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Submitted to Consultation on modernising environmental permitting for industry
Submitted on 2025-10-21 20:01:32

About you

1 Would you like your response to be confidential?

No

If you answered 'Yes', please explain your reason(s) below:

2 What is your name?

Please enter your name:
Emily Nichols

3 What is your email address?

Please enter your email address:
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4 In which part of the United Kingdom are you based?

England

5 Which part of the UK are you primarily interested in?

All of the UK

6 Who are you responding as?

Trade body

Type of respondee:

7 If you are responding on behalf of an organisation, what is its name?

If responding on behalf of an organisation, what is its name?:
Reneweable Energy Association

The case for change

8 Are there other reform goals that we should aim to deliver as part of the modernised framework?

Reform goals for consideration:

Defra's covering letter about responding to this consultation asked representative groups to 'give a summary of the people and organisation they represent and where relevant who else they have consulted in reaching their conclusions when they respond. There is no answer box in the on-line consultation tool so here is a summary about who the REA represents:

The Renewable Energy Association (REA) is a not-for-profit trade association representing renewable energy and clean technology producers across the entire value chain. We have members involved in wide range of renewable and low carbon technologies across power, heat, transport, and circular bioresources. This includes members producing composts, digestates and biomethane as well as members who develop both engineered and nature-based Greenhouse Gas Removals (e.g. BECCS and WECCS), and members involved in agricultural land management techniques (including the production of biochar, addition of organic materials to soils, and diversification of crop species). The REA has around 500 corporate members; making it the largest renewable energy and clean technologies trade association in the UK. More info is available at www.r-e-a.net.

Our answer to the consultation document's qu 8:
Goal 3 as drafted is about delivering proportionate regulation for emerging clean technologies and a logical, coherent permitting framework for them. We welcome this goal but think what is missing is a similar goal for established clean technologies. Goal 4 on regulator effectiveness and efficiency would not fill this gap as its about performance of the regulator instead of proportionality, logic and coherence of the permitting framework.

The consultation's section on new approaches to permitting delivery asks (in its sub-section about industrial clusters) whether further action is needed to improve the environmental permitting framework to allow regulators to manage environmental capacity for industry [at industrial cluster level) in an effective and fair way. This potential, useful change does not seem to be covered by the reform goals, so please check it is covered if there's sufficient stakeholder support for this change to what regulators are allowed to do.

(For convenience, here are points from the consultation document (p66, 5th para): '..a more strategic, forward-looking approach to managing industrial clusters might be needed, especially as the net zero transition accelerates into the 2030s and 2040s' and 'a clearer articulation of the environmental impacts from both existing industry and from the development of new industry within a cluster could make it possible for regulators to issue new, and review old, permits within a cluster area to ensure compliance with that broader plan.')

Regulatory sandboxing

9 What key factors should be considered when further developing a regulatory sandbox approach for industrial R&D activities under the EPRs, ensuring it fosters innovation while maintaining robust environmental and health safeguards?

What key factors should be considered when further developing a regulatory sandbox approach for industrial R&D activities under the EPRs, ensuring it fosters innovation while maintaining robust environmental and health safeguards?:

There are various key factors that should be considered:

• Clear scope – clarifying what types of activities are eligible. E.g. in the current SR2024 No1 permit, 'research and development' means operations related to the innovation, introduction, and improvement of products and processes associated with the permitted activities. Innovation for one site could be trialling a new technology used on another site already. Could this be confirmed as being acceptable?
• Risk-based regulatory flexibility - establishing what permitting conditions can be modified and which remain non-negotiable. Allow more flexibility for lower-risk activities (e.g. small scale, temporary, contained trials) with improved guidelines for Local Area Officers to remove disparity in approach in different regions.
• Transparency – a multidisciplinary panel to evaluate proposals and maintain transparency on sandbox projects.
• Data sharing – consider requiring participants to publish non-commercially sensitive data to benefit wider industry learning.
• Cross-sector collaboration – co-ordinate with other regulatory frameworks. Such as APHA, HSE etc and consider reducing duplication but also identifying any regulatory gaps.
• Evaluations – Define success criteria and regularly review sandbox design based on participant feedback and environmental outcomes.

Commercial confidentiality

10 Do you have comments on the alternative approaches to commercial confidentiality outlined above, or other suggested approaches that would balance environmental protection, public access to information and innovation?

Do you have comments on the alternative approaches to commercial confidentiality outlined above, or other suggested approaches that would balance environmental protection, public access to information and innovation? :

The consultation document text and question appear to be relevant to applications for permits (and presumably also any applications for permit variations), for any facility that is / will be carrying out R&D and any facility this is not/will not be carrying out R&D.

The potential 'more limited alternative approach' (p 28, 3rd para) is the minimum industry would welcome, at least in an R&D context and preferably also when a facility is not / will not be carrying out R&D but its emissions 'are proven not to be harmful to health or the environment.' It is reasonable that 'a decision about [risk of] harm should taken into account for the duration of an emission as well as other factors' (cons doc, p28, 4th para).

