

# How will the Environment Act Impact the 3<sup>rd</sup> Sector

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# IEMA has declared a Climate and Environmental Emergency



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**IEMA** Transforming the world  
to sustainability

## Our Declaration

IEMA is declaring a climate and environmental emergency. Our declaration is rooted in the reality of the international science base and in the knowledge that our profession (IEMA members) can make a pivotal contribution towards the rapid transitions now required.

Read more about the underpinning science [HERE](#)

## Strategic Commitment

IEMA reaffirms its commitment to climate action, sustainability leadership, and to professional urgency on climate and environmental action.

Read more about IEMA's Strategic Commitment [HERE](#)

## Supporting Professionals

IEMA will support Environment and Sustainability Professionals (our members) to rise to this transition challenge. Our support will include active networks, member guidance, training, webinars and events.

Find out more about IEMA's Member Networks including climate change and energy [HERE](#)

## Advocate for the Profession

IEMA will advocate on behalf of our members and collaborate to influence policies, standards and frameworks that will support transition (both in the UK and internationally).

Read more about how IEMA advocates and collaborates on climate change [HERE](#)

## Transitioning our own Operations

IEMA will achieve (annual) carbon neutrality in 2020 for its own emissions and will progressively work to transition IEMA operations to zero carbon operations.

Find out about how IEMA is addressing our carbon footprint [HERE](#)

The science

Advocate

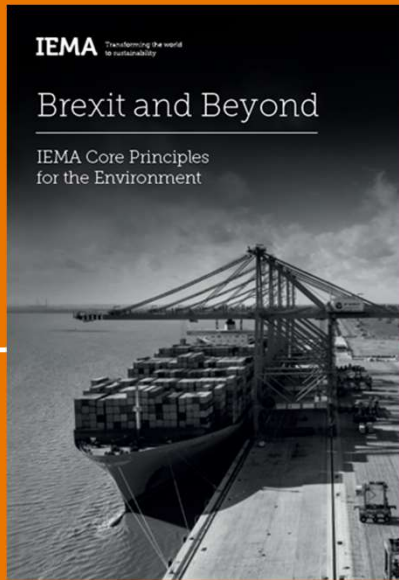
Strategic  
Commitment

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# Outline

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1. Background and overview of the Environment Bill
2. Opportunities for:
  - a. Enhancing the Bill through Parliamentary process
  - b. Engaging in key processes which set the governance arrangements
  - c. Working with the Bill's enabling measures to drive improvement/investment in better long-term outcomes
  - d. Connecting to wider initiatives
  - e. Holding public bodies to account
3. Staying ahead



# Environment Bill

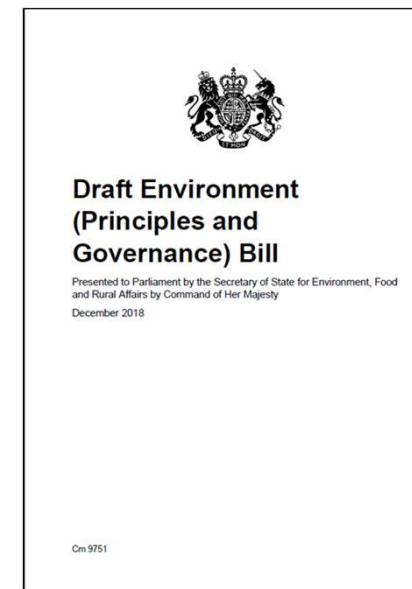


# Environment Bill – a reminder

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Draft Environment (Principles & Governance) Bill Dec 2018

1. Environmental Principles – precautionary, polluter pays etc implemented through a Policy Statement
2. Environmental Improvement Plans (EIPs) – putting Defra 25yr plan on a statutory basis
3. Office for Environmental Protection – monitoring & reporting on Environmental Improvement Plans (EIPs) & implementation of environmental law; enforcement of public authorities



## Environment Bill

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- Published 15<sup>th</sup> October 2019 – reintroduced an updated version 30<sup>th</sup> January 2020
- 8 Parts
- 19 Schedules
- 244 pages.....it's BIG and will potentially have far-reaching effects

# Part 1 Environmental Governance

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## Chapter 1 – Improving the Natural Environment

