

North Yorkshire County Council
Business and Environmental Services

Executive Members

21 May 2021

DEFRA Consultation on Elements of the Resources and Waste Strategy

Report of Assistant Director – Travel Environmental and Countryside Services

1.0 Purpose of Report

- 1.1 To inform the Corporate Director Business and Environmental Services and Business and Environmental Services and Executive Members of the following DEFRA consultations covering elements of the Resources and Waste Strategy:
- Extended Producer Responsibility for Packaging
 - Introducing a Deposit Return Scheme in England, Wales and Northern Ireland
 - Waste Prevention Programme for England
- 1.2 To seek approval for the attached responses to the above consultations on behalf of the County Council to be sent to DEFRA.

2.0 Executive Summary

- 2.1 In December 2018, the government published the Resources and Waste Strategy pledging to leave the environment in a better condition for the next generation. The Strategy is supported by a series of consultations to engage with stakeholders and gather evidence.
- 2.2 The reforms proposed by Government are wide ranging and ambitious, both in nature and timescale. The proposed key responses to the consultations released are as follows:

Extended Producer Responsibility (EPR)

- The principles of EPR are strongly welcomed, in that packaging producers cover local authority costs (including recycling, refuse and littering), and incentivise producers to design more recyclable products.
- The scope of proposed funding to local authorities should be extended to include 'consequential costs' arising from changes to long term waste treatment contracts.
- 'Efficient and effective' services should be defined according to modelled rather than actual costs, with further consultation expected to explore the proposed criteria.
- At this stage it is not possible to determine the financial impact to the Council until greater detail is available about funding formulas, definition of necessary cost and new burdens, and authority groupings.

Deposit Return Scheme (DRS)

- The DRS aims to reduce the amount of littering, boost recycling levels for relevant material, collect high quality materials, and promote recycling through clear labelling.
- The implementation of a DRS should be delayed until after 2024 and only if EPR fails to deliver the anticipated outcomes. If DRS is pursued then:
 - Preference for 'on the go' which limits the container size and addresses litter, as opposed to the 'all in' approach which pulls in material from kerbside collections.
 - The reimbursement to local authorities for drink containers collected in kerbside systems (reflecting a failure of the DRS) should be through a combination of redeeming deposits and an EPR funding formula. The value of unclaimed deposits should support the aims of both the DRS and EPR.

- How a DRS will operate in rural areas is a significant uncertainty not fully recognised in this consultation.

Waste Prevention Plan (WPP)

- The principles of the Waste Prevention Programme (WPP) are strongly welcomed.
- The Council will respond to further Government consultations and will continue to actively promote waste awareness and behaviour change through our existing programme.

3.0 Key Background Information

3.1 The Resources and Waste Strategy published in December 2018 was supported by an initial set of consultations covering Extended Producer Responsibility for Packaging (EPR), Introducing a Deposit Return Scheme (DRS), and Consistency in Household and Business Recycling Collections. The Corporate Director of Business and Environmental Services and Executive members agreed to respond to DEFRA as set out in a report dated 10 May 2019. This second report considers the set of consultations on EPR, DRS and the Waste Prevention Programme for England published 24 March 2021. A further consultation on Consistency in Household and Business Recycling Collections is due to be published by government following local elections elsewhere in May 2021. Key sources of information and consultation response deadlines are shown in the following table:

Publication	Response Deadline
The Resources and Waste Strategy	Not applicable
Extended Producer Responsibility for Packaging	4 June 2021
Introducing a Deposit Return Scheme (DRS) for England, Wales and Northern Ireland	4 June 2021
Waste Prevention Programme for England	10 June 2021

3.2 Significant overlaps exist with the concurrent DRS and EPR consultations and the forthcoming Consistency in Household and Business Recycling Collections consultation. A second report will be prepared proposing the Council's response to the Consistency in Household and Business Recycling Collections consultation which is expected in May 2021. Draft responses to the EPR, DRS and Waste Prevention Programme consultation questions are included as Annex 1, 2 and 3 respectively and this report highlights some of the key issues and proposed approach to responses.

4.0 Extended Producer Responsibility for Packaging - consultation

4.1 The reforms proposed by Government through the EPR consultation seek to make producers responsible for the full net cost of managing packaging once it becomes waste, allocate funding for collection and investment in infrastructure, set more ambitious targets for producers, and introduce clear and consistent labelling for recyclability (the 'producer pays' principle).

4.2 Packaging producers will fund the full net cost of managing the packaging, including the cost of:

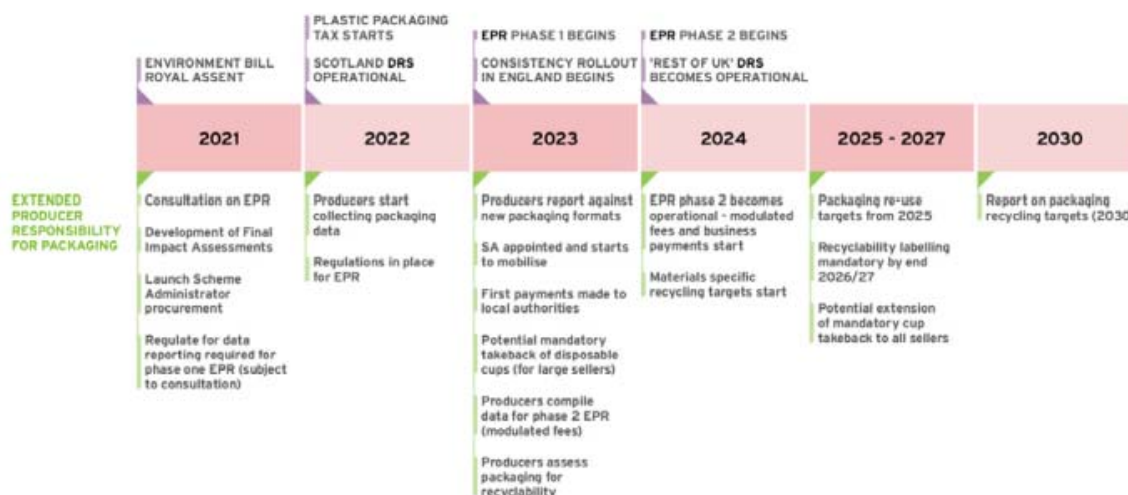
- Collection, sorting, and recycling of packaging waste from households and businesses,
- Collection and disposing of packaging in the residual waste stream from households only,
- Bin and ground litter refuse management,
- Communications and consumer information including anti-litter campaigns and fly-tipping; and
- Packaging management and data reporting.

- 4.3 The consultation proposes minimum recycling targets for six packaging materials (plastics, wood, aluminium, steel, paper/card and glass). These equate to an overall recycling rate for EPR packaging of 73% by 2030, the recycling rate in 2017 was 63.9%.
- 4.4 A single point of obligation (producer) will be responsible for the cost of managing the packaging to focus the obligations on those best placed to reduce and /or increase the recyclability of the packaging they use. Producers pay modulated fees into the system based on the type and quantity of packaging they place on the market. The fees, along with the proposed waste plastic tax, are intended to improve the recyclability of packaging with packaging that is more easily recyclable paying lower fees, while fees for packaging which is unrecyclable paying higher fees. These fees collected by the Scheme Administrator pay local authorities for dealing with packaging waste through existing systems.
- 4.5 Government has developed two approaches based on the responses to the previous consultation for managing the EPR scheme.
- Option 1 - a single administrator / management organisation: responsible for administering and managing delivery of the packaging waste management cost requirements and producer compliance with packaging waste recycling targets.
 - Option 2 - multiple compliance schemes with certain functions undertaken by a Scheme Administrator: A Scheme Administrator would take on functions that are better delivered UK-wide such as developing the approach to determining packaging waste management costs for household waste, setting the fee modulation mechanism, and administering payments to local authorities; with compliance schemes primarily responsible for managing compliance with obligations in respect of non-household packaging waste
- 4.6 The consultation proposes that producers should pay for “efficient and effective” services and that payments by the Scheme Administrator to local authorities are based on both the tonnages and quality of packaging waste collected and recycled. These requirements are to be phased in from 2023, with the Scheme Administrator encouraged to support local authorities to improve and meet performance benchmarks to obtain their full payments.
- 4.7 Government believes the most appropriate approach is to ‘net off’ material (recyclate) value for packaging waste from households from a local authority’s payment by using a reference price. To drive up material quality local authorities generating revenues higher than the reference price (reflective of better quality sold to the market) will benefit financially.
- 4.8 Among other proposals the consultation considers:
- whether a mandatory cup takeback and recycling requirement should be placed on businesses selling filled disposable paper cups to provide for the separate collection of used cups.
 - that plastic films and flexibles should be required to be collected for recycling as soon as is practical, and the costs of achieving this are paid by producers. It is assumed this will be possible by end of financial year 2026/27.
 - a suggestion that until such time as the state of evidence, collections and infrastructure for bio-degradable packaging can be improved, it is unlikely to be considered recyclable under packaging EPR and will therefore attract higher fees than packaging that contributes positively to scheme outcomes.
 - the reporting of data to the Scheme Administrator, including data on local authority collection and disposal services and facilities, the types of households and businesses they service, the tonnages collected through their systems and local communications activities.
 - that producers of commonly littered packaging items be made responsible for the costs that are directly attributable to their management, both as bin and ground litter.
 - that the environmental regulators will be the primary regulators and have the powers to monitor, audit, and use civil and criminal penalties to drive compliance and address non-compliance.
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5.0 Key Implications of the EPR proposals for North Yorkshire

- 5.1 The principle of Extended Producer Responsibility (EPR) is strongly welcomed, including:
- The 'producer pays' principle and commitment to covering local authority costs.
 - The definition of full net cost recovery actually covering the costs for recycling, refuse and littering of packaging materials.
 - How it will incentivise producers to design better (i.e. more recyclable) products.
- 5.2 Under the EPR consultation, costs for managing packaging waste are transferred from local authorities and businesses to obligated producers. The appointed Scheme Administrator will be responsible for determining the approach to payments to local authorities for household packaging waste. There is an 'emerging framework' for payments to local authorities for packaging waste from households based around the 'necessary costs' to deliver efficient and effective services. Necessary costs include operational costs to collect, manage and dispose of packaging waste such as investment in capital infrastructure or innovation; and support costs including communications, efficiency reviews, data gathering and reporting, performance incentives, and supporting local authorities in contract negotiations and variations with service providers.
- 5.3 The Council supports that necessary costs include investments in capital infrastructure and supporting local authorities in contract negotiations and variations, however this does not go far enough. Many local authorities, including North Yorkshire and York Councils, have made long term financial investments in technology to treat and dispose of municipal waste. Changes in waste composition and waste volume arising from the EPR, DRS and the forthcoming Consistency of Collections consultations are likely to lead to challenge, contractual change and additional costs from service providers. These 'consequential' costs do not appear to be included within the definition of necessary costs and we are unsighted on the definition of 'New Burden' funding contained within the Consistency of Collection proposals. On the basis that consequential costs arise directly from new obligations, North Yorkshire County Council firmly believes that the 'producer pays' principal is extended to incorporate consequential costs.
- 5.4 The EPR consultation considers actual or modelled costs to identify an efficient and effective service, and concludes in the first instance a preference for modelled costs. A modelled cost approach establishes for each local authority a benchmark cost for managing packaging waste by looking at the detailed characteristics of a local authority, such as housing number and type, cost and performance data, and using statistically significant associations with key variables and cost drivers such as geography, rurality and levels of deprivation. This allows relative costs and performance of similar local authorities to be assessed in an objective way. The Council needs to see the detail of the criteria used to group local authorities to ensure a fair comparison to our peers with particular regard to rurality, tourism, and second homes. Such an approach would see local authorities that implement efficient and effective systems that collect comparable tonnages and quality to their peers receive their full net costs, whereas those local authorities performing below peer-based cost and performance benchmarks receive less than full net cost.
- 5.5 Government expects the Scheme Administrator to work closely with local authority poor performers who may be locked into existing contracts that prevent the rollout of efficient and effective services and delay the collection of new materials such as films and flexibles. Under such circumstances the Scheme Administrator may make payments at the modelled rate unadjusted for performance and may guarantee all local authorities receive 80% of their payment regardless of performance. Subject to further clarity being received regarding how the Scheme Administrator will distribute funding, the modelled approach is preferred over actual costs.
- 5.6 Of the two approaches for managing the EPR scheme, option 1 (a single administrator/ management organisation) would appear to be the most practical and straightforward. The second option with multiple compliance schemes appears far more complex.

- 5.7 Labelling packaging as Recyclable or Not Recyclable will make it clearer for residents to identify which receptacle items can go in and will help with contamination issues.
- 5.8 Payment to local authorities for household waste is expected from 2023, initially based on modelled full net costs of efficient and effective systems using data from 2022. No adjustments are made for collection of core materials or incentives to meet or exceed performance benchmarks or to increase quality. Full net cost payments will be made from 2024. The timescales for implementation are very ambitious. Two critical steps must be in place; the Extended Producer Responsibility regulations, and to appoint the Scheme Administrator. The timeline (see below) is to appoint the Scheme Administrator in early 2023, but these timings are subject to parliamentary approval of the Environment Bill.



