

# Summary of responses to the consultation on ‘Best available techniques’: A future regime within the UK

Establishing the techniques for industry which are best for preventing or minimising emissions and impacts on the environment as a whole

A joint consultation of the UK Government, the Scottish Government, the Welsh Government and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland

August 2022



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## Purpose of the consultation

Industrial installations undertaking specific types of activity are required to use ‘best available techniques’ (BAT), which means the best economically and technically viable techniques to prevent, minimise and reduce emissions to air, water, and land.

BAT is used to determine the types of abatement technologies and methods that operators should put in place. BAT conclusions describe the best techniques and associated emission levels, which are the basis of the limits placed within environmental permits.

The UK Government, the Scottish Government, the Welsh Government, and the Department of Agriculture, Environment and Rural Affairs (DAERA) are putting in place a new regime for the development of ‘BAT’ across the United Kingdom (UK), following the UK’s exit from the European Union (EU).

Any ‘Best Available Techniques’ determined in Northern Ireland will need to ensure account is taken of the [Northern Ireland Protocol](#), which requires some specific activities that interact with the Single Electricity Market to continue to align with the EU [Industrial Emissions Directive \(IED\)](#).

The [UK BAT consultation](#) sought views on the design of the UK regime which will be used in environmental permitting. We proposed establishing and defining future ‘Best Available Techniques,’ based on the same principles we have followed since the concept was originally devised in the UK, a transparent, collaborative, data and evidence-led process that safeguards and builds on the high levels of environmental protection already in place across the UK.

Stakeholders including industry, Local Authorities (LAs) and non-governmental organisations (NGOs) with an interest were notified. Consultees responded through the Citizen Space consultation website or by email. It was launched on 25 January 2021 and closed for responses on 18 April 2021.

Questions were formulated around:

- organisation and governance
- public participation
- scrutiny
- policies on implementing BAT
- evaluation
- horizon scanning

In addition, Defra wrote to stakeholders prior to the launch of the consultation on the intention to develop a ‘BAT Common Framework’ to maintain commonality in approach that will enable the four administrations to discuss and manage any policy divergence.

Defra also convened 2 stakeholder engagement meetings during March 2021 to provide background on the consultation’s aims and objectives, the key areas covered and to encourage consultees to respond.

This document summarises the key themes in responses received to the consultation, views expressed in response to Defra’s communication on the ‘BAT Common Framework,’ and at the stakeholder engagement meetings. This document also sets out how BAT will be implemented across the UK by the UK Government and the devolved administrations.

## Overview of responses

### Introduction

We received 77 responses including:

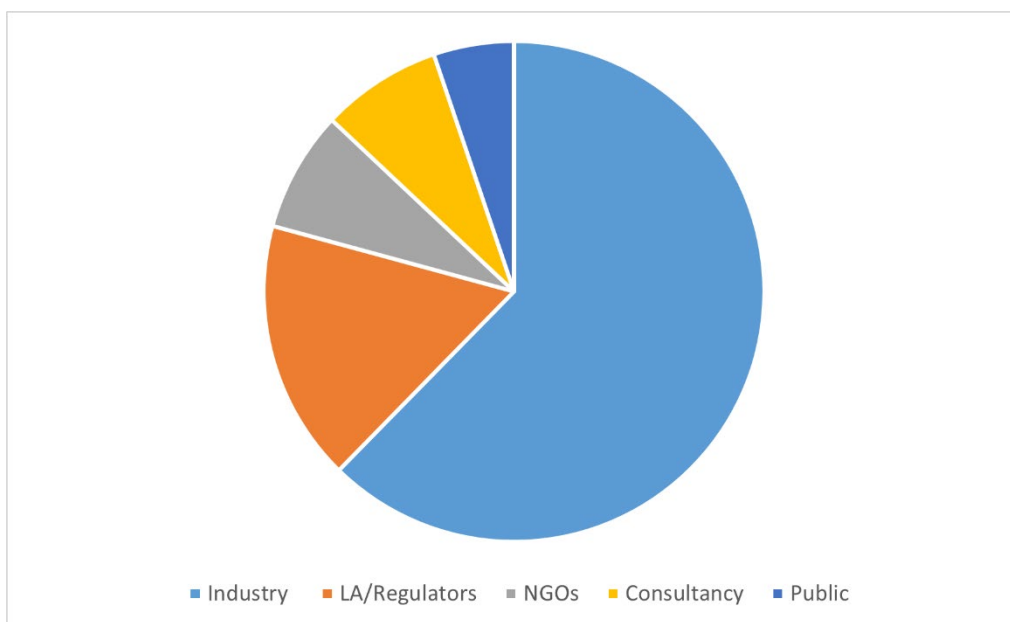
- 62 respondents who used the consultation website
- 15 respondents who submitted contributions by email
- 7 of the consultees requested that their response be treated as confidential

### Types of respondents

We have categorised the types of respondents and the sectors they represent (if applicable). The 77 total responses included:

- 48 from industry or trade associations
- 13 from local authorities or regulators
- 6 from NGOs
- 6 from consultancies
- 4 from the public

**Figure 1: shows a breakdown of the types of respondents**



## Government response overview

The UK Government and the devolved administrations are grateful to all those who took the time to respond to the joint public consultation. We have used the inputs received to review the policy options presented within the consultation document for designing the new UK BAT regime.

