

Board Paper

Date

08 July 2025

Title

Report of the Chief Executive

Report by

Natalie Prosser, Chief Executive

Paper for information and decision**Open in part**

Summary

1. We are delighted to welcome two new members to the Board and look forward to the contribution they will make to our work to protect and improve the environment, holding government and other public authorities to account.
2. Since the Board's June meeting, we have not seen the engagement we expected in relation to government's refresh of the EIP for England, nor in relation to the flow of information to support our own assessment of progress to March 2025. We are seeking to mitigate the operational and strategic impacts.
3. By contrast, we have seen positive steps in relation to some of our open investigations, including in relation to our long-standing investigation in relation to the regulation of combined sewer overflows where the Board's decision on next steps is sought. We also see good engagement in relation to our environmental law reports and statutory advice, both as these are published, and increasingly as we seek to maximise opportunities to influence, and emphasise our key messages in the medium-term.
4. Operationally, we are mobilising our work for the year to plan, and our plans and budget appears broadly on track, reflecting our increased maturity in managing the business including as circumstances change. This paper also updates the Board on important follow up work to our people survey.

Recommendations

5. The Board is recommended to consider and comment on progress against our strategic objectives.

Sustained environmental improvement

Monitoring and reporting on environmental improvement in England and Northern Ireland

6. Three pending outputs from Defra have bearing on the development of our 2024/25 EIP progress report – Defra's Annual Progress Report (APR) for 2024/25, Defra's response to our EIP progress report on 2023/24, published in January 2025, and the refreshed EIP (EIP25).

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The timing of these, and the limited engagement we have had to date on their substance in advance of publication, cause strategic and operational challenges which we are seeking to mitigate.

7. The APR 2024/25 is due for publication in July and The Secretary of State confirmed to the Environmental Audit Committee that the government aims to publish its response to our 2023/24 EIP progress report in summer. Whilst government had most recently intended to publish its refreshed EIP25 before summer recess, we now expect a delay until the autumn. *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.*
8. Defra's reticence to engage with us on the revisions to the EIP has continued since the spending review announcement, which we had understood to be the trigger for both the finalisation of the EIP and more engagement with us on its substance. It remains our intention to analyse it sufficiently to make our outline views known soon after its publication, whilst reserving our main critique to our next EIP progress report, in January 2026. We expect strong interest in our views on the extent to which EIP25 will change the sombre picture set out in our last report, and Defra's own analyses, released publicly under an EIR.
9. *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.*
10. As a consequence, in each case, there are risks to our ability to make informed contributions which might give due account of any progress government may have made. Our assessment of progress and prospects can only reflect evidence we have, which requires Defra's cooperation. Its absence risks our assessment being at odds with government's judgment – [for example as set out in the Secretary of State's Guardian interview](#) – by omission, rather than a divergence in our analysis and conclusions. Similarly, we risk not being able to give as considered a judgment on EIP25 as we would wish on its publication, from lack of evidence and the opportunity to analyse and question.
11. *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.*
12. Further delay to the publication of EIP25 has operational implications. Our draft report must be completed by the end of October to enable approval of a final report, production and publication in January 2026. There is very little flexibility given the schedule for peer review, the contribution of the Board, and the logistics of publication.
13. Our next report covers the period April 2024 to March 2025. Our scoping process has involved an initial analysis of developments, and in the absence of any new evidence, our assessment of progress is likely to remain relatively unchanged. As the publication of EIP25 now falls well outside this period, it can only inform part of our assessment of the prospects of achieving targets and commitments and opportunities for improvement.
14. If the EIP25 is published during the period 1-16 September, we will be able to include limited analysis of it in the drafts circulated for peer review and subsequently to the Board. If not published in this period, we will endeavour to do this to the extent possible and will ensure that we have appropriate peer review of changes.

15. *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.* We will provide a further update to the Board on 8 October as either the EIP25 will have been published or there will then be more clarity on the timing.
16. The Northern Ireland EIP assessment process is progressing as planned and is on schedule, ahead of our first report in 2026. We are currently refining the scope of the NI EIP assessment, and we will provide a further update to the Board on 8 October.

Other evidence

17. We have received a draft report from our contractors in our project to assess the achievability of Good Environmental Status in the marine environment, and now have the final report on the impacts of marine noise. We are using this evidence to support our analysis of the updated UK Marine Strategy Part 1 which was published last month. Our planned synthesis of the marine evidence to date is underway.