- 5.9 The 'producer pays' principal is strongly supported and will largely transfer the cost of dealing with waste packaging from local authorities to producers. However, it is not possible at this stage to determine the financial impact of the wide-ranging reform being proposed to the Council until greater detail is available about funding formulas, definition of necessary cost and new burdens, authority groupings and the role and responsibility of the Scheme Administrator to be appointed in 2023.

6.0 Introducing a Deposit Return Scheme in England, Wales & Northern Ireland – Consultation

- 6.1 This consultation seeks views on proposals to introduce a Deposit Return Scheme (DRS) for drinks containers in England, Wales and Northern Ireland. The aims of a DRS are to reduce the amount of littering, boost recycling levels for relevant material, to collect high quality materials in greater quantities and promote recycling through clear labelling and consumer messaging. The proposals refer to systems where producers pay a registration fee to the Deposit Management Organisation (DMO). All retailers selling in-scope drinks containers will accept container returns to their store, and refund the deposit amount to the consumer when an item is returned. In addition, retailers will be required to add the deposit price to the purchase price of the drink at the point of sale.
- 6.2 The consultation seeks views on the scope of DRS and sets out 4 different options:
- 'do nothing' - drinks containers are captured under a reformed packaging producer responsibility system.
 - 'all-in' model - drinks containers up to 3 litres are in scope, targeting the majority of drinks containers placed on the market.
 - 'on-the-go' model - drinks containers up to 750 ml are in scope, targeting the drinks containers most often sold for consumption outside of the home (while 'on-the-go').
 - 'all-in' model excluding glass containers.

- 6.3 The Governments in England and Northern Ireland remain neutral on scope, Wales prefer the 'all-in' model, whilst Scotland intend to introduce an 'all in' model in 2022 although this date is under review. If the schemes are not the same it is clearly desirable that a compatible DRS is introduced across the UK to avoid consumer confusion and promote efficiency.
- 6.4 Government consider that the scope of a deposit return scheme is determined based on material rather than product; namely polyethylene terephthalate (PET) plastic bottles, steel and aluminium cans, and glass bottles. High-density polyethylene (HDPE) containers such as those commonly used to package milk, have been excluded due to potential impacts on lower socioeconomic groups.
- 6.5 A Deposit Management Organisation (DMO) will manage the operation of the deposit return scheme. The DMO will own the material returned by the consumers and be responsible for meeting a 90% collection rate after 3 years as opposed to a recycling target. The DMO is to be funded via three revenue streams: material revenue, producer registration fees, and unredeemed deposits; and is responsible for setting the level of deposit, either fixed or variable, according to minimum and possibly maximum thresholds set out in legislation.
- 6.6 The consultation proposes that all retailers who sell in-scope drinks containers will be obligated to accept returns of in-scope material by hosting a return point, either a reverse vending machine or manual return points.
- 6.7 The consultation seeks views on three options for financially reimbursing local authorities for any DRS items they deal with in recycling, residual or litter:
- Option 1 - Redeem deposits - local authorities redeem the deposits of DRS containers collected in their waste streams, either by a kerbside sort system to separate in scope containers from other types of recyclate or by agreeing a profit-sharing mechanism with the material recovery facility (MRF) operator.
 - Option 2 - EPR payments (Government's preferred option) - allow the DMO to make payments to local authorities for DRS materials via the EPR Scheme Administrator. The funding formula developed for these payments under EPR would include the costs of DRS containers. Local authorities are still able to redeem deposits in addition to the per tonne payment from the DMO.
 - Option 3 - A hybrid option - the DMO pays a deposit value on containers that are returned by a local authority and any additional scheme material in local authority waste streams is covered by a funding formula in the EPR scheme.
- 6.8 Among other proposals the consultation considers:
- use of labelling including ID markers, DRS logo and technological innovations (e.g. smart bins, or scanning containers and placing in your household waste bins for collection) that might be available to be incorporated into the scheme as additional return points for consumers to use.
 - the role of on-line retailers and the potential to take back drink containers.
 - environmental regulators will be the primary regulators and there may be a role for local authority Trading Standards to regulate the consumer-facing obligations placed on retailers.

7.0 Key Implications of DRS proposals for North Yorkshire

- 7.1 The consultation on EPR scheme is welcomed and recovers recyclable containers through the 'producer pays' principle. The DRS is a type of extended producer responsibility scheme which adds cost and potentially duplication. This report recommends that the Council's response is that a DRS should only be introduced if the EPR fails to deliver the anticipated outcomes for these materials.

- 7.2 Should Government pursue a DRS, the current recycling rates in the UK for in-scope drink containers are around 70%. A DRS for drinks containers could achieve over 90% recycling, promote high quality recyclate, and perhaps most notably, starts to address man made debris in the marine and natural environment (albeit the impact assessment puts a very high value on the disamenity value of litter which requires further examination).
- 7.3 The consultation seeks views on the type of DRS, and states that the 'all in' model has the greatest potential to increase recycling rates (and produce high quality recyclate and a large reduction in litter disamenity), and will lead to less consumer confusion and higher engagement. The disadvantages are that the higher returned volumes will increase DRS collection costs, will remove high value material from local authority kerbside systems, and consumers who place in-scope containers in their household recycling to be collected will lose their deposit (subject to technical innovation enabling a home to become a return point). That said, the EPR scheme ensures that producers pay the full net cost of their packaging. Savings to local authorities in England will be around £976m, and the DRS will ensure that scheme producers cover the costs of any scheme material that appears in local authority waste streams (where the consumer has chosen not to redeem their deposit).
- 7.4 An on-the-go deposit return scheme would have lower net costs, have minimal impact on kerbside collections as consumers would continue to deposit large drinks containers in their kerbside system without losing their deposit, and evidence suggest that smaller drinks containers are more commonly littered than larger ones. Disadvantages of the on-the-go approach are that drinks in small containers are still consumed at home, the risk of confusion among consumers is greater regarding the size of drinks container within scope, and it limits the quantity of high quality recyclate. The primary aim of the DRS is to stimulate behaviour change regarding litter – the Council therefore supports the on-the-go approach.
- 7.5 The DMO should achieve a 90% collection rate and ensure that the material collected is passed on to reprocessors, however there is no guarantee that the material will be recycled and there are no targets for the reprocessors. The reason cited is that it is difficult for a DMO to demonstrate material has been recycled once sold to a reprocessor. Local authorities are required to report material that has been recycled and we do not believe this to be an onerous obligation on an DMO, and would help demonstrate that the DRS is effective in producing high quality recyclate.
- 7.6 Government expects approximately 7% of all deposit return scheme containers placed on the market to continue to be collected by kerbside collections. To reimburse local authorities for in scope drink containers collected in kerbside systems (reflecting a failure of the DRS), options 2 and 3 appear to be best suited to how most local authorities would deal with kerbside collected material. Option 2 whereby the DMO pays the EPR Scheme Administrator for the full net cost of drinks containers collected via the kerbside system, also permits local authorities to redeem deposits subject to meeting quality criteria. Option 3 avoids a potential double payment by producers in option 2, by local authorities redeeming deposits, and any additional in scope materials identified through compositional is eligible for payment through the EPR funding formula.
- 7.7 The fundamental principle underpinning the proposed deposit return scheme is that returning an in-scope drinks container should be as easy as purchasing one in the first place. Accordingly, legislation will set out an obligation on all retailers selling in-scope drinks containers to accept all deposit return scheme container returns to their store. Small village shops are unlikely to have space for reverse vending machines, nor space to store returned containers if handed back over the counter in large quantities, but they may be the only retailer (and potential opportunity to recover a deposit) for many miles. How a DRS will operate in rural areas is a significant uncertainty not recognised in this consultation.

- 7.8 Government considers that the obligations placed on retailers that are consumer-facing (such as obligations related to the sale or return of deposit items) should be regulated by local authorities, via trading standards, although the funding of such additional activities is not discussed.
- 7.9 Government anticipates that the scheme would launch in late 2024, subject to the outcome of this consultation and parliamentary passage of the Environment Bill as shown below:



8.0 Waste Prevention Programme for England - consultation

- 8.1 This consultation focusses on maximising the value of resource use and minimising waste and its impact on the environment within seven key sectors: construction, textiles, furniture, electronics, vehicles, food, and plastic packaging. The revised Waste Prevention Programme (WPP) aims to reduce greenhouse gas emissions, reduce the pressure on our natural environment, help safeguard our resource security, increase growth in new sectors, enhance competitiveness by keeping products and materials in circulation and create jobs.
- 8.2 The Waste Prevention Programme includes:
- Transforming product design: making reuse and repair, as well as recycling viable.
 - Making it easier for consumers to do the right thing: making reuse/repair the default action.
 - Extended Producer responsibility: including collection and take back services, encouraging reuse, repair, leasing businesses and supporting facilities.
 - Aligning the regulatory framework: so that targets encourage action at the top of the waste hierarchy.
- 8.3 Government will seek to ensure that Household Waste Recycling Centres (HWRCs) perform a more effective role in resource efficiency and enhance the third sector's role in promoting reuse. They will develop an information note for local authorities, including examples of best practice on reuse and providing interpretation of relevant regulations in particular through partnerships with social enterprises, and the business case for doing so. It will cover regulatory issues that have been raised such as how best to interpret the definition of waste.
- 8.4 Textiles - Government wants to encourage a textiles and clothing sector where items are made to last from materials that are safe and renewable, and where items are easy to reuse, repair, and recycle. Government will develop a proposal for Extended Producer Responsibility (EPR) for textiles, and consult on this by the end of 2022. Government will consider EPR alongside measures such as a landfill/incineration ban, separate textiles collection requirements, and the eco-design and labelling focussing on durability, reparability, recyclability, and recycled content as well as production impacts.

- 8.5 Furniture – Government wants to support more sustainable design, improve consumer information, enhance collection, reuse, and repair services. Encourage sharing of best practice as to product design and take-back systems. The Environment Bill will set minimum standards on durability, reparability, recyclability, and recycled content of furniture, as well as requirements for improved labelling and consumer information. Government will develop a proposal for Extended Producer Responsibility (EPR) for bulky waste (which is essentially furniture and furnishings) and seek to consult on this by the end of 2025.
- 8.6 Government would like to encourage Local Enterprise Partnerships and local authorities to offer support to businesses that adopt circular models enabling longer life and ease of repair, as well as reuse platforms, and leasing systems. This could be through the reuse/repair/remanufacture clusters or through supporting the operations of charities, social enterprises, and small businesses in the furniture sector.
- 8.7 Electrical and Electronic Products – Government wants to increase levels of collection of Waste Electronic and Electrical Equipment, increase reuse, repair and remanufacture of electronic and electrical products and develop options to design out waste using eco-design principles.
- 8.8 Food: Government wants to reduce food waste in the home and across the supply chain. In order to prevent food from going to waste they will support WRAP through campaigns and behaviour change interventions.
- Promote a better understanding of Best Before Date versus Use-By Date.
 - Encourage consumers to shop better – buying the right quantity for what is required.
 - Educate citizens on how to store or freeze food correctly and to make use of what they have already bought.

9.0 Key Implications of the WPP for North Yorkshire

- 9.1 The principles of the Waste Prevention Programme (WPP) are strongly welcomed. The Council will respond to further Government consultations including textiles in the EPR expected in 2022, bulky waste in EPR expected in 2025, and any other waste specific engagement. In the mean time we will actively promote waste awareness and behaviour change through our existing programme including:
- the Waste and Resources Action Programme (WRAP) promoting the love your clothes campaign and impacts of fast fashion through communications campaigns including via the North Yorkshire Rotters. The council will continue to promote textile reuse through the collection and drop off facilities including any new kerbside schemes.
 - promote the reuse of furniture through charity shops and organisations through communication campaigns and via the North Yorkshire Rotters and will continue to develop relationships with the third party sector at the household waste recycling centres for items that are suitable for reuse.
 - promote the small and large electrical item recycling at the HWRCs and any developments on reuse.
 - promote the reduction of single use plastics, promotion of reusables as well as plastic recycling throughout the council buildings and with the wider community through communication campaigns and via the North Yorkshire Rotters.
 - promote the WRAP messaging of ‘Love food hate waste’ through communication campaigns and via the North Yorkshire Rotters

10.0 Financial Implications

- 10.1 There may be significant positive and negative financial implications from any legislation resulting from these consultation proposals. As yet there is insufficient clarity to determine the actual effects of the proposals being consulted on. Most policies are not proposed to be implemented until late 2023, so there is no immediate impact on budgets.

11.0 Legal Implications

- 11.1 Legal obligations are likely to be significant for producers of packaging in particular and may be significant for local authorities. This however is dependent upon the final requirements for local authorities which in the main will be covered within the yet to be published DEFRA Consultation on Consistency in Household and Business Recycling Collections, there is insufficient detail at this stage of what these implications might be and there is no immediate impact..

12.0 Equalities Implications

- 12.1 None, as these proposals are consultation exercises on key principles, there is insufficient information on which to base an Equalities Impact Assessment.

