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# A New Regime For Environmental Law

Julie Hill, Board Member, Office for Environmental Protection

Webinar

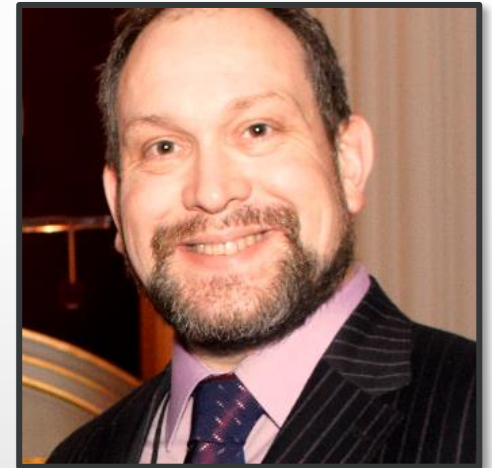
Thursday, 5 October 2023





A Word From Today's Chairman

Simon Mills  
Senior Associate  
Z/Yen Group





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# Today's Agenda



- 11:00 – 11:05      Chairman's Introduction
- 11:05 – 11:25      Keynote Presentation – Julie Hill
- 11:25 – 11:45      Question & Answer



## Today's Speaker

Julie Hill  
Board Member  
Office for Environmental  
Protection





Office for  
**Environmental  
Protection**

# **A NEW REGIME FOR ENVIRONMENTAL LAW**

**Julie Hill**  
**Board member**



# MY EXPERIENCE

## PREVIOUS NON-EXECUTIVE ROLES:

- Eden Project
- Environment Agency
- Consumer Council for Water,
- Waste and Resources Action Programme (WRAP)
- Food Standards Agency (FSA)

## CURRENT ROLES:

- Inaugural Board Member of the Office for Environmental Protection (OEP)
- Chair of the Institution of Environmental Sciences (IES).

## THE OEP: WHY DO YOU CARE?

**The successful implementation of environmental law can foster innovation and reduce risk.**

**Correcting breaches in environmental law could cost some sectors a lot of money. Best to get it right from the outset.**

## WHAT IS THE OEP?

The Environment Act 2021 established the Office for Environmental Protection (OEP) as a **new public body**.

Our remit covers **England, Northern Ireland** and **reserved matters**.

We are part of the **new system of environmental governance** in the Environment Act - alongside environmental improvement plans, targets and the environmental principles

We are sponsored by Defra, but independent from them.

**We protect and improve  
the environment by  
holding government and  
other public authorities to  
account.**

# WHAT DOES THE OEP DO?



## Scrutinising Environmental Improvement Plans (EIPs) and targets

We review and report on progress in delivering environmental improvement plans, goals, and targets.



## Scrutinising environmental law

We monitor and report on the implementation of environmental law.



## Advice

We advise government on proposed changes to environmental law and other matters related to the natural environment.



## Enforcement

We investigate suspected serious failures to comply with environmental law by public authorities and enforce compliance where needed.





- Annual reporting cycle with first report published May 2021
- Part of our statutory duty to hold government to account on environmental progress against environmental improvement plans and targets
- Set out what we think is required for national level environmental stewardship

# THE BUILDING BLOCKS OF NATIONAL LEVEL ENVIRONMENTAL STEWARDSHIP



**UNDERSTANDING  
DRIVERS AND PRESSURES**



**COHERENT STRATEGY  
AND POLICY**



**CREATING A VISION**



**GOVERNANCE**



**SETTING TARGETS**



**MEASURING,  
ASSESSING AND  
REPORTING**

# OUR EIP MONITORING REPORT

*“Government's ambition is to be the first generation to leave the environment of England in a better state”*

## OUR ASSESSMENT:

- 32 environmental trends
- 23 Government targets
- Climate adaptation
- Evaluating environmental stewardship system



# ASSESSING ENVIRONMENTAL TRENDS AND TARGETS

- Most trends are not showing environmental improvement.
- Progress is not demonstrably on track for any of the targets assessed.
- Many trends and targets could not be assessed due to a lack of information.





