

Briefing for: **Members of Parliament**
Purpose: Debating the Environment Bill
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Urgent action needed to meet Net Zero by 2050

1. Introduction

The REA represents over 500 members from across the renewable, recycling, energy storage and Electric Vehicle sectors. Our subsidiaries include a further 1,200 installer companies in the renewables industry, a sector which supports over 125,000 jobs.

The REA welcomes the Environment Bill as a foundation for the introduction of the Resources and Waste Strategy, improved air quality and a means of holding current and future Governments to account for their environmental duties. The Bill overall is a very positive step towards protecting the environment and achieving our legally binding carbon targets. However, there are some areas which require further clarification including how the Bill will interact with existing Acts that it seeks to ratify, and where the Office for Environmental Protection sits within the hierarchy of already existing governmental bodies.

We are seeking support from MPs to scrutinise the Environment Bill to ensure that it delivers what is needed for the Government to meet its commitment set out in the Climate Change Act 2012 to meet Net Zero carbon emissions by 2050.

2. The Environment Bill

The Environment Bill outlined in July 2019 and brought forward in the Queen's Speech aims to:

- Create a new system of green governance
- Improve air quality
- Restore and enhance nature
- Improve waste management and resource efficiency
- Improve surface water, ground water and waste water management

The Bill will do this by either providing powers to relevant Government bodies, or directly amending existing Act's, in order to implement a wide range of Environmental proposals set out in a number of Government Strategy documents. This includes the 25 Year Environment Plan, the Waste and Resource Strategy and Clean Air Strategy, amongst others.

The Bill also establishes a new independent public body called the Office for Environmental Protection (OEP) designed with the primary purpose of protecting the Environment and holding public bodies to account for failing to follow environmental law within their policy making activities.

3. Environmental Targets

The Environment Bill has already come under scrutiny by a number of NGO's due to the proposed targets. This includes criticism that the Government would not be held accountable for their policies and actions until 2037, almost two decades away. As it stands, the Environmental Bill calls for the Secretary of State to set targets in relation to:

1. Air quality,
2. Water quality,
3. Biodiversity
4. Resource efficiency and waste reduction.
5. A separate PM_{2.5} air quality target

Targets 1-4 must be 'long-term' with a specified target date no less than 15 years after the date on which the target is initially set. Target 5 can be similarly long term, or shorter depending on what the Secretary of State sees fit.

A draft Statutory Instrument for the above targets must be published no later than 31st October 2022. The Secretary of State must review targets every 5 years, with the first having to be completed by 31st January 2023.

Whilst it is true that the completion of the target won't be until 2037 (if set in 2022), the five year interim targets will still allow for some accountability. In essence, the Bill would follow a system akin to the Committee on Climate Change and the carbon budgets in which the Government are held accountable every year through annual progress reports despite not having to meet a target until the budget ends.

4. Office for Environmental Protection (OEP)

The Bill establishes a new independent body with the primary objectives of protecting and improving the natural environment. Whilst the Bill acknowledges that the OEP needs to set out a strategy on how its objectives will not overlap with that of the Committee on Climate Change it does not mention overlap with the Environment Agency.

The OEP's roles will include:

- Monitor and produce annual reports on progress against the Environment Improvement Plan, environment targets and interim targets
- Monitor the implementation of environmental law.
- Produce published advice to ministers and departments on Environmental law

The OEP will also have enforcement powers against public authorities, where investigation can be launched on the back of a complaint, or where the OEP has reason believe there has been a failure against environmental law. Enforcement of this act comes in three stages;

- ***Issuing of an Information Notice*** – when an authority has failed to comply with environmental law
- ***Issuing of a Decision Notice*** – Where there is evidence of an authority having failed to comply with environmental law and this failure is considered serious.
- OEP can apply to the ***Upper Tribunal*** for an Environmental review as well as applying for Judicial Review.

It is important that the role of the OEP is clear and does not confuse industry or mean an additional cost burden to operators. The Environment Agency is currently the law maker, permit issuer and regulator for the biowaste sector. Although it is implied that the OEP is aimed more at public authorities than operators, there must be clear and defined roles for both the OEP and the Environment Agency and this must be clearly communicated to industry.

5. Role in the implementation of existing acts

a. Resources and Waste Strategy

The Bill contains the enabling powers needed for Ministers to deliver the policy measures laid out in the Resources and Waste Strategy. This includes:

- Charges for single use plastic items
- The deposit return scheme
- Resource Efficiency Requirements which sets out resource efficiency specifications for certain products and show specific information to consumers.
- Producer Responsibility Obligations which enables costs to be collected from those producing the materials that end up in the waste stream

b. Waste collection

The Bill makes amendments to the Environmental Protection ACT 1990 to place into law requirements for Local Authorities to carry out separate collections of recyclable waste streams in England from households, non-domestic properties and further industrial and commercial waste. Separate amendments are also made to apply this to Northern Ireland. Recyclable waste streams include glass, metal, plastic, paper & card, food waste and garden waste. The Bill also enacts the decisions made in connection to the consultation made earlier in the year and includes the decision to carry out mandatory food waste collections once a week.

The Bill does not reference how Local Authorities will be supported in the move to separate waste collections. Equally, the Bill lays the foundations for the Resources and Waste Strategy and is not intended to stipulate the dates for implementation. However, further clarification from the Government that it is committed to the dates outlined in the Resources and Waste Strategy, mainly the dates for separate waste collections, is needed.

6. Proposed questions for the Minister

1. How does Government intend to avoid an overlap in regulations coming from the Environment Agency and the OEP, in order to avoid renewable and clean tech developers receiving regulations from multiple Government bodies?
2. In order for the OEP to be the pioneering green governance body outlined in the Bill, would the Minister consider allowing the OEP to issue fines themselves, much like the Environment Agency are able to, rather having to take the case to Judicial Review?
3. Will the Minister agree to commit to dates for the implementation of separate waste collections outlined in the Resources and Waste Strategy, such as committing to separate food waste collections by 2023?
4. The Environment Bill lacks reference to how Local Authorities will be supported to implement separate waste collections. Can the Minister guarantee that Local Authorities will be financially supported to instigate separate collections?
5. What financial supports will Government make available to local authorities in order to instigate the separate collections legislated for within this Bill?

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