

---

STATUTORY INSTRUMENTS

---

**2023 No. 92**

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

**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<sup>(1)</sup>.

**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.

---

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

## 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<sup>(2)</sup>;

“waste” has the same meaning as in section 75(2) of the Environmental Protection Act 1990<sup>(3)</sup> 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.

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

29th January 2023

---

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

(3) [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.