

Public Engagement on Office for Environmental Protection Strategy

On behalf of Office for Environmental
Protection

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1 Methodology

OEP commissioned YouGov to provide a wider perspective of the general public's understanding of the OEP and the body's objectives, enforcement activities, and priorities.

The findings are based on a large-scale representative sample of 5,151 people from England and Northern Ireland collected through online research methods. Fieldwork was carried out between 29th March and 10th April 2022.

The proportion of respondents in Northern Ireland was boosted to provide a large enough sub-group for analysis. A total of 4,646 respondents were from England and 505 were from Northern Ireland. The responses were then weighted and are now proportionately representative of the England and Northern Ireland population.

Following the survey, YouGov conducted six focus groups with the general public about attitudes towards environmental protection, before participants discussed OEP's strategic aims.

Four groups were conducted in England, split according to age and two groups in Northern Ireland, split according to age. All groups were run in the first half of April 2022.

Where two or more demographic groups are discussed, only statistically significant differences to the 95% confidence interval are mentioned. Significance testing is not applied for figures based on fewer than 50 respondents. All analysis is conducted to two decimal places. Figures in charts or images may not sum to 100% due to rounding or due to the question allowing multiple selections. Discussions of participants living in urban/ rural locations refer to English adults only. Northern Irish adults were not segmented by urban/ rural location.

2 Key summary

Context

- The vast majority of the general public across England and Northern Ireland are interested in environmental protection issues (74%). The most mentioned environmental concern is pollution, specifically of waterways (27%).
- Many would like the OEP to prioritise tackling water pollution (52%), although this is closely followed by waste generation (51%), and hazardous chemicals in the environment (49%).
- Around one in ten claim to be aware of the organisation when prompted (13% England, 11% Northern Ireland), and around one in six would report a breach of environmental laws to the OEP (16% England, 15% Northern Ireland).

Delivering the OEP's strategic objectives

- Despite relatively low awareness, once the OEP and the OEP's strategy was explained to respondents, the majority think it is important that the government's progress on environmental plans is independently checked by the OEP (82%).
- In particular, over half of the general public think it is most important that the OEP challenges the government to do better where necessary (56%).
- Making the results of checks public and transparent is of particular importance – 48% think this is an important consideration for the OEP to make when monitoring progress of the environment plan, and respondents in the qualitative focus groups emphasized the value of transparency with the opportunity for public scrutiny.
- Similarly, one of the most popular aspects for the OEP to consider when aiming to improve environmental law was to identify and challenge non-compliance – 50% of English and Northern Irish adults said this was key.
- Each of the enforcement actions was seen to be effective by a majority of the general public, with taking public authorities to court the most likely to be seen as an effective enforcement action (71%).
- Participants in the qualitative research feel there is a gap in the current system and compliance felt to be lacking. They were excited by the prospect of an organisation like the OEP, although there was scepticism around the likelihood of making systemic change.

- All four of the OEP strategic objectives were generally felt to be important to some degree, although when asked to rank the public-facing objectives, enforcing environmental law was ranked top by half of the general public (49%).

How the OEP will prioritise

- Most people agreed that all prioritization factors were important, although the potential damage on the natural environment was the strongest with 46% seeing this as very important for the OEP to consider.
- Focus group participants noted that ‘damage’ was felt to be visible and tangible, although there was variation around whether people thought the OEP should take action when damage is done or act as a preventative measure.

Enforcement

- When asked to evaluate what constituted a serious failure, the most commonly selected aspect was whether any harm has been/ might be done to the natural environment (65%).
- When asked to consider how to evaluate the damage to the environment, half (52%) said the severity of damage should be considered while just under half wanted to consider whether it was possible to recover from the damage (46%).
- Some participants in the qualitative research felt that all failures should be subject to enforcement action from the OEP as all are damaging. Others felt it would be more realistic for the OEP to have a clear matrix / checklist to utilise when making these judgements.

Scrutinising Environmental Improvement Plans (EIPs) and targets

- The general public do think it is important that the OEP delivers in-depth assessments of specific challenges / improvements (33% very important) as well as providing an overview of progress (32%).
- When asked to chose between the two, people were more likely to say the OEP should focus on delivering in-depth assessments of particular environmental challenges (58%).

Advice

- The general public is open to receiving information from the OEP about environmental protection – just over half would be interested in having reports showing where environmental law is working well (53%), information on enforcement action (53%), or reports showing targets hit/ missed from environmental improvements plans (52%).

Objectivity, impartiality, proportionality, and transparency

- When made to choose their top priorities for how the OEP should behave as an organization, half of English and Northern Irish adults said transparency was key (51%), followed by independence (45%), and consistency (43%).
- Participants in the focus group agree it is critical for the OEP to act objectively but are sceptical about whether the organisation is able to be truly independent.
- In particular, concerns about independence and who the OEP is answerable to meant that some focus group participants worried that acting “proportionately” could be subject to interpretation.

3 Context

3.1 The general public's view of the environment

To form a benchmark for the OEP the general public in England and Northern Ireland were asked about their environmental concerns, knowledge of environmental protection issues and interest, awareness of environmental organisations and which organisations breaches are reported to, and what issues need to be prioritised.

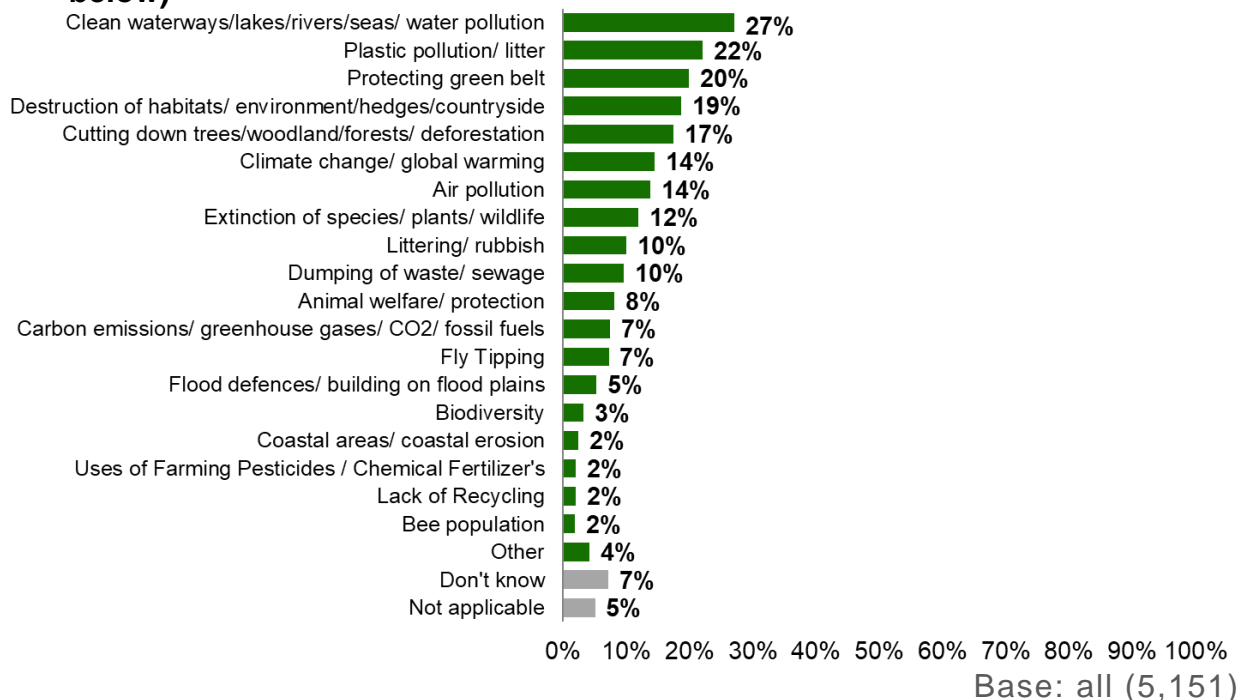
When asked what general issues around environmental protection they are personally concerned about, over a quarter of people in England and Northern Ireland (27%) focused on clean waterways, which is five percentage points higher than the next largest concern, plastic pollution (22%). There are differences between the two nations in other areas, with the green belt (England: 20%, Northern Ireland: 15%) and flood concerns (England: 5%, Northern Ireland: 2%) both are of greater concern for those in England. While concerns relating to litter (Northern Ireland: 18%, England: 10%), dumping of waste/sewage (Northern Ireland: 13%, England: 9%) and animal welfare (Northern Ireland: 14%, England: 8%) are more prominent in Northern Ireland.

Looking to other demographics, there are also interesting generational differences, with those who are aged 60 and over are more concerned about clean waterways (60+: 34%, 18-29: 16%), the green belt (60+: 29%, 18-29: 12%), and fly tipping (60+: 9%, 18-29: 2%). 18–29-year-olds are more concerned about climate change (18-29: 22%, over 60: 8%) and plastic pollution (18-39: 23%, 60+: 19%). The top three greatest concerns are the same for ABC1 and C2DE social grades¹, which includes clean waterways (ABC1: 30%, C2DE: 24%), the green belt (ABC1: 21%, C2DE: 19%), and plastic pollution/ litter (ABC1: 21%, C2DE: 23%). However, those in ABC1 social grade are more likely to have unprompted

¹ Socio-economic groups refer to the National Readership Survey social grades: A (upper middle), B (middle), C1 (lower middle), C2 (skilled working), D (working), E (lowest). These are defined as: A: Higher managerial, administrative or professional. B: Intermediate managerial, administrative or professional. C1: Supervisory or clerical and junior managerial, administrative or professional. C2: Skilled manual workers. D: Semi and unskilled manual workers. E: Casual or lowest grade workers, pensioners and others who depend on the welfare state for their income.

concerns than C2DEs, with C2DEs almost twice as likely to say ‘don’t know’ than ABC1s (C2DE: 5%, ABC1: 9%).

Figure 1. What environmental protection issues are you most concerned about in [England/Northern Ireland]? (Please type up to 3 issues in the boxes below)

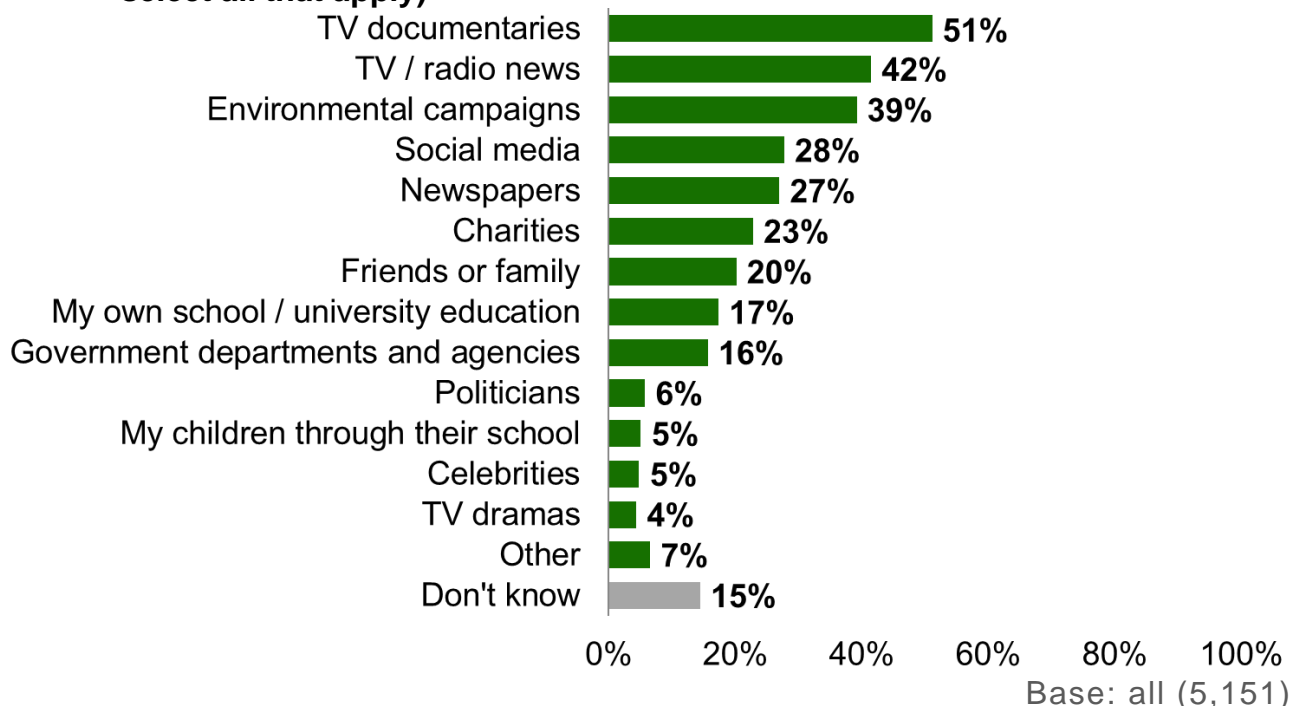


*Note: Responses with 1% or less are not shown in this chart

The public’s knowledge of environmental protection issues is predominantly gathered through documentaries, with over half of participants (51%) indicating that this is a source of their environmental protection knowledge. Documentaries are less important for those in Northern Ireland, with only 35% using documentaries as a source of knowledge, compared to 52% in England. Instead, the public in Northern Ireland are more likely than in England to not know where they receive their environmental knowledge (Northern Ireland: 21%, England: 14%). There is also a generational divide in knowledge collection with 18–29-year-olds more likely to use social media (18-29: 36%, 60+: 19%) and their own school/university education (18-29: 27%, 60+: 10%) to receive information about the environment while those aged 60 and over are more inclined to utilise TV/radio news (60+: 57%, 18-29: 25%).

