



HOUSE OF COMMONS

# Environmental Audit Committee

## Oral evidence: The work of the Office for Environmental Protection, HC 730

Wednesday 26 February 2025

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Members present: Mr Toby Perkins (Chair); Julia Buckley; Ellie Chowns; Barry Gardiner; Anna Gelderd; Pippa Heylings; Chris Hinchliff; Martin Rhodes; Sammy Wilson.

Questions 1-59

Witnesses

I: Dame Glenys Stacey DBE, Chair, Office for Environmental Protection; Natalie Prosser, Chief Executive Officer, Office for Environmental Protection.



## Examination of witnesses

Witnesses: Dame Glenys Stacey and Natalie Prosser.

Q1 **Chair:** Welcome, everybody, to the latest meeting of the Environmental Audit Committee. I am very pleased to be joined today by Dame Glenys Stacey and Ms Natalie Prosser from the Office for Environmental Protection for our regular annual update. You are both very welcome. First, may I ask you to introduce yourself and lay out the role, remit and responsibilities of the OEP, and where your role fits in within that?

**Dame Glenys Stacey:** Thank you very much for the invitation today. We are pleased to be here. I am Dame Glenys Stacey; I am the chairman of the Office for Environmental Protection, which is one of the governance safeguards that the Government put in post Brexit to safeguard the environment. Our job is to hold Government and other public authorities to account for their compliance with environmental law and, in the case of Government, to do our very best to make sure that they meet their ambitions and meet the statutory targets that have been set under the Environment Act. We have a number of powers that you might want to hear about, but I will turn over to Natalie now.

**Natalie Prosser:** Thank you very much. My name is Natalie Prosser; I am the chief executive of the Office for Environmental Protection. As a very brief summary of our role, we have four main responsibilities. First, we report annually on the Government's progress against their environmental improvement plan and statutory targets. We have a duty to monitor and report on the implementation of environmental law, and we have a number of studies under that. We receive complaints from members of the public, we can conduct investigations into compliance with environmental law by any public authority, and indeed we can commence those investigations under our own jurisdiction where appropriate. We can provide advice to Government; we can do that on our own initiative in relation to new environmental law, or on other, broader matters related to the environment when requested to do so by Ministers. Our jurisdiction covers England and Northern Ireland.

Q2 **Chair:** Both of you have had very varied and impressive careers. Dame Glenys, you were chief inspector of probation, chief executive at Animal Health and chief regulator at Ofqual. Ms Prosser, you were at the Gambling Commission and then operations director at Ofqual, among many things. It is noticeable that the Government have selected people with storied careers in regulation, as opposed to the environmental protection life, if I can put it that way. What do you think that says about the expectations of the role of the OEP? How important is that regulatory background to the job you are doing now, in a very different field?

**Dame Glenys Stacey:** Just to be clear, yes, I have a strong regulatory background. I like regulation, and so do you; it makes us jointly happy, if it works well. We are regulatory obsessives, if you like. However, I did spend five years as the chief executive of Animal Health before it was the



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Animal and Plant Health Agency, so I have been down a few farm tracks as well. I have had experience of regulation in an agricultural environment, let us put it that way.

It is a plain fact that our job is pretty legalistic. We are holding a Government to account for compliance with environmental law, and we can take investigations and we can take proceedings against Government or other public authorities should we think it appropriate. There is a fair amount of legalistic/regulatory work to be done, rather than simply holding an opinion, if you like, on the environment and progress. Certainly in my own case, I hope that it is a combination of those experiences of oversight and overseeing the delivery of matters on behalf of Government, but also that work at Animal Health, that brought me to the table.

As far as Natalie is concerned, she was by far the best candidate to be our chief executive and is excellent in the role, but I will leave her to explain her own credentials.

**Chair:** I am not asking you to reapply for your jobs. I am perfectly happy; I just thought it was interesting to observe that background. As we know in this place, lawyers are capable of doing other jobs.

**Natalie Prosser:** I, like Glenys, thoroughly love regulation when it is done well. My background in particular is across a whole range of different regulatory disciplines, but right back at the beginning I was trained as a litigator. I then had a 15-year career as a public lawyer, focusing particularly on how public authorities discharge their responsibilities properly. In previous roles, that included establishing investigation and enforcement capabilities and then delivering on them.

When I came over to the OEP, that legal background—particularly the public law background and my operations background in establishing investigation and litigation functions—was what brought me. It is love for the sector that has kept me here, and the opportunity to use that skillset, and of course the broader skillset we have at the OEP. We have recruited very successfully a very broad range of experts into the organisation to make that real difference, which is personally very important to me.

Q3 **Chair:** Each of the OEP's progress reports has highlighted that at this stage the Government is off target to meet its legal obligations across the board. In air quality—the one area on which there was good progress in the 2022-23 report—your latest report suggests that progress has stalled. To what extent do you feel that your reports have led to the Government taking the requisite actions so far?

**Dame Glenys Stacey:** That is an interesting question. Of course we have seen a change of Government over the periods that we have been reporting, and I know that members of the Committee would have looked particularly at Government's response to our reports to see the extent to which they are taking our recommendations into account. For example,



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our last report made a number of key recommendations. We can see in the response that the Government has provided to us in the way they are now acting that many of those are coming on stream, particularly the review of the environmental improvement plan. Much is resting on us getting that right.

A lot of our recommendations come back, in whatever area we are looking at, to a failure of delivery planning and a failure of delivery. Certainly, this time—I am talking about the report that we are being asked about now—we welcome the move of this Government to review that plan and make sure that we get delivery plans. We are hearing those noises from Government at the moment. We want to see that, do we not? We want to see those delivered.

We would say broadly that it is a mixed picture in terms of our recommendations being taken into account by Government over the time that we have been reporting. We can see that they have influenced in some areas, but not in every area. It might well be what we should expect as an oversight body—we are not always going to be taken account of all of the time—but in the direction of travel I think we have nudged things forward, definitely.

**Q4 Chair:** The OEP report has described the current level of non-compliance with environmental law as “astonishing”, highlighting complex regulations and weak enforcement as key factors. Can you give us examples of areas of particular concern around non-compliance? Is there any sense that Government are strengthening both enforcement and understanding of the law?

**Dame Glenys Stacey:** Understanding of the law is particularly difficult. I will hand over to Natalie in a moment on enforcement generally, but it is a complex body of law with many thousands of instruments. Many of them we have inherited from Europe, as you know, and then transposed into our legislation. Public law is always quite difficult, but I think environmental law is at the difficult end of that difficult spectrum in terms of broader public understanding, and indeed understanding for those who do need to comply with it. We know that we have a challenge there, and we know that the environment itself does not have a voice. When the law is not complied with, it is not necessarily that people are jumping up and down, recognising that. We know that there are those difficulties.

**Q5 Chair:** Ms Prosser, can you identify particular areas that you are concerned about in terms of non-enforcement?

**Natalie Prosser:** It was a holistic assessment I made, in terms of my surprise. I look at it from two different angles.

First, there are numerous sectors subject to environmental law. To take a few examples, in the water sector, the waste sector and the agricultural sector, all the regulators responsible have identified that there are broad ranges of non-compliance and, in some cases, serious non-compliance



with the criminal law. The criminal law is an unwieldy beast, particularly for regulators to use, and there is plenty of evidence on the record in those three sectors and beyond where there has been persistent non-compliance with laws, and that has led to harms arising. That is one perspective.

Secondly, I have reflected a little on environmental law as a discipline, and it is an unusual body of law in that it creates obligations of outcome on the state in terms of targets. That is quite unusual. What the law often does not do is specify to the state how it should then achieve those targets, and often those targets are longitudinal in time.

We have had cause to look very recently at some very proximate targets: the marine target, for example, in 2020, which is subject to a live investigation, and the good ecological status under the water framework directive, which falls due in 2027. It has been commented on quite broadly that that target is vanishingly unlikely to be met.

We are very cognisant of this, of course, because the OEP was set up to monitor and report annually on progress against the new 2021 Environment Act targets. In that context we are particularly interested in why Government has failed historically to meet targets, and in our role in securing that those Environment Act targets that have been committed to will be achieved. It is a very complex picture with some challenging laws, where there is very broad discretion for Government on how they go about achieving them.

I was making a holistic assessment, but I am surprised. I reflect on Dame Glenys's comment that perhaps it is because the environment itself often does not have its own voice. It can be very difficult even for members of the public—our experience shows us this—to secure accountability, both from those operators who may be breaking the law and from regulators tasked with overseeing the law, when they are often very stretched and dealing themselves with complex, overlapping laws.

**Q6 Chair:** The Government obviously have responsibility in the end for enforcement, but are you finding that the Government themselves are also breaking the law?

**Dame Glenys Stacey:** In our work so far on the farming rules for water and the report we produced in relation to that, we did question whether Government were complying with the law there. There is a requirement that there be plans in relation to individual bodies of water that are sufficiently specific, and yet routinely we found that that was not the case. We did begin to question the level of actual commitment there, in terms of any real, concerted effort to comply with the law. That was a good example, if you like, looking at quite a high level at whether people were genuinely making every effort to be compliant.

At the other end of the spectrum are the recent and very welcome efforts of the Environment Agency to increase inspection at farm level of the rate



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of non-compliance on farm—that is, an individual farm business or farmer not complying with the law, usually in relation to some aspect or other of agricultural pollution. You have it at various stages across the spectrum where you would expect compliance to be there.

