

Agenda

Meeting of the Board
Thursday 30 June 2022 – 9am
Assembly Buildings, Belfast

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	CEO
Dame Glenys Stacey	Chair

Attendees

Peter Ashford	General Counsel
Simon Brockington	Chief Insights Officer
Alexis Edward	Head of Finance and Corporate Services
REDACTED	Natural Science Analyst (items 22.52 and 22.53)
Mike Fox	Head of Communications and Strategic Relations
Andy Gill	Head of Environment and Climate Analysis (items 22.52, 22.53 and 22.54)
Tim Graham	Head of Natural Science and Analysis (items 22.52 and 22.53)
REDACTED	Principal Environmental Analyst (items 22.52, 22.53 and 22.54)
Louise Jakobsson	Head of Strategy and EIP Monitoring report (items 22.52, 22.53 and 22.54)
Andy Lester	Head of Business Strategy and Planning
Helen Venn	Chief Regulatory Officer
REDACTED	Business and Governance Officer (Secretariat)

22.49 Apologies for absence and declarations of interest

There were no apologies for absence.

Natalie Prosser and Richard Greenhous declared an interest as employees of the OEP in respect of item 22.55. An outstanding item on the framework document relates to arrangements for staff terms of appointment.

22.50 Minutes and matters arising

The Board **AGREED** the minutes of the meetings on 31 March 2022, 27 April 2022 and 9 May 2022 and noted the matters arising.

22.51 Report of the CEO

The Board noted the updates outlined in the paper.

Since the last report, the OEP strategy and enforcement policy, and corporate plan have been published. The business plan has been agreed and we have provided advice to the UK government on its targets consultation.

The 25YEP monitoring report appears to have been well received, and discussions have been held with Defra about its recommendations. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*

We have met with the team working on the Levelling Up and Regeneration Bill. The Bill could be a vehicle for some potential changes to the nature laws that government has consulted on. The Board queried whether the OEP should develop a view in principle of the outcomes-based approach proposed in the Bill. ACTION General Counsel to consider.

We have announced our first investigation which has generated social media engagement and has been picked up in the media. The Environment Agency, Ofwat and Minister Pow have all issued responses.

The Board questioned the strategy that the OEP were taking with negative articles, and comments on social media. It suggested that there might be a need to make proactive contact. This will be considered by the Head of Communications and Strategic Relations as our strategy evolves.

The CEO reported on a series of lessons learnt sessions that have been undertaken with staff. These have been useful, and actions are being defined - particularly to fully operationalise the corporate plan and strategy. It is important to recognise and nurture the positive lessons from the sessions; an engaged workforce and a high level of collaborative working.

We have engaged constructively with the Chairs of the Commons Environmental Audit Committee and Lords Environment and Climate Change Committee as part of the Parliament's scrutiny of the Environmental Principles Policy Statement (EPPS) the UK government has prepared. A letter from the OEP chair to Baroness Parminter, setting out our view of the EPPS has been published on the OEP website.

This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs. Our corporate plan states that we will report on implementation in a future year.

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We have been provided a dossier of information from a range of eNGOs on issues connected with inland water pollution. This is not a complaint, as it does not argue there has been a breach of environmental law, but instead highlights situations where the law itself could be improved.

The UK government is currently consulting on a proposal for Marine Net Gain. We aim to provide a strategic response.

This section has been redacted as it contains information for future publication.

The Board noted the reported pressure on staff. It was assured that the OEP has not experienced any staff attrition as a result of workload, and that the proposed people strategy will include developing a barometer for staff wellbeing.

The CEO noted a concern that moves to more office working may lead to some attrition.

The Board noted the Head of Terms for *this section has been redacted as its publication would be prejudicial to commercial interests* office premises at Annex C and that once negotiations have been concluded, these will be brought back for approval at a future Board meeting.

The Board noted the memorandum of understanding with the Climate Change Committee (CCC). It commented that its provisions for data sharing are relatively loose. ACTION General Counsel to check the reason it was negotiated as such and report back to the Board.

22.52 Approach to NI Environment Strategy Advice

The paper was introduced, which included a proposed letter to DAERA. The Board is asked to consider whether to indicate its support for adopting the Northern Ireland Environment Strategy as an Environmental Improvement Plan (EIP).

This section has been redacted as it contains legally privileged advice.

The Board discussed that the Act requires an EIP cycle, but it is for Northern Ireland to decide. It is proposed that it is refreshed in 5 years' time.

The Board debated the commentary made by others on the strategy, alongside the OEP's analysis. It noted that there are no statutory targets in Northern Ireland, and the strategy does not present many targets. There is also very little explanation of plans for delivery and implementation. Stakeholders had commented that Northern Ireland environmental policy has a history of strategies and plans, and less effective delivery. Stakeholders had commented also on a lack of ambition in the strategy.

