



Non-qualifying regulatory provisions

Summary report

Business impact target reporting period: 2015 to 2017

We are the Environment Agency. We protect and improve the environment.

We help people and wildlife adapt to climate change and reduce its impacts, including flooding, drought, sea level rise and coastal erosion.

We improve the quality of our water, land and air by tackling pollution. We work with businesses to help them comply with environmental regulations. A healthy and diverse environment enhances people's lives and contributes to economic growth.

We can't do this alone. We work as part of the Defra group (Department for Environment, Food & Rural Affairs), with the rest of government, local councils, businesses, civil society groups and local communities to create a better place for people and wildlife.

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Foreword

This is a summary of all non-qualifying regulatory provisions (NQRPs) for the business impact target (BIT) annual reporting period 2015 to 2017. It includes NQRPs that have:

- come into force
- ceased to be in force
- changed during the BIT annual reporting period

The Regulatory Policy Committee (RPC) has certified that our NQRP summary for 2015 to 2017 is complete.

Excluded category	Summary of measure(s), including any impact data where available
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A: EU and international	<p>We have continued to fully implement the requirements of the EU Industrial Emissions Directive (IED). The Directive brings 7 directives into one and has introduced new rules to prevent or reduce emissions to air, land and water.</p> <p>We introduced a cost-benefit analysis tool to inform applications for derogation from the requirements of the IED. We also updated our Regulatory Guidance Note No.2: Understanding the meaning of regulated facility, to provide interpretation and clarification of the Directive's requirements.</p> <p>To further support implementation of the IED, we published guidance and forms on the Transitional National Plan trading scheme for operators of large combustion plants, such as power stations.</p>
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A: EU and international	<p>-----</p> <p>We published updated performance standards for continuous ambient air quality monitoring systems in accordance with the requirements of Directive 2008/50/EC on ambient air quality and cleaner air for Europe.</p> <p>Using a waste stream approach, we re-focussed our compliance resource to ensure compliance with separate collection directed at collectors, major mixed dry recyclables (MDR) producers and sites accepting MDR. This change related directly to the revised Waste Framework Directive, specifically the introduction of the change that member states must set up separate collections for at least paper, metal, plastic and glass.</p> <p>We introduced quality protocol checker tools for outputs from anaerobic digestion and pulverised fuel ash. Quality protocol checker tools help businesses comply with EU end-of-waste regulations by providing a checklist to assess whether their material is produced according to a relevant quality protocol, so whether it is a waste or not.</p> <p>We published revised guidance on assessing permit applications for the recovery of waste on land to better align with the EU Waste Framework Directive definition (RPC17 – Defra EA – 3873).</p> <p>We also published a methodology that sets out how a substance is determined as hazardous for the purpose of the Groundwater Directive.</p> <p>None of the changes of European origin place additional burdens on business beyond those required under EU legislation, that is, no gold-plating has occurred.</p>
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B: Economic regulation	Following consideration of the exclusion category, there are no measures for the reporting period that qualify for the exclusion.
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C: Price control	Following consideration of the exclusion category, there are no measures for the reporting period that qualify for the exclusion.
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D: Civil emergencies	We published guidance on preventing pollution from cleaning and disinfection following animal disease outbreaks, for example foot and mouth.
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E: Fines and penalties	We introduced a new redress scheme, giving the victims of environmental crime the right to review decisions not to prosecute those suspected of committing offences in certain circumstances. The opportunity only arises in criminal investigations where a victim (defined
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	as a natural person who has suffered harm or economic loss directly caused by a criminal offence, or the family members of a person whose death has been caused by a criminal offence) has been identified.
F: Pro-competition	Following consideration of the exclusion category, there are no measures for the reporting period that qualify for the exclusion.
G: Large infrastructure projects	Following consideration of the exclusion category, there are no measures for the reporting period that qualify for the exclusion.
H: Misuse of drugs/National Minimum Wage	Following consideration of the exclusion category, there are no measures for the reporting period that qualify for the exclusion.
I: Systemic financial risk	Following consideration of the exclusion category, there are no measures for the reporting period that qualify for the exclusion.
K: Industry codes	<p>We worked with industry on a code of practice for using surface water source heat pumps and a national quality mark scheme for land contamination management.</p> <p>These changes have been driven by industry and trade bodies, not by us.</p>
L1: Casework	<p>Within England the Environment Agency is responsible for:</p> <ul style="list-style-type: none"> - regulating major industry and waste - the treatment of contaminated land - water quality and resources - fisheries - inland river, estuary and harbour navigations - conservation and ecology <p>We are also responsible for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.</p> <p>The summary information below reflects the diversity of what we do. No activities listed in this section represent a change in the burden of regulation placed on business, except where these result from a separate qualifying regulatory provision that has been assessed.</p> <p>Based on available data:</p> <p>Permitting decisions</p> <p>Our National Permitting Service completed 25,458 permit determination decisions. 369 of these decisions were permit variations to secure the required environmental outcomes from the Water Company Periodic Review process (asset management plan outputs).</p> <p>Area teams completed 658 permit determination decisions across the entire radioactive substances regulation environmental permitting regime.</p> <p>We issued 4,802 permits to move live fish to or from fisheries.</p> <p>We issued 1,484 authorisations for commercial fishing.*</p> <p>* These figures relate to the 2015 and 2016 calendar years.</p>

