

Link response: consultation on the Growth Duty Draft Statutory Guidance

17th January 2024

This response is on behalf of nature and animal welfare coalition Wildlife and Countryside Link ([Link](#)).

The response is supported by Angling Trust, Bat Conservation Trust, Born Free Foundation, Earth Trust, Friends of the Earth, Institute of Fisheries Management, Open Spaces Society, Surfers Against Sewage, The Rivers Trust, The Wildlife Trusts, Waterwise, and WildFish.

Introductory statement

Wildlife and Countryside Link welcomes the opportunity to respond to this consultation on the Growth Duty Draft Statutory Guidance.

We welcome the shift towards ‘Sustainable Economic Growth’ in the revised guidance, and acknowledgement from Government that environmental sustainability contributes towards sustainable economic growth. However, as stated in our response to the previous consultation, we disagree that the Deregulation Act 2015 Growth Duty should be extended to Ofwat, Ofgem and Ofcom, and recommend that the Growth Duty should be removed from further Defra Arm’s Length Bodies (ALB) regulators, including the Environment Agency, Natural England, and the Forestry Commission.^{1 2}

We remain concerned that the Growth Duty weighs the balance too heavily towards financial costs and benefits, at the expense of wider social and environmental costs, benefits and needs. The Duty creates false tension between these facets, and risks undermining the regulatory integrity of non-economic regulators and their ability to fulfil their primary statutory duties and

¹ Our response to the previous Growth Duty consultation in 2023 can be found here:

https://www.wcl.org.uk/docs/WCL_Response_Growth_Duty_Extension_Consultation_17_08_2023.pdf

² For further detail on our recommendation to remove the Growth Duty from Defra ALB regulators, please see Wildlife and Countryside Link’s response to the May 2022 consultation on the Nature Recovery Green Paper:

https://www.wcl.org.uk/docs/WCL_NatureRecoveryGP_Response_May2022.pdf

functions. There is limited evidence to suggest that non-economic regulators are failing to promote growth, or that requiring such regulators to promote growth would be desirable or effective.

For economic regulators, such as Ofwat and Ofgem, there is no justification or need to introduce a further specific Growth Duty. These regulators already give considerable attention to financial costs, and struggle to adequately capture and consider environmental costs and benefits. For example, Paragraph 1 of the Regulators' Code already requires regulators to consider how they can support or enable economic growth, so an additional duty is unnecessary duplication. The Growth Duty will simply manufacture unnecessary tension between promoting economic growth, and protecting both the public and the environment, and risks missing cost-effective and efficient opportunities through green growth, such as investment in nature-based solutions and addressing historic underinvestment in both economic and environmental resilience.

We are also concerned by proposals to set targets for improving the speed of regulatory decision-making. Without first addressing the significant resource and funding gap that is the root cause of these delays, targets to increase speed risk undermining the rigour and efficacy of regulatory processes, or risk being impossible to meet. To improve efficiency, Government should ensure that UK regulators have the funding, capacity and expertise required to fulfil their statutory duties, guided by a strategic regulatory framework.

Rather than a growth duty, the Government should establish a new Green Duty for all relevant regulators. This should require them to contribute, wherever possible, to the delivery of environmental targets under the Environment Act 2021 and the Climate Change Act 2008. A healthy environment is essential for a healthy economy. Government has pledged to halt the decline of nature by 2030, to reverse this decline by 2042, and to achieve net zero by 2050. Government should set new legal duties for regulatory bodies to conserve, enhance and restore the natural environment in line with these targets, not introduce a duty that risks undermining their delivery. This new Green Duty would not only ensure that regulated sectors are contributing towards the delivery of these targets, but through requiring regulators to conserve, enhance and restore the natural environment and thereby natural capital, would promote sustainable growth and enhance economic resilience.

We would be pleased to discuss any of the points in this response further.

