

Environmental Audit Committee

Oral evidence: The environmental protection policies of the Department for Environment, Food and Rural Affairs, HC 478

Wednesday 8 February 2023

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Members present: Philip Dunne (Chair); Duncan Baker; Barry Gardiner; Helen Hayes; Caroline Lucas; Cheryllyn Mackrory; Anna McMorrin; John McNally; Dr Matthew Offord; Claudia Webbe.

Questions 80 - 146

Witnesses

I: Rt Hon Dr Thérèse Coffey MP, Secretary of State, Department for Environment, Food and Rural Affairs; and David Hill, Director General for Environment, Department for Environment, Food and Rural Affairs.

Examination of witnesses

Witnesses: Dr Thérèse Coffey and David Hill.

Q80 Chair: Welcome back to the Environmental Audit Committee for our second panel this afternoon. We are very pleased to welcome the right hon. Thérèse Coffey, the Secretary of State for DEFRA—I think that the name of the Department has not changed this week—who is accompanied by David Hill, , the director general for environment at DEFRA, who is well known to the Committee.

Secretary of State, you are very welcome. This is your first appearance before us as Secretary of State. You have of course been a distinguished member of this Committee and as Environment Minister have appeared before us many times. You are on friendly territory here and we all wish you well in your new role.

You will recall that I wrote to you shortly after you took up office, to point out the quite significant litany of consultation responses awaited, and other data points and policies that DEFRA was due to announce. You wrote back to me last month indicating that there was progress being made. Could you characterise how you found the Department and what work you are doing to try to speed up its decision making?



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Dr Coffey: Thank you, Chair. I must admit that your predecessor was a little bit shocked when I was still on the Committee, because formally, of course, Ministers are not here. I do not know the history of why the Minister is a member of the Committee, but I did turn up to one and set the cat among the pigeons. That was my opportunity to try to get something on the record from a witness at the time, so I had a bit of fun. It is good to be back at the Department and having a bit of fun.

Clearly, changes in Administrations that happened last year and the process that was taken, when Boris Johnson announced that he would be stepping down as Prime Minister, that no new decisions would be made put a bit of a brake on quite a lot of some of the work over the summer. As a consequence, as you are aware, we had a change of Administration, a new Secretary of State, a new team pretty much throughout, and then new again. Coming back into the Department, I want to give credit to the civil servants, who are obviously still getting work under way, but I have to admit that I was mortified when I realised that I was signing a letter to you that was late, and I think I put that in the text.

One of the things that I am very keen to do is to make sure that we are improving in different ways. Clearly, with the nature of our business as DEFRA, there is a lot of interest across Government in the implications and being engaged in this, so some of our responses on consultations may take a little bit longer, recognising the reach that we have. That is reflected in the breadth of the Departments that you invite to come and give evidence to you.

I would like to think that we now have a very clear direction and determination. It is no joke that when I first arrived I was given a timeline that we would not necessarily get the statutory instruments out until May. That was not good enough. We got them laid in December, passed in January and the report done in January too. I hope that we will continue to make progress, but I am conscious that in the first 100 days that we had together, we kicked the tyres extensively on the new ELM scheme, did a lot of thinking about net zero, got on with the targets, and got on with the plan. I am very proud of the environmental improvement plan and the effort that went into creating it.

I am conscious that we still have a number of things to do. On the indicator framework, we have done 50 out of 66; we still have more to do. We have committed to complete that by the end of next year, as well as new endeavours announced—things like the retained EU legislation. We have been doing some good work on that as well.

What matters most, I think, is what achievements we can deliver, in particular for the environment, our farmers, our landowners and nature. Probably the jewel in the crown when I gave evidence in your joint session with the with the Lords Committee, amid all this, was the biodiversity framework that was reached—that historic agreement in



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Montreal. We have had a lot to do and we still have lots more to do, inevitably.

- Q81 **Chair:** It is a very broad agenda. We see it from a particular angle, and you have the EFRA Select Committee scrutinising more directly some of the agricultural and other elements.

We have just had the chair and chief executive of the Office for Environmental Protection in front of us. Of the 32 different environmental targets that they assessed in their first annual report, they found 23 of them demonstrably not to be on track to achieve the goals in the 25-year environment plan. What is your perception of what you can do to get that back on track?

Dr Coffey: I was a bit surprised by some of their judgments, I think is the best way of putting it. I have had this conversation with Dame Glenys. We have cleaner air than we had before. We have made some progress on different things. I am conscious that we did not have particular targets on certain of the goals. If I think back to five years ago, the 25-year environment plan in effect was a vision. There were aspects of strategies in it. Since the publication of that, we have published the clean air strategy and the resources and waste strategy. More recently, there is a whole range of things happening on biosecurity. We have been doing the fisheries statement with the devolved nations. There has been a lot in between. Oh, and by the way, we left the European Union as well.

We want to continue to make progress in that regard. Hopefully it will become more straightforward for the OEP now that we have clear targets in place. Of course we will be doing an annual report and the OEP will engage as well. *[Interruption.]*

Chair: Members of the Committee like to make a bit of an entrance.

Dr Coffey: We have made some changes in policy. Barry, in spite of that, we are still not putting glass in the DRS system.

- Q82 **Claudia Webbe:** Can I quickly ask, if I might, while Barry is making his entrance, how universal is progress on clean air across the country? We can see what is happening in London, but how universal is that? People say that there was change after the pandemic, but usage of cars and so on has gone up—

Chair: Claudia, we do have some questions on clean air in a moment. Perhaps you could just address the immediate—

Dr Coffey: Every council in the country has powers already on things like clean air zones, if they want to set them up, and air quality management areas. They have powers to do things like smoke control zones. Progress is being made generally. There are some aspects where it is harder for councils to make a difference. I would say that for some of the air pollution that comes from, say, the agricultural sector. But thinking about how public health was effectively transferred into the upper-tier



authorities right across England in 2013 or 2014, I have always wanted—and when I was the Minister before, often, when I was having a phone call with the mayor or the head of transport or another cabinet member, I would say, “Where is the public health director? Why aren’t they in this discussion?” I have always been very keen to make sure that this is a very localised approach. There are some national measures that we can take, but a lot of it will be how you can deliver this very locally.

Q83 Chair: One of the criticisms from the OEP in its report and in front of us just now is the inconsistency and lack of accurate or timely data available to it to assess performance against ministerial targets. You have set a lot of new targets in the short period that you have been in post, through the EIP, which we will come on in a moment. How satisfied are you that you have the tools to measure the various things against which you are trying to judge performance?

Dr Coffey: Some things are pretty specific. Sometimes trying to get information ourselves out of councils can be challenging. I have already indicated to the Committee that we know, for example, that we do not have all the outcome indicators sorted yet. David is conscious of that. We are also developing—these are early days—things like the natural capital eco assessment system. Some of this is still quite new, so we are learning as we go and there will be some experimentation. But now that we have set specific legal targets, we have to measure those so that we can deliver them. David, would you like to say a bit more?

