

What we need from a Westminster Environment Bill

Introduction

The UK government has promised to leave the environment in a better state and to deliver a world-leading environmental governance system. Friends of the Earth welcomes the Prime Minister's promise to enact legislation to do this now. This will help to address some of the uncertainties related to Brexit, and demonstrate the UK government's commitment to bold international leadership ahead of a series of crucial global summits on planetary challenges relating to biodiversity, oceans, sustainable development and climate.

In this paper, we set out initial headline proposals for what the forthcoming Environment Bill should include to deliver that ambition. This should be a framework bill, from which further legislation should flow.

It is vital that the new Westminster Environment Bill sets out a strong legal basis for the recovery of our environment, because:

- the natural world is valuable in its own right and we have a responsibility to look after it;
- existing protections and approaches are not preventing a continuing long term decline in the natural world, never mind successfully securing its recovery;¹
- a healthy natural environment is the foundation of our health, wellbeing and prosperity;²
- future trade deals need to reflect our commitment to limiting our global environmental footprint; and
- the public wants this to happen.³

We note that the government has previously stated that the Environment Bill will apply to England and reserved matters only. However, the issues raised above are applicable throughout the UK and joined-up action will be required across all four nations to demonstrate UK-wide ambition and deliver against it. We strongly encourage the UK government and the devolved administrations to work together on this.

Recommended contents of the Bill

A clear purpose and scope

1. **An overarching duty on all public bodies** to secure the maintenance, recovery and restoration of the environment, so that the environment is healthy, resilient and sustainable for the benefit of people and wildlife.⁴

2. **A duty on government departments, public bodies, and corporate entities** to ensure that all public and private activity affecting the environment is carried out responsibly and with due diligence.

Steps to safeguard existing environmental protections

3. A strong and independent watchdog

- a. Provisions to establish a new, independent, well-resourced body to ensure that Ministers comply with environmental law, including through legal proceedings if necessary.

4. EU principles in UK law

- a. A minimum set of environmental principles.
- b. A duty on the Secretary of State to publish a policy statement on the interpretation and application of those principles.

5. **A non-regression principle** that prevents any backwards steps being taken in the adoption, alteration and implementation of environmental laws.

6. Action to enshrine procedural and substantive environmental rights into domestic law, including:

- a. The right to environmental information.
- b. The right to participate in environmental decision making.
- c. The right to have access to justice in environmental matters, including to challenge decisions in conflict with environmental law.
- d. The right to adequate and effective remedies, including injunctive relief as appropriate.

An outline of environmental ambition for the future, with mechanisms to ensure progress

7. **A full set of thematic and time-bound objectives** which the Secretary of State must achieve to comply with the overarching duty. The objectives must be at least as strong as those included in existing legal obligations, and should address at least the areas set out in the Annexe. The objectives should be accompanied by:
 - a. **A mechanism through which the Secretary of State will set, within a specified timescale, legally binding SMART targets or limit values.** This should be done on the basis of expert advice, and with five yearly milestones and metrics, for each of the broad objectives listed above. The five yearly milestones must be achieved to comply with the overarching duty. There should be explicit cross references to ensure that any targets set are commensurate with international treaties relevant to the broad objectives identified above. These treaties should be listed on the face of the Bill. This mechanism should be accompanied by:
 - b. **A requirement on the Secretary of State to publish and implement adequately resourced plans for achieving the objectives and SMART targets and lay them before Parliament.** These should include clarity on the contribution made by each part of government and key sectoral policies such as farming, fisheries and environmental land management, which should take an ecosystem-based approach. To ensure the availability and efficient use of financial resources, these plans must specify the financing needs for achieving these SMART targets and link these needs to corresponding funding streams. And the government should

establish and maintain baseline data and information, so that progress on achieving objectives can be tracked and delivery mechanisms amended accordingly.

