

ACS Submission: Environment Agency charge proposals for simpler recycling

The Association of Convenience Stores (ACS) welcomes the opportunity to respond to the Environment Agency's Consultation on charge proposals for simpler recycling. ACS represents the UK's 50,000 convenience stores including Spar, the Co-op, One Stop and thousands of independent retailers that play a key role in communities, providing essential goods and services.

Our members are committed to managing waste responsibly and supporting wider environmental goals. We value the opportunity to share our members views and have outlined below three key points that we believe must be considered when determining whether and how to implement the proposed charging structure.

Q. To what extent do you agree or disagree with the proposed introduction of an hourly rate charge for businesses or occupiers of relevant non-domestic premises who do not comply with the rules of simpler recycling?

1. Communicate the requirement to comply

It is essential that the government and the Environment Agency take steps to communicate the requirement to comply with Simpler Recycling legislation clearly and effectively to retailers. Clear communication ensures that retailers understand their responsibilities, have adequate time to prepare, and can take the necessary steps to meet new requirements without inadvertently falling into non-compliance.

We urge the Environment Agency and DEFRA to clearly demonstrate what proactive steps are being taken to raise awareness of compliance obligations under Simpler Recycling. Retailers, particularly small and independent businesses, must be fully informed of what is expected well ahead of any enforcement action. We request detail on:

- What communication methods are being used?
- What sector-specific guidance or outreach is planned?
- How will the Environment Agency support understanding across thousands of small businesses?

We believe the responsibility to inform sits firmly with the regulator, and that proactive communication must be a prerequisite to any enforcement activity. ACS has produced and communicated our Simpler Recycling guidance across our membership, which is available [here](#).

2. Charges for identifying a breach

While we understand the rationale for recovering costs associated with formal enforcement, we question charges for the identification of breaches. Identifying non-compliance is a fundamental function of the Environment Agency and should not be subject to cost recovery. Charges should only apply after a formal breach has been identified and where enforcement or corrective action is necessary. This distinction is crucial for maintaining a fair and proportionate approach to regulation. We would appreciate further clarification on how breaches to the regulations are identified and what criteria constitutes a breach.

Our members have embraced the Simpler Recycling legislation and are supportive of initiatives to improve recycling, with many members investing large amounts into new bin infrastructure and signage. However, there does remain difficulty in consumer compliance even when clear infrastructure is in place. We believe that the Environment Agency must factor in that retailers will incur costs for consumer non-compliance, which we have limited ability to control. It would therefore be helpful to understand how the Environment Agency factors the level of consumer compliance with the separation of waste into enforcement decisions and any plans to communicate this to the public.

3. Proposed charge rates

To assess whether the proposed charge rate of £118 per hour is fair and proportionate, we require further information, such as:

- A breakdown of how the rate was calculated, including cost elements
- An estimate of the average number of hours anticipated per type of breach.
- Comparisons with existing charging rates used in other Environment Agency enforcement areas.
- How will the number of charged hours be tracked and evidenced?

Without this information, it is not possible for affected businesses to assess the financial impact or determine whether the charge reflects reasonable enforcement costs.

ACS is supportive of the principles behind Simpler Recycling but urges the Environment Agency to approach implementation in a way that reflects the operational realities of convenience retailers. This includes ensuring fairness in enforcement, clarity in communication, and transparency in any cost recovery measures.

Please contact Alexandra.margetts@acs.org.uk for any further information regarding this submission.