

# How an Environment Bill can deliver the UK's ambitions

## A Call to Action from Local Nature Partnerships in the South East

UK MPs have declared an Environment and Climate Change Emergency and there is international consensus that we must take drastic action to restore the natural systems on which our lives and livelihoods depend. Effective legislation is crucial. Progress has been made, including a partial draft Environment Bill<sup>1</sup>, but Brexit-related processes now put this at risk.

**The Kent, Surrey and Sussex Local Nature Partnerships<sup>2</sup> call on all MPs to legislate, implement and enforce a strong, effective Environment Act that will restore nature on a massive scale.**

1. Deliver an ambitious Environment Act that **retains and builds** on previous commitments.
2. Mandate ministers to **restore (not just protect) nature**: set ambitious, binding **targets**, and **map** how to achieve them, backed up by a strong, independent **enforcement body**.
3. Set out how UK Government will achieve its commitment to **net zero carbon emissions** by 2050.
4. Work with **Local Nature Partnerships** to realise local opportunities, now and throughout development of this legislation.
5. Ensure all economic development is underpinned by **natural capital principles** with the aim of creating net biodiversity and environmental gain.

## Who are Local Nature Partnerships?

Local Nature Partnerships were established in 2012 in response to the Government's Natural Environment White Paper (2011) to promote consideration of the natural environment in decision making, whilst maximising its social, wellbeing and economic benefits. We bring together influential organisations, businesses and people from across Local Government, the Defra group, industry and the charity sector. We support Government by identifying and championing local needs and opportunities.

## Why do we need action?

**Wildlife is in crisis.** Nature plays a vital role in our life support systems and our economy: providing clean air and a secure food supply, storing carbon and regulating flood risk. But across the planet, habitat fragmentation, ill-planned development, pollution and rising temperatures are threatening our very survival.

**We need strong legislation to restore nature on a massive scale**, to bring back abundant wildlife, cut our carbon emissions and increase our environment's resilience to human pressures. EU legislation has failed to prevent catastrophic declines in wildlife, and after Brexit the enforcement systems that hold Government to account will end. The Environmental Audit Committee and the Environment, Food and Rural Affairs Select Committee warn that the **draft Environment Bill is not fit for purpose<sup>3</sup>**, the remainder of the Bill has been repeatedly delayed and there are fears that Government will roll back commitments made in Defra's summer policy statement<sup>4</sup>.

**Together we can restore wildlife and protect our future. Please contact [chris.drake@kent.gov.uk](mailto:chris.drake@kent.gov.uk).**

<sup>1</sup> <https://www.gov.uk/government/publications/draft-environment-principles-and-governance-bill-2018>

<sup>2</sup> <http://www.kentnature.org.uk>; <http://sussexlnp.org.uk>; <https://surreynaturepartnership.org.uk>

<sup>3</sup> [https://publications.parliament.uk/pa/cm201719/cmselect/cmenvaud/1951/195111.htm#\\_idTextAnchor127](https://publications.parliament.uk/pa/cm201719/cmselect/cmenvaud/1951/195111.htm#_idTextAnchor127);  
[https://publications.parliament.uk/pa/cm201719/cmselect/cmenvfru/1893/189303.htm#\\_idTextAnchor000](https://publications.parliament.uk/pa/cm201719/cmselect/cmenvfru/1893/189303.htm#_idTextAnchor000)

<sup>4</sup> <https://www.gov.uk/government/publications/draft-environment-principles-and-governance-bill-2018/environment-bill-summer-policy-statement-july-2019>



