



Office for
Environmental
Protection

Complaints Report

Office for Environmental Protection

1 July 2025 - 30 September 2025

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 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

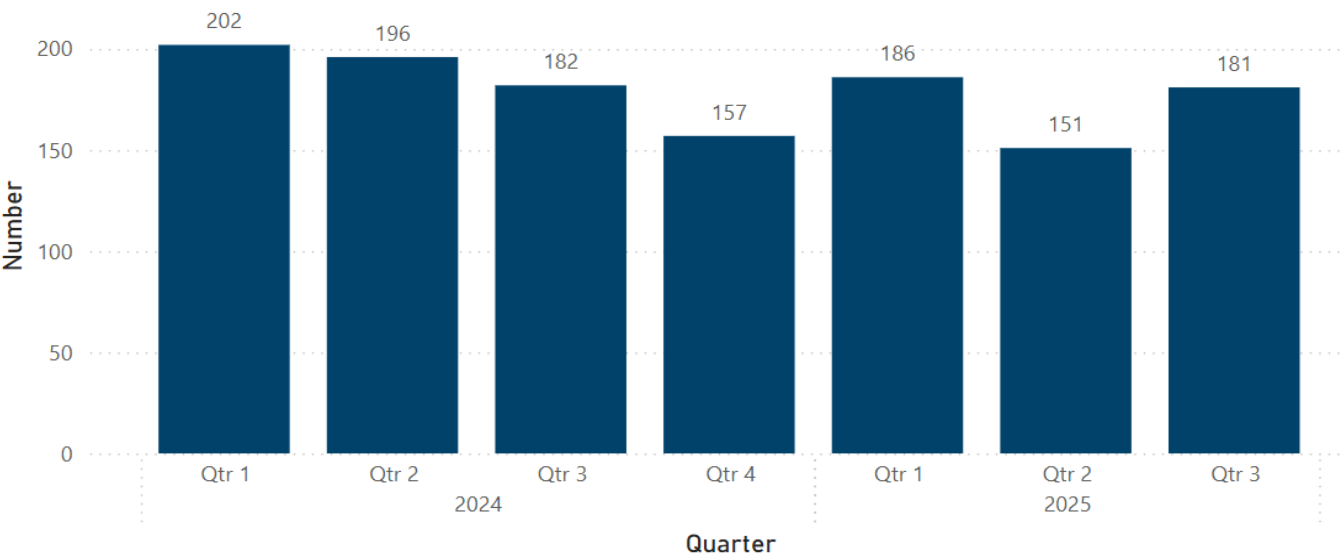
In many instances we signpost members of the public to the most appropriate public authority to either raise an initial complaint or exhaust the complaints procedure. We do this to ensure the relevant public authority is provided with the opportunity to assess and respond to matters initially. We also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