**Q7 Chair:** It is important that you do your annual reports and that they lead not just to reflection, but to change. We have concerns about the timeliness of the process around OEP reports. Your 2022-23 report is based on findings that end in March 2023; you then publish it in January 2024; the Government then have a year to respond. That means that the formal Government response to the report comes in January 2025, almost two years after whatever you found. In the meantime, you will have been working on another report. Do you think that that process is satisfactory?

**Dame Glenys Stacey:** No. It does look very clumsy, doesn't it? It does not look well designed, the way those timescales sit together. We have to report by a certain time, usually the end of January each year. As we have been developing as an organisation—we are still only small, and an awful lot of work goes into such a complex report—we have thought carefully about whether we can bring it forward. It is not easy for us to do that. Indeed, we are about to start a similar body of work for Northern Ireland, so we are going to have double the work. We are pushed to get this report out in the time set for us by the Environment Act.

The Government then have up to 12 months to respond. Historically, they have responded very late in the day. The response this year came out within a few days of the deadline. It is confusing for the public to see that and then, a few days later, see that we are reporting again. The Government also have to do their own annual progress report, which tends to come out in the summer.

Our view is that it would be much better if, when Government report on their own view of progress, they also responded to our report from January. Then you would get it together and we could take into account that response as we prepare the next assessment. We would urge Government to get a move on, if you like.

There are always reasons for Government to delay—in this case, they are waiting for an EIP refresh—but there is nothing wrong with Government doing an interim response to us. We would like that. If there is something we are waiting for later in the year, we can see that, but we would still like some response engaging with our specific recommendations—even if it is only on an interim basis—in July, as they report on their own view of progress. We think it would be healthy to do that.

**Q8 Chair:** Yes. We have the Secretary of State for Environment, Food and Rural Affairs in front of us in a couple of weeks' time, and I am sure we will be asking him about that.

We are also disappointed that when your report was produced this year,



there was no statement to Parliament on it. It calls into question the extent to which the OEP report is central to Government's response, if they do not think it a significant enough moment for them to come in front of Parliament and tell us about it. Do you share our disappointment? Can you give us a sense of how you feel that interaction with your office and your findings, is going with Government?

**Dame Glenys Stacey:** We saw that you pressed for that statement, and we appreciate your interest—thank you very much. No, we did not get a statement before Parliament, which is unfortunate.

We do see real engagement there with our report. For example, shortly after it was produced I met Minister Creagh to go through our recommendations, and she has a keen interest in them. She is our day-to-day liaison, if you like, at ministerial level. It is not that our report is being ignored. We know that the key messages in there are heard by the Secretary of State; in meetings that I have had with him, he has been very clear about that, for example with the real gap in delivery planning. We know that some of these things are definitely striking home.

We could see in the response that we got eventually, in January this year, to the report from the year before, that they were engaging, for example, with our request for specific progress in relation to monitoring. There are good signs, but I agree with you: there is a reluctance, seemingly, to make a public statement to Parliament. A public statement in July, in detailed response to our January report, would be the way to go, in our view.

Q9 **Chris Hinchliff:** In November 2022, ClientEarth, WWF and others requested that the OEP review and report on the systemic failings of the regulatory framework to address nitrogen pollution in England's rivers. It took until January 2024 for the OEP to eventually make a determination on that issue. Are you satisfied with the timeframe in which the OEP acted in that case? Could you tell us what progress the Government have since made on revising their guidelines on nitrogen pollution in line with your decision of January 2024?

**Natalie Prosser:** First, no, that timeline is unacceptably long. It was fairly early in the OEP's journey when that came about. Concurrently with that, we were still working with DEFRA on how we would engage with them, particularly on investigations, and that did slow things down.

There is another piece of context on that particular case. I will have to be somewhat circumspect, because this is still subject to a live investigation in which a final decision has not been determined, but there was a key piece of litigation going through the courts that addressed very specifically some of the key points of law in that case. We were very interested to know the outcome of that case because it was very pertinent to the legal questions.



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There was then a change of Government. Essentially, what we wanted was to give the new Government some breathing space to deal with these substantive issues. We felt, ultimately, that that did not progress at sufficient pace, so we moved that particular issue to a formal investigative footing. That is where it sits now, which is where I have to stop commenting, because it will still be subject to a final determination by us. What I would say, though, is that we are having very good, very active and highly engaged discussions with DEFRA on the substance of the issue, so I have some optimism that that case will resolve in a satisfactory manner.

**Q10 Barry Gardiner:** Ms Prosser, can I thank you very much for what you said in December, when you exhorted the Government to please just stop introducing new laws before they have implemented the old ones? It is a cry that many of us have been making for a long time, and it was good that you said that so strongly.

Your key recommendation 4 in the report refers to setting up clear mechanisms for reconciling competing demands for the use of land and sea. How can the Government best go about that? In what ways would you like to see that happening to get that balance right?

**Dame Glenys Stacey:** Thank you for your kind remarks about Natalie's legal comment. I am sure she will say it more than once.

**Barry Gardiner:** I am sure she will.

**Dame Glenys Stacey:** On the point you raise, it seems to us—and we have said it for a while now—that Government have to make some hard strategic choices. They have to set out some parameters for people to work within. We have seen some progress of late. We welcome the consultation on the land use framework; at first sight, it looks like an intelligent approach, and it is underpinned by data and some analysis. I am sure that people will be looking at the detail, as indeed we are, to see whether all of that stacks up.

**Q11 Barry Gardiner:** It is in consultation at the moment. Are you going to be making representations to that consultation?

**Dame Glenys Stacey:** We will, definitely.

**Q12 Barry Gardiner:** Great. I do not want to disturb your flow, but while we are on that point, will you be making any recommendations that relate to catchment management and doing things on a catchment basis?

**Dame Glenys Stacey:** Well, I do not want to tie the team too much at the moment—it is early days—but I would be surprised if we did not. There is a common understanding that there is a real benefit to adopting that approach where it suits, is there not?

**Barry Gardiner:** Although it is not in there at the moment, is it?

**Dame Glenys Stacey:** No, it is not. Government are consulting widely, and they are taking quite a good approach to the consultation as well.





Our view is that it looks good on the face of it, but there is so much in the detail here. When you look at how it is going to sit alongside other strategies and policies that you have expressed an interest in—for example, biodiversity net gain or local nature recovery strategies—they all have to line up and together form a strong net to help shape decisions about spatial planning that are taken at a local level. I cannot say it enough: there is a lot riding on getting this right, in our view, and we will be making representations when we are ready, within the 12-week period, to give our best view on how that can be done.

**Natalie Prosser:** We also take into account the context of the Cunliffe review and the exploration of a potential catchment-based approach, which would be very consistent with the water framework directive regulations' approach. Dame Glenys is quite right that there are a lot of moving parts and we are very interested in how these parts fit together because they are so critical for delivery of the OEP targets.

We will be picking up some specifics in terms of responding to the land use framework consultation, but we have ongoing interests in local nature recovery strategies; we have some work ongoing on that and on BNGs. We are very interested in proposals around the nature restoration fund and what that might look like, and planning reform, as well as the Water Commission. There is an awful lot going on and, as ever, it all connects.

**Dame Glenys Stacey:** It is important to us that, whatever comes out of this, it is truly aligned to the statutory targets and EIP, and that those are hard-wired into the approach. I do not quite see that at the moment.

I know that you have been doing some work looking at biodiversity net gain so I will not dwell on that particularly, but we have been doing some work ourselves on nature recovery strategies. We have engaged with, I think, 38 of the 48 authorities to see how that is going. We are very keen to get in early on these new initiatives to see that they are working as Government and Parliament intend. You will know that we are just about to produce a report on the EPPS, for example, looking at early implementation there. It seems to us important that these things are aligned and that they have set off as they mean to go on.

Q13 **Barry Gardiner:** You talk about how we need to correct, I think you say, the under-investment in site designation and management. Could you formulate for us the recommendations that you would like to see this Committee making around that?

**Dame Glenys Stacey:** We cover it in our report, don't we? There are a few dimensions to this. First, there are some interim targets in relation to SSIs, but we do not see those interim targets as particularly well aligned to where Government are trying to get to in terms of species abundance. They look very modest. A certain proportion of them are to be inspected for site condition. Well, that is fine, but site condition is a static thing unless you do something to improve it.



Then the second interim target, as I recollect, is that something like 50% of them should be on a road to getting to good condition. What does that mean? It seems to us that there is a lack of ambition there, in terms of what is trying to be achieved by these interim targets, and also in relation to site designation itself. Why are we not having more? We know that the land itself is so key to species and the habitat is so critical, and that is what these sites are about.

**Q14 Barry Gardiner:** In a sense, that brings us back to the original point about implementing rather than simply designating. I wanted to ask you about your indicators, because in table 2.2 in the report refers to, "Extent of UK area protected for nature at sea". That is on page 39—I see you have it in front of you—and of course you have an upward arrow next to it. Now, any member of the public who is not schooled in these matters and is just reading the report out of interest might think, "Great, our MPAs have gone up. Areas protected at sea. This seems good." In fact, it is not about the protection; it is about the designation.