Findings also indicate that there is also a division in terms of social grade, with ABC1s more likely to utilise newspapers (ABC1: 30%, C2DE: 23%), charities (ABC1: 25%, C2DE: 20%), their own education (ABC1: 20%, C2DE: 14%).

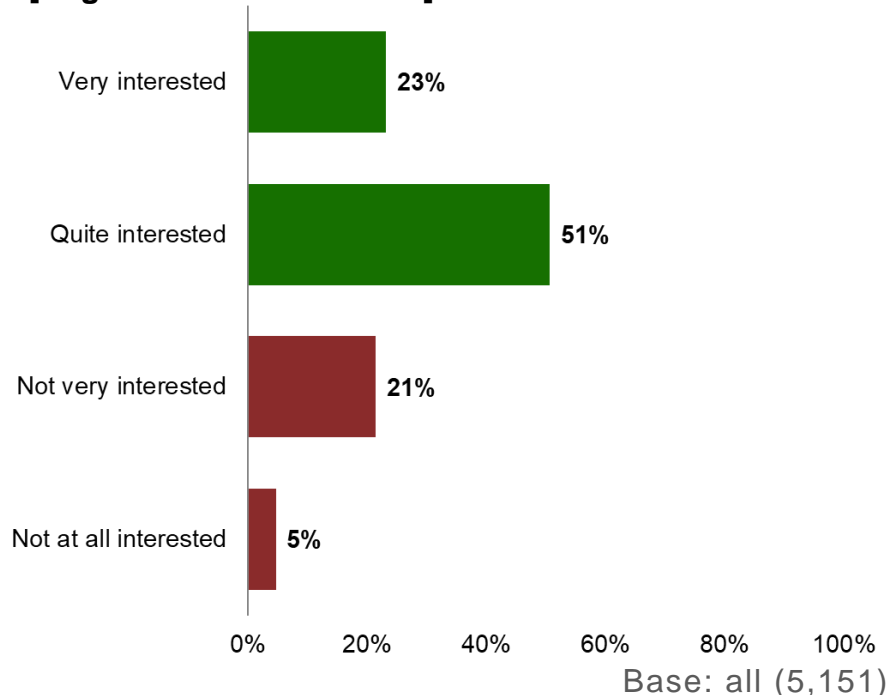
Figure 2. From which, if any, of the following do you think your knowledge of environmental protection in [England/Northern Ireland] comes from? (Please select all that apply)



The vast majority of the general public are interested in environmental protection issues in their country (interested: 74%, not interested: 26%). While Northern Irish respondents are slightly less likely than English respondents to say so, a comfortable majority in both countries are interested in environmental protection issues (Northern Ireland 69%, England: 74%). There are differences in interest between ABC1 and C2DE social grades (ABC1: 77%, C2DE: 70%). Younger people are also slightly less interested in environmental protection than those aged 60+ (18-29: 67%, 60+: 80%).

However, differences become more pronounced when looking at the English urban/ rural divide, with those who are from urban areas being less interested in environmental protection issues than those living in rural areas (urban: 73%, town and fringe: 79%, rural: 81%).

Figure 3. And how interested or not are you personally in environmental protection issues in [England/Northern Ireland]?

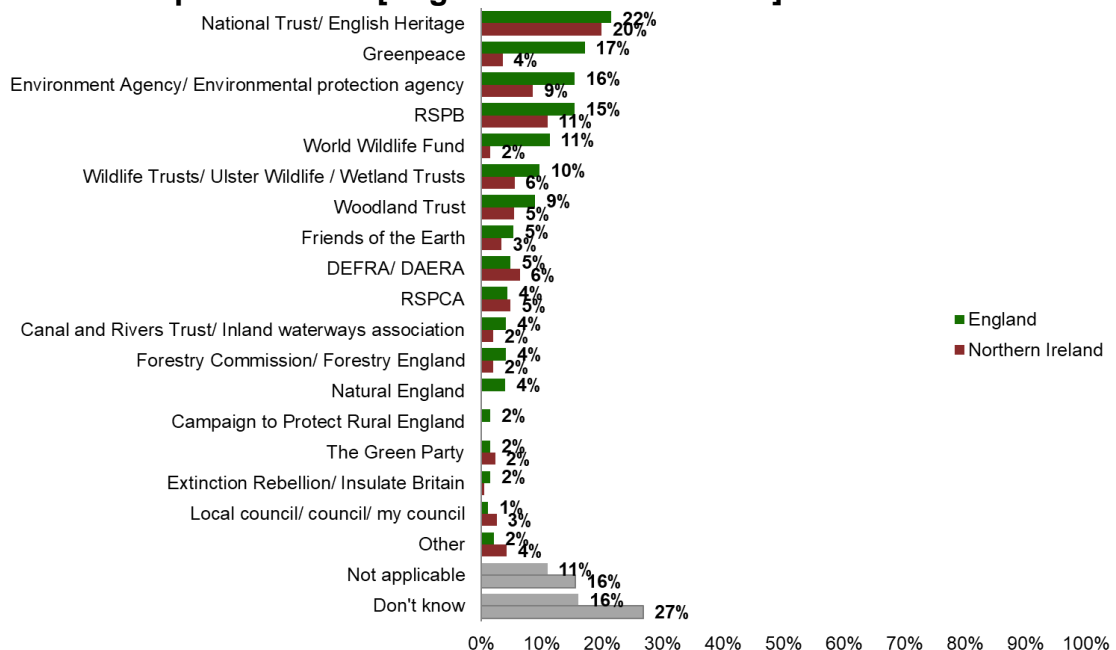


3.2 The general public's awareness of environmental protection organisations

The National Trust/ English Heritage has the largest level of unprompted public awareness, with almost a quarter naming them as environmental protection organisations (21%). This is similar in England and Northern Ireland, with almost one in four of the general public in Northern Ireland (20%) and England (22%) mentioning the National Trust/ English Heritage. Beyond those, people in England are more likely to name the WWF (11% compared with 2%) and more likely to mention Greenpeace than people in Northern Ireland (4% against 17%). Northern Ireland residents are more likely to say they do not, without prompting, know any organisations that protect the environment (27% against 16%).

There is also a clear social grade divide, with the top four most commonly named organisations more likely to be mentioned by ABC1 participants. Almost a quarter of ABC1 participants (24%) named National Trust/ English Heritage and 18% mentioned Greenpeace (vs C2DE: 19% National Trust/ English Heritage, 14% Greenpeace).

Figure 4. Which, if any, organisations can you think of that work on environmental protection in [England/Northern Ireland]?

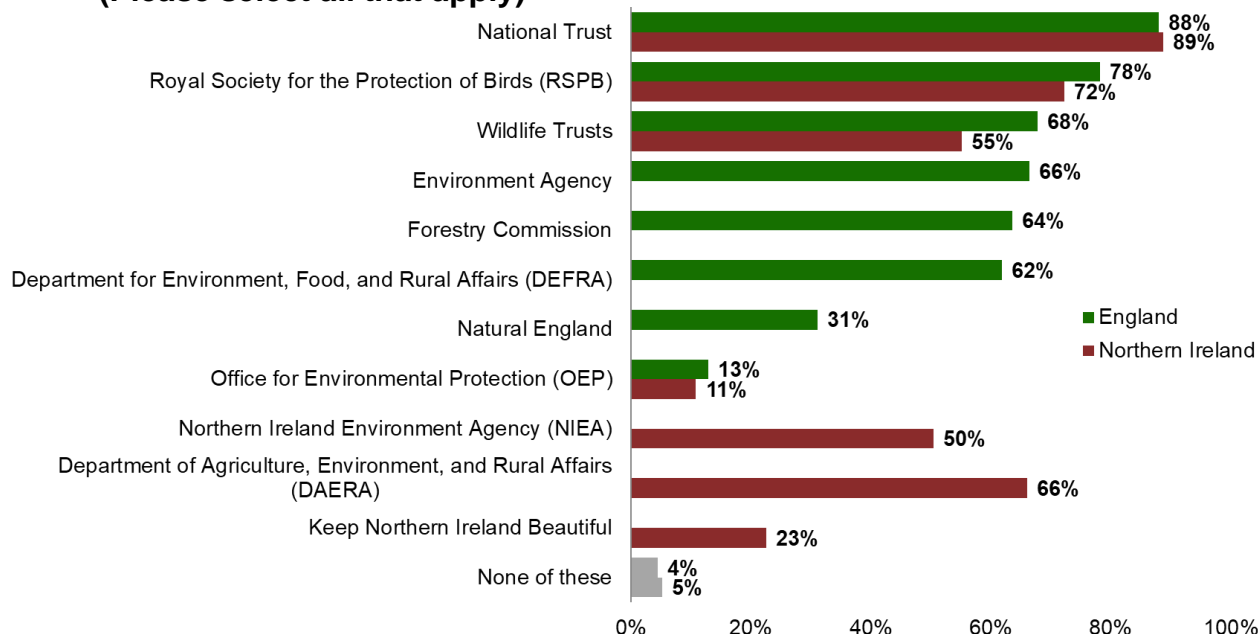


Base: all (5,151)

Awareness grows considerably when the general public are prompted to select from a list of environmental protection organisations. While the National Trust remains the organisation with the most awareness at 88%, the Royal Society for the Protection of Birds (RSPB) also has considerable levels of awareness at 78%. The results also highlight that while some environmental organisations may have high levels of awareness, the ability of the general public to mention these organisations without prompts declines considerably. For example, the Forestry Commission has high levels of claimed awareness (60%), but were not mentioned when respondents were asked to name organisations without prompting.

The vast majority of the public in Northern Ireland and England are aware of organisations such as the RSPB (Northern Ireland: 72%, England: 78%), Wildlife Trusts (Northern Ireland: 55%, England: 68%) and National Trust (Northern Ireland: 89%, England: 88%). However, there is also a pronounced generational divide, those aged 60 and above are more likely to be aware of all the organisations listed. This is particularly notable amongst those who are aware of the RSPB (18-29: 50%, 60+: 96%) and DEFRA (English 18-29: 31%, English 60+: 78%).

**Figure 5. Which, if any, of the following organisations have you heard of?
(Please select all that apply)**

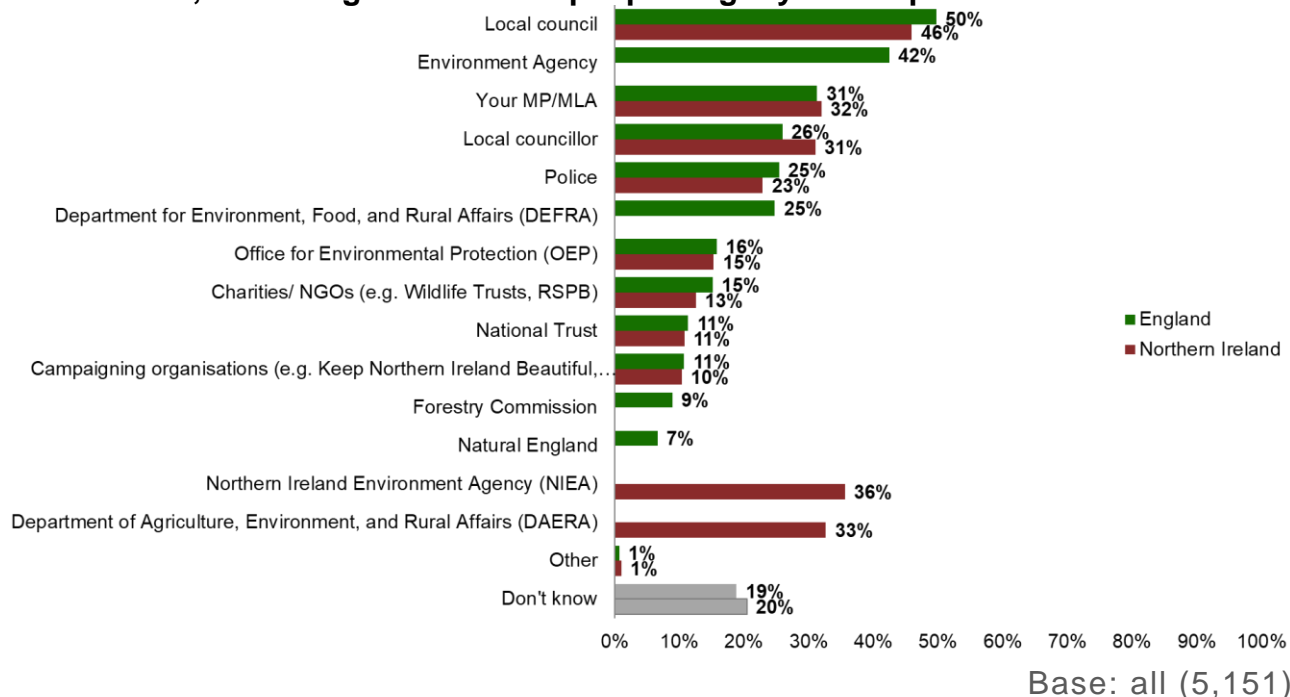


Base: all (5,151)

Half of the general public would report environmental breaches to their local council, while a quarter (26%) would report breaches to their local councillor. The Environment Agency is the second most mentioned with two in five (41%) saying that they would contact this organisation if they were to report a breach. Northern Ireland and England resident breach reporting is broadly similar, but of course, dependent upon the presence of the environmental organisation in each country.

