



## 38 Degrees' submission to the Environmental Audit Committee and Environment, Food and Rural Affairs Committee: Scrutiny of the draft Environment (Principles and Governance) Bill inquiry

### Foreword

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38 Degrees is one of the UK's biggest campaigning organisations. 38 Degrees is made up of more than two and a half million people right across the UK who decide which campaigns to work on together. Whether it's bees at risk from pesticides, keeping our forests publicly owned, or championing local green spaces - 38 Degrees members are passionately committed to standing up for our natural world.

One of the central tenets of 38 Degrees is a belief that democracy works better when more people are involved. Over 200,000 people have been involved in the campaign to protect environmental standards after Brexit - contacting their MP, signing petitions, and taking part in the government's consultation on the draft Environment (Principles and Governance) Bill.

Now 72,635 members of the public from all over England have responded to the committees' joint call for written evidence for scrutiny of the draft Environment (Principles and Governance) Bill. This report provides a summary of the public response.

If you would be interested in finding out more about this submission in particular or 38 Degrees generally, please contact Charlotte Woodworth, Campaigns Director.

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## Executive summary

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*"I want my grandchildren and great grandchildren be to able to walk in fresh clean air and ramble in the woods as I did 90 years ago." - May, from Tiverton and Honiton*

1.1 The government's announcement of an Environment Bill was welcomed by people across the country. However, overwhelmingly, the public does not think the recently published draft Bill does enough to fulfil the government's promise to "ensure environmental protections will not be weakened as we leave the EU".<sup>1</sup>

1.2 72,635 members of the public answered questions in a survey, based on the terms of reference of the Environmental Audit Committee and Environment, Food and Rural Affairs Committee's joint call for written evidence. Questions focused particularly on the independence of the proposed oversight body, environmental principles, and non-regression.

1.3 This report summarises the public response. It has also been informed by research, paid for by our members, conducted by Eunomia on behalf of 38 Degrees. Here are our findings:

- **1.3.1 70,610 people - 98% of those who answered - said the Office of Environmental Protection [OEP] should be independently funded.** 91% said this is very important, and 7% said it is quite important. This speaks to a concern that if the Secretary of State is responsible for funding the oversight body, its independence could be compromised.
- **1.3.2 71,542 people - 99% of those who answered - said the OEP should be led by people completely independent from the government.** 94% said it is very important, and 5% said it is quite important. The public expect the oversight body's board to be appointed by Parliament, not the Secretary of state.
- **1.3.3 70,749 people - 98% of those who answered - said the government should be legally required to follow essential environmental principles** when making laws, such as the polluter pays principle. This speaks for a demand for more concrete promises to adhere to the environmental principles currently upheld in European Law, after Brexit. The Bill's current form asks ministers to "have regard to" the principles. This is not enough - the public want legal requirements.
- **1.3.4 602 people - 1% of those who answered - think the government is doing enough to protect the environment after Brexit.** Furthermore, 66,270 - 99% of those who answered - said the government should commit in law to make sure environmental standards don't get weaker. This speaks to the public's concern about the detail and desire for the non-regression commitment to be included.

1.4 Respondents shared why protecting the environment is important to them. Here are a few examples:

"It is essential that we protect our environment and wildlife, that we don't pollute our rivers and

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<sup>1</sup> UK Government (2018) *New environment law to deliver a Green Brexit*.  
<https://www.gov.uk/government/news/new-environment-law-to-deliver-a-green-brexite>

seas and the air that we all breathe, the UK must do its bit to help combat climate change. I worry about this and it's not something we can deny or ignore, we need a government who will take the responsibility to protect the environment very seriously." - Paul Britton, Central Devon

"Brexit is the perfect opportunity to strengthen our environment, animal welfare and food safety laws. We can make them stricter than ever before and enforce strong penalties. No second chances - it's far too important." Jackie, from Chingford

"We are all dependent on our environment for our survival. Every part of it - seas, rivers, land, air, wildlife are all interrelated and vital. For all our futures we need to protect it with the highest standards possible." - Jenny, Westmorland and Lonsdale

"Getting out at weekends into our green spaces, watching wildlife is so rewarding, makes you feel good to be alive. The birds singing in the trees and the bees buzzing around the flowers and weeds. We need to protect our planet for future generations, we are losing too many species, it cannot be allowed to continue." - Jackie, from Mid Dorset and North Poole

1.5 In summary, the public don't think the government's draft Environment (Principles and Governance) Bill is strong enough to protect the environment after Brexit. Tens of thousands of people across England are calling on MPs - and ministers - to demand changes to the Bill, in particular to strengthen it by making the watchdog more independent and therefore more powerful, and hold the current and future governments to higher standards so our environment is not put at risk.

