



Office for
Environmental
Protection

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Protection
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Date: 28 October 2022

The Rt Hon Thérèse Coffey MP
Department for Environment, Food and Rural Affairs
2 Marsham Street
London
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Dear Secretary of State,

Environmental Targets Statutory Deadline

Firstly, congratulations on your return to Defra and on your appointment as Secretary of State. I look forward to us meeting, and to working with you and your officials to fulfil our respective roles and responsibilities and deliver for the environment. As you are aware, the issues are so pressing.

Thank you for writing today to let me know of the position in relation to statutory targets. I welcome your early focus on both the substance and the timeliness of the targets.

Looking to the substance of the targets, I am pleased that we are to meet very soon to discuss our advice as to how the draft targets could be strengthened to better meet government's ambitions. The targets proposed earlier this year are welcome in many respects. There is room for improvement, however, and a chance, still, to present a suitably ambitious and comprehensive suite of targets.

Turning to timeliness, as I wrote to your predecessor, failures to meet environmental law deadlines undermine the recently enacted framework and delay measures to drive environmental improvement. Targets are important in their own right, but the provisions in the Environment Act 2021 are designed to work together, and a failure to meet this deadline presents a significant risk of a knock-on effect of delaying the first review of government's Environmental Improvement Plan due by 31 January 2023.

This review must include interim targets for each of the long-term targets required under the Act. We therefore see it as imperative that the targets are in place by the end of this calendar year at the very latest. Further delay risks unduly the implementation of important environmental policies so much needed, to fulfill government's commitments to environmental protection.

Our role is to hold government to account where there are serious failures to comply with environmental law, including, as necessary, through the use of our enforcement powers.

We recognise the challenging and changing context of recent months, and the important statement you have made of your intent to work at pace to lay the statutory instruments as soon as practicable. We consider that any more formal action at this stage risks detracting from the core purpose of getting the right targets in place at the earliest opportunity.

However, this is not a singular incident of a missed statutory deadline. I have set out in an Annex, details of other environmental law deadlines which appear to have been missed recently, noting that this is not exhaustive. We remain concerned that there is a pattern of missing legislative deadlines. It is in this context, and the significance of the failure to comply with landmark domestic legislation, that we will keep our decisions on the use of any formal enforcement powers under active review as you progress your work now.

I look forward to meeting with you shortly to discuss the detail of the targets and their implementation and to hear further of your priorities in relation to environmental protection and improvement.

Yours sincerely



Dame Glenys Stacey
Chair of the Office for Environmental Protection



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Annex

Below is a non-exhaustive list of recent instances of apparent failures to meet environmental law deadlines:

- failing to publish a situation report on the disposal of urban waste water and sludge by 31 December 2020 as required by regulation 12A Urban Waste Water Treatment (England and Wales) Regulation 1994
- failing to ensure updated River Basin Management Plans were published by 22 December 2021 as required by regulation 31 Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
- failing to publish reports setting out conclusions of reviews of certain environmental impact assessment regimes before 16 May 2022 (under, for example, the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, the Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003 and the Environmental Impact Assessment (Agriculture) (England) (No 2) Regulations 2006), and
- failing to publish the outcome of a review of the National Air Pollution Control Programme (NAPCP) by 15 September 2022 as required by regulation 9 National Emission Ceilings Regulations 2018.