

# Red Tape Challenge - Environment Theme Implementation Plan

September 2012

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## Introduction

The full package of Environment theme proposals was announced on 19 March 2012. Of 255 regulations, 132 would be improved, mainly through simplification or consolidation; 70 would be kept as they are, to uphold important environmental protections; and 53 obsolete regulations would be removed. Defra also announced a new drive to introduce smarter implementation on the ground, committing to work with business and environment organisations to identify the scope for significant rationalisation of legislation, guidance and data sets. A total of 116 separate proposals were put forward.

Defra committed to developing a detailed implementation plan which it would make available to the Reducing Regulation Committee (RRC). This plan, which establishes a clear set of deadlines for implementation with intermediate milestones, will form the basis for future monitoring of the delivery of this suite of proposals.

Defra wants to be transparent with stakeholders and the wider public. We have therefore tested the plan with our Sounding Board of stakeholders and are publishing the key implementation dates on the Defra website.

## Achieving early deregulation

Defra's overarching aim in developing this plan has been to deliver early and meaningful improvements for business, within the context of reducing resources. The plan has also to be seen in the context of other Departmental priorities, including several other important deregulatory initiatives. These include:

- Commitments made under other Red Tape Challenge (RTC) themes, such as Hospitality, Food and Drink, and further proposals being developed through the Water and Marine theme.
- BIS's Review of Enforcement, which already covers the Chemical industry and Marine and Coastal businesses.
- 200 recommendations from the Independent Farming Task Force, 96% of which were accepted in the Government's response published on 21 February.
- Results of the Habitats and Wild Birds Directives Implementation Review.
- The Penfold Review.
- Negotiations to reform the Common Agricultural Policy and increasing engagement on EU legislation generally.

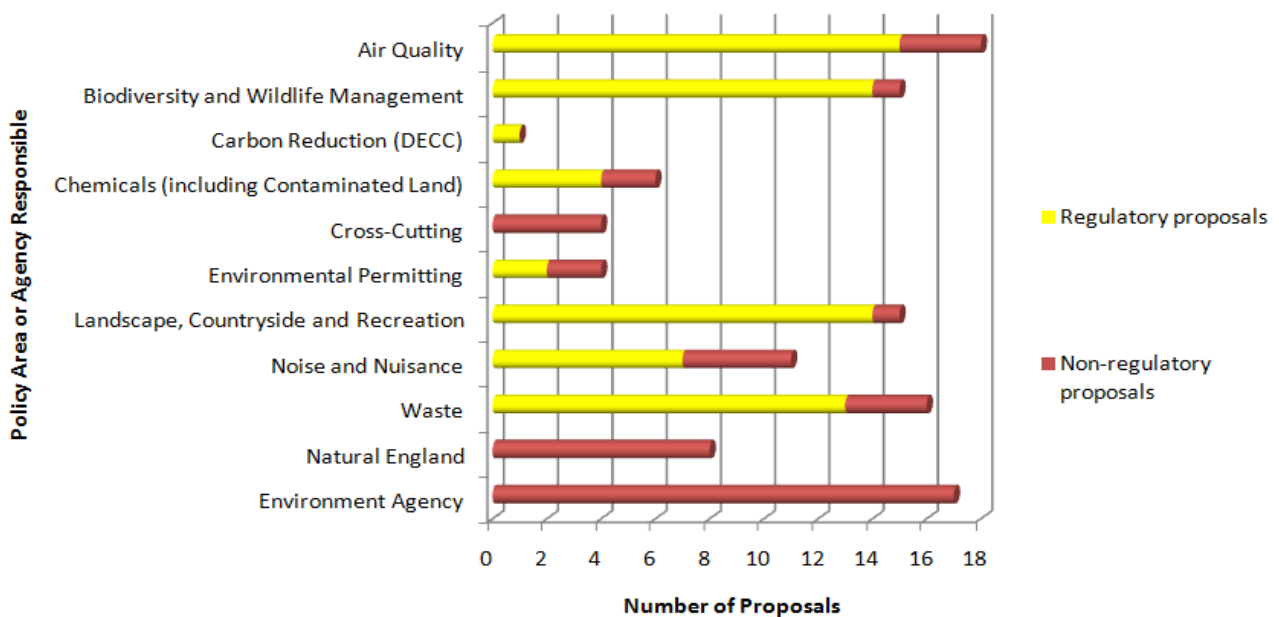
These actions clearly demonstrate the significant deregulatory effort which is being undertaken by Defra but also the need for careful planning and management of priorities and resources.

The plan has been developed against the following broad criteria which are intended to deliver benefits to business at the earliest opportunity. To make sure that the plan is achievable, we have been mindful to ensure that common resources, such as lawyers and analysts as well as policy officials, have been involved in setting the target dates:

- i) **Within 1 year of announcement (Common Commencement Date (CCD) April 2013):** Proposals that are easy to implement, provide significant benefits to business/citizens and are probably not controversial.
- ii) **Between 1-2 years of announcement (CCD April 2014):** Proposals that will require more preparation, perhaps significant consultation and may be controversial but still provide meaningful benefits to business/citizens.
- iii) **More than 2 years from announcement (normally by CCD April 2015):** Measures that may require significant resources or time to implement (such as changes to primary legislation) or which are likely to provide only limited benefits to business/citizens.

