

## Response ID ANON-V8FE-5X4E-Y

Submitted to Environment Agency charge proposals from April 2018

Submitted on 2018-01-26 15:16:47

### Your details

#### Your email address

**Email:**

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### Section 1 - About this consultation

#### Section 2 - Setting our charges

##### Section 2.4 - Supplementary time and materials charges

1 Do you agree with the proposals to charge fixed charges where we have greater certainty over costs and time and materials in other instances?

Yes

If not, please explain why:

##### Section 2.8 - Transition from existing scheme to proposed scheme

2 Please tell us if you have any comments about the proposed transitional arrangements outlined in section 2.8.

**Comments:**

No comment.

### Section 4 - The model for the EPR charging scheme

4 We anticipate that there will be time saving for businesses if you no longer are required to complete an OPRA profile. Do you agree?

Yes

If not, please explain why:

5 How much time do you think will be saved by not having to complete an OPRA profile as part of a permit application? (in hours)

**Hours:**

Not known

6 Who usually completes the OPRA profile that is required when applying for a waste, installations or mining waste permit?

Third-party consultant

If other, please specify:

7 How much time do you think will be saved by not having to annually review your OPRA profile? (in hours, per year)

(in hours, per year):

1

8 Who usually completes the annual review of your OPRA profile?

Scientific or technical staff

If other, please specify:

#### Section 4.2.1 - Pre-application advice across all EPR regimes and sectors

9 Do you agree with the proposal to include only basic pre-application advice in all of our application charges?

Yes

If not, please explain why and how we might otherwise cover the costs incurred in relation to this regulatory work:

#### Section 4.3.1 - Discretionary enhanced pre-application advice service

**10 Do you agree with the proposal for a discretionary enhanced pre-application advice service?**

No

If not, please explain why and how we might otherwise cover the costs incurred in relation to this regulatory work:

Whilst we agree with the principle of a discretionary enhanced pre-application advice service being charged based upon an hourly rate and understand that this consultation only applies to 2018 charges, there is no indication in the document regarding the level of increase that will be applied in subsequent years. When publishing the 2018 charges it would be helpful if the level and rationale for ongoing increases in the rate of charges could also be indicated.

#### Section 4.3.2 - Non-discretionary supplementary application charges

**11 To recover our costs we intend to charge each time we review a waste recovery plan. Do you agree with this approach?**

No

If not, please explain why and how we might otherwise cover the costs incurred in relation to this regulatory work:

It is not reasonable to charge the same fixed fee for reviewing a new plan and a revised plan. Doing this would discourage minor amendments to existing plans that would require very little work to review them.

**12 Do you agree with our proposals to retain a proportion of the fee to cover costs associated with processing poor applications?**

Yes

If not, please explain why and how we might otherwise cover the costs incurred in relation to this regulatory work:

**13 Do you agree with the proposals to recovering additional costs for determining public interest applications through time and materials?**

No

**Do you agree with the proposals to recovering additional costs for determining public interest applications through time and materials?:**

On a matter of principle The Agency should treat all applications equally. The Agency's priority is to provide an impartial view about environmental impact guided by the principles of environmental protection. It is not the Environment Agency's responsibility to make judgements about public interest or views on an application. Therefore, whilst we accept that applications which generate more public or other interest are likely to result in additional use of Agency resource, charging more for sites of public interest is a political rather than an environmental decision. The planning authority is responsible for political decisions and the Environment Agency is responsible for protecting the environment. Additionally, the environmental sensitivity of a site may have no bearing on the levels of public interest in an application, so from the point of view of the Agency focussing on environmental protection, the application of additional charges where a site generates significant levels of public interest is unjustified, given the Agency's priorities. At a practical level, no information is provided about how the Environment Agency will determine whether an application is of high public interest or at what point this determination will be made such that additional charges will be incurred. The consultation document notes that determination will be made 'in accordance with our public participation statement' but this document is not included within the consultation documents provided so it is difficult to assess the acceptability of this approach. In addition, applications can be very difficult to predict, e.g. a single social media post can result in additional and unforeseen public interest in an application, which makes it difficult for the applicant to predict whether additional charges are likely to apply. So, whilst we appreciate the need for full cost recovery and that some applications will consume more resources than others, we are concerned about this proposal on a point of principle as well as the lack of transparency in applying such charges. It should not be the applicant that faces the financial burden resulting from increased public interest – it would be preferable if the additional costs resulting from increased public interest in specific applications could be shared across the whole the Agency's fees. As noted above, all applications should be treated equally, irrespective of levels of interest and reaction, the Environment Agency should be agnostic about levels of public interest, accordingly we object to these proposals.

