

Regulation works

Our role is to apply the regulatory framework set by government. We are committed to doing this in a way that minimises the administrative burdens of regulation on businesses and makes it as easy as possible for them to do the right thing.

A clear regulatory framework with agreed standards and targets has helped to drive major environmental and public health improvements over the last few decades. Regulation has played an important part in reducing emissions to air, the quantities of waste produced by businesses and the number of pollution incidents.

We are working to improve our approach and ensure that we continue to be a fair and proportionate regulator that works to protect people and the environment, supporting business and sustainable growth while targeting illegal operators and poor performers. We recognise that businesses trying to do the right thing require different interventions to those that are persistently or intentionally non compliant.

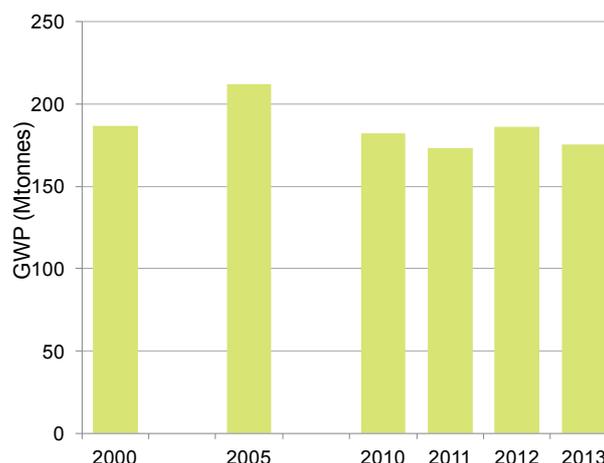
Reducing emissions to air

We issue permits to installations and set conditions within them requiring operators to apply Best Available Techniques (BAT). Permit conditions set emission limit values that allow for some market flexibility. This accounts for some of the annual fluctuations in emissions as some fuels used in power generation are cleaner than others while ensuring a reduction in emissions over the medium term.

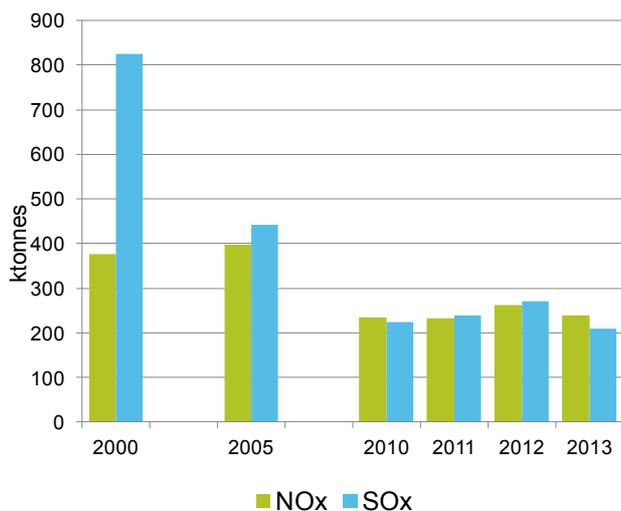
Emissions to air from the businesses we regulate continue to reduce. Between 2000 and 2013:

- emissions of greenhouse gases have reduced by 6%
- emissions of nitrogen oxides (NOx) have reduced by 36%
- emissions of sulphur oxides (SOx) have reduced by 75%
- emissions of fine particles (PM10) have reduced by 28%

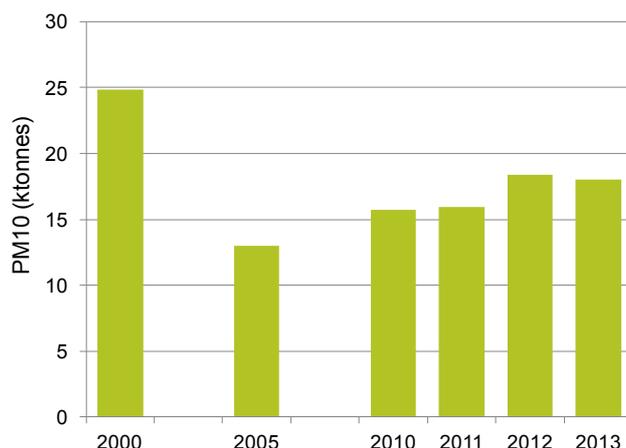
Greenhouse gas emissions (as global warming potential) emissions to air from sites we permit, England, 2000 to 2013



Nitrogen oxide (NOx) and sulphur oxide (SOx) emissions to air from sites we permit in England, 2000 to 2013



Fine particle (PM10) emissions to air from sites we permit in England, 2000 to 2013



Changes in the global price of coal and a mild winter led to less coal being burnt in the combustion sector in 2013 and a corresponding decrease in emissions from 2012. Greenhouse gas, NOx, SOx and PM10 from business we regulate all reduced in 2013.

