

# CONSULTATION RESPONSE DOCUMENT: Public Consultation Paper Extension of the existing NIEA Regulatory Charging Policy from 1 April 2021 to 31 March 2023



*Sustainability at the heart of a living, working, active landscape valued by everyone.*

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## **1. Introduction**

On 18<sup>th</sup> January 2021 the Northern Ireland Environment Agency (NIEA) published its public consultation paper on the extension of the existing NIEA Regulatory Charging Policy from 01<sup>st</sup> April 2021 to 31<sup>st</sup> March 2023.

The consultation period ran for 8 weeks from the 18<sup>th</sup> January 2021 to the 15<sup>th</sup> March 2021. This is available to view here; <https://www.daera-ni.gov.uk/consultations/public-consultation-paper-extension-existing-niea-regulatory-charging-policy-1-april-2021-31-march>

The current NIEA Regulatory Charging Policy expires on the 31<sup>st</sup> March 2021 consequently a new policy is required setting out charging arrangements for the next two years. It is also proposed that during this time period NIEA will undertake a strategic review of NIEA regulatory fees and charges.

### **1.1. Purpose of this document**

The purpose of this document is to summarise the consultation comments received, provide our response to these comments and confirm the final decisions. This document also describes how we carried out the consultation and who responded.

### **1.2. Background**

NIEA through its regulatory responsibilities protects and improves the environment and the natural resources of Northern Ireland which is critically important in supporting sustainable development and economic growth. NIEA is committed to delivering an effective and supportive regulatory system which is fair and proportionate to those we regulate, including the level of charges we apply.

This is achieved in a number of ways including providing advice and guidance to regulated operators and our stakeholders so they understand and comply with environmental regulations and standards.

The Regulatory Charging Policy covers those fees and charges associated with Waste, Water and Pollution Control Regulations, and are listed in Annex A.

The purpose of this consultation is to seek comments on the following;

1. The proposal to extend the current NIEA Regulatory Charging Policy 2016 - 2021 by a further two years until 31<sup>st</sup> March 2023. During this two year extension period the NIEA will undertake a strategic review of the current policy and develop a new policy in line with the legislative framework. This is in line with the Regulatory Transformation Programme (RTP).
2. The application of the 2020 - 2021 GDP deflator in 2021 - 2022 in order to maintain the 2020 - 2021 charges. This GDP deflator will apply in 2021 - 2022 of the new policy with the option for NIEA to review in the final year (2022 - 2023) should it be considered appropriate.

### **1.3. How we ran the consultation**

NIEA launched this consultation on 18<sup>th</sup> January 2021 and it ran until 15<sup>th</sup> March 2021 (8 weeks). We published the consultation on the [DAERA consultation page](#) and facilitated consultation responses through the [NI Direct Citizen's Space](#) on-line platform.

Consultees were also able to respond directly to the RTP Team by email, telephone or by post. Given Covid-19 restrictions collation of any post to our main office was coordinated with business team staff.

Through e-mail correspondence we contacted relevant stakeholders in-line with NICS guidance, including but not limited to, The Executive Office, Department Ministers, Members of the Assembly, Northern Ireland MPs, Law Society for NI, Environment & Planning Law Association for NI and those organisations identified under Section 75 of the Northern Ireland Act 1998.

Through e-mail correspondence we contacted relevant stakeholders with an interest in the NIEA Regulatory Charging Policy including but not limited to, authorisation holders,

environmental consultants, and local councils. Notification of the consultation was also raised at the Government waste working group and other environmental agencies were also informed.

In addition, we also utilised a variety of digital platforms to promote this consultation, including,

- NI Executive Consultation webpage: <https://www.northernireland.gov.uk/consultations>
- DAERA Twitter page: [https://twitter.com/daera\\_ni](https://twitter.com/daera_ni)
- DAERA Facebook page: <https://www.facebook.com/daerani.gov.uk/>
- NIEA Facebook page: [Northern Ireland Environment Agency - Home | Facebook](#)
- DAERA internal Team Brief: <http://nics.intranet.nigov.net/daera/documents/daera-team-brief>

## **2. Summary of responses**

In total we received 9 responses before the deadline, which comprised of 7 online responses through Citizens Space and 2 email responses directly to the RTP Team. These responses to each question of the consultation are summarised in Annex B.

