



House of Commons
Environmental Audit Committee

The Government's 25 Year Plan for the Environment

Eighth Report of Session 2017–19

*Report, together with formal minutes relating
to the report*

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Environmental Audit Committee

The Environmental Audit Committee is appointed by the House of Commons to consider to what extent the policies and programmes of government departments and non-departmental public bodies contribute to environmental protection and sustainable development; to audit their performance against such targets as may be set for them by Her Majesty's Ministers; and to report thereon to the House.

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Contents

Summary	3
1 Introduction	5
The Origins of the 25-Year Plan	5
Our Inquiries	6
2 Ambition and Delivery	7
Ambition	7
Leaving the European Union	8
Delivery	8
3 Targets	10
SMART Targets	11
Legally Binding Targets	12
Line of Sight	15
Progress Reporting	17
4 Governance	19
A New Oversight Body	19
Enforcement Powers	23
Other Governance Functions	24
Scope and Application	26
Geographic Coverage and Devolution	28
Common Frameworks	30
Timing	32
Cross Departmental Buy-In	33
5 Principles	36
Interpretation	37
Application	38
6 Funding	40
European Union Funding	40
Urban Funding	43
Private Investment	43
Net Gain	45
Natural Capital	46

Conclusions and recommendations	48
Formal minutes	54
Witnesses	55
Published written evidence	56
List of Reports from the Committee during the current Parliament	61

Summary

The Government's 25 Year Plan for the Environment signals a cross-government ambition for the restoration and recovery of the natural environment. This is both welcome and necessary. Worryingly, however, it lacks details of how these objectives will be achieved. The Government needs urgently to bring forward details on targets, implementation, governance and funding before the publication of the draft Environmental Principles and Governance Bill. Legislation will be required to implement the Plan's key proposals and to ensure it has a lasting impact. Government departments other than DEFRA need to embrace the Plan's ambitions and integrate them into their decision making.

To meet the Government's ambition, legislation is required, as a minimum, to:

- Replace the one third of EU environmental legislation (air, waste, water, chemicals) that cannot be copied and pasted into UK law through the EU (Withdrawal) Act;
- Put into UK law the environmental principles that the UK has signed up to in international law and which are embodied in the European Treaties and include provisions for all public bodies to act in accordance with the principles;
- Put into UK law the commitments the UK signed up to at the 2015 Paris Climate Change Conference;
- Establish a principle in UK law that policy and public bodies will seek to ensure a high level of environmental protection and a presumption that environmental protection will not be reduced, but rather enhanced in line with repeated assurances from the Secretary of State;
- Establish an architecture of long-term, legally-binding environmental targets supported by a five-yearly planning and reporting process taking the Climate Change Act 2008 as its model;
- Ensure that the Plan's ambitions are properly reflected in other areas of Government and law beyond DEFRA's remit;
- Create in UK law an independent oversight body—The Environmental Enforcement and Audit Office (EEAO)—reporting to Parliament to ensure that the governance, enforcement, oversight and policy functions currently carried out by the European Commission and European Environment Agency are not lost on leaving the European Union;
- Set out that the EEAO's role includes monitoring how public authorities are complying with their duties, making policy proposals to meet the Government's objectives, providing strategic oversight and reporting bi-annually to Parliament on progress against the Government's environmental targets, including scrutiny of the 25 Year Plan's 5 yearly and annual progress reports;
- Set out that it should also have a regulatory function complementary to the Environment Agency, within, or alongside its policy and scrutiny function,

to investigate compliance with the law, including complaints brought by the public, and the power to take the Government and other public authorities to court where standards are breached;

- Establish a statutory body of parliamentarians, modelled on the Public Accounts Commission, to set the EEAO's budget, scrutinise its performance and oversee its governance; and
- Provide a robust statutory basis for natural capital and environmental net gain to ensure they enhance environmental protection and do not become licences to pollute and/or offset.

The Government has made a commitment that environmental protections will not be weakened by leaving the European Union. The Government must be prepared to bring forward emergency environmental legislation, before the role of the European Commission and the Court of Justice of the European Union in respect of the environment ends.

The Plan is primarily a Plan for England. However, environmental policy involves cross-border impacts and cross-border markets. There are benefits to the nations of the United Kingdom in agreeing co-ordinated policies, common frameworks and shared institutions in some areas of environmental policy. In particular, we heard compelling evidence that a co-designed and co-owned EEAO would be more resilient, independent and effective. The process of agreeing such policies, frameworks and institutions needs to be a conversation between Governments and legislatures, not an imposition from Westminster.

We believe that leaving the European Union poses a potential threat to delivering the goals set out in the Government's 25 Year Plan for the Environment; in terms of the risk of reduced standards, lower enforcement powers, the threats to common frameworks and regulatory oversight.

1 Introduction

The Origins of the 25-Year Plan

1. In January 2015, the Natural Capital Committee¹ recommended that the Government draw up a 25 Year Plan for the Environment. The Conservative Manifesto that year included a commitment to work with the Natural Capital Committee to develop a 25 Year Plan to restore biodiversity. In September 2015, the Government responded to the Natural Capital Committee's report:

We agree with the aims of the Committee's recommendation to develop a 25 year plan and government will be producing a 25 year plan for a healthy natural economy.²

2. In January 2017, the Natural Capital Committee recommended that the 25 Year Plan should be placed on a statutory footing.³ Following a well-publicised series of delays, a framework document for the 25 Year Plan was expected in April 2017. However, the Government did not publish it before the General Election was announced. The Conservative Manifesto for the 2017 election included a commitment to:

produce a comprehensive 25 Year Plan for the Environment that will chart how we will improve our environment as we leave the European Union and take control of our environmental legislation again.⁴

3. Following his appointment as Secretary of State for the Environment, Food and Rural Affairs, Rt Hon Michael Gove MP said that he had asked the Natural Capital Committee to provide advice on drawing up a Plan. That advice was published in September 2017. The Government published the *A Green Future: Our 25 Year Plan to Improve the Environment* (The Plan) on 11 January 2018 with a speech by the Prime Minister at the London Wetlands Centre.⁵

4. The Plan committed to consulting on "setting up a new independent body to hold government to account and a new set of environmental principles to underpin policy making".⁶ The Government published the consultation *Environmental Principles and Governance after the United Kingdom leaves the European Union* (the Consultation) for this on 10 May 2018 - six months after the Secretary of State first indicated his intention to consult on this issue.⁷ However, there have been concerns raised by NGOs that the current plans are "toothless".⁸

1 The Natural Capital Committee (NCC) is an independent advisory committee that provides advice to the government on the sustainable use of natural assets. The second term of the Committee runs from 2016 to 2020.

2 Department for Environment, Food and Rural Affairs [The government's response to the Natural Capital Committee's third State of Natural Capital report](#), September 2015

3 Natural Capital Committee, [Fourth report to the Economic Affairs Committee](#), January 2017

4 The Conservatives. [Forward Together: Our Plan for a Stronger Britain and a Prosperous Future](#). The Conservative and Unionist Party Manifesto 2017

5 [Prime Minister's speech on the environment](#), 11 January 2018

6 HM Government, [A Green Future: Our 25 Year Plan to Improve the Environment](#), January 2018

7 DEFRA, [Environmental Governance and Principles after the United Kingdom Leaves the European Union](#), May 2018 (henceforth Governance and Principles Consultation)

8 See for example: Financial Times, [Anger that new environment watchdog lacks power to prosecute government](#)

5. The EU Withdrawal Act requires DEFRA to publish an Environmental Principles and Governance Bill by December 2018.⁹ The draft bill must include a set of environmental principles, a statement of policy relating to how these principles shall be applied and interpreted and the provisions to establish a public authority, with the ability to take proportionate enforcement action (including legal proceedings if necessary).¹⁰

Our Inquiries

6. The Plan is 151 pages long and broad in scope. It would not be possible to examine all its proposals in a single inquiry. As set out in our inquiry's terms of reference, this report will look at the ambition and architecture of the Plan. We will look at what the Plan means for individual policy areas as part of our ongoing programme of inquiries. As the Head of Government at the Wildlife and Wetland Trust, Dr Richard Benwell, told us:

What we need [...] is not just a list of individual policies. We all have our own pet policies. It is the architecture of governance that is the real mark of ambition of a 25-year plan, one of the things that is going to make the systemic change to turn a list of different policies into something that can turn things round.¹¹

7. We received well over 100 submissions of written evidence to our inquiry into the 25 Year Plan. We held three hearings, the first with environmental organisations, the second with lawyers, academics and practitioners and the third with the Secretary of State. On publication of the Consultation in May 2018, we opened a new call for evidence and held a further three evidence sessions. The first was with environmental organisations, business leaders and leading academics in governance and law, the second with the Chairs of the Committee on Climate Change, its Adaptation Sub-Committee and the Comptroller and Auditor General of the National Audit Office, and the third with the Secretary of State. This report covers both inquiries. We are grateful to all those who took the time to contribute to our inquiries. The evidence we received - even where it is not directly referenced in this report - will continue to inform our future inquiries.

9 The EU Withdrawal Act 2018 received Royal Assent on 26 June 2018

10 [European Union \(Withdrawal\) Act 2018](#) (henceforth, EU Withdrawal Act)

11 [Q2](#)

2 Ambition and Delivery

Ambition

8. The Government's stated ambition in the Plan is to leave the natural environment in a better state than it found it.¹² This arises from its manifesto commitment to "be the first generation to leave the environment in a better state than we inherited it."¹³ The Plan sets out ten aims, ranging from achieving clean and plentiful water to enhancing biosecurity.¹⁴ It stresses its use of "a natural capital approach" to support longer-term decision making and sets out a series of targets in respect of each of the ten aims.¹⁵

9. The evidence we received was enthusiastic about the overall level of ambition shown in the Plan. Witnesses drew attention to two aspects they especially welcomed:

- Aiming for environmental recovery, rather than just environmental protection. For example, Dr Benwell told us "it is about time that we did not just concentrate on conserving and holding the line, but turning round the state of nature and starting to fix things".¹⁶
- The document's status as a long-term, whole-of-government document, launched by the Prime Minister. For example, Professor Andrew Jordan from the University of East Anglia and representing the Brexit and Environment group of academics said, "Prime Ministers do not normally give big speeches on the environment and they certainly do not announce big 25-year plans, so I think it is a really, really big and important opportunity [for the environmental sector]".¹⁷

10. However, developments since then - particularly the consultation on governance after leaving the European Union - have been met with a sense of disappointment. When initially announced in the Plan this was warmly welcomed; however, once the details emerged many were concerned that the proposals do not meet the stated ambitions of the Government to establish a 'world leading' body.¹⁸ The Chartered Institution of Ecology and Environmental Management indicated that the proposals have not brought confidence to the sector:

At a time of huge uncertainty, a powerful expression of the conviction of the UK Government to protecting the environment would go a long way in reassuring stakeholders. The lack of conviction within these proposals is disappointing and is also contrary to the Prime Minister's stated aspiration for "a new, world-leading, independent, statutory body to hold government to account and give the environment a voice".¹⁹

12 25 Year Plan, p.2

13 Conservative Party, [Forward, Together: Our Plan for a Stronger Britain and a Prosperous Future](#), Conservative and Unionist Party, 2017, p 26

14 25 Year Plan p 10

15 25 Year Plan p 16; HM Government, [At a Glance: Summary of Targets in our 25 Environment Plan](#)

16 [Q2](#)

17 [Q26](#)

18 [Q2](#) EGI [Ruth Davis]; Chartered Institution of Water and Environmental Management ([EGI0008](#)); Chartered Institute of Ecology and Environmental Management ([EGI0019](#)); ClientEarth ([EGI0013](#)); Greener UK ([EGI0028](#))

19 Chartered Institute of Ecology and Environmental Management ([EGI0019](#))

Leaving the European Union

11. The work of our predecessor Committee showed how membership of the European Union has played the determining role in shaping our environmental policy for much of the last 50 years.²⁰ Many witnesses agreed with Ruth Davis MBE, Deputy Director of the Royal Society for the Protection of Birds (RSPB) that when evaluating the Plan:

the starting point has to be absolutely not going backwards. We have to have a complete line of sight between the things that were put in place during our membership of the European Union, which have made a considerable contribution towards at least stopping the rot around the natural world and biodiversity, and indeed our natural resources, and that is not present in the plan as it currently stands. There is no absolute line of sight between the transfer of European law into our system and how that will operate in future. That line of sight is vital, including replacing the existing governance systems with things that work.²¹

12. The Secretary of State, citing the Prime Minister, told us:

... there would be no dilution of the environmental protections that we currently have within the European Union. Indeed, it would be our aim to set out to show that we could have higher levels of protection and that is settled Government policy.²²

Delivery

13. Whilst the ambition of the Plan was widely welcomed, witnesses did not think it constituted a plan for delivery. As Ruth Davis put it, “The level of ambition is absolutely appropriate to the nature of the crisis [in biodiversity] we are facing. You then have to ask the question, “How do we get from the ambition to where we need to be?”²³

14. The Plan itself acknowledges that much of the work of delivery will be carried out through further consultation and strategies. The Plan is accompanied by a table setting out existing and proposed Government strategies on the environment. The Secretary of State acknowledged that there was a lot of work still to do to produce a programme for delivery.²⁴ Some witnesses believe this time is needed to get the details of the Plan right.²⁵ Others saw it as a fundamental failing, given the time elapsed since the original pledge in 2015.²⁶ We wrote to the Government identifying around 30 commitments to further work in the Plan and asking for timescales. The Secretary of State responded that the consultation commitments in the Plan will be carried out “over the coming year”.²⁷

20 Environmental Audit Committee, [The Future of the Natural Environment after the EU Referendum](#), Sixth Report of Session 2016–17, HC 599 [henceforth *The Future of the Natural Environment*]; Environmental Audit Committee, [EU and UK Environmental Policy](#), Third Report of Session 2015–16, (HC 537)

21 [Q2](#)

22 [Q79](#)

23 [Q2](#)

24 [Qq77–78](#)

25 [Q9](#); Country Land & Business Association (CLA) ([ENP0008](#)); Energy UK ([ENP0066](#)); National Farmers' Union ([ENP0096](#))

26 E.g. Association of Local Environmental Records Centres ([ENP0083](#)); Campaign to Protect Rural England ([ENP0048](#)); Wildlife and Countryside Link ([ENP0087](#)); Living Law ([ENP0079](#)); Friends of the Earth England Wales and Northern Ireland ([ENP0068](#))

27 [Correspondence from the Secretary of State to the Chair on 25 year Environment Plan](#), 17 May 2018

15. One point which most of our witnesses were agreed on was the need for primary legislation to embed the Plan's objectives and delivery mechanisms into law. Our predecessor Committee identified the need for an Environmental Protection Act in its 2016 report on *The Future of the Natural Environment after the EU Referendum*.²⁸ They recommended that the Government should commit to such an Act before triggering the Article 50 process for leaving the European Union. The Secretary of State told us he would "hope, but of course it is subject to the agreement of my Cabinet colleagues, that we would bring forward an Environment Act [...] by 2020".²⁹ This would cover issues such as a deposit return scheme on plastic bottles. The Government has now committed to publishing a draft bill on environmental governance in the autumn, following the Consultation set out above, again intending to introduce legislation early in the next Session of Parliament.

16. The 25 Year Plan for the Environment sets out a necessary and welcome cross-government ambition to move from environmental protection to environmental recovery. However, the ambition to "leave the natural environment in a better state than we found it" has been stated Government policy since the 2015 General Election. We are therefore concerned that delivery is, for the most part, still being expressed in terms of further consultations and long-term aspirational targets without supporting delivery plans. For the Government's ambition to achieve credibility it needs to move rapidly from promises and consultations to specific actions and legislation.

17. We believe the Government should put the Plan on a statutory basis. This would set a long-term direction across the whole of Government. This report sets out some of the key elements that, in our view, should be included in that legislation.

18. The Plan must not be an excuse for delaying Government action. Many environmental issues pose immediate threats which require urgent action. For example, the Government has been taken to court three times for breaching air quality limits. More short-term, targeted action is required to tackle air pollution now, and not just within 25 years.

28 *The Future of the Natural Environment*

29 [Q64](#)

3 Targets

19. The need for robust, measurable and enforceable targets was a key theme of the evidence we received. The Plan contains 44 targets—summarised in an “at-a-glance” document which sits alongside it.³⁰ These targets are mapped across the Plan’s ten aims.³¹ However, the targets are of variable quality. Some, such as on plastics or biodiversity, are new and specific. Some were welcomed, others provoked a lively debate in the evidence about their merits.³² But, overall, the dominant theme in the evidence was a lack of clarity. Dr Stephanie Wray, Chief Executive of the Chartered Institute of Ecologists and Environmental Management, was moved to ask “Targets? What targets?” She went on, “The plan seems to me to be long on ambition and very short on legally binding targets and actions”.³³

20. The evidence we received identified three major concerns. It highlighted:

- the lack of specific measurable, achievable, results-focused, and time-bound (SMART) targets;
- arguments for legally binding targets to ensure that the Plan would deliver beyond the lifetime of a single Parliament; and
- the need for a clear line of sight between existing targets, international commitments and the Government’s targets.

Case Study: Biodiversity 2020

The Plan’s approach to biodiversity illustrates many of its strengths and weaknesses in the eyes of our witnesses. Many witnesses highlighted the need for urgency in addressing the “reckless downwards slide” of biodiversity.³⁴

Biodiversity 2020 was a 2011 strategy to implement EU and international commitments by building on and improving previous work to develop wildlife habitats and reverse declining biodiversity.