**14 Do you agree with the fixed charge approach for application amendments during determination?**

No

If not, please explain why and how we might otherwise cover the costs incurred in relation to this regulatory work:

As noted in our response to Question 10 whilst we agree with the principle of a discretionary enhanced pre-application advice service being charged based upon an hourly rate and understand that this consultation only applies to 2018 charges, there is no indication in the document regarding the level of increase that will be applied in subsequent years. When publishing the 2018 charges it would be helpful if the level and rationale for on-going increases in the rate of charges could also be indicated.

In addition, at no point in the document is there any indication of whether there is an appeals process for challenging proposed additional charges. An appeals process should be in place for any application where discretionary additional charges are proposed to be imposed by the Environment Agency.

**15 Do you agree with our proposal to recover costs of determining permits using novel technologies through time and materials charging?**

No

If not, please explain why and how we might otherwise cover the costs incurred in relation to this regulatory work:

Variable and uncapped charging is a disincentive to applications for novel treatment methods. The applicant cannot control how much the Agency could spend

determining the application so may be reluctant to apply.

**16 Do you agree with our proposals to charge for further information requests not covered within the baseline charge?**

Yes

If not, please explain why and how we might otherwise cover the costs incurred in relation to this regulatory work:

**17 Do you agree with our proposal to use the new application fee as the basis for variation and surrender charges?**

Yes

If not, please explain why and how we might otherwise cover the costs incurred in relation to this regulatory work:

**18 Do you agree with our approach for discounting batch transfers to a single operator at the same time?**

Yes

If not, please explain why:

#### **Section 4.4 - Application for multiple activities under one permit**

**19 Do you agree with the approach we have used to cover our costs associated with determining permits at multi-activity sites?**

Yes

If not, please explain why :

#### **Section 4.6 - Supplementary subsistence charges (compliance stage)**

**20 Please tell us if you have any comments about the approach to annual subsistence charging outlined in sections 4.5 and 4.6.**

**Comments:**

No comment.

#### **Section 4.6.1 - Non-planned compliance work**

**21 Do you agree with our approach to charging for non-planned compliance work at permitted sites?**

No

If not, please explain why and how we might otherwise cover the costs incurred in relation to this regulatory work:

This proposal would create a financial incentive to undertake chargeable enforcement activity. There is no proposal for recourse to the Court so the Operator would have no opportunity to challenge the costs.

#### **Section 4.6.2 - A new charge at the commencement of operations**

**22 Do you agree with the additional charge to cover extra regulation work in the first year of operation on an activity?**

Yes

If not, please explain why and how we might otherwise cover the costs incurred in relation to this regulatory work:

**23 Do you agree that this first year charge should apply across all regimes and sectors under EPR or should it apply to some sectors only? (If so which sector/s?)**

All regimes and sectors

If you have answered some regimes and sectors only, please tell us which regimes and sectors it should apply to:

#### **Section 4.6.3 Pre operational and pre construction charges**

**24 Do you agree with our approach to charging for pre operational and pre construction?**

No

If not, please explain why and how we might otherwise cover the costs incurred in relation to this regulatory work:

The Agency has not provided a justification for why incinerators and co-incinerators should be treated differently to other activities.