Of these respondents there were several organisations that represent many hundreds of interested parties and regulated operators.

The list of organisations and groups that declared their participation in the consultation is provided in Annex C.

## **3. Issues raised**

This section documents the main issues raised during consultation and our response to each.

**Question 7:****Do you support the proposed measures for the extension of the current NIEA Regulatory Fees and Charges Policy for 2 years?**

8 of the 9 responses (89%) answered 'Yes'. A number of comments were raised, please refer to table below alongside the response from NIEA.

<b>Issues raised by consultees</b>	<b>NIEA comment and decisions to issues raised by consultees</b>
<p><b>NI Local Government Technical Advisers Group</b> - As noted from the consultation document any increase in fees should follow DoF and Treasury guidance of full cost recovery whereby the income generated from the charging schemes covers the cost of the resources involved in the delivery of the regulatory activities.</p> <p>This needs to be balanced with the stated aspiration of NIEA to deliver an effective and supportive regulatory system to protect the environment and promote sustainable growth, which is fair and proportionate to those whose business activities are regulated. Any increases in fees should therefore only be considered within the context of cost recovery and not to generate revenue to be used elsewhere within the organisation.</p>	<p>We have followed DoF Managing Public Money Northern Ireland (MPMNI) guidance when calculating the costs of our regulatory services and setting our charges.</p>
<p><b>NIEA</b> - Request to include the Polychlorinated Biphenyls (PCBs) Regulations Charging Scheme to the Fees and Charges Policy.</p> <p>This has been in previous charging schemes, prior to the completion of the Register, and the current fee is stipulated in the PCB Regulations 2000. The scheme has an annual registration requirement, with a fee attached. The fee is a fixed charge for the</p>	<p>The Polychlorinated Biphenyls (PCBs) Regulations Charging Scheme is now included in the new NIEA Regulatory Charging Policy for 2021 – 2023 (Annex A).</p>

<p>service provided by NIEA to carry out functions in connection with these regulations. In developing new PCB legislation DAERA will take into account increases proposed in the general NIEA Regulatory Charging Policy scheme now and in the future.</p>	
<p><b>NIEA</b> - The fees and charges relating to Part C permits are issued under the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland). Clarify is sought to confirm that the PPC Part C charging scheme for councils is part of the NIEA Regulatory Charging Policy.</p>	<p>The Pollution Prevention and Control (District Councils) Charging Scheme (Northern Ireland) - for Part C activities will be listed in the NIEA Regulatory Charging Policy 2021 – 2023 (Annex A).</p>
<p><b>Ulster Farmers Union (UFU) -</b></p> <ol style="list-style-type: none"> <li>1. The UFU rejects the proposition that those who are subject to regulation in the public interest should pay for the scheme administration through charges and are opposed to the cost recovery policy. The UFU objects to the requirement to pay any fees under this charging policy.</li> <li>2. Paragraph 2.3 in the consultation document outlines that 'income from regulatory fees and charges, to cover the costs associated with the regulation of environmental activities is a key revenue stream for NIEA.' It is concerning that NIEA see the income from charging as a key revenue stream as this puts less</li> </ol>	<ol style="list-style-type: none"> <li>1. NIEA discharges its regulatory functions through the application of fees and charges on companies and operators subject to a range of environmental regulations. NIEA regulatory fees and charges are designed to recover costs from regulated operators, based on the polluter pays principle and in accordance with government and treasury guidance.</li> <li>2. NIEA deems income from regulatory fees and charges as a key revenue stream as it covers the costs (salaries and associated overheads) incurred in discharging its regulatory functions.</li> </ol>

of a focus on delivering efficiencies within the Agency and more on further regulating to increase incomes.

