



## **APSE Briefing: The Environment Bill – announcement of legally binding environmental targets**

**To all APSE members: In England and for information to Wales, Scotland and Northern Ireland**

### **Key issues**

- Government has announced how it will underpin key environmental commitments with legally binding targets, including for air quality, water, waste and biodiversity as part of the commitments contained within the Environment Bill to combat environmental and climate challenges.
- The government will introduce at least one long-term target in four priority areas to drive significant and lasting environmental improvements: cleaner air, cleaner water, less waste and more biodiversity.
- These long-term targets will be supported by interim targets to ensure it delivers its objectives– these targets will set out government’s five-year trajectory, and the government will report annually on its progress.
- To hold the Government to account, the new environmental watchdog, the Office for Environmental Protection, will also report annually on the progress that has been made in improving the natural environment in accordance with these targets.
- Local authorities will be expected to play a major part in the delivery of these targets through similar targets they write into their own environmental strategies and policies.

### **Introduction**

On the 19 August 2020 the government has set out how it will use ambitious and legally binding targets under its Environment Bill to combat environmental and climate challenges.

The government has announced it will introduce at least one long-term target in four priority areas to drive significant and lasting environmental improvements these being: cleaner air, cleaner water, less waste and more biodiversity.

In the words of the government ‘this major new step will make sure both this and any future governments continue to deliver a truly green recovery – meeting the Prime Minister’s commitment to “build back greener”.

In order to fully appreciate this statement, and the potential role local authorities will play in delivering these targets, it is necessary to have an understanding of the Environment Bill and its aims and objectives.

The Environment Bill, which will resume its passage through parliament as soon as possible, builds on this Government’s proposed actions to protect the environment, as set out in the [25 Year Environment Plan](#)

## **Background**

The Environment Bill states it will:

*‘Make provision about targets, plans and policies for improving the natural environment; for statements and reports about environmental protection; for the Office for Environmental Protection; about waste and resource efficiency; about air quality; for the recall of products that fail to meet environmental standards; about water; about nature and biodiversity; for conservation covenants; about the regulation of chemicals; and for connected purposes’.*

The government states that the Bill sets a new and ambitious domestic framework for environmental governance as the UK maximises the opportunities created by leaving the European Union; it goes on to suggest that having left the EU, the UK has the autonomy and ability to set its own future environmental protection. By taking this approach, it is believed that the UK should not bind itself to the legislative systems of the past and those of the Union it is leaving. The government states that it wants to go further and be better on environmental protection and has stated it has no intention of lowering the UK’s already high standards.

Therefore, the aim of the Bill is to respond to a clear and urgent scientific case and growing public demand, for action to address environmental challenges including biodiversity loss, climate change, waste and pollution of the air, water and land. It is suggested that this will drive the long-term action nature needs to recover, through legally-binding targets, which will be monitored through the creation of a new environmental enforcement body, the Office for Environmental Protection (OEP) which as well as assessing levels of environmental improvement will be able to hold the government to account on achieving the targets it has set. As a further safeguard, people will be able to complain to the OEP if they think their council, the government or any other public authority has broken environmental laws.

## **Environmental Principles**

Government has stated in order to help meet these targets it will also place environmental principles in law for the first time. Environmental principles embedded into domestic law will promote policy-making that seeks to prevent or minimise environmental damage. These principles are:

- **integration principle** - *environmental protection requires that due consideration be given to the potential consequences of environmentally fateful decisions*
- **prevention principle** - *the need to take measures to address issues today rather than allow their consequences to fester leading to higher costs and increased risk in the future. For example, this principle is critical for tackling the impacts of climate change.*
- **precautionary principle** - *triggers policy intervention in circumstances where there are reasonable grounds for concern that an activity is causing or could cause harm, but where there is uncertainty about the probability of the risk or the degree of harm.*
- **rectification at source principle** - *environmental damage should, to the greatest extent possible, be resolved at source. In other words, policy should tackle the root cause of the problem rather than simply tackling its consequences. For example, it means that air pollution should be tackled directly by regulating emissions from cars and other sources.*
- **polluter pays principle** *those who produce pollution should bear the costs of managing it to prevent damage to human health or the environment.*

These together aim to deliver significant environmental improvement, by restoring nature, cleaning our air, improving the management of water and decreasing waste.

The Government wants to transform the UK's environmental governance by creating a new system which is tailored specifically to a UK context and aims to drive significant environmental improvement by setting and achieving legally-binding, long-term targets on air quality, water, biodiversity and resource efficiency and waste reduction, as well as through the creation of statutory Environmental Improvement Plans (EIP's)

### **Environmental improvement plans (EIPs)**

In the Environmental Improvement Plan, the government will set interim targets for each five-year period and lay out the steps it intends to take to improve the natural environment. The bill framework requires government to periodically review its targets, by carrying out a Significant Improvement Test at least every five years. This means that government must consider whether meeting its long-term targets and the PM<sub>2.5</sub> target (particulate matter), alongside any other relevant statutory environmental targets, would significantly improve the natural environment in England. It must report to Parliament on its conclusions and, if it considers that the test is not met, set out how it plans to use its target-setting powers to close the gap.

