Bright Blue submission of written evidence on the Environment Bill

Executive summary

Air quality

- We recommend making it a requirement for local authorities with a charging Clean Air Zone (CAZ) to introduce a citizen-based reporting system to increase the enforceability of anti-idling measures.
- We recommend enabling local and combined authorities to strive for ‘reasonable profits’ from their charging Clean Air Zones (CAZs) to fund further local air pollution abatement policies.
- We recommend a mandate introducing charging or banning Clean Air Zones (CAZs) for non-road mobile machinery (NRMM) alongside the establishment of all charging CAZs in England.
- We recommend adopting the World Health Organisation’s (WHO) guideline limits for concentrations for all health-harming air pollutants as soon as possible after a feasibility study by the OEP or a new Committee for Clean Air.
- We recommend providing the Office for Environmental Protection (OEP), or a new Committee for Clean Air, with the responsibility to recommend future legal limits for different air pollutants to parliament after conducting appropriate feasibility studies.
- We recommend providing the Office for Environmental Protection (OEP), or a new Committee for Clean Air, with the responsibility to recommend future Executive summary 21 targets for different air pollutants, specifically focussed on additional targets relating to concentrations by population density and deprivation.
- We recommend that legal duties should be placed on all local authorities to achieve compliance with relevant legal air pollution limits within their geographic area of responsibility. Relevant public bodies should have a legal duty to contribute to achieving compliance with legal air pollution limits within their geographic area of responsibility.

Managing waste

- We recommend a ban on non-recyclable black plastic as soon as is feasibly possible.
- We recommend that the UK’s plastic packaging tax threshold for recycled content should be set at 35% from 30% as soon as feasible, and this threshold should increase if viable on an annual basis thereafter.
- We recommend increasing the minimum charge for ‘bags for life’ to 70p as soon as possible. We would not, however, call for increasing the minimum charge for a single-use bag.
- We recommend increasing fixed penalty notices to a minimum of £500 to individuals caught littering by local authorities or the police, with higher fines for repeat offenders.
We recommend a government-backed study on the cost of flytipping enforcement and clean up compared to the cost of running free waste disposal sites where building/domestic waste can be disposed of responsibly. If economically viable, the government should remove the ability of local authorities to charge for the disposal of building/domestic waste at waste disposal sites.

**Water resource management**

- We recommend mandatory water efficiency labelling on all new applicable products and the introduction of minimum product standards for water efficiency.
- We recommend that all local authorities are obliged to put vibrant markings on surface water drains that are identified as being linked to waterways in order to raise public awareness and reduce the level of pollutant discharges down these drains.
- We recommend that water companies be given the legal responsibility and authority to rectify misconnected drains, with their funding for this derived from their capital expenditure budgets, for approval by Ofwat.
- We recommend a ban on the sale of all non-flushable wet wipes.

**Land use and management**

- We recommend that development restrictions on low-value Green Belt land be relaxed in some areas only if a more ambitious net biodiversity gain obligation is placed on developers than the proposed 10% increase in habitat value for wildlife post development.

In August 2019, Bright Blue published a report, *Emission impossible? Air pollution, national governance and the transport sector*, which explored the detrimental impact of air pollution to human health, the economy and the environment. The report focused on the sources of, impact of, and attitudes towards air pollution across the whole of the UK. It proposes new, ambitious legal limits, legal responsibilities and policies on air pollution.

