

Written Evidence

House of Commons Scrutiny of the draft Environment (Principles and Governance) Bill inquiry

Environment, Food and Rural Affairs Committee and Environmental Audit Committee

30 January 2019

Executive summary

1. This written evidence is submitted on behalf of Greener UK, a group of 14 major environmental organisations, with a combined public membership of over eight million.¹
2. We welcome the publication of the draft clauses and the associated material. However, as drafted, they do not yet provide a sufficient degree of equivalence with the current EU oversight, scrutiny and enforcement arrangements, will not meet the terms of the Withdrawal Agreement, and will fall short of delivering the government's ambition for a "world-leading body to give the environment a voice and hold the powerful to account" and "a pioneering new system of green governance".^{2,3}
3. The draft clauses provide a highly discretionary framework in which ministers will have excessive policy freedom, and will be able to exert strong control over the Office for Environmental Protection (OEP) and exempt themselves too readily from applying environmental principles. In particular:
 - The independence of the Office for Environmental Protection (OEP) should be strengthened through a commitment to multi-annual budgets and a greater role for parliament on approving funding and appointments. The government should revisit the OEP's legal status to provide greater independence than a standard NDPB model allows.
 - The OEP's enforcement function should be exercised through dedicated and bespoke processes which include the power to issue binding decision notices and the ability to seek enforcement action when its decision notices are not complied with.
 - The OEP's powers must be extended to allow it to initiate formal investigations into potential breaches of environmental law and inquiries on systemic problems. It must also be able to issue guidance and recommendations as a result of these investigations.

- The definition of environmental law must be expanded and the OEP must be empowered to enforce climate laws.
 - The clauses on environmental principles must be strengthened through a stronger duty, widened applicability and ensuring the principles aim at achieving a high level of environmental protection.
 - Government departments and other public authorities should be required to publish an annual statement setting out how they have applied the principles.
 - There should be a clear process for co-designing a common framework for how environmental principles will inform environmental policy across the UK in the future.
 - The Policy Statement on Environmental Principles must come before parliament for approval.
 - The government must set out how it will include a non-regression commitment in law.
 - The government must clarify how reported breaches of environmental law will be identified, managed and acted on in the period until the OEP becomes operational.
4. The Environment Bill remains urgent and must be progressed at the earliest parliamentary opportunity. Part II of the bill is of critical importance if the government's ambition to leave the environment in a better state than it inherited it is to be realised.
 5. Part II of the bill is essential to deliver the pioneering new green governance system the government has committed to. This must include the creation of a new overarching environmental duty along with binding objectives and a framework for legally binding targets, and the creation of mechanisms to achieve these targets and objectives, including a commitment to the effective spatial mapping, planning and delivery of nature recovery networks, improved cross-government working and new processes for environmental monitoring, reporting and reviewing.

Q1: Does the proposed constitution of the oversight body provide it with enough independence to scrutinise the government?

6. The government has committed to establishing a new, independent, statutory environmental body to hold the UK government to account on the environment when the UK leaves the EU, proposed in the draft bill as the Office for Environmental Protection (OEP). This is welcome. The importance of ensuring the independence of the OEP from government featured as a key

theme in the 176,746 responses to the Defra consultation on environmental principles and governance, as was the resourcing of the OEP. Following its inquiry on the Defra consultation, the Environmental Audit Committee recommended the body should have stronger ties to parliament, as a means to deliver greater independence from government.^{4,5}

7. However, while the government has clearly recognised the independence of the OEP as an important issue, it has thus far failed to reflect this in its proposed legislative framework. Instead, it has proposed a traditional Non-Departmental Public Body (NDPB), which militates against independence because of the way such bodies receive funding, are controlled and are directed by ministers, and are ultimately constrained in a number of practical ways.
8. To address this, we consider that the draft bill must be amended in the following areas.

