

**Department for Environment, Food and
Rural Affairs**

**Government response
to the Office for
Environmental
Protection report on
post-implementation
reviews of
environmental laws**

Presented to Parliament pursuant to the Environment Act 2021

June 2023



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Context

The Office for Environmental Protection (OEP) laid before Parliament a report on the Post-implementation Review of Environmental Law¹ under section 29 of the Environment Act 2021. This is the Secretary of State for Environment, Food and Rural Affairs statutory response to that report pursuant to the Act.

Government's response

As set out by the Secretary of State for Environment, Food and Rural Affairs, Thérèse Coffey, to Parliament on 27 March 2023, Defra is committed to delivering high standards for environmental protection and meeting our legal duties in respect of post-implementation reviews (PIRs). After prioritising resources to deliver a successful EU exit and supporting the country's response during the pandemic, we recognise that we have not yet met all our obligations to deliver PIRs. We are working to continually improve our mechanisms for capturing, tracking and delivering these statutory requirements. In addition, government is taking the opportunity to review the scope for better regulation outside the European Union, through more tailored regulations and cutting unnecessary red tape.

Recognising the statutory nature of PIRs and how important they are for reassessing the impacts of relevant regulatory measures on business, Defra is already taking steps to clear the backlog of overdue PIRs it is responsible for by the end of 2024, and to meet future review requirements. This includes:

- assessing all our overdue PIRs against prioritisation criteria, including considering links to retained EU law (REUL) and future reform work
- producing action plans for all overdue PIRs with clear phased timescales for completion and individual deadlines, to be completed by the end of 2024
- a bespoke digital application for internal tracking and reporting on PIRs

¹ The Office for Environmental Protection, 'Post Implementation Review of Environmental Law', March 2023. <<https://www.theoep.org.uk/report/government-consistently-failing-complete-post-implementation-reviews-environmental-laws>>

- external legal support to provide assurance that we have captured all outstanding requirements
- new governance processes including regular monitoring and reporting to the Permanent Secretary and Defra's Executive Committee on progress

Defra's Permanent Secretary has also been in correspondence with the Environment, Food and Rural Affairs (EFRA) Commons Select Committee regarding the department's overdue PIRs. This correspondence has included lists of PIRs with agreed deadlines for completion, as per the above steps, and a commitment to biannually update the Committee with progress.

As noted earlier in this response, Defra will continue to provide updates on progress against deadlines and clearing the backlog of PIRs as agreed with the EFRA Commons Select Committee.

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