David Hill: Yes, thank you. On the outcome indicator framework that the Secretary of State referred to, we are voluntarily compliant with the code of practice for statistics. That means that there is a very high analytical bar for something to qualify as a high-calibre indicator. That means that we are taking a bit of time in areas that have methodologically been quite difficult traditionally to measure. Resilience to environmental hazards is an example. We are taking a little bit of time to get those right.

We are making a very big investment over this spending review period through the natural capital and ecosystem assessment programme, which is a £140 million investment over the SR period, in the underlying evidence supporting the development of our ability to monitor and measure going forward. For example, we are using that programme to develop indicators around soil health, which I know is an area of particular interest to the Committee.

One of the areas where we are having a good discussion with the OEP is about the extent to which we can make use of some proxies in the interim period. The OEP did a bit of that in its latest report, and that is one of the areas that our analysts will be working further with the OEP on to make sure that we have common methodological approach going forward.

Q84 Chair: I am interested in what you have just described about natural capital. I was at one at one of our leading agricultural universities last



week and they described 66 different ways of measuring natural capital being used in the private sector, some of which are contradictory; about six are in more common use. For people who are trying to comply and do the right thing, it is incredibly important that standards are set that people understand and can measure their own performance against. Is that what this programme is designed to provide across nature, across the environment, across soil health?

David Hill: It will certainly help. This is a very important piece of work when we think about the future challenge of leveraging more green private finance into delivering for nature, on which we have some big targets over the coming years—half a billion pounds a year by 2027 and £1 billion a year by 2030. What is really important to unlock that is confidence in the environmental integrity of the framework. All of the analytical work that I have described, plus some work that we will do around trying to articulate some common standards, is intended to support that.

Q85 Helen Hayes: I have some questions on the environmental improvement plan 2023, starting with a question about funding. Can you confirm how much new money is to be allocated to the delivery of the environmental improvement plan in the current spending review period to 2024-25?

Dr Coffey: A considerable amount of the delivery of the environmental improvement plan will be undertaken as we transition away from the CAP approach with the basic payment system. As that gets phased out, we have opened up new funding streams. It will still be adding up to the £2.4 billion per year available, and then, in effect, we will be paying people to deliver eco services for us.

A lot of that will be about helping to improve sustainable food production. We started off with sustainable farming initiative payments connected to soil health. We have opened that up a lot more now. As part of what we released, the original plan before I arrived as Secretary of State was to have an extra three funding streams, and we made that six. Things like integrated pest management got brought forward. That is how we are using the existing funding, which it was agreed with the Treasury would still be dedication to this activity.

There are some other funding streams. Work has been ongoing for some time on improving air quality. That was money already allocated. There are aspects of things like the species survival fund that will be coming through; I think we are just waiting for the final numbers to be agreed with Treasury. We are undertaking this approach as well as the expectations, for example, from the water companies on aspects of water quality. Some of that activity is already under way and some of that will come through in the price review. Overall, it is difficult to pin down a precise number to add it all up, because it all comes together from different programmes.

Q86 Helen Hayes: Is your answer that there is not new money, but it is the



bringing together of lots of different funding streams that were previously allocated under a different heading?

Dr Coffey: I would say that there some specific new funds. We have done that on the species survival fund. There are aspects of completing the nature for climate fund. There is the woodland creation funding. There are already existing workstreams to deliver what we are trying to do. The environmental improvement plan has pulled together a delivery plan with specific targets so that money is particularly well guided at trying to achieve the outcomes that we have.

Q87 Helen Hayes: Apologies, Secretary of State; on the specific question of whether there is new Government money—which has a very specific definition, as you will know—going into the delivery of the EIP, is there new money or is it all repurposed money that was allocated under existing workstreams already?

Dr Coffey: It is an ongoing plan. As I have already indicated, there is additional funding coming in for things like species survival. The money, in effect, has been part of what was set out in the journey in the 25-year environment plan. There is less money going into basic payments, and that means money that was agreed to be funded for the delivery of environmental improvements is being delivered in this way, through SFI, ELMS and through other activities. The money has always been there. That is what we are doing; that is what we are delivering.

Helen Hayes: We will interpret that as a no on new money.

Dr Coffey: That is not true, because I have told you there is more new money coming in, there is already existing work coming in, and money has been purposed that was going through basic payments and is now being guided into payments for eco services.

Q88 Helen Hayes: Let me ask you a different question. Are you confident that the amount of money directed to programmes such as the species habitat fund and the environmental land management schemes will be sufficient to deliver the objectives of the EIP?

Dr Coffey: Yes.

Q89 Helen Hayes: What engagement are you having as this complicated funding landscape is pulled together? What ongoing discussions are you having with the Chancellor and the Treasury about the ongoing delivery of the EIP in all its aspects, and what assurances do you have that the current funding streams will be sustained and that there will be the resources needed to deliver in full?

Dr Coffey: The funding streams that have been in place are certainly there for our spending review, but more broadly we have said and put in our manifesto that we will be maintaining that funding, as would normally be expected when we were members of the European Union. I recently spoke to the Chief Secretary to the Treasury. I am not anticipating any



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changes whatsoever. We know that we can only achieve the outcomes—the targets—if we engage our farmers and landowners across the country.

Of course there is more that we will continue to do in aspects such as reducing food waste. There is a number of different activities under which we will be continuing to, say, increase our recycling targets by implementing the DRS scheme, getting towards EPR and consistent recycling. There is a number of activities there, some of which in effect will be self-financing. There is a balance that goes hand in hand in making sure that we have that money guaranteed, and we now just need to get on and make progress.

Q90 Helen Hayes: Your promise in the foreword to the plan was that the Government would be “embedding nature in the heart of every decision that government will take for the long haul”. How is that going?

Dr Coffey: Well, we commenced the duty. This is about whether policies can improve the environment, and nature has to be considered. That wider duty to have regard to biodiversity started on 1 January. As we have set out with the environmental principles policy statement, which was also published on 31 January, we will embed that in a more systematic way within central Government into policy decisions and considerations with effect from 1 November. So there is a wider principle—and, by the way, that applies to local councils, and I understand that it applies to the national parks. That broader element was commenced and we need to keep that going.

Q91 Helen Hayes: We note that the question of nature is not included in the terms of reference for any Cabinet Committee, so in terms of the step change that is needed across Government, where nature has not been at the forefront of Government decision making, to the commitment in the EIP to do so, how can you embed something if it is not part of the terms of reference that the most senior members of Government are working to every single day?