However, witnesses noted that several targets have been missed.³⁵ For example, Biodiversity 2020 intended for 50 per cent of the 4,119 SSSIs in England to be in favourable condition. By February 2017 only 36.5 per cent of SSSIs were in favourable condition, and the Wildlife Trusts do not expect this to reach 50 per cent by 2020.³⁶

30 25 Year Plan

31 25 Year Plan

32 E.g. [Qq25–26](#); SUEZ recycling & recovery UK Ltd ([ENP0020](#)); Brexit & Environment ([ENP0063](#))

33 [Q25](#)

34 [Q2](#)

35 WWT (The Wildfowl & Wetlands Trust) ([ENP0067](#)); Friends of the Earth England Wales and Northern Ireland ([ENP0068](#))

36 National Trust ([ENP0059](#))

There are targets in the Plan which build on and go beyond those in Biodiversity 2020, a fact welcomed in many submissions. The Plan contains a commitment to “publish a new strategy for nature, building on our current strategy, Biodiversity 2020.”³⁷ The Plan commits to “Restoring 75 per cent of our one million hectares of terrestrial and freshwater protected sites to favourable condition, securing their wildlife value for the long term.”³⁸

UKELA described the Government’s pledge to develop 500,000 hectares of new wildlife habitat (an increase on the Biodiversity 2020 target of 200,000 hectares) as “a splendid target”.³⁹ However, the Government is expected to miss the current target as only around 100,000 hectares have been developed in the last eight years.⁴⁰ Furthermore, UKELA also noted that the target was deferred to an unknown date.⁴¹ It was obscured by vague promises to investigate achieving this and to “look for opportunities”.⁴² As the Secretary of State himself admitted, the Government has responded to missing a target by setting a new, more ambitious target but over a longer timeframe.⁴³ So whilst witnesses welcomed the new and higher level of ambition, they felt the plan failed to address a lack of actions to deliver it, given that the existing targets are being missed.

SMART Targets

21. The headline ambitions for the Plan have been broadly welcomed, but there were concerns that the Plan was not underpinned by clearly expressed targets which would enable it to be measured and evaluated. The Adaptation Sub-Committee (ASC) of the Committee on Climate Change (CCC) told us that, of the 44 targets in the Plan, only 11 are SMART.⁴⁴ Some, such as on achieving zero avoidable plastic waste by 2042, are long-term targets, set to be achieved by the end of the period covered by the Plan.⁴⁵ Witnesses such as Coca Cola suggested there is scope to go “further and faster”, and ClientEarth suggested the Plan is not ambitious enough and “measurable medium-term goals” will be needed to achieve the 2042 target.⁴⁶ The Royal Society of Biology argued that “there is a lack of concrete targets and milestones to allow the effective monitoring of the progress towards [the Plan’s] aims”.⁴⁷

37 [25 Year Plan](#)

38 [25 Year Plan](#)

39 United Kingdom Law Association ([ENP0029](#))

40 The Wildlife Trusts ([ENP0077](#))

41 United Kingdom Law Association ([ENP0029](#))

42 United Kingdom Law Association ([ENP0029](#))

43 [Q101](#)

44 Committee on Climate Change, Adaptation Sub-Committee ([ENP0058](#)); see also Agriculture and Horticulture Development Board (AHDB) ([ENP0090](#)); British Ecological Society ([ENP0102](#))

45 This is less ambitious than the EU target of recycling more than half of plastic waste generated in Europe by 2030. European Commission, [European Strategy for Plastics in a circular economy](#), January 2018

46 Coca-Cola European Partners & Coca-Cola Great Britain ([ENP0054](#)); ClientEarth ([ENP0085](#))

47 Royal Society of Biology ([ENP0011](#)), see also, Friends of the Earth England Wales and Northern Ireland ([ENP0068](#)); The Wildlife Trusts ([ENP0077](#))

22. There was widespread concern that many targets were expressed in imprecise language.⁴⁸ Professor Jordan was concerned that this wording was reminiscent of language that had historically been used to water down environmental commitments:

... having read lots of EU legislation in my life and also national legislation, I am struck by some of the loose phrases that are found within the plan. Commitments to “look into, to aim for, to do things where the balance of costs and benefits allows”. This is exactly the sort of language that was reminiscent of the 1970s and 1980s. I think it is that sort of language that will make it difficult for parliamentary bodies, for NGOs, to hold the Government to account if the targets and if the aims are not clearly specified.⁴⁹

23. The Secretary of State, during the hearing on the 18th of April, did assure the Committee that further specific targets would emerge:

Colin Clark: Witnesses have expressed concern about the use of vague phrases like, “As soon as practical”. Do the Government intend to come forward with more detailed targets and milestones?

Michael Gove: Yes, and lots of, but not in every year ... For example—this is the area the Chair mentioned earlier—we will bring forward a greater degree of granular detail about how we are going to meet our responsibilities when it comes to plastic and waste. We are going to come forward with a greater degree of practical detail about how we will hope to measure soil quality.

24. **If the Plan is to have any chance of delivering its overarching ambitions, it requires targets against which the Government’s progress can be judged by Parliament and the public. We want to see the Government’s ambitions for environmental recovery set out clearly and explicitly. Before the draft Environmental Principles and Governance Bill is published, the Government should bring forward specific, measurable and achievable targets across the 25 Year Plan’s aims.**

Legally Binding Targets

25. The desire for legally binding targets to be part of the Plan was another key theme of the evidence. Wildlife and Countryside Link noted that past targets have been missed “with impunity”.⁵⁰ Dr Benwell observed:

On targets, we have had targets before. There is a 2020 target for 50% of SSSIs in good condition. We are probably going to miss it. There was a 2015 target for halting the global loss of biodiversity. We are going to miss it. There was a 2015 target for water quality. We are going to miss it. What is going to

48 E.g. Agriculture and Horticulture Development Board (AHDB) ([ENP0090](#)); Birmingham and the Black Country Local Nature Partnership ([ENP0050](#)); Brexit & Environment ([ENP0063](#)); Chartered Institute of Ecology and Environmental Management supplementary written evidence ([ENP0108](#)); Environment and Threats Strategic Research Group, Bournemouth University ([ENP0082](#)); Environmental Services Association ([ENP0076](#)); WWT (The Wildfowl & Wetlands Trust) ([ENP0067](#))

49 [Q26](#)

50 Wildlife and Countryside Link ([ENP0087](#))

turn things round this time? It is having legally binding targets. That is why this plan needs to be the first step on the road to an Environment Act that sets legally binding targets.⁵¹

26. NGOs wanted to see targets which the Government would be obliged to meet. They stressed the need for legislation to ensure that targets would have a lifetime beyond a single Parliament.⁵² Several referred to the need for an oversight body (see below) to ensure that there would be consequences if the Government missed targets. The Wildfowl and Wetlands Trust (WWT) provided specific recommendations:

The Plan's targets should be (1) publicly accessible (2) legally-binding (3) ambitious enough to meet the overall goal and (4) able to be allocated to those with responsibility for meeting them.⁵³

27. Biodiversity 2020 (see box) is one example where a welcome increase in ambition by the Government stands in contrast to its failure to meet existing targets. Another is air quality, where the Plan sets out clean air as an ambition, whilst the Government continues to lose court cases and face EU action over its response to NO₂ pollution. As recognised by our joint inquiry with the Environment, Food and Rural Affairs, Health and Transport Committees, NO₂ illustrates the importance of legally binding targets as a mechanism for ensuring that the Government lives up to the commitments it has made.⁵⁴ Our predecessor Committee's inquiry into EU/UK Environmental Policy and the experience of the Climate Change Act 2008, demonstrated the importance of robust targets, enshrined in legislation, for businesses - creating a robust and predictable direction of travel which they can use to drive investment.⁵⁵ Matthew Farrow from the Environmental Industries Commission agreed that enshrining targets in legislation, supported by a role for the new body in enforcing these targets, would create "long-term stable markets for businesses".⁵⁶

28. Jill Rutter from the Institute of Government, cautioned that the introduction of a body to hold the Government to account on targets could have the unintended consequence of the Government weakening its ambition: "The more you stack up the penalty side for non-compliance the more you incentivise governments in a risk-averse environment to be relatively unambitious".⁵⁷

29. The Secretary of State told us he agreed with Dr Benwell's statement that: "For us, the elements are clear and binding targets, proper funding and a system of monitoring and accountability that can hold the Government to account". The Secretary of State told us it comprised an accurate summary of work still to do.⁵⁸ However, he was vague on further detail - referring only to existing legally binding targets on air quality and noted:

51 [Q2](#)

52 Aldersgate Group ([ENP0072](#)); Anaerobic Digestion and Bioresources Association ([ENP0037](#)); Campaign to Protect Rural England ([ENP0048](#)); Chartered Institute of Ecology and Environmental Management ([ENP0060](#)); Institution of Environmental Sciences ([ENP0100](#)); Wildlife and Countryside Link ([ENP0087](#)); WWF ([ENP0053](#))

53 WWT (The Wildfowl & Wetlands Trust) ([ENP0067](#))

54 Fourth Report of the Environment, Food and Rural Affairs Committee, Fourth Report of the Environmental Audit Committee, Third Report of the Health and Social Care Committee, and Second Report of the Transport Committee, March 2018, *Improving Air Quality*, HC 433

55 Environmental Audit Committee. [EU and UK Environmental Policy](#) Third Report of Session 2015–16, HC 537; [Q18](#) [Dr Benwell]; Aldersgate Group ([ENP0072](#))

56 [Q3](#) EGI

57 [Q29](#) EGI

58 [Q77](#)

We would deliberately want to set ambitious targets, but I suspect that by definition there will be some that in the future this Government or other Governments may not meet in the way that we would want to, but that is the whole point about having ambitious targets.⁵⁹

30. One aspect of target setting that was identified as particularly important was the need for governance around the short and medium-term targets needed to achieve the longer-term aspirations. Otherwise there might be a temptation for Governments to “back-load” delivery - leading to the targets being missed and undermining confidence in the direction of travel. Martin Nesbit, from the Institute for European Environmental Policy (IEEP), highlighted that European legislation often has a number of interim elements towards the delivery of those targets, “like making a national implementation plan, interim targets and so forth”. He said it was important to ensure that legislation is designed in a way that is enforceable.⁶⁰

31. The Climate Change Act’s systems of five-yearly carbon budgets is one example of a governance mechanism designed to overcome this. Ruth Davis argued that it was an appropriate model which would provide greater certainty for businesses:

I think it is right for us to have the aspiration that long-term targets, 25-year targets for some critical elements for, let’s say for the sake of argument, water, air, soils, nature and potentially access to nature do have some statutory footing. [...] I would make the case that one of the things that is powerful about the Climate Change Act is that it does have an immovable long-term goal that tends to drive action over cycles in that direction. [...] I simply do not see an alternative to that to enable us to get to the place where we are making investment decisions that are pro nature and not anti nature.⁶¹

32. Birmingham and Black Country Local Nature Partnership and Birmingham City Council both referred to the “ratchet principle” embodied in the Paris Agreement - the need to ensure action and ambition increase over time.⁶² The Brexit and Environment group noted that the Plan’s existing commitment to five-year reviews had some similarities to the seven-year cycle of planning and reporting around European Action Programmes. However, aspects such as the extent of independent evaluation and the role of the legislature and other layers of Government were less clear in the Plan.⁶³

33. *Long-term aspirational targets are important for setting a direction of travel and driving ambition. The key areas where measurable targets can be set should be made legally binding as part of the Government’s upcoming environmental legislation. These include:*

- ***water (stress and quality);***
- ***marine;***
- ***waste;***

59 [Q97](#)

60 [Q3](#) EGI; see also Professor Colin Reid ([EGI0007](#))

61 [Qq7-9](#)

62 Birmingham City Council ([ENP0098](#)); Birmingham and the Black Country Local Nature Partnership ([ENP0050](#))

63 Brexit & Environment ([ENP0063](#))

- *air quality;*
- *soil health;*
- *habitats (biodiversity conservation);*
- *species conservation (insects, birds, mammals);*
- *trees/plants; and*
- *environmental equality (access to environmental justice).*

As the experience of the Climate Change Act and EU law shows, this creates confidence in the direction of travel for the private sector to invest and plan and helps citizens, NGOs and Parliament hold the Government to account.

34. Long-term targets are necessary but not sufficient in themselves. Without robust short and medium-term planning and governance there will be the temptation for Governments to endlessly “back-load” action onto their successors - even when this results in greater costs in the future. Taking the Climate Change Act as a model, the new oversight body should have a statutory duty to advise on the setting of five-yearly plans to meet the longer-term targets. The Government should be required to legislate for interim targets across the areas of the Plan, in a similar way to the operation of carbon budgets and incorporate this process into its planned five-yearly reviews of the Plan. The departments and public bodies who hold the policy levers to deliver these targets must also be accountable for meeting them.

Line of Sight

35. The Government is currently committed to international targets and agreements, including the United Nation’s Sustainable Development Goals (SDGs), European Union legislation (which often implements other international agreements) and international treaties such as the Aarhus Convention, the Convention on International Trade in Endangered Species (CITES) and the Paris Climate Change Agreement. Presently there is no clear ‘line of sight’ between the Government’s new targets and the existing ambitions. UKELA has noted that the Plan does not clearly distinguish between which targets are innovative and which derive from EU targets.⁶⁴ The Oxford Bioregion Forum said, “There can be no rational assumption that the SDGs can be achieved without radical changes to the way the country is run and developed.”⁶⁵

36. Witnesses wanted the Government to establish a clear line of sight between existing and future objectives. The Environmental Association for Universities and Colleges argued that, “There is limited discussion of the SDGs and no clear plan, which is a shame as this should be governing the whole Environmental Plan”.⁶⁶

37. Establishing a clear line of sight to existing commitments is of fundamental importance to ensure that nothing is lost from the targets and ambitions already in place. Following

64 United Kingdom Law Association ([ENP0029](#))

65 Oxford Bioregion Forum ([ENP0018](#))

66 Environmental Association for Universities and Colleges ([ENP0052](#)), see also: Oxford Bioregion Forum ([ENP0018](#)); Sussex Sustainability Research Programme, University of Sussex ([ENP0026](#)); Birmingham and the Black Country Local Nature Partnership ([ENP0050](#))

the publication of the Consultation, we asked Ruth Davis if the Plan and Consultation met her standard that “the starting point has to be absolutely not going backwards” from protections that currently exist. She said:

No, categorically no, ... if you want to have a world-leading body it should be aimed at having a world-leading environment. That can't be simply about managing the status quo or, in the context of nature and the natural environment, it can't simply be aimed at managing decline. The proposition inside the 25-year plan is that we would set long-term goals, not just for maintaining the status quo but for the recovery of the natural environment.⁶⁷

38. Currently, in those cases where the targets in the Plan are comparable to current agreements, several targets do not appear to be as ambitious. Professor Jordan commented that:

It is striking that DEFRA thinks that it has responsibility for about 1,200 separate pieces of legislation and that 80% of its work is framed by EU legislation, yet you read this plan and it is very difficult to identify where the EU has acted and how precisely the UK will build upon that. You really have to dig into the detail to find that, and what you find is that sometimes EU commitments are literally carried over. Sometimes they are carried over and not attributed to the EU. On other occasions they seem to be somewhat watered down.⁶⁸

39. The Brexit and Environment group noted areas where the wording in the Plan appeared to be vaguer or less ambitious than existing European commitments. For example, the Plan commits to “Improving at least three quarters of our waters to be close to their natural state as soon as is practicable”.⁶⁹ They pointed out:

For freshwaters, the Water Framework Directive aims to achieve good status for all natural water bodies by 2015 and good potential for heavily modified water bodies (with potential extensions up to 2027). The 25YP appears to lower this ambition to “at least 75 percent” (p.25)—a drop rationalised on the grounds that the “benefits outweigh the costs”. No such qualification is found in the Directive. Moreover, this target should be achieved “as soon as is practicable” (implying that further delays beyond 2027 are foreseen). References in the Directive to “good status” are replaced by “close to their natural state as soon as is practicable” (p.25) with no discussion of precisely how the two targets differ.⁷⁰

40. When we put this concern to the Secretary of State, he said:

I do not want to have any dilution. If it is the case that the wording that we have used is not as strong, that is simply a slip of the pen rather than a deliberate desire to dilute. Doing that audit exercise, making sure that every existing commitment we keep to—if you think that there is a commitment

67 [Q1 EGI](#)

68 [Q26](#)

69 25 Year Plan, p 25

70 Brexit & Environment ([ENP0063](#))

that we need to express in a different way for whatever reason, then we must make clear why we think we should take a different approach so that we flag up that fact, rather than trying to smuggle through a change.⁷¹

41. We asked the Secretary of State for further clarification that his intention is still to meet existing Water Framework Directive targets. In his response he confirmed that the target for water bodies to be “close to their natural condition” will use the same criteria as “Good Status” under the Water Framework Directive.⁷² Yet he noted that the reduction in the target from 100 per cent to 75 per cent uses the mechanism “built into the WFD to take a proportionate and flexible approach” for heavily modified water bodies. Most striking is the change to achieving it “as soon as is practicable”. He states that, “it is likely that Member States and the EU Commission will need to consider extending the WFD deadline in some way ... looking beyond 2027”; anticipating a change in the Directive before it has happened and thereby weakening the target. The 2027 deadline is already an extension as the original deadline for all rivers, lakes, estuaries, coastal waters and groundwater to achieve good ecological status was 2015.