3. The UFU is concerned that instead of constantly reviewing the whole inspection and administration process and identifying areas where costs could be reduced, DAERA will always take the easy option which is to increase the charges to farmers who are unable to pass on these additional costs to customers.
  
4. The UFU would highlight that Integrated Pollution Prevention and Control (IPPC) is a significant financial burden to those pig and poultry farms that fall under the regulations and as stated in correspondence over the years, the UFU feels that the charges for this regime are excessive. While we understand the fees in Northern Ireland are lower than those in the rest of the UK, we feel that it is totally unnecessary to increase these any further.

3. The planned strategic review by NIEA will consider the processes associated with regulatory fees and charges, so as to develop a policy and scheme that is financially sustainable and works better for business and the environment and in line with future legislative changes. NIEA would seek to include the UFU as a key stakeholder during the process of the strategic review of the regulatory fees and charges.
  
4. The charges associated with the regulation of scheduled activities, including industrial scale intensive agricultural activities, under the Pollution Prevention and Control (IE) Regulations (NI) 2013. There are approximately 244 permitted sites operating intensive pig and poultry units. Regulatory fees and charges for industrial scale intensive agricultural activities have increased annually from 2016 by the GDP Deflator and these remain lower than the rest of the UK.



<p>5. The UFU would question the need for the current level of application and annual subsistence fees. Farm Quality Assurance scheme inspectors already inspect many pig and poultry farms and the charges to the farmer for these are as follow:</p> <ul style="list-style-type: none"> <li>• Red Tractor Poultry Scheme Annual Fee £127.15</li> <li>• Red Tractor Pig Scheme Annual Scheme £59.25</li> </ul> <p>In comparison to the excessive current fees of £2315 - £3977 for the standard farming installation IPPC application plus an annual fee of between £1198 - £2494. While it is understandable that there are additional inspection requirements for NIEA officials when inspecting IPPC farms, it is unlikely that this would amount to the difference between what private sector organisations are charging for quality assurance inspections and the DAERA charges.</p> <p>6. In recent years NIEA has developed a risk-based approach to IPPC farm inspections which is to be welcomed however, there have been no corresponding decrease in the fees that are charged yet DAERA outline that these fees are based on cost recovery.</p>	<p>5. The regulatory fees and charges reflect the complexity of permitting and regulation of industrial scale installations to ensure that environmental impacts are appropriately controlled and managed. Fees and charges associated with the regulation of PPC installations are in relation to environmental management. Farm Quality Assurance schemes are outside the scope of this public consultation and the planned strategic review.</p> <p>6. Whilst the Department has developed a risk based approach to inspections under PPC this does not mean that the complexity of processing applications (permits / variations / transfers or surrenders) or the evaluation of reports and range of issues dealt with has changed. The charges reflect more than just the number of inspections. This consultation deals solely with the extension</p>
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<p>7. The UFU would request an updated breakdown as to what the DAERA charges for IPPC relate to in terms of cost recovery; DAERA must justify these figures.</p>	<p>of the existing charging schemes, including the PPC Charging Scheme as consulted on in 2012 with the introduction of the Industrial Emissions Directive. Please refer to the original charging scheme consultation at the following link;  <a href="https://www.daera-ni.gov.uk/sites/default/files/consultations/doe/pollution-consultation-pollution-prevention-control-industrial-emissions-NIEA-charging-scheme-northern-ireland-2012.pdf">https://www.daera-ni.gov.uk/sites/default/files/consultations/doe/pollution-consultation-pollution-prevention-control-industrial-emissions-NIEA-charging-scheme-northern-ireland-2012.pdf</a></p> <p>The planned strategic review by NIEA will consider the processes associated with regulatory fees and charges, so as to develop a policy and scheme that is financially sustainable and works better for business and the environment and in line with future legislative changes. NIEA would seek to include the UFU as a key stakeholder during the process of the strategic review of the regulatory fees and charges.</p> <p>7. The fees and charges associated with IPPC are detailed in the charging scheme at the following link <a href="https://www.daera-ni.gov.uk/publications/pollution-prevention-and-control-ie-charging-scheme-2019">https://www.daera-ni.gov.uk/publications/pollution-prevention-and-control-ie-charging-scheme-2019</a></p>
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**Question 8:**

**During the extension period NIEA intends to undertake a detailed ‘root and branch’ review of the NIEA Regulatory Fees and Charges Policy. Do you have any points you wish to have considered as part of this review?**

3 of the 9 (33%) responded answered ‘Yes’. A number of comments were raised, please refer to table below alongside the response from NIEA.

