



HOUSE OF LORDS

Environment and Climate Change Committee

Corrected oral evidence: Nitrogen

Wednesday 26 March 2025

10 am

Watch the meeting

Members present: Baroness Sheehan (The Chair); Lord Ashcombe; Lord Duncan of Springbank; Lord Jay of Ewelme; Lord Krebs; The Earl of Leicester; Lord Lennie; Lord Mancroft; Lord Rooker; Earl Russell; Lord Trees; Baroness Whitaker.

Evidence Session No. 10

Heard in Public

Questions 72 - 80

Witnesses

[I](#): Dame Glenys Stacey, Chair, Office for Environmental Protection; Natalie Prosser, CEO, Office for Environmental Protection.

Examination of witnesses

Dame Glenys Stacey and Natalie Prosser.

Q72 **The Chair:** Good morning and welcome to the Lords Committee on the Environment and Climate Change. Today is the seventh session of our inquiry into the efficient use and management of nitrogen in the environment. We are delighted to have with us the Chair of the Office for Environmental Protection, Dame Glenys Stacey, and its CEO, Natalie Prosser. Thank you both very much for making the time to be with us today. It is much appreciated.

I should remind everyone that the session is webcast live on Parliament TV, and that a transcript will be taken and made public. Witnesses will be able to review the transcript and make minor amendments, with the agreement of the clerk. I should also remind members and witnesses that any relevant interests should be declared the first time they speak.

Dame Glenys, you are the chair of the OEP, the oversight body for the protection and improvement of the environment in England and Northern Ireland. How important is it to effective environmental action and specifically to action relating to nitrogen management that government departments, agencies and local government co-ordinate well between themselves?

Dame Glenys Stacey: Thank you for the invite. It is delightful to be here and to talk about nitrogen. You raise a critical issue about the co-ordination between government, its departments and local authorities. We know that getting that right is essential for the management of nitrogen. Everyone would accept that.

We now have a systematic framework post Brexit at central government level. We have the Environment Act and the provisions in it, and things such as the environmental principles policy statement are making a difference, at least across departments. We have just produced a report on that, showing a good start to the rollout of the EPPS, although we obviously make recommendations as to how it can be further embedded, for example in the Treasury's Green Book guidance.

The framework that we have in the Environment Act is predominantly around central government and its agencies, and so it does look as though more could be done to strengthen connections with local authorities. Underneath the Act, we have a board looking across the departments, at director-general level, chaired by a DG from Defra. We can see that that has a role to play in co-ordinating departments. With a new EIP coming, it could have a bigger role, if that EIP, as we hope, has some specific delivery plans that could then be tracked and monitored.

The connection between government and local authorities is less strong, as far as we can see. For example, we recently went to a combined authority to have a look at what it was doing. It had very good plans, we thought, for delivering its priorities in the environment, which included clean air and better access for quite a densely populated area, but only

four of the 10 goals in the environment plan were covered. That is not to criticise that authority; it was doing a good job in the things that it felt important, but the hard-wiring to the EIP was not there.

We know that we now have the rollout of local nature recovery strategies, and there is a really good opportunity there to hard-wire. We are doing some work on those and hope to publish by the summer, but there will definitely be opportunities to strengthen the relationship there. Biodiversity net gain is another opportunity. We are quite interested in looking at how that is working.

At a local level, we are going to see what happens with the land use framework consultation and the extent to which those proposed principles will be hard-wired. What weight is to be afforded to those by local authorities as they make planning decisions?

The short answer is that we are in a better position than we were before the Environment Act, but the connection between central government and local authorities could certainly be strengthened, and there are opportunities now to do that.

The Chair: When the Environment Act came into being, there was a provision within it for the Government to put in place an environmental principles policy statement, which would be applicable to policy-making across central government. Has that been enacted yet?

Dame Glenys Stacey: Yes. The environmental principles policy statement was rolled out last year. I will come back to you on the date. We have produced our first report looking at how that has been working in practice. It is early days, but we wanted to catch good and bad practice early on to make recommendations in relation to that. Our report came out either last month or earlier this month. It is a good read; it is only about 30 pages and it is well drafted. We found that Defra had done a pretty good job of supporting other departments in the rollout of the EPS with the right guidance and training materials. We found good practice in some departments. I remember the Department for Transport, for example, being pretty well up there.

But there are ways in which this could improve. I gave one example just now. The Treasury's Green Book guidance does not yet refer to either the statutory targets or the EPPS, and it could do. There are ways in which it could be better embedded across government. Indeed, the requirements could be better. For example, it does not yet specifically relate to and mention the statutory targets, which is a loop that you could close off pretty clearly. In summary, we would say: so far, so good, but more can be done. We hope that it is done and will make recommendations in that respect.

The Chair: In your report of January this year, there is not a huge amount about the EPPS. It would be really helpful to have effective working across government, because co-ordinating action within and across government departments is key if we are going to manage

something such as nitrogen, which is so pervasive across different parts of the environment. If you could give us more information about what is in place through the EPPS and what government departments are now required to do, that would be very helpful indeed.

Dame Glenys Stacey: Our report on annual progress, which came out in January, was reporting for the period up to the end of March 2024, so there was not a lot to report about EPPS at that stage. In any event, we were aware that we were producing a separate, independent report just on EPPS, which is now published, so I am very happy to send you the link to that.

The Chair: Thank you very much. There will be further questions about the timeline of the reporting and the Government's response.

The Earl of Leicester: Good morning, Dame Glenys and Ms Prosser. It is nice to see you presenting again at another Select Committee. I will just declare my interests, which relate to agricultural land held in Norfolk and an element of energy production.

My question relates to target 7 of the Global Biodiversity Framework currently being embedded in government plans. Target 7 is of particular interest to this inquiry, given its focus on excess nutrients—here we are talking about nitrogen—lost to the environment and, indeed, polluting it.

Dame Glenys Stacey: First of all, thank you very much, Earl Leicester, for hosting our staff at your farm last year. Some of our staff came to look at nature-friendly farming in action, and I know that they found the visit extremely useful, so thank you very much on behalf of the OEP for that.

The Earl of Leicester: As did the farmers present. It was nice for them to be asked for their opinion.

Dame Glenys Stacey: Target 7 is an interesting one. My recollection is that it is in two parts, the first of which refers to pollution, not nitrogen specifically—one of those wide terms that often seems to be used in European target setting. It requires a reduction of more than half by 2030, as I recollect.

We gave advice at the time that Environment Act targets were set. We were aware of the water framework directive provisions, which are law, and there is a requirement there that in our view is sufficiently specific. In short, if the Water Framework Directive requirements were properly implemented, target 7 would perhaps not be on your worry list as it is now.

We are particularly aware that the issue is predominantly not around every stretch of water. It is focused particularly on estuaries and lakes, so we were not convinced at the time that we gave advice on the Environment Act targets, that a specific national target equivalent to target 7 would be needed, because we already had the ground—or the water, if you like—covered in the way that we had under the Water

Framework Directive. That was our view at the time. Is that what you are particularly interested in, Earl Leicester, or have I got the question wrong?

