



Office for Environmental Protection

Minutes

Meeting of the Board

Wednesday 27 April – 9am

Online via Microsoft Teams

Members

Malcolm Beatty OBE	Board Member
Richard Greenhous	Chief of Staff
Julie Hill MBE	Board Member
Professor Dan Laffoley	Board Member
Dr Paul Leinster CBE	Board Member
Professor Richard Macrory CBE	Board Member
Natalie Prosser	Interim CEO
Dame Glenys Stacey	Chair

Attendees

Peter Ashford	General Counsel
Simon Brockington	Chief Insights Officer
Alexis Edward	Head of Finance and Corporate Services
REDACTED	Principal Business Officer (item 22.36 and 22.37)
Mike Fox	Head of Communications and Strategic Relations
Andy Gill	Head of Environment and Climate Analysis (item 22.34)
REDACTED	Principal Environmental Scientist (item 22.34)
Andy Lester	Head of Business Strategy and Planning
Helen Venn	Chief Regulatory Officer
REDACTED	Business and Governance Officer (Secretariat)

22.30 **Welcome, apologies for absence and declarations of interest**

There were no apologies for absence. The Chair welcomed Malcolm Beatty to the Board. The Board congratulated Natalie Prosser on her appointment as the OEP's inaugural Chief Executive Officer.

22.31 **Minutes and matters arising**

Malcolm Beatty declared an interest as a sailor in a marine protected area (item 22.36).

The Board AGREED the minutes of the meeting of 17 March 2022 and noted the Matters Arising. ACTION Chair and CEO to meet before future Board meetings to discuss progress with Matters Arising.

22.32 **Report of the Interim CEO**

The Board was updated on advice submitted on government's Biodiversity Net Gain and Joint Fisheries Statement consultations. There are plans to publish following the elections in May. The Chair and CEO had met with Minister Pow on 27 April 2022 where both responses were noted. The Board expressed concern at the continued delay to government's publication of the Environmental Principles Policy Statement. The OEP continues to make the case for prompt publication.

The CEO reported that the OEP remains extremely stretched, given the work programme and current headcount. The Executive has prioritised 13 additional temporary posts, alongside the 8 posts expected to be funded by DAERA to progress immediately. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.* The CEO estimated that these roles will be filled in the next two to three months.

The Northern Ireland budget continues to be negotiated and is not yet agreed, although the CEO is optimistic that an appropriate level of funding will be reached.

The Board discussed the approach proposed to advise government on the recently published Nature Green Paper. The Board considered coherence as between the green paper, government's consultation on statutory targets and other policy, and the urgency and commitment to action. It noted the high-level of the green paper, *this section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*

The Board noted progress in assessing complaints in accordance with the draft strategy and enforcement policy, and its attention was drawn to those which appear to be more serious. It was informed that the CEO is to meet the local MP for Walley's Quarry in Staffordshire, following recent press coverage of correspondence with a complainant.

The Board discussed our approach to transparency in this context and more widely, noting that transparency is a matter scheduled for consideration more fully at a future Board meeting. ACTION Head of Business Planning and Strategy.

The CEO asked the Board to note that the OEPs permanent office space may be at an alternative site *this section has been redacted as its publication would be prejudicial to commercial interests.*

22.33 **Advice on statutory targets**

The paper was introduced by the Head of Environment and Climate Analysis. The Board was reminded that the OEP is analysing the targets under themes of coherence, comprehensiveness, ambition and achievement.

This analysis has been supported by a wide range of stakeholder engagement – including discussions with the Science Advisory Committee Targets group. Full scrutiny of the proposals has not yet been possible, as the underpinning evidence pack has not yet been released.

The Board re-confirmed the existing analytical approach now that the proposed targets are available, having received assurance from officers that it is providing effective. The Board made suggestions for further analytical approaches to complement the agreed approach, including specific analysis for each target, and international comparisons (e.g. with the United States, Canada and Australia).

The Board considered and commented on the initial analysis of the individual targets presented. It discussed whether our advice should focus on the individual targets, the targets as a whole, or both. The Board noted that there appears some incoherence, a lack of explanation for the choice of target, no ranking of importance and some targets missing – *this section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*

The Board considered that a clear separation in government's evidence between the need for a target, and the technical and economic feasibility would be helpful, in making scrutiny easier.

The Board expressed strong concern that the timelines proposed are insufficient for the scale of the challenge in a number of areas including biodiversity and species abundance, and marine. The Board queried whether the proposed targets are at the right point in the system to effect systemic change in the way needed, citing the waste target as an example.

The Board recommended a drop, add, amend or commend categorisation for each target, to best structure our advice.

ACTION Chief of Staff, Head of Environment and Climate Analysis and Malcolm Beatty to discuss woodland cover target.

The Board **AGREED** to stand ready to approve the OEP's commentary on each of the targets and any general messages ahead of the consultation closure date when it becomes known.

The Board acknowledged that we will collaborate with the Climate Change Committee as it develops its response, but decline its invitation to submit a single joint response, given our distinct role and its relevance here.

22.34 **Stakeholder Engagement Strategy**

The paper and accompanying annexes were introduced by the Head of Communications and Strategic Relations. The Board considered the three draft strategies in the Annexes to the paper, noting that the final strategy is to be agreed by the CEO.

The Board provided comment on the stakeholder engagement plan. It recommended a greater focus on early definition of our brand so we can articulate our brand values across all outlets. OEP brand values may include clarity, consistence, accessibility and inclusive imagery.

The Board urged a clear definition of stakeholders (including those we do not aim to reach through this channel) and clarity on the purpose of engagement with discrete stakeholders and groups. ACTION Head of Communications and Strategic Relations to meet with Julie Hill to help develop stakeholder approach and brand.

