

NORTH LONDON WASTE AUTHORITY

REPORT TITLE: CONSULTATIONS AND POLICY UPDATE

REPORT OF: MANAGING DIRECTOR

FOR SUBMISSION TO: AUTHORITY MEETING

DATE: 6 DECEMBER 2018

SUMMARY OF REPORT:

This report provides the regular update on consultations and policy issues that have the potential to impact on Authority operations or activities. The report provides details of the measures in the autumn budget statement which will have an impact upon the Authority. The report also provides a short explanation of proposals to reform the packaging producer responsibility legislation and contains an officer consultation response to a Defra consultation on government proposals to ban the distribution and/or sale of plastic straws, plastic-stemmed cotton buds and plastic drink stirrers in England which the Authority is recommended to approve. An update on the North London Waste Plan is provided and some of the possible implications of Brexit are also touched upon in the paper.

RECOMMENDATIONS:

The Authority is recommended to:

- A. Approve the consultation response attached as Appendix A regarding government proposals to ban the distribution and/or sale of plastic straws, plastic-stemmed cotton buds and plastic drink stirrers in England; and
- B. Note the remainder of the report.

SIGNED: .

Managing Director

DATE: 26 November 2018

1. PURPOSE AND STRUCTURE OF THE REPORT

- 1.1. The Consultations and Policy Update is a regular report which provides an update for Members on consultations and policy issues that are relevant to the Authority such that the proposals have the potential to affect the Authority's operations and/or costs. The report additionally seeks approval for responses where appropriate.
- 1.2. The report is organised as follows:
 - 1.2.1. Budget statement - autumn 2018;
 - 1.2.2. Packaging waste regulations reform;
 - 1.2.3. Consultation on proposals to ban the distribution and/or sale of plastic straws, plastic-stemmed cotton buds and plastic drink stirrers in England - draft consultation response for approval; and
 - 1.2.4. Other issues.

2. AUTUMN BUDGET STATEMENT

- 2.1. In the autumn budget statement on 29 October 2018 the following relevant measures were announced:

2.2. Plastics

- 2.2.1. A new tax will be introduced on produced or imported plastic packaging. Subject to consultation this tax will apply to all plastic packaging that does not include at least 30% recycled plastic. The tax will be introduced in April 2022 – subject to consultation. An HM Treasury factsheet entitled 'Budget 2018, Single-use Plastics' states that "the tax will provide a clear economic incentive for businesses to use recyclable material in the production of packaging which in turn will create greater demand for this material."
- 2.2.2. The Packaging Producer Responsibility System (Extended Producer Responsibility) will be reformed to increase business responsibility for the costs of managing packaging waste – subject to consultation.
- 2.2.3. Funding of £10 million will be made available for plastics research and development, including for research into new packaging materials and new recycling processes. In addition, £10 million will be made available in 2019-20 to support wider initiatives to tackle plastics, boost recycling and minimise litter, such as installing smart bins on streets. Further details will be confirmed in due course.
- 2.2.4. The budget statement also confirmed that there will be no action on disposable cups at the present time. The Treasury note referenced above states that "Many of those who responded to the government's call for evidence specifically highlighted disposable cups as a problematic item, highlighting the fact that they are difficult to recycle due to their plastic lining." ('Tackling the Plastic Problem' - reported upon at the June Authority meeting (Consultations and Policy Report, paragraph 2.4)) The

Treasury note states that the "government recognises this is a problem, but has concluded that a levy on all cups would not at this time be effective in encouraging widespread reuse."

- 2.2.5. The note goes on to say that businesses are already taking steps to reduce the impact of disposable cups but that the government expects industry to go further and will return to the issue of disposable cups if sufficient progress is not made. Government recognises recent action by industry but expects industry to go further.

2.3. Food Waste

- 2.3.1. Funding of £15 million will be made available to charities and others to distribute surplus food.

2.4. Incineration Tax

- 2.4.1. An incineration tax is not proposed at the present time, but the government has stated that they would consider introducing it in future if recycling levels don't increase in line with government ambitions to be set out in the new Resources and Waste Strategy. The Treasury factsheet notes that "Should wider policies not deliver the government's waste ambitions in the future, it will consider the introduction of a tax on the incineration of waste, operating in conjunction with landfill tax, taking account of the possible impacts on local authorities."

