

Response ID ANON-RENP-JUDZ-J

Submitted to Environment Agency charge proposals for April 2025: Reducing waste crime and updating time and materials charges
Submitted on 2025-01-20 16:31:40

Introduction

How we will use your information

What is your email address?

Email:
mmuller-girard@r-e-a.net

Can we publish your response?

If you answered no, please tell us why.:

Yes

About you or your organisation

Are you providing an individual or personal response, or a response on behalf of an organisation?

b) responding on behalf of an organisation, group or trade association

If you chose (b) what is the name of the organisation, group or trade association?:
The REA

If you chose (c) please specify.:

If you are responding on behalf of an organisation how many people work there?

Not Answered

What is your main area of business?

waste

If you selected 'other' please specify.:

How did you find out about this consultation?

from the Environment Agency

If you selected 'other,' please tell us how you found out about the consultation. :

Please click 'continue' or select which of the following consultation questions you would like to view next.

Not Answered

Waste exemptions: background and registration charge proposal

Question 1: Do you agree or disagree with our proposed charge for the registration of waste exemptions?

agree

Do you agree or disagree with our proposed charge for the registration of waste exemptions?:

We are supportive of the EA improving resource allocation to better perform its regulatory duties, improve services for exemption/permit-holders, and increase enforcement of illegal waste activities by bad actors.

If the purpose of a registration charge is to discourage unnecessary registrations and increase overall resourcing to support necessary registrations, (e.g., registration of exemptions on digital system, support services, maintaining public register) in principle, we are supportive of this aim.

However, the approach must consider the reality of resources required and the appropriateness of any efforts made to fulfil these needs. For instance, while an anticipated £56 registration charge every 3 years is likely manageable for most operators, questions remain over whether the funds raised would be sufficient to practically deliver the intended services.

Waste exemptions: proposed 'common on-farm' compliance charge

Question 2: Do you agree or disagree with the waste exemptions included within our proposed 'common on-farm' compliance charge?

neither agree nor disagree

Why do you think this? (If relevant, please comment on any additional exemptions you would include in this list, or any exemptions you think should not be included.):

We largely agree with the waste exemptions included within the proposed 'common on-farm' compliance charge. However the list may not include all exemptions types typically held 'on farm'.

The proposed waste exemptions included in the 'common on-farm' category reflect activities commonly undertaken on farms and seem appropriate to qualify for reduced charges. However, in addition to the proposed exemptions, we'd suggest considering the further addition of T24 waste exemption: anaerobic digestion at premises used for agriculture and burning resulting biogas, which 'allows farmers to anaerobically digest manure, slurry and vegetation on their farms to produce digestate for use as fertiliser or soil conditioner.'

To ensure that non-farm operators are not able to easily exploit the benefits of this category of exemptions, provisions should be made to ensure that only registered farms are eligible to register these exemptions under the 'common on-farm' category.

Question 3: Do you agree or disagree with our proposed 'common on-farm' compliance charge?

agree

Why do you think this?:

We have no significant comments on the charge. A total on-farm compliance charge of £88 or the total cost of 'standard' compliance charges for waste exemptions (whichever is lower) provides a meaningful reduction compared to the non- 'common on-farm' charges. An £88 compliance charge for three years should be a manageable anticipated expense for most farmers and is proportionate to cover the EA's costs of providing the service.

Waste exemptions: proposed compliance charge banding

Question 4: Do you agree or disagree with the waste exemptions included within the proposed band 1 (see table 2) for waste exemptions?

neither agree nor disagree

Why do you think this? (If relevant, please indicate what if you would prefer.):

Whilst REA agrees that many of the exemptions included within the proposed band 1 – higher risk are appropriate, the actual risk associated with the exemption could depend heavily on the specifics of the activity, such as the type of material the activity relates to. For example, with S1- storing waste in secure containers – storing waste oils has a different environmental risk profile than storing glass. Similar could be said for S2, T4 and T12 where the risks depend on the material being handled. These bandings do not account for this degree of specificity and therefore may result in operators engaged in relatively low-risk activities being charged high compliance charges for activities that pose very low environmental risks.

