



Office for  
Environmental  
Protection

# Complaints Report

Office for Environmental Protection

1 July 2024 - 30 September 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. We are currently in the process of reviewing and updating these documents following a consultation period held during Summer 2024.

## 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

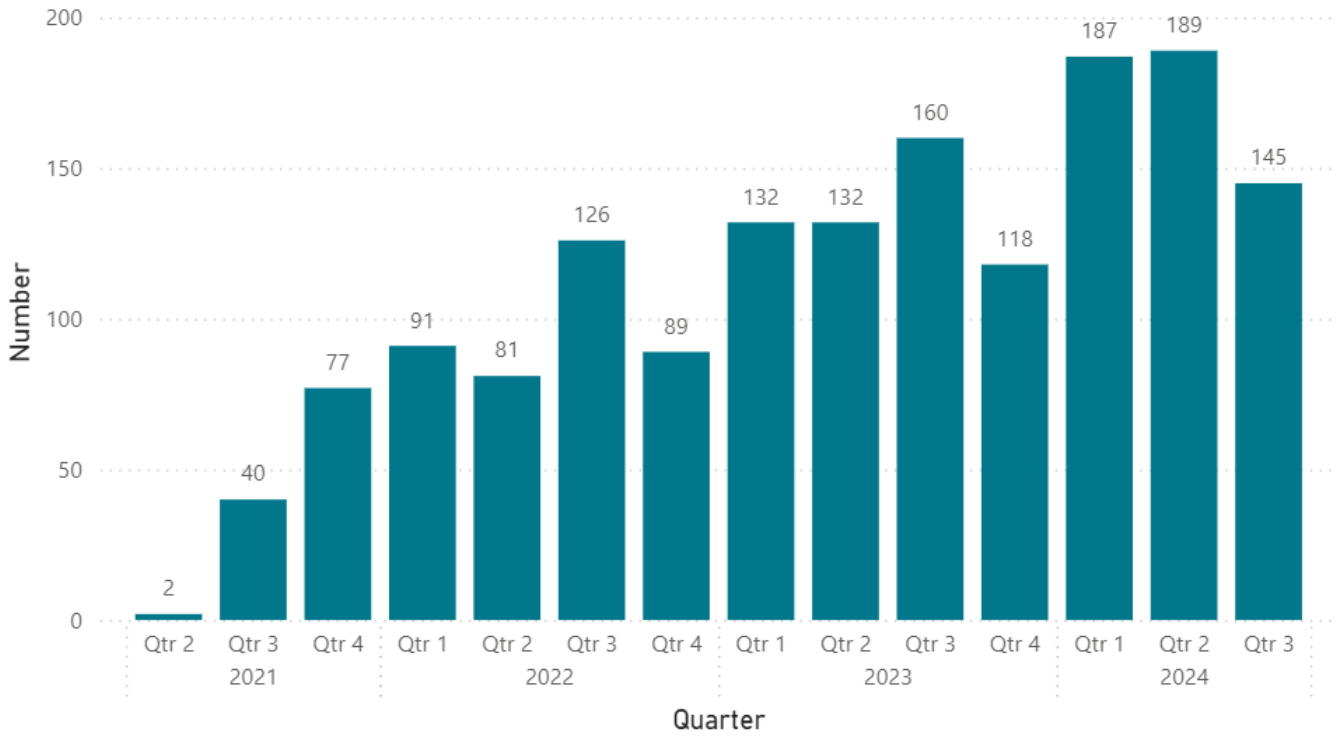
In many instances we signpost members of the public to the most appropriate public authority to either raise an initial complaint or exhaust the complaints procedure. We do this to ensure the relevant public authority is provided with the opportunity to assess and respond to matters initially. We also 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

