



Association of Directors of
Environment, Economy, Planning & Transport

Environment Board

Wednesday 28th April 2021, 10.00 – 12.30

Notes

1.	Welcome and Introductions SR encouraged Board Members to keep video cameras on, particularly when they take a turn to speak, but requested the use of chat sparingly as it can be distracting to the Chair. SR welcomed guests from the ADEPT LT, OEP and HM Treasury.	Steve Read, Chair
2.	Office of Environmental Protection: <ul style="list-style-type: none">• OEP/IEGS strategy and oversight• Complaints and enforcement <i>Background info here and here.</i> Presentation Natalie Prosser thanked the Board for inviting her and Abbi Bamping to come and talk. Natalie explained that the aim of today was Introduce the Office for Environmental Protection (OEP) explaining who the OEP are, what they do, why they exist and where they are on their journey to set up. The OEP is being created as a consequence of our exit from the EU ('governance gap') and will fulfil the role of the European Commission for the UK in relation to scrutiny and enforcement of environmental law. It will be a Non-Departmental Public Body sponsored by – but independent of – Defra, and legally separate from the Crown. It's objective to contribute to environment protection and improvement. The OEP won't have jurisdiction in Wales or Scotland but, for Wales, will work collaboratively with their new Commissioner. The OEP is expected to be fully operational by the end of 2021.	Natalie Prosser, Interim CEO Designate, OEP

OEP role

Scrutiny and advice function:

- Independent monitoring and reporting on plans/targets including the 25-year environmental plan.
- Statutory obligation and powers for implementation of environmental law which will be very targeted according to where the OEP will be able to help make a difference.
- Advise on proposed changes to environmental law
- Advise on matters relating to natural environment.

Natalie confirmed that the OEP (once established) will respond to the Environmental Principles Policy Statement Consultation.

Enforcement function:

Emulates the role of the European Commission by receiving and validating complaints of alleged failures of public authorities (LA and County Councils). Before the complaint is taken on by the OEP it must pass a 5 stage test: it must be about a public body, it must relate to environmental law, the complainant must have exhausted the public authority's complaints procedure first; the complaint must be deemed to be 'serious' and, finally, be deemed of 'sufficient priority' over a number of other cases. The 5-stage test is carried out before investigation begins. How the investigation is conducted is set out in the Environment Bill. At the end of the investigation it is expected that an informal resolution will be achieved in the majority of cases, but if not a Decision Notice is produced, and ultimately the OEP can bring and 'environmental review' through the courts (like a Judicial Review). The OEP is empowered to step into judicial review procedures in matters of urgency.

The OEP will have the power to start its own investigations. It will only investigate complaints against private companies where they are exercising public functions.

The OEP have received 13 complaints so far concerning 17 public authorities, 6 of which are concerning a local authority. Slide 14 of the presentation gives Nature Conservation as being the primary area of complaints.

Natalie confirmed that the OEP could quite possibly be involved in cases like the ongoing challenge for DfT on road schemes where they are accused of not taking road safety into account.

It was clarified that Climate Change and Carbon Reduction are in scope for the OEP. They are reaching an agreement

	<p>with the Committee on Climate Change so as not to duplicate efforts. Issues of enforcement or compliance will still fall to the OEP.</p> <p>ACTION: Natalie to check with Legal as to whether an environment review can be taken separately to a judicial review.</p> <p>If the Floods Directive falls within Environment Law and legislation the OPE can take it on.</p> <p>Timeline:</p> <ul style="list-style-type: none"> • OEP cannot start until the Bill has received Royal Assent • IEGS (Interim Environmental Governance Secretariat) was set up as a precursor to the OEP and launched on 1st Jan 2021. • Interim OEP takes over on 1st July 2021. • OEP established at Royal Assent Autumn 2021 (It was noted that this is “Government Autumn” and so could be December). • Currently seeking permanent premises for OEP and creating IT and Finance systems etc. <p>SR thanked Natalie and Abbi for the comprehensive overview.</p> <p>ACTION: ADEPT Environment Board to stay in touch and invite the OEP to come back to a future meeting with update on how things are going.</p>	<p>NP</p> <p>DD/SR</p>
<p>3.</p>	<p>The Economics of Biodiversity – Dasgupta Review</p> <p>Presentation</p> <p>The (600 page) Dasgupta Review is an independent review commissioned by the Chancellor in Spring 2019. The UK government hasn’t yet responded and so the content is not government policy. It sets out how to account for biodiversity. The review highlights that we have collectively failed to manage our natural assets well. The impact equation has been an inequality with demand (including population growth) outstripping supply. We need to act now. This will be significantly less costly than waiting until natural assets have been further degraded.</p>	<p>Heather Britton, Senior Policy Adviser, HM Treasury</p>

Actions:

- Balance the impact equation and increase nature's supply
- Change our measures of economic success
- Transform our institutions and system to ensure improved quality of nature.

