



Department  
for Environment  
Food & Rural Affairs



Foreign, Commonwealth  
& Development Office

The Rt Hon the Lord Goldsmith of Richmond Park  
Minister of State

7 July 2021

To: All Peers

My Lords,

### **Day 5 of Committee Stage for the Environment Bill**

I am very grateful to all Peers who spoke for their contributions during the fifth day of Committee Stage for the Environment Bill on 5 July. This letter responds to points that I and my noble friend Baroness Bloomfield of Hinton Waldrist were unable, due to time restraints, to address during proceedings.

#### ***Deposit Return Scheme***

The noble Baroness Jones of Whitchurch requested details on the process to set up a deposit return scheme. There are a number of activities required in advance of a deposit return scheme being in place, including securing the primary powers in the Environment Bill, taking the secondary legislation establishing the deposit return scheme through parliament in 2022, and appointing the Deposit Management Organisation. This process is anticipated to start in late 2021 (once the primary powers are in place), with a Deposit Management Organisation appointed in early 2023, once the secondary legislation is in force.

Once the Deposit Management Organisation is appointed, the implementation of the scheme can begin. This includes installing the necessary infrastructure for the scheme and developing and testing new IT solutions. The Deposit Management Organisation will also be required to make decisions and recommendations about the scheme, for example on deposit levels, the communications strategy, and awareness raising campaigns. Given the amount of work to be done by a Deposit Management Organisation once the implementation phase begins, we estimate this will take 18 months. On this basis, the go-live date for a deposit return scheme is estimated to be in 2024. We have asked for feedback from stakeholders on the timeline in the recent consultation, in particular on the time the Deposit Management Organisation will need for mobilisation – we are currently analysing responses to the consultation.

It is important that the necessary time is given at each stage to ensure the best possible scheme.

#### ***Pesticide Mixtures***

My noble friend Lord Randall of Uxbridge, (among other noble Lords including Lord Whitty, Baroness Bakewell of Hardington Mandeville, Baroness Bennett of Manor Castle, Baroness

Ritchie of Downpatrick and Baroness Jones of Whitchurch) requested clarification on the authorisation of chemicals based on their toxicity when combined. The authorisation framework for pesticides considers carefully the effects of every active substance and every product (a product will contain one or more active substances and other formulants). For both active substances and pesticides products, appropriate data requirements are set and a risk assessment is carried out by the Health and Safety Executive. Where significant scientific issues arise, advice is also taken from the independent UK Expert Committee on Pesticides. Authorisation is only given if strict safety standards are met, which require a substantial margin of safety.

It is not possible to assess directly the potential human health and environmental impacts of every possible combination of chemicals in the environment. There are too many billions of potential mixtures. Research suggests that the combined impact of multiple chemicals is not normally more than additive at realistic doses. Given the substantial safety margins built-in, this gives a high degree of confidence that exposure to several pesticides concurrently will not cause harm.

### ***Non-Exhaust Emissions***

The noble lady, Baroness Hayman of Ullock inquired about plans to undertake or commission research on non-exhaust emissions. In February this year, the Department for Transport commenced a significant research project to understand better the measurement techniques, materials properties and control parameters of brake and tyre wear emissions from road vehicles. The project will also assess differences in particulate emission from tyre and brake wear in battery electric vehicles compared to vehicles with internal combustion engines. The project will report in 2023, and the knowledge/evidence will inform policy decisions and any potential legislation that may be required to control and reduce these emissions. We are currently supporting the United Nations Economic Commission for Europe (UNECE) Particle Measurement Programme (PMP), which is leading a global effort to develop an internationally recognised test procedure for measuring non-exhaust particle emissions from vehicles. The PMP is currently focussed on developing a UN Global Technical Regulation to address emissions from brake wear, which aims to establish a methodology for measuring and characterising the particles that arise from the friction materials of braking systems. We anticipate this work will be expanded to consider the particles from tyre wear as a further development of the UN regulation, and inform the development of GB legislation that may be required to control and reduce non-exhaust emissions more generally.

