



Minutes

Extraordinary Meeting of the Board
 Tuesday 03 December 2024 11am
 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
Mike Fox	Head of Communications and Strategic Relations
Helen Gauterin	Head of Environmental Law
Richard Greenhous	Chief of Staff
Angel Lai	Head of Finance and Corporate Services
Professor Robbie McDonald	Chief Insights Officer
REDACTED	Board Secretary and Private Office Manager
Kate Tandy	Head of Litigation and Casework
REDACTED	Principal Lawyer

24.114 Apologies for absence and declarations of interest

Apologies were received from Natalie Prosser. There were no new declarations of interest.

24.115 Application to intervene in Supreme Court appeal of CG Fry & Son Ltd v Secretary of State for Levelling Up, Housing and Communities (now Housing, Communities and Local Government) and Somerset County Council

The paper was presented, and the Board was made aware of the grounds for the proposed intervention in the case.

The Board noted that our position on the law is likely to be broadly in agreement with the Secretary of State's. The Board also noted the assumption that the Supreme Court

will consider the case from first principles, as this will be the first time it will consider these issues since the UK left the European Union.

The Board discussed firstly the wider context – in particular, the number of interventions that the OEP had initiated in recent months. It noted that stakeholders have not criticised the OEP for the level of activity in this area, and moreover, that each intervention had been decided on its own merits. The Board considered that this proposed intervention concerns an important case in a critical area of law, and appreciated that intervention is recommended in that context.

The Board then discussed the detail of the proposition. The Board agreed to apply to intervene in the Supreme Court appeal: (i) on the basis of the correct interpretation of the Habitats Regulations and the rationale set out at Annex A to the paper; and (ii) on the substantive basis of the submissions set out at Annex B to the paper, while noting that these are in draft and will be finalised and circulated for information via electronic business when the application to intervene is made.