13.0 Climate change Implications

- 13.1 The proposals are included within national consultations regarding key principles which if implemented will have significant carbon impacts gained through increases in the levels of recycling nationally. DEFRA estimate the increase in the recycling of packaging will generate 3.1 million tonnes of traded carbon benefits and 1.3 million tonnes of non-traded benefits over the appraisal period (2023-2032). Once legislative and operational requirements are clearer, the climate change implications for North Yorkshire can be assessed.

14.0 Conclusion

- 14.1 The consultation proposals are broadly welcomed but will require some refinement and clarity regarding the scope and funding. It is likely that the proposals will impact on the amount and type of waste collected and disposed, and how waste will actually be collected and disposed.

15.0 Recommendations

- 15.1 It is recommended that the Corporate Director Business and Environmental Services (BES) and BES Executive Members:
- Consider the issues raised by the consultations covering elements of the Resources and Waste Strategy:
 - DEFRA consultation on reforming the UK packaging producer responsibility system
 - DEFRA consultation on introducing a Deposit Return Scheme in England, Wales and Northern Ireland
 - DEFRA consultation on the Waste prevention programme
- 15.2 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 sent to DEFRA.

MICHAEL LEAH
Assistant Director – Travel, Environmental and Countryside Services

Authors of Report:
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Andy Holmes & Jenny Lowes, Service Improvement Officers

Background papers relied upon in the preparation of this report:-

Business and Environmental Services, Executive Members, 10 May 2019, DEFRA/HM Treasury Consultations on Elements of the Resources and Waste Strategy, Report of Assistant Director - Transport Waste and Countryside Services

<https://edemocracy.northyorks.gov.uk/Data/Business%20and%20Environmental%20Services%20Corporate%20Director%20and%20Executive%20Members%20Meeting/20190510/Agenda/DEFRA>

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[HM%20Treasury%20Consultations%20on%20elements%20of%20the%20Resources%20and%20Wa.pdf](#)

CONSULTATION ON EXTENDED PRODUCER RESPONSIBILITY FOR PACKAGING

Important to note that Questions 19-23 in this document are actually within Annex 1 of the Consultation document itself and numbered Q101-104 so all questions from number 19 onwards do not match the consultation document but do match DEFRA's Citizen Space. **Highlighted in yellow the number that cross references to the consultation document.**

About you

1. What is your name? Peter Jeffreys

2. What is your email address?

peter.jeffreys@northyorks.gov.uk

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

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

If you answered 'other', please provide details

Organisation name

North Yorkshire County Council

Organisation size

4. Would you like your response to be confidential?

If you answered 'yes' please provide your reason.

No.

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

You can read a [Privacy Notice](#) that explains how your information is safeguarded in relation to user research, what we will and won't do with it, how long it will be kept and how to opt out of user research if you change your mind.

What we want to achieve: packaging waste recycling targets

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

- Agree
- Disagree
- Neither agree nor disagree

We support the framework for the Extended Producer Responsibility recycling targets; however, consideration should be given to not just consider weight-based targets but wider environmental outcomes to deliver the right behaviour changes of all in the supply chain including producers and Scheme Administrator.

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

- Agree
- Disagree
- Neither agree nor disagree

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

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

- Agree
- Disagree
- Neither agree nor disagree

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

- Agree
 Disagree
 Neither agree nor disagree

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

Others are best placed to respond to this issue

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

- Agree
 Disagree
 Neither agree nor disagree

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

- Yes
 No
 Unsure

As the consultation points out this may lead to unintended consequences of re-directed material (from biomass and energy from waste) to achieve the target rather than incentivising additional collection for recycling.

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

- Yes
 No
 Unsure

As the consultation points out higher recycling rates may lead to unintended consequences of re-directed material (from biomass and energy from waste) to achieve the target rather than incentivising additional collection for recycling. .

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

- Agree
 Disagree
 Neither agree nor disagree

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

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

- Agree
 Disagree
 Neither agree nor disagree

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

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

- Agree
 Disagree
 Neither agree nor disagree

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

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

- Agree
 Disagree
 Neither agree nor disagree

Please provide the reason for your response.

The plastics packaging tax encourages closed loop recycling. If the closed loop recycling needs to be increased then the basis of the tax should be adjusted.

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

Please answer here

Others are best placed to respond to this issue.

19. Which of the definitions listed below most accurately defines reusable packaging that could be applied to possible future reuse/refill targets or obligations in regulations? Q101 from the annex in the consultation document

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

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

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

20. Do you have any views on any of the listed approaches, or any alternative approaches, for setting reuse and refill targets and obligations? Please provide evidence where possible to support your views. Q102 from the annex in the consultation document

Several European countries have introduced re-use and refillable packaging policies and have set targets, if Germany: has set a target of 80% of beverage packaging to be reusable, then we need to understand how this approach works, benefits and costs.

21. Do you agree or disagree that the Scheme Administrator should proactively fund the development and commercialisation of reuse systems? Q103 from the annex in the consultation document

- Agree
- Disagree
- Neither agree nor disagree

Please provide the reason for your response.

22. Do you agree or disagree that the Scheme Administrator should look to use modulated fees to incentivise the adoption of reuse and refill packaging systems? Q104 from the annex in the consultation document

- Agree
- Disagree
- Neither agree nor disagree

Please provide the reason for your response.

Several European countries have introduced re-use and refillable packaging policies and have set targets it therefore appears appropriate to look at modulated fees to incentivise the adoption of reuse and refill packaging.

Producer obligations for full net cost payments and reporting

23. Do you agree or disagree that Brand Owners are best placed to respond effectively and quickly to incentives that are provided through the scheme? Q19

- Agree
- Disagree
- Neither agree nor disagree

The brand owner seems to be the most sensible option to ensure there is no double counting along the chain of sale. The brand owners are the ones putting the product forward to the market but we have no further evidence to support this view. Brand owners and sellers are best placed to answer this question.

24. Are there any situations where the proposed approach to imports would result in packaging being imported into the UK which does not pick up an obligation (except if the importer or first-owner is below the de-minimis, or if the packaging is subsequently exported)? Q20

Others are best placed to answer this question.

25. Of Options 2 and 3, which do you think would be most effective at both capturing more packaging in the system and ensuring the smallest businesses are protected from excessive burden? Q21

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

Our preference is for Option 3 as suggested in the consultation this would be the least burdensome approach, only obligating one type of business. These manufacturers would already be captured in the system, for example reporting any transit packaging that they pack/fill and sell, as Brand Owners. Additionally, manufacturers of packaging will already hold all the information necessary for reporting (e.g. packaging weights and recyclability information) and may be able to react more effectively than wholesalers to price signals sent through modulated fees because they manufacture the packaging. This would be consistent with the proposal (in the labelling section) that it is the manufacturer or importer of unfilled packaging sold to businesses below the de-minimis who should be obligated to meet new mandatory labelling requirements

26. If either Option 2 or 3 is implemented, do you consider there to be a strong case to also reduce the de-minimis threshold as set out in Option 1? Q22

- Yes
- No
- Unsure

We are unsure, whilst lowering the de-minus level would mean more producers become obligated and this would be in keeping of the polluter pays principles, as stated lowering the de-minimis threshold to £1m and 25 tonnes could only affect 1,800 producers.

27. Do you think that Online Marketplaces should be obligated for unfilled packaging in addition to filled packaging? Q23

- Yes
- No
- Unsure

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

28. Do you foresee any issues with Online Marketplaces not being obligated for packaging sold through their platforms by UK-based businesses? Q24

- Yes
 No
 Unsure

We are unsure, but producers using an on line market place should already be obligated

29. This proposal will require Online Marketplaces to assess what packaging data they can collate and then, where there are gaps to work together to create a methodology for how they will fill those gaps. Do you think there are any barriers to Online Marketplaces developing a methodology in time for the start of the 2022 reporting year (January 2022)? Q25

- Yes
 No
 Unsure

Whilst the lead in time and standardisation will be challenging these are digital businesses so the ease of compliance should be high and the costs of ensuring accurate reporting relatively low.

30. Is there any packaging that would not be reported by the obligation as proposed below (except for packaging that is manufactured and sold by businesses who sit below the de-minimis)? Q26

- Yes
 No
 Unsure

Others are best placed to answer this question.

31. Do you agree or disagree that the Allocation Method should be removed? Q27

- Agree
 Disagree
 Neither agree nor disagree

As stated within the consultation document the Allocation Method is not consistent with the polluter pays principle.

Producer obligations: disposable cups takeback

32. Do you agree or disagree that a mandatory, producer-led takeback obligation should be placed on sellers of filled disposable paper cups? Q28

- Agree
 Disagree
 Neither agree nor disagree

This approach should apply to all disposable cups so there is consistency for consumers and sellers and ensure they do not look at other opportunities that may be less environmentally sound.

33. Do you agree or disagree with the proposed phased approach to introducing the takeback obligation, with larger businesses/sellers of filled disposable paper cups obligated by the end of 2023, and the obligation extended to all sellers of filled disposable paper cups by the end of 2025? Q29

- Agree
 Disagree
 Neither agree nor disagree

Considering the timescales proposed for implementation of other EPR and DRS requirements, the timescales here seem generous when sellers have had the option to implement something voluntarily previously. Members of the public may become confused with two implementation dates with communication messaging made challenging. The alignment of dates is important to ensure consumers understand the requirements.

Modulated fees, labelling and plastic films recycling

34. Do you think that the proposed strategic frameworks will result in a fair and effective system to modulate producer fees being established? Q30

- Yes
 No
 Unsure

The framework appears to cover areas key to setting the fees. We ask when assessing proposals of potential Scheme Administrators, significant weighting is applied to their approach to introduce financial incentives to producers to increase the use of reusable and refillable packaging

Modulated fees are expected to encourage producers to substitute less easily recycled material for more easily recycled material in their product packaging. However, the provision of materials and recycling facilities varies across the country. One unintended consequence as the result of the substitution of one material for another could be that the average transport distances could increase for both transporting materials for packaging manufacture and at the end of life to packaging recycling facilities.

35. Do you agree or disagree that the Scheme Administrator should decide what measures should be taken to adjust fees if a producer has been unable to self-assess, or provides inaccurate information? This is in addition to any enforcement that might be undertaken by the regulators. Q31

- Agree
 Disagree
 Neither agree nor disagree

How this is approached should be considered when assessing the proposals being put forward by potential Scheme Administrators.

36. Do you agree or disagree with our preferred approach (Option 1) to implementing mandatory labelling? Q32

- Agree
- Disagree
- Neither agree nor disagree

Option 2 provides a consistent approach that is clearly recognisable. As packaging covered under the EPR such as HDPE milk bottles are recyclable, consideration needs to take place over how consumers will be made aware that this packaging is not covered by any Deposit Return Scheme which may use the same “Recyclable” and “Do not recycle” labelling?.

37. Do you agree or disagree with the proposal that all producers could be required to use the same 'do not recycle' label? Q33

- Agree
- Disagree
- Neither agree nor disagree

As packaging covered under the EPR such as HDPE milk bottles are recyclable, consideration needs to take place over how consumers will be made aware that this packaging is not covered by any Deposit Return Scheme which may use the same “Recyclable” and “Do not recycle” labelling?.

38. Do you think that the timescales proposed provide sufficient time to implement the new labelling requirements? Q34

- Yes
- No
- Unsure

39. Do you agree or disagree that the labelling requirement should be placed on businesses who sell unfilled packaging directly to small businesses? Q35

- Agree
- Disagree
- Neither agree nor disagree

40. Do you think it would be useful to have enhancements on labels, such as including 'in the UK' and making them digitally enabled? Q36

- Yes
- No
- Unsure

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

Labelling needs to inform the public/customer how to dispose of the packaging, we are unsure that adding “in the UK” adds to this as the public/customer may misunderstand what it means. Enhancement of digitally enabled labelling would help, however many products don’t remain intact once in contact with moisture, or through collection and sorting systems damaging any form of labelling.

41. Do you agree or disagree that local authorities across the UK who do not currently collect plastic films in their collection services should adopt the collection of this material no later than end of financial year 2026/27? Q37

- Agree
 Disagree
 Neither agree nor disagree

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

The main issues are the availability of MRFs capable of processing these materials and opportunities for customers especially householders to store materials. The EPR should encourage producers to move away from this material to a more recyclable one, rather than potentially putting in methods for recycling it. If put in place there will be significant costs particularly for change of collection systems and MRFs.

42. Do you agree or disagree that collections of plastic films and flexibles from business premises across the UK could be achieved by end of financial year 2024/5? Q38

- Agree
 Disagree
 Neither agree nor disagree

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

The main issues is availability of reprocessing facilities. It is unclear how Agricultural film is to be considered. The EPR should encourage producers to move away from this material to a more recyclable one, rather than potentially putting in methods for recycling it.

43. Do you agree or disagree that there should be an exemption from the ‘do not recycle’ label for biodegradable/compostable packaging that is filled and consumed (and collected and taken to composting/anaerobic digestion facilities that accept it), in closed loop situations where reuse or recycling options are unavailable? Q39

- Agree
 Disagree

Neither agree nor disagree

Please provide the reason for your response.

The compostable packaging would have to be relevant to the actual event where 'closed loop' recycling/composting was in place and there would need to be evidence that the packaging has been composted, to a PAS standard after the event.