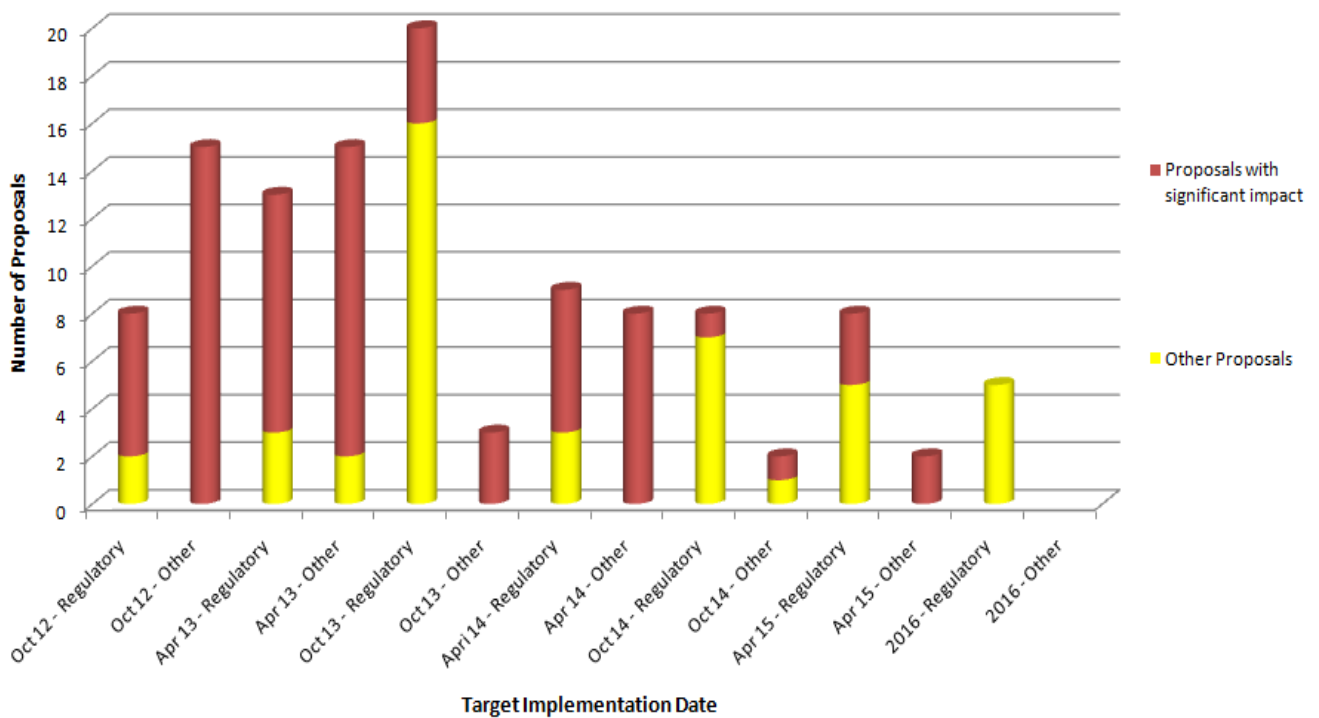
## Main characteristics of the plan

The implementation plan records proposals relating to both legislative (60%) and delivery reform (40%) – see Graph 1. Of those reforms to delivery arrangements 55% will be taken forward by Defra’s regulators. The plan has therefore been prepared in full collaboration with the Environment Agency and Natural England along with an agreed process for reporting.



**Graph 1: Regulatory and non-regulatory proposals by policy area or Agency responsible**

It should be noted that, at the date of publishing, over 10% of the 116 proposals have already been implemented, with forecast savings to business of over £140million per year. By October 2013, under this plan, 66% of our commitments and 70% of those which have a significant impact on businesses will have been delivered. By the end of this Parliament, the plan will deliver 96% of all proposals. Those programmed for 2016 are unlikely to impact on business – see Graph 2 below.



**Graph 2: Timetable of proposals, highlighting those with significant impact**

Proportionate Impact Assessments (IAs) are not available for many of the proposals at this stage but those prepared so far confirm estimated business savings of almost £850million over five years. However, in order to ensure that savings are properly accounted, our internal implementation tracker will capture information on all IAs that are developed. We are confident that the plan, particularly when additional proposals for reform to guidance and datasets are taken into account, will safely exceed the £1billion stated at announcement.

## Smarter Environmental Regulation Review

An important component of our proposals was a cross-cutting review of the environmental regulatory framework, to include the scope for rationalizing legislation, guidance and datasets. Our announcement gave the following ambitious commitments:

- Defra will start work immediately with business and environment organisations to identify the scope for significant rationalisation of guidance and will report to Ministers by end September 2012. Ministers will take decisions following a Star Chamber, with the aim of an announcement in the autumn.
- Defra will similarly examine the scope for significant rationalisation of data sets and report by autumn 2012. Changes that can be easily introduced will be taken forward as soon as possible.

Whilst these commitments are intended, by end September 2012, to provide early examples for reform, the project has also been asked to report by end December 2012 on opportunities for longer term reforms including those requiring changes to legislation.

A project team has been established and is taking this work forward. The review is being overseen by a Director led Steering Group that includes representation from the Defra network, Cabinet Office, Treasury and BIS.

The first phase of the project involved a comprehensive assessment of the current situation and rationale for reform. The whole environmental regulatory landscape – legislation, guidance, data requirements and compliance arrangements – has been mapped to understand its complexity and identify potential issues, such as overlap and duplication. We will continue to engage extensively with stakeholders to ensure we have the strongest possible basis for resulting recommendations.

This is most a complicated piece of work and it is important to get it right. Nevertheless, the project will not delay opportunities for near-term improvements to be made.

## Supporting culture change within Defra

One of the RTC's key aims was to promote the objective of culture change within Whitehall. To complement our RTC proposals, we will shortly be testing a new system, Policy Implementation Management and Made Simple (PIMMS), which we hope to introduce formally from autumn 2012. PIMMS is intended to:

- a) Place more focus more on policy inception and apply a more consistent approach to defining and recording policy options, including alternatives to regulation, and improve the reliability of project management. We will do this by introducing a **"Policy Appraisal Statement"** to formally initiate new policies and IAs.
- b) Improve information management by stripping out duplication of data collection across the Department. We will do this through the development of Defra's **Regulatory Management Tool (RMT)** as the single Department database of both regulatory and non-regulatory policies and thus improve the quality of reporting to senior managers and their ability to prioritise activities and resources.
- c) Improve transparency of our regulatory stock and ensure we hold accurate data which is easily kept up-to-date. We will do this through a web-based searchable portal, **"Defra-Lex"**, which will become a "one-stop-shop" for all key publicly produced documentation on Defra-owned legislation, including guidance, consultation documents and Impact Assessments. Produced in collaboration with the National Archives, Defra-Lex will be used as an internal tool from October 2012 prior to being made public from April 2013.
- d) Support the **continuous development and performance of staff**. We will do this by developing a training programme to embed better regulation principles including drop-in sessions, workshops and internal communications, complemented by improved internal guidance.

# Management and monitoring of implementation

The detailed plan which is annexed has been agreed with Defra policy Directors, who will take responsibility for ensuring that the plan is delivered in their areas. The plan is ordered by proposal rather than the original list of regulations that appeared on the Red Tape Challenge website. This will facilitate monitoring as well as its incorporation into a broader Departmental de-regulatory plan encompassing proposals from other initiatives. This should better ensure overall oversight of delivery.

