

**Date**

4 April 2023

**Title**

Report of the Chief Executive

**Report by**

Natalie Prosser, Chief Executive

**Paper for information and decision**

**Open in part**

## Summary

1. It is now a year on from settling our first strategy and enforcement policy and commencing our work in full. There is much on which I reflect with pride in the work of the organisation in its first year. We have taken opportunities to influence where we can, in line with that strategy and we have now exercised most of our powers. As we move onto a more settled footing, we recognise that there is more for us to do to realise our full potential for environmental improvement. In particular, we have increasingly turned our focus to our longer term priorities, in order to increase our ability to make a positive impact and strengthen and mature the depth of focus that we can bring to our work.
2. This paper updates on what we have delivered of our priorities this year, and our progress in setting our priorities for next.
3. I also provide information on the early indications of the impact of our recent activity, and our priority work in the near term.

## Recommendations

4. The Board is recommended to note:
  - a. the progress in delivery of our strategic objectives.
  - b. that we will respond to the Department of Levelling Up, Housing and Communities' consultation on environmental outcome reports, and that response (as advice or a consultation response) will be considered by the Board at a future meeting.
  - c. that Defra has published its ["integrated plan for delivering clean and plentiful water" which we will consider further in our monitoring environmental law project on the](#)

[water framework directive \(WFD\) regulations and in our review of progress in implementing the EIP and environmental targets.](#)

## Strategic Objective 1 - Sustained environmental improvement

### Monitoring Environmental Improvement in Northern Ireland

5. We met with DAERA on 28 March, as part of our engagement on the development of the Northern Ireland EIP. Twenty DAERA staff joined a workshop on the development of an indicator and monitoring framework where we discussed key issues of data access and availability including understanding first the potentially available data. *This section has been redacted as it contains information provided in confidence and as its publication would be prejudicial to relations within the United Kingdom.* We are in continuing discussion on how we can support.

### Northern Ireland consultation responses

6. We published our response to the draft Ammonia Strategy for Northern Ireland on 3 March 2023. It received some media attention in [ENDS](#) and Malcolm Beatty was interviewed in the [Irish Farmers Journal](#).
7. We published our response to the draft Circular Economy strategy on 20 March 2023. This did not receive media attention but was welcomed by the Permanent Secretary of the Department for Economy *this section has been redacted as its publication would be prejudicial to the effective conduct of public affairs and to relations within the United Kingdom.*

### Research and evidence development

8. We have developed a programme of work to scrutinise the government's progress and trajectory towards meeting its commitment to nature recovery and legally binding target to ensure Good Environmental Status (GES) and marine protected area recovery. Subject to the agreement of our overall prioritisation in Northern Ireland, we will also support and assess the progression of marine matters in Northern Ireland including GES, and relevant commitments set out within the Environment Strategy.
9. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.* Dan Laffoley has provided advice, as critical friend. We will begin this work, as part of the early mobilisation of projects the Board agreed.

## Strategic Objective 2 - Better environmental law, better implemented

### Application to intervene in *Finch v Surrey County Council*

10. On 11 April 2023, we received confirmation from the Supreme Court that the OEP has been granted permission to intervene in *Finch v Surrey County Council* by way of written submissions. We had sought to make oral submissions at the hearing but have not been granted permission for that aspect. This is likely due to the fact that the case has now been

listed for one day only (21 June 2023) and there are three other parties intervening in the case. We are now working with external counsel to draft our detailed written submissions so that we are ready to file by the deadline of 10 May 2022. We will put out a short press release stating that we have been granted permission to intervene by way of written submissions.