Greenhouse gas emissions from sites we permit were 6% lower in 2013 than in 2012, NOx emissions 8% lower, SOx 23% lower and PM10 2% lower.

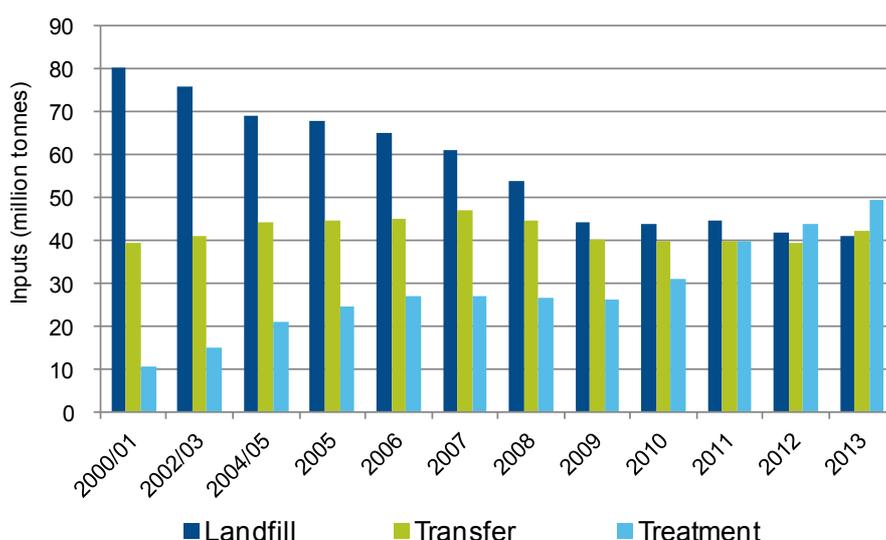
Businesses we permit are recovering more waste

In 2013 the sites we permit produced 15 million tonnes of waste.

Less waste is being disposed of than in 2000. In 2013, 8.87 million tonnes were recovered (59% of the total produced) compared with 8.07 million tonnes (39%) in 2000.

For further information, see [Regulating the waste industry 2013: evidence summary](#).

