



Department
for Environment,
Food & Rural Affairs

Government response to the Office for Environmental Protection review of implementation of the duty to have due regard to the Environmental Principles Policy Statement in England

May 2025



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Food & Rural Affairs

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Introduction

The government welcomes the Office for Environmental Protection's (OEP's) report 'A review of implementation of the duty to have due regard to the Environmental Principles Policy Statement (EPPS) in England'. The report recognises early progress made in implementing the duty and makes 8 recommendations for how the government can build on this progress to improve implementation of the duty.

The government recognises the importance of the EPPS duty as one of the cornerstones of the Environment Act 2021. The EPPS duty also plays an important role in supporting our Plan for Change, helping to guide policymakers towards opportunities that will help deliver our clean energy mission and achieve net zero. We are strongly committed to building on the progress made to date, including through working collaboratively with the OEP. We value the OEP's engagement with the development and implementation of the duty and have carefully considered their recommendations, with the government's detailed response set out below.

The OEP's review took place early in the implementation of the duty, starting shortly after it came into force on 1 November 2023. The Defra-led review of the EPPS duty implementation across government is due to complete by November 2025 and will build on the findings of the OEP's review. The government will continue to assess our approach to the implementation of the duty to ensure it places the environment at the heart of cross-government policy making. We will do this in a way that is closely aligned with the Prime Minister's vision for reform of the state – with the EPPS duty contributing to efficient and effective policy making across government.

This response was laid in Parliament and published no later than 3 months after the publication of the OEP's review of the EPPS duty, in accordance with section 29 of the Environment Act 2021.

Summary of the OEP's findings and recommendations

Section 19 of the Environment Act 2021 places a legal duty on Ministers of the Crown to have 'due regard' to the environmental principles policy statement when making policy. The duty came into force on 1 November 2023. The 5 principles are:

- integration
- prevention
- rectification at source
- polluter pays
- the precautionary principle

The OEP reviewed implementation of the duty to have due regard to the environmental principles policy statement in England. The OEP published its report on 27 February 2025.

The report is broadly positive in terms of the steps that Defra and other government departments have taken to implement the EPPS duty, but notes that it is too early to conclude its impact on policy development. The review found positive signs that consideration of the environment during policy development had increased as a result of the EPPS and that there had been good preparation to support its implementation. However, the OEP found that more can be done to embed the duty across government.

The OEP's report makes 8 recommendations for the government to consider. It includes recommendations for the EPPS to be updated to drive consideration of how policies can contribute to government's environmental commitments, for departmental guidance to provide greater clarity, and for cross-government guidance to more effectively reflect the duty. The report also recommends greater transparency in how departments apply the EPPS, ongoing support for embedding of the duty in departmental cultures, including stronger leadership across government, and for the Defra-led review of the duty to consider its impact on policy decisions.

Summary of the government response

The government welcomes the OEP's report and our responses to their recommendations are set out below. The government acknowledges the OEP's intention to strengthen links between the EPPS and government's environmental targets, plans and strategies and will consider what scope there is to address those links through our planned updates to guidance and in the revised Environmental Improvement Plan (EIP). The government supports the OEP's recommendations relating to guidance and will consider them as part of our ongoing work on the EPPS toolkit and updates to cross-government policymaking guidance.

While there is no statutory requirement for policy-specific information relating to the application of the EPPS duty to be published, the government remains committed to ensuring transparency on the environmental implications of policies and will consider the OEP's views in relation to broader transparency of information on environmental impacts of policies. The Defra-led review will help to address the OEP's recommendations, including to evaluate the impact of the duty and the extent to which the application of the duty has interacted with government's wider environmental commitments.

The government notes that the OEP recognised signs of the duty helping policymakers formalise consideration of the environment. We agree that successful embedding of the duty depends on a range of factors, including the skills of officials

and engagement of senior leaders, which the government will continue to consider on an ongoing basis and through the Defra-led review.