The Earl of Leicester: It is really the damage to biodiversity that nitrogen pollution is creating, particularly on heathland and suchlike, where lichens are being depleted.

Dame Glenys Stacey: We do not dispute that at all, and it is a pervasive problem. Given your particular interest in farming, you will know that agriculture is central. The habits of those who farm our land need to change and, if you are going to get on top of nitrogen, there are some big choices to be made by government and by those who farm.

The Earl of Leicester: We still need nitrogen for farming, but we just need to use a little less of it.

Dame Glenys Stacey: Yes, absolutely. When we at the OEP have spoken about getting nature-friendly farming right, it is about embracing a reduction in the products that are producing nitrogen that we do not want.

The Chair: You mentioned the Water Framework Directive and your initial reliance on that to meet target 7. Given your experience of the water framework directive more recently, is it still your view that it can be relied on to deliver target 7?

Dame Glenys Stacey: Setting a target is one thing. Setting out your plans to deliver it, and delivering it in earnest, is another. One might say that that typifies where we are with the water framework directive, but perhaps Natalie can give some more detail.

Natalie Prosser: I might have quite a lot to say about the water framework directive.

The Chair: We will be covering the Water Framework Directive more comprehensively, so just a simple answer on that one point will do.

Natalie Prosser: My view is that the Water Framework Directive has not delivered, in multiple ways. We will probably need to get into some of the specifics of why, because it is multicausal. We know that the 2027 target is not going to be hit, and all of the consequences that flow from that.

Lord Ashcombe: Dame Glenys, you mentioned the possibility of a disconnect between government departments and local authorities. I wonder how good the connection is within government. How would you look to solve some of that direction?

Dame Glenys Stacey: Within central government or between central and local government?

Lord Ashcombe: First between departments and then down into the local authorities.

Dame Glenys Stacey: We have made recommendations in at least a couple of our annual assessments about governance, which remains one of our key areas of interest. We have not yet, for example, seen the terms of reference for the group that I mentioned earlier that sits across government departments. I certainly recommended some while ago that those terms, whatever they are now, could be strengthened to give the cross-government board a better role in making sure that things happen, rather than just monitoring, which I suspect it was about first of all.

The chances of that group being able to do that will be improved if the new EIP that we are expecting soon has in it, or accompanying it, sufficiently detailed delivery plans for that group and looks at what should be done when and by whom. There is a chance there for that director-general-level group to take really meaningful action to make sure that things happen in a cross-cutting way.

Secondly, we have recommended in the past that, to make the progress at the scale and pace needed here requires leadership at the highest level. We have not gone on to define what that might be; for example, we have not suggested a Cabinet-level group or whatever, but true central leadership is important. Let me just leave it at that.

At a local level, there are opportunities now, with the land use strategy and other initiatives, to build those connections in a way that they are not there at the moment. We could really do with seeing a number of governance models being developed to connect the centre with local authorities around the environment, and they are not there at the moment.

A range of potential governance models at a local level would enable, within an area, a region, a catchment or whatever, the right bodies to be brought around the table, with some authority at that table. I am thinking here about how local authorities would need to join up with, for example, Natural England, the Environment Agency and others in a meaningful way. There are some good examples of that, and it really has to happen now if the Government's Planning and Infrastructure Bill is enacted, as we expect, and Natural England takes a central role there.

There are opportunities now, but it will be difficult to achieve what government is trying to achieve with these new initiatives without better connection around the environment.

Q73 **Lord Mancroft:** Could I ask you to go a bit further in respect of the Water Framework Directive? What progress have you seen from government following the publication of your review of the regulations?

Dame Glenys Stacey: Thank you very much for asking about that central and important issue. We know that only 16% of our water bodies are currently in good condition against an objective of 77% by 2027. Our firm view at the moment is that we are not going to meet that 2027 target, but I will ask Natalie to talk a bit more about the work that we are doing in that respect, because it is a central tenet of our work this year.

Natalie Prosser: You will be aware that we published a major review into the implementation of the Water Framework Directive last year. That review made for some pretty sobering reading. Dame Glenys has already referenced the significant gap in terms of good ecological status in water as against the target. It is not missing the target by a tiny amount; it is enormously wide of the mark, and the 2027 target date has already been extended.

We looked at the regulations and broadly found them to be pretty sound. It is a sensible enough framework and, if used well, should really deliver meaningful improvement in the water environment. In our view, they have not been used well. In particular, we had some very serious concerns about the lack of specificity in the provisions for individual water bodies in those plans. We found them to be far too generic to be useful. Using the Environment Agency's own analysis, we found that they were not adequately funded.

Concerningly, many of the plans were set with very low confidence that they would, in fact, deliver the outcomes. It is unsurprising, then, that the system has not delivered. We made that report to government, and Defra responded in September 2024, broadly welcoming it and broadly accepting the findings that we had made. It is fairly plain that there have been real issues there.

Fairly rapidly on coming into government, as you will be well aware, the Government and Defra established the water commission, led by Sir Jon Cunliffe. That commission has within its scope the strategic planning framework and river basin management plans, which is broadly welcome, although that review is largely facing into the water industry itself. While we know that there are significant problems with how the water industry has been regulated, it is well known that the pressure on processing and cleaning water is only one and not even the most major pressure on water.

In terms of the Government's response, they have broadly accepted what we have said and have established the water commission. However, in our report last year, we identified a number of areas of concern that went beyond poor implementation and into concerns on our part that the regulations were not being complied with as a matter of pure compliance with the law. Therefore, we have now launched a formal investigation into Defra in relation to a number of areas of compliance with the law.

We have chosen to do that because Defra has made clean water a major priority. The Cunliffe review shows a real investment in looking for new solutions for how to deal with pressures on water. We felt that it was very important to get to the bottom of not only the poor implementation of the Water Framework Directive regulations, where we have already established a position, but of whether the approach is unlawful. I cannot talk too much more about the investigation beyond that, given that it remains live, but we hope to establish whether those legal thresholds have been met. It is critically important, if government proceeds and as Sir Jon Cunliffe makes recommendations for material reform of how we

protect our water, whether that is confined to the water industry or more broadly, to make sure that we learn lessons from the past.

I appreciate that that is quite a lot. We found some very serious shortcomings, which government has broadly accepted. More action needs to be taken rather more promptly, but we have a lot of optimism that a significant amount of attention is being paid in this area.

Lord Mancroft: We have heard evidence on the potential benefit of catchment-based approaches to improve water quality. What measures would strengthen their impact and the effectiveness of river basin management plans?

Natalie Prosser: Fundamentally, river basin management plans are a catchment-based approach. As I said earlier, in our review, where we generally find the framework itself to be broadly sound, we can see that it absolutely has the potential to work.

We concluded that an increased emphasis on catchment-based partnerships could help to deliver improved outcomes, but we said that a number of things need to be in place to make that work effectively. There needs to be a clear remit around those catchment partnerships. There needs to be adequate funding, which speaks for itself, and that has been lacking.

