



Office for
Environmental
Protection

Complaints Report

Office for Environmental Protection

1 October 2024 - 31 December 2024

Our Approach

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, the latest version of which was published in November 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

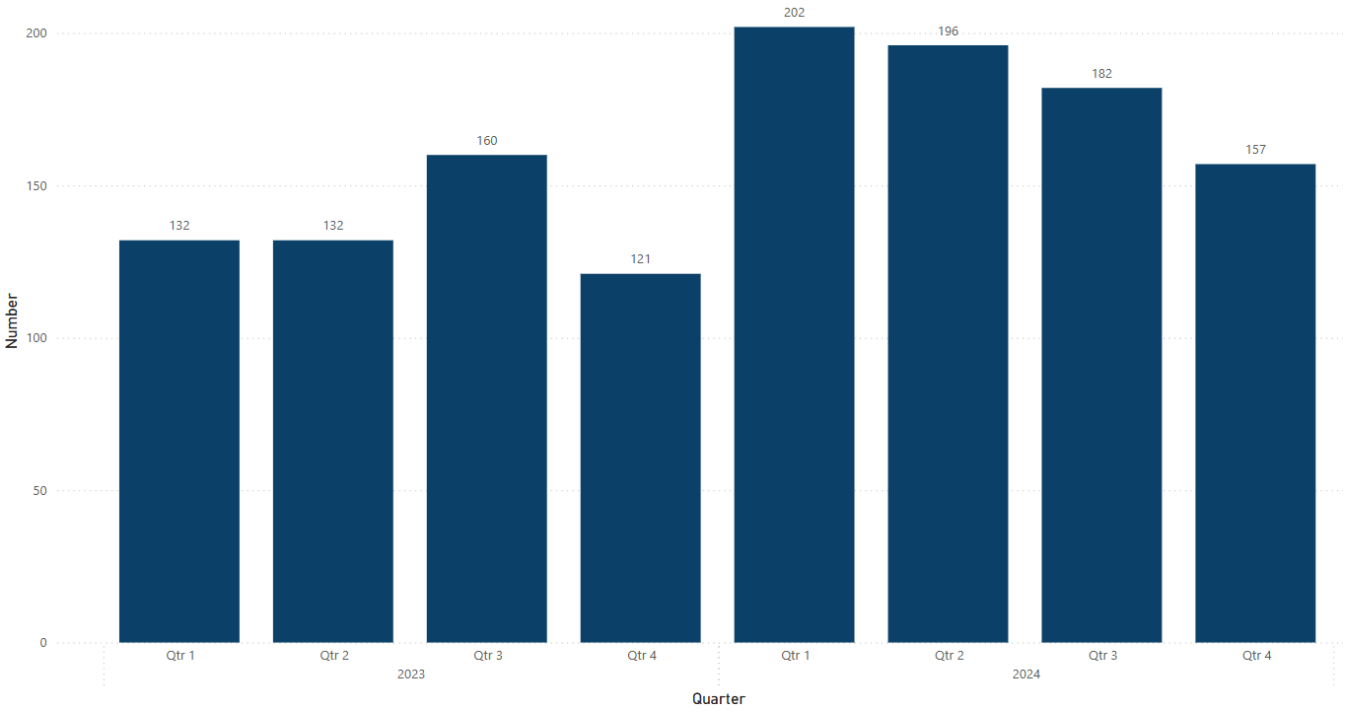
In many instances we signpost members of the public to the most appropriate public authority to either raise an initial complaint or exhaust the complaints procedure. We do this to ensure the relevant public authority is provided with the opportunity to assess and respond to matters initially. We also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

