

Response ID ANON-YWMR-VBZN-F

Submitted to The OEP Strategy and Enforcement Policy
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About you

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Are you responding as an individual or on behalf of your organisation?

On behalf of an organisation

If responding on behalf of your organisation, what is its name?

Please give your answer in the text box:

Anglian Water

Do you consent to your response being published? Please note we will not publish your name or the name of your organisation without first getting your consent.

Yes

Delivering our strategic objectives

1 Do you have any comments on section 2.2 of our strategy (Sustained environmental improvement)?

Please give your answer in the text box:

We deeply share the OEP's mission to protect and improve the environment, as is clear in our purpose to 'bring environmental and social prosperity to the region we serve through our commitment to Love Every Drop'. We were the first water company to ensure that our purpose was enshrined in our Articles of Association, which put simply, means that our Board must take account of the wider impact Anglian Water has on our customers, communities, and the environment in all aspects of decision making. We are pleased to read that the OEP's strategic objectives keep the environment and people at the core of delivery plans, and we fully support the OEP's intention to act strategically to make the most difference to the environment.

We support the aim to achieve ambitious national plans, goals and targets for the environment. We have been feeding into conversations and consultations about potential Environment Act targets for some time, via consultations, round tables and networks. We have been particularly vocal in support of a national target on water consumption which goes beyond PCC and to look at the whole distribution input of water into the network.

2 Do you have any comments on section 2.3 of our strategy (Better environmental law, better implemented)?

Please give your answer in the text box:

We support the detailed scrutiny of environmental law design and implementation. To enable the desired outcomes for the environment and people's health and wellbeing a full and detailed understanding of complexed problems is needed. For example, the issue of river water quality will not be solved by addressing storm overflows alone, as they account for less than one per cent of the reasons why rivers fail good ecological status in the Anglian Water region (~4% nationally). A holistic and detailed view must be taken, which involves multiple stakeholders and a full understanding of the contributing factors.

We are glad to read that the OEP will outline priority areas in a corporate plan and that we will get the opportunity to respond to these if and when they impact us. In this vein we would like to initiate an open and transparent dialogue with the OEP and work together for the protection of the environment.

3 Do you have any comments on section 2.4 of our strategy (Improved compliance with environmental law)?

Please give your answer in the text box:

We agree that it is the OEP's responsibility to hold government and other public authorities to account for compliance with environmental law. We would, however, hope to work with the OEP proactively on priority areas before enforcement proceedings are necessary. Anglian Water and the OEP want the same thing – to protect and enhance the environment – therefore we want to work as partners towards this end and welcome interaction and communication between our organisations at a very early stage.

We have recently written to Dame Glenys Stacey to welcome her to meet with Anglian Water's CEO Peter Simpson to start these conversations.

4 Do you have any comments on section 2.5 of our strategy (Organisational excellence and influence)?

Please give your answer in the text box:

We support the OEP's intention (which they explained in the Aldersgate/Broadway roundtable) to sign post complaints to the existing channels which already exist and to act strategically to tackle systemic problems, where resource can be best used.

However, the plan to 'draw on specialist support and economies of scale from across government where these are most effective and efficient' could potentially contradict the intention to 'act with full independence of judgement'. The independence of the OEP is critical to its success and integrity, we would therefore like to know more about plans to ensure and protect this status at all stages.

5 Do you have any comments on whether our four strategic objectives will lead us to pursue our principal objective and achieve our mission?

Please give your answer in the box :

We would like to see more emphasis in this section on building relationships with relevant stakeholders and the public bodies under the OEP's jurisdiction.

Our intention is to work regularly and openly with the OEP as partners with many of the same mission and objectives. An approach of collaboration and openness will enable better sharing of expert knowledge, data, case studies and more and will help drive towards both organisation's missions. Working together will also enable early flagging of future problems and risks, which is of benefits for both organisations. Although this is mentioned in section 3.8 it would also be useful to have reference to this here.

How we will prioritise

6 Do you have any comments on our approach to prioritisation?

Please give your answer in the text box:

We welcome a proactive approach from the OEP on river water quality and we would welcome the opportunity to work together on this important topic as a priority. In order to drive our own efforts across Eastern England forward at scale and at pace, we have recently appointed a new Director of Quality and Environment to lead this work internally. We welcome correspondence from the OEP on this topic now or in the future.

More generally, we support the approach from the OEP to act strategically and deliver best value for money for the taxpayer. We also support the intention to be transparent about which issues are prioritised and which are not.

The 'strategic fit' consideration includes an appreciation of what other regulators might already be doing in an area and how the OEP might compliment that. It would be useful to have more clarity about where lines might be drawn between regulator responsibilities. We appreciate this will be, to some degree, a case-by-case basis, but more information about the approach taken to this with examples would be useful.

Enforcement

7 Do you have any comments on our approach to determining whether a failure is serious?

Please give your answer in the text box:

This approach has been designed for an incident or event, so it is more difficult to see how it might be applied to a low level, diffuse or compounding problem, such as air pollution or litter.

Otherwise, we agree with the approach.

8 Do you have any comments on our approach to determining whether damage is serious?

Please give your answer in the text box:

We are happy to see that frequency and mitigating factors feature in the approach. Especially relating to when the public authority acted in good faith with all reasonable due diligence.

