



## Minutes

Meeting of the Board

Wednesday 4 and Thursday 5 June 2025

Worcester

## 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
Professor Robbie McDonald	Chief Insights Officer
Natalie Prosser	Chief Executive
Dame Glenys Stacey	Chair

## OEP Attendees

Peter Ashford	General Counsel (items 25.30 to 25.32)
REDACTED	Lawyer (item 25.30)
REDACTED	Principal Analyst (item 25.27)
Dr Donnacha Doody	Head of Analysis (item 25.32)
Neil Emmott	Head of Monitoring Environmental Law and Advice (item 25.32)
Helena Gauterin	Head of Environmental Law
Richard Greenhous	Chief of Staff
Joe Hayden	Head of Complaints, Investigation and Enforcement (item 25.27)
REDACTED	Principal Lawyer (item 25.32)
Andy Lester	Head of Business Strategy and Planning acting as Board Secretary (item 25.32)
Angel Lai	Head of Finance and Corporate Services
Dr Cathy Maguire	Head of Assessments (item 25.28)
REDACTED	Principle Lawyer (item 25.27)
Ray Purdy	Head of Legal Research and Analysis (item 25.30)
REDACTED	Senior Investigations Officer (item 25.27)
REDACTED	Senior Projects Officer acting as Board Secretary (items 25.24 to 25.31)
Helen Venn	Chief Regulatory Officer
REDACTED	Principal Lawyer (item 25.30)

## Observers

David Lambert

Boardroom Apprentice

### **25.24 - Apologies for Absence and Declarations of Interest**

There were no apologies or new declarations of interest.

### **25.25 - Minutes and Matters Arising**

Minutes and matters arising from the Board's last meeting will be considered at its next meeting on 16 July.

### **25.26 - Report of the Chief Executive**

The Board was updated on progress in delivering our strategic objectives.

The Board noted the expected timeline for publication of the refreshed EIP in England, and our current analysis of Defra's internal EIP review report, which had been released to ENDS. OEP colleagues had met with DAERA to discuss monitoring of the Northern Ireland EIP.

The Board discussed a heightened level of interest in the marine environment, our existing work in this area and further planned, and the current gap in regulatory governance in this area.

The Board was updated on the OEP's work in relation to the Planning and Infrastructure Bill. Our advice had received significant interest in Parliament, and elsewhere. We continue to engage with relevant officials and Parliamentarians to explain our advice, as they consider potential next steps. The Board discussed challenges with sewer capacity for new home building, in relation to the 'right to connect' and the use of so-called 'Grampian conditions'. A case currently before the courts may provide important clarification of the law. The Board noted implementation challenges in relation to the Planning and Infrastructure Bill if it is passed. This will be considered by the Executive over the summer.

The Board was made aware of progress in each open investigation and of correspondence from Minister Hardy in relation to government's planned changes to its guidance to the Environment Agency in relation to the Farming Rules for Water.

The Board discussed decisions taken in a complaint where the issues are serious, but an investigation is not proposed, with progress monitored instead through engagement with the relevant public authorities in the first instance. This reflects plans put in place by those authorities, and the more limited impact that could be achieved by investigation and/or enforcement steps. The Board queried the nature of the complaint, and engagement had with the complainant.

The Board noted the 2024/25 year end financial position: an underspend of just under £48k, and recognised the finance team and others' achievement. The Board queried the balanced scorecard and how much it was informing the decisions of the Executive. There is opportunity to include a short narrative against each item, for additional clarity.

The Board heard that Dan Laffoley's and Paul Leinster's terms on the Board will continue for at least another 18 months, and that recommendations for a new board member to replace Richard Macrory are with the Secretary of State. The recent announcement that Dame Glenys Stacey will not seek to renew her term as Chair was also confirmed as having been communicated to OEP colleagues.

The Board noted the risk register, and that the risks continue to be well managed and enduring.

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

### **25.28 - EIP – Next Steps**

The Board was provided with a summary of the EIP monitoring and assessment development plan that had been developed.

