

Written evidence submitted by Dr Carrie Bradshaw

1. I am a legal academic based at the University of Leeds. My research is at the intersection of environmental law, corporate law, and regulation. For the last six years, I have focussed primarily on the law and policy of food waste. This submission is based on my own research, together with my familiarity with the broader literature.

Summary

2. This submission provides evidence specifically as to the food waste aspects of the *Resources and Waste Strategy* (the Strategy).¹ The Strategy included a stand-alone chapter exclusively on food waste, with proposals representing a significant policy shift the 'voluntary approach' to new legislative measures. Many of these legislative proposals were broadly welcomed.
3. However, with the recent decision not to implement mandatory food waste measurement and reporting for large businesses, Government appears to have largely departed from its legislative approach outlined in the *Strategy*. Reliance is now placed on voluntary measures to meet Government's commitment to meeting the UN Sustainable Development Goal (SDG) 12.3 of halving per capita global food waste at consumer and retail levels by 2030.
4. There is a limited evidence base as to the effectiveness of the voluntary approach to food waste. The principal concern in this evidence is that, having proposed legislation and now removed that 'threat' of legislation, Government has potentially undermined and weakened those already limited voluntary measures.

The voluntary approach

5. The voluntary approach has been adopted by successive governments in England for over twenty years.² Today, the voluntary approach to food waste prevention is centred around the Courtauld Commitments³ and the *Food Waste Reduction Roadmap*.⁴ The Courtauld Commitments are a series of voluntary agreements focused on industry self-regulation and collaboration that have set out progressive, non-binding targets for food waste reduction that now align with UN SDG 12.3. Courtauld is now based on a fee-based membership model, although under the *Roadmap's* 'Target-Measure-Act' approach, *all* food businesses are encouraged to (i) set their own food waste reduction targets; (ii) consistently measure

¹ HM Government, *Our Waste, Our Resources: A Strategy for England* (Crown Copyright 2018).

² Note that a more legislative approach is taken with respect to (food) waste management, with the use of direction regulation to ensure safe handling, treatment and disposal of waste, together with economic instruments to support the diversion of waste from landfill, including the landfill tax and renewable energy subsidies for anaerobic digestion: see e.g. Julia Szulecka, Carrie Bradshaw and Ludovica Principato, 'Unpacking Food Waste Reduction Governance in Europe: Actors, Steering Modes, and Sustainability Ambitions' forthcoming.

³ 'History of the Courtauld Commitment' (*WRAP*) <<https://wrap.org.uk/taking-action/food-drink/initiatives/courtauld-commitment/history-courtauld-commitment>> accessed 20 October 2022.

⁴ WRAP-IGG, 'The Food Waste Reduction Roadmap - Executive Summary' (2023) <<https://wrap.org.uk/sites/default/files/2023-02/WRAP-Food-Waste-Reduction-Roadmap-Executive-Summary.pdf>> accessed 6 March 2023.

and publicly report on food waste; and (iii) take action to reduce food waste, including by supporting suppliers and consumers to reduce food waste.

6. The evidence base assessing the voluntary approach is limited. WRAP reports that the voluntary approach has contributed to 'substantial' reductions in food waste,⁵ and concludes that the UK is on track to meet UN SDG 12.3.⁶ However, the NGO Feedback argues that changing methodologies and baselines have cumulatively watered down these targets and exclude significant portions of food waste from the target.⁷ The connection between voluntary measures and food waste reductions is somewhat unclear, and can be also attributed to broader trends, including population changes and food prices.⁸
7. Several commentators have raised concerns as to a lack of ambition under Courtauld,⁹ and research also suggests voluntary ambition is likely to be limited given food wasted upstream and downstream is often profitable for retailers.¹⁰ WRAP (with project partners under the

⁵ WRAP, 'Food Surplus and Waste in the UK – Key Facts' (2021) <<https://wrap.org.uk/sites/default/files/2021-10/food-%20surplus-and-%20waste-in-the-%20uk-key-facts-oct-21.pdf>> accessed 16 May 2022; WWF-WRAP, 'Halving Food Loss and Waste in the EU by 2030: The Major Steps Needed to Accelerate Progress' (WWF-WRAP 2020).

⁶ WRAP, 'UK Progress against Courtauld 2025 Targets and UN Sustainable Development Goal 12.3 (Final Report)' (WRAP 2020).