The OEP will hold the government to account on progress towards achieving targets and every year can recommend how it can make better progress, to which government must respond. The 25 Year Environment Plan will be adopted as the first EIP.

Therefore, both the targets and the EIP's will be supported by this new statutory cycle of monitoring, planning and reporting.

## Environment targets

The Environment Bill will give the Secretary of State a power to set long-term, legally binding environmental targets of at least 15 years in duration, across the breadth of the natural environment. It will specifically require the government to set at least one target each in four priority areas which have now been announced in draft (19 August 2020)

The four priority areas have been chosen to complement Government's Net Zero target by tackling the wider environmental challenges of the age, including nature's decline. It will build on the vision of the 25 Year Environment Plan and, the Government suggests this will help to drive long-lasting, significant improvement in the natural environment.

These long-term targets will be supported by interim targets to ensure Government stays on track.

The four priority areas, and proposed objectives for targets, together with more detailed fact sheets providing greater detail on the key aims and concerns within the Environment Bill are:

- Air quality: To support Government's action to improve air quality across the country, they will explore targets focusing specifically on reducing public exposure to fine particulate matter (PM2.5), the air pollutant that has the most significant impact on public health. [The Air Quality Fact Sheet can be downloaded here.](#)
- Resource efficiency and waste reduction: Potential targets will look to increase resource productivity and reduce the volume of residual waste and plastic pollution generated. [The Waste and Resource Efficiency Fact Sheet can be downloaded here](#)
- Biodiversity: Targets will be developed to restore and create wildlife-rich habitats in protected sites on land, in freshwaters and at sea and in the wider countryside, and to increase species populations on land and improve marine biodiversity. [The Nature and Conservation Covenants can be downloaded here](#)
- Water: targets will be set to tackle pollution from agriculture and waste water to improve water quality, as well as a target on water demand to reduce the volume that is abstracted. [The Water Fact Sheet can be downloaded here](#)

The Bill also allows for **additional long-term targets** to be set in the future. Any future long-term targets will be set in a similar way to the first suite, through expert advice, stakeholder engagement, and public consultation as part of what is described as a robust, evidence-led target-setting process.

These targets need to be brought forward by 31 October 2022. As stated previously these long-term targets will be supported by interim targets, which will set a five-year trajectory towards meeting the long-term targets. This will allow for an ongoing assessment of whether the government is on track to meet its longer-term target ambitions.

A more detailed explanation as to how these targets will be developed can be found [here](#)

## **The Four Priority Target Areas (updated 19 August 2020).**

With the announcement of greater detail on the four priority areas, outcomes and rationales for the targets, in the four priority areas, can now be stated as follows:-

### **Air quality targets**

- reducing the annual mean level of fine particulate matter (PM<sub>2.5</sub>) in ambient air (as required by the Environment Bill)
- in the long-term, reducing population exposure to PM<sub>2.5</sub>

Emphasis on fine particulate matter has been chosen as even short-term exposure to elevated levels is known to exacerbate the impact of pre-existing respiratory and cardiovascular health conditions, with elderly people and children the most vulnerable groups, whilst long-term exposure is linked to a number of health impacts including respiratory and cardiovascular disease, cancer and dementia.

### **Resource efficiency and waste reduction targets**

- increase resource productivity
- reduce the volume of 'residual' waste we generate

Increasing resource productivity through stabilising or reducing our material use, can help us avoid resource depletion and reduce environmental impacts. In addition, improved resource productivity can build the economy's resilience to price volatility, increase resource security, and enhance our international competitiveness.

Reducing residual waste would help address the environmental impacts of treatment, which can include air (including greenhouse gases), soil and water pollution. Reducing residual waste can be achieved by preventing waste from occurring in the first place, or by recycling the waste we do generate into secondary materials (a more sustainable alternative to extracting and processing raw materials).

### **Biodiversity**

- improve the quality of habitat on land, including freshwater and coastal sites, expressed through the condition of our protected sites (SSSIs)
- improve the quality of our marine habitat, expressed through the condition of Marine Protected Areas
- improve the overall status of species populations on land and in freshwaters
- restore and create wildlife-rich habitat outside protected sites through appropriate management
- Other targets may also be introduced such as improving soil health and increasing woodland cover.

By improving the quality of our most important areas for biodiversity (both land and marine) and expanding habitats to create a bigger, better and more connected network outside of those areas this will help to improve species status as an indicator of ecologically functioning and resilient habitats, and by making sure more of our sites (and the special features within them) are in favourable conditions will increase their conservation benefits and the ecosystem services they offer.