**Dame Glenys Stacey:** Yes.

**Barry Gardiner:** Would it not be better to say, "The extent of UK area designated as protected for nature at sea"? Otherwise, we are giving a false impression in the indicators that you have here.

**Dame Glenys Stacey:** I understand your point. Can I take it away and come back to you? You will know from the work that you are doing on your own, separate inquiry on governance in marine that the real issue here is again delivery, isn't it?

**Q15 Barry Gardiner:** Absolutely, and of course the failure by the end of last year to progress with the complete stopping of trawling in all the MPAs.

**Dame Glenys Stacey:** Yes, the damaging activities within those areas. That's right.

**Barry Gardiner:** Absolutely. Have you made recommendations to Government about that?

**Dame Glenys Stacey:** We have an investigation under way at the moment. I do not know whether you know this, but we have an investigation because we—how can I put this without our lawyers objecting? We want to know whether Government have met a particular target in relation to marine, and obviously we have some suspicions about that, but we also want to see—

**Q16 Barry Gardiner:** This is a statutory target, is it not?

**Dame Glenys Stacey:** It is. If it is not missed, it has passed some years ago, but we do not want to see these targets just walk past. It is not what they are for. What we want to see is plans to meet it.



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There are some component parts here that I do not want to go into particularly, but our view is that much more needs to be done, and done pretty quickly now.

**Q17 Barry Gardiner:** So if this Committee were making recommendations from today, it would be for the Government to explain how they are achieving the target that they are supposed to have achieved already.

**Dame Glenys Stacey:** If I may say so, they need to explain, but they also need to accelerate progress. That is what we are after in conducting this investigation.

**Q18 Barry Gardiner:** Just to pick up on what you were discussing with the Chair earlier, would it be helpful for us to make a specific recommendation about the timescale of response?

**Dame Glenys Stacey:** Yes, it certainly would.

**Barry Gardiner:** It is just good to get you to jog us into it. If we have it on the record that you would like us to recommend it, it is helpful.

**Dame Glenys Stacey:** We would certainly like you to recommend, first, that Government respond to us at the same time as they report themselves on their own view of progress. The two things can sit as two sister things.

Secondly, it would be very helpful if, when Government respond, they engage with our individual recommendations. Our last response from Government engaged with our key recommendations, but for the goal area recommendations they responded with them grouped, if you like. Obviously a lot was riding in the refreshed EIP basket, understandably, but hopefully we are getting past that now and we can get to the level of these individual recommendations.

**Q19 Barry Gardiner:** These are two ways in which any authority body can wriggle out of things. One is to say, "Well, it was a long time ago," and that is the point of delaying the response for so long: you just say, "Oh, well, of course what we are talking about was two years ago. It has all changed now." The other is, instead of dealing with each of the recommendations, to lump them all together and make it look as if you have dealt with them all, when in fact you have only partially dealt with them.

**Dame Glenys Stacey:** Absolutely, and you may have bought yourself time to deal with them, but they may still not be dealt with.

Now, we do know that we have influence and impact in other areas—we can point to a number of things, neonicotinoids for example—but yes, this annual report is a prime product for us. A lot of work goes into it. I think it is increasingly seen as a definitive statement on the state of the environment. We hope it is hugely helpful to you as a Committee.

**Barry Gardiner:** It is.



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**Dame Glenys Stacey:** Thank you. It would be really helpful to us if we could have a sufficiently timely and detailed response. Responses are getting better—the one we had in January this year was much better than the one before—but let us see it get better still and more timely, please.

Q20 **Barry Gardiner:** Finally, I want to ask how you think the land use framework could best support flood resilience.

**Dame Glenys Stacey:** How could it best support flood resilience? There are a number of underlying principles in it affecting how agricultural land will be used over time, in the period to 2050. It is proposing, for example, an almost 20% change in use, more towards the environment.

It seems to me that when you are overseeing it nationally and implementing it locally, it is important to get those land use changes right in the right area. You have been speaking about taking a catchment response, for example. It is about getting the right things done in the right place, is it not? That must be about providing more support to those who have to change the use of land. We have a tree target that is not going to be met, but more tree planting would help with flooding if it were in the right places. There are ways in which things can synchronise here. There is a real opportunity to make sure that the land use framework does more than one thing.

Q21 **Barry Gardiner:** My fear is that we know that 50% of grade 1 agricultural land is highly susceptible to flooding, so if we do not get the overall land strategy right, it is a very serious threat as we have increasing climate change and increasing precipitation and floods.

**Dame Glenys Stacey:** There is an opportunity now. If the land use framework is to go ahead as proposed—it is subject to consultation, and no doubt there will be tweaks—there is a real chance to look again at ELMS and make sure that what you are incentivising, particularly now on the higher-order schemes, is delivering more than one thing. Flood defence is important, and potentially you can achieve it alongside other environmental outcomes if you get that relationship right.

Q22 **Barry Gardiner:** If I have not already tried to lead the witness, I will certainly try over this: do you think it strange that as part of ELMS we are still encouraging or paying farmers to do what for 200 years we have known is the sensible thing to do, namely to rotate their crops? Why are we paying farmers to do what any sensible farmer and any competent business would be doing? Why are we not loading it in that higher end and reviewing that system? Are there recommendations we could be making there?

**Dame Glenys Stacey:** There are a lot of eggs riding in this one basket. First of all, getting take-up right, particularly with the higher-order schemes, is important. The second thing is making sure that there is spatial targeting; I think it is beginning now, but seeing much more of that will be important. Thirdly, it is about encouraging the right things to hit those targets.



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I am afraid I cannot comment on rotation. As you say, it makes a lot of sense—it is what I do on my allotment—but it is a matter for Government whether they think they need to promote that actively. In terms of delivering their targets, we are pretty clear what needs to happen and we have made those recommendations.

**Q23 Sammy Wilson:** I want to concentrate on the area of the circular economy. One of the things your report said was that the Government were being far too slow in developing a strategy. Have you identified any particular reasons why? Is it because of the capacity for dealing with some of the waste? Is it because of fears of what the costs might be, or the knowledge that there will have to be a change in people's attitudes? Why do you think they have been slow in reaching that objective?

**Dame Glenys Stacey:** That is a very interesting question. I do not have a clear answer for you. DEFRA is leading on it and we now have a task force, do we not? With this new Government, there has been a renewed interest in it, which we welcome very much. Of course, DEFRA has seen a good number of changes of Ministers and Secretaries of State over time, and that tends to send Departments in different directions if you are not careful. It may be that it has never come to the top of the priority agenda, but I do not know a specific reason, although that does not mean that there is not one. Do you know any background to that, Natalie?

**Natalie Prosser:** No, I am afraid I do not. It has not been reflected in the EIP explicitly. We have a statutory target about reducing residual waste, and of course the circular economy is essentially getting to the root cause of why you have excess waste and taking it full circle.

The new Government have made clear commitments around the circular economy. We are very, very welcoming of that. We are pleased with the circular economy taskforce; we think that it has the right objectives and that they are targeting the right kinds of outcome. However, as with many things, what we now need to see is them getting on and doing it. I do know that that is in train, so, to give Government full credit, those moves have been made. Why it has taken this long—that I am afraid I do not have an answer to.

**Dame Glenys Stacey:** It is an interesting question.

**Q24 Sammy Wilson:** We do know that there is a capacity issue, because we read stories in the paper all the time in which waste is collected, it is sorted and then there is no market for it and it ends up being dumped, shipped abroad or whatever.

You made a comment earlier about missing targets. Do you see a danger in setting targets that are unrealistic? You know at the very start that they are unrealistic, but you feel a bit of public pressure or pressure from groups or lobby groups, so you put them in there; then we come along later and condemn the Government authorities for not being able to meet



targets that probably they should not have set in the first place. Is there a danger in rushing to have a strategy? If it is a strategy that is not based on the realistic ability to deliver, there is no point.

**Dame Glenys Stacey:** We were consulted about the statutory targets at the time that the then Government were trying to agree them. Certainly an amount of time went by while the Secretary of State was actively considering, with careful advice, where those targets should be set.

We were advising, for example, that there should be a statutory target in relation to each of the 10 goals in the environmental improvement plan. There is not. There are goals there without an apex target. I find that odd. But you start from somewhere, don't you?

We were advising that Government should set sufficiently ambitious but achievable goals. I recollect a conversation with the then Secretary of State, Thérèse Coffey, in which she was very clear to me that that is exactly what she was going to do, rather than set unachievable goals. We were having a bit of a difference of view about air quality targets, as it happened, and the timeframe for meeting them. I think that the Secretary of State was trying to walk that line.

The issue is whether, since those targets have been set, enough has been done to try to achieve them. That is our point. It is not that they were not achievable; they were judged to be achievable. The issue is to achieve them. It does not just happen. An awful lot has to change, and I think that has been the real problem.

Q25 **Sammy Wilson:** Are there any areas in which you believe that priority should be given? When I think of the context of Northern Ireland, the Executive came to a conclusion: "Look, let's not set unrealistic goals. Let's look for four sectors or four areas of waste and concentrate on those." Are there any priorities that you feel the UK Government should be setting? What areas do you believe would be the most advantageous, both in terms of environment and in terms of achievability?

**Dame Glenys Stacey:** In terms of goal setting or target setting?

**Sammy Wilson:** Target setting, yes.

**Dame Glenys Stacey:** For example, the EIP is being refreshed now, is it not? I am assuming that the 10 goals will still stand, although they may not. We have always said they are good goal areas and each one of them stands in its own right. We hope that they are sustained.

