

**NORTH LONDON WASTE AUTHORITY**

**REPORT TITLE:**

CONSULTATIONS AND POLICY UPDATE

**REPORT OF:**

HEAD OF OPERATIONS

**FOR SUBMISSION TO:**

AUTHORITY MEETING

**DATE:**

13 February 2014

**SUMMARY OF REPORT:**

The report provides an update on external developments in relation to national and local planning matters, in particular the preparation of Haringey's Local Plan: Site Allocations Development Plan Document (DPD); developments in the administration of wastes management and data transparency issues that are relevant to the Authority. The report seeks delegated approval to respond where appropriate.

**RECOMMENDATIONS:**

The Authority is recommended to:

- i) approve the officer response to the Legacy Corporation Local Plan Consultation Document - non-statutory consultation in Appendix 1 to this report;
- ii) delegate authority to the Head of Operations in consultation with the Chair to provide a response to London Borough of Haringey's public consultation on its Site Allocations Development Plan Document and if appropriate, its separate public consultation on two Tottenham Area Action Plans Development Plan Document (DPD), which form part of the borough's Local Plan preparation; and
- iii) note the updates in relation to the Code of Recommended Practice for Local Authorities on Data Transparency and other developments as outlined in Section 6 of this report.

**SIGNED:** ..... Head of Operations

**DATE:** 4 February 2014

## 1. Purpose of Report

- 1.1 This report provides an update on consultations and policy issues that are relevant to the Authority's operations. This includes:
- *for noting* - a summary of a Department for Communities and Local Government (DCLG) review of the Nationally Significant Infrastructure Planning Regime (Section 2);
  - *for decision* - a summary of the London Legacy Development Corporation Local Plan Consultation – non-statutory consultation and draft Authority response for approval (Section 3);
  - *for noting* - a summary of the London Assembly's energy and carbon reduction call for evidence together with details of the publicly available information provided in response by officers (Section 4);
  - *for decision* - a summary of the London Borough of Haringey's public consultation on its Site Allocations Development Plan Document and Tottenham Area Action Plans (for Northumberland Park and South Tottenham) which form part of the borough's Local Plan preparation, and a recommendation seeking delegated authority for the Head of Operations in consultation with the Chair and Vice Chairs to respond (Section 5);
  - *for noting* - a summary of proposed changes regarding the Code of Recommended Practice for Local Authorities on Data Transparency (Section 6);
  - *for noting* - an update on the DEFRA guidance on how to assess and show what is 'technically, environmentally and economically practicable' (TEEP) in relation to recycling collection services (Section 6);
  - and *for noting* - a copy of the Authority's response to DEFRA's "Call for Evidence: Plastic Bag Charge for England" for which delegated authority to respond was approved at the December 2013 Authority meeting. (Appendix 2)

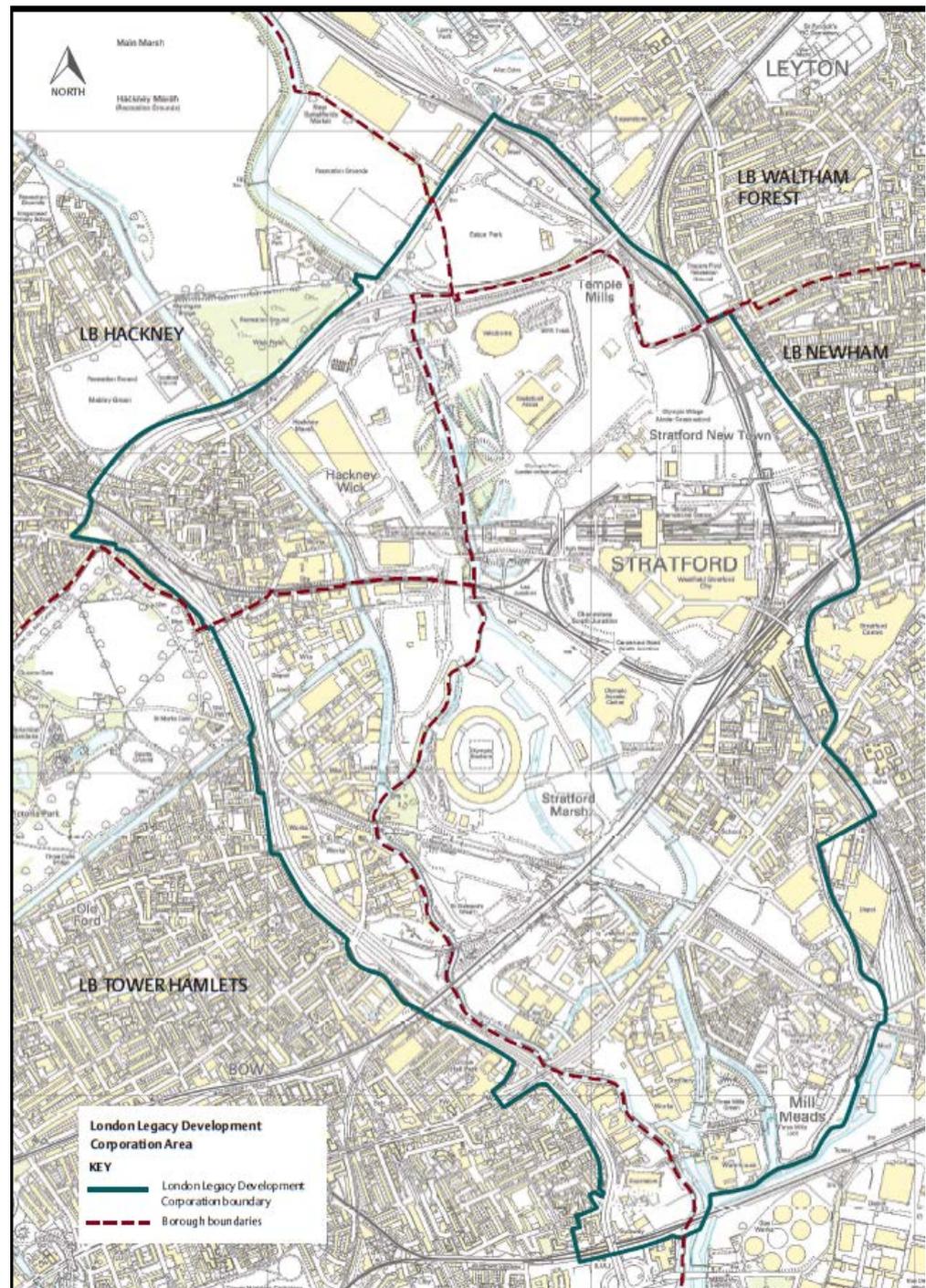
## 2. Nationally Significant Infrastructure Planning Regime Review

