

## Annex 13 – Question and Answer form

### **About you**

**a) What is your name?**

Jeremy Jacobs

**b) What is your email address?**

jeremy@r-e-a.net

**c) What is your organisation?**

The Renewable Energy Association

**d) Would you like your response to be confidential?**

a) No

b) Yes

If you answered Yes to this question please give your reason:

**e) Are you responding as or on behalf of:**

a) an individual

- b) a local authority
- c) a business
- d) another type of organisation

If you answered d) please specify

A trade association which represents the renewable energy and clean tech industries as well as the biodegradable waste management sector.

**f) If you are replying as an individual, do you:**

- a) run your own waste business
- b) work for a business or organisation in the waste sector
- c) have an interest in this consultation for other reasons

If you answered c) please specify

**g) If you are replying on behalf of an organisation or business, please specify whether your organisation or business:**

- a) manages waste as their main activity
- b) manages waste as a secondary activity – please specify what the main activity is
- c) supports the waste industry (e.g. trade body, consultancy) – please specify

d) has an interest in the waste sector for other reasons – please specify

If you answered b) c) or d) please specify

c. Trade body representing our 550 members.

**h) Do you, or does the business or organisation you represent carry out waste operations under an environmental permit?**

a) No

b) Yes

If you answered yes, please specify

**i) Do you, or does the business or organisation you represent carry out waste operations under a registered waste exemption?**

a) No

b) Yes

If you answered yes, please specify which exemptions:

U1  U16  T4  T6  T8  T9  T12  D7  S1  S2  other

**j) Are you, or is the business or organisation you represent registered as a waste carrier, broker or dealer?**

a) No

b) Yes

If you answered yes, please specify

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**k) If you are in business or part of an organisation, where is it established?**

a) England

b) Wales

c) Located elsewhere

**l) How many staff are employed in your business or organisation?**

a) Fewer than 10

b) 10 – 49

c) 50 – 249

d) 250 or more

e) I am replying as an individual

**Part A**

**Q1. Do you think widening the definition of relevant offences will enable the regulators to make a more informed decision about operator past performance?**

A.  Yes     No

Do you have any comments?

The REA believes that this will assist in defining what offences the operator has committed in the past and ensure that they are placed under higher scrutiny in their current position. What we need to encourage is a level playing field for all operators, as waste crime acts as a mechanism to skew the field for legitimate operators as their cost burden will inevitably be higher than fraudulent operators allowing them to charge lower gate fees.

**Q2. Do you think the Serious Crime Act 2015 and the Public Order Act 1986 should be added to table 1?**

A.  Yes     No.

Should offences in other Acts of Parliament be added to table 1? Do you have any other comments?

Yes for the reasons stated and to prevent the waste sector being used as a front for **other illegal activities.**

**Q3. Do you think it should be made clearer that regulators can take spent offences into account in exceptional circumstances?**

A.  Yes     No

Do you have any comments?

*To prevent repeat offenders, it needs to be made clear that under special circumstances (these should be listed in a note) spent offences may be taken into account.*

**Q4. Do you think that corporate bodies should be treated differently from individuals and the regulators should be able to consider the convictions of corporate bodies?**

A.  Yes     No

Do you have any comments?

No, we believe that they should be treated the same way. Corporate bodies should not be shown any grace or favour on account of their size, as too often they can use this position of power to hide behind.

**Q5. Do you think that ensuring the regulators can take account of poor behaviour will enable the regulators to make a more informed decision about operator past performance?**

A.  Yes  No

Do you have any comments?

We are not convinced this alone will make any difference, however this in conjunction with a number of other factors needs to be considered when assessing an operator's performance and competency. It should also be noted that there needs to be a clear recourse for the operator to follow up with more senior ranking EA officials, when the EA officers exhibit 'poor behavior' traits in order that this is a level playing field. It is not unknown for the EA to act unreasonably on operators' sites.

**Q6. Do you think that widening the definition of relevant person will enable the regulators to make a more informed decision about operator past performance?**

A.  Yes  No

Do you have any comments?