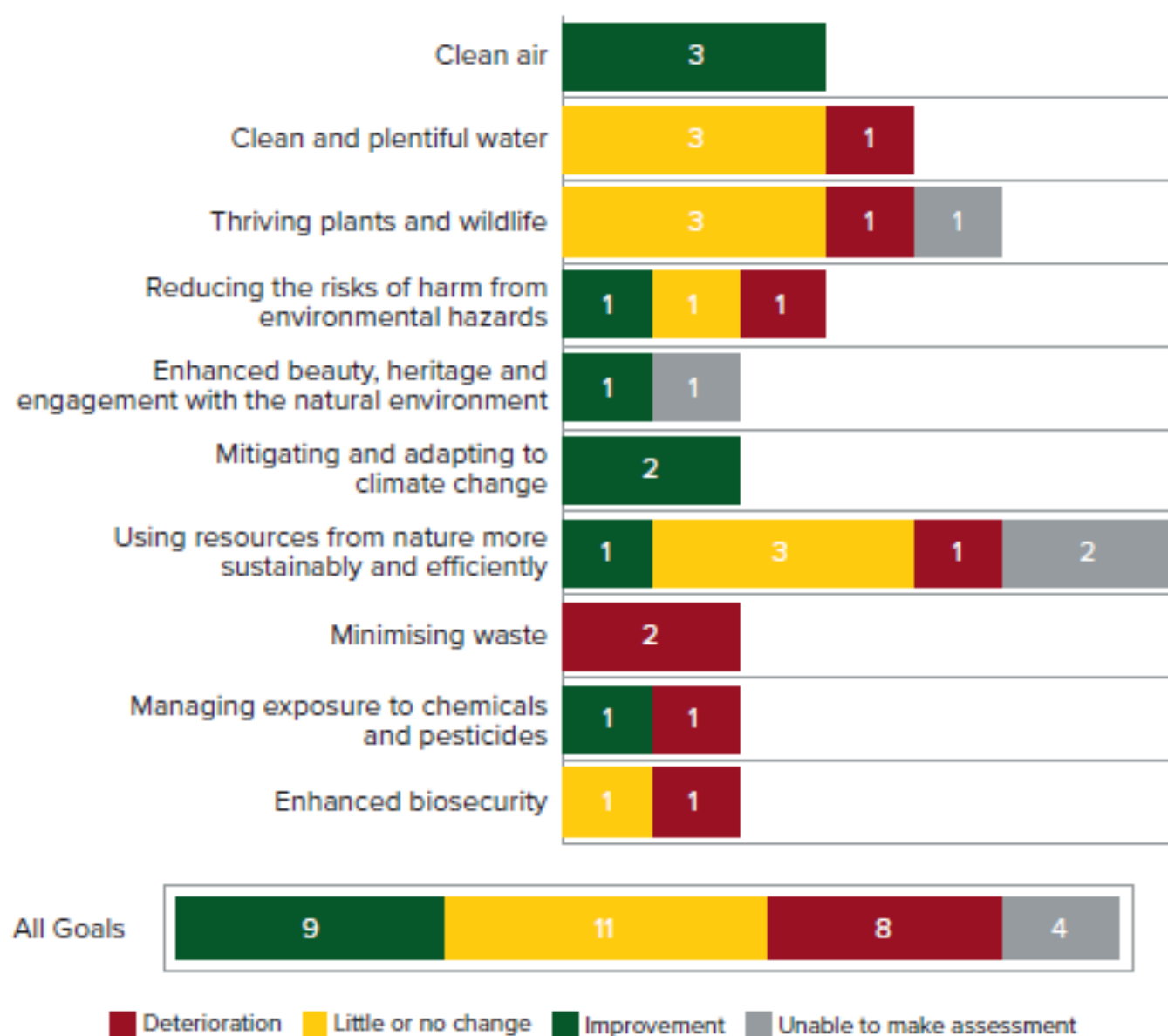
