

# The Environment Bill and clean air

## Second Reading briefing

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### Top Lines

- 1. The Environment Bill must include a legally binding commitment to meet World Health Organization (WHO) guideline levels for fine particulate matter (PM<sub>2.5</sub>) pollution by 2030 at the very latest.** The UK government has rightly recognised the need for a new binding target for PM<sub>2.5</sub>, one of the most harmful forms of air pollution. However, the Bill does not include specifics about what that new target will be, and delays setting the target for another two years. The Bill should increase ambition to protect people's health, but currently, it risks allowing the weakening of existing legal limits for air pollution, meaning current protections could be eroded in the future.
- 2. Robust plans are needed to ensure binding targets are met.** As they stand the Environmental Improvement Plans required by the Bill are insufficient to guarantee action to protect people's health and meet the new air quality targets. The Plans need to include timetabled, impact-assessed measures that ensure the necessary improvements are made, alongside action to protect those most vulnerable to the effects of air pollution.
- 3. A new 'clean air duty' would ensure all public bodies contribute to improving air quality.** In its current form, the Bill risks pushing the burden of responsibility onto local authorities with no required action from central government. However, local authorities are unable to tackle this public health crisis alone and lack the money and resources to drive effective local action. All levels and arms of government should be required to play their part.

The Environment Bill provides an opportunity for the UK to become a world leader in the fight against air pollution, improving the lives of people across the country and promoting clean growth. For this to happen, we need wide-reaching and bold legislative and policy reforms. This Bill should provide the starting point for this. However, as it stands, it is a missed opportunity for clean air and opens the door to weakening existing legal protections. This briefing sets out key ways in which the Bill must be improved to protect against these risks, whilst acknowledging that a more comprehensive legal framework is needed to make the UK the greatest place to breathe clean air.

### 1. Stronger legally binding targets that better protect people's health

Whilst it is positive that the Bill commits the government to establishing a new binding target for PM<sub>2.5</sub> pollution, it does not require the target itself to be set until October 2022, which risks delaying any substantial decisions to tackle this harmful pollutant for another two and a half years.

**To be serious about protecting people's health the government must, in the first instance, make a legally binding commitment to meet WHO guideline levels for PM<sub>2.5</sub> pollution by 2030 at the very latest.** This would be in line with what the WHO is calling on governments across the world to do and would make the UK a true world leader in tackling this harmful pollutant. **It must also include a meaningful commitment not to weaken other existing legal air quality standards in future.**

More broadly, the Bill does not prescribe what criteria or evidence government must take into account when setting new air quality targets. The Bill provides no meaningful or transparent role for independent expert advice, including from health experts, in the government's decision-making.

Without a requirement for targets to show real ambition to protect people's health, there is no certainty that those targets will improve upon, or even maintain, our current legal protections.

**Binding air quality targets should be set with the overarching aim of minimising the impact of air pollution on people's health**, including groups more vulnerable to the effects of air pollution, such as children, older people, people with chronic illnesses or from disadvantaged backgrounds, as well as outdoor and transport workers. Government should be required to obtain and publish advice from a well-resourced, independent expert body on how targets could be set to achieve that overarching aim. Ministers must be required to explain to the public and to Parliament whether and how that advice has been taken into account, and why it has not been followed if the targets diverge from it.

## 2. Robust plans that require action and set a clear path

The Bill requires government to draw up an Environmental Improvement Plan, setting out steps it "intends to take to improve the natural environment". There is no explicit requirement for this Plan to set out measures to ensure targets will in fact be achieved. The rules dictating what the government must do in instances where it misses a target are also much weaker than requirements in existing clean air laws – simply requiring that the Secretary of State report on why targets have not been met and explain what it will do to achieve them "as soon as reasonably practicable". The Bill risks a too-little-too-late approach. It leaves too much to the discretion of ministers, makes it difficult to ensure the government is doing all it can to deliver on its air quality commitments, and creates uncertainty.

**The Bill should instead require government to produce and implement a plan that includes timetabled, impact-assessed measures which ensure binding targets are met.** The plan should include commitments from each relevant central government department, as well as measures to protect groups more vulnerable to the effects of air pollution. Where targets are missed, the Bill must require government to do all it can to ensure targets are met "in the shortest possible time", as required by existing clean air laws.

## 3. A 'clean air duty' on all public bodies

Although the Bill provides some welcome new powers for local authorities, it risks putting the burden of responsibility solely on them. As air pollution does not respect boundaries, local action alone is not enough to tackle this problem. So whilst strengthening and clarifying local authority responsibilities is necessary and welcome, this must come with an increase in the resources, money and tools available to them, alongside a requirement on central government and other public bodies to take ambitious action on a national and regional scale to protect human health now.

**The Bill needs to introduce a new 'clean air duty' that requires all levels of government and all public bodies to contribute to achieving binding targets and reducing the harmful impacts of air pollution through their decision-making.** This would help avoid repeating the ongoing examples of delay and inaction from public bodies that hold influence over pollution sources. For example, Highways England has continuously delayed taking action, despite having been allocated £100m between 2015-2021 to tackle illegal levels of pollution on their roads. In comparison, the 61 English local authorities directed by ministers to take action have only been allocated a share of a £275m Implementation Fund.

## Summary

We welcome the government's decision to prioritise the Environment Bill but there are improvements to be made to make this a truly world-leading piece of legislation and, more importantly, to better protect people's health. This briefing represents the key concerns of partners in the Healthy Air Campaign coalition and our supporters, who are all keen to work with parliamentarians and those who want to make the UK the greatest place to breathe clean air.

This briefing is supported by:

