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# The Environment Act (2021)

## A Brief synopsis



# The origins of the Environment Act 2021

The Environment Act, which became law in 2021, **acts as the UK's new framework of environmental protection.**

Once the UK left the EU, rules on nature protection, water quality, clean air and other environmental protections that originally came from Brussels were at risk.

This Act is intended to fill the gap.



# Why do we need an Environment Act?

## 'The Big 4'

- Biodiversity loss
- Air Quality
- Water quality
- Resource and Waste management

## The role of local authorities



# Declining Biodiversity

- The UK has lost almost half of its **wildlife and plant species** as a result of human and land development since the Industrial Revolution, which transformed the country's landscape to make way for agriculture and farming
- The country is ranked in the **bottom 10%** in the world and the worst among G7 nations.
- We have experienced the mechanised destruction of nature in order to convert it into goods for profit. As a result, the UK has been among the **most nature-depleted countries** in the world for a long time.
- Extensive agricultural lands and road networks as well as urban sprawl has reduced flora and fauna in the UK to a point hardly seen elsewhere
- The UK has only 50% of its natural biodiversity left.
- Worryingly most people now see agriculture as a natural system!



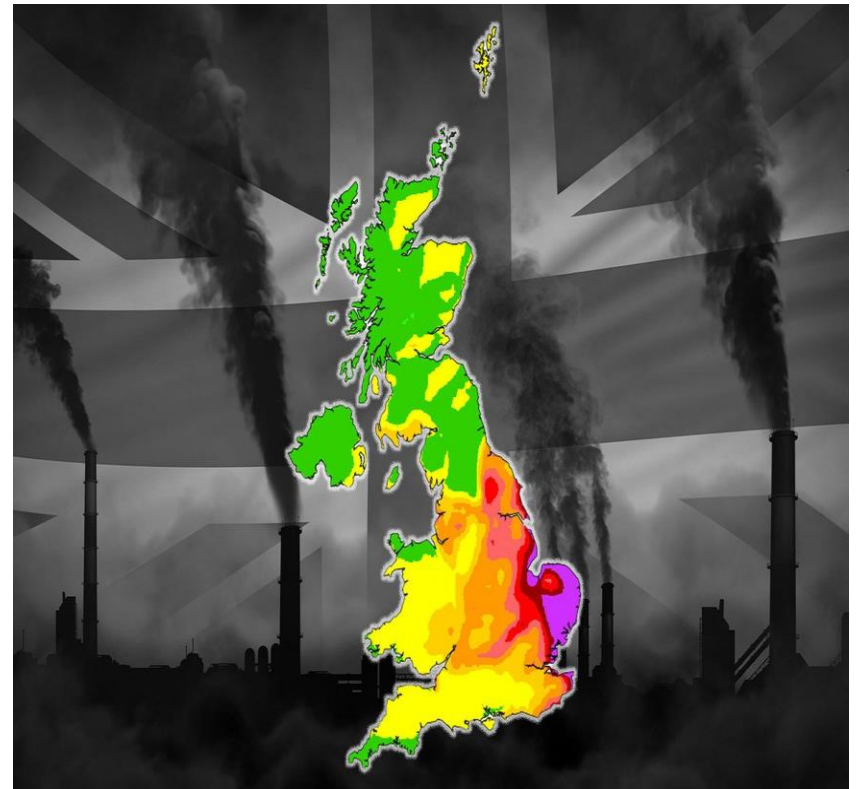
# Local Authorities can play a major part in creating opportunities for biodiversity

- Biodiversity Duty' which was introduced by the Natural Environment and Rural Communities (NERC) Act in 2006.
- *“Local planning authorities should: set out a strategic approach in their **Local Plans**, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure...”*
- **Local Nature Recovery Strategies**, to embed strategies for the environment and nature's recovery into their planning systems.
- Creation of **Local Biodiversity Action Plans** identifying local priorities and coordinates the action for wildlife, across the district and involves a range of groups and individuals – move to focusing on creation of ecological networks rather than on individual elements.
- **Biodiversity Net Gain** – new developments provide lasting benefits for wildlife and to people's ability to experience nature where they live and work.
- **Practical works** – wildflower meadows, rewilding, habitat restoration/protection, new landscapes (woodlands)
- **Biodiversity Reports** – produced every 5 years detailing actions taken, impacts and summary of BNG activity

# Air Quality

**Air pollutants** are emitted from a range of both man-made and natural sources. Many everyday activities such as transport, industrial processes, farming, energy generation and domestic heating can have a detrimental effect on air quality.

Air pollution has a significant effect on public health, and poor air quality is the largest environmental risk to public health in the UK. The cost of health impacts of air pollution is likely to exceed estimates of £8 to 20 billion.



# Local Authorities can play a major part in reducing air pollution:

- Local authorities have a statutory role in assessing and improving local air quality
- invest in infrastructure and public transport, and promote active travel and cycle routes
- implement measures to reduce air pollution caused by road traffic and other sources
- design healthy environments, bringing in spatial planning, urban design, road and building layouts, and green spaces

Range of interventions to improve air quality has greater potential to reduce the associated burden of disease than any one intervention alone.



# Water Quality

- In the UK **drinking water is of the highest standard, among the best in the world.** Very strict standards apply to piped drinking water, set to protect public health and to ensure water quality is acceptable to customers.
- Water pollution causing ‘death by a thousand cuts’ for rivers
  - *excessive use of fertiliser and pesticides in agriculture - responsible for 40%*
  - *untreated sewage released by water companies - responsible for 35%*
  - *"run-off" from roads and towns which contains pollutants such as oil - responsible for 18%*
- Reduced funding to monitoring agency has led to difficulty in monitoring water quality.
- Only 14% of English rivers meet good ecological status

**Environmental Audit Committee in its January 2022 report** said:

*“Rivers are the arteries of nature and must be protected. Our inquiry has uncovered multiple failures in the monitoring, governance and enforcement on water quality”.*

*The Environment Act signalled the first welcome sign of political will to tackle this issue*

# Local Authorities can play a major part in protecting water quality:

- Local planning policies and planning applications which protect and enhance the water environment, including incorporating WFD priorities into Local Plans and Infrastructure Delivery Plans including promoting sustainable drainage, water efficiency, habitat improvements
- Engaging with businesses to reduce water pollution and raising public awareness as to what can be disposed of via toilets, kitchen sinks domestic drains etc.
- Reduce pollution and flood risk from highways run-off through flood management, drainage and sustainable drainage systems (SuDS)
- Local authority community leadership, advocacy and partnership roles, encouraging and working with others (including residents, community groups, businesses, land owners, Local Enterprise Partnerships and public sector bodies) to protect and enhance the water environment.

# Resource and Waste Management

- UK Recycling rates fell in 2020
- In 2020, total 'waste from households' increased
- In 2020/21, total local authority managed waste increased by 1.3 per cent.
- The amount of residual waste treated increased by over 5%
- During the pandemic some local authorities were unable to maintain collections of dry recycle, some garden waste collections were suspended and there was widespread closure of household waste recycling centres (HWRC).
- Concern that recycling rates are stagnating whilst waste production is still increasing

## **Local Authorities can play a major part in reducing waste and promoting better resource use by supporting:**

- Recycling systems will be improved e.g. consistency in recycling collections and free services
- Business will be encouraged to create sustainable packaging,
- Plastic waste will no longer be exported to developing countries.
- Extended producer responsibility (EPR) whereby manufacturers to contribute to the disposal costs of the products they produce,
- Deposit Return Scheme for single use drinks containers;
- Charges for single use plastics to encourage the use of sustainable items;
- Electronic waste tracking to crack down on waste crime.
- Measures are also included to combat fly-tipping and littering;
- Improve labelling about recycling, and the durability of products
- Circular Economy e.g. re-use and refurbishment shops

**Funding will be made available to help local authorities via income from EPR.**

# The Introduction of Targets

- Increase biodiversity
- Improve air quality
- Improve water quality
- Reduce waste
- Increase recycling
- Improve resource efficiency
- A target on ambient PM2.5 concentrations in the air, the most damaging pollutant to human health
- A target to halt the decline of nature by 2030
- Environmental improvement plans including interim targets
- Environmental monitoring and reporting to be made part of domestic policymaking
- The Office for Environmental Protection (OEP), created to uphold environmental law
- **Targets by end of 2022 and legally binding for 15 years.**
- **25 Year Environmental Improvement Plan and set interim targets every 5 years**

# Monitoring and Enforcement

## The Office for Environmental Protection (OEP)

- Enforce the new legally binding environmental targets
- Hold the government and public bodies to account by providing independent oversight of the government's progress. e.g. reporting on Environmental Improvement Plan.
- 'Operational independence'
- The government said that it needed some guidance power over the OEP to ensure its accountability and **will decide its budget, board and enforcement strategy.**



# Concerns

- Will the OEP, set up to oversee the Act, be fully independent due its reliance on government funding and guidance and therefore be able call the government and public bodies to account.
- MPs recently voted against amendments voted for by the House of Lords which would have included greater protection for ancient woodland; restrictions on ministers' powers to dilute habitat regulations, a legal duty on water companies to reduce raw sewage discharges and moves to guarantee the independence of the OEP.
- Resources within local authorities to oversee developers proposals regards Biodiversity Net Gain and having time to fully assess existing biodiversity value of sites is limited.
- Slashing of its £800m "landscape recovery" (aka rewilding) budget to just £50m, which just a few months ago was seen as "essential, to achieve our environmental ambitions".
- Non – legally binding targets e.g. Environmental Improvement Plan.
- Track record – neonicotinoids, new coal mines, glyphosate, etc.

## However .....

- The Environment Act does enshrine better environmental protection into law recognising the importance of the natural world and our impacts upon it.
- 25 Year Environment Plan can now move from ambition to reality.
- Widespread support from many environmental organisations, albeit with some reservations.
- Setting of targets (when agreed) is welcome.
- New powers – Biodiversity Net Gain
- Establishes a new environmental watchdog - Monitoring of targets by OEP will be critical as will their ability to act independently.
- Recognises we cannot pass on our negative environmental impacts onto other countries.





## The Environment Act may not be perfect, BUT...



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