We really hope that Sir Jon takes into account some of those factors as part of his review. You may be aware that there is an open call for evidence, which we intend to submit a response to, and we have certainly made our work to date available to the Cunliffe review, including our WFD report. There is real potential in catchment-based partnerships, but, in some respects, we would have liked to have seen that already happening under the existing framework.

The Earl of Leicester: I appreciate that you may not necessarily be able to speak in great depth about the inquiry that you launched last week. We know that the OEP is quite a small and, arguably, underresourced department. How much bite will this investigation into Defra and the Environment Agency have, as they are both huge organisations and, no doubt, quite good at self-preservation?

Dame Glenys Stacey: Defra certainly takes every investigation that we have against the department or the Secretary of State seriously. It is, by law, obliged to respond. There are deadlines. There are requirements. It puts the business on a formal footing. It is not just a separate body asking questions; it is a formal process. Ultimately, we can come to a decision notice that would take it to court, although we do not wish to do that. Our objective here is perhaps slightly different from some other investigations. We are keeping this issue at the top of the agenda. We welcome the water commission and that review, but it could take a number of years before we see legislation, and then implementation and a difference. In the meantime, our waters are in a poor state.

As we have said before, we are also of the mind that, while the law is sometimes an ass, it is not here. As a piece of law, the Water Framework Directive is okay. What is wrong with the notion that you have plans at a water body level that recognise what is wrong with that stretch of water and what needs to be done to put it right? We are keeping that on the agenda as well. One may change, for example, the structure of the industry, but you are still left with the issue of what you are going to do with your watercourses at a sufficiently local level.

It is important to us that the value of the Water Framework Directive scheme is not lost in all of this. I am very certain that Defra will take this review seriously—I know that it is—that it will respond to our investigation, and that it will comply with the taking stock points and the statutory time requirements. I am hoping that we keep it on the agenda.

The Earl of Leicester: Perhaps more important is the Environment Agency.

Natalie Prosser: We have six live investigations into Defra at the moment, the water framework directive being the sixth, and the Environment Agency is engaged in a number of those. On every single one, we have made good, constructive progress with Defra.

Because we are now better established, and given the ability to engage with us in an open and solutions-focused way, that has progressed constructively over the last year in particular. For example, on our combined sewer overflow investigation, which is now at a very late stage in its progress, we have seen really constructive engagement, including from the Environment Agency and Ofwat, which are involved in that matter. We have investigations in relation to neonicotinoids, farming rules for water, special protected areas and marine. On all of those, we have good, constructive dialogue. That does not mean that we always agree on everything; we often do not, but we do have constructive dialogue, which has, so far, progressed all those investigations towards what we really want, which is improved protection for the environment as an outcome. I am very optimistic.

The Earl of Leicester: That is very encouraging to hear. Thank you.

Lord Lennie: I want to go back to the strategic decision that you have taken to take legal action against Defra. It seems to me to be either a big, brave decision or a foolhardy one. You can be the judge of that. Is it designed to change behaviour, or do you want a legal ruling on it?

Dame Glenys Stacey: As Natalie said, we have other investigations. Each decision to launch an investigation is taken at board level. It is a statutory requirement and we welcome that.

On this occasion, it was not an easy decision. We spent two or three hours, with well-informed papers, discussing the pros and cons of this. You mentioned taking legal proceedings, but it is not quite like that. We are launching an investigation, which is really about determining whether

there has been a breach of the law. We are, in a sense, a long way off the point of going to court.

The strategic objectives that we have here are as I outlined earlier, which are to keep this at the top of the agenda and to make plain that the basic framework of the Water Framework Directive is sound. There is a legal requirement, both now and in coming years, until the law changes, that some effort is made to comply with it. I anticipate that, as you say, we will have constructive discussions about that.

Lord Trees: Thank you very much for coming and giving us your time. Can you just clarify something for me? We seem to have three bodies that have various roles in looking at pollution in aqueous environments. You have oversight of governance, but there is Defra, the Environment Agency and Ofwat. Are their regulatory remits clearly defined? Is there overlap? Are there gaps?

Dame Glenys Stacey: That was a question that we grappled with a couple of years ago as we started our investigation into combined sewer overflows. It took us quite a long time to set out for ourselves the respective roles and responsibilities. I recollect that our document setting out how these things interrelate was over 30 pages long. To give one example, one body will collect data and information, and another will decide whether to take any action. Of course, that co-dependency can be very difficult if the data is out of date or not provided.

In summary, one might say, "You wouldn't start from here", but that is the arrangement that we have. We have two big and well-established agencies working alongside each other, and you could probably take a degree in how that relationship is mapped. We have done that work and we have that mapping. When I last looked, our intention was to publish that at the time we reached a conclusion in this investigation, and we are not far off that.

Natalie Prosser: One of our recommendations to those bodies is that they set out an MOU that defines and makes transparent their interactions. That is something that they are working on at the moment, recognising exactly the issue that you flag.

The Chair: I hope that we can flesh out some more of those issues as we go on. I think I heard you say that the 2027 target date for meeting the objectives of the Water Framework Directive has been extended. Can you tell us what date they have been extended to?

Natalie Prosser: It was extended from 2015 to 2027, so the 2027 date is the extended date.

Q74 **Lord Rooker:** I need to declare that I worked with Dame Glenys some time ago, in 2006-07, in the days when we suffered infraction from the EU, which we were able to use to get action from our Treasury. The very reason why we do not do that now is the existence of this organisation to replace that.

I have a general question to kick off, before I ask you something about compliance. Have you seen any opportunities for nitrogen to be integrated into other targets for water quality, such as on phosphorus, and regulation of the water companies? Is there a possibility that nitrogen can be integrated into existing targets?

Dame Glenys Stacey: Agriculture is at the centre of this, and how we regulate effectively the whole business of agriculture. I know that you have heard evidence already from others about some ways in which this could be done and the opportunities that are there at the moment, including, for example, extending the environmental permitting regime to dairy and beef. We know that you have heard evidence already to suggest that things could be done to improve the oversight and targeting of agriculture.

More widely, in January this year, we published an assessment of the five targets and commitments relating to nitrogen and our view on the likelihood of them being achieved. Each is individually important, but the interesting thing is the co-relation between them—between air and water, and so on. We certainly assessed the two relating to water as largely off track at the time.

We are doing some work at the moment that I think will interest you in Northern Ireland, which may be relevant to England. We have a big piece of work there this year looking at the management and oversight of nutrients in relation to agriculture and wastewater. You may know that there are some pretty intensive agriculture and agri-food endeavours in Northern Ireland that are having a significant adverse effect on the environment.

Lord Rooker: They do not pay water rates either.

Dame Glenys Stacey: They do not. There is another model, which I suspect will be difficult to move from. We are really looking at whether the current regulatory framework as a whole is fit for purpose. Our work is not focused on England so far, but, as some agricultural practices are similar between the two countries, there may well be something that we can learn from that.

For example, we can already see in Northern Ireland that there is insufficient focus on nutrient surpluses, and the efforts to reduce inputs of fertiliser and animal feed are now so pressing if we are going to keep the environment in any sort of decent state. We have also been looking at phosphorus loss to freshwater bodies, as well as ammonia losses to air. I am hoping that some of the work that we are doing there will transpose over here.