We believe the detailed and collaborative sector-by-sector approach, which the BAT method provides, is the best model for supporting investment in improvements to bring down industrial emissions.

## Organisation and governance

### Summary of views

1. We asked for views on the new governance structure formed of a Standards Council (SC) (formed of policy officials from the 4 administrations), Regulators Group (RG) (representatives from each of the UK environmental regulatory bodies) and Technical Working Groups (TWG) (technical experts for each BAT sector), working together to establish and define BAT within the UK. We proposed processes for exchanging evidence within the UK and internationally.
2. The consultation also proposed a rolling programme for review of BAT sectors in the UK, and that those currently under review by the EU where UK industry have already been involved, should be reviewed next by the UK process.

### Question 1: Do you agree or disagree with the proposed organisation and governance arrangements?

3. Table 1 shows a breakdown of the 71 responses to this question:

- 47 agreed or strongly agreed with the proposed arrangements
- 19 disagreed or strongly disagreed
- 5 neither agreed nor disagreed

**Table 1: Responses to question 1**

| Respondent type                  | Strongly agree | Agree | Neither agree nor disagree | Disagree | Strongly disagree | Total |
|----------------------------------|----------------|-------|----------------------------|----------|-------------------|-------|
| Industry                         | 0              | 33    | 2                          | 7        | 6                 | 48    |
| Local authorities and regulators | 3              | 5     | 0                          | 2        | 1                 | 11    |
| NGOs                             | 0              | 0     | 1                          | 0        | 1                 | 2     |
| Consultancies                    | 0              | 3     | 1                          | 0        | 1                 | 5     |

| Respondent type | Strongly agree | Agree | Neither agree nor disagree | Disagree | Strongly disagree | Total |
|-----------------|----------------|-------|----------------------------|----------|-------------------|-------|
| Public          | 0              | 1     | 1                          | 1        | 0                 | 3     |
| Other           | 0              | 2     | 0                          | 0        | 0                 | 2     |
| Total           | 3              | 44    | 5                          | 10       | 9                 | 71    |

### Question 3: Do you have any further comments on the organisation and governance proposals?

#### Establishing a Standards Council (SC), Regulators Group (RG) and Technical Working Groups (TWG)

- Most respondents were content with the proposed governance structure, but more information was requested on composition, remit, and interactions and how stakeholders can engage with them. Independence and transparency were questioned, especially in the SC and the decision-making process. Respondents stated the need for an impartial chair for the SC and TWGs, and the publication of meeting notes and the evidence presented. LAs and NGOs were critical that their roles were not clarified in the proposals. The knowledge and skills of forum members was a subject of concern, and some requested that, in addition to the TWG, industry should also be represented on the SC and the RG. Some went further, advocating that the RG should be industry-led to ensure sufficient technical expertise.

#### Engagement with international groups

- Some welcomed proposals for international BAT to form part of the key evidence review stage, whilst others wanted to better understand how this would be utilised and incorporated as local conditions affecting relevant BAT for any process may differ. Use of the Organisation for Economic Co-operation and Development (OECD) guidance was also recommended as a starting point for the UK process' and the use of international data to cover the smaller sectors where UK evidence or data would be limited.

#### Rolling programme of BAT review sectors

- Some respondents agreed that BAT sectors currently under review by the EU where UK industry and experts have already been involved, should be prioritised. However, it may be necessary and appropriate to collect further information on a sector-by-sector basis if required.
- Others flagged those timings of EU BAT reviews should be an important influence when considering timeframes for UK reviews. This would enable the UK to set its own standards with knowledge of how this aligns with EU standards. Others

suggested comparing final UK BAT with EU BAT. Others stressed UK BAT should be developed independently of EU BAT focusing on sectors tailored to the UK's needs.

### Common UK approach

8. A considerable number of the comments were received on this, most expressing apprehension on the impacts on industry if BAT is determined differently in separate parts of the UK. Points included that divergence of environmental standards would create an uneven playing field, increase complexity of the regulatory framework, and create a burden on businesses. Some asked for a dispute resolution mechanism to ensure alignment across the four nations.

