

Rt Hon Dr Thérèse Coffey MP
Secretary of State for Environment, Food and Rural Affairs
The Department for Environment, Food and Rural Affairs
2 Marsham Street
London
SW1P 4DF

The Joinery,
34 Drayton Park,
London N5 1PB,
United Kingdom

Sent by email only to: secretary.state@defra.gov.uk

Also for the attention of the Parliamentary Under Secretary of State, Trudy Harrison MP.

Dear Secretary of State,

As Environment Secretary you have a duty to protect the health of people and the environment from environmental risks such as air pollution. We are, therefore, writing to you as representatives of health and environmental experts, practitioners and NGOs to ask that you reconsider the impact that the Retained EU Law (Revocation and Reform) Act 2023 (the “Act”) will have on air quality protections for people and nature in the UK.

Specifically, we urge you to exercise your powers under the Act to remove Regulations 9 and 10 of the National Emission Ceilings Regulations 2018 (the “NEC Regulations”) and the Commission Implementing Decision (EU) 2018/1522 (the “Implementing Decision”) from Schedule 1 of the Act, so that they are not removed from the statute books at the end of this year. These vital pieces of retained EU law provide a framework for robust plan making to ensure that emission reduction commitments can be met and a requirement to ensure that the public has a say in government policy.

Clean air is essential for delivering a healthy environment that can support prosperous and resilient communities across the UK. The five air pollutants that the NEC Regulations aim to reduce are known to harm people’s health. While air pollution affects all of us, some are more vulnerable than others, including children, older people and those with chronic health conditions. Some members of our communities are also disproportionately affected by higher levels of pollution, including people from low-income households or ethnic minorities, as well as outdoor workers.

Furthermore, these pollutants are also known to damage the natural and built environments, as well as food production. For example, ammonia and nitrogen oxides are contributing to excessive levels of reactive nitrogen in our air, soil, and water, which has a detrimental impact on biodiversity and ecosystems. This is one of the greatest threats to the UK’s wildlife and habitats and is also making it much more challenging to reach the UK’s domestic and international law biodiversity targets. Air pollution can also reduce crop yields, including wheat, potato, oilseed rape, and through leaf damage to vegetable crops.

We recognise that the overarching emission reduction targets under the NEC Regulations are set to remain in place. However, removing Regulations 9 and 10, and the Implementing Decision would seriously undermine confidence that government will properly plan to comply with these legal promises to reduce harmful pollution, and may also prevent meaningful public scrutiny of the adequacy of those plans. This is [evidenced by ClientEarth’s analysis comparing the NEC Regulations provisions to those in the Environment Act 2021 framework](#), which you

have said duplicate each other. The analysis shows multiple instances where these regulations significantly diverge, with the NEC Regulations provisions providing a much higher level of accountability and transparency. Accordingly, such analysis demonstrates how the removal of Regulations 9 and 10 and the Implementing Decision would constitute the removal of protective regulation.

The Office for Environmental Protection has repeatedly raised similar [concerns](#) that the changes to the NEC Regulations under the Act would weaken accountability and transparency and could lead to regression in environmental safeguards. Your government has made [assurances](#) in Parliament that the REUL Act will not lead to a row back on environmental protections but this simply does not square with how these important laws are being watered down.

Under the REUL Act, the UK government has specific and straightforward powers to remove retained EU law from Schedule 1 through secondary legislation by the 31st October 2023. We therefore urge you to use this power while there is still time to ensure that a robust framework remains in place and that the public are given the opportunity to have their say in environmental policy that affects their lives and protects their health.