44. Do you consider that any unintended consequences may arise as a result of the proposed approach to modulated fees for compostable and biodegradable plastic packaging? Q40

Yes

No

Unsure

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

Producers may shift to more types of compostable and biodegradable plastic packaging as the modulated fee could be attractive no matter which level it is set compared to the single use packaging with limited reprocessors for this.

Payments for managing packaging waste: necessary costs

45. Do you agree or disagree with the proposed definition and scope of necessary costs? Q41

Agree

Disagree

Neither agree nor disagree

We welcome the broad scope of the costs but the scope does not entirely fulfil the Polluter Pays Principle, there appears to be no consideration of concerns this Council raised in its previous consultation response regarding the key principles not appearing to include consequential costs. This includes changes to calorific value of residual waste, costs associated with not meeting guaranteed minimum tonnages within existing waste contracts, transport costs and local disposal options.

Reducing inputs into our Government supported PPP Allerton Waste Recovery Park may increase the cost per tonne and change the composition of waste resulting in the potential for contractual claims and re-negotiation of the long-term contract and/or the Teckal contracts with our other service supplier. These costs still do not appear to be included within the definition of full net cost; however, rurality does appear to be considered within potential rural groupings for calculating payment of full net costs.

It is not clear as to how the cost of contract change would be calculated. When would a contract change be deemed necessary and would therefore be paid for. How will costs that an local

authority would incur anyway be differentiated from those incurred as a result of the changes required within the EPR?

Whilst the consultation suggest that there is high demand from reprocessors for high-grade quality packaging material, we have concerns over the lack of demand for all recycled materials. Whilst it is proposed that the EPR (and plastic tax) will increase demand we are unsure that this will meet the potential supply if collection standards for these materials are reached. If this is the case who will take on the risk, will EPR Full Net Cost funding cover the full cost of packaging collected for recycling being sent for disposal due to lack of markets.

It is pleasing to see that consideration of the fact a disposal authority may have little direct influence over the packaging content of residual waste and the recycling performance of collection authorities in the area is being considered and that where appropriate, the performance of recycling authorities will be considered when determining payments for packaging in residual waste.

Local Authorities should be part of the governance arrangements for the Scheme Administrator to ensure that the impacts on local authorities are cost neutral especially in early years of implementation.

Payments for managing packaging waste from households

46. Do you agree or disagree that payments should be based on good practice, efficient and effective system costs and relevant peer benchmarks? Q42

- Agree
- Disagree
- Neither agree nor disagree

We agree that payment should be based on the quality and quantity of the packaging material with developing existing schemes to improve recycling. The proposals need more clarity on what the requirements are for a local authority efficient and effective service to access full net costs.

We do not believe that the WRAP grouping is sophisticated enough. We have concerns regarding modelled costs due to the lack of detail and need to see the detail of the criteria used to group local authorities to ensure a fair comparison to our peers with particular regard to rurality, tourism, and second homes. What opportunities will there be for local authorities to challenge the grouping they have been placed in.

The costs also need to consider all aspects of the Resources and Waste Strategy particularly the impacts between the various elements of the strategy EPR, DRS and Consistency in collections and when the differing timescales for implementation and the overall impacts are understood.

Local Authorities should be part of the governance arrangements for the Scheme Administrator to ensure that the impacts on local authorities are cost neutral especially in early years of implementation.

47. Do you agree or disagree that the per tonne payment to local authorities for packaging materials collected and sorted for recycling should be net off an average price per tonne for each material collected? Q43

- Agree
 Disagree
 Neither agree nor disagree

We agree that the price paid to local authorities should be net of an average price per tonne for each material collected, providing that local authorities attaining a higher than average price (reflective of good quality recyclate) retain the financial benefit. Quality recyclate is a key aim EPR and packaging producers; this proposal incentivises local authorities to recover high quality recyclate whilst an average price per tonne could offer some protection from volatile markets subject to the methodology applied. It is important that the risk of fluctuating material values rests with the packaging producers.

48. Do you agree or disagree that the Scheme Administrator should have the ability to apply incentive adjustments to local authority payments to drive performance and quality in the system? Q44

- Agree
 Disagree
 Neither agree nor disagree

The process for incentivising poor performers needs to be clearly set out and award of incentives visible to all. The management of the Scheme Administrator needs to include all stakeholders including local authority representation.

The interdependence with, the potential for crossover with, and the differences between the timescales for implementing the various elements of the Resources and Waste Strategy (e.g. On Package Recycling Labelling, Deposit Return Schemes and Consistency in Collections) may impact on local authorities' abilities to deliver performance and quality improvements in the system in the short to medium term.

49. Do you agree or disagree that local authorities should be given reasonable time and support to move to efficient and effective systems and improve their performance before incentive adjustments to payments are applied? Q45

- Agree
 Disagree
 Neither agree nor disagree

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

Many local authorities are tied in to long-term contracts, so support should be given to enable them and their suppliers to change to what would be perceived as an efficient and effective service.

The potential for differences between the timescales for implementing the EPR and other elements of the Resources and Waste Strategy (DRS and Consistency in Collections) will have an impact on the timescales and local authorities' abilities to deliver performance and quality improvements in the system.

50. Should individual local authorities be guaranteed a minimum proportion of their waste management cost regardless of performance? Q46

- Yes
- No
- Unsure

All local authorities should be guaranteed at least 80% of their payment regardless of their performance. However, they would need to meet certain criteria including demonstrating why they are unable to have efficient and effective systems and a plan of how they will improve performance through having efficient and effective systems in the future.

51. Do you agree or disagree that there should be incentive adjustments or rewards to encourage local authorities to exceed their modelled recycling benchmarks? Q47

- Agree
- Disagree
- Neither agree nor disagree

Incentive adjustments should be applied to encourage local authorities to exceed their recycling performance benchmarks otherwise there could be a levelling off in performance.

52. Do you agree or disagree that unallocated payments should be used to help local authorities meet their recycling performance benchmarks, and contribute to Extended Producer Responsibility outcomes through wider investment and innovation, where it provides value for money? Q48

- Agree
- Disagree
- Neither agree nor disagree

Payments for capital investment and innovation being considered a necessary cost, where it can be shown to increase performance and help producers to meet EPR targets and objectives is welcomed. This will help to ensure local authorities transitioning costs to efficient and effective systems, or replacing existing capital infrastructure are met.

In early years the unallocated producer fees could support collaborative procurement e.g. MRF facilities to improve the quality of recycle.

53. Do you agree or disagree that residual payments should be calculated using modelled costs of efficient and effective systems based on the average composition of packaging waste within the residual stream? Q49

- Agree
 Disagree
 Neither agree nor disagree

In principle we agree with this approach however it does not entirely fulfil the Polluter Pays Principle, there appears to be no consideration of concerns this Council raised in its previous consultation response regarding the key principles not appearing to include consequential costs. This includes changes to calorific value of residual waste, costs associated with not meeting guaranteed minimum tonnages within existing waste contracts, transport costs and local disposal options.

Reducing inputs into our Government supported PPP Allerton Waste Recovery Park may increase the cost per tonne and change the composition of waste resulting in the potential for contractual claims and re-negotiation of the long-term contract and/or the Teckal contract with our other service supplier.

54. Do you agree or disagree that a disposal authority within a two-tier authority area (England only) should receive the disposal element of the residual waste payment directly? Q50

- Agree
 Disagree
 Neither agree nor disagree

It is pleasing to see that consideration of the fact a disposal authority may have little direct influence over the packaging content of residual waste and the recycling performance of collection authorities in the area is being considered and that where appropriate, the performance of recycling authorities will be considered when determining payments for packaging in residual waste.

Payments for managing packaging waste from businesses

55. Do you agree or disagree that there remains a strong rationale for making producers responsible for the costs of managing packaging waste produced by businesses? Q51

- Agree
 Disagree
 Neither agree nor disagree

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

Including packaging waste produced by businesses would help to achieve national recycling targets as well as delivering wider environmental and carbon benefits.

56. Do you agree or disagree that all commercial and industrial packaging should be in scope of the producer payment requirements except where a producer has the necessary evidence that they have paid for its management directly? Q52

- Agree
- Disagree
- Neither agree nor disagree

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

57. Which approach do you believe is most suited to deliver the outcomes being sought below? Q53

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

Local Authorities should be part of the governance arrangements for the Scheme Administrator to ensure that the impacts on local authorities are cost neutral especially in early years of implementation.

58. Do you disagree strongly with any of the options listed in the previous question? Q54

- Yes
- No
- Unsure

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

59. Do you think there will be any issues with not having either Packaging Recovery Notes/Packaging Export Recovery Notes or the business payment mechanism (and as a result recycling targets) in place for a short period of time? Q55

- Yes
- No
- Unsure

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

Not having a system at all could lead to misreporting fraud and abuse. A lack of recycling targets could hamper the pace of change in the system and create a risk of delaying improvements that could deliver wider environmental and carbon benefits.

Payments for managing packaging waste: data and reporting requirements

60. Do you agree or disagree with the proposal to introduce a sampling regime for packaging as an amendment to the MF Regulations in England, Wales and Scotland and incorporation into new or existing regulations in Northern Ireland? Q56

- Agree
 Disagree
 Neither agree nor disagree

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

Greater clarity is required on the revised sampling requirements especially for smaller bulking points where the available space is limited

61. Do you agree or disagree with the proposal to require all First Points of Consolidation to be responsible for sampling and reporting in accordance with a new packaging waste sampling and reporting regime? Q57

- Agree
 Disagree
 Neither agree nor disagree

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

A de-minimums level is required for small bulking points where there are space limitations.

62. Do you agree or disagree that the existing MF Regulations' de-minimis threshold of facilities that receive 1000 tonnes or more per annum of mixed waste material would need to be removed or changed to capture all First Points of Consolidation? Q58

- Agree
 Disagree
 Neither agree nor disagree

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

This would help to avoid materials "leaking" out of the system. As stated in previous responses, something needs to be in place for those facilities that cannot physically sample at these points due to space constraints

63. Do you think the following list of materials and packaging formats should form the basis for a manual sampling protocol? Q59

- Yes
 No
 Unsure

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

Films and flexibles and other materials which are likely to be included in EPR at a later date should be included to help to accurately baseline the quantities of these materials should be added.

Include compostable packaging to help quantify and monitor the amount in use.

The sampling protocol needs to be flexible to changes in producers' behaviour that stimulates changes to the packaging materials in use.

64. Do you think it is feasible to implement more rigorous sampling arrangements within 6-12 months of the regulations being in place? Q60

- Yes
 No
 Unsure

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

This would be dependent on the level of increased sampling required and the capacity required to provide the additional space and mobilise the set-up of the arrangements

65. Do you think visual detection technology should be introduced from 2025 to further enhance the sampling regime? Q61

- Yes
 No
 Unsure

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

To be introduced in 2025 this technology must be proven to be reliable, accurate and performance regularly calibrated to ensure continued accuracy. The cost to develop, implement, maintain and operate visual detection technology must form part of necessary costs. The technology should not delay the sorting process and reduce available capacity to process materials

66. Do you think existing packaging proportion protocols used by reprocessors would provide a robust and proportionate system to estimate the packaging content of source segregated materials? Q62

- Yes
 Yes, with refinement

- No
 Unsure

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

67. Do you agree or disagree that minimum output material quality standards should be set for sorted packaging materials at a material facility? Q63

- Agree
 Disagree
 Neither agree nor disagree

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

68. Do you agree or disagree that material facilities that undertake sorting prior to sending the material to a reprocessor or exporter should have to meet those minimum standards in addition to just assessing and reporting against them? Q64

- Agree
 Disagree
 Neither agree nor disagree

If you disagree, please provide the reason for your response.
 Providing the cost for achieving the minimum standard is met by the producers in accordance with the "polluter pays" principle and not passed to local authorities

69. Do you think any existing industry grades and standards could be used as minimal output material quality standards? Q65

- Yes
 No
 Unsure

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

[Payments for managing packaging waste: reporting and payment cycles](#)

70. Do you agree or disagree that local authority payments should be made quarterly, on a financial year basis? Q66

- Agree
 Disagree

Neither agree nor disagree

There is little detail as to how these payments will be made however quarterly reporting could be aligned with other reporting cycles such as WasteDataflow and payment of costs paid on verification and validation of that information rather than waiting a year. This could use an annual reconciliation process. Quarterly reporting would allow in year assessment of the likelihood of targets being achieved and adjustments to be made in the system to encourage improved performance if required.

Local authorities have well established systems for reporting performance that are transparent, reliable and regularly audited to prevent fraud. Existing systems such as WasteDataflow could be developed and expanded with suitable support and use of technology to reduce the timescales for verification and validation.

We have concerns how the funding will be distributed to local authorities for the waste management services, will this affect the amount of Revenue Support Grant given to local authorities, or will it be a separate payment (ring-fenced / off-set?).

71. Do you agree or disagree that household and business packaging waste management payments should be based on previous year's data? Q67

- Agree
 Disagree
 Neither agree nor disagree

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

Quarterly reporting could be aligned with other reporting cycles such as WasteDataflow and payment of costs paid on verification and validation of that information rather than waiting a year. This could use an annual reconciliation process.

