

## House of Commons Environmental Audit Committee 25-Year Environment Plan inquiry

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### **Written evidence submitted by the Institution of Environmental Sciences (IES)**

The House of Commons Environment Audit Committee (EAC) is currently undertaking an [inquiry](#) into the Government's [25-Year Environment Plan](#), to which the IES has submitted written evidence.

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### **Summary**

- The IES welcomes the publication of the 25-Year Environment Plan as a plan for the whole Government. Its admirable principles must now be embedded across government as attention turns to implementation.
  - Smart, evidence-based targets will be essential to realising the Plan's ambition but are currently sparse. These should be developed as soon as possible and should be subject to scientific scrutiny over time through monitoring, evaluation and adaptive learning.
  - The overall objectives of the Plan are welcome, but there is not yet sufficient detail on delivery mechanisms, and there are notable gaps in the Plan, including on skills, air quality, and governance.
  - The Plan currently lacks legislative underpinning. In the context of the UK leaving the EU, establishing a statutory framework through which governments can be held accountable on environmental matters is important, and should be in place before exit day. An independent, sufficiently resourced body with access to the appropriate expertise and enforcement mechanisms is required.
  - Environmental principles which currently apply in the UK through the EU treaties should be fully transposed in the EU (Withdrawal) Bill.
  - The Government's proposals on environmental net gain are welcome in principle, but the detail of this policy is very important; a one-size-fits-all approach would be inappropriate and damaging. Judgements about any proposed trade-offs and substitutions must be made in the context of public engagement and consultation, as well as thorough scientific understanding of consequences, particularly where these may be irreversible.
  - As the Plan rightly recognises, we cannot plan with precision or confidence 25 years into the future. Support for basic and applied environmental science research is essential to support adaptive management and learning.
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### **1. Background**

- 1.1. The Institution of Environmental Sciences (IES) is a membership organisation that represents over 3,000 professionals from fields as diverse as air quality, land contamination and education - wherever you find environmental work underpinned by science. A visionary

organisation leading debate, dissemination and promotion of environmental science and sustainability, the IES promotes an evidence-based approach to decision and policy making.

## 2. Ambition and Reporting

*To what extent does the Plan set a sufficiently ambitious agenda across Government? How far do the objectives, targets and indicators set out in the plan reflect a higher level of ambition than existing targets (including European Union targets and the Sustainable Development Goals) and current performance? Are there any major gaps?*

- 2.1. The IES welcomes the publication of the Government's 25-Year Plan for the environment. Underpinned by the reiteration of the Government's pledge to leave the environment in a better state than they found it, it represents a positive and ambitious vision, although further commitments are needed regarding accountability mechanisms, and greater detail is still required in many areas. We also welcome the publication of the document as a plan for HM Government as a whole, rather than solely Defra. For a long-term environment plan to be successful, its principles and conceptual basis must be embedded in all areas of government policy-making and delivery and it must have the support of leaders across the Government and the wider public sector.
- 2.2. Appropriate mechanisms must now be put in place to ensure cross-government communication and collaboration to deliver on the ambitions of this plan is prioritised: a concise and task-focused implementation plan will be required to guide this work. As the plan rightly recognises, we cannot plan with precision or confidence 25 years into the future. As such, government must move forward on this agenda in an adaptive way, informed by a road-map which is itself derived from a clear view of the conditions which must be attained at different points along the journey. This road-map must be subject to regular reviews and readjustments as circumstances change and new opportunities and risks emerge.
- 2.3. The objectives of this plan, particularly when considered alongside the Government's Clean Growth Strategy, are generally positive. However, specific targets and indicators are sparse, and should be developed as soon as possible, in discussion with stakeholders, to realise the plan's ambition. For instance, the goal of 'zero avoidable plastic waste by 2042' is a welcome signal of intent to deal with problematic consumption, but decisions must be taken in the light of a systems-based understanding of materials, consumption habits and waste flows, and with well-informed consensus around terms such as 'avoidable'. As above, any targets and indicators developed in the near term must themselves be able to evolve as new scientific evidence comes to light, but this must not be allowed to provide an excuse for failure to meet interim targets. From a scientific perspective, we feel that interim targets