⁷ Feedback Global, 'Waste Prevention Programme - Consultation Response (on File with the Author)'.

⁸ WWF-WRAP (n 5); WRAP (n 5).

⁹ Laurence Gibbons, 'Food Waste Regulation Needed over "Very Low" Industry Targets' (foodmanufacture.co.uk) <<https://www.foodmanufacture.co.uk/Article/2015/02/13/Food-industry-voluntary-waste-targets-too-low>> accessed 17 May 2022; Carrie Bradshaw, 'England's Fresh Approach to Food Waste: Problem Frames in the *Resources and Waste Strategy*' (2020) 40 *Legal Studies* 321; Ian Quinn, 'Waste Targets Are Watered down as Efforts Fall Short' [2023] *The Grocer* 4; Sara Priestley, 'Food Waste (Briefing Paper)' (House of Commons Library 2016) House of Commons Library Briefing Paper CBP07552 <<https://researchbriefings.files.parliament.uk/documents/CBP-7552/CBP-7552.pdf>> accessed 10 November 2021. See also *Evidence from the Sustainable Development Commission (SDC) to the House of Lords Science and Technology Select Committee inquiry on Waste Reduction*, quoted in D McCarthy and P Morling, 'Using Regulation as a Last Resort: Assessing the Performance of Voluntary Approaches' (Royal Society for the Protection of Birds 2015) <http://ww2.rspb.org.uk/Images/usingregulation_tcm9-408677.pdf> accessed 26 May 2022.

¹⁰ Bradshaw, 'England's Fresh Approach to Food Waste' (n 9); Carrie Bradshaw, 'The Environmental Business Case and Unenlightened Shareholder Value' (2013) 33 *Legal Studies* 141; Ranjan Ghosh and Mattias Eriksson, 'Food Waste Due to Retail Power in Supply Chains: Evidence from Sweden' (2019) 20 *Global Food Security* 1; Zsuzsa Gille, 'From Risk to Waste: Global Food Waste Regimes' in David Evans, Hugh Campbell and Anne Murcott (eds), *Waste Matters - New Perspectives on Food and Society* (Wiley 2013); C Beausang, C Hall and L Toma, 'Food Waste and Losses in Primary Production: Qualitative Insights from Horticulture' (2017) 126 *Resources, Conservation and Recycling* 177; Bree Devin and Carol Richards, 'Food Waste, Power, and Corporate Social Responsibility in the Australian Food Supply Chain' (2018) 150 *Journal of Business Ethics* 199; Carlos Mena and Peter Whitehead, 'Evidence on the Role of Supplier-Retailer Trading Relationships and Practices in Waste Generation in the Food Chain (Final Report)' (Cranfield University 2008); Carlos Mena, B Adenso-Diaz and Ozgur Yurt, 'The Causes of Food Waste in the Supplier-Retailer Interface: Evidences from the UK and Spain' (2011) 55 *Resources, Conservation and Recycling* 648; Daniel Welch, Joanne Swaffield and David Evans, 'Who's Responsible for Food Waste? Consumers, Retailers and the Food Waste Discourse Coalition in the United Kingdom' (2021) 21 *Journal of Consumer Culture* 236; C William Young and others, 'Sustainable Retailing – Influencing Consumer Behaviour on Food Waste' (2018) 27 *Business Strategy and the Environment* 1; William Young and others, 'Can Social Media Be a Tool for Reducing Consumers' Food Waste? A Behaviour Change Experiment by a UK Retailer' (2017) 117 *Resources, Conservation and Recycling* 195; Joanne Swaffield, David Evans and D Welch, 'Profit, Reputation and "Doing the Right Thing": Convention Theory and the Problem of Food Waste in the UK Retail Sector' (2018) 89 *Geoforum* 43; Sylvia Lorek and Doris Fuchs, 'Why Only Strong Sustainable Consumption Governance Will Make a Difference' in Oksana Mont, *A Research Agenda for*

Champions 12.3 programme) has identified the lack of a robust business case (upon which voluntary measures depend) for food waste reduction beyond a company's own operations.¹¹ That study concluded that the business case cannot be relied upon to reduce household food waste, and that government interventions were needed.¹²