42. Parliament and the public should be able to see at a glance where the Government's ambitions exceed, meet or fall short of its current commitments. Whilst we welcome the Secretary of State's commitment to publish an audit of the Plan's targets against existing commitments, this should have been a feature of the document from the start. It is concerning that some targets appear to have been weakened and had evasive wording inserted. The Plan's failure to incorporate the Sustainable Development Goals shows there is still a “doughnut-shaped hole”, which our predecessor Committee identified in the Government's thinking about domestic implementation of the Goals.

43. *The Government should publish its “audit” of existing national, European Union and international environmental targets before or alongside its response to this report. This should be accompanied by a ministerial statement. All subsequent Government consultations and strategies arising from the Plan, or linked to it, should be explicit about whether their targets derive from international, EU or domestic commitments, or are new. As part of the audit all targets should also be mapped against the Sustainable Development Goals. Any “slips of the pen”, where targets are weaker than those they replace, or where evasive or loose wording has been introduced, should be corrected and intentional changes explained.*

Progress Reporting

44. The Plan expresses the intention to ensure that Parliament will be consulted and receive reports on the Plan's progress. The Plan states that:

We will put in place regular and transparent reporting of progress against our new metrics, including to Parliament. We propose to report annually on the plan itself.⁷³

71 [Q30](#)

72 [Correspondence from the Secretary of State to the Chair on 25 year Environment Plan](#), 17 May 2018

73 25 Year Plan, p 138

45. This proposed annual reporting mechanism is welcomed by the Committee, provided it is an occasion of genuine, rigorous and independent evaluation. We heard from Dr Benwell that the Plan needed visibility outside of the “Whitehall bubble”.⁷⁴ It was the opinion of Dr Benwell that the annual reporting mechanism would prove a key opportunity to deliver visibility for the environment:

We get regular reporting on a consistent set of indicators for things like economic development, for education. We need that same public and parliamentary visibility year in, year out for how the Government is doing on its plan and it needs to set those indicators in a way that people understand.⁷⁵

46. The Secretary of State expanded upon the process as part of the mechanism to review and evaluate the Plan:

I would like to be in a position where we have at the very least an annual report to Parliament on progress or lack of progress towards some of these goals. I would not be so pretentious as to suggest this was a green budget, but I do think by whatever means, whether it is a formal written report to Parliament and a one-day debate on that or whatever means—I am completely open-minded—there should be an opportunity for the House of Commons, after any appropriate report from a governance body, to debate and to scrutinise the progress that we have made against the 25-year plan.⁷⁶

47. Accountability for the delivery of the Plan is key. The Government must not mark its own homework. We agree with the Secretary of State that there should be regular progress reports to Parliament. We recommend that this is delivered bi-annually as an oral statement by the Secretary of State at set points in the parliamentary year, shortly after the Budget and Spring Statement. This would allow the Secretary of State to set out how the fiscal event is contributing to the achievement of the Plan. This report must be underpinned by a robust and independent assessment of performance produced by the new oversight body and laid before Parliament at the same time as the statement.

74 [Q7](#)
 75 [Q7](#)
 76 [Q81](#)

4 Governance

48. If the 25 Year Plan is to be implemented properly, it should mark a significant change for the governance of the environment in the UK. Once it leaves the EU (following the conclusion of any transition deal), the UK is likely to cease to be subject to the current regulations, oversight mechanisms and policy development structures which currently apply. Currently the European Commission monitors and advises on the application of environmental obligations and the Court of Justice of the European Union (CJEU) provides definitive interpretation through its judgements, and enforcement, including a power to fine member States.

49. In 2016, our predecessor Committee raised concerns about so-called “zombie legislation”: their concern was that EU environmental legislation might be transposed into UK law without the means to enforce, update, report upon or develop it further as these functions have been carried out at an EU level.⁷⁷ One of our main propositions to fill this gap was the creation of an independent oversight body. The witnesses to our inquiry were particularly keen that this oversight body should have powers of enforcement;⁷⁸ a monitoring system which would enable Parliament to take part in the governance of the Plan;⁷⁹ and, that the Plan would be embedded throughout all Government departments.⁸⁰

A New Oversight Body

50. The Consultation commits to the “creation of a new, independent, statutory environment body”, but does not set out proposals for the nature, shape or structure of this oversight body. It suggests that there are a number of models that could be used, such as an individual Commissioner or a group (a Committee, Commission or Board) or other arrangements independent of Government.⁸¹ Ruth Chambers from Greener UK told us that the lack of practical detail on the nature of the body shows that the Government’s intention for it to be independent has been ‘kicked into the long grass’.⁸²

51. Martin Nesbit told us that it is inevitable that the new body will be at risk of abolition as “history is littered with the corpses of environmental watchdogs and sustainable development watchdogs”, which have been created and then killed off by subsequent Administrations (see case study).⁸³ Lord Deben highlighted that there is a long history of bodies “starting off as independent and being brought more and more under the control so that they now sit in the Department”.⁸⁴ He pointed to the Environment Agency and

77 *The Future of the Natural Environment*

78 Environmental Association for Universities and Colleges ([ENP0052](#)); WWF ([ENP0053](#))

79 WWF ([ENP0053](#)); National Parks England ([ENP0056](#))

80 National Parks England ([ENP0056](#)); National Trust ([ENP0059](#))

81 Governance and Principles Consultation, p 33

82 [Q3](#) EGI [Ruth Chambers]

83 [Q9](#) EGI

84 [Q50](#)

Natural England as examples of delivery bodies where this has happened through cuts in government funding,⁸⁵ limiting their powers and independence.⁸⁶ Sir Amyas Morse agreed:

They get their budgets cut and they get pressure applied to them in other ways. If that pressure is capable of being applied, it is probably fair to assume that over a number of years it will be applied. It is not being cynical, it is just how it works. Yes, a form of Thomas Becket syndrome works every time.⁸⁷

Case Study: Previous Environmental Watchdogs

Sustainable Development Commission (2000 - 2011)

The Sustainable Development Commission (SDC) was a non-departmental public body responsible for advising the UK Government, Scottish Government, Welsh Assembly Government, and Northern Ireland Executive on sustainable development. It had an official watchdog function, scrutinising Government progress on implementing its sustainable development strategy: monitoring targets on the sustainable management of the Government estate and procurement. It also provided policy advice and helped to build capability across a range of departments. The SDC had a staff of 60, supporting 16 Commissioners in the year 2010–11. It was abolished in 2011 under the Government's Structural Reform Plan which included budget cuts to DEFRA.⁸⁸

Royal Commission on Environmental Pollution (1970 - 2011)

The Royal Commission on Environmental Pollution was created under Royal Warrant in 1970 to advise the Queen, Government, Parliament and the public on the environmental issues. It produced many influential reports on the natural and built environment until it was abolished by the Government in 2011 under the Government's Structural Reform Plan.

English Nature (1990 - 2006)

English Nature was a non-departmental public body funded by DEFRA that promoted the conservation of wildlife, geology and wild places. It provided statutory advice, grants and issued licences. In 2006 it was merged with the Countryside Agency and Rural Development Service to form Natural England. Natural England has been criticised for not having an independent voice from government. For example, it lost its independent website and press office, which means it has no distinct 'voice' from DEFRA, whereas English Nature is largely acknowledged as being a 'critical friend' to Government.⁸⁹

85 The Environment Agency is a non-departmental public body, which is a regulator and delivery body rather than an oversight body or watchdog.

86 [Q50](#); [Q62](#) See also: Kevin Hyland OBE, Independent Anti-Slavery Commissioner ([EG10038](#)); House of Lords Select Committee on the Natural Environment and Rural Communities Act 2006 [The countryside at a crossroads: Is the Natural Environment and Rural Communities Act 2006 still fit for purpose?](#) Report of Session 2017–19, HL Paper 99, 22 March 2017

87 [Q62](#) EGI

88 DEFRA, [Written Ministerial Statement on DEFRA's arm's length bodies](#), July 2010

89 House of Lords Select Committee on the Natural Environment and Rural Communities Act 2006, [The countryside at a crossroads: Is the Natural Environment and Rural Communities Act 2006 still fit for purpose?](#) Report of Session 2017–19, HL Paper 99, 22 March 2017

Environmental Audit Office

When this Committee was first established in 1997 it was envisaged that there would be a supporting Environmental Audit Office. This would have had rights of access, resources for analysis and reporting to the Committee, in a similar way to the Public Accounts Committee being supported by the National Audit Office. The Committee received valuable support over the years from the Sustainable Development Commission (before it was abolished) and the National Audit Office. However, the body as originally envisaged was never created, leading to what the first Environment Audit Committee called an “audit gap”.⁹⁰

Commission for Rural Communities (2006–2013)

The Commission for Rural Communities acted as an advocate, expert adviser and independent watchdog, monitoring and reporting on the delivery of policies nationally, regionally and locally. Its aim was to ensure that policies and decisions took account of rural communities. It was abolished with the explanation that policy advice would be best placed within Government departments.⁹¹ DEFRA established the Rural Communities Policy Unit to take on this work which was later subsumed into DEFRA’s Rural Policy Team.

52. We heard from many witnesses that the body should be accountable to Parliament to maintain its independence from Government in a similar way to the National Audit Office (NAO).⁹² Jill Rutter from the Institute of Government confirmed that this would be one way to ensure the body’s funding and independence from Government.⁹³ The NAO is a useful comparator for the oversight body in two respects: It is a scrutiny body with statutory powers around access to documents that Government departments are required to comply with and it has a statutory guarantee of its independence.⁹⁴ The Comptroller and Auditor General, Sir Amyas Morse described how the NAO’s governance arrangements maintain its independence and freedom to be critical of the Government:

... we are funded directly by Parliament, not by a Department, so they cannot cut our money based on whatever considerations there may be. We are not directed by them as to what we should do. I have this personal office and I have a very wide degree of discretion as to what I do. ... it has to be not in the reach of Government. That is what being independent means.

90 Environmental Audit Committee, [First Report of Session 2000-1, Environmental Audit: The First Parliament, HC 67-I](#), para. 78

91 House of Lords Select Committee on the Natural Environment and Rural Communities Act 2006, [The countryside at a crossroads: Is the Natural Environment and Rural Communities Act 2006 still fit for purpose?](#) Report of Session 2017–19, HL Paper 99, 22 March 2017

92 Aldersgate Group ([EG10014](#)); Chartered Institution of Water and Environmental Management ([EG10008](#)); Chartered Institution of Wastes Management ([ENP0109](#)); ClientEarth ([EG10013](#))

93 [Q43](#) EGI

94 The NAO has existed in its present form since 1982, although its governance was overhauled in 2011. The 2011 Budget Responsibility and National Audit Act put into statute that the NAO should also have a board with a majority of non-executives, including a non-executive chair. The board would be charged with setting the strategic direction for the NAO and supporting the C&AG. The C&AG was given a fixed term of ten years instead of the previous unlimited term.

You cannot be independent if you are a civil servant; that is just not going to happen and over time that will be eroded. I have seen that in virtually every example I have looked at.⁹⁵

53. Lord Deben argued that the Committee on Climate Change's independence is derived from:

- being established in statute with a specified reporting timetable;
- the appointment and dismissal of the Chair are by the responsible ministers acting jointly across the UK, Scottish, Welsh and Northern Irish governments; and
- it has the ability to undertake its own investigations.⁹⁶

He suggested that a lesson learnt from the CCC, is that the new body should have an independently assessed funding arrangement.⁹⁷ Since 2010–11, the combined CCC and ASC budget has reduced by 31 per cent.⁹⁸ Amyas Morse added that in order for the body to be viable and maintain awareness across Government, it would need to be of a reasonable size with “a reasonable number of senior people”.⁹⁹ He observed:

Just bear in mind, the NAO is 800 people. We do an awful lot of things besides writing reports that are published in Parliament and we have an awful lot of contact with the bodies we are commenting on, so we know a lot about them. We are well-placed to make comments.¹⁰⁰

The Committee on Climate Change has a staff of 30 who provide analytical and corporate support to the Committee and the Office for Budget Responsibility has a staff of 27 civil servants but relies on departmental staff to do its modelling.¹⁰¹

54. Maintaining independence from Government will be essential to the oversight body's effectiveness. When we asked the Secretary of State how this independence could best be achieved, he pointed to the strength of the National Audit Office:

Sir Amyas [Morse] and the National Audit Office, everyone recognises. He is a formidable individual, it is a formidable body. I think any Government that were to attempt to either silence him or clip its wings would generate something of a backlash. I think it would be the case that if any future Government were to try to erode the independence or the authority of this body, then it would pay a heavy price for doing so.¹⁰²

55. The Secretary of State also suggested that the oversight body's budget should be transparently reported so the Government could be held to account and acknowledged that it would be up to DEFRA to “provide appropriate resources”.¹⁰³

95 [Q61](#) EGI

96 [Q62](#) EGI

97 [Q66](#) EGI

98 Correspondence from Committee on Climate Change Chief Executive to Chair, 12 July 2018

99 [Q56](#) EGI; [Q67](#) EGI [Amyas Morse]

100 [Q56](#) EGI [Amyas Morse]

101 Committee on Climate Change, [About the Committee on Climate Change](#) [Accessed 11/07/18]; Office for Budget Responsibility, [Who we are?](#) [Accessed 11/07/18]

102 [Q124](#) EGI

103 [Q162](#) EGI

Enforcement Powers

56. Witnesses provided suggestions for the most important powers which the oversight body requires. Crucially, they emphasised that the oversight body requires the power to enforce environmental policy (see box).¹⁰⁴ Dr Benwell argued:

it needs to offer affordable access to justice for citizens, which is something that is guaranteed under the EU complaints process at the moment and that we do not have here in the UK at the moment. Judicial review is expensive. It needs to have the powers to bring its own cases against Government. There is always the question of fines, which has been so important at the European level. The threat of daily fines for not meeting targets has the power to focus minds extremely quickly in Government on changing things.¹⁰⁵

Case study: Enforcement of air quality laws

The European Commission (EC) monitors and advises on the application of environmental obligations and the Court of Justice of the European Union (CJEU) provides definitive interpretation through its judgements, and enforcement, including a power to fine member States.

The EC stated in 2013 that it would like to “to achieve full compliance with existing air quality standards by 2020 at the latest”.¹⁰⁶

On 17 May 2018, the European Commission referred the UK and five other EU Member States to the CJEU for failing to respect agreed air quality limit values for nitrogen dioxide (NO₂), and for failing to take appropriate measures to keep exceedance periods as short as possible.¹⁰⁷

The Commission also issued a letter of formal notice to the UK on the grounds that it has disregarded EU vehicle type approval rules with respect to Volkswagen's use of defeat device software to circumvent emissions standards for certain air pollutants. Member States have two months to respond to the arguments put forward by the Commission and provide additional information.

Where EU law on ambient air quality is breached, Member States have to adopt air quality plans and ensure that they achieve compliance within the shortest possible time.

57. The enforcement of EU law with the threat of legal sanctions and recourse has been shown to be fundamental to improving air quality plans in the UK and elsewhere in the EU. Witnesses argued that a similar level of enforcement would be needed from a future oversight body to ensure environmental rules are followed once the UK leaves the EU. The Consultation only touches briefly on enforcement powers, stating that the “Government

104 Anglian Water Services ([ENP0038](#)); Aldersgate Group ([EG10014](#)); Brexit and Environment ([EG10006](#)); Chartered Institution of Water and Environmental Management ([EG10008](#)); Chartered Institution of Wastes Management ([EG10026](#)); Committee on Climate Change ([EG10020](#)); Nicholas Crampton ([ENP0005](#)); Country Land & Business Association (CLA) ([ENP0008](#)); Trees and Design Action Group (TDAG) ([ENP0015](#))

105 [Q11](#)

106 European Commission. Press Release: [Air quality: Commission takes action to protect citizens from air pollution](#). 17 May 2018

107 European Commission. Press Release: [Air quality: Commission takes action to protect citizens from air pollution](#). 17 May 2018

believes that advisory notices should be the main form of enforcement”, although it states there “there may be a case to introduce other enforcement mechanisms”.¹⁰⁸ The amended EU (Withdrawal) Act creates provisions for “proportionate enforcement action (including legal proceedings if necessary)” where the body considers that a Minister is not complying with environmental law.¹⁰⁹ Ruth Chambers suggested that it also needed the power to “intervene in legal proceedings brought by other bodies and not just initiate legal action on its own”.¹¹⁰ Ruth Davis explained that there are also opportunities to explore where the resultant fines could be used to fund environmental outcomes.¹¹¹ The Marine Conservation Society argued that fines were genuinely dissuasive,¹¹² and there are also opportunities to be creative, for example through using fines for “restoration orders”.¹¹³

58. Jill Rutter explained that the EU would be “looking at the quality of domestic enforcement” when negotiating a future free trade agreement. She warned that their demands would be for a level playing field across the UK and EU as they are “so worried about the risk of undercutting from the UK”, and the demands would be greater than those placed on Canada.¹¹⁴

59. When the Secretary of State was asked what enforcement powers he had in mind for the oversight body on 18 April he emphasised their importance and that they should match or improve upon those in the EU. He said that:

I think enforcement powers are important and the enforcement powers should, wherever possible, either emulate or build on the enforcement powers that the Commission itself currently has, so the capacity to take the Government or any other relevant body to court.¹¹⁵

Other Governance Functions

60. There are numerous functions that the European Commission and the European Environment Agency perform that could be undertaken by the new oversight body. Many witnesses suggested these additional roles should fall to the new body,¹¹⁶ however some, such as Baroness Brown, Chair of the Committee on Climate Change Adaptation Sub-Committee (ASC), suggested that it may be more appropriate to divide the enforcement and scrutiny roles between different bodies to ensure that advice was impartial.¹¹⁷

108 Governance and Principles Consultation

109 [European Union \(Withdrawal\) Act 2018](#)

110 [Q5](#) EGI

111 [Q4](#) EGI

112 E.g. a failure to comply with judgments concerning the implementation of the Urban Waste Water Directive in Belgium recently resulted in a lump sum fine of €15,000,000 and daily penalties of €62,000. Marine Conservation Society ([EG10025](#))

113 Marine Conservation Society ([EG10025](#))

114 [Q43](#) EGI

115 [Q118](#)

116 E.g. [Q3](#) [Nick Molho, Martin Nesbit, Ruth Chambers]; [Q5](#); Chartered Institute of Ecology and Environmental Management ([EG10019](#)); Country Land & Business Association (CLA) ([EG10021](#)); ClientEarth ([EG10013](#)); RSPB ([EG10029](#)); see also Natural England ([ENP0094](#)) which argues that the oversight body needs to take on the responsibilities of the European Commission for environmental concerns.