**Air quality**

1.1 Currently, local authority traffic officers have the power to issue fixed penalties to drivers if they fail to comply with exhaust emission reduction laws. This includes a ‘stationary idling offence’, which occurs when a vehicle’s idling activity is deemed unnecessary and the driver fails to cease idling when instructed by a traffic officer. The UK Government recently stated its intention to consider instant fines for drivers to deter stationary idling, rather than the current system of authorised traffic officers issuing a warning before being able to apply a fine. In the City of New York in the US, there is a system in place to allow citizens to report commercial trucks and buses that are idling for longer than the legal three minutes – or for longer than one minute if outside schools – through taking photographs and videos and filling out an online form run by the City of New York government. Citizens who report polluters get a 25% share of the income from the fine imposed. Emergency and passenger vehicles are
exempt, and some exemptions apply based on the temperature outside. Crucially, tickets can be challenged. Overall, the number of enforcements for idling in New York City has increased since this scheme was introduced. Alongside proposed new powers to enable local authority traffic officers to instantly apply fines for stationary idling, we recommend local authorities with a charging Clean Air Zone (CAZ) should be required to introduce such citizen-based reporting of stationary idling. The person reporting the offence should be able to provide evidence of the breach of anti-idling laws through a reporting system, and this evidence should consist of time and date stamped videos and images that clearly identify the vehicle and reflect an idling engine. If a fine is imposed, they could receive a portion of the fine, with the remainder going to the local authority to be spent on other local air pollution abatement policies. We further recommend the government consult on expanding this citizen-based reporting system from the City of New York to passenger vehicles. **We recommend making it a requirement for local authorities with a charging CAZ to introduce a citizen-based reporting system to increase the enforceability of anti-idling measures.**

1.2 Local authorities cannot set charges in CAZs to raise revenue. Any additional revenue raised from CAZs must be reinvested to “facilitate the achievement of local transport policies”. We recommend the Government allows local and combined authorities to pursue ‘reasonable profits’ from their CAZs, as long as they are reinvested to pursue policies that will tackle roadside air pollution. We suggest the following criteria areas for these reasonable profits to be spent on:

- a) Charging infrastructure for EVs;
- b) Local scrappage schemes for diesel and petrol cars;
- c) Local transport objectives, as currently defined

We propose that the reasonable profits raised need be first allocated to investment in EV infrastructure and local scrappage schemes for both diesel and petrol cars, prior to being used for the pursuit of local transport objectives. **We recommend enabling local and combined authorities to strive for ‘reasonable profits’ from their charging Clean Air Zones (CAZs) to fund further local air pollution abatement policies.**

1.3 NRMMs are mobile machines, items of transportable industrial equipment or vehicles which are: not intended for carrying passengers or goods on the road; and, installed with a combustion engine. Examples of NRMM include excavators, back-up generators, forklifts, and industry trucks. London has a low-emission zone for NRMMs that sits alongside the city’s ultra-low emission zone (ULEZ). The NRMM low-emission zone is distinct from the CAZ for vehicles, in terms of the standards it imposes and the parts of the city which it covers. It is not a ‘charging’ CAZ (whereby emitters of air pollution can pay for the pollution they create), but rather a ‘banning’ one which just sets minimum emissions standards and expects all parties to adhere to them. There are CAZs for vehicles being introduced in different cities across the UK in the years ahead. Local authorities are expected to follow DEFRA’s statutory guidance on establishing CAZs, which suggests they should, if appropriate, seek to implement minimum emissions standards for NRMM to be used within their Clean Air Zones. Nonetheless, there are no CAZs for NRMM in the UK at present, only London’s LEZ for NRMMs. We recommend,
alongside future charging CAZs for vehicles, it should be mandatory for any new charging or banning CAZ to be established. As with the London LEZ, exemptions should apply to NRMM in a banning CAZ that is not otherwise available, or where comprehensive retrofitting is not feasible. **We recommend a mandate introducing charging or banning Clean Air Zones (CAZs) for non-road mobile machinery (NRMM) alongside the establishment of all charging CAZs in England.**

1.4 The WHO have their own recommended limits for PM2.5, PM10, NO2 and O3. These are more demanding than the current EU-derived limits. Recently, DEFRA stated they believed the WHO’s recommended PM2.5 limit was “technically feasible”, but further analysis was needed as to its economic and practical feasibility. As of yet, the UK Government has only committed after Brexit to maintaining EU-derived air pollution limits. We recommend the Government adopts all the WHO guideline limits for PM2.5, PM10, NO2 and O3 as soon as possible, but only after a feasibility study conducted by the Office for Environmental Protection (OEP) or a new Committee for Clean Air. **We recommend adopting the World Health Organisation’s (WHO) guideline limits for concentrations for all health-harming air pollutants as soon as possible after a feasibility study by the OEP or a new Committee for Clean Air.**