Better environmental law, better implemented

Environmental law reports

18. We published and laid our report on the implementation of Local Nature Recovery Strategies on 19 June. This had limited public engagement beyond articles in Business Green and ENDS, but better engagement through social media and direct communications, including social media activity from the responsible Defra Deputy Director. We held a webinar on 24 June attended by over 200 local and national stakeholders, including 65 representatives from local authorities, 60 from ALBs, and 23 from eNGOs. Feedback on both our report and this session has been positive. We continue to seek further opportunities for amplifying our messages.
19. We will publish and lay our report in relation to environmental inspections before the Board meets. We have a series of engagements planned, including with Defra, FHI, MMO, LGA, HSE, APHA, ESS, IEPAW, eNGOs, Material Focus and a joint presentation to Parliamentary staff, Committee staff and library staff.
20. [DAERA published and laid before the Assembly its response to our report on protected sites in Northern Ireland on 3 July](#). The response broadly agrees with our findings and recommendations and makes some promising signals of intent. However, it does not commit to specific new action in respect of several recommendations. The lack of resources appears to be a key barrier in this respect. We will consider the response further as we start to scope out potential future work on the issues that we identified in preparing this report. In responding, the Minister said “While I am pleased that the report has found that the legal framework is largely fit for purpose, it is clear that our stewardship of the natural environment has not been as robust as it ought to be, and the OEP’s constructive proposals to turn things around are welcome”.
21. The equivalent report for England is progressing. However, the task of drafting is complicated by the further delay to the publication of the EIP and the expected publication of Natural England’s new strategy in the autumn. Nevertheless, we have not put the date back further and are therefore still planning for publication of our report in the autumn.
22. In June, we presented at a seminar for parliamentary select committee and library staff jointly with the Equality and Human Rights Commission (EHRC). The EHRC spoke about

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implementation of the Public Sector Equality Duty, and we spoke about duties relating to the Environmental Principles Policy Statement. We talked about the challenges of scrutiny, and the important role that the duty can play.

23. DAERA published its overdue third cycle River Basin Management Plan (RBMP) on 13 June. We are considering it in light of our report on the implementation of the Water Framework Directive Regulations in Northern Ireland and DAERA's response.

Advice, consultation responses and similar activity

24. We submitted our advice in response to the Nutrients Action Programme consultation on 6 June. Minister Muir wrote to Dame Glenys on 17 June thanking her for the advice. His reply committed to improving water quality and ensuring that DAERA complies with its obligations under environmental law. He also agreed that providing access to appropriate support for farm businesses is key to successful implementation of the NAP, and noted our advice about assessing the contribution of other sectors, including wastewater systems, to ensure environmental objectives are met.
25. The NAP proposals prompted a significant reaction from the agri-food sector in Northern Ireland where sector representatives and a number of Assembly members called for the consultation to be withdrawn, including in a plenary debate in the Assembly. Minister Muir has confirmed that the consultation will continue as planned, and that DAERA will then set up a 'timebound stakeholder task and finish group with an external facilitator and representatives from farming, agri-food, environmental groups and the Department'. This group will be asked to propose measures and actions that are evidence based and workable at farm level within realistic timeframes, as well as meeting legislative requirements. DAERA then intends a further eight-week public consultation on updated proposals. As a result, it now appears unlikely that the revised NAP Regulations will be finalised in 2025. *This section has been redacted as it relates to information recorded for the purposes of OEP's functions relating to investigations and enforcement.*
26. We have engaged with departmental officials, and Parliamentarians in relation to our advice on the Planning and Infrastructure Bill, including Peers for the Planet, and the APPG on Local Nature Recovery within their briefing and discussions of the bill. These have allowed us to explain our advice, ahead of the committee stage commencing in the House of Lords on 17 July. We continue to monitor the bill's progress closely.
27. We will respond to Defra's consultation on "Improving the implementation of Biodiversity Net Gain for minor, medium and brownfield development". Our response will highlight risks that the proposed changes will damage confidence in the nascent nature market, question the coherence with the EIP and target delivery and express concern about the lack of evidence and impact assessment offered. Given the changing policy context, we have paused the work set out in the business plan on scrutinising the implementation of BNG through an environmental law report and will re-visit the potential impact, purpose and intent of such a report later in the year.

Other activities

28. The Court of Appeal heard the case *Rights Community Action v the Secretary of State for Housing, Communities and Local Government* in relation to the correct interpretation of the duty to have due regard to the EPPS in which we intervened. This was the first time we were able to make oral submissions to the court. Our submissions were referred to by the other

parties and counsel for the Secretary of State also made direct reference to our recently published EPPS report. We now await the judgment which we anticipate may be handed down before the end of the year.

