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# Environmental Principles and Governance after EU Exit

## Overview

When we leave the EU, we will be able to build on the successes achieved through our membership, and address the failures, to become a world-leading protector of the natural world. We have also published the 25 Year Environment Plan, which sets out this Government's ambition for this to be the first generation that leaves the environment in a better state than that in which we inherited it. These good intentions must be underpinned by a strengthened governance framework that supports our environmental protection measures and creates new mechanisms to incentivise environmental improvement.

**\*\*\*Since this consultation was launched, the European Union (Withdrawal) Act 2018 has received Royal Assent (26<sup>th</sup> June, 2018).**

Section 16 of the Act relates to arrangements for environmental principles and governance following the UK's withdrawal from the European Union; this can be viewed online at

<http://www.legislation.gov.uk/ukpga/2018/16/section/16/enacted>

<<http://www.legislation.gov.uk/ukpga/2018/16/section/16/enacted>>

This requires that, six months after Royal Assent of this Act, the Secretary of State must publish draft legislation which sets out a list of environmental principles (which are listed in subsection (2)). The draft legislation must place a duty on the Secretary of State to publish a policy statement in relation to the application and interpretation of those principles which, when circumstances to be set out under the legislation apply, ministers of the Crown must have regard to in making and developing policy.

The draft legislation must also define environmental law and make provision for the establishment of a public authority with functions for taking proportionate enforcement action (including legal proceedings if necessary) where the authority considers that a minister of the Crown is not complying with that environmental law.

The duty on the Secretary of State to publish a draft Bill applies in relation to England, and to reserved matters across the rest of the UK.

Respondents may wish to take this into consideration when responding to the consultation questions.

## Why we are consulting

We have launched this consultation on the development of an Environmental Principles and Governance Bill. This new piece of legislation will mark the creation of a new, world-leading, statutory and independent environmental watchdog to hold government to account on our environmental ambitions and obligations once we have left the EU. This new body will work alongside a new policy statement setting out the environmental principles that will guide successful and sustainable policy-making, marking the beginning of a new era for our environment.

This document addresses some of the key questions around how environmental principles should be embedded into law, public policy-making and delivery, and what functions and powers the new environmental watchdog should have to oversee environmental law and policy. It is set out in three parts:

Part 1 – Environmental Principles

Part 2 – Accountability for the Environment

Part 3 – Overall Environmental Governance

The consultation proposals apply to England and reserved matters only.

If you would like to keep in contact with us, to express interest in this or any other Defra consultation. Please give us your details through the link below.

<https://gov.smartwebportal.co.uk/defra/public/webform.asp?id=108&id2=1D06F7>

[<https://gov.smartwebportal.co.uk/defra/public/webform.asp?id=108&id2=1D06F7> .](https://gov.smartwebportal.co.uk/defra/public/webform.asp?id=108&id2=1D06F7)

## Introductory text

Please click on the page links to enter your answers to the sections below.

## Introduction

What is your name?

Name

John Bassett

## What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

Email

j.bassett@ifst.org

## Are you responding as an individual or on behalf of an organisation?

Please select only one item

Individual  Organisation

If you are responding on behalf of an organisation, please enter your organisation below

Institute of Food Science and Technology

Organisation type

Please select only one item

Academic institution  Business  Farming  Industry body  
 Local Government  Non-Governmental Organisation / Charity  
 Professional Institute  Public body - Arm's Length Body  Public body - Other  
 Statutory Undertaker  Trade body  Other

If you selected "Other" please state what this is below

## Where do you currently reside?

Please select only one item

England  Northern Ireland  Scotland  Wales  Republic of Ireland  
 Europe  Other

Would you like your response to be confidential?

### **Confidentiality and data protection information**

1. A summary of responses to this consultation will be published on the Government website at: [www.gov.uk/defra](http://www.gov.uk/defra) <<http://www.gov.uk/defra>> . The summary will include a list of organisations that responded **but not** personal names, addresses or other contact details.