117 [Q50](#)

Strategic Oversight

61. The need for the oversight body to carry out further governance functions was raised by witnesses. For example, Professor Jordan observed that: “The Commission has been very good at offering long-term strategic thinking through these environmental action plans and programmes”.¹¹⁸ It has offered policy evaluation and formulation, both of which will need to be replaced by the Government. The Secretary of State indicated that he was minded to include such powers within the same body.¹¹⁹

Scrutiny and Advice

62. The Consultation suggests a role for the body to conduct and publish independent reports on progress against the Plan’s targets based on the Government’s reports and reports on specific environmental measures. It suggests that the body could also respond to Government consultations on potential future policy.¹²⁰ The RSPB suggests it should include the ability to scrutinise the “action or (inaction) of governments and public bodies and the adequacy of existing laws, requirements and targets”.¹²¹

Investigations

63. If the watchdog is to be able to exercise such powers it will require a significant degree of independence to set its own agenda. Witnesses emphasised the importance of the oversight body’s independence, and the need for proactive powers of investigation.¹²² The Chartered Institution of Ecology and Environmental Management suggested the new body must have the power to initiate investigations independently, including against public bodies possibly breaching the law.¹²³ Lord Deben told us the CCC’s ability to undertake investigations is “a very important part of the role”:

... it is a huge advantage for the Climate Change Committee that if we feel that something has to be investigated we have every right to do so, we do not have to wait for the Government to ask us to do it. We have three possibilities. One is to do it ourselves, the other is to ask the Government to ask us and the third is to be asked by the Government to do it. This is a kind of freedom that is important ...¹²⁴

Complaints Mechanism

64. Individuals can raise with the EU Commission, in its role as guardian of the Treaties, complaints of breach of EU law. It maintains a service through its website whereby individuals and organisations can lodge complaints, free of charge, about alleged breaches of EU law.¹²⁵ The Consultation states that “broadly speaking” the intention is to afford at

118 [Q37](#)

119 [Q125](#)

120 Governance and Principles Consultation, p22

121 RSPB ([EG10029](#))

122 [Q62](#) EGI [Lord Deben]; Professor Maria Lee ([EG10010](#))

123 Chartered Institute of Ecology and Environmental Management ([EG10019](#))

124 [Q52](#) EGI [Lord Deben]

125 The European Commission states that it can only take up complaints about a breach of European Union law by authorities in an EU Member State (as opposed to possible breaches by private individuals). European Commission [Enquiries and complaints about application of Union law](#). Accessed 04/07/18

least the same opportunities as currently exist with the EU institutions.¹²⁶ Ruth Chambers from Greener UK argued that the ability for the new body to facilitate complaints by civil society was the most disappointing aspect of the Consultation:

In order to replicate what we have at the moment, we need a citizens' complaint mechanism and the body needs to be able to administer that ... For example, any citizen of the UK would need to be able to have the ability to bring a complaint before the body. That sort of complaint needs to be open to all and it needs to be done in a transparent way ...¹²⁷

She also stressed that it must have a “free mechanism” for any citizen to be able to participate in.¹²⁸ This will hold government to account for its performance on the environment by empowering citizens, giving them a straightforward means of referring concerns.

Scope and Application

65. To achieve equivalent arrangements within the EU, the Government believes it is sensible to limit the scope of the new body to examine the relevant activities of Government departments in England (i.e. central Government departments). Its justification is that central Government will be able to address failures by other bodies such as Arm's Length Bodies (ALBs) and local authorities. Much of our evidence on this was to the contrary.¹²⁹ Professor Lee told us that the European Commission is in a “completely different position” with its origins in international law and it would be more efficient to have direct accountability. This would also enable public bodies to comply with their obligations relatively free of political pressure.¹³⁰

66. The Consultation states that there is a risk of overlap and duplication with the roles of the Local Government and Social Care Ombudsman (LGSCO) and the Parliamentary and Health Service Ombudsman (PHSO). Both Ombudsmen wrote to us to say they were engaging with DEFRA to avoid the risk of any duplication of their roles.¹³¹ The Brexit and Environment group acknowledge there could be an overlap with a range of bodies and suggest the body should have the scope to “investigate compelling cases involving ALBs or local authorities in consultation with other bodies”.¹³² On the role of the Ombudsmen, the RSPB consider that their focus is on procedural issues rather than the merits of any decisions made. It, too, suggests that strategic cases, or those of national importance could be investigated as is the case currently with the actions of the EU Commission.¹³³ Sir Amyas Morse highlighted that the NAO's remit overlaps with regulatory bodies and it has not been a problem. He supports a wide scope for the body:

126 Governance and Principles Consultation, p 23

127 [Q14](#) EGI [Ruth Chambers]

128 [Q14](#) EGI [Ruth Chambers]

129 Professor Maria Lee ([EG10010](#)); Aldersgate Group ([EG10014](#)); Environmental Industries Commission ([EG10033](#)); Chartered Institution of Water and Environmental Management ([EG10008](#)); ClientEarth ([EG10013](#)); Wildlife and Countryside Link ([EG10024](#)). See also House of Lords European Union Committee [Brexit: environment and climate change](#) 12th Report of Session 2016–17, HL Paper 109, February 2017

130 Professor Maria Lee ([EG10010](#))

131 [Correspondence from Local Government and Social Care Ombudsman and the Parliamentary and Health Service Ombudsman to Chair](#), 2 July 2018

132 Brexit & Environment ([EG10006](#))

133 RSPB ([EG10029](#))

I just do not regard it as a major problem, that there might be a regulatory clash. Most of the regulators with direct enforcement powers have specific areas that they look at. That is a point, if I may: this body that we are talking about has to range across all activity in the UK, not just the Government, but certainly all Government activities in the UK. It is important that it be free to do that. If it is going to be effective, it has to be sufficiently agile that if there is an issue occurring in some part of the public sector that it can go there and pinpoint that issue.¹³⁴

Climate change

67. The Consultation proposes that the body should not include climate change within its scope, instead relying on the “robust mechanisms” of the Climate Change Act and the international governance structure under the UNFCCC. Evidence from the Committee on Climate Change (CCC) suggests this will be “artificial and potentially create problems”.¹³⁵ Baroness Brown described how interlinked climate change adaptation and the Plan are:

... I think it is impossible, particularly in the environment and the adaptation side, to separate our progress in terms of adapting to climate change from things like having thriving plants and wildlife, which is one of the objectives of the 25 Year Environment Plan. In the Adaptation Sub-Committee’s last two reports to Parliament, 39 of our 64 recommendations have been in the areas that are covered by the 25 Year Environment Plan, so these things are closely knitted together.

68. The CCC also highlights that there is no ombudsman role for climate change and the new watchdog should have the ability to consider climate change as part of an assessment of the Plan.¹³⁶ Professor Lee’s evidence also indicates that it would be practically difficult to exclude climate change from the remit as it “pervades other areas of environmental law”.¹³⁷ Detailed protocols could be established to avoid overlap between the two bodies, such as those the ASC has with the Environment Agency, Natural Capital Committee and National Infrastructure Commission.

69. The Secretary of State has acknowledged the importance of European Union institutions’ role in enforcing environmental protections. The Government must not allow leaving the EU to weaken environmental protection in the UK. As a minimum, the proposed watchdog must replicate or build on the role the EU institutions play in protecting our environment. The Government’s proposals as yet do not do that. The draft bill required by the European Union (Withdrawal) Act must do so.

70. *The Government should create in UK law an independent oversight body—The Environmental Enforcement and Audit Office (EEAO)—reporting to Parliament to ensure, not only that the governance, enforcement, oversight and policy functions currently carried out by the European Commission and European Environment Agency*

134 [Q51](#) EGI

135 Committee on Climate Change ([EG10020](#))

136 Committee on Climate Change ([EG10020](#))

137 Professor Maria Lee ([EG10010](#))

are not lost on leaving the EU, but that these functions are strengthened in order to enable delivery of the Government's stated objective of restoring as well as maintaining the state of the UK's nature and biodiversity.

71. *A statutory body of parliamentarians, modelled on the Public Accounts Commission, should set the EEAO's budget, scrutinise its performance and oversee the governance of the EEAO. The Chair of the Environmental Audit Committee should be a member of this body and their endorsement should be required for the appointment or dismissal of the EEAO's Chair following the procedure for that of the Comptroller and Auditor General. If the oversight body is established on a UK-wide basis then the devolved legislatures may also wish to establish their own governance arrangements.*

72. *The EEAO's remit should include advising on and monitoring how public authorities are complying with their duties, providing strategic oversight and reporting bi-annually to Parliament on progress against the Government's environmental targets, including scrutiny of the 25 Year Plan progress reports. It should have the power to initiate its own investigations and report directly to Parliament.*

73. *The Government should ensure that the draft Environmental Principles and Governance Bill includes effective and proactive enforcement powers, with the power to fine government departments and agencies that fail to comply. The EEAO should be a body with an enforcement function within, or alongside its scrutiny function. The enforcement function should investigate compliance with environmental law, including complaints brought by the public, which the courts can then adjudicate. Any resulting fines from sanctions should be ring-fenced and used for an environmental fund for remediation works overseen by the EEAO.*

74. *The governance consultation explicitly removes climate change from the oversight body's remit, creating an artificial divide. We recommend that the Committee on Climate Change and its Adaptation Sub-Committee maintains the lead role for climate change. The EEAO should be able to conduct its own investigations on climate change and should have a role for enforcement where legal duties are breached. We anticipate that the two bodies would work closely together and their work would be mutually reinforcing.*

Geographic Coverage and Devolution

75. The 25 Year Plan is, for the most part, a plan for England. However, as part of these inquiries and others, we have heard evidence about the desirability of co-operation between the four administrations in some areas of governance and policy.¹³⁸ The Plan states that it will continue to work with the devolved administrations on "our shared goal of protecting our natural heritage".¹³⁹ The UK Government is currently in talks with the Scottish Government over the operation of devolved powers during the period following exit from the EU.¹⁴⁰ Negotiations with the Welsh Government concluded in

138 For example, during our disposable packaging inquiry we heard about the advantages of there being a UK-wide deposit return scheme for plastic bottles. Environmental Audit Committee, [Plastic Bottles: Turning Back the Plastic Tide](#), First Report of Session 2017–19, HC339

139 25 Year Plan, p 7

140 The UK government had initially proposed that those powers should transfer to directly to Westminster rather than to the devolved administrations

April 2018 with an agreement that any changes to powers held in Westminster will require the consent of the devolved administrations and that powers currently exercised by EU officials in Brussels will remain with Westminster for no more than seven years.¹⁴¹

76. The Consultation proposes that the oversight body will cover England and environmental matters that are not devolved. A report by the Institute for Government (IfG) suggested that the body would be “more effective with a four-nation remit” as it would be more robust in its monitoring of government and less prone to abolition.¹⁴² Many witnesses supported the idea that there are clear environmental benefits to a UK-wide approach, as the environment does not respect borders.¹⁴³ One precedent is the Committee on Climate Change, which advises the UK Government and Devolved Administrations and is jointly sponsored by them. Jill Rutter indicated that the CCC shows “you do not have to have identical approaches to have a body that can report on progress” and Lord Deben described the CCC as having a “very good relationship” with the devolved Governments.¹⁴⁴ The Sustainable Development Commission and the Royal Commission on Environmental Pollution also had UK-wide remits.

77. Greener UK explained a number of advantages to having a UK wide body, but noted that it would take more time to set up and, unless it was co-designed with the devolved administrations, it might be seen “as undermining devolution and thus unacceptable”.¹⁴⁵ The IfG argued that the body would be more effective if the Governments of each constituent part of the UK were involved in its creation:

a four-nation watchdog will work best if it is the product of a four-nation approach, rather than designed in the centre with the option for the devolved administrations to join and use the body if they wish. The watchdog will only be effective over four nations if there is a shared sense of ownership, which requires genuine co-design.¹⁴⁶

78. The Law Society of Scotland was “concerned about the limited level of UK-wide planning and discussion which has taken place”.¹⁴⁷ Wildlife and Countryside Link’s evidence stated that co-operation does not seem to be happening:

We are greatly concerned that there has been no truly intergovernmental processes or equal-basis engagement. For instance, DEFRA appears not to have shared the principles and governance consultation with devolved administrations before publishing it. ... DEFRA has simply pushed ahead with its own plans, merely inviting the other countries to join in rather than working with them to shape a joint approach.¹⁴⁸

141 <http://www.bbc.co.uk/news/uk-wales-politics-43880270>

142 Institute for Government. 2017. [Devolution after Brexit](#).

143 E.g. [Brexit and Environment \(EG10006\)](#); [Chartered Institution of Wastes Management \(EG10026\)](#); [Chartered Institution of Water and Environmental Management \(EG10008\)](#); [IEMA - Institute of Environmental Management and Assessment \(EG10016\)](#); [Institution of Environmental Sciences \(ENP0100\)](#); [WWF \(EG10018\)](#)

144 [Q39 EGI \[Jill Rutter\]](#); [Q65 EGI \[Lord Deben\]](#)

145 [Greener UK \(EG10028\)](#)

146 Institute for Government, [Devolution after Brexit: Managing the Environment, Agriculture and Fisheries](#), 2018

147 [Law Society of Scotland \(EG10022\)](#)

148 [Wildlife and Countryside Link \(EG10024\)](#)

79. Replying to an inquiry from the Committee, the Welsh Government welcomed that the UK Government was open to the idea of co-designing the body.¹⁴⁹ It also pointed out that in Wales, the settlement does not extend to justice matters and therefore it does not have the same ability as the other nations of the UK to address any gaps in this area. The Permanent Secretary of the Department for Agriculture, Environment and Rural Affairs in Northern Ireland, also welcomed the offer to co-design the governance proposals but added that “we did not have prior knowledge of the detail of the consultation before it was published”.¹⁵⁰ The Cabinet Secretary for Environment, Climate Change and Land Reform in the Scottish Government had “not yet concluded what the best approach in Scotland would be,” but added that it was “ready to co-operate” with the UK Government and other devolved administrations.¹⁵¹ She too had not had sight of the consultation before it was published:

It is unfortunate that the Scottish Government, and a number of Scottish stakeholders, were not fully engaged by the UK Government in the development of the proposals set out in the UK Government’s recently published consultation.¹⁵²

80. In November 2017, the Secretary of State told us that he did not have the jurisdiction to impose a body in Scotland, Northern Ireland and Wales. He noted that he was keen to work together with them:

We are very keen to get down to the nitty gritty of discussion on what should be in those frameworks with the DAs. [...] As we, as the Government, come forward with our ideas about what might occupy the space in England I hope we can work with the DAs in order to ensure there are similar institutions operating in their territories as well.¹⁵³

81. We have heard compelling arguments that a UK-wide oversight body would be more resilient, more independent and provide the best level of environmental protection. This could be achieved by the oversight body being co-designed and co-owned to create a ‘four nation’ remit. However, the process of agreeing such an institution needs to be a conversation between Governments and legislatures, not an imposition from Westminster. The draft Bill must be published by December this year, so the conversation should already be under way. We are concerned that there is little evidence of progress so far.

Common Frameworks

82. Environmental policy is devolved to Scotland, Wales and Northern Ireland. As our predecessors have discussed in previous reports, European Union law has provided a common framework within which domestic institutions have operated.¹⁵⁴ Previous Committee inquiries have highlighted that common frameworks are vitally important to

149 [Correspondence from Minister for Environment in the Welsh Government to Chair](#), 4 July 2018

150 [Correspondence from Permanent Secretary of the Department for Agriculture, Environment and Rural Affairs, Northern Ireland to Chair](#), 25 June 2018

151 [Correspondence from Cabinet Secretary for Environment, Climate Change and Land Reform in the Scottish Government to Chair](#), 25 June 2018

152 [Correspondence from Cabinet Secretary for Environment, Climate Change and Land Reform in the Scottish Government to Chair](#), 25 June 2018

153 [Q28](#)

154 Environmental Audit Committee, [EU and UK Environment Policy](#), Third Report of Session 2015–16, HC537

prevent any undermining of environmental protections to gain a competitive advantage.¹⁵⁵ There are also benefits of co-operation between administrations such as the exchange of skills and knowledge. Dialogue between the four administrations has the potential to improve environmental policy in areas where one or more of the four nations is currently leading the way.

