



Office for Environmental Protection

Minutes

Meeting of the Board
Wednesday 29 May 2024 10am
Wildwood

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	Chief Executive
Dame Glenys Stacey	Chair

OEP Attendees

Tim Adey	Head of Science and Analysis (item 24.42)
Peter Ashford	General Counsel
REDACTED	Principal Analyst (items 24.42 and 24.44)
REDACTED	Senior Investigations Officer (item 24.42)
REDACTED	Legal Researcher (Acting Board Secretary)
Dr Donnacha Doody	Head of Northern Ireland Analysis (item 24.44)
Nicola Edwards	Head of Intelligence (items 24.47 and 24.50)
Neil Emmott	Head of Monitoring Environmental Law (item 24.45)
REDACTED	Principal Business Officer (item 24.49)
Mike Fox	Head of Communications and Strategic Relations (item 24.48)
REDACTED	Principal Investigator (item 24.43)
REDACTED	Principal Lawyer (item 24.46)
Angel Lai	Head of Finance and Corporate Services
Andy Lester	Head of Business Strategy and Planning
REDACTED	Principal Lawyer (item 24.43)
REDACTED	Principal Monitoring Environmental Law Officer (item 24.45)
Prof Robbie McDonald	Chief Insights Officer

Craig McGuicken	Northern Ireland Lead
Ellie Strike	Head of Monitoring Environmental Governance (items 24.46, 24.51 and 24.52)
Kate Tandy	Head of Litigation and Casework (items 24.43 and 24.46)
Helen Venn	Chief Regulatory Officer (item 24.43)
REDACTED	Senior Environment Specialist (item 24.42)

24.39 Apologies for absence and declarations of interest

There were no apologies for absence. Malcolm Beatty joined the meeting from item 24.41

There were no new declarations of interest.

24.40 Minutes and Matters Arising

The Board AGREED the minutes of the 16 April Board meeting and the 2 May extraordinary Board meeting, subject to the addition of an action regarding consideration of the use of Irish and Ulster Scots.

The Board noted the matters arising report.

The Chair updated the Board on process of appointing new Board members, noting that applications for appointments are open.

24.41 Report of the Chief Executive

The report was presented, highlighting progress in delivery our strategic objectives.

The Board considered the announcement of the general election, which is scheduled for 4 July. It was noted that the Board should be cognisant of the announcement in its deliberations on all Board papers to be considered in the meeting.

The Board was notified that an 'Election Working Group', had been established chaired by the Chief of Staff, and advised of its outline scope. Further details of this working group will be brought to the Board at its meeting on 12 June.

The Board emphasised the need to ensure compliance with rules for how public bodies act during the pre-election period, and suggested areas where there is particular risk to the OEP should there be non-compliance. ACTION Chief of Staff to arrange specific election guidance to both OEP staff and Board.

The Board considered the report outlining progress in delivering our objectives. We have identified particular concerns in respect of how the recently-released Species Abundance Indicator interacts with the Environment Act's 2030 species abundance target. Once species abundance levels have stabilised, there is a 50-50 chance of the indicator showing that the target (as currently defined in regulations) has been met or missed, given inevitable year on year variation. The Executive is considering steps that may be taken next.

The Board commended the successful launch of the report on the implementation of the Water Framework Directive Regulations and River Basin Management Plans in England. The timing of the general election is likely to present challenges to the Secretary of State responding in Parliament within the statutory timetable given a limited number of sitting days. The Board was assured of steps being taken in respect of the potential compliance issues highlighted in the report, in relation to which Government's response will be instructive. The

Board recommended that officers consider how the findings of the report may be applied in relation to the price review determinations Ofwat will make in July. The Board highlighted the importance of active communication of the key messages for a prolonged period (9-12 months) post-publication.

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

Julie Hill updated the Board on her review into the approach taken to, and lessons learned from, the compliance assurance project, commissioned by the Board in the meeting of 16 April 2024. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.* The Board welcomed Julie's findings and commended the constructive and open way in which staff had engaged with her review, in a spirit of learning lessons. The Executive will now take these lessons forward.

The Board considered the tone of OEP communications and publications. It was recognised that there is often scope to frame negative messages as opportunities for improvement, and that more balanced language acknowledging alternate viewpoints may at times be appropriate. It was also observed that there can be significant challenges associated with attempting to propose solutions to issues. ACTION Chief of Staff to enable the Board to explore the matter of tone further.