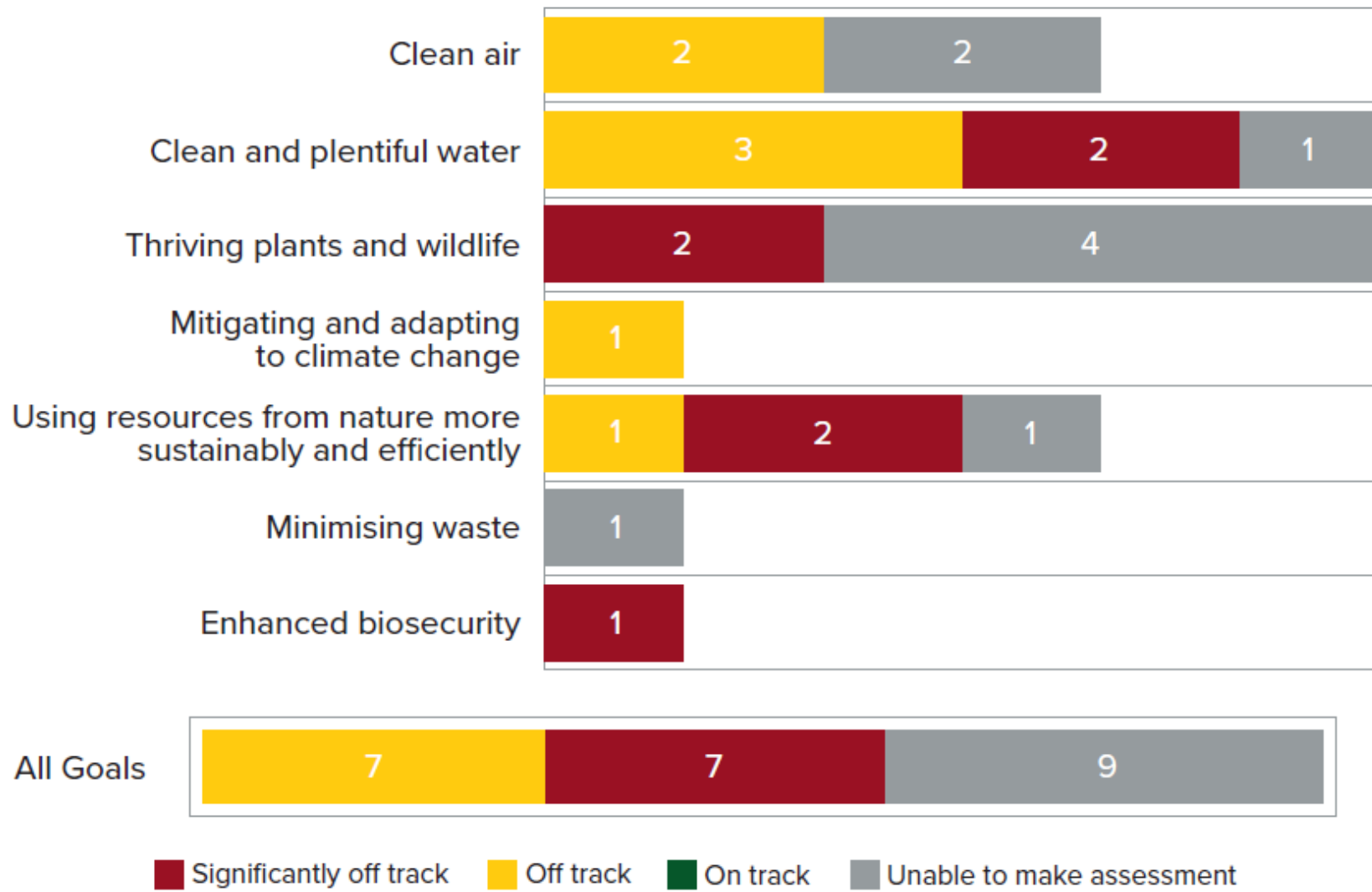


