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# Final Ministerial Reply



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5 July 2012

**From the Secretary of State**  
The Rt Hon Caroline Spelman MP

*Dear Boris,*

Thank you for your letter of 18 June outlining your environmental priorities for your second term of office as Mayor of London.

Firstly, may I congratulate you on your achievement, and extend my best wishes for your second period as mayor. I will address your points in the order you raise them in your letter.

**Air quality**

I strongly welcome the efforts you have made and continue to make to improve air quality in London, and I hope you are aware that my Ministers and I try to take every opportunity to promote the work you are doing in this respect. We both know that despite improvements in recent decades this remains a huge challenge, both to achieve health benefits and to bridge the large compliance gap against EU limits, especially on nitrogen dioxide. This issue must therefore be a high priority for us both.

I want to continue to work very closely with you on measures to achieve the necessary improvements, which will include the need for close partnership working, especially on health and transport aspects. As we develop new measures we will need to ensure that there is sufficient public – and business – awareness of the need for action to provide a strong bedrock of consensus in favour of the measures we take. We need to strike the right balance so as to avoid putting unsustainable additional costs on households and businesses in London at this time.

I am currently working with the Secretary of State for Transport, Justine Greening, on addressing pollution from transport and I suggest we make sure we our approach is coordinated between the three of us.

## **London Waste and Recycling Board**

We recognise the valuable work of the London Waste and Recycling Board (LWARB) in the fields of waste prevention and management and as you know we have supported them for some time. We plan to decide our capital process for 2013/14 onwards by the end of July 2012, once business planning processes for future years are properly in motion. But, as you will be aware, funding for capital projects in 2013/14 will be tighter than ever as a result of the economic legacy we inherited, with the emphasis necessarily being on absolute must haves and spend-to-save.

If funding is available in this respect, we will of course consider the good work done by LWARB and its financial needs when considering our funding priorities. Defra officials are in contact with LWARB and have suggested that it continue to seek out other sources of funding at the same time, rather than relying on the possibility of Defra funding. They will work with LWARB to ensure clear outcomes are identified which can be monitored to provide accountability. We would strongly encourage LWARB to produce a robust business case to demonstrate the value of the work being undertaken, the necessity of further funding and any efficiencies which could be achieved to ensure the most value is achieved from the resources available. I understand that a recent Eunomia report on residual waste infrastructure that indicates there is currently over-capacity in this area. You will understand that we would want to see robust evidence of the need for further waste infrastructure projects before public funds could be allocated.

## **Water**

I too appreciate your assistance with the Water Bill. Defra appreciates the affect the current water bill increase will have on households and we are committed to supporting households who face water affordability pressures.

I am delighted to hear your interest in addressing water affordability issues in London. The Water White Paper *Water for Life*, which was published in December last year, set out Government policy on affordability. The upcoming draft bill will introduce a package of reforms to increase competition and innovation which over the longer term will drive cost-effective responses to future challenges and limit the future impact on customer bills.

As you know, on 22 June we published guidance to water and sewerage companies on creating social tariffs to reduce the charges of those customers who would otherwise struggle to pay their bills in full. We made it clear that social tariffs are just one tool for companies to address affordability problems. We recognised that metering, efficiency and debt and benefits advice can also be very useful and your scheme therefore sounds very valuable. I trust you are in touch with Thames Water so that you are able to explore all the possibilities and make the support as holistic as possible. We are also consulting on measures to tackle bad debt which currently adds an average of £15 to customers' bills. This may be a measure which we could jointly promote in London as part of a message about being firmly on the side of those households that do the right thing.

On flooding, we will maintain the current capacity to plan for and manage emergencies, and operate flood defences. Defra's new partnership working approach has enabled more schemes to go ahead and given local people greater choice about local flood protection. Defra has also provided funding for lead local flood authorities for their roles and responsibilities under the Flood and Water Management Act 2010. £21 million worth of grants were made available in 2011/12 to help councils protect and support their own community when managing flood risk. These funds were to cover the costs for local authorities of putting into place and carrying out new responsibilities under the Flood and

Water Management Act 2010, such as flood mapping, producing risk management plans and supporting community flood awareness groups.

