



Department of
**Agriculture, Environment
and Rural Affairs**
www.daera-ni.gov.uk

Public Consultation Paper

Extension of existing NIEA Regulatory Charging Policy from 1 April 2021 to 31 March 2023

December 2020



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

CONTENTS

1. Purpose of consultation
2. Background
3. Proposed NIEA Regulatory Charging Policy from April 2021 to March 2023

Appendix A NIEA Regulatory Charging Regimes

Appendix B Impact Assessments

Appendix C Confidentiality of Consultation Responses

1. PURPOSE OF CONSULTATION

- 1.1. The purpose of this consultation is to seek your comments on the proposal to extend the current Northern Ireland Environment Agency (NIEA) Regulatory Charging Policy 2016-2021 by a further two years until 31 March 2023.

The extant NIEA Regulatory Charging Policy is available to view at <https://www.daera-ni.gov.uk/publications/niea-regulatory-charging-policy-2016-21>.

During this two year extension period the NIEA will undertake a comprehensive 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).

Scope of the Regulatory Charging Policy

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

Impact Assessments

- 1.3 The proposals were screened out for Equality and Human Rights Impact Assessment and Rural Needs Impact Assessment. Further information on these can be found in Appendix B.

Responding to this consultation

- 1.4 We invite your feedback on our proposals. Please send your response to this consultation paper to:

Public Consultation Response
NIEA Regulatory Charging Policy 1 April 2021 – 31 March 2023
Northern Ireland Environment Agency
Resource Efficiency Division
Regulation Unit – RTP Team
Klondyke Building
Cromac Avenue
Belfast
BT7 2JA

Or by email to: RTPinfo@daera-ni.gov.uk

Where to obtain further copies of the consultation paper

1.5 You can request a copy by contacting us at the following address

Public Consultation Response
NIEA Regulatory Charging Policy 1 April 2021 – 31 March 2023
Northern Ireland Environment Agency
Resource Efficiency Division Regulation Unit – RTP Team
Klondyke Building
Cromac Avenue
Belfast
BT7 2JA

Or by email to: RTPinfo@daera-ni.gov.uk

If you require a copy of the consultation paper in an alternative format, it can be made available on request in large print, disk, Braille or audio cassette. The document may be available on request in minority ethnic languages to those who are not proficient in English.

Confidentiality of responses

1.6 Your response, and all other responses to the consultation, may be disclosed on request.

For further information, please refer to Appendix C.

2. BACKGROUND

- 2.1 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. 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. NIEA is committed to delivering an effective and supportive regulatory system to protect the environment and promote sustainable growth, which is fair and proportionate to those we regulate, including the level of charges we apply.
- 2.2 NIEA's regulatory fees and charges are set in accordance with statutory requirements, Department of Finance (DoF) and Treasury guidance and NIEA's 5 year Regulatory Charging Policy, 2016 to 2021.
- 2.3 Income from regulatory fees and charges, to cover the costs associated with the regulation of environmental activities is a key revenue stream for NIEA. The Agency was forecast to generate £8,445,991 from all existing Resource Efficiency Division (RED) income sources including the regulatory charging streams in 2019/20, based on the income received in 2018/19 which directly contributes to the Agency's budget. A list of these charging schemes is attached at Appendix A.
- 2.3 One of the key aspects of DoF and Treasury guidance is the maintenance 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.
- 2.4 The current Regulatory Charging Policy expires in March 2021 so a new charging policy needs to be introduced setting out charging arrangements for the next two years.

NIEA's environmental regulation charges

- 2.5 NIEA discharges its regulatory functions through the application of fees and charges on companies and operators subject to a range of environmental regulations. The Agency's 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.
- 2.6 The Agency generally applies two types of charges, designed to recoup the cost of associated regulatory staff and the services needed to support them and their activities:

Application fees: includes the receipt and processing of applications for

permits or authorisations, consultation with authorisation holders and the assessment of potential impacts on people and the environment;

Subsistence fees or annual charges: sampling, compliance monitoring, review and variation of authorisation conditions, and the issue of warning letters and notices.

- 2.7 Associated costs for these activities include regulatory staff salaries, accommodation, office services, IT, legal, policy and guidance, process management, finance and personnel.