- 2.4.2. A concern over the possible impact of any incineration tax was raised at the last Authority meeting. Subsequently, and consistent with an approach adopted by London Councils, the Chair made a pre-Budget representation to the Chancellor of the Exchequer following consultation with the Authority vice chairs.

2.5. Landfill Tax

- 2.5.1. The Chancellor announced an increase in the standard rate of landfill tax from the current £88.95/tonne to:

2.5.1.1. £91.35/tonne from 1 April 2019 and

2.5.1.2. £94.15/tonne from 1 April 2020

- 2.5.2. The lower rate of landfill tax for inactive waste such as rubble will also increase from the current £2.80 per tonne to:

2.5.2.1. £2.90/tonne from 1 April 2019 and

2.5.2.2. £3.00/tonne from 1 April 2020

2.6. Abandoned Waste Site Clearance

- 2.6.1. The Chancellor also announced a £10 million pilot for the Environment Agency to work with partners to clear the worst abandoned waste sites.

- 2.7. Officers will report to Members at future Authority meetings on the consultations mentioned above when those are commenced. Increases in landfill tax have been factored into the Authority's financial projections incorporated into the 2018-19 Third Budget Review paper elsewhere on this agenda.

3. PACKAGING WASTE REGULATIONS REFORM

- 3.1. The Government has made public that it is expecting to reform the current producer responsibility scheme for packaging as part of its proposed resources and waste strategy. The Treasury factsheet which is referenced above states that planned reforms to the packaging producer responsibility legislation, alongside the new plastic packaging tax, will encourage businesses to ensure that far more packaging can be recycled and to use more recycled plastic in their packaging.
- 3.2. A National Audit Office (NAO) report from July 2018 also made recommendations to government for reforming the packaging recycling system noting that when the government reforms the packaging recycling system it should:
- 3.2.1. Improve its approach to estimating packaging recycling rates.
 - 3.2.2. Evaluate the scale of fraud and error within the system, including the extent of contamination in waste exports.
 - 3.2.3. Establish clear objectives for the reformed system, covering outputs and outcomes.
 - 3.2.4. Understand how the system works alongside other interventions as part of a coherent waste strategy.
- 3.3. In a Department for Environment, Food and Rural Affairs (Defra) statement reported in an industry magazine recently Defra is reported as saying that: "While recycling rates have increased significantly, we want to ensure producers take greater responsibility for the environmental impact of their products, starting with packaging."
- 3.4. The same article reports Defra as saying that "The Government wishes to incentivise producers to take greater responsibility for the environmental impacts of their products. Its proposed reforms will embody principles of extended producer responsibility, including requiring packaging producers to fund the collection and disposal costs of packaging waste."
- 3.5. A consultation on packaging reforms has not yet been issued. However, following discussion at the last Members' Recycling Working Group on this issue, it is proposed that an Authority response would be supportive of any consultation which proposes producers take more responsibility for their products after use. This could include proposals under which the Authority gains funding from producers, however, any details would need to await consultation.
- 3.6. Any such consultation and a draft Authority response will be brought back to a future Authority meeting for consideration.

4. CONSULTATION ON PROPOSALS TO BAN THE DISTRIBUTION AND/OR SALE OF PLASTIC STRAWS, PLASTIC-STEMMED COTTON BUDS AND PLASTIC DRINK STIRRERS IN ENGLAND