#### **Section 4.7 - Subsistence charges for multi-activity operations**

**25 Please tell us if you have any comments regarding our proposed arrangements to recover regulatory costs at multi-activity sites?**

No

If not, please explain why:

#### **Section 4.8 - Permit Compliance**

**26 Do you agree with our interim arrangements for compliance rating outlined above?**

Yes

If not, please explain why and how we might otherwise cover the costs incurred in relation to this regulatory work:

#### **Section 4.9.1 - Flood and Coastal Risk Management**

**27 Do you agree with our proposals for flood and coastal risk management permitting charges?**

Yes

If not, please explain why:

**28 Please tell us if you have any comments in relation to our flood and coastal risk management proposals. In particular, do our proposals cover all activities you may undertake as an operator?**

**Comments:**

No comment.

#### **Section 4.9.2 - Radioactive Substances Regulation Nuclear Sites**

**29 Do you agree with the proposals outlined for Radioactive Substances Regulations Nuclear?**

Not applicable

If not, please explain why:

#### **Section 4.9.3 - Radioactive Substances Regulation non-nuclear Sites**

**30 Do you agree with our revised permit categories for disposal of radioactive waste from unsealed radioactive sources?**

Not applicable

If not, please explain why:

#### **Section 4.9.4 - Water Quality and Groundwater Discharges**

**31 Do you have any comments on our proposal to move from a charging scheme which considers the volume, chemical content and receiving water into which a discharge is made, to a simpler activity-based charging scheme?**

**Comments:**

No comment.

**32 Do you have any comments on the proposed approach to reflect the costs of Operator Self-Monitoring?**

Not applicable

If not, please explain why:

**33 For water sewerage companies we have proposed to phase the AMP6 EDM permitting workload across AMP6 and AMP7 to smooth the cost of introducing charges for these variations and to reduce permitting workload pressures. Details are to be confirmed by separate agreement. Do you agree to the proposed approach?**

Not applicable

If not, please explain why:

**34 Do you have any comments on the proposed approach to variation charges specifically relating to Water Discharge and Groundwater activity permits?**

**Comments:**

No comment.

**35 Do you have any other comments on the Water Discharge and Groundwater Activity Proposal?**

**Comments:**

No comment.

**Section 4.9.6 - Installations: Chemical Sector**

**36 Do you agree with our proposals for the installations: chemicals sector permit charges?**

Not applicable

If not, please explain why:

**Section 4.9.7 - Installations: Refineries and Fuels Sector**

**37 Do you agree with our proposals for the installations: refineries and fuels sector permit charges?**

Not applicable

If not, please explain why:

**Section 4.9.8 - Installations: Energy from Waste - incineration and co-incineration**

**38 Do you agree with our proposals for the installations: Energy from waste sector permit charges?**

No

If not, please explain why:

The supporting presentation on energy-from-waste which forms part of the suite of consultation documents justifies the new charges on the basis that all new incineration plants have to complete a set of pre-operational conditions (prior to commissioning) and improvement conditions after commissioning and therefore there is a cost to the Agency in assessing these. However, in our view the Agency has not offered an adequate explanation for levying a charge during the period between issuing a permit and the start of construction for a waste incinerator or co-incinerator when compared to other facilities. It could be several years between a permit being issued and construction starting and to levy a charge for what appears to be every year of that period in order for the Environment Agency to assess whether the pre-operational conditions are being met seems unjustifiable when compared to other facilities.

**Section 4.9.9 - Installations: Food and Drink Sector**

**39 Do you agree with our proposals for the installations: food and drink sector permit charges?**

Not applicable

If not, please explain why:

**Section 4.9.10 - Installations: Onshore Oil and Gas Sector**

**40 Do you agree with our proposals for the installations: onshore oil and gas sector permit charges?**

Not applicable

If not, please explain why:

**41 Do you agree with our proposal to introduce a time and materials charge for our regulatory work associated with Hydraulic Fracturing Plans?**

Not applicable

If not, please explain why and how we might otherwise cover the costs incurred in relation to this regulatory work:

**Section 4.9.11 - Installations: Paper, Pulp and Textile Sector**

**42 Do you agree with our proposals for the installations: paper, pulp and textile sector permit charges?**

Yes

If not, please explain why:

**Section 4.9.12 - Installations: Combustion and Power Sector**

**43 Do you agree with our proposals for the installations: combustion and power sector permit charges?**

Not applicable

If not, please explain why:

**Section 4.9.13 - Installations: Mining Waste Sector**

**44 Do you agree with our proposals for the installations: mining waste sector permit charges?**

Not applicable

If not, please explain why:

**Section 4.9.14 - Installations: Metals Sector**

**45 Do you agree with our proposals for the installations: metals sector permit charges?**

Not applicable

If not, please explain why:

**Section 4.9.15 - Installations: Cement and Lime Sector**

**46 Do you agree with our proposals for the installations: cement and lime sector permit charges?**

Not applicable

If not, please explain why:

**Section 4.9.16 - Intensive Farming Sector**

**47 Do you agree with our proposals for the installations: intensive farming sector permit charges?**

Not applicable

If not, please explain why:

**Section 4.9.18 - Waste: Land spreading (mobile plant) Sector**

**48 Do you agree with our proposals for the waste: land spreading (mobile plant) sector permit charges?**

Not applicable

If not, please explain why:

**Section 4.9.19 - Waste: Waste Transfer and Treatment Sector**

**49 Do you agree with our proposals for the waste: waste transfer and treatment sector permit charges?**

Yes

If not, please explain why:

**Section 4.9.20 - Waste: Landfill and Deposit for Recovery Sector**

**50 Do you agree with our proposals for the waste: landfill and deposit for recovery sector permit charges?**

Yes

If not, please explain why:

**Section 4.9.21 - Waste: T11 repairing or refurbishing waste electrical and electronic equipment (WEEE)**

**51 Do you agree with the above increase for a T11 exemption?**

Yes

If not, please explain why:

### **Section 5.2.1 - Water Abstraction Proposals for 2018/19**

**52 Do you agree with the proposal to reduce the Thames regional charging area Standard Unit Charge?**

Not applicable

If not, please explain why:

**53 Do you agree with the proposal to remove the River Arle (northern and southern reaches) from the list of supported sources in the Abstraction charging scheme?**

Not applicable

If not, please explain why:

### **Section 5.3 - Control of Major Accidents and Hazards (COMAH)**

**54 Do you agree with the proposed increase in our hourly rate charged for Control of Major Accidents and Hazards (COMAH)?**

Yes

If not, please explain why:

**55 Do you agree with the proposed introduction of a new charge for work on external emergency plans?**

Yes

If not, please explain why:

### **Section 5.4 - European Union's Emissions Trading Scheme (EU ETS)**

**56 Do you agree with the proposal to move from tiered charges to one flat rate annual subsistence charge for installations operators and one flat rate annual subsistence charge for aviation customers?**

Not applicable

If not, please explain why:

**57 Do you agree with the proposal to amend the registry charges?**

Not applicable

If not, please explain why:

### **Section 5.5 - Waste Electrical and Electronic Equipment (WEEE)**

**58 Do you agree with our proposed increases to large producer charges?**

Yes

If not, please explain why:

**59 Do you agree with our proposed increases to AATF and AEs charges?**

Yes

If not, please explain why:

**60 Do you agree with or proposal to introduce an annual subsistence charge for compliance schemes?**

Yes

If not, please explain why:

### **Section 6.1 - Definition of Waste services**

**61 Have you used our Definition of Waste panel service?**

No

Not Answered

**62 Do you use the waste quality protocols or other end of waste framework?**

No

**If yes, which?:**

**63 Do you support our proposal to recover the cost of providing Definition of Waste services outlined in section 6.1?**

Yes

**If not, please explain why:**

**64 Please tell us if you have any further comments on Definition of Waste Charging proposals.**

**Comments:**

No comments.

## **Section 6.2 - Planning advice**

**65 Do you agree with our proposed increase to the hourly rate charged for our bespoke spatial planning advice service?**

Yes

**If not, please explain why:**

**66 Do you have any concerns that the proposal to increase the charge for our discretionary planning advice service might compromise our ability to carry out our statutory planning advice duties?**

No

**If not, please explain why:**

## **Section 6.3 - Marine licensing advice**

**67 In line with our planning advice service, do you agree with our proposal to introduce a discretionary hourly rate service for our marine licensing advice service?**

Not applicable

**If not, please explain why:**

## **Section 7 - Future developments**

### **Section 7.2 - Forward Look for Abstraction Charges**

**68 Please tell us if you have any comments on our plans to review abstraction charges?**

**Comments:**

No comment.