The government remains strongly committed to continued embedding of environmental considerations at the heart of policymaking through the EPPS duty and ongoing cooperation with the OEP. We recognise the role of the duty as a cornerstone of the Environment Act and in supporting the clean energy mission under the Plan for Change. Our responses to the OEP's recommendations are presented below.

Recommendations 1 and 2, and recommendations 4 and 5, have been grouped together in this response under the parallel themes they address.

The government response to the OEP's recommendations

Recommendations 1 and 2 - update the EPPS and its explanatory memorandum

OEP recommendation 1 – update the EPPS

Defra should amend the EPPS so that it clearly and tangibly directs policymakers to consider how their policy can support government in meeting its environmental targets and delivering its plans and strategies for doing so.

The targets referred to should include those government relies on to collectively deliver a significant environmental improvement as set out in Defra's January 2023 report to Parliament under section 7 of the Environment Act. Reference to plans and strategies should include reference to the EIP, Net Zero Strategy and Carbon Budget Delivery Plan.

These amendments could be made, for example, by incorporating consideration of targets and their associated plans and strategies into the section of the EPPS dealing with the integration principle.

OEP recommendation 2 – update the EPPS explanatory memorandum

Defra should swiftly update the EPPS explanatory memorandum to refer to considering how policy making can support delivery of the targets, plans and strategies covered by recommendation 1.

Government's response to recommendations 1 and 2

The introduction section of the EPPS already includes a high-level reference to the role of the EPPS in supporting delivery of the Environmental Improvement Plans and our Net Zero commitment to tackle climate change. The policy statement is not intended to set out a definitive list of targets, plans and strategies that policymakers must take into account when considering environmental effects of their policies. It is intentionally framed broadly, aiming to provide ministers and policymakers with the space to consider the environment as part of the policymaking process, including by reflecting on all relevant government commitments in place at the time. The EPPS Explanatory Memorandum provides a further explanation of the policy statement. Considering the wide range of departmental guidance and support available on the EPPS duty, the Explanatory Memorandum is not generally used by policymakers for guidance on the duty and for this reason changing it may not have any practical value.

However, the government recognises the importance of helping policymakers to understand how policies can meet government commitments on climate and the environment, including the clean energy mission and accelerating to net zero under our Plan for Change, climate adaptation, the statutory targets on the environment and our plans for reaching those, such as the Environmental Improvement Plan (EIP). While, for example, the EPPS toolkit of resources already encourages policymakers to consider greenhouse gas emissions when assessing environmental effects of policies, there may be scope to use it to strengthen links between the EPPS and government environmental targets, plans and strategies. We will consider the OEP's recommendation as part of our ongoing work on the EPPS toolkit, and cross-government and departmental guidance (see also the Government response to recommendations 3, 4 and 5).

The Government's Environmental Improvement Plan (EIP) review aims to develop a more streamlined and effective plan of action. The revised EIP will set out an overarching framework for delivering on the EIP goals and Environment Act 2021 targets, including actions from departments across government. We will outline who is responsible for ensuring each action is met and how they contribute towards the outcomes set out in the plan and the Environment Act 2021 targets.

Publication of the revised EIP will be an opportunity to highlight the EPPS as a key tool to ensure new policy and strategy are developed through a climate and environment lens and contribute to government commitments on climate and the environment including under the Plan for Change. Effective application of the EPPS assessment process encourages cohesion and integration across government objectives, placing environmental sustainability at the heart of government.

Defra will also consider relevant findings from the Defra-led review (due by November 2025) and the Environment Act 2021 Post Implementation Review (due in late 2026).

Recommendation 3 - update tools to support implementation

OEP recommendation 3

Defra and other government departments should update their guidance and templates developed to support implementation of the EPPS duty to:

- create a clear and strong link between the EPPS and relevant environmental targets and their delivery plans and strategies (see recommendation 1)
- clarify the relationship between EPPS assessment and other assessments (such as natural capital assessments)
- aid policymakers' understanding of what constitutes a 'policy' decision to which the EPPS duty applies
- provide additional guidance and examples from practice for determining proportionate application
- set expectations for the audit trail of how the EPPS has been considered throughout the policy development process, and
- set the expectation that EPPS assessments should be published to improve transparency and consistency (see recommendation 6)

Additionally, departments should review and update guidance and templates in response to other formal reviews of EPPS implementation.