Waste management trends in England, 2000 to 2013



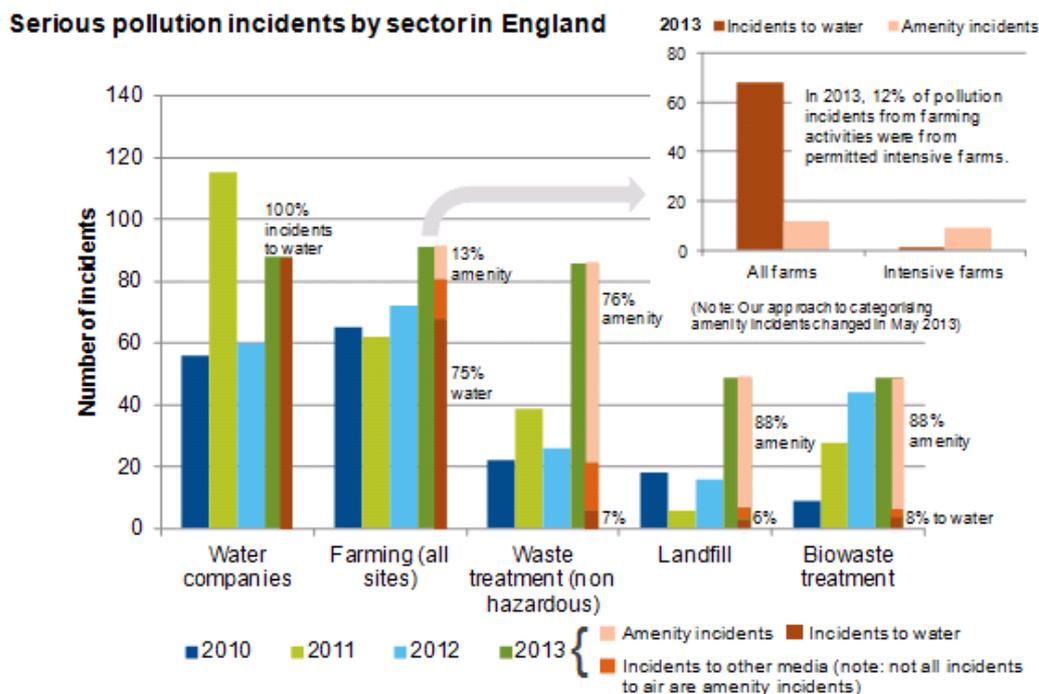
Pollution incidents

Following a reduction in pollution incidents in recent years, numbers of serious and significant pollution incidents increased between 2012 and 2013.

Serious pollution incidents: the top 5 sectors

There were 688 serious pollution incidents in 2013. The sectors causing the most incidents were:

1. farming: 91 incidents (80 caused by the non-permitted sector; 11 by permitted intensive farms), 13% of the total
2. water companies: 88 incidents, 13% of the total
3. permitted non-hazardous waste treatment: 86 incidents, 13% of the total
4. permitted landfill: 49 incidents, 7% of the total
5. permitted biowaste treatment: 49 incidents, 7% of the total



Of the top 5 sectors, serious pollution incidents caused by the non-hazardous waste treatment and landfill sectors increased the most between 2012 and 2013. Incidents from both these sectors more than doubled in this time; the non-hazardous waste treatment sector from 26 to 86 and the landfill sector from 16 to 49. Incidents caused by the biowaste treatment sector also increased from 44 in 2012 to 49 in 2013 (11%).

Factors contributing to pollution incidents at waste sites are:

- poor management, including ignoring regulatory advice or enforcement
- excessive amounts of waste or poor storage arrangements

The majority of incidents caused by these sectors were amenity incidents, most commonly involving odour. In 2013 the:

- non-hazardous waste treatment sector caused 65 amenity incidents at 39 individual sites, 8 of which were responsible for multiple incidents (of these incidents, 35 (54%) involved odour)
- landfill sector caused 43 amenity incidents at 12 individual sites, 5 of which were responsible for multiple incidents (of these incidents, 43 (100%) involved odour; 2 sites were responsible for 70% of the incidents)
- biowaste treatment sector caused 43 amenity incidents at 15 individual sites, 10 of which were responsible for multiple incidents (of these incidents, 42 (98%) involved odour)

For further information, see [Pollution incidents 2013: evidence summary](#).

We continue to improve our risk-based approach, to target our resources in the most effective way

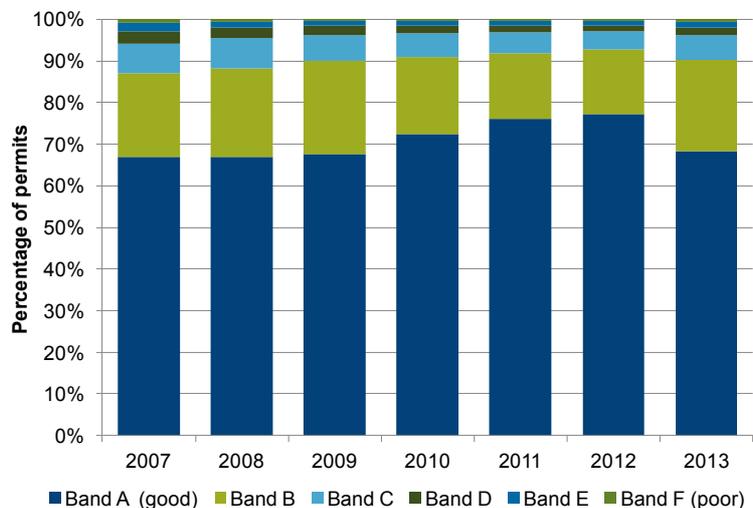
We are responsible for regulating the industries in England with the highest potential environmental impacts under the Environmental Permitting Regulations (EPR). We issue environmental permits which contain conditions that businesses must comply with. We carry out on-site inspections and monitoring to make sure businesses comply with their environmental permits. We rate compliance with permit conditions in bands A (good) to F (poor). Bands D, E and F represent poorer compliance with permit conditions.