### **Section 7.3.2 - Forward look for Navigation charges**

**69 What factors do you think should determine how we calculate the boat registration charge?**

**Comments:**

No comment.

**70 We would appreciate your comments and feedback to help develop our proposals. What would you like to see included within a revised boat registration charges scheme?**

**Comments:**

No comment.

**71 Please rate the following elements of service based on how important they are to you, using the key below? You can choose the same number more than once.(1 important/2 like/3 don't mind/4 could manage without/5 don't want or need/6 unsure)**



Please rate the following elements of service based on how important they are to you, using the key below? You can choose the same number more than once. (1 important/2 like/3 don't mind/4 could manage without/5 don't want or need/6 unsure) - Channel dredging:

Please rate the following elements of service based on how important they are to you, using the key below? You can choose the same number more than once. (1 important/2 like/3 don't mind/4 could manage without/5 don't want or need/6 unsure) - Tree and vegetation clearance:

Please rate the following elements of service based on how important they are to you, using the key below? You can choose the same number more than once. (1 important/2 like/3 don't mind/4 could manage without/5 don't want or need/6 unsure) - Assisted passage (staff to operate locks):

Please rate the following elements of service based on how important they are to you, using the key below? You can choose the same number more than once. (1 important/2 like/3 don't mind/4 could manage without/5 don't want or need/6 unsure) - Routine patrolling by staff on patrol launches:

Please rate the following elements of service based on how important they are to you, using the key below? You can choose the same number more than once. (1 important/2 like/3 don't mind/4 could manage without/5 don't want or need/6 unsure) - Compliance and enforcement checks:

Please rate the following elements of service based on how important they are to you, using the key below? You can choose the same number more than once. (1 important/2 like/3 don't mind/4 could manage without/5 don't want or need/6 unsure) - Provision of facilities (eg moorings/water/refuse and sewage disposal):

Other - please specify:

No comment.

**72 Do you have any other comments on the above plans to review Navigation charges and the boat registration charges scheme?**

Comments:

No comment.

**73 Would you be interested in attending a workshop to help us shape our new proposals? If so, please provide your contact details here:**

Details:

No.

## Section 8.1 - Comments on specific issues

**74 Please give us any further comments on our proposals which have not been covered elsewhere in the questions, ie if none of the questions throughout the consultation have enabled you to raise further specific issues with these proposals please set them out here with any accompanying evidence.**

Comments:

No comment.

**75 We would be interested in any analysis you have that suggests our proposals will influence the market conditions in your sector and whether there will be an impact on future investment decisions and on new entrants to the sector?**

**Please provide full evidence you have to support your answer along with any possible mitigating actions:**

No comment.

**76 Do you have any analysis that suggests the charge increases will impact on SMEs in your sector? If so, which companies are most likely to be affected and what do you think will be the consequences?**

Comments:

No comment.

**Please provide any evidence/data along with any mitigating options:**

## Section 8.3 - About you

**77 Please select from the following options:**

Responding on behalf of an organisation or group

**If you're responding on behalf of an organisation or group, please tell us who your responding on behalf of and include its type, eg business, environmental group.:**

North London Waste Authority - Statutory Joint Waste Disposal Authority.

**78 If you are responding on behalf of an organisation are you a Small or Medium-sized Enterprise (SME)?**

No

**79 You will receive an acknowledgement email and we will notify you when the consultation response document has been published.**

**Email:**  
martin.capstick@nlwa.gov.uk

### **Section 8.4 - How we will use your information**

**80 Can we publish your response?We will only publish parts of your response that do not contain any personal information.**

Yes

**If no, please tell us why below as we will need to understand this when responding to any Freedom of Information requests:**