Government's response to recommendation 3

The government notes that the OEP have recognised the success of the preparation and processes put in place, such as the Civil Service Learning training course, and guidance and templates to support implementation of the duty, including the EPPS toolkit of resources.

We continue to improve the learning and guidance products associated with the EPPS duty and therefore support the OEP's recommendation to update guidance and templates as needed to clarify aspects of implementation.

Defra has been working closely with departments across government to support them in implementing the EPPS duty. This includes by developing training and resources in the EPPS toolkit and sharing advice and best practice through the EPPS Cross Government Working Group. The toolkit of resources was disseminated widely across government ahead of the duty coming into force and comprises resources to support and guide policymakers in their application of the duty. The EPPS training course on Civil Service Learning is available to all civil servants and provides learners with a comprehensive overview of the duty, environmental principles and how to apply them. Alongside the toolkit and central training, individual departments and arm's length bodies to whom the duty applies have developed

additional internal guidance and training where needed to support their own implementation of the duty.

The EPPS toolkit of resources provides advice on a range of topics. This includes guidance the OEP refer to in their report on:

- the meaning of ‘policymaking’ within the scope of the EPPS proportionate application of the duty
- audit trail expectations
- the relationship between the EPPS, natural capital assessments and assessments relating to greenhouse gas emissions

We will consider whether the resources in the toolkit need to be clarified or developed further, whether to add additional guidance and whether the toolkit can be supplemented with examples showing the application of the duty in practice. In particular, in line with the government’s response to recommendation 1, we will consider whether there is an opportunity for the toolkit to strengthen the link between the EPPS duty and the government’s relevant environmental targets, plans and strategies (see Government response to recommendation 1). It is Defra’s standard practice to disseminate any revised or new guidance on the EPPS across all government departments. Where applicable, other government departments make updates to their own internal guidance on the EPPS duty based on the EPPS toolkit.

The toolkit has been kept under ongoing review since its publication, and Defra continue to make updates to it as we engage with policymakers and gather their feedback. Defra will consider the OEP’s conclusions under recommendation 3 as part of this work. We will ensure efficiency in what and how guidance is updated, in line with the Prime Minister’s plans for a more efficient, delivery-focussed state. As well as the feedback from the OEP, this work will take into consideration recommendations from other sources including the Defra-led review of the EPPS implementation across government, due to complete by November 2025.

Updates to the EPPS toolkit will align with updates to broader cross-government policymaking guidance. The government’s response to recommendations 4 and 5 outlines our approach to updates to cross-government guidance in more detail.

The recommendation to publish EPPS assessments has been addressed under recommendation 6.

Recommendations 4 and 5 - updates to cross-government guidance

OEP recommendation 4 - update the HMT Green Book

Defra and HMT should uphold their commitments to include reference to the EPPS in updates to the Green Book and supplementary guidance. This should be done as soon as possible.

OEP recommendation 5 - update other cross government guidance

Government should update policymaking guidance, templates and processes to include reference to the EPPS duty and to clarify the relationship between this and other requirements (such as for natural capital assessments and decarbonisation). The relevant government department in each case should update the following as a priority:

- Cabinet Office Write-round processes
- Cabinet Office Guide to Making Legislation
- Department for Business and Trade (DBT) Better Regulation Framework
- DBT Options Assessment guidance and templates
- DBT Post implementation review templates
- HMT Business Case guidance and templates

Government's response to recommendations 4 and 5

The government agrees on the importance of ensuring that the EPPS duty is supported by cross-government guidance on policymaking. This is an important element of a wide range of implementation tools and activities, including the EPPS toolkit and training, and departmental guidance and policy making processes. The government is committed to updating cross-government guidance where this can effectively and meaningfully support the implementation of the duty, and where updates are in line with the Prime Minister's plan to drive efficiency in government. Some of the guidance the OEP refer to has already been updated to reference the EPPS or is expected to be updated soon. As a general rule, the references in these documents will be relatively brief and will act as a prompt to refer to the EPPS itself, the EPPS toolkit and other relevant guidance (for example, on natural capital or greenhouse gas emissions).

