

## Minutes

Meeting of the Board  
Wednesday 25 October 2023 10am  
Wildwood, Worcester

## Members

Malcolm Beatty OBE	Board Member
Julie Hill MBE	Board Member
Professor Dan Laffoley	Board Member
Dr Paul Leinster CBE	Board Member
Professor Richard Macrory CBE	Board Member
Natalie Prosser	Chief Executive
Dame Glenys Stacey	Chair (except 23.86, 23.87, 23.88)
Helen Venn	Chief Regulatory Officer

## OEP Attendees

Peter Ashford	General Counsel
REDACTED	Principal Monitoring Environmental Law Officer (23.84)
Neil Emmott	Head of Monitoring Environmental Law and Advice (items 23.84)
Mike Fox	Head of Communications and Strategic Relations
Andy Gill	Head of Insights Operations (item 23.83)
Richard Greenhous	Chief of Staff
Angel Lai	Head of Finance and Corporate Services
Andy Lester	Head of Business Strategy and Planning
Dr Cathy Maguire	Head of Assessments (item 23.83)
Professor Robbie McDonald	Chief Insights Officer
Craig McGuicken	Northern Ireland Lead
REDACTED	Senior Monitoring Environmental Law Officer (item 23.84)
REDACTED	Senior Analyst (item 23.83)
REDACTED	Senior Environment Specialist (item 23.83)
REDACTED	Board Secretary and Private Office Manager (Secretariat)

### **23.80 Apologies for absence and declarations of interest**

The Board received apologies for Malcolm Beatty.

Helen Venn and Natalie Prosser declared an interest as OEP employees in respect of item 23.85.

### **23.81 Minutes and Matters Arising**

The Board noted the matters arising.

The Board APPROVED the minutes of the 5 September 2023 Board meeting, with an amendment to the minute of item 23.71 clarifying that it relates to the scope of the NI drivers and pressures report and that the focus is on biodiversity.

The Board APPROVED the minutes of the 28 September 2023 Board meeting, with an amendment to the minute of item 23.77 reflecting that the discussion was on the targets, not the Environmental Improvement Plan (EIP).

### **23.82 Report of the Chief Executive**

The Board noted the progress in delivery of our strategic objectives.

*This section has been redacted as it relates to information recorded for the purposes of OEP's functions relating to investigations and enforcement.*

The poor status of Lough Neagh is attracting widespread attention. It is reflective of a suite of issues that apply across the whole of Northern Ireland. We have established a multi-disciplinary team to review the situation and develop proposals for what approach, if any, the OEP may take in response. The Board noted the wider issue of environmental governance in Northern Ireland and highlighted its interest to understand the resource implications of any action, how this sits with our Northern Ireland resource and what our unique role would be.

The Board discussed the skills and education gap in the environmental sector, which appears to be a finding in a number of areas of our work. Universities have a critical role to play in pointing people in the right direction, so as to retain the skills that they develop. Engagement with IES, IEEM and IEMA may be helpful in delving more into this issue.

The Board noted our most recent intelligence on nutrient neutrality; that there is no intention to bring forward a Bill in the King's speech.

The Board noted that we have delayed the intended publication of our report on protected sites for various reasons, most notably due to resource in the organisation.

The Board queried our approach to the Retained EU Law (Revocation and Reform) Act (REUL) 2023 in light of the published letter from Lord Benyon confirming that Defra would not be looking into mitigating the loss of interpretive effects to retained EU law. These laws may be tested in the courts, to provide renewed clarity. We are currently working on a strategy on how we decide when we should intervene in judicial review proceedings brought by others. These cases could be a good opportunity to do so.

We have had five new complaints since our last Board meeting and we have seen a spike in enquiries. The enquiries are diverse in nature, and the latest spike can largely be attributed to Lough Neagh.

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

The Board noted that we are currently bidding for our resource for the 2024/25 financial year. The Secretary of State has decided to accelerate the process. The Board urged us to keep in mind that Defra usually allocate proportionately more than DAERA when considering our relationship with each department.

### **23.83 England EIP progress report**

The Board noted the progress towards delivery of the England 2022/23 EIP progress report. It congratulated the team on the work done to date.

The Board considered and commented on the framing, key findings and approach to recommendations.

