



Transforming the world  
to sustainability

# Environment Bill

Martin Baxter

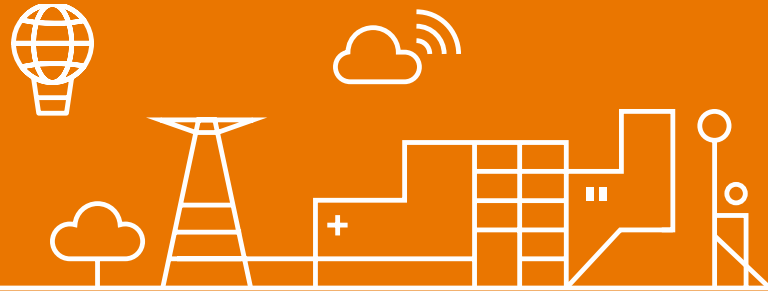
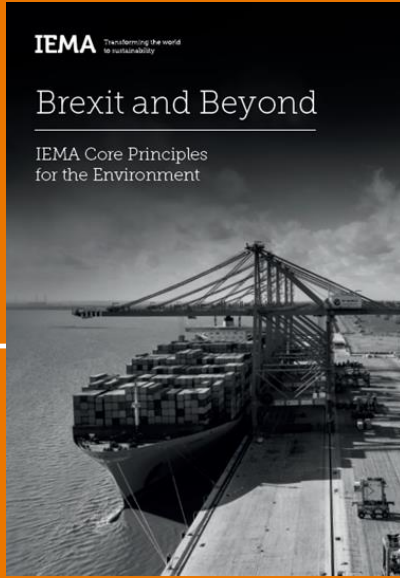
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# Environment Bill



# Setting out our high-level approach

To “put sustainability at the heart of our economic model” the Environment Bill needs to provide a framework that:

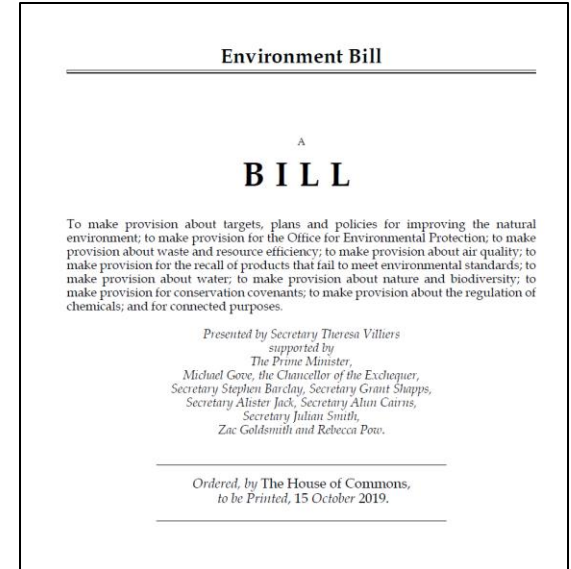
- gives strategic predictability on what is required in total
- assigns responsibility for who needs to do what, early and consistently
- ensures ‘doing the right thing’ is consistently simpler and more rewarding, with all policy pulling in the same direction coherently
- where solutions require collaboration, enables plans to be developed at the right scales, collaboratively
- ensures a shared and adequate information base to inform action
- holds government and other account for meeting their responsibilities  
.....in effect developing a “Constitution for the Environment”



# Environment Bill

Government developed Bill in 2 stages – combined into a single Bill

- 1) Draft Environment (Principles and Governance) Bill published 19<sup>th</sup> December 2018
- 2) Environment Bill – greater ambition (2<sup>nd</sup> Parliamentary session...) 15<sup>th</sup> October 2019



# Environment Bill

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- Published 15<sup>th</sup> October 2019
- 8 Parts
- 20 Schedules
- 232 pages.....it's BIG
- Passed second reading on 28<sup>th</sup> October 2019 unopposed

Dissolution of Parliament 6<sup>th</sup> November 2019....goodbye?