1.5 The OEP has been proposed as an “independent, statutory environmental body that will hold government and public bodies to account on environmental standards”, including on air quality. For the OEP to be able to properly uphold environmental standards, it should be given the power to recommend those standards to parliament. We recommend that the OEP, or a new Committee for Clean Air, be given the power to recommend future legal limits for air pollutants to parliament following appropriate feasibility studies. This will be similar to the role of the Committee on Climate Change’s (CCC) role in advising the UK Government on greenhouse gas emission targets, so that the setting of air pollutant targets will be properly evidenced and scrutinised. **We recommend providing the Office for Environmental Protection (OEP), or a new Committee for Clean Air, with the responsibility to recommend future legal limits for different air pollutants to parliament after conducting appropriate feasibility studies.**

1.6 We recommend the OEP, or a new Committee for Clean Air, should be able to propose new future national targets that take into account two new considerations: first, population density; and, second, deprivation. These targets would be additional to the existing ones the UK has and, therefore, would not detract from any existing targets. First, new targets based on the annual mean concentration of different air pollutants weighted by population density is important to track the average exposure of people to the concentration of different air pollutants. Second, new targets based on the annual mean concentration of different air pollutants weighted by measures of deprivation is important to track progress on reducing air pollution in the most deprived areas. **We recommend providing the Office for Environmental Protection (OEP), or a new Committee for Clean Air, with the responsibility to recommend future Executive summary 21 targets for different air pollutants, specifically focussed on additional targets relating to concentrations by population density and deprivation.**
1.7 Local authorities are obliged to monitor, review and if appropriate take action in relation to the air pollution within their boundaries. But local authorities do not have a clear legal responsibility to reduce air pollution below legal limits. Equally, other public authorities that control some sources of air pollution do not face legal obligations to reduce air pollution levels to below legal limits in areas where they have authority. We recommend that all local authorities have a legal requirement placed on them to achieve compliance with legal air pollutant limits in their geographic area of responsibility. We also recommend that relevant public bodies should have a new legal duty placed on them to contribute to achieving compliance with legal air pollution limits within their geographic area of responsibility. The OEP should be tasked with identifying the relevant public bodies and putting these recommendations to parliament. **We recommend that legal duties should be placed on all local authorities to achieve compliance with relevant legal air pollution limits within their geographic area of responsibility. Relevant public bodies should have a legal duty to contribute to achieving compliance with legal air pollution limits within their geographic area of responsibility.**

In February 2020, Bright Blue published a report, *Global green giant? A policy story*, which highlighted declining biodiversity both here in the UK, and abroad. The report looked at climate change, overfishing, changes in land and sea use, and invasive alien species as all contributors to declining biodiversity. After many months of exploration, of consultation, and of thinking, it proposes a comprehensive set of recommendations for to be used by the Government to bolster its agenda in making the UK a conservation nation.

**Managing waste**

2.1 Non-recyclable black plastic is frequently used for packaging food because it masks product imperfections and makes products appear more vibrant due to the colour contrast.\(^1\) Black plastic is non-recyclable because near infra-red recycling assortment technology is unable to detect the carbon black pigments found in the majority of conventional black plastic packaging.\(^2\) As it cannot be sorted, rather than being recycled, black plastic typically ends up being disposed of in landfill or incinerated. There are alternatives to non-recyclable black plastic such as fibre-based packaging, biodegradable plastic or even simply using conventional plastic of a non-black variety. Given alternatives exist, it is difficult to justify the use of non-recyclable black plastic purely on cosmetic grounds. Many large retailers – including Waitrose,\(^3\) Aldi\(^4\) and Lidl\(^5\) – are already taking an industry lead to eliminate non-recyclable black plastic

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\(^2\) Ibid.


from their packaging. **We recommend a ban on non-recyclable black plastic as soon as is feasibly possible.**

