

Environment Bill: Briefing for Commons Committee 17 March

Environmental targets (Clauses 1 – 6)

The inclusion of a target setting framework is an essential and welcome part of the Environment Bill. The long term nature of environmental matters makes this particularly important. Halting and reversing the loss of nature and enhancing the environment 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 legally binding targets is welcome, it must be significantly strengthened to be effective and durable.

A number of helpful amendments have been proposed on these clauses. We set out below which amendments we support and why we believe these are necessary.

Clause 1 (Amendments 1, 76, 77, 78, 80, 106, 178, NC1)

Clause 1 provides a power for the Secretary of State to set long-term targets by regulation. These targets would relate to the natural environment or people's enjoyment of it. The Secretary of State must exercise this power in four priority areas (air, water, biodiversity and resources and waste) to set at least one long term target by 2022.

We support **Amendment 1** which would guide the Secretary of State as they exercise their power to set targets so that the targets achieve a purpose of maintaining a healthy environment on land and at sea. This would provide an explicit steer on the content and the scope of the targets, helping to ensure that a sufficient number of targets is set in each priority area to ensure the whole environment is improved, and that targets have a sufficiently broad coverage of the policy matter at hand. We also support **New Clause 1** which seeks to improve coherence in the bill by tying together separate parts under a unifying objective.

During the third oral evidence sitting the Minister [clarified](#) that the natural environment includes the marine environment. This could be built on during Committee by the government recognising that the marine environment is included within the scope and content of the targets that will be set under Clause 1, and that this will necessitate separate targets on marine, freshwaters and the terrestrial environment. One way to do this would be to add “the marine environment” as a new priority area in Clause 1(3).

Amendments 76 to 78 would add global footprint as a priority area so that targets to tackle the UK's global environmental footprint must be set by October 2022. A number of witnesses highlighted the importance of this during the overall evidence sessions, including [Richard Benwell](#), [Ruth Chambers](#), and [Rebecca Newsom](#). It is understandable that a bill that traces its origins to the development of a new domestic environmental governance system omits any global element. However, we believe that if the bill continues to exclude measures to address the UK's global environmental footprint, this would be a significant missed opportunity. The passage of the bill, especially were this to be delayed due to external events, allows sufficient time for it to be amended to encompass the government's ambition to address the UK's global environment footprint.

As Richard Benwell highlighted in his [oral evidence](#), focusing attention on products in the supply chain that cause deforestation would be a sensible place to start, as **Amendment 77** proposes. Not only would that deliver immense benefits through the protection of vital forest resources like the Amazon, it would also propel the UK on to a visible path of global leadership and inspire other sectors and nations to follow, including when these issues are discussed at international summits on climate and biodiversity later this year.

Amendment 77 is consistent with the government's existing international commitments in the Amsterdam Declaration and the New York Declaration on Forests, as well as in the 25 year environment plan, to support the delivery of industry commitments to achieve zero deforestation by 2020. Since these voluntary commitments were made at the Consumer Goods Forum a decade ago, [50 million hectares of forest](#) – an area the size of Spain – are likely to have been destroyed through global commodity production. Through providing a legal underpinning for these voluntary corporate commitments, the amendment would provide companies with a level playing field to put their promises into action.

Amendment 106 and **Amendment 178** would require greater specificity on the targets that should be set under Clause 1. These are very important and would not, in our view, undermine the evidence based process which the government has pledged to put at the heart of the target setting process. What they would do is enshrine the [Minister's vision](#) for the new governance framework to drive environmental improvement and ensure that future ministers are obliged to continue to follow the government's vision of delivering environmental improvement and recovery.

Building on this, **Amendment 178** would send welcome signals about what targets should address. Biodiversity targets should include species abundance and diversity and habitat extent and condition. Waste and resource targets should cover residual waste, carbon and resource productivity, and eliminating plastic pollution. Air quality targets should cover the emission of, concentration of and exposure to all key harmful pollutants. Water targets should cover abstraction rates and chemical and biological status. Waste and resources targets should address overall material use and waste generation and pollution, including but not limited to plastics. It is difficult to see targets in these areas being effective if they do not address these issues. The added clarity that **Amendment 178** would bring would send helpful signals to businesses, civil society and local government and assist these groups in making the necessary policy and investment decisions that will be critical to ensuring that the new environmental targets are delivered.