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

The Board offered its congratulations on the positive results reported in the 2023-24 financial out-turn, noting the significant improvement on the previous year.

23.42 Improving nature at sea – a prospective work programme

The Board was presented with the proposed work programme for the coming year, designed to scrutinise how government can move towards achieving Good Environmental Status in marine waters. Since these waters span UK jurisdictions, we are liaising closely with Environmental Standards Scotland on aspects of this work programme, though it is not proposed that we embark upon joint working.

The Board sought assurance that the proposed marine work programme was not disproportionate to work being conducted in relation to terrestrial matters. It was noted that the programme has been designed pragmatically on the basis of available resources, and that it has been considered carefully as part of business planning.

The Board highlighted the benefits of emphasising pressures and drivers to ensure audience understanding of root causes; opportunities to link the governance aspect of the work to other OEP work programmes; international Environmental Impact Assessment models to explore; and the possibility of gathering data from offshore development operating companies.

The first output of the work programme will be informed by the early stages of work, in line with our issue-based approach. This may be through the next EIP progress report, or in standalone reports related to it and the issues we find. *This section has been redacted as it relates to information recorded for the purposes of OEP's functions relating to investigations and enforcement.*

It was confirmed to the Board that notwithstanding the work programme's cross-jurisdictional nature the Executive is satisfied that it can be financed using Defra funding pending receipt of DAERA funding.

The Board AGREED the work programme's areas of focus for 2024/25 and confirmed its strategic objective.

24.43 Update on the investigation in relation to combined sewer overflows

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

24.44 The drivers and pressures of biodiversity in Northern Ireland

The Board noted progress in the development and drafting of the Drivers and Pressures report. It is anticipated that a final copy will be provided for Board sign off on 3 July.

The Board considered the content, tone, and focus of the draft foreword and executive summary. The Board judged that the full report could emphasise points such as rates of change, and comparisons between NI and comparable jurisdictions; the opportunity in the foreword to position the report as a source of information for the Assembly, in light of the new EIP (once in place); the need to ensure that language in the report is accessible and impactful and that in addressing the report to DAERA, care must be taken not to feed into a narrative that the issues arising in the report are therefore DAERA's problem alone.

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

24.45 Final report for Northern Ireland from Project Belisama

The Board was presented with a brief summary of the report background, findings, and recommendations. In addition, key areas of suspected non-compliance and potential next steps were summarised. The Board suggested that a similar summary of suspected non-compliance issues be included in the report.

It was highlighted to the Board that in light of the general election, publication (originally planned for 4 July) must be delayed. The Board judged that the report should be published while the Assembly is sitting, but that the main findings and recommendations could be provided to DAERA to ensure a 'no surprises' approach and given the minister's desire to review the report in finalising the river basin management plan for Northern Ireland.

The Board discussed contrasts between England's and Northern Ireland's water sectors and associated pricing models, and the implications of these for the report. This means that Northern Ireland Water cannot access equivalent capital to English water companies. The discussion of funding issues and mechanisms and the related specific recommendations should be considered in this light.

The Board recommended that the language in the report be reviewed to ensure the tone is appropriately balanced. It also proposed that there be greater emphasis on the need for focus, pace, ambition, and urgency.

Subject to its suggestions for non-material amendment the Board AGREED the report in substantially the form presented. It AGREED to delegate to the Chief Executive, in

consultation with the Chair, approving that the final report has satisfactorily incorporated the Board's suggestions for amendment.

The Board noted the intended communications and engagement approach to accompany report laying and for dissemination of its key messages.

24.46 Northern Ireland's Environmental Improvement Plan

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

24.47 Our Values

The Board noted the paper. It considered whether 'trustworthy' should be our fourth value label. It expressed concern that the term may be seen as subjective, and considered alternative terms including, professional, purposeful, and act with integrity. The Board concluded that act with integrity seemed the most appropriate alternative, and exemplified the behaviours set out.

Subject to this, the Board AGREED that the values and behaviour charter be refreshed to incorporate the changes set out. It also endorsed the use of our values to explain how we work in the revised strategy for external consultation.

24.48 Communications and engagement strategy

The Board considered and commented on the draft External Communications and Stakeholder Engagement Strategy described in the paper, to inform its finalisation. The Board particularly considered the matter of the OEP's audience, noting that the OEP's various functions have very varied audiences, including business and the private sector, local authorities, metro mayors, and professional/trade bodies.