Regular reports will be provided to Defra policy Directors and Cabinet Office to facilitate strategic oversight and management. Reports will also be provided to Ministers.

The plan will need to take on board further proposals that might arise, such as those resulting from the Fly-tipping Summit of 26 July 2012; reports from the cross-cutting project on legislation, guidance and datasets; and further website comments and stakeholder engagement. It may also need to be adjusted in response to new Government priorities.

## Conclusion

This plan takes a systematic and considered approach to implementing the Environment theme package, supported by effective information management and monitoring arrangements. Key proposals have been taking forward quickly whilst the broad package has been assessed and prioritised according to their benefits to business.

# Annex: Table 1 – Environment Theme Implementation Plan Summary

## Air Quality

Target date of implementation	Proposal	Title of relevant SI or Act	Origin	Consultation due date
Implemented	Consolidate the five Smoke Control Areas (Authorised Fuels) Regulations into one instrument.	The Smoke Control Areas (Authorised Fuels) (England) Regulations 2001 and Amendments from 2002, 2005, 2006 and 2007	Domestic	N/A
Implemented	Consolidate the four Regulations when transposing a minor deregulatory amendment to the Paint Products Directive.	The Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005 and Amendments from 2009 and 2010	EU	N/A
April 2013	Simplify the arrangements so the required performance of fuels is specified rather than a list of fuels.	The Smoke Control Areas (Authorised Fuels) (England) Regulations 2001 and Amendments from 2002, 2005, 2006 and 2007	Domestic	September 2012
April 2013	Simplify the arrangements so that the required performance of fireplaces is specified rather a list of individual fireplaces.	The Smoke Control Areas (Exempted Fireplaces) (England) Order 2011	Domestic	September 2012
April 2013	Streamline applications and permits and reduce business charges for up to 20 industry sectors.	Environmental Permitting (England and Wales) Regulations 2010	EU and Domestic	Different dates for different sectors
October 2013	Amend the Act to remove the requirement for Further Assessments.	Environment Act 1995	Domestic	Unsure at present
October 2013	Review the impact of the Clean Air Act and associated regulations and consult on findings. Defra will look to reduce burdens on business and local authorities (LAs) by identifying which measures are redundant and which can be modernised to a) help LAs meet EU air quality targets and b) help reduce costs for businesses.	N/A	EU and Domestic	Options consultation May 2013 Regulations late 2013 or early 2014

Target date of implementation	Proposal	Title of relevant SI or Act	Origin	Consultation due date
October 2013	Remove the Regulations as they have been superseded by Environmental Permitting Regulations 2010.	The Pollution Prevention and Control (Unauthorised Part B Processes) (England and Wales) Regulations 2004	EU	N/A
October 2013	Remove the Regulations as they are now obsolete.	The Control of Industrial Air Pollution (Transfer of Powers of Enforcement) Regulations 1987	Domestic	N/A
October 2013	Remove the Regulations. They refer to the Alkali Act 1906 and Section 19 of the Health and Safety at Work etc. Act 1974 which were repealed in 1999.	Clean Air Enactments (Repeals and Modifications) Regulations 1974	Domestic	N/A
October 2013	Remove the Regulations, as they have been superseded by the Environmental Protection Regulations 2010.	Control of Asbestos in the Air Regulations 1990	Domestic	N/A
Commission unlikely to put forward legislative proposals for ambient air quality until late 2013 at the earliest	Working in partnership with other Member States (MSs), use the EC review of air quality legislation to seek: amendments to the Air Quality Directive which reduce the infraction risk faced by most MSs, especially in relation to nitrogen dioxide provisions; simplifications to the legal framework (e.g. through reducing requirements for MSs) to reduce costs and admin burdens to local authorities and businesses whilst maintaining or improving health and ecosystem protection; requirements that are strictly proportional to evidence on costs and benefits.	N/A	EU	N/A
Hopefully by end 2013 (Depends on EU)	The Commission has adopted a draft Directive to amend Directive 1999/32/EC which includes provisions to delegate decisions on what is to be included in annual reports to the Commission. We see no value in this and we are in discussion with DfT (who lead on this) on means to resist or temper this proposal.	Sulphur Content of Liquid Fuels (England and Wales) Regulations 2007	EU	N/A



Target date of implementation	Proposal	Title of relevant SI or Act	Origin	Consultation due date
October 2014	Review existing local air quality legislation to focus requirements on those that are essential to ensure compliance with EU targets. Review the role and responsibilities of local authorities to help ensure that action is taken by those with relevant powers to address the key issues (e.g. transport emissions). Review the role of transport measures in meeting air quality targets, including the consistency in approach across local areas, working with other relevant departments, especially DfT and DH. Consolidate Air Quality Standards Regulations to simplify the regulatory landscape.	N/A	EU and Domestic	Options consultation May 2013 Regulations late 2013 or early 2014
October 2014	Merge the Air Quality (England) (Amendment) Regulations 2002 with the Air Quality Standards Regulations 2010. This will allow us, for instance, to realign local authority duties towards limit values rather than objectives, bring attainment dates for certain pollutants into alignment, and achieve a more transparent approach to implementing EU legislation.	Air Quality (England) (Amendment) Regulations 2002 and the Air Quality Standards Regulations 2010	Domestic	Options consultation May 2013 Regulations late 2013 or early 2014
December 2014	Review the impact of the Clean Air Act, and consult on findings. Look to reduce burdens on business and local authorities by reviewing the Clean Air Act and associated regulations to identify which measures are redundant and which can be modernised to help local authorities meet EU air quality targets and help reduce costs for businesses. It is likely that more than one legislative vehicle will be used.	Clean Air Act and regulated Regulations: Dark Smoke (Permitted Periods) Regulations 1958; Clean Air (Emission of Dark Smoke) (Exemption) Regulations 1969; Clean Air (Emission of Grit and Dust from Furnaces) Regulations 1971; Clean Air (Measurement of Grit and Dust from Furnaces) Regulations 1971; Clean Air (height of chimneys) (exemption) regulations 1969; Control of Atmospheric Pollution (Research and Publicity) Regulations 1977; Control of Atmosphere Pollution (Appeals) Regulations 1977; Dark Smoke (Permitted Periods) (Vessels) Regulations 1958	EU and Domestic	May 2013
January 2015	Merge to simplify the regulatory landscape.	The Environment Protection (Controls on Ozone-Depleting Substances) Regulations 2011 and the Ozone Depleting Substances (Qualifications) Regulations 2009	EU	N/A
April 2015	Work with the Department of Health and directors of public health to raise awareness about the health impacts of air pollution and change behaviours in areas such as transport and biomass burning to improve air quality. <sup>1</sup>	N/A	N/A	N/A

<sup>1</sup> Work is in scoping stage. Timeline will be available when scoping is completed.