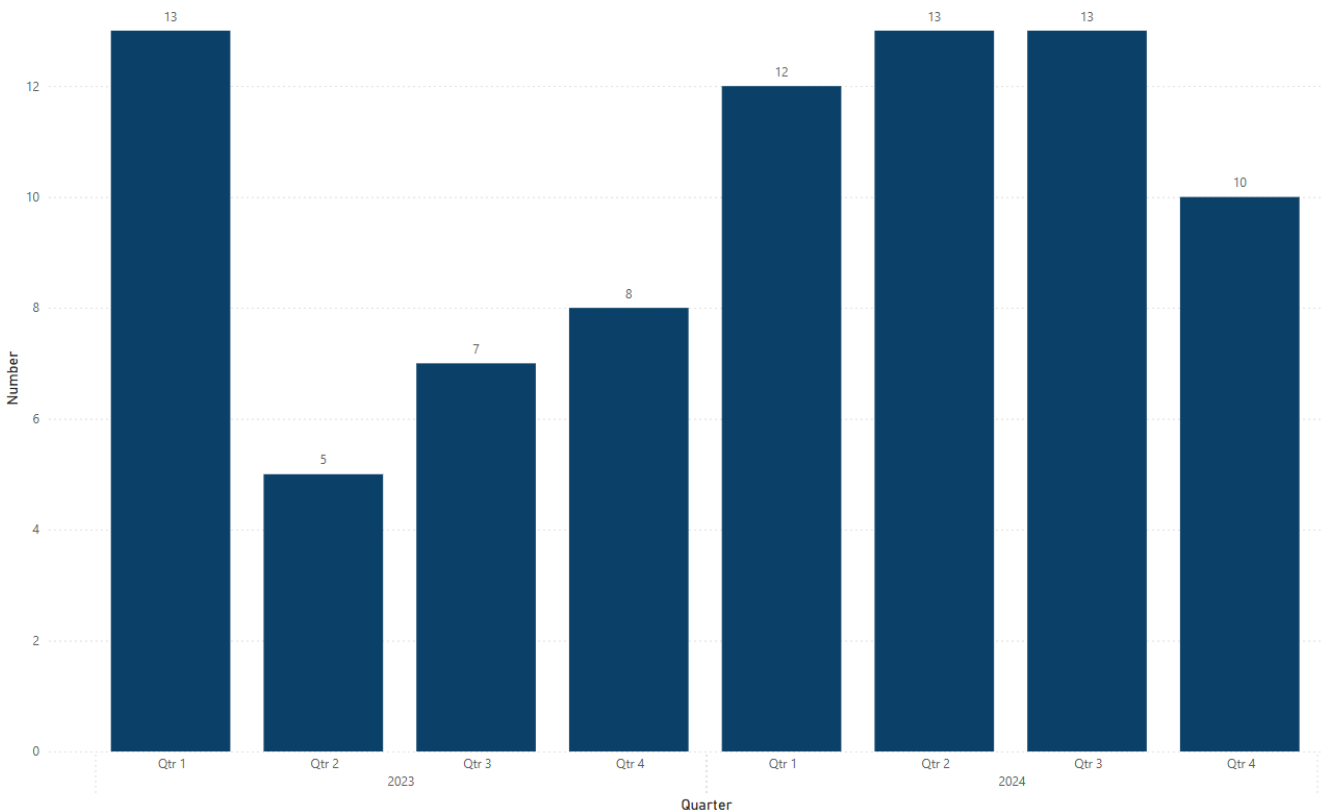
We recognise the importance of engaging with a variety of stakeholders. These include government bodies and non-departmental bodies. We also communicate with Non-governmental Organisations, community groups, and industry practitioners. We have Memorandums of Understanding (MOUs) with the Climate Change 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 2023