In 2013 over 96% of the sites we regulate were scored as having the higher A, B and C ratings for permit compliance. Compared with 2012 there was a slight increase in the percentage of those receiving the lower ratings D, E and F.

The number of permits has increased as more activities have been brought into the EPR. In 2013 there were 13,917 permits, 17% more than in 2007 (the first year of this data), when there were 11,846 permits.

In 2013, 96% (13,388) of the sites we regulate were rated in compliance bands A, B, or C, compared with 94% (11,146) in 2007. The number of sites in band A reduced between 2012 and 2013 by 10%

Compliance with permits



customer service line
03708 506 506

incident hotline
0800 80 70 60

floodline
0845 988 1188

www.environment-agency.gov.uk

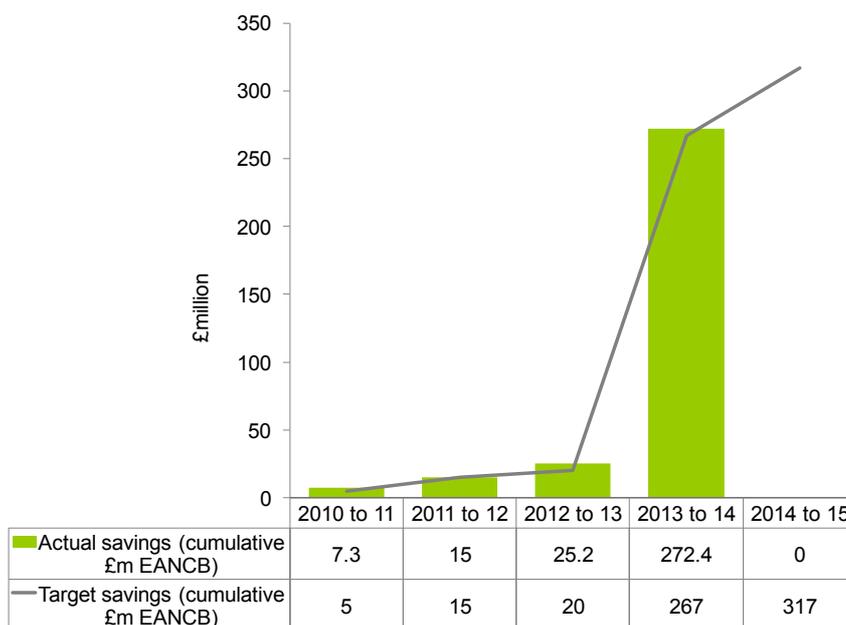
(from 10,560 to 9,496) due to more rigorous requirements applied to the keeping and submission of site records.

The number of sites which are persistently poor performers and are in compliance bands D, E or F is increasing. There were 183 permits in compliance bands D, E or F in both 2012 (when there were 13,677 permits in total) and 2013 (13,917 permits in total), compared with 161 permits in bands D, E or F in both 2011 (12,975 permits in total) and 2012. Of these, 46% (84 of 183) were in the non-hazardous waste treatment sector and 22% (40 of 184) were in the landfill sector. We have established a programme designed to clamp down on persistent poor performers and sites which cause pollution incidents and negative impacts on communities.

We are making good progress to reduce burdens on business

In 2013 to 2014 we achieved a further £247 million of administrative savings for businesses. Most of these savings are due to the implementation of the aggregates quality protocol which allows surplus aggregates meeting defined quality standards to be reused or sold rather than sent to landfill.