The Board commented that our letter should highlight that the strategy is a step forward in environmental governance in Northern Ireland. In that respect it is good, and DAERA should adopt it as an EIP so that it can press on in its delivery. Our letter should, however also highlight our concerns and the limitations to the plan.

This section has been redacted as it contains legally privileged advice.

The Board **AGREED** to respond and indicate the OEPs support for adopting the Environment Strategy as an Environmental Improvement Plan, but also to set out a critique of the plan noting how it may be improved. It **AGREED** to delegate the final letter to the CEO in consultation with the Chair and Malcolm Beatty.

22.53 Discussion on Northern Ireland

The Board was encouraged to consider the key themes arising from stakeholders during the visit to Northern Ireland.

The Board first discussed the implementation of environmental law in Northern Ireland. There is a backlog in the court system, which we need to be mindful of when launching legal proceedings. There is not a civil sanction or fixed penalty approach in Northern Ireland. There has also historically been a delay in adopting European directives into legislation in Northern Ireland.

The Board next discussed the issues facing the environment in Northern Ireland, and commented that they are broad in scope. From meeting with stakeholders there was a range of views on the priorities to be addressed.

The issues that were highlighted were biodiversity, air quality, waste and bathing water quality. Stakeholders suggested issues with compliance and implementation. The Board commented that it would be worth engaging with the Northern Ireland branch of Waste & Resources Action Programme (WRAP). ACTION Julie Hill to explore the influence and reach that WRAP has in Northern Ireland.

The Board noted that waste does not feature prominently in our current priorities. ACTION the Executive to consider this as part of the discussion on prioritisation in year.

The Board discussed the approach that the OEP should take to its work in Northern Ireland, and the factors that influence that. We have low visibility in Northern Ireland, so this is something to be mindful of as the organisation grows. There is a need for more targeted public engagement.

There is lower availability and transparency of data, and less evidence published than in other jurisdictions. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*

The Board discussed the importance of localism in Northern Ireland.

The Board considered that our strategic diagnosis underpinning our approach might need to be refreshed with greater insight of the issues in Northern Ireland. ACTION Head of Business Strategy and Planning.

22.54 Future Monitoring Reports Forward Look

The proposition was outlined and the timelines were set out: it is likely that the 25YEP progress report from Defra will be published before recess, the OEP will respond by January 2023, which coincides with when interim targets are due to be set.

The Board was asked to agree the overall approach for future EIP reports to include a core section focused on a high-level and broad commentary on state of environment and progress against the EIP and targets, accompanied by an in-depth commentary of a key issue. It was also asked to agree that the in-depth commentary for the next report should be on targets and their delivery.

The Board supported the delivery of a two-part report in principle, but expressed concern on the deliverability of both parts this year. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.* It was the Board's view that it is most critical that the core section be done well. It is important to first establish what we can deliver on part one, and then look at the second part to assess where value can best be added.

The Board recognised that continued work on targets is important, but judged this need not be within this report. Some scoping is needed to establish when the best time would be to have this discussion.

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

The Board queried the governance arrangements around the delivery of the next report and recognised that it was a proposition that it still in development and will be brought to the Board when finalised. ACTION Chief Insights Officer.

The Board DID NOT AGREE the recommendations set out in the paper. It did AGREE to pursue part 1 as set out in the paper which proposes a greater focus on scrutinising improvement in the natural environment under the EIP. The proposal included a core product of (1) assessment of the annual progress report; (2) commentary of overall progress against targets and goals in EIP; (3) Commentary of overall progress against recommendations.

22.55 Framework Document

The document was presented. The Board's attention was drawn to the outstanding section on arrangements for staff conditions that is still to be agreed with Defra and DAERA.

The Board was asked to note that that, if it endorses the document, it will still be subject to further clearances from HM Treasury, Defra's permanent secretary and ministers who may propose further changes.

This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs and as it contains legally privileged advice.

The Board noted that, once agreed, this framework document will be reflected in a streamlined governance framework and delegation policy. A further suite of delegations would be tabled at a future meeting.

The Board **AGREED** to endorse the framework document, subject to resolution of the outstanding point on pay conditions. It also **AGREED** that the final decision on the outstanding point is to be delegated to the Chair in consultation with the CEO. If a satisfactory conclusion cannot be met, the document will be brought back to the Board.

Any other business and publication of papers

The Board **AGREED** the publication of the papers.

This meeting is the Chief of Staff's final meeting as a Board member in line with the process agreed with the Board. The Board thanked him for his contributions. The Chief Regulatory Officer will be the next executive appointed to the OEP Board.

The meeting concluded at 12:32.