Proof of NO harm to health or the environment is the highest possible requirement, so we ask you to consider accepting risk assessment that shows risk of such harm to health or the environment is negligible; this could be a proportionate approach to regulation, at least for a facility's R&D period.
We would also welcome exploration of potential alternative approaches (cons doc, p 28, 2nd para), e.g. 'limiting the information that operators are required to provide to the regulator for R&D trials to only the information required to ensure significant pollution is not caused' or as an alternative 'information could be required or disclosed in a form that will not compromise commercial confidentiality'.

Commercial activity at R&D installations

11 What key factors should be considered when further developing proposals on commercial activity at R&D and testing sites?

What key factors should be considered when further developing proposals on commercial activity at R&D and testing sites?:

Below are some key factors to consider.

If using any waste in the R&D site's treatment/manufacturing process, what should be done to check the relevant output is a product / outputs are products (meets End of Waste criteria)? This needs to be light touch because the Quality Protocols and Resources Frameworks – those we are familiar with - are written for commercial-scale, waste management facilities; they include requirements not applicable to sites operated exclusively for R&D purposes. Similarly, the EA's Definition of Waste Service (which provides their written opinion on when a material is no longer a waste, taking into account the applicant's evidence and requiring the applicant to pay the EA's assessment fee) may not be sufficiently light touch (including affordability) for some sites operated exclusively for R&D purposes.

Where a site is used exclusively for R&D and none of the materials it uses are waste, what should be done to check the relevant is a product / outputs are products?

If only the treatment/manufacturing process changes at an exclusive R&D site - not the input(s) and there's no significant change in characteristics of the targeted output(s) – that type of site should also be allowed to make commercial use of any product created, without requiring an industrial emissions permit. What would it need to do, notify the EA that it's specific research project / activities fulfil these criteria?

Whatever the size of the installation the minimum fees are the same, making it more expensive and dissuasive for small installations to operate.

Notification of R&D and testing exemptions with the regulator

12 What would the benefits and costs be of requiring operators of sites, which fall under the EPRs R&D and testing exemption, to notify the relevant regulator?

What would the benefits and costs be of requiring operators of sites, which fall under the EPRs R&D and testing exemption, to notify the relevant regulator?:

BENEFITS:
• This is a mechanism through which the regulator can become aware of and start to prepare standards for new technologies which will eventually require permitting when they are developed at a commercial scale (points made in the consultation document).
• Enables the regulator to categorise, count, prioritise and forward plan their likely resourcing needs for standards for new technologies and assessing permit applications for installations that would use new technologies. Could be valuable for resource planning if there are not other channels through which the regulator receives timely indication of regulatory needs relevant to commercial deployment of new technologies.
• Enables regulator dialogue with operators of registered permit-exempt 'solely R&D' installations, e.g. to better understand new technology types an operator views on Technology Readiness Level.

If not already explored in enough depth, check the feasibility of excluding commercially confidential information from the notification yet including sufficient information to enable categorisation of the R&D for regulatory forward planning purposes. This seems key to the potential usefulness of Defra's proposed approach.

If registration of permit-exemptions will be required for 'solely R&D' installations, it will also be important that all such installations fit the exemption criteria. We assume the consequence for any that do not are that they would have to obtain a permit.
The period for R&D should be 24 months to allow for commissioning and optimisation of R&D equipment. A period of 12 months may be too short to obtain replicated worthwhile results to determine investment for following commissioning.

COSTS:
There should be a fee for registration of a permit exemption for a solely-R&D installation. The fee should contribute to the regulator's associated regulatory system development costs and their provision of sufficient R&D regulatory personnel time to compile and maintain an overview of in-scope installations and assess the need for standards and permits for commercial use of new technologies in future.

There would be time input needed from regulators, industry and academic organisations to develop and agree what types of information must be included in the R&D installation operator's notification / registration for a permit exemption. There would be an on-going time and cost implication for periodic review of the notification template(s).

It is not possible to estimate costs, in figures, at this stage.

R&D and testing exemption for generators

13 What key factors should be considered when further developing the proposal to exempt R&D and testing of generators from the EPRs?

What key factors should be considered when further developing the proposal to exempt R&D and testing of generators from the EPRs?:

Combustion engines need to be allowed on site, either because they produce extra energy through a generator or the energy or power produced on site is needed for moving a tractor / a truck or any machines. This supports circularity and lower emissions, especially when waste operations also take place at the site. This is also relevant when R&D operations take place.

