



Department
for Environment
Food & Rural Affairs

Interim Environmental
Governance Secretariat



Department of
**Agriculture, Environment
and Rural Affairs**

www.daera-ni.gov.uk

Interim Environmental
Governance Secretariat

Introducing the Office for Environmental Protection (OEP)

Why is the OEP being created?

- Post referendum concern about a possible “governance gap” in relation to;
 - Scrutiny and enforcement of the implementation of environmental law (replacing EU complaint and infractions processes)
 - Monitoring progress on the 25 YEP (a domestic initiative proposed by the non-statutory Natural Capital Committee)
- The Environment Bill – a new domestic framework for environmental governance, will establish the Office for Environmental Protection (OEP)
 - Objective: contribute to environmental protection & improvement of natural environment
 - Remit to cover England, Northern Ireland and reserved matters
 - It will be a Non-Departmental Public Body (NDPB) sponsored by Defra and legally separate from the Crown

What the OEP will do



Scrutiny & advice function

- Monitor and report on progress in implementing environmental improvement plans and targets
- Monitor and report on implementation of environmental law
- Advise on proposed changes to environmental law
- Advise on any matter relating to the natural environment

What the OEP will do

Enforcement function

- Receive complaints about alleged failures of public authorities to comply with environmental law
- Investigate serious cases
- Issue information & decision notices
- Take cases to court as last resort

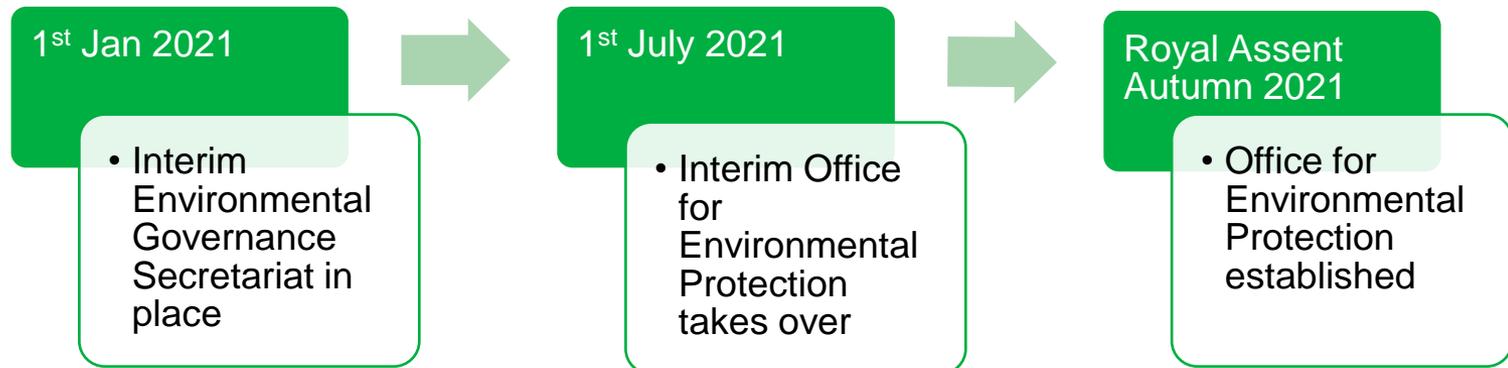


What the OEP won't do

- × Be a data repository
- × Set law or policy
- × Investigate private companies
- × Enforce international law

Timeline

- The OEP cannot start until the Bill has received Royal Assent and the Board has been formed
- IEGS was set up to operate as a precursor to the OEP. It has been preparing the ground for practical delivery of OEP functions and will undertake on an initial, non-statutory basis to:
 - monitor and scrutinise the progress of the 25 YEP
 - collect and validate complaints about alleged breaches of environmental law by public authorities



Moving to the Interim OEP – 1st July

From July the new, non-statutory Interim Office for Environmental Protection will be able to:

- Produce and publish an independent assessment of progress in relation to the implementation of the government's 25 Year Environment Plan
- Develop the Office for Environmental Protection's strategy including its enforcement policy
- Receive complaints from members of the public about failures of public authorities to comply with environmental law
- Take decisions on operational matters such as staff recruitment, accommodation and facilities
- Determine approaches for how the Office for Environment Protection will form and operate, establishing its character, ways of working and voice.

