

Response ID ANON-UCNN-4PP6-X

Submitted to Standard Rules Consultation No 28 - Proposals for a new standard rules permit for research and development at a Part A(1) Installation
Submitted on 2024-10-30 17:10:09

Introduction

What is your name?

Name:

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Your details

When we come to analyse the results of this consultation, it would help us to know if you are responding as an individual or on behalf of an organisation or group. Please select from the following options:

Responding on behalf of an organisation (Please specify which organisation or group you are responding on behalf of and include what type it is e.g.business, environmental group)

If you're responding on behalf of an organisation or group, please tell us who you are responding on behalf of.

text box for name of organisation:

REA - The Association for Renewable Energy and Clean Technology

What is your main area of business?

text box for business area:

Trade Association

Please tell us how you found out about this standard rules consultation No 28.

From the Environment Agency

Can we publish parts of your response that are not personally identifiable?

Yes

text box for why not publish response:

Questions on the draft standard rules

1 Do you agree with our proposal to use standard rules at permitted installations to allow R&D activities?

Yes

explanation of why not:

We support the proposal to introduce a standard rule permit for research and development (R&D) activities. The introduction of this standard rules permit should reduce regulatory uncertainty and help businesses plan and budget for R&D activities more effectively.

Given the diversity of R&D activities covered and range of sectors included, it is difficult to fully assess if the risk assessment and permit covers everything that is needed. We welcome the option to review and amend the permit post-publication based on feedback, and we encourage regular reviews of the permit to ensure it remains relevant to emerging technologies and practices. Clear guidance from the Environment Agency on the scope of activities covered by the standard rule will also be essential in fostering innovation without unnecessary administrative burden.

2 Do you agree with the requirements of the proposed standard rules for R&D?

No

text box to explain why not:

We generally agree with the proposed requirements. However, we are concerned that the 6-month time limit may be restrictive for many R&D activities, particularly those requiring longer testing periods or iterative development processes. We appreciate the opportunity to extend this period, but we recommend that the standard rule should allow for an initial 12-month permit to provide greater flexibility and reduce the need for frequent extensions. This would prevent additional administrative burden on both businesses and the EA, as operators will be less inclined to seek repeated extensions for projects that naturally require longer time frames to yield results.

3 Would any of the requirements prevent existing operators from using the proposed standard rules?

Don't know

text box to explain why rules cannot be used:

The timeframe for varying existing permits to include the R&D standard rule may discourage some operators. Feedback from industry suggests that the process of varying permits can often take many months, which could delay important R&D work and reduce the attractiveness of the standard rule. It would be helpful if the EA could clarify whether the process for R&D-related permit variations will be faster or streamlined compared to standard permit variations.

Another concern is the requirement to notify the EA at least 14 days in advance of any R&D activity and to obtain written agreement. While this process is understandable, it is not clear if written agreement will be achievable within this 14-day period. If delays occur, it could hinder time-sensitive R&D activities. Providing a clear timeline and expectations for the written agreement process would give operators more certainty in their planning.

Questions on risk assessment

4 Do you agree that the risks associated with the activity are identified by the generic risk assessment?

Don't know

text box for details of GRA not covering risks:

The generic risk assessment appears to be a reasonable starting point and balances the need for environmental protection with the flexibility required for a range of R&D activities. However, given the diversity of R&D projects across sectors, it's difficult to predict every potential risk. Operators would benefit from further guidance on how to handle unforeseen risks or activities that might fall outside the scope of the generic assessment. The requirement to assess emissions seems reasonable and gives an adequate level of environmental protection.

5 Do you agree with the approach for operators to assess each R&D activity using the H1 risk assessment tool?

No

text box for why do not agree with H1 approach:

While we agree with the use of the H1 risk assessment tool in principle, we believe that the tool itself is currently cumbersome and could be improved. Feedback from operators suggests that H1 lacks the robustness required for certain complex assessments, and it would benefit from being streamlined and updated. A review of the H1 tool's functionality, particularly in the context of R&D activities, would help to ensure it meets the needs of both operators and the Environment Agency. Improved usability would encourage more accurate assessments and reduce administrative delays.

Questions on notification form

6 Do you agree with the requirements for the notification form?

Yes

text box for why form is not sufficient:

Questions on the business impact

7 Are there any potential economic impacts, either positive or negative, that the introduction of the standard rules could have on your business?

Yes

text box to explain financial impacts:

The introduction of the standard rule permit could have a positive economic impact on businesses by providing clear, predictable costs and requirements for R&D activities. However, some businesses may be deterred if the permit variation process is not streamlined, as lengthy delays in obtaining permits can lead to significant financial costs. Additionally, if the H1 tool remains cumbersome or unclear guidance is issued, businesses could face additional costs related to compliance and emissions assessments. Ensuring that the process for permit variation and R&D activity approval is efficient will maximise the positive economic impacts by reducing administrative costs and delays.

Further comments

8 Please provide details of any research and development activity that might benefit from this approach.

text box for further comments:

If implemented correctly, this standard rule could support a wide range of innovative activities. Examples include trials of new biodegradable and compostable materials, particularly those aimed at reducing plastic pollution; development of advanced anaerobic digestion (AD) technologies to improve biogas yields and reduce operational costs; testing of enhanced composting techniques to improve the quality of organic materials and deliver better environmental outcomes; and innovation in emissions control technologies that could lower emissions and increase production efficiency.

However, we have concerns regarding the restriction in the standard rule that states, "These trials must be standalone activities rather than being incorporated with the existing processes." This limitation significantly hinders the potential for innovation within existing operational frameworks. Many R&D activities, especially in sectors such as AD, composting, and industrial emissions control, are most effective when they are integrated into existing processes to assess real-world impacts and benefits. By requiring trials to be standalone, the standard rule may inadvertently discourage operators from adopting it, as they are unable to test improvements in the context of their established systems. This restriction could undermine the value of the standard rule and reduce uptake by businesses that otherwise would benefit.

9 Please provide any further comments or observations that you would like us to consider as part of this consultation.

text box for other comments:

We would like to emphasise the importance of clear and concise guidance from the Environment Agency on what qualifies as an R&D trial under this standard rule. Operators have expressed concerns that past experiences with similar projects have led to confusion about which activities meet the criteria for trials. For instance, one REA member shared feedback regarding a project involving the addition of a plastic extruder and quantifying emissions, where it was deemed unsuitable for a trial due to not meeting the criteria. This kind of ambiguity creates uncertainty and could deter businesses from pursuing R&D activities under the standard rule.

Providing specific examples or case studies of acceptable R&D activities would help to alleviate these concerns. It would ensure operators clearly understand what is within scope and what limitations exist, particularly in areas like emissions assessment and process integration. Officers should provide reasoning behind decisions when certain activities do not qualify so that operators can better navigate future applications. This would enhance confidence in the process and ensure operators can plan their R&D activities more effectively without fear of unexpected roadblocks.