



Office for  
Environmental  
Protection

# Complaint Report

Office for Environmental Protection

1 April 2024 - 30 June 2024

## Our complaints process

We process complaints through a staged procedure - **receipt**, **eligibility check**, and **assessment**. This method and any decisions we make, are based on the Strategy and Enforcement Policy of the Office for Environmental Protection, which was published in June 2022.

## Complaint eligibility

The OEP can only legally consider complaints that meet the six criteria stated in the Environment Act 2021, unless there is an exceptional reason to waive them. We refer to these criteria as our eligibility criteria. If any of these six criteria are not met in a complaint that we receive, we will communicate with the complainant to explain why we cannot progress their complaint.

## Signposting

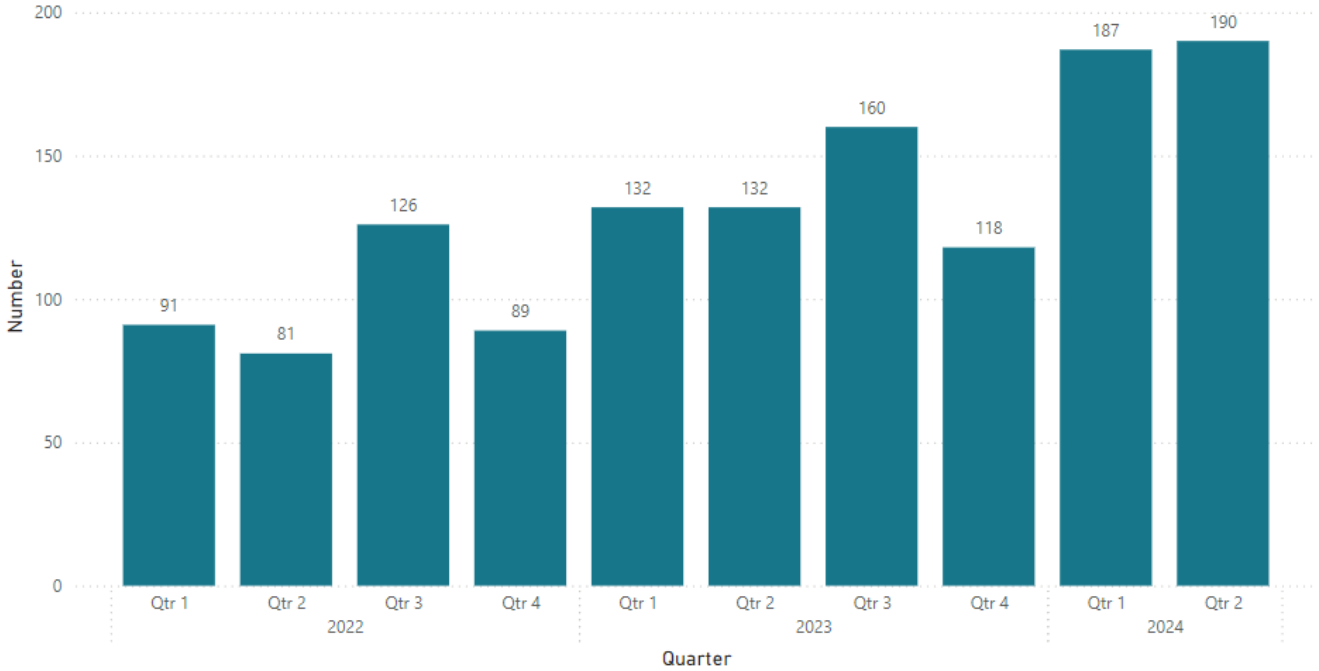
In many instances we signpost members of the public to the most appropriate public authority to either raise an initial complaint or exhaust the complaints procedure. We do this to ensure the relevant public authority is provided with the opportunity to assess and respond to matters initially. We also signpost to other organisations if the matter raised would be more appropriately dealt with elsewhere. To assist with this process, we provide a list of useful contacts on our website.

