

Environment Bill: summary briefing for Report stage

January 2021

The Environment Bill is a vital piece of legislation. It includes measures on four critical foundations of our natural environment: nature, air, water and resources and waste and will establish a new environmental governance system for England and Northern Ireland.

Support from all sides of the House is required to ensure the bill is effective at helping to halt the [loss of nature](#) and sets our environment on a pathway to significant improvement. The bill must chart a course away from toxic air, plastic pollution and wildlife losses and towards a brighter, greener future.

Ambitious targets to drive environmental improvement

The long term nature of environmental matters means inclusion of a target setting framework is essential. Putting targets into law gives them certainty and clarity that benefits everyone and drives long term investment in environmental improvements.

Improvements though are needed to how the targets are set and met: the current wording would allow action to be put off until it is too late. As well as being legally binding, targets must be comprehensive, enforceable and ambitious. Mechanisms that assure their delivery must be put in place immediately, such as making interim targets legally binding and strengthening the link between Environmental Improvement Plans and targets.

At this year's Conference of the Parties to the Convention on Biodiversity (CBD COP15) in Kunming, China, the international community is expected to agree a new set of global goals for nature for 2030. By committing in the Environment Bill to a binding target to halt and begin to reverse the decline in the state of nature at home, the government can show domestic leadership that could help to secure a global deal. Without this explicit target in domestic law, there is a risk that the government's international rhetoric will not ring true.

The bill contains a framework for setting long term legally binding targets, but the timeframe does not align with the 2030 commitment that will emerge from CBD negotiations. Nor would any interim targets that may be set close to the 2030 deadline for CBD be binding under the bill as currently framed in any event.

Independent and transparent oversight of government

For the new Office for Environmental Protection (OEP) to be capable of holding the government to account, its independence and powers must be strengthened, including through greater parliamentary oversight of board appointments and its budget. The OEP will take cases to the High Court, which must be empowered to grant meaningful, dissuasive and effective remedies, including, where appropriate, financial penalties.

Meaningful environmental principles with clear legal footing

Principles to protect our environment and our health, such as acting with precaution and avoiding harm, must function as important guiding principles for the government. To be effective, their legal basis should be strengthened through a duty to apply the principles, as has been done in the Scottish Continuity Bill, and the sweeping exclusions for defence and spending policy removed.

A robust and clear policy base

The proposed duties for Local Nature Recovery Strategies to influence planning and spending are very weak and should be strengthened, otherwise they could be ignored. This change is critical for local environmental protection and recovery. Biodiversity gain in development must be part of a national strategy to restore nature, guided by a national Nature Recovery Network plan, and by Local Nature Recovery Strategies on the ground, with newly created habitat protected for the long term. Major infrastructure projects should be included within the net gain regime.

More emphasis is needed on the reduction of waste. The proposed charge on single use plastic items must apply to all single use items. The government should commit to bring forward these measures, including deposit return schemes, as soon as possible.

The bill provides welcome powers to reduce damaging water abstraction, but the timescale for action is too long. The bill also permits the Secretary of State to alter the way in which chemical pollution of our waters is assessed. This power is open-ended and stronger safeguards are needed to ensure that targets and standards can only be altered in line with scientific advice from the UK Technical Advisory Group.

The bill must commit the UK to achieving World Health Organization guideline levels of particulate matter pollution by 2030 at the very latest.

Resourcing over the longer term

For the bill to succeed, it will require a major increase in the resourcing of local government, the Office for Environmental Protection and frontline delivery agencies, such as Natural England and the Environment Agency, as well as increased expenditure on beneficial land management, and for this to be sustained into future spending reviews.

Global leadership begins at home

Much of the bill applies only to England. Questions remain over how environmental governance will work across the whole of the UK. We welcome the potential extension of the governance provisions to Northern Ireland, but are concerned that the timescale for implementation will lead to further delay.

The addition of provisions to tackle forest risk commodities through a due diligence provision is welcome but do not yet go far enough to tackle deforestation.

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