

Consultations update – summary table

The table (below) summarises the consultations we have responded to, and the consultations we are currently working on. It provides a forward look of expected or possible future consultations.

The information provided in the forward look has been obtained from a combination of sources including: media coverage, stakeholder engagement, references in other consultations, and intelligence gathered from Defra’s consultation forward plan, DAERA’s draft Environment Strategy and the England Environmental Improvement Plan (EIP) 2023. Some are speculative rather than definite. It is therefore not known for certain whether all of the listed items in the forward look will in fact be subject to public consultation. If they are not, we may still consider whether we want to provide advice on our own initiative (if it is a proposed change to environmental law brought forward by other means) or if we want to seek to be asked to provide advice.

This table will be sent to the Board every four months.

Consultation responses currently in preparation
None

The Board may wish to note the number of consultations, both in England and NI, that were planned for this calendar year, but this has not happened.

Title or subject	Geographic coverage	Comments	OEP Business Priority
<i>Consultation responses submitted in calendar year 2022</i>			
Consultation on Highly Protected Marine Areas	England	Submitted high level letter (consultation response) on 23 September 2022	Improving Nature at sea
Consultation on draft NI Environment Strategy	NI	Commented on 5 September 2022	N/A linked to statutory duty
Consultation on the Principles of Marine Net Gain	England	Submitted high level letter (consultation response) on 26 August 2022	Improving Nature at sea
Consultation on environmental targets	England	Statutory advice on own initiative on 27 June 2022	N/A linked to statutory power
Nature Recovery Green Paper: Protected Sites and Species	England	Statutory advice at request of Defra Secretary of State on 11 May 2022	N/A linked to statutory duty
Consultation on the draft Joint Fisheries Statement	UK	Submitted high level letter (consultation response) on 11 April 2022	Improving Nature at sea
Consultation on Biodiversity Net Gain Regulations and Implementation	England	Statutory advice on own initiative on 5 April 2022	Improving Nature
<i>Consultation responses submitted in calendar year 2023</i>			
Draft Ammonia Strategy Consultation for Northern Ireland	NI	Submitted high level (consultation response) on 3 March 2023	Outlined in Corporate Plan

Title or subject	Geographic coverage	Comments	OEP Business Priority
Draft Circular Economy Consultation for Northern Ireland	NI	Submitted high level letter (consultation response) on 20 March 2023	Managing Waste
Draft Air Quality Strategy	England	Submitted high level letter (consultation response) on 21 April 2023	Clean Air (Business priority at the time of submission)
Environmental Outcome Reports Regulations (Part 6 of LURB)	England	Submitted high level letter (consultation response) to DLUHC on 09 June.	Improving nature
NI Environmental Principles Policy Statement	NI	Statutory advice on 31 August 2023	Environmental Governance
Levelling-up and Regeneration Bill 2022 - Amendments (Nutrient Neutrality)	England and reserved matters	Statutory advice on own initiative on 30 August 2023	Improving Nature
Fisheries Management Plans – Frontrunners	England	Submitted high level letter on 29 September 2023	Improving Nature at sea
Future Operational Protocol to Assess the Impacts of Air Pollution on the Natural Environment - (A Call for Evidence)	NI	Submitted high level letter on 22 September 2023	Outlined in Corporate Plan
<i>Forthcoming and potential consultations</i>			
<i>Timescale previously reported as “expected 2023” – Expect to respond</i>			
Levelling-up and Regeneration Act 2023 – associated consultations	England and reserved matters	Links to current priority work on environmental assessments. DLUHC have previously expressed interest in seeking OEP advice. Various consultations expected following Royal Assent of the LURA (e.g. draft EOR regulations, National Planning Policy Framework and National Development Management Policies)	Improving Nature
<i>Timescale previously reported as “expected 2023” – May respond</i>			
Biodiversity net gain – consultation on statutory instruments (November)	England	Defra have previously expressed interest in seeking our advice	Improving Nature
Marine net gain – implementation mechanisms	England	As noted in the Defra Marine Net Gain roundtable	Improving Nature at sea
Clean Air Strategy for NI	NI	As noted in the NI Environment Strategy	Not a priority
Climate Action Plan	NI	As noted in the NI Environment Strategy	Not a priority
Ammonia reduction measures from storage and spreading of organic manures	England	As noted in the EIP 2023	Not a priority