Guidance on Emerging Techniques (GET)

14 Do you have comments or suggestions on whether and how regulation of emerging techniques could be improved?

Do you have comments or suggestions on whether and how regulation of emerging techniques could be improved?:

Emerging technologies need to be tested across multiple sites with different waste streams not through just one pilot study. This needs to be clarified as we have recent experience of a farm based micro bio-waste treatment project not being considered innovative because the same technology had already been piloted at a brewery with brewery waste.

Further reform ideas for Chapter 1

15 Do you agree or disagree that the proposals in this chapter will achieve the goal - 'Enabling innovation and encouraging new technologies and techniques'?

Agree

If you disagree, then please provide alternative suggestions below along with supporting evidence where available.:

It is certainly welcome but requires finessing.

A more dynamic approach to setting BAT

16 What key factors should be considered when further developing the proposal to create a more dynamic approach to setting BAT?

What key factors should be considered when further developing proposal to create a more dynamic BAT system?:

The REA supports the need for a more dynamic approach to setting BAT. It is essential that techniques and technologies that are considered are applicable in the UK and actually relate to what happens and the types of materials processed. We support the UK BAT process and value the independent, evidence led and consensus building approach. This is an important consideration when looking to streamline the process. The regulators are not always fully up to speed with the latest developments in industry, so it is important that industry is given an opportunity to input into the process. Key factors should include;
• data and evidence base,
• stakeholder engagement and transparency,
• technological innovation,
• economic and feasibility considerations,
• monitoring, review and adaptation, and
• rapid communication to industry about changes.

One member has found that site visits and face to face time really help regulators (and other stakeholders) understand the technology and design of their operations. There has been a positive change in terms of regulator engagement more recently, and this could be enhanced by more practical experience / on-site visits / meetings. Industry operators have much knowledge, technical understanding and practical experience.

Horizontal BAT

17 Do you have comments on the role of horizontal BAT in creating a more dynamic system for setting industry standards?

Do you have comments on the role of horizontal BAT in creating a more dynamic system for setting industry standards?:

Expanding the role of horizontal BAT offers an opportunity to make the BAT system more dynamic, coherent, and adaptable. Horizontal BAT could set cross-sector standards for areas such as energy efficiency, emissions monitoring, abatement technologies, and environmental management, while sectoral (vertical) BAT focuses on industry-specific processes.

Benefits may include greater consistency across sectors, faster updates to reflect new technologies or pollutants, streamlined sectoral BAT reviews, and encouragement of innovation and best practice. However, there are some risks in this approach. There is a potential reduction in regulatory stability, which supports investment confidence, and challenges in applying changes across all sectors simultaneously. Clear rules for enforcement—such as incorporating horizontal BAT during permit revisions or for operational management requirements may help to mitigate this risk.

We recommend defining a governance framework linking horizontal and vertical BAT, adopting a tiered approach for technical versus narrative requirements, maintaining stakeholder engagement, and ensuring clear transition arrangements.

Decarbonisation and circular economy standards

18 What key factors should be considered when further developing policy on decarbonisation and circular economy standards?

What key factors should be considered when further developing policy on decarbonisation and circular economy standards?:

Part B installations

19 Do you have any comments on the proposal to consider integrated pollution control for Part B installations? Please outline your views on any potential costs or benefits the proposal may bring to you and/or your organisation, as well as any positive or negative impacts it could have on human health or the environment.

o you have any comments on the proposal to consider integrated pollution control for Part B installations?:

We welcome the proposal to consider integrated pollution control (IPC) for Part B installations. Integrating control measures across air, water, and soil can reduce regulatory complexity, improve environmental outcomes, and provide clearer compliance guidance for operators.

Potential benefits include:
• improved environmental protection through holistic management of multiple pollutants;
• positive effects on human health, particularly via reduced local air and water pollution;
• operational efficiency for operators through streamlined monitoring, reporting, and mitigation; and
• consistent and transparent standards, supporting compliance and regulatory certainty.

Potential costs may include:
• investment in upgraded equipment, monitoring systems, or management processes;
• increased administrative burden, particularly for smaller installations; and
• resource demands for permit reviews and regulatory enforcement.

Whatever the size of the installation the minimum fees are the same, making it more expensive and dissuasive for small installations to operate.

Overall, IPC has the potential to deliver significant environmental and health benefits while encouraging efficient pollution management. To maximize its effectiveness, careful phased implementation, clear guidance, and support for smaller operators will be essential.

Medium combustion plant and specified generators

22 Do you have any comments on the proposal to consider applying BAT and integrated pollution control to medium combustion plant and specified generators? Please outline your views on any potential costs or benefits the proposal may bring to you and/or your organisation, as well as any positive or negative impacts it could have on human health or the environment.

Do you have any comments on the proposal to consider applying BAT and integrated pollution control to medium combustion plant and specified generators?:

Whatever the size of the installation the minimum fees are the same, making it more expensive and dissuasive for small installations to operate.

Further reform ideas for Chapter 2

23 Do you agree or disagree that the proposals in this chapter will achieve the goal 'Agile standards - a rapid, predictable and integrated approach to setting standards'?