T10 doesn't seem to fit in the high-risk category given the waste types and quantities that are permitted under this exemption.

Question 5: Do you agree or disagree with the waste exemptions included within the proposed band 2 (see table 3) for waste exemptions?

neither agree nor disagree

Why do you think this? (If relevant, please indicate what you would prefer.):

Question 6: Do you agree or disagree with the waste exemptions included within the proposed band 3 (see table 4) for waste exemptions?

agree

Why do you think this? (If relevant, please indicate what you would prefer.):

Waste exemptions: proposed upper band activity

Question 7: Do you agree or disagree with the waste exemptions included within the proposed upper band (see table 5) for waste exemptions?

neither agree nor disagree

Why do you think this? (If relevant, please indicate what you would prefer.):

None of the listed exemptions are directly relevant to the type of activities REA organics members carry out. We would encourage clarity around the plans to remove these exemptions, engagement with those who hold them and support to transition to permits.

Waste exemptions: proposed charges for the compliance bands

Question 8: Do you agree or disagree with our proposed compliance charges for waste exemptions, as shown in table 6?

neither agree nor disagree

Why do you think this? (If relevant, please indicate what you would prefer.):

REA agrees with the proposed charges but it would be useful if the EA could provide greater clarity about how they have assessed the various risk levels and estimated the regulatory efforts associated with each activity. We support alignment of the fees with the level of regulatory effort required, helping to ensure that the Environment Agency has the resources necessary to carry out effective oversight and enforcement. We have concerns that the charge for the band 3 at £30 is unlikely to cover even the minimal administrative and enforcement costs associated with these activities.

Question 9: Do you agree or disagree with our proposed additional compliance charges for multiple waste exemptions, as shown in table 7?

agree

Why do you think this? (If relevant, please indicate what if you would prefer.):

REA agrees with the approach that there are likely to be efficiencies associated with multiple exemptions registered by a single operator (e.g., by conducting multiple checks for several exemptions on a single site visit vs. conducting checks for individual exemptions registered by different operators) and that any resultant reduction in the EA's admin costs should be reflected in the structure of compliance charges levied against operators.

Previously there has been some level of confusion about the ability to combine exemptions. Clarity on whether and how exemptions can be combined would be useful for industry so there is no potential confusion particularly if introducing additional charges for multiple exemptions. This guidance should be published and well-communicated.

Waste exemptions: affordability

Question 10: Do you agree or disagree with our view on affordability?

agree

Why do you think this? If relevant, please provide evidence to support your response.:

As UK farmers experience mounting challenges caused by increasing extreme weather as well as market- and government-led constraints, we are supportive of the proposed relief for regulated waste activities common on farms.

Question 11: Some waste exemptions are registered by charities or trusts. Do you think operators using exemptions for charitable purposes should pay for them?

disagree

Why do you think this?:

No, they should not pay anything.

As long as there are suitable checks in place to ensure the charity or trust is registered, then the fee should be waived for these operators. Given this is only relevant to 2% of registered exemptions, the overall impact of waiving the fee will be limited.

Are there any other options you would suggest?:

Waste exemptions: other questions

Question 12: Do you agree or disagree with our proposal to offer operators who transition to an environmental permit a partial refund of the compliance element of the charge?

agree

Why do you think this?:

REA agrees with proposals which may help to incentivise permitting and ensures fairness if the transition is partway through the exemption period.

If the transition to a permit is required due to the EA removing the exemption then we suggest that waiving of the interim charge upon receipt of a permit application would be appropriate. Waiving the fee in such cases would also streamline the process and demonstrate fairness in the implementation of these regulatory changes.

If you think there are any other circumstances where the Environment Agency should refund waste exemption charges, please explain.:

Question 13: Please share any additional comments that you think may help us improve our current proposals for waste exemptions.