- 2.1 At the last Authority meeting it was noted that the Government had published a consultation on proposed changes to the Nationally Significant Infrastructure Planning Regime, but this had happened too late for the Authority meeting papers. It was resolved that authority be delegated to the Head of Operations in consultation with the Chair to respond to the "Nationally Significant Infrastructure Planning Regime" consultation if appropriate.
- 2.2 Officers reviewed the consultation with specialist advice from Arup and concluded that it was not necessary to respond. For information however, a brief outline of the consultation's proposals and the rationale for not responding is provided below.

- 2.3 Between 4 December 2013 and 24 January 2014 the Department for Communities and Local Government (DCLG) consulted on *Reviewing the Nationally Significant Infrastructure Planning Regime*. The Regime was introduced by the Planning Act 2008 with the changes considered being based upon the experience of users of the Regime over the five years since its introduction. The proposed changes outlined in the consultation document were intended to improve the Regime's operation and speed up decision making. The review did not propose significant changes to the Regime, which was broadly considered to be working well.
- 2.4 The consultation was examined because any application in the future for replacement energy recovery facilities on the Edmonton EcoPark could potentially fall under the requirements of the Regime, depending upon the sizing of future facilities, scope of inclusion and future thresholds. It was proposed that any changes to the Regime would be implemented where possible by spring 2015.
- 2.5 The consultation document focussed on five aspects of the Regime for proposed change:
- 1) Improving the pre-application stage and ensuring consultation requirements are proportionate;
  - 2) Improving the pre-examination and examination stage;
  - 3) Changing applicants' ability to make changes to Development Consent Orders (DCOs) which give consent to developments, after consent is granted;
  - 4) Streamlining consents;
  - 5) Improving engagement with local communities, local authorities and statutory consultees.
- 2.6 The consultation paper provided limited detail on the changes proposed, but the principle of the changes intended to simplify the process and reduce unnecessary burdens on the applicant appeared generally positive. Officer and advisor review of the consultation paper did not highlight any particular concerns or any particularly positive proposed changes, and accordingly officers have not submitted a response to the consultation. Any relevant further developments will be provided to Members at future Authority meetings.
- 3. London Legacy Development Corporation Local Plan Consultation Document – non-statutory consultation**
- 3.1 From 1 October 2012, the London Legacy Development Corporation (LLDC) became the local planning authority for its area. (see over for a map of the area). The LLDC has the full range of planning functions that would normally be available to a local planning authority, including plan making powers. This means that any planning application relating to land within the LLDC area must be submitted to the LLDC rather than to the local borough.
- 3.2 The LLDC is preparing a Local Plan, and once adopted in spring 2015, the Legacy Corporation Local Plan will provide the strategic policy guidance for development, as well as being a material consideration in the determination of planning applications within the area until 2030. The Local Plan will sit alongside the National Planning Policy Framework (NPPF) and the London Plan, which together will form the Development Plan for the Legacy Corporation area.

- 3.3 The LLDC carried out a consultation with local residents and other stakeholders from November 2012 to ascertain stakeholders' views on what should be included in the Local Plan and has subsequently issued a consultation document for comments by 7 February 2014.
- 3.4 Although the Authority did not respond to the 2012 consultation the Authority had responded in September 2011 to a GLA consultation: "the Olympic Legacy Supplementary Planning Document", on the basis that it included plans for regenerating the area around the Olympic Park and because the area covered by this consultation included the Gateway Road HWRC in Waltham Forest. However, the scope of the Legacy Corporation itself and its planning responsibilities exclude the Gateway Road HWRC.