While reporting to your local council is the most popular potential response in Northern Ireland (46%), reporting breaches to local organisations such as the Northern Ireland Environment Agency (NIEA) (36%) and the Department of Agriculture, Environment, and Rural Affairs (DAERA) (33%) are on par with reporting to a local councillor (3%). While, in fact, only a quarter of English residents would report a breach to their local councillor (26%). In England, the Environment Agency (42%) and the local council (50%) are more likely to receive reports if respondents were concerned about breaches of environmental laws.

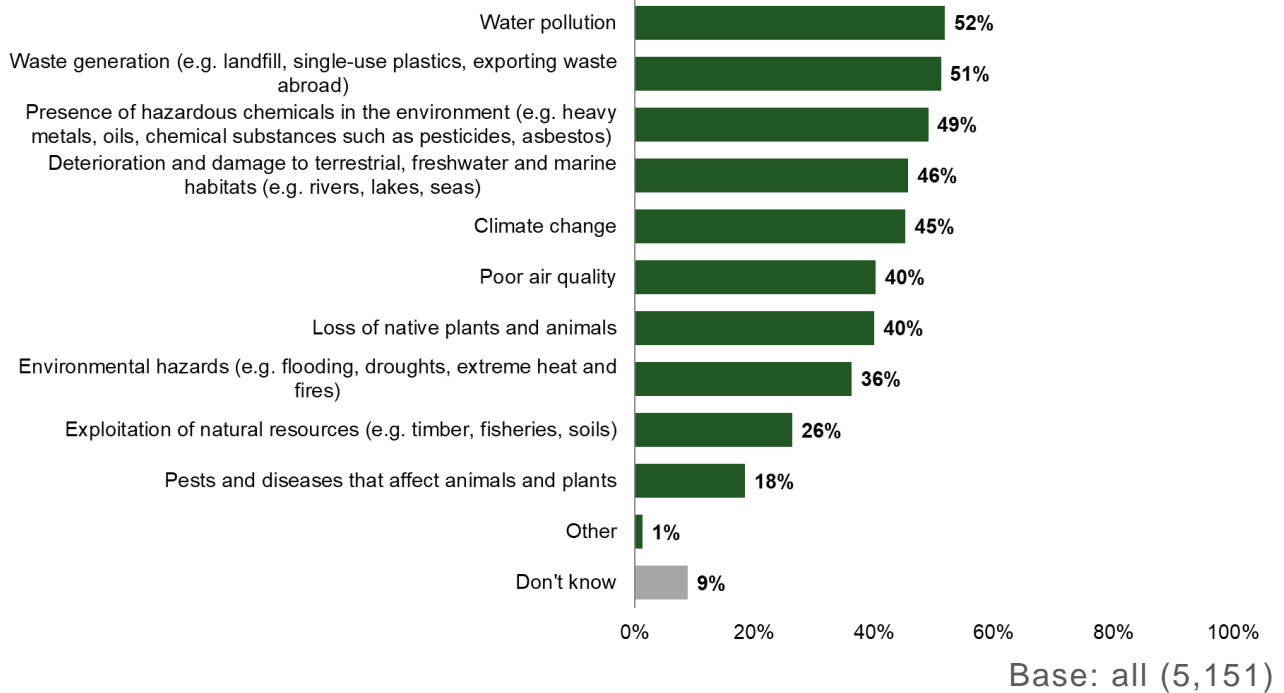
Figure 6. If you were concerned about a potential breach of environmental laws, which organisations or people might you complain to?



When given a list of environmental issues and asked which the OEP should prioritise, around half chose water pollution (52%), waste generation (51%), or (49%) the presence of hazardous chemicals as issues that should be prioritised. The top three issues are consistent in Northern Ireland and England, however people in England are more concerned about poor air quality (England: 41%, Northern Ireland: 31%).

This divide is also seen in English rural, urban, and town and fringe areas. Urban residents believe poor air quality should be prioritised (urban: 42%, town and fringe: 35%, rural: 34%). While those living outside urban areas want loss of native plants and animals (urban: 38%, town and fringe: 48%, rural: 46%), the deterioration and damage to terrestrial, and freshwater and marine habitats (e.g. rivers, lakes, seas) (urban: 45%, town and fringe: 48%, rural: 54%) to be focussed on.

Figure 7. Below are environmental protection issues that the OEP could prioritise. Please select up to 5 issues that you would prioritise.



4 Delivering OEP strategic objectives

4.1 Comments on section 2.2 of the draft strategy: sustained environmental improvement

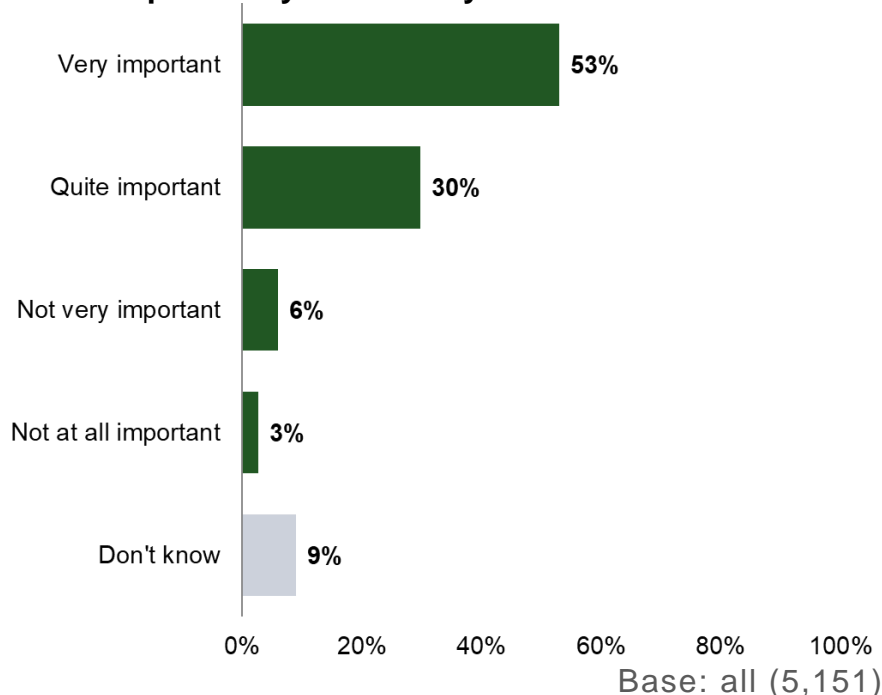
To meet the OEPs first objective, sustained environmental improvement, the OEP's draft strategy outlines holding the government to account for delivery of environmental goals and targets, and its plan for improvement. In the survey people in England and Northern Ireland were asked their perception of the importance of independent checks on government progress and what elements of environment plans are most important to focus on.

The vast majority think it is important the government's progress on environment plans is checked independently by the OEP. Four in five (82%) people in England and Northern Ireland think it is important the government's plans are checked by the OEP, including just over half (53%) who said it is very important. Those in England were slightly more likely to consider these independent checks as important (82%) compared to those in Northern Ireland (77%).

Young people (18-29) are the least likely to say they think it is important these plans are independently checked by the OEP (76%) in comparison with those over 60 (88%).

Younger people are also more likely to say they don't know how important independent checks are (14%) than those aged 60+ (5%). Though for both age groups the proportion who think it is important is still a comfortable majority. Amongst other demographics, those in social grades ABC1 (85%) are more likely than those in groups C2DE (79%) to say it is important to them that progress is independently checked.

Figure 8. How important or not is it to you that the government's progress on the environment plan is independently checked by the OEP?

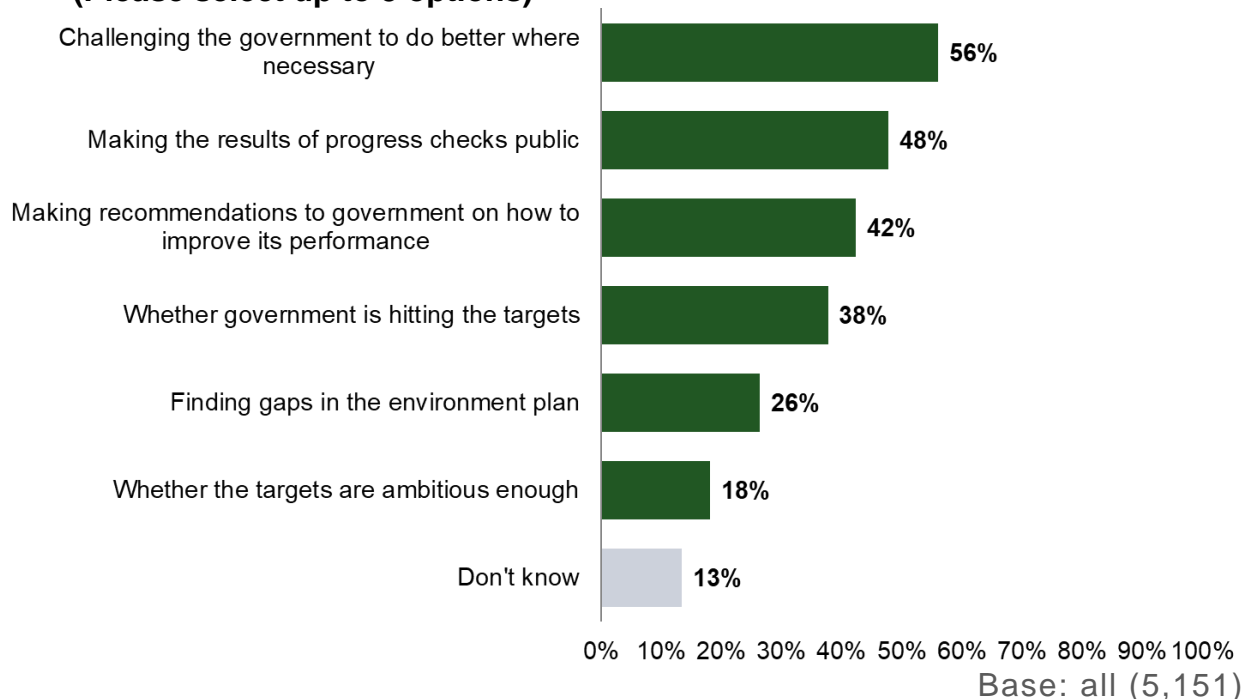


The importance of independently checking progress on government plans is reflected in what the public in England and Northern Ireland would like the OEP to monitor. The public in England and Northern Ireland generally think it is more important for the OEP to consider scrutinising government progress on the current plan (e.g. challenging the government to do better, making regular progress checks), rather than scrutinising the targets set out in the plan (e.g. finding gaps in the plan, whether targets are ambitious enough).

When asked to choose their top three options, the public in England and Northern Ireland were most likely to think the OEP should consider challenging the government to do better (56%), followed by making the results of progress checks public (48%) and making recommendations to improve performance (42%).

Young people (18-29) are more likely to say they don't know what the OEP should consider when monitoring government progress (18%) when compared with those over 60 (8%). For all age groups challenging the government to do better where necessary is the most common option they think the OEP should focus on.

Figure 9. Which, if any, of the following do you think are most important for the OEP to consider when monitoring the progress of the environment plan? (Please select up to 3 options)



When asked for comments in the survey on how the OEP should seek to hold the government to account, they were concerned about how the OEP can make meaningful change:

“Don’t let them get away with it like they always do, if they make some vacuous statement challenge them on it publicly. Hold them to account with fines, publicity, anything”

“Use whatever teeth and encouragements the OEP has to prosecute its objectives. Publish pertinent successes and failures with suggested/agreed ways forward.”