83. The Government's analysis suggests there are 82 areas in which common frameworks may be necessary after leaving the EU, as well as in 24 areas where further discussion will be necessary to determine whether a common framework may be needed in full or in part.¹⁵⁶ Common frameworks may be implemented by legislation, by executive action, by memorandums of understanding, or by other means depending on the context in which the framework is intended to operate.¹⁵⁷ The Brexit and Environment Group highlight that the environmental principles may be one area where cooperation will be needed, as different interpretations, for example of the precautionary principle, across borders could be problematic for trade.¹⁵⁸ Professor Lee suggests that a UK wide policy approach would be preferable, with wider benefits:

More importantly, the different parts of the UK would have an interest in scrutinising each other's performance, both to learn from each other, and as a form of peer review (as between the Member States of the EU).¹⁵⁹

84. Common frameworks must be established via a dialogue between the four administrations.¹⁶⁰ The IfG advised that the Government and devolved administrations needed to reach an agreement imminently.¹⁶¹ There are concerns that, at present, the process is not progressing fast enough, and that there is a lack of transparency. The Brexit and Environment Group's report highlighted current problems with the mechanism for reaching agreement and concluded:

the debate on devolution has shed light on the dearth of co-ordination and co-operation mechanisms between the four nations. The body used to coordinate cross-national policies, the Joint Ministerial Council, meets irregularly (at the behest of the UK government) and is an opaque institution, which raises further questions about transparency and ability of stakeholders to influence the design of future environmental and agricultural common frameworks.¹⁶²

155 For example, *The Future of the Natural Environment*

156 Of these, the Cabinet Office identifies six of the 82, and 15 of the 24 as DEFRA responsibilities. Cabinet Office. [Frameworks analysis](#). Breakdown of areas of EU law that intersect with devolved competence in Scotland, Wales and Northern Ireland, March 2018

157 Cabinet Office, Northern Ireland Office, Office of the Secretary of State for Scotland, Office of the Secretary of State for Wales, Department for Exiting the European Union, The Rt Hon David Davis MP and The Rt Hon Damian Green MP, [Joint Ministerial Committee Communiqué](#), 16 October 2017

158 Brexit and Environment ([EG10006](#))

159 Professor Maria Lee ([EG10010](#))

160 *The Future of the Natural Environment*

161 Institute for Government, [Devolution after Brexit: Managing the Environment, Agriculture and Fisheries](#), 2018

162 Burns, C., Gravey, V., and Jordan, A., 2018. UK Environmental Policy Post-Brexit: A Risk Analysis, a report for Friends of the Earth, Brexit and Environment, March 2018.

85. In some areas, such as water quality, the Government has suggested that common frameworks will not be required. However, there are risks that without them there will be little to prevent a decline in the quality of transboundary natural assets, such as air, water and biodiversity should a future Government decide to reduce them. Dr Davis from UKELA, warned:

If one of the devolved nations or England decided not to have as high a quality of water standards. That would be a race to the bottom, particularly since some rivers cross borders and so on.¹⁶³

86. The Government has suggested that common frameworks on water are not necessary, despite rivers and lakes straddling different administrations. The Secretary of State, said when questioned on this matter:

There is no evidence at the moment that any Administration within the UK wants to lead a race to the bottom. Indeed, the practical evidence and the co-operation that I have seen and that I have been taking part in is of a shared commitment to maintain high standards. What we want to have are UK-wide frameworks that respect that shared commitment, but also respect the proper autonomy of the devolved Administrations.¹⁶⁴

87. Common frameworks must be established as soon as possible to ensure that the environment is not simply reliant on the good will of this or any future Government. We recommend that the Government engages with the devolved administrations to set out goals for common frameworks which incorporate the environmental principles and transboundary environmental standards.

Timing

88. The EU Withdrawal Act commits the Government to publish a draft bill by December 2018.¹⁶⁵ This means the new oversight body and environmental principles will not be in place in time for the Government's proposed exit day, 29th March 2019. Ruth Chambers told us that that there has been little transparency on the Government's contingency plans, should there be no deal and no transition period:

The obvious concern is that the Government will not be able to meet their stated objective of ensuring that the governance gap is closed. If we crash out with no deal, what is the alternative, what contingency planning is being done by Government to ensure that there are temporary or interim governance and principles arrangements? What are they; when can we see them; when can we be consulted on them? That would be the immediate issue if we crash out in that sort of worst case scenario.¹⁶⁶

89. We heard during the inquiry that the Committee on Climate Change (CCC) was initially set up as a 'shadow body'. Nick Molho from the Aldersgate Group said this was a helpful precedent,¹⁶⁷ and Baroness Brown, drawing on her experience from the creation

163 [Q50](#)

164 [Q111](#)

165 In the Consultation the Bill is referred to as the Environmental Principles and Governance Bill

166 [Q18](#) EGI [Ruth Chambers]

167 [Q20](#) EGI [Nick Molho]

of the CCC suggested a “number of months” may be needed to set up the new body.¹⁶⁸ Sir Amyas Morse suggested that the Government should already be undertaking work on what he described as a “no-regrets basis”, where the activities would be of benefit, regardless of the full details of the transition period.¹⁶⁹

90. When pressed on timing, the Secretary of State argued that it was important to get the proposals right and that the prospect of a transition agreement with the European Union meant that the urgency “abates slightly”.¹⁷⁰ Following the Cabinet agreement at Chequers on 6 July 2018, the Secretary of State acknowledged that preparations would be needed to prevent a governance gap:

We are now [...] stepping up all the preparations in the event of there not being that agreement ... We are stepping up preparations within DEFRA and elsewhere in order to make sure that operationally and legislatively we are in a position to make sure that there is no—or at the very least a minimal air gap between.¹⁷¹

91. The Government has said it will not legislate until after the end of the Article 50 process. If there is no deal and no transitional period with the European Union then the United Kingdom will leave with no mechanism for enforcing environmental rights, targets and protections. This is an unthinkable prospect, and the Government must do everything to avoid it. We expect the Government to set out, in its response to this report, measures to meet its commitments on environment governance in the event of leaving the European Union without a deal.

Cross Departmental Buy-In

92. The evidence we heard highlighted the importance of support for the Plan across Government departments.¹⁷² The Plan is positioned as a Government document, though it does state that “DEFRA will act as ‘owner’ of the Plan on behalf of the Government”.¹⁷³ To ensure the Plan remains a priority for ministerial agendas the WWT has argued that there is a need for a coordinating mechanism or a Cabinet Committee.¹⁷⁴

93. There were concerns amongst the witnesses that at present, in practice, the Plan does not appear to be cross-governmental. UKELA suggested:

In contrast to Britain’s 1990 Environmental Strategy (“This Common Inheritance”), which was signed off by a broad range of Government departments, including Environment, Trade and Industry, Health, Education and Transport, the current Plan is DEFRA owned and led. While it mentions its “sister document” the Clean Growth Strategy, and some of the Plan’s actions point to collaboration with other Ministries such as MHCLG and Health, there is no overarching mechanism to check on

168 [Q71](#) EGI [Baroness Brown]

169 [Q73](#) EGI [Sir Amyas Morse]

170 [Q113](#)

171 [Q115](#) EGI

172 Trees and Design Action Group (TDAG) ([ENP0015](#)); The Ramblers ([ENP0041](#)); Environmental Association for Universities and Colleges ([ENP0052](#)); National Parks England ([ENP0056](#)); National Trust ([ENP0059](#)); WWT (The Wildfowl & Wetlands Trust) ([ENP0067](#)) 7

173 [25 Year Plan](#)

174 WWT (The Wildfowl & Wetlands Trust) ([ENP0067](#))

delivery across government, such as the standing committee of Cabinet Ministers or a nominated Minister in each Department as envisaged in the 1990 White Paper.¹⁷⁵

94. Baroness Brown described the difficulty the CCC and the Adaptation Sub-Committee (ASC) has had with trying to influence Government departments which are not sponsor departments. The ASC has “very good” influence and engagement with DEFRA, its sponsor department, and the CCC as a whole has “very good and strong links and relationships” with the Department for Business, Energy and Industrial Strategy on mitigation. However, where recommendations relate to the Ministry of Housing, Communities and Local Government or the Department of Transport it is “not as effective”.¹⁷⁶ Lord Deben added that the CCC had “very little connection with the Department of Health”, which was unfortunate as he considered this to be crucially important.¹⁷⁷

95. The witnesses agreed on the importance of securing cross-departmental support.¹⁷⁸ Dr Benwell suggested that targets could support interdepartmental participation:

At that top level it is time for Government to reset things, maybe have a green-growth challenge where every policy in each Department is tested for its net nature benefits. That is the sort of thing that can make interdepartmental co-operation happen.¹⁷⁹

96. The Secretary of State agreed that the document was Government-wide. However, he made no commitments on cross-Whitehall governance:

This is a Government document and it was produced with the help of other Government departments, from the Treasury through to the Department for Education, Health and MHCLG. The question of how we carry it forward and whether or not there will be, for example, a ministerial group in order to carry it forward, is ultimately a matter for the Prime Minister and the Chancellor of the Duchy of Lancaster. My view is that, by preference—but I would not want to bind our hands—it is better to work issue by issue bilaterally or multilaterally across Government in order to achieve things, rather than necessarily to have an inter-ministerial group or a Cabinet sub-committee.¹⁸⁰

97. Subsequent events suggest the need for mechanisms to ensure cross-Whitehall buy-in. There have been widespread reports that hostility from other departments led to the Consultation being watered down.¹⁸¹ Indeed, in our own hearing as part of a joint inquiry into *Improving Air Quality*, it was apparent that the Treasury, Department for Communities and Local Government (as it then was) and Department for Transport, expressed some concerns about the Secretary of State’s proposals.¹⁸² For example, Andrew

175 United Kingdom Law Association ([ENP0029](#)); see also Living Law ([ENP0079](#))

176 [Q67](#) EGI [Baroness Brown]

177 [Q67](#) EGI [Lord Deben]

178 National Parks England ([ENP0056](#)); National Trust ([ENP0059](#))

179 [Q18](#)

180 [Q80](#)

181 For example, *Daily Telegraph*, 22 May 2018, [Michael Gove blames ‘short-sighted’ Philip Hammond for Government’s Brexit defeat in Lords](#)

182 [Q 294 - 298](#), Evidence given to the Environmental Audit, Environment, Food and Rural Affairs, Health and Social Care and Transport Committees, *Improving Air Quality* inquiry

Jones MP, Exchequer Secretary to the Treasury said that instead of a new body, “the best way to hold Government to account is through Parliament”.¹⁸³ The Government’s *Clean Air Strategy* has been criticised for a lack of measures relating to urban transport, whilst the *Draft National Planning Policy Framework* has been criticised by professionals for failing to properly embed the Plan’s ambitions in respect of net environmental gain.¹⁸⁴ Recognising the difficulties of getting other Government departments to engage with long-term issues like environmental protection, we have previously recommended the creation of a Cabinet-level Minister for Sustainable Development with a cross-Whitehall remit for Sustainable Development.¹⁸⁵

98. For the 25 Year Plan to be a truly-cross Government document it needs robust mechanisms to embed its ambitions across Whitehall. Legislative targets and oversight are crucial to this. Government publications since the Plan suggest departmental buy-in outside DEFRA is patchy at best. Yet we have heard in many of our inquiries how greater consideration of sustainability and the environment can help departments achieve their goals. For example, we have heard frequently from businesses that well-designed, credible, long-term regulation to protect the environment and mitigate climate change promotes investment and innovation. By embracing this agenda, the UK can be a world leader. By rejecting it we will fall behind. This is a reality that many in Whitehall appear not to have understood.

99. The Government’s proposals for oversight and accountability of the Plan need to ensure all Government departments - not just DEFRA - are held to account. The Government should set out in its response to this report how the commitments in the Plan will be factored into the strategic decision-making of non-DEFRA departments - particularly the Treasury, Department for Business, Energy and Industrial Strategy, Ministry of Communities, Housing and Local Government, Department for Transport and Cabinet Office. Duties to meet targets and apply principles should apply to the departments and public bodies which deliver change. The Government should launch a series of high-profile cross-Whitehall initiatives to raise awareness of environmental protection. For example, a ‘Green Growth challenge’ could be introduced where every policy in each Department is tested for its net nature benefits.

100. Our predecessor’s report on Sustainability in the Treasury made recommendations on how it could help Whitehall take decisions more sustainably. The Government’s response failed to engage with its recommendations and the Treasury ignored the Committee’s subsequent report asking them to look again. The Treasury should revisit its response to the report in the light of the commitments it has collectively signed up to in the 25 Year Plan.

183 [Q296 EGI](#)

184 Chartered Institute of Ecology and Environmental Management supplementary written evidence, [ENP0108](#)

185 Environmental Audit Committee, [Sustainable Development Goals in the UK](#), Ninth Report of Session 2016–17, HC596

5 Principles

101. The other aspect of the Consultation covered environmental principles.¹⁸⁶ The EU Withdrawal Act requires DEFRA to publish an Environmental Principles and Governance Bill by December 2018. The draft bill must include a set of environmental principles, a statement of policy relating to how these principles shall be applied and interpreted. There was near unanimity from our witnesses that the principles established in international law and the European Union treaties should be legislated for into UK law and listed in the Bill.¹⁸⁷ As Professor Jordan noted, the UK Government signed up to them in the 1992 Rio Declaration as well as through the European Union Treaties. He argued that there was no reason for the Government to avoid legislating for them, given its commitment not to lower standards.¹⁸⁸ Professor Lee from University College London, noted that the principles should continue to play their current role and this “would not be novel or disruptive”.¹⁸⁹

102. Some referred to the underlying approaches set out in the European Union treaties and other international commitments. Living Law argued that the principles should include one of “non-regression”, in line with the International Union for the Conservation of Nature, to ensure environmental protection does not go backwards.¹⁹⁰ Professor Burns pointed out that there was “one obvious one missing”, which is the principle of protection, included in Article 191(2) of the Treaty of the Functioning of the European Union, that requires the EU to pursue a high level of environmental protection.¹⁹¹

103. Professor Owens from the University of Cambridge, told us that she was uncomfortable with the principles being chosen through a ‘popularity contest’. She also said that they should not need regular updating, supporting that they should be set out in statute:

It seems to me that if the principles are suitably sparse they should not have to be changed in the light of new scientific knowledge, for example. New science might help you decide when it is appropriate to apply the precautionary principle but it should not change the principle in itself.¹⁹²

104. The amended EU Withdrawal Act includes provisions for a Bill to include a set of environmental principles and a duty for the Secretary of State to publish a statement of policy relating to their application and interpretation in the making and development of policies by Ministers of the Crown. There is also to be a duty which ensures that Ministers must have regard to the policy statement in connection with the making and development of policies by Ministers. The Act specifies the principles to be included, adding a further three to the Consultation’s six. The principles identified in the European Union (Withdrawal) Act are:

186 A number, but not all, of the principles are set out in Article 191 of the Treaty of the Functioning of the European Union (TFEU). There is no equivalent general statement of environmental principles in UK law

187 [Q28](#) EGI; Aldersgate Group ([EG10014](#)); Brexit and Environment ([EG10006](#)); Chartered Institute of Ecology and Environmental Management ([EG10019](#)); Chartered Institution of Water and Environmental Management ([EG10008](#)); ClientEarth ([EG10013](#)); Environmental Industries Commission ([EG10033](#)); IEMA - Institute of Environmental Management and Assessment ([EG10016](#)); Professor Maria Lee ([EG10010](#)); Energy UK ([EG10015](#)); Wildfowl & Wetlands Trust ([EG10027](#)); WWF ([EG10018](#))

188 [Q42](#)

189 Professor Maria Lee ([EG10010](#))

190 Living Law ([ENP0079](#))

191 [Q31](#) EGI [Professor Burns] and Article 191(2) TFEU

192 [Q30](#) EGI

- (a) the precautionary principle so far as relating to the environment,
- (b) the principle of preventative action to avert environmental damage,
- (c) the principle that environmental damage should as a priority be rectified at source,
- (d) the polluter pays principle,
- (e) the principle of sustainable development,
- (f) the principle that environmental protection requirements must be integrated into the definition and implementation of policies and activities,
- (g) public access to environmental information,
- (h) public participation in environmental decision-making, and
- (i) access to justice in relation to environmental matters.

Like the Consultation, they do not include a principle of a high level of environmental protection.