We need to think of nature as an asset.

The response from government is being developed taking contributions from across government over next few months.

Heather is now working on engagement with the review, trying to ensure that it 'lands well' and has an impact now and in the future. The Review team will be broken up in November but will be able to take forward findings and embed in policy. Looking at longer term policy implications.

Behaviour change for individuals and communities is important for natural capital. They will take on messages as well as government. It is an equal problem and we can't expect government to act without the desire of individuals.

Dasgupta has been talking about global cooperation to establish a trans-national institution that takes money across the globe to countries requiring financial help, like the Amazon Rain Forest.

The review talks about inclusive wealth but not how it is counted. NZ has a wealth indicator and points to it as a way forward. Prof Dasgupta was adamant that the review should be internationally relevant. People should be able to interpret from it what's best for them and so didn't want to be too prescriptive.

The Review recommends shifting financial flows that are harming to a new product to increase nature positive financial flows.

The response from the private sector has been positive but more could be done as they play a critical role in the shift in approach. Countries like Japan have been really interested.

The Report being written during the pandemic showed how green recovery is important. The launch event with the Royal Society in February was virtual but allowed a larger audience and speakers that wouldn't otherwise have been involved. Travelling to talk about the review would have sent a

	<p>negative message.</p> <p>A number of policy ideas have been written and taken to the Treasury for consideration but can't be taken forward yet.</p> <p>Everything is being quantified but what about qualitative indicators? You can't put a cost on things as you can't get rid of something for a price. The minimum price that an aspect of nature could have would be the cost of it being eliminated from the natural world. This would be the sacred value... price is infinite.</p> <p>The report is high level and very strategic. HMT has an internal document which is a summary for policy makers and used to assist in highlighting which aspects are most useful to organisations when we talk to them.</p>	
<p>4.</p>	<p>Updates from partners and local authorities</p> <p><u>Defra</u></p> <p>Environment Bill:</p> <p>Queen's Speech due on 11th May and the Environment Bill is expected to resume on 2nd day of Commons Report Stage early in the session.</p> <p>On 1st April details published on producing the best evidence for new legally binding environmental targets. Group info: Resources & Waste, Biodiversity, Water, Air Quality.</p> <p>On 29th March, as part of the build back greener agenda, the government announced measures to reduce sewage discharges from storm overflows will be put into law. More info can be found on www.gov.uk.</p> <p>Skills survey:</p> <p>Tom Pryke, Net Gain, is working on providing comments on a near final iteration of skills report.</p> <p>LA Engagement:</p> <p>Had initial meeting for preparedness for implementing the policies, strategies and targets in the Environment Bill.</p> <p>Ongoing discussion groups: Greater Manchester CA, South Tyneside County Council, Herefordshire Council and Sheffield City Council. Each have different levels of awareness of the measures in the Bill and facing own unique challenges.</p> <p>Working on steps as to what materials to provide centrally to</p>	<p>All</p> <p>Joe Wahla</p>