Thinking of practical ideas, the public in England and Northern Ireland want the OEP to be open and transparent when publishing Government successes and failures:

“Above all by making all its findings public: Nothing motivates a government like bad publicity!”

“Publish the results of findings publicly with transparency of where the government are succeeding and failing.”

“Make goals relatable to the general public and explain their long-term benefits when making public aware of their assessments”

There was also appetite for legal powers the OEP can use to hold the Government accountable and taking legal action against the Government:

“Legal action! About the only thing that works”

“Should have legal powers that mean ministers or departments that fail to comply face actual consequences”

In the focus groups participants reviewed the OEP’s aim to ‘hold government to account for delivering it’s goals and targets for environmental improvement’, this was an attractive prospect however some were concerned about how achievable this could be.

Participants would like more detail on what ‘holding government to account’ would look like and how issues are addressed in practice, as well as what the penalties might look like. Although this aim is felt to be laudable, most are sceptical due to their perceptions of government’s track record, for example the shift in net zero target from 2030 to 2050. As well as needing more specificity with this aim, participants called for publicity around reports produced by OEP and transparency around how the OEP is funded and how staff are hired e.g., according to expertise in the area.

Participants commented that ‘goals’ often feel too vague and easy to adjust, instead they would like to see more definitive targets with set deadlines so that progress can be noted by the public and that there can be accountability, particularly given the 25-year plan, which felt distant for most in England.

“The OEP needs to be able to see governments plans, question them about them and make them show evidence like in an inquiry”

(Focus Group - England, 18-40)

“It’s vital but I can’t see how a publicly funded organisation can achieve it - not the way government currently works in terms of interference and undue influence”

(Focus Group - England, 41+)

“It’s so sad but we are in a state where governments are now beyond reproach because they find ways to worm their way out of things. 25 years

is a long time to set a goal, but you have to start somewhere. What are the consequences though?"

(Focus Group - England, 41+)

"I definitely like the idea of holding the government to account. But what does that look like. What will actually happen if they don't meet targets etc?"

(Focus Group - Northern Ireland, 18-40)

"It would help credibility if there was transparency - e.g. making open & closes cases available for view in the public domain, so we can see how they are making a difference"

(Focus Group - England, 18-40)

4.2 Comments on Section 2.3 of OEP strategy: better environmental law, better implemented

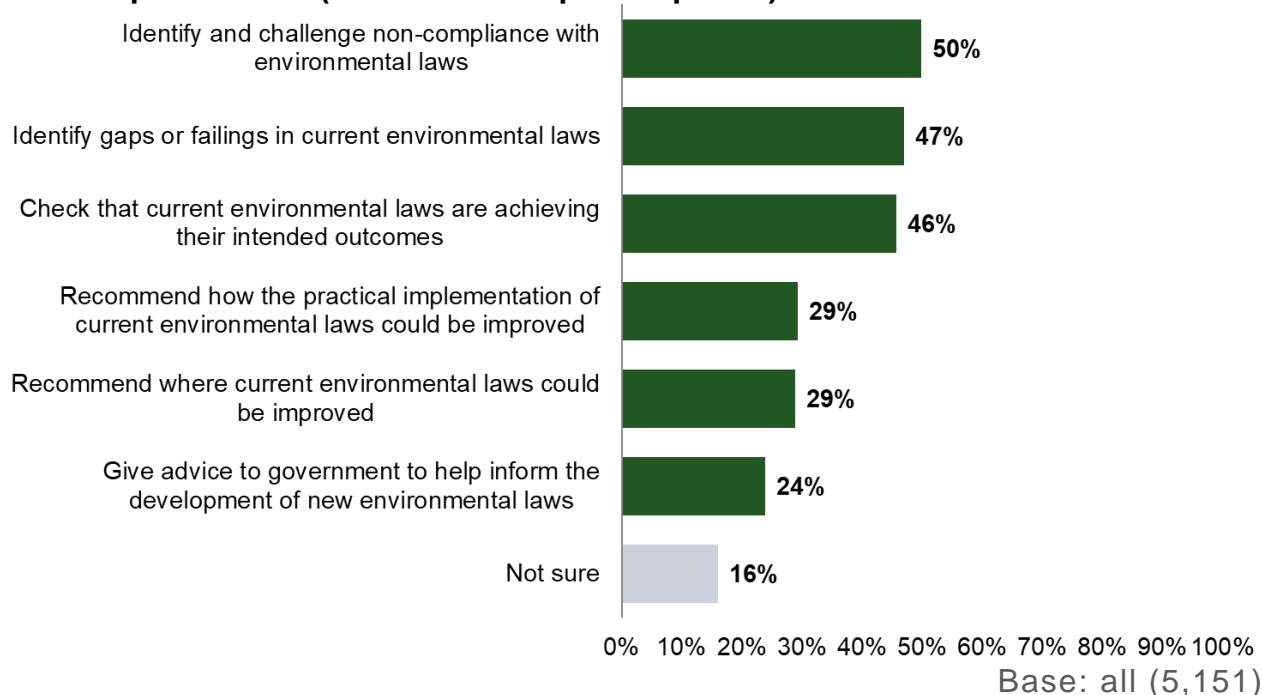
To measure perception on the OEP's second strategic objective, better environmental law, better implemented, the public in England and Northern Ireland were asked their perceptions on how existing environmental law could be made better.

People in England and Northern Ireland think it is most important for the OEP to identify and challenge non-compliance with environmental laws (50%), followed by identifying gaps or failings in current environmental laws (47%), and checking that current laws are achieving their intended outcomes.

In England and Northern Ireland there are no differences in what aspects the OEP should focus on, and the top three most common aspects remain the same in both regions. However, across age groups, there are differences in the aspects of environmental law that should be focused on. Those aged 18-29 are most likely to say that the OEP should identify gaps or failings in existing laws (43%), whilst those aged 60+ are most likely to say the OEP should identify and challenge non-compliance with environmental laws (58%).

Amongst men and women, the importance of different issues remains similar across both groups however men are more likely to say they are not sure what the OEP should focus on (18%) than women (15%). Similarly, C2DEs are most likely to say they are not sure what aspects the OEP should focus on (20%) in comparison with 13% of ABC1s.

Figure 10. Which, if any, of the following do you think are the most important aspects for the OEP when aiming to improve environmental law and how it is implemented? (Please select up to 3 options)



When asked in the survey for any comments on how the OEP should seek to improve environmental laws or their implementation, respondents mentioned comparisons with other countries:

“Again, use of comparative data to show what can be achieved and how/where we are failing”

“Check to see if they're matching their target; compare targets to other countries' targets”

Again, as reflected in the comments on sustained environmental improvement, the public are keen for any work in this area to be published:

“To make public all findings and to make sure laws are implemented immediately where there [have] been failings”

The public would also like the OEP to work with existing environmental organisations, both governmental and non-governmental to scrutinise existing laws:

“Widely consult and be open to suggestions from charities and other bodies about what will make the difference. Recognise where industries etc have implemented environmental laws to really good effect with branding or such they can use e.g. as in the beach blue

flag rating. Produce template / advice papers to help those writing legislation think about any environmental consequences or protections that need writing in.”

Participants in the focus groups were presented with the OEP’s aim to have ‘better environmental law, better implemented’. As with the previous aim, participants commented that this was an appealing prospect; ‘updated’ laws would be welcomed as many now felt ‘out of date’, this was noted more frequently in Northern Ireland. Although this was an attractive aim it was also felt too vague.

The word ‘better’ was not felt to be detailed enough, which could mean that it is ‘susceptible to loopholes’. Participants would like more detail on what this aim means in practice, whether in the form of KPIs or other set targets which would be properly enforced by the OEP.

They also called for more detail on who would implement these laws e.g., ‘lawyers’, ‘bureaucrats’ or ‘environmentalists’, as they felt their status could have an impact on how successful the OEP could be in achieving this aim.

“Not sure what they mean by better environmental laws. This is a really vague aim. Better in what way - tougher, shorter timescales?”

(Focus Group - England, 41+)

“Define better. We already have a raft of environmental regulations that are either being ignored and removed by the government”

(Focus Group - England, 41+)

“The idea that environmental law should be better is a good one, However the devil be defining ‘better’”

(Focus Group - England, 41+)

“Law is a slow-moving beast and Northern Ireland has its own issues that can hinder developing laws, we’re quite far behind other nations”

(Focus Group - Northern Ireland, 18-40)

4.3 Comments on section 2.4 of OEP strategy: Improved compliance with environmental law

When taking action to enforce environmental law the OEP might face a choice between cases where a single or small number of organisations have made very severe breaches leading to serious failures; or where many organisations are failing to comply in similar ways which, when combined, creates a serious issue. The survey explored preferences between these two types of failures and found that when people consider each separately without knowledge of the other, their responses were very similar.

Forty percent felt that each type of failure was ‘very important’ for the OEP to work on. Opinion was strongest among older age groups with, for example, 32% of 18-29s feeling that way about ‘multiple organisations failing to comply’ rising consistently with age to 51% of those 60+.

Views in Northern Ireland were the same as England with again 40% feeling each failure type was ‘very important’ for the OEP to act upon. English urban residents felt less strongly than those in rural or town and fringe areas. For example, on ‘multiple organisations failing to comply’ 39% in urban areas felt it was ‘very important’ for the OEP to act, compared to 43% in town and fringe and 45% in rural areas.

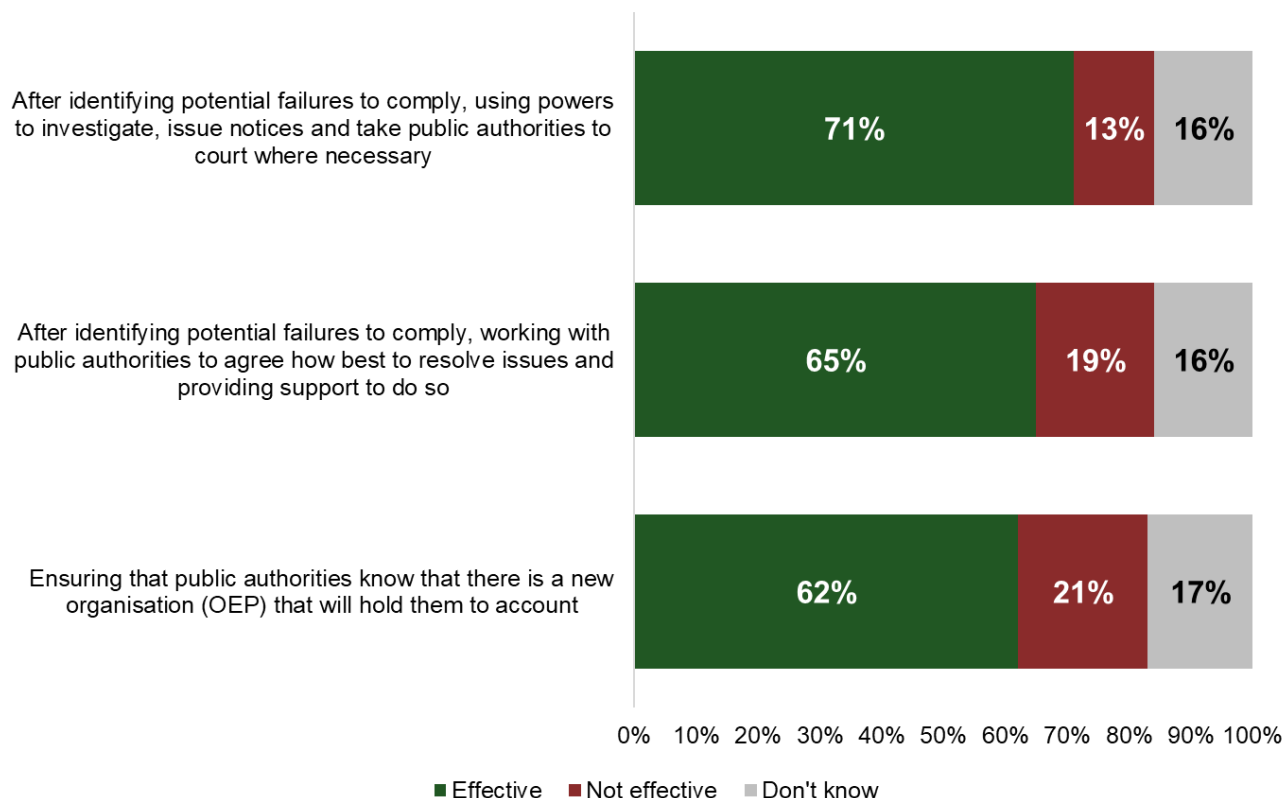
Interestingly when forced into a choice between the two there was a slight preference for action on cases where many organisations were collectively failing to comply, which, when taken collectively, indicated a serious issue – rather than a single or small number of organisations making very serious breaches. In England it was 58% / 43% and in Northern Ireland a similar 56% / 45% split. Those living in rural areas agreed with a 57% / 43% preference compared to a very similar 58% / 42% split for urban residents.