Funding

9. At present the draft bill gives supreme power to the secretary of state to decide the OEP's funding, with the only requirement being that this funding is, in the opinion of the secretary of state, "reasonably sufficient" to enable the OEP to carry out its functions.⁶
10. The proposed funding mechanism has shown little durability in providing public bodies with adequate funding to deliver their functions. There are many examples from across government of where public body funding has been significantly reduced over time, which can affect a body's ability to deliver its statutory functions, and to maintain its independence and its morale.
11. Two such examples can be found within the Defra family:
 - Since its establishment, Natural England has suffered a significant and sustained funding loss, which has seen its baseline budget reduce by more than 50 per cent over time. Former chair of Natural England, Andrew Sells, highlighted his concerns in this area when he gave evidence to the EFRA Committee and said Natural England had "lost a great deal of independence".⁷
 - Since 2010–11, the combined Committee on Climate Change (CCC) and Adaptation Sub-Committee budget has reduced by 31 per cent. In his evidence to the Environmental Audit Committee, CCC's chair, Lord Deben, highlighted the long history of bodies "starting off as independent and being brought more and more under the control so that they now sit in the Department".⁸
12. The draft bill proposes that, in its annual statement of accounts, the OEP must include its assessment of whether it had been provided with sufficient sums

by the secretary of state to carry out its functions. This is a welcome safeguard, but it comes at the tail end of the financial planning cycle; there must be greater transparency and independence at all parts of the cycle if the OEP is to be assured adequate resourcing over the long term. We welcome the provision that the OEP's chief executive will be its accounting officer and, therefore, responsible for accounting for the body's use of public funds.⁹

13. There are three further matters that must be addressed on funding:

- **It should be for the OEP to decide what is sufficient funding to carry out its functions**, not the secretary of state.
- **There must be a government commitment to multi-annual budgets.** Such public commitments would not be without precedent and would be a strong and transparent safeguard of independence, while not undermining the principle of annuality of approval of Supply Estimates by parliament.

We commend the following example to the Committees:

- The Office for Budget Responsibility (OBR) agreed a five year funding allocation from HM Treasury, starting from 2016-17.¹⁰ It is relevant to note that HM Treasury recognises that "Setting a multi-annual funding commitment supports the OBR's independence" and that such an approach is "consistent with international best practice, strengthening institutional independence through delegated budgetary autonomy".
- **The OEP should be subject to its own estimate**, as currently happens for the National Audit Office (NAO), the Electoral Commission and the Independent Parliamentary Standards Authority. There is no legal or constitutional barrier to this, although it may require the creation of a new parliamentary body to oversee the Estimate, as the Public Accounts Commission currently does for the NAO. The bill should, therefore, require a new Environmental Audit Commission to be established to examine the OEP's annual spending proposals as set out in its Main Supply Estimate and to lay it before the House of Commons. The bill should provide that, in doing so, the Commission should have regard to advice given by the Environmental Audit Committee. There should also be a requirement on the secretary of state to report annually to parliament on forecasts of likely need and/or future budget plans.

Appointments

14. The draft bill includes standard provisions on NDPB appointments with the chair and other non-executive members of the OEP all being appointed by the secretary of state. The Explanatory Notes claim that these clauses aim to ensure a balance between ministerial accountability and independence. While this may have been the aim, in practice the balance is tipped too far towards ministers.¹¹

15. In its response to the Defra consultation, the government states that a requirement for the chair of the OEP to be subject to a pre-appointment hearing will be considered.¹² While they can be a helpful mechanism, they come at the tail end of the process and we would caution against such hearings being seen as a panacea for independence, especially as in a number of cases the advice of select committees has been overridden and preferred candidates confirmed regardless. For example, Baroness Stowell was recently confirmed as chair of the Charity Commission, despite her nomination being disapproved of by the DCMS Committee on a number of grounds.^{13,14}
16. We therefore suggest the following matters must be addressed to rebalance the appointments process towards greater independence:
- **Parliament must play a greater role in the appointment of the OEP chair.** There is no reason why the chair could not be appointed either directly by parliament or the appointment approved by the relevant Select Committee. This is not without precedent as the chair of the OBR is appointed by the chancellor with the consent of the Treasury Select Committee.¹⁵ Such an arrangement would create a direct link to parliament and would provide an effective safeguard against an unsuitable appointment.
 - The **appointment of the chair should be by letters patent** (ie directly by the monarch), following a proposal to parliament for a preferred candidate by the secretary of state, supported by the chair of the relevant Select Committee.
 - The **other non-executive members should be appointed by the chair** and not by the secretary of state.

