

Environment Bill: briefing for Commons Committee

November 2020

Environmental improvement plans (Clauses 7, 8 and 25)

Clause 7 of the Environment Bill introduces a duty on the Secretary of State to prepare a plan for significantly improving the natural environment (an Environmental Improvement Plan – EIP) and sets requirements for what an EIP must contain. Clauses 8 and 25 provides detail on how EIPs are to be reported on.

The requirement on government to have rolling statutory plans in place to improve the natural environment is welcome. Such plans are necessary to provide the comprehensive and long term vision that will guide legislation and policy to deliver better protection and enhancement of the environment. To be most effective, these plans need to be supported across government.

However, more work is needed to ensure that EIPs are action focused, measurable, integrate with other measures in the Environment Bill and are actually delivered through mechanisms such as the Environmental Land Management Scheme (ELMS).

In addition, it is essential that there is a clearer link between the statutory targets under Clause 1 of the Bill and EIPs, with the EIPs serving as credible delivery plans for those targets. The current EIP (the [25 Year Plan for the Environment](#)) is essentially a narrative document, containing long descriptive passages, with hundreds of possible actions, many of which are difficult to measure. There is limited attempt to quantify the benefits of actions, prioritise the most environmentally effective, or demonstrate that they will lead to particular environmental outcomes. Both updates on the delivery of the current EIP and future plans need to be much more focused on both actions and benefits if they are to drive a significant improvement in England's natural environment.

Several helpful amendments have been proposed on Clauses 7, 8 and 25, along with a new clause relating to EIPs. We set out below which amendments we support and why these are necessary.

Clause 7: Environmental Improvement Plans (amendments 88, 112 and 87)

Clause 7 sets out requirements for the content of each EIP. We consider that the content requirements need to be strengthened to ensure that all EIPs include time bound, specific measures which are more explicitly linked to the delivery of long term targets and interim milestones. Without this, there is a risk that EIPs will remain largely abstract narratives, with meaningful actions backloaded towards the end of each 15 year EIP period.

Instead, EIPs should be more like plans to achieve the Carbon Budgets (set out in [Section 13 of the Climate Change Act 2008](#)) or plans to achieve air quality objectives (set out in [Part 5 of the Air Quality \(Standards\) Regulations 2010](#)). These require clear plans and steps to meet targets. Otherwise, the targets under the Environment Bill framework will be a detached rather than an integral part of the new environmental governance system.

We support **amendment 88**, which provides a crucial link between targets and EIPs as a delivery mechanism. It would provide clear content requirements for each EIP, including the provision of:

- Analysis of how specific measures will contribute to relevant targets.
- Timetables for the adoption, implementation and review of each measure.
- Allocations for the delivery of each measure (to government departments or other relevant authorities).

Similarly, **amendment 112** would create a stronger link between EIPs and environmental targets.

Amendment 87 would allow EIPs to include measures to improve the conservation of land environments of archaeological, architectural, artistic, cultural or historic interest in EIPs.

Access to nature

As drafted Clause 7 provides that EIPs may set out the steps the government intends to take to improve people's enjoyment of the natural environment.

The mental and physical benefits of accessing nature are well documented, as demonstrated by the important role that nature has played in people's lives during the Covid-19 pandemic. Connecting people to nature also helps them to better understand their role in its protection and improvement.

Amendments 201 and 202 would require the government to use EIPs to explain how it intends to improve people's connection with nature. While we have sympathy for the intention that lies behind the amendment, we would be keen to ensure that the primary focus of EIPs remains on driving environmental improvements.

Clause 8: Annual reports on Environmental Improvement Plans (amendments 89 and 90)

Clause 8 requires the Secretary of State to prepare annual reports on the implementation of the current EIP.

We support **amendment 90**, which would require each report to include an analysis of how EIP measures are contributing to the delivery of environmental targets. This will help strengthen the link between EIP measures and the targets they are intended to meet, with an annual review serving to highlight any measures that are failing to contribute to targets being met.

As the Minister explained to the Committee during the [fifth sitting](#):

“Both targets and environmental improvement plans have the objective of delivering significant improvement in the natural environment.”

We believe that including an analysis of whether the policies and the measures in EIPs will enable targets to be met will be a helpful tool in ensuring that the targets and EIPs will deliver a significant improvement in England's natural environment.

Amendment 89 would require each annual EIP report to consider biodiversity reports from authorities (required by clause 94 of the Environment Bill). This knitting together of local

biodiversity reports into an overarching EIP report will help ensure that EIP reports present co-ordinated data, which will in turn assist with the integration of local and national plans for environmental improvement.

Clause 25: OEP monitoring and reporting on EIPs and targets (amendment 98)

Clause 25 sets out the role of the Office for Environment Protection (OEP) in monitoring progress in improving the natural environment, including reviewing annual progress reports for the current EIP (as required by clause 8) and data gathered by the Secretary of State on progress made towards meeting any targets set (clause 15). It is important that the OEP plays an active role in scrutinising and reporting on EIPs (and targets) and their application, as a form of external review.

Amendment 98 would require the government to respond to recommendations made in the OEP's annual progress report in more detail than is currently required by the bill, by setting out what actions will be taken on recommendations on how progress could be improved. This would help ensure that the OEP's recommendations lead to government action, rather than just reports.

New Clause 18: Public authorities: environmental duty

New Clause 18 would place a new duty on public authorities, requiring them to act compatibly with environmental targets and the implementation of the current EIP. This new duty to consider the EIP in public authority decision making would help ensure the effective delivery of EIP measures on the ground, assisting the integration of environmental improvement actions across central and local government as well as other public bodies.

It would not mean that all public authorities were obliged to cease activities with negative environmental consequences. However, it would guard against the most damaging actions, require proper consideration of mitigation and alternatives, and provide a prompt for undertaking positive actions to enhance the environment.

It will be important to ensure that the new duty created by the new clause complements the existing general duty to conserve and enhance biodiversity (a duty strengthened by clause 93 of the bill), rather than duplicating or undermining it.

Clause 15: Environmental monitoring

Clause 15 requires the Secretary of State to obtain data for environmental monitoring. The collection, management and use of such environmental data will be fundamental to the successful delivery of the great majority of the EIP objectives. Additional work will be required to provide for the development and implementation of well integrated environmental information infrastructure to ensure that the necessary data, and the systems to harness it, will be in place to target actions and resources to best effect.

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