29. The independent Water Commission chaired by Sir Jon Cunliffe has published its [interim report](#). This sets out five areas where wide-ranging and fundamental change is needed to reset the water sector in England and Wales: Strategic direction and systems planning; legislative framework; regulatory reform; water company structures, ownership, governance and management; and infrastructure and asset health. The Commission's final report is expected before summer recess. The Secretary of State has said that government's response will include a detailed transition plan for the water sector, as the basis of further legislation. We submitted written evidence to the Public Accounts Committee's inquiry into regulation of the water sector in June in the form of a summary of our work and key findings in this area, at annex A.
30. The independent review of environmental governance in Northern Ireland published an '[Interim Report](#)' on 17 June. Key recommendations include: the creation of a new environmental regulatory body to replace the Northern Ireland Environment Agency; this new body taking the form of an NDPB and its mission being aligned with delivery of the Northern Ireland EIP; the creation of an Environmental Audit Committee; support for civil sanctions; the introduction of environmental targets; and increased and harmonised fines. The panel's reflections on the importance and practicalities of 'independence' closely follow our [submission to the panel](#) and the report clearly reflects our submission and work to date. The Panel will now consider the detail of the potential NDPB, and the importance of a joined-up approach to regulation. A briefing on the interim report is available [here](#).
31. The Board is aware that we have developed an internal position paper on good environmental regulation, including after engagement with several Board members, the College of Experts, other oversight bodies, regulators, environmental NGOs and business groups. This internal paper, at annex B, is intended to inform our ongoing activities concerning environmental regulation, including scrutiny of the implementation of environmental law and as we consider proposals for change. We intend to keep it under review and update it with experience. We expect to make it available externally in the interests of transparency, at the appropriate time.

Improved compliance with environmental law

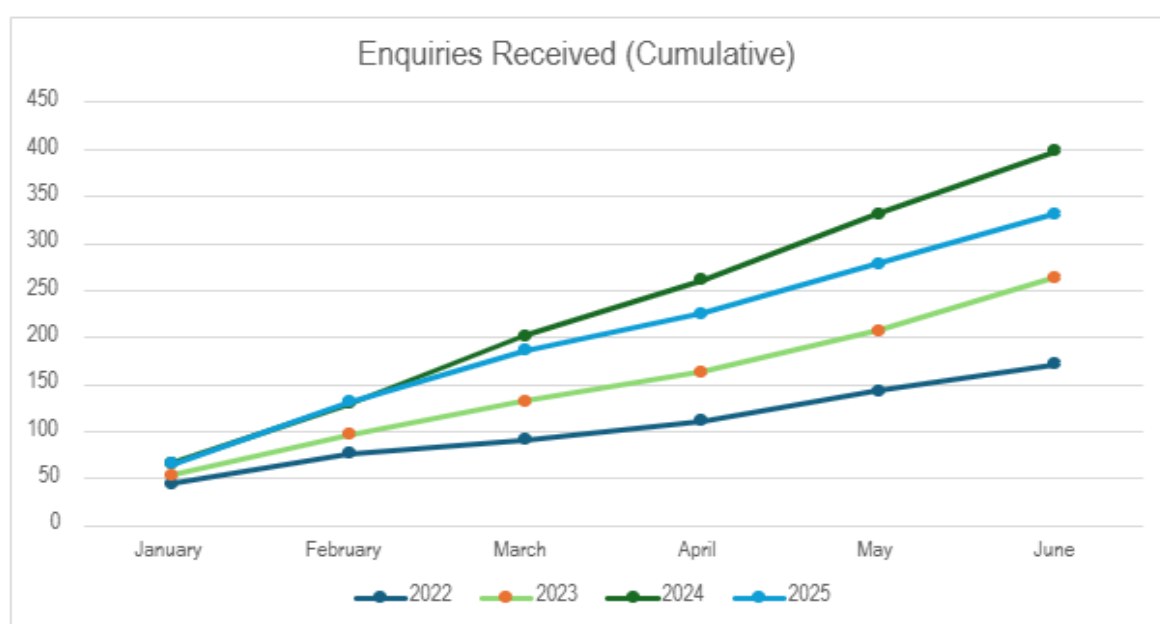
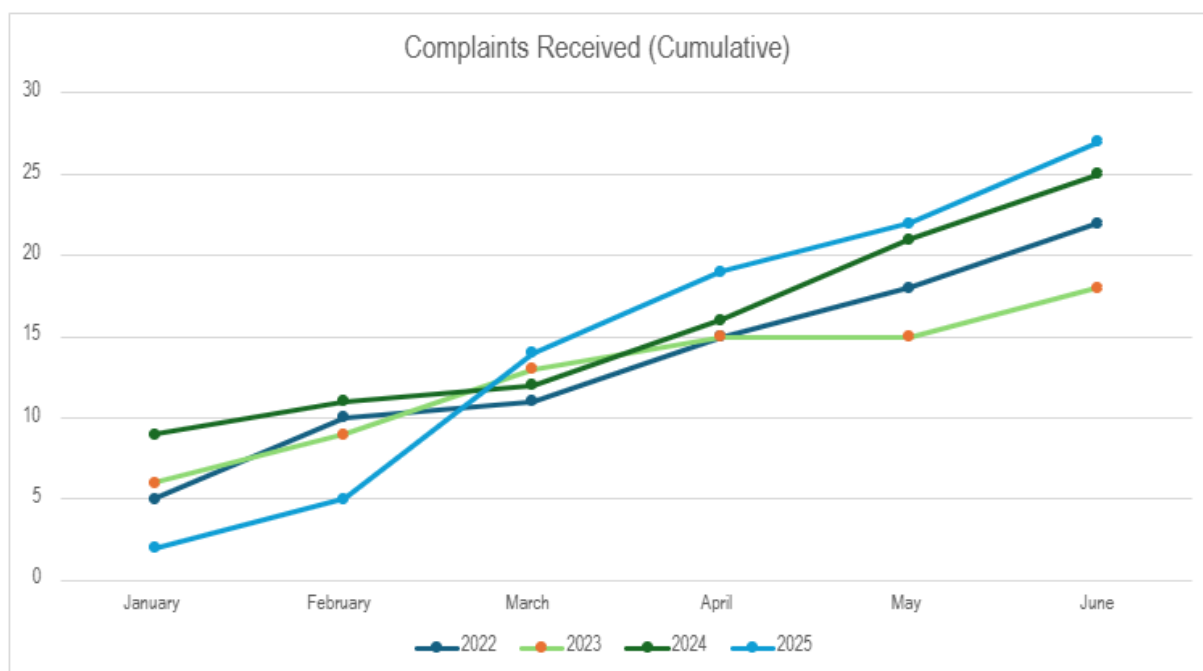
Complaints and enquiries