Litter payments

72. Do you agree or disagree that the costs of litter management should be borne by the producers of commonly littered items based on their prevalence in the litter waste stream as determined by a composition analysis which is described in option 2? Q68

- Agree
 Disagree
 Neither agree nor disagree

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

Providing that this includes all relevant costs to ensure that producers bear the full financial responsibility for the management of packaging that is littered. Clarity is required on the inclusion of packaging that is fly-tipped as well as littered

73. In addition to local authorities, which of the following duty bodies do you agree should also receive full net cost payments for managing littered packaging? Please select all that apply. Q69

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

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

Voluntary and community groups

Other landowners particularly farmers

74. Do you agree or disagree that producers should contribute to the costs of litter prevention and management activities on other land? Q70

- Agree
- Disagree
- Neither agree nor disagree

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

Providing the funding is in addition to that which local authorities receive for the management of litter on public land and not deducted from that amount.

75. Do you agree or disagree that local authority litter payments should be linked to improved data reporting? Q71

- Agree
- Disagree
- Neither agree nor disagree

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

Whilst we agree it is difficult to record what is littered when collected with other waste from household kerbside collections. The approach could be to carry out composition analysis if funding allows. Does litter include fly tipped packaging?

76. Do you agree or disagree that payments should be linked to standards of local cleanliness over time? Q72

- Agree

- Disagree
 Neither agree nor disagree

Scheme administration and governance

77. Do you agree or disagree that the functions relating to the management of producer obligations in respect of household packaging waste and litter including the distribution of payments to local authorities are managed by a single organisation? Q73

- Agree
 Disagree
 Neither agree nor disagree

As per the majority of responses to the previous consultation this should be a not-for-profit sector-led organisation run by those obligated to fund and deliver Extended Producer Responsibility, including producers, retailers, local authorities and reprocessors.

The process for award is to be competitive but it is not clear how bids will be assessed and what criteria will be used for awarding the contract. There will need to be KPIs within the contract and a performance management framework in place to monitor performance. SAs are expected to outline how stakeholders will be represented as part of the scheme management but it is unclear how much of a role local authorities will have on the overall scheme administration or indeed in developing the necessary tender documentation such that their interests are represented fairly.

The Scheme Administrator should also be responsible for administration of the DRS if this is required.

78. Overall which governance and administrative option do you prefer? Q74

- Option 1
 Option 2
 Neither Option 1 nor Option 2

Please provide the reason for your response.

Of the two approaches for managing the EPR scheme, option 1 (a single administrator/management organisation) would appear to be the most practical and straightforward. The second option with multiple compliance schemes appears far more complex. It is likely that the costs of a single scheme administrator approach will be lower than the combined running costs of a scheme administrator and compliance schemes, due to some duplication or overlap of functions by the compliance schemes and the scheme administrator and the need for a level of engagement between the organisations.

The Scheme Administrator should also be responsible for administration of the DRS if this is required.

79. How do you think in-year cost uncertainty to producers could be managed?**Q75**

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

A reserve fund managed by the Scheme Administrator would minimise the risk to producers of in year fluctuations in cost. However producers would need to contribute to set up the fund and hence a mechanism to enable this to happen would need to be devised and agreed.

A reserve fund would also allow for innovation and step change within a year.

80. Under Option 1, does the proposed initial contract period of 8-10 years (2023 to 2030/32) provide the necessary certainty for the Scheme Administrator to adopt a strategic approach to the management and delivery of its functions and make the investments necessary to deliver targets and outcomes? Q76

- Yes
- No
- Unsure

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

Our preference is however for Option 1 where a Scheme Administrator delivers all functions. The Scheme Administrator must be managed by all stakeholders including Local Authority representation to ensure it provides an effective and efficient service.

The Scheme Administrator should also be responsible for administration of the DRS if this is required.

81. Under Option 2, does the proposed initial contract period of 8-10 years (2023 to 2030/32) provide the necessary certainty for the Scheme Administrator to adopt a strategic approach to the management and delivery of its functions and make the investments necessary to deliver targets and outcomes? Q77

- Yes
- No
- Unsure

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

Our preference is however for Option 1 where a Scheme Administrator delivers all functions.

82. Do you agree or disagree with the timeline proposed for the appointment of the Scheme Administrator? Q78

- Agree
- Disagree

Neither agree nor disagree

These timings are subject to parliamentary approval of the Environment Bill. Based on the delays in reaching this stage of the process the timelines appear to be tight considering procurement and mobilisation.

83. If the Scheme Administrator is appointed in January 2023 as proposed, would it have sufficient time to mobilise in order to make payments to local authorities from October 2023? Q79

Yes

No

Unsure

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

This appears to be significantly tight to carry out the appointment of an administrator and enable payments to local authorities by October 2023.

84. Do you agree or disagree with the approval criteria proposed for compliance schemes? Q80

Agree

Disagree

Neither agree nor disagree

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

We do not agree with the compliance scheme approach at all. Having a Single Administrator would be the simplest approach.

85. Should Government consider introducing a Compliance Scheme Code of Practice and/or a 'fit and proper person' test? Q81

A Compliance Scheme Code of Practice

A 'fit and proper person' test for operators of compliance schemes

Both

Neither

Unsure

But only if a compliance scheme is the option taken forward. This enables those operating a compliance scheme to demonstrate they have the ability to comply with the conditions of their registration and to show how they perform against benchmarks set in a code of practice, giving the regulators a basis against which to assess scheme standards.

86. Do you agree or disagree with the proposed reporting requirements for Option 1? Q82

Agree

Disagree

Neither agree nor disagree

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

Q83

- Agree
 Disagree
 Neither agree nor disagree

Reprocessors and exporters

88. Do you agree or disagree with the proposal that all reprocessors and exporters handling packaging waste will be required to register with a regulator? Q84

- Agree
 Disagree
 Neither agree nor disagree

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

This is essential such that the scheme is managed and monitored effectively and all packaging is accounted for.

89. Do you agree or disagree that all reprocessors and exporters should report on the quality and quantity, of packaging waste received? Q85

- Agree
 Disagree
 Neither agree nor disagree

This is essential such that the scheme is managed and monitored effectively and all packaging is accounted for.

90. What challenges would there be in reporting on the quality and quantity of packaging waste received at the point of reprocessing and/or export? Q86

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

Others are best placed to answer this question.

91. Do you think contractual arrangements between reprocessors and material facilities or with waste collectors and carriers are a suitable means for facilitating the apportionment and flow of recycling data back through the system to support

Extended Producer Responsibility payment mechanisms, incentives and targets?

Q87

- Yes
 No
 Unsure

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

Supply of accurate and timely data is key to having confidence in the EPR system and trying to eliminate fraud. Contractual arrangements set out the obligations of the parties

92. Do you agree or disagree that exporters should be required to provide evidence that exported waste has been received and processed by an overseas reprocessor? Q88

- Agree
 Disagree
 Neither agree nor disagree

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

Ensuring accurate data for all packaging waste that has genuinely been recycled is a core principle behind the success of the scheme

93. Do you agree or disagree that only packaging waste that has achieved end of waste status should be able to be exported and count towards the achievement of recycling targets? Q89

- Agree
 Disagree
 Neither agree nor disagree

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

However it is not clear how this would work in practice – end of waste classification is usually obtained by the material going through a treatment process. It is unclear how waste that has yet to be actually recycled could be classified as 'end of waste' prior to export. Whilst there are clear benefits of reprocessing with the UK and stimulating markets locally, some packaging will need to be exported – e.g. glass being returned to wine producing countries but there is also potential for packaging waste to be constantly in transit with no clear destination for reprocessing.

94. Do you agree or disagree that there should be a mandatory requirement for exporters to submit fully completed Annex VII forms, contracts and other audit documentation as part of the supporting information when reporting on the export of packaging waste? Q90

- Agree

- Disagree
 Neither agree nor disagree

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

Ensuring accurate data for all packaging waste that has genuinely been recycled is a core principle behind the success of the scheme

95. Do you agree or disagree that regulators seek to undertake additional inspections of receiving sites, via 3rd party operators? Q91

- Agree
 Disagree
 Neither agree nor disagree

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

This will help to give confidence in the recycling of materials as well as verifying data to be accurate.

Compliance and enforcement

96. Do you agree or disagree with the proposed approach to regulating the packaging Extended Producer Responsibility system? Q92

- Agree
 Disagree
 Neither agree nor disagree

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

Others are best placed to respond to this however the Regulator will need to have sufficient resources and funding to be able to undertake this role effectively.

97. Do you have further suggestions on what environmental regulators should include in their monitoring and inspection plans that they do not at present? Q93

Please answer here
 Others are best placed to respond to this.

98. In principle, what are your views if the regulator fees and charges were used for enforcement? Q94

Please answer here

Initially it may be appropriate to use the fees and charges but in the longer term costs should be met through monetary penalties.

99. Would you prefer to see an instant monetary penalty for a non-compliance, or another sanction as listed below (12.26), such as prosecution? Q95

Please answer here

We would like to see the use of instant monetary penalties. The level of penalty should be proportionate to the level of non-compliance ranging from a fixed penalty notice for minor breaches to prosecution for major offences. However, the fine will need to be significant enough to change behaviour rather than paying fine as being the least worst option.

Implementation timeline

100. Do you agree or disagree with the activities that the Scheme Administrator would need to undertake in order to make initial payments to local authorities in 2023 (as described above under Phase 1)? Q96

- Agree
 Disagree
 Neither agree nor disagree

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

The activities highlighted appear to all be required in order to make payments to Local Authorities from 2023, but it is not clear whether it is comprehensive and whether other activities will be required. As part of the ITT submission, bidders should be asked to set out all of the activities that are required along with a realistic timeline such that this can be assessed. These programmes should then become contractually binding and form part of the Performance Management Framework

101. Do you think a phased approach to the implementation of packaging Extended Producer Responsibility, starting in 2023 is feasible and practical? Q97

- Yes
 No
 Unsure

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

The timescales for implementation are very ambitious. Two critical steps must be in place; the Extended Producer Responsibility regulations, and to appoint the Scheme Administrator. The timeline is to appoint the Scheme Administrator in early 2023, but these timings are subject to parliamentary approval of the Environment Bill. Based on the delays in reaching this stage of the process the timelines appear to be tight

102. Do you prefer a phased approach to implementing Extended Producer Responsibility starting in 2023 with partial recovery of the costs of managing packaging waste from households or later implementation, which could enable full cost recovery for household packaging waste from the start? Q98

- Phased approach starting in 2023

Later implementation

Unsure

Please provide the reason for your response.

Later implementation would allow sufficient time for all the requirements to be in place.

103. Of the options presented for reporting of packaging data for 2022 which do you prefer? Q99

Option 1

Option 2

Neither

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

Option 1 would only include the packaging which producers would be obligated to meet full net costs but a complete view of all packaging managed by producers would be seen under Option 2

104. Are there other datasets required to be reported by producers in order for the Scheme Administrator to determine the costs to be paid by them in 2023? Q100

Yes

No

Unsure

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

Others are best placed to answer this.

CONSULTATION ON DEPOSIT RETURN SCHEME (ENGLAND, NI, WALES)

Introduction

1. What is your name?

Peter Jeffreys

2. What is your email address?

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

peter.jeffreys@northyorks.gov.uk

3. Which best describes you?

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

If other, please specify.

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

North Yorkshire County Council

5. Would you like your response to be confidential?

No

If you answered 'yes' please provide your reason.

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

- Support
 Neither support nor oppose
 Oppose
 Not sure

Please elaborate on your answer if you wish.

A DRS should only be introduced if the EPR fails to deliver the anticipated outcomes for these materials and this needs to be later than 2024 to assess this. Whilst some householders shopping habits have changed due to Covid-19 with increase in online shopping and home deliveries of groceries, including packaging considered in this consultation, we are unsure if this will continue and have a significant impact in the future.

With the current restrictions of social distancing and hand cleanliness (which is probably set to continue as the normal) the proposed Reverse Vending Machines (RVM) may need to be cleaned in between use and shop staff may not want to 'handle' other people's 'rubbish' if handed back over the counter.

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

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

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

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

Given that the basis of a DRS leads to the removal recycle from local authority waste streams this will impact on the effectiveness of the remaining recycle collections, duplicate and increase the cost of collection and result in a reduction in local authority recycling performances.

The DRS does not entirely fulfil the Polluter Pays Principle, there appears to be no consideration of concerns this Council raised in its previous consultation response regarding the key principles not appearing to include consequential costs. This includes costs associated with not meeting guaranteed minimum tonnages within existing waste contracts, transport costs and local disposal options.

Reducing inputs into our Government supported PPP Allerton Waste Recovery Park may increase the cost per tonne and change the composition of waste resulting in the potential for contractual claims and re-negotiation of the long-term contract and/or the Teckal contracts with our other service supplier.

A DRS will have a detrimental impact on residents who have seen recycling systems changed and improved over the last 20 years moving from recycling bring banks to more recycling collected from the kerbside. The proposed DRS would be a backwards step for the majority of householders. Recycling bring banks have been removed in many villages and towns as most householders now have access to a kerbside scheme for their recycling.

Residents have never been fully happy with bring banks in their locality due to their perceived association with anti-social behaviour, we cannot see that residents would welcome back something similar.