Title or subject	Geographic coverage	Comments	OEP Business Priority
<i>Timescale previously reported as “expected 2023” – To be assessed to respond</i>			
Nature Recovery Strategy (formally known as Biodiversity Strategy)	NI	As noted in the NI Environment Strategy	Improving Nature
Ocean Acidification Action Plan	NI	As noted in the NI Environment Strategy	Improving Nature at sea
Fisheries policies	NI	As noted in the NI Environment Strategy	Improving Nature at sea
Waste Management Strategy	NI	As noted in the NI Environment Strategy	Managing Waste
Producer responsibility scheme for waste electronic equipment	England	As noted in the EIP 2023	Managing Waste
Improvements to the batteries regulations	England	As noted in the EIP 2023	Managing Waste
Plastic Pollution Plan	NI	As noted in the NI Environment Strategy	Managing Waste
Mandatory Sustainable Drainage Systems in new developments	England	As noted in the EIP 2023 & Defra Plan for Water	Clean Water
Bathing Water Regulations 2013	England	As noted in the Storm Overflow Discharge Reduction Plan to consult a review of these regulations	Clean Water
Expand environmental permitting for dairy and intensive beef farms	England	As noted in the EIP 2023	Not a priority
Provision of shore power (electricity) for docked vessels rather than use of diesel engines	England	As noted in the EIP 2023	Not a priority
Land Use Framework	England	As noted in EIP 2023	Not a priority
Environmental Permitting Scheme	NI	As noted in the NI Environment Strategy	Not a priority
Fertiliser Regulations Reform	England	As noted in Department for Energy Security & Net Zero Green Gas Support Scheme Mid-Scheme Review Consultation	Not a priority
Regulation of Green Finance	England	As noted from meeting between OEP and Rual Payments Agency on 10 October 2023	Not a priority
<i>Timescale previously reported as “expected 2023” – Unlikely to respond</i>			
Elasmobranch Strategy	NI	As noted in the NI Environment Strategy	Improving Nature at sea
Seabird Conservation and Recovery Pathway	England	As noted in EIP 2023	Improving Nature at sea
Seabird Conservation Strategy	NI	As noted in the NI Environment Strategy	Improving Nature at sea
Highly Protected Marine Area byelaws	England	As noted from meeting between OEP and Defra in March 2023	Improving Nature at sea

