

Bath & North East Somerset Council

DECISION MAKER:	Cllr Tim Ball, Cabinet Member for Neighbourhood Services	
DECISION DATE:	On or after 10th February 2024	EXECUTIVE FORWARD PLAN REFERENCE:
		E3520
TITLE:	Revisions to DIY Waste limits at the Council's Household Waste & Recycling Centres	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: None		

1 THE ISSUE

- 1.1 As part of the national Resources and Waste Strategy 2018, the Department for Environment Food and Rural Affairs (DEFRA) committed to ensuring waste regulations were clear and being consistently applied in relation to waste generated by small scale DIY construction activities by householders.
- 1.2 As a result, the Controlled Waste (England and Wales) Regulations 2012 have been amended and those changes came into force from 31st December 2023. The purpose of this report is to align our recycling centre policies with the limits that are detailed in this revised legislation.

2 RECOMMENDATION

The Cabinet Member for Neighbourhood Services is asked to approve the following to be implemented from 4th March 2024;

- 2.1 The volume of DIY waste that will be permitted to be disposed of as household waste shall be no more than two 50 litre bags in a single visit, with no more than four single visits per household in any four-week period.
- 2.2 That the implementation of all future waste legislative changes is delegated to the Director of Place Management in consultation with the Cabinet Member for Neighbourhoods.

3 THE REPORT

- 3.1 In April 2022 DEFRA launched a consultation on construction waste and when it should be classified as DIY waste and be free for disposal as household waste.

The purpose of the consultation was to review the technical details of waste legislation to ensure a fair and consistent approach in their application.

- 3.2 The outcome of the consultation was primarily to prevent charges and enable free disposal of household waste arising from small scale DIY construction activities carried out by ordinary householders with no specialist skills.
- 3.3 DIY waste in this context is considered to be plasterboard, rubble, ceramics and soil from construction or demolition works, including preparatory works at home.
- 3.4 DEFRA has therefore amended waste legislation in order that construction waste be classified as DIY waste when four criteria are met:
 - (1) the waste is produced at a domestic property by occupiers of that domestic property carrying out their own construction or demolition works, including preparatory works;
 - (2) the waste is not from construction or demolition works, including preparatory works, for which payment has been or is to be made;
 - (3) the amount of waste delivered to any waste disposal site in a single visit is either:
 - a) less than 100 litres and capable of being fitted into two 50 litre bags, or
 - b) a single article of waste no larger than 2000mm x 750mm x 700mm in size; and
 - (4) the waste delivered to waste deposit sites does not exceed four single visits per household in any four week period.
- 3.5 Whilst Bath & North East Somerset Council has never applied charges for the disposal of DIY waste at its public recycling centres, the legislative change on the volume of waste of this nature permitted for free disposal is a change to our current policy.
- 3.6 Presently we permit a maximum of 6 black sacks per week of DIY waste to be disposed of free of charge at our recycling centres. The purpose of this report is to ensure we align with the legislation changes now applicable to England and Wales.

4 STATUTORY CONSIDERATIONS

- 4.1 The Environmental Protection Act 1990 (EPA) section 51 (1)(b) states that 'It shall be the duty of each waste disposal authority to arrangefor places to be provided at which persons resident in its area may deposit their household waste and for the disposal of waste so deposited'.
- 4.2 The Controlled Waste (England and Wales) Regulations 2012, Schedule 1, Paragraph (3) states that waste from construction or demolition works, including preparatory works, is classified as industrial waste. The Council's recycling centres are permitted to accept household waste only.
- 4.3 The Controlled Waste (England and Wales) Regulations 2012, Schedule 1 in Paragraph (3) entitled "Classification by nature of waste or activity producing

waste”, entry 9 has been amended to reflect the changes set out in paragraph 3.4 of this report.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 There are no specific budget implications associated with this change to align with legislation amendments. Householders with more than the permitted DIY waste volumes will be advised to hire a skip or to use a licenced waste removal company. Residents who have an urgent need to dispose of their waste can use the Council’s trade waste disposal facilities by visiting the weighbridge in Bath and paying the published rates.
- 5.2 The waste team will work to provide advanced notice of the changes in the DIY limits to residents at our recycling centres through a comprehensive communications campaign. Recycling centre staff will receive training on the changes and support to ensure it’s implemented in a customer focused manner.

6 RISK MANAGEMENT

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.

7 EQUALITIES

- 7.1 An Equalities Impact Assessment has been produced and discussed with the equalities team. No significant adverse impacts have been identified.

8 CLIMATE CHANGE

- 8.1 In adopting the revised legislation limits as part of our policy, there is potential to reduce car journeys and associated emissions with householders making multiple trips to the recycling centres to comply with the current six bag per visit limit. The clearer two bag per week limit may encourage homeowners to consider more sustainable skip hire or a licensed waste carrier to remove in bulk.
- 8.2 All DIY waste brought to our recycling centres and trade waste disposal facilities will continue to be recycled through our designated outlets.

9 OTHER OPTIONS CONSIDERED

- 9.1 Other options considered but discounted are summarised in the table below.

Option	Reason not taken forward
Continue with status quo - 6 bag per week limit	Inconsistent with legislation change
Permits for DIY waste	Back-office administration required to manage the permit scheme. Increased barrier to residents.

10 CONSULTATION

10.1 The Council's Monitoring Officer, Section 151 Officer and Strategic Director for Place have had the opportunity to input to this report.

Contact person	Lisa Gore – Waste Strategy and Project Delivery Manager Tel: 01225 394280
Background papers	The Controlled Waste (England and Wales) (Amendment) (England) Regulations 2023 The Environmental Protection Act 1990
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