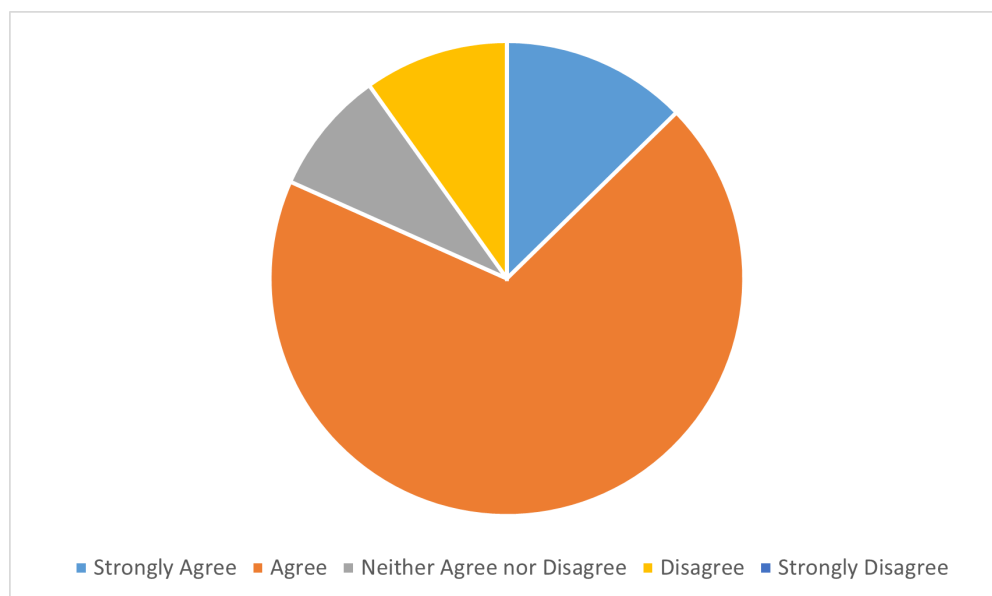
### Scrutiny

9. The consultation document stated that the new regime would allow direct scrutiny and engagement from all stakeholders including academia, research organisations, NGO's or other bodies with relevant knowledge and insights.
10. A hierarchy of groups was proposed to allow appropriate organisation and oversight of the new process. It also advised that final BAT documents would be published and implemented through Statutory Instruments (SI). We posed two questions relating to scrutiny as follows:

#### **Question 7: Do you agree or disagree with the proposals for ensuring scrutiny of the 'Best Available Techniques' within the UK regime?**

11. Of the 71 responses to this question:
  - 9 strongly agreed
  - 49 agreed
  - 6 neither agreed nor disagreed
  - 7 disagreed and none strongly disagreed

**Figure 2: shows the breakdown of responses to question 7**



## **Question 8: Do you have any other comments on how to ensure effective scrutiny?**

12. A few respondents suggested that the scrutiny process should be limited to those with current knowledge and technical expertise, such as regulators, industry experts, trade associations and environmental NGOs.
13. Several respondents queried how the 'call for participation' fits into the process and how decisions about participation will be made, highlighting the need for interaction between regulators and industry to ensure adequate scrutiny and a suitable arbitration process. Some respondents questioned the necessity to publish BAT Conclusions (BATC) via SI which may negatively impact the regulatory delivery (timings) of BAT in the UK.

## **The government response**

### **The Integrated Pollution Prevention and Control: the developing and setting of Best Available Techniques (BAT) Common Framework**

14. The UK Government and devolved administrations have committed to providing a future regime for the development of best available techniques across the UK. Industrial emissions are a devolved policy area, therefore the four administrations across the UK may set different BAT. Whilst some aspects of BAT may therefore be different, the guiding principle for decision-making is that parties will aim to reach consensus.
15. Any BAT determined in Northern Ireland will need to ensure account is taken of the Northern Ireland Protocol (NIP), which requires some specific activities that interact with the Single Electricity Market to continue to align with the IED.
16. A [BAT Common Framework](#) is being developed and has been provisionally agreed between the four administrations. Before being finalised, it has been published for scrutiny in Parliament and the devolved legislatures. It includes revised governance arrangements which have been reshaped following inputs to the consultation. In addition to the initial proposals (which advise that the new structure will include a SC, RG and TWG), the framework includes details on the establishment of a UK Air Quality Governance Group and an advisory board.

### **UK Air Quality Governance Group**

17. A UK Air Quality Governance Group (UKAQGG) comprised of senior officials from each administration has been established. It will provide strategic oversight of the work of the SC and delivery of the requirements under the Framework. The UKAQGG will mediate when required where there are differences of opinion on BAT decisions that the SC is unable to resolve. This will address concerns raised about the potential for divergent standards across the UK and requests for a dispute resolution mechanism. The framework also includes terms of reference (ToR) that provides detailed information on the roles and responsibilities of the SC, RG and TWG).