2.2 We need to build a more 'circular economy’ – in which materials at the end of their service life are recycled and reused to maximise their value. To do this, more products need to be made from recycled content. The UK Government has announced a range of measures to incentivise producers to use recycled content. The 2018 Waste and Resources Strategy introduced a framework for ensuring that producers bear the full net cost of managing end-of-life products, as well as a system of modulated fees to encourage sustainable product design.\(^6\) Most significant, a tax on plastics packaging with less than 30% recycled content was announced in the Autumn Budget in 2018, coming into effect in April 2020.\(^7\) The UK Plastics Pact, launched in 2018, is a collaborative business initiative that aims for an average of 30% recycled content across all plastic packaging by 2025.\(^8\) There is scope to be more ambitious. The Netherlands, for example, has ‘The Plastic Pact NL’ scheme, which sets a recycled content goal of 35%.\(^9\) **We recommend that the UK’s plastic packaging tax threshold for recycled content should be set at 35% from 30% as soon as feasible, and this threshold should increase if viable on an annual basis thereafter.**

2.3 In 2019, 1.5 billion ‘bags for life’ were sold. Bags for life are stronger plastic carrier bags designed to be reused, unlike conventional single-use plastic bags, which retailers apply a 5p charge on. As they are thick, ‘bags for life’ are made of more plastic and subsequently must be reused at least four times in order to have the same carbon footprint as a conventional single-use plastic carrier bag.\(^10\) However, they are being used as a disposable option by many consumers, meaning that their environmental impact is worse than conventional plastic bags.\(^11\) Currently, bags for life cost 10p. In the Republic of Ireland however, they set the price for bags for life at 70 cents which resulted in a 90% reduction of consumer use of bags for life.\(^12\) **We recommend increasing the minimum charge for ‘bags for life’ to 70p as soon as possible. We would not, however, call for increasing the minimum charge for a single-use bag.**

2.4 Littering is the incorrect disposal of smaller, one-off items such as a cigarette butt or dropping a crisp packet. In England, fixed penalty notices issued by local authorities or the

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police for littering attract a fine between £50 and £80 – and up to £150 in Wales.\(^{12}\) Chemicals from waste that is not disposed of properly can negatively impact soil quality (both in rural and urban areas), create pest and rodent problems in urban areas, as well as affect water quality and block waterways if dumped in rivers, canals, or streams. Cleaning litter from roadsides imposes millions of pounds in costs on taxpayers.\(^{13}\) Between 2016 and 2017, the cost for local authorities of keeping streets and public spaces clean was £682 million, equivalent to £29 per household.\(^{14}\) Elsewhere in the world, cities are kept much cleaner thanks to stronger penalties for littering. In Calgary, littering attracts a fine between CA$500-1,000 (£290-590), and up to CA$750 (£440) for throwing a lit cigarette out of your vehicle window.\(^{16}\) Littering in Singapore can attract a S$2,000 (£1,140) fine for your first offence, followed by S$4,000 and S$10,000 (£2,270-5,680) for subsequent offences.\(^{17}\) In Wales, the fine for throwing litter out of your vehicle window is £2,500.\(^{18}\) However, enforcing this penalty is proving difficult.\(^{19}\) We recommend increasing fixed penalty notices to a minimum of £500 to individuals caught littering by local authorities or the police, with higher fines for repeat offenders.

2.5 Fly tipping is the deliberate disposal or dumping of larger quantities of litter in a particular area where it is not permitted, such as non-licenced premises or private property. At its very worst, if convicted in a Crown Court by local authorities or the Environment Agency, those prosecuted for major fly tipping can face an unlimited fine or up to five years imprisonment. From 2017 to 2018, English local authorities dealt with almost one million cases of fly tipping, two thirds of which was household waste.\(^{20}\) Fly tipping has been on the rise since 2012, with the vast majority of cases occurring on highways.\(^{21}\) Between 2017 and 2018, large scale cases of fly tipping cost local authorities £12.2 million in clearance fees.\(^{22}\) Current fines are clearly failing to deter individuals from fly-tipping. In their 2019 election manifesto, the Conservative Party pledged to increase penalties for flytipping.\(^{23}\) However, the increase in fly-tipping may also be linked to charging at waste disposal sites. For example, Buckinghamshire County Council charges £20 to dispose of a boiler and £10 to get rid of items such as windows and

