



Cytûn – Churches together in Wales

New environmental regulations in Wales: Updated note for churches

**This note is provided to assist churches in Wales.
It is not intended to be legal advice, and should not be regarded as such.**

1. Prohibition of the supply of some single-use plastics from 30 October 2023

Many churches are already voluntarily reducing or eliminating their use of single-use plastic. Earlier this year, Senedd Cymru passed the [Environmental Protection \(Single-use Plastic Products\) \(Wales\) Act 2023](#). On 24 October 2023, the Senedd decided that most – but not all – of the provisions of that Act would come into force on **30 October 2023**.

From that date it has been illegal to supply (**whether for sale or free of charge**) certain single-use plastic items. These are:

- Single-use plastic plates – this includes paper plates with a laminated plastic surface
- Single-use plastic cutlery – for example forks, spoons, knives
- Single-use plastic drinks stirrers
- Cups made of expanded or foamed extruded polystyrene
- Takeaway food containers made of expanded or foamed extruded polystyrene
- Single-use plastic balloon sticks
- Single-use plastic-stemmed cotton buds
- Single-use plastic drinking straws – with exemptions so people who need them to eat and drink safely and independently can continue to have them

This covers all single-use plastic versions of these products, including those that are made of other materials but laminated with plastic, and plastic items that claim to be biodegradable or compostable. The use of such terminology on the product or its packaging will not make it legal.

For many churches, a return to using traditional crockery and cutlery is the simplest response. But in some settings this may not be possible. In that case, churches must use either reusable items made from other materials (which can include items made of reusable hard plastic), or with disposable versions made of non-plastic materials, such as paper, wood or cardboard.

It is the responsibility of the local church and the users of its premises (and ultimately of the trustees of that church, in accordance with the relevant denominational structure) to ensure that these rules are followed.

Possessing single-use plastic items will not be an offence, but as they can no longer be supplied - even free of charge - all items (other than plastic straws required for use by those who have a specific need to use them to eat or drink) should be disposed of responsibly. Some local authorities or other recycling agents (such as some supermarkets) may be able to take some or all of these items for recycling – please enquire locally.

Additional information can be found in the [Welsh Government guidance document](#). It is intended to extend the ban to additional products in due course, and the Act allows Welsh Ministers to add to this list.

Churches may find it helpful to be reminded of why this ban has been introduced – see the websites of the [Marine Conservation Society](#) and [Surfers Against Sewage](#).

2. Separating waste for recycling and tightening food waste regulations from 6 April 2024

Most churches are already conscientious about recycling as much of their waste as possible. It is, of course, good practice to reduce the amount of waste you send to recycling by finding ways to re-use items safely, or turn them into something else – many church children's groups enjoy junk modelling, and will already, for example, use empty egg boxes for a multitude of games and so on.

From 6 April 2024, all non-domestic premises – including churches, community halls, etc – will be required to sort their waste for recycling more thoroughly. This is to ensure the waste can actually be recycled – mixed waste can cause cross-contamination and prevent recycling.

[The Waste Separation Requirements \(Wales\) Regulations 2023](#), approved by the Senedd on November 28 2023, require that waste for recycling will need to be separated by the owner/manager of premises, or by the operator of an activity, into six separate containers:

1. Glass
2. Plastic, metal and cartons and other similar packaging – but remember that the supply of many single-use plastic items was banned on 30 October 2023
3. Paper and card
4. Food waste (see further below)
5. Unsold* small electrical equipment
6. Unsold* textiles

* “Unsold” is defined as follows: *an unused consumer product, in a factory, retail premises, wholesaler, warehouse or other premises, that has not been sold to a consumer or has been sold and returned by a consumer* so these categories are unlikely to apply initially to churches or charity shops which sell second-hand goods. However, Welsh Government's stated intention is to extend the requirement to recycle to **all** textiles within three years, and **all** small electrical equipment within two years, so churches should start to get ready for this change now.

It will be illegal to send waste in any of the above categories (or “sub-fractions”, as they are called in the regulations) to incineration or landfill, and it will be illegal to send wood waste to landfill (although it can still be incinerated).

The full definitions of each of the six categories, as contained in the regulations, are included as an appendix below. Further [guidance](#) is available on the Welsh Government website. There is further detail on the exact definitions of these materials, what to do with waste made of mixtures of different materials, and so on in the [code of practice](#). The Code also covers a number of other practical matters not referred to directly in the regulations. The Code *is admissible as evidence in any legal proceedings and must be taken into account by a court in determining any question to which it appears to the court to be relevant* (para 1.5 – all references of this form in this note are to this Code). **Managers and Trustees of premises should therefore familiarise themselves with this Code.**

Waste presented for recycling must be **clean**. The Code states: *You must ensure that the packaging items placed in each recyclable waste stream are empty of their contents and are clean. Other non-packaging items need to be free of significant contamination. The degree of acceptable contamination is likely to vary based on the requirements of different reprocessors and their requirements should be followed to avoid waste collectors rejecting contaminated loads. Your waste collector should be able to provide advice on this.* (para 7.7). **It is important to note that presenting uncleaned recyclable waste in the residual (non-recyclable) waste stream is not an acceptable alternative to cleaning it for collection.** Premises managers will need to take this into account and allow additional time for this process prior to collection day.

