

Office for Environmental Protection (OEP) Draft Strategy

Purpose of report

For information.

Summary

This paper introduces the item on the Office for Environmental Protection (OEP). Chair Dame Glenys Stacey and Chief Executive Natalie Prosser will be attending to introduce and discuss the work of the OEP. The OEP will be relevant to local government in protecting and enhancing the natural environment by ensuring Environmental Improvement Plans are delivered and ensuring all public bodies comply with Environmental Law. The OEP published their [draft strategy and draft enforcement policy](#) for consultation on 25 January 2022.

Is this report confidential? Yes No

Recommendation

This item is for update and discussion

Actions

As directed by the Board

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Background

1. The OEP has been set up, and its functions defined, through the Environment Act 2021. Having left the EU, the UK has the autonomy and ability to set its own future environmental protections and establish a new system of environmental governance and accountability to deliver environmental improvement.
2. The OEP's principal objective is to contribute to environmental protection and to the improvement of the natural environment. It will:
 - implement long-term environmental governance;
 - provide scrutiny and advice on environmental law;
 - monitor and report on progress against Environmental Improvement Plans (EIPs) and targets, which are also provided for in the Environment Act;
 - investigate complaints of alleged breaches of environmental law by public authorities where these are serious and in line with the OEP's enforcement policy;
 - take legal action in serious cases, if necessary as a last resort.
3. The OEP will be relevant to local government in protecting and enhancing the natural environment by ensuring Environmental Improvement Plans are delivered and ensuring all public bodies comply with Environmental Law.
4. The OEP published their [draft strategy and draft enforcement policy](#) for consultation on 25 January 2022. This meeting is an opportunity to hear about the draft strategy and draft enforcement policy and provide steer to LGA officers for potential consultation response.

Issues

5. The OEP will investigate complaints made through a free-to-use system about potential breaches of environmental law by government and public authorities. Where the OEP considers that the potential breach is serious, the OEP is expected to engage in constructive dialogue with public authorities and, where appropriate, recommend remedial measures through a series of notices. If the issue is not resolved, the OEP may take enforcement action.
6. Since the OEP's establishment in shadow form, they have received some complaints from members of the public about local council services. Dame Glenys and Natalie may want to talk about council complaint policies and signposting members of the public, so they direct their complaint to the correct public body. Please also consider any breaches of environmental law that your local area has experienced that you would like the OEP to be aware of.

7. The OEP will take a proportionate approach to enforcement, focusing on serious breaches of environmental law. It must engage with public authorities to seek a solution before considering court action, which the OEP will take via a bespoke “environmental review” mechanism. Recourse to judicial review without going through earlier stages of engagement in the OEP’s enforcement framework is available in the most urgent cases.
8. The OEP’s scrutiny and advice functions are complementary to its complaints and enforcement role. Its independent scrutiny of the EIP, targets and environmental law will enable it to identify issues early on, which may be before a breach of environmental law and any associated environmental harm occurs. This will allow the OEP to engage in constructive dialogue with public authorities and advise on how progress in improving the natural environment, meeting targets or implementing environmental law could be improved, moving into its enforcement role only if necessary and where serious failures to comply with environmental law have been identified.
9. The OEP will also provide advice to government on proposed changes to environmental law, or at the request of a Minister, on any other matter relating to the natural environment.

Implications for Wales

10. The environment is a devolved matter (subject to a small number of reserved areas), it is for each administration to develop and deliver environmental governance proposals.

Equalities Impact

11. The responsibility and reach of the OEP is broad and far reaching. The engagement approach and language will need to consider accessibility from the onset.

Financial Implications

12. There are no immediate financial implications