## Biodiversity

Target date of implementation	Proposal	Title of relevant SI or Act	Origin	Consultation due date
Implemented	Consolidate the Spring Traps Approval Order 1995 with the three Variation Orders to improve clarity.	Spring Traps Approval Order 1995 and Variations from 2007, 2009 and 2010	Domestic	N/A
January 2013	Merge with other Animal Health and Veterinary Laboratories Agency Fees regulations to simplify the regulatory landscape. Also increase the fees in line with the Government's aims to move to full cost recovery.	Control of Trade in Endangered Species (Fees) Regulations 2009	Domestic	July 2012
April 2013	The current regulations are being reviewed to ensure they are fit for purpose. Two authorised suppliers of rings, who also represent traders and breeders, are working with Defra to identify how implementation could be brought up to date. Consideration is being given to consolidating the set of regulations relating to the ringing of birds to simplify the regulatory landscape.	Wildlife and Countryside (Ringing of Certain Birds) Regulations 1982	Domestic	July 2012
A progress report is due in Spring 2013	Review implementation of the Habitats and Wild Birds Directives on the ground, especially the impact on proposed developments, with a view to reducing burdens on business while maintaining the integrity of the Directives. Results were announced alongside the 2012 Budget. A progress report is due in spring 2013.	The Conservation of Habitats and Species Regulations 2010 and Amendments from 2011	EU	N/A
October 2013	Remove the requirement on occupiers of land to report the presence of grey squirrels on their land.	Grey Squirrels (Prohibition of Importation and Keeping) Order 1937	Domestic	Summer 2012
October 2013	Remove these Regulations. If the licensing authority decided to charge in the future, they will do so via the mechanism for introducing charges included in the Public Bodies Bill.	Mink (Keeping) Regulations 1975 and Amendments from 1977, 1979, 1982, 1987 and 1997	Domestic	N/A
October 2013	Remove these Regulations. If the licensing authority decided to charge in the future, they will do so via the mechanism for introducing charges included in the Public Bodies Bill.	The Coypus (Special Licence) (Fees) Regulations 1997	Domestic	N/A

Target date of implementation	Proposal	Title of relevant SI or Act	Origin	Consultation due date
October 2013	Remove the Order. Civil action or, failing that, targeted enforcement of specific notices served upon specific occupiers would be more cost effective.	Rabbit Clearance Order No. 148 (England and Wales)	Domestic	N/A
April 2014	Consolidate the Prohibition of Importation and Keeping Orders for Musk Rats, Grey Squirrels, Non-indigenous Rabbits and Coypus with the Mink Keeping (Prohibition) Order to simplify the regulatory landscape.	Musk Rats (Prohibition of Importation and Keeping) Order 1933, Grey Squirrels (Prohibition of Importation and Keeping) Order 1937, Non-indigenous Rabbits (Prohibition of Importation and Keeping) Order 1954, Coypus (Prohibition on Keeping) Order 1987, Mink Keeping (Prohibition) (England) Order 2004	Domestic	N/A
April 2014	The independent Lead Ammunition Group's recommendations, expected in 2014, will be carefully considered to see if they might be valuable in improving implementation. It is likely that improved enforcement and/or voluntary measures will be necessary to improve compliance.	Environmental Protection (Restriction on Use of Lead Shot) (England) Regulations 1999 and Amendments from 2002 and 2003	Domestic	August 2013
April 2014	Update and merge the Control of Trade in Endangered Species (Enforcement) Regulations, and amendments to that, as well as the Control of Trade in Endangered Species (Ports of Entry) Regulations and still extant provisions of the Endangered Species (Import and Export) Act 1976. This will reduce the number of separate pieces of legislation from seven to one, bringing all the relevant control provisions for CITES together in one place and in one piece of legislation. As the regulations are required by, and deliver obligations arising from, EU Regulations we will need to ensure that the amendments are consistent with those.	Control of Trade in Endangered Species (Enforcement) Regulations 1997 and Amendments from 2005, 2007 and 2009 and Control of Trade in Endangered Species (Designation of Ports of Entry) Regulations 1985	International	February 2013
April 2014	Replace the Variation of Schedules Orders with one consolidating SI to reduce regulatory burden by reducing the complexity of reading the schedules to the 1981 Act.	The Wildlife and Countryside Act 1981 (Variation of Schedules) Orders 1988, 1989, 1991, 1992 (4 Orders), 1994, 1997, 1998, 1999, 2008 (2 Orders), 2010	Hybrid	N/A
April 2015	Merge the Lead Weights regulations together to simplify the regulatory landscape	Control of Pollution (Anglers' Lead Weights) Regulations 1986 and Amendments from 1993	Domestic	June 2014
April 2015	Merge the set of regulations relating to the ringing of birds to simplify the regulatory landscape.	Wildlife and Countryside (Registration and Ringing of Certain Captive Birds) Regulations 1982 and Amendments from 1991, 1994, 2004 and 2008	Domestic	August 2015

Target date of implementation	Proposal	Title of relevant SI or Act	Origin	Consultation due date
April 2015	Repeal these Orders and replace them with a non-regulatory mechanism.	Various Wild Birds (Sundays) Orders 1955, 1956, 1957, 1963	Domestic	October 2014

## Carbon Reduction

Target date of implementation	Proposal	Title of relevant SI or Act	Origin	Consultation due date
January 2013	Look at consolidating the aviation regulations with the core EU ETS regulations in time for the launch of phase III of the EU ETS. In doing this look for opportunities to simplify the regulations and to harmonise procedures, for example for appeals, to reduce the administrative burden on operators.	Aviation Greenhouse Gas Emissions Trading Scheme Regulations 2009 and Amendments from 2010 and 2011, Greenhouse Gas Emissions Trading Scheme Regulations 2005 and Amendments from 2006 and 2007 (2 sets), Greenhouse Gas Emissions Trading Scheme (Amendment) and National Emissions Inventory Regulations 2005, Greenhouse Gas Emissions Trading Scheme (Miscellaneous Provisions) Regulations 2007, Greenhouse Gas Emissions Data and National Implementation Measures Regulations 2009, Greenhouse Gas Emissions Trading Scheme (Nitrous Oxide) Regulations 2011	EU	May 2012

