



Interim OEP
County Hall
Spetchley Road
Worcester
WR5 2NP

03300 416 581
www.theoep.org.uk

25 June 2021

Mr Neil Parish MP
Environment, Food and Rural Affairs Committee
House of Commons
London
SW1A 0AA

Written Evidence

Dear Neil

Thank you for the opportunity to appear on 7 July. I look forward to answering your questions on progress in establishing the Office for Environmental Protection (the “OEP”), and how the Interim OEP will fulfil its role. I will be joined by Natalie Prosser, the OEP’s Interim CEO-designate.

The Secretary of State has recently announced the founding members for the OEP board which I will chair: Julie Hill MBE, Professor Dan Laffoley, Dr Paul Leinster CBE and Professor Richard Macrory CBE. The appointments process was robust and fair, and I am delighted with the calibre of members appointed. They bring a depth of knowledge and experience of the environment, environmental law, policy, science and regulation. Their appointment as board members-designate now will add materially to the organisation’s development in the critical period as we prepare to vest and take on our functions.

Our board will have met by the time of our evidence session. We will have considered the framework for our governance, begun discussions on our approach to strategy development, and reflected on areas of advice we may provide to government on aspects of environmental law in review. Our work as Interim OEP is begun.

Interim OEP

In light of the carry-over of the Environment Bill, I agreed with the Secretary of State that we should establish the OEP in interim form (the “Interim OEP”). On 1 July, under the terms of reference appended to this letter, the Interim OEP will launch. The Interim OEP is to deliver certain environmental governance functions, as independently of Defra as possible while in non-statutory form. The Interim OEP will also lead the establishment of the OEP.

The terms of reference are clear. The Interim OEP is to be overseen by our board. Our staff will work under the leadership and to the direction of the board in delivering their substantive responsibilities. This marks a further step towards the ambition of improved environmental governance set out in the Environment Bill.

The Interim OEP will of course not have the powers and functions of the OEP before these are settled by Parliament and commenced. In our expected short tenure before becoming a statutory body we are to receive, validate and gather information about complaints. We are able to publish a non-statutory report in response to the UK government's 25 Year Environment Plan annual report for 2020-21, and may provide ministers with written advice and respond to consultations within our expertise.

Monitoring government's progress with the 25-year environment plan

The Secretary of State has agreed that the Interim OEP will prepare a report, and that Defra will respond to it in its next annual report, mirroring the provisions of the Environment Bill. We are well progressed.

Data gathering and analysis are underway, and our analytical team is beginning to form and test insights and recommendations in a range of areas. We have now established a steering group of our board to closely oversee these activities, and to test and challenge the underpinning analytical approach and strategy. The report and its conclusions will be considered and approved by our board.

This non-statutory report in our interim phase will not, by necessity, be all that a report of the OEP will be, when fully established and resourced. It will nonetheless be substantive, and it is our intention that it will demonstrate our independence of thought and our preparedness to use our voice. We aim to deliver and publish it this year.

Advice

The terms of reference provide for the Interim OEP to give written advice to ministers within our expertise. As announced by the Secretary of State in May, we expect to be asked to provide advice on potential amendments to the Habitats Regulations. More generally, the board is discussing priorities for further areas of advice in our first meeting. This will include considering advice to ministers following government's recent consultation on its draft environmental principles policy statement.

The OEP's functions will be an important catalyst to protect and enhance the environment by offering government impartial advice on matters related to the natural environment, on proposed changes to environmental law and on how that law is to be implemented. We aim to become a trusted centre of expertise on the effective and efficient functioning of environmental law. The Interim OEP will prepare the ground and begin to step into this important role.

The OEP will ultimately have wider functions, including to monitor and report on the implementation of environmental law more broadly. The Interim OEP will carry out preparatory work so that the OEP is ready to undertake these responsibilities once vested.

Complaints

The Interim Environmental Governance Secretariat, which precedes and will transition into the Interim OEP, has received and validated complaints from the public on potential breaches of environmental law since January 2021. Complaints volumes, shown in our [first quarterly report](#), have been lower than expected. Intelligence from informed stakeholders suggest that some may be waiting until the OEP vests and we have our powers of investigation and enforcement before proceeding. The volume of complaints that we might expect following vesting remains uncertain, as does the level of complexity of those complaints.

The Interim OEP will continue to receive complaints, gathering information from complainants and public bodies about them. We will, as far as practical in our interim form, compile well-presented and complete case files so that we can swiftly decide what to do with those complaints in substantive terms, when we have acquired our statutory powers. Those decisions are rightly for the OEP to take at that time. In the meantime, our powers of investigation and enforcement are similarly not yet in operation to reflect that the Environment Bill is not yet settled or in force.

