

Consultation response: Office for Environmental Protection Strategy and Enforcement Policy

26th September 2024

This consultation response is on behalf of nature and animal welfare coalition Wildlife and Countryside Link ([Link](#)).

Strategic objectives

2. Do you have any further comments on our objectives and how we aim to achieve them?

Since establishment, the OEP has produced exceptionally important reports, assessments and advice papers. We are grateful for the work of the OEP and for all of the sessions which you have held to explain how best the eNGO sector can engage with it.

Alongside the OEP's work towards long-term goals and targets, we would be grateful to see more instances where you identify and direct public authorities towards related 'quick wins'. It would be very welcome to see you use your position to bring greater attention to targeted, specific recommendations that would swiftly improve a range of environmental outcomes. Examples of these quick wins include the Government acting on its commitment to ban the use of peat in professional horticulture and local authorities adopting the Green Infrastructure Standard for all local developments.¹

We would also suggest that an additional strategic objective is added which would seek to increase public engagement with the OEP by increasing the understanding of both environmental law and the role of the OEP. Market research may shed some light on where the greatest gaps of engagement are and how best to fill them.

Mission and objectives

4. Do you have any comments on our values? Are these the values you would expect from the OEP? Do you recognise these values from your interactions with us?

¹ For more such quick wins, see https://www.wcl.org.uk/docs/putting_England_on_track_meeting_2030_species_targets.pdf

The four named values of being independent, purposeful, evidence-led and to act with integrity are representative of how the OEP should and has been operating. They are inextricably linked together and are aligned with the requirements of the Environment Act 2021 and the mission to protect and improve the environment.

While still maintaining these values, we would like to see increased engagement opportunities for different stakeholder groups, for example, by more calls for evidence openings directed at smaller environmental organisations with more niche expertise, including species and habitat specific charities. This would provide OEP with a wider variety of species and habitats expertise and lead to fuller, richer and more impactful OEP assessments. We would be happy to help facilitate such engagement with smaller Link members.

5. Do you have any further comments on our overall approach to how we deliver our mission and objectives covered in Part 3?

Separating the functions to ‘Monitor environmental states and trends’ relating to the EIP goals and targets and to ‘Report on environmental progress’ is a welcome alteration from the previous strategy document. Together the functions now represent a fuller picture of what we can expect from the OEP.

The recent move to begin publishing blogs on your website is a welcome addition. It would be good to see this avenue continue with blogs published on a regular basis and aimed at a public audience. This would help to spread information and increase public awareness.

Key statutory functions

8. Do you have any further comments about our approach to exercising our key statutory functions covered in Part 4?

We welcome the OEP’s intention to retain and regularly review information on all complaints and evidence to monitor for connected breaches or trends. In order to not miss any trends, we suggest that this information should be sorted in a way which will automatically flag to staff when names are repeatedly reported for similar or different failures. We would be grateful to see a blog or news story published to the website whenever this practice results in a finding of substance.

Enforcement Policy

10. We are in favour of the OEPs enforcement policy, which is clear in setting out the approach to using a range of information. The eNGO session held last year which explained the enforcement functions was very much appreciated.

The readiness to consider further enforcement powers, including court proceedings, is encouraging. This action may well be needed considering the seriousness of environmental failings and the fast-deteriorating state of nature. Similarly it is very important to see the OEP proactively intervene in the judicial or statutory reviews brought by others like in the Finch case where the OEP had a particularly useful input.

We regret that some aspects of the enforcement system have not yet been fully utilised, particularly environmental review which has meant that some investigations are taking far too long to progress. We support the development of criteria to guide the OEP's decisions on whether to intervene in judicial or statutory reviews brought by other parties.

Wildlife and Countryside Link (Link) is the largest nature coalition in England, bringing together 86 organisations to campaign for nature, climate, animal welfare and a healthy environment for everyone. Wildlife and Countryside Link is a registered charity number 1107460 and a company limited by guarantee registered in England and Wales number 3889519.

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