

Cornwall Catchment Partnership (CCP)

Policy on Enforcement Undertakings (EUs)

1. Purpose and Scope

This statement outlines Cornwall Catchment Partnership's agreed approach to supporting the development and delivery of Enforcement Undertakings (EUs) that relate to water environment incidents within our catchments. The aim is to maximise local environmental benefit and ensure coordinated, transparent, and efficient engagement with local delivery organisations.

2. What is an Enforcement Undertaking?

An enforcement undertaking is a voluntary offer made to the Environment Agency (EA) by an offender to:

- put right the effects of their offending
- put right the impact on third parties
- make sure it cannot happen again.

If the EA accepts the offer it becomes a legally binding agreement between the EA and the business or person who makes the offer. The EA will only consider accepting an enforcement undertaking for cases where:

- It is not in the public interest to prosecute
- The offer itself addresses the cause and effect of the offending
- The offer protects, restores or enhances the natural capital of England

The offender also cannot directly benefit from the outcomes of projects delivered through their offer. Further information is available on the [Environment Agency website](#).

3. Local Context

In the past, offenders within the local area have sometimes independently approached multiple charities at the same time to explore and develop potential EU projects for the same incident. This fragmented process can create risks such as missed opportunities to prioritise project outcomes, limited potential for collaboration, duplication of effort and inefficiencies arising from confidentiality constraints.

4. Agreed Partnership Approach

To streamline this process and optimise environmental outcomes, the Catchment Partnership will serve as the initial point of contact for offenders considering water environment related EUs. The Partnership already maintains a project pipeline of shovel-ready projects and aspirations and brings together local knowledge and expertise. The Partnership Officer will maintain an email list of delivery organisations (e.g. local charities – see appendix) who have expressed an interest in the delivery of local EUs to use as a basis for discussion of any future EU opportunities.

5. Process for Offenders to Engage with the Partnership

If an offender wishes to develop an offer, we recommend the following process is followed:

1. The offender contacts the Catchment Partnership Officer with basic information on the offence (e.g. category of pollution incident, location, indicative financial value).
2. The Officer circulates non-identifiable information on the opportunity to the list of local delivery organisations who have expressed interest in EU project delivery.
3. Interested organisations review any local opportunities for projects and indicate whether they wish to proceed.
4. The Officer connects interested delivery partners with the offender for further discussion and development of the EU offer.

All conversations held as part of this process are confidential and the wider partnership and external parties, including any Environment Agency representatives, will not be involved or informed of any discussions held as part of the above process.

6. Additional Considerations

- There may be situations where the offender knows a delivery partner owns land or has a shovel ready project close to where the offence has occurred. In these scenarios, it may still be most appropriate for the offender to contact the delivery partner directly without involving the catchment partnership.
- If a CCP delivery partner is contacted directly by an offender and they do not have a shovel ready project in the area, the partner should share this policy with the offender and encourage the offender to use the CCP process.
- Unless explicitly requested otherwise by an offender, the Catchment Partnership Officer will contact all potential delivery partners regarding each offer at the same time. While the Catchment Partnership Officer is hosted by Cornwall Wildlife Trust, the Officer will ensure all delivery partners are treated equally within this process.
- Offenders are encouraged to fund project scoping where appropriate to support proposal development.
- The Catchment Partnership will promote this coordinated approach to relevant stakeholders, including legal firms and environmental consultants.
- The effectiveness of this process will be reviewed after one year.

7. Contact

For EU-related enquiries, please contact the Catchment Partnership Officer at catchmentpartnership@cornwallwildlifetrust.org.uk

Appendix

Delivery Organisations to be included in email distribution list:

- Angling Trust
- Cornwall Community Flood Forum
- Cornwall Wildlife Trust
- FWAG SW
- National Trust
- South West Lakes Trust
- Westcountry Rivers Trust
- Woodland Trust