

Environment Bill: briefing for Lords Committee Day 1

18 June 2021

Summary

This briefing is on behalf of the environmental coalitions [Greener UK](#) and [Wildlife and Countryside Link](#) and covers **Clauses 1 to 14** on environmental targets and environmental improvement plans.

The inclusion of a target setting framework is a welcome part of the bill. The long term nature of environmental matters makes this particularly important. Environmental improvement cannot be achieved over the short time frame of a political cycle. Putting targets into law gives them certainty and clarity that benefits everyone and drives long term investment in environmental improvements. While the framework to set targets is welcome, it must be strengthened to be effective and durable.

Comparison with the target setting framework in the impactful 2008 Climate Change Act reveals several key differences, however, particularly the lack of binding interim targets and a weak link between targets and Environmental Improvement Plans.

The welcome 2030 species recovery target must be strengthened to set a firmer requirement to halt the decline in species abundance.

Amendments we strongly support

Amendment 24: 2030 species abundance target (Lord Randall of Uxbridge)

Nature continues to decline at an alarming pace, and it is imperative that ambitious and sustained action is taken to restore habitats and species before it is too late.

This is not a new problem but it is clear that a new approach is needed to solve it. Governments around the world have failed to meet any of the 20 Aichi biodiversity targets agreed in Japan in 2010 that were meant to slow the loss of the natural world. An ambition to halt declines by 2030 has been stated in the [Leaders' Pledge for Nature](#) and most recently in the [G7's Nature Compact](#).

Neither is this a problem that only affects other nations. We live in one of the most nature depleted countries in the world. The UK is bottom of the league for G7 countries, based on the [Biodiversity Intactness Index](#), and evidence from the latest [State of Nature report](#) in 2019 showed that around one in seven species is threatened with extinction and more than 40 per cent of species have declined since 1970.

The RSPB's [Lost Decade report](#) investigated some of the targets that the UK failed to meet and concluded that one of the means of driving the necessary actions is to set legally binding targets to give focus and energy to government policies and direct funding to where it will be most effective.

The case for change is therefore compelling.

The Prime Minister has acknowledged the severity of the crisis and committed the UK to reversing the decline of nature by 2030. This welcome ambition must be firmly embedded in law. The [announcement](#) of a legally binding 2030 species recovery target is therefore an important step forward.

The Environment Bill provides the perfect opportunity to send a strong message about the UK's role as a global leader in the run up to crucial negotiations for global targets at the UN Convention on Biological Diversity in October. An ambitious target would set the standard for others to follow. An unambitious target would leave the UK trailing in the wake of other countries, thwarting our global leadership aspirations.

Government **amendment 22**, which it has badged as a "net zero target for nature" only places a very weak duty on the face of the bill that does not amount to a legally binding commitment to halt the decline in species abundance. This should be strengthened as proposed in the **cross party amendment 24**, tabled by Lord Randall of Uxbridge, which we strongly support, to replace "further" with "meet". **Critically, this would clarify that the target must halt decline by 2030, not simply further an objective to halt decline.**

The government's amendment, as drafted, will fail the needs of nature because it does not set a hard deadline of 2030 for halting decline. Imprecise ambition will likely result in two undesirable outcomes: uncertainty for policy makers, businesses and the public on when the target will be met and a reduced level of ambition across government from departments who may interpret the target differently to Defra ministers.

The government's amendment is also in stark contrast with the approach embedded in the 2008 Climate Change Act. This sets an unambiguous 2050 deadline with legally binding five yearly carbon budgets. An amendment that only commits the government to furthering the objective of halting decline is unlikely to lead to the pace and scale of behaviour and policy change that net zero has stimulated, meaning the "flagship" Environment Bill will not, as we all hope, succeed in putting nature on the path to recovery.

We cannot afford to wait another couple of decades while species continue to dwindle away, or worse, are lost for ever. An unequivocal 2030 target is needed to kickstart the action needed now to drive improvements, such as the urgent rollout of effective ELM schemes and the comprehensive introduction of biodiversity net gain.

Amendment 43: binding interim targets

Clause 4 places a welcome duty on the Secretary of State to ensure that targets are met. However, there is nothing to compel governments, including future ones, to start taking action now to meet targets, or to take remedial action where targets are missed. We therefore support **cross party amendment 43** which would place a duty on the Secretary of State to meet interim targets. This matters, given the number of existing voluntary targets that have been [missed](#) or [abandoned](#).

During the second sitting of the oral evidence sessions during the Commons stages, Minister Pow [suggested that](#) non-binding interim targets were necessary because the environment "is an ever-changing, flexible scene".

As one of the witnesses, Rebecca Newsom, [explained](#) in her response:

"...change towards long term goals, and progress towards meeting them, does not always happen in a linear way. We recognise that, but that is not an argument not to make the interim targets legally binding. It is an argument for the Government to apply some flexibility in the type of interim targets they might set".

Binding interim targets can provide near term [certainty for businesses](#), creating the sort of stable environment which encourages investment in their workforce, and in green products and services. They would focus businesses on planning the trajectory towards the long term targets and help drive innovation in their business models.

The lack of binding interim targets in the Environment Bill is a further example of where it falls short when compared the 2008 Climate Change Act, in which five year targets (carbon budgets) are legislated for. The government has provided no compelling justification for this critical difference.

Amendment 52: Environmental Improvement Plans (Baroness Jones of Whitchurch)

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).

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.

Clause 7 also sets out requirements for the content of EIPs. We consider that these 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 risk being a detached rather than an integral part of the new environmental governance system.

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.

We therefore strongly support **cross party amendment 52** which would provide 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).