## Local authority engagement

18. Local authorities currently regulate some industrial installations in England and Wales. (The district councils and the Northern Ireland Environment Agency in Northern Ireland, and the Scottish Environment protection Agency in Scotland regulate all industrial installations within their own respective territories.) They have an interest in industrial emissions that may potentially have effects on human health and the environment in the local area. Given their direct and indirect interests, there is a compelling case for engaging local authorities in the UK BAT system and in standard-setting processes for specific sectors.
19. We will invite the Local Government Association (LGA) to become a member of the RG and the advisory board (see Participation). The LGA may also contribute on technical matters through membership of TWGs.

## BAT reviews already in progress

### Summary of views

**Question 2: Do you agree or disagree that the ‘Best Available Techniques’ within the UK should consider first ‘Best Available Techniques’ for sectors that have already begun development within the EU ‘Best Available Techniques’ process?**

20. We received 69 responses to this question, which included:
  - 63 of them agreed or strongly agreed with the proposals
  - 6 disagreed with them

**Table 2: Responses to question 2**

| Types of respondents            | Strongly agree | Agree | Neither agree nor disagree | Disagree | Strongly disagree | Total |
|---------------------------------|----------------|-------|----------------------------|----------|-------------------|-------|
| Industry                        | 0              | 43    | 0                          | 3        | 0                 | 46    |
| Local authorities or regulators | 1              | 9     | 0                          | 1        | 0                 | 11    |
| NGOs                            | 0              | 2     | 0                          | 0        | 0                 | 2     |
| Consultancies                   | 0              | 4     | 0                          | 1        | 0                 | 5     |
| Public                          | 0              | 2     | 0                          | 1        | 0                 | 3     |
| Other                           | 0              | 2     | 0                          | 0        | 0                 | 2     |
| Total                           | 1              | 62    | 0                          | 6        | 0                 | 69    |

**Question 5: Do you have any views on the proposal to potentially remove the need for the call for evidence for sectors where data gathering has already occurred?**

21. It was universally accepted that, with robust data, no additional call for evidence is required. Some suggested that initial calls for evidence should happen anyway as a way to obtain updated data, inclusion of new technologies, or an opportunity for unengaged stakeholders to participate. Other respondents suggested that EU data may misrepresent UK sites.

**The government response**

22. The UK BAT process will schedule sectors in tranches to support planning and visibility for industry (see BAT reviews – prioritisation process).
23. The first tranche will cover those reviews already in progress:
- ferrous metals processing (which will be split into two areas: forming and ‘galvanising’ to better reflect the UK manufacturing industry)
  - textiles
  - waste gas treatment in the chemicals industry
24. These sectors will draw on UK data submitted to the EU as a starting point, then tailor the BATC to meet UK circumstances. We expect to publish national BATC’s from the first half of 2023.
25. The UK regime will retain the four-year timeframe for implementing BAT (see Implementation), therefore the impact of improvements for these sectors should be felt by 2027 to 2028. A public consultation on the technical BAT proposals and any impact assessment on each of the above UK BATC will be undertaken.

# Participation

## Summary of views

### Public participation

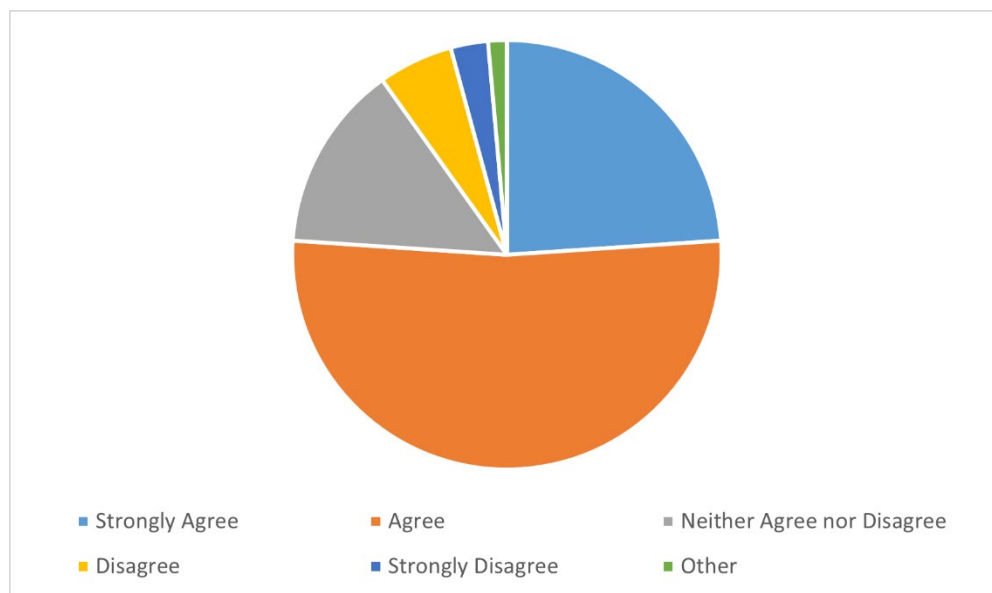
26. We asked about ensuring relevant and accurate information is used for technical considerations in the development of BAT. We proposed a two-stage process, an initial call for evidence to create a draft BAT determination document, followed by a public consultation which would be accompanied by technical and economic analysis.