1.1. Information provided in response to this consultation, including personal information, may be made available to the public on request, in accordance with the requirements of the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004

(EIRs). Defra may also publish the responses to the FOIA/EIR requests on [www.gov.uk/defra](http://www.gov.uk/defra) <<http://www.gov.uk/defra>> .

1.2 If you want your response, including personal information such as your name, that you provide to be treated as confidential, please explain clearly in writing when you provide your response to the consultation why you need to keep these details confidential. If we receive a request for the information under the FOIA or the EIRs we will take full account of your explanation, but we cannot guarantee that confidentiality can be maintained in all circumstances. However, Defra will not permit any unwarranted breach of confidentiality nor will we act in contravention of our obligations under the Data Protection Act 1998 (DPA). An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as a confidentiality request.

1.3. Defra will share the information you provide in response to the consultation, including any personal data, with a third party of contracted external analysts for the purposes of response analysis and provision of a report.

1.4 Defra is the data controller in respect of any personal data that you provide, and Defra's Personal Information Charter, which gives details of your rights in respect of the handling of your personal data, can be found at:

<https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs/about/personal-information-charter>

<<https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs/about/personal-information-charter>> .

1.5 This consultation is being conducted in line with the "Consultation Principles" as set out in the Better Regulation Executive guidance which can be found at:

<https://www.gov.uk/government/publications/consultation-principles-guidance>

<<https://www.gov.uk/government/publications/consultation-principles-guidance>> .

1.6 If you have any comments or complaints about the consultation process, please address them to:

Consultation Co-ordinator

8A

8<sup>th</sup> Floor, Nobel House

17 Smith Square,

London, SW1P 3JR.

Or email: [consultation.coordinator@defra.gsi.gov.uk](mailto:consultation.coordinator@defra.gsi.gov.uk)

*Please select only one item*

Yes  No

If you answered Yes to this question please give your reason.

## Part 1: Environmental Principles

**Question 1**

Which environmental principles do you consider as the most important to underpin future policy-making?

	High Importance	Medium Importance	Low Importance	Do Not Include	Other	Don't know / No opinion
a) Sustainable Development <i>Please select only one item</i>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Sustainable Development - More Information**

Development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs.

Please give any reasons for your answer (Please limit to 250 words)

Generally speaking, development has proceeded with little regard for longer-term impact. It would be forward thinking if the Government ensured that the principles of sustainable development are fundamental to legislation and policy. There has already been some forward thinking in, for example the 25 Year Environment Plan.

	High Importance	Medium Importance	Low Importance	Do Not Include	Other	Don't know / No opinion
b) Precautionary Principle <i>Please select only one item</i>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Precautionary Principle - More Information**

Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

Please give any reasons for your answer (Please limit to 250 words)

Whilst it is highly desirable that decisions and legislation should be made on the basis of scientific evidence, in the development of new technologies, new materials, new food ingredients, new crops etc it is not always possible to know their impact until much later. The precautionary principle uses current state of knowledge to anticipate as far as possible likely adverse effects in the future. This is not to stop technological development but to encourage developers to consider potential effects that may not be obvious at first. However, the precautionary principle brings a responsibility to also seek new data/evidence to address the uncertainties and review risk management.

	High Importance	Medium Importance	Low Importance	Do Not Include	Other	Don't know / No opinion
c) Prevention Principle <i>Please select only one item</i>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

### Prevention Principle - More Information

Preventive action should be taken to avert environmental damage.

Please give any reasons for your answer (Please limit to 250 words)

'Prevention is better than cure' is an old saying but it makes good sense to avoid causing environmental damage in the first place. Clean up costs are likely to be higher than preventative costs and clean up may be an emergency resulting in significant disruption to businesses and communities.