Interpretation

105. Professor Lee explained that under current arrangements the principles go beyond guiding environmental policy making and legislation. They also “guide policy implementation, the interpretation of legislation by administrators and courts, and the exercise of discretion by public authorities [...] in some cases they provide a standard for judicial review.”¹⁹³ She considered that the Consultation “understates” the role of the principles in EU law, which often guides decisions through the application of case law:

The most striking example may be the way in which the Habitats Directive is said to give expression to the precautionary principle: Planning Inspectorate decisions are often notable for their careful, but pragmatic, application of a very demanding judicial approach to the precautionary principle. And note that the precautionary principle is not contained in the language of the Habitats Directive.¹⁹⁴

106. The Consultation indicates that pre-exit Court of Justice of the European Union (CJEU) case law general principles will apply in principle to EU retained law.¹⁹⁵ It is also the case that UK courts can “have regard” to post exit CJEU case law when interpreting EU retained law. Once the principles are legislated for in post-exit UK law then there will be a duty ensuring that Ministers of the Crown must have regard, in circumstances provided for by the legislation, to the interpretive policy statement published by the Government.¹⁹⁶ Some witnesses acknowledged that there were differences of opinion

193 Professor Maria Lee ([EG10010](#))

194 Professor Maria Lee ([EG10010](#))

195 But the Supreme Court and the High Court of the Judiciary (in certain cases) would not be bound in circumstances where in equivalent domestic circumstances it would have decided to depart from its own case law; section 6 of the European Union (Withdrawal) Act.

196 Section 16 of the European Union (Withdrawal) Act.

around the interpretation of some principles - particularly the precautionary principle.¹⁹⁷ These arguments may play out as the policy statement is developed. Professor Lee indicated that scrutiny of the policy statement would be “absolutely crucial” as this is what the courts would be applying. She suggested how this scrutiny should be undertaken:

The language of the national policy statement should be subject to very wide consultation, and it should also be subject to parliamentary approval. The only way to ensure that, is to have those procedural commitments in the Principles and Governance Bill that we are promised.¹⁹⁸

Application

107. Some witnesses considered that neither of the options in the Consultation document maintain current protections. The Government’s preferred approach is for the policy statement to only apply to central government policy making, rather than to other public bodies. Greener UK considers that public authorities must be under two clear legal duties with respect to the principles, “one that applies directly to the principles and one relating to the policy statement”. Professor Lee indicated that she was not comfortable that the measures in the Consultation would meet existing protections:

The principles should apply to all public bodies, not just central government but to all public bodies. That is exactly what happens at the moment within the European Union. It is a routine part of administrative decision-making at all levels, right down to the street level, to apply the environmental principles. The first thing is the who. The second is the how, and “having regard to” is very weak. Government could have regard to the environmental principles, conclude that they stop Government doing what they want to do and simply not comply.¹⁹⁹

108. Professor Lee also indicated that there is litigation over how the ‘have regard to’ duty to protect biodiversity, under the Natural Environment and Rural Communities Act, has been interpreted. The meaning of the clause is so vague that every decision could result in court cases.²⁰⁰ The RSPB also explained that the application of the principles is particularly important where public bodies are responsible for policy creation and decision making without the need to refer matters back to central Government. Wildlife and Countryside Link believes that “by requiring only ‘regard’ for the proposed policy statement, the proposal makes it too easy for Government to prioritise trade concerns and deregulatory pressures over the environment”.²⁰¹ Professor Lee’s preference is for “legislative language requiring all public bodies to act in accordance with the principles”.²⁰²

197 E.g. [Q41](#)

198 [Q28](#) EGI

199 [Q26](#) EGI [Professor Lee]

200 [Q33](#) EGI [Professor Lee]. See also EFRA Committee [Pre-legislative scrutiny Draft Animal Welfare \(Sentencing and Recognition of Sentience\) Bill 2017](#), HC 709, Para 30

201 Wildlife and Countryside Link ([EG10024](#))

202 [Q26](#) [Professor Lee]

109. The Government is now obliged to include key environmental principles in draft legislation. However, the wording in the governance consultation and the EU Withdrawal Act, that Government should 'have regard to' the principles and that their application is limited to central Government, rather than including all public bodies is too weak. It is likely that the principles will be contested once the accompanying policy statement is produced and scrutiny of this will be key to successfully establishing the principles in law and policy making.

110. *The Government should put into law the environmental principles that the UK has signed up to in international law and those which are embodied in the EU Treaties. The Government should include a principle in UK law that policy and all public bodies will seek to ensure a high level of environmental protection and a presumption that environmental protection will not be reduced. The Environmental Principles and Governance Bill must include provisions for "all public bodies to act in accordance with the principles" and should consider micro-duties aimed at specific public bodies that reflect their individual remits.*

111. *What the principles will mean will largely be determined by the Government's statutory statement of policy. In some areas their interpretation may be fiercely contested. We are not convinced that principles need regular updating, but the interpretative statement needs robust scrutiny and - if the Government's pledge that protections will not be lost as result of leaving the EU is to be kept - a clear baseline set in primary legislation. The Government must consult widely on the interpretive policy statement. The original policy statement should be included as a schedule to the Bill itself - allowing it to be scrutinised fully by Parliament. Substantive amendments to the statement should only be made following a debate on the floor of the House.*

6 Funding

112. UK expenditure on environmental protection was 0.8 per cent of GDP in 2015.²⁰³ The environment is a fundamental public service, on which physical health, mental health, and wellbeing depend. It should be treated as valuable national infrastructure in the same way as the NHS, transport and education. Measuring expenditure on environmental protection is not straightforward due to the range of government activities and departments involved. For example, a figure of £5.1 billion for environmental objectives was reportedly spent by central government in 2015–16, although this is split between departments such as DEFRA and the Department for Business, Energy and Industrial Strategy. Local Government expenditure also adds to this figure, as does around 35 per cent of the EU budget spent in the UK.²⁰⁴

113. The Plan is not fully costed, nor does it set out detailed proposals on how its measures will be funded. However, it does refer to various funding streams, in particular: existing funding, specific new commitments, the leveraging of private investment and the redeployment of Common Agricultural Policy (CAP) money through its proposed replacement. Existing funds are referenced throughout in the context of the upcoming spending review, or subject-specific strategies.

114. Natural England's evidence highlights that “[The Government] cannot rely entirely on existing funding mechanisms” to deliver the Plan.²⁰⁵ To deliver the Plan's new ambitions, such as the £5.7 million to support the creation of the new “Northern Forest”, and the £200,000 to develop new soil health metrics, additional funds will be needed.²⁰⁶ The Secretary of State has acknowledged that the main source of funds for the Plan is currently anticipated to be the redeployment of the CAP payments (currently worth £3.2 billion p.a. to the UK).²⁰⁷ He suggested that private sector investment will need to be established and this could be achieved through the ‘net gain’ principle or other natural capital tools, yet plans to leverage private sector investment are, at this stage unclear.²⁰⁸

European Union Funding

115. Our predecessor's report on *The Future of the Natural Environment after the EU Referendum* acknowledged the significant proportion of funding for environmental protection (particularly biodiversity) which comes through European Union mechanisms. Primarily this comes through the CAP, but other funding includes the EU LIFE programme, the LEADER programme for rural economies and the Horizon 2020 research and innovation programme.²⁰⁹ The National Audit Office has calculated an

203 This was in line with the average for the 28 countries of the European Union, see National Audit Office, [A Short Guide to Environmental Protection and Sustainable Development](#), Sept 2017

204 An average of £720 million a year between 2014–2020 (nominal prices at 2017 exchange rate) is spent through structural funds. Source: National Audit Office, [A Short Guide to Environmental Protection and Sustainable Development](#), Sept 2017

205 Natural England (ENP0094)

206 Aldersgate Group (ENP0072)

207 Q161; Department for Environment, Food and Rural Affairs, [Health and Harmony: the Future for Food, Farming and the Environment in a Green Brexit](#); February 2018; National Audit Office, [A Short Guide to Environmental Protection and Sustainable Development](#), Sept 2017

208 Q161

209 For details see *The Future of the Natural Environment*

implied annual EU contribution of £720 million a year to UK environmental protection, climate change adaptation and the low-carbon economy from European Structural and Investment Funds.²¹⁰ The RSPB said in its evidence:

Of the three main sources of public funding only the EU funds have remained stable in recent years but their future is threatened by the UK's departure from the EU. UK Government funds for wildlife conservation have been falling and are projected to fall to 2020.²¹¹

116. Our predecessor's report recommended that any new system for agricultural support after leaving the Common Agricultural Policy should:

be refocused to provide a better balance between support to agriculture and environmental protection. Policy should have clearly detailed objectives linked to the delivery of public goods, including the promotion of biodiversity and other environmental objectives, rather than simply providing income support to farmers. The nature and range of the public goods to be delivered through a new funding regime must be carefully considered and supported by strong evidence of the benefits they provide and the market failure they seek to remedy.²¹²

117. The Government has since launched a consultation on introducing a system of "public money for public goods" to replace CAP after leaving the European Union. Environmental protection has been portrayed as a key part of this - though the consultation also talks about other aims, such as "promoting agricultural productivity".²¹³ The replacement of the CAP was considered a significant opportunity by many witnesses. Dr Simon Pryor from the National Trust described leaving the CAP as the opportunity to "unpack and dismantle the biggest single obstacle" to meeting environmental protection targets.²¹⁴

118. The hopes for CAP reform were tempered by a concern that it is unclear how the transition to a new system will work; how long and at what level funding will be maintained; and how the replacement system will operate. The WWT has urged that, "To provide certainty, the Government should establish a process for a long-term, science-based allocation of funding for the new system".²¹⁵ The Environment, Food and Rural Affairs Committee has recently reported on the Government's consultation and concluded:

We are concerned to hear that there have been minimal discussions between DEFRA and the Treasury over the future funding of the new agricultural policy. There was a legitimate fear among our witnesses that without early commitments to funding levels, well in advance of 2022, promises on funding levels following the transition period cannot be "guaranteed". Any new stewardship scheme must be sufficiently resourced to achieve the Government's commitments to restoring the natural environment. The Government should commit, in response to this Report, to fully fund the

210 National Audit Office, *A Short Guide to Environmental Protection and Sustainable Development*, Sept 2017, p.13

211 Royal Society for the Protection of Birds (RSPB) ([ENP0049](#))

212 *The Future of the Natural Environment*, para.59

213 DEFRA, *Health and Harmony: the future for food, farming and the environment in a Green Brexit*, February 2018

214 [Q3](#)

215 WWT (The Wildfowl & Wetlands Trust) ([ENP0067](#))

future agricultural policy and ring-fence the funds that are released from the withdrawal of Direct Payments to fund the rural economy and the environment.²¹⁶

119. The reallocated CAP funding is not expected to be sufficient to provide for the ambitions and targets set out in the Plan, and it can only operate as part of a greater whole. Dr Pryor stated:

In estimates ourselves, working with RSPB, have done around is that [...] if we redeployed the whole of pillar 1 and the pillar 2 stuff²¹⁷ we could probably afford to deliver existing targets so we will need additional funding to deliver the new and more ambitious ones.²¹⁸

120. We asked the Secretary of State whether this was a fair assessment:

It is a broadly fair assessment. There is a commitment to preserve in cash terms to the end of this Parliament £3 [billion] that we currently spend on agricultural support, but of course we hope to change the basis on which that money is allocated.²¹⁹

121. We have previously asked the Secretary of State whether he would consider increasing the proportion of CAP funding delivered through Pillar 2 as a measure to increase funding for environmental protection prior to leaving the European Union. At the time, he said the priority was ensuring certainty for farmers.²²⁰ Since then, the Government has committed to a longer transition period before the introduction of a CAP replacement scheme.²²¹

122. In principle the redirection of Common Agricultural Policy money towards environmental protection is welcome. However, the details of the scheme are still to be decided. It is unclear how the scheme will be administered and it may not be introduced until 2024. Nor will this step alone be enough to deliver the Government's ambitions. The near-term priority must be to ensure that funding for public goods and environmental protection - already inadequate - is not reduced further as result of leaving the European Union.

123. *The Government should, in its response to this report, guarantee to at least match existing EU funding for the environment in real terms for five years after the transition period ends, or in the event of no deal.*

216 Environment, Food and Rural Affairs Committee, *The future for food, farming and the environment*, Sixth Report of Session 2017–19 (HC 870), para. 36

217 CAP funding is divided into two “pillars”. Pillar one is primarily direct payments to farmers. Pillar 2 is primarily concerned with rural development.

218 [Q15](#); a similar point was made in Royal Society for the Protection of Birds (RSPB) ([ENP0049](#))

219 [Q161](#)

220 [Q83](#)

221 DEFRA, *Health and Harmony: the Future for Food, Farming and the Environment in a Green Brexit*, February 2018

Urban Funding

124. The major new potential funding stream in the Plan is the CAP replacement, which is naturally tied to rural environments. Georgia Stokes argued, “the plan undervalues the current value of nature in our urban areas”.²²² She further stated that: “brownfield sites can be enormously valuable for biodiversity”.²²³ The benefits of urban greenery to human health, both psychologically and physically, as well as their value as areas of biodiversity raises the importance of protecting and promoting their health. The Royal Society of Biology have stressed that:

Natural capital management in the built and urban environment should be a high priority with a large portion of the population living, investing in and being influenced by urban settings.²²⁴

125. The Secretary of State accepted this case during his evidence to us:

With the benefit of hindsight, one of the things that we need to do is to think about the effective funding of environmental enhancement in urban areas.²²⁵

126. The debate over environmental funding has been dominated by CAP and rural payments. Urban environments are equally important and do not receive the same attention in the Plan. As we have heard during inquiries ranging from soil health to heatwaves, “green infrastructure” and environmental protection in urban areas has significant public health and social benefits, as well as their own intrinsic value. The Government should set out in its response to this Report how it intends to take forward more effective funding of urban environmental enhancement and what steps Whitehall departments are taking to consider how green infrastructure can achieve their departmental goals.

Private Investment

127. As noted in the previous two sections, further investment will be required to deliver the Government’s ambitions in the 25 Year Plan - above existing EU funding, existing UK government funding and the prospective redirection of CAP money. The RSPB remarked that:

UK Government funds for wildlife conservation have been falling and are projected to fall up to 2020. For example, we estimate that between 2010 and 2020 DEFRA’s budget will be cut by more than half in real terms. The major “arm’s-length” funds are also facing decline: Lottery due to a decline in income and Landfill Tax due to declining use of landfill.²²⁶

We also note the reallocation of the revenue raised by the Aggregates Levy away from environment restoration after extraction to the Treasury.

222 [Q3](#)

223 [Q21](#)

224 Royal Society of Biology ([ENP0011](#))

225 [Q106](#)

226 Royal Society for the Protection of Birds (RSPB) ([ENP0049](#))

128. The Government has repeatedly committed to “encouraging private investment in natural capital”.²²⁷ The *Health and Harmony* consultation on the future of farming suggested that incentives could be offered to the private sector in return for work which will improve the environment for public benefit.²²⁸ Previously there have been some successes in unlocking private sector funding: low carbon has become an increasingly significant factor in financial decision making - though there is a long way to go - and, since 1991, 70 per cent of new woodland has been planted by private landowners.²²⁹ However, efforts by the Green Investment Bank to create markets for natural capital were unsuccessful.²³⁰

129. The Plan sets out a key role for natural capital thinking and environmental net gain in generating private finance, stating that:

By measuring the benefits of natural capital improvements we will sharpen the business case for private sector investment and help to unlock new markets, funding streams and private finance for natural environment projects.²³¹

130. However, in the view of the RSPB, private investment could be combined with private sector regulation, it could also incentivise innovation, and thereby lower costs.²³² The importance of ensuring that private investment was not only encouraged by regulation, but also desirable for investors was reflected in the evidence. We heard the most significant problem is how to unlock private sector funding. Submissions from industrial groups, such as the Aldersgate Group, stated that in the past the lack of “a recognised and reliable stream” had rendered the private sector unwilling to invest.²³³

131. Dr Benwell, on behalf of Wildlife and Countryside Link, argued that there were four levels to Government action which could unlock private sector funding. His suggestions highlighted the need to bring environmental concerns into focus for business. Dr Benwell stated that the four levels were as follows:

The first is their overall treatment of green growth, the second is the regulation and target setting, the third is market-making and the fourth is certification.²³⁴

132. In some areas it is unlikely that private funding will be obtained. Dr Pryor cited the example of public access and enjoyment of activities such as walks in the countryside, for which it would be difficult to provide a reliable revenue or monetary value for to the private sector.²³⁵ In cases such as these the Government needs to provide funding as they are public goods.

227 DEFRA, [Health and Harmony: the Future for Food, Farming and the Environment in a Green Brexit](#), February 2018

228 DEFRA, [Health and Harmony: the Future for Food, Farming and the Environment in a Green Brexit](#), February 2018

229 DEFRA, [Health and Harmony: the Future for Food, Farming and the Environment in a Green Brexit](#), February 2018; Environmental Audit Committee, [Green finance: mobilising investment in clean energy and sustainable development](#), Sixth Report of Session 2017–19 HC 617

230 Environmental Audit Committee, [Green finance: mobilising investment in clean energy and sustainable development](#), Sixth Report of Session 2017–19, HC 617

231 25 Year Plan, p 144

232 [Q16](#)

233 Aldersgate Group ([ENP0072](#))

234 [Q18](#)

235 [Q18](#)

Net Gain

133. The Government has emphasised the potential of the ‘net gain’ principle as a mechanism to encourage private sector investment. The Government announced in the Plan that it would embed a principle of ‘environmental net gain’ in development.²³⁶ This is a change from the current approach as set out in the *National Planning Policy Framework* (NPPF). Net environmental gain would mean that any development project must be accompanied by an improvement to the environment of at least an equal level to any damage caused.

