

The Environment Agency is responsible for assessing compliance against permit conditions at 'regulated facilities' under the Environmental Permitting Regulations (EPR). Operators are issued with permits that typically set limits to control the level of pollutants that can be released to air, land or water from a particular site, and require the site operator to carry out processes in accordance with stated conditions.

Assessing Compliance

The permits and licences we issue contain conditions that operators need to follow to protect people and the environment. These include: operating conditions, equipment and infrastructure specifications, emissions limits and operational requirements.

Every inspection, audit and site visit has a reason and links to the environmental and public protection outcomes we are seeking to deliver. Reasons include:

- To provide advice and guidance to operators;
- To check progress against an agreed improvement programme or action plan;
- To identify whether further improvements are required;
- To check permit conditions are being met and are likely to continue to be met;
- To respond to incidents and complaints;
- To carry out investigations.

In addition to site visits we also undertake a range of desk based reviews. These include reviewing environmental monitoring data, operational procedures, and a range of environmental risk assessments which will identify further continual improvements at the facility.

Each compliance assessment activity is recorded on a Compliance Assessment Report form or CAR, this will identify any issues or breaches along with the relevant score and enforcement actions if taken.

The Compliance Classification Scheme

For each breach of the permit conditions we allocate a score for non-compliance. This is done using our Compliance Classification Scheme (CCS).

We aim to classify all non-compliances with permission conditions to indicate the potential threat of real harm to the environment:

- CCS 1 is a non-compliance with a potentially major environmental effect
- CCS 2 is a non-compliance with potentially significant environmental effect
- CCS 3 is a non-compliance with potentially minor environmental effect
- CCS 4 is a non-compliance with no potential environmental effect

Compliance assessment & enforcement

The categorisation of a non-compliance does not stipulate the enforcement response but will be used to inform the enforcement response as laid out in our Enforcement and Prosecution Policy guidance.

As a guide, the normal criminal enforcement response for a CCS non-compliance would be:

- CCS Category 1 - Prosecution
- CCS Category 2 - Formal Caution or Prosecution
- CCS Category 3 or 4 - Warning

Enforcement and Sanctions

Our aim is to provide a better environment for England both now and in the future. We will achieve this through education, by providing advice and by regulating activities. Provision of clear advice and guidance will be our main approach to secure compliance but securing compliance with legal requirements, by using enforcement powers including civil sanctions and prosecution, is an important part of achieving this aim.

If an operator is not complying, we provide advice and guidance to help them do so. Where appropriate, we agree solutions and timescales for making any improvements. We try to match our response to the circumstances. The use of formal enforcement powers and sanctions may also be necessary.

The formal options we have available include:

- issuing a warning;
- statutory enforcement notices and works notices;
- prohibition notices;
- suspension or revocation of environmental permits variation of permit conditions;
- injunctions;
- carrying out remedial works;
- civil sanctions;
- other civil and financial sanctions including Fixed Penalty Notices;
- issuing a formal caution;
- prosecution and orders ancillary to prosecution; and
- sanctions used in combination.

We expect full voluntary compliance with relevant legislative requirements and permit provisions. We believe in firm but fair regulation.

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