	High Importance	Medium Importance	Low Importance	Do Not Include	Other	Don't know / No opinion
d) Polluter Pays Principle <i>Please select only one item</i>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



## Polluter Pays Principle - More Information

The costs of pollution control and remediation shall be borne by those who cause pollution rather than the community at large.

Please give any reasons for your answer (Please limit to 250 words)

If the polluter doesn't pay, then someone else will have to - the local authority, government, the local community.

	High Importance	Medium Importance	Low Importance	Do Not Include	Other	Don't know / No opinion
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e) Rectification  
at Source  
Principle  
*Please select only  
one item*



## Rectification at Source Principle - More Information

Environmental damage should as a priority be rectified by targeting its original cause and taking preventive action at source.

Please give any reasons for your answer (Please limit to 250 words)

This principle relates to the previous one. An example in the food industry might be where contamination (microbiological, chemical, physical) has occurred, product will be removed from sale but the producer must rectify the problem at the root. To do otherwise could allow the fault to continue with consequent harm to consumers.

Don't  
know /  
No  
opinion

High  
Importance

Medium  
Importance

Low  
Importance

Do Not  
Include

Other

f) Integration

Principle

*Please select only  
one item*



### Integration Principle - More Information

Environmental protection requirements must be integrated into the definition and implementation of policies and activities.

Please give any reasons for your answer (Please limit to 250 words)

Only by integrating environmental protection principles into all definitions and implementation can protection be made thorough and comprehensive. If they are left out, then it will be necessary to include them piecemeal into each policy and activity. Having overarching requirements will help to ensure, and reassure, that protection is as rigorous as possible.

### Other environmental principles not listed (please click to expand)

If there are any other environmental principles you would like to provide feedback on, we have provided space to list 3 additional principles below

If you wish to provide feedback on more than 3 additional principles please do so in the free text box at the end of this question.

High  
Importance

Medium  
Importance

Low  
Importance

Do Not  
Include

Other

g) Other Principle 1

*Please select only one  
item*



Please state what Other Principle 1 is below

Please give any reasons for your answer (Please limit to 250 words)

High  
Importance

Medium  
Importance

Low  
Importance

Do Not  
Include

Other

h) Other Principle 2  
*Please select only one  
item*

Please state what Other Principle 2 is below

Please give any reasons for your answer (Please limit to 250 words)

High  
Importance

Medium  
Importance

Low  
Importance

Do Not  
Include

Other

i) Other Principle 3  
*Please select only one  
item*

Please state what Other Principle 3 is below

Please give any reasons for your answer (Please limit to 250 words)

Please describe below any additional environmental principles which you consider should underpin future policy-making. For each state whether you consider them to be of high, medium or low importance. Please also give any reasons for your answers.

## Question 2

Do you agree with these proposals for a statutory policy statement on environmental principles (this applies to both Options 1 and 2)?

*Please select only one item*

Yes    No    Other response    Don't know/no opinion

If "Other response" was selected please state what this is below (Please limit to 250 words)

Please give any reasons for your answer (Please limit to 250 words)

Such a statement sets out the principles that govern the scope of any regulation.

**Question 3**

Should the Environmental Principles and Governance Bill list the environmental principles that the statement must cover (Option 1), or should the principles only be set out in the policy statement (Option 2)?

*Please select only one item*

- Option 1 - Environmental principles listed on the bill
- Option 2 - Environmental principles only set out in the policy statement
- Other response     Don't know/no opinion

If "Other response" was selected please state what this is below (Please limit to 250 words)

Please give any reasons for your answer (Please limit to 250 words)

It would be best to have all aspects included in the Bill to ensure that it has full legal status and to show that the importance of protecting the environment is paramount. A separate policy statement may allow a future government to vary the policy to suit particular political ends. Thus it is essential that the proposed Bill is comprehensive and thorough with flexibility built in to allow for changes in understanding, technological advances in managing the environment and unforeseen adverse events.