## Chemicals (including Contaminated Land)

Target date of implementation	Proposal	Title of relevant SI or Act	Origin	Consultation due date
Implemented	Small change to streamline appeals procedure as part of wider simplification/deregulation of contaminated land regime.	Contaminated Land Regulations 2006	Domestic	March 2011
Implemented	Changes to the statutory guidance aiming to deal with the substantial "regulatory creep" which has affected the regime since it came into force in 2000 (issued on 10 April 2012). The aim is to refocus the regime on the high risk land it was introduced to deal with and reduce regulatory uncertainty for businesses (including developers) by clarifying when land will not be caught by the regime.	Contaminated Land Statutory Guidance	Domestic	March 2011

Target date of implementation	Proposal	Title of relevant SI or Act	Origin	Consultation due date
Autumn 2012	Work with the EC to: provide clearer guidance on fair cost sharing under the REACH Regulation, with costs divided on the basis of tonnage traded to lower costs for SMEs, which trade in lower quantities; improve transparency so companies can (i) see how the costs are broken down, enabling them to more easily detect unfair pricing, and (ii) see when studies will soon be freely available in the public domain, to prevent unnecessary spending on chemicals data; and look into the potential need for mediation.	N/A	EU	N/A
January 2013	Change the way REACH is implemented in the UK, so businesses will no longer need to remove asbestos from second-hand articles before selling them.	N/A	EU	September 2012
April 2013	Review the impact of changes to Statutory Guidance and report back to Cabinet Office.	Contaminated Land Statutory Guidance	Domestic	N/A
April 2014	Merge the REACH Enforcement Regulations 2008 with the Persistent Organic Pollutant Regulations 2007 and the Mercury Export and Data (Enforcement) Regulations 2010. This will simplify the regulatory and enforcement landscape for businesses.	The REACH Enforcement Regulations 2008, the Persistent Organic Pollutants Regulations 2007 and the Mercury Export and Data (Enforcement) Regulations 2010	EU	September 2013

## Environmental Permitting

Target date of implementation	Proposal	Title of relevant SI or Act	Origin	Consultation due date
Included in 2nd session draft Water Bill 2012	Extend the permitting framework to include water abstractions, impounding licensing, fish pass approvals and flood risk consents.	Environmental Permitting (England and Wales) Regulations 2010	EU	Draft water Bill due to be published before the summer recess for PLS

Target date of implementation	Proposal	Title of relevant SI or Act	Origin	Consultation due date
April 2013	Streamline planning and permitting regime by exploring with CLG the extent that common information can be carried across from the Planning Portal to the Environmental permitting application form.	Environmental Permitting (England and Wales) Regulations 2010	EU	N/A
April 2013	Extend ability to decide sequencing of planning and environmental permitting applications to all businesses.	Environmental Permitting (England and Wales) Regulations 2010	EU	Summer 2012
April 2013	Pilot Environmental Account Managers for complex cases requiring consent from a number of different agencies (e.g. infrastructure projects) and ensure they work closely with the planning authorities.	Environmental Permitting (England and Wales) Regulations 2010	EU	May 2012

## Landscape

Target date of implementation	Proposal	Title of relevant SI or Act	Origin	Consultation due date
April 2013	Adopt a more efficient and streamlined approach to the future implementation of the coastal route and associated spreading room under Part 9 of the Marine and Coastal Access Act 2009. This will make it less likely that a business will need to make an objection against Natural England's proposals and so reduce costs.	N/A	Domestic	October 2012
April 2013	Merge these four instruments to simplify the regulatory landscape.	Access to the Countryside (Provisional and Conclusive Maps) (England) Regulations 2002 and Corrections and Amendments from 2003 (2 Regulations) and 2005	Domestic	N/A
April 2013	Merge public paths procedural regulations to simplify the regulatory landscape.	Public Rights of Way (Combined Orders) (England) Regulations 2008 and Amendments from 2010	Domestic	N/A

Target date of implementation	Proposal	Title of relevant SI or Act	Origin	Consultation due date
October 2013	Work up proposals which will exempt a wider range of works on common land from the requirement to apply for consent from the Planning Inspectorate to reduce the burden on applicants by eliminating or reducing the need for applications to be submitted that are generally approved.	Works on Common Land (Exemptions) (England) Order 2007	Domestic	March 2013
October 2013	Merge the Chilterns and Cotswold Areas of Natural Beauty Orders to simplify the regulatory landscape.	Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 and the Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004	Domestic	April 2013
October 2013	Revoke any of the Designation Orders which are redundant.	Crime Prevention (Designated Areas) Orders 2003, 2004, 2005 (3 Orders), 2006 and 2007, and 2004 Amendments	Domestic	N/A
October 2013	Remove Regulations as procedures for the mapping of land as open country and registered common land under the CROW Act 2000 have been completed.	Access to the Countryside (Maps in Draft Form) (England) Regulations 2001	Domestic	N/A
October 2013	This will be revoked once the Localism Bill is brought into force as this will be removing the Government's power to issue Codes of Conduct.	National Park and Broads Authorities (Model Code of Conduct) (England) Order 2001	Domestic	N/A
April 2015	Consolidate the instruments covering the governance structure of National Park Authorities and the Broads Authority to simplify the regulatory landscape.	National Park Authorities (England) Orders 1996 and Amendments from 1996, 2006 and 2009, the New Forest National Park Authority (Establishment) Order 2005, Norfolk and Suffolk Broads Act 1988 (Alteration of Constitution of the Broads Authority) Order 2005, and South Downs National Park Authority Establishment) Order 2010	Domestic	April 2014
April 2015	Merge and simplify the commons management regulations.	Commons (Schemes) Regulations 1982	Domestic	April 2014

