

Constitutional and Legislative Affairs Committee Report

CLA(4)-06-12

CLA106

Title: The Environmental Permitting (England and Wales) (Amendment) Regulations 2012

The instrument amends the Environmental Permitting (England and Wales) Regulations 2010 (“the 2010 Regulations”). The amendments do the following:

- reduce regulatory requirements for those who operate certain anaerobic digestion installations or mobile plant and for those who burn waste-derived fuel that has ceased to be waste;
- make it easier to transfer permits in certain situations;
- provide for the vesting of an environmental permit in the personal representative of a deceased operator;
- make relatively minor changes to certain exempt waste operations;
- make minor amendments relating to radioactive substances activities;
- make minor amendments to the Environmental Damage (Prevention and Remediation) Regulations 2009 and the Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009 to clarify the enforcement position of the Environment Agency; and
- make consequential amendments to the 2010 Regulations and to other legislation.

Procedure: Negative

Technical Scrutiny

Under Standing Order 21.2 the Assembly is invited to pay special attention to the following instrument:–

1. These Regulations have not been made bilingually save for Regulation 19, which makes minor amendments in both languages to Wales only Regulations.

[21.2(ix) – that it is not made or to be made in both English and Welsh].

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument at this stage.

David Melding AM

Chair, Constitutional and Legislative Affairs Committee

12 March 2012

The Government has responded as follows:

The Environmental Permitting (England and Wales) (Amendment) Regulations 2012

"These composite Regulations amend some of the provisions in the Environmental Permitting (England and Wales) Regulations 2010 S.I. 2010.675 to:

- reduce regulatory requirements for those who operate certain anaerobic digestion installations or mobile plant and for those who burn waste-derived fuel that has ceased to be waste;
- make it easier to transfer permits in certain situations;
- provide for the vesting of an environmental permit in the personal representative of a deceased operator;
- make relatively minor changes to certain exempt waste operations;
- make minor amendments relating to radioactive substances activities;
- make minor amendments to the Environmental Damage (Prevention and Remediation) Regulations 2009 and the Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009 to clarify the enforcement position of the Environment Agency; and
- make consequential amendments to the 2010 Regulations and to other legislation

The Environmental Permitting regime streamlines the procedural parts of a raft of highly technical and complex legislation. It has enabled the simplification of the operation of the permitting system that industry and regulators work with without in any way compromising environmental or human health standards. This has brought much needed simplification to the complexity that industry and regulators in England and Wales previously faced.

Securing these changes via composite instruments made with the Secretary of State is consistent with the aim of simplification referred to above. The composite instrument also minimises the inconvenience and potential confusion for those affected by the Regulations, especially as the Environment Agency (a regulator) is a cross border body.

These composite Regulations apply to England and Wales and are subject to approval by the National Assembly for Wales and by Parliament. Accordingly, it is not considered reasonably practicable for this Instrument to be laid in draft, or made, bilingually."