Issues raised by consultees	NIEA comment and decisions to issues raised by consultees
<p><b>NI Local Government Technical Advisers Group - TAG</b> agrees with this approach, however has concerns with the following;</p> <ol style="list-style-type: none"> <li>1. The lack of regulatory enforcement of the NIEA and</li> <li>2. Consideration of creation of an Independent Environmental Agency should also be within the scope of this exercise rather than a simple review of charging mechanisms for Regulatory activities currently delivered by NIEA.</li> </ol>	<p>NIEA clarifies the following;</p> <ol style="list-style-type: none"> <li>1. The degree of regulatory enforcement undertaken by NIEA is outside the scope of this public consultation, however, this point has been noted.</li> <li>2. Consideration of creation of an Independent Environmental Agency is outside the scope of this public consultation and strategic review of regulatory fees and charges.  NIEA would seek to include the NI Local Government Technical Advisers Group as a key stakeholder during the process of the strategic review of the regulatory fees and charges.</li> </ol>
<p><b>Member of Public</b></p> <ol style="list-style-type: none"> <li>1. If, in the future, the public will have to pay for their water, how will it be worked out? Will it be by usage, or will it be by property value? Who will be deemed responsible for paying for it? The house owner or occupier?</li> </ol>	<p>NIEA clarifies the following;</p> <ol style="list-style-type: none"> <li>1. This question relates to NI Water activities, which are not the responsibility of NIEA. This query is outside the scope of this public consultation and the planned strategic review.</li> </ol>

<p><b>2.</b> How much was paid to water NI from Rates? If so, will the rate paid out from these rates be deducted from amount from households' rates bills? If there was a shortfall in funding, why wasn't this highlighted earlier?</p> <p><b>3.</b> Why is it, that when a project like this comes about, it comes across as "nationalise the debt, privatise the profit"?</p>	<p><b>2.</b> Funding for public water supplies and Council rates are not the responsibility of NIEA. This query is outside the scope of this public consultation and the planned strategic review.</p> <p><b>3.</b> This query is outside the scope of this public consultation and the planned strategic review.</p>
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## Annex A: NIEA Regulatory Charging Regimes

1. Pollution Prevention and Control (Industrial Emissions) Charging Scheme (Northern Ireland)
2. The Pollution Prevention and Control (District Councils) Charging Scheme (Northern Ireland) \*
3. Radioactive Substances (Fees & Charges) Scheme (Northern Ireland)
4. The Greenhouse Gas Emissions Charging Scheme (Northern Ireland)
5. Fees and Charges in respect of Costs associated with the regulation of Discharges made by NIW – Scheme No 1
6. Discharge of Effluent into Waterways and Underground Strata (Fees & Charges) Scheme (Northern Ireland)
7. Water Abstraction and Impoundment Licensing Fees & Charges Scheme
8. Waste Management Charging (Northern Ireland) Scheme
9. Polychlorinated Biphenyls (PCBs) Regulations Charging Scheme \*\*

\* This charging scheme has now been clearly denoted in the policy in response to public consultation comments.

\*\*This charging scheme has been added in response to public consultation comments.

## Annex B: Summary of consultees' responses to each question

The consultation ran from 18<sup>th</sup> January 2021 to 15<sup>th</sup> March 2021 there were **9 responses** in total.

Responses are summarised in the tables below and includes those responses to the consultation through the Citizens Space online survey and from other correspondence including emails. We have combined all formats of the responses received and reflected the total number of comments provided. The main document includes summaries of comments received, as well as our response.