8. Academic and other research increasing calls for interventions, such as those proposed in the Strategy, to ensure more ambitious and timely food waste reductions, particularly as fewer 'low-hanging fruits' remain in reach.¹³ This is supported by a macro-economic analysis, which found that non-legally binding initiatives do not appear to have any significant impact on food waste generated.¹⁴ The authors of the study acknowledge possible issues with the methodology, but conclude that it provides empirical support for 'scepticism' about the effectiveness of voluntary initiatives to reduce food waste. A systematic evaluation of voluntary environmental approaches (beyond the specific context of food waste) concluded that 'rarely if ever' are voluntary approaches an effective substitute for regulatory or fiscal measures.¹⁵

The Resources and Waste Strategy: a proposed legislative approach to reduce food waste

9. The Strategy set out Government's commitment to meeting UN SDG 12.3 and to work towards eliminating food waste to landfill by 2030. In meeting these non-binding goals, Government proposed to consult on a range of legislative measures to prevent food waste, marking a significant policy shift from the voluntary approach.¹⁶

Sustainable Consumption Governance (Edward Elgar Publishing 2019)

<<https://www.elgaronline.com/view/edcoll/9781788117807/9781788117807.00010.xml>> accessed 24 August 2021; Andre David Pringle, 'Overproduction in England's Retail Food Chain: A Challenge for the Regulation of Food Waste' (PhD Thesis, University of York 2021); Andrew Bowman and others, *The End of the Experiment?: From Competition to the Foundational Economy* (Illustrated edition, Manchester University Press 2014).

¹¹ Austin Clowes, Peter Mitchell and Craig Hanson, 'The Business Case for Reducing Food Loss and Waste' (Champions 123 2017) 11 <<https://champions123.org/sites/default/files/2020-08/business-case-for-reducing-food-loss-and-waste.pdf>> accessed 26 August 2021.

¹² *ibid.*

¹³ Bradshaw, 'England's Fresh Approach to Food Waste' (n 9); Swaffield, Evans and Welch (n 10) 49; Young and others, 'Sustainable Retailing – Influencing Consumer Behaviour on Food Waste' (n 10); Pringle (n 10); Marie Mourad, 'Recycling, Recovering and Preventing "Food Waste": Competing Solutions for Food Systems Sustainability in the United States and France' (2016) 126 *Journal of Cleaner Production* 461; Barbara Redlingshöfer, Sabine Barles and Helga Weisz, 'Are Waste Hierarchies Effective in Reducing Environmental Impacts from Food Waste? A Systematic Review for OECD Countries' (2020) 156 *Resources, Conservation and Recycling* 104723; Beatrice Garske and others, 'Challenges of Food Waste Governance: An Assessment of European Legislation on Food Waste and Recommendations for Improvement by Economic Instruments' (2020) 9 *Land* 231; Carmen Priefer, Juliane Jörissen and Klaus-Rainer Bräutigam, 'Food Waste Prevention in Europe – A Cause-Driven Approach to Identify the Most Relevant Leverage Points for Action' (2016) 109 *Resources, Conservation and Recycling* 155; Feedback, 'No Time To Waste - Why the EU Needs to Adopt Ambitious Legally Binding Food Waste Reduction Targets' (Feedback EU 2022) <<https://feedbackglobal.org/wp-content/uploads/2022/09/Feedback-EU-2022-No-Time-To-Waste-report-1.pdf>> accessed 27 September 2022; Julia Szulecka and Nhat Strøm-Andersen, 'Norway's Food Waste Reduction Governance: From Industry Self-Regulation to Governmental Regulation?' [2021] *Scandinavian Political Studies* 1, 2 and 20; Young and others, 'Can Social Media Be a Tool for Reducing Consumers' Food Waste?' (n 10) 201–2.

¹⁴ Ali Chalak, Chaza Abou-Daher and Mohamad G Abiad, 'Generation of Food Waste in the Hospitality and Food Retail and Wholesale Sectors: Lessons from Developed Economies' (2018) 10 *Food Security* 1279.

¹⁵ McCarthy and Morling (n 9) 13.

¹⁶ Bradshaw, 'England's Fresh Approach to Food Waste' (n 9).

