

Environmental Permitting Programme

Second consultation

London - 7th November 2006

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Environmental Permitting Programme (EPP)

- **Joint Defra, Environment Agency & WAG programme**
- **2nd consultation launched 13/9/06 containing**
 - **revised policy, draft regulations and revised RIA (almost £90m savings in administrative burden)**
- **Separate Defra / DCLG consultation launched (13/9/06) on the planning and pollution control interface**

Features

Risk-based

Capable of extension

Increased compliance

Easily understood

Consistency

Avoids prescription

Integration

Uniformity



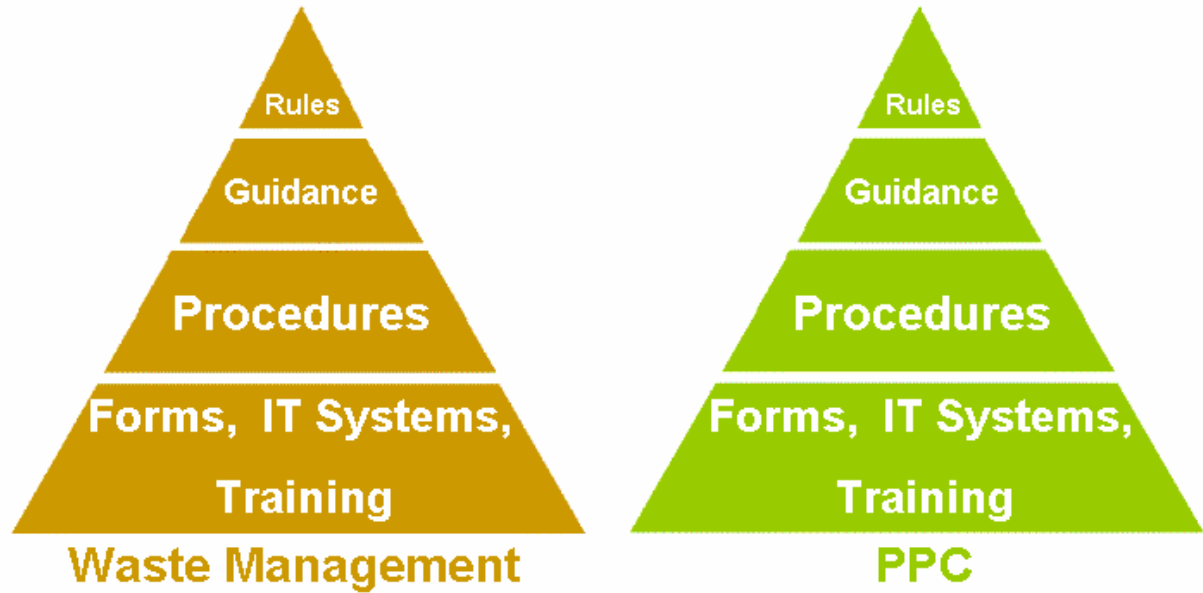
Benefits

Better protection of the environment

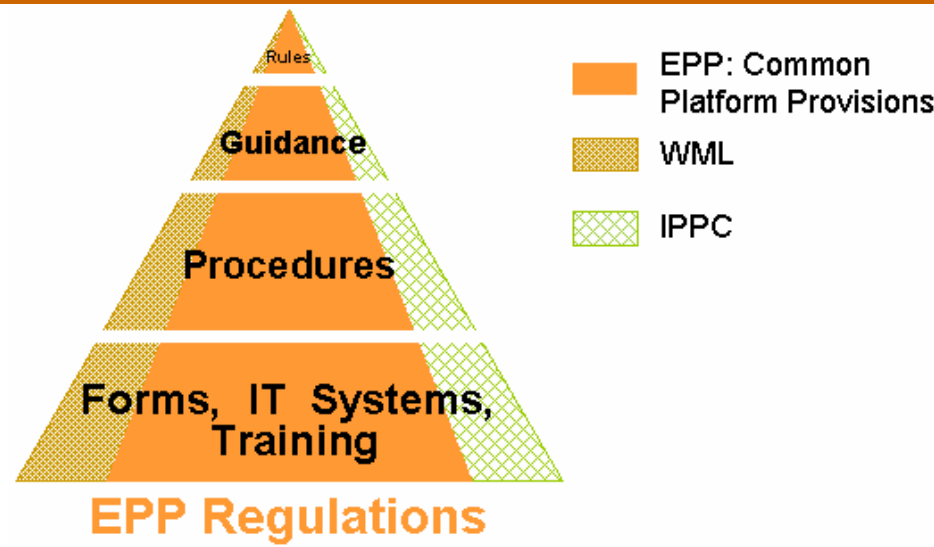
Cost Savings

Stakeholder confidence

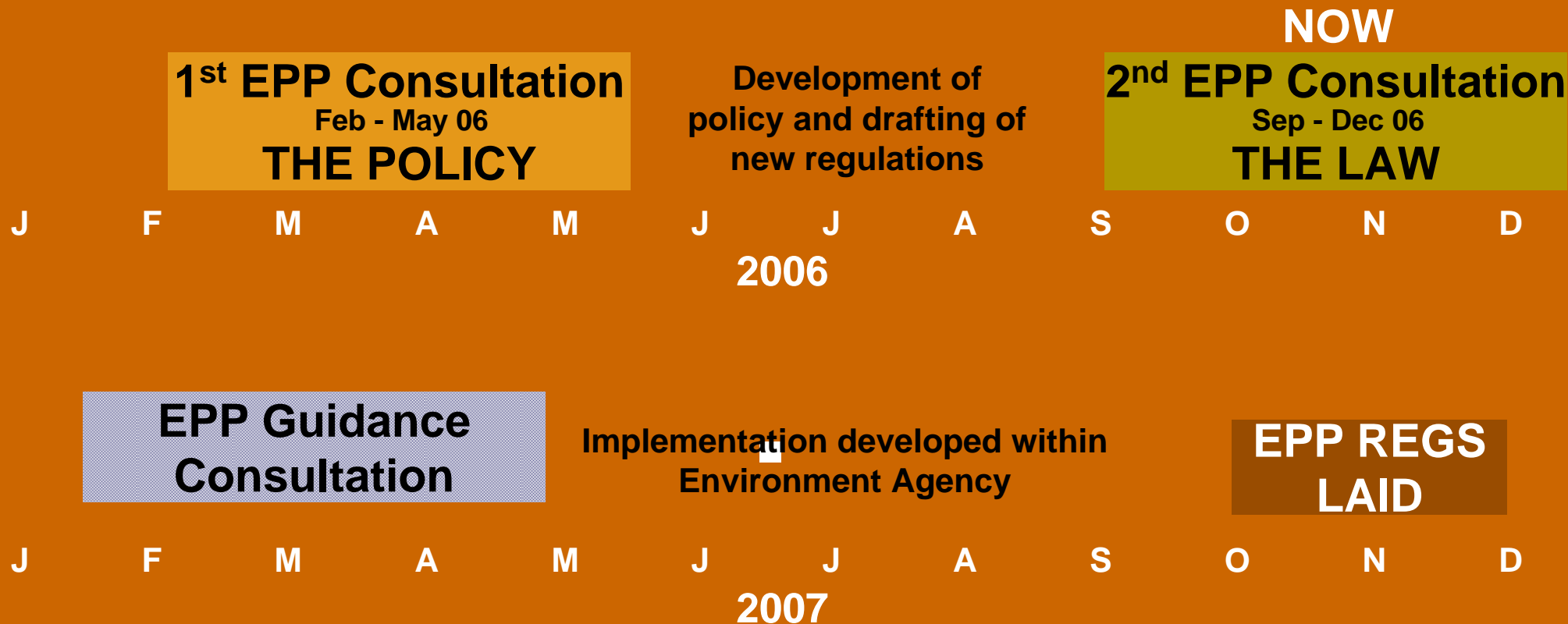
How does it feel now?