- should be developed from evidence-based hypotheses and should be subject to scientific scrutiny through monitoring, evaluation and adaptive learning.
- 2.4. At present, the actual objectives set out in this plan, in most areas, do not go further than existing international commitments. Given the UK's imminent exit from the European Union (EU), developing strong targets for environmental protection and improvement and embedding them in UK law is particularly significant. The EU has arguably the strongest environment laws in the world, backed up by robust targets and reporting regimes. The UK Government must now use the 25-year environment plan as a framework for the development of ambitious domestic targets and robust governance mechanisms if the document's ambition is to be realised for the benefit of people and the environment.
- 2.5. The UN's Sustainable Development Goals (SDGs) represent an extremely ambitious universal mission, accompanied by a range of specific targets and indicators. The Goals are designed to tackle holistically a range of interconnected challenges, and although some links between this plan and the SDGs are identified, greater alignment with relevant Goals and their associated targets would be welcome.
- 2.6. The SDGs are accompanied by a suite of global targets and indicators, and domestically much work is being undertaken by the Office of National Statistics (ONS) and others to develop specific indicators to track progress in the UK. Where targets are related these should – as far as practicable – be used as a framework within which to align the metrics being developed to track progress under the 25-Year Plan. Such alignment should be used to drive greater cross-government and ministerial engagement with the SDGs and their importance for the UK domestically, as well as internationally.
- 2.7. Gaps in the plan:**
- 2.7.1. The plan makes little reference to the environmental and scientific skills which will be required to realise this agenda. Education and training, both to develop 'green skills' (and 'green business skills') and to embed these values across our society, will be essential if we are to make the transition to a sustainable society and tackle the major environmental challenges we face domestically and internationally. A skills review conducted by the Natural Environment Research Council in 2012 highlighted a range of specialist and transferrable skills which are urgently needed to ensure future environmental management and protection, and to build a strong and sustainable economy<sup>1</sup>. These skills needs are highly relevant to the ambitions of this plan and remain significant.

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<sup>1</sup> NERC (2012) Most Wanted II: Postgraduate and professional skills needs in the environmental sector. *LWEC Report 2012*. <http://www.nerc.ac.uk/skills/postgrad/policy/skillsreview/2012/most-wanted2-report/>

- 2.7.2. The recognition in the Plan that the environment underpins our wellbeing and prosperity is much welcomed, as the interactions between society and the environment are profound and pervasive. However, the plan says little about how the environment and natural capital assets should be governed, especially at local level. It is worth recognising that the United Nations Environment Programme (UNEP) identified “aligning governance to the challenges of global sustainability” as the top-ranked issue in its 21 issues for the 21<sup>st</sup> Century report<sup>2</sup>. Furthermore, the urban agenda is also relatively poorly represented, with much of the focus in the Plan on the countryside. If government is serious about ensuring that the natural environment can deliver benefits to people, this must be addressed. The Government should make clear its environmental agenda for urban areas, again working across departments and agencies at national and local levels; this is not - and should not be seen as – a responsibility solely of either Defra or MHCLG.
- 2.7.3. Although the Plan commits to the publication of a Clean Air Strategy in 2018, this is a legal requirement of the amended 2016 National Emissions Ceilings Directive, and other actions highlighted are not new. Given the urgency of this issue, and that this Plan represents the Government’s long-term vision for the environment, this is disappointing. More detail on what will be done to tackle the air pollution problem, including for instance on ammonia emissions from agriculture, should be forthcoming as soon as possible.