When it comes to closing the gap on targets overall, we started with our focus on the apex targets. It has always been curious to me and to the OEP that we have 10 well-established goal areas in the current EIP, although they may change or morph in the new one, but no apex targets relating to all 10 of those goals. That is pretty hard to live with. There

may have been reasons for that at the time. It was an early start. They were the first attempts at statutory targets. Perhaps some things were not thought to be measurable or whatever.

Statutory targets are targets of stature and have a significant driving role to play, so our first recommendation in relation to targets is to get an apex target for each of the goal areas that will come out of the EIP. As I have mentioned already, when the targets were first set and we were looking at the Water Framework Directive, our consideration was that they were already a pretty solid set of requirements, but our evidence has now shown that, in fact, it was not being adhered to in any way that you could call acceptable.

Lord Rooker: Could I follow up with a more specific question about your review of compliance with the law on combined sewer overflow discharges, and ask you about the progress being made by the public authorities? In the past, before you existed, departments feared infraction, and it is quite clear that they do not fear you. You are finding that Defra is not taking proper account of environmental law. It is not exercising its duty to make enforcement orders. Ofwat is failing to take proper account of environmental law, as is the Environment Agency.

I realise that Natalie has explained that these inquiries are under way, but there is a very substantial list in our brief, which I will not go through in detail, that you will be more than aware of. Basically, it gives the impression that they do not care, because they do not fear any sanctions or consequences in the way that they did when there was the possibility of a very large fine being levied by an outside body, where they could say to the Treasury, "The fine is bigger than the problem".

They cannot say that with you. There is no incentive for them to go to the Treasury and say, "We are being looked at because we've been found not to be taking proper account". You can get the legal decision, but it is still the action that is required. The attitude of these bodies is not one of respect for you in the same way that they used to respect the EU infraction system. Is that correct?

Dame Glenys Stacey: I would disagree with that and, if you will bear with me, I will tell you why. I will ask Natalie to deal with that specific investigation, but it was an early investigation that has taken an awfully long time. It is very complex and we have learned a lot of lessons.

More generally, on our website, there are about 16 examples that we set out of cases that we have concluded positively, with a positive change to the environment, without having to take more draconian steps along that route to court. The EU did not; it was not able to do that. You mention infraction proceedings, but they did not happen very often. There certainly would not have been 16 successful cases. We are dealing with matters that never got anywhere near Europe, but they are, nevertheless, very pressing for the environment.

As Natalie has said, we have six investigations under way at the moment in relation to Defra, across a range of issues. I do not recollect that we

had six threats of infractions proceedings against Defra when you and I were working together. It is a different beast. We have never asked, for example, for the right to fine. It gets a lot more complicated, intransigent and fixed, with a lot of lawyers over every shoulder, when you are in that sort of territory.

We are in a different game here, which is about pinpointing, early on, issues that should be redressed where the law is not being complied with, and making sure that they are redressed in good order. We are happy enough with our remit as it is. We do not pretend to be Europe. We are just part of a new environmental governance framework set up by the Environment Act.

Natalie will want to deal particularly with the CSO investigation, where we have learned a fair bit.

Natalie Prosser: We have quite a drawn-out investigation and enforcement process, and that was designed quite deliberately. We are at a very advanced stage with the CSO investigation. We have issued decision notices, which set out all the areas where, in our view, government, Ofwat and the EA have broken the law. We have been quite clear and transparent about that. There is, of course, a right to reply to what we have said, and that is still pending.

Concurrently to all of that, we have been in ongoing and extensive discussions with all of the public authorities, because the thing that we are most invested in is that the rigour of the regulatory system for CSOs is as it should be. What we want to see is concerted action by those public authorities to do better.

Where we are at the moment is not concluded. There are two ways in which things can play through from here on in. If we are satisfied that the responses from the public authorities—and they have been pretty transparent about what they are proposing to do—address the substantive shortcomings in our view, we will issue an investigation report setting out quite transparently what we think has happened for everybody, and conclude the case with a positive outcome for the environment.

If, however, we are not satisfied, the next step is legal proceedings in court. We will think carefully before taking that step. It is costly and creates more delay. In our experience of Europe, it would often take a great deal of time to resolve issues. We may not have the powers of a supranational organisation, but we are very nimble and can have really good constructive conversations to get solutions on the table.

I cannot anticipate which of those two outcomes will apply to the CSOs, but the public authorities in question have already taken steps. For example, the guidance that Defra issued on standards regulation of CSOs is already out for consultation on revising and improving it. We have already seen those public authorities working together to further clarify

their respective roles and responsibilities transparently. They are already getting on with addressing some of the shortcomings.

Dame Glenys Stacey: One way or another, we are making a material difference here.

Lord Rooker: Thanks very much. That is very helpful.

Lord Duncan of Springbank: Following on from Lord Rooker's point, the EU would investigate across a whole range of issues. It got to the infraction stage only really when investigations failed to find any other resolution, which is broadly what Lord Rooker was saying. You are the first stage of the investigation, but the force that came from infraction was the really serious bit. At the moment, you are really just the first stage of what the EU would have done pre infraction. I suspect that the point being made here was that the power that came from the infraction in extremis was the part that brought about the fundamental change in both finance and other parts. I think that was the point that Lord Rooker was making.

Dame Glenys Stacey: I see the point that you are making. We are, in a number of cases, at that early investigation stage. Ultimately, of course, we can take government or any other public body to court on environmental review. We cannot fine them enormous amounts of money—or, indeed, any money at all—but there can be a finding equivalent to that in a judicial review. We have not yet found ourselves in a position where we need to do that, because we are having good progress earlier on in that pipeline, but we will do that if we need to.

The second thing is that Parliament decided these powers. Parliament decided that this is the limit of our power. We are still happy enough with that and believe that for a government to go to court on environmental review and risk the court deciding that it is breaching the law is, ultimately, a matter for government, but I think it will balk at that. The impression that I get is that the Government, and particularly Defra, take the OEP extremely seriously.

Lord Duncan of Springbank: During my limited time in the EU, quite a number of infraction proceedings were progressing against the UK. Broadly, since the departure from the EU, we have not really had any equivalents within the domestic framework.

Dame Glenys Stacey: We have explained already that a number of matters are being resolved by us without getting anywhere near a court. We have 16 examples of that on our website, and six formal investigations under way. It is early days for us and, of course, we have fewer than 100 staff.

Lord Duncan of Springbank: That would make you more efficient than the EU, then, because what you are saying is that its investigations did not lead in the same direction.

Dame Glenys Stacey: The issues were resolved to our satisfaction to improve the environment and comply with the law without getting anywhere near a court. That is good for the environment and certainly good for the public purse.

The Chair: Before we move on to air pollution, just to wrap up this section on water, I just wanted to establish that the target to reduce phosphorus loading from wastewater is working well. There is no target to remove nitrogen from wastewater. Is that something that there would be a benefit in having?

