



Office for  
Environmental  
Protection

# Complaint Report

Office for Environmental Protection

1 October 2022 - 31 December 2022

# Introduction

The OEP considers complaints about suspected failures, by public authorities, to comply with environmental law. We cover England, Northern Ireland and reserved matters. There are separate arrangements for devolved matters in Wales and Scotland. Please visit our FAQ page on [www.theoep.org.uk/faqs](http://www.theoep.org.uk/faqs) for more details and contact information. Each complaint is reviewed against the six criteria stated in the Environment Act 2021 and will only be eligible if those criteria are met. We are however able to launch self-initiated investigations and act on intelligence that highlights areas of serious environmental harm. This report focusses on the period between October 2022 and December 2022.

This is the fourth complaints report the Office for Environmental Protection (OEP) has published since it received its statutory powers on 24 January 2022. Prior to this, complaints were received to the Interim Environmental Governance Secretariat (January 2021- June 2021) and then the Interim OEP (July 2021- January 2022). All complaints received prior to the OEP receiving its statutory powers were passed onto the OEP in January 2022 for consideration, and any time restrictions waived due to the exceptional circumstances.

We process complaints through a staged procedure, working through the steps of receipt, eligibility check and assessment. Following the publication of our Strategy and Enforcement Policy in June 2022 we were able to formally decide and communicate our assessment outcomes. Complaints at that stage were then progressed to either no further action, intervention or investigation.

# Our Approach

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 those criteria. If these six criteria are not met, we will communicate with the complainant to explain this. In many instances we signpost complainants to the appropriate public authority to either raise an initial complaint or exhaust their complaints procedure. We also signpost complainants to other organisations if their issues would be more successfully dealt with by them.

We work closely with others and have three separate Memorandums of Understanding with the [Local Government and Social Care Ombudsman](#), [Parliamentary and Health Service Ombudsman](#) and a [joint one](#) with Environmental Standards Scotland and the Interim Environmental Protection Assessor for Wales.

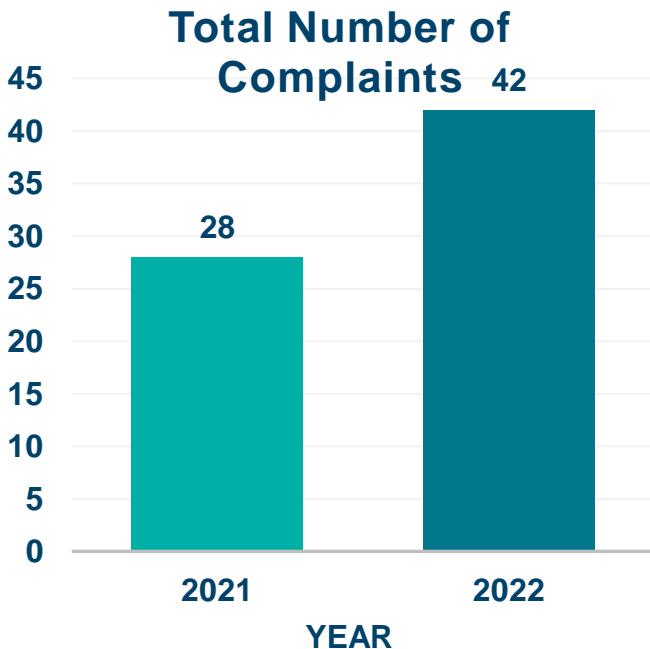
We make our decisions following our [Strategy and Enforcement policy](#). We focus on the most significant matters, such as failures to comply with environmental law that are systemic, recurrent or may cause serious harm. Every complaint submitted to us is valuable and provides us with information which helps inform our priorities. Whilst some complaints may end with no further action, each individual matter when taken together may indicate the possible seriousness of a bigger problem.

When determining if a failure to comply with environmental law is or may be serious, we consider the following factors:

- *Whether the conduct raises any points of law of general importance*
- *The frequency of the conduct over time*
- *The behaviour of the public authority or authorities*
- *The harm or potential harm to the natural environment and/or human health*
- *Any other relevant factors*

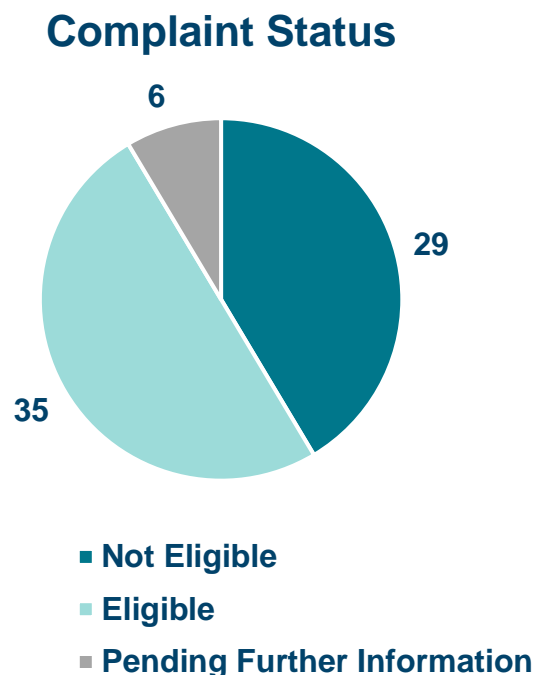
# Complaint Summary

When we receive a complaint, we send a receipt to the complainant and check the complaint against the criteria for complaining to the OEP in the Environment Act. If the complaint meets the criteria, we check with the public authority that their complaint procedure has been exhausted and invite them to share any relevant information under their duty to co-operate with us.



