

ASSURANCES

FOR AN ENVIRONMENT ACT

28 May 2019

to enable all parts of society to play their part in improving the environment



The Environment Bill is a one-off chance to create a coherent long-term framework for the environment. If this opportunity is grasped, it could enable all parts of society to plan, invest and collaborate to substantially improve the environment on which we and future generations depend.

The Government has already published initial provisions for the Environment Bill as required by the Withdrawal Act.

The Broadway Initiative has worked with leading stakeholder organisations to define what assurances are needed for the complete Environment Bill to enable everyone to help achieve the stated ambition.

1 Define shared objectives for the environment

Reasons are:

- To provide a clear basis for all sectors to plan and invest.
- To avoid 'stranded assets' by avoiding investment in unsustainable activities.
- To provide a clear basis for meeting the United Nations Sustainable Development Goals.
- To underpin the commitment to improve the natural environment.

The Act must:

- A. Include long term objectives to maintain and restore the environment so it is healthy, resilient and sustainable for the benefit of people, wildlife and the economy.
- B. Include a 'non-regression' requirement to maintain or where appropriate enhance the level of environmental outcomes provided by existing UK, regional and global law, regulation and practices.
- C. Include a participatory process with business and civil society to set quantified targets in law within two years which define the objectives in more detail, with milestones every five years.
- D. Include the criteria to be considered in setting targets such as the criteria in the Climate Change Act.

2 Establish predictable processes for government to ensure appropriate policies are in place

Reasons are:

- To make sure policy and regulation is long term, planned and collaborative reflecting public and private investment cycles.
- To make sure that responsibility is owned and shared by all government departments.
- To replace EU mechanisms.

The Act must:

- A. Include a duty on SoS to ensure appropriate measures are in place to enable milestones, targets and objectives to be met.
- B. Require government to produce an Environmental Improvement Plan every five years to meet milestones, targets and objectives. Plans should be developed collaboratively, be informed by rigorous analysis of environmental challenges and provide system-wide solutions.
- C. Include a duty on the SoS to develop a mechanism to set environmental standards.
- D. Require government to develop a set of indicators for the targets and objectives and report against them.
- E. Engage business and civil society stakeholders throughout.

3 Include clear principles for incorporating the environment during policy development

The reason is:

To establish predictable norms for how individual policies reflect the environment.

The Act must:

- A. Include at least the principles set out in the Withdrawal Act.
- B. Ensure environmental policy and law is based on the principles and all policy development takes account of the principles.

4 Provide for a unified spatial framework for achieving environmental objectives alongside other social and economic objectives

Reasons are:

- The state of the environment largely depends on local decisions. The value of investment in nature depends on context and contributing to a large whole.
- Currently there are lots of single-issue spatial plans for the environment but these are separate from the main economic plans.

The Act must:

- A. Provide for a single ‘map’ to show the state of the environment and opportunities for improving the environment that operate at different scales.
- B. Establish a single integrated framework for the environment to inform local decision-making and planning at appropriate scales [subject to a separate paper].

5 Include clear and stable responsibilities for specified activities

The reason is:

- To enable those activities and organisations that directly influence the state of the environment to develop solutions from the start in a clear and durable way, rather than government imposing end of pipe solutions late in the day.

The Act must:

- A. Include a requirement for environmental net gain for new development, subject to analysis and consultation on the scope.
- B. Include ‘extended producer responsibility’ to encourage upstream responsibility for the environmental costs of key products.

We are also exploring the potential to introduce a mechanism for organisations to take responsibility for the environment through making a plan for how they are improving performance [subject to a separate paper].

6 Provide for independent oversight of government progress and action

Reasons are:

- To hold the government and public sector bodies to account for meeting objectives and enforcing the law.
- To give the economy and international partners confidence in the system.
- To ensure a level playing field

The Act must:

- A. Include provision for advice and scrutiny on targets, milestones, plans and action to meet objectives.
- B. Include provision for receiving complaints.
- C. Include provision for enforcing non-compliance robustly including to take legal action before a tribunal or court.
- D. Provide an enforcement function for climate change obligations.
- E. Establish a sufficiently independent and equipped body or bodies accountable to the relevant Parliament/s.

7 Support a coherent approach at UK level

Reasons are:

- The four UK countries share a natural resource base in different and complex ways. International reputation and ability to trade depends on the UK as a whole.

Westminster government must work with devolved administrations to ensure:

- A. consultation and co-operation in developing policies with cross-border implications and in setting the UK’s position on relevant international agreements.
- B. co-operation and joint working to manage and share information on the shared environment.
- C. independent oversight at UK level for UK level commitments and for issues with cross border implications within the UK.



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