Natalie Prosser: The threat from nitrogen pollution in rivers is far less significant than the threat from phosphorus, but the threat from nitrogen pollution into lakes and estuaries is far more significant. On top of that, you have multiple pressures on water, which really should be dealt with under the water framework regulations. I am not entirely sure that a specific target would be of assistance. A good understanding of the multiple pressures and how each of the targets in place should be considered holistically to deal with nitrogen, so that you have got a good understanding of the system map, may well be of benefit.

The Chair: I thought that this was going to be an easy and quick question with an obvious answer. We could start to look at the upstream impacts of nitrogen, et cetera, but I am just looking at the end-of-pipe emissions into our water systems and waterways. Presumably, at that level, it would help, as it has with phosphorus, to have a target for nitrogen. It should be straightforward.

Dame Glenys Stacey: It is not something that we have actively considered. I understand the significance of the point that you are making, and I would like to have the chance to consider it and come back, if I may.

The Chair: Thank you very much.

Q75 **Lord Ashcombe:** Let us move from water to air. The emission reduction commitments were assessed in your latest report as being partially on track. I am wondering what "partially on track" means. I notice that nitrogen deposition on sensitive habitats is largely off track. What more needs to be done to meet these commitments?

Dame Glenys Stacey: There are now updated projections from government that were published this month, suggesting that things are off track now for only one of the five, which is emissions relating to ammonia. Of course, that is only the projection, so that is all to do with the potential to meet the target rather than it being met, so the policies still need to be effectively implemented at both strategic and specific sector levels.

Certainly at a national level, there are still matters of governance. The Government chose to remove the statutory provisions relating to the national air pollution control programme. Before then, we had applauded that programme for its transparency and the requirement to actively

change your plans, if the circumstances and situation required it. That has now been removed, so it removes the triggers for taking action and consulting on plans when targets are missed. We still hanker after the days of the national air pollution control programme and would like to see something equivalent by way of governance there.

Many of the levers to make a difference here that you are probably wishing to discuss are pretty well known, but it is for government to decide which are to be pulled and to what extent, because they affect people's lives. There are social aspects in terms of the day-to-day life of individuals, which we can go in into, if you like.

Whichever way you look at it, local government is going to be a key delivery partner here. We go back to the question of how you hard-wire local government in any endeavours in this area.

Lord Ashcombe: You kindly addressed that in your first question. To your point about health, the Royal College of Paediatrics and Child Health has definitely raised a concern that air quality standards and the Environment Act 2021 are "ineffective in tackling nitrogen pollution due to weak enforcement, outdated standards, and inadequate monitoring". What do we do about it? Do we have to create more policy to get this stuff enacted?

Dame Glenys Stacey: When we last reported, we pointed to the estimated 28,000 to 36,000 deaths per year from air pollution. That is not small beer. In our progress report, we recommended that government consider reviewing the legal standards that are set for pollutants in the first place. Indeed, when we gave advice in relation to the setting of the statutory targets across the entire suite, we thought that they were suitably ambitious, except in relation to air, where our argument was that the level being set was broadly okay but the timescale to meet the PM2.5 requirement by 2040, for example, could be broadly met by 2030.

I remember having this testy discussion with the then Secretary of State directly about that, the concern on the part of government then being that not every big city could meet that. Our argument was that most of the country can. Indeed, when we were recently at the West Midlands Combined Authority, the subject came up. It was asking why the targets were not more ambitious, because some big cities outside of London could achieve it.

If I were in government, I would be looking afresh at the timescale for meeting that, recognising that you would not meet it across the country, but could do in a good number of areas, and the stimulus would be helpful.

The Chair: On that point, in your report you note, "Currently, all standards are weaker than World Health Organization guidelines and revised equivalent EU standards". Would it be a recommendation that you make to government that it meet WHO guidelines?

Dame Glenys Stacey: We have already recommended that government look again at the standards. Of course, one benchmark would be the WHO requirements. We did not recommend that they be adopted specifically, but government needs to look. We are falling behind.

Lord Ashcombe: I was in India a couple of weeks ago. Just be glad that you are not in Mumbai, because the pollution there is horrendous, and we are way ahead of that. I would just say that. We are years ahead, but there is stuff to do.

Q76 **Baroness Whitaker:** I should declare that I live in a national park. I am a member of the Newhaven regeneration board, Re-imagining Newhaven, and I have a background in the Health and Safety Executive, a different regulator.

I would like to turn to the leading sources of NOX emissions in the UK, which remain transport and industry. What more could be done to ensure that we reduce these emissions? I was particularly interested in Dame Glenys's point about the links with local authorities. In most cases, county councils are the highways authority. Is this an area where there could be a bit more direction?

Dame Glenys Stacey: It is an area where we have seen progress made, most definitely in the transport sector, largely driven by improvements to vehicle emissions and fuel standards. We have seen progress in the industrial sector, reflecting the trend away from the use of coal and oil. We have had some big wins that are banked already, and it gets more difficult now.

The policies that we have must be effectively delivered, and there are gaps to be addressed to further improve prospects. Take our ambient concentrations of nitrogen dioxide, for example. Statutory limits are still not being met for nine of the 31 compliance zones, almost a third, despite an original target deadline of 2010. Speeding up and scaling up there is an absolute requirement. Our report identified opportunities across individual sectors that could help reduce nitrogen oxide emissions.

Again, I come back to governance and the national air pollution control programme. I know that I keep bleating about that, but it would have required the authorities to look at when they are not going to meet those targets, and we do not have that now.

The Government are promising to review the air quality strategy, and we are waiting anxiously to see how meaningful that is when it comes out. There is a real opportunity to address these shortcomings in that strategy, which I think is due later this year.

Baroness Whitaker: What would you both like to see in the Government's strategy, which is about to emerge?

Dame Glenys Stacey: I want to see two things. The first is better governance and a stronger connection with local authorities, in the way that we have discussed. The control programme was good for that in my

view. The second is a recognition of the shortcomings. Nine of 31 areas are not compliant. We always want to see in a strategy an assessment of where we are now, which is not too difficult here, and then where you want to get to and the steps to deal with it. That strategy needs to deal with the effect of harmful levels of pollution in ambient air in order to save lives.

Baroness Whitaker: Your report does not mention public transport, which is, presumably, a factor. Do you have any opinion on that? On industry, we have seen it said that the industrial installations regulations do not cover smaller facilities. Is that a problem and, if so, how much of one?

Dame Glenys Stacey: On public transport, an acceleration in the number of electric vehicles would be helpful. Dates have moved around there, from 2035 to 2030. The manifesto of this Government was to enact 2030, but we have not seen that happen yet. We know that clean air zones work, so let us have them. Moves to more public transport would be helpful. There has been a levelling off in cycling, despite ambitions for its use. There are a number of buttons to press in order to make a difference.

On industry, you hit on a tricky point in relation to small industrial units, what they are and how people get from one big industrial unit to a number of smaller ones. I will leave it at that for now.

Baroness Whitaker: You think it is worth looking into.

Dame Glenys Stacey: Yes, definitely.

