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STATUTORY INSTRUMENTS

2023 No. 92

ENVIRONMENTAL PROTECTION, ENGLAND

The Environmental Targets (Residual Waste) (England) Regulations 2023

Made - - - - 29th January 2023

Coming into force - - 30th January 2023

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 1 and 6(1) of the Environment Act 2021⁽¹⁾ (“the 2021 Act”).

In accordance with section 4(1) and (2) of the 2021 Act, the Secretary of State has sought advice from persons the Secretary of State considers to be independent and to have relevant expertise, and is satisfied that the target in these Regulations can be met.

In accordance with sections 4(8) and 143(5)(b) of the 2021 Act, a draft of these Regulations has been laid before, and approved by resolution of, each House of Parliament.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Environmental Targets (Residual Waste) (England) Regulations 2023.

(2) These Regulations come into force on the day after the day on which they are made.

(3) These Regulations extend to England and Wales but apply in relation to England only.

Residual waste long-term target

2.—(1) This regulation specifies a target (“the residual waste long-term target”) for the purposes of the Secretary of State’s duty in section 1 of the 2021 Act to set a long-term target in respect of a matter within the area of resource efficiency and waste reduction.

(2) The residual waste long-term target is that by the end of 31st December 2042 the total mass of residual waste for the calendar year 2042 does not exceed 287 kilograms per head of population in England.

- (3) In paragraph (2), “residual waste” means any waste, other than excluded waste, which—
- (a) originated in England; and
 - (b) is treated by a method specified in paragraph (4) in the year in question.
- (4) The methods referred to in paragraph (3)(b) are that the waste is—
- (a) sent to landfill in the United Kingdom;
 - (b) put through incineration in the United Kingdom;
 - (c) used in energy recovery in the United Kingdom; or
 - (d) sent outside the United Kingdom for energy recovery.

Measurement

3. For the purpose of determining whether the target in regulation 2(2) is met, the population of England in 2042 is to be determined by reference to the Office for National Statistics annual mid-year population estimates for that year(2).

Reporting date

4. For the purposes of section 6(1) of the 2021 Act, the reporting date for the target in regulation 2(2) is 31st January 2044.

Interpretation

5. In these Regulations—

“the 2021 Act” means the Environment Act 2021;

“energy recovery” means any waste treatment, excluding anaerobic digestion, which generates energy such as electricity or heat or which converts the waste into other energy products such as fuels and substitute natural gas;

“excluded waste” means—

- (a) waste of a type set out in the table in the Schedule; or
- (b) ferrous metals removed from bottom ash, with the waste code 19 01 02, which have been put through incineration or used in energy recovery in the United Kingdom and then sent for recycling;

“the List of Waste” means the list set out in the Annex to Commission [Decision 2000/532/EC](#) replacing [Decision 94/3/EC](#) establishing a list of waste and Council [Decision 94/904/EC](#) establishing a list of hazardous waste(3);

“waste” has the same meaning as in section 75(2) of the Environmental Protection Act 1990(4) as it extends to England and Wales;

“waste code” in relation to a description of waste, means the code given to that description of waste in the List of Waste.

(2) [Estimates of the population for the UK, England and Wales, Scotland and Northern Ireland - Office for National Statistics \(ons.gov.uk\)](#)

(3) EUDN 2000/532, as amended by [S.I. 2020/1540](#).

(4) [1990 c.43](#). Section 75(2) as it extends to England and Wales was substituted by [S.I. 2011/988](#) and amended by [S.I. 2019/620](#). There are other amendments to section 75 which are not relevant.

29th January 2023

Trudy Harrison
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

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SCHEDULE

Regulation 5

Excluded waste

1. The table sets out the types of waste which are excluded waste for the purposes of the definition of residual waste.
2. The first column of the table sets out the relevant waste code.
3. The second column of the table sets out the relevant waste description in the List of Waste.