#### Question 4: Do you agree or disagree with a two-stage public participation process?

27. We received 71 responses to this question, which included:

- 54 strongly agreed or agreed
- 6 disagreed or strongly disagreed
- 10 neither agreed nor disagreed
- 1 was categorised as 'other'

**Figure 3: shows the breakdown of responses to question 4**



#### Question 6: Do you have any further comments on public participation proposals?

28. The consultation responses widely support a UK BAT system founded on the principles established through the EU BAT process. Most recognised the benefits of a collaborative approach, enhancing the ability for key players to participate in the design and development of BAT well before the final proposals are fixed.
29. Some respondents called for as much public participation and community engagement as possible to aid scrutiny, transparency, and robustness, pointing to the Aarhus Convention that establishes specific requirements that apply to public

participation processes. Others argued that it would make the process too long, with TWGs already providing the necessary quality assurance in representation of all relevant parties.

30. Concerns were expressed on the rigidity of the governance structure suggesting there is a need for better collaboration between policy and regulatory bodies and stakeholders.
31. On NGO involvement, some proposed NGOs should attend the SC or asked to be invited to TWG meetings. Others recommended that unless NGOs have the appropriate expertise, their role should be limited to the consultation process.

## **The government response**

### **Advisory board**

32. We will establish an additional mechanism through which members of each forum (SC, RG and TWG) can engage with a broad range of interested stakeholders about the running of the BAT mechanism. For this purpose, an advisory board will be formed as the common space for all parties involved to participate at a strategic level in the overall design and operation of the UK BAT system.
33. The advisory board will be composed of government officials from each administration. It will include regulators and stakeholders (including industry, trade associations, local authorities, NGOs, and academia) with an interest in the BAT system. It will discuss emerging issues or prioritisation of sectors, and other relevant matters. The advisory board will advise the SC on strategic matters relating to BAT. The structure and workings of the board including its terms of reference will be set out alongside invitations to participate.

### **Non-Government Organisations (NGOs)**

34. NGOs have varying interest and expertise, some have detailed knowledge of certain industrial processes, so they can provide significant contributions to specific BAT sector reviews. In these circumstances, such NGOs can be involved within the determination process, broad participation from civil society and at a level of detail appropriate to the skills and capacity of organisation, will strengthen the UK BAT process.

Such NGOs will be invited to become members of the:

- advisory board to advise on the overall BAT process and prioritisation
- TWGs where they have detailed technical skills or knowledge

### **The consultation process**

35. A single public consultation will be undertaken on the draft BATC for each of the sectors in Tranche 1. For subsequent BAT reviews, there will be 2 opportunities for public engagement, the initial call for technical evidence followed by a public consultation on the draft BATC.

# Implementation

## Summary of views

### Policies on implementing 'Best Available Techniques'

37. We requested views on four operational and enforcement issues:

1. the 4-year timeframe for implementing BAT from the point of publication for existing installations
2. criteria and processes for granting derogations
3. draft interpretational guidance where appropriate to assist UK regulators in applying new BAT in permits
4. emissions monitoring and reporting

### Question 9: Do you have any feedback on policies for implementing 'Best Available Techniques' within the UK?

#### Timeframes for implementing BAT (for existing installations)

38. There was consensus amongst stakeholders that the existing requirements work well so many supported continuing to use the timeframes in the EU regime. Some suggested that 4 years for businesses to implement BAT once placed into permits is not always achievable though some recognised the derogation provision will offset these concerns. Some NGOs advocated the shortest possible timeframes to implement BAT.

#### Criteria and processes for derogations

39. Many thought derogations allow helpful flexibility on a site-specific basis to set emissions limits at a higher level, where it can be demonstrated that it is in the best interest of the environment as a whole due to the trade-offs between pollutants. Others suggested that derogations must be at the lowest level where installations are unable to comply with emissions limits, and the introduction of derogations without time limits when the cost of the improvement will always be greater than the cost of environmental harm. Others suggested derogations should be considered by an independent body. There were also calls to strengthen permits against challenge.

