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Ruth Chambers
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20 December 2022

Dear Ruth

Complaint about Defra's failure to meet a legal requirement of the Environment Act 2021

Thank you for submitting a complaint to the Office for Environmental Protection (OEP) on behalf of Greener UK. Your complaint concerned the Secretary of State's breach of her legal duty to lay draft statutory instrument(s) setting long-term environmental targets in Parliament before the Environment Act 2021 deadline of 31 October 2022. We have now considered your complaint in line with the approach outlined in our [Strategy and Enforcement Policy](#).

As you are very familiar with the role of the OEP, our powers and the steps we take when considering complaints, we have not set out these matters in this letter.

Our decision

We have assessed your complaint in accordance with our enforcement policy. We consider the failure to meet the deadline was a serious failure to comply with environmental law. As you will know, we have had a longstanding interest both the targets themselves and the risk of government missing the deadline.

We have taken a number of actions in relation to this issue commencing in May 2022 when we published our Taking Stock Report. This set out our initial advice in relation to the proposed long-term targets. In June 2022 we sought assurance from Defra that the deadline of 31 October to lay the targets regulations would be met [[Correspondence with Defra on River Basin Management Plans | Office for Environmental Protection \(theoep.org.uk\)](#)]. In July we published our detailed advice on the targets, urging for them to be both ambitious and comprehensive [[OEP response to consultation on environmental targets | Office for Environmental Protection \(theoep.org.uk\)](#)]

In our letter of 6 October 2022 to the then Secretary of State, The Rt Hon Ranil Jayawardena MP ([061022 Dame Glenys to SoS Environmental Targets Letter 0.pdf \(theoep.org.uk\)](#)), we pressed for the right targets to be set by the deadline. We advised that if the deadline were to be missed, government should be transparent with regard to the delay.

In our statement of 28 October 2022, we expressed our regret that the deadline set out in the legislation would not be met. Our statement followed the Secretary of State's own statement to Parliament earlier on 28 October confirming that the deadline of 31 October would be missed. [Correspondence between the OEP and Defra on Environmental Targets October 31 deadline | Office for Environmental Protection](#)

Notwithstanding the exceptional political circumstances, we were clear in correspondence with Defra and the Secretary of State that there was a need to set the targets by the end of the calendar year at the latest. We had in mind the risk of knock-on effects to the first review of government's Environmental Improvement Plan due by 31 January 2023. And in our view, statutory deadlines should be met.

We do think our actions have been influential, in getting targets agreed before the year end.

Given that Defra laid the statutory instruments setting the long-term environmental targets (the targets regulations) on 19 December 2022, we have determined that there is no merit in us taking additional action in relation to the failure to comply with environmental law that you raise in your complaint.

We will take some time to consider the final targets in detail now, but we can see that the advice we gave during the consultation has been considered and is reflected in a number of the final targets. And targets are agreed ahead of the end of the year.

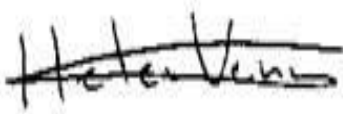
What is most important now is that these targets are used to drive urgent action to significantly improve the environment. As you will know, the targets are there to set direction and achieve desired outcomes. They must, therefore, form part of clear delivery plans and be given appropriate resources, with robust monitoring and assessment of progress. This is what we will now turn our attention to.

We have noted the other aspects of your complaint with regard to the quality of the targets and the significant improvement that they must bring to the environment. While at this time we consider those elements to fall outside of our Complaints function, we will use our other statutory functions to continue to monitor and provide advice as to whether the targets set will achieve the significant improvements that are so urgently needed.

In January we will be publishing our own report on Government's overall progress in improving the environment. We look forward to moving our focus onto assessing Government's progress towards these legally binding targets, including evaluation of the actions taken to achieve them.

In terms of delays to important policy priorities and programmes more generally within Defra, we have set out our position that failing to meet statutory deadlines undermines the environmental governance framework and erodes trust. We continue to engage with Defra and other government departments where deadlines have been missed or are imminent. We will continue to monitor this, taking action where appropriate. Where deadlines cannot, for exceptional reasons, be met we expect government to be transparent about this, to be clear about the reasons and to set the earliest possible date by which they expect to be compliant. We also expect that they will assess the potential impact of delays and seek to mitigate these as far as possible. The effective implementation of statutory deadlines remains a priority area of focus for us.

Yours sincerely

A handwritten signature in black ink that reads "Helen Venn". The signature is written in a cursive style with a horizontal line through the middle.

Helen Venn

**Chief Regulatory Officer
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