\(^{19}\) Ibid.
\(^{21}\) Ibid., 2-4.
doors. However, prices do vary across different waste disposal sites. **We recommend a government-backed study on the cost of flytipping enforcement and clean up compared to the cost of running free waste disposal sites where building/domestic waste can be disposed of responsibly.** If economically viable, the government should remove the ability of local authorities to charge for the disposal of building/domestic waste at waste disposal sites.

**Water resource management**

3.1 Conservation of water is essential because of future shortages. On current projections, many parts of the UK will face water shortages in 2050, particularly the South East. This comes, in part, as a result of climate change – which will affect the demand for water and the amount available – as well as increased demand through the UK’s population growth, which is estimated to rise from 67 million to 75 million people by 2050. Reducing the demand for and waste of water is therefore paramount. Adding to these concerns around water conservation are also concerns surrounding water abstraction, particularly chalk streams. Chalk streams provide exceptionally pure water, and 85% of them globally are found in the UK. They are also a habitat to wildlife, including invertebrates and fish species. Over-abstraction is a threat to chalk streams as it poses a risk of water shortages for ecosystems. The Government’s target for reducing everyone’s daily water use is established at 130 litres per person by 2030; presently, it is 149 litres per person per day. By modelling future water supply, Water Resources in the South East have stated that in one scenario, customers would need to reduce their daily water usage to 110 litres per day by 2050. In other countries, water usage per person is already below this figure. By comparison, per person water usage in Denmark is 80 litres a day. Installing water efficient household fittings, such as a water efficient toilet or showerhead, can help bring down water consumption. In other countries, such as Australia, water efficiency labels are placed on products, similar to energy efficiency labels. These labels show a star rating in terms of water efficiency and exist for products such as taps, toilets and appliances. Through water efficiency labelling, houses and developments can then be retrofitted to a water efficiency standard. It also allows for minimum water efficiency standards to be imposed on all products sold in the UK. The UK does not currently

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26 Ibid.
29 Ibid.
31 Ibid., 16.
have mandatory water efficiency labelling on products. **We recommend mandatory water efficiency labelling on all new applicable products and the introduction of minimum product standards for water efficiency.**

3.2 Good water quality is essential for ecosystems and wildlife in waterways. Yet, often these waterways are polluted through surface water drains by pollutants originating from households and businesses. Soaps, fuels, sewage and paint are all waste products that if drained down a surface water drain which is linked to a waterway, has adverse effects on water quality. For example, washing a vehicle in a driveway and allowing the cleaning substance to wash off into a surface water drain can contribute to waterway pollution. In extreme cases, pollutants in the water can kill aquatic life. London has very poor waterbody quality; in 2016, none of the waterbodies in London were classified as ‘good’ or ‘very good’. Stopping pollutants being discharged down surface water drains will help in addressing this. Presently, sustainable drainage techniques are used, such as bio-retention, where natural features such as reed beds hold and treat surface water. Yet, preventing pollutants entering drains in the first place is a more effective method of mitigating water pollution. The Canal River Trust’s ‘Yellow Fish’ initiative is one example of preventing improper discharge of pollutants through greater public awareness. Bright yellow symbols of fish are painted next to surface water drains which are linked to waterways so that the public is aware not to discharge pollutants down these drains. However, the Canal River Trust relies entirely on volunteers, and this initiative is not widespread. **We recommend that all local authorities are obliged to put vibrant markings on surface water drains that are identified as being linked to waterways in order to raise public awareness and reduce the level of pollutant discharges down these drains.**