Not Answered

If you disagree, then please provide alternative suggestions below along with supporting evidence where available.:

We agree with many of the proposals in this chapter but they need to be implemented fairly, have appropriate transition timescales, be communicated ahead of time and be underpinned by an adequately resourced regulator.

Flexible tiers of regulation

24 Do you have any comments on the proposal to develop more flexible tiers of regulation? Please outline your views on any potential costs or benefits the proposal may bring to you and/or your organisation, as well as any positive or negative impacts it could have on human health or the environment.

Do you have any comments on the proposal to develop more flexible tiers of regulation?:

We support the proposals for the development of more flexible tiers of regulation. The potential for approval to be gained faster would be a benefit to industry. Safeguards are important, along with the proposal to includer a consultation stage. We have concerns about the resources available with the EA to undertake this additional work.

From a Wood Heat perspective, we would want to ensure that any new regulation pertained to future equipment being distributed or current equipment in use over a certain size. Although we believe that biomass boilers across the country comply with strict air quality standards – the retroactive application of potentially even more burdensome measures although well intended may result in consumers switching back to gas or oil for heating their homes or buildings – thus releasing vastly more amounts of harmful emissions into the air.

Registration approach for smaller Medium Combustion Plant

25 Do you have any comments on permitting versus registration-based approaches for smaller MCP as outlined in this section? Please outline your views on any potential costs or benefits the proposal may bring to you and/or your organisation, as well as any positive or negative impacts it could have on human health or the environment.

Do you have any comments on permitting versus registration-based approaches for smaller MCP as outlined in this section?:

Lower risk small MCPs that can evidence meeting MCPD conditions through MCERTS testing would benefit from the registration-based approach as opposed to a permit.

Gas MCPs have their own standard rule permits, however biomass plants do not. We believe a majority of the 15,000 boilers currently outside of MCPD regulations will be biomass fed. Biomass MCPs under 2 MWth, which are the majority of RHI accredited plants that are existing status MCPs, would especially benefit from this, as these are operated by small farms and businesses who would find a simple bespoke, or even complex bespoke, permit not economically viable. These boilers are typically fuelled by virgin wood too, as SWIPs are already permitted under Part Bs.

You could also segregate fully abated plants versus unabated plants in the registry conditions, as those with PM emission results significantly below the 50 mg ELV are even lower risk than plans which operate around the limit, unabated; assisting to further limit the number of permits that may actually be needed.

Alternatively, a maintenance report may also suffice for things like gas boilers only looking at NOx, as we are not sure all the remaining plants could be tested with the current availability of MCERTS laboratories as just getting permitted plants tested is already difficult.

Carbon capture activities

29 Do you have any comments on the regulation of carbon capture activities as outlined in this section? Please outline your views on any potential costs or benefits the proposal may bring to you and/or your organisation, as well as any positive or negative impacts it could have on human health or the environment.

Do you have any comments on the regulation of carbon capture activities as outlined in this section?:

What is the future goal for this? Would these proposals be for waste-fed facilities only or all carbon capture technology? It seems that currently CC permits can apply, at least, to Energy from Waste combustion facilities, electricity generating stations (with an electrical output of 300 MW or more) and any industrial process types that emit CO2.

Battery energy storage systems

30 Do you have any comments on the appropriateness of using environmental permitting to manage the risks and impacts to public health and the environment of fires at BESS sites? Please outline your views on any potential costs or benefits the proposal may bring to you and/or your organisation, as well as any positive or negative impacts it could have on human health or the environment.

Do you have any comments on whether environmental permitting is the most appropriate route for managing the risk and impacts of fires from BESS? :

Battery Energy Storage Systems (BESS) are a critical enabler of the UK's transition to net zero, providing the flexibility needed to balance renewable generation and ensure grid stability. Despite strong policy backing and clear national commitments to clean energy, BESS and other low-carbon infrastructure projects continue to face significant delays and obstacles within the planning system. Additional permitting requirements from the Environment Agency (EA), if not carefully integrated, risk further slowing project delivery by introducing duplication, extended timelines and uncertainty for developers. These challenges hinder the timely delivery of vital energy infrastructure, slow progress toward the UK Government's climate targets, and impede developers' abilities to support good jobs, unlock vital investment and meaningfully contribute to economic growth.

A major concern with the introduction of a new EA permitting process is the likelihood of significant slowing of projects being able to reach construction. If such requirements were put in place, serious consideration should be put into resourcing the process and ensuring it is implemented in the most efficient way.

We would tend to disagree with the statement that "there is limited provision through the planning system to ensure that measures are maintained" as many issues raised through the planning process are mitigated and monitored through planning conditions. Fire safety already falls within the remit of the National Fire Chiefs Council (NFCC) and local Fire and Rescue Services (FRS), whose involvement could also be strengthened throughout a project's lifetime by additional resourcing.