Government is continuing to invest in emerging technological advancements which reduce non-exhaust emissions. Recent advances include on-vehicle collectors for particulate matter generated from tyre wear (ca. £120k funded by Innovate UK), on-vehicle monitoring of wheel alignment to reduce particulate matter emissions from misaligned wheels (ca. £1.5m funded by Innovate UK), and innovative tyre and brake designs with higher resistance to wear (ca. £50k funded by Innovate UK).

### ***Local Authority Action on Air Quality***

My noble friend Lord Lucas asked what steps the Government is taking to enable local action on air quality (particularly in Eastbourne) including proper testing to accurately direct efforts. The Government recognises that air pollution is the single greatest environmental risk to human health. We take our air quality obligations very seriously and we are already taking significant action to deliver air quality improvements. The Environment Bill will ensure local authorities have more effective powers and a clear framework for tackling air pollution in their areas. This includes ensuring responsibility is shared across local government structures and with relevant public authorities.

We have also committed to reviewing and updating the national Air Quality Strategy. We will develop a stronger support and capability building framework to ensure local authorities have the necessary tools to take the action needed locally to reduce people's exposure to air pollutants. The Bill will also make it simpler and easier for local authorities to tackle domestic burning, which is a significant source of air pollution.

The Bill also creates a duty to set a legally binding target for fine particulate matter and a duty to set an additional long-term target for exposure reduction which would drive continuous improvement, even in areas that meet the new minimum standard for PM2.5. These targets will help to drive action across business, central and local government, and wider society.

Defra has a national network of air quality monitors currently comprising 270 sites across the UK, including a monitor in Eastbourne. We keep our national monitoring network under review to ensure it remains fit for purpose and delivers value for money. We are undertaking a root and branch strategic review of the current monitoring network as well as setting up a new urban nitrogen dioxide monitoring network. Our national monitoring network is supplemented with national modelling, giving greater spatial coverage than could be achieved by monitoring alone, and providing additional information about the sources of pollutants.

It is important to find the right balance between spending additional resources on monitoring air pollution – which is an expensive activity – versus tackling its key sources. The Environment Bill is focused on tackling key sources of air pollution to deliver health benefits.

Local authorities are required to review and assess local air quality. Eastbourne council operate two automatic monitors, monitoring a range of pollutants as well as diffusion tubes measuring NO<sub>2</sub> at 22 locations. Eastbourne has not recorded exceedances of local air quality objectives for any pollutant according to the council's most recent Annual Status Report (2019, reported in 2020). During the last full monitoring year, no exceedances for air quality objectives were recorded at any of these monitoring sites. Overall, concentrations have decreased or remained consistent over the past 5 years.

We know that air quality in Eastbourne is affected by particulate matter (PM2.5) drifting over from industry sources in France, and by emissions from shipping. Under international obligations, France, as well as the UK, are required to take action to reduce emissions of harmful pollutants including PM2.5. From January 2021, the English Channel is included in a nitrogen oxide emissions control area set by the International Maritime Organisation. This will help improve air quality in Eastbourne. The introduction of measures to meet the PM2.5 air quality targets will reduce PM2.5 concentrations across the whole country, including in towns such as Eastbourne, delivering associated health benefits.

In terms of funding, East Sussex County Council were allocated £535,171 in the first phase and £1,820,200 in phase 2 from the Active Travel Fund. East Sussex have also received funding for active travel behaviour change interventions through the Access Fund between 2017 – 2021. Eastbourne Council, in collaboration with 13 local authorities in Sussex, received £32,716.00 in funding from the Air Quality Grant in 2019/20 to raise awareness about domestic burning and campaign to promote better burning methods and choices. Through this year's Air Quality Grant – we will be making up to £9m available for projects to improve Air Quality in communities. We are particularly encouraging applications for projects that deal with particulate matter and funding for sensors can form part of the application.

Eastbourne Council has detailed extensive measures and plans to continue to address air quality within its administrative boundaries. These include the implementation of the Eastbourne Town Centre Improvement Scheme (ETCIS), anti-idling campaigns and signs

around heavily trafficked areas, the promotion of walking and cycling and the provision of charging points for electric vehicles at town centre car parks, stations and key destinations.