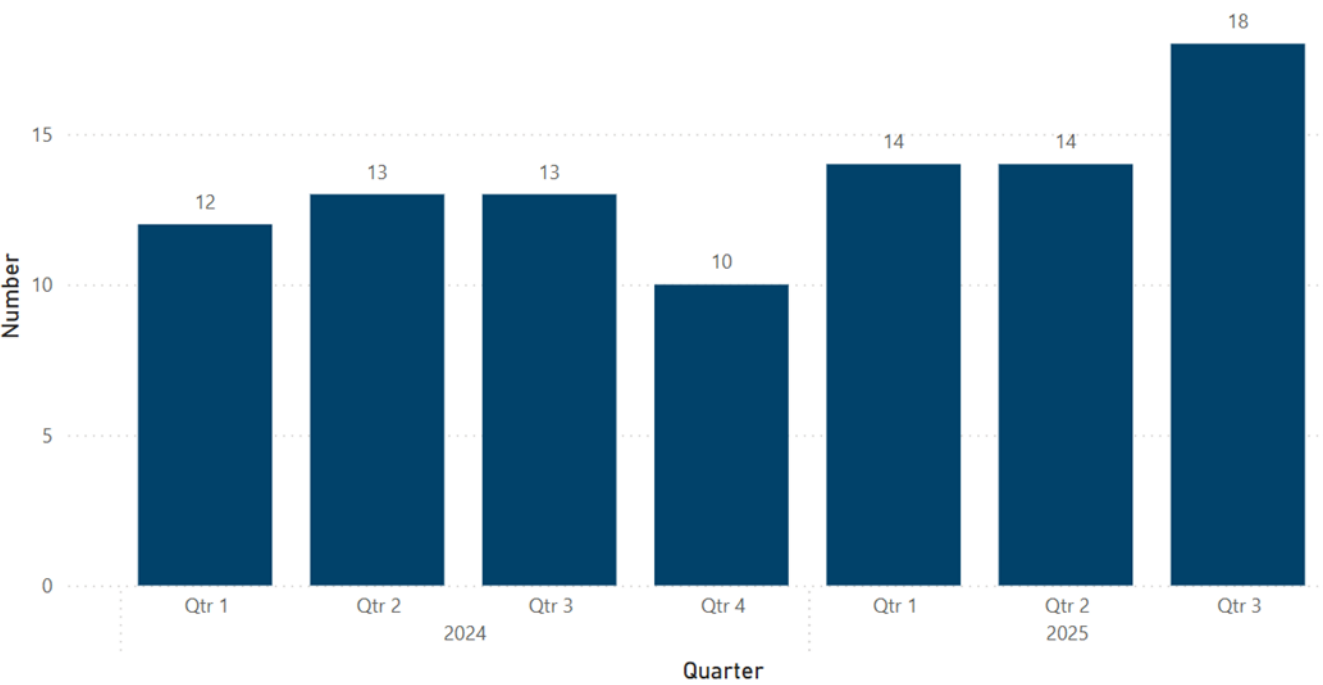
We recognise the importance of engaging with a variety of stakeholders. These include government bodies and non-departmental bodies. We also communicate with Non-governmental Organisations, community groups, and industry practitioners. We have Memorandums of Understanding (MOUs) with the Climate Change 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 2024



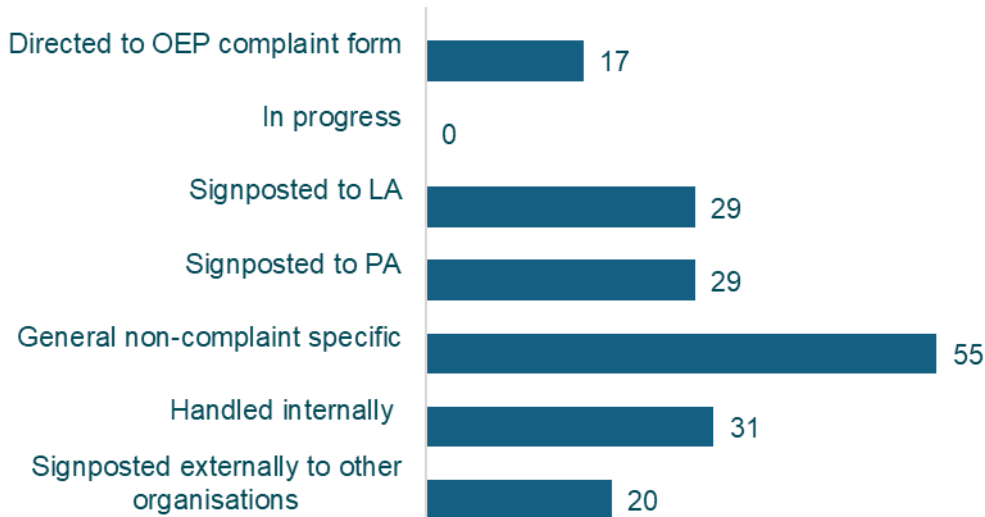
Complaints received per quarter since January 2024



Enquiries key statistics

During quarter three of 2025 we received a total of 181 enquiries with 74 in July, 50 in August and 57 in September. This is a slight decline comparing to previous quarters.