# Key Governance Provisions

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1. Process for setting legally-binding principles
2. Environmental Improvement Plans – policies and measures to effect change
3. Environmental Principles – policy statement
4. Office for Environmental Protection – advice, reporting, enforcement of public authorities' environmental law obligations

# Potential Amendments

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1. Objectives to give direction to target setting, EIPs, principles and OEP
2. Criteria to consider in setting targets
3. Provisions requiring SoS to make sure that plans and policies are sufficient to support targets, including through the reporting, review and advice functions
4. A requirement to seek advice from those action will be required

# Coherence - Objectives

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Concern that the three governance pillars of the Bill (target setting process, environmental principles, and the OEP) each have different core objectives:

- i. The objectives of the environmental targets are, in combination, to “significantly improve the natural environment” s6(3)
- ii. The objectives of the environmental principles are to contribute to the improvement of environmental protection and sustainable development s16(4)
- iii. The principal objective of the OEP is to contribute to the protection of the natural environment and the improvement of the natural environment s20(1)



# Objectives – our proposal

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Within the framework of sustainable development, the environmental objectives are to achieve and maintain:

- i. A healthy, resilient and biodiverse natural environment
- ii. An environment that supports human health and wellbeing for all
- iii. Sustainable use of natural and physical resources

# Other Potential Governance Amendments

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1. Linking local delivery to support the chapter 1 framework
2. Duties on public authorities to cooperate in achieving the targets
3. Creating the market for natural capital investment
4. Requirement to introduce a duty of environmental responsibility on business
5. Provisions to join up the Climate Change Act and Environment Bill
6. Independence of the OEP
7. UK wide co-operation

## Timetable....?

General Election 12<sup>th</sup>  
December

Manifestos?

Bill Re-introduced?

.....[shrug shoulders and sigh]





Non-regression

# Non-regression roller-coaster!

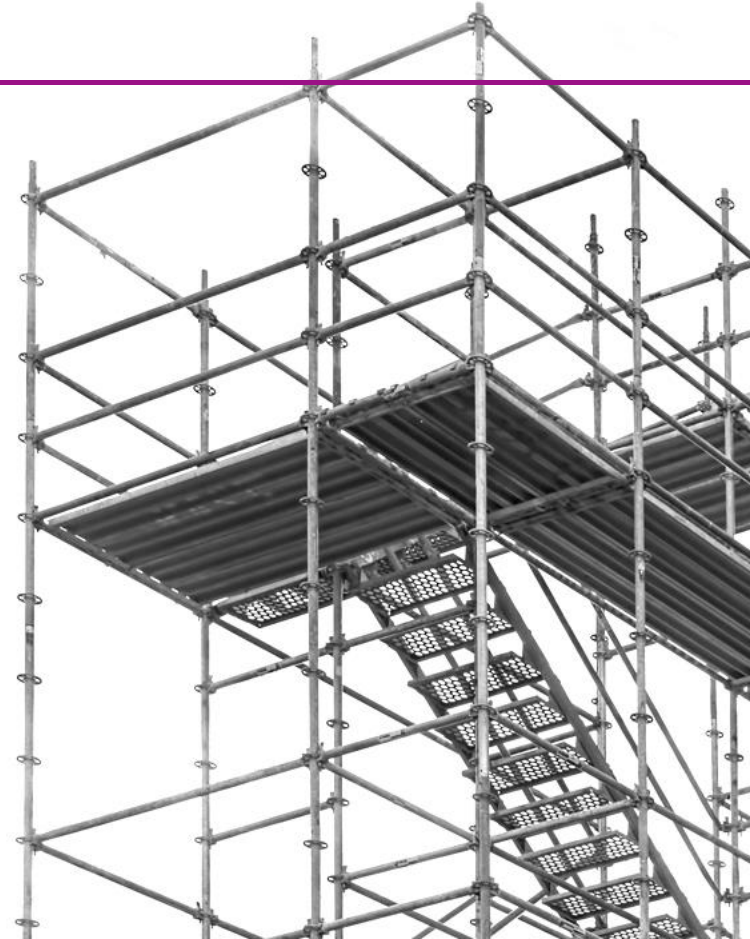
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1. Initial text of UK/EU Withdrawal Agreement (14th November 2018)
2. Mechanism Envisaged for Non-Regression - Greg Clark Business Statement 6th March 2019
3. Boris Johnson letter to Donald Tusk dated 19th August 2019
4. UK/EU Political Declaration (17th October 2019)
5. Environment Bill Second Reading 28th October 2019
6. Environment Bill – Labour Party Amendments 31st October 2019

# Non-regression

How best to frame non-regression and secure in law!

- “environmental outcomes”?
- “level of environmental protection afforded by existing laws, regulations etc”
- “no deterioration of existing environmental conditions”?



# Thanks!

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