- 4.1. On 22 October Defra issued a consultation on proposals to ban the distribution and/or sale of plastic straws, plastic-stemmed cotton buds and plastic drink stirrers in England. The proposals would, if approved, come into effect in October 2019.
- 4.2. Plastic is a versatile, robust and relatively cheap product which can be easily moulded into a variety of shapes. Plastic is therefore suitable for a wide variety of uses, including for the production of single-use products, i.e. products which are used once and then thrown away. However the government is considering taking action on some of these types of products in order to reduce single use plastic usage, encourage the uptake of more sustainable alternatives and to reduce plastic littering.
- 4.3. The government has identified three particular products for possible action now, following the earlier introduction in October 2015 of a 5p charge for all single-use plastic carrier bags issued by large shops.
- 4.4. The introduction of the single-use plastic carrier bag charge has resulted in significant reductions in usage as detailed below and based upon the evidence from the seven main retailers (Asda, Marks and Spencer, Morrisons, Sainsbury, The Co-operative Group, Tesco and Waitrose) who account for around 60% of the total bags reported by all retailers for 2017. The reductions in usage are equivalent to each person in the population using:
 - 4.4.1. 19 bags in 2017 to 2018, compared to
 - 4.4.2. 24 bags in 2016 to 2017, and
 - 4.4.3. 140 bags per person in 2014 before the charge was introduced.
- 4.5. The three single use plastic products within the scope of the consultation for action now are:
 - 4.5.1. Plastic straws, including beverage carton straws - i.e. straws which are glued to the side of small drinks cartons
 - 4.5.2. Plastic stemmed cotton buds
 - 4.5.3. Plastic drink stirrers
- 4.6. Although the volumes of these products in the waste stream are likely to be very low due to the light weight of these small plastic items (we have no compositional data to support this) and because we believe these products are rarely recycled, the consultation is relevant to NLWA.
- 4.7. A ban on these products would not significantly reduce NLWA's tonnage of local authority collected waste or increase recycling. However, the Authority response to the consultation contained in Appendix A of this report is broadly supportive of the proposals because of the message that a ban would send to consumers about

single use, products. Extending the disincentive to manufacture or buy single use products - from plastic carrier bags to a broader product range - also provides a signal of the government's intention to encourage a move to a more sustainable society. Exemptions to the ban are proposed within the consultation for various scientific and medical uses.

- 4.8. As the consultation deadline was 3 December, an officer response has been submitted, subject to Member approval at this Authority meeting. Members are recommended to approve the officer response enclosed as Appendix A.

5. OTHER MATTERS

5.1. North London Waste Plan

- 5.1.1. The seven North London Local Planning Authorities of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest ('North London Boroughs') have joined forces to prepare the North London Waste Plan (NLWP).
- 5.1.2. The NLWP will set out the planning framework for waste management in the North London Boroughs for the next 15 years. It will identify sites for waste management use and set out policies for determining waste planning applications. It is therefore an important document which will guide the planning and development of waste management facilities in north London over the next 15 years. NLWA is a consultee for the purposes of the NLWP.
- 5.1.3. The draft North London Waste Plan (NLWP) was consulted on between July and September 2015. Since then the Boroughs have been working on the proposed submission version of the plan which takes account of consultation comments, waste data updates and the revisions to the London Plan and National Planning Policy Framework.
- 5.1.4. A new timetable for the NLWP has been agreed as follows:
- 5.1.4.1. Formal sign-off by boroughs - October to December 2018
 - 5.1.4.2. Consultation - Early 2019
 - 5.1.4.3. Submission - Summer 2019
 - 5.1.4.4. Hearing - Autumn 2019
 - 5.1.4.5. Inspector's report - Summer 2020
 - 5.1.4.6. Adoption - Summer 2020.
- 5.1.5. The NLWP ratification timetable for each borough is set out on the NLWP website at www.nlwp.net
- 5.1.6. A key issue for NLWA is whether the Authority's undeveloped site in the London Borough of Haringey at Pinkham Way is included in the NLWP.

- 5.1.7. The Authority keeps the site under review. Whilst the Authority has no immediate plans to develop the Pinkham Way site it remains an asset for the Authority due to its strategic location and planning designation as an employment site. The site is also designated as a Site of Importance for Nature Conservation (SINC) (borough grade one).
- 5.1.8. To preserve the opportunity for the Authority to use the Pinkham Way site for waste uses in the future it should be included in the adopted NLWP. Officers will draft a response to the early 2019 NLWP consultation and bring this forward to an appropriate Authority meeting for approval.