*What would success or failure look like for the Plan? To what extent will the Government’s proposals for reporting on the Plan allow for proper scrutiny of its performance against its objectives? Are the commitments to legislative action in the Plan sufficient to ensure it will endure beyond the current Parliament?*

- 2.8. Currently this plan is lacking in legislative underpinning. Both to ensure the Government can be held accountable for action to deliver on the plan’s goals, and to ensure that this is truly a long-term plan, and not just one for this parliament, the Government should act to enshrine the goals of this plan into law as soon as possible. In the context of Brexit, and the associated removal of reporting obligations to the European Commission, establishing a legally binding framework through which this and future governments can be held accountable on environmental targets and progress is particularly important and should be made a priority before exit day.
- 2.9. Environmental systems and processes are complex, and environmental challenges are often significant over long time scales, whilst also being dynamic and variable in time and space. As such, short-term political decision-making cycles are not necessarily well suited to environmental management. The evidence report published by Defra to accompany the 25-Year Plan demonstrates an excellent attempt to understand the complexity of socio-

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<sup>2</sup> [www.grid.unep.ch/products/3\\_Reports/Foresight\\_Report-21\\_Issues\\_for\\_the\\_21st\\_Century.pdf](http://www.grid.unep.ch/products/3_Reports/Foresight_Report-21_Issues_for_the_21st_Century.pdf)

environmental systems. This serves to emphasise the importance of truly making this a long-term plan which focuses on outcomes, and which will be delivered on beyond this parliament. Ideally, cross-party support should be secured, but the surest way to ensure long-term progress towards this vision would be to enshrine its goals in legislation. This approach would also be welcomed by business: the business community needs certainty and a stable policy environment to invest in the green economy, and there is evidence to demonstrate that smart environmental regulations drive innovation in clean technologies<sup>3</sup>.

2.10. The commitment outlined in the Plan to report annually on progress to Parliament is positive. Strong, evidence-based metrics will make this reporting meaningful – without them, the process will not be truly transparent. But metrics do not stand in isolation; they should sit within an explicit ‘knowledge system’<sup>4</sup>, incorporating the collection of appropriate data through monitoring, and its useful interpretation through assessment and analysis. As such, the Government should make clear how it will invest in such systems to underpin accountability. Fundamental to this process, is the need for basic and applied research to help identify key issues, define appropriate metrics and undertake the required monitoring, analysis and assessment, and we welcome the Government’s commitment in the Plan to maintain the UK’s position as a world-leader in environmental science.

2.11. There are also commitments to reflect on and revisit the plan based on future learning. Although certainty and stability are important, this is welcome: the vision outlined in this plan is a good start, but it must evolve with our understandings of the socio-environmental systems concerned. The drivers and pressures acting on these systems will also change over time based on the effectiveness of our responses to them<sup>5</sup>. Reacting to such changes again requires investment in underpinning research and monitoring.

### 3. Implementation

*The Plan sets out a natural capital-led approach and a principle of “environmental net gain” when undertaking development. What are the risks and benefits of adopting these approaches? What steps need to be taken during development and implementation to ensure they lead to positive environmental outcomes, especially in respect of biodiversity?*

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<sup>3</sup> Dechezleprêtre, A. and Sato, M. (2014) The impacts of environmental regulations on competitiveness. Policy brief, November 2014. Grantham Research Institute on Climate Change and the Environment and Global Green Growth Institute, p3

<sup>4</sup> For instance, the MDIAK (Monitoring – Data – Indicators – Assessments – Knowledge) reporting chain, as used by the European Environment Agency (EEA). EEA (2011) Europe’s Environment: An assessment of assessments. <https://www.eea.europa.eu/publications/europes-environment-aoa> See Box 1.3

<sup>5</sup> As captured by the DPSIR framework adopted by the European Environment Agency. <https://www.eea.europa.eu/publications/92-9167-059-6-sum/page002.html>