The funds were allocated based on the individual risk that each local authority has. Funding for 2011/12 was £21 million rising to £36 million for 2012/13 and subsequent years of this Spending Review period, with each lead local flood authority receiving a minimum of £110,000.

### **Thames Tunnel**

As you know, Thames Water has conducted two public consultations on the proposed Thames Tunnel route and construction sites, during which it has recognised the importance of reducing impacts and minimising disruption on local communities as far as practicable, and modified its proposals accordingly wherever possible. Issues concerning individual proposed construction sites are planning matters that will be considered by the Planning Inspectorate as part of the development consent process. It will be for Thames Water to justify the specific design and route of the Tunnel project as part of its application, as well as having to submit an Environmental Statement describing the aspects of the environment (including on people) that are likely to be significantly affected by the project, including the measures envisaged for avoiding or mitigating significant adverse effects. The Planning Inspectorate will consider the application and make its recommendation to Ministers, who will then make the final decision on issuing a Development Consent Order. Therefore neither I nor Richard Benyon can comment on specific individual sites or the merits of such an application.

Later this month, Thames Water is expected to start a period of formal publicity (required under Section 48 of the Planning Act 2008) of its application to the Planning Inspectorate, during which local authorities and communities will have a further opportunity to submit their views.

### **Single-use Plastic Bags**

As regards action on single-use carrier bags, we want to work with retailers to help them lift their game to cut the number of bags they hand out. Any Government initiative will need to recognise the pressures on household budgets at this time, as I'm sure you will agree.

Defra has contributed to the European Commission's consultation on a number of possible options for the reduction in the use of plastic bags, which closed in August 2011. The Commission is preparing a full impact assessment on a range of options which will be presented in a Green Paper this year.

### **Dangerous dogs**

I am grateful to you for contributing to the recent consultation on dangerous dogs. We worked closely with the police, local authorities, animal welfare organisations and other Government departments to draw up a balanced set of proposals designed to reduce dog attacks and nuisance without placing a burden on the majority of dog owners who behave responsibly.

There are currently a number of initiatives that are undertaken at local level which are designed to promote more responsible ownership of dogs. We want to foster more projects of this kind and we feel that those who may be interested in setting up projects need to know what works well and in what circumstances. To make this happen, Defra is

funding innovative projects both within and outside London to provide learning that can be applied more widely.

One of the criticisms in the past has been a perception that the way the law is enforced can vary between police forces with some forces performing better than others. In order to redress this, we have already provided £20,000 towards the training of more dog legislation officers – police officers specially trained in the law on dangerous dogs. These additional specialists will help police forces across the country to deal with dangerous dogs incidents.

We have also worked closely with the Home Office to ensure that any new anti-social behaviour measures cover irresponsibility with dogs. This includes people who deliberately use their dogs to intimidate people others and those who allow their dogs to stray and cause a nuisance. The Home Office are determined that these type of problems will be dealt with effectively in their proposed changes to the anti-social behaviour toolkit. The Home Office fully recognise the need to ensure that action can be taken to tackle anti-social behaviour problems pro-actively before they degenerate into more serious incidents where action may have to be taken under existing dangerous dog legislation.

We also provide guidance to the courts, the police and the public on dangerous dogs. We are looking at whether this guidance needs to be updated and we have started to work with partners to see what changes need to be done.

On 15 May, the Sentencing Council published new guidelines for judges and magistrates on the sentencing of dangerous dog offences, such as increasing the top of the sentencing range for an offence of allowing a dog to be dangerously out of control and injuring someone from 6 to 18 months. According to the Sentencing Council, "the new guidelines will mean more offenders will face jail sentences, more will get community orders and fewer will receive discharges". The new guidelines come into effect on 20 August.

I hope this reassures you of the work my Department is undertaking and the extent to which it should be beneficial to Londoners. If you would like a meeting to discuss any of these items further then please get in touch. Best of luck with the Olympics, we stand ready to help if needed.

*Yours ever,*



**CAROLINE SPELMAN MP**