32. We have received seven new complaints, and 30 new enquiries since my last report. We currently have nine complaints open at the assessment stage and have closed three complaints in that time.
33. *This section has been redacted as it relates to information recorded for the purposes of OEP's functions relating to investigations and enforcement.*
34. We have seen a reduction in the number of enquiries received since the start of the year, potentially reversing a consistent trend of year on year growth to date. This coincides with improvements to the complaints section of the website where we have added video and animations to explain the role of the OEP, and specifically the complaints and investigations functions. We also addressed topics commonly enquired about, such as Tree Preservation

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Orders, Statutory Nuisance and Planning, with an explanation of our position, and signposting to encourage members of the public to take their concerns to the appropriate organisation.

35. As part of our ongoing approach to capturing and progressing improvements to our service provision and internal procedures, we have held workshops to consider and implement efficiencies with our assessment and enforcement templates, our whistleblowing procedures, and our complaints management system



Progress of investigations

37. *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.*

38. Through our work looking at statutory deadlines in Northern Ireland, we have been actively monitoring progress against a range of requirements under the Climate Change Act (Northern Ireland) 2022. As part of this we have been considering what action we might take in relation to the delayed publication of a Climate Action Plan (CAP). On 19 June DAERA published a draft CAP for consultation. This is an important step but it does not yet bring DAERA into compliance with its duty to have a CAP. We are considering whether we respond to the consultation. *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.*

39.

Organisational excellence and influence

Performance update

40. The Executive will consider in detail our financial performance to the end of the first quarter, progress in delivering the business and corporate plan, our performance indicators and strategic risks in its next meeting after the Board meets, as part of our holistic approach to performance management. These will be considered by the Board in August.

41. Ahead of that scrutiny, we have reported a forecast over-programmed position of £231k to Defra at June 2025. This aligns with our forecast as the budget was set. A verbal update, following the closure at month end can be provided to the Board. ARAC will scrutinise the in year position in August.

Mobilising the business plan

42. Since finalisation of my last report to the Board, I have agreed the initiation of the following projects, within the business plan the Board agreed.

