



Department
for Environment
Food & Rural Affairs

Environmental permitting

Consultation on the consolidation of the Environmental Permitting (England and Wales) Regulations 2010

A summary of responses to the consultation and government response

December 2015



Llywodraeth Cymru
Welsh Government



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Background

1.1 Defra and the Welsh Government launched a consultation exercise on 18 August 2015 for 10 weeks on the consolidation of the Environmental Permitting (England and Wales) Regulations 2010. The draft Environmental Permitting (England and Wales) Regulations 2016 were attached to the consultation.

1.2 Six respondents submitted comments: the NFU, UKELA, Dŵr Cymru Welsh Water, representatives from Serco and Sellafield Ltd and a group of Welsh local authorities. We are grateful to them for taking the time to consider and comment on the proposals set out in the consultation letter.

Summary of the views of respondents and government response

2.1 The two industry representatives made specific comments on the detail of the draft Regulations, one questioning a possible omission in Schedule 3, the other whether a useful link to a document on radionuclides could be included in the final Statutory Instrument. The local authorities' group also raised specific drafting issues.

2.2 UKELA welcomed the consolidation, noting that the draft Regulations continue with the practice of referential drafting (drafting by reference to specific provisions of EU instruments). They suggested providing clearer links to the EU Directives being re-transposed to improve accessibility. They also raised a point about whether the draft Regulations could be amended to clarify the position of mobile crushing plants.

2.3 Dŵr Cymru Welsh Water had no specific comments on the consolidation. However, they raised the issue of different regulatory provisions applying on each side of the border (eg in relation to regulating small sewage treatment works and the availability of enforcement undertakings in England) which they felt was complicating compliance.

2.4 The NFU asked a specific question about potential penalties associated with non-compliance with a permit or exemption to undertake works-in-rivers activities, once the flood defence consenting regime is incorporated into the Regulations.

Government response

3.1 The comments made by the two industry representatives, by the NFU and by the local authorities, have been taken on board or cleared by correspondence. Welsh Government have noted Dŵr Cymru Welsh Water's points about cross-border inconsistency, which is outside the scope of the consultation exercise.

3.2 We will look at UKELA's suggestion to improve links to EU Directives in the final Statutory Instrument. We note their comments about mobile crushing plant. This also is outside the scope of the consultation exercise; proposals on this would be subject to a separate consultation exercise.

3.3 Government will proceed to make the Environmental Permitting (England and Wales) Regulations 2016 with a view to them coming into force on 1 January 2017.