10. Those legislative measures included mandatory food waste reporting, a mandatory food waste prevention target, 'fair dealing' measures to tackle unfairness in the supply chain, and (while not strictly speaking a prevention measure) mandatory separate food waste collections. These would work in addition to continued voluntary initiatives, with Government renewing support for WRAP, the Courtauld Commitments, and associated activities around, for example, best practice guidance.
11. There was broad support for the Strategy and its food waste proposals. One study concluded that the Strategy provided 'a real glimmer of hope' for a sustainable future, although raised concerns that it lacked implementation mechanisms.¹⁷ With respect to the food waste proposals, the Strategy's specific approach to food waste was also welcomed,¹⁸ particularly in view of the challenges created by the previous lack of a 'food oriented' approach.¹⁹ In view of the limitations of the voluntary approach, there was also support for a more legislative approach to food waste, including from some members of the regulated community reported to have 'voluntary initiative fatigue'.²⁰
12. At the time of writing, none of these proposed measures have been implemented:

Mandatory food waste measurement/reporting

13. There is widespread support for mandatory food waste measurement and reporting, as a necessary pre-cursor to designing, implementing, and evaluating potentially cost-effective interventions,²¹ including from some businesses.²² After delays to its own timeline,²³

¹⁷ Louis Dawson, "'Our Waste, Our Resources; A Strategy for England' – Switching to a Circular Economy through the Use of Extended Producer Responsibility' (2019) 21 Environmental Law Review 210, 211 and 217.

¹⁸ Bradshaw, 'England's Fresh Approach to Food Waste' (n 9).

¹⁹ Redlingshöfer, Barles and Weisz (n 13).

²⁰ Pringle (n 10).

²¹ See e.g. Beausang, Hall and Toma (n 10); Garske and others (n 13); Stephen D Porter, 'Food Waste in the UK and EU: A Policy and Practice Perspective' in Christian Reynolds and others (eds), *Routledge Handbook of Food Waste* (1st edn, Routledge 2020); Lisa K Johnson, 'Produce Loss and Waste in Agricultural Production' in Christian Reynolds and others (eds), *Routledge Handbook of Food Waste* (1st edn, Routledge 2020); Government Office for Science, 'Food Waste: A Response to the Policy Challenge' (Crown Copyright 2017); Feedback, 'Farmers Talk Food Waste: Supermarkets' Role in Crop Waste on UK Farms' (Feedback 2018); Bojana Bajzelj, William McManus and Andrew Parry, 'Food Waste in Primary Production in the UK (Final Report)' (WRAP 2019); Katie Flanagan, Kai Robertson and Craig Hanson, 'Reducing Food Loss and Waste: Setting a Global Action Agenda' (World Resources Institute 2019) <https://files.wri.org/s3fs-public/reducing-food-loss-waste-global-action-agenda_1.pdf> accessed 11 August 2020; Stephanie Wunder and others, 'Policies against Consumer Food Waste' (Refresh 2019); WWF-WRAP (n 5); WWF, 'Driven to Waste: The Global Impact of Food Loss and Waste on Farms' (WWF-UK 2021); Redlingshöfer, Barles and Weisz (n 13); Carrie Bradshaw, 'Waste Law and the Value of Food' (2018) 30 Journal of Environmental Law 311; Bradshaw, 'England's Fresh Approach to Food Waste' (n 9); Tristram Stuart, *Waste: Uncovering the Global Food Scandal* (Penguin 2009); House of Commons Environment, Food and Rural Affairs Committee, *Food Waste in England* (HC 2016-17, 429 2017); 'National Food Strategy - Recommendations in Full'; Redlingshöfer, Barles and Weisz (n 13).

²² Effie Papargyropoulou and others, 'The Future of Surplus Food Redistribution in the UK: Reimagining a "Win-Win" Scenario' (2022) 108 Food Policy 102230; Defra, 'Summary of Responses and Government Response: Improved Food Waste Reporting by Large Food Businesses in England' (Crown Copyright 2023) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/117437/Summary_of_responses_and_government_response_food_waste_reporting_July_2023.pdf> accessed 31 July 2023.

²³ Ian Quinn, 'Mandatory Food Waste Transparency Plans Face Further Delay as Timeframe Declared "Not Feasible"' [2021] *The Grocer* <<https://www.thegrocer.co.uk/suppliers/mandatory-food-waste-transparency-plans-face-further-delay-as-timeframe-declared-not-feasible/662172.article>> accessed 30 November 2021.

Government has consulted on mandatory food waste measurement and reporting,²⁴ and since decided not to implement the proposal.²⁵ The decision was explained by reference to current pressures from the cost of living, with Government wishing to avoid any additional costs passed on to consumers and measures which would drive food price inflation.