### **Improving water quality and availability**

- reduce pollution from agriculture, in particular phosphorus and nitrate
- reduce pollution from wastewater, in particular phosphorus and nitrate
- reduce water demand

Human activity and the needs of the natural environment are placing competing demands on water quantity and flow. Two of the most significant pressures on the water environment are rural pollution and wastewater. The need to reduce pollution and using less water is key to managing the impact on the water environment and ensuring that we have a resilient supply of water. There will be greater pressure on water quantity as our population increases and climate changes.

### **Consultation**

Experts, stakeholders and the public have a role in helping Government to develop targets.

These experts will be critical in providing Government with scientific, economic and practitioner insight and playing a key role in informing the development of targets. In addition, Government also expect experts to play a scrutiny role in the evidence-based approach which will be implemented as described earlier in this briefing note.

Government also recognises that environmental targets are of wide interest to a large number of organisations and therefore will be carrying out a public consultation on proposed targets, which is likely to commence in early 2022.

### **Concluding Comments**

Government has stated that the targets set under the Environment Bill will be the driving force behind actions to protect and enhance our natural world, guaranteeing real and lasting progress on some of the biggest environmental issues facing us today.

They hope these targets will provide some much-needed certainty to businesses and society, 'as we work together to build back better and greener'.

It is envisaged that the targets will build on progress made through the existing commitments in the [25 Year Environment Plan](#), by identifying further gaps for improvement to tackle some of the serious challenges that remain.

## **APSE Comment**

It is clear that The Environment Bill aims to ensure that both this government and future governments are held to account on delivering their commitments to environmental protection. As part of this, the recognition of the need for regular monitoring of progress, which will allow the need to make changes to improve performance where targets are not being met is welcomed.

The government has also committed itself to being open and transparent about the impacts of future legislation with Parliament on environmental protections and through its contact with the OEP.

The OEP needs to be both independent and influential if it is to successfully scrutinise and provide advice on government's progress towards improving the natural environment, investigating complaints and enforcing breaches of environmental law by government and public authorities,

Undoubtedly local authorities will have a key role in helping to deliver the priority targets government has identified, and it is therefore important that officers, and elected members, alike have an awareness of what government's priorities are if they are to be able to contribute to the delivery of these targets. Equally local authorities need to be able to quantify any additional resources they may need to be able to deliver such targets, even in the post COVID-19 times when economic considerations will be high on everyone's agenda.

The need to keep the profile of the environment high is a real concern, for despite all the planning, consultation and target setting, and more recently the impacts of COVID-19, there has often been the belief that the environment plays 'second fiddle' to economic growth or producer interests. Certainly, with the negative economic impacts of the current pandemic economic needs may well be perceived to outweigh environmental concerns, and as such if we are to 'build back better and greener' then the commitments of the 25 Year Environment Plan and the Environment Bill must be given high priority if they are not to become simply another set of documents left on the shelf.

APSE has always worked with its member councils to pursue environmental and ecological outcomes, to be embedded both in strategic policy and frontline service delivery, across local government. Therefore, the aims of the draft Bill, and the commitment to take into account the views of local government as a key stakeholder and as an 'expert' body in its own right is welcome. However local councils will remain thwarted in their endeavours without the capital and revenue resources to support their environmental and ecological aims. Many councils have shovel-ready projects which would help in the delivery of many of the key aims within the Bill, from waste and resources through to bio-diversity plans within local areas. It is therefore an imperative that the sweeping ambitions within the Bill are supported by realistic resourcing of councils on the ground.

There are many 'quick wins' which councils could undertake to start reducing their carbon footprint and that of suppliers as highlighted in our most recent research

report [‘So you have declared a climate emergency: What next?’](#) . We are also supporting our member councils through our ‘Climate Change and Renewables Network’. Members can join the network enabling attendance at FREE events [using this link](#). Our next network meeting will be exploring the implications of the draft Environment Bill so if you register you will be invited to attend the next meeting. APSE Energy is a well-established and unique local government network dedicated to decarbonising energy supplies. [Details about APSE Energy can be found here.](#)

On the 9 and 10 September APSE is also hosting the latest in its series of policy seminars ‘Building Back Better. Building Back Greener’ which covers planning reform and developments, green and blue infrastructure, with an expert speaker on marine conservation, building inclusive green economies and a focus on councils taking action now on carbon reduction as well as exploring waste and resources issues. This seminar, discounted for APSE member councils, [can booked online using this link.](#)

As this Bill progresses APSE will continue to consult its membership and submit consultation responses on behalf of its membership to ensure the views, and needs, of local governments’ frontline services, are integrated into the legislative approaches. We will also be ensuring a coordinated approach across the UK to explore similarities and policy divergence in the four different UK administrative areas of government.

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