I still hold the view, on behalf of the OEP, that in each of those areas there should be a statutory target. I would be surprised if there were going to be, and there may be good reason not, but why you would have a statutory target in one goal area and not another? It does not make sense to me, simplistically. I would certainly argue for stretching but achievable apex targets in relation to all of those 10 goals.



There is something to be said for looking again at the interim targets that were set. Some of them are going to be fast upon us; that is no reason to change them, but some of them are not, in our view, necessarily well aligned to where Government are trying to get, in relation to their apex target, where they have one. There is a point of alignment there that might be worth looking at.

**Q26 Sammy Wilson:** You have identified a need for a UK policy and regulatory framework for chemicals. Are there specific areas or specific issues that have arisen that brought you to that conclusion? Secondly, if there are, what should be the focus as a priority for the Government?

**Dame Glenys Stacey:** I will ask Natalie to deal with that one, if I may.

**Natalie Prosser:** First, we at the OEP are very much at the beginning of our work looking at chemicals. It is a huge subject area that we have a real interest in, but we have to prioritise our interest carefully. We have identified that chemicals are a significant future threat to biodiversity and nature more generally. It is a very complex area that has been impacted by our exit from the EU. The current system has not caught up. It is disjointed and it is reactive. It was designed as an EU-level model and it has not caught up here, domestically.

What we think Government need to do is set out for everyone to see, quite transparently, what their vision is for UK chemicals, so that we can understand it and other stakeholders can understand it. From our perspective, one of the things we are concerned about is in the absence of that, there is a real risk that there will be serious harm caused. The resolution of that and the cleaning up of that could be almost unquantifiable in terms of cost. It is a hazard to the environment and a hazard to human health. We do have an ongoing interest in this, and we are doing some very formative work looking at what an OEP programme focused on chemicals might look like, but that is how we are coming to it at the moment.

**Dame Glenys Stacey:** I think that in our report we deal fairly comprehensively with the situation in relation to chemicals that have been the subject of attention in the past, but we are also aware that there are a whole range of other chemicals—forever chemicals, for example, or forever substances—that are not yet fully identified and regulated. It seems to me that there is a lot of work to do at the front end on chemicals. We do not need to know the individual chemicals for that; we need to know the categories of chemicals that we are dealing with, the potential causes and the potential harms, and see Government develop an effective strategy for dealing with those categories.

**Q27 Sammy Wilson:** Have you identified the specific harms that you are concerned about? Obviously, if you are going to have a regulatory framework, you need to have identified the harms that you believe that the framework needs to deal with. Can you inform the Committee of any specific harms that you wish to see the regulations address?



**Dame Glenys Stacey:** I think we would like to write to you about that, to get that right. We know, for example, that when we use the word “chemicals”, we are thinking particularly about any chemical that gets into a river or a water flow; I think immediately, of course, about agricultural pollution and the adverse impact on human health. But I suspect you would like more specificity still. I would like to write to you about that, if I may.

**Natalie Prosser:** Although we have not done any thematic work yet on chemicals, we did look, particularly in our Northern Ireland work, on the role of chemicals particularly in driving biodiversity loss. We do not have a holistic assessment of that, but what we found was that chemical pollution is affecting biodiversity. The available evidence in that review tended to be localised, species-specific or habitat-specific; that does not give you a holistic, broader picture, but it does give you plenty of indicators that in Northern Ireland, which is the place we have looked at specifically, it is having that specific impact. More work would need to be done. As we have suggested, it needs to be taken up to a governmental level.

Q28 **Sammy Wilson:** That was my next question, really. What do you believe needs to be done to address the monitoring gaps in relation to chemicals? How big a problem do you see this being, particularly when it comes to PFAS?

**Natalie Prosser:** I would go back to the answer that I have already given. There needs to be an overarching chemical strategy that addresses these issues more systematically. We are not in a position to fill that gap. We are in a position to highlight that it is a real risk, and it is one of those areas where the cost of inaction could significantly outweigh the cost of action. That is a concern.

**Dame Glenys Stacey:** When we are looking at any of these issues, I always start with the three questions: where are we now, where is Government trying to get to, and is it on track to get there? With chemicals, we do not know where we are now. It is not necessarily the OEP’s job to find out—we are not resourced to do that—but we do ask the question: are there chemicals here that are simply not monitored? We do not know. That does not seem a healthy way for society to be.

Q29 **Sammy Wilson:** You mentioned that you would be doing a separate report on Northern Ireland. Obviously we have a unique situation in Northern Ireland: because we remain in the single market, we are still subject to single market rules. That means that there are a lot of environmental rules, especially in respect of manufacturing and agriculture, that still apply to Northern Ireland. What difficulties does having different regulatory regimes, or slightly different regulatory regimes, cause in your work?

**Dame Glenys Stacey:** It is interesting that you ask that, because when we started we anticipated that it would be a very big difficulty indeed, but





in practice it has not been. That may be in part because of the nature of the work that we have done. As you may know, the decision for us to have responsibility in Northern Ireland came fairly late in the day. The appointment of our board member for Northern Ireland was later than the others. The settlement of our resources for Northern Ireland was a matter of interesting debate and took an awfully long time. We have never been very happy with it; we have always been very clear about that.

In a way, our work in Northern Ireland has necessarily followed behind the work in England, to an extent—even to the extent of our being able to recruit in Northern Ireland, although we do now have, I think, about 15 excellent staff. I am just so proud of them: they are really good people we have on our Northern Ireland work. We then set about, as we got these staff later than the others, to decide what to do and we found that at the time there was a political interregnum. Do you remember?

**Sammy Wilson:** Yes.

**Dame Glenys Stacey:** We did not have a Government engaging, but we also did not have a real state-of-the-nation report about the environment in Northern Ireland. So we decided, rather pragmatically but I think very sensibly, to do a report on what we thought to be the pressures and drivers affecting the environment in Northern Ireland. It is a very substantial piece of work—it probably sits alongside our progress reports in terms of size and weight—and we published it last year. It sets out where are we now. We did ask that question generally for Northern Ireland, and it is really from there that we are now choosing our work programme arising from that. We have not actually found that the fact that there is this seeming relationship, if you like, between the European-driven commitments and others that relate to the UK has got in our way as yet. That is not to say that it will not, but it has not so far.

Q30 **Sammy Wilson:** If there is regulatory divergence between the rest of the UK and Northern Ireland—I imagine that that will happen over time—does that complicate your work? Do you see where it may complicate your work?

**Dame Glenys Stacey:** When you say “complicate” it—we would have to be aware of it, we would have to take it into account and we would always fall back on the job that we have, which is to make sure that we are in compliance with the law and make sure that Northern Ireland does all it can to meet its aspirations for the environment, as set out in your environmental improvement plan. That is our locus, if you like.

Q31 **Sammy Wilson:** Would different EU targets or goals have implications for you, because you would be looking at, “Here is an EU target or goal; here is a UK target or goal”?

**Dame Glenys Stacey:** I think you are saying “Welcome to Northern Ireland,” aren’t you? It is always doubly complicated. It is a different country; we appreciate that.



**Natalie Prosser:** It is about context. In reality, the context of Northern Ireland being part of the island of Ireland and that the environment disregards borders, generally speaking, is context in terms of our evaluation. We need to take that into account when we are looking at environmental pressures and drivers in the broader context of change, but at the moment we have not experienced a real tension with divergence in Northern Ireland. If that does happen, that will be context that we will deal with as and when it arises.

**Dame Glenys Stacey:** May I add one extra thing that you might be interested in? We are currently undertaking some research into the potential for regulatory divergence relevant to the environment. We are looking particularly at implications for nutrient management, which is a big topic for Northern Ireland. It is early days for that research, but we expect to complete it before the summer, certainly, and we will be talking to DAERA about that. We are beginning to dip our toe into the waters that you are interested in.

Q32 **Martin Rhodes:** I want to focus on air quality. It is clear from your report that you see progress as having slowed down, and it identifies a real problem in terms of the assessment. What do you see as the crucial factors that have led to that slowing down?

**Dame Glenys Stacey:** That is an interesting question. Obviously there have been some improvements in air quality because of changes that occurred before our time; changes in fuel, for example, have made a very big difference from which we are all benefiting. We have found that things have levelled off lately, and there are a couple of things to which we particularly draw attention in our report.

First, the accountability and transparency framework has been weakened. There were provisions related to the national air pollution control programme on which in our first report we actually did commend the Government for delivering well, doing a proper assessment of progress and gaps. That has just gone now. That seems to us to be a weakening of governance and accountability: it means it is less likely that things will be picked up early and acted on.

The next challenge, if you like, is to address air pollutants across key sectors such as road transport and agriculture. They are going to be trickier, but they need to be tackled. At the same time, we are seeing reduced support here for local authorities, when local authorities carry a lot of day-to-day responsibility for air quality in their areas. These are the things that affected our assessment of progress.

Q33 **Martin Rhodes:** Am I right in saying that those factors that you have highlighted fall into two categories? One is that essentially some things were easier anyway at the beginning, which made things go quicker at the beginning, but there were always going to be trickier things—

**Dame Glenys Stacey:** It had a big impact at the beginning.



**Martin Rhodes:** Yes. Then the other element is to do with Government accountability and transparency, and you mentioned support for local authorities. There are two elements to these factors: the nature of the problem is that some things are easier to deal with than others, while some things are trickier, but it is also about the Government's role.