14. However, ENDS has reported that, based on Government's own impact assessment, large businesses would need to prevent 0.25% of the food waste they create each year to offset the costs of mandatory measurement/reporting, with Defra previously stating that reducing food waste can help food businesses 'cut costs, which can be passed onto customers'.²⁶ Inflation-related reasons given for delaying extended producer responsibility (EPR) for packaging have similarly been met with scepticism.²⁷

Mandatory food waste reduction targets

15. Government has powers under the Environment Act 2021 to make waste related targets and to implement extended producer responsibility (EPR) for food waste, with government previously signalling these could be used to tackle food waste.²⁸ Evidence suggests that waste targets have been instrumental in transforming the UK's record on waste,²⁹ and there is also wide support for a mandatory farm-to-fork food waste target,³⁰ including amongst businesses.³¹ The NGO Feedback has provided evidence to demonstrate that a 50% farm-to-fork target is achievable, provided the right policies are in place.³²
16. There is a strong conceptual case for the use of EPR in the context of food waste as a way to 'distribute' or 'share' responsibility for food waste across the food supply chain, although further research is necessary.³³ A simpler way to extend and share responsibility may be a food waste levy on retailers.³⁴
17. As far as the author is aware, there has been no consultation or other publicised progress on the use of mandatory food waste prevention targets or EPR.

²⁴ Defra, 'Consultation on Improved Reporting of Food Waste by Large Food Businesses in England' (Crown Copyright 2022).

²⁵ Defra, 'Summary of Responses and Government Response: Improved Food Waste Reporting by Large Food Businesses in England' (n 22).

²⁶ Pippa Neill, 'Fact Check: Would Mandatory Food Waste Reporting for Large Businesses Increase Food Prices?' (*ENDS Report*, 9 August 2023) <https://www.endsreport.com/article/1832764?utm_source=website&utm_medium=social> accessed 15 August 2023.

²⁷ Pippa Neill, 'Fact Check: Will Delaying EPR Really "Drive down Inflation"?' (*ENDS Report*, 2 August) <https://www.endsreport.com/article/1832095?utm_source=website&utm_medium=social> accessed 28 August 2023.

²⁸ See further 'Environment Bill Summer Policy Statement: July 2019' (*GOV.UK*) <<https://www.gov.uk/government/publications/draft-environment-principles-and-governance-bill-2018/environment-bill-summer-policy-statement-july-2019>> accessed 16 February 2023; Defra, 'Waste Prevention Programme for England - Consultation Document' (2021).

²⁹ See e.g. Stuart Bell and others, *Environmental Law* (9th edn, OUP 2017).

³⁰ Priefer, Jörisen and Bräutigam (n 13); Garske and others (n 13); Bradshaw, 'Waste Law and the Value of Food' (n 21); Bradshaw, 'England's Fresh Approach to Food Waste' (n 9); Feedback (n 13); Feedback (n 21); Priefer, Jörisen and Bräutigam (n 13); WWF (n 21); WWF-WRAP (n 5).

³¹ Feedback (n 13); Priefer, Jörisen and Bräutigam (n 13).

³² Feedback (n 13).

³³ Bradshaw, 'Waste Law and the Value of Food' (n 21); Bradshaw, 'England's Fresh Approach to Food Waste' (n 9).

³⁴ Feedback (n 13) 24–5 and 29.

Fair dealing powers to tackle unfairness in the supply chain

18. The Strategy outlined that Government was seeking new powers relating to transparency and fairness in the supply chain. These 'fair dealing powers', now contained in the Agriculture Act 2020, were described in the Strategy as being sought 'to protect producers from exposure to unfair practices which are often the cause of viable produce going to waste'.³⁵
19. Evidence suggests measures of these kind have the potential to reduce waste in primary production and manufacturing.³⁶ However, concerns have been raised that due to the design of the powers, the role of retailers in driving food waste would not be legally addressed, and that their purpose was to support the redistribution, rather than reduction, of farm-level surplus.³⁷
20. Professor Michael Cardwell has described Government progress on using the 'fair dealing' powers as 'slow'.³⁸ There have been consultations on the use of the powers.³⁹ However, the Government did not invite views on, or propose how, the powers could be used to reduce food waste. Arguably, the status of any regulations under these powers as a food waste intervention is thus unclear.

Mandatory food waste separate collection

21. The Strategy outlined the aim of introducing mandatory and weekly separate food waste collections for households and appropriate businesses by 2023. Powers to do so are provided under the Environment Act 2021. However, the timeline for separate food waste collection in England has, it is understood, yet to be announced.⁴⁰

³⁵ HM Government (n 1) 105.