There was a difference between men and women with a 55% / 45% split among men and 60% / 40% for women. The closest any demographic sub-group came to choosing ‘single or small number of severe cases’ is among the 40 to 49-year-olds where the split is 51 / 49.

Issuing notices and taking public authorities to court was felt to be most effective compliance actions for the OEP. Seventy-one percent thought that would be ‘very’ or ‘quite effective’ and only 13% disagreed but there was also support for other approaches as well. Sixty-five percent thought that ‘working with public authorities to agree how to resolve’ and

62% ‘ensuring public authorities know that OEP will hold them to account’ would be effective actions.

Figure 11. And how effective or not do you think each of the following approaches would be as the OEP aims to increase compliance with environmental law?



Base: all (5,151)

Older people are more likely to feel that each action would be effective, but it is not that younger people are more sceptical, instead they report being less likely to know one way or the other. Seventy-five percent of those aged 60 and over feel that ‘issuing notices and taking public authorities to court’ would be effective, compared to 67% of 18-29s among whom 19% stated that they ‘don’t know.’

There were no significant differences between England and Northern Ireland. Sixty-seven percent in Northern Ireland thought that ‘issuing notices and taking to court’ would be effective, 63% agreed that ‘working with public authorities to resolve issues’ would be effective and 60% likewise for the approach of ‘ensuring public authorities know that the OEP will hold them to account.’

[illegible]

“The OEP should seek to enforce environmental laws, have the power to issue fines and take legal action. It should be able to take full control over situations where environment damage is occurring.”

“Public bodies and the government should be fully aware of the requirements of legislation, etc, enacted for environmental laws and the OEP should use the full force of the law to ensure compliance and remediation.”

“Being taken credibly by the courts, police and CPS will help ensure the success of any legal action. Naming and shaming any serious rule breakers will also act as a deterrent.”

Participants in the focus groups commented that ‘compliance with environmental law’ is critical, without compliance laws are felt to hold no value. Compliance was also felt to be lacking in the current system.

As previously mentioned, when reviewing the other strategic aims, many questioned who would manage compliance, how much funding the OEP would have, and what the punishment would be for non-compliance e.g., fines. These factors would have a significant impact on how successful the OEP would be when it comes to compliance.

Some focus group participants were sceptical about the prospect of the OEP being able to make systemic change and highlighted the fact that individual cases can often point to larger systemic issues e.g., fly tipping. So they would like to see OEP have the power to block potential loopholes which have been employed by businesses in the past, they would like to see this through publicity of the OEP’s actions and punishment for non-compliance.

“Compliance very important - no point having laws in the first place otherwise”

(Focus Group - England, 41+)

“There would need to be firm and serious consequences when these areas are highlighted”

(Focus Group - England, 18-40)

“It sounds like a laudable aim so long as they have the powers to actually make systemic change.”

(Focus Group - England, 18-40)

“Sounds to me like the OEP might act as an environmental ombudsman- that could be effective”

(Focus Group - England, 41+)

“Non-compliance is a big issue, and the OEP could help with awareness of non-compliance.”

(Focus Group - Northern Ireland, 18-40)

“The issue seems to be that they are looking into predominantly public authorities and bodies. Fines or legal action result in costs which are then recovered either through council taxes, business rates or other matters. The issue lies in taking action with private organisations too and encouraging compliance with laws and adapting existing practices. Why not extend the remit to cover this too and make the body have some teeth to bite with?”

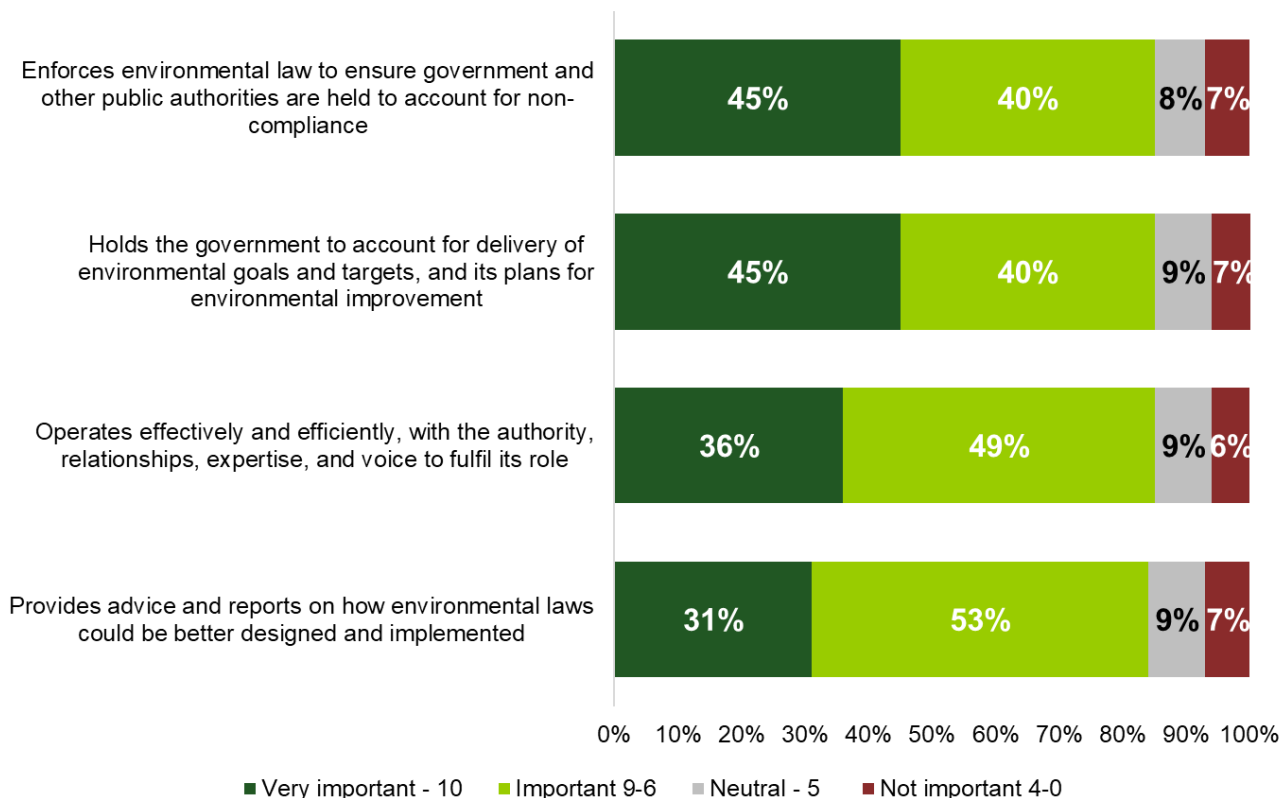
(Focus Group - England, 41+)

4.4 Comments on whether four OEP strategic objectives will lead us to pursue our principal objective and achieve our mission

Holding the government ‘to account’ and enforcing environmental law are felt to be most important strategic objectives. Forty-five percent thought it was ‘very important’ that the OEP ‘holds the government to account for delivery of environmental goals and targets and its plans for environmental improvement’ and the same proportion felt likewise that the OEP ‘enforces environmental law to ensure government and other public authorities are held to account for non-compliance.’

Fewer (31%) felt the same way about providing advice and reports on environmental laws and 36% about the OEP operating efficiently and effectively but those are still recognised as important by the vast majority of people. There are only around 15% who do not think the objectives are important.

Figure 13. How important or not is it to you that the OEP does each of the following?



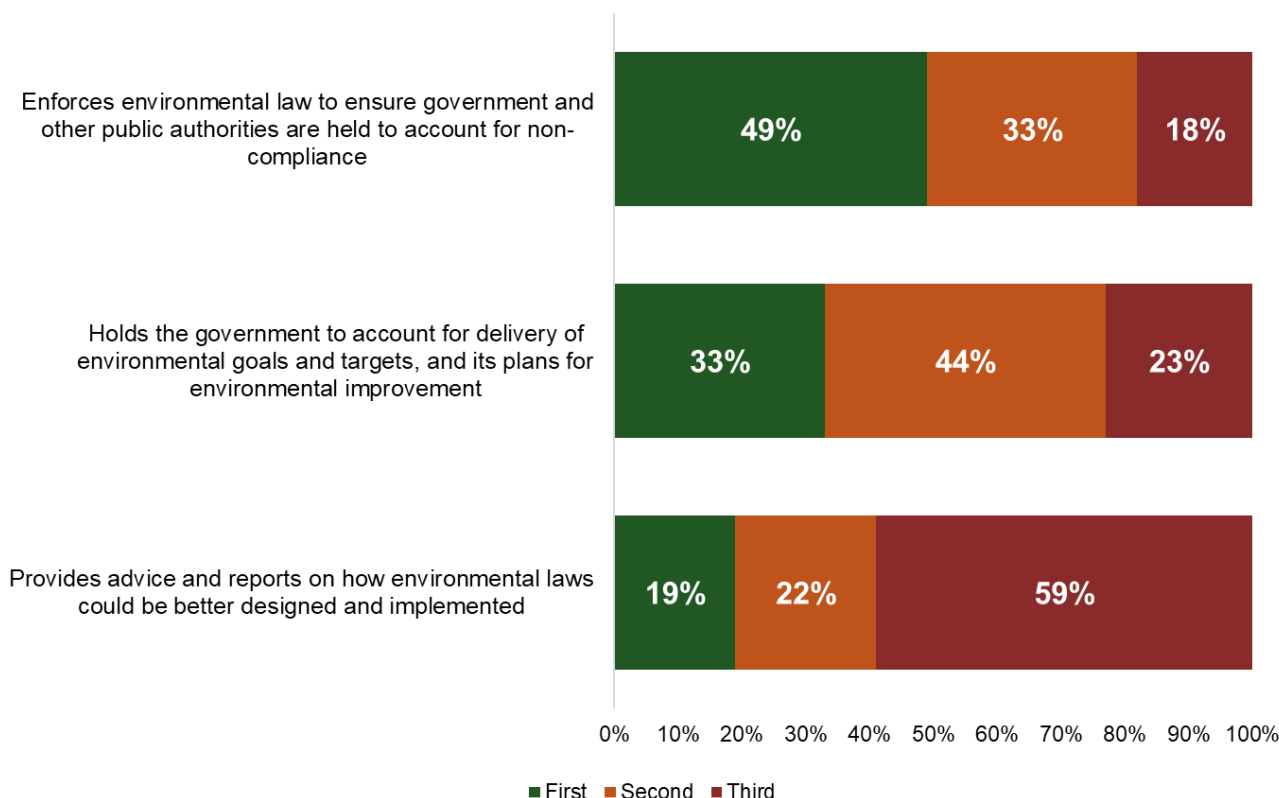
Base: all (5,151)

Older people are more likely to think each of the objectives is important. For example, 46% of those aged 60+ feel it is 'very important' for the OEP to operate efficiently and effectively, compared to 27% of the 18-29 age group and 58% of the oldest age group feel that way about the enforcement of environmental law compared to 34% of 18-29s.

There are no significant differences between the way people in Northern Ireland view the strategic objectives compared to England. Those living in the South of England tend towards stronger feeling than those in the North with, for example, 74% thinking it is important for the OEP to take enforcement action to hold others accountable, compared to 70% in the North.

All four strategic objectives are important to people, so we then focused on the first three, leaving aside the internal operational efficiency and effectiveness, asking respondents to rank – holding the government to account for delivery; providing advice and reports on environmental law; and enforcing environmental law. Of those three, enforcement was ranked first by nearly half (49%), a third (33%) opted for holding the government to account for delivery and 19% for advice and reports on environmental law.

Figure 14. Thinking about the three goals below, how would you rank their importance?



Base: all (5,151)

There was a difference in emphasis between younger and older people. The younger age groups favoured the ‘holding government to account for delivery’ and the older groups the ‘enforcement of environmental law.’ Thirty-nine percent of 18 to 29s chose the former, a figure which falls consistently with age to 26% of those 60+. As a result, their preference for enforcement priorities peaks at 55% for the 60+ age group, compared to 42% for younger people. Although there is that age effect, even the 18-29s have a slightly higher preference for enforcement prioritisation over holding the government to account.

Perhaps mirroring the age differences there was a similar trend for urban and rural, with English urban residents less likely to focus on enforcement (47%) compared to those living rurally (54%).

Women tended to be stronger on enforcement and men on holding the government to account for delivery – 50% of women placed enforcement as their top priority compared to 47% of men and 35% of men favoured holding government to account compared to 30% of women. Views on strategic prioritisation in Northern Ireland were not significantly different to England.