Q77 **Lord Trees:** I have a two-part question. I will come in a minute to the second part, which is about farming rules for water. In your last report, you made a number of recommendations. The first one was that the Government need to get right nature-friendly farming and a greater engagement with farmers. I wonder what you mean by getting this right. Perhaps you might comment on what contribution to getting it right the sustainable farming incentive has made and how its current suspension might play into that.

Dame Glenys Stacey: When we talk about getting nature-friendly farming right, it is a twofold thing. Two things make a big difference. One is making sure of compliance with the existing regulatory framework. We know that more effort is going in there, particularly from the Environment Agency, with more inspections, for example.

Incidentally, we have some interesting work under way on inspection regimes, and a couple of reports coming out over the summer or later this year. One is looking at 10 different inspection regimes and another at inspections for waste in particular. For us, there are some welcome early signs that greater work is being done on monitoring and enforcing, but it is critically important that we resource that and keep that work under way. I hope our inspections reports will be a helpful stimulus in that respect.

The other thing is getting those environmental land management schemes right, and we are where we are with it. We really would like to see a significant increase in the take-up of the higher-order schemes—the countryside stewardship and landscape recovery schemes—which are going to make a big difference. We will be tracking that closely, but that is where big gains are going to be made.

On the sustainable farming initiative, there was quite a sudden announcement in mid-March that “the money has run out”, or whatever. I do not know why that was done so suddenly, but it is a bit of a shock to those who were putting applications in to find that they are no longer able to do so, and we do not quite know if and when it will be restored.

Relationships between farmers and government have not been easy of late. We rely on those who are driving tractors down our city streets to drive change in our agricultural industry. More can be done—and is being done, I imagine—to try to get those relationships back on track. If I were in that position as a farmer, I would want certainty above everything. Let us have some certainty about whether it is worth making an application for this particular payment and how.

Interestingly, we did some analysis recently which shows that, if we could see the adoption of the high-quality schemes at large scale, coupled with near-universal compliance with the farming regulations that tackle agricultural diffuse pollution, and an increase in land managed for nature of the sort of magnitude that is proposed in the land use strategy consultation, we would be very much in line with meeting the agricultural water target. The timescales here are a bit tricky, because the land use consultation is projecting land use changes by 2050. Could we bring that forward a bit? There are some good initiatives there that could get us to where we need to be, but we need to speed up and scale up.

Lord Trees: Natalie, do you want to add anything?

Natalie Prosser: I will save it for farming rules for water, if you have follow-up questions there.

Lord Trees: If I could turn to farming rules for water, you launched an investigation into this in November last year. You had concerns that the guidance that Defra was providing was contrary to the regulations and this was leading to some farmers being in breach, which sounds pretty serious to me. Could you update us on where we are at with that situation?

Natalie Prosser: I will say what I can, noting that it is a live investigation, but the context is really important. Farming rules for water are a major set of regulations to address agricultural diffuse pollution. They are important and they matter. There have been real concerns about compliance with them for an ongoing and prolonged period. It is not a new issue.

Dame Glenys Stacey: It is a habitual issue.

Natalie Prosser: We have been engaging with Defra on it for at least two years since the issue was brought to our attention. That led to an escalation and the launch of a formal investigation on our part last year. One of the reasons why that took some time is that, as you are probably aware, there was quite a material judicial review brought by River Action, which asked the court to clarify the status of the rules and, essentially, provide quite a clear interpretation, in our view, of what the rules required.

That led to some real concern on our part, which was already in existence, but the judicial review decision really solidified our view that the guidance issued by Defra to the Environment Agency was inconsistent with the farming rules for water, and that, if farmers subsequently relied on that guidance, that would bring them into breach with the regulations.

That is the purpose of the investigation. We have issued an information notice, which, in layman's terms, is our statement of where the Government may have broken the law. It is a procedural step that we need to take.

We are in ongoing dialogue with Defra, which is very alive to the issue. We would like to see that guidance revised. I am going to leave it there, because that is where it is at the moment and we are in very active conversations with Defra about it.

Lord Trees: Do you have any idea of a date for when that will be resolved?

Natalie Prosser: I cannot speculate on that. That is not because I do not want to say, but because we are in a statutory investigation process, and I need to leave that space for us to have those conversations.

Lord Ashcombe: As a very last-minute comment in the last question, you mentioned bringing the environmental initiatives for farmers forward from 2050 to somewhat earlier—maybe 2040. They are under enormous pressure at the moment. Are you putting undue pressure on farmers who are not in the most financially perfect situation at the moment?

Dame Glenys Stacey: If I may answer that, we have not made that recommendation. We were looking forward to see what the prospect was of targets being met, and recognise that, in the land use strategy, the proposed change of use from farming to farming for nature would make a significant contribution, and yet the timeframe for that is not aligned to a statutory target. It is just some work that we have done to have a look at whether the target could be met. We are certainly not recommending that government move on that. It is a matter for government. It is helpful to know where you are going, though.

Q78 **Lord Lennie:** There are a number of emergent strategies on land use, food and spatial planning. What are the opportunities to embed nitrogen management into these?

Dame Glenys Stacey: You are right that there are an unprecedented number of moving parts at the moment, which are difficult to keep track of. The first thing would be to have detailed environmental delivery plans to see what you are expecting your developers to buy into by way of these plans. That would be really good. While all this is going on, the demands on land and sea are increasing.

A lot of this is about trying to find ways to reconcile those and to aid those making decisions, particularly at a local level, to make decisions that are informed by what government is seeking to achieve, and by what the priorities are for government and in the local area. There is a chance to increase the nature of the information available, particularly to planning authorities when they make decisions about their area. We raised this when we did some work on environmental assessments last year, looking at how difficult it was for planners to be well informed. That would be helpful.

It would also be helpful to know, with the proposed land use framework, the extent to which the principles and approach set out in it are to be given material weight at a local level. It is not clear to me at the moment how hard-wired those requirements and principles are going to be, so there is a chance to ask that that be improved.

Overall, it is not clear to us at the OEP that water and water policy have predominantly informed those land use proposals at the moment. We are doing more work on it now, but there is an opportunity there to strengthen the proposals by consideration of water policy.

Natalie Prosser: There is a real opportunity for the EIP to be used to knit some of these together. Let us have a look at the landscape. We have biodiversity net gain being rolled out in varying degrees. We have local nature recovery strategies that are in various levels of development. We have river basin management plans and a potential future catchment-based system. That is also pertinent. We have a land use framework, a food strategy and marine spatial prioritisation. All of that is going on concurrently, along with a potential nature restoration fund.

There is massive potential in all of those. I would want to see the EIP co-ordinate and cohere some of that, because nitrogen manifests in so many of those priorities. If you cannot see the network and have that integrated approach, that is going to be a real difficulty. There is lots of potential, but how it knits together will be critical for addressing nitrogen or any other major environmental pressure.

The Chair: Do we need a national nitrogen strategy? You have outlined very comprehensively what the gaps are. Can we fill them?

Dame Glenys Stacey: It is not a recommendation that we have made in the past, but you are right to point out that there is not one at the moment, and we have a very significant nitrogen problem.