Dr Coffey: To give you an example, we do not have a Cabinet Committee that talks about equalities, but every Minister considers the public sector equality duty. We are working through how this then comes through in terms of regarding nature. There is a Cabinet Committee, where I have already been in to talk about things more to do with adaptation, to do with climate change, but of course, as the Secretary of State for DEFRA, when we are doing write-rounds and discussions, those are the elements where we particularly reinforce what might be needed about enhancing, protecting and restoring the environment. That is an active, ongoing discussion that we have with other Departments.

As I say, the environmental principles policy statement was only published on 31 January, so, in a way, that systemic approach will be coming into effect later this year.



Chair: Matthew Offord has a question on that very subject.

Q92 **Dr Offord:** There has been a delay in the implementation of the environmental principles policy statement until November this year. Why is that?

Dr Coffey: Because this is a brand-new statement. It just got cleared very recently and it is sensible to take several months to embed using that into the approach. I am not aware that there was an expectation that it would happen on day one. There is the broader duty on biodiversity, as I say, with the commencement that we did from 1 January this year.

David Hill: There is quite a programme of work that we are working on with all Departments to help them understand how they can best embed these principles in ministerial decision making. For example, we have senior civil servant champions in every Department to spread the word about these principles, various offers of help, advice, support and best practice from DEFRA, and a board I chair with directors general and directors from across Government—all the Departments that have a stake in supporting delivery of the EIP. We are also using that to stress-test how implementation is going. But we judged that we needed a bit of time to ensure that Departments are able to implement this well.

DEFRA itself intends to set a much faster pace. Although the formal implementation period is 1 November, we intend much faster to be operating absolutely in line with the spirit of the principles, because we think it is important that DEFRA in particular should set a lead.

Q93 **Dr Offord:** Okay. I will leave that one where it is. I asked the previous panel what regulators could do to ensure that the interim targets in the environmental improvement plan are achieved. Do you think the regulators could be doing more?

Dr Coffey: We have only just set the targets. I think the final one cleared Parliament on 30 January, in time for 31 January.

To give you an example from the environmental improvement plan, Natural England have been working already on the environmental framework about access to nature within 15 minutes. They launched that on either the 31st or the 1st. There are other aspects I have already commissioned work on; for example, I want to see a lot more progress on the status of SSSIs. I am very conscious that there are some real challenges there, and that is the sort of work I am expecting to come back. There is a lot that we are asking the Environment Agency to do, if they are not already doing it of their own volition, to help track progress.

More broadly, my ministerial team will be more closely engaged. For example, Minister Pow looks towards the Environment Agency and Minister Harrison looks towards Natural England and the Forestry Commission. While Minister Spencer is formally in charge of the relationship with MMO, I am expecting Minister Benyon to be engaged



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with the MMO on the marine aspect of the environment. There is a number of different ways that they will be focusing more on the day to day, but overall, at my more strategic level but also, at times, getting into the weeds, I will be wanting to drive a lot of analysis and then delivery from that. That is the sort of work that I have commissioned.

Q94 Dr Offord: You mentioned the work of the Environment Agency, but there is also the work of Natural England. Do you think they have enough money to do their job?

Dr Coffey: Yes. I think their funding went up more recently, as we have asked them to do more.

Q95 Dr Offord: It is a bold statement to say yes.

Dr Coffey: All I do know is that when we came in—we came in together in 2010—there wasn't any money left. Some choices had to be made, some prioritisation had to be done. In terms of total funding, we have actually seen a significant increase in the last financial year for Natural England. TDEL has gone up from £161.5 million to £258 million in this current financial year. Admittedly, they had been dropped for a while, but they have bounced back up.

Natural England are clearly on a mission. They have already created I can't quite remember how many thousands of hectares of new nature in partnership with landowners. They are going to have an important role in the biodiversity net gain. We are close to finalising the approach on local nature recovery strategies; again, they will have a role in that. There is a number of ways that I can see Natural England not necessarily having to do everything themselves—far from it—but being a key partner and adviser/educator to people, and being an enabler. Enabling is going to be a key outcome that I want Natural England to excel at.

Q96 Dr Offord: What about the Environment Agency?

Dr Coffey: The Environment Agency as well. They have been on a bit of a journey with budgets. I know they went down in terms of grant in aid. That again was boosted this last year as we asked them to do new activity, but I recall from when I was in the Department before that something like three quarters to 80% of their income—that sort of scale—has always been with regard to charges, through licensing and permitting. When I was in the Department before, the right hon. Member for Surrey Heath opened up more opportunities, and indeed George Eustice, when he was Secretary of State, also opened up more potential permitting and licensing charges. So that aspect has been available.

Do remember that the water companies who pay licence fees and similar, that is supposed to include inspections, and then grant in aid has to be used for things like enforcement, so potentially taking people to court and similar. There should have always been, as long as the charging limit was right, the opportunity for EA to do inspections, to try to ensure there was compliance.



Q97 **Chair:** Secretary of State, the OEP were in here just before you, as you may be aware. We asked them about their level of resourcing and they are looking to increase their staff numbers from 58 to 85 over the next 18 months, I think they said. Is that something that you recognise? Is that something you will be able to help them with?

Dr Coffey: I think there are discussions at the moment at official level. Nothing has come to me yet. We are in the middle of doing business planning—resource planning—so I am expecting a recommendation very soon from officials. I am a keen reader of the minutes of the OEP's board meetings, and I know that they are at risk of returning money because they have potentially underspent this year. But I accept that they are still in their infancy so may not have all their levers ready yet, and I think they did a good deal on rent, so we will see what comes forward from the officials.

Q98 **Chair:** I am sure the minute writer will be intrigued to know that their work is being so carefully scrutinised. In the EIP, under the "clean and plentiful water" goal, you refer to improving the water policy and regulatory framework and you say that DEFRA will "reform the current framework". There is an investigation going on by the OEP, as you know, into Ofwat and the Environment Agency.

Dr Coffey: And indeed, I think, the Secretary of State.

Chair: Could you elaborate on what is in prospect with the reform of the current framework for water regulation?

Dr Coffey: I think the outgoing chief executive of the Environment Agency has been consistent in suggesting that the current regulatory framework could be enhanced. I am looking forward to his recommendations on what could be different, and that is why I think there is an aspect of that. In terms of other things, perhaps David could come in.

David Hill: As the Secretary of State said, we are awaiting the outcome of an OEP investigation, which does indeed include the Department. We are looking at the set of targets that we brought forward in the environmental improvement plan and then thinking about the potential role of regulation in supporting delivery of those targets. Ministers will have further, in that space, a plan for water, which was signalled in the EIP and we intend to bring forward quite soon.

Dr Coffey: Yes, I am due to do some workshops on that. Minister Pow had previously comprised one and I think we are going to go through it. That will give us a basis on which to make enhancements where necessary.

Chair: As you know, it is a subject that we have taken a lot of interest in.

