

## Voluntary Enforcement Undertakings and the Sewage Investigation Position statement - May 2022

### What is a Voluntary Enforcement Undertaking?

A Voluntary Enforcement Undertaking (VEU) is a legally binding voluntary agreement proposed by an offender to a regulator, as an alternative to prosecution or other sanctions, which should: put right the effects of offending; put right impact on third parties; and make sure the offence cannot happen again. The Environment Agency uses VEUs to deal with a range of water-related offences where it deems that prosecution is not in the public interest. These should require the payment of funds to an NGO in relation to remedial works to address the environmental impact of an offence.

### VEUs and the Sewage Investigation

We recognise that the intention of VEUs is to make funding available to address the environmental damage caused by an offence - yet this can similarly be achieved via means such as restoration notices (where available), or under the environmental liability regime, or by way of compensation orders or remediation orders made by the Court after prosecution.

The Environment Agency says it will only consider accepting a VEU offer where it is not in the public interest to prosecute, and will generally not accept a VEU offer where the offence was intentional.

As such, **we do not feel that VEUs should be considered an appropriate outcome of any of the [current investigations into potential offences at Sewage Treatment Works](#)**. The scale of the investigation, affecting all water and sewerage companies across England and Wales, suggests that the practices being investigated are widespread and either deliberate or, at best, the result of total disregard of permit conditions; this is day to day failure to comply with permit conditions, to the detriment of the environment and customers.

### Desired outcomes

We would welcome the use by the Agency of alternative sanctions which not only permit environmental restoration but also act as a strong deterrent to future offending. We **expect to see clear justification of the enforcement routes taken** so that we can be confident that the options progressed are in the best interests of the public and the environment.

This position statement is supported by the following members of Blueprint for Water<sup>1</sup>:



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<sup>1</sup> Blueprint for Water, part of Wildlife and Countryside Link, is a unique coalition of environmental, water efficiency, fisheries and recreational organisations that come together to form a powerful joint voice across a range of water-based issues. Wildlife and Countryside Link is a coalition of 65 organisations working for the protection of nature. Together we have the support of over eight million people in the UK and directly protect over 750,000 hectares of land and 800 miles of coastline.