5.2. Brexit

- 5.2.1. Following the referendum on 23 June 2016, the UK Government formally triggered Article 50 of the Treaty on European Union ('TUE'), the process for a Member State to leave the EU on 29 March 2017. Unless the European Council and the UK agree otherwise, the UK will leave the EU at midnight Central European Time on 29 March 2019.
- 5.2.2. Over half of UK environmental law is EU in origin and whilst policy outside England has developed significantly greater ambition, in England this is largely not the case and the various original EU waste targets, most of which have 2020 as their target date, remain the principal drivers. Brexit therefore offers additional policy uncertainty to the waste sector.
- 5.2.3. Brexit could lead to a range of potential impacts on the UK's resource and waste management sector, ranging from macroeconomic impacts such as currency rates and investment decisions through to future policy developments on recycling targets and access to end markets for recyclable materials.
- 5.2.4. On 12 October the Government produced a "no deal" information note on maintaining the continuity of waste shipments between EU states and the UK if the UK leaves the European Union without a withdrawal agreement. On the issue of exports the note advises:

"In the unlikely event the UK leaves the EU without a deal, the UK would be treated in the same way as any other OECD country, or any country that is party to the Basel Convention, looking to export waste to an EU country. UK exporters would need to familiarise themselves with the customs guidelines the EU has laid down for imports of waste from outside the EU.

Under the Regulation (EC) No. 1013/2006 on shipments of waste, OECD countries wishing to export waste to the EU for disposal must submit a duly reasoned request (DRR) to the relevant EU competent authority, explaining why the country does not have and cannot reasonably acquire the appropriate disposal facilities. The UK government would need to submit DRRs for any exports to the EU of waste for disposal, before a notification to export could be submitted by a UK exporter to the relevant UK competent authority. In most cases the export of UK waste for disposal is

already prohibited so the impact of this additional step is unlikely to be significant.

There would be no changes to the procedure for exports of waste for recycling that are eligible to be shipped under the Green Control procedure as laid down in the OECD decision"

- 5.2.5. The UK waste sector as a whole currently disposes of around 3.6 million tonnes of waste per year to EU states (accounting for c14% of the UK's residual waste) in the form of refuse derived fuel (RDF). Whilst waste from north London is not routinely sent abroad LondonEnergy Ltd periodically uses export when it is appropriate to do so. If the export route was no longer available it would be necessary to revert to UK disposal, even if for the short term. More generally, new disposal routes would need to be found for this waste, at least until export approval was obtained. This could place pressure on the UK residual waste disposal market and would be likely to affect the costs of any alternative arrangement for NLWA waste if needed in the short term. NLWA will need to take account of the local risks of availability of merchant residual waste treatment capacity in the light of changing circumstances.

6. COMMENTS OF THE LEGAL ADVISER

- 6.1. The Legal Adviser has been consulted in the preparation of this report and comments have been incorporated.

7. COMMENTS OF THE FINANCIAL ADVISER

- 7.1. The Financial Adviser has been consulted in the preparation of this report and all comments have been incorporated.

List of documents used:

Budget 2018, Single-use Plastics, HM Treasury, 29 October 2018. Available at: <https://www.gov.uk/government/publications/single-use-plastics-budget-2018-brief>

Call for evidence on tackling the problem of single use plastic through the tax system or charges, Her Majesty's Treasury, March 2018. Available at: <https://www.gov.uk/government/consultations/tackling-the-plastic-problem>

The packaging recycling obligations, Report by the Comptroller and Auditor General, National Audit Office, 23 July 2018 - Department for Environment, Food and Rural Affairs and Environment Agency. Available at: <https://www.nao.org.uk/report/the-packaging-recycling-obligations/>

Packagers 'could pay up to £1bn' to increase UK recycling. MRW, 12 November 2018. Available at: <https://www.mrw.co.uk/latest/packagers-could-pay-up-to-1bn-to-increase-uk-recycling/10037092.article>

Consultation on proposals to ban the distribution and/or sale of plastic straws, plastic - stemmed cotton buds and plastic drink stirrers in England, Defra, 22 October 2018 Available at: <https://consult.defra.gov.uk/waste-and-recycling/plastic-straws-stirrers-and-buds/>

Single-use plastic carrier bags charge: data in England for 2017 to 2018, Defra, Updated 27 September 2018. Available at: <https://www.gov.uk/government/publications/carrier-bag-charge-summary-of-data-in-england/single-use-plastic-carrier-bags-charge-data-in-england-for-2017-to-2018>