- 3.1. The government is yet to consult on its proposal for an “environmental net gain” requirement in all new developments. In principle we welcome this announcement, but the detail of this policy will be extremely important. The Government will need to provide more detail on its intentions: ‘net gain’ can imply ‘offsetting’ which is a complex and contested issue. Long term aspirations to expand thinking from a narrow focus on the conservation of biodiversity to broader natural capital benefits are positive, but a one-size-fits-all approach would be inappropriate. The planning system must be sensitive to local context, and decision-making must be based on robust scientific evidence and monitoring.
- 3.2. It is also critical to ensure that net gain takes account of social issues; there are questions around fairness where the net gain occurs far from the location of the original loss. For example, replacing 10 ha of woodland with 100 ha 100 km away is not fair to those communities who valued the original 10 ha greatly as a local amenity. This reinforces the earlier point about the need to take a holistic approach to the management of socio-environmental systems, with governance at its heart. Judgements about any proposed trade-offs and substitutions must be made in the context of public engagement and consultation, as well as thorough scientific understanding of consequences, particularly where these may be irreversible.

*To what extent does the Plan set out effective delivery mechanisms to ensure DEFRA, other Government departments and public bodies have the resources and responsibilities to implement it? Where should the Government seek agreement with the Devolved Institutions to ensure a common approach across the UK?*

- 3.3. As well as statutory underpinning, to be effective, it is vital this plan is accompanied by sufficient resources for delivery of its goals, and to fund any new activities which will be required for its successful implementation, such as the new statutory environmental body. In the case of the statutory body, to fulfil its purpose, its funding should be independent of government, as drawn from the UK Parliament and the devolved Assemblies.
- 3.4. Environmental processes do not respect political boundaries. As such, and in order to protect the functioning of the UK single market, we recognise the need to maintain common frameworks across the four nations of the UK in some policy areas including agriculture and environment. However, the devolved nations have been instrumental in driving higher standards, for instance the innovative approach taken by Wales in the Well-being of Future Generations Act. The IES has joined with other professional bodies under the banner of the Environmental Policy Forum in calling on the Government to ensure that the European Union (Withdrawal) Bill will not limit the ability of the devolved nations to improve

- environmental standards over and above any agreed minimum standard<sup>6</sup> and the same applies to the 25-Year Plan and any subsequent associated legislation. As stated in the EPF's statement, "The development of common frameworks, that agree outcomes but not prescriptions, must be a collaborative process and agreed through consensus with the [devolved] Assemblies/Parliaments". This must be a process initiated in a collaborative spirit to enable joint ownership and the co-creation of mutually acceptable solutions.
- 3.5. Echoing our calls through the EPF, we recommend that the Government should be working with the devolved administrations to ensure that common frameworks can be established that set minimum environmental standards across the UK at or above the level of current EU standards, while allowing for each country to set higher standards should they wish to do so.
- 3.6. Overall, without a clear and explicit, but adaptable plan for implementation, the answer to the committee's question as posed is that there not yet sufficient clarity on effective delivery mechanisms. For example, how new environmental land management schemes, or a Nature Recovery Network will function is yet to be determined.

#### **4. Principles and Oversight**

*The Government has proposed an independent statutory body to "champion and uphold environmental standards as we leave the European Union". What role, legal basis and powers will it need to ensure the Government fulfils its environmental obligations and responsibilities? How do these compare to the role of the European Institutions in the existing arrangements? What standard would it have to meet to be "world leading"?*

- 4.1. The Government's commitment to consult on a new statutory body in the 25-Year Plan is welcome, as it represents a recognition of the 'governance gap' that will be caused by the UK's exit from the EU. These early statements align with previous calls from the IES and others for a new independent body for environmental governance and enforcement<sup>7</sup>. However, this consultation has not yet been launched, and it is essential that this body and a full suite of enabling legislative instruments are in operational before exit day; this must be addressed with urgency.
- 4.2. To address the 'governance gap' and to be a world leading environmental watchdog, this body must be created through primary legislation, co-designed by and reporting to each of the four Assemblies/Parliaments of the UK. It must be a fully independent, well resourced and expert body, able to take on the reporting and investigatory role currently performed by

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<sup>6</sup> [https://www.the-ies.org/sites/default/files/policy/epf\\_eu-withdrawal-bill\\_briefing-to-peers.pdf](https://www.the-ies.org/sites/default/files/policy/epf_eu-withdrawal-bill_briefing-to-peers.pdf)

