



Environmental Audit Committee

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Rt Hon Theresa Villiers MP
Secretary of State for Environment Food and Rural Affairs
DEFRA
2 Marsham Street
SW1P 4DF

By email

22 October 2019

RE: Environment Bill

Dear Secretary of State,

Thank you for your letter on the Environment Bill and the Government's response to my Committee's report on pre-legislative scrutiny. We welcome the introduction of the Bill and are pleased to see that several of our recommendations have been adopted.

In particular, we welcome the framework for setting legal targets and the inclusion of five year milestones allowing for monitoring of progress and scrutiny by the Office for Environmental Protection (OEP). We are also pleased to see climate change incorporated into the scope of the OEP, so that climate change targets and carbon budgets will be legally enforceable for the first time. The adoption of our recommendations for bespoke enforcement, with a new mechanism for environmental review in the Upper Tribunal and additional powers for the OEP to bring emergency judicial reviews, are also encouraging.

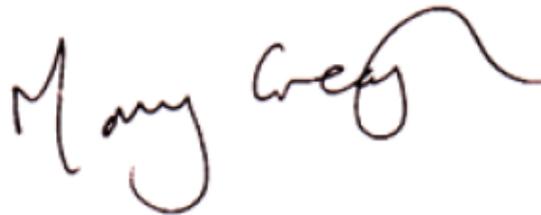
Despite these positive developments we have a number of outstanding concerns with the Bill. We remain convinced that the aspect of the Bill on environmental principles is not fit for purpose, since the duty to apply the environmental principles is not explicitly set out in the Bill and defers to a policy statement. We have still not had sight of this policy statement, which makes it difficult to judge how they will be interpreted and applied. We welcome that Parliament will have a formal role in its scrutiny, but for this scrutiny to be effective it is vital that we have early sight of this document. We urge you to commit to publishing the draft policy statement before the Bill reaches Committee stage.

As you noted, our main concern with the draft Bill was the independence of the OEP and its ability to scrutinise Government performance on the environment effectively. We appreciate that some measures have been taken to enhance its independence, such as providing for multi-annual budgets, however we are still concerned that the Chair and its Members will be chosen by the Secretary of State and accountable to them. A statutory duty on Ministers to uphold the independence of the OEP is necessary but insufficient to guarantee its independence, and we do not consider that this is stronger than a duty to report interference. We urge the Government to consider strengthening the links between the OEP and Parliament to enhance the independence of the body. We continue to

consider the governance model provided by the Public Accounts Commission and the National Audit Office to be the most appropriate for the OEP, and suggest that this is looked at again during the passage of the bill. In addition, we consider this Committee to be the natural home for scrutiny of the performance and governance of the OEP, and we would expect to have a role in the appointment process of its Chair. We request that the provision for a pre-appointment hearing with the EFRA Committee be made joint with our Committee.

While we welcome the framework for target setting, we are disappointed that the targets will not be in place until October 2022, and there will be no requirement to meet them until 2037 since the interim targets are not legally binding. We appreciate the need for consultation, but this is a needlessly long timeframe. Targets should be required across the ten headline goals in the 25 Year Environment Plan and not just in the four 'priority areas' set out (air quality, water, biodiversity, and resource efficiency and waste reduction) and on fine particulate matter (PM_{2.5}). If the Government's intention is to be the first generation to leave the environment in a better state than it inherited it, at the very least, we would expect the Bill to have a mechanism for Government not to reduce the environmental standards that apply on exit day.

We look forward to these areas being addressed during the passage of the Bill.

A handwritten signature in dark ink, reading "Mary Creagh". The signature is written in a cursive style with a large, sweeping flourish at the end.

Mary Creagh MP

Chair of the Environmental Audit Committee