

Appendix 2 – Summary of the draft Environment Bill

Source: [Environment Bill: Policy Paper](#) December 2018

Our vision: World-leading law for a greener future

The Environment Bill will put environmental ambition and accountability at the very heart of government. It will help us make good on our commitment to leave the natural world in a better condition than we found it, and create a new environment body to make sure that we succeed. Around this new green governance, it could take direct action to address the biggest environmental priorities of our age: air quality; the protection and enhancement of our landscapes, wildlife and habitats; more efficient handling of resources and waste, and better management of our surface, ground and waste water.

This government is the first to commit to leaving the environment in a better state than we inherited it. In our [25 Year Environment Plan](#), published in January 2018, we set out our long-term approach to protecting and improving the natural world – our natural capital.

The Environment Bill, announced by the Prime Minister in July, will be an essential step. Through the Bill we will make the statutory changes needed to implement our new approach, and enshrine in law a transparent series of checks and balances to map our progress towards our goal.

Following the consultation document on '[Environmental Principles and Governance after the UK leaves the EU](#)' published in May 2018, we have now published a draft version of the corresponding clauses of the Environment Bill. This paper sets out the broader ambition of the Environment Bill, which will cover environmental principles and governance alongside four other key areas: air, wildlife, water and waste. More detail on all policy areas has been or will be published in due course.

The Environment Bill plots a course to:

1. establish a pioneering new system of green governance
2. improve air quality
3. restore and enhance nature
4. improve waste management and resource efficiency
5. improve surface water, ground water and waste water management

The Bill will set a new trajectory for environmental improvement. We recognise that a greener society is essential for national prosperity and for our good health and wellbeing – and it is our responsibility to treat the environment respectfully as an invaluable national asset in its own right.

The new approach set out here acknowledges that the environment is a complex, interlinking system. Where we intervene in one area, there will be multiple knock-on effects elsewhere. Our economically responsible environmental policy framework will provide clear long-term certainty for business and others. The Bill will set an

inspirational standard for effective leadership, demonstrating that an enhanced environment does not come at the expense of economic growth: the two go hand in hand.

The Bill will benefit society as a whole by improving environmental protection and restoration, managing the impact of human activity, creating a more sustainable and resilient economy, and enhancing wellbeing and quality of life. This will create a positive legacy for future generations of which we can all be proud.

Our ambitions are not only domestic. Pollution recognises no boundaries and the despoiling of habitats is happening worldwide. We are showing bold international leadership by spearheading environmental action on the urgent issues of our day – including protecting endangered species and tackling the illegal wildlife trade, and addressing the pandemic of plastic pollution in our oceans and landscapes. We want to make sure that we can live well within the Earth's natural limits. In 2020, there will be new global agreements on climate change and nature. We will ensure that we take the domestic action needed to set our own economy on a sustainable course. The UK has repeatedly shown our commitment to playing our part, and leading the world towards a cleaner, greener future. The Environment Bill will build on this legacy, and the goals we set out in the 25 Year Environment Plan.

Environment is a devolved matter, subject to a small number of areas that are reserved. In consequence, this Bill applies to England and to the UK for reserved matters. Overall, we recognise that protecting the environment is inherently an issue that cuts across boundaries, and we continue to welcome the opportunity to co-design with the Devolved Administrations, should they wish to join any proposals, to safeguard our shared natural environment.

Governance and accountability

At the heart of the Bill are the new foundations it will create for long-term environmental governance and accountability. Our policy of transparency commits us to measuring and reporting on our progress both in public and in Parliament. We will back this up with a regularly refreshed, credible plan of action. The Bill will allow us to take three important steps towards reaching our goal:

1. We will establish a world-leading environmental body, the Office for Environmental Protection (OEP) to champion and uphold standards as we leave the EU.

