

From: Peter Silverman Clean Highways

Sent: 05 May 2017 10:58

To: Andrea Leadsom - Sec Of State for the Environment <Andrea.Leadsom@DEFRA.gsi.gov.uk>;
'Andrea.leadsom.mp@parliament.uk' <Andrea.leadsom.mp@parliament.uk>;
'luke@andrealeadsom.com' <luke@andrealeadsom.com>

Subject: Litter Strategy for England - Household Waste Recycling Centre charges for DIY waste

For the attention of Andrea Leadsom MP
Secretary of State for Environment, Food and Rural Affairs

Dear Mrs Leadsom,

I am writing to express my concerns about how the issue of charging at HWRCs (Household Waste Recycling Centres) has been dealt with in the government's [Litter Strategy](#) and in your recent [communication to Conservative MPs](#)

The Strategy is misguided on HWRCs

On page 20 the strategy says:

Government's view is clear: DIY waste is classed as household waste if it results from work a householder would normally carry out. A number of local authorities have introduced additional charges for the deposit of waste which local authorities categorise as 'waste other than household waste'.

But surely what matters is not the government's view but what the law actually says. In this case it is the [Controlled Waste \(England and Wales\) Regulations 2012](#) which states that ... "notwithstanding the place where it is produced... waste from construction or demolition works, including preparatory works ... must be treated for the purposes of Part 2 of the EPA ... as industrial waste". No exception was made for DIY waste. DIY waste is not therefore legally household waste.

Prior to this regulation all waste from a domestic property including construction / DIY waste was "household waste" ([EPA S75](#)).

The government's view is therefore simply erroneous and the local authorities who have introduced charges for the deposit of DIY waste are perfectly entitled to do so.

I am not saying this is a good state of affairs. My point is that the scourge of fly-tipping will not be defeated without first identifying the flaws in the relevant legislation. Council bashing rhetoric is not a substitute.

Your communication to MPs was misleading

In your communication to fellow Conservative MPs of 10th April you wrote that

Measures in the Strategy include... Stopping councils from charging householders for disposal of DIY household waste at civic amenity sites – legally, household waste is supposed to be free to dispose of at such sites – reducing one of the drivers of fly-tipping.

As I hope I have demonstrated DIY waste is not legally household waste anymore and is therefore not automatically “supposed to be free” to dispose of at HWRCs.

Also, there are no “measures” proposed in the strategy aimed at stopping councils making these charges. Page 21 indicates that the matter is being taken forward as follows:

Through WRAP, we have provided guidance to local authorities on how they can resolve practical issues associated with adapting HWRCs and ensure that charging is fair, easy to understand and transparent to business and local householders.

We will work with WRAP to:

- *review current guidance to ensure this reflects changes in the law and to make clear what can and cannot be charged for at HWRCs (including in respect of DIY waste); and*
- *explore ways of managing HWRC services to facilitate access for local householders (and their waste other than household waste) and for small businesses at proportionate cost. Revised guidance will be published by the end of 2017*

The [WRAP Guidance](#) actually lists on page 51 typical DIY materials that councils can charge for at their HWRCs. You are going to make clear what can be charged for.

There is nothing here about “**Stopping councils from charging householders for disposal of DIY ... waste**”.

Your communication to your fellow Conservative MPs was therefore surely misleading.

Kind regards

Peter Silverman

www.cleanhighways.co.uk

01895 625770

[Duty to keep highways clear of litter](#)

[Our key recommendations](#)

[Have your say](#)