



## Agenda

Extraordinary meeting of the Board  
 Wednesday 28 June 2023 1pm  
 MS Teams

## 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

Peter Ashford	General Counsel
Mike Fox	Head of Communications and Strategic Relations
Andy Lester	Head of Business Strategy and Planning
REDACTED	Principal Lawyer (item 23.56)
Professor Robbie McDonald	Chief Insights Officer
Ellie Strike	Head of Monitoring Environmental Governance (item 23.56)
Kate Tandy	Head of Litigation and Casework (item 23.57)
Helen Venn	Chief Regulatory Officer
REDACTED	Senior Environment Specialist (item 23.56)
REDACTED	Business and Governance Officer (Secretariat)

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

There were no apologies for absence. There were no new declarations of interest.

### **23.55 EIP Update (verbal update)**

The Board was updated about the provision of information sought from Defra in relation to detailed delivery plans in the goal areas of Thriving Plants and Wildlife, and Clean Air in the Environmental Improvement Plan (EIP). *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*

An update will be provided to the Board at its 12 July Board meeting, *this section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*

### **23.56 Revocation of Regulations 9 and 10 of the National Emissions Ceiling Regulations 2018 under the REUL Bill**

Regulations 9 and 10 of the National Emissions Ceiling Regulations 2018 are on the list of legislation to be revoked under the Retained EU Law (Revocation and Reform) Bill (REUL Bill). The Board considered a paper which proposed we provide advice to Ministers on this.

The Board discussed the concerns outlined in the paper, and the advice we may provide. It queried the purpose of any advice, specifically what it may achieve, given the progress of the Bill and its imminent implementation at the point the advice would be issued – and the functions under which advice would be given.

The Board noted that we are unlikely to influence government's position on this, at this late stage. Parliamentary debate is expected to conclude imminently, limiting the opportunity to have influence. The publication of the proposed schedule of revocations on 17 May 2023, our desire to engage with officials to understand the basis for revocation, and our subsequent detailed analysis of the impact of revocation had prevented an earlier response.

The Board did, however, recognise the analysis set out, and the importance of publicly stating our position on the matter in a timely manner. Specifically, it noted that the revocation of these regulations could constitute a regression in environmental protection, without action. The Board felt that our judgement on this should be made clear to Ministers, and others.

The Board DID NOT AGREE to issue formal advice to the Secretary of State for Business and Trade as proposed. Instead, it AGREED that the Chair should write to the Secretary of State for the Environment, Food and Rural Affairs to express concern, and that the correspondence should be published.

### **23.57 Request for OEP consideration of intervention in judicial review**

The paper was presented. We have received a specific request to intervene in the case of *Uplift v Secretary of State for Energy Security and Net Zero*.

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

The Board AGREED that the OEP should not apply to intervene in the case of *Uplift v Secretary of State for Energy Security and Net Zero*.

The Board AGREED that the OEP should confirm that Uplift may refer to its written submissions in *Finch v Surrey County Council* by way of the letter set out at Annex A, with some amendments to the wording of the letter so that the tone is neutral.

The Board noted that a proposed approach to taking similar decisions will be brought to the Board for consideration in due course. ACTION General Counsel

### **23.58 Any other business**

There was no other business.