**Dame Glenys Stacey:** It is. It is getting more difficult to make the progress that is needed, but it is still needed. There are tens of thousands of deaths in this country that relate directly to poor air quality, so air quality is not a nice-to-have in our book. These things are more difficult. They cost money, and also they require the Government to deal with some really tricky issues, not just in their difficulty but in their nature—for example, tyre and brake wear and the 2.5s that come off that, also dealing with intensive beef and dairy farming, the emissions from that and the spread of non-renewable digestate. These are things that may be politically difficult, so it is really requiring a hike up now. We have the easy territory done. Now there is a hill, so let's get up it.

Q34 **Martin Rhodes:** So as we move from dealing with the easier things to dealing with the more difficult things, what is required from your point of view is greater Government commitments in the area.

**Dame Glenys Stacey:** Yes.

Q35 **Martin Rhodes:** You make three specific recommendations around air quality. Why have you highlighted those particular three in the report?

**Dame Glenys Stacey:** Our general approach is to analyse all the available evidence we have. We have our own experts to do that, and we have quite a large body of experts now that we can call upon as well, so we are doing our best to actually work out how things are. Then we are always trying to find the change or the recommendation that will have the most impact. We are trying to work out the most impact.

In very general terms, the Government can often decide that something will make a difference to a specific thing, but we want difference across the board, don't we? Often our recommendations are at that strategic level where we want differences across the board. That is where we are in relation to the two recommendations we made here. One is to actually make up for the gap that was created by getting rid of the accountability that we once had; it seemed really important to us to do that. The second is to review the legal standards set.

There is some conflict here, is there not, about what the standard should be? But we have the standards we have. Europe is getting ahead of us. Do we want that? We ought to be able to keep abreast, in our view.

Q36 **Martin Rhodes:** In framing your recommendations, you are trying to strike a balance between focusing on things where you can make a bigger impact and keeping the broader approach that you are talking about. What is the balance there in the Government's role, in terms of their commitment? Is it about seeing things that are particularly difficult and



therefore putting more resource into that, or is it about measuring the potential impact of those changes?

**Dame Glenys Stacey:** This is about what our approach is. We are doing the analysis, as I say, to see where we need to get to. We are looking for things with the biggest impact. We are also looking at the nearness of statutory targets and the achievability: we want to see that the trajectory is there, so we take that into account as well. We are also trying, as far as we can with the abilities we have, to look at the tipping points that are coming up in a particular environmental area. Some of those, such as marine, are extremely worrying for me in that respect.

But I have to say, with all our effort—and there is a good deal of effort and cross-checking with experts and so on—that there is inevitably a large amount of judgment in what we choose to recommend. It is also true to say that the more we know and the more we look, the more confidence we get. The same cross-cutting issues keep appearing. You will see those reflected in our key recommendations right at the front of the report—not those relating to specific goals, but the key recommendations. They are relevant to every goal area. That is because we have learned that from actually looking. It was not the thought that we started with; it is what we have ended up with.

Q37 **Chair:** You steered clear—unless you were so subtle that I did not see it—of talking about ULEZ in the context of air quality. One of the things that changed in 2022-23 and 2023-24 was the politics. In the run-up, there was a lot of push from the previous Conservative Government, particularly when Boris Johnson was the leader, towards the ULEZ approach. We then had the Uxbridge by-election. I think the previous Conservative Government thought that opposition to ULEZ might be a vote winner. We then saw various local politicians, Mayors or potential Mayors stepping back from introducing those schemes. Do you think that that has been in any way significant to the much less positive outlook on air quality in 2023-24 than in 2022-23?

**Dame Glenys Stacey:** I am not in a position to be definitive about that. What we do know—I think; experts will correct me if I have this wrong—is that air quality, when you measure it across the nation, is not bad, but a lot of the nation is not occupied. When you look at where you have particularly poor air quality, it tends to be in urban areas where population is dense. When you look at the effect on individuals in the population, there is a greater effect, isn't there, where air quality is poor? The way you make the most difference to the health of the nation is by tackling the pollution in the most densely populated areas. It makes sense, doesn't it?

**Chair:** I am not quite sure if that was a yes or a no to my question. Do you believe that the political move against ULEZ has been significant to the more detrimental finding this year than last year, or not?



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**Dame Glenys Stacey:** I do not think it has affected it for the assessment for the year to March 2024. That is when our assessment was running.

**Chair:** Okay.

**Dame Glenys Stacey:** The information we have on air quality is of a certain date as well. It is not that we have up-to-the-minute data, so I am not really able to answer you, but I understand the point you are making.

**Chair:** So you would not commit to that. Fair enough.

Q38 **Anna Gelderd:** When you were talking about tipping points, I think you said that you were particularly concerned about marine environment tipping points. Would you like to expand on that briefly?

**Dame Glenys Stacey:** You have your own inquiry on the governance of marine. You have had some very interesting evidence given to you in that respect, and I know you have a particular interest in it. It seems to us that we are a sea nation. We are an island surrounded by sea, and we ought to be able to look after those seas. Very little of it is protected, and everything seems to take an awfully long time in marine. I am not an environmentalist, as you know, but that is what I see: decades go by and everything happens in slow motion in marine.

I think you mentioned activities within protected areas that should not be happening and are still happening. Why is that? The evidence that you have been given already is telling you that it is not that there is not a policy, although we argue that the marine strategy is a bit ragged and needs to be a much more solid affair. It is about delivery, isn't it? It worries me. It worries me that we have good scientists but we do not necessarily have all the monitoring data that we want. I worry about what we do not know, and I worry about what is happening that we are not dealing with in the context that global sea temperatures are rising at a surprising rate.

Q39 **Anna Gelderd:** Thank you—that is helpful. My series of questions is around some of those priority areas, so we may come back to that.

You have advised the Government on their rapid review of the current environmental improvement plan. What are the most crucial updates needed to the plan to keep England on track with its environmental commitments?

**Dame Glenys Stacey:** Government have said that they want to review this plan, to strip out extraneous material and to focus on meeting the statutory targets. That is my understanding, broadly, of what is trying to be achieved. It seems to us that there is plenty of extraneous material. There is plenty of repetition, actually, in the existing one. You could reduce the 600 commitments to 400 and you would not have made a



change to what the commitment is. There is a fair amount of extraneous stuff to be pulled out.

I want to see those 10 goals preserved. I have mentioned before that it would be good to see some apex targets or statutory targets in relation to those. However, for us, it is all about delivery now. We want to see those interim targets aligned properly to those statutory targets. That would be good. We have said before, in any number of reports, that getting nature-friendly farming right is now so significant across the commitments to nature. That is about increased spatial prioritisation. It is about formal guidance and advice to farmers. It is about increasing uptake in the more environmentally ambitious aspects of, for example, the countryside stewardship scheme. Now that is all sitting alongside the prospect of a land use framework as well, isn't it, where landowners have a big part to play? It is important for us that that is pressed home and pursued to a maximum.

I have already mentioned protected sites for nature. I know it is difficult to get someone who owns a protected site to look after it well, but it is not impossible to incentivise it. I would like to see that. We have talked about speeding up action in the marine environment, and we could talk more about it if you wish. Competing demands for use of land and sea—progress needs to be made there. We have the land use framework; I am not sure we are in quite the same place in relation to competing demands for sea, so let us see some more progress there. We have spoken about the need to develop a circular economy framework—let us see that as well.

Then there are some cross-cutting issues that we would press home particularly, for example regulating effectively. We have a real opportunity now, post Brexit. We have some regulatory freedoms that we did not have. We may not be as experienced in regulating the environment as we need to be, but we need to build our muscles now and get to grips with the detail of that to deliver what is required.

I will stop there, but those are the things we are looking for in a revised environmental improvement plan.

**Q40 Anna Gelderd:** That is a helpful overview, and there are lots of different areas there. It is particularly difficult to prioritise when there are so many important priorities, and I appreciate that contribution.

Your response to the rapid review interim findings emphasised the need to prioritise those with the greatest impact across environmental improvement plan goal areas. How does the OEP define impact? How can the Government ensure that they are focusing on those most effective actions?

**Dame Glenys Stacey:** To deal with the last half of your question first, we try to get Government to focus on those in any number of ways: in the report and recommendations that we make, in the formal advice we



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give to Government and in the informal advice that we are able to give to Government in specific meetings we have with Ministers and officials, for example. We are using any number of ways to get these messages across.

How do we decide impact? It is not so different from how we decide prioritisation. It is about having the largest possible impact, and often that is by addressing these cross-cutting issues, in our view. I have spoken a bit about that already in this hearing, but these are the big tools that Government has. ELMS, for example, is probably the biggest lever, so pull it.

**Natalie Prosser:** There is something else that I think is important in terms of consistency of our recommendations. It sounds simple, but we really need to see firm delivery plans. In the absence of those delivery plans, it is very difficult to quantify what effort in what place is meant to deliver what outcome. A lot of the current EIP is not cast in terms of outcomes; it is cast in terms of outputs. I appreciate that that is a bit management-speak, but there is a big difference between "I am going to do X" and "I am going to achieve Y."