<sup>7</sup> [https://www.the-ies.org/sites/default/files/policy/EPF\\_Withdrawal-Bill\\_Nov17.pdf](https://www.the-ies.org/sites/default/files/policy/EPF_Withdrawal-Bill_Nov17.pdf)

- the European Commission. It must also have the power, and appropriate links to the Courts, to be able to hold government to account on its statutory environmental obligations; to truly compare to the role of the European institutions (in this case the Commission and the Court of Justice of the European Union), the new system must have ‘teeth’ to enforce environmental law – for instance, through a compliance regime which has access to sanctions significant enough to incentivise compliance and to suitably penalise non-compliance.
- 4.3. It is important that the body has access to appropriate scientific and legal expertise ‘in-house’, and also has access to independent scientific information and expertise from third parties as required (for example, by commissioning research and analysis), to be able to fulfil these functions and to play any further role in providing guidance or advice to government on targets or policy development.
- 4.4. The Committee on Climate Change (CCC) is a good example of an independent expert organisation providing scrutiny and analysis of this kind. However, the new body should have legal powers not granted to the CCC, to enable it to uphold and enforce the law. Furthermore, to ensure an appropriate level of accountability, the new body should be funded by and directly accountable to Parliament and the devolved Assemblies, similar to organisations such as the National Audit Office.

*The Plan sets out a series of objectives and the Government says it will consult on a policy statement on environmental principles to underpin policy-making after leaving the European Union. What principles should the Government include as part of that consultation? What legislation might be needed?*

- 4.5. The ‘precautionary principle’, the ‘principle that preventative action should be taken’ (or the preventative principle), the ‘principle that environmental damage should as a priority be rectified at source’, and the ‘polluter pays principle’ are fundamental foundations of environmental protection in Europe, as outlined in Article 191 of the Lisbon Treaty<sup>8</sup>. These principles have underpinned the environmental progress made in the UK in recent decades, including in the control of pesticides and chemicals, by providing finance for remediation of pollution and contamination, and as a basis for legal challenge. Moreover, as the EPF point out, “they frame how environmental policy should be developed and are essential guidelines for business and the courts”<sup>9</sup>.

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<sup>8</sup> <http://www.lisbon-treaty.org/wcm/the-lisbon-treaty/treaty-on-the-functioning-of-the-european-union-and-comments/part-3-union-policies-and-internal-actions/title-xx-environment-climate-change/479-article-191.html>

<sup>9</sup> [https://www.the-ies.org/sites/default/files/policy/epf\\_eu-withdrawal-bill\\_briefing-to-peers.pdf](https://www.the-ies.org/sites/default/files/policy/epf_eu-withdrawal-bill_briefing-to-peers.pdf) Section 3

- 4.6. These principles are also components of a number of international environmental treaties to which the UK is a signatory, including the Convention on Biological Diversity, the UN Convention on the Law of the Sea and the UN Framework Convention on Climate Change. Currently, however, the principles are given effect in the UK through our membership of the EU, and their inclusion in the EU treaties. There is currently no general statement of environmental principles in UK law equivalent to these treaties.
- 4.7. The Government has committed to consult on the possibility of including the environmental principles in a new National Policy Statement. This recognition of their importance is welcome but does not change our view that it is essential for the principles to have statutory underpinning in UK law. As such, we have again joined other environmental professional bodies as part of the EPF, in recommending that the EU (Withdrawal) Bill fully transposes all environmental principles into UK law.
- 4.8. Further to the environmental principles embedded in the Lisbon Treaty, in the 1997 Treaty of Amsterdam, the EU adopted 'sustainable development' as one of its core objectives<sup>10</sup>. We would welcome efforts from the Government to similarly embed a principle for sustainable development in UK law. This would send a strong message about the Government's environmental commitments, reinforcing the ambition of the 25-Year Plan, assist to embed sustainability as a key objective across government, and serve as reassurance that environmental standards will be at least maintained in the UK following EU exit.

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<sup>10</sup> Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts (1997) Article 1, para 5