For decades, EU institutions and mechanisms have provided oversight over environmental law. After we leave the EU this will no longer be the case. We will retain our rigorous parliamentary scrutiny and strong domestic legal framework for environmental protection after EU exit – but we want to go further. Establishing the Office for Environmental Protection (OEP) will ensure that this and every future government benefits from the expertise vested in a consistent, long-term, independent body on the environment. The OEP will provide independent and impartial scrutiny, assessments and advice on environmental legislation and the government's Environmental Improvement Plan (EIP). It will also offer a strong system of accountability, taking enforcement action where needed to make sure that government is delivering on its obligations under environmental law.

2. We will introduce a clear set of statutory environmental principles to guide policymaking.

Environmental principles act as guidelines for policymakers to consider how the environment can be improved and environmental harm avoided or minimised. At present, policymakers are informed by environmental principles which are reflected in various international instruments and are set out in the EU treaties. However, a clear articulation of these principles has never been laid out clearly at a national level.

The Environment Bill will change this through requiring the publication of a statutory policy statement on the interpretation and application of the principles, to which Ministers will have a duty to have regard to when making policy. This duty will provide a clear basis to ensure that Ministers are considering the relevant environmental principles when making policy.

3. We will place the flagship 25 Year Environment Plan on a statutory footing.

The Plan set crucial changes in motion, but its success depends on sustained action over the next quarter of a century. Placing the current plan on a statutory footing and requiring future governments to develop Environmental Improvement Plans will firmly commit this and future governments to driving forward a positive environmental agenda now and in years to come, creating a strong, long-term, economy-wide incentive for taking action to protect and enhance the environment. The OEP will also have the task of publishing an independent, annual progress report on the implementation of the 25 Year Environment Plan following the government's annual report.

Overall, the new statutory cycle of environmental planning, monitoring and reporting will incentivise sustained improvement in our natural world and ensure that we deliver our commitments, now and in the future.

In addition, we will explore options for including additional cross-cutting targets for environmental improvement as part of this framework. Well-designed targets could offer greater certainty on the strength of the government's ambition and drive action by businesses and wider society.

Leaving the EU

The EU (Withdrawal) Act 2018 will make sure existing EU environmental law continues to have effect in UK law after the UK leaves the EU.

It requires that the environmental principles which currently guide EU policy making and development must be set out in UK legislation. The UK government must produce a statutory policy statement explaining how those principles will be interpreted and applied in the making and development of policies.

It also requires the establishment of a public authority which must be able to hold government to account on environmental standards by taking proportionate enforcement action.

We will work to make sure that the OEP is in place as soon as possible in a no deal scenario, with the necessary powers to review, and if necessary take enforcement action, in respect of breaches of environmental law from when the jurisdiction of the Court of Justice of the European Union has ended.

Alongside this, under a no deal scenario we will put in place a holding arrangement during the interim period between 30 March 2019 and the launch of the OEP. This will provide a mechanism for the OEP to receive a report of any perceived or claimed breaches of environmental law made during this interim period. This means that the OEP can consider any early action it may need to take upon its establishment.

The UK-EU Withdrawal Agreement that was endorsed by EU leaders on 25 November 2018 sets out the draft agreement between the government and the EU for the withdrawal of the UK from the EU. This is subject to agreement by the UK Parliament. A Political Declaration setting out the framework for the future economic partnership between the UK and the EU was also published.

As part of the Northern Ireland protocol (sometimes referred to as ‘the backstop’) in the Agreement, the UK and the EU have agreed commitments to maintain fair and open competition within the single customs territory, in the unlikely event that the protocol need ever come into force. These include obligations related to the environment, including a non-regression clause.

The text sets out that, if the protocol is required, the UK and EU will not reduce their respective levels of environmental protection below those in place at the end of the implementation period.

The intended approach of the draft Environment Bill is in line with the provisions of the Withdrawal Agreement concerning environmental principles and the domestic monitoring, reporting, oversight and enforcement of environmental obligations by an independent body or bodies. There are some environmental elements of the Withdrawal Agreement which our current proposals do not cover, namely those concerning the independent body’s scope to enforce implementation of the “non-regression” clause. We will consider these provisions of the Withdrawal Agreement ahead of publishing the final Bill.