The principal guidance on policy development and appraisal is the Green Book. This, together with supplementary guidance, sets out how policy options should be informed by analysis of economic, social and environmental factors. Economic analysis should include assessments of natural capital, which aims to measure the economic value of natural assets and processes. The supplementary guidance on Enabling a Natural Capital Approach includes references to the EPPS. The Green

Book will be updated to include the EPPS at its next iteration, and HMT will update the Business Case guidance to include the EPPS at its next iteration.

Cabinet Office has recently updated the Guide to Making Legislation. The Department for Business and Trade (DBT) has incorporated references to the EPPS in the Post-Implementation Review guidance, and will make further updates to the Better Regulation Framework guidance to include the EPPS at its next iteration.

The report also recommends updating other Cabinet Office owned guidance. It is a long-established precedent that information about the discussions that take place in Cabinet and its committees, including via correspondence (write rounds), is not normally shared publicly.

Defra will explore any other cross-government guidance updates in cooperation with departments responsible, and in light of the OEP's recommendations and the Defra-led review of the EPPS duty implementation.

Recommendation 6 - publish EPPS assessments

OEP recommendation 6

Government departments should publish their EPPS assessments, showing how they have implemented the EPPS duty in respect of their policymaking decisions, specifically in the cases of:

- Impact assessments
- Policy announcements
- Environmental assessments
- Evidence reports
- Consultations

Government should clarify in guidance the expectation in respect of publication (see recommendation 3). Government should also consider making public the findings from any internal evaluation/review as to the implementation of the EPPS duty.

Government's response to recommendation 6

While there is no requirement for information relating to the application of the EPPS duty to policies to be published, the government remains committed to ensuring transparency on the environmental implications of policies and will consider the OEP's views in relation to broader transparency of information on environmental impacts of policies.

The EPPS sets out how to interpret and proportionately apply the environmental principles. The intention is for departments to integrate their consideration of the duty into their policy making processes and their advice to ministers, so that ministers are able to make better informed decisions. It is important that policymaking processes

enable a safe space for ministers to receive and consider advice. There is no statutory requirement (in the Environment Act 2021 or the environmental principles policy statement) to publish information relating to the application of the EPPS duty to policies, or a set format for departments to record this information.

The 'EPPS policy makers template' is a template which is used in different ways by different departments. It is a living, iterative document which was not designed to be published, but to support application of the EPPS duty. In line with the policy statement, the application of the duty should be an ongoing, proportionate and iterative process that continues from the start and throughout policy development.

Departments should, however, maintain internal records of their policy development, including assessment of the EPPS and potential environmental effects of policies. These records form an important part of the audit trail and, in some cases, information may need to be provided in respect of legal challenge and information requests.

The government remains committed to upholding high standards of transparency including ensuring public access to environmental information.

We note the OEP's point about demonstrating the overall effect that the duty is having on policymaking in order to support public understanding and scrutiny of its cumulative impact. In line with best practice guidelines for publishing of research projects, we will consider publication of the Defra-led review of the EPPS duty implementation across government. The Defra-led review consists of a process and an impact evaluation and is due to complete in November 2025. We anticipate further opportunities to review implementation of the EPPS duty and other aspects of the Environment Act 2021, for example the upcoming Post-Implementation Review.