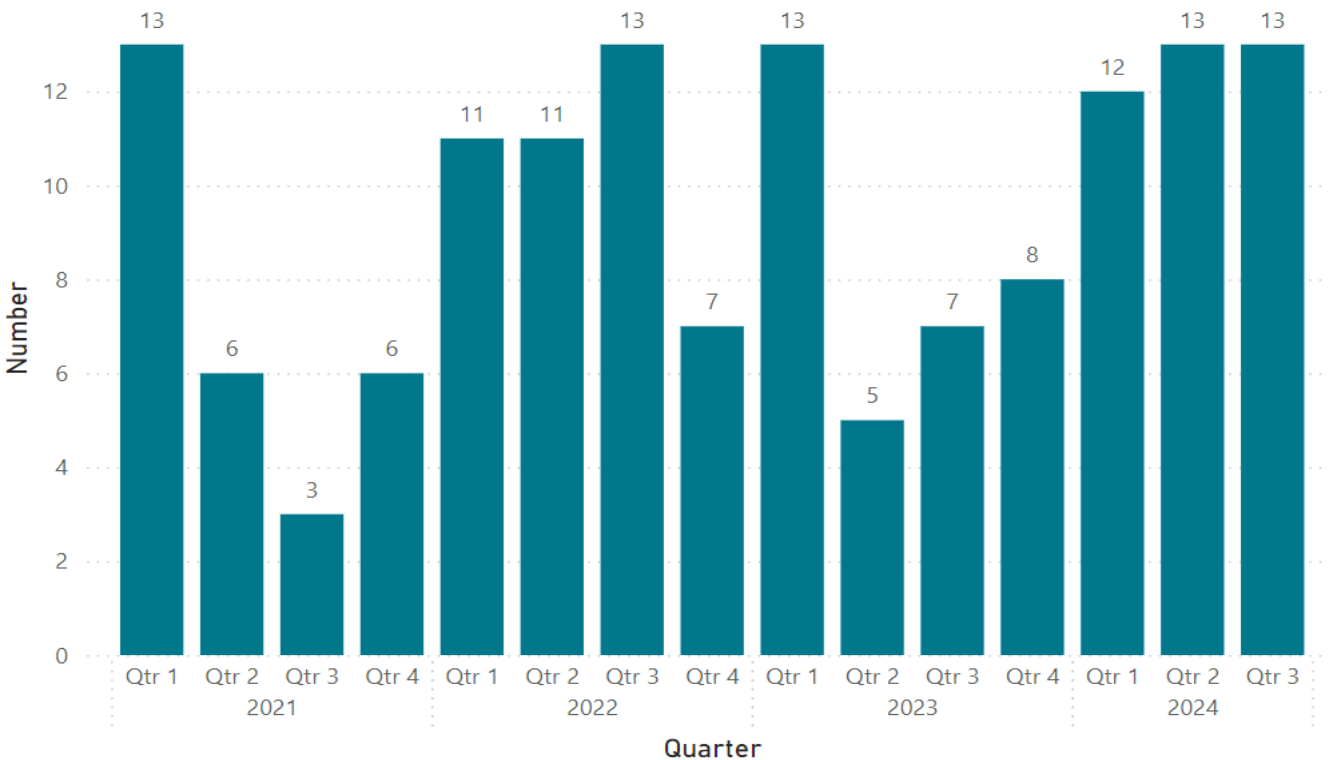
We recognise the importance of engaging with a variety of stakeholders. These include government bodies and non-departmental bodies. We also communicate with Non-governmental Organisations, community groups, and industry practitioners. We have Memorandums of Understanding (MOUs) with the Climate Change 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 2021



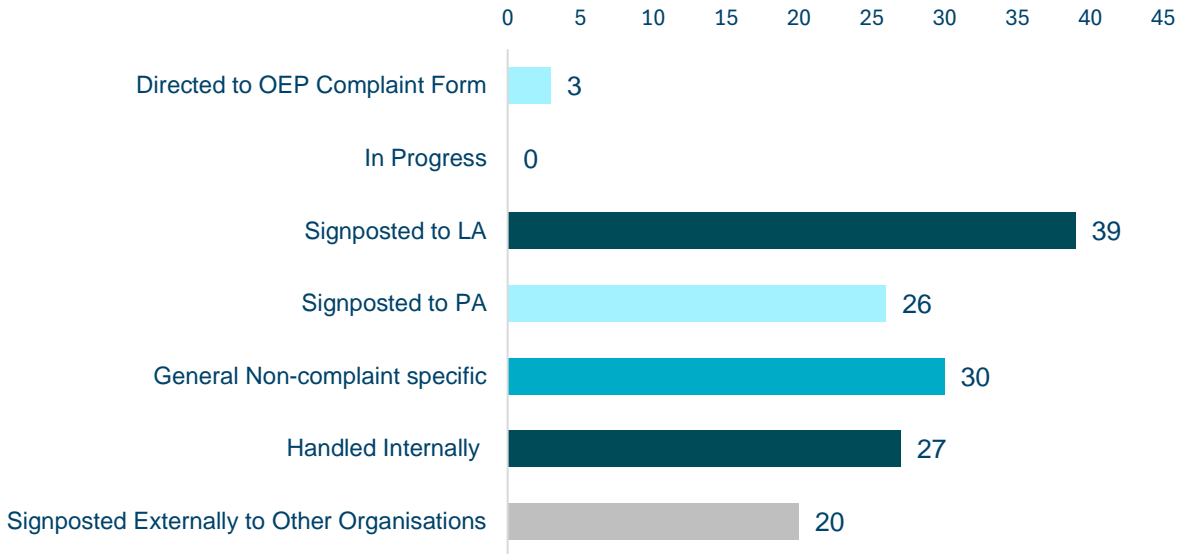
## Complaints received per quarter since January 2021



# Enquiries Key Statistics

We received 73 enquiries in July 2024, 57 in August 2024, and 15 in September 2024. This was a quieter quarter for the OEP in comparison to previous periods.

