



DEFRA Consultation on [Extended Producer Responsibility for Packaging](#) , June 2021

Joint response by: Keep Britain Tidy, Keep Northern Ireland Beautiful, Keep Scotland Beautiful, Keep Wales Tidy

In recognition of the scope of these proposals, this is a joint response from the four organisations named above, (hereafter known as the Tidy Group), representing a cohesive voice on waste and litter prevention across the UK nations. Each organisation will also be submitting independent responses representing any specific issues and in particular those relating to the devolved nations of Wales, Scotland and Northern Ireland respectively.

The four organisations across the UK have worked for many decades to tackle litter in all its forms, through preventative work, behaviour change, policy development and campaigns, awareness raising and education initiatives. The Tidy group represents a collective authority on these issues working on global policy through the Foundation for Environmental Education, on national initiatives with Westminster and devolved governments and on the ground locally with communities, volunteers, schools, local authorities and businesses.

The Tidy Group across the UK welcomes these proposals in principle and believe it represents a significant and positive move in the right direction toward producer responsibility and shifting the financial burden on to those who are responsible for putting harmful and pervasive items on to the market. Furthermore, we welcome the principle of enshrining the principle of prevention at source for these materials which are often not disposed of properly.

This response focuses largely on the issues raised in Chapter 9 of the Consultation in regard to Litter prevention and payments. Responses on the other chapters of the consultation, around waste prevention and recycling, will be made separately or via the Wildlife Link consortiums in each of the UK nations.

In addition, the Tidy Group are supporting the work of Defra and WRAP to consider potential methodologies with respect to litter monitoring, clean-up costs and cleansing standards. This work is occurring alongside this consultation.

Key Principles:

The Tidy Group supports the overarching principles and the governance principles outlined in the consultation document.

The Tidy Group thoroughly supports the principle of extending producer payments to cover the costs of litter. This is an important acknowledgement and could have a truly transformational impact for litter levels and an overall reduction of damaging materials put on to the market.

Whilst recognising that the current proposals are only concerned with packaging, we would welcome further rounds of consultation introducing EPR regulation which addresses specific items which are the most pervasive in our environment, including cigarette butts, wet wipes, ghost gear and single use nappies together with other persistent and polluting products which fall outside of the current scope of EPR but could certainly be an element of data collection to inform future policy.

Although we have no stated preference for a particular governance model, we would urge that due representation is given to devolved nations in the UK, noting that all have either recently developed or

pending national litter strategies which take into account key regional factors and some variances of legislation.

Chapter 9: Litter Payments

Key Principles:

Producer payments made to local authorities in support of street cleansing (from packaging or any future in-scope products) should add to current budget and support enhanced services. Respective governments should not view this as a zero sum game, reducing other local authority funding to off-set income from EPR. Recognising that there is more to a clean street than removal of littered items. (9.11)

Whilst we broadly agree with the cost drivers and calculations outlined in the consultations, there are some gaps which include, for example, areas which have not been cleansed on a regular basis by public authorities such as railroads and embankments, rivers and coastal environments. In many of these cases and for times of the year when extra pressure is on local authority services, some of these areas are maintained most often by volunteers and community groups. Recent [research](#) in Wales found that almost all local authorities report being 'heavily reliant' on volunteer services. The Tidy Group has gathered data on the estimated value and efforts contributed by volunteers to clean-ups across the UK. As is evident from the table below, the annual 'in kind' value is significant. Note that these figures are **likely to be a considerable underestimate** as many volunteer efforts are unrecorded.

Group data on volunteer cleansing activities

	Time period covered by estimated volunteers/hours	Estimated volunteers	Estimated hours	Initial value* (£)	No. of years for initial fig	Mean annual volunteers	Mean Annual value* (£)
England ¹	01/04/2017 to 31/03/2020	1,237,854	2,475,708	24,757,080	3	412,618	8,252,360
Northern Ireland	01/04/2017 to 31/03/2020	354,972	709,944	7,099,440	3	118,324	2,366,480
Scotland	01/04/2016 to 31/03/2020	200,000	414,639	4,146,394	4	50,000	1,036,599
Wales	1/10/2015 to 1/9/2019	66,829	572,243	5,722,430	5	13,366	1,144,486

* Value calculated using Lottery accepted figure of £10 per hour: <https://www.heritagefund.org.uk/sites/default/files/media/attachment:>

¹ Tonnage estimated using weight data from Northern Ireland

Furthermore, standards for cleanliness for other areas which fall outside of current COPLAR guidelines will have to be developed and consideration should be given to including additional litter authorities such as those that have been included in the [recent revision for Scotland](#).

Costs for street cleansing for local authorities should be defined by the cleanliness standard *aspired to*, as set out in COPLAR and not current reported costs as this only reflects current capacity which, due to many years of cuts to budgets is under-resourced and increasingly reactive and unscheduled.