The Board suggested that the OEP should have a presence at all significant environmental conferences. ACTION Head of Communications and Strategic Relations to engage with the Board on important environmental conferences if capacity allows for an OEP presence.

The Board noted that the communications plan is driven by credibility, influence and impact. It noted and approved the intention to engage the whole organisation in our communications' efforts.

The Board questioned whether the media plan is sufficiently ambitious. It argued that the OEP should build relationships with key journalists outside of the environmental media, and look for opportunities for occasional and purposeful op-eds. The Board encouraged a focus on protecting people, as well as the environment in our media messages.

The Board advocated for proactive media training for Board members. The Board noted that we may expect some greater scrutiny of our work as our profile is raised. Officers should consider whether this should be reflected in the risk register. ACTION Head of Business Planning and Strategy. The Board will also need pre-prepared lines to take on key issues. ACTION Head of Communications and Strategic Relations.

The Board agreed to one strategic approach for England and for Northern Ireland, but the plan should be tailored for a Northern Ireland audience. It was noted that for Northern Ireland stakeholders, Malcolm Beatty might appear alongside the Chair at times.

The Board considered the roles of Board members, in responding to invites to address conferences and stakeholder events. ACTION Head of Communications and Strategic Relations to develop a suitable procedure for Board members.

22.35 **Finance report**

The report was presented, and the Board considered the draft financial headlines and analysis for the period to 31 March 2022. The format of the report will be changing for future iterations to provide more detail and to be more user friendly. The Board requested that the new format includes information on variance, and also an explanation of the level of accuracy they can expect. ACTION Head of Finance and Corporate Services.

The Board noted that the 2022/23 budget will be considered by the Board at its June meeting. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*

The Board recognised the value of good sequencing, as between ARAC business and then Board business, so as to maximise the efficiency and effectiveness of both bodies. ACTION Head of Finance and Corporate Services and Head of Business Planning and Strategy.

22.36 **Priority areas for business and corporate plan**

The Board noted the analysis of the OEP's current capacity and capability. Some 'build' activity is still to be completed, including recruitment to vacant posts. It discussed the risks of not maximising the OEP's impact through an underspend of resources caused by capacity constraint. It welcomed the Executive's proposal to over-programme by around 20%, and manage budgetary pressures through prioritisation in year, to support OEP delivery to the full. It also noted the Executive's intent to commence activity ahead of conclusion and full approval of the business plan, where early activity is most needed. Any such activity would be agreed by the CEO.

The Board noted that the corporate plan will explain the overall context of OEP's capacity. The Board was assured that active prioritisation would take place in year, with work planned in 'sprints', to aim for short-term as well as long-term impact where priorities change. The Board was assured it would have opportunity to consider priorities through the year, in line with the prioritisation approach it has agreed.

The Board considered the work proposed in the five priority areas formerly decided by the board: nature, air quality, inland water quality, marine and soil condition. The Board considered and commented on the overall breadth and depth of the proposals, and considered it a sizeable and potentially impactful portfolio of work. The Board endorsed the balance of the proposals as broadly appropriate.

The Board encouraged officers to consider carefully the change in the system being sought, and to ensure that our actions are appropriately targeted to the root cause and heart of the matter, and not the symptoms alone. It encouraged an appropriate balance between quick wins and investing for the future. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*

The Board considered and commented on the individual work programs scoped, making a number of suggestions for clarity and focus. Board members were invited to send detailed comments to the Head of Business Planning and Strategy.

The Board encouraged officers to ensure that risks of overlap are minimised by working closely with equivalent bodies in the devolved administrations. The Board also considered the extent to which the proposals are appropriate for both England and Northern Ireland. It judged the balance and focus of activity in Northern Ireland appropriate, but with a need to ensure focus on opportunities that may arise. The Chief Regulatory Officer is to discuss issues of water quality and sewage discharge with Malcolm Beatty.

The Board sought assurance that each of the proposed programmes was fully within the OEP's remit. The executive provided reassurance. There is little environmental law relating to soil, however. In each area of proposed work, the legislative provisions that provide for the proposed activity will be carefully considered at the scoping stage.

22.37 **Performance framework**

The Performance Framework was presented.

The Board noted the proposed purposes, roles and responsibilities and commented on the outline framework proposed. It debated the extent to which our proposals should align with benefits table prepared by Defra, noting the need to be able to support arguments made at the OEP's creation.

The Board were cautious of the value of case studies and argued that any perceptions survey should be very carefully and purposefully scoped. Instead it encouraged officers to consider deliberative audits of the OEP's impact, to assess the extent to which specific work has the intended effect. This could be considered by a future ARAC meeting. ACTION Head of Business Planning and Strategy.

The Board noted that the framework is set out as related to strategic objectives, but it is relatively inward looking. Our impact on the environment will be an important measure over time, and the extent to which the OEP is influential in changing the trajectory in relation to matters of environmental concern.

Subject to its comments, the Board AGREED the key indicators as the basis of those for inclusion within the corporate plan, and necessary discussions with Defra and HMT.

22.38 Delegation of Functions

The Board discussed the paper presented. It discussed the appropriate level for some decisions proposed to be delegated under the enforcement procedures. The CEO and General Counsel provided assurance that these are operational decisions within a framework the Board will have agreed. The Board's views will be known and expressed at this stage.

The Board AGREED the scheme of delegations as set out at Annex A.

The Board noted the supporting Complaints, Assessment and Investigations Procedures, and the status of the underlying policies and procedures.

22.39 Any other business

The Board would like clarity on plans for the 30 June meeting in Belfast. ACTION Business and Governance Officer.

The meeting concluded at 12:55