Question 13: Please share any additional comments that you think may help us improve our current proposals for waste exemptions.:

REA fully supports a sufficiently resourced EA with reasonable and proportionate funding coming from exemption and permit holders, to ensure the EA can effectively meet their responsibilities to protect and improve the environment.

Please click 'continue' or select which of the following consultation questions you would like to view next.

Not Answered

Waste fee for intervention: charge proposal

Question 14: Do you agree or disagree with the proposed charge for interventions at non-permitted waste activities?

agree

Why do you think this?:

Whilst we have answered agree above and support the 'polluter pays' principle, we have some further comments. It is essential that the proposed intervention fee is only applied when non-compliant activity is confirmed – not just suspected. There may be instances when on further investigation, the operator is found to be compliant and therefore the intervention fee must not be applied.

Question 15: Please share any additional comments that you think may help us improve our fee for interventions charge proposal.

Question 15: Please share any additional comments that you think may help us improve our fee for interventions charge proposal.:

Please click 'continue' or select which of the following consultation questions you would like to view next.

Not Answered

Waste crime levy: charge proposal

Question 16: To what extent do you agree or disagree with the proposed 10% levy on waste permit subsistence fees?

disagree

Why do you think this?:

REA supports increased waste enforcement activity with an increased focus on waste crime, however funding this through compliant operators is not appropriate. This is not in line with the polluter pays principle and is unfair. Funding further enforcement of waste crime activities should be paid for by the people found to be operating illegally – i.e. by the proceeds of crime through fines etc.

Question 17: Please share any additional comments that you think may help us improve our charge proposal for the waste levy. This could include any comments regarding affordability.

Question 17: Please share any additional comments that you think may help us improve our charge proposal for the waste levy. This could include any comments regarding affordability.:

The organics recycling sector (particularly composting) typically operate at low profit margins and it has been subjected to various increased costs over the last few years. This includes the standard increases affecting the whole economy such as energy costs and employment costs but also exacerbated by other factors such as a review of permits with increased costs to meet requirements, challenging weather conditions adding operational costs and the loss of the entitlement to use red diesel. In many cases these costs have been absorbed by the operators and not passed on to the waste producers. Any further increase in costs such as a 10% increase in subsistence charges will have an impact.

Professional operators are keen to see more action to tackle waste crime as it undermines their businesses. The EA could focus on fostering more trusting relationships with legitimate operators to assist them in identifying waste crime.

Please click 'continue' or select which of the following consultation questions you would like to view next.

Not Answered

Time and materials (hourly rate) charge proposals: unplanned events

Question 18: Do you agree or disagree with the proposed change to the hourly rate for unplanned events supplementary subsistence activities?

agree

Why do you think this?:

Whilst we agree with the increase from £84 to £100 for unplanned events it is important that the EA are transparent in their charging so operators can understand exactly what the charges are for. It is also important that the EA have appropriately trained staff as having the correct technical knowledge to assess an operator's plans and assist them back into compliance with their permit will mean that the process will be more efficient and take less time (and therefore cost less) than if inexperienced staff are dealing with the issue.

Time and materials (hourly rate) charge proposals: radioactive substances (nuclear and non-nuclear activity)

Question 19: Do you agree or disagree with the proposed change to the hourly rate for radioactive substances activities carried out by a nuclear specialist?

Not Answered

Why do you think this? :

Question 20: Do you agree or disagree with the proposed change to the hourly rate for any other work carried out in relation to radioactive substances permits?

Not Answered

Why do you think this? :

Time and materials (hourly rate) charge proposals: nuclear off-site emergency plan testing (under REPPIR)

Question 21: Do you agree or disagree with the proposed hourly rate charges for REPPIR nuclear off-site emergency plan testing?