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

The Board recommended that there should be a golden thread following on from last year's report. The Board was content that the focus will be on the 'stacking up' element to the plan, which distinguishes the current recommendations from last year. It also suggested that the title should be tied into our statutory functions and should specifically reference monitoring and reporting on targets.

The Board feels that chapter 14 is an important chapter. It takes stock on the qualities of a good plan, and that it could be given more prominence in the report.

The Board discussed the targets, and how we hold government to account for their delivery. It urged to ensure we set out where appropriate what needs to be in place for the targets to be achieved. It also highlighted the importance, with the air quality target, of noting the difference between achieving the target nationally but failing at a local level in certain areas.

The Board queried what the red, amber, green rating means in terms of policy progress and whether this might be more clearly expressed.

The Board encouraged us to consider whether we wanted to note in the report that water bills are likely to increase during the next water company asset management period, as it is one of the single biggest investments in environmental improvement in England.

The Board considered and provided guidance on the proposed interactions with Defra towards finalising the England 2022/23 EIP progress report.

The Board considered and commented on the options for communication and dissemination. It discussed the different methods of communication for the different audiences; a summary for Parliamentarians, a summary for the general public, and an elevator pitch that gets to the crux of the issue. We want to have immediate impact, and also ensure that the report is useful long term.

### **23.84 Environmental Principles Policy Statement Evaluation in England**

The Board noted the commencement on 1 November 2023 of the duty to have due regard to the Environmental Principles Policy Statement (EPPS).

The Board noted our intended approach to monitoring implementation of the duty. Our monitoring should play a signalling role which will encourage proper and early consideration of the principles.

The Board discussed our understanding of government's programme to implement and monitor the principles. We are aware that cross government bodies have been given the responsibility of embedding and monitoring the application of the duty, but we do not yet know specifically what this entails. We are in close discussion with relevant teams to ensure our work aligns.

The Board noted our proposed communications activities regarding these matters. The commencement will be accompanied by a statement on our website welcoming the duty. It

will be important to think ahead, and to keep the principles forefront in the mind of stakeholders, as decisions which should be informed by the environmental principles are taken.

### **23.85 Pay Remit**

The Board AGREED the pay remit proposals presented.

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

The Board noted that the proposals will be subject to negotiation with the recognised union (Prospect) in line with our Partnership Agreement and be submitted to the Secretary of State for information in line with our draft Framework Document.

The Board AGREED the series of communications to staff, described.

### **23.86 Finance Report**

The Board noted the Q2 financial position and the forecast for Q3 and Q4. It was assured that we have sufficient confidence in the reporting. We are currently forecasting to underspend £290k in our revenue budgets, which is offset by a £132k overspend on capital. Our aim is to have an underspend of no more than £100k at year end. The Executive is to consider how these risks are to be managed imminently, including through reprofiling expenditure as required,

The Board noted that we were offered additional funding by DAERA on 3 October 2023 and are currently working through whether we can spend it. Our intent is to accept it, if we can be confident of making good use of it in year. This is likely given the extent to which we were overprogrammed in our NI resources at the start of the year. The decision whether to accept the resources is for the Accounting Officer.

The Board flagged and sought assurance on two risks that increase the likelihood of underspend: slower recruitment and spend on external projects. On the latter, we are currently looking to refine the process for next year; for example, having broader arrangements with multiple suppliers. Recruitment this year is broadly on track, particularly compared to the same time last year.

The Chair left the meeting partway through this item. The Board AGREED that Paul Leinster would act as Chair for the remainder of the meeting.

### **23.87 Our bid for resourcing for 2024/25**

The Board noted the submission made, having taken advice from the Chair and Audit and Risk Assurance Committee Chair. The bid is similar in ambition to the bid we made last year.

The Board noted the scenarios that may result from this process, and the Executive's view of the prospects for success. Some scenarios may result in fewer FTE than we currently have. We must then consider how we would manage the funding with less people.

The Board queried whether we currently have a view on the funding sufficiency statement in next year's Annual Report & Accounts. One factor is the extent to which we do spend resources as we forecast in the financial year. The Board would recommend an early discussion on this point – before similar resource bids in future years.

The Board noted the intentions for engagement on this issue.

**23.88 Any other business**

There was no other business.