Despite our above suggestions, we acknowledge that the planning system is not traditionally designed to consider fire safety or health & safety issues which are covered under separate legislation. However, these issues have already been brought into the planning officer's decision process due to local political pressure, public concern and a lack of clarity about regulatory responsibilities Adding an Environmental Permitting Regulation (EPR) layer would duplicate a lot of work that we already see through the planning process, with the EA already a statutory consultee, and risks increasing confusion rather than resolving it. This could lead to conflicting conditions and increased bureaucracy, therefore adding potential delay to projects without any additional environmental benefits.

If a separate EPR process is added, it would need to be streamlined with a set application timeframe and application fees to ensure suitable resourcing to meet this timeframe. The aspects covered by the EPR would need to be removed from the existing planning process, with both processes occurring in parallel to ensure greatest efficiency to meet strict grid connection dates.

If the government is serious about expanding BESS deployment while maintaining environmental safeguards, the priority should be resourcing and training EA officers to understand BESS technology - not introducing another administrative hurdle. A separate permitting process might allow the EA to recover costs through application fees, but it would still require new staff, training and internal expertise, which will take time to develop. There is a real risk that during the first few years of implementation, permit assessments could be extremely slow, as EA staff climb the learning curve and resources are reallocated. The industry has already invested heavily in educating Local Planning Authorities (LPA) about BESS (and continue to do so as knowledge gaps still exist); repeating that exercise with the EA would be both time-consuming and costly. If permitting is introduced, there should be mandatory training and structured engagement between industry and the EA before implementation. There cannot be a transition period where no BESS sites can secure permitting due to this education period.

LPAs, Fire and Rescue Services, developers and residents, are still waiting for the National Fire Chiefs Council's adopted BESS Fire Safety Guidance, which will set out industry best practice for fire safety. This guidance is not referenced in the consultation, and further research needs to be carried out into the practical environmental challenges affecting BESS project delivery. Without clear collaboration between the EA, HSE, NFCC and FRS, the potential public trust benefit may be limited.

Non-waste anaerobic digestion

32 Do you have any comments on the regulation of non-waste anaerobic digestion as outlined in this section? Please outline your views on any potential costs or benefits the proposal may bring to you and/or your organisation, as well as any positive or negative impacts it could have on human health or the environment.

Do you have any comments on the regulation of non-waste anaerobic digestion as outlined in this section?:

The REA's position on the regulation of non-waste AD will depend on the details of how this will be implemented, which we understand will likely come in the form of a consultation at a later date. Without the details, it is challenging to identify precise costs and benefits. In principle our members are not against this change, but the regulation will need to be proportionate and pragmatic. Some broad considerations are:

• EA Resourcing: The EA often already struggles for resource in processing permitting applications, resulting in long queues and delays. If non-waste AD is brought under EPR, additional resource should be allocated to the permitting team to accommodate the increased regulatory and administrative burden associated with permitting more sites.

• New versus existing facilities: Existing AD facilities processing non-waste material were not built with the expectation of being regulated to BAT and Appropriate Measures for the Biological Treatment of Waste current requirements. To retrofit these facilities to comply with permit anticipated conditions, especially full secondary containment, will be very costly and time-consuming, and in some circumstances may not be financially viable (e.g. sub-500kW FIT on-farm plants with limited subsidy period remaining may simply shut down if suddenly required to install concrete aprons and walls, retrofit machinery for BAT compliance on flares, etc.). As a minimum, existing facilities should be given sufficient time to comply with any new regulatory conditions, and a site-specific risk-based approach should be allowed to be adopted.

• Prohibitive costs: The costs of permits may not only be prohibitive in the case of retrofits. Defra should consider implementing thresholds to allow smaller operations with limited resources (e.g. small on-farm AD plants which cover the farm's energy use and are lower-risk) to operate under lighter-touch interventions. Introduction of an Exemption for existing plants with a crop treatment quantity and net rated thermal input of combustion plant larger than that currently permitted under a T24 exemption would be helpful for small on-farm operations.

• Proportionality and risk differentiation: Regulation should be proportionate to actual environmental risk; technical work is needed to ensure appropriate risk assessment is carried out before decisions are made on whether and how to regulate non-waste AD. On-farm and non-waste AD plants generally handle homogeneous feedstocks and operate with closed loops, reducing potential odours, pathogens and contamination. A 'one-size-fits-all' permitting model could impose unnecessary burdens on low-risk rural operators. For example often on farm sites, due to their rural surroundings, cannot meet the distance criteria within the permits to be a minimum distance of:
o 50 metres from a Local Nature Reserve, Local Wildlife Site, Ancient Woodland or Scheduled Monument; and
o 50 metres from a site that has species or habitats of principle importance (as listed in Section 41 of the Natural Environment and Rural Communities Act 2006) that the Environment Agency considers at risk from the permitted activity.
PHI habitats, such as deciduous woodland or indeed Ancient Woodland, are often poorly defined/mapped and non-waste AD sites may principally require bespoke permits because of features which may not be correctly identified.

