



# A green watchdog with teeth

## The UK government has announced plans for a new ‘world-leading’ green watchdog.

Without the European Commission’s oversight of laws enforcing cleaner beaches and cleaner air, the UK needs a strong and fully independent body to uphold our laws and champion our environment.

This new body must be able to hold the government and public bodies to account when they fail to meet environmental obligations.

We now have the opportunity to improve the effectiveness of environmental law in the UK. We can amplify the voices of people and nature, shine a light on poor implementation of the law, and empower the public and courts to respond meaningfully to illegal action or inaction.

### Strong legal powers

The new watchdog should be tasked with reviewing and improving compliance with environmental law by government and public bodies.

It should work collaboratively and cooperatively – but it also needs to have the power to take court action where this falls short. Legal power will be essential to give the watchdog teeth.

To improve legal compliance, the watchdog should be empowered to:

- Conduct inquiries looking at systemic problems in particular policy areas. It should be able to make recommendations that public authorities must follow, unless they have good reason not to
- Review and respond to government plans affecting the environment. The body’s reviews should be sent to parliament for debate and be responded to by government
- Undertake formal investigations with the power to issue binding action plans and compliance notices that will be enforceable before the courts

Environmental obligations should not be a ‘box-ticking’ exercise. Having the quality of government decisions reviewed in an expert forum will force the government to take our natural world seriously.

### Innovative solutions

The goal of the new body is simple – improve compliance with environmental law. But for its recommendations to be effective, its word must carry technical, political and legal weight, with the courts empowered to back it up when necessary.

If public authorities repeatedly break the law, courts should be able to issue specific orders that require them to follow the watchdog’s recommendations. This will reinforce the powerful expertise the body will have and ultimately protect our environment.

# A blueprint for an effective watchdog

## Properly resourced

**Having adequate expertise, money and resources is key if this body is to defend our environment properly. All current and future laws to protect our environment will depend on it.**

While its budget will not be anything like that required for a delivery agency like the Environment Agency (£1.3bn), we can look to organisations like the National Audit Office (£63.1m), the Equality and Human Rights Commission (£18m) and the Information Commissioner's Office (£25m) for comparison.

With poor air quality costing the UK economy £20bn a year according to the NHS, the watchdog will provide value for money, saving the taxpayer money in the long run.

Importantly, the funding for the body must be ring-fenced and protected from government cuts. It should be funded by parliament directly to ensure this.

The watchdog will need expert and respected staff. They should come from different disciplines like law, science, planning and philosophy to ensure a range of views and expertise.

## Involves the public

**Having a watchdog that can speak up for our countryside, forests, rivers and lakes will ensure nature is protected and continues to inspire us all.**

This body cannot be another faceless bureaucracy. It must reach out and work with communities affected by environmental problems.

People should be able to submit a complaint to the watchdog when they see their environment come under threat. And clear and accessible complaints processes must ensure people are included from start to finish.

By properly involving and reflecting their views in decision-making, the British public will have genuine control over government plans that affect their homes, lives and the planet.

## Independent from government

**Because the watchdog will be responsible for overseeing the government's action (or lack of action) on the environment, it is crucial that it is not hand-in-glove with government departments.**

Other environment bodies like Natural England have had their independence eroded over the past decade. This has prevented them from fulfilling their statutory duties to champion wildlife.

A lack of independence will undermine this body from the outset. Ministers cannot be allowed to meddle in the watchdog's work. Its key ties should be with parliament(s) rather than government(s), for example:

- The watchdog should be funded directly by parliament
- Key staff should be appointed by parliament
- It should report to and be accountable to parliament

## UK-wide

**The governance gap that will open up when Britain leaves the EU affects the whole of the UK. New enforcement and oversight mechanisms must cover the entire country.**

Nature does not respect borders and upholding the same high standards across the UK will make sure our environment continues to thrive.

The environment is a devolved matter, so exactly how this is done will require collaboration across all parts of the country.

A joint watchdog that is co-designed and co-owned will give us the best chance to meet our environmental goals, protecting everything from the Scottish Highlands to the Welsh coast.

It will also have a better chance of securing the independence and resources it needs to protect people and the planet.

**ClientEarth is a charity which uses the power of the law to protect the planet. We find practical solutions to the Earth's most pressing challenges.**

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