3. PROPOSED NIEA REGULATORY CHARGING POLICY FROM 1 APRIL 2021 TO 31 MARCH 2023

Adjustment for inflation - GDP Deflator

- 3.1 Due to the current unpredictability and volatility associated with the GDP Deflator, NIEA is proposing to apply the same GDP deflator (1.84%) that was applied in the prior year in order to arrive at the 2020-21 charges. This will apply to those charging regimes as listed in Annex A.
- 3.2 This figure will apply for the first year of the new policy (21/22) with the option for NIEA to review in the final year (22/23) should it be considered appropriate. The Department reserves the right to apply any other mechanism as deemed appropriate to ensure the maintenance of full cost recovery thus preventing any potential Departmental losses.

Consultations on new or revised charging schemes

- 3.3 The Agency recognises the need for a review of its regulatory fees and charges to provide greater clarity and certainty for obligated businesses and to ensure full cost recovery. Over the period of the new charging scheme, NIEA will undertake a detailed review of its the regulatory charging schemes.
- 3.4 Under the Regulatory Transformation Programme (RTP), it is proposed that any revisions to the policy will build in flexibility to accommodate the requirements of the legislative framework. This will ensure costs for regulatory activities are met by regulated business, and align with the principles of:
- full cost recovery;
 - the 'polluter pays';
 - maximising public value from public resource.

Appendix A NIEA Regulatory Charging Regimes

Regulatory Charging Policy covers the following Charging Schemes
Waste Management Charging (Northern Ireland) Scheme
Pollution Prevention and Control (Industrial Emissions) Charging Scheme (Northern Ireland)
Water Abstraction and Impoundment Licensing Fees & Charges Scheme
Discharge of Effluent into Waterways and Underground Strata (Fees & Charges) Scheme (Northern Ireland) Fees and Charges in respect of Costs associated with the regulation of Discharges made by NIW – Scheme No 1
Radioactive Substances (Fees & Charges) Scheme (Northern Ireland)
The Greenhouse Gas Emissions Charging Scheme (Northern Ireland)

Appendix B Impact Assessments

➤ Equality and Human Rights Impact Assessment

DAERA has a statutory duty to screen decisions to consider the likely equality and human rights impacts of proposed decisions on different groups.

A Screening Assessment for Equality and Human Rights has been undertaken and it is not considered that the proposed changes to the NIEA Regulatory Charging Policy will impact on any of the following;

[Section 75 Statutory Equality Duties](#)

Section 75 (1) and Section 75 (2)

[Disability Discrimination Order \(DDO\) 2006](#)

[The Human Rights Act 1998](#)

➤ Rural Needs Impact Assessment

The Rural Needs Act (NI) 2016 (the Act) provides a statutory duty on public authorities to have due regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans, and when designing and delivering public services.

A Rural Needs Impact Assessment (RNIA) has been undertaken and it is not considered that the proposed changes to the NIEA Regulatory Charging Policy will impact on the following;

[The Rural Needs Act \(NI\) 2016](#)

Appendix C Confidentiality of Consultation Responses

The Department takes data protection, freedom of information and environmental information issues seriously. It takes care to ensure that any personal information received from you is dealt with in a way which complies with the requirements of the General Data Protection Regulations (2016) and the Data Protection Act (2018).

Click on the [DAERA Privacy Statement 2020](#) for more information.

Your response, and all other responses to this publication, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Any confidentiality disclaimer generated by your IT system in e-mail responses will not be treated as such a request. Section 8(e) of the Data Protection Act 2018 permits processing of personal data when necessary for an activity that supports or promotes democratic engagement. Information provided by respondents to this stakeholder engagement exercise will be held and used for the purposes of the administration of this current exercise and subsequently disposed of in accordance with the provisions of the Data Protection Act 2018 and General Data Protection Regulation. The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a stakeholder engagement exercise. The Department cannot automatically consider as confidential information supplied to it in response to a stakeholder engagement exercise. However, it does have the responsibility to decide whether any information provided by you in response to this stakeholder engagement exercise, including information about your identity, should be made public or be treated as confidential.

If you do not wish information about your identity to be made public, please include an explanation in your response. This means that information provided by you in response to the stakeholder engagement is unlikely to be treated as confidential, except in very particular circumstances.

The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- The Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- The Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature; and
- Acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses please contact the Information Commissioner's Office (or see web site at: <https://ico.org.uk/>)

For further information about this particular consultation, please contact the address in 1.5 above.