## Working with others

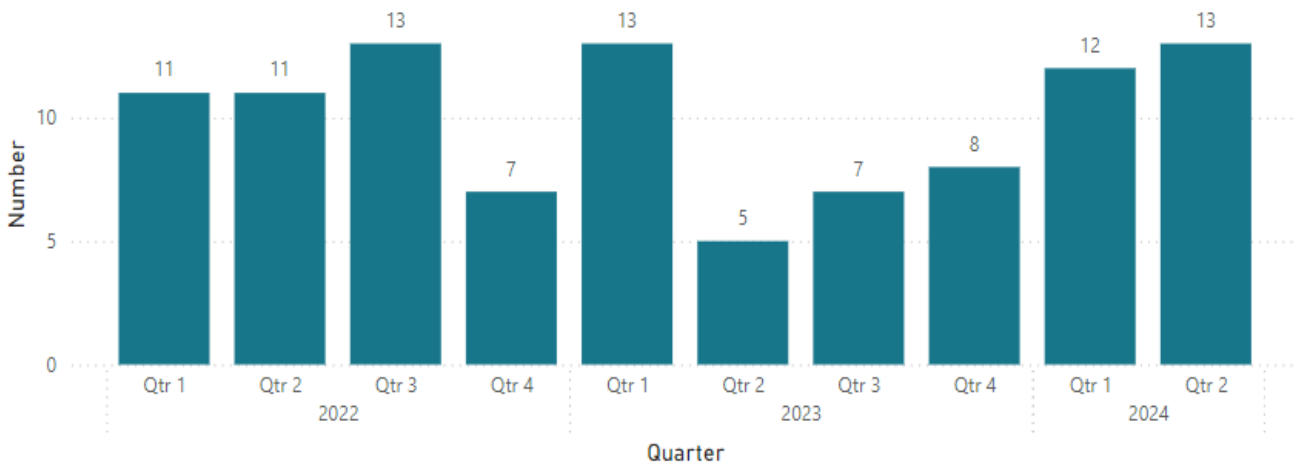
We recognise the importance of engaging with a variety of stakeholders. These include government bodies and non-departmental bodies. We also communicate with Non-governmental Organisations, community groups, and industry practitioners. We have Memorandums of Understanding (MOUs) with the Climate Change Committee, the Local Government and Social Care Ombudsman, the Parliamentary and Health Service Ombudsman, Environmental Standards Scotland and the Interim Environmental Protection Assessor for Wales.

# Enquiry and complaint volumes

## Enquiries received per quarter since January 2022



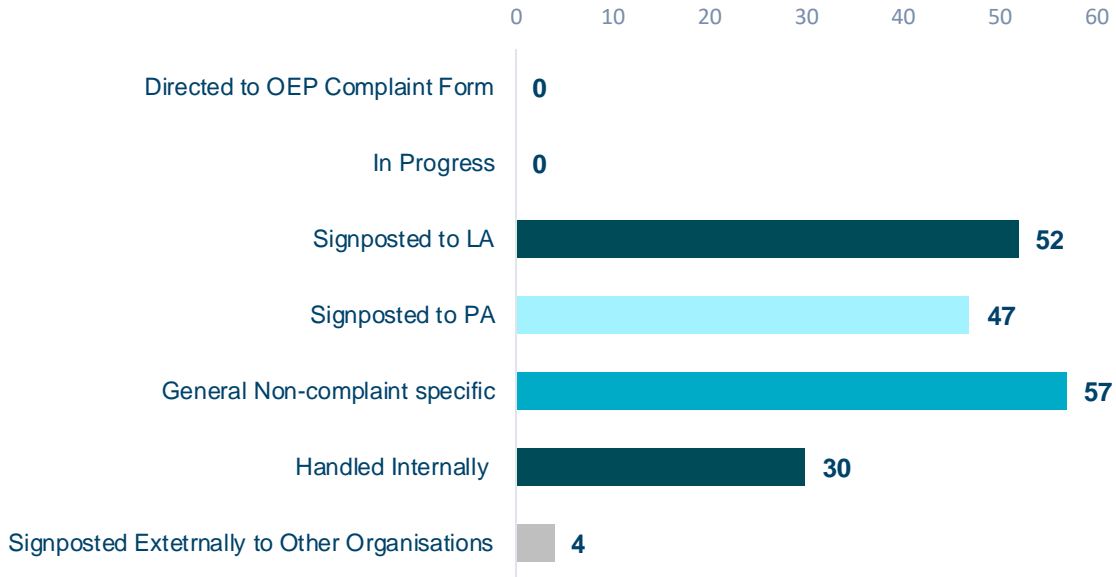
## Complaints received per quarter since January 2022