The Chair: And you have an apex goal to deliver thriving plant and wildlife biodiversity.

Dame Glenys Stacey: Yes, absolutely, and we would certainly welcome a nitrogen strategy. There is a case for it.

The Chair: Would you say that it is a strong case?

Dame Glenys Stacey: As you put the words in my mouth, yes.

The Chair: I would never wish to put words in your mouth, but, if you are happy to echo them, we are happy to take that in our transcript.

Earl Russell: I just want to pick up on the last comment that Natalie Prosser made. We have been talking about all these strategies and documents that are coming up before Parliament, and there is a worry for some parliamentarians that they are all in their own siloes, are not interlinked and are not joining up. Alongside that, we have you and we have the Climate Change Committee.

If I heard your last comment correctly, you seemed to signal that it would be useful for all those strategies to have a link to an EIP target. How would the Climate Change Committee fit with that? I know that it is not your remit, but, if you are recommending one for you, should there be targets for the Climate Change Committee as well?

Could I also ask you about spatial strategies? That is the other bit that is really missing, particularly in the energy sphere. I am sorry that that is a big question.

Natalie Prosser: That is a big question. At the OEP, we are very interested in governance. We are a governance body, which is not necessarily very exciting for lots of people, but it really matters. The EIP provides an opportunity to fit these different strategies together. It is incredibly difficult to cohere, and some of them have not gone in a sequential way. For example, a land use framework would be a very helpful precursor to a local nature recovery strategy, but we are where we are. There was an opportunity in the EIP to provide some structure, draw together those interdependencies and promote coherence.

The reason we have advocated so much for delivery planning is that, without seeing who is going to do what, when and to what scale, it is very difficult to piece all these things together. Even if those delivery plans are a work in progress, it would still be a great leap forward, because you could see plainly how different actions interconnect to deliver outcomes. That focus on delivering outcomes has been somewhat lacking.

On the CCC, it is very obvious that climate change is a material variable that, to varying degrees, may or may not be priced into both ambitions and the scale needed to address targets. CCC members are the real experts on climate change, not us, but their input is highly relevant, not least because some of the climate change mitigation activities that might go on also have potentially enormous benefits for nature recovery.

Dame Glenys Stacey: Could I just come in on the issue of co-ordination across these various strategies and initiatives? There are some good signs. The working paper that came out of DCMS before the Planning and Infrastructure Bill, looking at the connection between planning and nature, was very strong. You could see some close liaison there between the relative Secretaries of State in looking at how that might work. We were very pleased to see that.

On the other hand, there are other initiatives where the work that we are doing to look at local nature recovery strategies may well come to the conclusion that some opportunities for joining up have been missed. Let us put it that way. We have a mixed picture there, but I always find it helpful to think of the environmental improvement plan as a sort of mothership. It is required by statute. It has statutory targets associated with it. It is the skeleton. If I were in government, I would always be looking to connect to that. It can be the connective tissue, if you like, if it is given a chance. I said "skeleton" and "tissue" there, which is a bit awkward, but you know what I mean. It is the main part.

Earl Russell: It is the link.

Dame Glenys Stacey: Yes.

Q79 **Lord Krebs:** In a way, you have touched on the answer to my question in answering several of the previous questions, but I am interested in the balance between the enforcement and monitoring of the existing regulation and creating new rules. From what you said, my sense is that the current levels of enforcement of farming, wastewater and nutrient management rules by the Environment Agency and Natural England are not necessarily up to scratch, so I would like you to expand on and repeat your view on that. If they are not up to scratch, what are the challenges that need to be overcome in achieving greater compliance with the existing regulations?

Natalie Prosser: I know that this is an issue that the Environment Agency is working hard to grapple with, and I am sure that you might be interested in its views, so let us have a look at a little bit of what is going on.

The relevant regulators will fully acknowledge that inspections have fallen to a very low level, particularly inspection of farms in the post-cross-compliance era. The Environment Agency is, undoubtedly, scaling up its activities in this regard. There were about 4,000 farm inspections and the target is for that to rise to 10,000, which is still a fraction of the number of farms.

I also know that, when they have gone looking—and those inspections were targeted, not random—what they found was not a very helpful picture, with something like 42% of farms demonstrating non-compliance. The farming rules for water are a material part of that. Widespread non-compliance is a very serious challenge for any regulator to deal with, particularly in a sector that is under significant financial

pressure, but I know that the Environment Agency is scaling up its activities in that regard. We have always been of the view that there is real merit in a regulatory approach that provides good advice to farmers and that kind of support.

That is where we are in agriculture. It has been pretty poor. It seems, in terms of regulatory activity, to be on an improving trajectory, but there is a way to go, and I am sure that the EA would reflect that.

Water companies are a somewhat different beast. Again, you have seen recent changes, with the Environment Agency really scaling up its interest in water company compliance. Dealing with water company non-compliance is a very significant challenge for much broader reasons than in the agricultural sector, so it has a real challenge on its hands. I have a lot of optimism that it is investing a lot of effort in tackling that, but you would probably need to hear directly from the EA on that point.

Dame Glenys Stacey: The increase in inspections is laudable, but there is still a long way to go. The real issue is what you do when you find non-compliance, so these efforts have to continue. As Natalie said, I suspect that, for many farmers, it is a question of advice and guidance, and yet the mechanisms for that are not there nowadays.

I did a review of farming regulation years ago and made this recommendation, so you will not be surprised that I am sticking to it. If farmers know what they need to do and why, you have a strong chance that you will get compliance, but those mechanisms are not there at the moment, and the Environment Agency is, no doubt, finding compliance difficult.

Lord Krebs: One of the bits of written evidence that we had from ClientEarth refers to the Environment Agency having identified over 1,000 breaches of environmental law, only one of which resulted in civil action or a penalty. Obviously, it is up to the Environment Agency to comment on that, but do you have anything to say about the level of action taken once breaches have been identified?

Dame Glenys Stacey: It is difficult to comment on that without knowing the nature of the breaches, but I can imagine that a good number of those are about slurry tanks and slurry storage. If that is the case, investment is needed. You are often in rock/hard place territory. But I am not able to comment on that. It depends on what the approach is and whether it can get to a resolution without firmer enforcement. I am not informed enough to know.

Lord Krebs: Just to go back to the framing of my question, do we need more regulation or more monitoring and enforcement of existing regulations?

Dame Glenys Stacey: The latter would help. You have a big issue in resourcing and prioritising this work.

Natalie Prosser: It is always a question of better regulation. There will be different drivers for non-compliance. Some will be financial. Some will be well-meaning farmers making honest mistakes who need support, and may need financial support. You will sometimes have rogue operators, who need dealing with through the full strength of the law. A sophisticated regulator needs the intelligence and the insight to know one from the other, so that the intervention is targeted and proportionate. There is a lot of variability in the farming sector as to why non-compliance is happening, and you have to deal with the drivers.