Local authorities, IEGS and the OEP

The OEP will receive complaints from members of the public and NGOs against 'public authorities' about alleged breaches of environmental law.

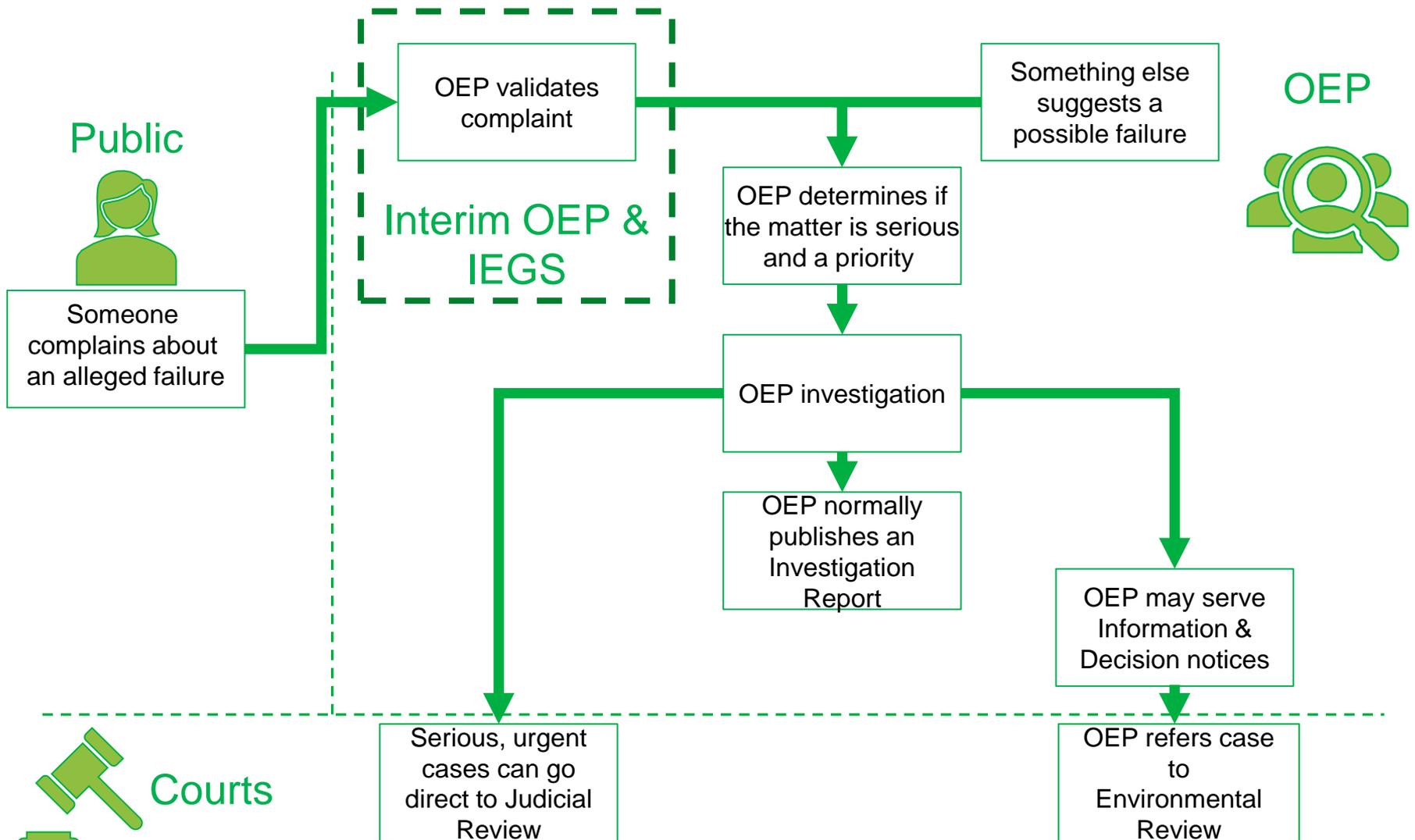
This will include local authorities and County Councils as well as other agencies and utilities.