Target date of implementation	Proposal	Title of relevant SI or Act	Origin	Consultation due date
2016	Work up proposals which will exempt a wider range of works on common land from the requirement to apply for consent from the Planning Inspectorate to reduce the burden on applicants by eliminating or reducing the need for applications to be submitted that are generally approved.	Works on Common Land, etc. (Procedure) (England) Regulations 2007	Domestic	March 2013
2016	Merge public paths procedural regulations to simplify the regulatory landscape.	1) Town and Country Planning (Public Path Orders) Regulations 1993, 2) Public Path Orders Regulations 1993, 3) Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993, 4) Rail Crossing Extinguishment and Diversion Orders Regulations 1993, 5) Highways, Crime Prevention etc.(Special Extinguishment and Special Diversion Orders) Regulations 2003, 6) Highways (SSSI Diversion Orders) (England) Regulations 2007	Domestic	October 2014
2016	Consolidate existing procedures for public inquiries and hearings across the implementation of rights of way, open access under the Countryside and Rights of Way Act 2000 and common land under the Commons Act 2006. This would remove duplication of provisions and amalgamate provisions common to several instruments in a single place.	Rights of Way (Hearings and Inquiries Procedure) (England) Rules 2007	Domestic	October 2014
2016	Merge to simplify the regulatory landscape.	Commons Registration (England) Regulations 2008 and 2009 Amendments	Domestic	N/A
2016	Fully implement Part 1 of the Commons Act 2006 to introduce modern provisions throughout England, improve consistency and accessibility, and improve the protection and management of commons. By implementing Part 1 of the Commons Act 2006, we will revoke all the regulations made under the 1965 Act.	Commons Registration (Exempted Land) Regulations 1965, Commons Registration (General) Regulations 1966 and 1968 Amendments, Commons Registration (Time Limits) Order 1966 and 1970 Amendments, Commons Registration (Objections and Maps) Regulations 1968, Commons Registration (New Land) Regulations 1969, Commons Registration (Finality of Undisputed Registrations) Regulations 1970, Commons Registration (Disposal of Disputed Registration) Regulations 1972 and 1993 Amendments, Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007, Commons (Deregistration and Exchange Orders) (Interim Arrangements) (England) Regulations 2007, Commons Registration (Amendment and Miscellaneous Revocations) Regulations 2010	Domestic	N/A



## Noise and Nuisance

Target date of implementation	Proposal	Title of relevant SI or Act	Origin	Consultation due date
2013 (Exact date dependent on CLG)	Work with CLG and stakeholders so that the National Planning Policy Framework will help local decision-making on development and noise, such as assessing whether an area is suitable for residential development given existing noise levels. <sup>2</sup>	Environmental Protection Act 1990 sections 79 and 80	Domestic	N/A
October 2013	Remove these Orders as they were superseded on passage of the Clean Neighbourhoods and Environment Act 2005 and have no legal effect.	The Dog Fouling (Fixed Penalty) (England) Order 2002 and the Litter (Fixed Penalty) (England) Order 2002	Domestic	N/A
October 2013	Remove these Orders as they were superseded on passage of the Clean Neighbourhoods and Environment Act 2005 and have no legal effect.	The Litter (Fixed Penalty Notices) Order 1991 and the Dog Fouling (Fixed Penalties) Order 1996 (Revocation) (England) Order 2005	Domestic	N/A
October 2013	Remove these Regulations as they are no longer up to date since they don't reflect the end of local authority performance assessment with the abolition of the Audit Commission.	Environmental Offences (Use of Fixed Penalty Receipts) Regulations 2007	Domestic	N/A
October 2013	Remove these Regulations. They were used to identify noise sources for the first round of mapping and are not relevant for further rounds of mapping. The main regulations have already been amended so that an equivalent regulatory requirement is no longer needed for future rounds.	Environmental Noise (Identification of Noise Sources) (England) Regulations 2007	EU	N/A
October 2013	Remove these sections of the Act. We believe very few Zones are being actively enforced by local authorities and local authorities are not using the legislation. The regulations are very bureaucratic for local authorities to implement and are potentially a burden for business.	Control of Pollution Act 1974 sections 63 to 67	Domestic	January 2013

<sup>2</sup> We would like to develop some sort of additional guidance on noise now that the National Planning Policy Framework has been published. We are still in negotiations with CLG about whether this is possible. If not, we will look at whether we can update/tweak Defra guidance on noise to reflect the current situation now that we have the NPPF.

Target date of implementation	Proposal	Title of relevant SI or Act	Origin	Consultation due date
After the conclusion of EU negotiations (Expected 2014)	Seek to use expected future amendments to the technical annex of the Environmental Noise Directive to reduce the overall burden on Government and use the transposition of any such amendment to merge and simplify the regulations. As soon as the Directive itself is opened for renegotiation, look to remove the requirements for mapping industrial sources in large urban areas, as we don't believe EU noise mapping requirements add any value to England's existing methods of managing noise from industry. <sup>3</sup>	Environmental Noise (England) Regulations 2006 and Amendments from 2008, 2009 and 2010	EU	N/A
2014 (Exact date dependent on HO)	The 2011 Home Office consultation on anti-social behaviour tools and powers proposed incorporating the existing Dog Control Order system into a more streamlined Community Protection Order which would cover a wider range of persistent, place-related anti-social behaviour. This would ensure that professionals have the flexibility to respond effectively to the problems that matter to local people in their areas, including environmental problems relating to dogs. Home Office have now published their response on Antisocial Behaviour reforms, and we will work with them as policy is developed and implemented. <sup>4</sup>	Dog Control Orders (Prescribed Offences and Penalties, etc) Regulations 2006, Controls on Dogs (Non-application to Designated Land) Order 2009, and Dog Control (Procedures) Regulations 2006	Domestic	N/A

<sup>3</sup> We are expecting the EC to outline a programme of action in the next few months. Once we have this we will be able to draw up a project plan. In the meantime we have started to influence the EU, for example through a paper where we set out our views at the Euronoise conference.

<sup>4</sup> The Home Office issued a White Paper on proposals to revamp the Antisocial Behaviour toolkit, including DCOs. The Home Office needs a primary legislation slot in order to implement the changes.