Policy implications of Brexit for the UK resource & waste management sector, Chartered Institution of Wastes Management, August 2017. Available from: www.CIWM.co.uk

UK Plan for shipments of waste, Defra, May 2011. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69546/pb13770-waste-shipments.pdf

UK Residual Waste: 2030 Market Review, Tolvik Consulting for the Environmental Services Association, November 2017. Available at: http://www.esauk.org/application/files/6015/3589/6453/UK_Residual_Waste_Capacity_Gap_Analysis.pdf

'UK & EU Authorities Urged To Take Action On Waste Export', CIWM Journal Online, 5 June 2018. Available at: <https://ciwm-journal.co.uk/uk-eu-authorities-urged-to-take-action-on-waste-export/>

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APPENDIX A: DRAFT AUTHORITY RESPONSE TO A DEFRA CONSULTATION ON PROPOSALS TO BAN THE DISTRIBUTION AND/OR SALE OF PLASTIC STRAWS, PLASTIC-STEMMED COTTON BUDS AND PLASTIC DRINK STIRRERS IN ENGLAND



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13 November 2018

Consultation on proposals to ban the distribution and/or sale of plastic straws, plastic-stemmed cotton buds and plastic drink stirrers in England: Response from North London Waste Authority

Introduction

North London Waste Authority (NLWA) is pleased to have the opportunity to respond to this consultation on proposals to ban the distribution and/or sale of plastic straws, plastic-stemmed cotton buds and plastic drink stirrers in England.

NLWA is the joint waste disposal authority for north London established by the Waste Regulation and Disposal (Authorities) Order 1985. As a joint waste disposal authority NLWA is responsible for the disposal of waste collected from households and local businesses by seven north London boroughs – Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest, the ‘constituent boroughs’. NLWA manages the residual waste from all seven boroughs, recyclable and compostable waste from six boroughs and all the north London reuse and recycling centres except in one borough. NLWA also delivers extensive behaviour-change campaigns in the fields of waste prevention and recycling.

Whilst we have reviewed all the consultation questions, we have confined our comments to the elements of the consultation that are relevant to a waste disposal authority in the capital. We also responded last year to the Defra ‘Call for evidence on voluntary and economic incentives to reduce littering of drinks containers and promote recycling’, namely the call for evidence on introducing a deposit return scheme or other recycling incentive scheme for drinks containers. In addition we responded to the HM Treasury consultation on ‘Tackling the plastic problem - Using the tax system or charges to address single-use plastic waste’

NLWA response to the questions

Q 1. *Would you like your response to be kept confidential?* No

Q2. *What is your name?* Cllr. Clyde Loakes

Q3. *What is your email address:* Please correspond with Martin Capstick, Managing Director of NLWA – martin.capstick@nlwa.gov.uk

Q4. *What is your organisation?* North London Waste Authority (NLWA)

Q5. *It would be helpful for our analysis if you could indicate which of the sectors you most align yourself/your organisation with for the purposes of this consultation. (please tick/circle one which is most applicable to you):*

Public body ✓

Non-governmental organisation

Retail industry

Manufacturing industry

Member of the general public

Other

Part A: Plastic drinking straws

Q6: *Do you support the proposal to introduce a ban on the distribution and/or sale of plastic drinking straws in England? (Yes/ No)*

Yes – NLWA supports the proposal, but suggests that the ban is explicitly applied to single-use plastic straws. Re-usable straws such as those which are made of metal or glass should be exempt from the ban.

Q7: *Do you agree with our proposed date for the ban (October 2019)? (Yes / No. If no please explain why.)*

Yes we support the proposed October 2019 introduction of the ban.

Q8: *Do you support a ban on beverage carton straws?*

Yes/ No

Please give reasons.

Yes, NLWA supports the extension of the ban to include beverage carton straws. NLWA suggests that the reasons for banning these products are as follows:

Although straws are removed from beverage cartons at the point of consumption, (so that the product packaging becomes more easily recyclable as a result i.e. it no longer consists of a lined cardboard carton and a plastic straw); the straws themselves typically do not get recycled. They are usually left in the carton once the drink has been consumed, rendering both the carton and the straw unrecyclable.