Status of the body

17. The government claims that establishing the OEP as a Parliamentary Body would prevent it from taking legal proceedings against the government if it were to remain within the well-established constitutional boundaries by which parliament currently operates.¹⁶
18. Whatever one's views on Brexit, there can be no doubt that it presents major constitutional challenges, not all of which can be met within the bounds of existing precedent. Solutions will, to a degree, require imaginative and innovative legislation, especially if they are to deliver the government's ambition to establish "a pioneering new system of green governance" and be world-leading.¹⁷
19. With this in mind, we would encourage the government to revisit the body's status and to consider whether the legislation could be drafted in such a way as to establish the OEP as a fully independent body corporate, with the same underlying principles that guided the establishment of the NAO.

Q2: Does the proposed oversight body have the appropriate powers to take 'proportionate enforcement action'?

20. We broadly support the concept of information and decision notices as set out in clauses 22 and 23 of the draft bill. However, we are concerned by the proposed enforcement provision in clause 25 which we are not convinced provides an adequate and effective means for enforcing environmental law. Nor are we convinced that what is proposed will meet the pledge in Article 3 of Part Two of the Withdrawal Agreement for sanctions to be "effective, proportionate and dissuasive and have a real and deterrent effect".¹⁸
21. To achieve equivalence with, or improve upon, the current EU infringement procedure, we consider that the bill must be amended to provide for dedicated and bespoke enforcement processes which include the following mechanisms:
- The OEP has a power to issue **binding decision notices** against all public authorities including Secretaries of State.
 - These **notices may reasonably require steps such as the publication of action plans**, the implementation of certain policies or compensation payments.
 - The OEP must also have **recourse to seek enforcement action** when its decision notices are not complied with. The most appropriate forum for this could be the specialist Environmental Tribunal rather than the High Court.
 - If an authority fails to comply with an order of a court/tribunal, an **appropriate remedy should be available** which may include fines, relocation of powers or introducing 'special measures'.
 - The OEP reaches its decisions through **open and deliberative procedures**. Notices issued by the OEP, and reasons for not pursuing cases, must be published.
 - There is greater clarity on **what is meant by a serious failure to comply** with environmental law, which ensures that the OEP's remit is not unduly restricted.
 - **The power to refer cases directly for adjudication where appropriate**. The most appropriate forum for this could be the Environmental Tribunal operating an improved system of Judicial Review with tailored rules on standing, costs, intensity of review and remedies and in which specialist judges (possibly with technical advisers) could sit.
22. Legislation must also ensure the OEP has the following additional powers if it is to be effective in upholding the implementation of environmental law by

both government and public authorities:

- The **power to undertake formal investigations** into potential breaches of environmental law (including an **own-initiative power** in keeping with the majority of ombudsman schemes).
- The **power to conduct inquiries on systemic problems** in particular policy areas and make recommendations that public authorities must follow, unless they have good reason not to, and advise government on policy changes that may be necessary as a result.
- The **power to require information from competent bodies**, especially where this relates to information that may be commercially sensitive or not in the public domain.
- The **power to intervene in legal proceedings** relating to its purpose.
- The **power to fund litigation** and other activities by others relating to its functions.
- The **power to issue interim measures** and stop notices to prevent irreversible environmental damage.

23. The new body should develop and publish its own enforcement policy, to set out its intended approach to ensure compliance with regulatory requirements, its approach to enforcement and the general regulatory principles which it intends to follow. It should also set out the criteria that it will consider when deciding the most appropriate response to a potential breach of environmental law.

Q3: Are there any conflicts of interest or overlap with existing government bodies?

24. There are no obvious conflicts of interest but there will inevitably be overlap with existing government bodies. These can be satisfactorily dealt with through memoranda of understanding, which, while non-binding in nature, can be an effective way of outlining respective requirements and responsibilities, and how bodies intend to work together.

25. Under Clause 12(2) of the draft bill the OEP is required to prepare a strategy setting out its operational Framework. Under Clause 12(3)(b) the OEP is required to set out how it intends to avoid any overlap with the CCC in exercising its monitoring, reporting and advising functions. While this is welcome, the draft provisions do not allow for the OEP to enforce climate laws, a role which is not undertaken by the CCC. If this is not addressed it would lead to a gap, rather than an overlap.

26. Losing this crucial governance mechanism could materially harm the UK's ability to achieve its climate reduction targets. Failing to replace this

enforcement function would be inconsistent with the government's pledge to ensure that UK environmental protections match or exceed those put in place by the EU.

27. We see no logic for separating climate from other environmental laws when it comes to accountability or enforcement. Doing so would risk creating a significant governance gap on climate laws after exit.¹⁹

Q4: As drafted are the principles legally enforceable? What will need to be included in the National Policy Statement to interpret the application of the principles?

Draft clauses

28. Overall, the draft clauses on environmental principles constitute a significant step backwards from the status quo and do not properly replicate the current effect of the principles.

29. The draft provisions introduce a requirement for ministers to have regard to the Policy Statement on principles when making, developing or revising policy, with a number of get out clauses. This is likely to lead to a very weak interpretation of the principles and a significant risk that their effect will be severely downgraded over time.

30. Leading academic experts on environmental principles have concluded that the draft bill does not maintain the legal status of environmental principles as they have come to apply through EU law and that the "almost total relegation of the role of environmental principles to the Policy Statement ... undermines their legal influence to the greatest extent possible ... To fail to articulate their legal effect in any substantive way in the draft Bill is to fail to give environmental principles the kind of overarching legal role [that they currently have]".²⁰

31. The following drafting deficiencies must therefore be addressed:

- **The duty on environmental principles must be strengthened** so that it:
 - applies to all public authorities and not just ministers;
 - includes decision-making as well as policy-making;
 - is twofold, with a duty to both apply the principles and to act in accordance with the policy statement; the current and much maligned 'have regard to' duty in practice amounts to little more than a 'tick box' exercise.²¹

32. The **principles should be tied to an overarching environmental objective to give them coherence and to elucidate what it means to apply them**

proportionately. This will require the introduction of an overarching duty in the bill to ensure the natural environment is restored, to be healthy, resilient, and sustainable for the benefit of people and wildlife and that the UK's impact on the global environment becomes positive, as set out in our recommended content for the Environment Bill.²²

- There must be **greater clarity on how the list of principles in Clause 2 are to be interpreted** as three of these – (g), (h) and (i) – are rights (as set out in the Aarhus Convention). There is an important legal distinction to be made between rights and principles which the draft bill currently fails to do. Whereas principles provide guidance that shape and aid decision making, rights entail distinct and precise legal duties that must be complied with. One way to do this could be to include a requirement in the bill for the government to better secure and give further effect to the Aarhus Convention.
- The draft clauses contain **a number of alarming exclusions**, which would give far too much leeway to ministers to excuse themselves from applying the principles and must be removed and/or narrowed:
 - Clause 1(6)(a) relates to policies relating to the armed forces, defence or national security. While this may be reasonable were it to be confined to decisions relating to urgent military matters, it is not drafted as such and appears to offer a blanket exclusion for the Ministry of Defence, the Defence Infrastructure Organisation and the Armed Forces. Given the highly sensitive environments in which a number of military training areas and exercises are located and the associated policy processes (byelaw reviews, planning applications, contract and procurement decisions, applications for live firing), this clause needs to be tightened considerably.
 - Similarly, Clause 1(6)(b) appears to offer a blanket exclusion for HM Treasury or any matter which might entail government spending or resource allocation. This must also be tightened considerably.
 - Clause 1(6)(c) gives the secretary of state the power to exclude, by regulation “any other matter” which would allow the government to opt itself out from applying the principles where it may be considered expedient to do so.
 - Clause 4(2) is similarly sweeping and without justification. It allows ministers to simply avoid the effect of the principles.
- A **clear process must be agreed for co-designing a common framework** for how environmental principles will inform environmental policy across the UK in the future.