### London Legacy Development Corporation Area



- 3.5 There is one authorised waste management facility within the LLDC area (McGraths). This facility only accepts tyres from NLWA. Officers therefore consider that it is appropriate to comment upon the potential impact of the regeneration and development in the LLDC area on waste arisings and management because of its potential impact upon the waste management operations of surrounding areas including the Authority area.
  - 3.6 Plans for the LLDC area involve substantial increases in population as people move into new homes in the area as a result of the regeneration plans. These people will generate waste and recyclables and consequently arisings of both will increase. Parts of Hackney and Waltham Forest fall within the LLDC area so it is anticipated that materials from households served by these boroughs will be transported outside the LLDC area without primary sorting or processing and will increase the burden on the local transport network and increase pressure on the limited waste management facilities in the surrounding areas, including within NLWA. It is also possible that there will be cross borough boundary movements of residents from within the LLDC area to use the Gateway Road HWRC in Waltham Forest which is just outside of the LLDC's area too.
  - 3.7 The LLDC proposes to introduce an Infrastructure Support Levy, (like a Community Infrastructure Levy) described in 'Strategic Policy SP5: Infrastructure to support growth and convergence' in the consultation document. The officer response in Appendix 1 of this report supports the proposal to introduce an Infrastructure Support Levy and encourages the LLDC to prioritise funding for waste management and recycling infrastructure within the area in order to minimise impacts on surrounding areas and to achieve more sustainable development.
  - 3.8 The officer response to the consultation additionally supports 'Infrastructure Policy IN4: Waste Management', which states that the Legacy Corporation will have regard to the adopted waste plans and policies of the statutory waste authorities in the area.
  - 3.9 The Authority is recommended to approve the officer response (Appendix 1) that has already been submitted to the LLDC in order to meet the response consultation deadline.
- 4. London Assembly Environment Committee - energy and carbon reduction call for evidence**
- 4.1 The London Assembly Environment Committee is undertaking a review of progress with implementing the targets and objectives in the Mayor's Climate Change Mitigation and Energy Strategy.
  - 4.2 The Committee has been inviting written views and information from experts and relevant organisations and following further meetings is expecting to produce a report of the investigation's findings. Officers have provided web links to documents already on the Authority's website to help the Committee. However, for information a brief outline of the consultation is provided below.
  - 4.3 The overall focus of the investigation is the progress towards the Mayor's target to reduce London's carbon emissions by 60% by 2025, and of activities by the GLA towards this goal. The Mayor's strategy includes the main areas of: reducing energy use in homes and workplaces, developing low-carbon sources of energy supply, and reducing carbon emissions from transport.

- 4.4 In its call for evidence the Committee said that it expected that the two principal areas of focus at this stage would be:
- Retrofitting energy efficiency measures to London's existing housing stock, particularly via the GLA's RE:NEW programme but also throughout the market within the current context of the Green Deal and ECO (Energy Companies Obligation).
  - Delivering infrastructure for low-carbon energy supply in London, including decentralised and renewable energy, and schemes such as district heating. Again, the Committee was assessing progress across the market but looking in particular at the GLA's work to promote this development.
- 4.5 The Committee was seeking any information available about current progress in these areas in London, and views on how best to proceed in future.
- 4.6 Given the scope and timing of the call for evidence (deadline for response - 4 February), officers considered that it was most appropriate to provide links to existing publicly available information rather than to provide a draft response to the areas of focus above. Accordingly officers have provided the Committee with links to the Authority's Annual Monitoring Report 2012/13 which provides details of carbon savings from wastes management in north London and to the London Borough of Enfield's Edmonton EcoPark Planning Brief, regarding decentralised energy.
- 5. London Borough of Haringey's Site Allocations Development Plan Document (DPD) and Tottenham Area Action Plans DPD Public Consultation**
- 5.1 Haringey Council is consulting on its draft Site Allocations DPD and Tottenham Area Action Plans DPD. These documents will help to deliver the objectives of Haringey's Local Plan: Strategic Policies. Whilst the consultations are summarised below it is likely that only the Site Allocations DPD will be responded to, as the inclusion of the Authority's site at Pinkham Way makes this of interest.
- 5.2 Officers have yet to fully consider the consultation documents and draft a response; accordingly delegated authority is sought for the Head of Operations in consultation with the Chair to submit a response to both documents if necessary. For information however, a brief outline of the consultations is provided below so that Members can express any views to inform the Authority response.
- Site Allocations DPD**
- 5.3 The Haringey Site Allocations DPD will set out the location, scale, and time-frame for the most strategic sites in the borough. The document identifies 54 of the most strategic sites in the borough, and aims to establish the principals of any future development on these sites. It is envisaged that these sites will accommodate the majority of new development in the borough over the next 20 years and it is noted that these sites have the potential to make a significant contribution to meeting the growth aspirations set out in the Local Plan. As such the consultation asks for comment on how these sites can be developed and provides examples to enable comment.
- 5.4 London Borough of Haringey advises that when complete this document will strengthen their control over development on these sites, as well as

strengthening the council's hand in bringing forward development where necessary.

### **Tottenham Area Actions Plans DPD**

- 5.5 In areas of large scale regeneration London Borough of Haringey considers an Area Action Plan (AAP) is the best mechanism for delivering change as the AAP sets forth a comprehensive spatial strategy for co-ordinated development. The draft Tottenham Area Action Plans DPD document identifies two areas within Tottenham (Northumberland Park and South Tottenham) and outlines some of the issues, opportunities, and challenges associated with both areas' regeneration. The document asks for comment on the identified issues and whether consultees consider there are any other relevant issues that need to be taken into account in order to facilitate Tottenham's successful regeneration.
- 5.6 At this time both the Site Allocations DPD and the Tottenham Area Action Plans are at the draft stage for public consultation. The responses to these consultations will be included in the next version of these documents, which will come forward for another consultation in autumn 2014. After being examined in public by a qualified planning inspector, the documents are anticipated to be adopted by the council in 2015.