• Clear definitions and scope: Defra should provide clear definitions for 'non-waste feedstocks' to avoid uncertainty where small amounts of waste might be co-digested with non-wastes. Mixed-feedstock facilities need flexibility where feedstock proportions change seasonally.

• Alignment with existing regimes: Many on-farm AD operators already comply with environmental management plans, assurance schemes, and agricultural regulations and guidance (e.g. Nitrate Vulnerable Zone rules, the Farming Rules for Water, the Codes of Good Agricultural Practice for farmers, growers and land managers, etc). New EPR requirements should recognise equivalence and avoid duplication where controls achieve the same outcomes. EPR and planning regimes should also align to reduce duplication. Planners and regulators should be provided with clear guidance notes on the scope which falls under their control.

• Transitional and practical arrangements: For existing plants, realistic timelines for permit changes are vital, especially to align with crop and digestate application cycles. Guidance on how current low-risk operators can demonstrate compliance through simplified routes (e.g. standard rules permits or lighter-touch variations) would be helpful.

• Digestate and circular economy outcomes: Regulation shouldn't discourage nutrient recycling through digestate use, which is key to the circular farming system. It is important that the carbon and methane mitigation benefits of agricultural AD are recognised in any policy impact assessment.

If non-waste AD is to be brought under EPR we; 1) urge the EA to meaningfully engage with operators about the finer details of the regulations and technical standards (underpinned by risk assessment) at the appropriate time, and 2) emphasise there would be need for a Business Impact Assessment.

Alternative thermal treatment

34 Do you have any comments on the regulation of alternative thermal treatment as outlined in this section? Please outline your views on any potential costs or benefits the proposal may bring to you and/or your organisation, as well as any positive or negative impacts it could have on human health or the environment.

Do you have any comments on the regulation of alternative thermal treatment as outlined in this section? Please outline your views on any potential costs or benefits the proposal may bring to you and/or your organisation, as well as any positive or negative impacts it could have on human health or the environment.:

The REA's Wood Heat Forum would ask that the scope of the regulation is limited to that specified above and does not overlap with woody biomass, wood pellets or wood chips. The overlap would be onerous and unnecessary considering that the UK gas some of the strictest rules regarding the quality of woody biomass intended for use in combustion heating, i.e. biomass boilers. Furthermore, the Biomass Suppliers List is the leading assurance organisation overseeing the quality of fuel and this is being further strengthened by the Common Biomass Sustainability Framework (CBSF) which is due to be consulted on later this year.

Reconsidering regulator responsibilities

35 Do you have suggestions of regulated activities where a change in regulator would be beneficial? Please set out how your proposal would result in benefits to yourself or your organisation, or where proposals would result in harm or benefits to human health or the environment.

Do you have suggestions of regulated activities where a change in regulator would be beneficial?:

We do not have suggestions about regulated activities for which a change in regulator would be beneficial. The regulators need more technical resource to support more rapid and informed decision making in the current framework.

The current structures for permitting, planning, gas network regulation and any subsidiary regulation which covers by-products and outputs need alignment, e.g. between DESNZ, DEFRA, Ofgem, the planning system and the DfT. As an example, DESNZ is pushing for renewable growth but issues relevant to DEFRA and the planning system are exceptionally challenging to resolve without significant time and resource. Reports are coming out at present showing a steep growth trajectory for the AD sector, yet both DEFRA and the EA are currently grappling with regulatory compliance questions.

Outline permitting approval

37 Do you have any comments on the outline permitting approvals approach as outlined in this section?

Do you have any comments on the outline permitting approvals approach as outlined in this section?:

Views of an REA member with developer-clients and consultancy experience:

'Outline Permit Approvals (OPAs) could be a great way to speed up the queue, for sites that need 'less complex permits'. The EA tends to want to assess very rigorously, so it would be important to clarify the EA's role in a process for obtaining OPAs. Complex sites might not be sufficiently well-suited to an OPA route because aspects of site design and/or planned operations may change during the timescale over which planning consent is being sought.'

'Nimble decision-making is key. If an OPA process enables the EA to make decisions more quickly and be proactive that would be so helpful. From a business perspective, it can be very difficult to make decisions when it takes 4 - 5 months to go through each phase of planning and permitting – the timeframes can be really significant.'

A different member responded that they would be concerned if getting an OPA becomes, or evolves to be, the 'norm' for smaller, more routine developments. If getting OPA becomes the norm for these types of development that would introduce another cost stage and extension of already lengthy timelines. Development is exceptionally expensive and protracted as it is and there is already not enough resource within regulatory bodies.