It queried the extent to which this was based on a presumption of the quality of the Annual Progress Report DAERA will produce, and improvements that may be made to the quality of the APR in England. The Board discussed the extent to which a fully fledged APR, in line with the recommendations we have made for improvements, may amend our plans, and reduce the resource we may expect to apply in this area. It noted that we will always have a role to independently assess progress.

The Board discussed the annual reporting cycle, and the merits of more variation in the outputs and progress report each year, within the statutory framework. The development plan indicates how the focus of scrutiny may vary over time in line with the political and EIP review cycle.

The plan proposes a more streamlined version of EIP progress reports this year, and the Board sought assurance on how this would be achieved, and what it would include. The Board also sought assurance on the review processes proposed, and how external subject matter expertise was incorporated.

The Board considered the desirability of maintaining the planned publication timing of the first progress report in Northern Ireland, if DAERA's APR is delayed. *This section has been redacted as it contains legally privileged advice.* The right approach will be considered by the Board in February 2026, with the facts known.

Board agreed the EIP monitoring and assessment development plan.

### **25.29 - Budget, business plan and corporate plan**

The Board considered a budget proposal for 2025/26 of £10.94m. This is an increase of £225k, since the draft budget was agreed by the Board in March, driven by an increase in the pay budget, offset partly by a reduction in non-pay.

The Board noted this is 2.2% (or £231k) over-programmed and the opportunities to mitigate financial risks captured in paragraph 30 of the paper.

The Board noted that further prioritisation has been required from the draft business plan the Board agreed, so that the business plan is affordable within this budget. It noted that this prioritisation had been for less than 2% of the business plan, with no impact to external facing products.

The Board agreed the budget for 2025/26, the changes for the draft business plan proposed, and the corporate plan.

### **25.30 - Inspections Report**

The proposed environmental inspections report was introduced. The Board noted the evidence gathering that underpinned this report, which had included review of 197 environmental laws, and analysis through ten case studies, resulting in eight proposed recommendations.

The constraints upon how far the OEP could go with making findings and recommendations in this report, given the evidence base, was highlighted. Nonetheless, the Board endorsed the presentation of the findings and recommendations as an environmental law report.

The Board discussed the core message of the work, how this could be made more compelling, and who the audience for that would be. While endorsing the large amount of important information present in the report and annexes, the conclusions can be more clearly drawn. The Board judged an early section highlighting the importance of the regulatory process, the role of inspections and implementation within that should be introduced.

The Board discussed the generally poor understanding of regulation and regulatory tools within the policy profession. A specific challenge is policy officials interpreting regulation as enforcement. This work and the communication of it could help policy makers understand the importance of inspections and their role as a key part of regulatory implementation.

- i. The Board considered the engagement approach in relation to the report. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs and it contains information provided in confidence.* The Board encouraged engagement with relevant select committees in dissemination of the findings.

Board agreed the report, and agreed to delegate to the Chief Executive in consultation with the Chair approval of the final report subject only to non-material amendments in line with its comments, and as otherwise set out in the papers.

### **25.31 - Any other business**

There was no other business for the day.

### **25.32 NI Nutrients Action Programme**

The Board considered proposed advice to DAERA in relation to its proposals to repeal and replace the Nutrients Action Programme Regulations (NI) 2019. It was updated on the most recent discussions with DAERA, on the proposals.

The Board welcomed the content of the advice. It made observations in terms of tone and drafting, including seeking a firmer expression of three of the draft recommendations and in the sections of the letter relating to potential enforcement action.

It asked that the advice refer to the absence of proposals in relation to wastewater in the Nutrients Action Programme (NAP) and the need for this to be addressed alongside the NAP, as well as the need for the NAP to take account of the likely impacts of climate change, given likely changes to rainfall patterns and temperatures and the impact on this issue.

The Board considered the potential reception of the advice. It noted that it may be referred to by the Minister and others in debate. The Board judged it should be issued and published as soon as possible so as to inform that discussion.

The Board agreed the advice in substantially the form presented and agreed to delegate to the Chief Executive, in consultation with the Chair, approval of the final version of the advice in light of the Board's comments.