How might it feel under EPP?



Timeline of EPP



Planned 'Go-live' date - April, 2008

Outcome of First Consultation

- **Broad support with the direction of travel and for**
 - **a common system for waste and PPC**
 - **moving to a more risk-based and proportionate system and not “one-size-fits-all”**
 - **simple transition and avoiding fresh applications**
 - **subsequent expansion ... but only if it works**

Revised Policy Proposals in the Second Consultation - 1

- **More butts...**
 - all wanted to see the detail including
 - the Regulations; and
 - the Guidance... ■
 - some specific areas of concern

- **We have been listening and changed some of the proposals in the Second Consultation...**

Revised Policy Proposals in Second Consultation - 2

- Original proposal – no appeal if application ‘deemed withdrawn’ where further information not supplied...
 - to remove ‘freeloaders’ & drive efficiency
- Revised proposals
 - contain safeguards (e.g. giving reasons) and...
 - allow an independent decision (appeal) on whether information is really needed

Revised Policy Proposals in Second Consultation - 3

- **Concern about statutory defences**
- **Original proposals**
 - **extended the emergency defence to PPC but**
 - **remove the due diligence defence from waste sites**
- **Revised proposals examine**
 - **the due diligence defence in detail**
 - **the concerns raised by consultees but**
- **Maintain the original proposals for a common system**

Revised Policy Proposals in Second Consultation - 4

- **Concern about exemptions**

- **separate review which will consider exemptions in general and the boundary with permitting**
- **has just started – a statement will be issued shortly**
- **no transfer of complex exemptions to standard rules permits yet**

Revised Policy Proposals in Second Consultation - 5

- **Operator Competence**

- high level test in the law
- suggests a list of issues to address in guidance
- will be addressed in the guidance consultation in the New Year...

Revised Policy Proposals in Second Consultation - 6

- **Standard Rules Permits (optional) ...**
 - time for a mature debate
- **Original proposal - one statutory notice for everything**
- **Revised proposal - separate notices to avoid confusion**

Revised Policy Proposals in Second Consultation - 7

- **Multi-regulator multi-activity sites - no initial change but Annex IV proposes guidance which**
 - - **“favour[s] allocating regulatory responsibility based on which is the major activity on site” and which is the regulator for that activity**

EPP Regulations - 1

- Regulations aim to reflect the revised policy proposals
- To deliver a more risk based, proportionate and transparent system...

Existing Systems

More than 40 separate pieces of permitting law such as...

The Waste Management Licensing Regulations 1994

The Pollution Prevention and Control (England and Wales) Regulations 2000

The Waste Incineration (England and Wales) Regulations 2002

The Waste Incineration Directions

The Pollution Prevention and Control (Public Participation) Regulations 2005

Parts of the End of Life Vehicles Regulations 2003

The Landfill (England and Wales) Regulations 2002

The Environmental Protection (Prescribed Processes and Substances) (Amendment) Regulations 1992

The Large Combustion Plants (England and Wales) Regulations 2002

and many more...



New EPP Regulations

One set of clear regulations covering:

- who needs a permit
- who needs to register an exemption
- a single permitting and compliance system
- how directive requirements are delivered through permits

EPP Regulations - 3

- Separates procedural rules from substantive policy requirements
- Aim to empower industry and regulators
 -
- Powers are constrained by requirements
- Directive requirements are clearly identified and applied in permitting and compliance

EPP 2nd Consultation

- 2nd consultation launched
 - Containing: revised policy, draft regulations and revised Regulatory Impact Assessment (RIA)
- Deadline for comments 6 December 2006
- Available on EPP website ■
www.defra.gov.uk/environment/epp
- Email - epp@defra.gsi.gov.uk
- Guidance consultation to launch in early 2007