Dame Glenys Stacey: You are going to find that out through sufficient farm inspection. It is rather chicken and egg. You need to know what you are dealing with as a regulator, with sufficient granularity, to see what regulatory approach you can adopt for each of the things that you are dealing with, and whether the answer is in regulation or another government lever. More inspection helps to inform whether your regulatory approach is right, or whether something other than regulation is needed.

Earl Russell: Picking up on that, we have this lack of inspection. From the lack of inspection, we have lack of enforcement, but we also have a lack of knowledge of reasons why farmers are not complying with the regulations. Just taking that back to the formation of policy again, is the lack of inspection getting to the point that it is beginning to damage our ability to formulate constructive policy? Is it slightly more difficult? What are the impacts in terms of policy formation?

Dame Glenys Stacey: If you inspect enough, you record enough in your inspections and your inspections are sufficiently effective, you will know, with a good deal of granularity, what and where the main problems are, whether it is to do with the locality, size or nature of the enterprise, or whether it is dairy, beef or whatever. You get that rich map, but those who are experienced in this area already know some of the big issues. I have mentioned one, which is the quality of slurry storage. It is a combination. The granularity will help you, but you can already see where some significant problems are.

The Chair: The Corry review into regulators is ongoing. Is the OEP feeding into that? Are some of the issues that we have heard today being conveyed to the review?

Dame Glenys Stacey: The short answer is yes. We have had the opportunity to meet Dan Corry and were able to get a lot of things off our chest.

The Chair: So you are hopeful that Defra will take on board some of the views that you have made known to it.

Dame Glenys Stacey: I do not know what the recommendations are yet.

The Chair: Do we know when the Corry review is going to report?

Dame Glenys Stacey: I believe it will be very soon.

Natalie Prosser: We understand that it is very soon, but I am afraid that I do not know what that means in terms of a date.

The Chair: In the parliamentary calendar, we have very little idea what “very soon” means, but that is a question for Defra.

Q80 **Earl Russell:** Thank you very much for your evidence and for seeing us. My final question is about your engagement with Defra to date and the work that you have been doing together on the Government’s decision to conduct the rapid review of the environmental improvement plan. From your point of view, having gone through that process, are you expecting significant changes in approach in any areas from this new Government?

Dame Glenys Stacey: We have had a chance to give the Government formal advice in relation to the review. We published our advice, which really built on the work that we have done in reporting annually on the Government’s progress, so there are some common themes there, such as getting environmental land management right, regulating better, and so on. We are pleased to have been able to give that advice, and we know that it was well received.

What are we expecting from the EIP review? We are all anxious to know what it is. My own take is that we have 10 goal areas at the moment. We do not have a commitment from government to keep those 10. From our point of view, they are pretty well targeted, and we have never said that there is anything wrong with them, but I noticed that the Secretary of State said something before another Select Committee the other day to indicate that there may be some adjustment of those goal areas, so we will see how they end up.

We are certainly expecting changes to the interim targets. Some of those are coming fast upon us, so we can expect to see those reformulated. Our advice there, when they were first set, was that there was a good level of ambition, but some of them did not quite seem to be on the right trajectory, if you know what I mean. They could be more lined up to where you are ultimately trying to get to, so we expect to see changes there.

We have long asked for an apex target for each goal area, as I mentioned earlier, but I do not know that we will see those. I am not sure, but I would hope to see them. Let us put it that way. When launching this, the Government said that they would be looking to get rid of extraneous material that exists in the plan at the moment. There is a lot of duplication: there are about 600 commitments, but they are really about 400, so you can see how it could be drafted more concisely. We are hoping to see something more about the approach to managing chemicals, which I know that the Chair has an interest in.

The main thing that we are hoping for and expecting is delivery plans and delivery routes, either as part of it or as a sister document, or whatever. We have had some very difficult conversations with Defra since we first

came into being about the lack of delivery plans. We know that this Government get it. We know that it is not straightforward. It is not the case that we would necessarily expect to see delivery plans in every goal area to the nth degree. Let us see how far we have got. It is an iterative process, perhaps, but, until we have those delivery plans, we have one hand behind our back when we are reporting on progress. What was the plan? How far should we have got to? Our biggest wish is to see those delivery plans.

Earl Russell: There is quite a lot of scope within that answer. Some of it could be really good, but moving interim targets, for example, would probably be a retrogressive step. There is quite a lot on the table. I have heard you say that delivery plans are really important, but they come up against budget constraints. Is that the biggest goal in making progress on this?

Dame Glenys Stacey: Just the other day, we heard the Secretary of State for Defra saying that there is a close link between the level of ambition and the comprehensive spending review. Of course there is.

Secondly, in the work that we have done in recent years, since we started, we are often enough commenting on the need for increased investment. One example is in relation to protected sites, in every respect: the monitoring, the creation, the maintenance and so on. Increasingly, we find that, when we are talking about increased investment—we had a discussion about this at the board just recently—we are not talking about an extra 10%. We are, often enough, looking at orders of magnitude in order to get where you where you need to get to. The Government have set themselves statutory targets, and our job is to keep the pressure on to get them met. It is orders of magnitude in a difficult financial climate.

Earl Russell: Could I ask you a related question? Your annual report has a 12-month timeframe for government to respond. We have had a change of Government in that period, and the Government have done an interim plan. It just seems like a long time to respond. The last Government made you wait until almost the last day to give their response. Does that not just slow down the interaction between you and government, and our ability to make progress? Is that something that we, as politicians, should look at?

Dame Glenys Stacey: It is very confusing for the public, and perhaps parliamentarians, in that, if a response comes out within a day or two of us producing a report, it does look a bit of an odd juxtaposition. That is the first thing.

Secondly, certainly this Secretary of State has indicated that he intends to respond well ahead of that. For us, the sooner we get a response, the better, but the main thing is that we want that response to be meaningful. We want it to engage in each of our individual recommendations in a constructive way. We do not make recommendations lightly. They are evidence-based. We are not awash

with them. We keep them tight. They are extremely pertinent to government's ambition, so engaging appropriately with each of those recommendations is the most important thing for us.

The Chair: Thank you, Earl Russell. That was a question that I particularly wanted to be addressed. Will you be making representations to government during the EIP review period about the timeframes within which you report and the Government's response? It must impact the work that you are doing for the following report if you do not get the Government's response to the previous report until just before you publish the next report. It really makes little sense.

Dame Glenys Stacey: It is an odd timeframe, set in legislation by Parliament rather than government, so the chances of that changing any time soon are probably pretty remote. In fact, we are not constrained by that timetable. The Government can respond more quickly and we urge them to do that. It looks like we are getting somewhere with this Government in that happening.

Secondly, it does not stop the Government engaging with us on each of those individual recommendations. It is not the case that we are left blind for 12 months about what they are doing, but it is odd. It would be better if it was more rational. It is as it is. We can still make it work, if they are committed to responding more promptly. In any event, we have other ways of engaging with government.

The Chair: Thank you very much. With that, all that remains is for me to say thank you very much to Dame Glenys and to Natalie Prosser for your time today. It has been really most informative. You have undertaken to write to us on a number of issues, and we would be very pleased to receive that evidence when it comes. With that, I formally close the public session of today's meeting.