### **Overall**

- 5.7 Officers consider it most likely that a response should be submitted to the Site Allocations DPD only, in particular because the Pinkham Way site is listed and described as one of the 54 strategic sites within the borough. The Draft Site Allocation for the site is described as follows: *"Subject to the evidence provided in the Open Space and Biodiversity Review, Employment Land Review, and North London Waste Plan, the existing designations will be reviewed."* Elsewhere in the consultation document, site 'MH3 Former Friern Barnet Sewage Works' is described as *"A large, significantly underused open area. Subject to the findings of the Open Space Review, Employment Land Review, and North London Waste Plan, this site will be allocated as necessary."*

The existing HWRC at Hornsey High Street is also included in the document.

## **6. Other Developments**

### **Code of Recommended Practice for Local Authorities on Data Transparency**

- 6.1 The Government has produced its response to an earlier consultation on Data Transparency. The Secretary of State remains minded to make regulations to make it a legal requirement to publish data in accordance with the revised Code of Practice.
- 6.2 The Authority already provides the majority of the required information on its website but some is fragmented. Officers will accordingly make any changes to the website as and when required.
- 6.3 The Government response to the consultation suggests that the additional data requirements are likely to include a requirement to publish more contract information as a result of a reduction in the de-minimis contract value necessitating publication, more frequent publication of procurement information and additionally a requirement to publish details of local authority land holdings on a monthly basis.

### **TEEP Guidance**

- 6.4 As discussed at the last Authority meeting, DEFRA has announced that it will not be producing formal guidance on how local authorities should proceed in relation to decision-making on their dry recycling services. However, WRAP is intending to prepare a resource pack that will contain or signpost helpful information, but there is no detail yet as to what this may contain. Officers will monitor the position closely and report back to a future Authority meeting when the position is further clarified.

### **Single use carrier bags charge**

- 6.4 From October 2015, DEFRA is planning to introduce a 5p charge for all single-use carrier bags in England. It is anticipated that this charge will reduce the number of plastic bags used, increase their re-use and subsequently reduce littering. A similar charge has already been adopted in Wales and Northern Ireland, with Wales seeing a 76% decrease in single-use carrier bag distribution.
- 6.5 Authority was delegated to the Head of Operations in consultation with the Chair at the last Authority meeting to provide a response to a DEFRA consultation on the proposals. The Authority response is provided in Appendix 2 to this report for information.
- 6.6 It is proposed that the charge will not to apply to re-usable 'bags for life' or paper bags, or biodegradable plastic bags that meet defined criteria. Since the last Authority meeting one retailer has introduced chargeable compostable carrier bags meeting the EN13432 composting standard (with the Seedling logo) into a limited number of stores.

## **8. COMMENTS OF THE LEGAL ADVISER**

- 8.1 The Legal Adviser has been consulted on this report and has no comments to add.

## **9. COMMENTS OF THE FINANCIAL ADVISER**

- 9.1 The Financial Adviser has been consulted in the preparation of this report and has no comments to add

## Local Government Act 1972 - Access to Information

- Documents used:** DCLG (4 December 2013) Reviewing the Nationally Significant Infrastructure Planning Regime  
<https://www.gov.uk/government/consultations/reviewing-the-nationally-significant-infrastructure-planning-regime-a-discussion-document>
- Legacy Corporation (2 December 2013) Legacy Corporation Local Plan Consultation Document - non-statutory consultation  
<http://www.londonlegacy.co.uk/planning-policy-and-decisions/the-local-plan-3/>
- GLA (September 2011) Olympic Legacy Supplementary Planning Document – NLWA response  
<http://www.nlwa.gov.uk/consultations/our-responses>
- GLA (October 2011) Mayor’s Climate Change Mitigation and Energy Strategy [Mayor’s Climate Change Mitigation and Energy Strategy](#)
- London Assembly Environment Committee  
<https://www.london.gov.uk/moderngov/mgCommitteeDetails.aspx?ID=305>
- NLWA (December 2013) North London Joint Waste Strategy Annual Monitoring Report 2012/13  
<http://www.nlwa.gov.uk/governance-and-accountability/annual-monitoring-reports>
- London Borough of Enfield (16 May 2013) Edmonton EcoPark Planning Brief Supplementary Planning Document (SPD)  
[http://www.enfield.gov.uk/info/200057/planning\\_policy/2249/edmonton\\_ecopark\\_planning\\_brief\\_supplementary\\_planning\\_document\\_spd](http://www.enfield.gov.uk/info/200057/planning_policy/2249/edmonton_ecopark_planning_brief_supplementary_planning_document_spd)
- DCLG (December 2013) Code of Recommended Practice for Local Authorities on Data Transparency, Government Response to Consultation  
<https://www.gov.uk/government/consultations/improving-local-government-transparency>
- London Borough of Haringey (January 2014) Local Plan: Site Allocations - Development Plan Document (DPD) Site Allocations Consultation <http://www.haringey.gov.uk/site-allocations-dpd.htm#surveys>
- London Borough of Haringey (January 2014) Tottenham Area Action Plans (AAPs) Regulation 18 Consultation Document
- LGA (October 2013) LGA Response to Defra on Separate Collection of Waste.  
[http://www.local.gov.uk/waste-management-/journal\\_content/56/10180/5580249/ARTICLE](http://www.local.gov.uk/waste-management-/journal_content/56/10180/5580249/ARTICLE)

**Contact Officers:** Andrew Lappage, Head of Operations  
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**Appendix 1:**  
**Legacy Corporation Local Plan Consultation Document - non-statutory  
consultation**

Planning Policy and Decisions Team  
London Legacy Development Corporation  
Level 10, 1 Stratford Place  
Montfichet Road  
London, E20 1EJ

23 January 2014

By email to: [planningpolicy@londonlegacy.co.uk](mailto:planningpolicy@londonlegacy.co.uk)

**RE: Local Plan Consultation and Sustainability Appraisal**

Dear Sir or Madam,

Thank you for providing the North London Waste Authority (NLWA) with the opportunity to respond to the consultation on the London Legacy Development Corporation's (LLDC's) Local Plan and Sustainability Appraisal consultations.