Amendment 80 seeks to ensure that targets are evidence based and have considered international best practices. This would ensure that targets based on independent, expert, science led advice to ensure that they are robust and fit for purpose.

Clause 3 (Amendments 81, 181)

Amendment 81 would embed the "comply or explain" model that was [explained by](#) Ali Plummer in her oral evidence more firmly into the framework in the bill. We believe that the government's intention is for the principles of this amendment – public consultation, independent advice and transparency – to guide how the target setting process will work in the short and long term. But without the clarity provided by this amendment there is no guarantee that the process will indeed be based on and abide by these principles.

Targets must be based on independent, expert, science led advice to ensure that they are robust and fit for purpose. 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 *carte blanche* to decide how and from whom to source advice. Instead, the government should be required to obtain, with a strong expectation to follow, the advice of an independent, well-resourced, expert body and to undertake public consultation, as **Amendment 81** proposes.

This would follow a similar model to the advisory role that the Committee on Climate Change provides and ensure the Environment Bill is seen as a deserving equivalent to the world leading Climate Change Act. The Secretary of State must be required to publish a statement setting out how they have taken account of the independent advice. If the Secretary of State makes provision different from that recommended, they must also publish a statement setting out the reasons for that decision. Embedding this “comply or explain” model more firmly within the legislation would provide greater certainty and clarity. At present, the framework is too implicit and overly relies on the imagination and good will of future ministers.

Amendment 181 builds on this and would require the advice sought under Clause 3(1) to include advice on how the scope and level of targets should be set.

Clause 4 (Amendments 82, 83) and Clause 5 (Amendment 84)

Clause 4 places a duty on the Secretary of State to ensure that targets are met. This is very welcome. However, there is nothing to compel governments, including future ones, to start taking action now required to meet targets, or to take remedial action where targets are missed. We therefore welcome **Amendment 82** which would place a duty on the Secretary of State to meet the interim targets they set. This matters, given the number of voluntary government targets that have been [missed](#) or [abandoned](#).

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

We welcome **Amendment 83** which would place a duty on the Secretary of State to do what they have said needs to be done in their report on why any target has been missed and **Amendment 84** which would strengthen the Secretary of State’s reporting on missed targets by including a timetable and analysis.

Achieving environmental improvement requires action from across government, given the interdependence of environmental conditions on everything we do. The bill should reflect this. While the ultimate responsibility for achieving the targets should rest with Defra, other government departments and public bodies must also align their activities with environmental ambition. We are therefore supportive of **New Clause 18** to the bill that would give the targets relevance across all public bodies from day one, which would bolster the effect of Clause 4.

Clause 6 (Amendments 85, 86, 88, 183)

We welcome **Amendment 85** which would specify that significant improvement in England's natural environment referred to in Clause 6(3) should be achieved on land and at sea. Otherwise, decline at sea could continue if improvement takes place on land.

Amendment 183 would require a review to consider whether significant improvement is achieved for the environment as a whole, as well as for certain individual aspects of the environment. As the test is to be applied to targets and other action collectively, it could mask slow progress or a lack of ambition in individual target areas. Furthermore, the test currently only applies to reviewing targets. At the very least, the test must be applied at the start of the target setting cycle to ensure that environmental improvement drives the whole process. Clarifying that significant improvement must be achieved for the natural environment as a whole would provide a strong safeguard that the targets set will continue to be comprehensive.

Amendment 86 would prevent the targets from meeting the significant improvement test through virtue of being out of date and so more easily achieved. It would help to ensure that any gaps that appear when legislative targets expire are filled when the suite of targets is reviewed, so that important areas of environmental improvement cannot fall through gaps in the framework in future.

We welcome **Amendment 88** which would strengthen the vital link between targets and Environmental Improvement Plans by ensuring that the Plans include measures that will enable the targets to be met. Currently, the bill is not explicit that plans must include measures capable of achieving the targets, or that those measures must be carried out. Without this connection, the bill provides no impetus for successive governments to bring forward specific time-bound measures, as part of the relevant Environmental Improvement Plan, to ensure that policies are in place to deliver the targets and progress remains on track.

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