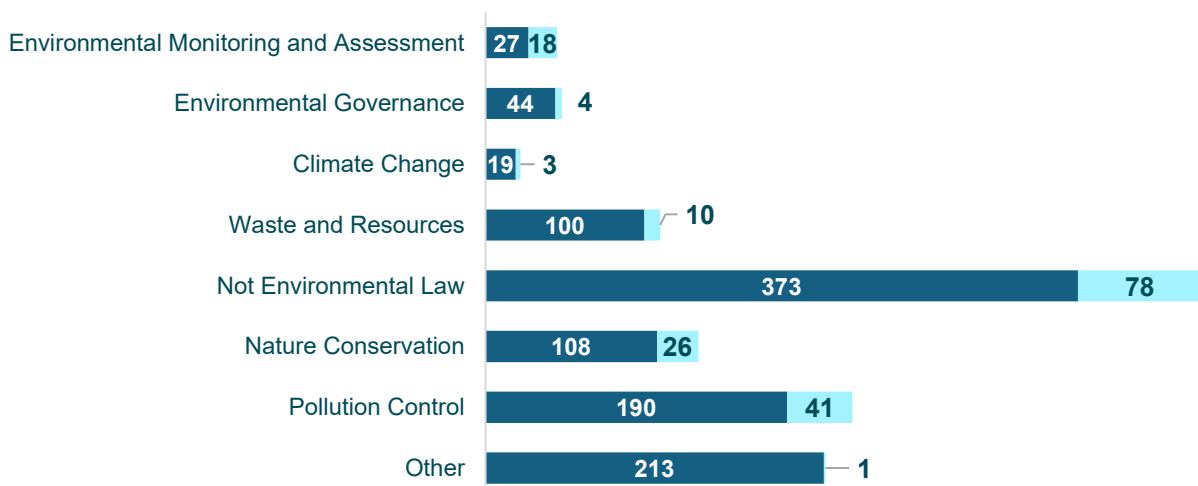
Enquiry Outcomes in Quarter Three



During quarter three the highest proportion of enquiries were general non-complaint specific enquiries, 55 in total. We also signposted a total of 78 customers to local and public authorities and other organisations, as their queries were not covered by our remit.

Enquiries by Topic

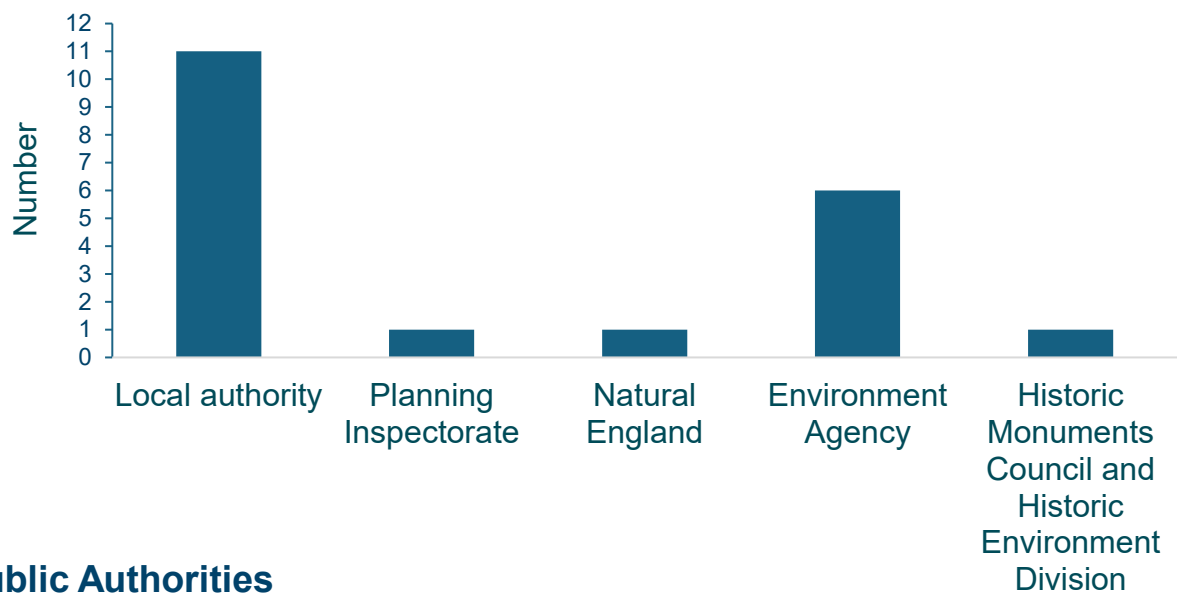
- Enquiries received between January 2024 to June 2025
- Enquiries received between July to September 2025 Q3



Complaints key statistics

During quarter three of 2025 we received a total of 18 complaints with five complaints received in July, nine complaints received in August, and four complaints received in September.