1. Receive complaint
2. Validate the complaint against the six criteria in the Environment Bill
3. Assess the complaint and decide whether the complaint should progress to investigation
4. Investigate complaint to determine if there has been a breach of environmental law
5. May take formal action against the public authority if it has not agreed a remedy.

IEGS and the Interim OEP will undertake stages 1, 2 and part of 3. It will then pass all the complaints to the OEP after it vests.

Overview Complaints and Enforcement



What IEGS has been doing so far

- Receiving and validating our first complaints
 - There have been 13 complaints so far with 6 about a local authority or County Council
 - As part of our validation process we will write to the local authority to confirm their complaints procedure has been exhausted by the complainant.



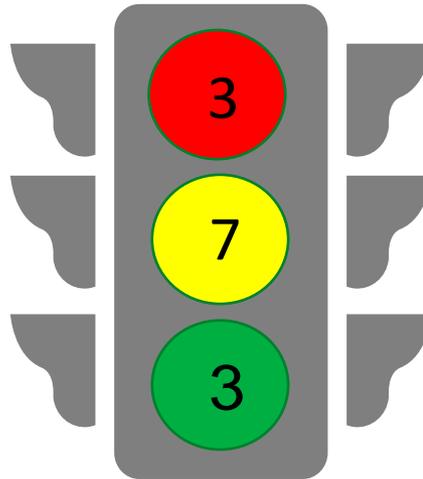
Complaint Summary

When we receive a complaint, we send a receipt to the complainant and validate the complaint against the criteria in the Environment Bill. If the complaint meets the criteria, we check with the public authority that their complaint procedure has been completed and invite them to share any relevant information. We record our assessment of each complaint ready for the OEP to consider.



13

Total number of complaints received January-March 2021



Closed

Waiting

Open



0

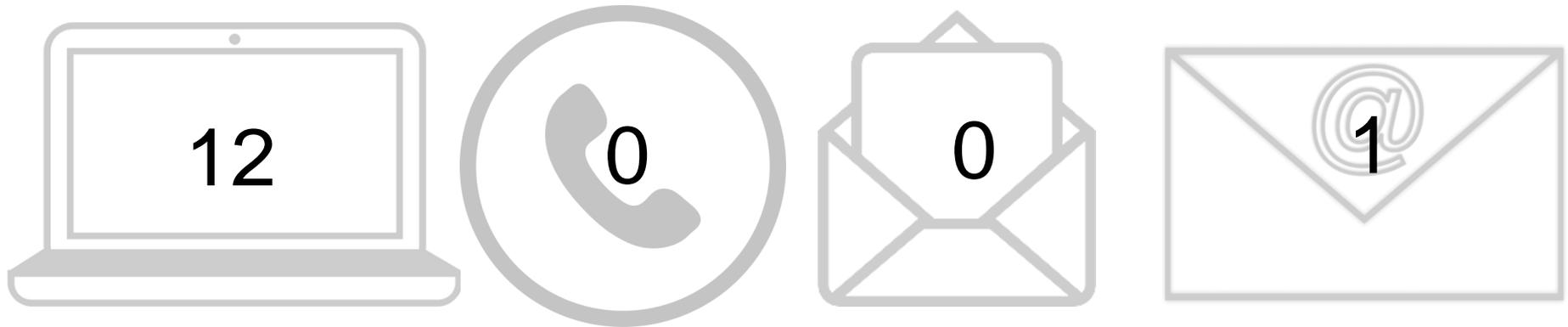
No cases have been escalated for the attention of Defra Ministers

Closed: Does not meet the criteria

Waiting: We are seeking further information from the complainant or public authority