- Environmental targets
- Environmental improvement plans
- Environmental monitoring
- Policy statement on environmental principles
- Environmental protection: statements and reports

## Chapter 2 – Office for Environmental Protection

- The OEP
- The OEP's scrutiny and advice functions
- The OEP's enforcement functions
- Information

## Chapter 3 Interpretation of Part 1 (definition of natural environment & environmental law)

# Environment Bill

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Part 2 – Environmental Governance in Northern Ireland

Part 3 – Waste and Resource Efficiency

- Producer responsibility
- Resource efficiency
- Managing waste
- Waste enforcement and regulation

Part 4 – Air Quality and Environmental Recall

- Air Quality
- Environmental recall of motor vehicles etc



# Environment Bill

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## Part 5 – Water

- Plans and proposals
- Regulation of water and sewerage undertakers
- Abstraction
- Water quality
- Land drainage

## Part 6 – Nature and Biodiversity

- Biodiversity gain in planning, biodiversity register and biodiversity credits
- Biodiversity objective and reporting
- Local nature recovery strategies
- Tree felling and planting

# Environment Bill

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## Part 7 – Conservation Covenants

- Creation of conservation covenant
- Effect of conservation covenant
- Breach and enforcement
- Discharge, release and modification
- Replacement etc of responsibly body

## Part 8 – Miscellaneous and General Provisions

- Regulation of chemicals (Amendment of REACH legislation)



# Governance Framework

# Environmental Governance

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1. Process for setting legally-binding long-term environmental targets (min 15yrs into future)
2. Duty to set at least 1 long-term target in each of the following areas by 31<sup>st</sup> October 2022
  - a) Air Quality
  - b) Water
  - c) Biodiversity
  - d) Resource efficiency and waste reduction
3. Duty to set PM<sub>2.5</sub> ambient air quality target by 31<sup>st</sup> October 2022

## Environmental Governance

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Targets must specify:

1. A standard to be achieved, which must be capable of being objectively measured
2. A date by which it is to be achieved

SoS has a duty to meet the targets.

# Environmental Governance

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1. a requirement for setting interim targets lasting 5 years through the EIP (below)
2. the ability for SoS to adjust targets and explain either that they are disproportionate because of material change, or not necessarily valuable
3. a requirement on SoS to seek independent and expert advice in setting targets.
4. reviewing targets every 5 years, including whether they meet the 'significantly improve the natural environment' test

## Environmental Improvement Plans (EIPs)

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The mechanism requiring government to establish long term plans for the natural environment, linked to the targets, intended to ensure a structured and predictable approach to policymaking

## Environmental Improvement Plans (EIPs)

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1. a requirement on the SoS to prepare an EIP for a period of at least 15 years
2. making the Defra 25 year plan the first EIP
3. reviewing and revising EIPs every 5 years, with consideration of what has been done, whether the environment has improved and what further steps are needed, with the first review done by 31 January 2023
4. renewing the plan before the previous one expires



# Monitoring

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1. monitoring the state of the environment, with a statement before parliament on the kinds of data to be used
2. annual reports by SoS on implementation of the plans, to be published and laid before parliament

# Environmental Principles

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Arrangements for Ministers to take account of environmental principles when making policy affecting the environment, consisting of:

1. ministers having due regard to the policy statement when developing policy, except if disproportionate to the benefits to do so, and not covering defence, taxation or spending, or anything else specified by SoS
2. developing the policy statement explaining how principles should be interpreted and applied
3. Principles must contribute to improvement of environmental protection and sustainable development
4. principles covering precaution, prevention, rectifying damage at source, polluter pays, integration into policy and activities

## Non-regression and improvement statements

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1. Applies to new primary environmental law
2. Statement to the effect that in the Minister's view the Bill will not have the effect of reducing the level of environmental protection provided for by any existing environmental law
3. ...or explain why no statement
4. Secretary of State must report on developments in international environmental protection legislation which appear to the Secretary of State to be significant – every 2 yrs

# Office for Environmental Protection

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An independent body to advise, scrutinise and enforce on environmental law, consisting of:

1. monitoring and reporting on EIPs and targets, including reports on the SoS annual reports, published and laid before parliament to which the SoS must respond
2. monitoring the implementation of environmental law, reporting on any matter it chooses
3. advising on changes to environmental law
4. complaints where a public authority has failed to comply with environmental law, which the OEP may investigate
5. power for the OEP to issue information and decision notices, setting out the steps required in response to the failure; review of failure via Upper Tier Tribunal and judicial review
6. annual reports to Parliament
7. SoS appointing the chair and board and determining the budget

## Definitions

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### Natural Environment

- a) plants, wild animals and other living organisms,
- b) their habitats,
- c) land (except buildings or other structures), air and water,

and the natural systems, cycles and processes through which they interact

# Definitions

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Environmental law includes

- a) protecting the natural environment from the effects of human activity;
- b) protecting people from the effects of human activity on the natural environment;
- c) maintaining, restoring or enhancing the natural environment;
- d) monitoring, assessing, considering, advising or reporting on anything in paragraphs (a) to (c)



# Enhancing the Bill through Parliamentary process

## Potential areas for enhancement

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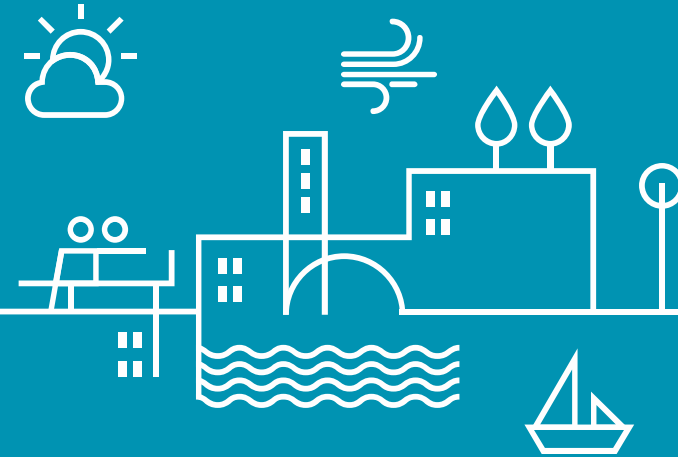
1. Clearer purpose and objectives
2. Explicit links to health and wellbeing of people
3. Clearer connection to heritage and key factors which help to characterize the environment in places
4. Spatial environmental plans – bringing together all parts of the environment in an integrated way with people given a say on priorities for protection and improvement



# Timetable....?

- 2<sup>nd</sup> reading end Feb/early March
- March-April Bill Committee
- Lords & Commons
- Royal Assent ....Q3
- Key aspects in place from 1<sup>st</sup> Jan 2021





Engaging in key processes  
which set the governance  
arrangements

# Likely to start before Royal Assent

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## 1. Setting environmental targets

- a) Draw on 3<sup>rd</sup> sector evidence of challenges and current state of play
- b) Identify what environmental outcomes need to be improved – how can targets be framed around these?
- c) Collaborate with those who will need to deliver the improvements – understand the investment cycles and consider how this will impact on the pace of change that can be delivered
- d) Limited number of targets likely to be more impactful and able to resonate with people

## 2. Environmental principles

- a) Defining the principles
- b) Understanding their potential to drive better outcomes in non-Env't policy areas through all Government department (health, education, transport etc)



# Working with the Bill's enabling measures

## Transparency & Engagement

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1. Parliamentary reports and statements in a wide range of areas e.g. performance related to targets and EIPs, OEP reports, air quality
2. Biodiversity reports from local authorities and register of biodiversity net gain sites
3. Shaping and agreeing priorities for Local Nature Recovery Strategies



# Holding public bodies to account

## Improving the system of governance

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1. Identifying where things are going wrong and making complaints to the OEP
2. Identifying where there are inconsistent approaches by public authorities
3. Lack of resources being allocated for core functions



Connecting to wider  
initiatives



- Net zero
- Climate Resilience
- Agriculture Bill
- Industrial Strategy





Staying Ahead!

## Maintaining Credibility

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1. Where is your 3<sup>rd</sup> sector organisation on the journey to net-zero GHG emissions and tackling the environmental challenges of our time (e.g. plastic crisis)?
2. Are all investment decisions viewed through a net-zero lens?
3. Do you know what trajectory your organisation's emissions reductions & environmental improvements need to follow?
4. Do trustees regularly review performance?
5. Do you have an action plan in place to get your organisation into shape?

Thanks....any  
questions?

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