We suggest the following definition of litter from section 5.2 of COPLAR: '*Litter is most commonly assumed to include materials, often associated with smoking, eating and drinking, that are improperly discarded and left by members of the public; or are spilt during business operations as well as waste management operations.*'

Scope of obligated producers

(Q68) We agree that the costs of litter management should be borne by the producers based on their prevalence in the waste stream.

The three options outlined in this section comes under the work of WRAP which is currently ongoing. The Tidy Group have decades of experience in delivering litter methodologies and compositional analysis and are well placed to advise on the implications, feasibility and costs of each option.

We support the principles of costs being fair and proportionate to producers but would emphasise **the overall principle behind litter payments is to support efforts to reduce litter and prevent littering overall.** With this in mind, we urge that any eventual methodology and collected data meets the following criteria:

- *Robust:* Any UK wide litter data collection will need to be at sufficient scale and scope to inform future policy and to monitor progress and activities in each country in the UK. Having a common and consistent data set will be useful for respective governments to inform future policy and for local authorities and the many eNGO's working in this sector in order to target prevention activities more effectively.
- *Public:* Litter and the local environment frequently tops the list of public concerns and a UK wide data set should be publicly available and accessible.
- *Fair and proportionate:* We believe that **Option 3** would be the most ideal way of proportioning fair costs to brands. Although it is recognised that this is more complex data to gather, the more detailed information that can be captured through the methodology, the more potential it has to inform the future policy, not only of Governments and local authorities but for producers and retailers as well.

Note that if option 3 was adopted, we would also urge that additional regulation would be needed to ensure that identifiable marking was on all packaging to ensure that removing branding was not a loophole to circumvent litter payments.

Option 2 could provide a useable dataset but would require additional detail in terms of granularity, scale and type, to ensure that costs were fairly apportioned between brands and manufacturers. The Tidy group is working closely with WRAP to look at litter data collection options which would be appropriate for a UK-wide analysis.

The Scheme administrator should be responsible for adopting this as an overarching principle for this element of its work and **ensuring that producers 'act according to the principle'**, avoiding potential loopholes of for example, removing brand logos from sold items to attempt to reduce costs.

Another key factor to include here is that **the methodology should include ALL littered items** and not just be restricted to packaging. This includes items that come under the scope of a DRS (see below). This will: 1/ demonstrate the proportion of the litter stream overall which is made up of packaging and 2/ to inform future policy around additional regulations that might be considered for pervasive items which are not covered by the current proposals.

Due to disposal costs and additional responsibilities placed on local authorities, data collection should include bin litter as well as on the ground litter although this may be collected through different means to simplify logistics.

We recognise that it is unfair to require packaging producers and retailers to pay for analysis of non-packaging items. We contend that a proportion of survey costs should therefore be funded by packaging producers with the remainder funded by UK governments, in advance of future EPR schemes focused on other commonly littered items, at which point payments from these schemes would ensure full cost coverage of future composition surveys.

Items which come under the scope of a DRS:

A parallel consultation in relation to the introduction of a DRS is currently out for responses. For the purposes of joining up both proposals, we note:

- **A DRS should operate in the same way across the UK and we would urge that system mirror the scheme in Scotland which will be introduced in 2022.**
- Any scheme which is aimed at driving behaviour should be simple and convenient and **the additional complexity created by not adopting an 'all in' model would generate confusion and additional costs both for the public as well as these proposed EPR regulations.**
- Furthermore, different versions of a DRS scheme would also immediately generate the need for local compliance schemes in the respective nations for EPR as well as DRS.
- An 'on the go' scheme in England only would generate loopholes for producers, be confusing for consumers, open up the potential for cross-border fraud and could generate an unfair trading environment in different regions of the UK which would be open to legal challenge.
- Therefore, we contend that these EPR proposals and costs calculations are dependent on an effective 'all-in' UK-wide DRS scheme.
- However, **items within the scope of a DRS should be included in the litter data collection for the EPR scheme** in order to inform policy and monitor progress against the aim of overall litter reduction.

Scope of recipients

(Q69) We agree that Local authorities, duty bodies and (some) other statutory undertakers should receive net costs for managing littered packaging.

Recognising that packaging is only a proportion of the litter stream, it is important that respective UK governments do not cut income from other sources on account of new money derived from EPR litter payments. Extra investment into street cleansing and littering prevention is desperately required if we are to raise the standard of cleanliness across the UK.

(Q70) We agree that producers should contribute to the costs of litter prevention and management activities on other land but only those which are 1/ defined in COPLAR (revised) and 2/ will come under the scope of the monitoring methodology.

We believe that these payments need to be both **transparent** and **effective**. Privately owned land with no public access should not be within scope for payments. Even where private land is managed for some public access, as outlined under Option 2, this land would not commonly come under any monitoring scheme for litter data collection and would therefore be difficult to justify payments and monitor progress against the overall aim of litter reduction.

As stated above, we believe that the overarching principle of this element of the EPR scheme should be to reduce litter levels overall. Collectively, the Tidy Group has the depth of knowledge and experience in this area to underline the need for a holistic approach which puts prevention first and includes and emphasis

on education and engagement. We believe that a combination of litter payments and a Litter fund could make a significant difference to littering levels in the U.K.

