

Joint complaint to Defra Director, Environment Strategy**1. Failure to meet a legal requirement of the flagship 2021 Environment Act**

The passing of the first dedicated Environment Act for nearly 30 years in 2021 was a landmark moment. The Act puts in place a new system of environmental governance for England, which included the establishment of the Office for Environmental Protection, the embedding of environmental principles in policy making and the establishment of legally binding targets to improve our air and water quality, restore biodiversity and tackle waste and resource efficiency.

We strongly supported the inclusion of the target setting framework in the Environment Act, and the setting of a legal deadline by which the targets should be published to ensure that progress and ambition was maintained. Section 4(9) of the Act requires the Secretary of State to lay the targets before Parliament on or before 31 October 2022 in the form of a draft statutory instrument(s).

It is of great concern therefore that this deadline has been missed. This is a formal complaint to the department that the Secretary of State is in breach of her legal duty to lay the draft statutory instrument(s) on targets before Parliament before the statutory deadline.

2. Why this matters

In its consultation between March and June this year, the government said the targets “will help meet the ... vision of leaving the environment in a better state than it was found”. As well as driving progress towards improvement of the environment and people’s health, the targets will also provide certainty for business by providing a reliable trajectory towards a green economy, and facilitating investment in innovation, supply chains and skills.

A delay in publishing the targets will disrupt the cycle of preparing and reviewing the Environmental Improvement Plan including the first interim targets. Section 10(3) of the Environment Act requires the first review of the first environmental improvement plan to be completed by 31 January 2023. The missed targets deadline sits alongside several other delayed policies and programmes, including the environmental principles policy statement, the revised National Air Pollution Control Programme and the bottle deposit return scheme, suggesting delay is at risk of becoming the default culture in Defra.

Missing a deadline set out in new, flagship primary legislation does not inspire confidence in the government’s commitment to delivering the other goals and requirements in the Act. In terms of biodiversity, it may also hinder plans for COP15 to inspire ambition in other global partners. Crucially, action to tackle the poor and declining condition of the natural environment will be delayed.

3. Remedial steps

While recent political events have caused disruption, the government has had plenty of time to prepare the targets. Discussions with stakeholders, albeit limited, began in February 2019, followed by engagement through a steering group, evidence gathering, advice from independent expert groups and public consultation. The written ministerial statement on 28 October 2022 to announce the delay in publishing the targets stated that Defra would “continue to work at pace in order to lay draft statutory instruments as soon as practicable”. However, no specific timeframe has been provided for publishing the targets.

We urge the department to lay its proposed targets before Parliament in the shortest possible timeframe and communicate to Parliament and stakeholders without further delay what this timeframe will be and what remedial plan is in place to address this breach at the earliest opportunity. We would also like Defra to commission an independent review to examine why this deadline was missed and what changes may be needed to departmental programming and delivery mechanisms to avoid such breaches happening in the future. This should seek views from external stakeholders.

Members of Greener UK, Wildlife and Countryside Link and the Healthy Air Coalition

National Trust
RSPB
The Wildlife Trusts
Woodland Trust
Wildfowl & Wetlands Trust (WWT)
Friends of the Earth (England, Wales and Northern Ireland)
WWF UK
Marine Conservation Society
Client Earth
CPRE The countryside charity
The Ramblers
Open Spaces Society
The Conservation Volunteers
Amphibian and Reptile Conservation
Amphibian and Reptile Groups of UK
Butterfly Conservation
Buglife
Bat Conservation Trust
Bumblebee Conservation Trust
Environmental Protection UK
Asthma & Lung UK
Clean Cities
UK Health Alliance on Climate Change
Impact on Urban Health
The Ella Roberta Foundation
Born Free
Environmental Investigation Agency
Campaign for National Parks
Institute of Fisheries Management
The Angling Trust
Surfers Against Sewage
ORCA
Whale and Dolphin Conservation
People's Trust for Endangered Species
Plantlife
Woodmeadow Trust
Wild Justice
The Zoological Society of London (ZSL)
The River Restoration Centre

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Healthy Air Coalition