

Consultation on preventing charges for DIY waste at household waste recycling centres and call for evidence on booking systems at household waste recycling centres

Closes 4 Jul 2022

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Introduction

The Government believes that local taxpayers deserve a comprehensive waste and recycling service in return for the council tax they pay for local services.¹

Household Waste Recycling Centres (HWRCs) play an important role in helping people manage the waste they produce in a convenient and sustainable way. They play a key role in supporting kerbside collections and in boosting recycling. They need to be accessible to all residents – both in when they are available, and by not charging fees that some may be unable to afford. They help ensure waste is disposed of in a responsible way, rather than being fly-tipped.

Our Resources and Waste Strategy 2018 commits us to ensuring charging regimes are clear, and to ensuring that householders are not charged for depositing small-scale construction waste (“DIY waste”) at HWRCs.

Position today

Section 51 of the Environment Protection Act 1990 requires councils who are Waste Disposal Authorities to provide residents with a place to dispose of their household waste (usually HWRCs).

The Local Government (Prohibition of Charges at Household Waste Recycling Centres) (England) Order 2015 and The Local Authorities (Prohibition of Charging Residents to Deposit Household Waste) Order 2015 prevent councils in England from charging residents

to deposit household waste at HWRCs. Both Orders state that “household waste” has the same meaning as in section 75 of the 1990 Act as read with regulation 3 of, and Schedule 1 to, the Controlled Waste (England and Wales) Regulations 2012 (‘2012 regulations’). The 2015 Orders were passed to clarify the legal position that householders should be able to dispose of their household waste for free.

In the 2012 regulations, “Waste from construction or demolition works, including preparatory works” is classified as industrial waste. Despite WRAP guidance to the contrary, some local authorities have continued to interpret this as including not only waste from the professional construction of buildings and their demolition, but also waste from DIY works a householder might undertake to maintain and enhance their property. As a result, in some areas, householders face charges to dispose of DIY waste at HWRCs. This is clearly against long-standing government policy, re-affirmed in 2016² after the passage of the 2015 Orders.

In the 2018 Resources & Waste Strategy, the Government stated: “It’s important that local residents are able to dispose of their rubbish in a responsible and convenient manner. We will therefore ensure that charging arrangements in the Controlled Waste Regulations are clear, especially in relation to waste arising from small scale DIY construction activities carried out by ordinary householders with no specialist skills, which Government has been clear should not be charged for. We will review Household Waste Recycling Centre services and the Controlled Waste Regulations and, subject to consultation, will amend them to ensure they remain fit for purpose, charges are fairly applied, and that services are accessible, support high levels of recycling, and deliver value for money” (p.75).

We are therefore consulting on the technical detail of our proposal to amend legislation so that local residents cannot be charged for disposing of DIY waste at their local HWRCs.

New Burdens

The New Burdens Doctrine (NBD) aims to make sure the local government sector gets the support they need.

DLUHC Ministers have decided to waive the NBD in relation to the DIY waste disposal proposal because this policy will ensure householders can dispose of DIY waste free of charge. This supports the government’s wider strategy on environmental protection as it will remove a financial disincentive to dispose of waste properly. DLUHC has therefore decided that LAs, which currently charge householders to dispose of DIY waste, will be required to absorb any associated costs.

The NBD is Government guidance. DLUHC Ministers have the right to deviate from Government guidance if there is a good reason.

Amending the legislation will help ensure DIY waste is disposed of properly, reducing the risk of waste, such as plaster board, being placed in residual waste bins. It will also reduce the potential risk of fly-tipping, littering and backyard burning, creating additional costs for local authorities and causes environmental issues.

References:

1. DCLG, Preventing 'backdoor' charging at household waste recycling centres, March 2015.
2. <https://questions-statements.parliament.uk/written-questions/detail/2016-11-23/54659>

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About you

1. Would you like your response to be confidential?

- Yes
- No

If you answered 'Yes' above, please give your reason.

► Confidentiality and data protection information

2. What is your name?

3. What is your email address?

This is optional, but if you enter your email address you will be able to return to edit your consultation response on Citizen Space at any time until you submit it. You will also receive an acknowledgement email when you complete the consultation.

4. Which of the options below best describes you?

- Local authority
- Local householder
- Waste management company
- Business representative organisation/trade body
- Product designer
- Manufacturer
- Distributor
- Retailer
- Operator
- Reprocessor
- Community group
- Charity or social enterprise
- Consultancy
- Academic or research
- Individual
- Other (please provide details)

If you have selected other, please specify

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

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Proposal

To clarify in legislation when construction waste should be treated as DIY waste and should therefore be classified as household waste. We have set out in [Appendix A \(user_uploads/appendix-a---materials-in-scope.docx\)](#) the types of waste materials that might be included in DIY waste, however, this is a non-exhaustive list.

We consider DIY activities to include any construction work, such as building, decorating, or repairing activities, carried out by householders by themselves in their own homes. This would not include, for example, a whole house renovation, or any work done by a tradesperson, but it might include the householder tiling a kitchen, plumbing in a sink, plastering a room, building and installing shelving, building a raised bed for a garden etc.

The Government's policy is clear that householders should not be charged to dispose of DIY waste at HWRCs. We propose that construction waste should be considered DIY Waste and classified as household waste in the 2012 Regulations when it meets certain criteria. We propose that these criteria are:

- The construction waste is produced by householders whilst carrying out construction works themselves at their home. Construction is defined in the 2012 Regulations as including improvement, repair or alteration.
- The construction waste is not produced as a result of commercial activities or by a commercial contractor charging for work in a domestic premises.

- The construction waste is of a volume, which is no greater than 300L (based on the approximate boot size of a family car).
- The construction waste is not produced on a regular basis requiring HWRC visits more frequently than once a week.

The proposed criteria are intended to allow householders to deposit DIY waste for free (as it should be treated as household waste) but for local authorities to still be able to charge for other construction waste, which is classified as industrial waste. For example, if a householder brought more than 300L of construction waste to the HWRC or brought 300L of construction waste to the HWRC on a regular basis, it would not be DIY waste and could be charged for. Equally, if a tradesperson brought any amount of construction waste, it would still be industrial waste.

6. Do you agree or disagree with these technical principles when the Government amends the 2012 regulations?

- Agree
- Disagree

If you answered 'Disagree' above, please give your reason.

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

The waste is produced by householders whilst carrying out small-scale construction or demolition works at their home

- Agree – this should be included
 - Disagree – this should be excluded
 - Not sure / don't have an opinion / not applicable
-

The waste does not arise from activities that generate an income for the person who carried them out

- Agree – this should be included
 - Disagree – this should be excluded
 - Not sure / don't have an opinion / not applicable
-

The waste is not produced on a regular basis requiring HWRC visits more frequently than once a week

- Agree – this should be included
 - Disagree – this should be excluded
 - Not sure / don't have an opinion / not applicable
-

The volume of waste is no greater than 300L (based on the approximate boot size of a family car)

- Agree – this should be included
- Disagree – this should be excluded
- Not sure / don't have an opinion / not applicable

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

9. Do you have any other views on the technical circumstances in which construction waste should be considered DIY waste and classified as household waste?

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