



Rt Hon George Eustice MP
Secretary of State for Environment, Food and Rural Affairs
Seacole Building
2 Marsham Street
London
SW1P 4DF

Dear Secretary of State

23 October 2020

Operation of the interim Office for Environmental Protection

We would like to thank you for our recent conversations about the Environment Bill and advanced notice of amendments to it.

As you know one part of the Bill both our Committees have previously scrutinised closely is the planned Office for Environmental Protection (OEP). In your evidence to the EFRA Committee on 22 September you suggested that, given the delays to the Bill, you intend to **establish the OEP in “embryonic” form from the beginning of 2021** until its establishing legislation is enacted and commenced. Our Committees would welcome more information about what form this interim OEP will take, its role, and powers.

We would therefore be grateful if you could provide us with answers to the following questions by 6 November:

1. What legal form will this interim OEP take? Which of the OEP’s functions and powers currently provided for in the Bill will the interim body be able to exercise?
2. What steps will the interim OEP be empowered to take where it believes a public body is failing to follow environmental law, and in particular where it considers the breach is a **“serious failure” likely to cause “serious damage to the natural environment”** so that the use of its powers under Clause 36 of the Bill would have been warranted if the Bill had been enacted?
3. How will the public be able to submit complaints to the interim OEP? What work has Defra done to ensure that this process is accessible to all and well publicised?



House of Commons

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4. How many staff (or full-time equivalent posts) will the secretariat for the interim body have? How will they be recruited, and who will they be employed by? How many will be in post at the beginning of January 2021?
5. **What will the interim body's budget be for the remainder** of the 2020/21 financial year, and who will be the Accounting Officer for it? If the relevant parts of the Environment Bill have not been commenced by the end of the financial year how will its budget be set for 2021/22?
6. What internal governance arrangements will be in place to oversee the work of the interim OEP, for instance do you intend to appoint an interim board to support the Chair-designate?
7. How will you guarantee the independence of the work of the interim OEP? How will you avoid the perception of a conflict of interest, or the possibility of undue pressure on staff (if they are Defra employees), where complaints have been made about the actions of UK Government Departments or Ministers, and especially Defra?
8. What steps are you taking to ensure that the interim arrangements you are putting in place for England are aligned with those in the rest of the UK, and that there will be appropriate co-operation on cross-border issues?
9. How quickly do you expect to commence the relevant parts of the Environment Bill once Royal Assent is achieved?

We look forward to holding the pre-appointment hearing for the Chair-designate at the end of this year as previously agreed. Given that it is unlikely that the House of Lords will have begun their detailed scrutiny of the Bill by that point we will do so on the understanding that it is possible that the OEP's remit and powers, and or the appointment process for the Chair, will be amended after the pre-appointment process. If that occurs, we will need to consider whether further scrutiny of the final appointment will be required.

Yours sincerely,

Neil Parish MP

Chair, Environment, Food and Rural
Affairs Committee



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A handwritten signature in black ink that reads "Philip Dunne". The signature is written in a cursive, flowing style.

Philip Dunne MP

Chairman, Environmental Audit
Committee