

# Environmental Protection UK's Asks for the Environment Bill



Environmental Protection UK has positively supported and promoted pollution reduction policies and practices since its inception over 120 years ago. We are concerned about any 'roll-back' in environmental protection and we are asking the government to ensure the Environment Bill delivers the following actions which we believe will go some way to ensuring that environmental protection will not be compromised.

1. **Forms a strong and independent oversight body**, with the powers to legally require effective action by central government and all public bodies to improve the environment and protect health, comply with legal duties, and implement consequences of equal strength to the current system (including EU fines for non-compliance). It is also noted that the proposed OEP will have oversight over wider environmental regulation (including legislation not derived from EU law). We emphasise the importance of a fully funded oversight body with the ability to fully discharge its duties. We request that funding of this body is not to the detriment of other, existing environmental regulatory bodies
2. **Fully integrates environmental protection principles and rights into UK law** from the EU treaties, as well as new modern principles such as non-regression, to apply to the discharge of the functions of all public bodies; and the rights to access environmental information, participate in environmental decision making and access to justice in environmental matters.
3. **Sets stringent and non-regressive targets for environmental protection**, with any supporting legislation having sufficient flexibility to address emerging issues and new scientific evidence, with support to go beyond these to deliver further health benefits. These should keep up with the most stringent of WHO and other international standards and timescales going forward. There should also be a requirements for monitoring environmental metrics, which should as a minimum stay in line with the European and other international monitoring requirements.
4. **Furthermore we would ask that all parts of government be instructed to take action wherever they have control or influence on pollution impacts and sources.**
  - a. National government must provide national narrative, political priority and action on overarching and wide-spread problems, as well as providing support for others to take appropriate action; this is not limited to Defra, but must include work by DfT, MCLG, BEIS, HMT and DoH.
  - b. regional authorities and other bodies must take action to address pollution from sources they influence or control; and
  - c. local authorities must address local issues and local implementation of national and regional measures (with the appropriate political, financial and expert support).

The EPUK Air Quality Committee have compiled more detailed comments on air quality aspects of the Environment Bill. This is built on work the committee has carried out on the national Clean Air Strategy, NO<sub>2</sub> National Plan and local air quality management. This is attached overleaf and is also available at [https://www.environmental-protection.org.uk/wp-content/uploads/2019/06/epuk-12-air-quality-asks-for-environment-bill\\_final.pdf](https://www.environmental-protection.org.uk/wp-content/uploads/2019/06/epuk-12-air-quality-asks-for-environment-bill_final.pdf).

For more information, please contact [info@environmental-protection.org.uk](mailto:info@environmental-protection.org.uk).

## Annex: EPUK Air Quality Committee's 12 Air Quality Asks for the Environment Bill



### Preamble

Air pollution has a devastating impact on the UK population, shortening lives, causing early deaths and ill health. It is a bigger global killer than smoking. It costs the UK economy over £20 billion a year.

Air pollution needs direct action by the UK government to address widespread sources of pollution (such as transport, buildings, energy and industry), supported by other levels of government tackling local hotspots and implementing solutions locally. This will need stringent, legally binding targets, a process for identifying effective measures, a requirement for all levels and parts of government to take the necessary action, and adequate and appropriate monitoring. It will also require an independent route for enforcement and oversight.

To implement this, especially if the UK is no longer subject to the European Union's environmental protection regime, will require more stringent measures and legislation than is proposed in the draft Bill. The government promised that after Brexit "environmental standards are not only maintained but enhanced"<sup>i</sup>. The current proposals neither meet this test nor fulfil government assurances in the air quality consultation.

### We are asking the government to ensure the Environment Bill delivers the following actions:

1. Form a strong oversight body, independent of government, with all party parliamentary support. This independent watchdog must have the teeth it needs to legally require effective action by central government and all public bodies to reduce air pollution, protect health, and comply with legal duties to deliver clean air. The EU fines for non-compliance with environmental laws must be replaced with consequences of equal strength. The current proposals are inadequate for this task.
2. Embed principles of environmental protection (from the EU treaties, as well as new modern principles such as non-regression) to apply to the discharge of the functions of all public bodies. Environmental rights (including the right to access environmental information, participate in environmental decision making and access to justice in environmental matters) should also be fully integrated into UK law.
3. Provide an ambitious strategic vision for air, a clear lead with momentum to deliver this, and a strong national narrative<sup>ii</sup> for action to protect and enhance human health, wildlife and the natural environment through clean air.
4. Make clean air a political priority across all departments and levels of government, and ensure that everyone with the ability to influence air pollution impacts and pollution sources has the responsibility to take action (and that this action is quantified and this responsibility is enforced)<sup>iii</sup>. Defra should have a legal responsibility to analyse and translate the overarching targets into binding requirements (in terms of targets and timescales) on all relevant bodies, including central government departments and other levels and bodies of government. The specification of targets should be subject to full consultation with the public, experts<sup>iv</sup> and Parliaments. The oversight body should audit and enforce against delivery of these targets (with departments and bodies responsible for deciding the route to target delivery), to ensure adequate and robust measures are taken.
5. Ensure relevant public bodies have political support, adequate resources, expertise and powers to develop and implement (and where relevant, require others to implement) effective action<sup>v</sup>, ideally as part of a fully integrated and coordinated national strategy.
6. Ensure action is prioritised to cut early deaths and ill health, reduce the cost burden on the NHS, and deliver the maximum health benefits, both nationally, to address common pollution sources, and locally in hotspots with high pollution levels and areas of high exposure<sup>vi</sup>.
7. Harmonise and maximise benefits of the air quality and climate change strategies and programmes, as the two issues are closely linked, with reduced combustion emissions a key pillar for both.
8. Actively pursue air pollution emissions reductions from all other policy delivery schemes<sup>vii</sup>, e.g. energy, transport, business, and planning policies and programmes<sup>viii</sup>, incentives and taxes.
9. Require and support measures which reduce emissions from all key sources, including transport<sup>ix</sup>, heating, biomass, industrial and commercial sources, and energy production and use<sup>x</sup>.
10. Address all key pollutants<sup>xi</sup>, with any supporting legislation having sufficient flexibility to address emerging issues and new scientific evidence. The legislation should establish a target setting framework, whereby quantified targets for pollutant emission and concentration reductions are periodically reviewed and updated

on a non-regressive basis and subject to the latest available scientific evidence, with support to go beyond these to deliver further health benefits. As a minimum these should be based on meeting the WHO guidelines for PM<sub>2.5</sub> by 2030, and the ambition to keep up with the most stringent of WHO and other international standards and timescales going forward.

11. Support innovation, including research and development and a strategy orientated towards cleaner technology and a more sustainable economy. New, rigorously tested and efficient technology may need to be developed, subjected to cost-benefit analysis and implemented with adequate guidance and funding.
12. Requirements for monitoring of air quality, emissions and other metrics, should as a minimum stay in line with the European and other international monitoring requirements, and these should absolutely not be at the discretion of the Secretary of State, as set out in the draft Bill; how can the government show it is delivering against its commitment that “environmental standards are not only maintained but enhanced” if it does not adequately monitor against these environmental standards<sup>xii</sup>. National government should also have a statutory duty to produce an annual report on air quality, which includes information on delivery against binding targets, as well as action by HMT, Transport, Business, Health Departments, local authorities and other public bodies.

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- i <https://www.gov.uk/government/news/new-environmental-protections-to-deliver-a-green-brexite>
  - ii Communication is key to ensuring political acceptance and appropriate take-up by government, public and business.
  - iii This includes all levels and parts of government (national, regional, county and local; and environment, transport, planning and public health departments, etc.); government bodies (e.g. Environment Agency, Highways England and Public Health England, and equivalents in the devolved administrations), industry, business and the public.
  - iv Environmental Protection UK have previously proposed a Clean Air Commission to look at what needs to be done to ensure effective action. This idea could be expanded to form a permanent advisory committee.
  - v We recommend staff with demonstrated competency are required to work on local air quality management, similar to a ‘competent person’ in waste management.
  - vi Local expertise and detailed assessment helps to identify the most effective local actions, but every level must contribute to their implementation. Local authorities should continue to have a legal responsibility to address local areas of high pollution, and in the supported local implementation of national and regional measures to improve air quality for all. We strongly recommend that if Local Air Quality Management (LAQM) and Clean Air Zones (CAZ) systems are merged, the keep the best points and build on lessons learnt from LAQM. We also recommend that any new powers which have a benefit on air quality and are suitable for all types of local authorities, are mandatory. However they cannot be held solely responsible for clean air, and need support from regional and national bodies.
  - vii All government programmes with air pollution impacts must be optimised to improve air quality, target areas of high pollution, and address work with negative air quality impacts. Examples include BEIS, MHCLG, HMT and DFT programmes and funds.
  - viii MHCLG’s planning processes must include mandatory measures that can deliver air quality improvements, for example, charging points in new houses and low emission stoves/heating should be part of the building regulations.
  - ix For example, government should require and support a significant modal shift from passenger car to walking, cycling, and bus, tram and rail transport by improving all aspects of public transport; and reducing vehicles trips and emissions from freight and other transport.
  - x National measures should include stringent standards for transport emissions, non-road mobile machinery (NRMM), construction, buildings, energy production and use.
  - xi Current key pollutants are nitrogen dioxide, small particulates (PM<sub>10</sub> and PM<sub>2.5</sub>), ozone, ammonia, and their precursors. Ultrafine PM is an emerging pollutant of concern, and there may be others.
  - xii We recommend that the UK to retain membership of the European Environment Agency (EEA), as the best way of achieving continuing comparability of high quality information and standards. The EEA includes both EU members and non-EU members. Otherwise, the Government should commit to ensuring that UK environmental data and information is maintained to at least the same standards as are maintained by the EEA for the EU.

**Further information on our website:**

- [Submission to the Inquiry into the Draft Environment \(Principles and Governance\) Bill](#) – 31 January 2019
- [EPUK response to the Clean Air Strategy Consultation](#) – 14 August 2018
- [EPUK response to the National Plan Consultation](#) – 15 June 2017
- [Submission to Joint Select Committee Inquiry on Air Pollution](#) – 9 November 2017
- [EPUK response to the Consultation on Local Air Quality Management](#) – January 2015

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