Placing the incorrect waste in the incorrect container could lead to a fixed penalty notice (fine) being issued by Natural Resources Wales. If the matter goes to court, a potentially unlimited fine could result.

However, Welsh Government say that the intention is to remind and educate first before applying penalties. The managers and trustees of multi-use premises – such as many church buildings – should therefore begin to ensure that all users are aware of the new regulations and how to recycle waste in future **in advance of April 2024**.

The Code of Practice notes that Natural Resources Wales may carry out spot checks on premises, and says that **appropriate records must be kept** (para 7.22) *This evidence could be documents that you already have a legal requirement to keep, such as under the waste duty of care which requires you to produce and keep waste transfer notes, which will show when, how and who collected the waste and waste types. The notes must be kept for at least two years. Other evidence could include agreements or contracts that you may have in place with a waste management company, or the contracts you have with your customers if you are a collector, which help demonstrate that waste is being separately collected in a compliant way.* (para 7.23). Given that many places of worship and community facilities operate more informally than is envisaged by the Code, it is important that managers and Trustees review their record keeping and ensure that records are kept for two years.

Hazardous waste (such as batteries, solvents, pesticides, and so on) will – as now – need to be disposed of safely and separately from the recycling containers (para 6.8).

Definitions of household and commercial waste

Places of worship (including church and chapel halls and the like used in connection with a place of worship) are eligible for free household waste collection under the [Controlled Waste \(England and Wales\) Regulations 2012](#). For churches, the only exceptions are likely to be church cafes or shops which operate on a commercial basis, and residential centres, which need to arrange commercial waste collection. The 2012 regulations remain in force in Wales.

However, even those premises eligible for free household waste collection will need to separate their waste into six containers as described above. It will be for the local authority to determine how these are collected – whether free of charge by its commercial waste collection service, or (as now in most cases) by its household waste collection, and how to deal with the differences in separation requirements between domestic premises (homes) and these new regulations.

Churches may be approached by local authorities seeking to transfer them to their commercial waste collection service from April 2024. If so, **churches should ensure that this collection will continue to be free of charge, and if necessary refer the local authority to the 2012 regulations**.

Tenants and hirers of buildings

Many church premises are, in whole or in part, sub-let to tenants. The Code states *For a site with multiple business occupancy ... where there is a single contract for waste collection managed by the owner or a facilities management agency, we would expect the tenancy agreement to include a requirement for the parties to comply with the separation requirements* (para 5.11). The Code does not go into detail regarding Hiring Agreements or similar, which are used by many church premises. However, the principle stated in the Code is clear: *You are responsible for all wastes that are presented for collection from your premises. This includes, but is not limited to, wastes produced by staff, visitors and contractors* (para 7.12). This means that **detailed engagement will be necessary with all users of your buildings**, and you may wish to consider including clauses relating to separation of waste into your hiring agreements.

Bins and containers for waste

The Code of Practice states *At the point you present your waste for collection (for example kerbside collection), in order to comply with the separation requirements you will need a separate container for each recyclable waste stream. This is not the case in respect of internal bins for occupiers, staff, visitors etc as it is recognised that in some circumstances this will not be practical or achievable. It is considered good practice*

to provide separate containers for each recyclable waste stream wherever waste is collected on your premises. (paras 7.14-7.15).

The Code makes the following specification with regard to the types of containers that can be used to present waste for collection: *These containers can be bins, bags, boxes, skips or other type of container as appropriate, taking into account the nature of the waste and the requirements of your waste collector. For example, flexible plastic bags may not be suitable for separating items with sharp edges, or that are very heavy. It is acceptable to use containers that are internally subdivided by a permanent physical barrier, for example a bin with two or more physically separate compartments. The containers used must be sufficiently durable to maintain the required separation during subsequent handling and management of the waste. It is recommended that compartments in a container are made of a solid construction rather than flexible plastic that is likely to rip open, which increases the risk that the contents will mix with other waste streams. When the separately presented waste streams are collected they must be kept separate and not mixed with other streams, or any other wastes.* (paras 7.3-7.4). There is also detailed guidance regarding the use of “survival bags” (with restrictions on how they may be used – para 7.5). The Code adds *Given that waste containers may need to be stored in publicly accessible locations, it is considered best practice to use lockable containers and to ensure these are kept locked to minimise the risk of accidental or intentional contamination* (para 7.8), and points out that the containers must be clearly labelled for collection. It is likely that different local authorities and other waste collectors will have slightly different detailed requirements, and **premises managers and Trustees should seek advice from their waste collector**, if it has not already been provided.