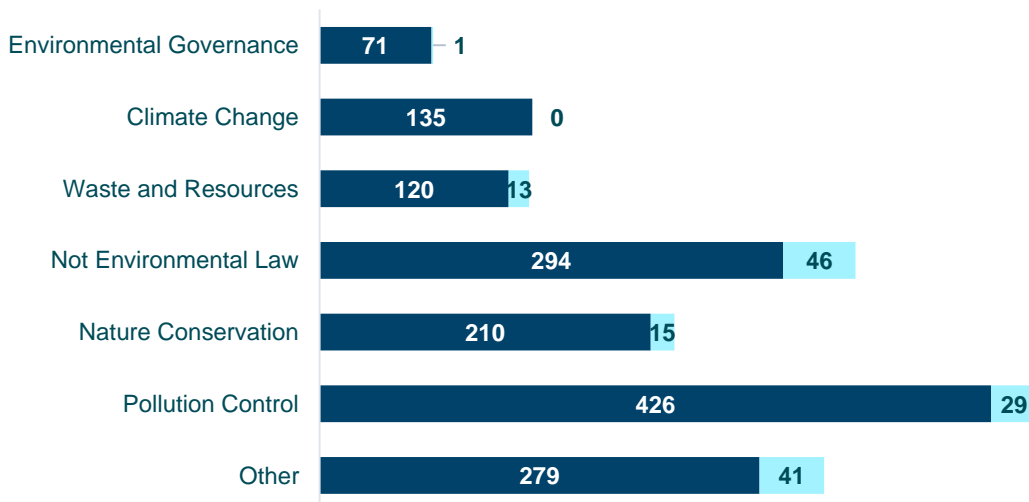
## Enquiry Outcome in Quarter Three



During quarter three 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.

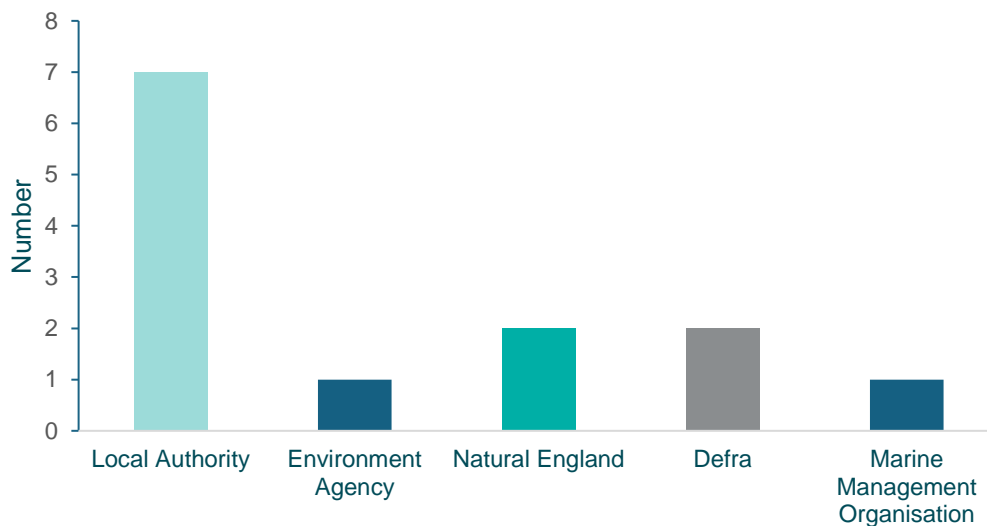
## Enquiries by Topic

- Enquiries received between January 2021 and June 2024
- Enquiries received between July to September 2024 (Quarter 3)



# Complaints Key Statistics

## Authorities mentioned in July-September 2024



## Public Authorities

Of the complaints received in quarter three of 2024, we received seven about local authorities, including one about the Greater Manchester Combined Authority which concerns the actions of nine local authorities. We had one about the Environment Agency, one about the Marine Management Organisation, two about Natural England and two about Defra.

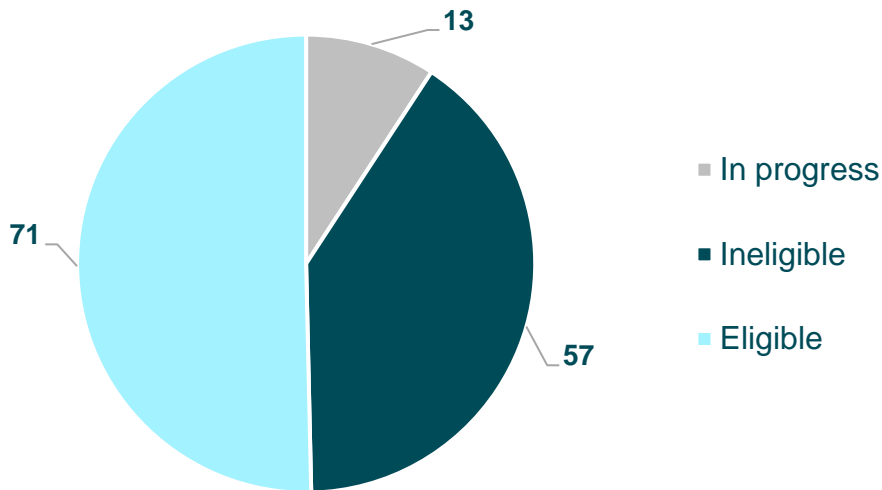
## Category of complaints submitted since January 2021