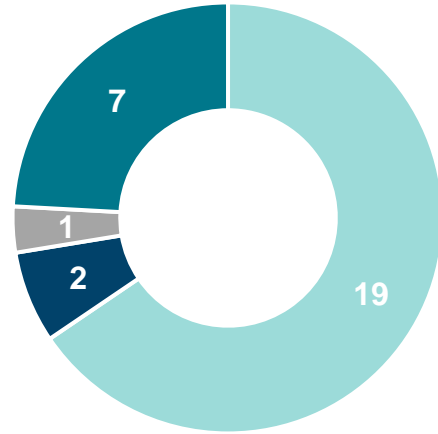
During 2021 we received a total of 28 complaints. These were received to the Interim Environmental Governance Secretariat between January 2021 and June 2021, then as the Interim OEP between July 2021 and December 2021. In 2022 we received a total of 42 complaints to the newly formed OEP. At the end of December 2022, we had received a total of 70 complaints.

Of the 70 complaints we have received between January 2021 and December 2022 29 do not meet our eligibility criteria and we explained to the complainant why. 35 do meet the eligibility criteria and are open cases awaiting decision or have finished assessment and an outcome has been decided. Six are still awaiting further information either from the complainant or the public authority.



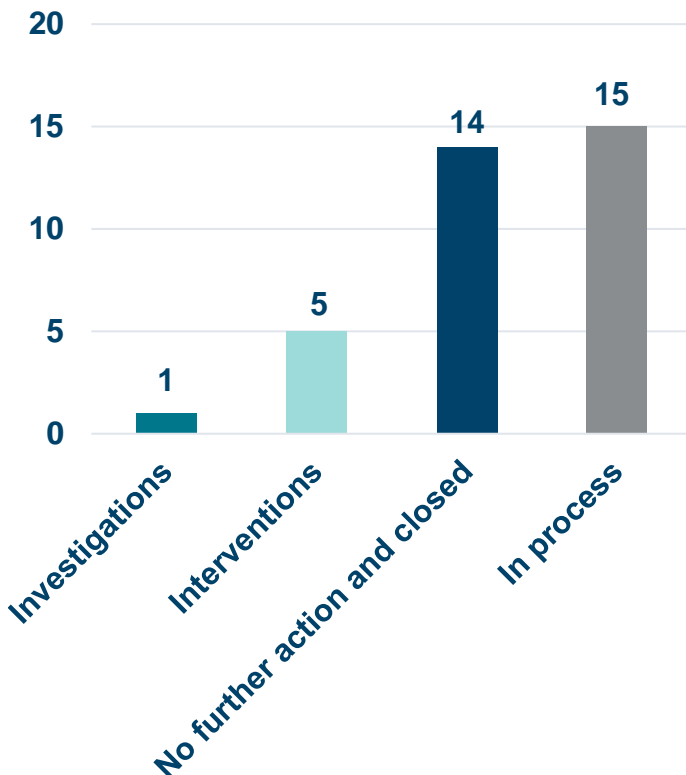
Of the 29 complaints that do not meet our eligibility criteria we can categorise the reasons why. Nineteen of the complaints we received had not completed the public authorities' complaints procedure, and we explained they must do this before we can consider their complaint. Seven were deemed not to be environmental law, two were not eligible for multiple reasons or other criteria, for example not being within England or Northern Ireland. One was submitted outside the timeframe.

## Reason for Closure at Validation



- Complaint Procedure Not Exhausted
- Not Environmental Law
- Out of Time
- Multiple or Other Criteria Not Met

## Complaint Outcomes



At the end of December, we had reached 20 outcomes. Of the 35 complaints that met our eligibility criteria and in addition to our self-initiated work, we have launched one investigation and five interventions. We closed 14 complaints with no further action, and we are currently assessing 15 complaints in more detail. Some complaints may result in multiple outcomes depending on the nature of the complaint for example a complaint may name two public authorities, but only one will be issued an intervention.