Target date of implementation	Proposal	Title of relevant SI or Act	Origin	Consultation due date
2014 (Exact date dependent on HO)	Continue to work with the Home Office as policy develops on anti-social behaviour, for example to promote the use of mediation in noise and other nuisance dispute resolution. The Home Office's 2011 consultation on tackling anti-social behaviour put forward proposals to streamline the toolkit to tackle anti-social behaviour, including problems caused by noise and other potential sources of nuisance. In addition to looking at statutory powers, the consultation emphasised that the Government remains committed to encouraging the use of informal measures such as mediation to tackle anti-social behaviour. Home Office have now published their response on Antisocial Behaviour reforms, and we will work with them as policy is developed and implemented. <sup>5</sup>	Environmental Protection Act 1990 sections 79 and 80 and Clean Neighbourhoods and Environment Act 2005 sections 101 and 102	Domestic	N/A
October 2014	Review these Regulations to reflect changes following the end of local authority performance assessment with the abolition of the Audit Commission. The review should retain the provision, in law, of a minimum level of fine for those local authorities who decide not to specify their own level of fine locally.	Environmental Offences (Fixed Penalties)(Miscellaneous Provisions) Regulations 2006	Domestic	N/A

## Waste

Target date of implementation	Proposal	Title of relevant SI or Act	Origin	Consultation due date
Implemented	Bring into force stronger powers for local authorities and the Environment Agency to seize vehicles suspected of involvement in fly tipping and waste crime.	Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991	EU	N/A

<sup>5</sup> We would like to work with the Home Office to develop guidance on mediation as part of them developing the Antisocial Behaviour Bill. The Home Office proposals potentially cut across the statutory nuisance regime and will need comprehensive guidance to be developed as a result. The Home Office are hoping to draft the Bill over the summer so as to be in place by April 2013 and enacted by April 2014.

Implemented	Controlled Waste Regulations 1992 have been subject to extensive consultation recently and have been replaced with new Regulations. The new Regulations will remove market distortions, clarify terminology and responsibilities, remove a burden on local taxpayers, and allow local authorities to improve the services they can provide to nondomestic properties at reasonable cost.	Controlled Waste Regulations 1992	Domestic	N/A
Letter sent 10 May 2012. Awaiting response.	Seek from the European Commission an exemption for micro businesses from the EU waste carriers, brokers and dealers registration requirements for businesses transporting their own waste.	N/A	N/A	N/A
Ministerial summit held on 26 July 2012	Hold a Ministerial fly-tipping summit, bringing together major stakeholders to discuss how national support can be used to back regional and local projects. Defra will work with industry and local authorities to prioritise better reporting to focus efforts and map trends. The Summit aims to identify and champion affordable solutions to change behaviour and find an approach based on communication between affected parties, local authorities and the Police	N/A	N/A	N/A
October 2012 (Ongoing, so may be extended with further actions.)	Help LAs improve access for SMEs to Civic Amenity sites and kerbside collections. Remove barriers to this by: improving advice on charging structures; removing Landfill Allowance Trading Scheme regulations (separate entry); addressing infrastructure gaps, storage constraints and planning and permitting issues; and reducing reporting requirements. Encourage more LAs to sign Waste Services Commitments to commit LAs to improving SME access to services.	N/A	N/A	N/A
January 2013	The Landfill Allowances Trading Scheme (LATS) was effective in kick starting action to meet landfill reduction targets and encouraged local authorities to divert increasing amounts of waste from landfill. However, the Landfill Tax rather than LATs is now the key driver for local authorities diverting waste from landfill. As such it is proposed to end LATs, which will remove an unnecessary burden on local authorities. Although LATS will be ended in 2013 in England (reducing an administrative burden on local authorities), the UK is still legally obliged to set out scheme year maximums in Regulations.	Landfill (Scheme Year and Maximum Landfill Amount) Regulations 2004	EU	N/A

January 2013	See above. Current arrangements (including requiring Waste Disposal Authorities to record the amount of Biodegradable Municipal Waste sent to landfill, and making provision for determining and calculating the amount of BMW sent to landfill) are required until LATS ends at the end of the 2012 /13 scheme year to enable the UK to demonstrate to the Commission that it has meet its Landfill Diversion Targets for that year.	Landfill Allowances and Trading Scheme (England) Regulations 2004	EU	N/A
October 2013	Remove the Regulations - they are obsolete.	The Collection and Disposal of Waste Regulations 1988	Domestic	N/A
October 2013	Remove the Regulations - they are obsolete.	The Waste Management (Miscellaneous Provisions) Regulations 1997	Domestic	N/A
October 2013	Remove the Regulations. The industry consensus is that businesses would meet the general requirements of the Regulations regardless of their existence but that getting rid of them would save businesses the associated administrative burden.	The Site Waste Management Plans Regulations 2008	Domestic	December 2012
January 2014	Review Producer Responsibility Packaging Regulations alongside all Producer Responsibility Regulations with a view to reducing the admin burdens they place on business.	Producer Responsibility Obligations (Packaging Waste) Regulations 2007 and Amendments from 2008 and 2010	EU	January 2013
January 2014	Review the Producer Responsibility Batteries Regulations alongside all Producer Responsibility Regulations. As part of this Defra will look to exempt more small businesses from the battery producer responsibility regulations without reducing battery recycling rates. We will also look to reduce burdens, especially on SMEs, in other ways (e.g. removing the requirement for some distributors to take back waste batteries, and simplifying record keeping/reporting requirements and approval processes).	The Waste Batteries and Accumulators Regulations 2009	EU	January 2013
January 2014	Look to free businesses from having to fill in Waste Transfer Notes by allowing them to use other forms of evidence instead, such as invoices, to record certain required information.	Waste (Household Duty of Care) England and Wales Regulations 2005	EU	March 2013

April 2014	Introduce regulatory changes to address industry concerns by 2014. One option is giving producers a fixed minimum tonnage to finance based on their market share. Another is a new central allocation system for local authority sites to help the schemes fully align collections with their members' obligations. Also find an interim solution. One option is to calculate obligations based on the data from a previous compliance period to reduce uncertainty and help producers pay a more accurate amount.	The Waste Electrical and Electronic Equipment Regulations 2006 and Amendments from 2007, 2009 (2 Regulations) and 2010	EU	April 2014
October 2014	Remove the Regulations, as local authorities have never used the provisions and have instead created other more Informal partnerships.	Joint Waste Authorities (Proposals ) Regulations 2009	Domestic	Unsure at present
End 2014	Remove the Regulations. We are consulting local authorities on the statutory duty to produce Joint Municipal Waste Management Strategies (JMWMS) including possible removal of the duty. As such the criteria for exemption are no longer valid.	Joint Municipal Waste Management Strategies (Disapplication of Duties) (England) Regulations 2007	Domestic	Unsure at present