Questions

Overarching:

1. The draft revised guidance sets out economic growth as ‘Sustainable Economic Growth’. This is in line with the recommendations of the McLean report and the Financial Services and Markets Act. Do you have any views on this definition of economic growth?

We welcome this shift in framing to ‘Sustainable Economic Growth’, and the acknowledgement that environmental sustainability contributes towards sustainable economic growth. Growth and nature’s recovery are not incompatible goals; protecting nature will protect and enhance economic resilience.

However, we remain concerned that despite this framing, the concept of growth throughout the revised guidance remains too focused on financial costs and benefits. Simply including the term ‘sustainability’ in the definition of growth will not make it so. We highlight and discuss examples of this throughout our response. We therefore remain concerned that the Growth Duty will weigh too heavily towards economic costs, thereby going against the very concept of sustainable development, and failing to acknowledge the fundamental importance of nature’s recovery and resilience to a sustainable economy and society. As drafted, the revised guidance does not acknowledge or unpack this in sufficient detail.

As stated, we disagree that the Growth Duty should be applied to Ofwat, Ofgem and Ofcom, and recommend that this should be removed from further environmental regulators such as the Environment Agency. Instead, Government should set new legal duties for regulatory bodies to conserve, enhance and restore the natural environment in line with Environment Act and Net Zero targets. This new Green Duty would not only ensure that regulated sectors are contributing towards the delivery of these targets, but through requiring regulators to conserve, enhance and restore the natural environment, would promote sustainable growth and enhance economic resilience. This would build on existing environmental duties, such as the NERC Duty, through explicitly linking to the delivery of legally-binding, measurable Government targets.

Environmental regulation is essential to the design and delivery of sustainable development for the wellbeing of people, the environment, and the economy.³ Protecting and restoring a healthy environment is a prerequisite for a sustainable economy and successful development sector.^{4 5} Effective environmental regulation is vital for and appreciated by businesses.⁶ For

³ <https://www.gov.uk/guidance/national-planning-policy-framework/2-achieving-sustainable-development>

⁴ <https://www.gov.uk/government/publications/final-report-the-economics-of-biodiversity-the-dasgupta-review>

⁵ <https://www.aldersgategroup.org.uk/content/uploads/2022/03/2103-Fostering-Prosperity-report.pdf>

⁶ https://unchecked.uk/wp-content/uploads/2023/02/Unchecked_Polling-Briefing_final.pdf

example, through creating a level playing field for businesses, promoting well-designed and sustainable development in the right place, and through providing certainty and stability for investment.^{7 8} Further benefits include the creation of new jobs and skills, and the stimulation of investment and innovation.^{9 10}

2. The draft revised guidance outlines that economic growth has a number of different drivers and behaviours and describes some, but does not attempt to provide an exhaustive list. In this way, is the revised guidance clear on the Government’s expectations of regulators on meeting the Growth Duty?

Whilst the revised guidance does recognise ‘Environmental Sustainability’ as a driver of economic growth, we are concerned that this is extremely high-level and broad, which risks obscuring potential conflict, trade-offs, and ultimately negative environmental outcomes. It also fails to set out the fundamental importance of nature’s recovery and resilience to a sustainable economy and society. A mention of sustainability in guidance is no substitute for a binding Green Duty. We therefore remain concerned that the Growth Duty risks distraction from or at times even fundamental contradiction with statutory environmental functions and the delivery of legally binding environmental targets.

As a minimum, the revised guidance must go further to unpack what is meant by ‘Environmental Sustainability’, to ensure that all aspects of environmental concern are considered, and to ensure that regulatory decision-making processes are fully accountable. For example, ‘Environmental Sustainability’ could be further broken down into requirements to achieve both ‘natural resilience’ and ‘climate resilience’, to ensure that the Growth Duty is not applied to benefit one at the expense of the other. A simple improvement would be to make explicit that “‘Environmentally Sustainable” economic growth means growth that is compatible with meeting the objectives of the Environment Act 2021, the Climate Change Act 2008 and relevant multilateral environmental agreements’ and that regulators’ actions and decisions should support economic activity where it is compatible with those objectives.