As the beverage in the cartons is often consumed on the go, there is a risk that these straws will be disposed as litter so it is useful to ban them from a littering perspective.

It is also important to send a message that single-use plastic products which remain in the environment if disposed incorrectly are no longer acceptable for environmental reasons.

If there is a tax on single use plastic carrier bags and single use plastic drinking straws are banned why should single use plastic straws that are stuck to cartons be exempt? Extending the ban on plastic drinking straws to include beverage carton straws sends a consistent message about the undesirable nature of single-use plastic products.

Would you support a ban on beverage carton straws coming into effect later than October 2019? If so, how much longer? (April 2020/October 2020)

No. We would prefer the ban to come into effect in October 2019 as it will be some time before cartons with plastic straws are all sold and therefore disappear from shopping shelves. To place the requirements on one type of straw manufacturer considerably later than others also seems lack any justification – this proposal to ban all single use plastic drinking straws should apply to all as soon as possible.

Q9. Should the government begin with a targeted ban on the distribution of straws with a longer-term view to extending it?

Yes/ No

Please give reasons.

Yes. It is better to start off gradually and give time for the changes to be embedded.

Q10: If pursuing a broader ban including the sales of straws, do you agree with the proposal to exempt plastic straws for medical-enabling and other specialist uses from any ban?

Yes/ No

Please give reasons.

Yes, we agree with the proposal to exempt plastic straws for medical-enabling and other specialist uses from any ban. However, we believe that these products should contain a proportion of recycled content and that efforts should still be made to ensure that these products are recycled at the end of life.

Q11: Do you agree with the proposal to provide exemption for wholesalers to import and stock plastic straws for distribution to, pharmacies, and pharmacy departments in retail outlets and other users for medicinal and specialist uses?

Yes/ No

Please give reasons.

Yes, we agree with the proposal to provide exemption for wholesalers to import and stock plastic straws for distribution to, pharmacies, and pharmacy departments in retail outlets and other users for medicinal and specialist uses, but we are concerned about how this exemption will work in practice. How will exempted products be identified and/or wholesalers be audited to ensure compliance?

Q12 – 16: These questions are not answered by NLWA as they are not within our area of expertise.

Q17: Do you agree that the ban should cover all compostable and biodegradable plastic (such as PLA)?

Yes/ No

Please give reasons.

Yes, we agree that the ban should cover all compostable and biodegradable plastic (such as PLA) straws.

There are two types of biodegradable plastics:

- ones which are made from plant-based materials (known as bioplastics) and
- those that are made from petrochemicals with chemical additives that allow them to break down faster.

Due to their chemical composition, biodegradable plastics cannot be recycled into new plastic products, and only bioplastics can be composted (in the right conditions). However, with both types of biodegradable plastic there is a difficulty of identifying them for separate handling and processing because they may not look any different to other types of plastic and are therefore difficult to identify. The collection systems and recycling machinery used to sort recyclables currently would not be able to separate them out for a different next use.

Secondly, from a waste hierarchy perspective, substituting compostable bioplastics for single use recyclable plastic, doesn't move this waste stream up the waste hierarchy, it simply changes the processing route. If the government wants to take decisive action on single use plastics, including reducing litter, it would be much better to encourage a move away from single use and throwaway materials and instead to encourage a much greater use of reusable products and the minimisation of plastic waste, including packaging as an alternative to single use products. This can only be achieved through a range of measures including legislation, financial drivers and behaviour change communications to normalise the use of reusable alternatives.

Q18 - 20: These questions are not answered by NLWA as they are not within our area of expertise.

Q21: Our proposals for enforcement are that the ban will be enforced through civil sanctions set out in Part 3 of the Regulatory Enforcement and Sanctions Act 2008:

How should compliance with the ban be monitored?

Who should enforce the ban? (for example, Local Authorities, Trading Standards or Office for Product Safety and Standards)

We agree that the ban should be enforced by local authorities' trading standards officers, who also enforce the plastic bag charge. However, we are unclear what level of enforcement will be required in order to ensure that the impact of the ban is as per the pre-ban modelling predicts. No new un-funded burdens should be created for local authorities as a result of these proposals.