Dr Coffey: Indeed—quite rightly, too.



Chair: So we look forward to the outcome of your deliberations and the investigation.

Q99 **Cherilyn Mackrory:** Secretary of State, it will not surprise you at all that I am going to continue on water quality, with particular emphasis on the targets in the Environment Act. We need to reduce nitrogen and phosphorus by 40% in agriculture and 80% in wastewater. Do you still think that these targets are adequate?

Dr Coffey: I think they are achievable. They are stretching. It is going to take a lot of heft and focus, but of course an important part of the Act was that I had to sign my life and blood away to say that they were achievable. I am not pretending otherwise; some of these are going to be pretty difficult to achieve, but they are necessary to achieve. That is why I was prepared to really push on some of them and why on some others, which have been well discussed—the Committee may wish to go into them—all the evidence that was given to me was that we could not bring them forward, such as the air quality target for PM_{2.5}.

There is a balance that needs to be struck at times, but there is quite a lot of work to be done in particular aspects of things like agricultural pollution, as you have already said. In our time under the CAP, we were only able to reduce nitrate pollution by about 9% and phosphorus pollution by 10%. That is why we know that we need to make more effort and why we are very focused on it.

Q100 **Cherilyn Mackrory:** Can I push you a little on the agricultural side? There is a worry that the chemicals will continue to build up in the soil unless there is a clear net zero target. Is that something you recognise?

Dr Coffey: I am not sure what you mean by a zero target in that regard, sorry.

Cherilyn Mackrory: Unless we have net zero targets for nitrogen and phosphorus in particular—so eliminating them completely. I think there needs to be a small amount for healthy soils, but the indication is that those targets may not go far enough, because they will continue to build up in the soil.

Dr Coffey: I have not explored that. Nobody has ever raised that with me.

David Hill: Certainly in terms of the set of standards that were announced under environmental land management the week before the environmental improvement plan, one of the things that we are seeking to do in the sequencing of bringing those standards forward is prioritise those things that will pay for activity that benefits the water environment. To give you a sense of the scale of the transition for the agricultural sector, we are aiming that by 2028 at least 40% of England's agricultural soil will be in sustainable management, and aiming to get that to 60% by 2030. I would not underestimate the scale of what we are trying to drive



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through environmental land management, with water quality as one of the central goals of the gearing and targeting of those schemes.

Dr Coffey: There is stuff here about why we are taking a lot of active effort on air pollution in terms of things like slurry storage. Once the ammonia is in the air, that can turn into secondary PM, but it is the nitrogen deposition in the soil that becomes a problem. I have told my Department that if we can find any money under the sofa and if we have enough applications, we should put even more into trying to make that happen. I am conscious that it is quite a niche product, so the market is not necessarily overrunning with the capacity to provide sufficient slurry storage just like that, but I am keen; that is a particular focus for me.

Q101 **Cherilyn Mackrory:** This question might be for David. Under the old EU rules, we had water quality classes A and B. Will the 40% and 80% targets get all our rivers to class A, or do we think there may still be some sub-classes? Those classes related particularly to fish quality and shellfish quality. That is an important secondary indicator as to why we would want to improve the quality of the water—not just for swimming in, but for some of the industry that we have on the water. Is achieving those targets going to get us to that ultimate, best possible state of water?

Dr Coffey: I will let David answer, because he might take us down a direction, and then I will chip in if I need to.

David Hill: The targets are absolutely aimed at continuing progressively to improve river quality. There is no resiling from the ecological status target but, as I think you will know, because that is a composite measure, you can make significant progress in many areas but still miss the target. The physical modification of waterways is the thing that the plurality of water bodies fail against in terms of good ecological status. What we are really focusing on is absolutely to retain that but to try to make practical progress on those areas that we have judged cause the greatest harm through the suite of targets that we have brought forward. Metal mines are a specific example of that, but within the environmental land management programme, we are absolutely geared towards transformation of agricultural practice to support that.

Dr Coffey: I was slightly thrown, because I have not heard “class A” and “class B” before when it comes to water.

Cherilyn Mackrory: It came to the fore when we left the European Union and there was a problem with exporting of shellfish.

David Hill: Forgive me; I have misunderstood.

Q102 **Cherilyn Mackrory:** It is all related to the same issues. My question is: we have had so much commentary on wanting to make the water clear for lots of reasons, but this is a specific reason for industry, which is also under DEFRA, so have those conversations taken place, and do the



targets meet up? I suppose that is what I am trying to articulate.

David Hill: Perhaps I could write to you with a follow-up note on that. Forgive me, I have misunderstood the question. I recognise now the classification that you are talking about. There will be benefits, but perhaps I could write and quantify the impacts that would have.

Q103 **Cherilyn Mackrory:** Thank you; I appreciate that. Moving on to food security, there is an argument that some people put forward that plant-based diets, for example, will encourage space for nature and that potentially, if the Government were to encourage plant-based diets, it would be easier for the Government to achieve their targets in the EIP. Is this something that you recognise?

Dr Coffey: What can I say? I am no vegan; however, a balanced diet is good for everybody. It is a little known fact that cats need meat. Dogs could be vegetarian if they wanted to be. That is from my time working for Mars, which makes dog food as well as chocolate—but not in the same factory. The thing that is important is to have good, nutritious food. We now publish an annual report on food security, which is principally about resourcing of food. I am conscious that the Climate Change Committee has views on this, but I am genuinely not going to tell people what they should eat.

Q104 **Cherilyn Mackrory:** The Government signed the Kunming-Montreal global biodiversity framework last December, which was, if I remember rightly, a pledge to reduce the negative impact of pollution from all sources, but they have since had to authorise a short-term use of pesticides. Could you comment on how we might be having an effect on the risk to pollinators, which might cause a decline in food security in the long term by doing something for short-term gain?

Dr Coffey: To go on the positives, what we brought forward in terms of the sustainable farming incentive was a funding stream on integrated pest management, to try to reduce the use of pesticides more broadly. It was Minister Spencer who went through the whole detailed consideration of whether to give the authorisation on the application of this particular neonicotinoid. What I am aware of is that, in the conditions of use, there is a particularly stringent threshold. An independent institution will assess whether there are risks to the production of the intended crop this season and then, supported by the advice of the chief scientific adviser, there are approaches that are being taken—I think it is for 32 months afterwards that flowering plants cannot be put there. Minister Spencer took the judgment that he was prepared to allow this, and we have put in pretty strong mitigation, if it is applied, on how to avoid issues in regard to pollinators for those 32 months.

Q105 **Duncan Baker:** May I ask an ancillary question to that? Glyphosate is not a neonicotinoid but is being banned in the EU at the end of this year. We have a date in the diary for the end of 2025. Given its toxicity—whether we implement that is another thing—and its harmful effects,



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about which there are huge amounts of claims going through in America, with the owner of Roundup putting aside something in the region of \$16 billion to pay potential claims, what is our view on what we do with glyphosate as a pesticide?