The Board recommended other matters for consideration as the strategy is finalised including promulgating OEP messages on a rolling basis and ensuring that information is communicated in a cutting edge, visually exciting way.

The Board discussed the OEP website, expressing particularly that there remain limitations in search functions. It was noted that there will be an opportunity later this year to explore alternative provider options, but that ultimately in order to gain more direct control over the form of the website and to enable more sophisticated use of analytics, in-house expertise would need to be secured.

24.49 Measuring success and performance

The Board queried whether the table of key performance indicators outlined in the paper should be called a scorecard.

The Board commented on specific aspects of the scorecard. It proposed adding a reference to timelines to the 'Have we delivered on plans?' section, and moving the reference to the number of publications from 'Have we influenced change as intended?' to 'Have we delivered our plans?'. It queried whether the number of engagements with the college of experts was an appropriate metric to use, since there is no indication of the quality / outcome of the engagements.

In the draft key performance indicator and management information tree, the Board queried the suitability of '% Board recommendations agreed first time' as a measure. It also suggested that the efficiency measures be considered further, as these relate to, but do not measure efficiency.

It was explained that the aim is to develop the performance indicators this year, with some to be piloted in order to allow more analysis and confirmation that they are the most appropriate measures.

Subject to its comments, the Board AGREED the proposed Key Performance Questions and Indicators (Annex A) and Balanced Score Card (Annex B), as per the mechanisms and frequency of reporting previously agreed. The Board noted that this sits within a broader Key Performance Indicator and Management Information Tree (Annex C) to be further developed as part of management information monitored by the Executive and escalated by exception to Board.

24.50 Issues-based working – taking stock

The paper was presented to secure the Board's endorsement of the proposed approach to describing and implementing issue-based working, and the steps needed to make this operational reality. The changes proposed will be iterative.

The Board noted the work to date on specific aspects of our 'knowledge functions' and how those aspects are inter-dependent.

The Board considered and commented on the descriptive model for how the OEP's functions work together to allow our intended issue-based approach. It agreed the need to nurture issue-based working as this may not be intuitive to all staff.

The Board discussed the diagram at Figure 1 of the paper, which it regarded as potentially a powerful tool for explaining our approach to issues-based working and provided suggestions for how the diagram may be clarified further, particularly to draw the link between our actions and outcomes.

In communicating to others, the Board suggested that worked examples be provided to demonstrate the process in practice.

24.51 Draft strategy

The Board considered the draft strategy, which is intended to be consulted on after the general election. It noted that the draft strategy demonstrates our increased confidence in articulating who we are, and what we do.

Certain key changes from the previous strategy were highlighted to the Board, including that it is shorter, aims to make more use of infographics, and that the section on Northern Ireland has been replaced by a discussion of how we work across two jurisdictions.

The Board considered and commented on the draft strategy and enforcement policy presented, including a number of areas where drafting could be improved to be more precise or provide greater clarity.

The Board noted the importance of connecting our strategy to wider environmental outcomes, trends and the pressing need for action. It judged the foreword the appropriate place to do so.

The Board considered the draft enforcement policy and noted some minor drafting improvements that could be considered. It noted that the policy reflected its prior discussions and decisions on our enforcement approach.

Subject to these comments, the Board AGREED to publish a draft strategy and enforcement policy for consultation substantially in the form set out at Annexes A and B and AGREED to

delegate approval of the final drafts for consultation to the Chief Executive in consultation with the Chair.

The Board discussed whether the draft strategy should be sent to Defra ahead of public consultation on a “no surprises” basis. It concluded that it may be beneficial to share the draft for information rather than for comment at this stage.

24.52 Consultation approach

It was highlighted to the Board that the recommendations in the Board paper can be agreed notwithstanding the announcement of the general election. However, the consultation itself will need to be postponed until after the election.

The Board considered whether the consultation ought to be 12 weeks in light of recess and the arrival of new ministers. The Board noted that a 10-week consultation will best ensure it is possible for the analysis of consultation responses to be brought to the Board in November, alongside any proposed amendments to our approach.

The Board noted that we are not required to carry out an 18-month review of the strategy, as outlined in the draft consultation document, and requested that this reference be removed.

The Board considered the proposed target audiences, making some suggested additions.

Subject to the comments above, the Board AGREED the approach to consultation, including its duration.

24.53 Any other business

The Chair noted that she will not be able to attend the Board meeting of 12 June. The Board AGREED that Julie Hill is to serve as chair for this meeting.