We do not want the perfect to be the enemy of the good, but it is important that the Government can set out which of their policies they are relying on and how far they expect those to take it. That is important not just from our perspective—it would certainly make our job a lot easier in assessing effectiveness—but because it allows ENGOs, DEFRA delivery bodies, the general public and others to understand how things are meant to fit together. It also gives us the greatest opportunity, if we see things going off track, to identify that they are off track and for them to come back on track.

It is a complex business, of course it is. It is not straightforward. We have talked a lot today about the intersection of so many different strategies and policies and how you need to join them all together, and that is very difficult to do. However, it would be a big step forward if we had transparent delivery plans, even if there were still gaps and areas of work to be done. I think that would be fine to do, because it is difficult to nail it down. I really hope that that is what we see in the new EIP.

**Dame Glenys Stacey:** Or to accompany the new EIP. The one is not much good without the other.

**Anna Gelderd:** Thank you. That is very helpful.

Q41 **Chris Hinchliff:** I am going to focus on the role of the OEP's enforcement. To return very briefly to the WWF-ClientEarth nitrogen issue and just to reiterate what we discussed before, concern was raised in November 2022; an investigation, as I understand it, was launched in November 2024. You referred to mitigating circumstances for that timeline, but given that ecological damage is so often cumulative, the faster we can respond, the better. What can be done to accelerate these



processes?

**Dame Glenys Stacey:** I will start by reiterating quickly the component parts there. We were still building our investigation muscle as a new organisation that was still recruiting. We were having difficulties. We were quite transparent about it, in terms of co-operation with DEFRA at the time. It was extremely difficult and testing our mettle to the limit. Then we were waiting for a very relevant court decision, and we were not quite sure when it was coming, so there were some factors there.

Natalie, you will want to deal with the substance now of this particular complaint and where we are now.

Q42 **Chris Hinchliff:** Sorry, can I just interrupt there? I do not want to focus on the specifics of the case. What I want to focus on is your general approach, having learned from that. We have spoken before about that timeline not being acceptable. Generally, what can be done to accelerate that process, notwithstanding the mitigating circumstances that you have just outlined?

**Natalie Prosser:** I would suggest that that case is an outlier in relation to our cases and because of some very specific circumstances, but I am not going to defend the timeline. It was too long—it just was. I think that that is fair criticism.

If you look at the volume of our complaints and investigations over the last two years, you can see a real maturing in pace, both in the volume of investigations and cases we have taken forward and in their complexity. We have taken quite decisive action in a number of cases. I will give some examples.

Our investigation into the authorisation of neonicotinoid—I am stumbling over the word; I practised, as well—use has, we think, been material in informing Government policy. Our investigation into the regulation of combined sewer overflows has taken two years, but it is an enormous investigation that goes into the permitting of every CSO in England. We are at a decision notice stage, which is almost the final stage in that case. In two concluded investigations in Northern Ireland, we achieved in both cases a positive outcome and resolution of the underlying environmental issues.

We have been operational in this sphere for about two and a half years. I think we have learned an enormous amount about the pace at which we take cases forward and how we work closely with public authorities to achieve resolution. I do not believe, given the improvements we have built in and the learning we have done, that we will see a repeat of the delays that we saw in that case.

Q43 **Chris Hinchliff:** Okay, but is the answer in fact that there are no further recommendations on improving the processes, for example in how you are working with Government on the enforcement process?





**Natalie Prosser:** We always want to do better, and the job that we have to do is a very complicated one. We do not replicate the same issue over again, and each of them has its own unique dynamic. It is incumbent on us to keep improving what we do and test and challenge ourselves regularly, so I do not think that that is the case.

I think that we have improved substantially how we work with the public authorities. That is not just down to us; that is also recognition that the public authorities we routinely engage with—DEFRA is the most prominent one, which is unsurprising, given how many environmental duties it is subject to—have matured significantly. That is very important, because ultimately we do not want to be taking public authorities to court. It costs a lot of money, it is very slow, and it is not necessarily the best way to achieve the best outcome for the environment.

The ability to have good ongoing dialogue—particularly on these deep, intractable problems like regulation of CSOs and, as I anticipate, achieving good ecological status in the marine environment—is not a simple thing. We will continue to learn, and I am very pleased with the progress that we have made, but it is quite right that we should be challenged, including by this Committee, on our performance.

**Dame Glenys Stacey:** We reviewed our strategy and enforcement policy late last year. We did make some changes to our enforcement policy to reflect our learning. Secondly, we have launched eight investigations, I think, so far, but in 16 other cases we got a very good resolution without launching that formal step. The details are on our website. I am very pleased with that. That is where we want to get to: change to bring things in line, without the public expense of taking decisions.

Let me give you an example of how we have improved. Initially, when we were making information requests to DEFRA—or any Department, but predominantly DEFRA—as we can in the legislation that we operate under, we were perhaps drawing those too broadly. DEFRA was wondering what on earth we were doing. We have, with DEFRA, changed that process materially so that we have a good conversation with the relevant people about not just what we are looking for but why, so we can together agree what is relevant and so that can then be delivered. That is a very good example where, through bitter experience, we have learned to do things better.

Q44 **Chris Hinchliff:** To look at some of the other specific cases, could you talk to us about what led the OEP to step in on the Rights Community Action court case about MHCLG's duty to consider the environmental principles policy statement, and what you have learned from that and other court cases?

**Natalie Prosser:** Absolutely. I did not mention in my introduction that we have the power to intervene in cases. We have intervened in three so far, that being one of them. The approach that we take is generally that



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we do not take a view on the subject matter of the case itself, so we have not taken any view at all on the particular decision in that particular case.

We do look at cases, and they tend to be in the appellate courts; they have all been in either the Court of Appeal or the Supreme Court. We look where a case has implications for a wider understanding of environmental law. That was certainly the case in the Finch case at the Supreme Court, which we intervened in. That particular case related to how public authorities should use the environmental principles policy statement.

We have a very keen interest in how the EPPS is used. We think it is a very powerful tool for environmental protection, and in that case the High Court decided that the EPPS could effectively be applied retrospectively. We are concerned that that is an incorrect interpretation of the legal duty, quite apart from the facts of that particular case. That obviously has implications for how the EPPS is used by all of the rest of Government.

What we want to do, when we do interventions, is assist the court by providing our own expert view on what the law requires, and that is what we have done in that particular case. Of course, we await the court's judgment on that particular one.

**Q45** **Chris Hinchliff:** We have had a few references to the marine environment already. Could you tell us a bit more about what prompted the OEP's investigation into DEFRA's duty to achieve good environmental status in the marine environment, and what the key areas of concern that you have identified are?

**Natalie Prosser:** We commenced a piece of work looking at marine about a year ago, and we did a widespread call for evidence. What came out of that call for evidence was a particular concern about whether Government had achieved the 2020 marine target. We will all recognise that 2020 was four years ago, but it is an apex primary environmental target; we have explained already what our keen interest is in those targets.

The Government were due to publish an assessment of whether they viewed that they had met that target at the back end of 2024, and we were waiting to see whether that was forthcoming. That has not been forthcoming. There is a very reasonable view that that target may have been missed. The reason I am circumspect about it is that whether a target has been met is across multiple tests, and it is a complex assessment, but there was a very real concern that that target had been missed and the Government had not put forward whether they accepted that it had been missed or what they were then going to do, so we decided to commence an investigation.

We think that this particular investigation will have broader utility than just looking specifically at the marine target, although we are very



concerned about the marine target. We want to explore what Government are required to do to meet a target. That is to help both us and Government understand, ahead of subsequent apex targets, what legal responsibilities exist. Both those factors were key to our decision to commence that investigation.

**Dame Glenys Stacey:** In shaping up our marine programme of work, we did an extensive call for evidence, and we listened to what we were told. We were particularly interested in the 15 measures that describe good environmental status and what the prospects were of Government achieving more than a handful of those measures. That was particularly influential.

Q46 **Chris Hinchliff:** Following the OEP's recent warnings to DEFRA and Ofwat regarding unlawful sewage discharges, what are the next steps that you are pursuing? What impact do you expect the OEP intervention to have?

**Natalie Prosser:** To put that into a little bit of context, we have a number of stages in investigations. We launch an investigation, then we issue something called an information notice, which essentially sets out where we think Government may have broken the law. There is a response to that; we take that into account, and then we issue something called a decision notice, which is where we make a statement that we, the OEP, believe the law has been broken. Government and public authorities have a right to respond to that decision notice. The stage we are at is that we issued decision notices to the Secretary of State for the Environment, Ofwat and the Environment Agency, with our view that they had broken the law. We have had responses from all the relevant organisations to that decision notice, and there is a choice to be made.

I have to be circumspect here because, as with so many things, this is a live investigation, so there are a number of things that could now happen. Depending on our view on the responses, we could conclude the investigation. If we do that, we will issue something called an investigation report, in which we will set out clearly to everybody the conclusion of the matter, our view on whether we maintain our view they are in breach of the law. The circumstances in which we might do that may well be where public authorities have put forward a plan of remediative steps that, in our view, address the underlying consequences of the breach. That is one potential outcome.

The other potential outcome is that we are not satisfied that the issues have been addressed. If that happened, we would move to commence an environmental review, which is very similar to a judicial review. We would put the matter before a court, ask the court to determine the law in question and ask the court then to determine a remedy, which again would be rectification steps.