National Policy Statement

33. The government should clarify and set out on the face of the bill the timescales and processes for drafting, consulting on, publishing and reviewing

the National Policy Statement. Without this, there is a risk that timings could slip and processes be weakened by stealth. The draft statement should be available for public and parliamentary scrutiny at an early stage of the bill's parliamentary passage, as otherwise parliament will be asked to sign off in principle on something which does not yet exist.

34. We consider that the bill should be amended as follows:

- **Government departments and other public authorities should be required to publish an annual statement setting out how they have taken the principles into account** in their policies and decisions as well as action plans for achieving the objectives of Environmental Improvement Plans. The principles should be routinely included in departmental reports, impact assessments and options analyses.
- **The power of revision for the secretary of state in Clause 3(6) must be narrowed.** As drafted the clause gives the secretary of state carte blanche to amend the statement in any way at any time, with no requirement for stakeholder consultation or parliamentary scrutiny.
- **The Policy Statement on Environmental Principles, and any subsequent revisions to it, must come before parliament for approval.** A clear process for this must be set out on the face of the bill.
- In drafting the Policy Statement, Clause 3 requires the secretary of state to “consult such persons as the Secretary of State considers appropriate”. This should be replaced by a **more general obligation to consult** to reflect that environmental principles will have different manifestations and implications in different regulatory areas.

Q5: Are there any conflicts with other legislators or legislation, for example the Scottish Continuity Bill?

Q6: Does the bill meet the government's commitment to non-regression from EU environmental standards?

Non-regression

35. The most apparent conflict is with Part Two of the Withdrawal Agreement.²³ In Article 2 the UK commits to non-regression in the level of environmental protection but the draft bill includes neither a provision to achieve this nor one to assure its enforcement through the OEP (as required by Article 3 of the Withdrawal Agreement). The government accepts this: the Explanatory Notes for the draft bill recognise that “There are some environmental elements of the Withdrawal Agreement which our current proposals do not cover, namely those concerning the independent body's scope to enforce implementation of the ‘non-regression’ clause”.²⁴ The Notes go on to say that the government “will consider these provisions of the Withdrawal Agreement ahead of publishing the final Bill” but this provides no legal certainty on how the non-regression commitment will be delivered. This omission must be rectified

before the bill completes its passage through parliament. Further details can be found in our briefing note on non-regression and the bill.²⁵

Interim governance measures

36. Defra minister Lord Gardiner has set out the interim governance measures that would be put in place in the event of no deal: “...in the interim between exit day and the launch of the OEP, we will set up a body, headed by an independent expert, to receive complaints about breaches of environmental law”.²⁶ There is no clarity on the nature of these interim arrangements and, in particular, how they will enable reported breaches of environmental law to be identified, managed and acted on until the OEP has been legislated for and made operational.

Independence and resourcing of the OEP

37. Article 3 of Part Two of the Withdrawal Agreement also commits the United Kingdom to implementing “a transparent system for the effective domestic monitoring, reporting, oversight and enforcement of its obligations...by an independent and adequately resourced body or bodies”. The draft bill does not provide for an independent body and there is insufficient means to ensure adequate resourcing, as highlighted in our response to Question 1.