## Part 2: Accountability for the environment

**Question 4**

Do you think there will be any environmental governance mechanisms missing as a result of leaving the EU?

**Environmental Governance Gap Analysis**

**Environmental governance mechanisms**

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<b>Environmental oversight, scrutiny and enforcement mechanisms</b>	<b>Key outcomes achieved</b>	<b>Extent of coverage by domestic arrangements</b>
<p>Legal requirements for systematic government reporting on the application of environmental laws.</p>	<p>Government is required to demonstrate implementation of environmental legislation and report on resulting outcomes. This supports transparency of government delivery of the legislation and its effectiveness.</p>	<p>Defra publishes significant data on the implementation of environmental laws (e.g. waste, water quality, air quality), for scrutiny by parliamentary committees as well as the EU. However, without further action there would not be the same legal requirements, post EU exit, for systematic reporting on implementation of environmental laws. Government therefore intends to replace requirements in EU environmental law to report on their implementation with requirements for the Secretary of State to publish implementation reports and data.</p>
<p>Preparation of official, assessments looking at government compliance with environmental law and progress towards environmental objectives. Assessments are undertaken by the European Commission, an independent body charged with overseeing application of (and enforcing where necessary) government compliance against</p>	<p>This is intended to provide authoritative, objective scrutiny of the delivery of environmental policy and legislation and its effectiveness, and informs the development of new or amended</p>	<p>Bodies like the Parliamentary EFRA and EAC committees, the NAO and the NCC conduct environmental assessments and inquiries in particular areas. NGOs and individuals additionally use publicly available data and their own analyses to assess government's policies and make recommendations. However, these arrangements are not equivalent to those of the EU, where the Commission has an official role of examining environmental compliance and progress, systematically assessing the application of environmental laws with a wide breadth and depth of coverage. Specialist support is provided by the EEA, which among other functions, provides assessments in relation to implementation of the EU's</p>



<p>environmental requirements and effectiveness of the measures.</p>	<p>policy and legislation.</p>	<p>overarching environmental action programmes as well as specific environmental issues.</p>
<p>Mechanisms for individuals or organisations to complain, free of charge, to an official body with relevant expertise and powers.</p>	<p>Helps hold government to account for the delivery of environmental requirements by empowering citizens and giving them straightforward means of referring concerns to a relevant body.</p>	<p>There are domestic mechanisms for individuals and organisations to complain about the delivery activities of environmental authorities to those authorities, or to the PHSO or LGSCO. Complaints can also be made via parliamentary processes (letters to MPs and parliamentary committees) or by writing to the government (Defra).</p> <p>However, the Ombudsmen are not specifically focused on environmental issues and do not have the technical knowledge for complex environmental issues. Compared to EU arrangements, there are also constraints around the circumstances where people can bring, and the Ombudsmen can consider, complaints (e.g. time limits or the need to have been personally affected).</p>
<p>Formal and informal mechanisms by which an independent, official body can investigate concerns about governments' implementation of environmental law</p>	<p>Allows a specialist, independent body to access government information, undertake investigation and form a view on whether environmental law has been properly applied, through</p>	<p>Parliamentary committees and the NAO have investigatory powers, and can investigate concerns directly. Alongside this, bodies such as the Parliamentary Committees and Ombudsman offices referred to above have powers of investigation and to obtain information. However, as noted above, the Ombudsmen can only exercise these powers where certain conditions around the complaints are met and are largely focused around issues of maladministration. These constraints do not apply in the EU mechanisms.</p>

