

## MPA Response to the Defra Smarter Guidance and Data Review

### Guidance

List of topics being considered:

1. Wildlife protection
2. Waste management and control
3. Wildlife management and control
4. Land management
5. Marine management
6. Freshwater management
7. Horticultural plant health
8. Plant varieties and seeds
9. Bee health
10. Environmental permits
11. Access and landscape
12. General environmental rules (controlling local air emissions; noise and other nuisance issues; effluent; run-off; storing oil and managing chemicals.)
13. Sustainability and energy efficiency
14. Flood management and coastal change
15. Emergencies, pollution incidents and environmental hazards:
16. Enforcement and sanctions
17. Water management
18. Chemicals and biotechnology
19. Development (includes Environmental Impact Assessments, contaminated land and land use planning)
20. Energy, carbon and other green house gases

**Roughly how much time over a year do you think is spent across your business finding out about and understanding environmental regulations?**

Most MPA Cement members have at least one full time employee who is responsible for ensuring sites in their organisation comply with all the relevant environmental regulations.

**Where do you typically get information about environmental regulations you need to comply with?**

- **Consultants**
- **Government news alerts**
- **Government websites**
- **NGOs**
- **Trade association newsletters**
- **Trade association websites**
- **Other – subscribe to legal compliance register provider as part of EMS system**
  - **IEMA publications**
  - **News alerts from legal service providers**

# Defra Smarter Guidance and Data

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## **What information and guidance do you need and expect from the Government on each relevant topic?**

Environmental Permitting: Concise Information and guidance is required by our members on any new forms and regulations that will impact their activities. Guidance is required to interpret legal text for operators.

## **Is there existing content that you find particularly clear and helpful issued either by government bodies or others?**

## **Are there specific problems or ways in which you think the guidance on this topic can be improved?**

One area where all guidance can be improved is in the timing of its publication. It is important that guidance is published before regulations come into effect. For example IED comes into effect in 2014 for cement manufacturers. It is important that guidance on derogations, including the criteria required to be able to apply for a derogation and the application process, is published well before this so operators are prepared.

It would be useful if all guidance could be harmonised in terms of the structure used. Currently different bodies approach guidance structure in different ways and there is no consistency or harmonisation. It would be helpful if guidance followed a similar format e.g. The legislation says "XXXXXX" this means "YYYYYYY".

## **Do you have other ideas to make environmental guidance easier and clearer or anything else you'd like to tell us?**

Guidance is extremely useful to our members in interpreting legal text. However it is important that the guidance does not 'gold plate' or add additional requirements or burden to operators over and above that set out in the legal text. The regulator or implementing body should not be adding to or supplementing the requirements drawn up by the policy maker as this can and has in the past, resulted in the UK interpreting legislation more strictly than other countries.

## **Data**

Datasets to be reviewed:

1. Environmental permitting
  2. Waste management
  3. Water management
  4. Farming
  5. Plant health
  6. Emissions
  7. Hazardous industries and materials
  8. Landscape management, habitats and species
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## 9. Animal health

**Please describe your experience of collecting and submitting this information. Please try and be specific which information obligation you are referring to....**

**What are the most difficult/easy elements for you? Please try and be specific which information obligation you are referring to...**

**Are there any aspects or requirements you feel are unnecessary? Please try and be specific which information obligation you are referring to...**

Currently MPA members have to undertake hazardous waste registrations on an annual basis often for multiple sites, even when there has been no change. The time taken to complete this task every year causes an unnecessary burden. This requirement should be changed so that registrations only have to be made when there is a change or alternatively every 3-5 years instead of every year.

Whenever a variation is submitted an operator is required to submit certificates of incorporation, climate change agreement and proof of who is allowed to be a signatory. This seems unnecessary for every variation. An example of a better system is that of the waste carriers license which stores some of this information online and asks if it is still the most up to date version when a new application is made. As the EA are now administering CCA it should not be necessary for operators to supply this information since it is all held on EA systems.

One MPA member has an example of a bespoke permit application that was made recently for a relatively simple site. The EA insisted that the H1 risk assessment was completed for the 'duly made' process even though there were no point source emissions from the site or sensitive areas. H1 was not required for the site and was therefore essentially a blank submission. A pre-screening process is required to determine whether this form needs to be completed. This could take the form of a decision tree which would show very simply what sites are required to submit this information. It would also be useful if the H1 form could be converted back to an Excel spreadsheet as has been used in the past, with the ability to save it locally as an Excel spreadsheet or a pdf for future reference.

**Are you already collecting this information for your own management purposes and are you providing it to any other third parties? Please try and be specific which information obligation you are referring to...**

**Is it clear why government requires this information? Please try and be specific which information obligation you are referring to...**

**If you could make changes to these information obligations to make it easier, what would they be? Please try and be specific which information obligation you are referring to...**

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# Defra Smarter Guidance and Data

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A single online portal where an operator can log on with a reference number to see all the permits relating to a particular site e.g. EPR, EU ETS etc could help streamline information systems. The portal could contain all the base information for a particular site so that when an application needs to be made many of the fields e.g. site name address etc can be pre-populated. This system could be extended to invoicing so that a single invoice is issued to a site with a list of fees for the all the permits relating to that site. The hazardous waste site registration number system is a good example of such a system that works well.

Online application forms that include all sections, that expand to show only the information required for a particular type of site or circumstance may provide some simplification. This would need to be accompanied with an example of a blank form showing all possible fields and guidance of what operators should expect to complete so that forms can be sense checked to ensure nothing is left out. It will also be important to clearly communicate any changes made to the forms to operators.

## **Do you have any other ideas on how to improve information obligations or anything else you'd like to tell us?**

- 1). It would be useful to have the facility to submit applications electronically and not as a hard copy. This will either require Government/EA inboxes to be able to accept large files or some other kind of data portal where this information can be submitted.
- 2). Permits for standard rules sites owned by the operator could be included under a single permit. However, this should be an option for operators and not made mandatory as some operators will require the flexibility to manage permits individually due to the circumstances of each site.
- 3). More transparency is required in the OPRA charging scheme. Although complicated this scheme seems to work but it would be useful if the calculations behind the numbers could be viewed by operators.
- 4). A review of REPI is required. Currently the information is collected in such a way that it is not meaningful. For example, an MPA member may have a quarry that extracts stone for use in producing different products. REPI does not allow a distinction between products and the information supplied is therefore meaningless.