⁷ <https://www.aldersgategroup.org.uk/content/uploads/2022/03/Help-or-hindrance-Environmental-regulations-and-competitiveness.pdf>

⁸ <https://www.aldersgategroup.org.uk/content/uploads/2022/03/2103-Fostering-Prosperty-report.pdf>

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[https://wildlifecountrysidelink.sharepoint.com/sites/WCLShared/Shared%20Documents/Policy%20and%20Campaigns/2023/Land%20Use%20Planning%20Group/BEC%20inquiry%20re%20env%20regs%20and%20development%20\(March%202023\)/and%20further,%20actually%20stimulate%20innovation%20and%20new%20jobs](https://wildlifecountrysidelink.sharepoint.com/sites/WCLShared/Shared%20Documents/Policy%20and%20Campaigns/2023/Land%20Use%20Planning%20Group/BEC%20inquiry%20re%20env%20regs%20and%20development%20(March%202023)/and%20further,%20actually%20stimulate%20innovation%20and%20new%20jobs),

¹⁰ <https://www.aldersgategroup.org.uk/content/uploads/2022/03/Help-or-hindrance-Environmental-regulations-and-competitiveness.pdf>

It is welcome that the consultation document states there will not be a hierarchy of duties imposed on regulators, such that a Growth Duty will not take precedent over other duties and statutory obligations. Ensuring that this balance is being met, and that the pursuit of growth does not jeopardise the environmental and social commitments of regulators and regulated industries, should be fundamental to monitoring the application of the Growth Duty. We discuss this further throughout our response.

3. Do you have any examples of behaviour that encapsulate the application of the Growth Duty that the guidance would benefit from using as case studies?

As an economic regulator, Ofwat has struggled to balance its duty to protect customers from monopoly power with the need to enable industry investment in resilient networks. This drive to keep water bills artificially low has come at the expense of keeping water and sewerage infrastructure fit for purpose. As a result, water quality is in a critical state, resilience to water scarcity is insufficient, and consumer trust in and satisfaction with their water company is rapidly declining.¹¹

Considerable attention and weight are given to economic costs and benefits in Ofwat's decision-making processes, for example in the Price Review process. Despite moves towards a 'best value' approach, as opposed to 'least cost', Ofwat still struggles to adequately capture and consider wider environmental and social costs and benefits. Ofwat already functions to unlock billions of pounds of private sector investment to deliver a safe public water supply, and the removal and treatment of harmful effluent. Yet it is less successful in regulating the environmental performance of the water industry, ensuring that environmental commitments and obligations are being met, and that industry investment is building environmental resilience. The latest Ofwat industry performance reports show that water companies are still failing to meet targets and deliver fully their statutory obligations.¹² The current steer provided by Government via the Strategic Policy Statement to Ofwat, which is clear in naming the protection and enhancement of the environment as the top strategic priority for the water industry, has been insufficient to address these issues.

However, a further Growth Duty on Ofwat will not address these regulatory gaps. Nor will it improve environmental and social outcomes.

¹¹ <https://www.ofwat.gov.uk/trust-in-water/#:~:text=The%20findings%20show%20declining%20trust,a%20reliable%20service%20has%20fallen.>

¹² <https://www.ofwat.gov.uk/publication/water-company-performance-report-2022-23/>

Government should set new legal duties for regulatory bodies to conserve, enhance and restore the natural environment in line with statutory nature and climate targets, including the Environment Act, the Environmental Improvement Plan, and Net Zero. This will ensure regulators have clear, consistent duties, minimise conflict, and enable more effective and efficient decision making. As discussed, this new ‘green’ duty would not only ensure that regulators and regulated sectors are contributing towards the delivery of these legally binding targets, but would promote sustainable growth and enhance economic resilience.