	interaction with the responsible government body.	
<p>Powers to refer a government to court for alleged failure to implement environmental law. The court can then provide a judgment (and potentially impose interim measures if needed) on whether or not the law is being properly applied.</p>	<p>Provides clarity on the requirements of the law and ensures that government's implementation of environmental law is sufficient, so that the planned effect is realised.</p>	<p>The main current domestic mechanism is judicial review initiated by a third party, which first has to establish legal standing. This allows government's actions or decisions to be challenged and for a judge to determine if the processes government has taken are compatible with the law. NGOs frequently bring such cases against government. There is no public authority with a standing responsibility for bringing proceedings against government on the environment, and the process does not have the same scope or remedies as EU action.</p>
<p>Where the court finds that a government has failed to implement environmental law, compliance with the judgment is monitored and the case can be referred back to court in the event of ongoing non-compliance, potentially leading to the imposition of a fine.</p>	<p>Requires government to take steps specified to apply environmental law, ensuring the intended effect of the law is realised.</p>	<p>Government is held to account by Parliament and the system of judicial review. Although there are no domestic arrangements for fines, a government subject to a court judgment will be required to comply. Parliament provides scrutiny of government's compliance with court rulings and NGOs can apply pressure in Parliament and initiate further legal action if needed.</p>

Please select all that apply

Yes, I agree with the assessment in the consultation document

I think the governance gap will be greater in some areas than that described in the consultation document

I think the governance gap will be less in some areas than that described in the consultation document

I do not think there will be any environmental governance mechanisms missing as a result of leaving the EU

Don't know / No opinion  Other response

If "Other response" was selected please state what this is below (Please limit to 250 words)

Please give any reasons for your answer (Please limit to 250 words)

Presently, there is a wide range of expertise that can be drawn upon from across the EU as well as various bodies that provide specialist support in the governance mechanisms. Whilst it may be possible to develop similar support within the UK, this will take time and may be limited by resource issues. In addition, the multiplicity of bodies may mean conflicting decisions being made. Thus it would be desirable to integrate some of the bodies, or at least have cross-representation. There should be strong, close links with the [proposed] environmental body.

**Question 5**

Do you agree with the proposed objectives for the establishment of the new environmental body?

	Yes	No	Partially, but with amendments	Don't know / no opinion
a) Act as a strong, objective, impartial and well-evidenced voice for environmental protection and enhancement. <i>Please select only one item</i>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please give any reasons for your answer (Please limit to 250 words)

Protection of the environment is paramount - there is increasingly good evidence that climate is having adverse effects on global weather with serious risks to food production, health, living standards etc. Globally, we are using resources at an increasingly unsustainable rate, adding carbon dioxide and adopting high impact lifestyles such that the environment is unable to absorb or replenish itself. The formation of such an organisation, such as an Agency analogous to the Food Standards Agency, would help direct and enforce environmental protection. It will also provide a global example of good practice (again, as was the case when the Food Standards Agency was formed) and develop close links with similar EU bodies.

	Yes	No	Partially, but with amendments	Don't know / no opinion
b) Be independent of government and capable of holding it to account <i>Please select only one item</i>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please give any reasons for your answer (Please limit to 250 words)

Independence is essential so that advice, enforcement and other actions are not influenced unduly by the politics of the day. Such an agency would be seen as impartial and authoritative by all sides.

Yes

No

Partially, but  
with  
amendments

Don't know /  
no opinion

c) Be established on a  
durable, statutory basis



*Please select only one item*

Please give any reasons for your answer (Please limit to 250 words)

Comments in previous section apply here. Governments change, policies change but the environment continues to require protection.

Yes

No

Partially, but  
with  
amendments

Don't know /  
no opinion

d) Have a clear remit,  
avoiding overlap with  
other bodies



*Please select only one item*

Please give any reasons for your answer (Please limit to 250 words)

A clear remit is essential to ensure such an agency can function properly. Overlap with other bodies may lead to confusion, abiguous decisions and information and a loss of confidence.

Yes

No

Partially, but  
with  
amendments

Don't know /  
no opinion

e) Have the powers,  
functions and resources  
required to deliver that  
remit





*Please select only one item*

Please give any reasons for your answer (Please limit to 250 words)

Without powers and resources any such agency will be useless and unable to operate. Any policies and legislation will have no credibility.