Environmental Category	% of complaints where category mentioned
Pollution control	34%
Nature conservation	28%
Environmental monitoring and assessment	13%
Waste and resources	10%
Not environmental law	6%
Other	4%
Climate Change	1%
Environmental governance	1%

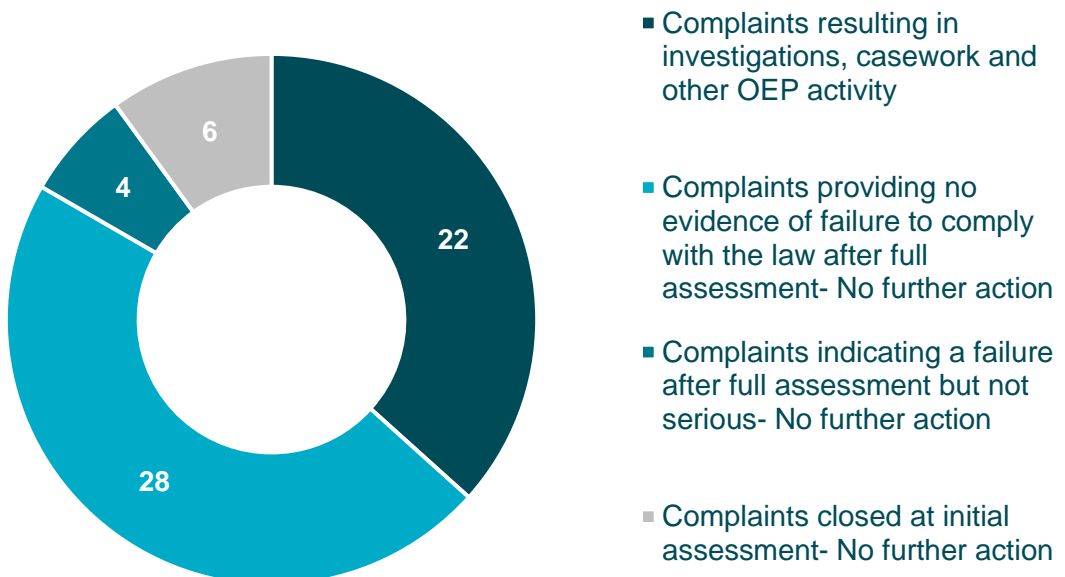
# Complaint Eligibility and Outcomes

By 30 September, we determined that 57 of the 141 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 63 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 July and 30 September 2024, the OEP launched no new investigations or interventions but progressed with existing cases and assessments.

## Ongoing Investigations

- **Alleged failure by DAERA to publish and lay an Environmental Improvement Plan (EIP) for Northern Ireland**
- **Emergency Authorisations for neonicotinoid pesticide use**
- **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 – July to September 2024**

There were no new interventions or early resolutions announced during quarter three. We received an update from the Environment Agency on the intervention on their duty to provide a Public Register that meets the requirements specified in The Environmental Permitting (England and Wales) Regulations (EPR) 2016. They stated that their new 'Water Engagement Hub' is now live, and they are progressing to publish permit documents on discharges to water and groundwater.



# 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

We continue to engage with Defra on this matter. We consider that there are certain provisions within Defra's Statutory Guidance for Farming Rules for Water that may constitute a serious failure to comply with environmental law. We have set out what actions they could take, including withdrawing the current guidance and bringing forward the planned review of the guidance from September 2025. We will finalise our decision on this matter in Q4 2024.

### Marine Strategy Regulations

We are progressing our assessment of the UK government's compliance with obligations under the Marine Strategy Regulations (2010). Since coming into force, certain bodies have had a statutory duty to take necessary measures to achieve or maintain 'Good Environmental Status' (GES) in UK marine waters. We are currently engaging with the relevant public authorities to explore the challenges in achieving GES before determining next steps.

### Assessment of our water report compliance

We are continuing to review the potential compliance issues identified in the OEP's England and Northern Ireland [water reports](#), and the subsequent responses from public authorities. We will assess these issues in accordance with our seriousness and prioritisation matrix set out in the OEP strategy and enforcement policy to determine next steps.

### 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.

### 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>