



Department  
for Environment  
Food & Rural Affairs



Llywodraeth Cymru  
Welsh Government

## **Consolidation of the Environmental Permitting (England and Wales) Regulations 2010 (as amended)**

Dear consultee

I write to inform you of the statutory consultation regarding Defra's and the Welsh Government's intention to consolidate the Environmental Permitting (England and Wales) Regulations 2010 (EPR 2010), as amended.

I attach a copy of the draft Environmental Permitting (England and Wales) Regulations 2016. They consolidate the EPR 2010, as amended by 12 statutory instruments (SIs) to date (see <http://www.legislation.gov.uk/all?title=environmental%20permitting> for links to all those SIs (ignoring the four pre-2010 SIs at the bottom of the page)). The draft also takes account of amendments made by other legislation to reflect the up-to-date legal position. Nonetheless, there are a few comment boxes in the draft where we are aware that it is not yet correct and which we will be addressing before the consolidated Regulations are laid.

There are likely to be further amendments to the EPR 2010 that will be drawn into the consolidation before the consolidated Regulations are laid, on which we have consulted already or are currently doing so. These include proposals to incorporate flood defence consenting into the environmental permitting regime; and strengthening the enforcement powers of the Environment Agency and Natural Resources Wales to tackle waste crime and poor performance in the waste industry.

I attach a correlation table that will assist in identifying where provisions of the EPR 2010 have ended up in the draft Regulations (whether omitted, moved or in the same place).

As there is no change in policy contained within the consolidation, we are not re-opening discussions on policy issues, nor on the overall structure of the draft Regulations. We are seeking comments solely on the consolidation and the changes made as part of that. For example, please do let us know of any actual errors in the drafting that you identify. Please refer to the relevant page number when commenting to make the references clear.

We would also like to draw to the attention of English stakeholders our proposal to postpone the statutory review of EPR 2010, which applies in England only, as provided for in the Environmental Permitting (England and Wales) (Amendment) Regulations 2012. Originally planned for 2017, we are proposing to delay the review by two years to 2019, so that we can incorporate into it a review of the inclusion of flood defence consenting and fish pass approvals into the environmental permitting regime.

We aim to lay the consolidated Regulations before Parliament and the National Assembly for Wales during the second half of 2016, with a view to them coming into force on 1 January 2017.

### **Consultation Criteria**

This consultation is in line with the Consultations Principles found at:

<http://www.cabinetoffice.gov.uk/resource-library/consultation-principles-guidance>

### **Responses**

Please send any comments to the Environmental Permitting policy team, Defra, Room 631 Millbank c/o Nobel House, Smith Square, London SW1P 2JR, or by e-mail to [eppadministrator@defra.gsi.gov.uk](mailto:eppadministrator@defra.gsi.gov.uk); or, in Wales, by post to Radioactivity and Pollution Prevention Branch, Floor 3 South, Welsh Government, Cathays Park, Cardiff CF10 3NQ, or by e-mail to [RPPMailbox@wales.gsi.gov.uk](mailto:RPPMailbox@wales.gsi.gov.uk).

The closing date for the consultation is 27 October 2015 (10 weeks).

*E.Bailey*

Eddie Bailey  
Environmental Permitting policy