Yes

No

Partially, but  
with  
amendments

Don't know /  
no opinion

f) Operate in a clear,  
proportionate and  
transparent way in the  
public interest,  
recognising that it is  
necessary to balance  
environmental  
protection against other  
priorities





*Please select only one item*

Please give any reasons for your answer (Please limit to 250 words)

An 'environmental protection agency' should operate as described above, however, its primary role must be protection. Where this conflicts, wholly or partially with other priorities, it should be able to propose alternatives that protect the environment whilst facilitating the other.

Yes

No

g) Other objective not listed

*Please select only one item*

Please list any other objectives below (Please limit to 250 words)

Please give any reasons for your answer (Please limit to 250 words)

**Question 6**

Should the new body have functions to scrutinise and advise the government in relation to extant environmental law?

*Please select only one item*

Yes  No  Don't know / no opinion  Other response

If "Other response" was selected please state what this is below (Please limit to 250 words)

Please give any reasons for your answer (Please limit to 250 words)

The new body should have the expertise and knowledge to give authoritative advice to governments, which should include indicating where extant law is weak, abiguous, misdirected or superfluous.



**Question 7**

Should the body be able to scrutinise, advise and report on the delivery of key environmental policies, such as the 25 Year Environment Plan?

Yes

No

Don't know / No opinion

a) Annual assessment of national progress against the delivery of the ambition, goals and actions of the 25 Year



Environment Plan

*Please select only one item*

Please give any reasons for your answer (Please limit to 250 words)

There needs to be an assessment of progress in the context of the Plan. It would be expected that such a body would have the expertise and knowledge to measure and comment on progress.

Yes

No

Don't know / No opinion

b) Provide advice when commissioned by government on policies set out in government strategies and other published documents and how they are being implemented



*Please select only one item*

Please give any reasons for your answer (Please limit to 250 words)

They would have the knowledge and expertise to provide advice and comment to government on policies, strategies etc. That would not be to preclude government from taking advice from elsewhere.

Yes

No

Don't know / No  
opinion

c) Respond to  
government  
consultations on  
potential future policy

*Please select only one  
item*

Please give any reasons for your answer (Please limit to 250 words)

As above

Yes

No

d) Other response

*Please select only one item*

If you selected yes to "Other" please state what this is below (Please limit to 250 words)

Please give any reasons for your answer (Please limit to 250 words)

### Question 8

Should the new body have a remit and powers to respond to and investigate complaints from members of the public about the alleged failure of government to implement environmental law?

Please select only one item

Yes  No  Other response  Don't know / no opinion

If you selected yes to "Other response" please state what this is below (Please limit to 250 words)

Please give any reasons for your answer (Please limit to 250 words)

The public may be aware of infringements, impacts on the environment and unusual events. To whom or to what body should they raise their concerns? It may be that raising it locally could be appropriate but by raising issues with a central body may flag up wider concerns. When this happens, the new body should have the powers to investigate either directly or by sub-contracting.

**Question 9**

Do you think any other mechanisms should be included in the framework for the new body to enforce government delivery of environmental law beyond advisory notices?

	Include	Exclude	Partially, include but with amendments	Don't know / No opinion
a) Binding notices <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Please give any reasons for your answer (Please limit to 250 words)

Infringements in the food industry are dealt with by local authorities acting under guidance from the Food Standards Agency. This Agency can also issue directives to food businesses where there have been serious infringements. A similar system should be put in place for the new body.

	Include	Exclude	Partially, include but with amendments	Don't know / No opinion
b) Intervention in legal proceedings <i>Please select only one item</i>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please give any reasons for your answer (Please limit to 250 words)

The new body should have the powers to intervene in legal proceedings when it deems it necessary to ensure due process is followed. As the national body having the expertise and resources in environmental protection, it would be able to ensure the level of protection was as high as possible and that offenders were prosecuted and sanctioned as appropriate.