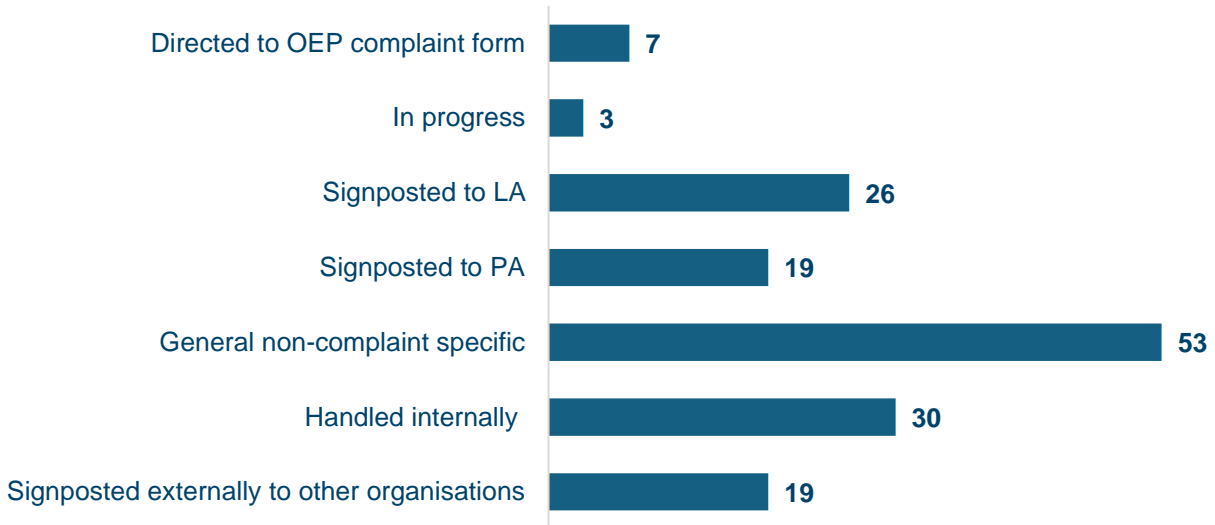
Complaints received per quarter since January 2023



Enquiries Key Statistics

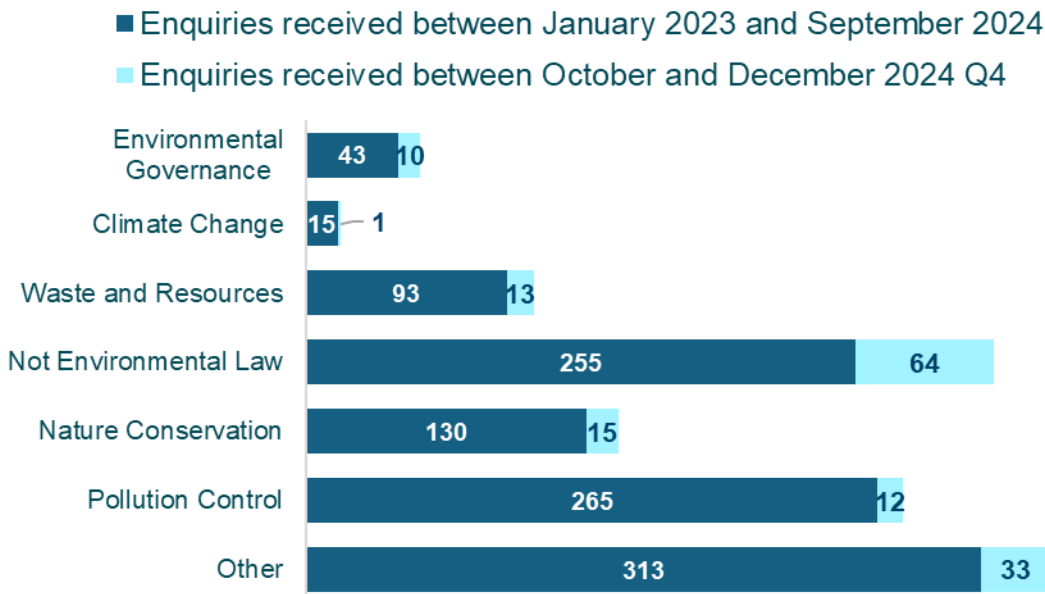
We received 47 enquiries in October 2024, 51 in November 2024, and 59 in December 2024. Comparing 2023 with 2024 there has been an increase in enquiries of 35%.

Enquiry Outcome in Quarter Four



During quarter four the highest proportion of enquiries were not complaint specific, and combined we signposted 64 customers to local and public authorities and other organisations, as their queries were not covered by our remit.