## Key requirements of environmental legislation

Topic	Progress	Risk	Recommendations
<b>Climate change</b>	UK Government has commitment to a target of net zero carbon emissions by 2050.	A recent UN report <sup>5</sup> shows that failure to reach net zero by 2050 could lead to irreversible climate damage and threaten sustainable development. The draft Environment Bill specifically excludes climate changes, which makes it unclear how climate policy will be enforced after Brexit.	Set out how to reach the target and legislate to ensure it happens. Work with councils to ensure local needs are met.
<b>Binding targets</b>	No commitment to binding targets.	Non-binding targets risk progress being undone by future administrations, rely on voluntary measures and are unlikely to influence plans and policies beyond those of the environment departments.	Consult Local Authorities and stakeholders to develop binding targets based on <b>practical measures</b> that are within Government's control.
<b>Environmental principles</b>	The draft Environment Bill set out environmental principles, based on existing EU and international commitments, to help ministers develop and revise policies.	There is an option to exclude policies if they relate to taxation or spending, or their application would have no significant environmental benefit.	Require Ministers and all relevant public authorities to act in accordance with environmental principles, and to actively seek environmental benefits, including in relation to <b>taxation and spending</b> .
<b>Enforcement body</b>	The draft Environment Bill set out proposals for an Office of Environmental Protection (OEP), to oversee Government activity.	The proposed body lacks the independence and authority to effectively hold Government to account. It cannot make fines, lacks the authority to hold individuals or private companies to account, has no remit over government spending, and can only report on issues where this has impacted on implementation of environmental law. It is also not clear if the OEP will ensure compliance with remedial steps in decision notices. The autonomy of such Non-Departmental Public Bodies is at risk of suppression (eg as scrutinised by the House of Lords in relation to Natural England <sup>6</sup> ).	Overhaul the proposals to give the new body the <b>independence and authority</b> to effectively hold Government to account. Ensure it reports to Parliament and has a 5-year budget in line with spending reviews. Set out the relationship between the new body and other statutory environmental bodies including Natural England and the Environment Agency, especially re advice to government. Focus enforcement powers on <b>environmental outcomes</b> rather than simply matters of compliance/administrative process.

<sup>5</sup> [IPCC, 2018: Global Warming of 1.5°C. \[V. Masson-Delmotte et al.\]](#)

<sup>6</sup> <https://publications.parliament.uk/pa/ld201719/ldselect/ldnerc/99/9902.htm>

<b>Spatial planning</b>	The summer policy statement commits to introducing a new statutory requirement for Local Nature Recovery Strategies. These strategies will help to map out important habitats and opportunities for the local environment to be improved, linking communities' knowledge and priorities with national environmental objectives.	Different public bodies may interpret the requirement in different, poorly coordinated ways leading to loss of potential biodiversity uplift.	Include a framework for the spatial planning of Nature Recovery Networks: the development of statutory <b>guidance</b> on the creation and implementation of nature recovery maps and plans, ensuring nominated public authorities bring together relevant stakeholders prepare and implement these maps and plans, and establishing <b>duties on all public bodies</b> to incorporate them into all terrestrial spatial plans, and to contribute to the delivery, maintenance and ongoing maintenance of the network.
<b>Net biodiversity gain</b>	The summer policy statement proposes a mandatory net gain requirement for developers of 10% increase in habitat for wildlife compared with the pre-development baseline. Natural England has issued guidance on how this will be calculated to ensure biodiversity uplift.	Nationally Significant Infrastructure Projects (NSIPs) and marine projects are excluded from the net gain requirement, risking considerable loss of potential biodiversity uplift from large projects.	Raise the mandatory requirement to a <b>20% minimum increase</b> over a 3-5 year period as good practice is developed. Set out how to ensure <b>NSIPs and marine projects</b> achieve net biodiversity gain. Work with <b>Local Nature Partnerships</b> to develop and embed net gain practices across the region.
<b>Scope</b>	The draft Environment Bill lacks a broad definition of the natural environment.	Important factors may be excluded from consideration in policy making and enforcement.	<b>Define</b> the natural environment to include people's enjoyment of it; protected landscape; and historic environment, as per the NERC Act.
<b>Water management</b>	The summer policy statement requires water companies to work together and plan at a regional scale.	This appears to be primarily focussed on customer demands not environmental considerations, leading to a risk that the natural resource is not considered strategically.	Require the water industry to invest in the restoration of the water <b>resources and associated natural environment</b> , to enhance the resilience of these systems to flooding and drought.
<b>Monitoring</b>	The draft Environment Bill provides for 25 Year Environment Plan and Environmental Improvement Plan monitoring.	There is insufficient clarity of monitoring standards.	Include specific underpinning of the 25 Year Environment Plan targets and ensure UK environmental data is collected to <b>at least the same standards</b> as the European Environment Agency.
<b>Alignment with related legislation</b>	Draft Agriculture and Fisheries Bills were published during 2018 but progress has stalled.	Neither the Environment Bill, nor the Agriculture and Fisheries Bills, adequately consider the environmental impact of these industries.	Ensure the Agriculture and Fisheries Bills progress promptly and <b>align</b> them with the Environment Bill to ensure that activity by these industries is adequately regulated.