## **Methodology**

1.6 38 Degrees sent a survey to its membership with questions based on the inquiry terms of reference. 72,635 number of people participated. You can see the survey questions here: <https://speakout.38degrees.org.uk/surveys/1580>

1.7 This is not a scientific poll. The sample of people who have taken part has its limitations and the people who took part are self-selecting.

## Results

Chapter 1: Evidence in response to point 1 of the terms of reference:

### **Does the proposed constitution of the oversight body provide it with enough independence to scrutinise the government?**

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2.1 If independence is to be meaningful, the oversight body must have the following features:

- It must not report to a government department over which it is supposed to exercise oversight. Instead the body must be accountable to Parliament.
- The members of the board must be selected through a transparent process against clear criteria, and should not be picked by ministers.
- It must set its own priorities, rather than responding to the priorities of ministers.
- Its budget must be set in a way that is independent of the government. Putting spending proposals before Parliament and having these scrutinised by a parliamentary committee, could provide a potential model.

Some of these key conditions were not included in the government's draft Bill.

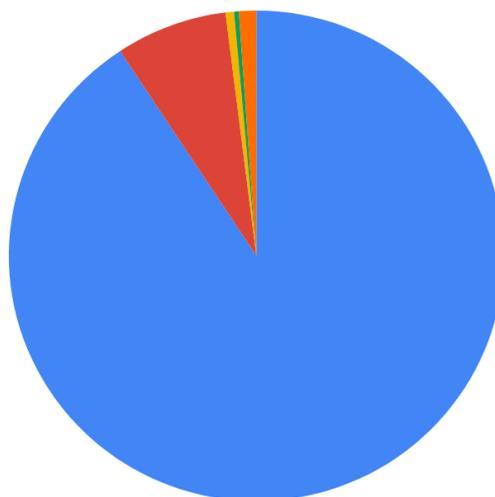
2.2 When asked about the importance of the oversight body being independent, **70,610 people - 98% of those who answered - said they thought the oversight body should be funded independently:**

*'The government's draft plans include the creation of a 'watchdog' to hold the government to account on environmental issues. But concerns have been raised by experts about how independent it will be, because the department whose work it will judge will decide how much money it gets. How important do you think it is that the watchdog is funded independently?'*

Respondents were asked to select one of the following: Very important, Quite important, Not very important, Not at all important, Not sure

How important do you think it is that the watchdog is funded independently?

- Very Important
- Quite important
- Not very important
- Not at all important
- Not sure



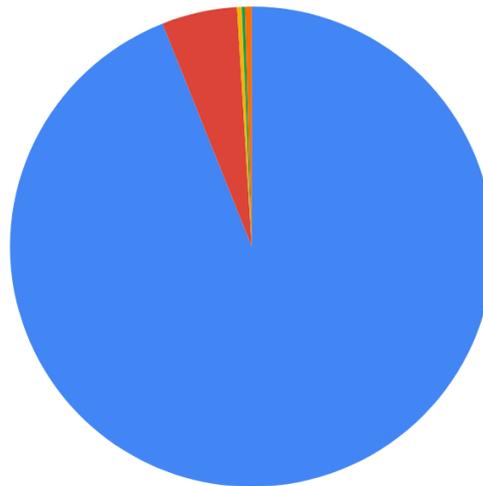
2.3 When asked about the importance of the oversight body being led by people independent of the government, **71,542 people - 99% of those who answered - said they thought the oversight body should be independently led:**

*'How important do you think it is that the watchdog should be led by people who are completely independent from the government?'*

Respondents were asked to select one of the following: Very important, Quite important, Not very important, Not at all important, Not sure

How important do you think it is that the watchdog should be led by people who are completely independent from the government?

