



Agenda

Extraordinary meeting of the Board
 Thursday 17 August 2023 9am
 MS Teams

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
Helen Venn	Chief Regulatory Officer

OEP Attendees

Peter Ashford	General Counsel
Neil Emmott	Head of Monitoring Environmental Law (item 23.58)
Mike Fox	Head of Communications and Strategic Relations
Richard Greenhous	Chief of Staff
REDACTED	Principal Complaints and Investigations Manager (item 23.62)
Andy Lester	Head of Business Strategy and Planning
REDACTED	Principal Lawyer (item 23.62)
REDACTED	Executive Assistant (Secretariat)
Professor Robbie McDonald	Chief Insights Officer
Ellie Strike	Head of Monitoring Environmental Governance (item 23.61)
Kate Tandy	Head of Litigation and Casework (item 23.62)

23.57 Apologies for absence and declarations of interest

The Board received apologies from Malcolm Beatty.

Paul Leinster and Julie Hill were recused from item 23.62 (*this section has been redacted as it relates to information recorded for the purposes of OEP's functions relating to investigations and enforcement*) due to perceived or actual conflicts of interest.

23.58 Northern Ireland environmental principles policy statement advice

The paper provided a draft response to DAERA's request for our advice on its draft environmental principles policy statement (EPPS). Our advice has been requested ahead of

public consultation on the draft, so will be known to others as that consultation takes place. DAERA has indicated its interest in advice on issues of detail.

The Board commended the draft advice. It suggested even greater emphasis could be placed on the early consideration of the principles by policy makers, and the fact that consideration should not be a ‘tick box exercise’, as set out in the Court judgments already referenced. The importance of monitoring, evaluation and reporting by DAERA could also be emphasised more, in addition to our plans to monitor.

The Board judged the structure of the advice could be adjusted to be clearer, particularly given it may be used and read by a less expert audience during the consultation period.

The Board AGREED the draft advice attached to this paper and that drafting amendments necessary to reflect the Board’s comments shall be agreed by the Chief Executive in consultation with the Chair.

23.59 Update on EIP and targets

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

23.60 REUL update

The Board was updated on our work on REUL, and its future focus and priorities now the REUL Act is in place. Those priorities are focused on the implications of assimilated REUL – such as in respect of interpretive effects – and a light touch review of any revoked or amended law to prioritise future activity.

The Board judged that the Secretary of State’s recent letter should be responded to, and soon, so it is received at the start of the next parliamentary session. Discussions have been held as to whether this could be a joint letter alongside Environmental Standards Scotland and the Interim Environmental Protection Assessor for Wales. ACTION – Chief Executive to discuss with ESS Chief Executive.

The Board judged that our interventions are more meaningful where we can point to actual regression (rather than a risk of regression) in environmental protection, or can make the link between regression and other policy outcomes, such as EIP23. We may need to be explicit if we judge that the risk of regression is a reality.

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

The paper provided additional information following the Board’s discussion in July, including a communications plan. This information is preliminary to the Board’s decision at a future meeting of whether to issue information notices to one or more of the public authorities concerned.

This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs, it contains legally privileged advice, and it relates to information recorded for the purposes of OEP’s functions relating to investigations and enforcement.

23.62 Any other business

There was no other business.