We also support **amendment 53** tabled by Baroness Parminter. This would mirror the wording of the 2008 Climate Change Act and require the government to set out the proposals and policies (not merely steps) in EIPs needed to meet targets and deliver environmental improvement.

Comments on other amendments

Amendment 20: WHO guidelines on PM_{2.5} (Baroness Jones of Whitchurch)

We support **amendment 20** tabled by Baroness Jones of Whitchurch which sets parameters on the face of the bill to ensure that the PM_{2.5} target will be at least as strict as the 2005 WHO guidelines, with an attainment deadline of 2030 at the latest.

Amendments proposing new targets or priority areas

Our priorities for improving the target setting framework are set out above and are focused on ensuring that the framework is future proofed, effective and fit for purpose.

Amendments have been proposed to require targets to be set on important matters such as public access to and enjoyment of the natural environment, water quality, soil quality, tree planting, light pollution and plastic pollution.

We urge the government to address the clear desire for stronger action on environmental improvement through the target development process that this bill will establish. This must be done holistically and transparently with early and effective stakeholder engagement. The government should publish a timetable and plan for how it intends to progress targets not included in the first tranche expected to be published for consultation in early 2022.

The power in Clause 1(1) gives the government the ability to set targets on any matter relating to the natural environment or people's enjoyment of the natural environment. This power must be used actively to focus government action on environmental improvement in areas where the need is greatest.

Amendment 1: environmental objectives (Earl of Lindsay)

We support the intention behind **amendment 1**, which seeks to provide a unified objective for the different components of the new environmental governance system. However, we are concerned that, as drafted, this amendment would conflict with the principal objective of the Office for Environmental Protection of environmental protection and improvement of the natural environment, as set out in Clause 22(1).

Amendment 5: change “biodiversity” to “nature” (Lord Blencathra)

We welcome the intention behind **amendment 5**, which seeks to address the limited public understanding of “biodiversity” as a term by replacing it with the more widely understood “nature”.

However, we are concerned by the practical implications of switching biodiversity for nature, as both terms have distinct meanings. Biodiversity has a narrower meaning, covering all living organisms found in the atmosphere, on land and in water. Nature has a wider meaning covering all features and processes that exist independently of human activity. Any switching of the terms should be carefully considered, with the context of the subject or area described.

In the context of Clause 1, which sets priority target areas, in our view it makes more sense for biodiversity to be the descriptor for the third priority area. This priority target area is focused on the recovery in the abundance of living organisms, both individually as species and collectively as habitats. Widening this descriptor to nature could result in a loss of focus in the target, as the area covered by the term would become much larger, potentially covering all processes that exist independently of human activity.

As such, we would recommend retaining biodiversity as the descriptor in Clause 1(3)(c). However, this should not preclude consideration of other contexts where use of the term nature may aid public understanding, as long it does not blunt policy focus.

Amendment 7: reduction in resource use (Baroness Bennett of Manor Castle)

Amendment 7 is a helpful reminder that as well as using resources more efficiently, we must also use fewer of them. The government has said it intends to meet its Environment Bill obligations in this area by setting targets for both waste minimisation at the end of the material cycle and resource efficiency at the beginning, and it is welcome that both ends of the cycle will be addressed. However, for the latter target, because the intention is to measure total material consumption compared to an economic output like GDP, a target could theoretically be met while resource use continues to increase.

Environmental groups, including WWF, Wildlife and Countryside Link and Green Alliance, have highlighted the need to adjust the resource target to ensure there is an absolute reduction in material use. Overall, the UN has suggested that per person resource consumption, including renewable resources and non-renewable resources, like minerals, metals and fossil fuels, should be between six and eight tonnes a year. In the UK, average per person consumption is 14.7 tonnes.

As Green Alliance has highlighted, a resource reduction target could supplement, or replace, the resource efficiency measure currently being developed through the bill. The evidence from the UN suggests that England should aim, at a minimum, to halve overall resource consumption. It is worth noting that Wales has already promised to implement a ‘one planet resource use’ target, to be met by 2050. The rest of the UK should follow suit.

Amendment 34: OEP advice on consultation on targets (Baroness Parminter)

We support **amendment 34** which would require the Secretary of State to seek advice from the Office for Environmental Protection on whom to consult before setting targets.

The government [has said](#) that it wants targets to be based on independent, expert, science led advice to ensure that they are robust and fit for purpose, which we welcome. Clause 3(1) requires the Secretary of State to seek advice from persons they consider to be independent and to have relevant expertise.

This gives ministers unduly wide discretion to decide from whom to source advice. Seeking advice from the Office for Environmental Protection on whom to consult would help ensure that ministers are provided with up to date advice on independent experts and stakeholders.

Amendment 56: steps to improve people's enjoyment of the natural environment (Baroness Scott of Needham Market)

As drafted, Clause 7 provides that Environmental Improvement Plans may set out the steps the government intends to take to improve people's enjoyment of the natural environment, which we support.

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. Connection to nature also helps us to better understand how we can play a role in its protection and improvement.

Amendment 56 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 consider that the primary focus of EIPs should remain on driving environmental improvements.

Amendment 59: steps to improve heritage conservation (Lord Redesdale)

We support **amendment 59** which would clarify that the government may set out steps to improve heritage conservation in Environmental Improvement Plans. Given that the 25 year environment plan, which is set to be become the first statutory Environmental Improvement Plan, [already recognises](#) the importance of conserving and bolstering heritage assets, **this clarification is both common sense and uncontroversial and we encourage the government to accept it.**

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On behalf of Greener UK and Wildlife & Countryside Link

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