Dr Coffey: I have not had a discussion about glyphosate since returning to the Department. I was the environment Minister a few years ago, when this was under consideration. The European Commission at the time recommended to the Council of Ministers that we do not ban glyphosate. But of course, officials advise and Ministers decide, and I think the Council of Ministers ultimately took an extension of the consideration when I was there, and it sounds like they have subsequently come to a conclusion.

In terms of the use of glyphosate, that decision was made by a US jury. That is a matter for them. I recall at the time in particular how it was used, and it seemed to be used very freely. With any pesticide—indeed, any chemical—you need to be very aware of the risks and use it, if you are going to use it, in a way that it is applied as safely as possible. You will find that, principally, the no-till farming community absolutely rely on glyphosate. Meanwhile, I think Bayer has started to develop alternatives, particularly thinking of gardens, but I can tell you from personal experience that trying to get rid of ground elder is pretty challenging, and I must admit that I have used Roundup myself in the past with particularly persistent plants—

Duncan Baker: I think that is the problem.

Dr Coffey: Rather than using it freely as just a general weedkiller, when there are other suitable weedkillers with not quite the same strength.

Chair: Mr Baker, you are going to have another crack, so we need to press on because we have limited time. We have about 40 minutes and four colleagues to get in. That helps you with how long you have.

Dr Coffey: I will try to keep my answers as short as possible.

Q106 **Caroline Lucas:** We have already touched briefly on air pollution, but I want to come back to the issue of PM_{2.5}. Your target of 10 micrograms per cubic metre is not due to be met until 2040. That is well over the WHO target, over the EU target of 2030 and over the London Mayor's target of 2030. We heard from the OEP half an hour ago that they advised you to go for a target of 2030 and not 2040. I know that you said in the Chamber last week that you would have loved to have done this, but you said that your evidence suggests that it is not possible. Will you put that evidence in the public domain?

Dr Coffey: I think that is going through a process at the moment. I am keen to do that.

Q107 **Caroline Lucas:** What sort of process?

Dr Coffey: Within Government. There is quite a lot—



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Q108 **Caroline Lucas:** If you have already used this evidence to reach your conclusion, then why does it need to go through a further process in Government?

Dr Coffey: I am afraid it just does.

Q109 **Caroline Lucas:** Can you explain it to me? Where does it go? Who looks at it?

Dr Coffey: There is a process in Government about releasing aspects of information.

What I will say, to cut to the chase on PM_{2.5}, is that there are already substantial parts of this country that are below 10 micrograms. That is good; that is important. I am aware that to hit the target legally, it has to be achieved everywhere. While I want to make as much progress as we can in reducing PM_{2.5}, the evidence given to me is that it would not be achievable. Indeed, I think a lot of the experts say that. They say it can be achieved almost everywhere, but not everywhere. That is why when I was in the Department before, I banned smoky house coal, wet wood—all those things on burning—all the work that has happened on cars—

Q110 **Caroline Lucas:** Can we not go through all that? We do not have time, as you heard from the Chair. Dame Glenys Stacey suggested that if there are some small hotspots in London where the target could not be met at the moment, you could apply for some special measures for London. Even if there were a tiny percentage of places in London where you might not be able to meet it at the moment, and notwithstanding the fact that there is plenty of evidence from people like Professor Frank Kelly, whom I spoke with this morning, and others suggesting that if you were to have some more ambitious measures you could meet the target—even if we settled for your position that you could not—Dame Glenys Stacey suggests that you could apply for special measures to exempt those areas. Why would you not do that?

Dr Coffey: I do not think I can. The primary legislation is clear.

Caroline Lucas: That is interesting.

Dr Coffey: I think we would need to change the primary legislation to allow us to make changes to the secondary legislation. My understanding is that it is basically a national target, in terms of law.

Q111 **Caroline Lucas:** It is interesting that that was not the view of the OEP, whom we have just had in front of us.

Dr Coffey: I understand. We have not had that level of detail of discussion.

Q112 **Caroline Lucas:** I am surprised you have not had that level of discussion, because you will know how controversial this is. We have also had the chief medical officer saying we need to go further and faster on air pollution. I was at a meeting with him very recently.



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Dr Coffey: Indeed. The CMO report is very similar to our clean air strategy analysis from 2019. That is why we have taken action.

Q113 **Caroline Lucas:** But he would like to go further, and 90% of the people who took part in the consultation would like you to go further. Doesn't it seem rather reckless to put at risk the lives of thousands of people—the premature death, potentially, of thousands of people—because you will not look at the measures that many scientists say are perfectly possible to be taken, that could allow you to meet that 2030 target?

Dr Coffey: I do not believe that is the case. That is why, in answer to Ms Webbe's questions earlier, I said that quite a lot of this needs to be delivered locally. We cannot determine in Whitehall, from Marsham Street, the traffic flows of every single element there. I looked at the website the other day in terms of smoke control areas. I have not checked this with my officials yet, but it looks like the borough of Barking and Dagenham does not even have a smoke control area. There are things I have powers on, but I do not have powers on London boroughs. The Mayor of London does. That is my understanding.

Q114 **Caroline Lucas:** The Mayor of London would like some more powers to be able to meet—

Dr Coffey: He has shedloads of powers now.

Caroline Lucas: He would like some more powers devolved so that they can move more quickly. They have pointed out that London air pollution is falling five times faster than the rest of the country, so that would actually help you to meet the targets.

Dr Coffey: You can do anything with statistics. If it is so horrific and you have managed to improve it, as opposed to places that have pretty good air quality already, your marginal change is going to be big.

Q115 **Caroline Lucas:** When do you think you will have the process finished in Government where we will be able to see this modelling, and will you sit down and discuss it with people like Professor Frank Kelly so that we can look at how that modelling compares to other modelling? He is, I think, accepted to be a world expert on this, and he would point out that the approach that he has taken in the modelling that he has done at Imperial College is far more granular than we think—and obviously we have not seen it—the modelling that you may well be relying on in the Department is. He models on a 20-metre-by-20-metre basis, whereas the other modelling, if it is the one we are thinking of, is a kilometre by a kilometre. What we are looking at here is the potential to get down to some more granular detail. Would you sit down with him when you have your modelling, he has some modelling, and discuss it?

Dr Coffey: I am not going to sit down with him, no.

Q116 **Caroline Lucas:** Will your officials sit down with him?



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Dr Coffey: I don't know, actually. We will have to see whether that is the best use of officials' time. If this professor has specific things where he can target at a 20-metre-by-20-metre, brilliant. Get him with the Mayor of London. If that is where the issues are and he can unblock different things, great. Get on with it.