### ***20mph Speed Limits***

My noble friend Lord Lucas also asked about the process for setting local 20 mph speed limits. The power to set speed limits rightly rests with the local traffic authority, because it is their responsibility to make decisions about the roads under their care, based on their knowledge of the area and considering local needs.

Local authorities have a duty under Section 122 of the Road Traffic Regulation Act 1984 to exercise their functions under the Act so as to secure the expeditious, convenient and safe movement of traffic, so far as practical, having regard to various matters including the effect on the amenities of the area through which the road runs. They are responsible for ensuring that their actions are within the law and are accountable to local people for their decisions and their performance. Local councillors are responsible for ensuring that local decisions about the roads take account of the needs and opinions of local people.

It is right that communities are given the opportunity to comment on proposed changes to roads in their areas and the Department recommends such engagement as good practice during scheme development. A speed limit order is required to formally change a speed limit. These are made by local authorities following the procedures set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. These require formal consultation and publicity to be carried out as part of the process, including notices placed on site and in local newspapers, and a set period of 21 days during which people can comment on or object to the proposals.

The Department for Transport plans to consult later in 2021 on wider reforms and permanent changes to the traffic order regime, likely to be in the autumn.

### ***Incinerator Capacity***

The noble Baroness Jones of Moulsecoomb, asked about the UK's incinerator capacity outweighing demand. As of 2019, England has approximately 11.6M tonnes of energy from waste operational capacity dedicated to treating municipal and/or industrial and commercial waste, enough to treat around 38% of municipal residual waste at current levels. In line with our commitment in the Resources and Waste Strategy to monitor residual waste treatment capacity, we are continuing to analyse expected future levels of municipal residual waste and infrastructure needs.

The noble Baroness also asked whether the Government will ban imports of waste for incineration. Imports of waste to the UK for disposal are generally prohibited, while imports of certain wastes to the UK for energy recovery purposes are permitted. In 2019, 10,045 tonnes of waste were imported for recovery. This includes the import of biomass material, such as waste wood, which is a key fuel source for the decarbonisation of electricity generation and heat provision in the UK. The Government currently has no plans to restrict imports of waste for recovery, as these imports play an important role in the UK's energy generation and add value to the UK economy.

### ***Vehicle Recalls and Heritage Sector***

Responding to the noble Baroness Randerson and the noble Lord Berkeley in particular on heritage and steam-powered vehicles, I would like to reiterate the government's commitment

to the heritage sector that the vehicle recall power in the Environment Bill will not directly impact upon it.

The power can only be used to recall vehicles, non-road mobile machinery (NRMM) and vehicle components which do not comply with the environmental standards they were legally required to meet when first registered or placed on the market. The first Euro standards for passenger cars and light lorries (Euro 1) were introduced in 1992, for large goods vehicles (Euro 0) in 1988, and for non-road mobile machinery, which includes diesel trains, (Stage I) in 1999. Vehicles, NRMM and vehicle components manufactured before these dates would not be within the scope of the recall regime. Historic steam engines, steam traction engines and steamboats are also not within the scope of the recall regime. I hope this clarifies the government's position.

I am also happy to set out further information about the vehicle recall regime. The Government intends to create a regime that will enable manufacturers to recall vehicles, non-road mobile machinery (NRRM) and vehicle components that do not comply with the environment standards that they are legally required to meet. The government will be able to set vehicle manufacturers a minimum recall level that they will have to achieve. In the event of the manufacturer refusing to comply with a recall notice or failing to meet the minimum recall level, they can be subject to civil penalties. The full costs of any recall will be paid by the manufacturer and the Government will also be able to compel the manufacturers to pay compensation to any affected motorists. The enforcement agency for the regime will be the Driver and Vehicle Standards Agency. The regime in full will be set out in secondary regulations, which will be fully scrutinised in Parliament.

We will consider the practicalities of implementation and will set out further detail in statutory guidance which will be published next year. I am happy to continue to engage with interested parties as this guidance is developed.

I hope that noble Peers find these responses to be useful. I am copying this letter to all Peers who took part in Monday's debate, and I am arranging for copies to be placed in the Libraries of both Houses.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'R Goldsmith', written in a cursive style.

**THE RT HON THE LORD GOLDSMITH OF RICHMOND PARK**