# Enquiries Key Statistics

We received 55 enquiries in April 2024, 71 in May 2024, and 64 in June 2024. This was the busiest quarter for the OEP so far.

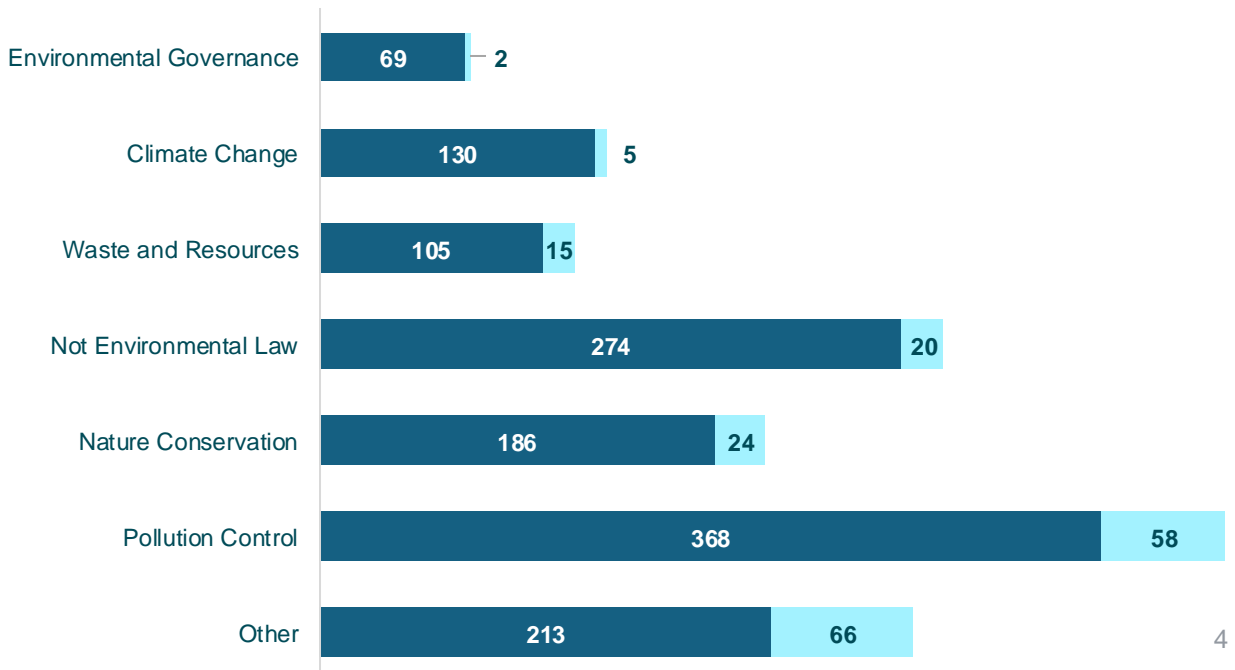
## Enquiry Outcome in Quarter Two



During quarter two a large proportion of enquiries were signposted to either a public authority or local authority, and we are still receiving a high volume of enquiries that do not fall within the OEPs remit.