The NLWA is a statutory authority that is responsible for managing the local authority collected waste from seven north London Boroughs including Hackney and Waltham Forest which cover the Legacy Corporation area.

If the development is to be sustainable and minimise the impact on the environment then additional recycling and waste management collection and processing infrastructure must be included and should be encouraged by the Corporation's Infrastructure Support Levy.

The Authority's completed response to the consultation and Equal Opportunities Monitoring Form are attached as requested and if you have any queries please do not hesitate to contact me.

Yours sincerely

David Beadle  
**Managing Director**

# Tell us what you think

We would like to know whether you agree with the content of the Local Plan Consultation Document, whether there are any proposals that you think we should change or new proposals that you think we should include. Please note any views we receive may be reported publicly as part of the Local Plan process. Unfortunately, we cannot accept confidential or anonymous responses.

## How to use this comment form:

**Step 1:** Read the sections of the Local Plan Consultation Document that interest you.

**Step 2:** Think about the proposals in the document, including the vision, the strategic objectives, the policies and the Sub Area policies and Site Allocations.

**Step 3:** Use this form to write your comments about the proposals. Clearly write which paragraph or policy number you are commenting upon, explaining your comment.

**Step 4:** If you need more space to comment please use additional paper or download a Word version of this document from the Legacy Corporation website.

**Step 5:** Return your completed form by post or by email to the Legacy Corporation (address given on the following page).

## Part 1

Personal Information	
<b>Title</b>	Mr/Mrs/Ms/Miss/Other [please write] Mr
<b>Name</b>	Andrew Lappage
<b>Job title (where relevant)</b>	Head of Operations
<b>Company or organisation (where relevant)</b>	North London Waste Authority
<b>Address</b>	Unit 169 Lee Valley Technopark, Ashley Road, London, N18 3AG
<b>Telephone</b>	020 8489 5730
<b>Email</b>	andrew.lappage@nlwa.gov.uk

## Part 2

Agent Details (where applicable)	
If a response is made by an agent all future communications will be with that agent unless we are told otherwise.	
<b>Title</b>	Mr/Mrs/Ms/Miss/Other [please write]
<b>Name</b>	
<b>Job title</b>	
<b>Company Name</b>	
<b>Address</b>	
<b>Telephone</b>	
<b>Email</b>	
<b>If you would like to receive information about future consultations and updates on the Local Plan please tick the relevant boxes below.</b>	

<b>My preferred method of notification is:</b>	
<b>Email</b>	<input checked="" type="checkbox"/>
<b>Post</b>	<input type="checkbox"/>
<b>Post and email</b>	<input type="checkbox"/>

### Part 3 – Your comments

**Please use the following questions and response boxes in order to respond to this consultation. If you use additional sheets to respond please identify which question(s) you are responding to.**

#### **Question 1 – Comments on the Local Plan Consultation Document**

Please consider the proposals in the Local Plan Consultation Document, including the vision, the strategic objectives, the policies and Site Allocations and tell us whether you agree with the content, whether there any proposals that you think we should change or new proposals that you think we should include.

So that your comments can be taken into account, please identify the paragraph or policy number you are referring to. Please explain your comments where you can.

The Authority welcomes the commitment to introduce an Infrastructure Support Levy as described in Strategic Policy SP5: Infrastructure to support growth and convergence, and encourages the LLDC to prioritise funding for waste management and recycling infrastructure within the area. Currently there is only one authorised waste management facility within the LDDC area and this does not receive waste collected by or on behalf of the four local authorities in the area.. The consequence of this is that materials for recycling and waste produced by householders which are expected to increase as a result of implementing the plans for the area will be transported outside the LDDC area without primary sorting or processing and will increase the burden on the local transport network and increase pressure on the limited waste management facilities in the surrounding area. Priority funding for waste management and recycling infrastructure within the LLDC area is important to achieve a more sustainable development and reduce its impact on the environment.

The Authority supports Infrastructure Policy IN 4: Waste Management, which states that the Legacy Corporation will have regard to the adopted waste plans and policies of the statutory waste authorities in the area. The Authority is advised that a new version of the North London Waste Plan is currently under preparation.

#### **Question 2 - Comments on the Sustainability Appraisal**

A Sustainability Appraisal is a statutory requirement of the plan-making process. The role of the Sustainability Appraisal is to promote sustainable development by assessing the impacts of the Plan against environmental, economic and social objectives. This can be viewed on the Local Plan page of the Legacy Corporation website. If you have any comments on the Sustainability Appraisal, please write them below giving reasons for your comments.

Paragraph 2.3.2 Establishing the Baseline – Key Sustainability Issues and Opportunities – Minerals and Waste recommends that “Opportunities should be sought to enhance reuse, recycling and composting performance. The Authority supports this recommendation and encourages the LLDC to use the Infrastructure Support Levy to fund developments that will help to increase the amounts of waste that are diverted from landfill within the LDDC area rather than increasing the burden upon the transport network and existing waste management facilities within the surrounding area.