Q22: Are there any risks that alternatives to plastic straws will themselves have significant environmental impacts?

Yes/No?

If so, how could these risks be avoided, minimised or mitigated? Please supply any evidence you may have to support your suggestions.

Yes, we consider that one of the risks is that plastic small beverage carton straws are just replaced with paper alternatives so that the sales of single use straws for beverage cartons in particular does not fall at all. Whilst the substitution of plastic with paper means that the packaging cartons have the potential to be recycled with the straw left in the carton, there is still a high risk that this will not happen. There is also a risk that because these products are largely consumed on-the-go that the paper straws are littered after use. The environmental impact of the products may be reduced as a result of this substitution and the potential for recycling will be improved by the substitution, but the overall level of consumption a single use product will not. Unfortunately we have not evidence to support our suggestions.

Q23 – Q28: These questions are not answered by NLWA as they are not within our area of expertise.

Part B: Plastic stemmed cotton buds

Q29: *It would be helpful for our analysis if you could indicate which of the sectors you most align yourself/your organisation with for the purposes of this consultation. (please tick/circle one which is most applicable to you):*

Public body ✓

Non-governmental organisation

Retail industry

Manufacturing industry

Member of the general public

Other

Q30: *Do you support the proposal to introduce a ban on the distribution and/or sale of plastic stemmed cotton buds in England?*

Yes/No

Please give reasons.

Yes, NLWA supports a ban on the distribution and sale of plastic stemmed cotton buds in England. One of the main reasons for our support is because of the volume of these products which are incorrectly disposed and the negative impact upon the environment that results. These are single use products, which are relatively persistent when disposed in the environment – plastic being durable. There are less persistent alternatives available so banning their sale and distribution would send a strong signal to consumers about the undesirable nature of single-use – thus helping to build a momentum to increase consumer support for reuse and product longevity. Ultimately, fewer single-use items has a beneficial environmental impact which we would support.

Q31: *Do you agree with our proposed date for the ban (October 2019)?*

Yes/No

Please give reasons.

Yes, we support the proposed October 2019 introduction of the ban because this would be consistent with the date for a ban on plastic straws which amplifies the message that single-use (and particularly single-use plastic) is the least desirable option for a range of products.

Q32: Do you agree that the ban should cover all compostable and biodegradable plastic (such as PLA)?

Yes/No

Please give reasons.

Yes, we agree that the ban should cover all compostable and biodegradable plastic (such as PLA).

As noted for plastic straws there are two types of biodegradable plastics:

- ones which are made from plant-based materials (known as bioplastics) and
- those that are made from petrochemicals with chemical additives that allow them to break down faster.

Due to their chemical composition, biodegradable plastics cannot be recycled into new plastic products, and only bioplastics can be composted (in the right conditions). However, with both types of biodegradable plastic there is a difficulty of identifying them for separate handling and processing because they may not look any different to other types of plastic and are therefore difficult to identify. The collection systems and recycling machinery used to sort recyclables currently would not be able to separate them out for a different next use.

Secondly, from a waste hierarchy perspective, substituting compostable bioplastics for single use recyclable plastic, doesn't move this waste stream up the waste hierarchy, it simply changes the processing route. If the government wants to take decisive action on single use plastics, including reducing litter, it would be much better to encourage a move away from single use and throwaway materials and instead to encourage a much greater use of reusable products and the minimisation of plastic waste, including packaging as an alternative to single use products. This can only be achieved through a range of measures including legislation, financial drivers and behaviour change communications to normalise the use of reusable alternatives.

The other problem with plastic stemmed cotton buds is that the products are both multi-material in composition so they are not recyclable and a relatively high proportion are thrown incorrectly into toilets so they need to be made of materials which will not cause a problem if they are disposed incorrectly. Even if the stems were made of compostable or biodegradable plastic they would still be multi-material (with cotton bud ends) so would not be recyclable. And we are not aware of any evidence which would suggest that biodegradable or compostable cotton buds are less likely to be disposed incorrectly to the sewerage system.

Q33 – 36: These questions are not answered by NLWA as they are not within our area of expertise.

Q37: Our proposals for enforcement are that the ban will be enforced through civil sanctions set out in Part 3 of the Regulatory Enforcement and Sanctions Act 2008:

How should compliance with the ban be monitored?