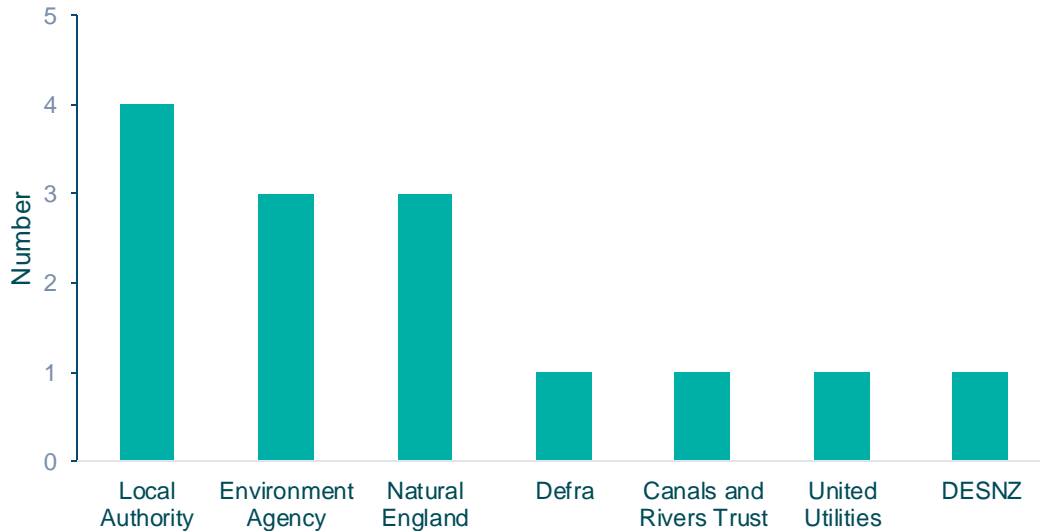
## Enquiries by Topic

- Enquiries received between January 2021 and March 2024
- Enquiries received between April to June 2024 (Quarter 2)



# Complaints Key Statistics

## Authorities mentioned April- June 2024



### Public Authorities

Of the complaints received between April and June 2024, we received four about local authorities, three about the Environment Agency, one of which also mentioned Defra. Natural England equally received three complaints. United Utilities, DESNZ and the Canals and Rivers Trust received one complaint each.

### Category of complaints submitted since January 2021

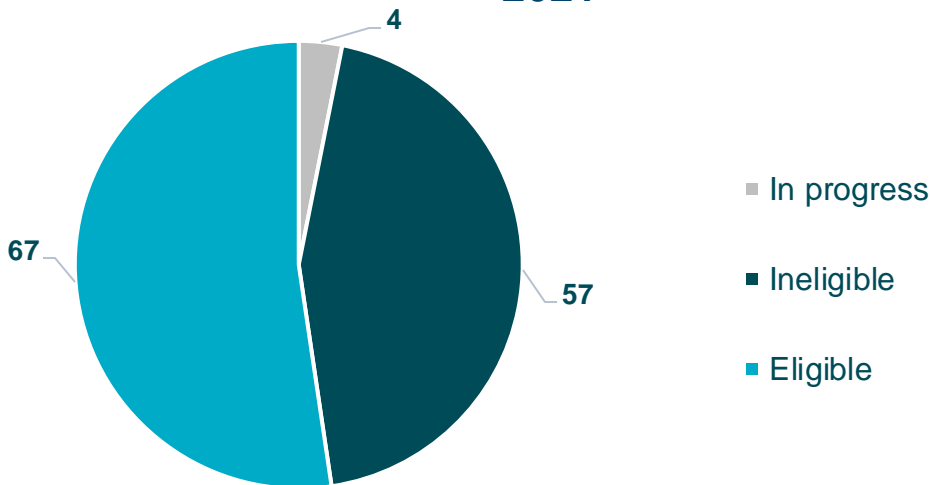
Environmental Category	% of complaints where category mentioned
Pollution control	36%
Nature conservation	23%
Environmental monitoring and assessment	19%
Waste and resources	9%
Not environmental law	5%
Other	5%
Climate Change	2%
Environmental governance	1%



