

**Department for Environment, Food and Rural Affairs**

**Summary of Responses to the Consultation on Local  
Authority Environmental Regulation of Industrial Plant:  
2012/13 Fees and Charges**

**February 2012**

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# Introduction

1. From 29 September 2011 to 23 December 2011 Defra consulted on proposals for the annual revision of fees and charges for the environmental regulation of industrial plant by local authorities (LAs). We undertake a full review bi-ennially with a partial review in the intervening years. This consultation is part of a partial review.
2. 586 stakeholders including English LAs were alerted by email to the consultation package on the Defra website. A total of 14 respondents commented on the proposals. Of those 4 were from representatives of regulated businesses, 9 from individual LAs and 1 from the Scottish Environmental Protection Agency (SEPA). A list of those who responded to the consultation can be found in **Appendix A**.
3. All respondents were asked if they were content for their views to be made public. A full set of the consultation responses can be obtained by contacting Defra's Information Resource Centre, Lower Ground floor, Ergon House, 17 Smith Square, London, SW1P 3JR.
4. We are grateful for all responses received. This summary paper aims to reflect the views offered but does not detail all the responses in detail.
5. The proposals were;
  - a) a zero across the board increase in existing fees and charges,
  - b) an extension of simplified permitting and associated reduced fees
  - c) an extension in the maximum duration for reduced fees under the mothballing scheme from 36 months to an indefinite period, and,
  - d) the removal of the £10 repeat transfer fee for mobile plant.

## Summary of Responses

### 1. Charging Freeze

7 comments. Business supported the freeze unanimously. 3LAs opposed it. The arguments against the freeze are that the income from the charges is already inadequate particularly for reduced fee, some A2, activities and, although there is a pay freeze, LAPC staff are still receiving annual incremental increases as they move to the next scale and this should be reflected in the charges.

#### Defra response:

As in previous years calculations on the appropriate variation in fees were linked to inflation and potential efficiencies and took account of the variable evidence on the cost of discharging the LAPC function and we will continue to monitor evidence from stakeholders.

### 2. Extension of Simplified Permitting and Associated Reduced Fees

4 comments. 2 LAs opposed the extension and 1 was equivocal. 1 business response supported the proposal. LAs were concerned that if the proposal should go ahead some serious thought should be given to matching income to the LA's costs incurred. It was also said that existing activities with simplified permits are often more trouble than standard activities.

#### Defra response:

Following public consultation on simplified permitting in 2008 the debate is now about how to best deliver simplified permits, not whether they would be introduced. We recognise that there could be some cases where a simplified permit is not appropriate due to complexity of the operation and are working with stakeholders to define in what circumstances this would be the case.

### **3. Extension of Mothball Scheme**

3 comments, 2 from business and 1 from an LA, all of which were supportive.

#### **Defra response:**

The mothball scheme has been in place since 2009 and both LAs and business are comfortable with the arrangements. We will continue to monitor its usefulness.

### **4. Removal of the £10 repeat transfer fee for mobile plant**

3 comments, 2 from business and 1 from an LA. The business responses supported the proposal. One LA argued for its retention on the grounds they had a good relationship with the local hire company and recorded all transfers and charged once at the end of the year.

#### **Defra response:**

Our view is that on the evidence of the consultation and the advice of the Industrial Pollution Liaison Committee, this LA comment is atypical and that this fee should be removed.

### **5. Other Comments**

There were concerns expressed from 4 LAs that fees are generally too low for reduced fee activities and some A2s, particularly Rendering Plant.

1 LA suggested adding the late payment fee to the following year's subsistence fee rather to save the cost of invoicing twice. It was argued that invoicing barely covers the administration involved and a discussion of the matter at the regional LA pollution group had revealed that some LAs had assessed the fee and decided it did not meet their costs and were relying instead on the suspension or threat of revocation of Permits.

#### **Defra response:**

We are aware that some individual installations demand more time and resource from local authorities in regulating them due to their specific characteristics or local circumstances, and this is reflected in each facility's risk rated fee. We, like the Environment Agency, have as yet to identify a mechanism by which costs incurred in excess of the high-risk charges in one-off cases are recovered by the regulator, short of allowing time-and-materials charging.

We agree that the adding late payment fee to the following year's subsistence fee represents a more efficient means of collection although there may be some rare instances where operations change hands where it would not work. We have put the proposal to our Industry and local authority national committees and both were supportive, so we intend to proceed with its introduction for 2012/13.

1. Aggregate Industries
2. Bradford Metropolitan District Council
3. British Glass
4. City of York Council
5. Derbyshire Dales District Council
6. Greenwich Borough Council
7. Harlow Council
8. Hull & Goole Port Health Authority
9. London Borough of Newham Pollution Control Team
10. London Borough of Greenwich
11. Marine Painting Forum
12. Rochdale Council RMI Petrol Retailers Association
13. Scottish Environment Protection Agency
14. Wakefield Council