

ASSURANCES NEEDED FOR A 'WORLD LEADING' ENVIRONMENT BILL

These draft assurances have been developed through discussions with stakeholders from all sectors. Please give any feedback and ideas for improvement, and let us know of your interest in backing them, by 14 December to ed@broadwayinitiative.org.uk

To enable all parts of society to plan and invest in a healthy environment, the Act must:

1 Define shared objectives for the environment

Reasons are:

- To provide a clear basis for all sectors to plan and invest.
- To avoid 'stranded assets' by avoiding investment in unsustainable activities.

The Act must:

- A** Include long term objectives to maintain and restore the environment so it is healthy, resilient and sustainable for the benefit of people, wildlife and the economy.
- B** Include objectives which are at least comparable to existing legal obligations.
- C** Include a collaborative process for the government to set quantified targets within two years which define the objectives in more detail, with interim targets for 5, 10 and 15 years.
- D** Include the criteria to be considered in setting targets such as those in the Climate Change Act.

2 Contain predictable processes for governments to ensure appropriate policies are in place

Reasons are:

- To make sure policy is long term, planned and collaborative reflecting investment cycles.
- To make sure that responsibility is owned and shared by all government departments.
- To replace EU mechanisms.

The Act must:

- A** Include a duty on SoS and devolved Ministers to ensure appropriate measures are in place to meet milestones, targets and objectives.
- B** Require government to produce a 'plan' every five years to meet milestones, targets and objectives. Plans should be developed collaboratively, be informed by rigorous analysis of environmental challenges and provide system-wide solutions.
- C** Include a duty on the SoS and devolved Ministers to develop a mechanism to set environmental standards.
- D** Require government to develop a set of indicators for the targets and objectives and report against them.

3 Include clear principles for incorporating the environment during policy development

The reason is:

- To guide individual policies to reflect the environment in a way the economy can predict.

The Act must:

- A** Include at least the principles set out in the Withdrawal Act.
- B** Ensure principles are applied intelligently through a policy statement.

4 Provide for a unified spatial framework for achieving environmental objectives alongside other social and economic objectives

The reason is:

- Currently there are lots of single-issue spatial plans for the environment (for example covering floods, water, nature) separate from the main economic plans (including local development plans)

The Act must:

- A** Provide for a single ‘map’ to show the state of the environment and opportunities for improving the environment that operates at different scales.
- B** Include a requirement to develop a framework to integrate the environment into place-based planning [subject to further development].

5 Include clear and stable responsibilities for specified activities

The reason is:

- To enable those activities and organisations best placed to develop solutions from the start in a clear and durable way, rather than government imposing end of pipe solutions late in the day.

The Act must:

- A** Include a duty of care for organisations that materially interact with the environment [subject to finding a design that achieves the purpose without unintended consequences].
- B** Include a requirement for net environmental gain for new development.
- C** Make producers responsible for the post-consumer environmental costs of their products.

6 Provide for independent oversight of progress towards achieving targets and objectives

Reasons are:

- To hold governments to account for meeting objectives and enforcing the law.
- To give the economy and international partners confidence in the system.
- To ensure a level playing field.

The Act must:

- A** Include provision for advice and scrutiny on targets, milestones, plans and action to meet objectives.
- B** Include provision for receiving complaints.
- C** Include provision for enforcing non-compliance robustly including to take legal action before a tribunal or court.
- D** Provide oversight of climate change obligations.
- E** Establish a sufficiently independent and equipped body or bodies accountable to the relevant Parliament/s.

7 Include a common framework at UK level where mutually necessary or beneficial

Reasons are:

- International reputation and ability to trade depends on the UK as a whole; the four UK countries share a natural resource base in different and complex ways.

The Act or the total sum of UK legislation must be co-designed to contain common frameworks that respect devolution for:

- A** for 1, 2, 3 and 6 above.
- B** consulting and co-operating in developing policies that may have cross-border implications and in setting the UK’s position on relevant international agreements.