The following was drafted by the REA, for consideration:

Outline Permitting Approval route could be made available for any site that would operate under a Standard Rule Permit or a Bespoke Permit, on condition that;
• a prospective investor confirms in writing (as part of the OPA application) that OPA is a condition if they are to invest prior to the site achieving final planning consent,
• it is not a 'complex multi-permit' or NSIP site (e.g. as may be needed for 'construction and major developments' which Defra's consultation document says would be served by 'a new priority tracked service'), and
• the prospective site operator commits to 'apply BAT and initial assessment against local environmental constraints and limits' (as suggested in Defra's consultation doc).

Site-level flexible permitting approaches

38 Do you have any comments on the use of the flexible permit approach as outlined in this section?

Do you have any comments on the use of the flexible permit approach as outlined in this section? :

The described approach could provide significant benefits in comparison with the existing regulatory framework and existing flexibilities used by regulators. Consider potentially beneficial conditions of site-level flexible permitting, e.g. requiring no deliberate reduction of less harmful VOCs in order to provide more headroom to emit more harmful VOCs.

We agree there's value in using a flexible permit approach to simplify permitting or facilities that are decarbonising through use of new fuels. (The example in the consultation document: an installation with a flexible permit that is switching from natural gas to hydrogen would not require a permit variation if it could demonstrate that the change would not lead to exceedances of the NOx emissions cap for the site and would not lead to wider emissions or environmental impacts that were not covered by the flexible permit.)

Industrial clusters

39 Do you have any comments on whether further action is needed to improve the environmental permitting framework to allow regulators to manage environmental capacity for industry in an effective and fair way? Please outline your views on any potential costs or benefits the proposal may bring to you and/or your organisation, as well as any positive or negative impacts it could have on human health or the environment.

Do you have any comments on whether further action is needed to improve the environmental permitting framework to allow regulators to manage environmental capacity for industry in an effective and fair way?:

We are supportive of a more strategic, forward-looking approach to managing industrial clusters, partly as this would aid accelerated transition to meeting net zero targets. We agree that environmental headroom can be created – via more robust regulatory decisions and contractual agreements between existing and new operators - by the following (from the consultation document):
• clearer articulation of the environmental impacts from both existing industry and from the development of new industry within a cluster (making make it possible for regulators to issue new, and review old, permits within a cluster area to ensure compliance with that broader plan);
• spatial planning for industrial clusters;
• industrial cluster growth forecasts; and
• further area assessments of environmental capacity.

Sufficient, in-advance, extra resourcing of the EA and training (with specialist focus where appropriate) would be key (see our answer to question 44).

Planning

40 What key factors should be considered when exploring options for better alignment of the planning and environmental permitting systems for industry?

What key factors should be considered when exploring options for better alignment of the planning and environmental permitting systems for industry?:

We ask for government/regulator provision of guidance for Local Planning Authorities and the public on where the EA's regulatory responsibilities begin. There have been instances of these bodies being unclear about their regulatory boundaries. The EA often speaks to the LPA about planning conditions but there have been occasions when the same information has been requested by both the EA and LPA:
• first example - Nutrient Management Plans for spreading digestate, yet the EA is the enforcing authority for the Farming Rules for Water (applicable to the whole of England) and Nitrate Vulnerable Zone rules (Applicable in certain areas of England), both of which have a statutory requirement for nutrient management planning; and
• second example – details for compliance with the Farming Rules for Water, yet the EA is the primary enforcer of these rules in England.

This is inefficient given the EA's existing responsibilities, and often LPA personnel are not sufficiently trained in interpretation of such plans, so guidance could help avoid unnecessary duplications in future.

Parallel tracking of planning permission and other consents (aka twin-tracking)

The consultation document says (p 67) 'the fact that operators generally apply for permits, has led to some instances where permit conditions have required reconsideration or changes to the planning permission'... 'Parallel tracking of planning permission and other consents such as permits is encouraged where possible to avoid issues of this kind. The EA has an existing enhanced pre-application advice service which can provide advice on a range of matters including the option of parallel tracking with planning permission.'

Parallel tracking is encouraged rather than required because it may not always be the best route. Some installation operators have said that the end-to-end process (for getting planning permission and permit authorisation/change) takes too long. Parallel tracking is encouraged if speed is the developer's / operator's priority.

REA's feedback is that parallel tracking is very useful in some cases. It would be helpful if Defra would map out the requirements between planning and permitting – the differences between the two systems are understandable* but there might also be room for some efficiencies. As part of this, consider the scope of the Environmental Impact Assessment regulations in relation to the Town and Planning Act, and the various on-farm regulations. The H1 tool the EA requires people to use may need to be updated alongside policy changes; if tools become better and less time needs to be spent on extensive modelling, progress through assessment stages will become quicker.

*The consultation document explains: 'Planning is responsible for assessing whether a development is an appropriate use of land whereas permitting is responsible for controlling pollution and wider environmental impacts from the operation of permitted sites (including industrial installations).'