The need for effective governance systems across the UK

38. The draft bill applies to England and UK reserved matters. While the UK government maintains its long standing position that it “would welcome the opportunity to co-design proposals with [the devolved administrations] to ensure they work across the whole of the UK”, little progress on this appears to have been made.²⁷ The drafting of the bill and concomitant processes, such as the drafting of the Policy Statement on Environmental Principles and the set up of the OEP, appear to be forging ahead on an England-only design track. While the administrations remain open to collaboration in principle, there is a continued absence of shared or co-designed proposals and little confidence that these will materialise. The delay to the consultations on environmental principles and governance from the devolved administrations, let alone firm policy proposals or legislation, reinforces concerns.

39. The territorial extent of the draft clauses is a relevant factor in whether the commitment to UK-wide non-regression is achievable through the bill. Non-regression across the UK would require jointly agreed common environmental frameworks, which, at present, are excluded from the scope of the bill. This is important given the different legislative frameworks already in place across the UK.

Reserved matters

40. We consider that the bill should define what is included within the term 'reserved matters' so that this is clear to all stakeholders.

Q7: Is there anything else missing that should be included to meet the enforcement, governance and other gaps in environmental protection left by leaving the European Union?

41. There are a number of other matters that government must address in the full bill:

Definitions

42. The **meaning of environmental law** in Clause 31 is confusing and too narrow. It should be expanded and clarified, with the definition in Clause 31(1)(a) changed from law "mainly concerned with an environmental matter" to 'relating to' such matters. In particular, regarding the following:

- **Access and public enjoyment.** Clause 6(5) provides for people's enjoyment of the natural environment to be included in Environmental Improvement Plans which would bring it within the scrutiny remit of the OEP. But paragraph 212 of the Explanatory Notes note that the majority of legislation within several areas would be outside the scope of the OEP, including people's enjoyment of or access to the natural environment. This is confusing.
- **Flooding and forestry** are excluded from the definition of environmental law according to paragraph 212 of the Explanatory Notes but no reason is given for this.
- **The historic environment,** structures such as canals and dams, and **buildings.**
- **Climate change**
- **Global footprint.** The 25 year environment plan has clear international elements including a commitment to "leave a lighter footprint on the global environmental by enhancing sustainability and supporting zero deforestation supply chains".²⁸ Given that this plan is to be treated as an Environmental Improvement Plan, the omission of any reference to the UK's global footprint in the draft bill is an oversight. This must be addressed, whether through a refined definition of the natural environment or in some other manner.
- **The treatment of planning is unclear.** Town and country planning is asserted to be outside the scope of the OEP in paragraph 212 of the Explanatory Notes but it is unclear why this should be the case. Such an exemption would lead to a weakening of environmental law with respect to the planning system. Clause 12 requires the OEP to set out how it intends

to exercise its complaints and enforcement functions in a way that respects the integrity of other statutory regimes. In our view, the OEP should be able to advise on planning policy and enforce environmental law with respect to planning in individual cases where there has been an error in the application of environmental law. The OEP should also have a clear remit to engage with planning decisions that raise issues of a significant and strategic nature and in particular regarding nationally significant infrastructure projects. If this function is exercised proportionately it will not result in either delay to the planning process or any adverse impact on the delivery of infrastructure or housing targets.

- It is unclear if **marine planning** is within or out of scope.

Part II of the bill

43. Part II of the bill is essential to deliver the pioneering new green governance system the government has committed to. This must include the creation of a new overarching environmental duty along with binding objectives and a framework for legally binding targets, and the creation of mechanisms to achieve these targets and objectives, including a commitment to the effective spatial mapping, planning and delivery of nature recovery networks, improved cross-government working and new processes for environmental monitoring, reporting and reviewing.²⁹

44. Part II of the bill must be developed with full stakeholder consultation.

Environmental Improvement Plans

45. We broadly welcome the provisions on Environmental Improvement Plans (EIPs), including that the Plans, the OEP's report and the government's response will all be laid in parliament. We do though have some suggestions to improve their effectiveness including:

46. Could future EIPs respond to identified failures to comply with environmental law to ensure a link between EIPs and the implementation of environmental law?