134. The current approach in the NPPF is restricted to seeking biodiversity gains where possible.²³⁷ The Plan seeks to explore strengthening this, and broadening it to include “wider natural capital” and to “deliver benefits such as flood protection, recreation and improved water quality”.²³⁸ During our hearing on 18 April, the Secretary of State, said:

We can also secure additional money for environmental enhancement through the application of the net gain principle that I discussed with Zac [Goldsmith MP]. It is also the case, as some of your witnesses have pointed out, that we can make markets in certain areas using natural capital tools so that, for the sake of argument, water companies and others can invest in environmental enhancement upstream and that can be another source of money.²³⁹

He added that environmental net gain and net biodiversity were, “Part and parcel of the same package”.²⁴⁰

135. The first test of the implementation of the principle of environmental gain is the NPPF. The Chartered Institute for Ecology and Environmental Management (CIEEM), who praised the notion of net environmental gain (for which it had previously released guidance), was concerned that the NPPF did not reflect the aspirations of the 25 Year Plan. Its analysis suggested that the wording in the new draft of the NPPF was a “little stronger”, but there was no “line of sight to the Plan. Similarly, there is no mention of halting biodiversity loss”.²⁴¹

136. Furthermore, although the principle of net environmental gain was welcomed, there were some significant caveats to this support. One major concern was that when set alongside natural capital thinking, the principle of net gain could see one form of environmental good exchanged for another, more easily valued asset.²⁴² As Dr Wray argued, different environmental assets “cannot substitute for each other. It does not matter how much clean water you have if you do not have any air to breathe”.²⁴³

236 25 Year Plan

237 25 Year Plan

238 25 Year Plan

239 [Q161](#)

240 [Q140](#)

241 Chartered Institute of Ecology and Environmental Management ([ENP0060](#)); Chartered Institute of Ecology and Environmental Management supplementary written evidence ([ENP0108](#))

242 [Q19](#); Brexit & Environment ([ENP0063](#)); British Ecological Society ([ENP0102](#)); British Property Federation ([ENP0019](#)); ClientEarth ([ENP0085](#)); Co-ordinating Group of the Debating Nature’s Value network ([ENP0013](#))

243 [Q55](#)

137. Dr Benwell articulated the major concerns of the NGOs, arguing that:

it is really important that Government create those firewalls between different natural capital assets so we are not exchanging one element of nature for another, and that it guarantees that net environmental gain means increased build quality and additional funding and compensation for damage rather than a way to short-circuit the planning system.²⁴⁴

138. We put these concerns to the Secretary of State. He said:

As conceived, that is not the intention. As interpreted by some, it could be. It could become a licence to pollute ... but it does mean inevitably, if there is development, that there will be in almost every case an—what is the word?—alternative future use of that land that might be even more environmentally enhanced but that does not occur.²⁴⁵

139. *A robust and legally enforceable principle of environmental net gain carries with it potential benefits and could unlock significant private sector investment in green infrastructure. However, there are also potential risks for the environment, particularly biodiversity. Much will depend on the detail of the proposals. We are concerned by the Government's decision to move from "net biodiversity gain" to the broader concept of "net environmental gain". It should set out why this has happened and its timescales for developing and introducing the concept.*

140. *When implementing net gain, the Government needs to put legally enforceable protections in place to ensure that different aspects of the environment are not traded off against each other and that it doesn't become a "pay to pollute" scheme. There should be a clear transfer of existing commitments between the 25 Year Plan and future policy documents such as the National Planning Policy Framework to ensure that the aspirations of the Plan are carried over.*

Natural Capital

The Plan makes frequent references to natural capital thinking as a key underpinning concept, in accordance with the Natural Capital Committee's (NCC) advice. The NCC argued that the natural capital approach could transform the perception of the environment from an obstacle to development into a necessary condition of "sustainable economic growth".²⁴⁶ The intention is to "place science and economic evidence at the forefront of decision-making [to] yield the best return on every pound spent".²⁴⁷ Its third report to Parliament, found that benefit: cost ratios ranged from 3:1 to 9:1 across a range of natural capital investment areas.²⁴⁸ The Plan acknowledges this economic value.²⁴⁹

244 [Q22](#)

245 [Q141](#)

246 Natural Capital Committee, [Annual Report 2018](#), Fifth Report to the Economic Affairs Committee

247 25 Year Plan, p 133

248 Natural Capital Committee, [The state of natural capital: protecting and improving natural capital for prosperity and wellbeing](#), January 2015

249 25 Year Plan, p 141

141. The natural capital approach was welcomed by most stakeholders who commented on it; the RSPB remarked that it has the “potential to increase investment in nature and improve environmental decision making”. However, there were concerns that if implemented poorly it could cause harm.²⁵⁰ Dr Benwell called it a ‘Jekyll and Hyde’ measure, that could be good or bad depending on implementation. Ruth Davis noted that:

We are in a context in which the overall common good, public good, of the environment has not been valued and measured in a way that enables it to be taken into account in decision-making that is broadly dominated by economic analysis, cost benefit or whatever.²⁵¹

142. Whilst much of the evidence supported the approach in principle, with reservations about how it might be applied in practice, there was opposition from some who saw it as incompatible with international law and distorting environmental protection away from areas such as, wildlife, where economic value might be hard to quantify.²⁵² A key point, made by ClientEarth in particular, was that natural capital could only be a part of the picture when considering how to protect the environment, because its conception of the value of nature is narrow.²⁵³ The Secretary of State appeared to accept this when giving evidence to us:

One of the things about metrics, about the natural capital approach and so on, is that they provide very useful tools for holding the Government to account and for valuing nature. Ultimately, the value of nature cannot be captured in numbers. It goes beyond that. There is an intrinsic—depending on your point of view—cultural or spiritual or other value in nature, in wildlife, in its richness and variety. That is where it becomes difficult. Government have to be held to account. You have to have those metrics. You also have to recognise that no basket of metrics and no set of incentives on their own are enough if you do not also have a country and politicians within it who recognise that.²⁵⁴

143. Natural capital thinking could offer a means to promote awareness of the importance of nature to other Government departments, businesses and developers. It could help secure funding for environmental protection and help quantify some of the benefits that we derive from nature. As the Government itself states, returns on these investments are higher than conventional infrastructure. However, the concept also brings with it the danger that the environment becomes a commodity for sale. As with net gain, much will depend on the detail. The Plan’s implementation must recognise that natural capital is not, and cannot be, the sole measure of value or guide to protecting the environment. Legal protections cannot be replaced by an economic valuation. Irreplaceable natural capital, such as ancient woodland, plants and wildlife, which cannot easily be assigned an economic value, must be protected. *The Government should set out detailed plans for implementing its natural capital approach in its response to this report. It should set out its position on introducing a statutory basis for natural capital accounting.*

250 Royal Society for the Protection of Birds (RSPB) ([ENP0049](#))

251 [Q19](#)

252 For example, Nicholas Crampton ([ENP0005](#))

253 ClientEarth ([ENP0085](#))

254 [Q164](#)

Conclusions and recommendations

Ambition and Delivery

1. The 25 Year Plan for the Environment sets out a necessary and welcome cross-government ambition to move from environmental protection to environmental recovery. However, the ambition to “leave the natural environment in a better state than we found it” has been stated Government policy since the 2015 General Election. We are therefore concerned that delivery is, for the most part, still being expressed in terms of further consultations and long-term aspirational targets without supporting delivery plans. For the Government’s ambition to achieve credibility it needs to move rapidly from promises and consultations to specific actions and legislation. (Paragraph 16)
2. *We believe the Government should put the Plan on a statutory basis. This would set a long-term direction across the whole of Government. This report sets out some of the key elements that, in our view, should be included in that legislation.* (Paragraph 17)
3. The Plan must not be an excuse for delaying Government action. Many environmental issues pose immediate threats which require urgent action. For example, the Government has been taken to court three times for breaching air quality limits. More short-term, targeted action is required to tackle air pollution now, and not just within 25 years. (Paragraph 18)

Targets

4. If the Plan is to have any chance of delivering its overarching ambitions, it requires targets against which the Government’s progress can be judged by Parliament and the public. We want to see the Government’s ambitions for environmental recovery set out clearly and explicitly. *Before the draft Environmental Principles and Governance Bill is published, the Government should bring forward specific, measurable and achievable targets across the 25 Year Plan’s aims.* (Paragraph 24)
5. *Long-term aspirational targets are important for setting a direction of travel and driving ambition. The key areas where measurable targets can be set should be made legally binding as part of the Government’s upcoming environmental legislation. These include:*
 - *water (stress and quality)*
 - *marine;*
 - *waste;*
 - *air quality;*
 - *soil health;*
 - *habitats (biodiversity conservation);*
 - *species conservation (insects, birds, mammals)*

- *trees/plants; and*
- *environmental equality (access to environmental justice)*

As the experience of the Climate Change Act and EU law shows, this creates confidence in the direction of travel for the private sector to invest and plan and helps citizens, NGOs and Parliament hold the Government to account. (Paragraph 33)

6. *Long-term targets are necessary but not sufficient in themselves. Without robust short and medium-term planning and governance there will be the temptation for Governments to endlessly “back-load” action onto their successors - even when this results in greater costs in the future. Taking the Climate Change Act as a model, the new oversight body should have a statutory duty to advise on the setting of five-yearly plans to meet the longer-term targets. The Government should be required to legislate for interim targets across the areas of the Plan, in a similar way to the operation of carbon budgets and incorporate this process into its planned five-yearly reviews of the Plan. The departments and public bodies who hold the policy levers to deliver these targets must also be accountable for meeting them. (Paragraph 34)*
7. *Parliament and the public should be able to see at a glance where the Government’s ambitions exceed, meet or fall short of its current commitments. Whilst we welcome the Secretary of State’s commitment to publish an audit of the Plan’s targets against existing commitments, this should have been a feature of the document from the start. It is concerning that some targets appear to have been weakened and had evasive wording inserted. The Plan’s failure to incorporate the Sustainable Development Goals shows there is still a “doughnut-shaped hole”, which our predecessor Committee identified in the Government’s thinking about domestic implementation of the Goals. (Paragraph 42)*
8. *The Government should publish its “audit” of existing national, European Union and international environmental targets before or alongside its response to this report. This should be accompanied by a ministerial statement. All subsequent Government consultations and strategies arising from the Plan, or linked to it, should be explicit about whether their targets derive from international, EU or domestic commitments, or are new. As part of the audit all targets should also be mapped against the Sustainable Development Goals. Any “slips of the pen”, where targets are weaker than those they replace, or where evasive or loose wording has been introduced, should be corrected and intentional changes explained. (Paragraph 43)*
9. *Accountability for the delivery of the Plan is key. The Government must not mark its own homework. We agree with the Secretary of State that there should be regular progress reports to Parliament. We recommend that this is delivered bi-annually as an oral statement by the Secretary of State at set points in the parliamentary year, shortly after the Budget and Spring Statement. This would allow the Secretary of State to set out how the fiscal event is contributing to the achievement of the Plan. This report must be underpinned by a robust and independent assessment of performance produced by the new oversight body and laid before Parliament at the same time as the statement. (Paragraph 47)*

Governance

10. The Secretary of State has acknowledged the importance of European Union institutions' role in enforcing environmental protections. The Government must not allow leaving the EU to weaken environmental protection in the UK. As a minimum, the proposed watchdog must replicate or build on the role the EU institutions play in protecting our environment. The Government's proposals as yet do not do that. The draft bill required by the European Union (Withdrawal) Act must do so. (Paragraph 69)
11. *The Government should create in UK law an independent oversight body—the Environmental Enforcement and Audit Office (EEAO)—reporting to Parliament to ensure, not only that the governance, enforcement, oversight and policy functions currently carried out by the European Commission and European Environment Agency are not lost on leaving the EU, but that these functions are strengthened in order to enable delivery of the Government's stated objective of restoring as well as maintaining the state of the UK's nature and biodiversity. (Paragraph 70)*
12. *A statutory body of parliamentarians, modelled on the Public Accounts Commission, should set the EEAO's budget, scrutinise its performance and oversee the governance of the EEAO. The Chair of the Environmental Audit Committee should be a member of this body and their endorsement should be required for the appointment or dismissal of the EEAO's Chair following the procedure for that of the Comptroller and Auditor General. If the oversight body is established on a UK-wide basis then the devolved legislatures may also wish to establish their own governance arrangements. (Paragraph 71)*
13. *The EEAO's remit should include advising on and monitoring how public authorities are complying with their duties, providing strategic oversight and reporting bi-annually to Parliament on progress against the Government's environmental targets, including scrutiny of the 25 Year Plan progress reports. It should have the power to initiate its own investigations and report directly to Parliament. (Paragraph 72)*
14. *The Government should ensure that the draft Environmental Principles and Governance Bill includes effective and proactive enforcement powers, with the power to fine government departments and agencies that fail to comply. The EEAO should be a body with an enforcement function within, or alongside its scrutiny function. The enforcement function should investigate compliance with environmental law, including complaints brought by the public, which the courts can then adjudicate. Any resulting fines from sanctions should be ring-fenced and used for an environmental fund for remediation works overseen by the EEAO. (Paragraph 73)*
15. The governance consultation explicitly removes climate change from the oversight body's remit, creating an artificial divide. *We recommend that the Committee on Climate Change and its Adaptation Sub-Committee maintains the lead role for climate change. The EEAO should be able to conduct its own investigations on climate change and should have a role for enforcement where legal duties are breached. We anticipate that the two bodies would work closely together and their work would be mutually reinforcing. (Paragraph 74)*

16. We have heard compelling arguments that a UK-wide oversight body would be more resilient, more independent and provide the best level of environmental protection. This could be achieved by the oversight body being co-designed and co-owned to create a 'four nation' remit. However, the process of agreeing such an institution needs to be a conversation between Governments and legislatures, not an imposition from Westminster. The draft Bill must be published by December this year, so the conversation should already be under way. We are concerned that there is little evidence of progress so far. (Paragraph 81)
17. Common frameworks must be established as soon as possible to ensure that the environment is not simply reliant on the good will of this or any future Government. *We recommend that the Government engages with the devolved administrations to set out goals for common frameworks which incorporate the environmental principles and transboundary environmental standards.* (Paragraph 87)
18. The Government has said it will not legislate until after the end of the Article 50 process. If there is no deal and no transitional period with the European Union then the United Kingdom will leave with no mechanism for enforcing environmental rights, targets and protections. This is an unthinkable prospect, and the Government must do everything to avoid it. *We expect the Government to set out, in its response to this report, measures to meet its commitments on environment governance in the event of leaving the European Union without a deal.* (Paragraph 91)
19. For the 25 Year Plan to be a truly-cross Government document it needs robust mechanisms to embed its ambitions across Whitehall. Legislative targets and oversight are crucial to this. Government publications since the Plan suggest departmental buy-in outside DEFRA is patchy at best. Yet we have heard in many of our inquiries how greater consideration of sustainability and the environment can help departments achieve their goals. For example, we have heard frequently from businesses that well-designed, credible, long-term regulation to protect the environment and mitigate climate change promotes investment and innovation. By embracing this agenda, the UK can be a world leader. By rejecting it we will fall behind. This is a reality that many in Whitehall appear not to have understood. (Paragraph 98)
20. *The Government's proposals for oversight and accountability of the Plan need to ensure all Government departments - not just DEFRA - are held to account. The Government should set out in its response to this report how the commitments in the Plan will be factored into the strategic decision-making of non-DEFRA departments - particularly the Treasury, Department for Business, Energy and Industrial Strategy, Ministry of Communities, Housing and Local Government, Department for Transport and Cabinet Office. Duties to meet targets and apply principles should apply to the departments and public bodies which deliver change. The Government should launch a series of high-profile cross-Whitehall initiatives to raise awareness of environmental protection. For example, a 'Green Growth challenge' could be introduced where every policy in each Department is tested for its net nature benefits.* (Paragraph 99)
21. *Our predecessor's report on Sustainability in the Treasury made recommendations on how it could help Whitehall take decisions more sustainably. The Government's response failed to engage with its recommendations and the Treasury ignored the*

Committee's subsequent report asking them to look again. The Treasury should revisit its response to the report in the light of the commitments it has collectively signed up to in the 25 Year Plan. (Paragraph 100)

Principles

22. The Government is now obliged to include key environmental principles in draft legislation. However, the wording in the governance consultation and the EU Withdrawal Act, that Government should 'have regard to' the principles and that their application is limited to central Government, rather than including all public bodies is too weak. It is likely that the principles will be contested once the accompanying policy statement is produced and scrutiny of this will be key to successfully establishing the principles in law and policy making. (Paragraph 109)
23. *The Government should put into law the environmental principles that the UK has signed up to in international law and those which are embodied in the EU Treaties. The Government should include a principle in UK law that policy and all public bodies will seek to ensure a high level of environmental protection and a presumption that environmental protection will not be reduced. The Environmental Principles and Governance Bill must include provisions for "all public bodies to act in accordance with the principles" and should consider micro-duties aimed at specific public bodies that reflect their individual remits. (Paragraph 110)*
24. *What the principles will mean will largely be determined by the Government's statutory statement of policy. In some areas their interpretation may be fiercely contested. We are not convinced that principles need regular updating, but the interpretative statement needs robust scrutiny and - if the Government's pledge that protections will not be lost as result of leaving the EU is to be kept - a clear baseline set in primary legislation. The Government must consult widely on the interpretive policy statement. The original policy statement should be included as a schedule to the Bill itself - allowing it to be scrutinised fully by Parliament. Substantive amendments to the statement should only be made following a debate on the floor of the House. (Paragraph 111)*