Developing the strategy and functions of the OEP

The appointment of the board will allow us to fully explore the development of the OEP's strategy and consideration of how we will exercise our functions. Our strategy will include our enforcement policy and the meaning we will afford to the word 'serious' in relation to failures of public authorities to comply with environmental law.

We have already given significant thought to how we can best identify the relevant factors that will inform how we define 'serious'. We have recently launched a call for evidence on significant public law environmental litigation which has not featured in reported cases, to provide additional and important insight to inform our strategy development. It is our intent to develop our strategy so that we can consult on the detail as soon as practical after the OEP vests.

Northern Ireland, Scotland and Wales

The Environment Bill provides for the OEP to undertake a role in Northern Ireland. Quite rightly, whether we undertake this role is subject to the decision of the Northern Ireland Assembly. We are working closely with officials in the Department of Agriculture, Environment and Rural Affairs (DAERA) on appropriate preparations ahead of that decision. We understand that DAERA wish to appoint an OEP board member-designate in

the coming months. We know there will be important and distinct decisions on strategy in Northern Ireland to reflect differences in law and the nature of environmental challenges in the two countries. In the meantime, DAERA officials are supporting us to receive and validate complaints relating to Northern Ireland, under a common complaints management approach and a data sharing agreement.

We are also building good working relations with our equivalent bodies in Scotland and Wales, recognising the common challenges we face.

Establishing the OEP

Organisational Design and Recruitment

We have taken care to design the OEP to be a porous, adaptive and responsive organisation, able to focus quickly on what matters most and with intellectual gravitas in our areas of expertise.

The OEP is to be an organisation with a staff of 50 in our initial phase after vesting, with a further three transitional posts in our first year. The OEP will be led by a Chief Executive and four Executive Directors: a Chief Insights Officer, Chief Regulatory Officer, Chief of Staff and General Counsel. Recruitment to these senior leadership positions is now open. Natalie Prosser is appointed Interim CEO-designate for this full calendar year.

Our staff are being recruited in three waves. We have successfully appointed candidates to 12 roles to date. The prospect of working for the OEP has proved a compelling one. We have been delighted with the quality of applicants: we have recruited from strong and competitive fields including in skilled and expert disciplines of environmental law and science. Some 75% of our applicants have been external to the civil service, and 96% external to Defra. All appointees are within civil service pay ranges and starting salary guidance, and all have a Worcester base. We are interviewing for a further 21 roles during July. Staff and assets will transfer to the OEP after vesting. We are adhering to the highest standards of recruitment practice and taking extra steps to encourage diversity of applicants.

Resources

Our budget of £8m is secure for the current business year and sufficient to establish the OEP and deliver our interim functions. The OEP is to have a multi-year, ring-fenced funding settlement. We are engaged in preparation for the forthcoming spending review to that effect.

The OEP will also be subject to a review within its first 18 months, under the Cabinet Office's tailored review or an equivalent programme. Our size and funding will, inevitably,

feature in that review where we will then have the benefit of practical operational experience to draw on.

Infrastructure

Our website www.theoep.org.uk will launch on 1 July. It will provide an independent presence for the organisation and allow members of the public to submit complaints. It will house the OEP's publications and provide an important channel for our news and information.

Preparations are advancing for the OEP to be a fully operationally independent organisation, drawing on cross government services and expertise in an appropriate way, to secure value for money. Among many other matters, a human resources and finance management system is procured and being configured, end-user computing solutions are tendered, and we are progressing both temporary and long-term premises to meet our needs. The OEP will have an independent physical presence in our long-term Worcester home.

Relations with others

The OEP will be an open, listening and approachable organisation, and will set great store on purposeful relationships with others. It has been heartening how the many organisations, environmentalists and legal experts I have met over the last six months advocate for the OEP to be all that it can be.

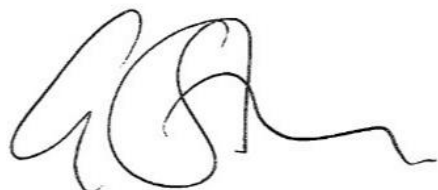
We can also see a well-pitched relationship with government beginning to develop. That relationship is in some respects novel, given our intended remit. My discussions with ministers and others across government give me confidence that the right relations will settle, as we step into our full role, with the purpose and functions Parliament determines.

I remain in no doubt of the important role the OEP will have, and the imperative for us to fulfil that role with purpose, rigour and independence, without fear or favour, responsibly and steadfastly. We are making significant progress, in advance of the Bill becoming law.

The OEP is one of the most important organisations of our time. We will set our ambitions and goals high and do all in our power on behalf of the environment and for current and future generations.

I look forward to discussing this, and our progress to date, in our forthcoming hearing.

Yours sincerely

A handwritten signature in black ink, appearing to be 'G Stacey', written in a cursive style.

Dame Glenys Stacey
Chair-designate

cc. Philip Dunne MP, Chair, Environmental Audit Committee