



## Minutes

Meeting of the Board  
Thursday 18 January 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
Alexis Edward	Head of Finance and Corporate Services
Nic Edwards	Private Secretary (item 23.09)
Neil Emmott	Head of Monitoring Environmental Law (item 23.10)
Mike Fox	Head of Communications and Strategic Relations
REDACTED	Principal Analyst (item 23.10)
Richard Greenhous	Chief of Staff
REDACTED	Principal Lawyer (item 23.10)
Andy Lester	Head of Business Strategy and Planning
REDACTED	Principal Lawyer (item 23.14)
Professor Robbie McDonald	Chief Insights Officer
REDACTED	Principal Lawyer (item 23.14)
Ellie Strike	Head of Complaints, Investigation and Enforcement (item 23.09 and 23.10)
Kate Tandy	Head of Litigation and Casework (item 23.10, 23.13 and 23.14)
REDACTED	Business and Governance Officer (Board secretariat)

### **23.06 Apologies for absence and declarations of interest**

There were no apologies for absence. Paul Leinster, Richard Macrory and Julie Hill declared an interest as former employees or board members of the Environment Agency with reference to item 23.14.

### **23.07 Minutes and matters arising**

The Board AGREED the minutes of the 2 December 2022 and the 8 December 2022 board meetings. The Board noted the matters arising.

### **23.08 Report of the Chief Executive**

The Board noted that funding discussions continue with Defra and DAERA. We anticipate a decision from the Secretary of State (Defra) around the end of February. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs and to relations within the United Kingdom and it contains information for future publication.*

The Board noted that we have been engaging with DAERA over its plans for the Northern Ireland Environmental Improvement Plan. The Board queried how we are engaged with bodies in the Republic of Ireland on issues such as waste. This will be considered as our work evolves.

In our corporate plan we stated that we would respond to the draft ammonia strategy for Northern Ireland. As the scope of the strategy has changed since the plan was written, the executive will check whether the draft strategy consultation meets our response criteria.

The Board commended the commitment in Northern Ireland to take action in relation to ammonia. It highlighted that as different sectors have different emissions profiles, so our analysis may need to be separated out in this way. It pressed for a comprehensive communications plan for any OEP response, and a recognition (in any OEP response) that these issues exist in England too.

The Board AGREED that our strategic approach for responding to the draft ammonia strategy for Northern Ireland consultation should focus on systemic issues. It also AGREED that Malcolm Beatty should act as the critical friend for the response.

The Board was updated on the OEP nature and water programmes. Defra this week indicated it expects to publish a response to the Nature Recovery Green Paper consultation alongside publishing a revised EIP and statement on the Significant Improvement Test.

The CEO confirmed that the English River Basin Management Plans for 2021-27 have also been published. The Board welcomed this news, following OEP efforts to press for publication, given the notable delay. Further work will be done to analyse the plans.

The Board discussed the balance between meeting statutory deadlines and ensuring that the content of publications is of sufficient quality. It is for government to manage the tension well, so that deadlines are met with products of the right quality.

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

The Board received an update on the latest complaints received.

The Board queried whether we would discuss complaints with our counterparts in Wales and Scotland, particularly complaints that have the potential to be cross boundary issues such as those related to ammonia or river pollution. We are already liaising with our Welsh counterpart in relation to complaints *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*, and the executive confirmed that cross border liaison will be on the agenda for the next meeting that the Chair and Chief Executive have with the Interim Welsh Assessor. ACTION Head of Business Strategy and Planning.

The OEP will be moving into dedicated offices in Worcester (the Wildwood Office) in June, assuming works are finalised as anticipated. The Board welcomed this development, recognising the importance of suitable and sufficiently sizeable premises for the OEP. The OEP's staff can be accommodated together for the first time.

Work is underway on updating the website. Board members are encouraged to send suggestions to the Head of Communications and Strategic Relations. The Board highlighted the Woodnewton report findings on the potential for better use by the OEP of social media. These will be taken into account in our medium-term planning, considering the resource needed to effectively manage social media engagement.

Board members are to contact the Head of Communications and Strategic Relations in relation to issues of stakeholder engagement in the first instance.

### **23.09 Project Initiation Document – Reform Intelligence**

The proposed project encompasses work on the Retained EU Law (Revocation and Reform) Bill (REUL Bill), agri-environment and land management schemes, planning reform and Defra public bodies review (should it proceed). The aim is to put us on the front foot regarding responding to these reforms where relevant to our remit, where there is any risk to environmental protection and where any proposed change may lessen government's ability to achieve its ambitions for the environment.

The Board was updated on our understanding of progress of the REUL Bill, and each department's intentions in respect of their retained EU law. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs and contains information provided in confidence.* The Board emphasised the importance that our evidence on the Bill be known to Parliament, through Parliamentary passage. ACTION Chief Executive to ensure that we continue to reference our evidence wherever appropriate, including select committees. It also

emphasised that we need to keep in mind how we can use our full range of powers, if needed.

The Board confirmed its agreement to the strategy and objectives of the proposed project on reform intelligence. Accordingly, the Chief Executive approved the project's strategy and objectives (pursuant to NFSoD, Pt 10.3).

### **23.10 Statutory Deadlines**

The Board discussed the proposed project relating to statutory deadlines in environmental law and the proposal for an environmental law report on post implementation reviews of environmental law.

The Board queried whether other bodies had or are undertaking work relating to post implementation reviews. The General Counsel confirmed that post-implementation review falls within the Regulatory Policy Committee's remit and that it has recently made public statements critical about Government failings in this area. He also confirmed that in October the House of Lords Secondary Legislation Scrutiny Committee reported on the impact assessment process for new legislation, with that report containing criticism of the Government's poor record in undertaking post implementation review. However, we are not aware of work going on in other areas that has parity with our analysis. The Board was reassured that the OEP is able to make a unique contribution.

The Board emphasised the need for the report to step beyond the procedural and stress the value of structured and comprehensive post-implementation review. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.* It may also be helpful for the Chair to meet with the Chair of the Regulatory Policy Committee. ACTION Head of Business Strategy and Planning.

The Board discussed and commented on the early draft of the proposed environmental law report. The Board urged caution when discussing guidance on implementation, and confirmed that the OEP's interest is in the value of post-implementation review as a mechanism to help protect and improve the environment.

The Board AGREED the proposal to produce an environmental law report (under section 29 of the Environment Act 2021.) It noted that a final report will be subject to Board approval before being laid.

The Board confirmed its agreement to the strategy and objectives of the proposed project on compliance with statutory deadlines. Accordingly, the Chief Executive approved the project's strategy and objectives (pursuant to NFSoD, Pt 10.3).

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

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

**Any other business**

The Board discussed the rotation of executive Board membership and that this will be evaluated as part of the Board effectiveness review now in course.

The meeting ended at 11:55.