for these materials leads to fly tipping and there is no evidence to suggest that by removing the charges there will be a reduction of it or the associated £392 million cost that the Government has quoted.

We believe that the government should seek to tackle the root causes of fly tipping through various measures including better enforcement and sentencing of offenders, as well as make best use of the proposed legislative measure on Carriers, Brokers and Dealers registration and Digital Waste tracking.

Both of these will lead to greater visibility of waste movements and assist with any fly tipping enforcement action.

## Call for evidence on booking systems at HWRCs

**Q5: Do you currently have a HWRC booking system in place?**

- a) Yes
- b) No

**Q6: What type of booking system do you operate?**

- a) Residents contact us to book a specific slot
- b) Residents use sites at certain times based on address, number plate, etc.
- c) Other (please specify) – Not Applicable

**Q7: Please outline the key reasons why you have a booking system in place.**

Not Applicable

**Q8: Please outline the key reasons why you do not have a booking system in place.**

A booking system was developed during the first Coronavirus lockdown but never implemented when the HWRC reopened on a phased basis in May 2020.

In discussions with the contractor, we felt that queues could be managed without the need to implement a booking system.

However, we did employ traffic management teams at our busiest sites for a period of time after we first reopened.

**Q9: What are your future plans for the booking system?**

- a) Retain indefinitely
- b) Retain until some point in 2022
- c) Unsure
- d) In the process of removing
- e) Will remove by a certain date
- f) Other (please specify) – Not Applicable

**Q10: Please outline any evidence you have on the impacts of booking systems on recycling levels in your area.**

Not Applicable

**Q11: Please outline what other restrictions, if any, you impose on residents bringing waste to your HWRC? For example, limits on size, or on vehicles type can use.**

Residents using a commercial or commercial-like vehicle to deliver household waste e.g. any vehicle that appears to or could be used for a trade or business or commercial purpose such as a van, pickup, flat bed, land rover with a cargo area or similar vehicle are required to register.

People who live outside the county can use our HWRCs but they will be charged unless mutual arrangements are in place with neighbouring councils.

All residents using Stokesley Household Waste Recycling Centre need to register and display a valid permit to use the facility unless they are using a commercial or commercial like vehicle and have a commercial or commercial like vehicle pass.

This is to identify any non-North Yorkshire resident, as we impose charges for residents of Teesside to use the Stokesley HWRC as that site is considerably closer to some households than the relevant Teesside council HWRC. The site has historically suffered from high levels of cross-boundary waste inputs.

**Q12: Do you use measures such as ANPR or similar approaches at your HWRCs?**

ANPR is able to monitor high frequency users, and assists with the identification of individuals seeking to dispose of commercial waste illegally at a HWRC by identifying patterns and frequency of use.

However, ANPR alone will not help implement this proposal unless other enforcement measures are also implemented at the same time.



## Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk)

### Version 2: amended 11 August 2021

**Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:**

Planning Permission  
Environmental Impact Assessment  
Strategic Environmental Assessment

However, you will still need to summarise your findings in the summary section of the form below.  
Please contact [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk) for advice.

<b>Title of proposal</b>	DEFRA Technical consultation on preventing charges to householders for the disposal of “DIY” waste at household waste recycling centres and Call for evidence on booking systems at household waste recycling centres.
<b>Brief description of proposal</b>	To inform and seek approval from the Corporate Director Business and Environmental Services (BES) and the BES Executive Members of the following DEFRA consultations: <ul style="list-style-type: none"> <li>Preventing charges to householders for the disposal of “DIY” waste at household waste recycling centres.</li> </ul>
<b>Directorate</b>	Business and Environmental Services
<b>Service area</b>	Transport, Environment and Countryside Services
<b>Lead officer</b>	Peter Jeffreys, Head of Waste
<b>Names and roles of other people involved in carrying out the impact assessment</b>	Leanne Taylor, Waste Management
<b>Date impact assessment started</b>	May 2022

**Options appraisal**

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

No. This is a Government consultation document on their stated policy.

**What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?**

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

The proposed changes to the charges to householders disposing of DIY waste at household waste recycling centres will increase budget costs through:

- Increase in overall tonnage and disposal costs for Inert & Plasterboard waste, plus a reduction in income. (Figures attached).
- Yorwaste currently operate a designated HWRC fleet of 7 x RORO (roll-on, roll-off) collection vehicles on behalf of NYCC - any increase in tonnage from HWRCs would require an additional RORO to increase the capacity for waste removal.
- Increase in Commercial Waste from non-licensed waste removal companies/sole traders disguised as residential DIY waste delivered to HWRCs or fly tipped whilst profiting from residents who have paid for their services.
- Household Waste Recycling Centres being used by a large number of people from outside of North Yorkshire.

A cost comparison exercise evidenced that in 2013-14 when HWRCs within North Yorkshire accepted 'DIY Waste' without charge or limitation the average

For the last two years (2006-7 and 2007-08) when DIY waste was accepted without any charge or limitation, the average tonnage for DIY waste was approx. 22,227 tonnes, with a disposal charge to the authority of £755k. With the introduction of a 2 boot limit for DIY waste and plasterboard in 2009, this average reduced to 7,117 tonnes, costing £480k. Once charges were introduced in August 2014, tonnage reduced further to an average of 3723 tonnes, with a cost to the authority of £133k.

The loss of this income (average £200k) coupled with the estimated increase in tonnage and disposal costs identified means that the proposed changes could result in increased costs of between £500k with limitations enforced and £821k without the limitations being enforced.

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>	
<p>Minimise <b>greenhouse gas emissions</b> e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	Emissions from travel		x		If builders are leaving this with the householder to recycle rather than recycling it themselves, then no change.		N/A
	Emissions from construction		x				
	Emissions from running of buildings		x				
	Emissions from data storage		x				
	Other						
<p>Minimise <b>waste</b>: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>	x			Some householders will currently be disposing of small quantities in their wheeled bins, whereas under the FoC proposal they will be more likely take to a HWRC.	Recycling/ reuse options are available for most types of wastes and there are no charges for some of these wastes.	Continue to encourage separation of wastes and recycling /reuse	

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
Reduce <b>water</b> consumption		x				
Minimise <b>pollution</b> (including air, land, water, light and noise)	x			Preventing disposal of small quantities in domestic wheeled bins will prevent it being processed via the Energy from Waste site and increase recycling.		
Ensure <b>resilience</b> to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers		x				
Enhance <b>conservation</b> and wildlife		x				
Safeguard the distinctive characteristics, features and special qualities of <b>North Yorkshire's landscape</b>		x				
Other (please state below)						

**Are there any recognised good practice environmental standards in relation to this proposal?** If so, please detail how this proposal meets those standards.

N/A

**Summary** Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

### Sign off section

This climate change impact assessment was completed by:

<b>Name</b>	<b>Leanne Taylor</b>
<b>Job title</b>	<b>Service Development Manager</b>
<b>Service area</b>	<b>Transport, Environment and Countryside Services</b>
<b>Directorate</b>	<b>BES</b>
<b>Signature</b>	<b>L Taylor</b>
<b>Completion date</b>	<b>May 2022</b>

**Authorised by relevant Assistant Director (signature):**

**Date:**