

Environment Bill Report stage briefing: waste & water

September 2021

This briefing is on behalf of the environmental coalitions [Greener UK](#) and [Wildlife and Countryside Link](#), and focuses on the parts of the chapters on waste and water in the bill that we believe would benefit most from amendment.

Priority amendments we support

Amendment 40: charges for single use plastic items (Baroness Jones of Whitchurch)

Schedule 9 seeks to reduce the consumption of single use plastic by allowing charges to be imposed. However, the provision for charges to only apply to single use plastic items risks merely shifting the environmental burden, as alternative materials may be used with equal environmental recklessness. Risks of material substitution are many and have been documented by the [EFRA Committee](#) and can be viewed in these reports from [Greenpeace](#) and [Green Alliance](#). As the Green Alliance report sets out, switching all current consumption of plastic packaging (1.6 million tonnes) on a like for like basis, to the other materials currently used for packaging in the UK, could almost triple associated carbon emissions from 1.7 billion tonnes CO₂ equivalent to 4.8 billion tonnes CO₂ equivalent. **The problem lies with the single use throwaway culture, not with plastic per se.**

We have already seen the consequences of policy that addresses plastic but not other materials. Paper bags, for instance, are on the rise following the government's single use carrier bag charge, which only applies to plastic. According to [a 2018 study by the Danish ministry for environment](#), environmental and social impacts associated with the paper supply chain are considerable and include ozone depletion, human and ecosystem toxicity, air and water pollution. The study found that a paper bag could have to be reused 43 times to have a lower overall impact than the average plastic bag.

During Committee stage, [Lord Goldsmith defended this approach](#), saying plastics "require particular, special forensic attention" and that the charges will be "a powerful tool in helping us to reduce unnecessary single-use plastics". However, it is unclear how useful the power will be when it comes to tackling single use plastic, as the government is also pursuing bans on particularly problematic single use plastic items that are likely to be littered, including plastic straws, stirrers and cotton buds. In the absence of the ability to charge for alternatives, these bans are simply shifting the environmental burden with businesses offering, free of charge, alternatives made from paper, wood, or compostable material, even when such items are unnecessary and unrecyclable, and reusable options are easily accessible. The government is also [to consult](#) this autumn on banning further single use plastic items, including plates and cutlery. Without the ability to charge for alternatives to plastic, it is increasingly unclear what items will incur charges and increasingly likely that a measure that could be used to deliver the circular economy the government wants to see will instead sit on the books as a lame duck power.

The minister also noted that alternatives to plastic could be dealt with through other measures such as extended producer responsibility schemes or resource efficiency powers. However, those approaches are likely to be more onerous and difficult to implement compared to the straightforward and effective change of amending the charging power.

An inability to charge for alternatives to plastic will therefore see the market simply switch to other unnecessary single use items, instead of driving reuse and reduction as the government intends. These are far from the only examples where the limited power will hamper future environmental improvements. **This clause must be amended to future proof government action on reduction and reuse.**

It is not only environmental NGOs who are concerned about this shortcoming. A group of businesses, professionals and representative organisations has issued a letter expressing concern that, without amend, “the Bill’s wording means that not only will [shifts to unnecessary alternatives] continue unchecked, it will, in fact, appear to be encouraged by government policy”.

We strongly support amending Schedule 9 to enable charges to be made for all single use materials. This would ensure that the government can successfully tackle our throwaway culture at the same time as tackling plastic pollution.

Part 5: water

The clauses on water were debated thoroughly at Committee and several further amendments have been tabled subsequently, both by the government and others. The government’s amendments are largely positive although would benefit from strengthening and clarifying, while amendments proposed by others are more mixed. Most seek to strengthen the clauses in the bill, while proposed amendments to the abstraction clauses would see continuing harm to our rivers and other water courses.

Amendment 59: drainage and sewerage management plans (Duke of Wellington)

Clause 79 inserts new sections into the Water Industry Act 1991 which will require each sewerage undertaker to prepare, publish and maintain a drainage and sewerage management plan (DSMP). This new requirement is very welcome, enabling companies to take the strategic approach to wastewater management that is so clearly needed, but the clause would benefit from strengthening.

We support **amendment 59** which would provide an overarching purpose for the plans, requiring companies to deliver continuous improvement of sewage treatment plants and the separation of drainage systems from sewerage systems.

Amendment 60: storm overflows (Duke of Wellington)

Clause 80 will amend the Water Industry Act 1991 to insert new duties relating to storm overflows. It requires the production of a plan for reducing discharges from storm overflows, reporting against that plan, and annual reporting by the water companies. During debate it was widely regarded as a weak response to the original Private Members’ Bill proposed by Philip Dunne MP. Both the government and Peers have subsequently proposed amendments to this clause.

Government amendments 61, 62, 128, 129 and 130 will require sewerage undertakers in England to report in near-real time (within an hour) on the duration of storm overflow discharges, and to continually monitor basic water quality parameters plus “anything else specified in regulations” upstream and downstream of storm overflows and sewage treatment works.

The member's explanatory statement for **government amendment 61** regarding near-real time reporting states that "the duration and volume of storm overflow discharges" will be reported, yet the proposed amendment does not mention volume. The government should confirm that volume reporting is required by adding "(e) the total volume of the discharge". In making regulations on water quality monitoring, the Secretary of State should consult widely on the parameters to be included, and set out provisions for the water quality data to be published.

The government's amendments would also require the Secretary of State to prepare a report on the actions that would be needed to eliminate discharges from the storm overflows of sewerage undertakers whose areas are wholly or mainly in England, and the costs and benefits of those actions. These amendments are welcome although could go further in places to deliver positive environmental outcomes. **We seek confirmation from the government that it will respond to the report on eliminating discharges, and will direct that all cost beneficial measures should be incorporated into DSMPs.**

We strongly support amendment 60 proposed by the Duke of Wellington which seeks to eliminate, not simply reduce, the harm caused to the environment and individual and public health by the discharge of untreated sewage into rivers.

Amendments we do not support

Amendments 64 to 74: water abstraction (Lord Carrington)

Clause 84 removes the need, from 2028, to pay compensation to the holders of environmentally damaging abstraction licences when those damaging licences are amended or revoked. The requirement to pay compensation has been a barrier to action to protect waters, including vulnerable chalk streams, from the impacts of unsustainable abstraction. The clause is welcome and highly necessary, and the timescales provide ample time for catchment solutions to first be identified and implemented wherever possible, with licence changes considered a last resort.

The amendments proposed by Lord Carrington seek to significantly curtail the ability of the Environment Agency to take action to protect our ailing rivers and wetlands. They seek to remove the proposals for increased powers to vary or revoke abstraction rights without offering compensation to licence holders, including by ensuring that in approving any proposed changes the Secretary of State has "had regard to the proportionality of the revocation or variation", and by seeking to protect not only current activity but also the licence holders' future interests.

These proposals have no place in the Environment Bill, seeking to protect unsustainable and environmentally damaging landowner interests at the expense of the environment and the public good. **We encourage Peers to reject these amendments.**

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