When asked for other comments in the survey about the strategic objectives, many were sceptical of the ability of any agencies to act effectively. This explained why some people then placed most emphasis on enforcement actions, but others were more disillusioned.

“Whilst the chance of getting caught and punished remains low, people/organisations will not take action. If they know they face punishment they will mostly up their game regardless of whether you provide support! So I think enforcement needs to come first sadly.”

“You can give all the advice you want but if you don’t enforce and hold companies accountable, nothing will change.”

“Making non-compliance transparent. There should be a regularly updated, clear public database of all companies that failed to comply with environmental regulations and broke the law, The list should contain dates and details of violations, steps taken to address them such as warnings and recommendations issued, Fines issued, Remedies applied and steps taken to avoid repeat offending. 100% transparency, naming and shaming violators are an effective deterrent. The only way to ‘clean up’ and achieve goals is by preventing and deterring violators.”

“My main concern is that historically enforcement of environmental rules and legislation has been weak. This new organisation needs to be empowered with meaningful power to issue fines and to prosecute.”

“Wish them luck but do not hold out any real confidence it will work in the long run.”

In the focus groups there was a mixed response about what OEP should prioritise. Some felt that without compliance the other aims were moot as the government are not being held to account.

Enforcement was felt to be a key ‘building block’ for the OEP’s success, as ‘advice’ was considered to be easily ignored. As well as this, ‘goals’ and ‘targets’ felt tangible and measurable compared to advising.

Many would like to also see OEP focusing on where other organisations need to improve compliance and be directive with them. They would also like the OEP to focus on large organisations for maximum impact, alongside addressing some of the bigger environmental issues in the UK, pollution was top of mind across audiences.

Overall, participants have high expectations of what the OEP could achieve, due to their concern environmental protection more generally.

"I think compliance must come first. Because laws are useless if no one pays any attention"

(Focus Group - England, 18-40)

"They need to do both really, but this just reinforces the fact that 50 staff won't be able to handle all the cases"

(Focus Group - England, 41+)

"There is no point in designing well-crafted law if it isn't enforced. And if it is enforced then that will hold the government to account."

(Focus Group - England, 41+)

"I don't think there is enough environmental law enforcement in this country - individuals and business get away with little or no penalty for damage caused, therefore I'd like to see a bigger focus on this"

(Focus Group - England, 18-40)

"They should focus with the most serious failures, with the biggest organisations/public bodies. No point punishing smaller bodies for smaller infractions and letting bigger organisations that have more resources away with it"

(Focus Group - Northern Ireland, 18-40)

"OEP should focus on the cases where intervention can have the greatest effect"

(Focus Group - Northern Ireland, 40+)

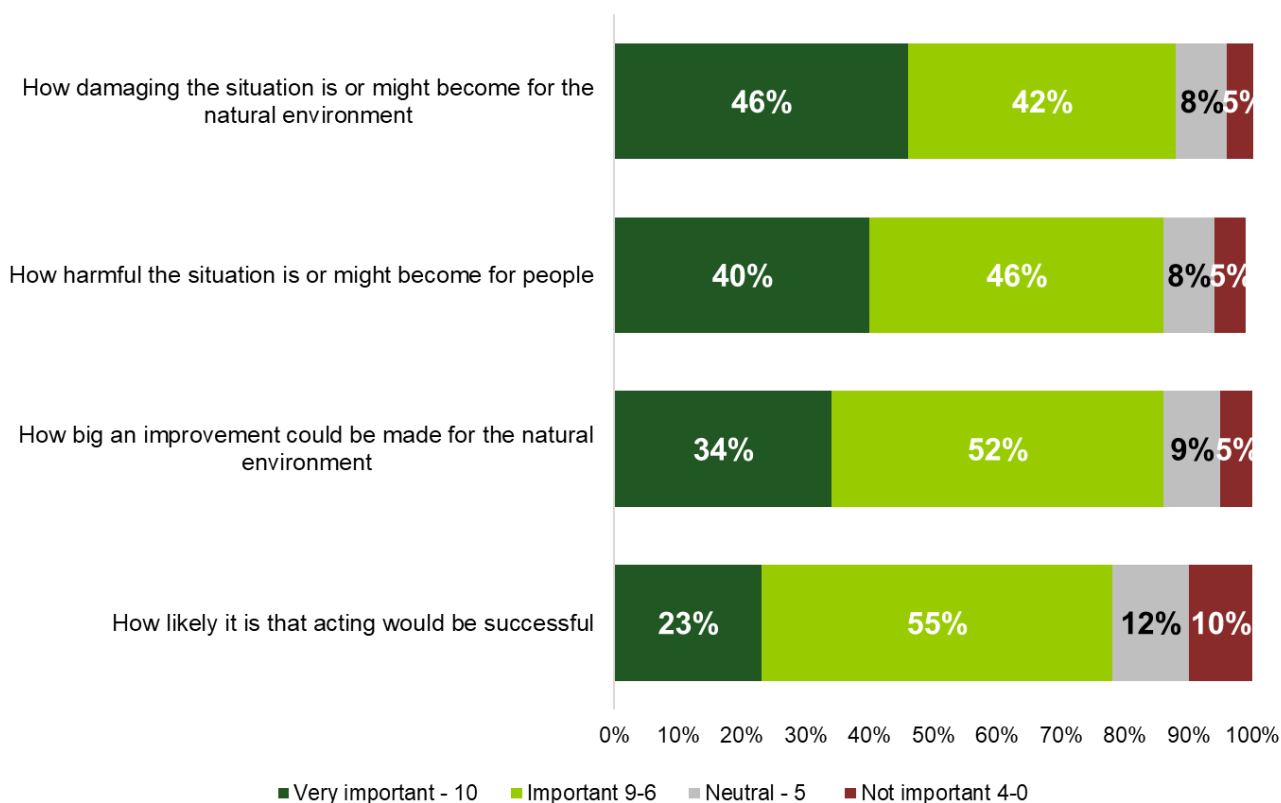
5 How the OEP will prioritise

When decided how to prioritise its work the OEP had identified four key factors:

- How big an improvement could be made for the natural environment.
- How damaging a situation either is or could become for the natural environment.
- How harmful a situation is or could become for people.
- The likelihood that the OEP acting would be successful.

The majority of people agreed that all four factors were important with the strongest being how damaging the situation is or might become for the environment. Forty-six percent felt that factor to be very important, compared to 40% for the actual or potential harm to people, 34% for the potential for environmental improvement and 23% for the assessment of likelihood to succeed. The latter suggests that people expect all efforts to be made when environmental protection issues arise, not just when success can be absolutely assured.

Figure 15. When deciding what issues to act on, how important or not do you think the following are for the OEP to consider?



Base: all (5,151)

Responses from Northern Ireland and England were very similar the exception being that those in England were more likely to feel the aspect of damage to the natural environment was ‘very important’ – 46% compared to 41% in Northern Ireland. Northern Ireland had the strongest feeling for “how big an improvement could be made.” Thirty-eight percent marked that as ‘very important’ compared to 32% in the North West of England.

English rural opinion was stronger than those from urban areas for the two factors of damage to the natural environment and improvements that could be made. For example, 41% of rural residents thought that the potential for improvements was a ‘very important’ factor, compared to 33% from urban areas. Women were consistently stronger than men in their views on the importance of all four factors to the extent of six or seven percentage points feeling each was ‘very important.’

Some in the focus groups felt that these priorities could overlap as they do not feel distinctive. Overall language around ‘protecting the natural environment’ was well received as participants felt that this should be the ultimate aim of an organisation like the OEP. The likelihood of success was not considered to be a top priority for most, instead the most serious matters with the most potential damage should be the focus of funding.

‘Damage’ was felt to be something which is visible and tangible, furthermore the interconnectivity of nature meant that one act of damage could lead to serious damage elsewhere. Therefore, this was felt to be a key priority for the OEP to focus on and somewhere they could have a significant impact.

Some felt that short term, visible fixes should be addressed initially to ensure a positive public response, however others felt that the OEP should be focusing on being part of longer-term systemic change.

As well as disagreements around whether the OEP should focus on the short term or the long term there was some inconsistency around whether participants would like to prevent damage or take action when damage is done.

“If something is damaging the natural environment it is likely to have wider effects than just in that area, so I feel it is important to handle that first”

(Focus Group - England, 18-40)

“We shouldn’t always be looking for quick wins - we need to be looking at long-term “strategies that will have lasting effects”.

(Focus Group - England, 18-40)

“Stopping damage is a key priority before improving things. I don’t think the likelihood of success should hold them back, that could encourage unwillingness to take tough action against a difficult issue”

(Focus Group - Northern Ireland, 18-40)

“I think reducing harm to people and the environment has to be the priority. Likelihood of success should not be prioritised because it could lead to only ever picking low hanging fruit and letting the biggest offenders get away with more”

(Focus Group - Northern Ireland, 40+)

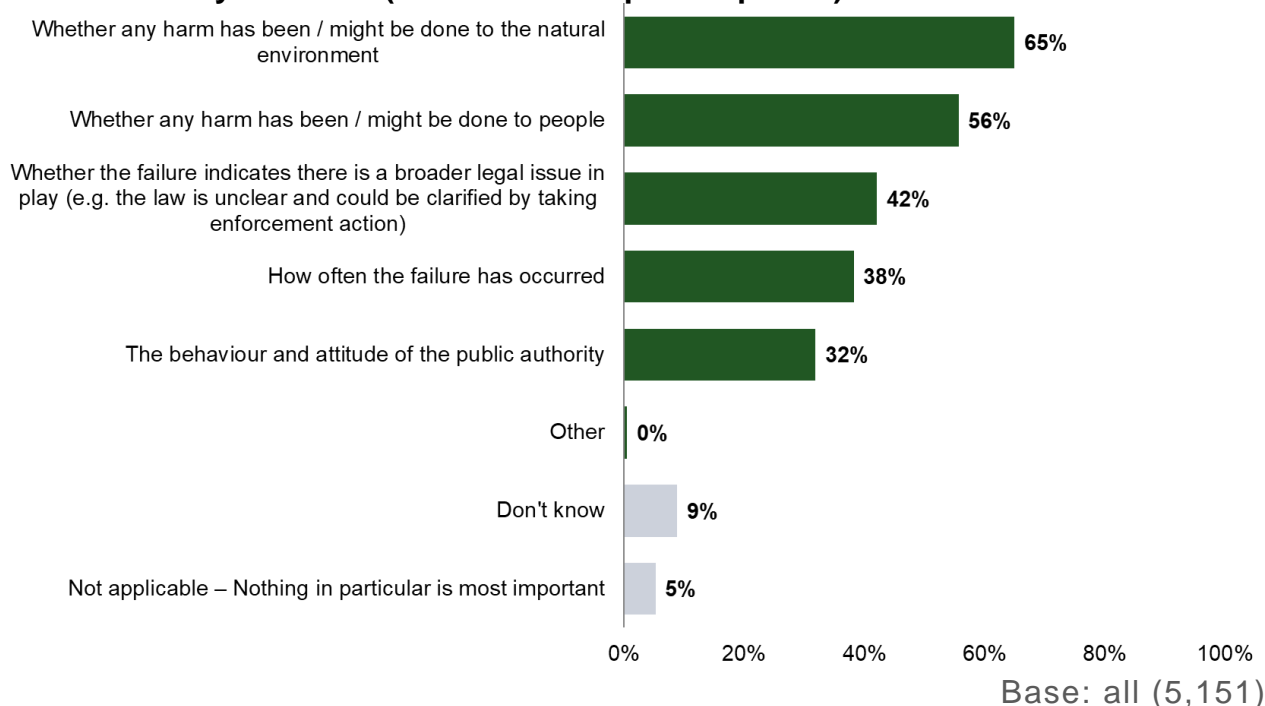
6 Enforcement

6.1 Comments on OEP approach to determining whether a failure is serious

When prompted the most commonly selected determinant of a serious failure was whether any harm has been or might be done to the natural environment (65%), followed by whether any harm has or might be done to people (56%) and whether the failure indicates there is a broader legal issue in play (42%).

Between England and Northern Ireland residents there were no differences in the perceived importance of different determinants. However, amongst different age groups the top two factors remain the same: whether any harm has been/might be done to the natural environment - 5% of 18-29s compared to 72% of those 60+ and whether any harm has been/might be done to people (18-29: 49% compared to 60+: 63%). Younger people are more likely to say whether the failure indicates there is a broader legal issue in play (45%) than older age groups (39%). Whilst older people are more likely to be concerned with how often the failure has occurred (43% of those 60+ compared to 35% of 18-29s).