<p>support with a view to following out to other LAs.</p> <p>ACTION: SR/DD to discuss and put forward a County Council from the South East. Other Board Members to put forward other candidates too.</p> <p>ACTION: JW to bring plans back to ADEPT Env Board to discuss and finalise.</p> <p>ACTION: JW to negotiate a deadline extension for EPR and DRS (Resource and Waste Strategy) Consultations so that all 3 can be considered at the same time. Consistency in Collections consultation is delayed until after the elections.</p> <p>Statement from government in respect of Glover Review is expected May/June. Carolyn McKenzie (SCC) involved in discussions.</p> <p>ACTION: Defra has a big link with protected landscapes. JW isn't involved but will look into it with a view to bringing Sion McGeever to a future Board meeting.</p> <p>ACTION from March meeting: JW to find out how far Defra were engaged with the Community Growth fund and Levelling Up fund. Confirmation that Defra were consulted on the Levelling Up fund and Community Renewal Fund announced at Budget.</p> <p><u>Natural England</u></p> <ul style="list-style-type: none"> • LNRS 5 pilots due to report by end of May. • Green Infrastructure Standards work has progressed and due next Spring. Work ongoing with range of pilots. <p>ACTION: Bring both issues back to a future ADEPT Environment Board meeting.</p> <p>Evolution of NE work and how plugged in to NE approach of planning work. Involved in wider strategic plans.</p> <p>ACTION: AW/HB to discuss Natural England attending the ADEPT sustainable growth board.</p> <p>Nutrient neutrality - there will be a lot of activity over coming year and there are wider issues over water guidance advice and some discussions might be in other groups.</p>	<p>SR/DD</p> <p>JW</p> <p>JW</p> <p>JW</p> <p>Adam Wallace</p> <p>DD/SR</p> <p>AW/HB</p>
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	<p>ACTION: HB/DD/SR to discuss with AW about bringing nutrient neutrality to a future ADEPT Environment Board meeting.</p>	<p>HB/DD/SR</p>
<p>5.</p>	<p>Board business and Working Group updates:</p> <p>Energy & Clean Growth: Last meeting was on 8th March -</p> <ul style="list-style-type: none"> • Focus is to look at how to embed sustainability into decision making and then procurement and commissioning. • Public Sector decarbonisation fund. • Saalex funds have now been stopped. • Presentation from Innovate UK and support they can provide to LAs and green investment. <p>Flood and Water Management Julia left the meeting early (during the break) for a prior engagement. Left early. Will send update by e-mail. Steve took the opportunity to thank Julia for her time on the ADEPT Environment Board and hopes she returns at some point. JB announced that Max Tant (Kent) will replace her as Chair of the Flood and Water Management Group and Alys Bishop (Central Bedfordshire) will be Vice Chair. Cambridge County Council rep may attend these meetings in future (tba).</p> <p>Natural Capital & Heritage Last meeting was end of March -</p> <ul style="list-style-type: none"> • Biodiversity Net Gain survey has concluded with over 300 responses representing a good proportion of authorities at upper and lower tiers across England. Largely backed assumptions that LPAs are not BNG ready and significant investment in terms of both capacity and capability is required. Report is being finalised for next week and will go through internal Defra review process with peer reviews and approvals. Should be publicly available in Summer 2021. • Discussed concerns with local authority tree fund (applications open now until 31st May). Funding was only capital and maintenance and only covered planting for this year. Short term nature of funding has logistical issues. Short timeframe for application process and burden on upper tier authorities to coordinate with many 	<p>Carolyn McKenzie</p> <p>Julia Beeden</p> <p>Liz Small/Liz Milne</p>

	<p>lower tier authorities and resources required to coordinate this. Also noted was the need for funding to support management of existing tree stock, as this is where funding is particularly lacking especially in the case of tree stock affected by ADB.</p> <ul style="list-style-type: none"> • Glover Review discussion – lot of work going on behind closed doors and lack of communication in respect of response. Carolyn would be interested to hear more on this discussion. • Next meeting will consider verge management for biodiversity benefit. • It was noted that NH&C are engaged with Planning Advisory Service (Rebecca Moberley has moved to the PAS). <p>Waste</p> <ul style="list-style-type: none"> • Covid-19 – ADEPT survey of LA impacts paused at end of Feb. All past reports: Covid 19 - waste survey results ADEPT (adeptnet.org.uk). Interesting stats on impact of covid on waste streams highlighted near end of reports. • Resources and Waste Strategy Consultations – There are weekly one-hour sessions for waste group members to keep up to date with draft responses. Expecting to have responses available by end of April. EPR and DRS consultation deadlines 4th June, but Consistency in Collections consultation delayed until after the elections. Stakeholders will need to understand all 3 consultations to respond effectively to any of them. Requested to extend EPR and DRS consultation response deadlines. <p>Environment Board</p> <p>Environment Principles Policy Statement Consultations closes on 2nd June 2021.</p> <p>ACTION: DD to set up a short mtg/workshop with working group chairs in a couple of weeks' time (2nd week of May) and submit end of May.</p> <p>ADEPT Spring Seminar, 27th May, focussing on “Re-imagining Place – high streets and town centres”. After plenary session each board will run separate sessions.</p> <p>ACTION: DD/SR to organise a topic for discussion for the ADEPT Env Board breakout room session.</p>	<p>Steve Palfrey</p> <p>Steve Read/David Dale</p> <p>DD</p> <p>DD/SR</p>
6.	ADEPT business	Hannah Bartram

	<ul style="list-style-type: none"> • Concluded regional climate change workshops. As a consequence there are 2 new regional boards set up. • HCLG Committee inquiry into Local government and pathway to net zero – deadline this Fri. ADEPT responding. • Workshops with MHCLG and other government departments on ADEPT Blueprint, to include workshops on transport, waste and nature. • COP26 – BEIS developing LA toolkit for climate action. • Spring Seminar – attend if you can. Seminar starts at 2p.m., breakout rooms 3-4p.m. 	
7.	<p>Any other business</p> <p>None to report</p>	All
8.	<p>Notes of last full meeting (27th January 2021)</p> <p>All agreed.</p>	Steve Read
9.	<p>Dates of future meetings, and close.</p> <p>SR proposed to continue with monthly meetings up to July at least. Next one to be late May.</p>	Steve Read