Yes, this will certainly assist as currently there is the opportunity for operators to run a site on account of using another 'competent person' who does not have previous convictions but is not qualified to manage the site but still deemed to be 'relevant' on account of a family link.

**Q7. Do you think that it would be beneficial for all waste permit holders to operate in accordance with a written management system?**

A.  Yes  No

Do you have any comments?

Having a Management system in place in it does not guarantee that a site is compliant, but should provide some reassurance that the operator is 'in control' and has a good understanding of the complete process. We are also aware of sites which operate effectively but can be scored down on account of poor paperwork and record keeping. We need to ensure that this does not become a 'tick box' exercise and that the 'outcomes' on site is what really counts in respect to ensuring a site is operating within the constraints of its permit conditions and

that it is not causing environmental damage.

**Q8. Do you think that including an explicit requirement in the EPRs for permitted waste sites to demonstrate technical competence through a scheme approved by government will address the current gap in technical competence?**

A.  Yes     No

Do you have any comments?

There needs to be clarity from Government as to what criteria they set for becoming an 'approved' scheme in order that other service providers can gain this level of recognition. What we do not want to see is a monopoly situation for training whereby the costs are deemed to be uncompetitive. It is important that there is 'oversight' of any training in order that there is a consistent level of training provision provided for the sector that is both transparent and consistent.

Not all technical experience is gained through the two schemes currently approved. Experience in the industry counts for a great deal and those who are not academically capable will struggle to meet any competence scheme but are still very capable of carrying out their work effectively, so this needs to be considered as an additional mechanism.

**Q9. Do you think that inserting a requirement into the EPRs for operators to inform the regulators of the TCM at their waste site will address the current gap in technical competence?**

A.  Yes     No

Do you have any comments?

This smacks a little of 'big Brother' watching over you! We believe that a level playing field is essential and that an operator should make it clear to the regulator that they have adequate cover from a TCM and that their contact details are available on request.

Most operators provide the necessary information to their regulatory officer as a matter of course rather than it being a requirement of the EPR. This would mean all non-recent EPR's being re-issued at a significant cost to insert this additional requirement. The operator will end up paying ridiculous fees for bespoke permits

unnecessarily.

**Q10. Do you think the current competence schemes should be amended to include a TCM registration process to address the current gap in technical competence?**

A.  Yes  No

Do you have any comments?

We believe that this requirement adds an additional level of burden which is not necessary and will add further administrative cost. An operator can ensure that through the contract they have with their TCM that they carry the onus for poor advice or lack of competency, additional checks are not necessary.

**Q11. Do you have any information about the proportion of waste sites that would employ a TCM, rather than training a current employee?**

Evidence from members would indicate that members (who are predominantly SMEs) use a member of their own team to act as their TCM, as this provides a greater degree of flexibility, is more cost effective and ensures that the person involved has a much better understanding of the site's operation rather than using an external consultant as a TCM. We do not have any evidence as to what number of our member's sites are not adequately covered by a TCM.

***As an example of one of our members who operates 10 biowaste sites:***

"We have 10 sites and 6 of these have their own TCM. In addition to this, we have 3 Managers who are TCM qualified and provide the cover to balance of sites that do not have full time TCM's. We currently have a further 2 staff who are currently progressing through their OCS with WAMITAB".

Some sites however have supervisors who are not academically capable of becoming a certified TCM, but are technically competent in their ability and their experience to manage the site as a result of their length of experience in the sector.

**Do you have any information about the proportion of sites not currently adequately covered by a TCM?**

No

**Q12. Do you think that an independent report that rates business solvency and risks will enable the regulators to confirm that operators are financially able to meet their permit obligations?**

A.  Yes     No

Do you have any comments?

We believe that in order to ensure that there is a level playing field in the resource management sector and to prevent unfair competition there needs to be greater financial oversight from an early stage. Any report commissioned by the regulator must consider the cyclical nature of many resource recovery activities and provide a level of flexibility within the lifetime of the site's operation. A company's business solvency can be impacted by both external and internal factors so it is important that there is a level of pragmatism built-in to any assessments made of site operators.

