

Consultation response

**Environmental  
Permitting  
Programme:  
Consultation on  
Government Guidance**

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EEF, the manufacturers' organisation, has a membership of 6,000 manufacturing, engineering and technology-based businesses and represents the interests of manufacturing at all levels of government. Comprising 11 regional Associations, the Engineering Construction Industries Association (ECIA) and UK Steel, EEF is one of the UK's leading providers of business services in employment relations and employment law, health, safety and environment, manufacturing performance, and education and skills.

EEF is an advocate of the Government's attempts to combine the Waste Management Licence (WML) and Integrated Pollution Prevention & Control (IPPC) permitting regimes. From the outset we have commended DEFRA's Environmental Permitting Programme (EPP) team for their active engagement with stakeholders during the pre-consultative and consultative process. Future DEFRA proposals would benefit from a similar consultative approach.

We welcome the opportunity to comment on the third EPP consultation. Our answers to the three specific consultation questions are provided below. We have also taken the opportunity to voice our concerns on a number of general issues which are also included in this response.

**Q1 Does the *booklet* contain sufficient information, and if not what should be included?**

EEF believes that the booklet does contain sufficient information to provide an understanding of what EPP means for operators of waste management and PPC facilities. Aside from minor inconsistencies with the use/spacing of bullet points, we have no specific recommendations on how the booklet can be further improved.

**Q2 Does the style and content of the Environmental Permitting Guidance meet your needs, and if not why not? Does it strike an appropriate balance between specifying what is expected of regulators and leaving enough flexibility to regulate in the most appropriate way within the requirements of the legislation?**

We are supportive of the draft guidance. The document is generally well written and contains a number of useful illustrative guides to aid operators. However, there are instances where the guidance is guilty of over-complicating the messages it tries to convey. This complication could be easily resolved if, in these instances, a more punchy direct style of writing was employed. Alternatively, it would help if the messages were simplified by employing a Q&A on the technical aspects of the scheme as an annex or as an easily accessible download from the DEFRA website, and which was referenced in the guide.

The requirement in the guidance for "regulators to apply the regulations in proportion to the environmental risk presented by the regulated facility" and that "regulators should exercise their functions in an open and transparent manner" are welcome. However, the guidance contains a number of vague terms when

referring to regulator responsibilities/actions (e.g. should, normally, etc.). We would request that these vagrancies be clarified and suitable examples to support these statements provided.

We feel that the guidance does not go far enough in relation to permit variations. The introduction of EPP is an opportunity for the government to revise its policy on variations and make changes to make the system more sensible and fair to industry. Under the current system, operators are often charged for varying their permits, even when they make minor changes to their plant. Operators are also still charged for variations that improve the environmental performance of their site. Penalising companies for making environmental improvements is unhelpful and would appear to contradict the requirement in the guidance that states “the nature and extent of regulatory effort should be appropriate and proportionate to the risk posed by the facilities, the impact of those activities and the operator’s performance in mitigating the risks and impacts.”

Finally, we would encourage an explicit reference in section eight ‘Technical Competence’ of the guidance as to whether PPC operators are affected.

### **Q3 Do you think the form and model for the directive guidance is helpful, and if not why not?**

We support the decision to model the directive guidance upon ‘IPPC - practical Guide’. The guide is well regarded and provides a useful template for future directives which are incorporated under EPP. However, as previously mentioned in response to Q2, it is important that wherever possible the language remain simple, clear and succinct. Consistency in approach is also important.

### **General Comments**

Much has been made of the potential for EPP to achieve £90m in savings over five years. Whether industry actually realises these savings will be the key test for determining EPP’s success. To do this a clear and transparent mechanism to qualify industry savings against those projected in the RIA is required. We at EEF would welcome working in conjunction with DEFRA, the EA and other stakeholders to define a testing and reporting criterion to substantiate quantitative and qualitative cost savings.

In our response to the first EPP consultation EEF outlined that it was in favour of a voluntary system of standard rules (SR) permits as an option to business. Our argument against the inflexibility of a mandatory scheme was that it would not take into account site specific issues of PPC operators. We therefore welcome the government’s intention to adopt a voluntary approach to standard rules permits and would request that this principle is preserved as EPP develops.

The EA does not have a particularly successful record developing online reporting services. Its electronic PPC permitting application and its Pollution Inventory data service both experienced problems resulting in an increased burden for operators. We are aware that the EA has already trailed its online service for EPP with a select number of stakeholders. We would recommend that the results of this pilot exercise be published and consulted upon publicly.

We would encourage the devolved administrations of Scotland and Northern Ireland to implement the same approach to environmental permitting that is being adopted in England and Wales. An integrated EPP system will assist multi-site UK operations.

EPP permits and guidance are subject to change as technological and regulatory developments occur. We would hope that this process can be as effective and inclusive as the consultative stages of EPP implementation.

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