This clear Green Duty would clarify Ofwat’s role as an environmental regulator, and the weight that environmental costs and benefits should have in its decision-making. This would empower Ofwat to be stronger in regulating the water industry – for example, through ensuring that Performance Related Pay is dependent on compliance with environmental regulation – and to take a more consistent approach in favour of catchment and nature-based solutions (CNBS). Despite the multiple benefits that CNBS can provide, including opportunities for green growth through blended finance, and diversification of the supply chain, these continue to be underrepresented in water industry plans.¹³ A Green Duty would help ensure that these efficient, effective opportunities are not missed.

4. Is there anything you think the draft revised guidance should or should not reflect?

As discussed, the revised guidance does not currently sufficiently unpack what is meant by ‘Environmental Sustainability’. This not only understates the fundamental importance of a healthy environment to sustainable growth, but also risks obscuring potential conflicts and trade-offs, and ultimately, negative environmental outcomes. As a minimum, the revised guidance must set out more clearly what is meant by ‘Environmental Sustainability’, for example through clarifying that both ‘natural resilience’ and ‘climate resilience’ must be achieved. The concept should be specifically linked to relevant statutory environmental targets and multilateral environmental agreements.

This would also help ensure that cost-effective and efficient opportunities for green growth, such as investment in nature-based solutions or addressing historic underinvestment in both economic and environmental resilience, are not missed. There is a funding gap of more than £19 billion in the UK for biodiversity when comparing existing funds and Government objectives, which increases to £44 billion for all nature-related objectives.¹⁴ Private sector

¹³ For further information on the multiple benefits that catchment and nature-based solutions can deliver: https://www.wcl.org.uk/docs/WCL_Briefing_Nature_Based_Solutions_Water_December_2023.pdf & https://www.wcl.org.uk/docs/WCL_Briefing_Building_Resilience_Floods_Drought_December_2023.pdf

¹⁴ Green Finance Institute, 2021, The Finance Gap for UK Nature

finance will be vital to addressing this investment gap for nature, and indeed Government has a goal to grow annual private investment in nature to £1bn by 2030.¹⁵ The contribution that regulated industries - and in particular the water sector - could make to this target is substantial, provided that the sector's economic regulator is not constrained in facilitating this by a duty which works against this aspiration.

Reporting:

5. Do you consider that the Government should commence the statutory reporting requirement of the Growth Duty in Section 110A of the Deregulation Act 2015?

Statutory reporting should be required, and annual performance reports made publicly available to all stakeholders, including eNGOs. This will help ensure transparency of regulatory decision-making regarding application of the Growth Duty, to enable Parliament and wider stakeholders to understand and scrutinise how decisions have been made, where trade-offs have occurred, and what the implications of this may be.

As part of this reporting, regulators must be required to demonstrate that application of the Growth Duty has not undermined or contradicted wider environmental and social duties, including delivery of the Environment Act and Net Zero targets. This aspect of the reporting requirement should be made clear in accompanying guidance. The introduction of a new Green Duty, as discussed, could help further clarify this.

Transparency of process and decision-making is currently a significant challenge across UK regulators. For example, processes underpinning regulation of the water industry by Ofwat and the Environment Agency remain inaccessible to stakeholders. Decisions made regarding which industry schemes have and have not been successful for the Water Industry National Environment Programme (WINEP) are not available to consumers and eNGOs, and changes to draft plans have been made without clear rationale. The inconsistent presentation of information and the opaque nature of decision-making processes in PR24 have meant that opportunities for stakeholder scrutiny are massively reduced.¹⁶ Introducing a further Growth Duty without ensuring accountability and transparency of process will simply increase these challenges.

¹⁵ <https://assets.publishing.service.gov.uk/media/642542ae60a35e000c0cb148/nature-markets.pdf>

¹⁶ https://www.wcl.org.uk/docs/assets/uploads/WCL_Blueprint_Views_PR24_Business_Plans_December_2023.pdf

6. The consultation document sets out a high-level alternative approach for nonstatutory reporting. Would this approach deliver improved outcomes compared to the statutory requirement? Would this approach ensure suitable levels of transparency and accountability? Do you have any other comments?