<i>Waste Code</i>	<i>Waste Description</i>
01 01 01	Wastes from mineral metalliferous excavation
01 01 02	Wastes from mineral non-metalliferous excavation
01 03 04	Acid-generating tailings from processing of sulphide ore
01 03 05	Other tailings containing hazardous substances
01 03 06	Tailings other than those mentioned in 01 03 04 and 01 03 05
01 03 07	Other wastes containing hazardous substances from physical and chemical processing of metalliferous minerals
01 03 08	Dusty and powdery wastes other than those mentioned in 01 03 07
01 03 09	Red mud from alumina production other than the wastes mentioned in 01 03 10
01 04 07	Wastes containing hazardous substances from physical and chemical processing of non-metalliferous minerals
01 04 08	Waste gravel and crushed rocks other than those mentioned in 01 04 07
01 04 09	Waste sand and clays
01 04 10	Dusty and powdery wastes other than those mentioned in 01 04 07
01 04 11	Wastes from potash and rock-salt processing other than those mentioned in 01 04 07
01 04 12	Tailings and other wastes from washing and cleaning of minerals other than those mentioned in 01 04 07 and 01 04 11
01 04 13	Wastes from stone cutting and sawing other than those mentioned in 01 04 07
01 05 04	Fresh-water drilling muds and wastes
01 05 06	Drilling muds and other drilling wastes containing hazardous substances
01 05 07	Barite-containing drilling muds and wastes other than those mentioned in 01 05 05 and 01 05 06
01 05 08	Chloride-containing drilling muds and wastes other than those mentioned in 01 05 05 and 01 05 06
02 04 01	Soil from cleaning and washing beet
02 04 02	Off-specification calcium carbonate
05 01 05	Oil spills

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<i>Waste Code</i>	<i>Waste Description</i>
06 07 01	Wastes containing asbestos from electrolysis
06 09 03	Calcium-based reaction wastes containing or contaminated with hazardous substances
06 09 04	Calcium-based reaction wastes other than those mentioned in 06 09 03
06 11 01	Calcium-based reaction wastes from titanium dioxide production
06 13 04	Wastes from asbestos processing
08 02 02	Aqueous sludges containing ceramic materials
08 02 03	Aqueous suspensions containing ceramic materials
10 03 05	Waste alumina
10 09 05	Casting cores and moulds which have not undergone pouring containing hazardous substances
10 09 06	Casting cores and moulds which have not undergone pouring other than those mentioned in 10 09 05
10 09 07	Casting cores and moulds which have undergone pouring containing hazardous substances
10 09 08	Casting cores and moulds which have undergone pouring other than those mentioned in 10 09 07
10 09 14	Waste binders other than those mentioned in 10 09 13
10 10 05	Casting cores and moulds which have not undergone pouring, containing hazardous substances
10 10 06	Casting cores and moulds which have not undergone pouring other than those mentioned in 10 10 05
10 10 07	Casting cores and moulds which have undergone pouring, containing hazardous substances
10 10 08	Casting cores and moulds which have undergone pouring other than those mentioned in 10 10 07
10 11 03	Waste glass-based fibrous materials
10 11 05	Particulates and dust
10 11 09	Waste preparation mixture before thermal processing, containing hazardous substances
10 11 10	Waste preparation mixture before thermal processing, other than those mentioned in 10 11 09
10 11 13	Glass-polishing and grinding sludge containing hazardous substances
10 11 14	Glass-polishing and grinding sludge other than those mentioned in 10 11 13
10 12 01	Waste preparation mixture before thermal processing
10 12 08	Waste ceramics, bricks, tiles and construction products (after thermal processing)

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<i>Waste Code</i>	<i>Waste Description</i>
10 12 11	Wastes from glazing containing heavy metals
10 12 12	Wastes from glazing other than those mentioned in 10 12 11
10 13 01	Waste preparation mixture before thermal processing
10 13 04	Wastes from calcination and hydration of lime
10 13 06	Particulates and dust (except 10 13 12 and 10 13 13)
10 13 09	Wastes from asbestos-cement manufacture containing asbestos
10 13 10	Wastes from asbestos-cement manufacture other than those mentioned in 10 13 09
10 13 11	Wastes from cement-based composite materials other than those mentioned in 10 13 09 and 10 13 10
10 13 14	Waste concrete and concrete sludge
11 02 02	Sludges from zing hydrometallurgy (including jarosite, goethite)
12 01 16	Waste blasting material containing hazardous substances
12 01 17	Waste blasting material other than those mentioned in 12 01 16
12 01 20	Spent grinding bodies and grinding materials containing hazardous substances
12 01 21	Spent grinding bodies and grinding materials other than those mentioned in 12 01 20
15 01 11	Metallic packaging containing a hazardous solid porous matrix (for example asbestos), including empty pressure containers
16 01 11	Brake pads containing asbestos
16 02 12	Discarded equipment containing free asbestos
16 11 01	Carbon-based linings and refractories from metallurgical processes containing hazardous substances
16 11 02	Carbon-based linings and refractories from metallurgical processes other than those mentioned in 16 11 01
16 11 03	Other linings and refractories from metallurgical processes containing hazardous substances
16 11 04	Other linings and refractories from metallurgical processes other than those mentioned in 16 11 03
16 11 05	Linings and refractories from non-metallurgical processes containing hazardous substances
16 11 06	Linings and refractories from non-metallurgical processes other than those mentioned in 16 11 05
17 01 01	Concrete
17 01 02	Bricks
17 01 03	Tiles and ceramics