- Very Important
- Quite important
- Not very important
- Not at all important
- Not sure



2.4 Here are some quotations from respondents about the need for an independent oversight body:

“I think that the independence of the enforcement body with regard to the implementation of environmental laws is paramount.” - Kate, from Chiswick

“Only a truly independent body with the powers to fine dirty companies and make them clear up their own mess will do, anything else will be a sell out and bad for all of us.” - Alan, from Rochdale

### Summary

2.5 The public's responses to these questions shows a clear mandate for alterations to be made to the constitution of the oversight body in order for it to be truly independent and so not compromised in its ability to hold governments to account. In particular, there is support for the leadership and funding to be independent of the Secretary of State - and so by extension the government of the day.

Chapter 2: Evidence in response to point 4 of the terms of reference:

**As drafted are the principles legally enforceable? What will need to be included in the National Policy Statement to interpret the application of the principles?**

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3.1 The EU's environmental principles function as guidelines for the development and interpretation of legislation. Detrimental effects could arise if the principles that both indirectly and directly influence environmental law in England at the moment are not kept after Brexit.

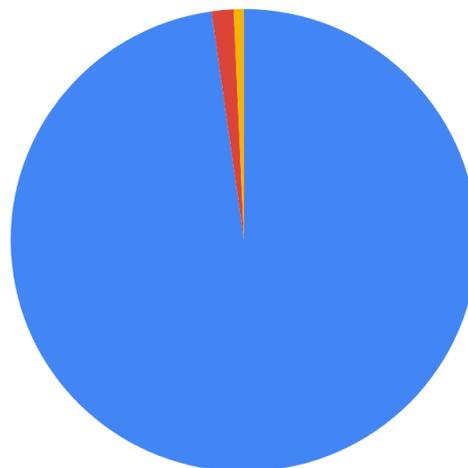
3.2 When asked about the principles, **70,749 people - 98% of respondents who answered the question - said they think the government should be legally required to follow essential environmental principles when making laws:**

'Currently, a set of 'environmental principles' help the government decide how environmental law works. For example, the 'polluter pays principle' means that the business which causes any pollution is responsible for cleaning it up. But the new plans allow the government to ignore these principles if they want to. Do you think the government should be legally required to follow essential environmental principles when making laws?'

Respondents were asked to select one of the following: Yes, No, Not sure

Do you think the government should be legally required to follow essential environmental principles when making laws?

- Yes
- No
- Not sure



3.3 Here are some quotations from respondents around maintaining our environmental standards after we leave the EU:

"The only way we can protect the future of the planet for all species is to implement thorough, and rigorously monitored, environmental protection measures. We can't expect other countries to play their part if we won't do it ourselves." - Charles, from Milton Keynes South

"I would like strong legislation to protect the natural environment for future generations." - Susan, from Newark

“Many environmental problems are co-related. A comprehensive set of rules concerning environmental principles is required.” - James, from Sleaford and North Hykeham

## **Summary**

3.4 In order for the government to comply with the environmental principles, they should be both legally enforceable and not deemed ‘subordinate’ to any other considerations of policy makers. Moreover, there must be a stronger impetus to consider them than being ‘minded to’.

3.5 The public expect the government to hold high standards, and in order for us not to weaken standards we currently abide by, these principles must be embodied in all relevant legal frameworks.

## Does the Bill meet the government's commitment to non-regression from EU environmental standards?

4.1 The following questions sought to understand public opinion about the risk to standards slipping if the government does not keep its promise on non-regression.<sup>2</sup> The public does not want standards to fall through any undercutting of current regulations or belief that it will help gain any competitive advantage. Without a commitment to non-regression being legally binding within the Bill, there is a risk the government could go back on their promise.

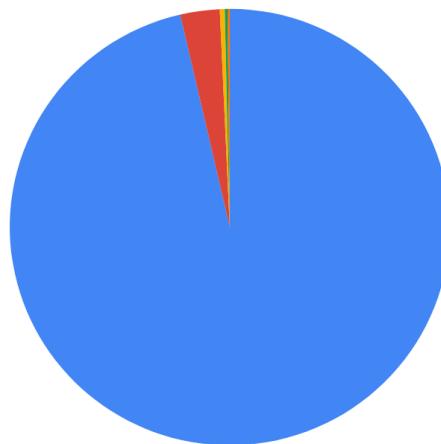
4.2 **66,270 people - 99% of those who answered - said they want the government to commit in law to make sure standards do not get weaker:**

'The government have said they don't want environmental standards to slip after Brexit. But right now, they haven't made any legal guarantees to keep this promise. How important do you think it is that the government commits in law to make sure our environmental standards don't get weaker after Brexit?'