As discussed under Q.5, we suggest that statutory reporting should be required, and that annual performance reports should be made publicly available to ensure full transparency and accountability.

We acknowledge the concerns regarding regulator capacity for reporting. As discussed further under Q.8, Government should ensure that all UK regulators have sufficient resource, funding and capacity to fulfil their statutory obligations, and to facilitate the review and scrutiny of their performance.

7. Considering the plurality of regulators and regulated sectors, which metrics would be effective for regulators to report against, to enable a comparative assessment of their application of the Growth Duty?

Ensuring that the pursuit of growth does not jeopardise environmental and social commitments of regulators and regulated industries must be integral to monitoring the application of the Growth Duty.

The performance of UK regulators and regulated industries must be scrutinised against environmental outcomes – for example, against delivery of the Environment Act targets, the Environmental Improvement Plan, and Net Zero.

Further metrics to consider include:

- The incorporation of ‘best value’ and natural capital accounting into cost-benefit analyses, as opposed to assessing (least) financial cost alone.
- The value of investment in nature recovery facilitated by regulator decision-making – this should assess the spend that would contribute to the Government’s £1bn annual private investment goal, and should also explicitly note the value of any investment that was prevented, to enable stakeholders to understand whether a growth duty has impeded investment in nature recovery.

Regulatory Agility:

8. Would the International Fast Track outlined in this consultation help to improve the speed of regulatory decision making? What would you expect the impacts of such a process to be?

UK regulators are not appropriately resourced to discharge their current duties. Years of under-resourcing and cuts to funding have left regulators without sufficient resources, capacity and expertise to fulfil their statutory functions and to drive positive outcomes. Delays in regulatory decision-making are a further consequence of this funding and capacity gap.

Government must therefore address this gap before setting targets to improve the speed of decision-making. Setting such targets without ensuring that regulators have the capacity to fulfil their statutory duties and functions risks cutting corners and undermining the rigour of the regulatory process. Improved speed should not be achieved at the cost of upholding regulation; this will not deliver efficient, effective decision-making, or good outcomes for businesses, communities, and for nature.

Increased funding, resources and expertise are urgently needed for Natural England, the Environment Agency, and other regulators in order to comprehensively and confidently apply environmental regulation, and to advise and conclude on environmental assessments and decisions efficiently.

Analysis in 2022 has shown that the Environment Agency's budget has been cut by over 50% over the past decade.¹⁷ From 2013-2019, the number of water quality samples taken by the Agency fell by 45%, and the number of sampling points by nearly 40%.¹⁸ There has been an 84% decline in enforcement action undertaken by the Agency from 2012-2022.¹⁹ Between 2009-2019, total staff fell by 25%, and prosecutions of businesses fell by 88%.²⁰

This has had direct implications for the Agency's capacity to advise, monitor, and enforce regulation. In 2022, Environment Agency staff were being instructed to ignore 'low-impact' pollution incidents due to a lack of capacity.²¹ It was also reported that self-monitoring by water companies was 100 times less likely to detect breaches of compliance than Agency

¹⁷ <https://www.independent.co.uk/climate-change/news/water-pollution-sewage-environmentagency-funding-b2154848.html>

¹⁸ <https://www.unchecked.uk/wpcontent/uploads/2020/11/The-UKs-Enforcement-Gap-2020.pdf>

¹⁹ <https://bylinetimes.com/2022/11/09/uk-environment-agency-prosecutions-6-of-the-level-they-were-a-decade-ago/>

²⁰ <https://www.rspb.org.uk/globalassets/downloads/our-work/troubled-waters-report>

²¹ <https://www.theguardian.com/environment/2022/aug/29/environment-agency-tells-staff-to-ignore-riverpollution-complaints-age-of-extinction>

monitoring.²² Of the 4,074 enforcement actions taken against companies by the Agency during the 2012-2022 period, 60% did not result in a fine.²³

