



February 2020

Parliamentary Briefing: The Environment Bill

Prospect is a politically independent trade union representing 144,000 members across the UK in a range of professions and specialisms. This includes environmental professionals working in DEFRA and other public bodies such as the Environment Agency (EA), Natural England (NE), and the Animal and Plant Health Agency (APHA).

Overall our view is that this Bill could be strengthened in a number of ways, particular as regards the powers and independence of the new OEP. But that by far a bigger issue is the under-resourcing both of the new OEP and other environmental agencies, which will fatally undermine attempts to create robust and enforceable set of environmental standards.

The Office for Environmental Protection (OEP)

Resourcing

1. Prospect is concerned about the ability of the new Office for Environmental Protection (OEP) to scrutinise the government effectively, but this is more about resourcing than its constitution. Recent years have seen a variety of environmental bodies such as NE and the EA starved of funding in ways that have impaired their ability to operate effectively. Added to this, years of pay restraint have contributed to issues with the recruitment and retention of specialist staff across the sector. This will only be exacerbated if the government presses added with a more restrictive approach to migration after Brexit, due to the significant reliance of environmental bodies on EU nationals to fill skills gaps.
2. The OEP is set to have a large remit, from advising government to conducting investigations into public bodies who are failing to comply with environmental law. However our understanding is that it will have fewer than 100 staff with which to fulfil these functions. This seems to us to be totally inadequate and can only impair the ability of the OEP to hold the government and other public bodies to account effectively.

Suggested question:

Can the Minister confirm that the OEP will have fewer than 100 staff? Does he really believe this is an adequate number to effectively carry out the functions of this vital organisation?



Powers

3. We are concerned that the OEP will lack the ability to hold public bodies and the government to account in the way that previous arrangements could. The lack of the ability to fine government for breaches is particularly problematic and could mean that there is insufficient deterrent for public bodies. We would like to see a wider remit for the OEP in terms of the sanctions available.

Suggested question:

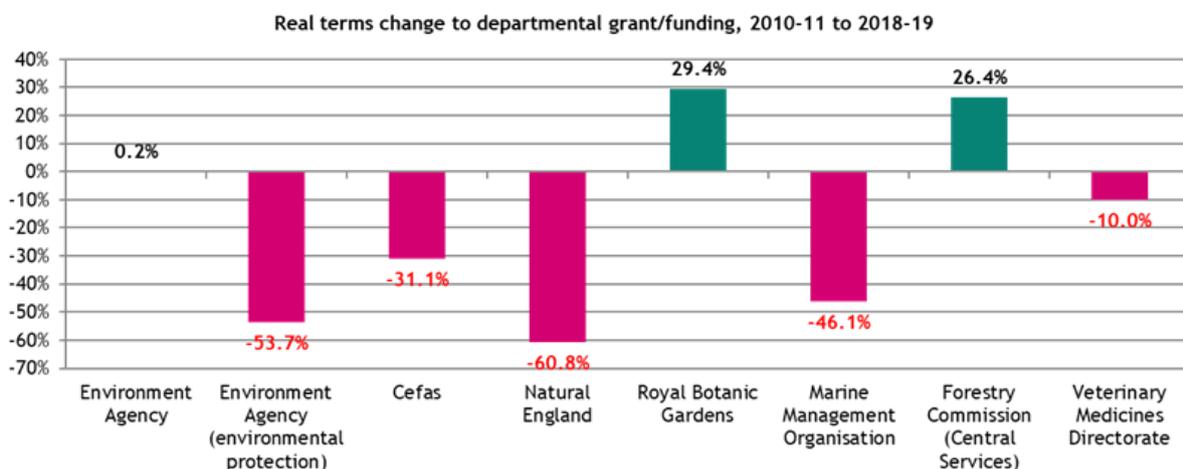
Could the minister confirm that the OEP will have fewer sanction powers available than the previous EU regime- does he believe this sends the wrong signal about the commitment of the government to environmental standards?

Other issues

4. Prospect are concerned that the definition of the natural environment contained within the Bill differs from the definition in the Natural Environment and Rural Communities Act (2006). In particular the exclusion of: protected landscapes, historic environment, and public enjoyment as categories for consideration. These are intrinsic to environmental protection and should be included in the Bill. We believe that this omission may limit the ability of environmental organisations to work effectively together and may lead to omissions from the proper work of the OEP. If these aspects of environmental protection are intended to be included within the remit of the OEP then greater clarity is required.
5. Furthermore, Prospect would like to see the goals from the recent 25 year Environmental Improvement Plan embedded in the legislation as well as statutory footing for the Nature Recovery Network and conservation covenants established on legal basis to help secure gains for biodiversity and environment in longer term.

The Environment Agency and Natural England

6. Ultimately this legislation is only one part of the larger struggle to protect and enhance our natural environment. Central to that struggle are the Environment Agency and Natural England, both of which have suffered some of the deepest cuts of any government agencies and are facing crises of staff morale, recruitment and retention as well as struggling to fulfil statutory duties.





7. Staff at both of these agencies are overstretched and are unable to cover all the core functions required, leading to declines in inspections and other metrics.

8. **If the government is serious about this agenda then it must use the Budget on 11th March to restore funding to environmental agencies and enable them to carry out their vital work.**

For more information please contact Prospect's Public Affairs Officer Tom Railton on tom.railton@prospect.org.uk