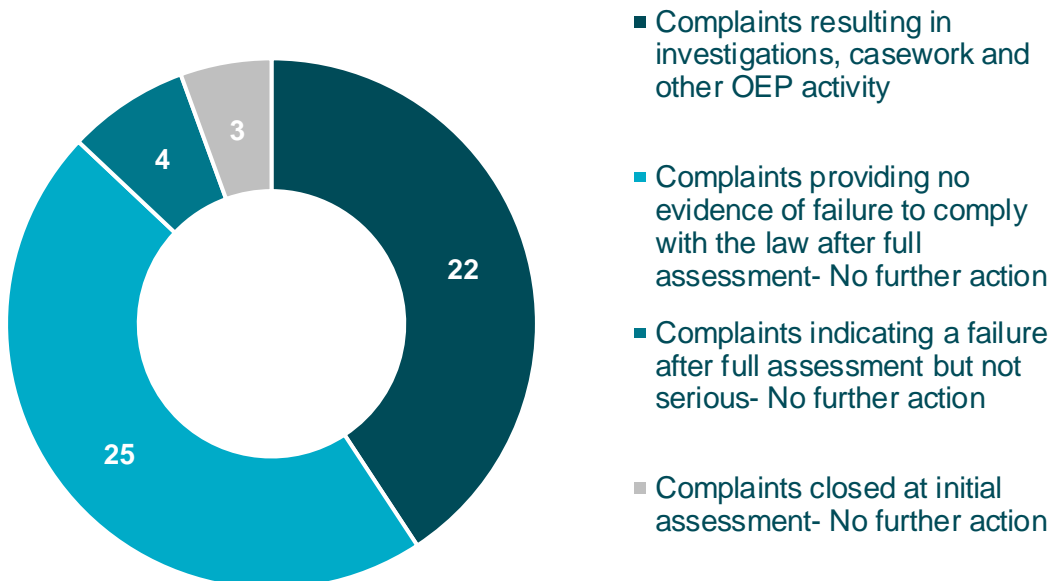
# Complaint Eligibility and Outcomes

By 30 June, we determined that 57 of the 128 complaints received by the OEP since January 2021 did not meet the eligibility criteria outlined in the Environment Act 2021. The primary reason (in over 67% of cases) for ineligibility was failure to complete the public authority complaints process. We concluded 48 assessments in relation to eligible complaints since January 2021.

## Eligibility statuses of complaints since January 2021



## Assessment outcomes for eligible complaints since January 2021



# New enforcement activity and outcomes

Between 1 April and 30 June 2024, the OEP launched two new investigations and progressed a number of interventions/early resolutions.

## **New Investigations**

### **Alleged failure by DAERA to publish and lay an Environmental Improvement Plan (EIP) for Northern Ireland**

The investigation will examine whether the Department of Agriculture, Environment and Rural Affairs (DAERA) has failed to comply with environmental law in not publishing and laying before the Northern Ireland Assembly its first EIP (as required by the Environment Act 2021).

### **Emergency Authorisations for neonicotinoid pesticide use**

The investigation is seeking to determine whether there were serious failures to comply with several environmental laws in relation to emergency authorisations granted for the use of Cruiser SB pesticide on sugar beet seeds in 2023 and 2024. In particular, the investigation is considering Defra's interpretation and application of the precautionary principle and compliance with its nature conservation obligations when it considers granting emergency authorisations.

## **Ongoing Investigations**

- **Classification and adaptation of Special Protection Areas (Northern Ireland)**
- **Classification and adaptation of Special Protection Areas (England)**
- **DAERA guidance on assessing applications for ammonia emitting agricultural developments**
- **Regulation of combined sewer overflows (CSOs)**

## Intervention/early resolutions

As a small organisation with a wide remit, it would not be possible or appropriate for us to investigate every eligible complaint that we receive. Furthermore, while the OEP has formal investigation and enforcement powers, these measures may not always represent the most effective means of resolving non-compliance.