Q117 **Caroline Lucas:** The Mayor of London would need some more powers to do it. We are going around in circles, Minister. The Mayor of London needs more powers to do it.

Dr Coffey: He has powers. I appreciate he might want more powers, but there are 14 out of 21 boroughs still challenging. A lot of the issues are connected in aspects of domestic burning. We are already doing stuff with industry. A lot of it still comes from traffic.

Q118 **Caroline Lucas:** What I would draw as a conclusion from this conversation is that you do not know when it is going to be possible to put this modelling into the public domain—

Dr Coffey: Correct.

Caroline Lucas: You do not think it is urgent enough to ask your officials to sit down with the world expert, or at least the national expert, on air quality to discuss how we might meet more ambitious standards, and in the meantime thousands more people are going to be put at risk. Is that your understanding of what you just said?

Dr Coffey: We already have an air quality expert group in the Department. We already have discussions with people, with academics and scientists, about air quality. I think that DEFRA has more expert groups than any other Department put together, recognising, as often can be seen, the wider opinions that can be had on a variety of science. I believe we already have very good external views and challenge on some of the things that we are doing.

Q119 **Caroline Lucas:** Which the OEP doesn't agree with, which the CMO doesn't agree with, which the London Mayor doesn't agree with, and which the EU is completely on another, more ambitious target with.

Dr Coffey: The European Commission has put forward proposals. I am not aware that the Council of Ministers and the European Parliament have yet adopted that. They just came forward with those proposals, I believe, just before Christmas.

Caroline Lucas: The modelling suggests that it will be possible, which is my point.

Q120 **Duncan Baker:** I have some questions about the Retained EU Law (Revocation and Reform) Bill. The information that we have is that DEFRA has the most retained EU laws out of all Government Departments. Looking at that list, relevant to DEFRA, we know that the end of 2023 is quite a pivotal time, and that is not that far away any more. I really just want a broad conversation on where DEFRA is in the process of dealing



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with those laws, and redrafting and changing those that are pertinent to the Department. Do we really have sufficient time for scrutiny to be put in place to deal with some of those laws that could simply fall away?

Dr Coffey: I am conscious that we were part of the European Union for nearly 50 years, and competence for the environment had been well embedded for some time. Going through it, we have already done a first cut, before I was in office; we have done one again since I have been in office, and we are still doing an iteration.

As I may have pointed out before, we have already repealed 150 pieces of retained EU law—things that are not relevant to the United Kingdom—and I will try to set out the approach. Where we think something is superfluous, we will just let it drop. An example could be, as we have already done, the European Fisheries Control Agency. It is no longer relevant to us, so it has gone. We were only able to do that through primary legislation, so the retained EU law Bill will allow us to drop that without having to do more work on it. There is quite a lot where we are considering a number of things, like access to Norwegian waters for fish, where we have a separate deal now. There is quite a lot we just do not need any more.

I think there are things where we can make improvements, but we will go through that and try to take the time necessary to get there. A good example is air quality. In spite of the frustration, perhaps, of Ms Lucas, I am actually obsessed with air quality. There is an opportunity to change the air quality regulations from 2010, which designed exactly how we had to put zones in place. That meant that the east of England, which you and I represent as MPs, is lumped in with Uxbridge. There are all these odd things that happen in terms of agglomeration zones. There are things like that where we just know that life and outcomes could be better in the UK if we can get on with making these changes readily.

Q121 Duncan Baker: Last week we had the chief executive of the Environment Agency before us. As you will know, water is an area that this Committee has focused a lot of time on, especially our Chair. The chief executive told us last week that he supported revision of the regulations implementing the water framework directive. That is quite a significant piece of legislation, and talking about time and that some pieces of law will slip away, is that an area of distinct concern?

Dr Coffey: I am waiting to see what precise proposals he suggests to the Department, but I want to give the assurance again that it is not my intention to just let every bit of legislation drop. We will take a precise decision. We think some of these things may take a bit more time, and there is opportunity within the current framing of the Bill for that time to be extended beyond the end of this year. I think that, based on their experience, they think a lot of this could be done better. We will have to have open discussions when we go back to the ecological status of rivers. One of them is about morphology. Are we going to remove all the river walls on the Thames and allow it to go back to its natural environment? I



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don't think so. There are certain things where we will probably always fail certain ecological status, but I have asked for a systematic assessment—the EA is apparently already working on it—on the ecological status of things like that, where the water framework directive requires certain approaches. We will see what they come up with.

Q122 **Duncan Baker:** I suppose with the time pressure, we have to make sure that none of those environmental standards is weakened. That is absolutely key.

Dr Coffey: Absolutely. In the Bill at the moment it is a three-year extension, isn't it?

David Hill: It is to 2026—correct.

Q123 **Duncan Baker:** Do you envisage that that time may well have to be used?

Dr Coffey: It is quite possible on stuff where we may want to take the opportunity to change legislation. REUL is designed to be more about letting legislation go in an easy way where we do not need it or we want to do some deregulation, but we are still working through that process.

Duncan Baker: I am heartened to hear that we are already into the second iteration of reviewing and amending those pieces of law.

Dr Coffey: That is just since I have arrived.

Q124 **Duncan Baker:** In terms of staffing, we talked earlier about budgets, and there are nearly 1,800 pieces of law, from our research. We talked about the time extension, but it is going to take time for people to review all those laws. What is the approach? Are you going to need significant numbers of additional legislators to go through those laws?

Dr Coffey: We have already had this discussion in Government. Until we have completed our aspect of the process, which we are making progress on, I know that additional resource is being made available—that is what we have been told—to help us get through this. Whether that is about buying in services to help us—that might be one approach. That element has not been agreed formally yet, but the Cabinet Office and BEIS—well, it is not BEIS any more, but BAT—know that we will need more assistance to do this and that has already been agreed.

Q125 **Duncan Baker:** The capacity will come in whatever shape is necessary.

Dr Coffey: Indeed, and it is important. As the Committee will know, we have the environmental improvement plan and targets to deliver, so we are not going to spend all our resources just dealing with this.

Q126 **John McNally:** Secretary of State, you will be aware that the majority of environmental legislation is devolved. How are you engaging and consulting with the devolved Administrations to identify retained EU law that concerns areas of devolved competence? I am mindful that the



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Scottish Parliament and the Welsh Government have both written to you expressing their concerns on the legislation.

Dr Coffey: Indeed, we think about 85% of legislation has a devolved element. That work is already under way at official level. David might want to say a bit more about how it is working.

David Hill: One of the things we did within DEFRA in particular following EU exit was agree a set of common frameworks across big areas of shared interest. Chemicals are an example of that, where we have UK REACH but we have devolved elements. We are using those common frameworks as the basis for working through some of these retained EU law implications, and of course there is a joint ministerial group that the Secretary of State chairs, which I think meets every couple of months. So there is a political forum as well for Ministers from all the devolved nations to discuss these issues. The common frameworks were welcomed generally by counterparts in the devolved Administrations as providing a bit of structure to work through what is often quite a technical set of issues.