This also has implications for the Agency's ability to retain and foster environmental skills and expertise. In January 2023, UNISON announced that Environment Agency staff had voted to strike for the first time in the Agency's history, following 2022 media reports that the Agency's capacity had been constrained so significantly that staff were unable to do their jobs and that the regulator no longer functioned as an effective deterrent to polluters.^{24 25}

The functions of Natural England have also suffered due to a lack of funding. Natural England programme expenditure has fallen by £30 million since its formation in 2003, with a 72% decline in funding between 2010 and 2019.^{26 27} In summer 2023, it was revealed that Natural England has capacity for just one member of staff to carry out condition assessments for every 73 Sites of Special Scientific Interest (SSSI).²⁸ 78% of SSSIs have not been monitored in the last 6 years, and Natural England's regulatory tools to secure good management of SSSIs have only been used on 9 occasions in the last 20 years, covering 0.2% of SSSIs.^{29 30}

The efficiency – and efficacy – of regulatory decision making would also be improved if UK regulators were better supported with a clear, strategic regulatory framework from Government. The introduction of a new Green Duty for regulators would help to provide this steer.

²² <https://eandt.theiet.org/content/articles/2022/09/mps-demand-action-as-data-calls-intoquestionwater-company-self-monitoring/>

²³ <https://bylinetimes.com/2022/11/09/uk-environment-agency-prosecutions-6-of-the-level-they-were-a-decade-ago/>

²⁴ <https://www.unison.org.uk/news/article/2023/01/environment-agency-workers-to-take-historical-strike-action-2/#:~:text=UNISON%20head%20of%20environment%20Donna,communities%20and%20the%20environment%20s,afe>

²⁵ <https://www.theguardian.com/environment/2022/jan/20/environment-agency-cuts-staff-blow-whistle>

²⁶ <https://prospect.org.uk/news/prospect-launches-second-state-of-natural-england-report>

²⁷ <https://www.unchecked.uk/wpcontent/uploads/2020/11/The-UKs-Enforcement-Gap-2020.pdf>

²⁸ <https://www.endsreport.com/article/1826837/serious-concern-one-natural-england-employee-assigned-sssi-assessments-every-73-sites-figures-reveal>

²⁹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1137223/annual-enforcement-report-2018-to-2022.pdf

³⁰ <https://questions-statements.parliament.uk/written-questions/detail/2021-02-09/151834>

9. What is your view on the proposed Targets for Regulatory Approvals as outlined within this consultation document? What impact would you see from the enactment of this?

As discussed under Q.8, Government must properly fund and resource UK regulators in order to drive increased efficiency and efficacy. Setting targets to speed up approvals will be ineffective, and risks undermining the rigour of regulatory processes, unless this resource and capacity gap is meaningfully addressed.

During the PR19 Price Review process, four water companies took the unusual step of referring Ofwat's final funding decision on their Business Plans to the Competition and Markets Authority. This appeals process usually takes 6 months but due to the impact of COVID-19, parties agreed to an extension. This meant that final conclusions were not reached until a year *into* the 5-year period covered by the plans.³¹ This is a clear demonstration that business considered the 'correct' decision to be far more important than a fast decision. If a target for speeding up approvals is introduced, there is a significant risk that rapid decision-making will see more such disputes, either because decisions are believed to be incorrect, or simply because they are considered to be less robust and therefore more challengeable.

The speed of regulatory decision-making and approvals, and the outcomes this has for businesses and their ability to operate, is framed as a significant concern within the consultation document. However, Government should be considering further outcomes beyond impacts on businesses. Indeed, to focus solely on this demonstrates that the Growth Duty continues to give greater weight to financial costs and benefits. The social and environmental outcomes of regulatory decision-making, and possible actions to improve them, are neglected in the consultation.

10. What is your view on the proposed Productivity lock as outlined in this consultation document? What impact would you see from enactment of this?