### 1. What is your name? (Required)

Response	Number of responses
Name provided	9
Name not provided	0

### 2. What is your email address? (Required)

Response	Number of responses
E-mail provided	9
E-mail not provided	0

### 3. What is your organisation?

Response	Number of responses
Name of organisation provided	9
Name of organisation provided not provided	0

## 2. What is your local council area? *(Required)*

There were 9 responses to this part of the question.

Response	Number of responses
Antrim & Newtownabbey BC	1
Ards & North Down BC	1
Armagh City, Banbridge & Craigavon BC	-
Belfast City Council	3
Causeway Coast & Glens BC	1
Derry City & Strabane DC	1
Fermanagh & Omagh DC	-
Lisburn & Castlereagh City Council	1
Mid & East Antrim BC	-
Mid Ulster DC	1
Newry, Mourne & Down DC	-

### 3. Please tell us who you are responding as? *(Required)*

There were 9 responses to this part of the question.

Response	Number of responses
An operator whose activities are regulated by NIEA	3
A consultant for an operator whose activities are regulated by NIEA	1
An agent for an operator whose activities are regulated by NIEA	-
A trade body	-
A Government Department	-
A Government Agency	-
Other Environmental Agency	-
A local council	-
A member of the public	1
Academia	-
Other*	4

\* In this case those responses who answered 'other' included the following;

1. Ulster Farmers Union
2. HSE Manager Kerry Group
3. NI Local Government Technical Advisers Group (LGTAG)
4. NIEA Chemicals Compliance Team



**4. If you are an operator or a consultant/agent acting on behalf of an operator, whose activities are regulated by NIEA, please indicate which of the following NIEA Regulatory Charging Regimes apply to you? (You may select more than one if applicable) (Required)**

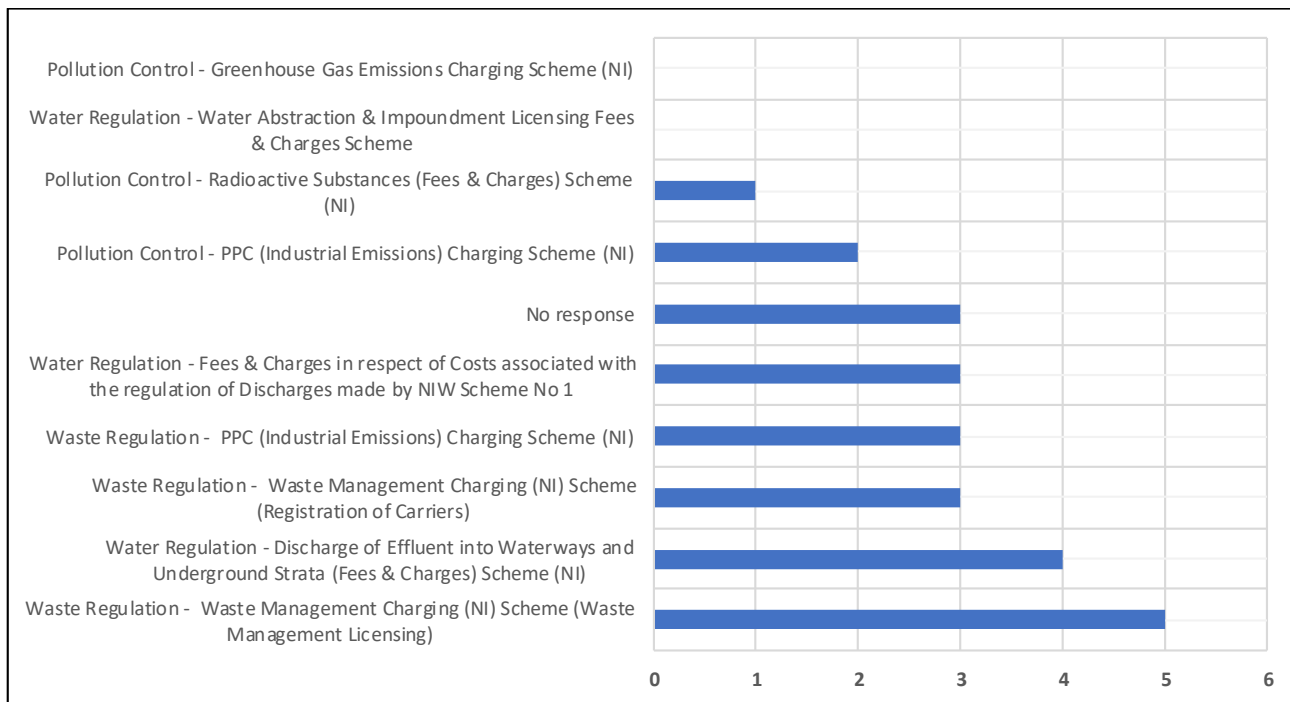
There were 6 responses to this part of the question.