9 Do you have any other comments on our approach to enforcement?

Please give your answer in the text box:

We agree that the OEP's resources are best spent focusing on when failures to comply with environmental law are systemic, recurrent or may cause serious harm.

As the OEP develops its corporate plan we would like clarity on what constitutes as 'within remit' for the OEP and what is within the remit of other regulators.

Scrutinising Environmental Improvement Plans (EIPs) and targets

10 Do you have any comments on our approach to balancing our activities between monitoring overall progress and monitoring selected areas in more detail?

Please give your answer in the text box:

We see the role of the OEP as strategic and high level, focusing resources on systemic and strategic issues. However, in order to fully understand the situation and progress of a given focus area there will be a need to be more involved in the detail to add insight and value. We agree with this approach.

The new Environment Act Targets will be important tool in driving change; therefore, we welcome full scrutiny and detailed review of them. It will also be important to have regular monitoring and interim targets set out in the target's delivery plans.

11 Do you have any other comments on our approach to scrutinising EIPs?

Please give your answer in the text box:

We are glad to see that the government must respond to all of the OEP recommendations and in a timely manner.

There is a high level of public interest on the OEP and especially the Environment Act targets, therefore we are pleased to see that publications will be accessible and in various formats. Public confidence in the OEP will depend on the OEP holding government to account on its commitments, so we are pleased to see the OEP's approach to scrutinising EIPs is thorough.

Scrutinising environmental law

12 To what extent do you agree with our interpretation of how we will scrutinise the implementation of environmental law?

Please give your answer in the text box:

We support the OEP's interpretation. The Environment Act has left much of the detail of environmental law to secondary legislation and executive power. Further, improvement in the water environment will be strongly influenced by the implementation of policies such as Biodiversity Net Gain, Environmental Land Management and the new WINEP methodology (water industry national environment programme).

We therefore welcome the OEP's intention to look beyond legal compliance alone.

13 Are there any other approaches to scrutinising the implementation of environmental law you think we should consider?

Please give your answer in the text box:

Nothing to add

14 Do you have any other comments on our approach to scrutinising environmental law?

Please give your answer in the text box:

We are pleased to read that the OEP will keep stakeholders informed and welcome our input. We are very happy to provide information where necessary.

Advice

15 Do you have any comments on our approach to advice?

Please give your answer in the text box:

The independence of the OEP is extremely important to its success and reputation. It would be useful to hear more about how the OEP will interact with ministers and officials in a way which will ensure independence.

We would be happy to feed into consultation responses, provide data or case studies where relevant.

How we will work with others

16 Do you have any comments on how we will work with others?

Please give your answer in the text box:

We agree that many organisations within and outside government play a role in environmental protection and improvement, including public authorities. We take our role in protecting the environment extremely seriously, as is clear in our purpose and articles of association.

Therefore, our intention is to work regularly and openly with the OEP as partners with many of the same mission and objectives. An approach of collaboration and openness will enable better sharing of expert knowledge, data, case studies and more and will help drive towards both our missions. Working together will also enable early flagging of future problems and risks, which is of benefits for both organisations. Therefore, we are happy to hear this is also the intention of the OEP.

However, managing such a high number of stakeholders across many different fields will take time and resources for the OEP. This should be reflected in costings and timelines in the first OEP Corporate Strategy.

Objectivity, impartiality, proportionality and transparency

17 Do you have any comments on our approach to objectivity?

Please give your answer in the text box:

The OEP's reputation and effectiveness will rest on its objectivity and impartiality. We welcome the OEP's stance on objectivity. We agree it is important to take an evidence-based approach, which draws on the full range of knowledge available, including citizen science, and is responsive to changes in available evidence.

18 Do you have any comments on our approach to impartiality?

Please give your answer in the text box:

More detail about how the OEP will protect the impartiality of judgements and independence of thinking would be useful. For example, there could be opportunities for self-reflection or peer review of decisions.

19 Do you have any comments on our approach to proportionality?

Please give your answer in the text box:

It might also be worth considering how the involvement of other regulators might determine the proportionality of response will be from the OEP. For example, if a water company is already managing an issue with DWI or the EA, the OEP still might want to be involved, but the involvement might be smaller than otherwise.

20 Do you have any comments on our approach to transparency?

Please give your answer in the text box:

We fully support the principle that decisions and outputs of the OEP should be useful and understandable for all citizens through using a range of formats to disseminate the information.

We also welcome meetings, roundtables and dissemination events for stakeholders and public authorities to be kept up to date with publications and decisions.

General comments

21 Do you have any other comments on our strategy?

Please give your answer in the text box:

Thanks to Aldersgate Group and Broadway for facilitating the roundtable which we attended. This was very informative and helped shape the response of this consultation.

22 Do you have any other comments on our enforcement policy?

Please give your answer in the text box:

Nothing to add

23 Overall how satisfied are you that the strategy and enforcement policy provide a sound basis for the OEP to fulfil its remit?

Very satisfied

Consultee feedback

Overall how satisfied are you with the process of completing this consultation?

Very satisfied

Please give us any comments you have on your experience in completing this consultation, including any suggestions on how we could improve it.

Comments on your experience in completing this consultation any any suggestions for improvements:

Nothing to add