A DRS will lead to confusion for residents, as there will be different approaches for very similar containers. The DRS may cover certain types of plastic drinks bottles but not others such as HDPE milk bottles that may remain in the kerbside collections and not attract a deposit. Residents will need to separate their recycling into those items that go in the kerbside collection scheme and those that are part of a DRS scheme and then have to make a special trip to take a bagful of items to redeem the deposit. The other option for a resident would be to paying the deposit on a DRS container and choose not to reclaim it placing the DRS container in the Kerbside collection, making the DRS an extra tax for those that can afford it. A DRS will have a negative impact in rural areas where the return points are likely to be a greater distance from home for many residents, compared to those living in more urban areas.

Small village shops will not have the space to host a RVM or the storage space for returned containers.

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

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

Please elaborate on your answer if you wish.

Chapter 1: Scope of the Deposit Return Scheme

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

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

These items should not be required to be present as part of an item being returned in to a DRS, but where they are present they should be included as part of the deposit item. The inability to obtain a refund in the absence of any of these items would be likely to give rise to a significant number of consumer complaints. It is also likely to be a deterrent to consumers participating in the return process.

The acceptance of any of these items would help deter the likelihood of littering near a return point and reduce costs of dealing with the waste if disposed incorrectly.

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

- Yes
 No

Please elaborate on your answer if you wish.

DRS is a type of extended producer responsibility, it therefore duplicates elements of the separate proposals to reform the packaging producer responsibility scheme, which should have much greater impact than DRS.

As well as duplicating existing kerbside collections an “all-in” scheme will remove material from local authority kerbside systems, and consumers who place in-scope containers in their household recycling to be collected will lose their deposit (subject to technical innovation enabling a home to become a return point). Any type of DRS may lead to two complex administrations (for EPR and DRS) being established. .

The consultation considers the potential for innovation in technology to be deployed in a DRS and provides further detail on how this might support the return points and provisions using smart phone applications allowing the electronic redemption of a deposit. This could potentially mean that residents could continue to use their kerbside collection systems and reclaim their deposit and so cut out the need to take containers back to the shops with them. This would mean that the significant cost of Reverse Vending Machines would not be required. Trials on this technology are being undertaken in Wales and Northern Ireland.

We propose that A DRS should only be introduced if the EPR fails to deliver the anticipated outcomes for these materials and only implemented when this technology is developed.

An “all in” scheme would not lessen consumer confusion it would lead to further confusion as to what goes where – for example a PET squash bottle versus a PET washing up bottle versus a HDPE milk bottle and a HDPE bleach bottle. It would not be clear to a householder which of these would be in scope and the deposit should be redeemed or what should be placed in the kerbside box. This could cause an unintended consequence of bottles (littering) being left at the RVM when they were out of scope and not accepted.

A further disadvantage will be to the responsible consumer who already does the right thing with their rubbish and recycling – they will be aggrieved and will suffer the inconvenience of having kerbside collection materials removed that they had already paid for with their council tax (unless they don't redeem their deposit).

An unintended consequence may be a shift in production to packaging that is not in scope and consumer purchasing habits may change to avoid paying the deposit. Depending on what these items become – it may be that they are less easily recycled (pouches/cartons).

An on the go model would still give confused messaging. It might be better to provide councils with further funding for litter/recycling bins and make all litter bin locations have a bottle/can recycling aperture so they are easily available for consumers to do the right thing when out and about. Funding for collection apparatus would help councils reduce litter and increase recycling.

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

- Yes
 No

Please elaborate on your answer if you wish.

Different schemes would lead to resident confusion and result in residents crossing the border and depositing larger container in the Welsh DRS scheme. This would have an impact on capacity close to the border and anticipated cost of DRS within Wales.

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

- All-in
 On-the-go

Please elaborate on your answer if you wish.

We propose that A DRS should only be introduced if the EPR fails to deliver the anticipated outcomes for these materials and only implemented when appropriate technology is developed.

As well as duplicating existing kerbside collections an “all-in” scheme will remove material from local authority kerbside systems, and consumers who place in-scope containers in their household recycling to be collected will lose their deposit (subject to technical innovation enabling a home to become a return point). Any type of DRS may lead to two complex administrations (for EPR and DRS) being established. .

An “all in” scheme would not lessen consumer confusion it would lead to further confusion as to what goes where – for example a PET squash bottle versus a PET washing up bottle versus a HDPE milk bottle and a HDPE bleach bottle. It would not be clear to a householder which of these would be in scope and the deposit should be redeemed or what should be placed in the kerbside box. This could cause an unintended consequence of bottles (littering) being left at the RVM when they were out of scope and not accepted.

A further disadvantage will be to the responsible consumer who already does the right thing with their rubbish and recycling – they will be aggrieved and will suffer the inconvenience of having kerbside collection materials removed that they had already paid for with their council tax (unless they don't redeem their deposit).

An unintended consequence may be a shift in production to packaging that is not in scope and consumer purchasing habits may change to avoid paying the deposit.

An on the go model would still give confused messaging. It might be better to provide councils with further funding for litter/recycling bins and make all litter bin locations have a bottle/can recycling aperture so they are easily available for consumers to do the right thing when out and about. Funding for collection apparatus would help councils reduce litter and increase recycling.

If a DRS is introduced it should be focussed on tackling litter, and hence be a UK wide 'on-the-go' scheme rather than an "all in" approach. This will reduce the possible impact on the current recycling collections and contracts throughout North Yorkshire

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

- Yes
 No

Yes but neither are appropriate. It will be very disruptive and confusing to consumers and retailers.

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

- Yes
 No

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

But this may encourage the unintended consequence of consumers purchasing bigger (unhealthier?) containers to avoid paying the deposit.

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

- Yes
 No
 Difficult to say

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

Residents may be concerned about the noise nuisance of glass within a RVM and there are Health & Safety concerns especially if collecting within shops.

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

- Yes

No

The proposal to exclude HDPE (milk) bottles from any DRS whilst potentially leading to consumers being confused is supported based on the concerns raised regarding the impact on lower socioeconomic groups, the potential impact on the dairy sector and issues with hygiene.

An approach based on material, combined with an ability to keep the scope under review, makes it easier for a DRS to administer by a DMO. Concerns about packaging changes being made, by producers to avoid a product being in the scope of any DRS, could be addressed by modulated fees as part of any EPR scheme, which highlights the need for any EPR to have the ability to review and modulate fees relatively quickly and the potential for complimentary interaction of a DRS and EPR.

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

Yes

No

The proposal to exclude HDPE (milk) bottles from any DRS whilst potentially leading to consumers being confused is supported based on the concerns raised regarding the impact on lower socioeconomic groups, the potential impact on the dairy sector and issues with hygiene.

Tetrapack cartons, pouches and sachets are more commonly used for drinks containers but are harder to recycle. If not included within a DRS there is a risk that producers will be incentivised to move towards this packaging as a way of reducing their costs.

Cartons should be included if environmental benefit can be shown. Within the consultation document 73% (of the 2019) consultation respondents were in favour of cartons being included, the carton industry indicated that they supported the inclusion of beverage cartons so that a wide range of products and of lightweight materials are included to reduce consumer confusion, to increase system efficiency and to create a level playing field for all materials

Glass is commonly used for drinks containers, it should not be excluded as Option 4 suggests. Collecting glass will make it easier to ensure consistency in the approach and to reduce the confusion of residents.

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

Yes

No

Please provide evidence to support your response.

It is likely that producers will look at options to use HDPE and cartons if they are excluded from DRS.

Glass is commonly used for drinks containers, it should not be excluded as Option 4 suggests. Collecting glass will make it easier to ensure consistency in the approach and to reduce the

confusion of residents. If not included within a DRS there is a risk that producers will be incentivised to move towards this packaging as a way of reducing their costs.

Tetrapack cartons, pouches and sachets are more commonly used for drinks containers but are harder to recycle. If not included within a DRS there is a risk that producers will be incentivised to move towards this packaging as a way of reducing their costs.

However, any such pronounced switch could be addressed by modulated fees as part of any EPR scheme, which highlights the need for any EPR to have the ability to review and modulate fees relatively quickly and the potential for complimentary interaction of a DRS and EPR in an evolutionary manner

Chapter 2: Targets

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

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

The consultation consider that estimated return rates of 75%, 80% and 85% respectively for the first 3 years as conservative estimates and that a well-designed, well-performing scheme could result in return rates of 90% or higher

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

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

If this is achievable

We consider that for a DRS scheme of any scope to be considered worthwhile after three years it should achieve a 90% collection rate of the materials in scope. However, before any expectation on collection rate is established the scope of the DRS needs to be established, and timing of its introduction in relation to the implementation of EPR, and also in relation to the changes to public services for recycling and waste and their timing as a consequence of the Consistency agenda.

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

- Yes
- No

Please provide evidence to support your response.

It is not just the scope of a DRS that could lead to a need for different collection targets, but also the timing of its introduction in relation to the implementation of EPR, and also in relation to the changes to public services for recycling and waste and their timing as a consequence of the Consistency agenda. The likelihood of these considerations leading to the requirement for different collection targets is due to the variable scale of behaviour change required by producers and consumers that they generate.

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

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

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

An approach based on producer / importer would appear to align the design of a DRS more closely with EPR principles of operation and thereby facilitate easier future interaction between DRS and EPR.

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

Local authorities are required to report material that has been recycled and we do not believe such an obligation on an DMO would be onerous, and would help demonstrate that the DRS is effective in producing high quality recycle

[Chapter 3: Scheme Governance](#)

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

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

The Scheme Administrator within the EPR should take on the role of DMO this would facilitate easier future interaction between DRS and EPR.

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

- Yes
- No

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

The Scheme Administrator within the EPR should take on the role of DMO this would facilitate easier future interaction between DRS and EPR.

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

Yes

No

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

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

Yes

No

Please elaborate on your answer if you wish.

This requirement should be placed on the DMO, which may justify the initial contract being longer than any subsequent contract period.

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

Yes

No

Chapter 4: Financial Flows

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

Taxable Turnover

Drinks containers placed on the market

Other

If other, please specify.

Using the amount of containers placed on the market is an appropriate and transparent measure to ensure that any involvement is proportionate to the amount of containers placed on the market

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

Yes

No

Please explain your answer.

As pointed out in the consultation document the risk to be considered is the creation of a perverse incentive whereby the DMO gains more revenue from unredeemed deposits whilst the scheme fails to meet its collection targets as a result of lower return rates.

It would lead to the DMO having to determine how to spend unredeemed deposits whilst also preserving funds to ensure that any subsequent DMO was not left with a liability.

However, it has to be recognised that in the early period of any DRS the levels of unredeemed deposits could be significant and in any event it is advisable to consider that, subject to any rolling reserve and fund being retained by the DRS DMO for its ongoing potential liabilities

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

- Option 1
 Option 2

Unredeemed deposits should be used to part-fund the scheme and to:

1. Fund local authority costs in collecting and disposing of litter
2. Fund installation of public 'hydration stations' (taps and water fountains) in public spaces to help encourage reuse of drinks containers and promote better public health
3. Fund environmental causes in general.

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

Are there any unintended consequences of option 2?

Any surpluses that might remain from unredeemed deposits, over and above the costs of the scheme, would be for the Deposit Management Organisation to spend. The unredeemed deposits should be used to part-fund the scheme and to:

1. Fund local authority costs in collecting and disposing of litter
2. Fund installation of public 'hydration stations' (taps and water fountains) in public spaces to help encourage reuse of drinks containers and promote better public health
3. Fund environmental causes linked to the purpose of the scheme.

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

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

Please provide evidence to support your response.

Others are best placed to answer this.

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

- Reinvested in the scheme
 Environmental causes

Any surpluses should be used to:

1. Fund local authority costs in collecting and disposing of litter
2. Fund installation of public 'hydration stations' (taps and water fountains) in public spaces to help encourage reuse of drinks containers and promote better public health
3. Fund environmental causes linked to the purpose of the scheme.

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

- 10p
 15p
 20p
 Other

If other, please specify.

The deposit amount should be set in legislation and needs to be modulated covering capacity of the individual containers, material type and include multipacks.

An example could run as follows: up to 0.5 litre 15p, above 0.5 litre to 1 litre ml 30p, 1 to 1.5 litre 45p, 1.5 to 2 litre 60p, 2 to 2.5 litre 75p and 2.5 litre to 3 litre 90p. Therefore, a multipack of 6*330ml cans would attract 60p deposit level.

However, a variable amount may lead to confusion amongst consumers and retailers, and could give rise to unscrupulous retailers misleading consumers about the amount of deposit repaid.

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

- Yes
 No

This is required to ensure that the impact of a DRS is not allowed to create an effect of packaging poverty.

- 30p
 40p
 50p
 Other

If other, please specify.

We are unsure about the maximum level should be but it needs to relate to be based on a modulated approach covering capacity of the individual containers, material type and include multipacks.

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

The deposit amount should be set in legislation and needs to be modulated covering capacity of the individual containers, material type and include multipacks.

An example could run as follows: up to 0.5 litre 15p, above 0.5 litre to 1 litre ml 30p, 1 to 1.5 litre 45p, 1.5 to 2 litre 60p, 2 to 2.5 litre 75p and 2.5 litre to 3 litre 90p. Therefore, a multipack of 6*330ml cans would attract 60p deposit level.

