
Enhancement of Environment Agency enforcement powers

Environment Agency

(Department for Environment, Food and Rural Affairs)

RPC rating: validated

Description of proposal

The Environmental Permitting (England and Wales)(Amendment)(No.3) Regulations 2015 broadened the Environment Agency's powers to suspend environmental permits following a breach of the conditions of the permit. The RPC previously opined¹ on the legislative changes ([RPC-3381\(1\)-DEFRA](#)). The legislative changes included enabling the regulator to specify steps that businesses must take to resolve the breaches of permit conditions and avoid the risk of serious pollution. This opinion relates to the regulator's implementation of the changes.

The regulator's assessment is that the implementation does not go beyond the changes covered by the RPC's previous opinion

Impacts of proposal

The regulations cover the permits required by 'regulated facilities' in relation to the recovery and recycling of waste. Across the nine types of regulated facility, the regulator estimates that there are currently around 14,000 permits. The changes, as confirmed in the previous RPC opinion, will only affect non-compliant businesses with no material effect on compliant businesses. The previous submission estimated that fewer than 1% of permits were associated with non-compliant behaviour.

As the implementation of the measure does not go beyond the changes assessed in the impact assessment produced for the legislative changes, the RPC can confirm that the regulator's implementation of the requirements should be considered as a qualifying regulatory provision with an equivalent annual net direct cost to business (EANDCB) of zero for business impact target purposes.

Quality of submission

The submission provides a good example of the type of information necessary to confirm the effects of a regulator's implementation of changes assessed in the

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/531418/RPC-DEFRA-3381_1_-_Waste_crime.pdf

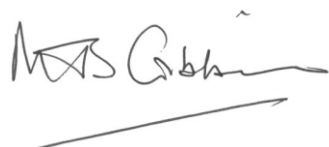
impact assessment for legislative changes. It sets out in an appropriate level of detail the effect of the changes, the number of businesses affected and refers to the relevant RPC opinion for the legislative changes.

Departmental assessment

Classification	Qualifying regulatory provision (IN)
Equivalent annual net cost to business (EANCB)	Zero
Business net present value	Not applicable
Societal net present value	Not applicable

RPC assessment

Classification	Qualifying regulatory provision (IN)
EANCB – RPC validated ²	Zero
Business Impact Target (BIT) Score ¹	Zero
Small and micro business assessment	Not required (regulator activity)



Michael Gibbons CBE, Chairman

² For reporting purposes, the RPC validates EANCB and BIT score figures to the nearest £100,000.