Open: Meets the criteria and is an open case

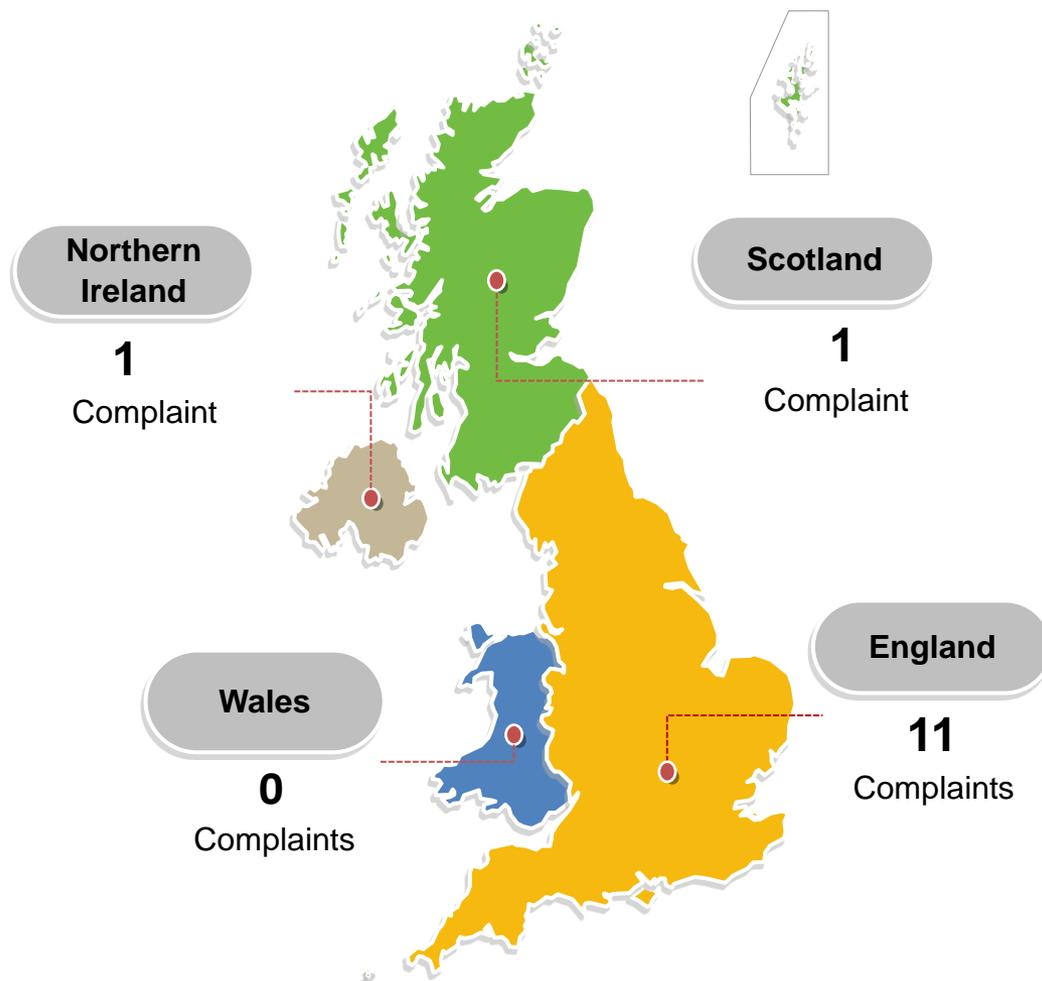
Method of complaint submission



Complainants can submit complaints to us via our online complaint portal, by post, and where necessary by email or phone.

From 1 January to 31 March 2021 most of our complainants chose to submit their complaint via our online complaint portal. One complaint was submitted by email.

Geographic breakdown



We cover breaches of environmental law by public authorities in Northern Ireland and England.

We received one complaint about a devolved matter. We signposted the complainant to the relevant body in Scotland before closing the complaint on our system.

We haven't yet received any cross-border complaints.

From 1 January to 31 March 2021 the complaints received named **17 different public authorities** in NI and England. About half the complaints named multiple public authorities.

Hot topics



Our word cloud shows the environmental areas most complained about. The more often a topic was mentioned the larger it appears on the word cloud.

Summary

- ✓ The OEP is being created to fill the governance gap post Brexit
- ✓ It will have scrutiny and advice, and complaint and enforcement functions
- ✓ Currently it is in the process of being set up, but it has been receiving complaints from the public since 1st Jan 2021
- ✓ The OEP is expected to be fully operational by the end of this year

Questions?