Authorities mentioned in July- September 2025



Public Authorities

Of the complaints received in quarter three of 2025 we received eleven about local authorities. We had six about the EA and the Planning Inspectorate, Natural England and Historic Monuments Council and Historic Environment Division (NI) were mentioned once. Two complaints mentioned two authorities in this period.

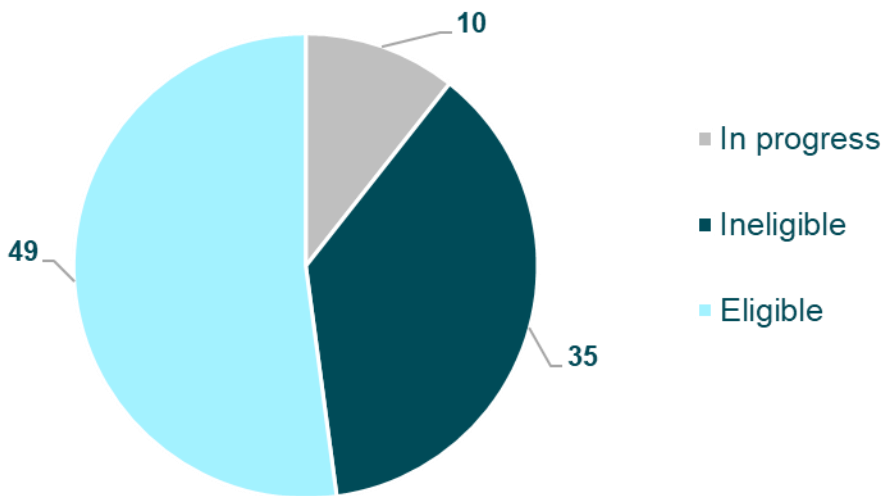
Category of complaints submitted since January 2024

Environmental Category	% of complaints where category mentioned
Nature conservation	36%
Pollution control	25%
Waste and resources	21%
Not environmental law	7%
Environmental monitoring and assessment	5%
Environmental governance	3%
Other	2%
Climate Change	1%

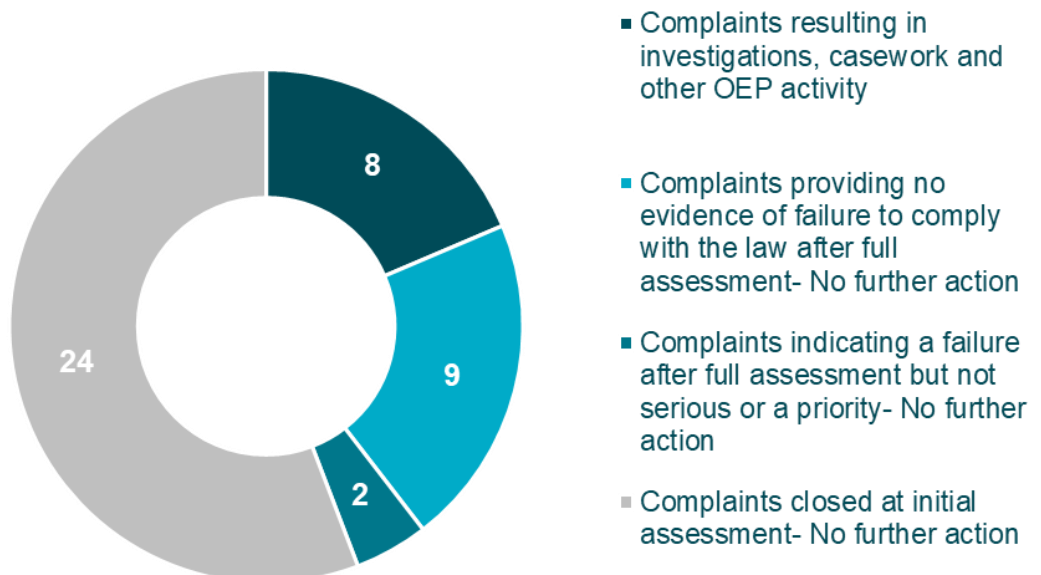
Complaint eligibility and outcomes

By 30 September 2025, we determined that 35 of the 94 complaints received by the OEP since January 2024 did not meet the eligibility criteria outlined in the Environment Act 2021. The primary reason (in over 51% of cases) for ineligibility was failure to complete the public authority complaints process. We concluded 43 assessments in relation to eligible complaints since January 2024, six were still undergoing assessment at the end of the quarter.