³⁶ Bojana Bajželj and others, 'The Role of Reducing Food Waste for Resilient Food Systems' (2020) 45 Ecosystem Services 101140; Garske and others (n 13); Beausang, Hall and Toma (n 10); Lisa K Johnson and others, 'Farmer Harvest Decisions and Vegetable Loss in Primary Production' (2019) 176 Agricultural Systems 102672; Johnson (n 21); Zsuzsa Gille, 'From Risk to Waste: Global Food Waste Regimes' (2012) 60 The Sociological Review 27; Edd Colbert, 'Causes of Food Waste in International Supply Chains' (Feedback, Rockefeller Foundation 2017); World Bank Group, 'Addressing Food Loss and Waste: A Global Problem with Local Solutions' (International Bank for Reconstruction and Development / The World Bank 2020) <<https://openknowledge.worldbank.org/bitstream/handle/10986/34521/Addressing-Food-Loss-and-Waste-A-Global-Problem-with-Local-Solutions.pdf?sequence=1&isAllowed=y>> accessed 16 October 2020; Rudolf Messner, Hope Johnson and Carol Richards, 'From Surplus-to-Waste: A Study of Systemic Overproduction, Surplus and Food Waste in Horticultural Supply Chains' (2021) 278 Journal of Cleaner Production 123952; Christian Reynolds, 'Tackling Food Loss and Waste: An Overview of Policy Actions' in Simone Buseti and Noemi Pace (eds), *Food Loss and Waste Policy: From Theory to Practice* (1st edition, Routledge 2022).

³⁷ Bradshaw, 'England's Fresh Approach to Food Waste' (n 9); Bradshaw and Cardwell, 'Written Evidence (COV0133)' (2020).

³⁸ Michael Cardwell, 'Bargaining Power in the Agrifood Supply Chain (Forthcoming, on File with the Author)' in Anna Maria Mancaloni and Raffaele Torino (eds), *Agri-food Market Regulation and Contractual Relationships* (RomaTrE-Press forthcoming).

³⁹ Defra, 'Contractual Practice in the UK Pig Sector: Summary of Responses and UK Government Response' (GOV.UK, 2023) <<https://www.gov.uk/government/consultations/contractual-practice-in-the-uk-pig-sector/outcome/summary-of-responses-and-uk-government-response>> accessed 4 May 2023; Defra, 'Contractual Practice in the UK Dairy Sector Consultation - Summary of Responses' (2021).

⁴⁰ Lisa Gilligan and Kirstin Roberts, 'Mandatory Separate Food Waste Segregation for All Businesses in 2023' (*Freeths*, 17 April 2023) <<https://www.freeths.co.uk/2023/04/17/mandatory-separate-food-waste-segregation-for-all-businesses-set-to-come-into-force-from-2023/>> accessed 23 August 2023.

22. Legal commentators have said it will be difficult to monitor compliance with separate collection obligations, and concerns have been raised that enforcement will not be sufficiently resourced.⁴¹ Mandatory reporting could offer a more effective alternative in driving compliance.⁴²

Returning to a largely voluntary approach

23. The legislative measures proposed to tackle food waste in the Strategy have yet to be implemented. The recent *Waste Prevention Programme for England* outlines no new substantive/mandatory measures to tackle food waste.⁴³ The voluntary approach thus remains the primary response to meeting the SDG 12.3 target.
24. Evidence demonstrates a significant success factor in voluntary approaches is often the ‘threat’ of legislation operating in the background.⁴⁴ With that threat of legislation now diminished (if not largely removed), the voluntary approach has thus been potentially undermined, with delays arguably further weakening an already somewhat limited approach.

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⁴¹ *ibid.*

⁴² *ibid.*

⁴³ Defra, ‘The Waste Prevention Programme for England: Maximising Resources, Minimising Waste’ (Crown Copyright 2023).

⁴⁴ McCarthy and Morling (n 9); Neil Gunningham and Darren Sinclair, *Leaders and Laggards: Next Generation Environmental Regulation* (Greenleaf Publishing 2002); Anthony Ogus, ‘Rethinking Self-Regulation’ (1995) 15 Oxford Journal of Legal Studies 97; Wunder and others (n 21); Szulecka and Strøm-Andersen (n 13).