47. We question whether all relevant environmental issues are included within EIPs. While the proposed scrutiny, monitoring and reporting provisions are welcome, we are concerned that there is no obligation to comply with EIPs and that they could too easily be narrowed in scope or weakened in the future.

Other matters

48. The OEP's power to undertake investigations set out in Clause 19(1) appears to be restricted to complaints. While we have received a verbal assurance from policy officials that this is not the intention, the bill must be amended to remove this doubt.

49. The OEP should have a power to publish a report on compliance with international law and any other matter it thinks is important.
50. The Environment Bill should include a provision requiring all public and private sector organisations to be subject to an environmental due diligence obligation, providing flexibility and scope for genuine environmental improvement.
51. The duty of co-operation set out in Clause 26 needs to apply more broadly to all of the OEP's functions and not just to investigations and enforcement.

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Endnotes

- ¹ <https://greeneruk.org/>
- ² [Opinion piece](#) from Environment Secretary Michael Gove, 13 November 2017.
- ³ Environment Bill: [policy paper](#), 19 December 2018.
- ⁴ Page 15, Environmental Principles and Governance after the United Kingdom leaves the European Union. [Summary](#) of responses and government response 19 December 2018.
- ⁵ Environmental Audit Committee, The government's 25 year plan for the environment, [Eighth Report](#) of Session 2017–19
- ⁶ Clause 9, Schedule to the draft bill
- ⁷ Response to Q10, [Oral evidence](#): chair of Natural England, HC 1728, 21 November 2018
- ⁸ Response to Q50, [Oral evidence](#): the government's environmental principles and governance consultation, HC 1062, 19 June 2018
- ⁹ Clause 11(3), Schedule to the draft bill
- ¹⁰ [Letter](#) from HM Treasury permanent secretary to chair of the OBR, 3 March 2016
- ¹¹ Para. 228, Explanatory Notes, draft Environment (Principles and Governance) Bill
- ¹² Page 19, Environmental Principles and Governance after the United Kingdom leaves the European Union, summary of responses and [government response](#), 19 December 2018
- ¹³ House of Commons Public Administration and Constitutional Affairs Committee, [Pre-Appointment Hearings: Promoting Best Practice](#), September 2018.
- ¹⁴ [Letter](#), from DCMS Committee chair to Matt Hancock, secretary of state, 20 February 2018
- ¹⁵ [Clause 1\(1\)\(a\)](#), Schedule 1, Budget Responsibility and National Audit Act 2011
- ¹⁶ Page 19, Environmental Principles and Governance after the United Kingdom leaves the European Union, Summary of responses and [government response](#), 19 December 2018
- ¹⁷ Environment Bill: [policy paper](#), 19 December 2018
- ¹⁸ Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, as endorsed by leaders at a special meeting of the European Council on 25 November 2018
- ¹⁹ [Greener UK briefing](#): *Why the proposed new environmental body should enforce climate law*, September 2018
- ²⁰ Lee, Maria and Scotford, Eloise A.K., *Environmental Principles after Brexit: the draft Environment (Principles and Governance) Bill (Working Paper)*, 25 January, 2019
- ²¹ Para 30, House of Lords Select Committee on the Natural Environment and Rural Communities Act 2006. [HL Paper 99](#). March 2018.
- ²² [Greener UK headlines](#) for the content of a Westminster Environment Bill
- ²³ Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, as endorsed by leaders at a special meeting of the European Council on 25 November 2018
- ²⁴ Para. 12, Explanatory Notes, draft Environment (Principles and Governance) Bill
- ²⁵ [Greener UK briefing](#) on non-regression in the Environment Bill
- ²⁶ Col 676, House of Lords [Hansard](#). 22 January 2019
- ²⁷ Page 14, Environmental Principles and Governance after the United Kingdom leaves the European Union, [summary](#) of responses and government response. 19 December 2018
- ²⁸ Chapter 6, [A green future: our 25 year plan to improve the environment](#)
- ²⁹ [Greener UK headlines](#) for the content of a Westminster Environment Bill

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