Title or subject	Geographic coverage	Comments	OEP Business Priority
<i>Expected 2024/2025 – May Respond</i>			
Environmental Governance & Biodiversity Targets Bill (2024)	Wales	News of a planned consultation on a new body for Wales, EPPS and legally binding targets	Environmental Governance
Nature Recovery Delivery programmes (2024)	NI	As noted in the NI Environment Strategy	Improving Nature
NI Blue Carbon Action Plan (2024)	NI	As noted in the NI Environment Strategy	Improving Nature at sea
Inshore Marine Protected Areas (2024)	NI	As noted in the NI Environment Strategy	Improving Nature at sea
Nutrient Pollution Action Plan (2024)	NI	As noted in the NI Environment Strategy	Clean Water
<i>Expected 2024/2025 – To be assessed to respond</i>			
REACH alternative transitional registration model (2024)	England	As noted in Defra Policy Paper published 09.11.2023	Not a priority
Sustainability actions set out in Biomass Strategy (2024)	England	As noted in House of Lords transcript on 15.11.2023	Not a priority
Wildfire Action Plan (2024)	NI	As noted in the NI Environment Strategy	Improving Nature
Invasive Species Action Plan (2024)	NI	As noted in the NI Environment Strategy	Improving Nature
MPA management & restoration plans (2024)	NI	As noted in the NI Environment Strategy	Improving Nature at sea
Underwater noise action plan (2025)	NI	As noted in the NI Environment Strategy	Improving Nature at sea
NI Marine Invasive species action plan (2025)	NI	As noted in the NI Environment Strategy	Improving Nature at sea
Litter Strategy (2024)	NI	As noted in the NI Environment Strategy	Managing Waste
NI Plastic Strategy (2024)	NI	As noted in the NI Environment Strategy	Managing Waste
Inshore Marine Protected Areas Strategy (2025)	NI	As noted in the NI Environment Strategy	Improving Nature at sea
Landscape Strategy (2025)	NI	As noted in the NI Environment Strategy	Not a priority
Land Use Strategy	NI	As noted in DAERA draft Nature Recovery Strategy workshop note	Not a priority
Landscape legislation review (2024)	NI	As noted in the NI Environment Strategy	Not a priority
<i>Date currently unknown – May respond</i>			
Other effective area-based conservation measures consultation	England	This relates to the 30x30 commitment as mentioned in Nature Recovery Green Paper	Improving Nature
<i>Date currently unknown – To be assessed to respond</i>			
'Irreplaceable habitat' – consultation on definition	England	As noted in the previous Biodiversity Net Gain consultation	Improving Nature
New protections in the planning system to recognise the value of 'Long Established Woodland'	England	As noted in the EIP 2023	Improving Nature

Title or subject	Geographic coverage	Comments	OEP Business Priority
Marine net gain - monitoring framework	England	As noted in the Marine Net Gain consultation	Improving Nature at sea
Highly Protected Marine Areas – consultation on potential new sites	England	As noted from meeting between OEP and Defra in March 2023	Improving Nature at sea
Review of farming rules	England	As noted in Defra Plan for Water	Clean Water
End sale of wet wipes	England	As noted in Defra Plan for Water	Clean Water, Managing Waste
Water Environment Regulations 2027	England	As noted in Defra Plan for water. Defra will review the regulations and will consult if there any proposals to amend.	Clean Water
National Highways Road Investment Strategy	England	As noted in Defra Plan for water.	Clean Water
Ofwat Innovation Fund	England	As noted in WEET Form meeting on the future for water management in the UK	Clean Water
Extension to existing North Sea Emission Control Area to cover the Irish Sea	England	As noted in the EIP 2023	Not a priority
New system for updating BAT standards for emissions for small industry e.g. petrol stations	England	As noted in the EIP 2023	Not a priority
Best Available Techniques (BAT) – developing standards for industrial processes	England	As noted in the EIP 2023.	Not a priority

Note on terminology

In the table above, forthcoming and potential consultations are classified as “expect to respond”, “may respond”, “unlikely to respond” and “to be assessed”. The first three of these categories are used for consultations about which we have some reasonable indication of their possible content and can therefore make a judgement in principle about the importance of us providing some level of response:

- “Expect to respond” is used for consultations which have a significant alignment with priorities identified in the Corporate Plan.
- “May respond” relates to less significant consultations which may nevertheless be of sufficient value for us to respond to, subject to other factors such as resource implications.
- “Unlikely to respond” indicates those consultations which we consider to be unlikely to be of sufficient significance and value to merit an OEP response.

Note that we present these only as “in principle” judgements, rather than decisions at this stage. Any decision to respond to a consultation will be taken at the appropriate time, based on the strategic case for responding and consideration of how to make best use of the OEP’s resources.

The table above also contains certain possible consultations about which little is currently known, some of which are also rather speculative as to whether they will happen at all. In

these cases, we have categorised the consultations as “to be assessed” where it would be premature to attach one of the more specific “in principle” judgements noted above.

Whilst many of the consultations outlined in table can be categorised under the OEP Business Priorities, this does not mean that we should prioritise responding to them. They will still be screened in line with the agreed consultation screening process.