Our assessment process is designed to prioritise formal investigation and enforcement action according to how large an effect our action could have, how likely we are to have that affect, whether it is a strategic fit for the organisation and our capacity and capability to deliver.

As part of the assessment process, we will evaluate the substance of a complaint to determine whether there is scope to resolve instances of non-compliance through alternative means such as co-operation, dialogue and agreement with public authorities.

In certain cases, resolving non-compliance through alternative means may achieve many of the same outcomes associated with formal investigation or enforcement but in a much shorter time frame.

If evidence suggests that we can achieve compliance through alternative means and without formal enforcement, we will consider that approach where appropriate. This could involve us pursuing what we would describe as an intervention, where we may ask the relevant public authority to take certain actions with us monitoring their compliance.

Where we take this approach, we endeavour to publish our activity on our website, which can be found here: [Investigations | Office for Environmental Protection \(theoep.org.uk\)](https://www.theoep.org.uk/investigations)



## **Intervention/early resolutions – April- June 2024**

### **Transparency of decision-making processes and accessibility of information in relation to Defra’s decisions to authorise the use of restricted pesticides.**

Our assessment of this complaint concluded that whilst the specific legal grounds raised in the complaint with regards to the decision-making process did not indicate a failure to comply with the law, there were concerns around the accessibility of information about emergency authorisations and statements of reasons on the UK pesticide authorisation database. Defra has acknowledged this and has informed us it is intended that the databases will be further developed as part of the Health and Safety Executive’s Biocides and Pesticides Transformation Programme.

### **Compliance with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (the ‘WFD Regulations’), River Basin Management Planning in England and other obligations intended to protect and improve rivers in England.**

The OEP received two complaints alleging failures to comply with legislation resulting in damage to the catchments of the River Wye and River Axe. We concluded that the issues identified here were addressed in the OEP's report on the implementation of the Water Environment Regulations 2017 River Basin Management Planning in England. This report finds that the government is not on track to meet the Environmental Objectives it has set for water bodies in England and identifies several areas where the approach to implementation may fail to comply with WFD regulations. The Government has three months to respond to our Report. We will be considering responses and other information we have in relation to this issue as we decide on our next steps to tackle poor water quality in England.

# Horizon scanning

The Complaints & Investigation team service a wide range of enquiries and complaints. We have identified the following topics that are currently undergoing further consideration:

## Summary

### **Defra's guidance on the Farming Rules for Water**

Following the judicial review, we consider there are potential challenges in terms of Defra's Statutory Guidance for Farming Rules for Water. We are therefore engaging with Defra in relation to the concerns we have and have noted actions they could take, including withdrawing the current guidance and bringing forward the planned review of the guidance from September 2025.

### **Assessment of MEL water report compliance**

Following publication of the OEP's [water report](#) we will review the responses of relevant public authorities to determine next steps with regards to highlighted compliance issues.

### **Monitoring of compliance with statutory deadlines**

We are continuing to monitor and review our approach in relation to a number of missed statutory deadlines, including requirements under the Climate Change Act 2022 and DAERA's obligation to publish an Environmental Improvement Plan in accordance with the Environment Act 2021.

### **Marine Strategy Regulations**

We are aware that the UK Government has a statutory duty to take necessary measures to achieve or maintain 'Good Environmental Status' in marine waters. The next assessment is due this year and will mark the point at which we will know definitively whether good environmental status has been achieved. We will monitor this to determine our next steps.

### **Waste Hierarchy- Local Authorities**

We have started scoping the duty of care and waste hierarchy obligations imposed on Local Authorities with the potential to explore policies for, and the regulation of, the waste hierarchy by the Environment Agency.

## More Information

For more information about our complaint procedure and definitions, please visit our website: [www.theoep.org.uk](http://www.theoep.org.uk)

To follow us on social media, please visit: <https://x.com/OfficeforEP>