#### Interpretational guidance

40. The few comments received expressed support for the proposals, requesting more accessible guidance (such as, downloadable) and for guidance to be completed prior to conditions being inserted into BAT Reference Documents (BRefs) to ensure measures are fully understood and applied equally and fairly across the UK.

#### Emissions monitoring and reporting, and other reporting obligations

41. One response suggested focus should be on the required emission limits and (for regulators) to offer suggestions as to technology that can achieve those limits.

## **The government response**

### **Implementation of operational and enforcement policies**

42. We will retain, but keep under review, the policies to implement BAT within the UK regime. The need for interpretational guidance will diminish (see BAT reviews), because BATC will be drafted using UK data alone with UK installations in mind. Therefore, in future any guidance can be written into UK BATC.

### **UK database**

43. An IT system is needed to enable information to be exchanged and technical views to be collated to determine BAT within the UK. A database system called UKBATIS is being designed to store all relevant information pertaining to UK BAT. The database will be managed and maintained by the UK BAT team. We have the option to develop a public-facing website that we could use to publish BATC in the future (see Publishing BAT conclusions).

### **Publishing BAT conclusions (BATC)**

44. Final 'Best Available Techniques' documents will be published and implemented via regulations. Domestic legislation provides powers to the relevant authorities in each administration to exercise legislative functions in their respective areas. This means each UK nation can specify their own BATC if necessary. However, BATC are likely to be implemented via a single SI (which could specify different conditions apply to parts of the UK). Some responses to the consultation flagged publishing BATC via SIs could extend timeframes for implementation. We therefore intend to explore whether longer-term, there is an alternative approach to giving effect to BAT decisions.

### **BAT reviews: prioritisation process**

45. The UK BAT process will proceed through a series of tranches (to support planning and visibility for industry). We are setting out here the prioritisation for the next 2 tranches which will be refreshed on a rolling basis – with the later tranche always being provisional. This will provide visibility for industry and other stakeholders on the timing of future regulatory changes.
46. The following sectors will be reviewed under Tranche 1 (reviews starting summer 2022):
- Ferrous metals forming (FMP)
  - Ferrous metals galvanising (FMP)
  - Textiles (TXT)
  - Waste gas treatment in the chemicals industry (WGC)
47. The following sectors will be reviewed under Tranche 2 (estimated start 2023):
- Ceramic Manufacturing Industry (CER)
  - Surface Treatment of Metals and Plastics (STM)

- Large Volume Inorganic Chemicals
- Slaughterhouses and Animal By-products Industries (SA)
- Smitheries and foundries (SF)

## **Emission Limit Values**

### **Summary of views**

48. The consultation proposed changes to the guidance that sets Emission Limit Values (ELV) within permits (in England and Wales only). This would give regulators the discretion to select the most appropriate value, within the relevant BAT associated emission levels range to set the ELV for an emission source. In general, the current guidance sets ELVs at the top (least stringent) of the range.

### **Question 10: Do you have any views on the proposals in England and Wales to modify the guidance for setting emission limit values?**

49. There was support from the respondents to change the guidance for setting ELVs within permits in England and Wales. However, some suggested that lowering emissions may be uneconomic for small businesses. Conversely, NGOs generally requested the most stringent should apply.
50. There was a series of suggestions offered: more effective monitoring, introduction of legal requirements to set lower ELVs, or the use other environmental performance levels such as, BAT- associated environmental performance levels, whilst one response asked which guidance (such as, English, or Scottish) applies to offshore installations, where the Offshore Petroleum Regulator for Environment and Decommissioning (OPRED) provides its own guidance.

### **The government response**

51. We will proceed with proposals to change the guidance that sets ELVs within permits in England and Wales. This will give regulators more flexibility to determine the most appropriate value, in consultation with the relevant industry and installation, at the point at which an installation is due to have its permit reviewed.
52. The current guidance stipulates that regulators in England and Wales must set limits at the top of the range such as, least stringent level (unless operators already achieve a lower level). However, the regulator in Scotland (SEPA) has always had flexibility to set emission limits anywhere in the range as specified by the Pollution Prevention and Control (Scotland) Regulations 2012. Note: The Northern Ireland Environment Agency follow the England and Wales approach.
53. The proposals put England and Wales on the same footing as Scotland. This will ensure a level playing field, allowing all UK regulators flexibility to determine appropriate values. It will ensure any new or existing operator that is investing in the relevant technology will need to achieve the same performance as is being achieved already elsewhere in the sector or sub-sector at directly comparable sites.