The Authority also supports Paragraph 4.4.2 Recommendations and Mitigation Potential which recommends that the reuse, recycling and composting of materials within the area should be encouraged and agrees that the Local Plan does not go far enough to reduce the amounts of waste that could be sent to landfill from the development. The Authority would like the Local Plan to include a policy that supports the active diversion of waste from landfill rather than simply retaining the single existing waste management facility within the area.

Paragraph 4.7 Cumulative Effects states that potential adverse cumulative effects of the policies include an increase in landfill waste". The Authority wishes to highlight this potential and urges the LLDC to proactively encourage the diversion of waste from landfill through the policies in the Local Plan and their' implementation.

**Thank you for taking the time to fill in this form.**

Please also fill in and return the accompanying Equal Opportunities Monitoring Form. Please return the forms by **5pm on 7 February 2014** to [planningpolicy@londonlegacy.co.uk](mailto:planningpolicy@londonlegacy.co.uk) . We strongly encourage you to send your comments in electronic format, where possible.

Alternatively please return the completed forms to:

**Planning Policy and Decisions Team,  
London Legacy Development Corporation,  
Level 10, 1 Stratford Place,  
Montfichet Road, London, E20 1EJ**

[www.londonlegacy.co.uk/the-local-plan](http://www.londonlegacy.co.uk/the-local-plan)

**Email: [planningpolicy@londonlegacy.co.uk](mailto:planningpolicy@londonlegacy.co.uk)**

## Appendix 2

### DEFRA's "Call for Evidence: Plastic Bag Charge for England"

#### Single-Use Plastic Bag Charge for England - Call for Evidence

The North London Waste Authority (NLWA) is providing this response by answering relevant questions below. The Authority would also like to take this opportunity to provide some additional brief feedback on the proposals.

The NLWA supports the proposal to introduce a plastic bag charge in 2015. The introduction of a charge will assist in reducing the visual and environmental impact of discarded bags and will additionally encourage users to think about their use of these items so helping to support wider behaviour change strategies on material usage. However, the Authority believes that that Government's proposals regarding the introduction of a plastic bag charge do not go far enough; particularly in comparison with the schemes that have already been introduced in the Republic of Ireland and Wales. Since the introduction of charges these countries have had great success in reducing plastic bags given away by shops, falling by up to 96% in Wales and by 90% in Ireland.

The Authority believes that there are three key issues which still require further consideration within these proposals:

1. The reason for the Government excluding organisations of less than 250 employees in the proposals is unclear and potentially sends a confusing message to consumers about the desirability of single-use plastic carrier bags, i.e. that they are acceptable in some situations but not acceptable in others. The Authority considers that all retailers should be covered by the charge. (Appendix 1 additionally refers).
2. Secondly, that biodegradable bags are exempt from the scheme will be confusing for retailers and the public. The Authority's more detailed comments on this point are outlined further below in the response to question four. NLWA believes that all retailers and all plastic bags should be covered by the charge.
3. NLWA additionally considers that the income from the charge should be collected by Central Government, with a ring-fenced fund established and used for environmental improvement projects. Such expenditure should be additional expenditure on environmental improvements rather than substitutional. The collection of the charge could fall within the remit of the VAT collection system, similar to the Irish approach. Adopting this approach would also help support compliance within the system, as undeclared amounts of the charge could be used to shape any additional penalty levied on a company for non-compliance.

We would ask you to consider these points when finalising your proposals.

#### **Questions**

##### **Your details**

**Question 1:** Are you answering these questions from the perspective of:

- a private individual
- a researcher, scientist or academic in a related field
- a business in a related area (such as a bag manufacturer or shop)
- an industry group, business umbrella group or local business association
- a local authority or other area of local government
- a Non-Government Organisation such as a charity or community group
- a public service such as a hospital, school, university etc
- any other (please specify)

**Answer:** The North London Waste Authority (NLWA) provides a response to this consultation as the Waste Disposal Authority for the north London Boroughs of Barnet,

Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest with whom we have consulted prior to submitting this response, although responses from individual boroughs can also be expected.

**Question 2:** In that capacity, do you dispense plastic bags or paper bags to the public?

**Answer:** NLWA does not dispense plastic or paper bags to the public. However, reusable cotton and jute bags have been provided to the public as part of awareness raising activities to promote the reduction of single use plastic carrier bags.

**Question 3:** If you are an organisation outside of Government, what sort of organisation are you?

**Answer:** Please see our response to Question 1.

### **Making people aware**

**Question 4:** How else should people be told about the charge, in order to make it more effective?

**Answer:** It is important that the public is aware of the charge both before and following introduction. It is also important that the public is aware of when this is going to be introduced, as well as the fact that it will only apply to large organisations. Any other exemptions from the charge should also be clearly communicated, such as the fact that it is proposed that it will not apply to paper bags or to biodegradable plastic bags. Messages need to be communicated clearly, simply and consistently by distributing organisations, national bodies and local and regional authorities, making sure that enough notice has been provided to the public.

NLWA would welcome a national campaign led by the Government, possibly disseminated via WRAP and other bodies such as the British Retail Consortium with messages that can then be communicated on a local level by local and regional authorities, trade associations, individual retailers and town centre development organisations for example.