- |   | Include                          | Exclude               | Partially,<br>include but<br>with<br>amendments | Don't know /<br>No opinion |
|---|----------------------------------|-----------------------|---|----------------------------|
| c) Agree environmental undertakings<br><i>Please select only one item</i> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>                           | <input type="radio"/>      |

Please give any reasons for your answer (Please limit to 250 words)

Where another department has failed to meet its environmental responsibilities, there should be remediation. It would be appropriate and highly desirable that the new body has responsibility for this. As indicated previously, it would have the expertise and knowledge to be able to deal with the issue in an appropriate and timely manner.

- |  | Yes                   | No                    |
|--|-----------------------|-----------------------|
| d) Other powers not listed above<br><i>Please select only one item</i> | <input type="radio"/> | <input type="radio"/> |

If "Other powers not listed above" was selected, please list them here. (Please limit to 250 words)

Please give any reasons for your answer (Please limit to 250 words)

**Question 10**

The new body will hold national government directly to account. Should any other authorities be directly or indirectly in the scope of the new body?

	Yes	No	Don't know / No opinion
a) Non-Ministerial Departments (NMD's) and Non-Departmental Public Bodies (NDPBs)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<i>Please select only one item</i>			

Please state which NMDs and NDPBs should be directly in scope below

Forestry Commission, Ofwat, Environment Agency, Natural England, Food Standards Agency, Marine Management Organisation, National Forest Company, Crown Estate, Coal Authority, Homes England.....

This list is not necessarily exhaustive and other bodies may be included.

Please give any reasons for your answer (Please limit to 250 words)

As indicated in the consultation document, the new body should also be able to hold ALBs to account when and where they fail to follow and implement environmental law. An example might be the discharge of waste containing environmental contaminants that breached environmental standards enshrined in law but had been permitted by the Environment Agency because that had previously been the accepted norm.

	Yes	No	Don't know / No opinion
b) Local authorities	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<i>Please select only one item</i>			

Please state which local authorities should be directly in scope below

Environmental health, Planning, Waste management/disposal, Education

Please give any reasons for your answer (Please limit to 250 words)

The listed authorities are ones that have immediate impacts on the application and adherence to environmental law. Education is included as it is essential that schools teach about the responsibilities that citizens have.

Yes

No

Don't know / No  
opinion

c) Other public  
authorities

*Please select only one  
item*

Please state which other public authorities should be directly in scope below

Please give any reasons for your answer (Please limit to 250 words)

Yes

No

d) Other response  
*Please select only one item*

Please give any reasons for your answer (Please limit to 250 words)



**Question 11**

Do you agree that the new body should include oversight of domestic environmental law, including that derived from the EU, but not of international environmental agreements to which the UK is party?

	Include all	Include some	Exclude	Don't know / No opinion	Other response
a) EU environmental law retained under the EU (Withdrawal) Bill	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

*Please select only one item*

If "Other response" was selected please state what this is below (Please limit to 250 words)

Please give any reasons for your answer (Please limit to 250 words)

EU environmental law is thorough and rigorous and the UK has often be instrumental in setting the standards for it. It is not perfect but generally far stronger than similar legislation elsewhere in the world. In the USA, there seems to be back-tracking from having strong regulation. EU environmental law can be considered as the starting point for UK legislation, which will develop over time and potentially exceed EU and other international standards.

	Include all	Include some	Exclude	Don't know / No opinion	Other response
b) Domestic environmental law not based on EU legislation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

*Please select only one item*

If "Other response" was selected please state what this is below (Please limit to 250 words)

Please give any reasons for your answer (Please limit to 250 words)

Although current environmental law is based on EU legislation, it is anticipated that over time the UK will develop and extend its own legislation framework.