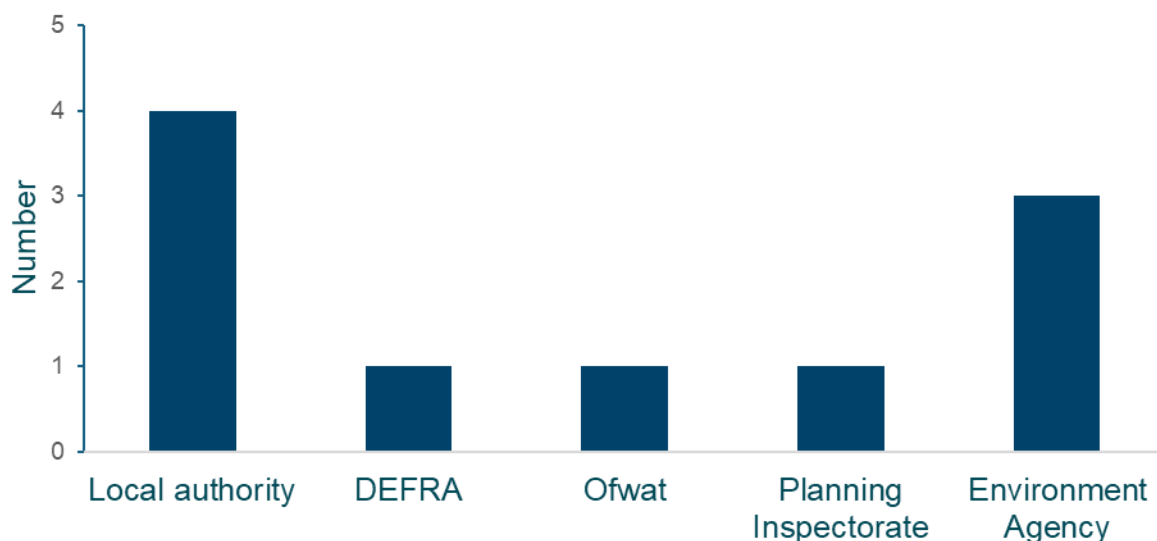
Enquiries by Topic



Complaints Key Statistics

During quarter four of 2024 we received a total of 10 complaints with five complaints received in October, three complaints received in November and two complaints received in December. Comparing 2023 with 2024 there has been a 45% increase in complaint volume.

Authorities mentioned in October- December 2024



Public Authorities

Of the complaints received in quarter four of 2024, we received four about local authorities. We had three about the Environment Agency and one each about the Planning Inspectorate, Ofwat and Defra.

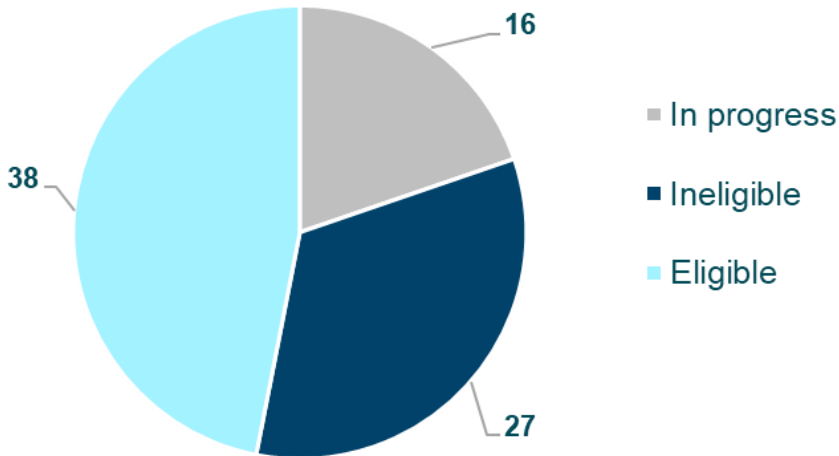
Category of complaints submitted since January 2023