In 2011, NLWA delivered a “smart shopping” campaign and worked with 29 small retailers across north London to encourage the use of reusable shopping bags instead of single use plastic carrier bags. NLWA provided local retailers with stocks of reusable bags and information and support materials to promote the use of the reusable bags. The bags were distributed by the local retailers.

The 29 shops that agreed to participate encouraged a total of 7,000 residents across north London to reuse their shopping bags. Feedback received from the retailers indicated that:

- 100% of businesses said they had all the information and materials they needed
- 100% said their customers reacted positively to the bags
- 76% noticed customers using their new bag
- 20% said they thought the scheme attracted customers
- 90% said the project was excellent (52%) or good (38%)
- 100% said they'd take part in similar projects in the future

On the basis of this trial the Authority considers that distributing organisations have an important role to play raising awareness of the charge for single-use carrier bags and the options for avoiding it. Large retailers should agree on consistent messages and display information on the charge and encourage customers to bring reusable bags when entering the shop, as well as at check-out points. It should be also ensured that

when the levy applies to online purchases, the message is communicated to consumers via the retailers' websites.

The Authority is aware that the government is not specifically consulting on how best to make people aware that biodegradable, compostable and reusable plastic bags will be exempt from the charge, as currently proposed. However, NLWA has concerns about the potential confusion that promoting biodegradable, compostable or reusable plastic (i.e. 'bag-for-life) bags may cause for the public. It is challenging to encourage people to recycle correctly, particularly in London where population turnover is high and the Authority's own research suggests that plastic is the material about which people are most confused, i.e. they are unsure if they can or cannot recycle it<sup>1</sup>. At a time when there is a real focus on 'quality recycling' any proposal which will provide residents with potentially confusing messages about the recyclability/reusability and desirability of different plastics may add to the contamination of plastics recycling streams within differently segregated waste streams.

The Authority considers that if shoppers are provided with a 'biodegradable' carrier bag which is exempt from the charge, this alerts them to the fact that this bag is 'different' from the single-use bags that they will have to pay for. However, this may simply add confusion about whether the biodegradable bag should be 'recycled' in their mixed dry recycling or plastics dry recycling collection or in their organic/compostable collection. There may be further confusion about whether such bags can be put into a home compost bin too.

As it is already difficult to explain to consumers that biodegradable bags are not the same as compostable bags the danger is that shops could "do the right thing" and stock biodegradable bags which the public then put into the compostable waste stream rather than the dry recycling stream where they should be, leading to an increase in contamination in the compostable waste stream. Any increase in plastics (other than compostable plastics) in the compostable waste stream which is received by our contractor will contaminate the compost which will ultimately lead to an increase in the cost to the Boroughs, i.e. the collection authorities and result in a reduction in the quality of the compost produced. The Authority also has concerns that the materials recovery facilities (MRFs) may have difficulty in separating the different types of carrier bags namely, single use 'film' bags which are currently accepted in north London in the dry recyclable waste stream from an increasing amount of biodegradable bags made from different material.

There may be less of a problem with bags-for-life, because they are not demonstrably different from other types of plastic carrier bag which may or may not be locally acceptable in the dry recycling collection scheme. However, promoting biodegradable or compostable bags as being exempt from the charge will send a message that some single use plastic carrier bags are acceptable, thus undermining the message of reuse and multiple use that bags-for-life or other multiple use bags provide.

The Authority would suggest that that the charge is certainly applied to all single-use plastic bags and ideally to all plastic bags, including multiple use plastic 'bags for life'. The Authority suggests that communications and messaging associated with the introduction of the charge should focus on encouraging reusability rather than confusing consumer messaging with mention of the biodegradability or compostability.

### **Biodegradable bags**

**Question 5:** What evidence do you have that bags currently labelled 'biodegradable' or 'compostable' degrade on land, at sea and in anaerobic digesters?

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<sup>1</sup> When asked about 'what aspects of recycling are you most unsure about?', most requests were about materials, with about half of those being specifically about plastics

**Answer:** None

**Question 6:** Please provide evidence that demonstrates how bags labelled 'biodegradable' or 'compostable' currently behave in the waste stream. And evidence on how any problems with their behaviour can be mitigated.

**Answer:** The Authority's contractor, LondonWaste Ltd has an in-vessel compost facility at Edmonton in north London. LondonWaste accepts and the collection authorities in the NLWA area allow residents to present their organic waste for composting in caddy liner bags which meet the EN 13432 specification for compostability. Some of the boroughs also distribute compostable caddy liner bags which meet the EN13432 specification to residents for food waste. These bags are usually promoted to residents as bags which have the 'seedling logo' on them so that they are not confused with biodegradable or other types of plastic bag.

However, LondonWaste advises that in their experience, at the end of their composting process, pieces of these bags are evident in the product and have to be screened out before the product can be passed on for agricultural or horticultural use.

As outlined in the Authority's response to question 4 the Authority suggests that there should be no allowance for different types of carrier bag to be exempt from the charge because of the potentially confusing message that this sends to residents about how to present these bags for recycling or composting. Food caddy liners which meet the EN 13432 specification are compostable. The potential for tax exempt carrier bags to be used in place of compostable caddy liners needs to be avoided, in order, as discussed in the Authority's response to question 4, to avoid increasing the risk of more non-compostable plastic appearing as contaminants in the compostable stream. As noted above, the Authority's contractor is already screening out compostable bag pieces from the compost product. The introduction of a single use plastic carrier bag charge must not inadvertently increase this cost of screening as a result of increasing bag contamination.