### **Environmental Outcome Reports Consultation**

11. As signalled in the Levelling-up and Regeneration Bill, the Department of Levelling Up, Housing and Communities has issued a consultation on environmental outcomes reports (EOR) which are proposed to replace strategic environmental assessment and environmental impact assessment. The consultation states that the new approach does not include habitats regulations assessments.
12. As discussed at the Board's meeting of 16 March, we propose responding to this consultation due to the close link with our work on environmental assessment regimes. The consultation is high level, seeking views on the overall approach and runs for 12 weeks until 9 June. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs and as it contains information provided in confidence.*

### **Water Work Programme: Project Belisama**

13. We held stakeholder workshops in Belfast and London on 2 and 13 March respectively on our project on the implementation of the WFD regulations in England and Northern Ireland, which were successful and well received. Our contractor studies are also starting to produce draft reports, and we are addressing questions to the responsible authorities to request further information.
14. Defra published its new [integrated plan for delivering clean and plentiful water](#) on 4 April. This brings together steps government has already taken with proposed new action. Defra states that it will "review the implementation of the Water Environment Regulations 2017 (the WFD regulations) to improve on-the-ground water outcomes whilst retaining our goal to restore 75% of water bodies to good ecological status".
15. We are in the process of reviewing the Defra plan and will consider the implications for our work. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*
16. To this end, there are a number of points that we will consider further and seek to discuss with Defra. Wider stakeholder reactions to the plan have been mixed, including in our project Belisama stakeholder group. From these discussions and our own initial analysis, some early observations on the Defra plan are as follows.

*This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*

## **Strategic Objective 3 - Improved compliance with environmental law**

### **Complaints and enquiries**

17. Since January 2021 we have received a total of 628 enquires and 84 complaints.
18. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*
19. Our complaints function has been subject to internal audit, with our auditors reporting an overall assurance rating of substantial and not making any recommendations for improvement.
20. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*
21. We also continue to improve the information we make available to the public on our work. We will soon add information on two successful interventions to our new casework page on the [OEP website](#). *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs and as it contains information for future publication.*
22. We have received a user testing report from our specialist contractors which investigated the design, feel and logic of our online complaints portal, and captured user suggestions for how it can be improved. We will implement suggestions over time. We launched a [complaint process explainer video](#) in April 2023 to further improve accessibility and assist members of the public in understanding our remit.

*This section has been redacted as its publication would be prejudicial to relations within the United Kingdom and it relates to information recorded for the purposes of OEP's functions relating to investigations and enforcement.*

### **Our report on post-implementation reviews**

23. We published and laid in Parliament our environmental law report on post-implementation review of environmental law on 27 March. The Secretary of State issued a [written ministerial statement](#) on the same day. This provides a helpful signal to Parliament of the importance attached to our scrutiny by ministers.
24. The [Regulatory Policy Committee \(RPC\) published a blog](#) on its web-site which welcomed our report and supported our findings and there was coverage in ENDS, and [BBC's Farming Today on which the Chief Regulatory Officer spoke](#).
25. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs and it contains information provided in confidence.* The Secretary of State must lay a formal response to our report in Parliament by 27 June.

## **Strategic Objective 4 - Organisational excellence and influence**

### **Business planning, organisational structure, recruitment and resourcing**

26. I have received a formal delegated budget for our England functions from Defra, at the levels previously reported to the Board. I have also received the Settlement Letter from DAERA for *this section has been redacted as its publication would be prejudicial to the effective conduct*

*of public affairs.* I have delegated an initial budget to the Executive Directors in line with the approvals given by Board on 16 March, so that we can begin the year at pace.

27. Since the Board's meeting of 16 March, we have further challenged our prioritisation of the business plan in light of the Board's steers and comments. We judge that we now have an appropriately balanced but stretching plan and are completing the final analyses ahead of presenting it and the associated budget for approval at the Board's meeting of 4 May.
28. We have begun delivery of those elements of the plan prioritised for early activity, as set out and agreed by the Board. Key early procurement activity is underway and a pipeline of planned procurement for the year ahead is being developed to provide visibility and enable planning and smoothing of procurement workload and resources.
29. We have also begun recruitment to the additional capacity we will need and our increase in resourcing provides for the year ahead. Where appropriate, we have offered further extensions of temporary staff to the end of the business year, to bridge permanent recruitment and to bolster our overall capacity and mitigate recruitment risks. Our recruitment plans remain ambitious, with a total of 30 new or replacement posts planned, of which 22 are permanent.
30. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs and to relations within the United Kingdom.*

### **Working with our sponsor departments**

31. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs and it contains information provided in confidence.*

### **2022/23 delivery out-turn**

32. Our corporate plan for 2022/23 set out 32 statements of activities we expected to complete in the year. We have reported progress against these to the Board since October.
33. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs and contains information for future publication.*
34. We aim to further develop how we monitor delivery progress in the next business year.