Eligibility statuses of complaints since January 2024



Assessment outcomes for eligible complaints since January 2024



New enforcement activity and outcomes

Between 1 July- 30 September 2025, the OEP launched no new investigations. We completed two assessments which both led to interventions.

Ongoing Investigations

- Possible failures by Defra and the Environment Agency to comply with key laws to protect and improve water quality
- Investigation into Defra's duty to achieve Good Environmental Status in the marine environment
- Lawfulness of government guidance on water pollution from agriculture
- 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)

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://theoep.org.uk/investigations)

Intervention/early resolutions – July-September 2025

Failure by Defra to comply with review, consultation and reporting requirements under the Nitrate Pollution Prevention Regulations 2015 and Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2017

A complaint was received in March 2025 from Client Earth regarding Defra's failure to discharge statutory monitoring, reviewing, consultation and reporting obligations under regulations to prevent nitrate pollution from agriculture.

The Nitrate Regulations place several duties on the Secretary of State (SoS) to monitor the effectiveness of the restrictions introduced through the Regulations ("the Nitrates Action Programme"), to review the extent to which the objectives of the Regulations have been achieved and to review the extent to which they remain appropriate. The SoS must also publish a report of this review, the first of which was due before 31 March 2020, and then at least every five years.

We determined that the report required by Regulation 40 of the Nitrate Regulations was delayed at the time the complaint was submitted; however, it was subsequently published in April 2025. We determined that the SoS may have failed to comply with his duties to publish proposals to revise an existing NVZ for the 2025-2028 period ahead of making the changes. However, as the changes relate to the extension of one existing site, and an appeals process remains available, we did not consider this to indicate a serious failure to comply with environmental law. We determined that the SoS appears to have failed to comply with his reporting requirements under Regulation 40A of the Nitrate Regulations and Regulation 16 of the Farming Rules for Water.

Defra committed to completing the outstanding reports by October 2025. There have since been delays in meeting this aim, however, Defra is continuing to keep us informed of progress as the reviews are completed. In relation to consultation requirements under Regulation 39 of the Nitrate Regulations, we concluded there was no failure to comply with the obligation to take the review however, there is an indication the SoS may have failed to comply with obligations to consult during the review. Defra is considering how it can comply, and we will monitor this and their progress in completing the outstanding reports.

Intervention/early resolutions – July- September 2025

Failure by the Environment Agency (EA) to regulate the export of waste tyres from England to India, in accordance with UK Waste Shipment Regulations 2006.

We received a complaint in May 2024 alleging the EA had failed in numerous areas when regulating the export of waste tyres to India.

Whilst assessing this complaint, we were made aware of legal action being brought forward by action group Fighting Dirty against the EA concerning similar issues.

Following an information request and an internal review by the EA we concluded that the EA does have obligations under Articles 49(2) and 36(1)(g) of the Waste Shipment Regulations, to ensure that waste is not exported to a destination where they have reason to believe it will not be treated in an environmentally sound manner.

The EA acknowledged that there is inadequate information to allow it to assume that waste tyres exported to India are being handled in such a manner. Based on the evidence available, it accepts that it is “highly likely” that some waste tyres are being diverted to illegal pyrolysis plants. It has also noted that it should take further steps to ensure it is fulfilling its legal obligations.

The EA’s admissions resulted in four proposed actions, to be delivered in a phased approach. In view of these steps, we did not consider that commencing an investigation at this time would be appropriate. We advised the EA that the OEP will monitor its progress with its proposed action plan and recommendations.

Horizon scanning

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

Summary

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.

Northern Ireland- Water

We are undertaking an assessment of legal duties and compliance with the Urban Wastewater Treatment Directive and related domestic legislation.

Assessing effects of ammonia pollution on protected sites

We are undertaking preliminary work to better understand how public authorities in England assess the impact of atmospheric nitrogen pollution on protected sites such as Special Conservation Areas, Special Protection Areas, Ramsar sites, and Sites of Special Scientific Interest.

Necessary Conservation Measures

We are considering the legal duties under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) to establish “necessary conservation measures” for the features of Special Areas of Conservation (SACs) once they have been designated.

Assessment of our water report compliance

We are continuing to review the potential compliance issues identified in the OEP’s Northern Ireland water report, and the subsequent responses received. 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.

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>