<b>Response</b>	<b>Number of responses</b>
Waste Regulation - Waste Management Charging (Northern Ireland) Scheme (For Waste Management Licensing)	5
Waste Regulation - Waste Management Charging (Northern Ireland) Scheme (For Registration of Carriers)	3
Waste Regulation - Pollution Prevention and Control (Industrial Emissions) Charging Scheme (Northern Ireland)	3
Water Regulation - Discharge of Effluent into Waterways and Underground Strata (Fees & Charges) Scheme (Northern Ireland)	4
Water Regulation - Fees and Charges in respect of Costs associated with the regulation of Discharges made by NIW Scheme No 1	3
Water Regulation - Water Abstraction and Impoundment Licensing Fees & Charges Scheme	-
Pollution Control - Pollution Prevention and Control (Industrial Emissions) Charging Scheme (Northern Ireland)	2
Pollution Control - Radioactive Substances (Fees & Charges) Scheme (Northern Ireland)	1
Pollution Control - The Greenhouse Gas Emissions Charging Scheme (Northern Ireland)	0
Not Answered*	3

**\* In this case those respondents who chose not answer included the following;**

1. Kerry Group
2. NIEA
3. Member of Public

Those NIEA Regulatory Charging Regimes applicable to respondents are summarised below, with some selecting more than one. It was noted that the Greenhouse Gas Emissions Charging Scheme and the Water Abstraction and Impoundment Licensing Fees and Charges Scheme were not selected by consultee respondents as part of this consultation.



**5. Do you support the proposed measures for the extension of the current NIEA Regulatory Fees and Charges Policy for 2 years? (Required)**

There were 8 responses to this part of the question. Note one ‘No’ was\* based on UFU letter that was emailed as part of this consultation.

Response	Number of responses
Yes	8
No	1
If you have answered No to the question above, please include comments which explains the position you have taken in the box below	-

**In addition there were 2 comments to this part of the question.**

6. During the extension period NIEA intends to undertake a detailed 'root and branch' review of the NIEA Regulatory Fees and Charges Policy. Do you have any points you wish to have considered as part of this review?

Response	Number of responses
Yes	3
No	6
If you have answered Yes to the question above, please include comments which explains the position you have taken	-

**In addition there were 3 comments to this part of the question.**



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## Annex C: List of consultation respondents

A list of those organisations and companies that responded to this consultation can be seen below.

*Please note that individuals and anonymous consultees are not included in this list.*

- Kerry Group
- AMC Environmental
- McKinstry Skip Hire
- Northway Mushrooms Ltd
- CK Auto Salvage – Car Dismantler
- NI Local Government Technical Advisers Group (LGTAG)
- NIEA Chemicals Compliance Team
- Ulster Farmers Union



For further information:

Northern Ireland Environment Agency  
Klondyke Building  
Regulation Unit  
Regulatory Transformation Programme: Operational Delivery  
Gasworks Business Park  
Cromac Avenue  
Belfast  
BT7 2JA

Email: [RTPinfo@daera-ni.gov.uk](mailto:RTPinfo@daera-ni.gov.uk)



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