We believe that the best way to resolve these issues is through dialogue and a mutually agreed outcome, because in our view that is the quickest



way to get to a sensible resolution. We will have to make decisions on this particular case and others like it in due course, but it will be one of those two outcomes.

**Q47 Chris Hinchliff:** I will understand if you cannot answer this, but you have mentioned “in due course”. Are you able to tell us what “due course” would mean, when a decision on your conclusions would be possible?

**Natalie Prosser:** I am not going to tell you a particular date, not least because I will have to take that to our board. That is a decision reserved to our board; they sometimes follow my recommendations and sometimes do not follow my recommendations. But I would say that we are at a very advanced stage of discussion with those particular authorities. I say “due course” a little bit euphemistically. I do not expect it to be a very long time, but it would be a mistake for me to give you a particular deadline.

**Q48 Ellie Chowns:** I have some questions for you regarding resources. The first is on staffing—perhaps to Natalie first and then to you, Glenys, if you want to add anything. I understand that a previous Secretary of State capped the maximum number of staff that the OEP can have. I understand that there is a headcount cap of 65 full-time equivalent. I am interested to know whether that cap affects your ability to fulfil your statutory duties, as set for you by Parliament?

**Dame Glenys Stacey:** It certainly affects how efficient we can be in trying to fulfil our duties. The total amount of resource we get affects us as well. With 20 more staff, we would make a lot more difference. That is the case we make. With that puny investment, you would get so much more as a Government and Parliament, but it is true that the headcount cap has made it difficult to be as efficient as we could otherwise be. Natalie will want to come in on the detail.

**Natalie Prosser:** First, that cap only applies in England. We do not have a headcount cap in Northern Ireland. It has caused problems for us: in particular, we operate a flexible resourcing model, and it has at times hampered our ability to make sure that we have the right people in the right places doing the right work. That is regardless of our overall resourcing envelope. We could accommodate much more flexibility within the resourcing envelope that we had.

My understanding is that the new Government have been very receptive to removing that cap. That would be very welcome: it would allow us to resource ourselves in the most efficient way possible, and that will be a benefit to us. I think it unlikely that we would be able to grow any larger than we are now, even with the cap removed, because of the broader fiscal context—but perhaps we will get on to that in due course.

**Q49 Ellie Chowns:** Indeed, and you have slightly pre-empted that. It sounds like you would very warmly receive a potential recommendation from this



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Committee that the headcount cap be removed, because it sets an administrative restriction on your ability to use the resources that you do have to maximum effect.

Moving on to the wider question about the resources that you have available to you, is the funding allocated to the OEP sufficient in both England and in Northern Ireland? Perhaps you would like to respond on those two jurisdictions separately.

**Dame Glenys Stacey:** Our position is that we are still a young organisation. We started with the notion that we would start with 50 staff but that would not be the end of it. You do not just create an audit out of thin air; if you try to do it too quickly you have lots of people running around not really knowing what their jobs are. There is a design to build, job descriptions to build, line management and so on. We were ready to set up with 50, but we have always said that we needed more.

There was certainly a lot of work being done before the OEP was created. Within DEFRA, work was done to assess our needs. It was thought to be between about 80 and 120 staff. Various commitments were made by various Ministers and others in Parliament and elsewhere. The fact is we do not have those numbers, but we estimate that we need them. Our argument is that we are a fledgling organisation. We are not so fully fledged that we can take a hit as others can. We are still trying to grow to what we should have been at the start.

From my point of view, we needed an extra couple of million, I think, in England—maybe 20 staff—but it would enable us to do some things that you expect of us: doing a good job and being able to predict the trajectory of progress in relation to key statutory targets. We could get much better at that, which would help Parliament and help Government to know earlier and more precisely what the trajectory is looking like.

It seems to us that is what we are supposed to be doing. It is certainly what we can do under our legislation, but we are restrained at the moment because we simply do not have the resource to do it. Northern Ireland is another matter, but perhaps you will come on to that, Natalie, once we have dealt with the detail of where we are in terms of money.

**Natalie Prosser:** We have, over the last several rounds of the spending review, modelled what we think the organisation needs to be effective. We put the number at about 100 staff, which is about in the middle of DEFRA's original model. We are running at just under 80, and that covers England and Northern Ireland—both jurisdictions. In England we have about 65. That is a good bit short of the original model. We think our global annual funding should be just shy of about £13 million for England and Northern Ireland—about £10.5 million in England. Our current funding is about £8.8 million in England and £1.9 million for Northern Ireland, so there is a shortfall.



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We are having to be very rigorous in our business planning. For example, in 2024 we have seen an uptick of about 45% in the numbers of complaints. We are seeing a similar uptick in the number of contacts we are getting from members of the public. About 60% of those contacts relate to potential breaches of law by public authorities, not all of which are eligible to become complaints, for various reasons.

We think that with our portfolio of five investigations we are at maximum capacity right now, and we are having to make choices to make sure that we can deliver on the things that we must do. We must do our annual progress report, and we must handle complaints and investigations. That is increasingly squeezing out our capacity to do very much else.

We do not think that we were ever funded to the level that we should have been. We run a very efficient and lean organisation, and we constantly focus on that. We have built in our abilities to flex both our human resources and our other resources. We have a very flexible operating model within the organisation. We have built mechanisms so that we can focus on the things that we think matter the most, but I think increasingly that that will mean that there will be areas in which we would like to invest more time and capacity but cannot.

For example, this year I would like to do focus work on soils, chemicals and waste. I can probably take one of those three programmes forward, because I will not be able to fund the others. That is the real implication of the funding. We do recognise the broader fiscal situation that the Government face, but we have been very consistent in what we think an appropriate funding model should be for the organisation.

**Q50 Ellie Chowns:** Within the broader fiscal situation, these are not huge sums of money that we are talking about in terms of your budget, but there is potentially a really significant impact.

I understand that you gave evidence to our predecessor Committee a year ago in which you called particular attention to the limitations on the capacity of the complaints and investigations team to handle new cases. You have just said that you have seen a 45% uptick in complaints. How are you managing the prioritisation? The implication, I suppose, is that there is a lot of significant work that you should be doing, which falls directly within your statutory remit, but is simply having to be left aside because the Government have not provided sufficient resources to enable you to do the very important job you are supposed to.

**Natalie Prosser:** If I may turn to complaints and investigations, at the moment I would say that we are at but not beyond capacity. I think we are at the limit of our ability to expand our current portfolio. Obviously, we cannot predict what is going to come across our desks. We just cannot—it is the nature of what we do.

In our enforcement policy, we set out how we prioritise cases, so there is a hierarchy. We do put cases through that hierarchy. We look particularly



at where the most substantive issues are, where the greatest impact is, where we think our interest is and where our attention will make a meaningful, positive contribution to the environment. Dame Glenys regularly says that we are not nitpickers. We are definitely not nitpickers: we are very selective in the cases we take forward. Yes, I am concerned that we will have to make some very difficult choices around what cases we take forward. That is saying that we preserve capacity to do that, because that is a core part of what we have to do.

Where I think it really starts to bite is around our more thematic work, which we know adds real value but where we have more discretion not to take forward areas of work. I gave the example of chemicals, waste and soil. These are areas in which our board have, over time, shown real interest.

The quality of our soils is an absolutely critical enabling factor. It is an area that is often neglected. We know that there are material pressures in the waste sector, including how it is regulated. I have already talked today about the threat of chemicals; I know that for many in the sector it keeps them awake at night. In an ideal world, I would like to commence more programmes of work that are exploratory, so we can really delve into those areas and have the evidence base to scrutinise them a lot more closely. I think we will, but I will have to stagger that work programme. That is where it is really biting.

**Dame Glenys Stacey:** It might also be helpful to recognise that we never start an investigation without the board agreeing. The recommendation comes to the board and is presented in the wider context of the business for the year, so it is not that our executives have free rein to load up investigations at the cost of everything else. It is the same with these interventions that we have made to the court; your colleague was asking about one or two of those earlier. Again, each of those have been authorised by our board, recognising that there was a pattern emerging. We had a number at the back end of last year. We considered each one individually and in the context of the others, but they were right—they were appropriate for intervention. It may be that that is partly because of the stage we are at post Brexit, giving the courts a chance to really shape our laws.

We are always aware that every time we authorise one of those hard-edged pieces of work, as I call them—an intervention or an investigation—it is at a cost to the other thematic work. We are trying to strike a balance, but it is not getting any easier. As we become more aware of this, we get more inquiries and more investigations, and people get more confident about seeking our advice in relation to the definition of the law. It does squeeze out things if we are not careful, and that is a worry to me.

Q51 **Pippa Heylings:** Your report into progress towards the improvement of the natural environment is worrying for many people, because it shows



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that we are still off track in terms of our targets. Your final recommendation, to which you have alluded here, is about leadership in Government in taking a cross-departmental approach. As you have been talking about, the multiple types of use of land and sea are the drivers of habitat loss and environmental pollution, and a cross-departmental approach is therefore critical. I want to ask a key question about that.

Within the report, what is not so explicit is the inextricable relationship between the climate and nature emergencies. Following the recent Climate and Nature Bill debate, the Secretary of State committed to an annual climate and nature statement to Parliament and the country. Perhaps this is an opportunity for the statement we have been talking about here that should come before Parliament, and hopefully that will be based on the report that you provide.