Not Answered

Why do you think this?:

Time and materials (hourly rate) charge proposals: control of major accident hazards (COMAH)

Question 22: Do you agree or disagree with the proposed change to the hourly rate for incident exercise activity for COMAH?

agree

Why do you think this?:

Question 23: Do you agree or disagree with the proposed change to the hourly rate for COMAH compliance activity?

disagree

Why do you think this?:

Charging £264 per hour, even for specialist technical activities seems excessive and is above CPI increase.

Time and materials (hourly rate) charge proposals: water pollution incident activity

Question 24: Do you agree or disagree with the proposed change to the hourly rate for water pollution incidents?

agree

Why do you think this?:

Time and materials (hourly rate) charge proposals: definition of waste

Question 25: Do you agree or disagree with the proposed change to the hourly rate for work carried out by the definition of waste service?

agree

Why do you think this?:

We agree with the proposed increase (from £125 to £130 per hour) but it is important that there is clarity and transparency in these charges. It should be agreed in advance what work will be carried out with an estimation of time required and subsequent costs. There should also be transparency when charges are raised as to what exact work they relate to. We are keen to avoid a repeat of the previous temporary suspension of the definition of waste service.

Time and materials (hourly rate) charge proposals: hydraulic fracturing plans

Question 26: Do you agree or disagree with the proposed change to the hourly rate for work relating to hydraulic fracturing plans?

Not Answered

Why do you think this?:

Time and materials (hourly rate) charge proposals: planning activity (work of our Sustainable Places teams)

Question 27: Do you agree or disagree with the proposed change to the hourly rate for planning activity (work of our Sustainable Places teams)?

agree

Why do you think this?:

Time and materials (hourly rate) charge proposals: voluntary remediation (legacy pollution)

Question 28: Do you agree or disagree with the proposed charge for a discretionary service offering advice on voluntary remediation (legacy pollution)?

neither agree nor disagree

Why do you think this?:

We are concerned that the additional costs proposed may act as a deterrent to organisations who are voluntarily undertaking remediation works especially when the organisation undertaking the work was not responsible for the original contamination. Depending on the size and scale of the project, £500 is not an insignificant cost and may result in organisations choosing not to consult with EA for technical advice and going ahead with remediation without advice or not choosing to undertake remediation at all.

Wherever possible the costs of technically assessing remediation projects should be borne by the organisation responsible for the contamination.

Time and materials (hourly rate) charge proposals: additional comments

Question 29: Please share any additional comments you think may help us to improve our hourly rate charge proposals. (Specify which charge if relevant.)

Question 25: Please share any additional comments you think may help us to improve our hourly rate charge proposals. (Specify which charge if relevant.):

Please click 'continue' or select which of the following consultation questions you would like to view next.

Not Answered

Medium combustion plant annual subsistence charges: charge proposal

Question 30: Do you agree or disagree with the proposed changes to medium combustion plant annual subsistence charges?

agree

Why do you think this?:

Please click 'continue' or select which of the following consultation questions you would like to view next.

Not Answered

Waste crime: priority areas and additional comments

Question 31: In your opinion, which of the following strategic waste crime themes should be prioritised? Select up to three themes in order of importance.

First priority:

illegal waste sites

Second priority:

illegal dumping

Third priority:

illegal carriers, brokers and dealers

Why do you think this? If you responded with 'other', please explain what you consider to be the priority.:

The above activities are the main types of issues that are undermining our members legitimate businesses.

Question 32: Please share any additional comments that you think may help us improve our current proposals or future consultations.

Question 27: Please share any additional comments that you think may help us improve our current proposals or future consultations.:

REA support measures to tackle waste crime effectively. Given the costs (£924 million per annum) this should be a high priority for the regulator as not only does it increase the risk of harm and pollution to the environment, it also undermines legitimate waste operators. It is important that there is transparency over the costs of tackling waste crime and how the additional funds raised through the proposed measures are spent. The industry should see an increase in the activity in this area as a result of any additional income.

In addition, the effectiveness of the proposed changes would be amplified with the corresponding support from the proposed digital waste tracking and carrier/broker/dealer reforms. REA would urge both of these reforms to be implemented at the earliest practical opportunity.