Authorisations are granted on a seasonal basis and are compiled over each calendar year.

Appeals against permitting decisions

Our National Permitting Service received 24 appeals against permitting decisions.

Appeals against regulatory decisions

We carried out 33 independent internal reviews of regulatory decisions we made under the provisions of the Regulators' Code.

Compliance assessment advice

We issued 36,250 compliance assessment report (CAR) forms for permitted waste operations and facilities which carry out industrial processes; 28,800 CAR forms and letters for permitted water discharge activities; approximately 6,500 compliance inspection report forms to water abstraction and impoundment licence holders, and 2,135 CAR forms across the entire radioactive substances regulation environmental permitting regime.

Registrations

We registered 352,359 exempt activities and de-registered 8,829 under the Environmental Permitting Regulations.

We registered 920 commercial boats.

National Trading Regulatory Services

We issued 1,287 consents for international waste shipments. 13 of these were for radioactive wastes.

Producer responsibility laws cover packaging, electrical and electronic equipment, batteries and end of life vehicles. Our Producer Responsibility Regulatory Service handled 13,652 registrations and carried out 12,838 compliance assessment actions.

Our Climate Change Trading and Regulatory Services registered 7,344 entrants and de-registered 730, completed 1,182 permitting decisions, received 11 appeals, carried out 3,299 compliance checks and issued 280 civil penalty notices for climate change regimes.

Enforcement activity

427 prosecution cases were completed in this period.

153 formal cautions were accepted.

517 enforcement notices were served.

We sent 1721 warning letters.

We used civil sanctions on 90 occasions.*

* These are sanctions issued under the Regulatory Enforcement and Sanctions Act 2008.

L2: Education, communications and promotion

We published our position setting out how we will take account of the Land Forum's national quality mark scheme for land contamination management.

We worked with industry on the 'Right waste, right place' campaign to help waste producers meet their waste duty of care obligations.

We continued to support the Oil Care Campaign, a joint initiative between the UK environmental regulators, professional bodies, and industry to help oil users reduce pollution risks and to promote collection and reuse of used oils.

None of the material produced creates a new regulatory standard that businesses will be expected to follow. Attendance at educational and promotional events is not compulsory.

L3: Activity related to policy development

We published river basin management plans for 8 river basin districts. These plans provide a framework for protecting and enhancing the benefits provided by the water environment.

We also published sector strategies for our 13 waste and industrial process regulatory sectors. These show important statistics and the sector strategies for 2016 to 2020.

Neither of these policy development activities represent a change in the burden of regulation placed on business, except where these result from a separate qualifying regulatory provision that has been assessed.

We carried out 11 national external consultations with stakeholders.

L4: Changes to the organisation and management of regulator

We have moved from 16 to 14 areas. The alignment of our public facing boundaries with Natural England provides a common geographical platform to focus on joint local priorities and make the most of our available resources across the Department for Environment, Food and Rural Affairs (Defra).

We are part of the Defra group transformation programme to change the way we work together in future. This includes estates rationalisation, the creation of corporate centres for human resources, information technology, finance and communications to create a simpler and better service for customers, with less duplication and improved performance.

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