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

Yes

No

Please provide evidence to support your response.

The deposit amount should be set in legislation and needs to be modulated covering capacity of the individual containers, material type and include multipacks.

Chapter 5: Return Points

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

Yes

No

Please provide evidence to support your response.

There are concerns regarding the infrastructure that is needed to operate a system, especially in a rural area. We are concerned how a DRS will impact rural areas and that the scheme may not be fair to residents and retailers in these areas.

Small village shops are unlikely to have space for a reverse vending machines nor space to store returned containers if handed back over the counter, but they may be the only retailer (and potential opportunity to recover a deposit) for many miles. There are also significant cash flow implications for small businesses who may have to absorb the cost of the deposit paid out to the customer until they can be refunded themselves (assuming the container was not sold from their premises). North Yorkshire County Council is therefore seriously concerned about the impacts a DRS will have on small businesses and are uncertain how a DRS can avoid disadvantaging rural communities. How a DRS will operate in rural areas is a significant uncertainty recognised in the first consultation on this issue but disappointingly does not appear to be considered further in this consultation.

If DRS is implemented there needs to be a de minimis based approach to protect smaller retailers particularly in rural areas, as suggested for the online takeback scheme, but based a combination of turnover of materials in scope of the DRS and the footprint of premises. This consideration becomes an even stronger one for a DRS that is not “on-the-go” but is instead “all-in”.

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

- Yes
 No

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

From the outset there will be difficulties for resident as a DRS is not as convenient as existing kerbside collections.

Retailers are relatively small and dispersed in rural area therefore return points will be dispersed and not extensive in these areas. Return points may be sparser in areas with seasonal tourism. This will have an impact on rural residents who will not have the same level of access to return points.

If the scheme is rolled out there will be issues with appropriate overall capacity and individual material capacity at any DRS point – e.g. one item accepted, another full.

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

- Option 1
 Option 2
 Option 3

Please explain your answer.

The boundary between on-line and traditional retailing is becoming blurred, with on-line retailing increasingly common. The only justification for excluding on line retailers would be the complication and additional costs associated with reverse logistics – but these are equally arguable for more traditional retailers. The concept of on line retailers collecting used containers when delivering new ones (an exchange) fits perfectly with the principles of a DRS.

Use of a de minimis keeps the impact of a DRS obligation on a retailer proportionate to the impact it has of selling products to consumers. And whilst a take back option should be considered as part of an on line shop, a DRS scheme should not overlook the fact that some household behaviours may lead to DRS materials in the household not being retained for that mode of return, but instead included in a household's kerbside collection or by a return to a RVM.

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

- Yes
 No

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

As the fee will be left to the DMO this creates a risk that some retailers may lose out where costs are not paid on actual costs and as such some sort of appeals procedure should be allowed for.

This will ensure that any retailer is compensated for *'any costs incurred in hosting a return point'*
The cost of lost retail space/revenue needs to be included in the criteria.

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

Close proximity

Breach of safety

Any further comments you wish to make.

There needs to be a de minimis based approach to protect smaller retailers particularly in rural areas as suggested for the online takeback scheme to ensure there is not a disproportionate effect on smaller retailers.

Proximity, safety *and* capacity have to be considered for an exemption, and a methodology for prioritising those beneficiaries in an area from an exemption, so that enough DRS return points remain in an area for a DRS to be viable.

Exemptions would need to be subject to review (for example as local supermarkets open or close) as well as appeal. This means that it cannot be optional for a DMO to undertake strategic mapping projects as stated, as this would have to be a fundamental part of a DRS and the implementation of an exemptions regime.

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

We do not have access to information that allows us to answer this. It is also worth considering whether an "all-in" DRS, due to larger amount of materials in scope, would lead to more exemptions on safety grounds. This would reduce the density of return points available in any area as opposed to an "on-the-go" DRS, and consequently lead to a DRS network that is at risk of being permanently suboptimal in its capture rates.

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

Signage to demonstrate they don't host a return point

Signage to signpost consumers to the nearest return point

Anything else?

Exempt retailers should be required to display a notice stating that they are exempt. We anticipate, based on experience from the introduction of the carrier bag charge and payment surcharges legislation, that a relatively high level of consumer complaints would otherwise be received about exempt retailers. This would divert resources which could better be used to advise retailers who must comply and to take enforcement action where necessary.

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

- Yes
 No

Please explain your answer.

Any retailer with an exemption it is still participating in a DRS and signage requirements should be a pre-requisite of an exemption application.

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

- 1 year
 3 years
 5 years or longer

Three years is a reasonable period and retailers will require some degree of certainty for business planning where change is required, so the review date is not the only timeframe to be considered here, but also the response time for where an exemption is removed and the time for any appeals process that might ensue where an exemption is required.

However, for a DRS to remain effective in an area where a strategic return point has allowed a number of exemptions, an ability to end exemptions early when appropriate notice is given has to be considered for a scenario where that strategic return point may be closed, eg if a supermarket is closed or an area is redeveloped.

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

- Yes
 No

We propose that A DRS should only be introduced if the EPR fails to deliver the anticipated outcomes for these materials and only implemented when appropriate technology is developed.

A DRS scheme could benefit from technological solutions in the returns process alongside reverse vending and manual returns. This aspect may be desirable in rural areas, parts of the community that do not have easy access to transport or those households without out space to store items as it would open up the option of consumers using local authority kerbside collections and recycling centres as a part of a wider suite of complimentary options.

However, any steps in this direction need to be considered alongside the EPR process, including how the two schemes would interact and how it would be ensured that no unrealistic burden was placed on local authorities without appropriate funding.

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

Please explain your answer.

This option would mean that the significant cost of Reverse Vending Machines would not be required. We propose that whilst this technology is developed DRS should not be implemented.

If implemented the digital solution would need to be fully funded through the DRS scheme with no additional cost to local authorities and set up costs provided in advance. The digital solution would have to be fully established by a DMO before a DRS became operable, meaning that lead in times for a DRS could be well beyond those currently allowed for.

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

Please explain your answer.

We are not best placed to answer this however; experiences elsewhere should be used to inform any decisions on control measures.

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

Yes

No

Please explain your answer.

It reasonable to expect that the quality of the overall material in the scope of the DRS would be lower due to the contamination levels inherent in co-mingled collections, but this would be counterbalanced by the benefit of having the quantity of material significantly increased due to the accessibility of kerbside collection.

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

Please provide evidence to support your response.

There is not enough information available about the nature of the DRS or the format of a digital system to be able to answer this question. Local authorities would need set up costs provided in advance and there should be no additional cost to local authorities if running costs are misjudged by a DMO.

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

Yes

No

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

We are concerned about the impact a DRS will have on the Streetscene, and the impacts on other infrastructure. A DRS introduces a new and separate reverse logistics system that will require infrastructure and which will entail additional transport and lorry movements, with a probability that these impacts will be greater in more urban areas. Reverse vending machines will require power and will need to be located in areas where they will be convenient for people to use. This is likely to include town centres therefore North Yorkshire County Council is concerned about the potential negative impacts that the installation and operation of these machines will have for the street scene.

Chapter 6: Labelling

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

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

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

Bar code usage would appear to be a key part of efforts to reduce fraud. However, this approach means that some materials that users believe are 'in scope' of a DRS would not be accepted, perhaps due to the age of the material, for example material from a litter pick, or because it is an imported item, for example a Belgium beer bottle.

Government should look to see what lessons can be learned from countries with a shared border that operate different systems, eg Belgium and the Netherlands, to help inform the evaluation of parties interested in operating as a DMO that would be responsible for implementing the anti-fraud measures as part of the DMO remit.

As there is a real possibility that with good reason different parts of the United Kingdom and indeed neighbouring countries could be operating DRS systems with different materials and deposit values, there should be a compulsion on any DMO to enter reciprocal arrangements with a DMO in a neighbouring administration.

The use of technology to enhance a DRS is yet to be established, it is important that any developments in this area have anti-fraud measures as a central consideration

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

- Yes
- No

It has to be recognised that an alternative of not having a mandatory labelling approach in parts of the UK outside Scotland could undermine the efficacy of a DRS to such an extent it does not

achieve its full potential and potentially extend the level of fraud, particularly in border areas with different approaches on either side of a border.

Furthermore, it is also surely wrong to assume at this early stage that a point of convergence is not attainable anyway.

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

Yes

No

Please provide evidence to support your response.

Potentially yes, however we do not have access to data to validate this view and the consultation document does not provide enough information either.

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

Yes

No

Please explain your answer.

Consistency of branding and simplicity of messages are key, and similar to the inclusion of bar codes on products, standard presentation and formatting should be a mandatory requirement.

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

Please explain your answer.

Others are best placed to answer this.

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

Yes

No

Please provide evidence to support your response.

Others are best placed to answer this.

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

Yes

No

Don't know

Please explain your answer.

Possibly, in the future, if technology can recognise these labels, they may assist in segregation of DRS containers within the waste stream

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

- Yes
 No
 Don't know

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

Others are best placed to answer this.

Chapter 7: Local authorities and local councils

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

- Yes
 No

Please explain your answer.

Local authorities may be able to separate *some* DRS containers but not all, due to the way materials are collected and presented. For example, even for an “on-the-go” DRS smashed bottles or crushed cans recovered by a MRF may make the principles of identifying whether a material is in the scope of a DRS impossible, this would be more significant for an “all-in” DRS.

The cost of processing will increase for a MRF to separate out materials in scope from similar materials not in scope.

The EPR could be used to meet the costs of all packaging materials going via the kerbside route or recycling centres, such that producers pick up the full net cost.

The statement from the consultation on potential negative impacts of option 1 to deal with these deposit return scheme containers in local authority waste streams is worrying *‘There would be no Deposit Management Organisation payments to local authorities for deposit return scheme materials in their waste streams where the deposit cannot be redeemed. Local authorities would only receive funding for packaging covered under the Extended Producer Responsibility regime, excluding deposit return scheme material.* This clearly does not meet with the principle of the polluter pays.

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

- Yes
 No

Please explain your answer.

However, there appears to be no consideration of concerns this Council raised in its previous consultation response regarding the key principles not appearing to include consequential costs.

This includes changes to calorific value of residual waste, costs associated with not meeting guaranteed minimum tonnages within existing waste contracts, transport costs and local disposal options.

Reducing inputs into our Government supported PPP Allerton Waste Recovery Park may increase the cost per tonne and change the composition of waste resulting in the potential for contractual claims and re-negotiation of the long-term contract and/or the Teckal contract with our other service supplier.

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

We are not of the view that there is any credible risk of local authorities seeking to benefit from double payments. This can be addressed by measuring firstly, at the point of delivery by the local authority to a MRF, and secondly at the export point from the MRF to the reprocessors or return point in to the DRS system.

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

Please explain your answer.

Whilst Option 3 (Hybrid option) does appear more complex than Option 2 (DMO makes payments for DRS containers appearing in all local authority waste streams) we are unable to quantify how difficult it would be to administer.

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

- Option 1
- Option 2
- Option 3

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

To reimburse local authorities for in scope drink containers collected in kerbside systems (reflecting a failure of the DRS), options 2 and 3 appear to be best suited to how most local authorities would deal with kerbside collected material. Option 2 whereby the DMO pays the EPR Scheme Administrator for the full net cost of drinks containers collected via the kerbside system, also permits enables local authorities to redeem deposits subject to meeting quality criteria. Option 3 avoids a potential double payment by producers in option 2, by local authorities redeeming deposits, and any additional in scope materials identified through compositional analysis is eligible for payment through the EPR funding formula.

Chapter 8: Compliance Monitoring and Enforcement

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

Please explain your answer.

Environmental regulators could be responsible for appeals for exemptions that are declined by the DMO.

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

Yes

No

We agree that trading standards officers (TSOs) are best placed to enforce certain retailer obligations. However, we would make the following points:

Advice could be dealt with under the primary authority scheme for large supermarkets and national chains, and for small retailers who are members of a trade association with a coordinated partnership. However, many small corner shops and independent food retailers do not belong to trade bodies and the primary authority scheme is not particularly suited to their needs. Whilst a charge could be made for advice provided under the primary authority scheme, no charge can be levied for advice provided to other businesses on a proactive basis or as part of an enforcement programme. This means that if advice was to be provided to all drinks retailers and enforcement undertaken, resources would have to be moved from other activities unless additional funding is made available.

Since the Hampton Review in 2005, there has been a move away from routine inspection of retail premises. High risk premises are likely to be inspected annually, and premises which sell fireworks may well have an annual inspection. Checks on DRS compliance could be added to those visits but this would not cover the majority of small retailers.

A possible solution would be for TSOs to work with local environmental health officers (EHOs) to agree a referral process. This would be similar to the current approach adopted in North Yorkshire in relation to food hygiene ratings whereby EHOs report any food business found to be displaying a misleading food hygiene rating so that enforcement can be taken by TSOs under the Consumer Protection from Unfair Trading Regulations 2008.

Funding for Trading Standard to carry these additional duties needs to cover the full cost, be clear from the outset and developed in partnership with local authorities.

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

We are not aware of any other types of breaches.