Respondents were asked to select one of the following: Very important, Quite important, Not very important, Not at all important, Not sure

How important do you think it is that the government commits in law to make sure our environmental standards don't get weaker after Brexit?

- Very Important
- Quite important
- Not very important
- Not at all important
- Not sure



4.3 Ensuring that commitments to the principle of non-regression are bolstered with tangible targets for environmental standards is one way to ensure that the government doesn't regress on current EU environmental laws after the UK leaves the EU. In the draft Bill the government did not make any mention of targets, however the public expect these to be added to the Bill – or any further related legislation.

<sup>2</sup> Business Green (2018) Brexit White Paper: Government offers non-regression requirement to maintain high green standards.

<https://www.businessgreen.com/bg/news-analysis/3035792/brexit-white-paper-government-offers-non-regression-requirement-to-maintain-high-green-standards>

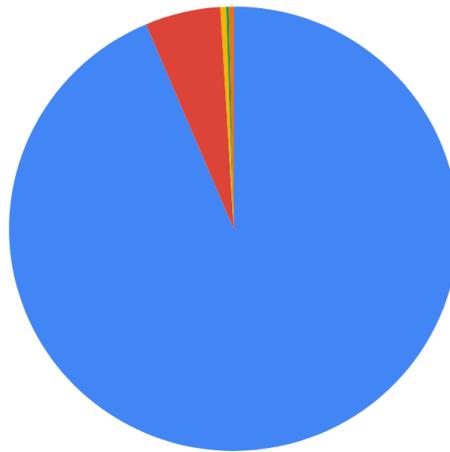
**66,112 people - 99% of those who answered - said they want the government to include targets for environmental preservation and protection:**

‘Experts think that for environmental laws to be effective they should include legally binding targets on things like air pollution, protecting our wildlife and making sure dangerous chemicals aren’t put into our soil and water supplies. How important do you think it is that the government includes targets like these in the plan?’

Respondents were asked to select one of the following: Very important, Quite important, Not very important, Not at all important, Not sure

How important do you think it is that the government includes targets like these in the plan?

- Very Important
- Quite important
- Not very important
- Not at all important
- Not sure



4.4 Here are some quotations from respondents about the need for high standards and tangible targets:

“How can we and our children survive if we don’t commit to the very highest environmental standards? What will poor standards do to our health let alone the planet. We should be a beacon for the world in protecting the earth from the ravages of pollution.” - Sue, from Cheshire East

“There needs to be independent oversight, a clear strategy and transparent targets for environmental protection, and sufficiently financed infrastructure to enforce the strategy.” - Jeff, from Hertfordshire

“I have witnessed first hand the increasing destruction of habitats - under existing legislation. Reversal of this trend requires stronger, not weaker, protection.” - David, from Torridge and West Devon

“I want future generations to live a safe healthy life and enjoy the green spaces as I have, breathing in clean air, swimming in clean seas and rivers and encountering lots of wildlife.” - Lesley, from Colne Valley

## Summary

4.5 There is more work for the Government to do in order to reassure the public that they will not let standards slip. The public have an eye to the detail on this - without legal commitments on non-

regression and clear forward thinking targets to turn policy into action, the Government will not have kept their promise to leave the environment in a better place than they found it.

## The public's hopes and concerns

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5.1 We also asked the public how they currently felt about the environment and whether they felt like their voice was being heard by the Government.