- c. **A duty on all ministers of the Crown to contribute towards achieving these objectives and targets.**
- d. **A requirement on government to gather information from relevant public bodies and report annually to Parliament** on the performance of the overarching duty, and on progress towards the broad objectives set out above and the SMART targets adopted through the process described above. Reports will be prepared every year, published in full, and independently scrutinised. These reports must include accounts of public expenditure allocations.
- e. **As well as broader requirements on public participation, a specific requirement to consult with civil society, business and other stakeholders on the setting and delivery of targets**, through an initial route map consultation followed by more detailed consultation on specific proposals, as well as engagement with the yearly reviews.

The establishment of a spatial framework for nature's recovery

- 8. **A duty on the Secretary of State to prepare and maintain national strategic guidance on the creation and implementation of Local Nature Recovery Maps and Plans**, ensuring that the scope and purpose of the maps and plans includes air quality and water condition, climate change adaptation and delivery of other ecosystem services. There should also be a duty on local authorities and relevant authorities at sea to create Local Nature Recovery Network Maps that identify the location and extent of priority areas for the protection, enhancement and restoration of habitats and ecological processes. The maps should be included in local plans and used to spatially target and integrate regulation and public spending.

Action to manage international and cross-boundary issues

- 9. **A duty on the UK government to co-operate with relevant actors**, including devolved administrations, on transboundary and international environmental matters.
- 10. **A requirement for independent and transparent impact assessments to be carried out before entering trade negotiations**, during the negotiation process, and subsequently, to ensure that environmental impacts are properly considered.

Annexe: thematic and time-bound objectives

Building a healthy environment

- a. Air quality is safe for human health and the environment.
- b. Our freshwaters and seas achieve good ecological status and good environmental status respectively, able to support a wide diversity of wildlife.
- c. Soils have been returned to a healthy status and any uses are sustainable.
- d. The extent, quality and connectivity of habitats is increased and natural processes restored, so that ecosystems on land and at sea are resilient; and natural beauty and heritage are enhanced in our landscapes.

- e. The richness of species is maintained and their abundance maintained at, or restored to, at least favourable conservation status on land, in freshwater and at sea, with human-caused extinctions prevented.

Engaging and empowering people

- f. Everyone has access to high-quality natural green space where they live, to contribute to their wellbeing, and mental and physical health.
- g. Environmental justice is delivered for all, including the poorest in society and future generations.
- h. Everyone receives an inspiring environmental education and environmental matters are properly communicated to, and understood by, the public.

Managing our impacts

- i. Climate change drivers are addressed and the environment is managed to deliver our long term climate change adaptation and mitigation goals; for example, habitat connectivity and carbon storage in soils, deep peat and forests.
- j. New invasive species, pests and diseases are not being introduced to, or becoming established in, the UK, and those already here are, at least, under effective control with their harmful impacts addressed.
- k. Where natural or manufactured resources are used, this is done sustainably and equitably, and our waste has no negative impact on the environment.
- l. The UK economy is operating within its fair share of global environmental limits, with the UK's overall impact on the global environment being net positive.
- m. Chemicals are manufactured, transported, stored, used and disposed of safely to protect people's health and the environment.

Endnotes

¹ *State of Nature 2016*,

www.rspb.org.uk/globalassets/downloads/documents/conservation-projects/state-of-nature/state-of-nature-uk-report-2016.pdf

² UK National Ecosystem Assessment 2011, <http://uknea.unep-wcmc.org/Resources/tabid/82/Default.aspx>

³ 70% of UK adults support an Environment Act to hold the government to account, according to a poll commissioned by the National Trust in summer 2018, www.nationaltrust.org.uk/press-release/10-million-project-to-bring-uk-rivers-back-to-life-launched-by-national-trust-as-director-general-calls-on-government-to-act-now-on-its-green-brex-it-promises

⁴ The Bill should cross-refer to relevant definitions contained in existing legislation to ensure certainty and consistency.

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