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

Yes

If so, what? Please explain your answer

One vulnerable point could be market traders and mobile retailers, particularly those who attend special and one-off events, who don't appear to be referred to explicitly. It is not clear whether the safety exemption would be applied. Food fairs, farmers' markets, Christmas markets, craft fairs and car boot sales are all events which will have, or will have the potential to have, significant sales of in-scope drinks. Organisers could be required to host a return point to overcome this although enforcement would be difficult, especially with one-off or annual events

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

Yes / No Please explain your answer

Yes, that should be a key aspect of the DMO role and as such this accountability should encourage a DMO to design, refine and manage a DRS in a way that elevates compliance.

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

- Yes
 No

If no, please explain your answer.

Whilst the escalation of enforcement options is clear the financial and penal consequences are not and until the picture is complete it is impossible to agree, as in many instances the penalties for environmental crimes are not onerous enough to deter criminality.

If civil sanctions are to be applied, it would be preferable to have the penalty fixed in legislation or alternatively variable penalty amounts fixed in legislation by reference to turnover. Giving discretion to a local authority leads to challenges over the amount levied which diverts resources from advice and enforcement into unnecessary litigation

Furthermore the prospect of a significant breach by a DMO is not addressed adequately, beyond saying that a 'discretionary requirement could address this' by using a non specified 'prescribed formula'.

Chapter 9: Implementation Timeline

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

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

The consultation considers the potential for innovation in technology to be deployed in a DRS and provides further detail on how this might support the return points and provisions using smart phone applications allowing the electronic redemption of a deposit. This could potentially mean that residents could continue to use their kerbside collection systems and reclaim their deposit and so cut out the need to take containers back to the shops with them. This would mean that the

significant cost of Reverse Vending Machines would not be required. Trials on this technology are being undertaken in Wales and Northern Ireland.

We propose that A DRS should only be introduced if the EPR fails to deliver the anticipated outcomes for these materials and only implemented when this technology is developed.

The anticipated DRS delivery timeline is unrealistic, too simplistic, too fast and makes no distinction between the potential for timeframe differences between “on-the-go” or “all-in”. Specifically, the 18-month period from the appointment of a DMO to a DRS being operational is very ambitious with the major concern being about the logistics of the roll out of the reverse vending infrastructure.

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

- 12 months
- 14 months
- 18 months
- Any other (please specify)

If other, please specify.

24 months seems more reasonable, but the period would be influenced by whether the scheme was “on-the-go” or “all-in” and when it was in relation to the roll out of any other DRS due to the consideration of competition for the provision of equipment.

Please provide evidence to support your response.

Establishment of an aspirational timeframe should be informed by soft market testing with potential DMO operators and then timeframes evaluated as part of proposals received from interested parties – evaluated in terms of timeframe and credibility of implementation plans.

It is also important to note and accept that if a digital deposit return scheme solution is to be integrated into existing waste collection infrastructure, then that in itself would require considerable development and lead in time not just by the DMO but also by local authorities and their contractors.

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

It is reasonable to expect that an “on-the-go” DRS could be implemented quicker due to its smaller size

[Chapter 10: Summary Approach to Impact Assessment](#)

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

- Yes

No

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

It is presented in isolation and without the context of the effects of the Consistency and EPR agendas which are yet to be determined in terms of timing and nature and should ideally be subject to a fully integrated impact assessment to help establish the optimal nature and sequencing of change.

The Impact Assessment is UK wide whereas part of the UK is to implement a DRS, which may or may not be the same as any introduced in other parts of the UK and is also expected to be delivered earlier.

The overriding concern is the scale of the financial numbers used in the impact assessment and the importance of assumptions such as capture rates on those numbers. They are derived from limited sources and without directly comparable precedent, therefore they should be viewed with caution.

DRAFT

WASTE PREVENTION PROGRAMME FOR ENGLAND- TOWARDS A RESOURCE EFFICIENT
ECONOMY
CONSULTATION QUESTIONS

About you

Question 1. Would you like your response to be confidential?

If you answered 'Yes' to this question, please give your reason

No

Question 2. What is your name?

Jennifer Lowes

Question 3. What is your email address?

Jennifer.Jennifer.lowes@northyorks.gov.uk

Question 4. Are you responding:

- As an individual
- As an academic
- On behalf of an organisation

About your organisation

[Please note this section only applies if responding on behalf of an organisation]

Question 5. What type of organisation are you responding on behalf of?

- A government body
- Non-governmental organisation
- Local authority
- Charity
- Consultancy
- Small or micro business (Less than 50 employees)
- Medium business (50 – 249 employees)
- Large business (250 or more employees)
- Industry association
- Responding on behalf of another type of organisation

Question 6. What sector is your organisation primarily active in?

For businesses, please provide your 5-digit SIC code, if available

(<http://resources.companieshouse.gov.uk/sic/>)

Question 7. Please provide your organisation's name

North Yorkshire County Council

Consultation questions

Please answer as many questions as you wish. If you choose not to answer a particular question, for example because you do not have knowledge or interest in that area, mark the question as 'Not answered'. For questions that are not answered, no explanation is required.

Chapter 1: Introduction

Refer to pages 1-13 in the draft Waste Prevention Programme

Question 8: Do you agree or disagree with our choice of impacts and outcomes as the right goals for us to be aiming to achieve?

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. Strongly disagree
- f. Not answered

If you disagree, please briefly explain why.

We strongly agree that more products should be reused, repaired and remanufactured. Further Ecodesign, consumer information, extended producer responsibility and collection services with the ability to repair products is the way to achieve the aims of the waste prevention programme..

Question 9: Do you agree or disagree that our policy approach covers all the areas for action that are needed?

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. Strongly disagree
- f. Not answered

If you disagree, please explain what you think is missing.

We are unsure, but agree that EPR is needed which will change the design of products. The chosen sectors seem reasonable due to their significant impacts on the environment.

Chapter 2: Designing out Waste: Ecodesign, Extended Producer Responsibility and Consumer Information

Refer to pages 14-18 in the draft Waste Prevention Programme

Question 10: Do you agree or disagree that the measures described are likely to achieve the overall aim set out at the beginning of this chapter?

- a. Strongly agree

- b. Agree
- c. Neither agree nor disagreed.
- d. Disagree
- e. Strongly disagree
- f. Not answered

Please provide details / explain your answer

Better product design for more durable, repairable and recyclable products on the market will achieve some of the aims, however if cheaper single use products are still available then this needs addressing. Labelling products with their environmental credentials may help somewhat but some consumer's finances may dictate in the end therefore, they need to be comparable in the long term. Although the requirements relating to spare part provision, recycled content, durability and potential to repair and EPR schemes should bring these more in line.

Chapter 3: Reuse, Repair, Refill, Remanufacture: local services and facilities

Refer to pages 19-22 in the draft Waste Prevention Programme

Question 11: Do you agree or disagree that the measures described are likely to achieve the overall aim set out at the beginning of this chapter?

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. Strongly disagree
- f. Not answered

Please provide details / explain your answer

The lack of storage space is a key factor in preventing further reuse at the household waste recycling centres (HWRCs) in North Yorkshire. Most of the HWRCs in North Yorkshire are too small to include a Reuse shop, WEEE reuse container or any other further items. If waste prevention is included in any site allocation plans for new sites this would be welcomed but it does not help with the current facilities. An information note for local authorities that do not have the space to develop on site facilities would be welcomed to develop partnerships with social enterprises off site. There may also be an income loss to the council if working with social enterprises rather than businesses.

EPR for furniture is essential to capturing these items at the earliest opportunity, prior to being transported and damaged in the back of a car to a HWRC.

Chapter 4: Data and Information: from industrial symbiosis to research & innovation

Refer to pages 23-27 in the draft Waste Prevention Programme

Question 12: Do you agree or disagree that the measures described are likely to achieve the overall aim set out at the beginning of this chapter?

- a. Strongly agree
- b. Agree

- c. Neither agree nor disagree
- d. Disagree
- e. Strongly disagree
- f. Not answered

Please provide details / explain your answer

Others are better placed to answer this.

Chapter 5: Construction

Refer to pages 28-31 in the draft Waste Prevention Programme

Question 13: Do you agree or disagree that the measures described are likely to achieve the overall aim set out at the beginning of this chapter?

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. Strongly disagree
- f. Not answered

Please provide details / explain your answer

Others are better placed to answer this.

Chapter 6: Textiles

Refer to pages 32-36 in the draft Waste Prevention Programme

Question 14: Do you agree or disagree that the measures described are likely to achieve the overall aim set out at the beginning of this chapter?

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. Strongly disagree
- f. Not answered

Please provide details / explain your answer

We agree that textiles that are made to last and are easy to reuse, repair and recycle will improve outcomes. Improved eco labelling will help some consumers behaviour change but financial considerations will be more important to some consumers.

EPR would be welcomed to increase the reuse and recycling of textiles through collection services including a landfill/incineration ban. This will impact local authority collection schemes and there will be an extra

financial burden for collecting textiles as they aren't currently collected at the kerbside in North Yorkshire- but we would expect this to be covered through the EPR scheme.

We are unsure that the new voluntary agreement for 2021-2030, Textiles 2030, will have the desired impact and believe the agreement and commitments need to be statutory requirements rather than voluntary.

Chapter 7: Furniture

Refer to pages 37-40 in the draft Waste Prevention Programme

Question 15: Do you agree or disagree that the measures described are likely to achieve the overall aim set out at the beginning of this chapter?

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagreed.
- d. Disagree
- e. Strongly disagree
- f. Not answered

Please provide details / explain your answer

Best practice is to be encouraged through industry and minimum standards on durability, reparability and recyclability. We would welcome an EPR for bulky waste. Collection of bulky waste – (often furniture) is offered by local councils, but items are usually collected from outside homes and then stored externally and therefore not suitable for reuse/repair. Some items are collected in a refuse wagon so are immediately disposed of or an open caged vehicle also subject to the weather. The HWRCs have limited space for furniture reuse (one container per site for all reuse in North Yorkshire). EPR for furniture is essential to capturing these items at the earliest opportunity, prior to being transported and damaged in the back of a car to a HWRC. Take back schemes from consumer homes would be the preferred method to keep the item in the best possible condition prior to reuse/repair. Some social enterprises/charities do offer this service but residents can be worried that the item won't have the correct fire labels/be in good enough condition etc.

Chapter 8: Electrical and Electronic Products

Refer to pages 41-45 in the draft Waste Prevention Programme

Question 16: Do you agree or disagree that the measures described are likely to achieve the overall aim set out at the beginning of this chapter?

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. Strongly disagree
- f. Not answered

Please provide details / explain your answer

We welcome the review of the WEEE Regulations especially around Policies aimed at encouraging more reuse of EEE. Regulations need to include modulation of reuse evidence to give it a higher weighting than recycling evidence.

Defra's new strategy for Government estate procurement of electronic equipment sets out a range of ambitions and targets in respect of digital services and information, and communications equipment, this strategy needs to cover all businesses above a de minimis level.

We welcome the review of better eco-design of EEE. The barriers of reuse at HWRCs include space requirements at small sites (small WEEE currently stored in cages outside). Mandatory kerbside collections are welcomed but it is not clear whether this is through the retailer or local authorities. If it is through local authorities then there will be a significant cost burden to councils or will this be covered by EPR?

Chapter 9: Road Vehicles

Refer to pages 46-51 in the draft Waste Prevention Programme

Question 17: Do you agree or disagree that the measures described are likely to achieve the overall aim set out at the beginning of this chapter?

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. Strongly disagree
- f. Not answered

Please provide details / explain your answer

Others are better placed to answer this.

Chapter 10: Packaging, Plastics and Single-use Items

Refer to pages 52-55 in the draft Waste Prevention Programme

Question 18: Do you agree or disagree that the measures described are likely to achieve the overall aim set out at the beginning of this chapter?

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. Strongly disagree
- f. Not answered

Please provide details / explain your answer

Charges on single use plastics are welcomed along with restrictions of supply of single use items. The EPR system for packaging will help to some extent and will encourage better packaging design and recycling, whether or not it will help reuse we are not sure.

Chapter 11: Food

Refer to pages 56-60 in the draft Waste Prevention Programme

Question 19: Do you agree or disagree that the measures described are likely to achieve the overall aim set out at the beginning of this chapter?

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. Strongly disagree
- f. Not answered

Please provide details / explain your answer

Behaviour change is not easy. We support the government's Food waste action week and support WRAP and their campaigns. However there are many different household circumstances and without any legal requirement consumers will continue to over purchase, forget to eat, store incorrectly and throw away food. Unless food waste is banned from landfill/incineration then this will be difficult succeed.

The aim does not fully consider the environmental damage of producing food including its transportation. Using a form of EPR a Modulated tax/fee would help consumers appreciate this issue and significantly reduce food waste.

Chapter 12: Monitoring and Evaluation

Refer to pages 61-66 in the draft Waste Prevention Programme

Question 20: Do you agree or disagree with the described approach to monitoring and evaluation of this Waste Prevention Programme?

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. Strongly disagree
- f. Not answered

Please provide details/explain your answer

The local authority key indicators of reducing waste arisings and reducing tonnages of residual waste appear to be the simplest measurement at this time but further metrics would be welcomed.