# Evaluation

## Summary of views

### Evaluation

54. The consultation contained 2 proposals that aim to provide the opportunity to make further improvements to the UK regime for determining BAT at specific stages. These being:

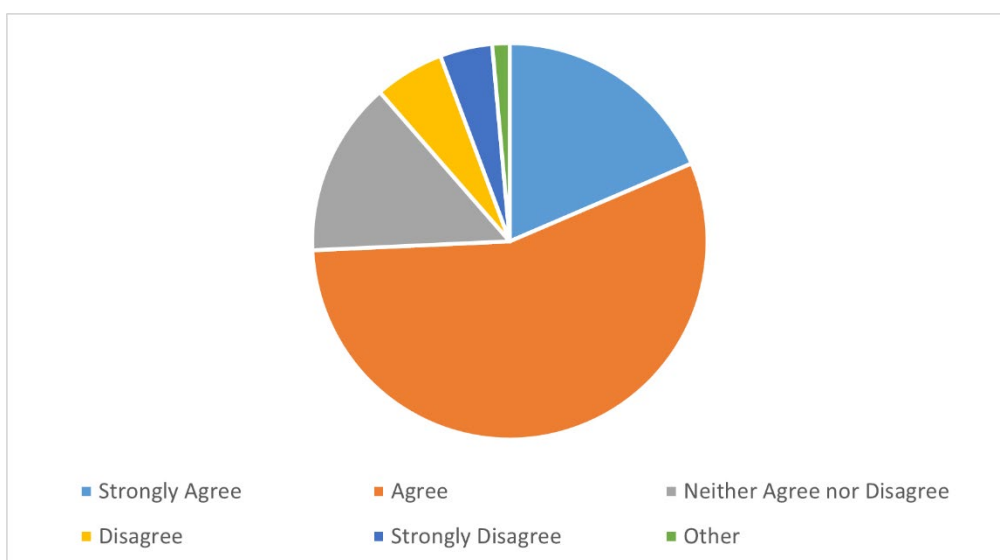
1. that each BAT sector that is determined in the UK should be subject to periodic review
2. an evaluation of the UK BAT regime as a whole at an appropriate stage, to assess its effectiveness

### Question 11: Do you agree or disagree with the proposals for evaluation within the new regime?

55. We received 70 responses to this question , which included:

- 13 strongly agreed
- 39 agreed
- 10 neither agreed nor disagreed
- 4 disagreed and 3 strongly disagreed
- One commented without a conclusive answer with the given options, which has been categorised in 'other'

**Figure 4: shows the breakdown of responses to question 11**





## **Question 12: Do you have any other comments on the evaluation proposals?**

56. Some responses suggested proposals were overly ambitious and that a 6- to 8-year cycle is more realistic. Conversely, some NGOs considered the timetable too long. A few suggested continuous valuations. One response flagged the tension with broadening BAT. They added that there is no current mechanism for Medium Combustion Plants (MCPs) and Part Bs to be reviewed, therefore, new legislation may be required.

## **The government response**

57. Responses highlighted tensions in rigid review timings and agreed BATs including differing contexts and the risk of reducing resource that can be allocated to priority sectors. We have therefore decided to review all sectors on a rolling basis under the prioritisation process rather than review sectors based solely on time since last review.
58. Reviews of the UK BAT regime as a whole will be considered by the SC at least annually as governed by the [BAT Common Framework](#).

## **Other issues**

### **Summary of views**

59. We requested longer-term aims for the BAT regime. We suggested broadening the scope of BAT to include other industrial activities such as medium or smaller installations currently regulated for air emissions alone. We also proposed placing greater emphasis on overall environmental improvements and links to Net Zero, the circular economy and reduction of use of natural resources and resource efficiency.

## **Question 14: Do you have thoughts on additional elements that could be explored in the longer term around areas of 'Best Available Techniques' policy?**

60. We received differing suggestions on this question. It was accepted however, that consideration of wider environmental impacts of applying BAT, and alignment with broader decarbonisation drivers is a critical issue to embed into the process.

### **Part B installations**

61. Several responses agreed broadening BAT to Part B installations and processes (equivalent to Part C under Northern Ireland Pollution Prevention and Control (PPC) legislation) is a positive move because they can cause more environmental damage than large installations. Others agreed that greater emphasis should be placed on overall environmental improvements as opposed to prescribed abatement solutions.
62. While some respondents were not in favour on cost grounds with smaller enterprises less able to implement solutions, others suggested that Part B operators should be encouraged to adopt techniques to reduce impact despite increased costs (for example, offering incentives or subsidies to enable them to install new technologies or expand to sites which have more significant environmental impacts). One

response recommended aligning local authority fees and charges with the Environment Agency in England, and National Resources Wales in Wales. Another pointed out regulator resource is already stretched to maintain existing BAT industrial activities.