Figure 2. Summary of the Office for Environmental Protection's assessment of trends in 32 headline indicators in the 10 goal areas of the 25 Year Environment Plan. Values represent the number of indicators. Red indicates deterioration, amber is little or no change, green is improvement. Grey shows that the indicator lacked adequate data for assessment. Note: climate adaptation is assessed in each goal area separately.





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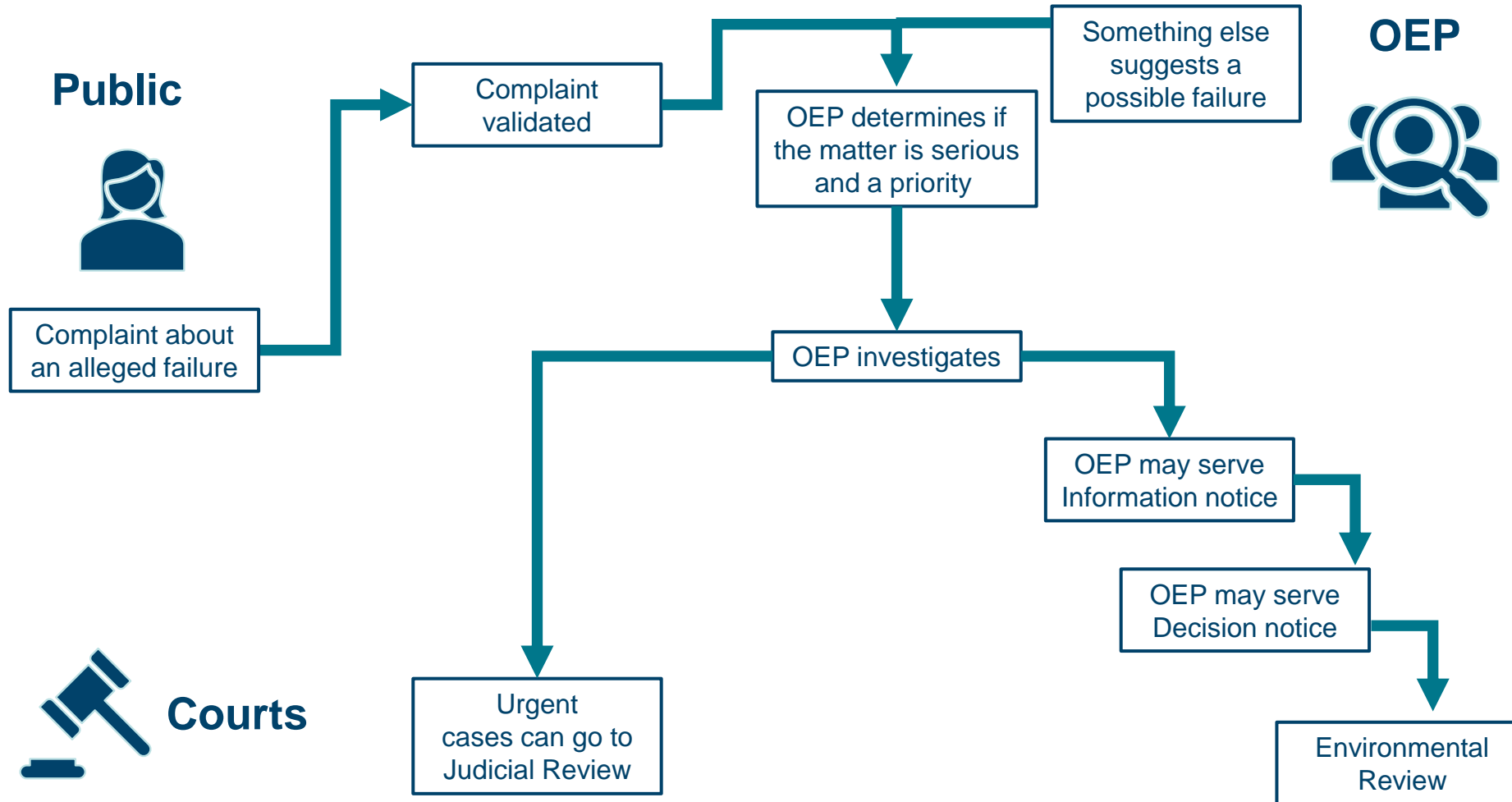
Figure 4. Summary of the Office for Environmental Protection’s assessment of progress towards 23 environmental targets for headline indicators in the 10 goal areas of the 25 Year Environment Plan. Red indicates progress is considered significantly off track, amber is off track and green is on track. Grey shows that the indicator lacked adequate data for assessment. Note: climate adaptation is assessed in each goal area separately.

# THIS LACK OF PROGRESS MATTERS TO BUSINESS BECAUSE...

- Creates uncertainty about long-term policy directions, hampering investment
- Is not fully taking account of systemic issues and interdependencies, creating risk
- Is not sufficiently developing the data and indicators that we need for future planning



# COMPLAINTS & ENFORCEMENT



# ENFORCEMENT: WATER

## Our investigation:

- Investigation launched in June 2022 following a complaint alleging failures to comply with legal duties relating to the monitoring and enforcement of water companies' management of sewage.
- Investigation is into regulation of combined sewer overflows (CSOs) by Defra SOS, Environment Agency and Ofwat.
- Aims to clarify the roles and responsibilities of the public authorities and to determine whether they have failed to comply with their respective duties. If there have been failures, the OEP will seek to improve regulation in order to achieve long term improvement in water quality.

# ENFORCEMENT: WATER

## Current status:

- As a result of the information gathered so far, we have identified possible failures to comply with environmental law by all three of the public authorities
- We have issued Information Notices to each of the PAs setting out the details of the possible failures to comply. They will have two months to respond.
- The responses from the PAs can state whether or not they agree with our view, and regardless of that, suggest mitigations and actions to address the issues.
- We will consider the responses in detail before deciding next steps

# NORTHERN IRELAND PRIORITIES

- Stakeholder engagement
- 1st Investigation in NI – ‘Operational Protocol’ / DAERA advice on ammonia
- Environmental Improvement Plan
- Environmental Law Reports – Protected sites, Freshwater, Bathing Waters
- Research programmes – waste, marine, species abundance



# WANT TO FIND OUT MORE?

**W: [www.theoep.org.uk](http://www.theoep.org.uk)**

**E: [enquiries@theoep.org.uk](mailto:enquiries@theoep.org.uk)**



# Comments, Questions & Answers



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レールライン

Yokohama Line Subway



観光案内所

Question & Answer

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西口

West Exit

西出口 서쪽



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# Thank You For Participating



## Forthcoming Events

- Tue, 10 Oct (11:00-11:45) Banking On AI – Latest Customer Research
- Wed, 11 Oct (18:00 – 21:00) In The Shadow Of The Digital Revolution: An Exclusive Dinner Discussion
- Thu, 12 Oct (15:00 – 15:45) Globalising Net Zero Aviation: Leveraging London To Meet Paris

Visit <https://fsclub.zyen.com/events/forthcoming-events/>

Watch past webinars <https://www.youtube.com/zyengroup>