Q127 **John McNally:** I am mindful that the Secretary of State is very good at harmonising and bringing people together, and you have certainly never been afraid to address issues.

Moving on, Secretary of State, could you tell us about the arrangements that have been made to ensure that environmental legislation in Northern Ireland in particular is being addressed, considering that there is not any functioning Executive in place at the moment? Will officials be able to authorise the retention of the environmental laws in Northern Ireland?

Dr Coffey: Yes. There are powers in the Bill that enable the UK Government to act on behalf of devolved Administrations, which of course includes Northern Ireland. I hope that the Executive forms and the Assembly gets back, and that they can do that role themselves according to how they wish to do it, but of course we need to take that approach, and we are in discussion with BAT and the Cabinet Office on that.

Q128 **John McNally:** How likely do you think that is?

Dr Coffey: I am very hopeful, but whether the Northern Ireland Executive reforms is not in my hands; it is in the hands of the parties in Northern Ireland.

Q129 **Claudia Webbe:** I am going to move on to the resources and waste strategy. In your response to the Committee's November 2022 letter highlighting a series of policy announcements and consultations that had been delayed, you said that you intend "to undertake a series of deep dives on priority issues". Of course, the environmental improvement plan has now been published. What are your top three priorities?

Dr Coffey: We have responded on DRS. I think we are close to resolving consistent recycling. We do want to make progress with EPR. I am conscious that industry is concerned about aspects of that, so I am going



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on a bit of a deep dive to try to understand that. There is an element of what other materials could be brought into EPR. I think we have to make progress with what we have particularly on packaging first, so there is an element of prioritising, but I am very keen to get the whole circular economy thing going again in substance. There are alternatives, we know, on things like aspects of how we use plastics, but I am very keen also to get on with the forest regulations and what we have done there on the due diligence of supply chains. There are a number of elements in the resources and waste strategy that need particular focus on how we are going to prioritise, frankly, in the next 18 months.

Q130 Claudia Webbe: The environmental improvement plan refers to the maximising resources and minimising waste programme. When do you expect that to be published?

Dr Coffey: Well, the plan is out. Forgive me; I am not clear what more you are expecting. I apologise. Well, I don't apologise; I seek to understand.

Q131 Claudia Webbe: You referred in the environmental improvement plan to the maximising resources and minimising waste programme.

Dr Coffey: Okay—the waste prevention programmes. I will hand over to David. When are we getting that out?

David Hill: Very soon.

Dr Coffey: There we go—very soon. What is your sense? There are some things where we are trying to—the best way I can say it is that there are a number of activities in terms of waste prevention that are under way. We are doing some serious analysis and assessment of EPR. We have announced what we are doing on DRS. We need to get on with that. The consistent recycling, in particular, I hope will be a good way to take this forward. But I am conscious that it is about promoting reuse, managing residual waste—all those elements need to come through, so I do not have a specific timeline for you, Ms Webbe.

Q132 Claudia Webbe: Perhaps you can forward that to the Committee later, if possible. On extended producer responsibility, as you know, the Committee has been pursuing the issue of an extended producer responsibility scheme for textiles at least since 2019. Since the recommendations of our 2019 report, 1.2 million tonnes of textiles have ended up in landfill. We are pretty concerned about textiles in this regard. Will you bring forward concrete plans? When can we see those?

Dr Coffey: I know that textiles was identified as a priority. We have funded the Textiles 2030 programme to try to get that reduction in waste. There is a wider framework of policy options but I cannot right now say that I am going to be able to include textiles in EPR in the near future. We have to get focused on the packaging. We have to prioritise. As it stands, there is work being done in terms of policy development, but a lot of the focus is on getting the EPR on packaging absolutely right.



David Hill: I think that is right. The collection and packaging reforms, including extended producer responsibility for packaging, is a really significant programme. We have calculated that that accounts for around 75% to 80% of the effort share for the waste sector in terms of our net zero commitment. Getting that right is a significant undertaking. There is also a question about the sequencing, as we bring forward additional EPR schemes, and the cumulative load that we are placing on industry and business to adapt, because this is a big change programme for business as well.

There is a lot of work going on, as the Secretary of State says, around textiles, and we have some powers in the Environment Act that we may well be able to use in the future, but I think the Secretary of State's point about prioritising the big packaging reforms right now is exactly right.

Q133 **Claudia Webbe:** Are you suggesting that there will not even be a consultation this year?

David Hill: No, no. We may well be able to say more about the direction of travel on textiles, but the big delivery focus right now is the packaging reform.

Dr Coffey: I think it is fair to say that I do not anticipate an EPR for textiles coming into place anywhere in the near future.

David Hill: Not imminently, no.

Dr Coffey: That may be disappointing for the Committee. I am just conscious that we have to prioritise.

Q134 **Chair:** This Committee did a groundbreaking piece of work exposing not just the issue that Claudia has referred to, which is the dumping of huge quantities of textiles from this economy, but the modern slavery alive on our streets. Claudia is particularly aware of that, because much of that was happening in her constituency. We took heart from the DEFRA response under your predecessors two years ago that there was going to be a consultation on this, and it would be very disappointing if that has been bumped right off the agenda.

Claudia Webbe: Yes, it would be extremely disappointing, for all those reasons. Obviously, the amount of textiles going to landfill—the whole fast fashion industry and the waste of textiles—is unacceptable. Promises were made, and we really do want to see progress on this.

Dr Coffey: I completely understand where you are coming from. I remember being interrogated about this when I was in the Department before, and you have done enhanced work on it. I am just trying to be as straightforward as I can with the Committee. I do not want to mislead you or give false hope. We are going through this, but my priority is absolutely packaging, because that is where we have the wider scale of issues. That is a choice that we are making, but that choice is not concluded. I just do not want to give false hope that all of a sudden we



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are going to get a consultation out on EPR with regard to textiles this year. I cannot give you that assurance.

Q135 **Claudia Webbe:** I know that time is of the essence. Can I refer you again to your letter, where you talk about a research project? You say that this included industry engagement “through workshops, interviews and focus groups from October 2021 to January 2022”. I feel like I am grasping at straws, because it is really not the basis of what we are getting at, but you then say that DEFRA expects “to publish the summary of responses and the final programme in early 2023”.

Dr Coffey: I am open to publishing the summary of responses. That is not necessarily the same as coming forward with a consultation. I will go back and ask where we are on that element of it, but I am trying to be straightforward with the Committee. I am not trying to play games on this. I have to get on with the EPR on packaging.