What recommendations do you think this Committee would make? The Secretary of State, to this Committee, affirmed his desire to seek guidance on what format that statement should take. What recommendations do you think this Committee should make on how the delivery of climate and nature targets should be better aligned?

**Dame Glenys Stacey:** I would like to think about that and write to you. It seems a great opportunity, and I would like to get the detail right.

I do think that there are some promising signs lately of the sort of join-up that has been lacking. The proposals in relation to development and nature that are coming related to planning reform are interesting. There has obviously been some very close liaison between DEFRA and MHCLG in relation to those proposals, and we welcome that. Indeed, we wrote to both relevant Secretaries of State—just yesterday, I think—in relation to what is proposed there. I think it is quite promising that we are seeing something that is being branded as coming out from the two Departments. We have never seen that before.

There are some promising signs of join-up, which is what we need, but there is not much in the governance framework that requires it. We have made this point before. DEFRA leads on the environment—of course it does—and then there is a cross-Government board at director level. That is very useful to have. However, more could be hardwired. We have said before that governance across Government could be strengthened.

Of course, we now have the EPPS. It seems to us that it is a really useful tool if it is applied purposefully very early on and if it is amended to embed the targets in it. The statutory targets in the EIP are not referenced in it at the moment. The tool itself can get strengthened and then we can be sure that it is applied equally well across all Departments. There are some good exemplars that we have seen, and we are reporting on that, but let us see good-quality work everywhere. There are some big things coming up—energy infrastructure, the third runway, whatever. There are real opportunities to see the EPPS properly applied. Let us be





transparent about that so that we can see that the environment is being properly considered.

Could we write to you about the request that you make? I would like a chance to consider it.

**Q52 Pippa Heylings:** It is a huge opportunity, with the fact that it could also be a national conversation. You have mentioned that perhaps one of the problems is that environment does not have a voice. This could be a start, where we make sure that it has a voice in decision making.

You have mentioned the land use framework, but that is obviously at a different time. It is staggered. There is also the strategic spatial energy plan. Both those things need to be linked.

Natalie, with you it is about delivery, isn't it? How do you have interoperability between, for example, our carbon budget and its delivery and our environmental improvement plan? Are we speaking to each other in the delivery plans?

**Dame Glenys Stacey:** Someone needs to run a conference on that, don't you think? A two-day conference would get us somewhere.

**Natalie Prosser:** I think so. Sometimes it gets forgotten that the environmental improvement plan is the Government's environmental plan, not DEFRA's environmental plan. The targets are Government targets, not DEFRA targets. DEFRA may be the lead organisation, but my perspective is that many Departments have to play an important role—the Department for Transport, obviously Housing, and there are huge opportunities in the Department of Health as well.

I do recognise that there is a cross-Government board, and I hope that that is bringing that thinking together. I really would like to see all those Departments embracing their own responsibilities, including the Departments with big estates. The Department for Education has a big influence over the school estate and the Ministry of Justice has a big influence over the prisons and the broader estate, not just in terms of their contribution to delivering outcomes, but as recipients of benefits of recovery of nature.

It is about whether we can start positioning and thinking about nature recovery not as something that we just have to invest in, but as something that delivers good returns. If we have that in those other Departments, they will be able to see that paying a full contribution to achieving targets, and delivering the EIP will deliver returns for them in their own policy agendas as well. That will be a very different conversation, and one that will be welcome.

**Pippa Heylings:** We bring the conversation we are having in the CAN, which is co-benefits, as well into the nature sphere and natural capital.

**Q53 Julia Buckley:** We are moving on now to the policy statement and the legal duty. The legal duty to have regard to the EIP has been in force



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since November 2023. Is there evidence that the benefits have been embedded effectively in DEFRA and across the Government as a whole, or can you tease out some examples where you think it is not making that impact?

**Dame Glenys Stacey:** The environmental principles policy statement is one of the most important tools. If we can get it applied well, it is a win-win for DEFRA and wider Government, isn't it? We have shown a very keen interest in it right from the very beginning. In our view, DEFRA has done a pretty good job of launching it across Government and of providing some good guidance and support tools to do that. Hats off to it for that: it is what was required and broadly it has done it, so that is very good.

We have also found it rather difficult to get evidence of how well it is being applied. There is no requirement for Government or Departments to be transparent about that, so that is one interesting factor for us: trying to find out how it is being applied. We have come across some good examples of how it has been applied; for example, the Department for Transport has come to us to seek engagement with us, which is so welcome, to talk things through. We know that there are some good examples of how it is being applied. We have concerns about whether it is being applied early enough in relation to some work, but we cannot tell. We are flagging that up.

There are areas in which we think the environmental principles policy statement itself needs to be strengthened. One example, which I think I have mentioned already, is that it does not make reference to the statutory targets. It would be very helpful if it did, to make sure that people are very focused on specifically what the Government are setting out by statute to achieve.

Q54 **Julia Buckley:** If you would not mind writing to this Committee with a list of the areas where you think those gaps are, it would be incredibly helpful to us.

**Dame Glenys Stacey:** Absolutely. We do have a full report as well. I do not know whether we sent that ahead. *[Interruption.]* We have. But certainly we can summarise that for you. That is no problem at all.

Q55 **Julia Buckley:** Do you have any particular concerns, where you think it has not made a difference or not yet cut through?

**Dame Glenys Stacey:** It is early days for that, isn't it?

**Natalie Prosser:** I think it is early days. We will lay our report before Parliament, and I am sure you will take a keen interest in it. There are a number of areas where it could be more fully embedded, and we make those recommendations in our report.

We decided to look at the implementation of the EPPS early on because we thought the opportunity to embed it came early. Our assessment is



obviously a little bit tentative, because it is in the very, very early days of the implementation. We will not be moving away from the EPPS; we will continue to pay close attention to it. That is also in Northern Ireland, as the Northern Ireland EPPS is being rolled out slightly behind the English one. We have an ongoing programme looking at it and we will report regularly on how it is going.

**Q56 Julia Buckley:** That is timely, because of DEFRA undertaking this review of the cross-Government implementation. It says that it should be finished this summer. What do you think that should entail? Is there a particular output that you are hoping to see?

**Dame Glenys Stacey:** What that entails is, frankly, a matter for DEFRA. We do not know what is anticipated there; we are keen to see what it is. We know from the work we have done what we think needs to change, and we set out that in our report. If DEFRA came to the same conclusions, that would be a happy coincidence for us, but I think we have to wait and see.

**Julia Buckley:** Do you agree with that, Ms Prosser?

**Natalie Prosser:** I do.

**Q57 Julia Buckley:** The last round of questions from me is around public investment. Your recent report assessment suggests that Government should generate funds for public investment through application of the polluter pays principle. I find that interesting. This morning, I was guesting on the EFRA Committee. We were interviewing the private water companies that have been fined. Some of those fines have not been paid, and people want to know where the money has gone. I am interested in your view on this. What are the best opportunities to extract this polluter pays principle to pay for some of this investment?

**Dame Glenys Stacey:** I am not sure we have done sufficient work on that to advise you well. Again, I would like the opportunity to consider that, if I may. We certainly have not covered it fully in this report here. Could I come back to you on that? I think it is a pertinent question. There is a lot of confusion about polluter pays, which is not helpful. If I could come back on it, I would appreciate it.

**Natalie Prosser:** Can I clarify if we are talking about, for example, the reinvestment of water company fines?

**Julia Buckley:** That was just an example.

**Dame Glenys Stacey:** You are talking more broadly about where it could potentially make a difference?

**Julia Buckley:** To incentivise behaviour change.

**Natalie Prosser:** That is helpful.

**Dame Glenys Stacey:** It is a stimulating question, and we will come back to you.



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Q58 **Pippa Heylings:** Is it not about the fact that with the European Union (Withdrawal) Bill we were supposed to bring in the polluter pays principle? We do not have principles in UK legislation, so we could not absolutely directly bring in the polluter pays principle, so it had to come in through—

**Dame Glenys Stacey:** Yes, a back door.

**Pippa Heylings:** So it is about how we make sure that it is fully in there and implementable and it can be a recourse.

Q59 **Julia Buckley:** It is a key moment. As a Committee, we are often interviewing organisations like yours, whose job is around regulation. We are usually sharing joint frustrations around enforcement not being as quick or as forceful as we would like. Perhaps fines and incentivisation can move this up people's agenda and add teeth. I think it has a real role to play in joining up enforcement and regulation to get behaviour change more quickly.

**Dame Glenys Stacey:** I see that.

**Julia Buckley:** It could be a key moment for you to help us with some good recommendations that we can feed in.

**Dame Glenys Stacey:** I am sure we will do whatever we can. Thank you: we will add that to the list.

**Julia Buckley:** You have gone away with a long to-do list.

**Chair:** Thank you very much. This Committee has a role across Government investigating and scrutinising the work of Government. Our intention is very much complementary to yours, so you can be assured that the Committee stands ready to support the work you are doing and to make sure that Government respond to it and continue to play that role. Please consider us to be your Committee. If there is anything you think we need to take up or pursue with Government, we are always pleased to hear from you. We continue to support your work. Dame Glenys and Ms Prosser, thank you very much for your evidence and for the work you are doing.