

ENVIRONMENTAL LAW COURSE LORENCA BEJKO

1-What are the environmental regulatory framework In the UK?

- Environmental Permitting Regime (EPR) IS combining the pollution prevention and control (PPC) regime and waste management licensing and industrial emissions.
- Water
- Waste
- Contaminated land
- Conservation of nature, wildlife and habitats.
- Environmental impact assessments (EIAs)

2. Briefly explain the environmental permitting regime (EPR)?

The integrated environmental permitting regime (EPR) which started in 6 April of 2008. On that date it automatically converted the previous PPC regime permits and waste management licences into Environmental Permits (EP). On 6 April 2010, water discharge activities, groundwater discharge activities and radioactive substances registration and authorisation were also brought under the EPR and existing consents were automatically converted. In 2013, the EPR was amended to implement Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control) (Industrial Emissions Directive) (IED), which consolidated a number of earlier EU Directives and requirements. In 2015, the EP Amendment Regulations 2015 (SI 2015/918) amended the EPR, transposing requirements under the Energy Efficiency Directive 2012

The key activities under the EPR are:

- Waste operations.
- Mobile plant (used to carry on either one of the Schedule 1 activities or a waste operation).
- Mining waste operations.
- Water discharge activities.
- Radioactive substances activities.
- Groundwater activity.
- Small waste incineration plant.
- Solvent emission activity.

Water discharge activities and groundwater discharge activities are permitted through the environmental permitting regime (EPR)

Prohibited Activities A water discharge activity covers a number of activities including discharge or entry into inland waters, freshwaters, coastal waters or territorial waters of any poisonous, noxious or polluting matter, waste matter, trade effluent or sewage effluent. A groundwater discharge activity includes the discharge of a pollutant that results in the direct input, or can lead to the indirect input, of

that pollutant into groundwater. Undertaking these activities without an environmental permit (EP) is prohibited.

Penalties It is an offence to cause or knowingly permit a water discharge activity or groundwater activity except under, and to the extent authorised by, an EP. The UK is subject to greenhouse gas (GHG) emissions reduction targets from several sources. It is subject to Kyoto Protocol targets Domestically, the Climate Change Act 2008 commits the UK to a 34% reduction in GHG emissions by 2020 and an 80% reduction in GHG emissions by 2050 (in each case as against 1990 levels) (*sections 1 and 5, Climate Change Act 2008*). The government's Carbon Plan published in December 2011 sets out its strategy on reducing GHG emissions (and other climate change related actions). In December 2008, the EU unilaterally committed to cut EU GHG emissions by at least 20% of 1990 levels by 2020. As part of the 2030 Climate and Energy Policy Framework, the European Commission and European Council have agreed a commitment to reduce GHG emissions by 40% of 1990 levels by 2030.

Increasing Renewable Energy Directive 2009/28/EC on the promotion of the use of energy from renewable sources (Renewable Energy Directive) requires renewable energy to form 20% of total EU energy consumption by 2020. The UK's contribution to the EU-wide target is 15% by 2020. In addition, the Renewable Energy Directive imposes

Page 7 | 11 an obligation on member states (including the UK) to ensure that at least 10% of overall transport fuel consumption comes from renewable sources (largely to be met by increasing the use of sustainable biofuels). Various UK regulations implement these requirements into domestic law. In the 2030 Climate and Energy Policy Framework, the European Commission and European Council have agreed to increase the 20% renewable energy requirement to 27% by 2030 (on a binding basis at EU level, but not binding against individual member states). This requirement will be reviewed in 2020 and may be increased to 30%. There are no prescriptive requirements for the deployment of certain renewable technologies, instead there is a general policy aim to encourage development of renewable generation capacity. The Renewable Energy Roadmap (published in July 2011 and subsequent updates) sets out the pathway by which the renewable energy targets will be met and it describes the role that various technologies will play in meeting the 2020 targets. There are various financial incentives to encourage the deployment of renewable energy generation. In particular, the government is pursuing a programme of electricity reform aimed at ensuring security of electricity supply and increasing renewable generation capacity. As part of this programme, a "carbon price floor" was implemented from 1 April 2013. Feed-in tariffs based on contracts for difference started operating in 2015 to incentivise electricity generation from low-emission sources through financial subsidies. An Emissions Performance Standard has also been introduced, limiting carbon emissions from new or altered fossil fuel generating plant of 50 MW or over to 450g/kWh. Additional strategies on bioenergy and low carbon heat were published in April 2012. There are financial incentives to encourage the uptake of renewable heat both domestically and non-domestically.

Member states are required to bring into force the laws necessary to comply with the Directive by 25 June 2014 (*Article 28(1)*). Various measures have been introduced in the UK to implement this Directive. In July 2014, the European Commission adopted an Energy Efficiency Communication proposing a 30% energy savings target by 2030.

One of the major policy measures to increase the energy efficiency of existing buildings is the CRC

Energy Efficiency Scheme. The government has set up the Energy Efficiency Deployment Office to develop its energy efficiency strategy, which was published in November 2012. Another mechanism put in place is the Green Deal which was intended to enable homeowners and businesses to undertake energy efficiency works to their properties and spread the cost over a number of years. Waste management activities are regulated under the environmental permitting regime (EPR). The regulator is always the Environment Agency (EA) or Natural Resources Wales (NRW), even when the waste operation is a Part A(2) or Part B installation.

Permits and Regulator The EA or NRW can impose conditions on environmental permits (EPs) involving waste activities relating to the operation and management of the relevant site and its restoration at the end of operations. Large landfills, waste incinerators and waste recovery installations are regulated by the IPPC part of the EPR. However, a duty of care and fit and proper person test still applies.

Prohibited Activities All persons involved in activities involving waste are under a duty of care in relation to the waste. It is an offence to waste.

The EA can require financial provision, such as a guarantee or insurance, to ensure that responsibilities under an EP can be met.

A separate regime for control of wastes classified as hazardous is set out under the Hazardous Waste Regulations 2005 and Hazardous Waste. There are requirements on all parties involved in the production, transportation and receipt of hazardous waste to complete consignment notes. Recipients of hazardous waste must:

3. What are various regulations and legislation for cleaning up contaminated land?

There is an overlap of legislation related to the clean-up of contaminated land between the Environmental Protection Act 1990 and the Environmental Damage (Prevention and Remediation) (England) Regulations 2015 (ED Regulations). The ED Regulations relate to the prevention and remediation of environmental damage, being damage to species, habitats, sites of special scientific interest, surface water or groundwater, and land. The ED Regulations only apply to the most serious cases of environmental damage.

Other measures which recognise that actual remediation of the resource is not possible or that compensation should be made to account for temporary loss of a resource, complementary remediation and/or compensatory remediation. For land contamination, remediation requires the removal or control of contaminants so that risks are reduced to below an unacceptable level, and/or to take reasonable measures to remedy harm or pollution that has been caused by a significant contaminant linkage. If a planning application is made to develop a site with contaminated land, planning authorities can impose conditions in the planning permission requiring remediation to be carried out before the development starts. This is how most contaminated sites are dealt with.