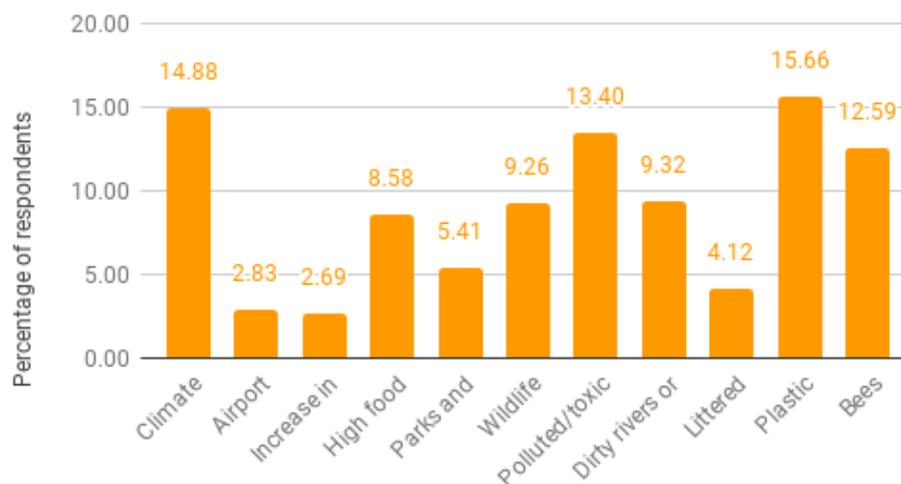
5.2 The public expressed concern for both the fundamental global challenges environmental complexities pose, such as climate change - and issues that they see in their day to day lives, such as plastic pollution.

5.3 **The top three issues the public are worried about are climate change, plastic pollution, and polluted or toxic air.** 46,870 (16%) respondents are worried about plastic pollution, 44,552 (15%) are worried about climate change, and 40,115 are worried about polluted or toxic air (13%):

'Which bits of the environment are you most worried about?'

Respondents were asked to select their top three environmental concerns: Bees, Plastic pollution, Littered beaches, Dirty rivers or seas, Polluted/toxic air, Wildlife, Parks and green spaces, High food standards, Increase in road building, Airport expansion, Climate change, or Something else

Which bits of the environment are you most worried about?



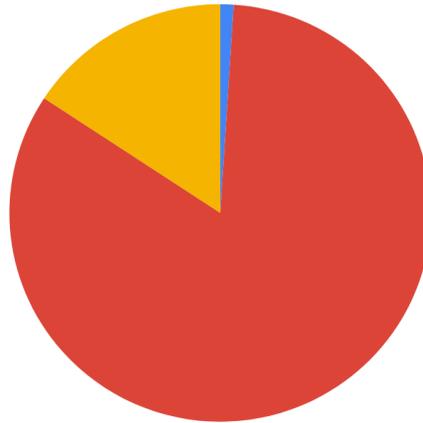
5.4 **Alarmingly only 602 respondents – 1% of the 59,012 people who answered the question - think the government are doing enough to make sure our environment is protected after Brexit.** This illustrates the growing public concern that the government is not setting high enough standards when it comes to protecting the environment. Amendments to the draft Bill could help alleviate these concerns.

'Do you think that, right now, the government is doing enough to make sure our environment is protected after Brexit?'

Respondents were asked to select one of the following: Yes, No, I'm not sure

Do you think that, right now, the government is doing enough to make sure our environment is protected after Brexit?

● Yes  
● No  
● Not sure



5.5 Here are some quotations from the public about why protecting the environment is important to them, and their expectations of the government:

“Michael Gove talks the talk but I am not convinced that he will actually put in place legislation that will be effective, especially when the government is looking to make trade deals with the US who want us to deregulate much of our existing standards.” - Michael, from Canterbury

“Our health and wellbeing is dependent on the environment. We need to protect it for us and the next generations. Climate change is a huge worry and not enough is done. Quick and radical changes are needed to protect air, water, reduction of plastic, melting ice, shrinking ozone etc. We need strong environmental laws and an independent watchdog to scrutinise the fast implementation of these laws.” - Birgit, from Richmond Park

## Conclusion

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6.1 The responses shown here are unequivocal. The public care passionately about the future of England's environment, and want to see the government ensure standards are maintained when we leave the EU. There is strong public appetite for a robust, fully independent oversight body to support this, alongside legislation that will legally bind the current and future governments to ensure high environmental standards.

6.2 As it stands, the public are concerned the draft Environment (Principles and Governance) Bill does not deliver the safe and secure environment we want - and future generations deserve. We urge the committee to recommend changes to the Bill that reflect this.

If you'd like any further information about 38 Degrees or this written submission please don't hesitate to get in touch.

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