### **Net Zero and the Circular Economy**

63. There were mixed reactions to link BAT to broader ambitions relating to Net Zero (NZ), the circular economy and reduction of use of natural resources. Some NGOs stressed now is the time to develop a regime which supports the UK's broader climate and environmental objectives, and to exceed current (EU) standards.
64. Conversely, some responses from industry suggested BAT already considers emerging techniques and environmental impacts to reduce emissions, therefore, links to ambitions such as NZ are not essential, or are already addressed within other policies or legislation (for example, greenhouse gas (GHG) emissions, chemical products, or waste management), adding extra burden for industry and regulators

### **Other suggestions**

65. Some suggested extending 'Site bubble' to BRefs to bring equal or lower overall emissions to the emission that would be achieved for every individual source.
66. Some recognised aligning with decarbonisation drivers by supporting emerging technologies such as hydrogen, carbon capture, utilisation, and storage (CCUS) and advanced conversion technologies. An NGO suggested that GHG emissions should be measured and controlled. Another consultee advised the BAT development process should seek to establish decarbonisation as a priority over shorter term, additional non-GHG emissions abatement for units or operations that may undergo significant change.

### **Question 14: Do you have any other views or comments, which you have not already made, on the proposals in this consultation?**

67. Many responses already covered most areas above, so considerations included herein relate to points not mentioned previously:
  - greater flexibility when introducing new techniques in quicker timescales
  - giving economic factors higher consideration
  - addressing inconsistencies within existing legislation
  - making it easier to reuse waste materials
  - alignment with government ambition for the environment
  - a holistic review of installations with requirements based on risk, cross-media effects, process specifics, process integrated techniques, cost-benefit assessments, and competitiveness
  - animal and bird health and welfare in BAT for intensive farms
  - mandating testing by accredited businesses

## **The government response**

### **Broadening the scope of BAT**

68. Control of emissions from industrial sectors not covered by BAT are devolved, but in many cases are common across the UK. The BAT Common Framework offers opportunities for joint working in the development of policy to meet the ambitions of improving air quality across the UK, for these sectors.
69. We recognise the potential limitations to the current BAT determination process as well as the potential for opportunities to further develop and improve UK BAT in a way that supports our industries whilst delivering emission reductions. We will consider further the cases for addressing GHG emissions through the BAT regime on the same basis as other emissions and for better aligning emissions regulation with targets and priorities on air quality. We will bring forward proposals in due course.

### **Next steps**

70. The UK Government, the Scottish Government, the Welsh Government, and the Department of Agriculture, Environment and Rural Affairs (DAERA) are currently working on the deliverables that will set the basis of the enduring UK BAT system. The UK BAT team have started work on the review of the BAT sectors under Tranche 1 and will be contacting relevant trade associations and setting up the TWG as different phases progress.
71. The Standards Council and the Regulators Group are working alongside to set up the advisory board and official communications about coming steps will be issued in due course.

## **Annex A: List of consultees**

The following organisations responded to the consultation:

- Enco Global Testing Services Ltd
- PFMA
- Thomas Dudley Ltd
- National Physical Laboratory
- Weishaupt UK Ltd
- Confederation of Paper Industries
- Stafford BC
- National Farmers' Union (England & Wales)
- GBN Services Ltd
- National Pig Association
- Martin Cranfield Associates Limited
- The Maltsters' Association of Great Britain
- Salford City Council
- British Coatings Federation
- Worcestershire Regulatory Services (WRS)
- Viridor
- Surface Engineering Association
- Chemical Industries Association
- Dudley MBC
- Environmental Services Association
- Ramboll UK Limited
- Aluminium Federation
- SRCL Ltd
- Uniper UK Limited
- Citizen and member of Cornwall Climate Group
- Mineral Products Association
- Food chain & Biomass Renewables Association (FABRA UK)
- UK Flour Millers
- Leo Group Ltd

- Stop Portland Waste Incinerator
- EUROMOT - European Association of Internal Combustion Engine Manufacturers
- British Egg Industry Council
- Blaise Kelly (member of public)
- The Carbon Capture and Storage Association
- Bath & North East Somerset Council
- Cast Metals Federation
- Leeds City Council
- RWE Generation UK
- UK Steel
- Johnson Allan Consulting Ltd
- British Glass
- CIWM
- Investacast Ltd
- Natural England
- ADEPT Waste Panel
- Tata Steel
- Wood Panel Industries Federation
- The Association for Renewable Energy and Clean Technology
- Swansea Council
- Buckinghamshire Council
- Agricultural Industries Association
- UKWIN
- FDF
- The British Ceramic Confederation (BCC)
- The Society of Motor Manufacturers and Traders
- EDF
- INEOS Infrastructure Grangemouth Limited
- Client Earth
- Susan Davis (member of public)
- Petroineos Manufacturing Scotland Ltd
- John Charles (member of public)
- UKPIA

- European Environmental Bureau (EEB)
- Clean Air London
- Energy UK
- Ulster Farmers Union
- Galvanizer Associations
- Atesta Ltd
- OGUK