The proposal set out in the consultation document for approvals targets to keep pace with economic trend growth exemplifies our concern that the Growth Duty remains too focused on a narrow concept of growth. The 'productivity' or success of regulators should not be defined by purely financial factors; this risks weighing the balance too heavily towards financial costs and benefits, at the expense of wider social and environmental costs, benefits and needs. A healthy environment is essential to a healthy economy and sustainable growth, yet this is currently not sufficiently acknowledged.

³¹ <https://www.ofwat.gov.uk/regulated-companies/price-review/2019-price-review/regulated-companies-price-review-2019-price-review-competition-and-markets-authority-referrals/>

Furthermore, it remains unclear how such a 'Productivity Lock' could be achieved without harming the rigour and efficacy of regulation, unless the funding and resource gap is addressed.

Monitoring

11. In your view what would be the best way to monitor the regulatory application of the Growth Duty? Who would best undertake this role? What would be the most effective comparative metrics to assess performance against the Growth Duty?

There should be a greater role for Parliament generally in monitoring and holding regulators accountable for their performance against statutory objectives; this should include regulatory application of any Growth Duty.

As discussed, statutory reporting on application of the Growth Duty should be required, and annual performance reports made publicly available. This will help ensure transparency of regulatory decision-making regarding application of the Growth Duty, to enable Parliament to understand and scrutinise how decisions have been made, where trade-offs have occurred, and what the implications of this may be. Regulators must be required to demonstrate that application of the Growth Duty has not undermined or contradicted wider environmental and social duties, including delivery of the Environment Act and Net Zero targets. This aspect of the reporting requirement should be made clear in accompanying guidance. The introduction of a new Green Duty, as discussed, could help further clarify this.

In monitoring application of the Growth Duty, Parliament should consult with wider stakeholders who will have insight, expertise and experience of both regulatory processes in action, and whether this is effective. This should include both eNGOs, and consumers. For example, in the case of water industry regulation, company spending is dependent on payment from consumers; therefore, the values and wishes of consumers should be factored into regulatory decision making, and the process should be sufficiently transparent such that consumers are able to understand how decisions have been made and hold regulators accountable.

The Office for Environmental Protection (OEP) must also have a significant role in monitoring regulatory application of the Growth Duty. As England's environmental law watchdog, the OEP is already investigating possible failures of regulation; Government must respect the OEP's role, scrutiny, and advice. The OEP should also consider how Government is itself monitoring and

holding regulators accountable, and providing the necessary framework and resources for regulatory duties to be fulfilled.³²

Other:

12. Do you have anything else you would like to raise that is relevant to this consultation?

In order for UK regulators to successfully fulfil their statutory duties, and therefore deliver good outcomes for the environment and the economy, the following is required.

- Regulators must have clear, strategic steer and backing from Government to uphold regulation. A strategic regulatory framework should set out the long-term vision for regulated sectors, and how this will contribute towards the achievement of environmental targets and outcomes.
- Regulators must be sufficiently funded and resourced to fulfil their regulatory function, including to deliver a comprehensive and robust advisory, monitoring, and enforcement regime.
- Regulators should have a clear Green Duty, to further provide this strategic steer, direction and mandate towards positive environmental outcomes.

We provide further detail and case studies to demonstrate these points in our January 2024 response to the Department for Business and Trade's Inquiry 'Smarter regulation and the regulatory landscape', and our December 2023 response to the Industry and Regulators Committee [Inquiry into 'UK Regulators'](#). We would be pleased to discuss any of these responses further.

³² Further thoughts available in our December 2023 response to the Industry and Regulators Committee Inquiry into UK Regulators:

https://www.wcl.org.uk/docs/WCL_Blueprint_Response_UK_Regulators_Inquiry_December_2023.pdf

Wildlife and Countryside Link (Link) is the largest nature coalition in England, bringing together 82 organisations to use their joint voice for the protection of the natural world and animals.

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This response is supported by the following organisations:

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- The Wildlife Trusts
- Waterwise
- WildFish