Recommendation 7 - continue to embed the EPPS duty

OEP recommendation 7

Defra should consider, on an ongoing basis as well as part of any formal evaluation:

- the extent to which guidance and training on EPPS duty implementation has been accessed, taken up and followed in practice across all government departments and professions (e.g. policy and legal professions), and
- the extent to which EPPS duty implementation is being led from the top (by Ministers, Cabinet Office, HMT, Mission Boards and senior civil servants).

This should include consideration of the knowledge, skills and preparedness of senior leaders involved in effectively embedding the EPPS duty across government.

Government's response to recommendation 7

The government is strongly committed to embedding environmental considerations into cross-government policy making. The EPPS duty was implemented as a key tool to ensure environmental considerations are built into policymaking across government and it will play a key role in supporting the Plan for Change. We agree with the OEP's view that the duty needs to be effectively embedded into departmental cultures and processes across government.

The government notes that the OEP have recognised in their report that there are signs that the duty is helping policymakers formalise consideration of the environment. The government agrees that continued embedding of the duty depends on a range of varying factors, including the skills and capability of officials and the engagement and influence of departmental and cross-government leaders.

To date, implementation of the EPPS duty has been overseen by a specialist team within Defra, who call on senior leader input and support when required. This has enabled, for example, the EPPS duty to be included in cross-government guidance and senior level cross-government communications. Departments across government have established EPPS leads with senior support, and this network has been a vital factor in embedding the duty.

In addition to the central training on CSL, Defra and other government departments have delivered a large programme of training on the EPPS duty for policymakers across government and the government legal profession. The training has aimed at providing those colleagues working on the duty with a baseline understanding and skills to apply it as intended. The training has been supplemented by more detailed guidance resources in the EPPS toolkit and supported by cross-government engagement through the EPPS Cross Government Working Group.

Defra will continue to work with departments across government to embed the duty, including in relation to guidance and training, and senior leader engagement on implementation. Reviewing the effectiveness of this activity is important, and the ongoing Defra-led review (to be completed by November 2025), and the post implementation review of the Environment Act (due in late 2026) will provide opportunities to further reflect on progress in embedding the duty.

The Defra-led review of the implementation of the EPPS duty across government will draw upon insight from a variety of sources, including existing monitoring data and primary research, to analyse the uptake of training and resources across departments and explore how effective these have been, as well as examining how the duty is being embedded into policymaking.

The Defra review will also involve and consider the role of various colleagues across government in supporting the implementation of the duty, including policy leads, legal and analytical colleagues, and senior leaders.

There is a wider need to ensure that the Civil Service has the right policy making and analytical skills, and work is underway to upskill Civil Servants across government on environmental and climate-related considerations.

Recommendation 8 - evaluate the impact of the EPPS duty

OEP recommendation 8

Defra should consider in its evaluation of EPPS duty implementation, due by November 2025, the extent to which the EPPS duty has influenced specific policy decisions to be more coherent with delivering government's environmental commitments, particularly the targets, plans and strategies referred to in recommendation 1.

Defra should seek to gather, and publish, the evidence that exists to enable such consideration.

Defra should assess how the EPPS has been taken into account from the start of, and throughout, policy development. For this to be done effectively it will require improved transparency (see recommendations 3 and 6).

Government's response to recommendation 8

The Defra-led review of EPPS implementation across government is ongoing and due to complete by November 2025. The Defra review will include both a process and an impact evaluation and will be supported by existing monitoring data and primary research.

As well as considering how well the implementation of the duty has been supported across government and the effectiveness of this support, the review will consider the impact of the duty, in line with this recommendation made by the OEP. The review will also provide insight on how the EPPS duty is engaged with throughout the policymaking process, and consider the extent to which the application of the duty to specific policy decisions has interacted with government's wider environmental commitments, such as statutory targets, plans and strategies. The Defra review will rely primarily on qualitative insight, so will provide insights about how the duty is being embedded and early impacts, but it may not be representative of the impacts of the duty across all policies or departments. Impacts of the duty may also be further understood in the upcoming Post Implementation Review of the Environment Act 2021.

