
The Environmental Permitting (England and Wales) (Amendment) (No. 3) Regulations 2015

Department for Environment, Food and Rural Affairs

RPC rating: validated

The IA is now fit for purpose as a result of the Department's response to the RPC's initial review. As first submitted, the IA was not fit for purpose.

Description of proposal

The proposals have strengthened the Environment Agency's ability to suspend environmental permits where an operator has breached its permit, resulting in a risk of pollution. The proposal also removed the requirement for the Environment Agency to make an application to the High Court to enforce compliance.

Impacts of proposal

The Department states that the proposals have not introduced new powers; they have modified the enforcement of existing powers. As such, they have only affected businesses that were non-compliant with the conditions of their existing environmental permit. The Department, therefore, expects that there will be no direct cost to compliant businesses.

This will be a qualifying regulatory provision which will score under the business impact target. The RPC is able to validate an EANDCB of zero.

Quality of submission

Following the RPC's initial review, the Department has included a greater level of information regarding the activities of the Environment Agency and the source of its funding. The IA would further benefit by explicitly stating that licence fees paid by compliant businesses will not increase, although this is implicit in the IA.

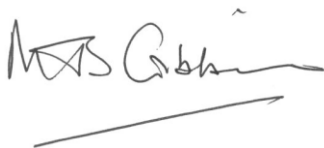
The Department has not included any potential familiarisation costs for compliant businesses. These are extremely unlikely to make a material difference to the EANDCB as costs are likely to be negligible. The IA would, however, be improved if they were included before publication.

Departmental assessment

Classification	Qualifying regulatory provision (zero)
Equivalent annual net cost to business (EANCB)	Zero
Business net present value	Zero

RPC assessment

Classification	Qualifying regulatory provision (zero)
EANCB – RPC validated ¹	zero
Business Impact Target (BIT) Score ¹	zero
Small and micro business assessment	Not required (fast track low-cost regulation)
RPC rating (of initial submission)	Not fit for purpose



Michael Gibbons CBE, Chairman

¹ For reporting purposes, the RPC validates EANCB and BIT score figures to the nearest £100,000.