We suggest that the purpose of the Litter Payments should be to cover a proportion of the costs of cleansing and infrastructure only. In most instances, the recipients would be to bodies which are Litter authorities although there should be scope to allow for these payments to cover costs of clean-ups where there may be other organisations involved in the delivery. For example, annual clean-ups of railway embankments, rivers or beaches.

We support the principle of increasing the total payment to 100% of full net costs, where local authorities undertake prevention. But we suggest at a local level this is targeted towards provision of an intelligence led approach to effective engagement, education and enforcement initiatives. Smart deployment of local authority officers in hotspot areas provides a visible presence which could deter littering, with officers having freedom to engage, educate or enforce, providing for a proportionate response that builds public trust and confidence. Alongside this, we'd like to see funds used to invest in smart enforcement using camera and dashcam technology to tackle littering from vehicles, increasing the risk of drivers being caught and hence providing a more effective deterrent. A defined level of service could be developed, which is met would unlock 100% cleansing payments.

We further suggest that other litter prevention initiatives should be considered at a national scale.

Over many years there has been a plethora of litter prevention initiatives and campaigns, that are often short-term, underfunded and specific to a local area. They do evidence litter reduction, often to a high degree, but longer-term impact is not evidenced. We suggest that allocating prevention funding at a local authority level will only propagate more of the same. Indeed, very few local authorities currently have active Litter Strategies in place and almost all local authorities across the UK seek the support for these additional activities from eNGO;s.

Instead, we suggest that a Litter Prevention Fund could be allocated for the UK as a whole or to each respective nation in the UK, noting that each government has very recently developed (or pending) national litter strategies in place which have been developed with stakeholders and regional social, cultural and economic factors in mind.

We believe that the Scheme administrator should be the regulatory body that manages the fund but this should be in conjunction with respective devolved governments and respective strategies. Establishing key criteria from the outset would be essential to ensure transparency and effectiveness. Without set criteria, there is the danger that area of deprivation and rurality are ignored in favour of locations where producers and retailers operate or where additional resources and capacity exists already.

However, through such a mechanism we could develop key messages, visuals, education and behavioural interventions that could be used throughout the UK, while respecting and reflecting the different cultural heritage of each UK nation. Working on the principle that litter campaigns and behavioural interventions do work but simply haven't had capacity to work at scale, we would seek to remedy this ensuring the same core messages are received across the country via an array of different mediums and channels. We firmly believe that a joined up, strategic approach to an issue that affects the whole of the UK and does not respect boundaries, whether national or local authority will lead to genuine step change.

We also support the idea of litter prevention payments supporting the work of volunteers. It is important to note that local authorities rely on the support of volunteers for cleansing. In turn, many of these volunteer activities, whether regular or on-off, are supported and coordinated by the respective Tidy Group



organisations who additionally provide many services such as equipment and insurance that local authorities cannot administer alone.

Recent examples from the Tidy Group of this approach include; UK wide clean-up campaigns such as the **Great British Spring Clean** (Spring Clean Cymru in Wales and Clean Up Scotland/Summer Clean in Scotland). The equivalent in Northern Ireland is The BIG Spring Clean. In addition there are Autumn Clean ups and the Eco-Schools programme. In the respective nations, Wales has a nationwide project called **Caru Cymru** in official partnership with all local authorities with a key aim of creating a more consistent and coherent public message across Wales with a holistic, joined-up approach. The project was largely created due to the problems caused by the significant differences in approaches by local authorities to tackling litter was recognized as a significant barrier to cooperation. **Live Here Love Here**, a cross-sectoral collaboration (including 10 of the 11 local authorities), operates across Northern Ireland delivering consistent anti-littering messaging through above the line advertising. It also delivers a small grants programme and support for volunteer clean-ups. A recent collaborative example from Scotland with national above the line advertising linked with local level messaging and engagement is **Scotland is Stunning**; a partnership between the Scottish Government, Zero Waste Scotland and Keep Scotland Beautiful.

Payments would support the work of charities in supporting local volunteers, who deliver many thousands of hours of unpaid clean-up work in their communities.

Payment mechanism

As previously noted, the Tidy Group is supporting WRAP to develop this element of the proposals further and there is not yet enough information to detail the scope of methodologies here.

Any methodology which is adopted could overlay other data sets to extend to further analysis on, for example, rurality and deprivation as outlined.

(Q71 & 72) We agree that local authority litter payments should be linked to improved data reporting and to standards of cleanliness over time noting however that the standards and details of what that looks like is yet to be confirmed and **recognising that certain geographical areas, particularly those with higher levels of deprivation will face greater challenges and will need additional support.**

The Tidy Group are supporting the work of WRAP and DEFRA (and devolved nations/agencies) to consider these details and welcome the opportunity to develop these elements of the proposals further over the next few months.

For further information, please contact the Group on the details below:

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