



## Minutes

Meeting of the Board

Wednesday 29 November 2023 10am

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
REDACTED	Principal Lawyer (item 23.96)
Mike Fox	Head of Communications and Strategic Relations
Andy Gill	Head of Insights Operations (item 23.95)
Richard Greenhous	Chief of Staff
REDACTED	Principal Analyst (item 23.95)
Angel Lai	Head of Finance and Corporate Services
Andy Lester	Head of Business Strategy and Planning
Dr Cathy Maguire	Head of Assessments (item 23.95)
Professor Robbie McDonald	Chief Insights Officer
Craig McGuicken	Northern Ireland Lead
REDACTED	Senior Analyst (item 23.95)
Kate Tandy	Head of Litigation and Casework (item 23.96)
REDACTED	Senior Environment Specialist (item 23.95)
REDACTED	Board Secretary and Private Office Manager (Secretariat)

### 23.91 Apologies for absence and declarations of interest

The Board received apologies from Malcolm Beatty.

Paul Leinster and Julie Hill were recused from the discussion at item 23.98 due to actual or perceived conflicts of interest as former employees or Board members for the Environment Agency.

### **23.92 Minutes and Matters Arising**

The Board AGREED the minutes of the 25 October 2023 Board meeting and the 10 November 2023 extraordinary Board meeting.

The Board noted the matters arising.

### **23.93 Update from the Chair of ARAC (verbal)**

The Board received an update from the Chair of the Audit and Risk Assurance Committee and a summary of its 1 November 2023 meeting.

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

The Committee had queried how we use the apprenticeship levy and noted that the OEP has recruited its first apprentice.

The Committee held an internal workshop to assess its balance of business for the year, particularly around what additional assurance it could provide. It felt that it could usefully consider a lessons learned programme.

### **23.94 Report of the Chief Executive**

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

Lough Neagh continues to draw attention, including during speaking engagements attended by the Chair and Chief Executive. The Board noted that it will be a case study in our upcoming report on the pressures and drivers of biodiversity loss in Northern Ireland.

The Board noted the recent judgment in a judicial review launched by Pickering Fisheries Association about the Humber River Basin Management Plan (RBMP). The ramifications may extend to other RBMPs. Defra and the Environment Agency have already applied to appeal the decision. We will monitor closely, to consider the impact on our current work.

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

The Board urged officers to consider the timeline of our work on Local Nature Recovery Strategies. Most strategies will be written by September 2024 to meet the deadline for approval by Local Authorities by March 2025 and we need to ensure we can have influence in a timely way. We recognise that a report at the end of our analysis may not be the best strategy to influence. Our influence may be in part through the scrutiny we provide. We intend to influence as we progress with our work.

In considering others' consultations and our approach to determining whether or not to respond in each case, the Board highlighted the importance in monitoring whether government responds to consultees' views and implements recommendations relevant to our remit. ACTION Chief Regulatory Officer to consider.

Since the last Chief Executive report, we have received four new complaints and dealt with 47 enquiries.

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

Following the decision made by the Board at its extraordinary meeting on 10 November 2023, we issued a Pre-Action Protocol letter to DAERA in relation to lifting the pause in giving planning advice on ammonia emissions using its Operational Protocol. The deadline for response is 1 December 2023.

We are monitoring compliance with statutory deadlines in Northern Ireland, the most significant of which are for producing the Northern Ireland EIP and reviewing the Nutrient Action Programme. The Board suggested a meeting with the Secretary of State for Northern Ireland. ACTION Head of Business Strategy and Planning.

The Board received an update on recruitment. The Board noted that we have not been able to fill some roles. The Board queried whether the list of members of our college of experts will be published. There are plans for this once all members are onboarded.

The Chair and Chief Executive continue with a programme of stakeholder engagement. The Board suggested seeking engagement with Rachel Reeves and Hilary Benn. ACTION Head of Business Strategy and Planning.

The Board encouraged us to consider preparing short briefing notes for more general stakeholder engagement, particularly following large publications. ACTION Head of Business Strategy and Planning and Head of Communications and Strategic Relations.

### **23.95 England 2022/23 EIP progress report: update and request for approval**

The Board noted progress towards delivery of the England 2022/23 EIP progress report and the timetable for completion. It commended the work done on the report.

The report has retained the five key recommendations from last year, as these are still relevant. The overarching message is that the EIP is not the detailed delivery plan that is needed. The Board commented on the draft executive summary. The Board urged caution with over emphasising achievements. For example, the government has done work on climate change and on sites of special scientific interest, but this is not indicative of progress in these areas overall. The Board was assured that the assessment is qualitative for the RAG ratings in these areas, with a narrative in the text.

The key gap is the delivery plan, which would allow us to assess prospects against expectations in a more structured way.

The Board discussed the recommendations, making a number of suggestions on improvements to drafting for clarity. It noted that recommendation three – ‘develop and implement delivery plans’ is the key recommendation.

The Board queried whether we have seen progress on recommendation five – ‘develop and implement an effective monitoring, evaluation and learning framework’. It is not possible to tell at this point.

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

The Board feels that the concerns set out over the lack of data are appropriate. We highlight the lack of detailed information for all stakeholders.

The Board APPROVED the England 2022/23 EIP progress report in substantially the form at Annex A to the paper.

The Board AGREED to delegate to the Chief Executive, in consultation with the Chair, approving that the final report has satisfactorily incorporated such non-material amendments as the Board directed, including in the final draft of the Foreword and Executive Summary.

The Board noted progress regarding communication and engagement for the England 2022/23 EIP progress report.

**23.96 England's Environmental Improvement Plan**

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

**23.97 Board Dates 2024/25**

The Board AGREED the schedule of meetings set out in the paper.

The Board AGREED to alternate between remote and face-to-face meetings.

The Board AGREED to one meeting in Northern Ireland in 2024.

**23.98 Any other business**

Julie Hill and Paul Leinster were recused from the meeting for an item raised under any other business due to actual or perceived conflicts of interest.

Following their recusal, the Board was not quorate. The Board noted this, and that it was not asked to make a decision. Information had been provided for information only.

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