

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

# **Smarter Environmental Regulation Review**

## **Phase 1 report: guidance and information obligations**

**Executive Summary**

**16 May 2013**

# Executive Summary

Over recent decades, successive governments have built a framework of environmental regulation that has transformed the way we treat and value our environment in England. However, this framework has evolved in a piecemeal way and it now consists of hundreds of laws, guidance documents and procedures. Evidence from the Red Tape Challenge (RTC) exercise<sup>1</sup> showed that the framework can appear fragmented, overlapping, inconsistent and complex. For some businesses this may act as a barrier both to effective compliance with their environmental obligations and to growth.

The purpose of this review, launched in July 2012, is to investigate opportunities to reduce regulatory burdens whilst increasing the effectiveness of delivering environmental benefits. A thorough approach has been taken to understanding the problems from a user perspective and to considering how to address them, including how to build on improvements already under way. This includes, for the first time, systematically mapping the stock of environmental legislation, together with the associated guidance, information obligations (IOs) and inspections, as well as carrying out detailed sector case studies.

This report covers the evidence and measures to reform environmental guidance and IOs. The process of gathering evidence and developing proposals has been done in collaboration with regulators, business leaders, trade associations, Civil Society and others with a shared interest in improving both the regulatory framework and outcomes. A group of leading experts on environmental regulation has acted throughout as critical friends, guiding and challenging the development of proposals. Stakeholder engagement culminated in a 200 plus stakeholder event hosted by the Aldersgate Group and Microsoft on 19 September 2012.

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<sup>1</sup> Defra (2012) Red Tape Challenge – Environment Theme Proposals:  
<http://www.defra.gov.uk/publications/files/pb13728-red-tape-environment.pdf>

# Guidance

## Background

There is a large amount of guidance on environmental regulation, with our mapping exercise finding around 6,000 documents covering more than 100,000 pages. The information relevant to any single business is often contained in several dozen overlapping documents issued by different organisations, in different formats and styles, making it very difficult and time consuming to find out what they need to do to comply. It is particularly hard for smaller businesses and those starting new businesses. The solution businesses consistently favoured through the case studies was to make it much simpler, quicker and clearer to find the information they need to be able to comply with environmental regulations.

## Reforms

Defra and its regulators will work with the Government Digital Service (GDS) as it migrates government websites onto the [www.gov.uk](http://www.gov.uk) platform to:

- provide user-friendly guidance on each environmental topic that helps to give businesses and others confidence about what they need to do to comply with the law;
- retain more detailed and technical guidance or materials where there is a clear user need that the Government is best placed to meet;
- provide tailored access to information and answers for less specialist readers;
- archive or find alternative organisations to host other documents.

Our ambition is to do as much of the work as possible by the time Defra agencies' websites migrate to [www.gov.uk](http://www.gov.uk) at the end of March 2014. We are aiming to complete the first component above and to have made significant progress towards the second and third. The work has been informed by a pilot phase, carried out last year on biodiversity guidance, and is being done in partnership with industry and other users of the guidance.

# Information obligations

## Background

Requirements in environmental regulations to provide information have developed incrementally with around 250 separate obligations in total. This includes both the information required as part of registration or permitting processes as well as information required as part of ongoing monitoring. The review highlighted instances where information is reported at multiple times of year in different formats to different locations. There is a high degree of duplication in reporting basic identification information with more limited duplication in the required environmental information. It is not always clear to businesses why information is reported and how it is used.

Behind the scenes, there are many databases across different regulators with limited interoperability. This makes it harder for regulators to share information and target regulatory resources as effectively as possible. It also makes it harder to make information transparent to the public and others. Our aim is to simplify information obligations and reduce transaction costs for businesses and regulators as far as we can. It is also to manage information more coherently to help release the highest value from the information we collect.

## Reforms

Defra and its regulators will:

- do a root and branch review of each obligation to make sure it is needed and used and prepare a plan to implement the changes identified. Unnecessary requirements will be removed as soon as practical;
- work with the GDS to simplify the way information is collected and managed for one obligation;
- establish how far this can be simplified for other obligations and over what timescales.

Our ambition is to do this by March 2014.

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This document/publication is also available on our website at:

<https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs/series/better-regulation-red-tape-challenge>

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