**Question 7:** Do you have any specific evidence on particular criteria for biodegradable bags that would decrease the negative impact of bags on the environment?

**Answer:** No

### **What will happen to the money**

**Question 8:** Should organisations have to publish annually:

- number of plastic bags sold
- gross proceeds from the charge
- costs of administering the charge
- net proceeds from the charge
- how the net proceeds have been spent
- number of free biodegradable bags distributed
- number of Bags for Life sold?

**Answer:** NLWA would welcome publication of data on all the above. We would also expect that a full review of the scheme is carried out a year after the introduction of the charge.

### **Questions for organisations distributing carrier bags**

**Question 9:** When do you give your customers plastic bags?

- at the till
- on delivery
- both
- other

**Answer:** N/A

**Question 10:** Do you, as an organisation, re-use or recycle your plastic bags? If so, how?

**Answer:** N/A

**Question 11:** Does your organisation sell Bags for Life? If so, how many do you sell per year and how much do you charge for them?

**Answer:** N/A

**Question 12:** How much does it cost your organisation per year to stock:

- single-use plastic bags
- paper bags
- Bags for Life

**Answer:** N/A

### **Wider evidence on bag usage and costs**

**Question 13:** Please provide any estimates you are aware of at the sectoral or national level, as available, of:

- the total number of single-use plastic bags, bags for life and bin liners (broken down by type – pedal, swing, refuse bags, etc.) currently used in England, preferably broken down by type of retailer where they originate (i.e. supermarkets, large high street chain stores and SMEs);
- where the bags (all types mentioned) used in England are produced (UK or overseas);
- current bag usage patterns by type of retailer (number of items per bag and bags per £1 spent) for each kind of bag;
- current levels of re-use of Bags for Life and single use-plastic bags (e.g. as bin liners);
- current costs to retailers and consumer prices of single use plastic bags, Bags for Life and bin liners (broken down by type – pedal bin bags, swing bin bags, refuse bags etc);
- the environmental costs of bin liners, Bags for Life and single-use plastic bags in terms of life-cycle carbon impact;
- the costs of clearing up littered single use plastic bags in urban areas, by roadsides and along coastlines;
- the waste treatment costs for single-use plastic bags;

**Answer:** A pan-north London composition survey was carried out in 2009/10 which can be viewed at <http://www.nlwa.gov.uk/about/authority-strategies/key-documents>. The survey indicated the amount of plastic film, which includes plastic carrier bags, as well as sweet wrappers and other types of plastic bags, as a proportion of both the litter bin and street sweepings waste streams. The results show that plastic film waste makes up 7.5% of litter bin waste and 3.5% of street sweepings in north London (see pages 124 and 126 respectively).

**Question 14:** Do you have any evidence of the cost of compliance to organisations of the various different parts of the expected regulations and of any potential impacts of the charge on levels of customer demand?

**Answer:** no

### **Exemptions**

**Question 15:** Do you have evidence or case studies that provide information on the proposed exemptions to the charge?

**Answer:** no

**Question 16:** Do you have evidence on the inclusion of this or any other exemptions?

**Answer:** no

### **How to enforce the charge**

**Question 17:** Do you have any evidence on the effectiveness of this proposal for enforcement or an alternative to recommend?

Having consulted with the collection authorities in north London, the Authority is of the view that any enforcement will need to be for Local Authority Officers rather than specifically Trading Standards Officers. Food officers are more likely to inspect premises distributing single use plastic carrier bags when carrying out other inspections and may be better placed to carry out the task of assessing compliance with the plastic carrier bag charging regime.

**Question 18:** Do you have any evidence on the effectiveness of this proposal for dealing with non-compliance or an alternative to recommend?

In terms of Civil action, after consulting with collection authorities, the Authority would suggest that it would be possible to introduce a type of Fixed Penalty Notice (FPN) system in line with parking enforcement. Alternatively there could be a traffic light system where businesses are given a warning first (amber) and then face civil enforcement if they re-offend within 3 months. The producer responsibility packaging legislation also offers an approach to compliance and a penalty system associated with non-compliance that could be reviewed.

## **Appendix**

This appendix provides details of the views of the Trading Standards' officers in one of the NLWA boroughs – Hackney:

Hackney Trading Standards support the new proposal on the single use plastic bag charge and have provided the following comment:

It is proposed that the 5p charge will only apply to the larger supermarkets (firms with more than 250 workers). This is expected to be introduced by October 2015. A similar charge applying to Wales and Northern Ireland has led to a 22% drop in use in Wales and a dramatic 80% reduction in plastic bag use in Northern Ireland. Some English retailers already charge with the monies donated to charity. Marks & Spencer charges 5p for its plastic carrier bags, donating the profits to charities and education projects, but still gives out smaller bags.

The DEFRA call for evidence document suggests Trading Standards are the natural enforcement body as they are already responsible for enforcing packaging requirements. Representations have been sought from the Association of Chief Trading Standards Officers. The representative for the organisation Wendy Martin states “we understand the charging to implement behaviour change but it will be very low priority for trading standards enforcement.”

The current proposals which are made for larger premises could be extended to smaller premises. The Association of Convenience Stores (ACS) has written to the Environmental Audit Committee stating many of its 33,500 members were keen to be part of the scheme.

To conclude Hackney Trading Standards are supportive of the proposals but will probably take an advisory approach to retailers, liaising with the Home/Primary Authority Trading Standards authorities for the large retailers to ensure the organisation have been advised of their legal obligations at their Head Offices.

**REPORT ENDS**