Who should enforce the ban? (for example, Local Authorities, Trading Standards or Office for Product Safety and Standards)

We agree that the ban should be enforced by local authorities' trading standards officers, who also enforce the plastic bag charge. However, we are unclear what level of enforcement

will be required in order to ensure that the impact of the ban is as per the pre-ban modelling predicts. No new un-funded burdens should be created for local authorities as a result of these proposals.

Q38: Is there anything else you would like to tell us relating to the proposed ban on the distribution and/or sale of plastic stemmed cotton buds?

No.

Part C: Plastic drink stirrers

Q39: It would be helpful for our analysis if you could indicate which of the sectors you most align yourself/your organisation with for the purposes of this consultation. (please tick/circle one which is most applicable to you):

Public body ✓

Non-governmental organisation

Retail industry

Manufacturing industry

Member of the general public

Other

Q40: Do you support the proposal to introduce a ban on the distribution and/or sale of plastic drink stirrers in England?

Yes/No

Please give reasons.

Yes, NLWA supports a ban on the distribution and/or sale of plastic drink stirrers in England.

These are single-use products for which more sustainable, reusable alternatives exist. They are made from polystyrene and material which is frequently identified as a marine/beach contaminant.

Q41: Do you agree with our proposed date for the ban (October 2019)?

Yes/No

Please give reasons.

Yes, we support the proposed October 2019 introduction of the ban because this would be consistent with the date for a ban on plastic straws which amplifies the message that single-use (and particularly single-use plastic) is the least desirable option for a range of products.

Q42: Do you agree that the ban should cover all compostable and biodegradable plastic (such as PLA)?

Yes/No

Please give reasons and any evidence that might be helpful. Are there environmental or economic reasons why these should not be banned?

Yes, we agree that the ban should cover all compostable and biodegradable plastic (such as PLA).

As noted for plastic straws there are two types of biodegradable plastics:

- ones which are made from plant-based materials (known as bioplastics) and
- those that are made from petrochemicals with chemical additives that allow them to break down faster.

Due to their chemical composition, biodegradable plastics cannot be recycled into new plastic products, and only bioplastics can be composted (in the right conditions). However, with both types of biodegradable plastic there is a difficulty of identifying them for separate handling and processing because they may not look any different to other types of plastic and are therefore difficult to identify. The collection systems and recycling machinery used to sort recyclables currently would not be able to separate them out for a different next use.

Secondly, from a waste hierarchy perspective, substituting compostable bioplastics for single use recyclable plastic, doesn't move this waste stream up the waste hierarchy, it simply changes the processing route. If the government wants to take decisive action on single use plastics, including reducing litter, it would be much better to encourage a move away from single use and throwaway materials and instead to encourage a much greater use of reusable products and the minimisation of plastic waste, including packaging as an alternative to single use products. This can only be achieved through a range of measures including legislation, financial drivers and behaviour change communications to normalise the use of reusable alternatives.

Q43 – Q44: These questions are not answered by NLWA as they are not within our area of expertise.

Q45: *Our proposals for enforcement are that the ban will be enforced through civil sanctions set out in Part 3 of the Regulatory Enforcement and Sanctions Act 2008:*

How should compliance with the ban be monitored?

Who should enforce the ban? (for example, Local Authorities, Trading Standards or Office for Product Safety and Standards)

We agree that the ban should be enforced by local authorities' trading standards officers, who also enforce the plastic bag charge. However, we are unclear what level of enforcement will be required in order to ensure that the impact of the ban is as per the pre-ban modelling predicts. No new un-funded burdens should be created for local authorities as a result of these proposals.

Q46: Is there anything else you would like to tell us relating to the proposed ban on the distribution and/or sale of plastic drink stirrers? No

In conclusion, NLWA is supportive of government intervention to reduce the amount of single-use plastic waste which is currently thrown away and welcomes the opportunity to respond to this consultation and support proposals to ban the distribution and/or sale of plastic straws, plastic-stemmed cotton buds and plastic drink stirrers in England.

Yours faithfully

Cllr. Clyde Loakes
Chair of the North London Waste Authority