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Mr Maurice Frankel
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Dear Maurice,

Thank you for your joint letter of 8 August to the Secretary of State about the provisions on disclosure of information in the draft Environment (Principles and Governance) Bill. I am replying as the Minister responsible for this policy area and apologise for the delay in doing so.

The provisions set out in clause 28 of the draft Bill were intended to provide adequate protection for confidential information during ongoing enforcement proceedings by the Office for Environmental Protection (OEP). They were not an attempt to disapply the Environmental Information Regulations 2004, nor restrict the public's right to environmental information. Following feedback from stakeholders on the draft Bill and recognising the concerns you have raised in your letter, we note that the wording of clause 28 of the draft Bill was open to differences in interpretation and we have worked to address this in the final Bill.

The Environment Bill was introduced on 15 October and transforms our environmental governance by introducing world-leading, legal commitments to our natural environment. Clause 38 in the Bill replaces clause 28 of the draft Bill and we hope you will agree that it provides greater clarity on the confidentiality of proceedings during the OEP's enforcement process, as well as ensuring that such confidentiality is not open-ended.

We recognise that transparency is essential for good governance and additional measures in the Bill will ensure that the OEP will act in an open and transparent manner. These measures include the duty on the OEP to make a public statement at different stages of enforcement proceedings and the requirement to set out how it will have regard to the need to act transparently in its strategy.

Thank you once again for taking the time to contact the Secretary of State about this important issue. Please let me know if I can be of any further assistance with this or any other matters in the future.

Yours
Sincerely

REBECCA POW MP