Project	Resources	Synopsis
Planning and Infrastructure Bill [Nature programme]	0.6 FTE £5k	Advice on the bill, and engagement with NE and Government on early implementation prior to expected consultations in the Autumn on the first Environmental Delivery Plan and implementing regulations.
Efficiency project [Improving the OEP programme]	1.2 FTE £4k	Take steps to improve the OEP's efficiency and productivity, so that we achieve at least the same, deploying fewer resources.
Research and evidence programme [Other evidence programme]	0.6 FTE	Enhance our ability to address environmental issues by developing a medium-term research strategy and implementing a structured approach to evidence management.

Improving implementation of the waste hierarchy [Other evidence programme]	0.4 FTE £50k	Identify, prioritise and evaluate the current barriers and opportunities for more effective application of the waste hierarchy in England ahead of scoping of potential future activity within any waste activities.
Delivery of environmental ambitions through cross government legal and policy tools [Environmental Governance programme]	1.2 FTE £30k	Identify the various tools relevant to departmental policy making which could help embed consideration of targets and EIP steps, and case studies of environment-specific examples to show how they work and how they can be improved. Identify legal duties relevant to targets and EIP steps, how such duties are being implemented, and any barriers and enablers to their effective implementation. Taking an issues-based approach, build a shared understanding of which matter most, with a view to identifying follow-up work if appropriate.
Delivery of environmental ambitions through EPPS [Environmental Governance programme]	0.3 FTE	Ongoing active scrutiny of the EPPS duty in England, to influence the extent to which the EPPS duty is effectively playing its part in the achievement of environmental ambitions.
Routes to OEP response to target failures [Environmental Governance programme]	0.2 FTE £10k	To plan routes for the OEP to respond to environmental targets that are missed or likely to be missed ahead of relevant deadlines. This will include ascertaining where strategic opportunities for intervention across our functions may lie.

43. In total, I have approved (in consultation with the Board where appropriate), the initiation of ten projects this business year. All projects planned to be mobilised by this point of the year have been.

44. We published our corporate plan in early July. Follow-up coverage in ENDS focussed on those matters we set out in our plan that we did not prioritise after not receiving all of the requested funds.

Corporate and enabling services

45. The Board will separately consider arrangements for the procurement of our end-user computing.

46. In early June we completed the rollout of Copilot, Microsoft's AI assistant to the whole organisation. This follows the conclusion of the trial project and approval of the underpinning policy. Since staff took part in a training and familiarisation workshop almost all staff have used the tool in some way. Training for Board is being arranged.

47. We have adopted a new policy in relation to neonatal care leave for staff in England, following a change in the law in England. Progress of equivalent arrangements in Northern Ireland is

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being monitored, and the existing Special Leave policy arrangements have been highlighted to Northern Ireland staff in the interim.

48. Whilst our annual people survey concluded with some very positive results and our engagement remained very high at 89%, the Board is aware that some staff reported experiencing bullying and harassment at work. We have commissioned an independent external review to understand this and inform any consequent actions. The reviewer has been introduced to staff, with all staff invited to engage with the review, whether they have concerns or not. I expect to receive a review report in early August, to inform next steps.

Selected stakeholder engagement

Ministers and Parliament

49. Beyond the engagement set out elsewhere in this report, our Chair attended the away day of the Environmental Audit Committee in early July, to discuss progress in improving the natural environment, and support the Committee reflect on its priorities, effectiveness and future challenges.
50. We have engaged with Peers for the Planet, and the APPG on the Environment within their briefing and discussion of the Planning and Infrastructure Bill, and separately with Peers for the Planet in relation to diffuse pollution from agriculture.
51. Dame Glenys and I attended the Senedd's Climate Change, Environment and Infrastructure Committee on 9 July to discuss the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill alongside IEPAW and ESS. We were asked to provide written evidence beforehand, which is set out at annex C.
52. Following our appearance before the AERA Committee on 29 May, [we wrote to the committee](#) detailing our analysis of an Oxford University report that had been raised by some of the members in discussion of the relative importance of agricultural and wastewater sources of nutrient pollution.
53. After further correspondence from Baroness Sheehan, its Chair, we wrote to the Environment and Climate Change Committee, as part of its inquiry in relation to nitrogen, and the merits, or otherwise, of additional national targets in relation to nitrogen from wastewater – annex D.
54. Dame Glenys attended a roundtable on Farming Pollution Regulatory Reform chaired by Ministers Zeichner and Hardy in June. This was timed to accompany government's announcements of its decision in relation to Farming Rules for Water, in the context of a wider review of these regulations, the Nitrate Pollution Prevention Regulations, the Silage, Slurry and Agricultural Fuel Oil Regulations and the Sludge (Use in Agriculture) Regulations. This was recommended in Dan Corry's review. We are evaluating how this informs our own plans for scrutiny of these regulations.