## Cross-Cutting

Target date of implementation	Proposal	Title of relevant SI or Act	Origin	Consultation due date
September 2012	Company level study to streamline regulatory obligations of businesses with multiple sites or activities	N/A	N/A	N/A
December 2012	Smarter Environmental Regulation Review (SERR): Cross-cutting review of scope to rationalise or otherwise improve environmental regulatory landscape including legislation, guidance and data.	N/A	N/A	N/A

December 2012 (considered as part of SERR (above) but with later reporting date)	Explore scope for greater use of third party audits and earned recognition	N/A	N/A	N/A
April 2013	Develop and roll out Defra-Lex - the stock of Defra regulations	N/A	N/A	N/A
Mid 2013	Develop a National Intelligence Model to take a strategic approach to the use of intelligence by Defra and its delivery network to fight environmental crime	N/A	N/A	N/A

## Environment Agency

Target date of implementation	Proposal	Title of relevant SI or Act	Origin	Consultation due date
Implemented	Publish simplified and reduced guidance on the hazardous waste controls (currently 31 pages long) before summer 2012.	The Hazardous Waste (England and Wales) Regulations 2005	EU	Completed
Implemented	The Environment Agency will provide further information about industrial sites to the public via its website. For example, Environment Agency ratings will be included onto the "What's in your backyard" section of its website to show how well the sites comply with their permit conditions.	N/A	N/A	N/A
Immediate and ongoing (first rolling 13 week deadline expired on 29 February 2012)	Improve implementation by turning around all except the most complex permits in 13 weeks.	Environmental Permitting (England and Wales) Regulations 2013	EU	N/A

Target date of implementation	Proposal	Title of relevant SI or Act	Origin	Consultation due date
Agreements made available to operators in May 2012. Rollout of agreements across target sectors in 2012-13 and ongoing after that.	Reduce unnecessary burdens of data reporting, handling and storage for both the operator and regulator by allowing companies to use data portals to provide direct access to their environmental compliance data. If current trials are successful, in the coming year the Agency plans to give other companies in the Landfill, Metals Recycling, Chemical, Combustion and Food and Drink sectors the opportunity to use such portals through voluntary, standard agreements. Roll out to other sectors will follow, subject to demand.	N/A	N/A	N/A
November 2012	Publish guidance to help applicants understand the limitations and flexibilities of applying simultaneously and sequentially for environmental permits and planning permission.	Environmental Permitting (England and Wales) Regulations 2011	EU	Completed
November 2012	Consult on further standard rules permits as part of delivering the Industrial Emission Directive.	N/A	N/A	July 2012
April 2013	Look to extend the current system to allow direct electronic upload of hazardous waste returns to reduce the amount of paperwork businesses have to produce. <sup>6</sup>	The Hazardous Waste (England and Wales) Regulations 2005	EU	N/A
April 2013	Trial different styles of guidance in partnership with customers.	N/A	N/A	N/A
Spring 2013	Set up teams with specific expertise in and understanding of specific industry sectors to provide a better, more focused customer service.	N/A	N/A	N/A
Summer 2013	Produce a series of Sector Plans to set out how the Agency will tailor its approach to the specific needs of the 14 main business sectors it regulates.	N/A	N/A	Completed

<sup>6</sup> Work is in scoping stage. A more detailed timeline will be available when scoping is completed.



Target date of implementation	Proposal	Title of relevant SI or Act	Origin	Consultation due date
November 2013	Review trials of Third Party Assurance Schemes with a range of business sectors (30 of the best operators over 9 sectors) and consider which can be taken forward.	N/A	N/A	October 2013
November 2013	Improve implementation by trialling third-party compliance checks and an annual compliance statement by Directors.	Environmental Permitting (England and Wales) Regulations 2014	EU	October 2013
December 2013	Work with Defra to complete a review of its enforcement powers to promote a common and consistent approach to enforcement across new and developing regimes.	N/A	N/A	Unsure at present
January 2014	Introduce a quick and easy electronic recording system from January 2014 which will do away with unnecessary admin, saving businesses at least £5million per year.	The Waste (England and Wales) Regulations 2011	EU	N/A
March 2014	Develop an efficient web framework to make it easier for customers to find what they need.	N/A	N/A	N/A
April 2014	Streamline guidance documents by 25% and provide simple, up to date guidance which will give customers the confidence that they can rely on it	N/A	N/A	Will vary depending on guidance
April 2015	Provide trade bodies with more data on sector performance to highlight best and worst practice to help incentivise better performance.	N/A	N/A	September 2012

## Natural England

Target date of implementation	Proposal	Title of relevant SI or Act	Origin	Consultation due date
Implemented - regular rhythm of Industry Groups and Customer Panels now in place	Use a series of Industry Groups and Customer Panels to advise both on priorities for improvements and the detail of new products and services to ensure they work to best effect, complementing business models and ways of working.	N/A	N/A	N/A
Implemented	Use an Ipsos Mori targeted customer and partner survey (to be completed March 2012) to identify further areas for improvement.	N/A	N/A	N/A
Implemented	Offer pre-application advice services (on a cost recovery basis) aimed at improving certainty and reducing costly delays, particularly for developers.	N/A	N/A	Completed
March 2013	Expand the use of innovative class and organisational licences for lower risk activities, freeing resources to focus more on encouraging and supporting compliance and on ensuring regulatory outcomes are being met.	N/A	N/A	September 2012 (bats) November 2012 (badgers)
March 2013	Condition licences to reduce the number of applications that are 'not right first time' by an expected 25%, reducing delays to development programmes. This will also simplify paperwork for licence modification requests.	N/A	N/A	September 2012
March 2013	Develop online libraries of standard wording for commonly encountered scenarios to help statutory undertakers provide the right information first time and get their assent quickly.	N/A	N/A	December 2012

Target date of implementation	Proposal	Title of relevant SI or Act	Origin	Consultation due date
March 2013	Work closely with developers to understand the costs associated with its licensing services and develop a new methodology to understand and quantify the monetary impacts of delays and risk.	N/A	N/A	December 2013
March 2013	Work with partners to explore ways of raising standards in the ecological consultancy profession, offering chargeable training courses and examining the scope for accreditation (e.g. chartered status) to enable us to build further on the principle of earned recognition.	N/A	N/A	N/A

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