# Method of Complaint Submission

**42**

Online portal

**0**

Telephone

**2**

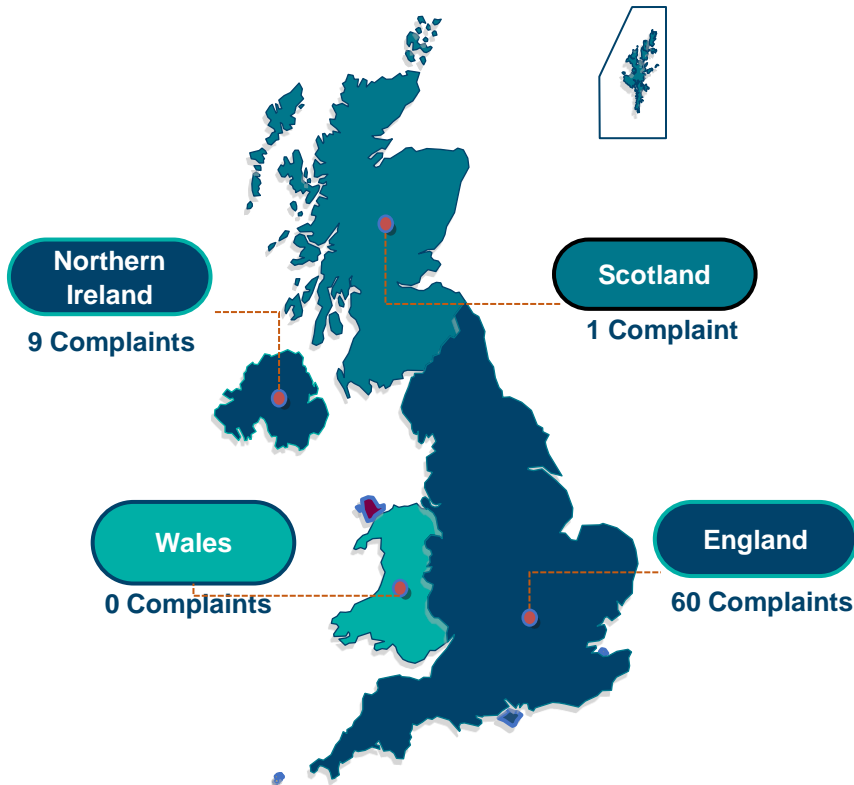
Post

**26**

Email

42 complaints were received via our online complaint portal, 26 by email, two by post and none were received by phone. From 1 January 2021 up to 31 December 2022 most of our complainants chose to submit their complaint via our [online complaint portal](#).

# Geographic Breakdown of Complaints



We cover breaches of environmental law by public authorities in England and Northern Ireland. We received nine complaints about Northern Ireland and 60 from England. We received one complaint about a devolved matter in Scotland. We signposted the complainant to [Environmental Standards Scotland](#) before closing the complaint on our system. To date we have not received any cross-border complaints. From 1 January 2021 to 31 December 2022, the complaints received named 53 different public authorities in Northern Ireland and England, including 39 different local authorities.

# Complaint Category

Following discussion with stakeholders, we adopted an initial approach to categorising complaints under categories of environmental law as shown above. "Environmental governance" covers the institutional framework for environmental protection as well as cross-cutting measures such as environmental reporting that do not fit in one of the other, more specific categories. The "Other" category includes things like development control. Some complaints named more than one category.

Environmental Category	% of complaints where category mentioned
Pollution control	26%
Nature conservation	26%
Environmental monitoring and assessment	17%
Environmental governance	16%
Other	7%
Waste and resources	4%
Not environmental law	4%

# Enquiries

In addition to complaints the OEP deals with enquiries from individuals and organisations. 497 enquiries were recorded from January 2021 until the end of December 2022. During this quarter we received 31 in October, 27 in November and 28 in December. We continue to provide signposting where relevant, if the enquiry does not relate to the OEP's remit. Some of these enquiries have become complaints for the OEP and some provide notification of wider environmental issues. During this quarter we signposted 86% of our enquirers to more suitable organisations, 14% were relevant to the OEP and none resulted in complaints.

# Outcomes

Since June 2022, when our strategy and enforcement policy was published, we have reached 20 outcomes. We are now able to start monitoring the actions we have taken and see the impact they are having on the environment. Below are two examples of the interventions we have taken.

## **Intervention on the Marine Management Organisation**

Our self-initiated work in June 2022 looked at the Marine Management Organisation and their call for evidence on their Stage 2 assessment of the impacts of fishing using bottom towed gear in Marine Protected Areas. We were pleased to see in their [latest consultation](#) the proposal to introduce bottom-trawling bans in a further 13 Marine Protected Areas. We will continue to monitor the outcomes of this consultation.

## **Intervention on the Northern Ireland Department for Infrastructure**

In August 2022 we wrote to the Northern Ireland Department for Infrastructure and strongly advised that they issue guidance to all 11 councils in Northern Ireland on the correct application of Schedule 3(3)(c) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 when conducting screening assessments relating to developments, which propose to carry out activities with potential cross-border impacts. We were informed that they would be publishing several Environment Impact Assessment related Practice Notes and running Environment Impact Assessment training for council planning staff. We hope this will help improve planning decisions made in Northern Ireland and we will continue to monitor the situation.



# More Information

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

If you cannot find an answer on the website, please email or call us:

[enquiries@theoep.org.uk](mailto:enquiries@theoep.org.uk) or call 03300 416 581