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<i>Waste Code</i>	<i>Waste Description</i>
17 01 06	Mixtures of, or separate fractions of concrete bricks, tiles and ceramics containing hazardous substances
17 01 07	Mixtures of concrete, bricks, tiles and ceramics other than those mentioned in 17 01 06
17 02 04	Glass, plastic and wood containing or contaminated with hazardous substances
17 03 01	Bituminous mixtures containing coal tar
17 03 02	Bituminous mixtures other than those mentioned in 17 03 01
17 03 03	Coal tar and tarred products
17 05 03	Soil and stones containing hazardous substances
17 05 04	Soil and stones other than those mentioned in 17 05 03
17 05 05	Dredging spoil containing hazardous substances
17 05 06	Dredging spoil other than those mention in 17 05 05
17 05 07	Track ballast containing hazardous substances
17 05 08	Track ballast other than those mentioned in 17 05 07
17 06 01	Insulation materials containing asbestos
17 06 03	Other insulation materials consisting of or containing hazardous substances
17 06 04	Insulation materials other than those mentioned in 17 06 01 and 17 06 03
17 06 05	Construction materials containing asbestos
17 08 01	Gypsum-based construction materials contaminated with hazardous substances
17 08 02	Gypsum-based construction materials other than those mentioned in 17 08 01
17 09 01	Construction and demolition wastes containing mercury
17 09 03	Other construction and demolition wastes (including mixed wastes) containing hazardous substances
17 09 04	Mixed construction and demolition wastes other than those mentioned in 17 09 01, 17 09 02, and 17 09 03
19 01 05	Filter cake from gas treatment
19 01 06	Aqueous liquid wastes from gas treatment and other aqueous liquid wastes
19 01 07	Solid wastes from gas treatment
19 01 11	Bottom ash and slag containing hazardous substances
19 01 12	Bottom ash and slag other than those mentioned in 19 01 11
19 01 13	Fly ash containing hazardous substances
19 01 14	Fly ash other than those mentioned in 19 01 13

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<i>Waste Code</i>	<i>Waste Description</i>
19 01 15	Boiler dust containing hazardous substances
19 01 16	Boiler dust other than those mentioned in 19 01 15
19 01 17	Pyrolysis wastes containing hazardous substances
19 01 18	Pyrolysis wastes other than those mentioned in 19 01 17
19 01 19	Sands from fluidised beds
19 01 99	Wastes not otherwise specified
19 07 02	Landfill leachate containing hazardous substances
19 07 03	Landfill leachate other than those mentioned in 19 07 02
19 08 02	Waste from desanding
19 09 01	Solid waste from primary filtration and screenings
19 12 09	Minerals (for example sand, stones)
19 13 01	Solid wastes from soil remediation containing hazardous substances
19 13 02	Solid wastes from soil remediation other than those mentioned in 19 13 01
20 02 02	Soil and stones
20 02 03	Other non-biodegradable wastes

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to England, set a long-term target in relation to the reduction of residual waste, which is within the priority area of resource efficiency and waste reduction under section 1 of the Environment Act 2021 (c.30). The Regulations specify the standard to be achieved in respect of the target and the date by which it must be achieved.

Regulation 2 makes provision in respect of a long-term target to ensure that the total mass of residual waste per head of population in England does not exceed 287 kilograms by 31st December 2042. Regulation 3 makes provision in relation to how the target is to be measured. Regulation 4 provides that the reporting date for the target is 31st January 2044. Regulation 5 makes provision for, amongst other things, a definition of “excluded waste”. Schedule 1 makes further provision in relation to the definition of “excluded waste”.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Department for Environment, Food and Rural Affairs, 2 Marsham Street, London SW1P 4DF, and is published with an Explanatory Memorandum alongside these Regulations on www.legislation.gov.uk.