Local Air Quality Management (LAQM)

41 Do you have any comments on how to achieve better alignment between the Local Air Quality Management and environmental permitting regimes?

Do you have any comments on how to achieve better alignment between the Local Air Quality Management and environmental permitting regimes?:

This question aimed to encourage feedback on the feasibility of streamlining so the applicant supplies one dataset for evaluation under both planning and permitting assessment processes. During REA's 30th September webinar there was member support for alignment of dataset needs as far as possible, and request for alignment between Natural England's and the EA's data requirements.

Examples of data types that should be required for both planning and permitting assessments are; air quality, noise and bioaerosols. (The last of these is relevant where the prospective or existing site is a type that emits, or is expected to emit, bioaerosols.)

Alignment of industry and legal standards regimes

Local authority fees and charges

42 Do you have any comments on improving the system for setting LAs permitting fees and charges? Please set out any evidence regarding current shortfalls in cost recovery. Additionally, please outline your views on any potential costs or benefits the proposal may bring to you and/or your organisation, as well as any positive or negative impacts it could have on human health or the environment.

Do you have any comments on improving the system for setting LAs permitting fees and charges?:

Emission Limit Value guidance change

43 Do you have any comments on the approach to BAT AELs when setting ELVs? Please outline your views on any potential costs or benefits the proposal may bring to you and/or your organisation, as well as any positive or negative impacts it could have on human health or the environment.

Do you have any comments on the approach to BAT AELs when setting ELVs?:

We have concerns regarding an approach that sets ELVs at the strictest end of the BAT-AEL range. While this may maximize potential emission reductions, it could create practical and economic challenges for operators and may not always result in the best environmental outcomes in all contexts.

Key concerns:
• Feasibility and cost: Some installations may struggle to meet the strictest ELVs without significant investment, which could impact competitiveness or delay compliance.
• Cross-media impacts: Focusing solely on the strictest emissions limit for one medium (e.g. air) may inadvertently increase impacts on other media, countering overall environmental objectives.
• Regulatory uncertainty: Operators may face additional assessment and justification requirements, increasing administrative burdens.
• Potential delays: Overly strict presumption could slow permitting and permit review processes, affecting operational planning.

Recommendation:
We suggest maintaining flexibility within the BAT-AEL range, allowing ELVs to be set at levels that balance environmental benefits, technical feasibility, and cross-media considerations, rather than defaulting to the strictest end. This approach would encourage practical compliance and sustainable investment, while still protecting human health and the environment.

Further reform ideas for Chapter 4

44 Do you agree or disagree that the proposals in this chapter will achieve the goal - 'Regulator effectiveness and efficiency'?

Neither agree or disagree

If you disagree then please provide alternative suggestions along with supporting evidence where available.:

The waste/organics sector has always been very dynamic. It needs a regulatory framework that keeps pace and allows adaptability to achieve the best possible outcomes. At present, the various frameworks in which it operates hinder development and evolution of technology, investment and knowledge exchange.

Earlier this year we surveyed our members about their experiences with their environmental regulator. The main difficulties they reported were permitting delays, inconsistent regulation and enforcement, and a lack of sector-specific expertise among staff. These issues create operational uncertainty, hinder innovation, and strain the relationship between the regulator and regulated companies.

There was strong industry consensus for constructive reform. Members consistently called for a more pragmatic, transparent, and collaborative approach from the EA, including better communication, more on-site engagement, and a focus on recruiting and retaining specialised officers.

The sector is not resistant to regulation - it is seeking regulation that is consistent, timely, and reflective of the realities of modern, sustainable operations. Many of the proposals within this chapter address these concerns but it is imperative that they are underpinned by a well-resourced and well-trained regulator.

Modernising the UK Pollution Release and Transfer Register

45 What factors should be considered when developing a more transparent reporting framework, including adding new pollutants, lowering reporting thresholds and aligning UK PRTR reporting with other environmental reporting?

What factors should be considered when developing a more transparent reporting framework, including adding new pollutants, lowering reporting thresholds and aligning UK PRTR reporting with other environmental reporting?:

Consultee Feedback on the Online Survey

46 Overall, how satisfied are you with our online consultation tool?Please give us any comments you have on the tool, including suggestions on how we could improve it.

Neither satisfied nor dissatisfied

Overall, how satisfied are you with our online consultation tool? :

Defra's covering letter about responding to this consultation asked representative groups to 'give a summary of the people and organisation they represent and where relevant who else they have consulted in reaching their conclusions when they respond'. There was no answer box for providing this information, in the on-line consultation tool.

Although navigation in the on-line tool was aided by names of sections and sub-sections, it would also have helped to include question numbers. Sometimes, the subject name in the on-line tool did not closely resemble key text in the question, so it has taken longer than ideal to find the right part of the tool in order to enter corresponding questions.