External bins: The Code states *litter collected by the Local Authority ... from, typically, publicly accessible streets, pavements and open spaces, does not have to be presented separated when presented for collection. However, for the sake of a consistent approach and good practice it is recommended that separate litter bins for recyclable items are provided at any locations where litter bins are located so that Local Authorities can, wherever possible, arrange for litter to be recycled.* (para 5.7). However, where a bin is provided in a church garden, cemetery, play area or similar and the waste is then included in the church’s waste collection (rather than collected directly by the local authority from the public space), its contents is covered by the separation requirements.

Food waste

The legal requirement to separate and recycle food waste will apply to premises that produce 5kg or more of food waste per week (if you produce less, it will be legal to put food waste in the general, non-recyclable, waste stream). However, it is good practice to separate and recycle all food waste, even small amounts, and we would therefore encourage churches to do so.

It is important to note that ***Food waste that is still in its packaging should be separated out into food waste and packaging.*** *Each material should then be put into the relevant recyclable waste stream container in accordance with the separation requirements. Where it is not reasonably practicable to de-package food waste in this way, the food waste still in its primary packaging (that is, the immediate packaging layer around the product) may be placed in the food waste stream, provided that (a) your food waste collector agrees to collect the waste on this basis and (b) the packaged food waste will be sent to an appropriate facility for re-use or recycling (which includes composting and anaerobic digestion).* (para 7.28, Cytûn’s emphasis) The Code requires you to keep records of any food waste that is presented for collection still inside its packaging (para 7.29)

In addition, there will be a **ban on disposing any amount of food waste down the sink or into a public drain or sewer**. This applies not only to pouring food directly into the sink or drain, but means it will no longer be permitted to use equipment such as macerators, enzyme digesters or de-waterers. Churches should ensure that users of their premises are aware of this. You will not have to uninstall any such

equipment you have, but it is probably a good idea to uninstall or disconnect it, in order that it is not used by accident. **Discharge of food waste into the public drains or sewers will be an offence** and if this does happen, fixed penalty notices may be issued by the local authority to the premises or operator concerned. It is particularly important to **avoid the release of fats, oil and grease into the sewer** (para 7.34), and the Code recommends consideration be given to installing grease traps to prevent this.

**Appendix: Definitions of the waste sub-fractions
(in all cases hazardous waste is excluded and must be disposed of separately)**

1. Glass

- Glass bottles used as packaging
- Glass jars used as packaging

2. Cartons and similar, metal and plastic

a) Cartons and similar

Fibre-based composite packaging, being packaging material which is made of paperboard or paper fibres, laminated with low density polythene or polypropylene plastic, and which may also have layers of other materials, to form a single unit that cannot be separated by hand, limited to:

- Cartons
- Paper drinks cups with a low density polythene or polypropylene plastic layer
- Rigid paper containers

b) Metal

- Aluminium foil
- Aluminium food trays
- Aluminium tubes
- Steel and aluminium aerosols
- Steel and aluminium jar and bottle lids and caps
- Steel and aluminium tins and cans

c) Plastic

- Amorphous polyethylene terephthalate and crystallised polyethylene terephthalate plastic packaging comprising pots, tubs, trays, rigid and semi-rigid lids and clear cups except where the plastic contains carbon black pigment so that it is not near infrared detectable
- Amorphous polyethylene terephthalate plastic bottles except where the plastic contains carbon black pigment so that it is not near infrared detectable
- High density polyethylene and low density polyethylene packaging comprising pots, tubs, trays and rigid and semi-rigid lids except where the plastic contains carbon black pigment so that it is not near infrared detectable
- High density polyethylene and low density polyethylene plastic bottles, pumps and triggers except where the plastic contains carbon black pigment so that it is not near infrared detectable
- Polypropylene and expanded polypropylene plastic packaging comprising pots, tubs, trays, rigid and semirigid lids and clear cups except where the plastic contains carbon black pigment so that it is not near infrared detectable
- Polyethylene and polypropylene plastic packaging tubes except:
where they are less than 50x50mm,
where they have contained products used in construction works,
where they have a metal layer,
or where they are multi-monomer plastic
- Polypropylene plastic bottles, pumps and triggers except where the plastic contains carbon black pigment so that it is not near infrared detectable

3. Paper and card

All paper and card except:

Fibre-based composite packaging, being packaging material which is made of paperboard or paper fibres, laminated with plastic, and which may also have layers of other materials, to form a single unit that cannot be separated by hand

Hardback books

Padded polyethylene lined envelopes

Paper and card containing glitter or foil

Paper and card contaminated with food, paint, oil or grease

Paper and card that has been laminated

Paper towels, tissues, wet wipes, kitchen roll

Scratch cards

Shredded paper

Stickers and sticky notes

Till receipts

Wallpaper

Wax, silicone, greaseproof papers

4. Food waste

All food waste (with some very limited exceptions)

5. Unsold small waste electrical and electronic equipment

All unsold small waste electrical and electronic equipment (as defined above)

6. Unsold textiles

- Clothing
- Non-clothing textiles including carpets and carpet tiles, leisure textiles (such as tents and tarpaulins), mattresses, rugs, soft furnishings (such as curtains, bedsheets, blankets, duvets, pillows, towels), underlay
- Packaging made from textiles

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