Figure 16. Which, if any, of the following do you think are most important when considering whether a suspected failure to comply with the law by a public authority serious? (Please select up to 3 options)



For some participants in the qualitative research felt that all failures should be considered serious enough for the OEP to take enforcement action against. Others felt it would be more realistic for OEP to utilise a clear and specific matrix or checklist created by independent environmental experts to determine the severity of failures.

“ALL breaches are damaging. All breaches are serious. The small ones lead to larger ones.”

(Focus Group - England, 41+)

“Harm to people and environment. Like there is in sentencing in courts, there should be a table of severity.”

(Focus Group - England, 18-40)

“The law should be very defined in the first case. Literally broken down covering all possibilities as much as possible. The word serious is not enough, its subjective.”

(Focus Group - England, 18-40)

Specific factors that participants felt should be taken into account included: amount / extent of damage resulting from failures, short vs long term impacts of failures, frequency / repeating failures, intent/awareness of failures and reversibility of impacts.

Once the severity has been determined using a matrix or checklist, all agree that severe or repeat failures should receive more serious consequences. Regardless of severity, many feel that an extra element of accountability can be achieved by the OEP publicly naming parties responsible for failures.

“What the impact was and how they breached the law, what factor they took into account before making their decision to take that action.”

(Focus Group - England, 18-40)

“Carelessness should be punished but deliberate punished much more.”

(Focus Group - Northern Ireland, 18-40)

“I think that frequency of failure should receive much harsher penalty.”

(Focus Group - England, 41+)

“Naming & shaming sounds a good option. Look at the reputational damage that could do. Many organisations would really fear that. That is why rep damage is part of most organisations risk registers etc!”

(Focus Group - England, 41+)

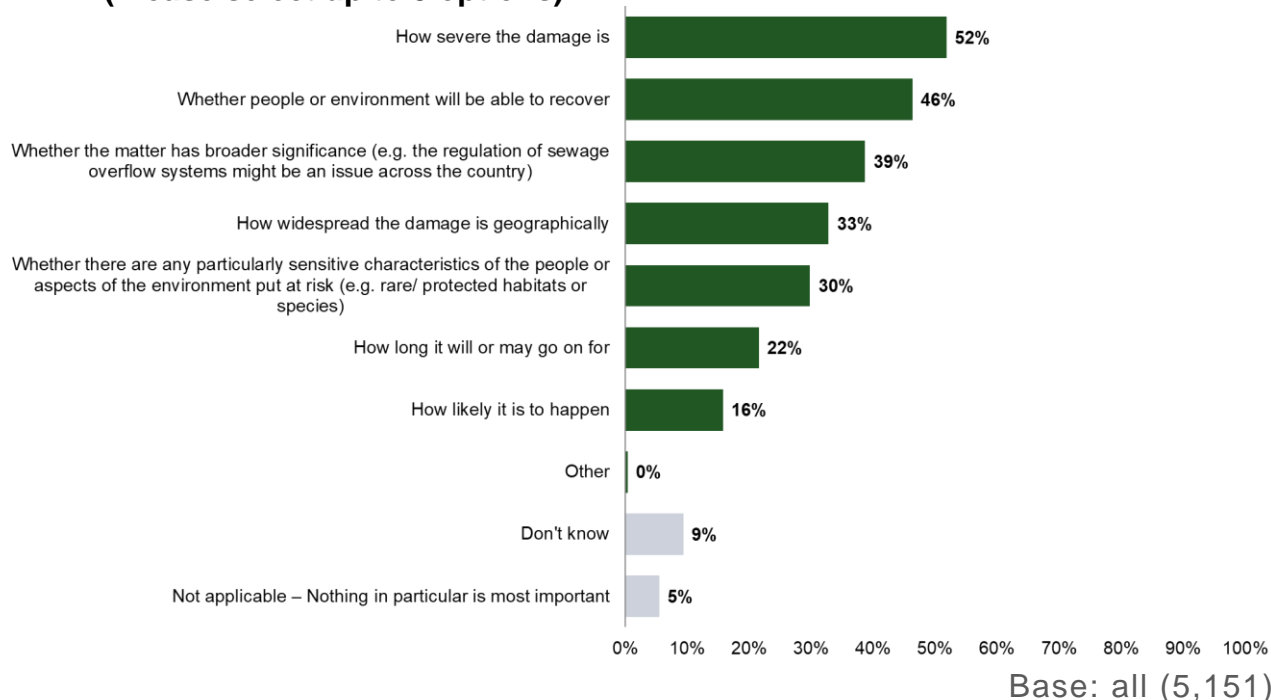
6.2 Comments on OEP approach to determining whether damage is serious

When thinking about how to determine whether the damage is serious, respondents were asked to select their top three factors. The most commonly selected factor was how severe the damage is (52%), followed by whether people or the environment will be able to recover (46%) and whether the matter has broader significance (39%).

Similar to determining whether a failure is serious there are no differences between England and Northern Ireland. Amongst men and women there are differences in the factors they think are most important. Women are most likely to say that the OEP should consider whether people or the environment will be able to recover (52%), whereas men are most likely to say the OEP should consider how severe the damage is (53%). Women are also more likely than men to say the OEP should consider whether the matter has broader significance (41% women compared to 36% men).

Amongst social grades, ABC1s are more likely to say the OEP should consider how serious the damage is (56% compared with 47%). Whilst C2DEs are most likely to say they don't know how the OEP should determine serious damage (11% compared with 8%).

Figure 17. When deciding to take urgent enforcement action, it is important to determine whether the suspected failure has or might lead to serious damage. Which of the following factors do you think are most important when judging how serious the damage to the environment or to people is? (Please select up to 3 options)



Similar to assessing severity of a failure, many believe there should be a specific and detailed matrix or checklist to determine how serious the damage from a failure is (also developed by independent environmental experts).

Determining how serious damage resulting from a failure is also requires consideration of several factors, including amount/extent of damage, short and long term impacts of damage to humans/health, plants/animals e.g. number and rarity of species impacted, the planet (water, land, air), financial/costs to fix and reversibility of damage.

“How long it would take to repair the damage done, would also need some kind of scaled measure depending on the size and intensity of damage?”

(Focus Group - England, 18-40)

“The impact that the failure has had on people, flora and fauna and the natural environment.”

(Focus Group - England, 41+)

“Long term damage, clean or rectification costs.”

(Focus Group - Northern Ireland, 40+)

In addition to holding parties who cause damage financially responsible through punitive fines and penalties, in an ideal world, many feel organisations should also be required to pay to fix whatever damage has been caused.

“I would like to see the companies pay for the clean up on top of the fines, which should go to fund the OEP.”

(Focus Group - England, 41+)

“I think they should have to pay to get it fixed under the supervision of an environmental group that will ensure it is done properly.”

(Focus Group - England, 41+)

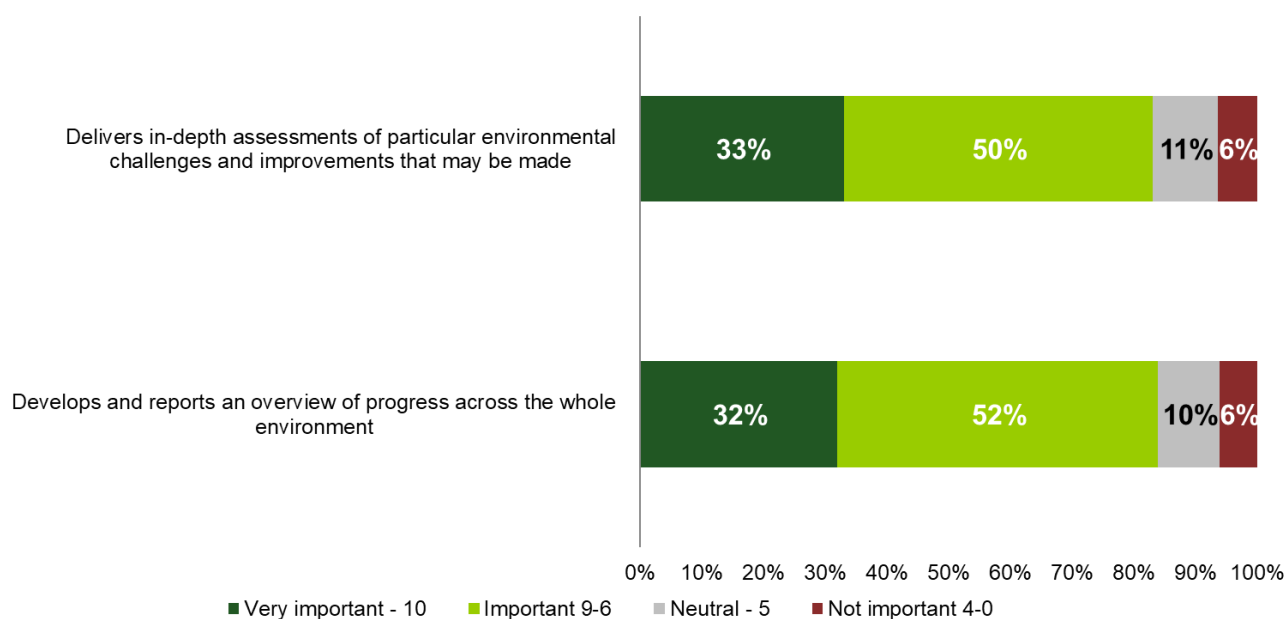
7 Scrutinising Environmental Improvement Plans (EIPs) and targets

7.1 Comments on our approach to balancing our activities between monitoring overall progress and monitoring selected areas in more detail

When looking at the ways the OEP can balance activities between overall progress and progress in selected areas, respondents were asked to rate the importance on a 0 to 10 scale. Equal proportions of the public said it is very important the OEP delivers in depth assessments (33%) and very important the OEP delivers an overview of progress (32%). The picture is similar across both England and Northern Ireland, in both countries 32% of the public think it is very important the OEP should develop an overview of progress, whilst 33% think it is very important the OEP should deliver in depth assessments.

Older people aged 60+ are more likely to think it is very important the OEP should deliver in depth assessments of particular challenges (40%), compared with 29% of 18-29s. Similarly, 39% of over 60s think it is very important the OEP should deliver an overview of progress compared with 27% of those aged 18-29.

Figure 18. How important or not is it to you that the OEP does each of the following when monitoring the progress of the environment plan?



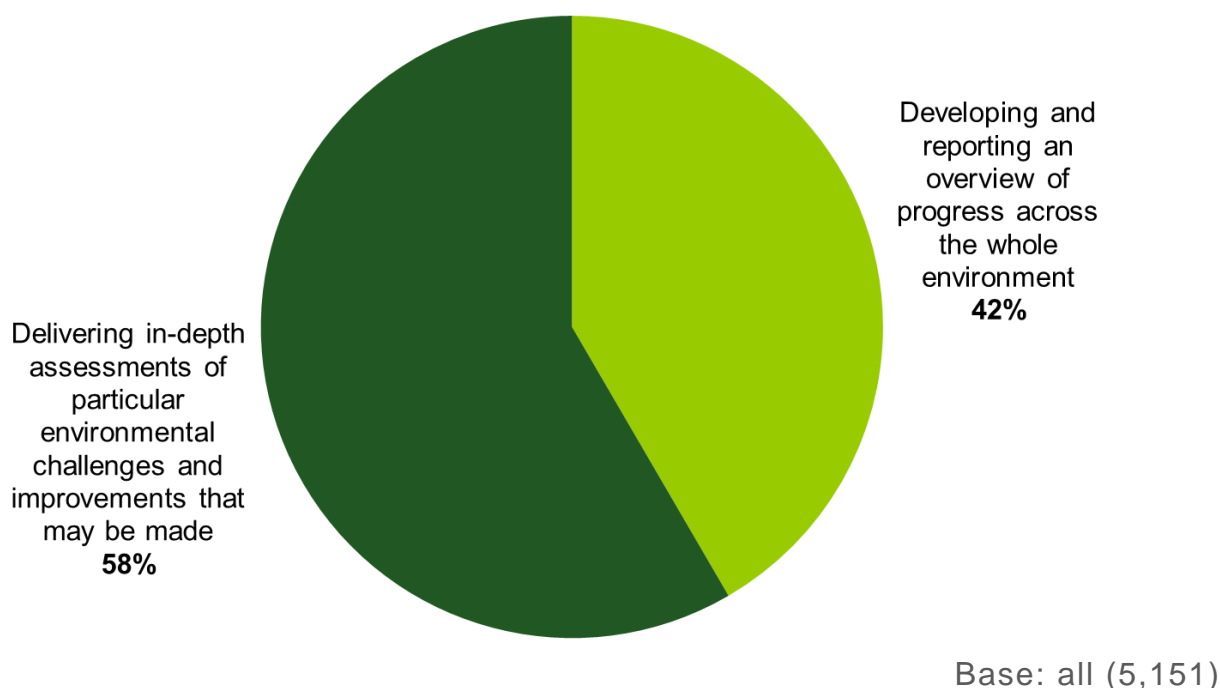
Base: all (5,151)

When asked to make a trade-off, i.e. whether the OEP should focus on delivering in depth assessments or an overview, 58% of people in England and Northern Ireland think they should deliver in depth assessments of particular challenges, compared with 42% who think they should deliver an overview of progress.