Funding

25. In principle the redirection of Common Agricultural Policy money towards environmental protection is welcome. However, the details of the scheme are still to be decided. It is unclear how the scheme will be administered and it may not be introduced until 2024. Nor will this step alone be enough to deliver the Government's ambitions. The near-term priority must be to ensure that funding for public goods and environmental protection - already inadequate - is not reduced further as result of leaving the European Union. (Paragraph 122)
26. *The Government should, in its response to this report, guarantee to at least match existing EU funding for the environment in real terms for five years after the transition period ends, or in the event of no deal. (Paragraph 123)*
27. *The debate over environmental funding has been dominated by CAP and rural payments. Urban environments are equally important and do not receive the same attention in the Plan. As we have heard during inquiries ranging from soil health*

to heatwaves, “green infrastructure” and environmental protection in urban areas has significant public health and social benefits, as well as their own intrinsic value. The Government should set out in its response to this Report how it intends to take forward more effective funding of urban environmental enhancement and what steps Whitehall departments are taking to consider how green infrastructure can achieve their departmental goals. (Paragraph 126)

28. *A robust and legally enforceable principle of environmental net gain carries with it potential benefits and could unlock significant private sector investment in green infrastructure. However, there are also potential risks for the environment, particularly biodiversity. Much will depend on the detail of the proposals. We are concerned by the Government’s decision to move from “net biodiversity gain” to the broader concept of “net environmental gain”. It should set out why this has happened and its timescales for developing and introducing the concept. (Paragraph 139)*
29. *When implementing net gain, the Government needs to put legally enforceable protections in place to ensure that different aspects of the environment are not traded off against each other and that it doesn’t become a “pay to pollute” scheme. There should be a clear transfer of existing commitments between the 25 Year Plan and future policy documents such as the National Planning Policy Framework to ensure that the aspirations of the Plan are carried over. (Paragraph 140)*
30. *Natural capital thinking could offer a means to promote awareness of the importance of nature to other Government departments, businesses and developers. It could help secure funding for environmental protection and help quantify some of the benefits that we derive from nature. As the Government itself states, returns on these investments are higher than conventional infrastructure. However, the concept also brings with it the danger that the environment becomes a commodity for sale. As with net gain, much will depend on the detail. The Plan’s implementation must recognise that natural capital is not, and cannot be, the sole measure of value or guide to protecting the environment. Legal protections cannot be replaced by an economic valuation. Irreplaceable natural capital, such as ancient woodland, plants and wildlife, which cannot easily be assigned an economic value, must be protected. The Government should set out detailed plans for implementing its natural capital approach in its response to this report. It should set out its position on introducing a statutory basis for natural capital accounting. (Paragraph 143)*

Formal minutes

Wednesday 18 July 2018

Members present.

Mary Creagh, in the Chair:

Geraint Davies Kerry McCarthy
Mr Phillip Dunne Anna McMorrin
James Gray John McNally
Caroline Lucas

Draft Report (*The Government's 25 Year Plan for the Environment*), proposed by the Chair, brought up and read.

Paragraphs 1 to 143 read and agreed to.

Summary read.

Amendment proposed, at the end of the summary insert:

“We believe that leaving the European Union poses a potential threat to delivering the goals set out in the Government's 25 Year Plan for the Environment; in terms of the risk of reduced standards, lower enforcement powers, the threats to common frameworks and regulatory oversight.”—(Geraint Davies)

Question put, That the Amendment be made

The Committee divided.

Ayes, 4	Noes, 2
Geraint Davies	Mr Phillip Dunne
Caroline Lucas	James Gray
Kerry McCarthy	
John McNally	

Question accordingly agreed to.

Summary, as amended, agreed to.

Resolved, That the Report be the Eighth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[The Committee adjourned]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the 25-Year Environment Plan [inquiry publications page](#) of the Committee's website.

Tuesday 20 March 2018

Question number

Dr Simon Pryor, Natural Environment Director, The National Trust, **Dr Richard Benwell**, Wildlife and Countryside Link, **Georgia Stokes**, Chair, The Birmingham and the Black Country Local Nature Partnership, and **Ruth Davis MBE**, Deputy Director, RSPB

[Q1-23](#)

Dr Haydn Davies, UK Environmental Law Association, **Professor Andrew Jordan**, Tyndall Centre for Climate Change Research, School of Environmental Sciences, University of East Anglia, **Dr Stephanie Wray**, the Chartered Institute of Ecology and Environmental Management, and **Susan Shaw**, Living Law

[Q24-56](#)

Wednesday 18 April 2018

Rt Hon Michael Gove MP, Secretary of State for Environment, Food and Rural Affairs

[Q57-204](#)

The following witnesses gave evidence. Transcripts can be viewed on the Environmental Governance Consultation Paper [inquiry publications page](#) of the Committee's website.

Tuesday 12 June 2018

Ruth Davis MBE, Deputy Director of Global Programmes, Royal Society for the Protection of Birds; **Nick Molho**, Executive Director, Aldersgate Group; **Ruth Chambers**, Senior Parliamentary Affairs Associate, Greener UK; **Matthew Farrow**, Executive Director, Environmental Industries Commission; and **Martin Nesbit**, Senior Fellow and Head of Climate and Environmental Governance Programme, Institute for European Environmental Policy

[Q1-24](#)

Professor Maria Lee, Professor of Law and Co-director of UCL Centre for Law and the Environment; **Professor Susan Owens OBE**, Emeritus Professor of Environment and Policy, University of Cambridge; **Professor Charlotte Burns**, Professional Fellow, University of Sheffield; and **Jill Rutter**, Programme Director, Institute for Government

[Q25-48](#)

Tuesday 19 June 2018

Rt Hon Lord Deben, Chair, Committee on Climate Change, **Baroness Brown of Cambridge DBE**, Chair, Committee on Climate Change Adaptation Sub-Committee, and **Sir Amyas Morse**, Comptroller and Auditor General of the National Audit Office

[Q49-95](#)

Wednesday 11 July 2018

Rt Hon Michael Gove MP, Secretary of State for the Environment, Food and Rural Affairs

[Q96-206](#)

Published written evidence

The following written evidence was received for the 25-Year Environment Plan inquiry and can be viewed on the [inquiry publications page](#) of the Committee's website.

ENP numbers are generated by the evidence processing system and so may not be complete.

- 1 AECB ([ENP0062](#))
- 2 Agricultural Industries Confederation ([ENP0046](#))
- 3 Agriculture and Horticulture Development Board (AHDB) ([ENP0090](#))
- 4 Aldersgate Group ([ENP0072](#))
- 5 Anaerobic Digestion and Bioresources Association ([ENP0037](#))
- 6 Anglian Water Services ([ENP0038](#))
- 7 Association of Local Government Ecologists ([ENP0084](#))
- 8 Association of British Insurers ([ENP0112](#))
- 9 Association of Convenience Stores ([ENP0039](#))
- 10 Association of Local Environmental Records Centres ([ENP0083](#))
- 11 Balfour Beatty ([ENP0004](#))
- 12 Biffa ([ENP0016](#))
- 13 Bio-Based and Biodegradable Industries Association, BBIA ([ENP0021](#))
- 14 Birmingham and the Black Country Local Nature Partnership ([ENP0050](#))
- 15 Birmingham City Council ([ENP0098](#))
- 16 Brexit&Environment ([ENP0063](#))
- 17 British Association for Shooting and Conservation ([ENP0065](#))
- 18 British Ecological Society ([ENP0102](#))
- 19 British Horse Society ([ENP0111](#))
- 20 British Metals Recycling Association ([ENP0089](#))
- 21 British Property Federation ([ENP0019](#))
- 22 British Soft Drinks Association ([ENP0047](#))
- 23 British Standards Institution ([ENP0070](#))
- 24 Campaign to Protect Rural England ([ENP0048](#))
- 25 Chartered Institute for Archaeologists ([ENP0036](#))
- 26 Chartered Institute of Building ([ENP0080](#))
- 27 Chartered Institute of Ecology and Environmental Management ([ENP0060](#))
- 28 Chartered Institute of Ecology and Environmental Management ([ENP0108](#))
- 29 Chartered Institution of Wastes Management ([ENP0109](#))
- 30 Chemical Industries Association ([ENP0024](#))
- 31 City of London Corporation ([ENP0104](#))
- 32 ClientEarth ([ENP0085](#))
- 33 Cllr Keith Martin ([ENP0045](#))

- 34 Coca-Cola European Partners & Coca-Cola Great Britain ([ENP0054](#))
- 35 Committee on Climate Change, Adaptation Sub-Committee ([ENP0058](#))
- 36 Confederation of Paper Industries ([ENP0010](#))
- 37 Confor - promoting forests and wood ([ENP0002](#))
- 38 Co-ordinating Group of the Debating Nature's Value network ([ENP0013](#))
- 39 Country Land & Business Association (CLA) ([ENP0008](#))
- 40 Countryside Alliance ([ENP0093](#))
- 41 Crop Protection Association ([ENP0027](#))
- 42 Dr Colm Bowe ([ENP0074](#))
- 43 Dr Dannielle Green ([ENP0101](#))
- 44 Dr Iain Richards ([ENP0034](#))
- 45 Dr Sarah Dalrymple ([ENP0088](#))
- 46 Dr Tom Oliver ([ENP0009](#))
- 47 Energy UK ([ENP0066](#))
- 48 English Geodiversity Forum ([ENP0042](#))
- 49 Environment and Threats Strategic Research Group, Bournemouth University ([ENP0082](#))
- 50 Environmental Association for Universities and Colleges ([ENP0052](#))
- 51 Environmental Industries Commission ([ENP0091](#))
- 52 Environmental Services Association ([ENP0076](#))
- 53 Fauna & Flora International ([ENP0064](#))
- 54 FCC Environment ([ENP0022](#))
- 55 Friends of the Earth England Wales and Northern Ireland ([ENP0068](#))
- 56 Game & Wildlife Conservation Trust ([ENP0055](#))
- 57 GeoConservationUK ([ENP0043](#))
- 58 Global Action Plan ([ENP0001](#))
- 59 Greener Birmingham ([ENP0040](#))
- 60 Honor Frost Foundation Steering Committee on Underwater Cultural Heritage ([ENP0035](#))
- 61 Institute of Fisheries Management ([ENP0106](#))
- 62 Institution of Environmental Sciences ([ENP0100](#))
- 63 Joint Nautical Archaeology Policy Committee ([ENP0028](#))
- 64 Living Law ([ENP0079](#))
- 65 Local Government Association ([ENP0069](#))
- 66 Manchester: A Certain Future CO2 Monitoring Group ([ENP0061](#))
- 67 Mr Daniel Scharf ([ENP0003](#))
- 68 Mr Robert Bensted-Smith ([ENP0078](#))
- 69 Mr Stephen Peel ([ENP0030](#))
- 70 National Farmers' Union ([ENP0096](#))

- 71 National Forest Company ([ENP0032](#))
- 72 National Forest Gardening Scheme ([ENP0012](#))
- 73 National Parks England ([ENP0056](#))
- 74 National Trust ([ENP0059](#))
- 75 Natural England ([ENP0094](#))
- 76 Natural Environment Research Council ([ENP0103](#))
- 77 NFU Scotland ([ENP0105](#))
- 78 Nicholas Crampton ([ENP0005](#))
- 79 Novamont ([ENP0075](#))
- 80 Oxford Bioregion Forum ([ENP0018](#))
- 81 Pesticide Action Network UK (PAN UK) ([ENP0081](#))
- 82 Professor Eloise Scotford ([ENP0071](#))
- 83 Renewable Energy Association ([ENP0092](#))
- 84 Royal Society for the Protection of Birds (RSPB) ([ENP0049](#))
- 85 Royal Society of Biology ([ENP0011](#))
- 86 Save Penwith Moors ([ENP0007](#))
- 87 Severn Gorge Countryside Trust ([ENP0014](#))
- 88 Soil Association ([ENP0025](#))
- 89 Soil Research Centre University of Reading ([ENP0086](#))
- 90 Sport and Recreation Alliance ([ENP0110](#))
- 91 SUEZ recycling & recovery UK Ltd ([ENP0020](#))
- 92 Sussex Sustainability Research Programme, University of Sussex ([ENP0026](#))
- 93 Sustainable Soils Alliance ([ENP0044](#))
- 94 The Heritage Alliance ([ENP0073](#))
- 95 The Ramblers ([ENP0041](#))
- 96 The Wildlife Trusts ([ENP0077](#))
- 97 The Woodland Trust ([ENP0023](#))
- 98 Trees and Design Action Group (TDAG) ([ENP0015](#))
- 99 UK Overseas Territories Conservation Forum ([ENP0095](#))
- 100 United Kingdom Law Association ([ENP0029](#))
- 101 University of Lincoln Centre for Environmental Law and Justice ([ENP0006](#))
- 102 Water for London ([ENP0031](#))
- 103 Waterwise ([ENP0057](#))
- 104 Wildlife and Countryside Link ([ENP0087](#))
- 105 Wildlife Trust for Birmingham and the Black Country ([ENP0107](#))
- 106 WSP ([ENP0051](#))
- 107 WWF ([ENP0053](#))
- 108 WWT (The Wildfowl & Wetlands Trust) ([ENP0067](#))

The following written evidence was received for the Environmental Governance Consultation Paper inquiry and can be viewed on the [inquiry publications page](#) of the Committee's website.

EGI numbers are generated by the evidence processing system and so may not be complete.

- 1 Aldersgate Group ([EGI0014](#))
- 2 Anglian Water Services ([EGI0011](#))
- 3 Brexit and Environment ([EGI0006](#))
- 4 British Standards Institution (BSI) ([EGI0009](#))
- 5 Chartered Institute of Ecology and Environmental Management ([EGI0019](#))
- 6 Chartered Institution of Wastes Management ([EGI0026](#))
- 7 Chartered Institution of Water and Environmental Management ([EGI0008](#))
- 8 ClientEarth ([EGI0013](#))
- 9 Committee on Climate Change ([EGI0020](#))
- 10 Country Land & Business Association (CLA) ([EGI0021](#))
- 11 Energy UK ([EGI0015](#))
- 12 Environmental Industries Commission ([EGI0033](#))
- 13 Environmental Policy Forum ([EGI0031](#))
- 14 Greener UK ([EGI0028](#))
- 15 IEMA - Institute of Environmental Management and Assessment ([EGI0016](#))
- 16 John Bates ([EGI0002](#))
- 17 JP Brooke ([EGI0032](#))
- 18 Kevin Hyland OBE, Independent Anti-Slavery Commissioner ([EGI0038](#))
- 19 Law Society of Scotland ([EGI0022](#))
- 20 Marine Conservation Society ([EGI0025](#))
- 21 Mineral Products Association ([EGI0023](#))
- 22 Minister for Environment, Welsh Government ([EGI0036](#))
- 23 Mr Stephen Peel ([EGI0003](#))
- 24 Mr William Summers ([EGI0034](#))
- 25 Nature Matters NI ([EGI0030](#))
- 26 Permanent Secretary, Department of Agriculture, Environment and Rural Affairs ([EGI0035](#))
- 27 Professor Colin Reid ([EGI0007](#))
- 28 Professor Maria Lee ([EGI0010](#))
- 29 Rob Behrens CBE, Parliamentary and Health Service Ombudsman, and Michael King, Local Government and Social Care Ombudsman ([EGI0039](#))
- 30 Roseanna Cunningham MSP, Scottish Government ([EGI0037](#))
- 31 Royal Society of Chemistry ([EGI0004](#))
- 32 RSPB ([EGI0029](#))
- 33 Stephen Bolter ([EGI0017](#))

- 34 UK Environmental Law Association ([EGI0005](#))
- 35 Wildfowl & Wetlands Trust ([EGI0027](#))
- 36 Wildlife and Countryside Link ([EGI0024](#))
- 37 Woodland Trust ([EGI0012](#))
- 38 WWF ([EGI0018](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2017–19

First Report	Plastic bottles: Turning Back the Plastic Tide	HC 339
Second Report	Disposable Packaging: Coffee Cups	HC 657
Third Report	The Ministry of Justice: Environmental Sustainability	HC 545
Fourth Report	Improving air quality	HC 433
Fifth Report	UK Progress on Reducing F-gas Emissions	HC 469
Sixth Report	Green finance: mobilising investment in clean energy and sustainable development	HC 671
Seventh Report	Greening Finance: embedding sustainability in financial decision making	HC 1063
First Special Report	The Future of Chemicals Regulation after the EU Referendum: Government Response to the Committee's Eleventh Report of Session 2016–17	HC 313
Second Special Report	Marine Protected Areas Revisited: Government Response to the Committee's Tenth Report of Session 2016–17	HC 314
Third Special Report	Sustainable Development Goals in the UK: Government Response to the Committee's Ninth Report of Session 2016–17	HC 616
Fourth Special Report	Plastic bottles: Turning Back the Plastic Tide: Government Response to the Committee's First Report	HC 841
Fifth Special Report	Disposable Packaging: Coffee Cups: Government's Response to the Committee's Second Report	HC 867
Sixth Special Report	The Ministry of Justice: Environmental Sustainability: Government's Response to the Committee's Third Report	HC 982
Seventh Special Report	Improving air quality: Government Response to the Committee's Fourth Report	HC 1149
Eighth Special Report	UK Progress on reducing F-gas Emissions: Government's Response to the Committee's Fifth Report	HC 1406