In line with best practice guidelines for publishing of research projects, the government will consider publishing the Defra-led review of EPPS implementation across government.

Annex A: List of the OEP's recommendations

Recommendation 1 – update the EPPS

Defra should amend the EPPS so that it clearly and tangibly directs policymakers to consider how their policy can support government in meeting its environmental targets and delivering its plans and strategies for doing so.

The targets referred to should include those government relies on to collectively deliver a significant environmental improvement as set out in Defra's January 2023 report to Parliament under section 7 of the Environment Act. Reference to plans and strategies should include reference to the EIP, Net Zero Strategy and Carbon Budget Delivery Plan.

These amendments could be made, for example, by incorporating consideration of targets and their associated plans and strategies into the section of the EPPS dealing with the integration principle.

Recommendation 2 – update the EPPS explanatory memorandum

Defra should swiftly update the EPPS explanatory memorandum to refer to considering how policy making can support delivery of the targets, plans and strategies covered by recommendation 1.

Recommendation 3 – update EPPS duty guidance

Defra and other government departments should update their guidance and templates developed to support implementation of the EPPS duty to:

- create a clear and strong link between the EPPS and relevant environmental targets and their delivery plans and strategies (see recommendation 1)
- clarify the relationship between EPPS assessment and other assessments (such as natural capital assessments)
- aid policymakers' understanding of what constitutes a 'policy' decision to which the EPPS duty applies
- provide additional guidance and examples from practice for determining proportionate application
- set expectations for the audit trail of how the EPPS has been considered throughout the policy development process, and

- set the expectation that EPPS assessments should be published to improve transparency and consistency (see recommendation 6).

Additionally, departments should review and update guidance and templates in response to other formal reviews of EPPS implementation.

Recommendation 4 – update the HMT Green Book

Defra and HMT should uphold their commitments to include reference to the EPPS in updates to the Green Book and supplementary guidance. This should be done as soon as possible.

Recommendation 5 – update other cross government guidance

Government should update policymaking guidance, templates and processes to include reference to the EPPS duty and to clarify the relationship between this and other requirements (such as for natural capital assessments and decarbonisation). The relevant government department in each case should update the following as a priority:

- Cabinet Office Write-round processes
- Cabinet Office Guide to Making Legislation
- Department for Business and Trade (DBT) Better Regulation Framework
- DBT Options Assessment guidance and templates
- DBT Post implementation review templates
- HMT Business Case guidance and templates

Recommendation 6 – publish EPPS assessments

Government departments should publish their EPPS assessments, showing how they have implemented the EPPS duty in respect of their policymaking decisions, specifically in the cases of:

- Impact assessments
- Policy announcements
- Environmental assessments
- Evidence reports
- Consultations

Government should clarify in guidance the expectation in respect of publication (see recommendation 3). Government should also consider making public the findings from any internal evaluation/review as to the implementation of the EPPS duty.

Recommendation 7 – continue to embed the EPPS duty

Defra should consider, on an ongoing basis as well as part of any formal evaluation:

- the extent to which guidance and training on EPPS duty implementation has been accessed, taken up and followed in practice across all government departments and professions (e.g. policy and legal professions), and
- the extent to which EPPS duty implementation is being led from the top (by Ministers, Cabinet Office, HMT, Mission Boards and senior civil servants).

This should include consideration of the knowledge, skills and preparedness of senior leaders involved in effectively embedding the EPPS duty across government.

Recommendation 8 – evaluate the impact of the EPPS duty

Defra should consider in its evaluation of EPPS duty implementation, due by November 2025, the extent to which the EPPS duty has influenced specific policy decisions to be more coherent with delivering the government's environmental commitments, particularly the targets, plans and strategies referred to in recommendation 1.

Defra should seek to gather, and publish, the evidence that exists to enable such consideration.

Defra should assess how the EPPS has been taken into account from the start of, and throughout, policy development. For this to be done effectively it will require improved transparency (see recommendations 3 and 6).

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