Environmental Category	% of complaints where category mentioned
Pollution control	32%
Nature conservation	28%
Waste and resources	16%
Environmental monitoring and assessment	11%
Not environmental law	6%
Other	6%
Climate Change	0%
Environmental governance	0%

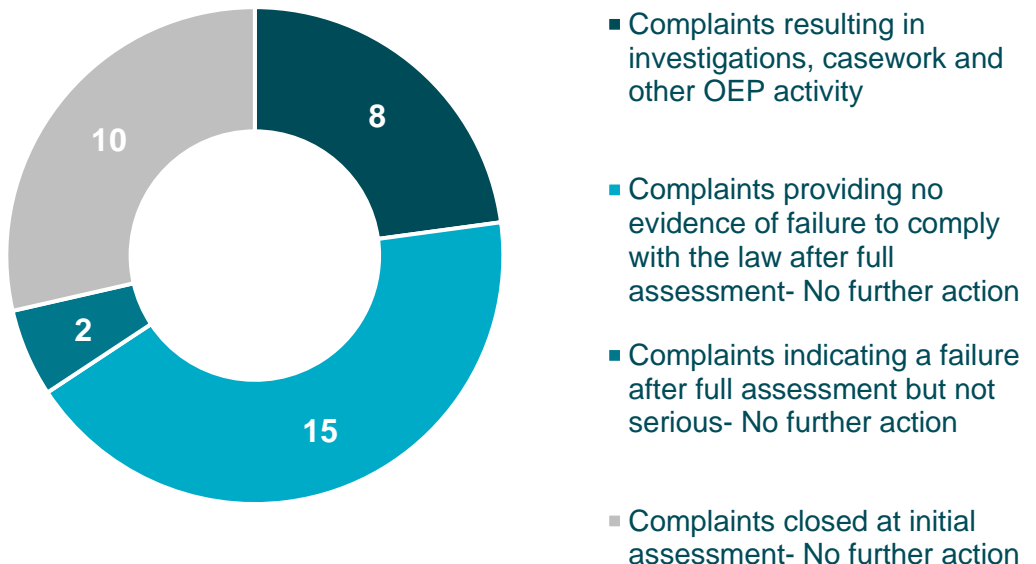
Complaint Eligibility and Outcomes

By 31 December 2024, we determined that 27 of the 81 complaints received by the OEP since January 2023 did not meet the eligibility criteria outlined in the Environment Act 2021. The primary reason (in over 59% of cases) for ineligibility was failure to complete the public authority complaints process. We concluded 25 assessments in relation to eligible complaints since January 2023.

Eligibility statuses of complaints since January 2023



Assessment outcomes for eligible complaints since January 2023



New enforcement activity and outcomes

Between 1 October and 31 December 2024, the OEP launched one new investigation and two new interventions and closed two investigations.

New Investigations

Defra's guidance on the Farming Rules for Water

An investigation into whether the Secretary of State for Defra has failed to comply with environmental law when issuing and promulgating Statutory Guidance to the Environment Agency on enforcing the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018.

Ongoing Investigations

- **Emergency Authorisations for neonicotinoid pesticide use**
- **Classification and adaptation of Special Protection Areas (Northern Ireland)**
- **Classification and adaptation of Special Protection Areas (England)**
- **Regulation of combined sewer overflows (CSOs)**

Closed Investigations and outcomes

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

The EIP was published on 27 September and our investigation report was published on 21 October.

DAERA guidance on assessing applications for ammonia emitting agricultural developments

The standing advice on applications has now been set aside and DAERA now provide advice on a case-by-case and site-specific basis and will continue to do so until revised standing advice is agreed by the DAERA Minister. Our investigation report was published on 7 October.

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 – October to December 2024

There were two new interventions during this period:

- Removal of saltmarsh habitat on the Dee Estuary SSSI/SAC
- Natural England's obligations in relation to the modification of SSSI management statements

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

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.

Northern Ireland – Nutrient Action Programme

We are considering any potential failures to comply in relation to the regulation of nitrogen/phosphorus inputs into freshwater/coastal protected sites along with wider regulations relating to nutrients.

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

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