Q136 **Claudia Webbe:** Can I take you on to a question about the deposit return schemes? We heard there was a real risk of fraud if deposit return schemes across the four nations of the UK were not fully aligned, which we now know will be the case. What assessment have you made of the risk of fraud undermining the integrity of each nation’s scheme?

Dr Coffey: I do not know the level of detail on the fraud assessment. I am clear that we are decided that we are not going ahead with glass, for a variety of operational reasons, and to get on with the programme.

Q137 **Claudia Webbe:** Getting on with the programme, from our point of view, requires a level of interoperability. Obviously, we wanted glass and carton to be part of this process. Different nations are operating different aspects in terms of what will be included and excluded. Those differences do not bode well for a joined-up approach and interoperability, and leave room for fraud. Why was it not possible to agree with the devolved Administrations on schemes with a greater degree of harmonisation across the four nations in the UK?

Dr Coffey: Because it is devolved. The Scottish Government have taken a different approach. They were the first to declare what they wanted to do. We had a consultation. Coming back into the Department—I am conscious of what you have said about cartons—I felt that we had somewhat lost the original purpose of the deposit return scheme. The deposit return scheme was designed principally to consider the on-the-go consumption of materials—drinks cans and the like. It was designed to reduce littering and also to ensure that we got more of the plastic back into the loop, so that we can use less virgin material.

I am aware that at one point it was considered that people might start buying bigger bottles or multipacks, so I think some adjustments were made then. I am also conscious that Scotland decided to do the glass. I think we have made a sensible decision that will enable the scheme to get under way more quickly and successfully. Those are the choices we



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can make. We do not have to have a UK scheme and we are not going to have one.

On the fraud bit, I am slightly more confused about your angle, but I recognise that if we are to have differences, industry will have to adapt to that. That is the choice that has been made by the Scottish Government and the Welsh Government, to take that approach.

Q138 Claudia Webbe: To be fair, no scheme, as we now know it, will include cartons, but the Scottish and Welsh schemes will include glass. The English scheme will not.

Dr Coffey: Correct.

Claudia Webbe: What is the impact on reuse and recycling rates of leaving glass out of the schemes in England and Northern Ireland?

Dr Coffey: I think we have been through the aspects of that in the consultation response. I am confident that having a plastic and can approach is the best way to get this scheme under way, recognising that that is the majority of on-the-go consumption. I am conscious of things like Tetra Pak and others. It used to be the case that Tetra Pak would pay councils to take Tetra Paks off them. I would love it if more councils decided to collect those as part of their kerbside recycling. But I go back to what I was saying earlier: at some point, I felt we had lost the way of what DRS was really about, and it was about on-the-go consumption.

Q139 Chair: Thank you very much, Secretary of State. We are going to get you out on time. I just have one final question, going back to the issue of water. You will be aware that there has been a lot of political noise, emanating initially from campaigners and then picked up by some Opposition parties, that in some way the votes on the Environment Act amendments in 2021 and more recently on the water quality targets voted on by the House a couple of weeks ago mean that it has become in some way legal to discharge sewage into our rivers, whereas previously it was not. This will be an opportunity for you to set the record straight, so that the public can be clear about what the law now requires and does not require of water companies when they come to discharge sewage into waterways.

Dr Coffey: It is a falsehood to suggest that the Environment Act all of a sudden legalises something that it had been illegal to do before. The Environment Act absolutely sets out—in particular thinking of storm sewage overflows—how this issue was going to be tackled and the extreme changes that were going to be there. If there are political parties misleading the public then, frankly, that is disgraceful, and I am sorry that people believe that.

Of course, like many campaigners, I want to see cleaner rivers and oceans. I believe the number of measures that we are taking will deliver that. To try to suggest that somehow we have legalised sewage disposal at random in the Environment Act is complete and utter nonsense. I



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could use stronger language. There are issues. There is no doubt about that. I am particularly vexed by one of the water companies, which has 10% of its storm discharge overflows spilling out more than 100 times per year. That is not acceptable, and I know the Environment Agency is working with that water company to try to assess that.

The Department will also use levers where it can. As you will be aware, the price review process is under way, recognising that we only started monitoring this in 2015-16, and by the end of this year every overflow will be monitored. That is progress. We identified an issue, we have acted on it, and we have legislated to strengthen it.

Q140 **Chair:** I think this whole Committee shares your enthusiasm to bear down on illegal discharging into rivers. Just to be crystal clear, discharges that were unlawful prior to the Environment Act 2021 remain unlawful.

Dr Coffey: That is my understanding, absolutely, yes.

Q141 **Chair:** Thank you. And no permit conditions have been relaxed as a result of the Environment Act 2021.

Dr Coffey: Absolutely not.

Q142 **Chair:** Thank you. The purpose of the storm overflows discharge reduction plan has been to require water companies to invest roughly double the annual spend on treatment that they had been making up until the Environment Act. That will allow for improvements to be made in the system that will tighten permit conditions rather than weaken them, which will restrict the ability for legal discharges to continue.

Dr Coffey: Absolutely. It is my understanding that we are already seeing improvements, and we have legislated to make further such improvements, but the reality is that we have to get that investment going, and that is what we are doing in our back and forth. I am not privy to the criminal investigation by the Environment Agency or the other aspect of the regulation by Ofwat, because they are doing that in their regulatory approach.

Chair: Thank you. Mr Barry Gardiner has one minute in which to put a question.

Q143 **Barry Gardiner:** Secretary of State, you answered the Chair by saying, "That is my understanding." Could you perhaps go back to the Department to check the legal advice that you have and then confirm in writing that that is the case?

Dr Coffey: Which question? Would you rather me just say yes?

Q144 **Barry Gardiner:** If you can say yes, great, but I would rather make sure that it is legally backed up by the—

Dr Coffey: Which of the questions?

Barry Gardiner: It was the question that the Chair asked—that no



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discharge that was previously illegal is now legalised.

Dr Coffey: Well, that is correct.

Q145 **Barry Gardiner:** So it was not just your understanding; is it the facts.

Dr Coffey: Yes.

Barry Gardiner: Good. That is great.

Q146 **Chair:** Thank you, Barry. I am going to ask a final question on the same subject. What is your opinion of commentators who are not expert on the subject, such as Mr Gary Lineker, expounding these falsehoods over social media?

Dr Coffey: I am conscious that Gary Lineker has a lot of fans for his football commentary and his love of crisps, but I agree that just retweeting a—I believe false—social media message put out by the Liberal Democrats was not particularly responsible. That is his choice, but it just doesn't help, people peddling nonsense. We know as Conservative and, I think, Labour MPs that you can't really trust a word the Liberal Democrats say, but I appreciate that not all voters do, so there we go.

Chair: Secretary of State, thank you very much for joining us and being your traditional candid self. I thank David Hill for joining us as well.