Reductions in costs for business we regulate



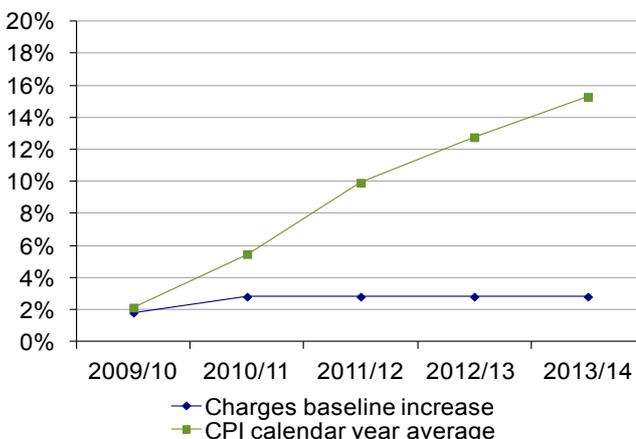
EANCBS = Equivalent Annual Net Cost to Business.

In December 2013 we launched an [online waste carriers' registration system](#) which has enabled over 37,000 businesses to register with us using a simple process.

During 2013 we processed over 99.8% of permit applications within 13 weeks. Of 267,636 environmental permits, exemptions and registration 0.01% (12 permits) took longer than 13 weeks to determine and were not subject to exception criteria agreed with the Department for Environment, Food and Rural Affairs (Defra).

We did not increase our baseline charges for environmental permits during 2013.

Environment Agency cumulative charge increase against Consumer Price Index (CPI)



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Proportionate enforcement

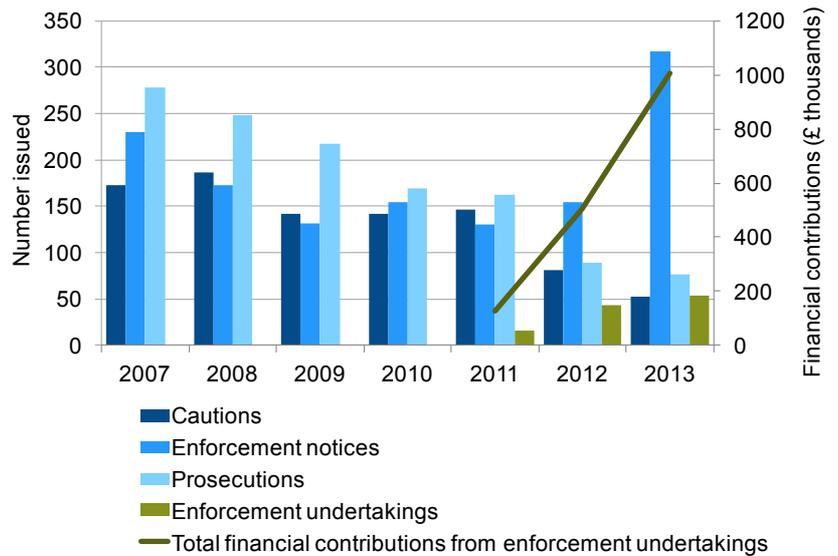
We make use of the range of enforcement responses available to us. We still prosecute people who commit serious offences, but we use different approaches with businesses who are trying to do the right thing.

Civil sanctions give us more flexibility to enforce regulations. They aim to change behaviour by requiring offenders to pay to clean up the damage they have caused, improving the environment and helping the local community, rather than paying fines. We have been able to use civil sanctions for a limited number of regulations in England since 6 April 2010.

During 2013 we accepted 54 enforcement undertakings from businesses. Environmental charities, organisations or projects in England received £1 million as a result of these enforcement undertakings. This is almost double the amount in 2012, when businesses paid £506,000 through 43 enforcement undertakings.

We also successfully undertook 89 prosecutions against businesses in 2013, compared with 121 in 2012. Of these, 41 were against businesses that we regulate through permits and registrations. Businesses were fined £1.5 million in 2013, compared with £1.9 million in 2012. The average fine per business in 2013 was £18,000. The average fine in 2012 was £21,000.

Enforcement actions used (all sectors) in England, 2007 to 2013



In some situations, issuing an enforcement notice or warning letter at the right time is sufficient to bring an operator back into compliance (and put right any environmental damage) without the need for further sanctions. We are using enforcement notices more frequently, and cautions (formal criminal sanctions which will be produced in court if there is a further offence) less often.

The new Sentencing Guideline for Environmental Offences came into force on 1 July 2014. The guideline provides a framework to assist courts when sentencing an individual or organisation for environmental offences. This should lead to greater consistency.

LIT 10110