In both England (58%) and Northern Ireland (60%) the public think the OEP should focus on delivering in depth assessments. Whilst 42% in England think the OEP should focus on developing an overview of progress, compared with 40% in Northern Ireland.

However younger people (18-29) are most likely to say the OEP should deliver in depth assessments (64%) whilst older age groups (60+) are the least likely (55%). Across all age groups a majority think the OEP should deliver in depth assessments.

Figure 19. And if you had to choose one for the OEP to focus on, which of the following would you choose?



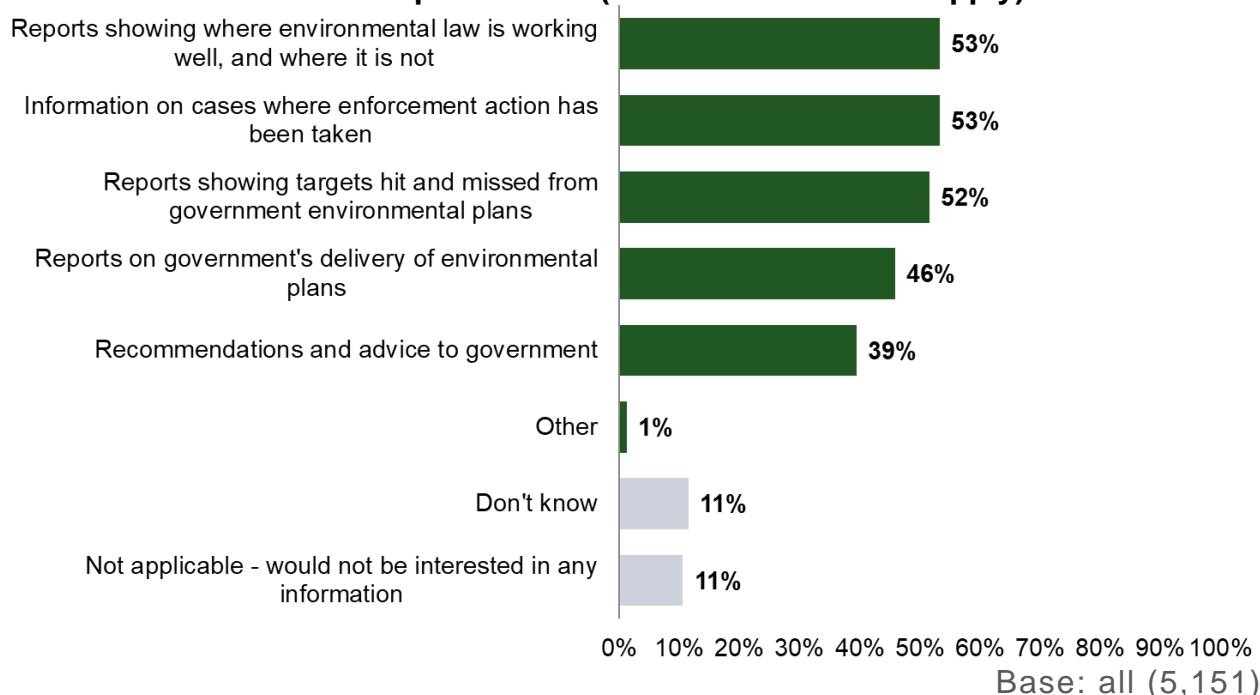
8 Advice

To gather perceptions on what outputs Northern Ireland and England residents would most like to see from the OEP, respondents were given a range of prompted options. They were most likely to say they would like to see reports showing where environmental law is working well and where it is not (53%), and information on cases where action has been taken (53%). This is followed by reports showing where targets have been hit or missed from government environment plans (52%) and reports on the government's delivery of environmental plans (46%). There are no differences in what the public in England or Northern Ireland would like to see.

Younger people (18 to 29) would most like to see reports showing where targets have been hit or missed from government environmental plans (49%), whilst older people (60+) are most likely to want to see reports showing where law is working well and where it is not (62%), and information on cases where enforcement action has been taken (62%).

Those in C2DE social grades are the least likely to want to see any form of information about environmental protection, and the most likely to say they wouldn't be interested in any form of information (13% compared with 9% in ABC1).

Figure 20. Which, if any, types of information would you be interested in seeing about environmental protection? (Please select all that apply)



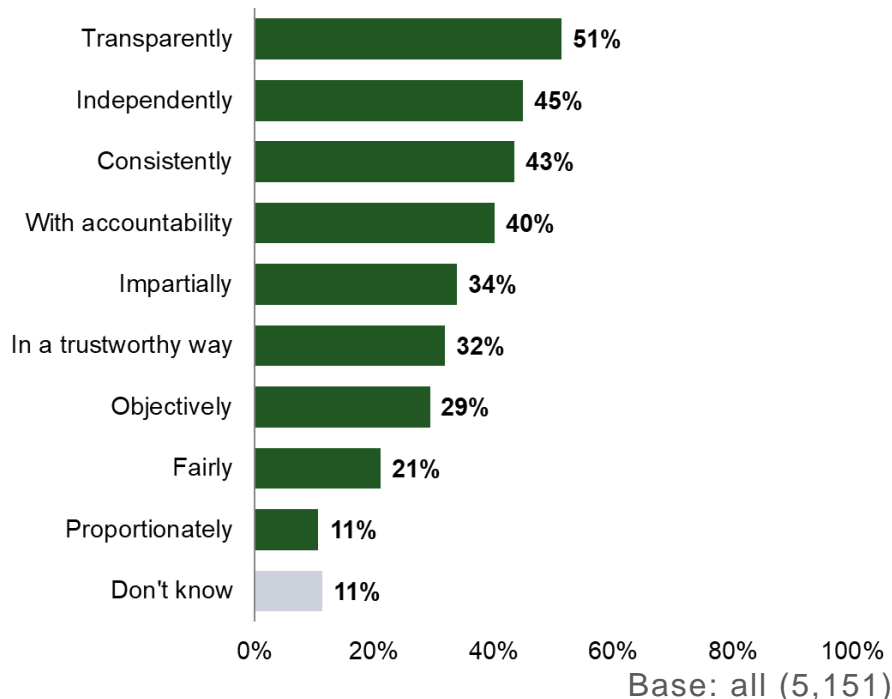
9 Objectivity, impartiality, proportionality and transparency

As an organisation it is the OEP's objective to work with objectivity, impartiality, proportionality, and transparency. The public in England and Northern Ireland would most like the OEP to behave transparently (51%). More than two-fifths would like the OEP to behave independently (45%), a third (34%) of England and Northern Ireland residents would like the OEP to behave impartially, less than a third (29%) would like the OEP to behave objectively and just 11% would like the OEP to behave proportionately. A similar proportion (11%) do not know how they would like the OEP to behave.

In England and Northern Ireland there are no differences in the ways they would like the OEP to behave. By age, all age groups would most like the OEP to behave transparently. Older people are more likely to say the OEP should operate impartially (42% compared with 25% of 18-29s). They are also slightly more likely to say the OEP should operate objectively (32% compared with 29% of 18-29s), and proportionately (10% compared with 8% of 18-29s).

Whilst equal proportions of men and women would like the OEP to operate transparently, men are more likely to want the OEP to behave impartially (Men: 36%, women: 32%), and proportionately (men:12%, women: 9%). Similar proportions of men and women would like the OEP to operate objectively (men:30%, women:28%).

Figure 21. Thinking about environmental protection issues, what do you think are the most important ways for the OEP to behave? (Please select up to 4 options)



Objectivity

Most in the focus groups agree that it is critical for OEP to act objectively, but some are sceptical around what might be possible. This scepticism is based on knowledge of or experience with other organisations connected to the government and their effectiveness in acting objectively.

“I do think that OEP need to be seen to be completely free of influence from vested interests.”

(Focus Group - Northern Ireland, 18-40)

“In theory they can act objectively, but in reality? Who chooses the head of the OEP?”

(Focus Group - England, 41+)

“If it has to answer to its paymasters, it will ultimately be just another public sector organisation with a nice badge and annual report.”

(Focus Group - Northern Ireland, 40+)

In order to be objective, participants felt that OEP needs to be independent from the government and any other organisations that could try to bias or influence them. As well as

this, participants would like to see OEP being led by accredited scientists and environmental experts that are selected or appointed in a way that avoids potential bias or influence. Secondly, participants felt that OEP must strictly adhere to their guidelines, and gather scientific, indisputable evidence to evaluate each situation in its entirety. Finally, the OEP could have other independent environmental organisations review their findings to guarantee objectivity.

“Live up to their mission statement and take action to do what they say they want to do.”

(Focus Group - England, 41+)

“I would assume the OEP is represented by experts across a range of environmental areas.”

(Focus Group - England, 18-40)

“Without influence, without consequence for decisions made others don't like. To act objectively is hard but should be based on an impartial standpoint. It requires those at the top to have autonomy away from those who put them there.”

(Focus Group - England, 41+)

“Perhaps a set guideline internally for them, like a matrix for each issue. So no room for grey areas.”

(Focus Group - Northern Ireland, 18-40)

Many believe that it may also be difficult for the OEP to act impartially but recognise how important it is for them to do so.

Acting impartially was defined by OEP not being influenced or biased in any way, including having outside interests or showing favouritism. Participants would like to see OEP deliver on their aims and be able to show reasoning for any actions they take (or choices not to take action).

“I don't think you can be impartial here, if this is done right then it can only be done by people who really care about the environment.”

(Focus Group - England, 41+)

"I think the OEP needs to publish findings and explain how they came to their final decision whether it be for or against so that the public can clearly see why a decision has gone a certain way."

(Focus Group - England, 18-40)

"[What does acting impartially look like?] Telling truth to power. Not allowing their reports to be redacted. Not allowing the government to appoint their head. Being prepared to enforce whenever required regardless of which company or government department."

(Focus Group - England, 41+)

"Produce information on who sits on its executive, what their backgrounds are, what conflicts of interest they might have."

(Focus Group - Northern Ireland, 18-40)

Proportionately

While most understand the importance of the OEP taking proportionate actions, some worry that this guideline may be susceptible to subjectivity that could be used as an 'excuse' to not take action.

Focus group participants felt that it is important for the OEP to have clear guidelines and consequences absent of any opportunity for subjectivity, so they can easily implement consequences that correspond to infractions.

Nearly all agree that larger infractions should result in larger consequences, and many also feel that the size / scope of the party who caused the failure or damage should be considered when setting consequences. For example, massive multi-national corporations who commit major violations should incur larger penalties, but smaller local organisations or companies who commit violations should be also penalised.

"The problem with acting proportionately is that it usually means "we don't have enough money to do what we need to".

(Focus Group - England, 41+)

“The punishment or enforcement action should reflect the seriousness of the breach but also the impact on the company or body involved. A serious breach must have serious consequences and that will vary depending on the size and economics of the companies involved.”

(Focus Group - England, 41+)

“Clearly set out what decisions they are taking, and why, and show that they are in line with their rules of enforcement, So public bodies etc know what the enforcement will be if they fail to comply with rules.”

(Focus Group - Northern Ireland, 18-40)

“Not just focus on a small number of large prosecutions or headline grabbing laws but be consistent against all breaking of the laws by all bodies/individuals.”

(Focus Group - Northern Ireland, 40+)

Transparency

Despite being considered one of the most critical standards, some worry that the OEP will not be transparent, this cynicism was borne from previous experience with the government and government bodies not acting transparently.

In order to act in complete transparency, many felt that the OEP should make all information related to their work available to the public in totality (non-redacted), this included listing board members and other staff including background, qualifications, and credentials, listing evidence gathered, decisions made, and results of each case OEP process. Finally, running meetings where cases are going to be discussed should be made open to the public, with minutes shared after the fact.

Participants felt that making all of this information public will help ensure that the OEP is holding itself accountable to their guidelines and promises.

“[Transparency] is to make information easily and clearly accessible to anyone who wants to see it.”

(Focus Group - England, 18-40)

“Meetings held in public, a register of any interests held by staff, a list of the staff with qualifications.”

(Focus Group - England, 41+)

“To make decision making processes and results freely and publicly available (online rather than making people put in a freedom of information request for example).”

(Focus Group - England, 18-40)

Conclusion

The vast majority of the general public across England and Northern Ireland are interested in environmental protection issues and would like to see the government's progress on environmental plans to be independently checked. With that in mind, the general public think it is most important that the OEP challenges the government and make the results of checks public. Participants would also like to see issues around environmental damage being prioritised, alongside OEP fulfilling values such as transparency, independent and consistency.