Yours sincerely,



Kyle Lischak, Head of UK, ClientEarth

Sent on behalf of the following:

- Douglas Booker, Chief Executive Officer, National Air Quality Testing Services and UKRI Regional Clean Air Champion for the West Midlands to the North West of England
- Professor David Fowler CBE, FRS, FRSE
- Christopher Fry, Member of Institution of Environmental Sciences Environmental Policy Implementation Community
- Professor Roy M. Harrison OBE, FRS, School of Geography, Earth & Environmental Sciences, University of Birmingham
- Dr Kevin Hicks, SEI, University of York
- Professor Sir Stephen Holgate CBE, FMedSci. Special Advisor to the RCP on Air Quality, Faculty of Medicine, University of Southampton
- Graham Jukes OBE Former Vice President of EPUK, former CX of The Chartered Institute of Environmental Health and specialist advisor to the board of Public Health England
- Professor Frank Kelly, Battcock Chair in Community Health and Policy, Imperial College London
- Professor Maria Lee, Faculty of Laws, University College London

- Professor Paul Lewis, Professor Emeritus, Medical School, Swansea University
- Professor James Longhurst, Assistant Vice Chancellor and Professor of Environmental Science, UWE Bristol
- Dr Mark R. Miller, Reader in Air Pollution and Health, University of Edinburgh
- Dr Audrey de Nazelle, Senior Lecturer, Centre of Environmental Policy, Imperial College London
- Dr Matthew Loxham, BBSRC David Phillips Fellow, Faculty of Medicine, University of Southampton
- Professor Glenn Lyons, Professor of Future Mobility, UWE Bristol
- Ian Mudway, Senior Lecturer, Imperial College London; Gresham College Visiting Professor for Environmental Health.
- John Murlis, former Chief Scientist of the Environment Agency, former President and Trustee of Environmental Protection UK
- Derek Osborn CB, former Director General of Environmental Protection DOE, and former President of the National Society for Clean Air
- Dr Heather Price, Senior Lecturer in Environmental Geography, University of Stirling
- Henry Gregg, Director of External Affairs, **Asthma + Lung UK**
- Kit Stoner, Chief Executive, **Bat Conservation Trust**
- Matt Shardlow, Chief Executive, **Buglife**
- Louise Hosking, Executive Director of Environmental Health, **Chartered Institute for Environmental Health**
- Oliver Lord, Head of UK, **Clean Cities Campaign**
- Paul Miner, Head of Policy & Planning, **CPRE the countryside charity**
- Dr Anna Watson, Director of Policy & Advocacy, **CHEM Trust**
- Roger Geffen, Policy Director, **Cycling UK**
- Clare Lyons, Director of Policy, Advocacy and Campaigns, **Friends of the Earth England, Wales and Northern Ireland**
- Larissa Lockwood, Director of Clean Air, **Global Action Plan**
- Shaun Spiers, Executive Director, **Green Alliance**
- Matt Towner, Programme Director (Health Effects of Air Pollution), **Impact on Urban Health**
- Luke Murphy, Associate Director and Head of the Fair Transition Unit, **IPPR**
- Tanya Braun, Director of Policy & Communications, **Living Streets**

- Jemima Hartshorn, Founder and Director, **Mums for Lungs**
- Daniel Kebede, General Secretary, **National Education Union**
- Harry Bowell, Director of Land and Nature, **National Trust**
- Nicola Hutchinson, Director of Conservation, **Plantlife**
- John Moloney, PCS Assistant General Secretary, **Public and Commercial Services Union**
- Gareth Morgan, Head of Policy, **Soil Association**
- Ben Reynolds, Deputy Chief Executive, **Sustain: the alliance for better food and farming**
- Graham Petersen, **Trade Union Clean Air Network**
- Chris Todd, Director, **Transport Action Network**
- Matt Finch, UK Policy Manager, **Transport & Environment**
- Dr Elaine Mulcahy, Director, **UK Health Alliance on Climate Change**
- Chris Butler-Stroud, Chief Executive Officer, **WDC, Whale and Dolphin Conservation**
- Richard Benwell, CEO, **Wildlife and Countryside Link**
- Emily Hunter, Policy Advocate Land Use, **The Woodland Trust**

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