3.3 A major source of waterways pollution stems from misconnected drains. There are two separate drainage systems which service much of Greater London. One which collects rainwater and drains it directly into our waterways, and another which takes waste water from households and businesses to water treatment plants before being drained into our waterways. Misconnections between the different drainage systems results in untreated wastewater being discarded into waterways, causing water pollution. This typically occurs as a result of incorrect plumbing. To rectify this, the Zoological Society of London has spearheaded an initiative called Outfall Safari, which utilises trained teams of volunteers

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37 Ibid., 4.
38 Ibid.
39 Ibid., 10.
42 Ibid.
43 Ibid., 5.
equipped with geotagging technology to walk alongside London’s waterways identifying misconnected drains. These drains would be reported to Thames Water, and Thames Water would inform the property owners who would then rectify the misconnection. Water companies do not have the ability to enforce this, as this power lies with Local Authorities. By rectifying misconnected drains, Thames Water has stopped the equivalent of 20 Olympic-sized swimming pools of pollution entering our waterways. **We recommend that water companies be given the legal responsibility and authority to rectify misconnected drains, with their funding for this derived from their capital expenditure budgets, for approval by Ofwat.**

3.4 Non-flushable wet wipes make up over 90% of fatberg material. Fatbergs are solid masses of fat, oil and non-flushable plastics that have been improperly discarded down the toilet, which accumulate in the sewage system. Fatbergs block the sewerage system, sending untreated wastewater back to where it originated from. Not only this, but when flushed down the toilet, wet wipes pollute waterways and oceans. River cleaning teams in London have discovered that hundreds of thousands of wet wipes have formed a riverbed beneath the Thames. Wet wipes are currently one of the biggest contributors to river pollution, and do not break up easily since they are designed to be wet. When they eventually do break up, wet wipes are ingested by aquatic life, causing suffocation, starvation and death. For example, Asian clams (introduced into the UK in 1998) – which purify water by filtering one litre per hour – are ingesting synthetic fibres that are found in wet wipes. To date, there has been no action from the government on addressing this. **We recommend a ban on the sale of all non-flushable wet wipes.**

**Land use and management**

4.1 Green Belts are designated pieces of land that surround urban areas which restrict development. Their purpose is to constrain urban sprawl as well as prevent the merger of towns, protect the countryside, and preserve the natural environment. Presently, 12.5% of England’s land area is classified as Green Belt land. This has decreased by 0.3% in the period of 2017 to 2018. As the population grows and demand for housing increases along with it,
there have been calls for Green Belt land to be opened up for development. However, there are concerns about the environmental impact on Green Belt land if it was to be opened up to developers. Unbeknownst to many, most privately owned Green Belt land is intensively farmed, therefore having a negative environmental value.57 Green Belt land which is low-quality – that is, land which has already been built on, been left derelict, or brownfield areas within the Green Belt – should be declassified and development permitted.58 After declassifying low-quality land and developing one million homes, only 3.9% of the Green Belt would be developed.59 With the rise in eco-homes, development is no longer synonymous with environmental degradation, particularly if it is accompanied by the planting of more trees or the creation of nature trails. The Environment Bill will introduce a legal obligation on developers to ensure that there is a biodiversity gain when compared to pre-development levels. Defra has stipulated that this biodiversity gain would be set at a 10% increase in habitat value for wildlife.60 So development with at least this level of net biodiversity gain could both improve biodiversity and increase the housing supply, as well as increasing the number of people living close to the Green Belt. **We recommend that development restrictions on low-value Green Belt land be relaxed in some areas only if a more ambitious net biodiversity gain obligation is placed on developers than the proposed 10% increase in habitat value for wildlife post development.**

**About Bright Blue**

Bright Blue is an independent think tank that champions liberal conservatism. Our work is guided by five research themes: social reform; immigration and integration; ageing society; green conservatism; and human rights. We were shortlisted for the 2016, 2017 and 2018 and 2019 UK social policy think tank of the year and UK environment and energy think tank of the year in the prestigious Prospect Magazine annual awards.

For further information about Bright Blue or our submission, please contact Patrick Hall on patrick@brightblue.org.uk or 020 3887 1753; or visit our website: [www.brightblue.org.uk](http://www.brightblue.org.uk).

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59 Ibid., 34.