Public authorities

55. I joined all the Executive Directors in meetings at Defra's London Offices in June, to strengthen links and understanding with key officials and update them on our plans. This included a presentation of our corporate plan priority areas to a group of Deputy Directors in related policy teams.

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56. The Chief of Staff met similarly with senior leaders from the Environment Agency's Environment and Business Group. This included their Chief Regulator, Chief Scientist, Director of Water and others with whom we already have established relationships and others with whom we had limited engagement to date. This provided useful feedback on our work with the Agency, largely positive, with known areas for improvement.
57. At DAERA's request we have agreed to reschedule expected response dates in relation to some information requests which were proving challenging for them to respond to. This reflects the pragmatic engagement we aim to achieve with public authorities, to support them to cooperate with us effectively.

Other groups

58. In early June, our Chair met with leaders of government watchdogs, alongside the Office for Budget Responsibility, Regulatory Policy Committee, Office for Statistics Regulation and the National Audit Office.
59. By the time the Board meets, Dame Glenys will have delivered the closing keynote speech at a Westminster Forum event on 'Next steps for protecting and managing England's natural capital'. The speech will be published on our website. In June, Dame Glenys and the Chief Insights Officer attended a round-table event organised by the Institute of Environmental Management and Assessment (IEMA) to discuss EIP25.
60. We have also had various engagement with stakeholders including the National Farmers Union, the Health and Safety Executive and others, attended diverse conferences including presentations at the UKELA conference, two Institute for Environmental Sciences seminars and the British Ecological Society.

Board recruitment and transition

61. The Board will consider its views on its effectiveness in August, following the survey and individual interviews concluded in May and June.
62. We have been delighted to welcome two new Board members, appointed by the Secretary of State. A range of induction activities are in train to support their contribution to the Board. We understand the position of OEP Chair will be advertised in July, and had opportunity to highlight potential candidates to the recruiting team. We will have further opportunity to make potential candidates aware, as the role is advertised.

Impact Assessments

Risk Assessment

63. The strategic risk register scrutinised by ARAC in May is set out below. Our most significant strategic risks relate to cooperation from Defra and in relation to our resources in the long-term – both are well known and discussed by the Board.

Theme	Category	No.	Risk / Issue	Impact	L'hood	Total	Previous rating and direction	In / Out of Tolerance
Reputation, Credibility & Independence	Strategic	30	Risk - OEP is ineffective in having influence as intended in England	3	3	9	9 - No Change	Out (L'hood)
	Strategic	24	Risk – The UK Government does not cooperate sufficiently to enable us to deliver our work in the way we intend	3	4	12	20 -No Change	Out (Both)
	Strategic	26	Risk – OEP is ineffective in having influence as in Northern Ireland	3	2	6	6 - No Change	In
Resourcing, Capacity & Capability	Financial	3	Risk – OEP funding is insufficient to fulfil our strategy and functions for future years (2026/27 and beyond)	4	3	12	12 - No Change	Out (Both)
	Financial	28	Risk – Budget variance (under or overspend) to plan (2025/26)	3	3	9	9 - No Change	In
Infrastructure	Technology	12	Risk – Occurrence of cyber security or other business continuity event	4	2	8	8 - No Change	In

64. Following the Board's risk identification session as part of its strategy day in June, ARAC will scrutinise proposed changes to the strategic risk register in August. At its next meeting, the Board will consider proposals for an amended register, as part of its usual quarterly cycle.

Equality Analysis

65. No material equality implications have been identified in this paper.

Environmental Analysis

66. 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	FOIA/EIR exemptions for which we propose not to publish this paper in full are: - publication would harm relations between UK and NI governments (s.28) - 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)

Environmental Information Regulations (EIR).	• publication would reveal information subject to legal professional privilege (s.42) • publication would harm the OEP's commercial interests (s.43)
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ANNEXES LIST

Annex A –Evidence to the Public Accounts Committee

Annex B – Position paper on environmental regulation

Annex C – Evidence to the Senedd Climate Change, Environment and Infrastructure Committee

Annex D – Correspondence with the Lords Environment and Climate Change Committee