- |  | Include all                      | Include some          | Exclude               | Don't know / No opinion | Other response        |
|--|----------------------------------|-----------------------|-----------------------|-------------------------|-----------------------|
| c) International environmental law<br><i>Please select only one item</i> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>   | <input type="radio"/> |

If "Other response" was selected please state what this is below (Please limit to 250 words)

Please give any reasons for your answer (Please limit to 250 words)

There are a number of international treaties that include or cover environmental protection. It is to be hoped that the UK will maintain its participation in these and, through the new body, work to increase their scope and effectiveness.

**Question 12**

Do you agree with our assessment of the nature of the body's role in the areas outlined below?

	Agree	Disagree	Partially Agree/Disagree	Other	Don't know / No Opinion
<b>Climate Change</b> <i>Please select only one item</i>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If "Other" was selected please state what this is below (Please limit to 250 words)

Please give any reasons for your answer (Please limit to 250 words)

The impact of climate change is already being felt in increasingly extreme weather patterns. The 25 Year Environment Plan sets the framework for action for that period. The new body will be able to draw on the best, most recent research and give authoritative advice, guidance and direction on the best actions to mitigate climate change and to adapt.

	Agree	Disagree	Partially Agree/Disagree	Other	Don't know / No Opinion
<b>Agriculture</b> <i>Please select only one item</i>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If "Other" was selected please state what this is below (Please limit to 250 words)

Please give any reasons for your answer (Please limit to 250 words)

Agriculture has often been overlooked as a key impactor on the environment. It is aware of the effects of run-off on water courses and water life. However, the industry appears to be less aware, or less inclined to act in areas such as minimal plough/tilling, pesticide usage and other aspects of land management. The creation of the new body gives an opportunity to move from an agricultural system that was focused on production quantity to one where the focus is in production quality. In addition, there will be, and indeed we have seen in this recent summer, a need to develop more resilience to climate change, not only to heat/drought but also to storms/heavy rain and extremes of low temperature, all of which are becoming more likely because of climate change.

	Agree	Disagree	Partially Agree/Disagree	Other	Don't know / No Opinion
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Fisheries and the  
Marine  
Environment



*Please select only  
one item*

If "Other" was selected please state what this is below (Please limit to 250 words)

Please give any reasons for your answer (Please limit to 250 words)

This is an essential area that must be covered by the new body. There are serious challenges in monitoring and controlling run off, plastic pollution, sewage. This may need to be coordinated across other government departments and agencies.

### Question 13

Should the body be able to advise on planning policy?

Please select only one item

Yes  No  Other response  Don't know / no opinion

If you selected yes to "Other response" please state what this is below (Please limit to 250 words)

Please give any reasons for your answer (Please limit to 250 words)

At present, planning sets minimum standards for, eg, insulation, energy usage, waste disposal etc. However, we need to be more proactive in managing new developments and upgrading existing ones. The new body should be able to advise on best practice, new technologies and benefits both financial and environmental.

## Part 3: Overall environmental governance

**Question 14**

Do you have any other comments or wish to provide any further information relating to the issues addressed in this consultation document?

Please explain below

EU environmental policy is extensive and comprehensive. Whilst it may have gaps and may place a burden on industry, it nevertheless gives a substantial level of protection and enforcement that is probably as good as, if not better than, any other regulatory regime for the environment across the world. The exit from the EU gives the UK the opportunity to develop and implement environmental standards that lead the world. In many cases this will provide opportunities for industry to develop new technology.

## Part 4: Consultee Feedback on the Online Survey

Dear Consultee

Thank you for taking your time to participate in this online survey. It would be appreciated, if you can provide us with an insight into how you view the tool and the area(s) you feel is in need of improvement, by completing our feedback questionnaire.

### 13 Overall, how satisfied are you with our online consultation tool?

*Please select only one item*

- Very satisfied    Satisfied    Neither satisfied nor dissatisfied    Dis-satisfied,  
 Very dissatisfied,    Don't know

Please give us any comments you have on the tool, including suggestions on how we could improve it.