### **People strategy and survey**

35. Staff have now attended two workshops considering their Core Strengths SDI 2.0 (Strength Deployment Inventory) assessments. This psychometric tool allows us to understand our natural default motivations and strengths and share with each other to improve our communications. We also are providing line managers with additional training to actively coach and embed the tool with their teams. The Board has opportunity to complete the assessment, and a session to explain the results will be provided at the Board meeting on 4 May.
36. We have also recently completed baseline analysis of our learning and development needs, to inform development of our longer-term plan and approach.

37. We received the results of our first OEP people survey on 30 March – an overview is given in annex B. A very high 94% of staff completed the survey providing a good representative baseline for our first survey, and 85% of staff believe that action will be taken as a result.
38. Generally, the results show the OEP is creating a positive employee experience across many areas, with a sense of purpose and engagement particularly high. Four questions contributing to the assessment of engagement are significantly above the external benchmark. Recommended areas of focus are on opportunities for growth and development, role clarity, workload and work-life balance and our pending office move. We will develop and provide staff with our action plan in the coming weeks. This will take into account the insight from the survey, the Core Strengths SDI 2.0 profiles and the recent work considering staff's L&D needs.

## **Wildwood**

39. The lease completed on 31 March 2023 for our permanent office space at Wildwood, Worcester, *this section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.* We are now pressing on quickly to mobilise the construction work required, and are grateful for the Board's support in taking relevant decisions by electronic business.
40. As noted above, the people survey results reveal some concern in staff about changes to working practices and office attendance, but with others looking forward to the benefits of collaboration and greater connectivity the move will bring. Our working group is established, to set out and lead our staff's journey to the new environment. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*

## **Northern Ireland**

41. Our NI Working Group is refocussing its energy in light of recent recruitment and our emerging plans. A current focus is reviewing stakeholder engagement including identification of priorities such as political engagement; preparation for the Board Visit in May; and developing the optimum ways of working with others to deliver the OEP strategy in NI.
42. The Board's strategy day on 17 May will focus on different aspects of our strategic approach to our Northern Ireland functions. We will confirm details for each of the three days shortly.

## **Impact Assessments**

### **Risk Assessment**

43. The Audit and Risk Committee will consider our strategic risk register in May, and the Board will review in its next ordinary meeting.

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### **Equality Analysis**

44. No material equality implications arise from the issues for decision in this paper. Equality, diversity and inclusion will be a relevant consideration as we further develop the People Strategy, and our recruitment approach will continue to seek to attract the broadest range of talent. We will recruit to an apprentice role in this wave of recruitment, and are considering how we advertise this opportunity in particular.
45. An equalities impact assessment has been prepared for the Board to consider as it approves the business plan.

## Environmental Analysis

46. This report gives an overview of strategic organisational developments which support the OEP's principal objective. Consideration has been given in each case to how the activity contributes towards environmental protection and enhancement, and to ensuring the OEP meets relevant duties in environmental law. No specific proposal in this paper has a direct bearing on those duties.

Paper to be published	In part
Publication date (if relevant)	With meeting minutes
If it is proposed not to publish the paper or to not publish in full please outline the reasons why with reference to the exemptions available under the Freedom of Information Act (FOIA) or Environmental Information Regulations (EIR).	FOIA/EIR exemptions for which we propose not to publish this paper in full are: <ul style="list-style-type: none"> <li>• publication would harm relations between UK and NI governments (s.28)</li> <li>• publication would harm the effective conduct of public affairs, including the Board's ability to receive candid advice and engage in free and frank discussion (s.36)</li> <li>• publication would harm the OEP's commercial interests (s.43)</li> </ul>

## ANNEXES LIST

***Annex A – This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs and contains information for future publication.***

***Annex B – This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.***