We do not want to see an additional burden being placed on legitimate operators in order that this funds illegal sites to stay in business

**Q13. Do you think that all waste site operators or only higher risk operators should be required to make financial provision?**

A.  All waste site operators     Only higher risk operators

We believe that it should only be the higher risk activity sites that have an obligation to make financial provision. This needs to be evidenced based using data from the EA. For sites that are required to provide financial provision, the methodology for determining the sum needs to be formulated in conjunction with industry in order that there is transparency as to how these figures are derived.

**Q14. What risk criteria do you consider should be taken into account when determining which waste operations should be required to make financial provision?**

Do you have any comments?

Although there is no single factor, there must be sufficient evidence from the regulator which enables them to see which markets are particularly fragile and prone to falling over such as RDF, tyres and plastics all which have proven they to be especially fragile.

This could include:

- Market history
- EA 'incident history'
- Sector fragility
- Pollution potential of the material being handled

**Q15. Do you think the proposed basis for calculating the amount of financial provision would be sufficient?**

A.  Yes     No

Do you have any comments?

We agree that the cost needs to reflect a 'worse case' scenario as often sites that become abandoned have stockpiled materials for an extended period of time. Routine site visits from the regulator need to look out for these 'early warning' signs. An operator should be obligated to provide this information as proposed.

**Q16. Do you think that regulators should be able to extend financial provision in exceptional circumstances?**

A.  Yes     No

Do you have any comments?

As long as there is guidance as to what constitutes 'exceptional circumstances' then this would be deemed to be acceptable practice.

**Q17. Do you think the level of required financial provision should be reduced for wastes with significant and demonstrable recovery values?**

A.  Yes  No

Do you have any comments?

There is too much uncertainty in respect to the value of 'stock' held on sites and although wastes vary in their intrinsic value there is still too much variability to work out the value of any 'stock' held and it is for this reason that we do not support this proposal. The financial provision should, however, consider the land value and other tangible assets as part of the calculation.

**Q18. Do you think that it is appropriate for operators to agree the mechanism for making financial provision with the regulator?**

A.  Yes  No

Do you have any comments?

Yes we agree that there needs to be sufficient flexibility within any mechanism agreed between the regulator and operator rather than taking a prescriptive approach. For example, a site that has considerable assets in the form of land and buildings should be able to 'cap' their Escrow account in order that it takes into account these tangible assets which can be realised in the event of the company going into receivership.

**Q19. Do you think it is beneficial for financial institutions to be involved in the holding and management of financial provision funds?**

A.  Yes  No

What are the opportunities and risks? Do you have any comments?

The use of external financial institutions may provide greater robustness and also provide a more level and consistent approach to this requirement. On the down side, however, this requirement will inevitably add cost to the operator as an independent institution will require funding and make this a more expensive transaction. This should not be made a requirement but offered as one option.

**Q20. Do you think that alternative funding should be found to cover the costs of managing sites in the absence of the operator?**

A.  Yes  No

How is this best achieved? Do you have any comments?

The proposals discussed above would ensure that this does not happen as any unforeseen costs would be covered by the necessity to provide sufficient funds through the Financial Provision requirement. The point of last resort to 'pick up the pieces' should be the regulator as this acts as a greater incentive to ensure that they have all the correct checks and balances in place which is currently not the case, hence the call for change. To add additional cost to all legitimate operators to fund this eventuality (which is often the way the regulator funds activities) should not be considered. The REA believes that In order to reduce the burden on the tax payer, greater up-front scrutiny is recommended in conjunction with the financial provision requirement.

**Q21. Do you think that operators of landfill sites should report more frequently on current and projected works at their site and the state of their financial provision fund?**

A.  Yes  No

Are there more effective ways of preventing shortfalls in funds for maintenance and aftercare? Do you have any comments?

No comment

**Q22: Have you experienced an increase or a decrease in criminality and poor performance in the waste sector over the last few years?**

A.  Increase  Decrease

What are your expectations for the future if nothing is done to tackle the issue?

If there are no changes implemented, it is likely that legitimate operators will bear an additional cost burden to cover the cost of illegal sites. There is still evidence from our members that licensed waste carriers continue to deliver poor quality materials to sites in the expectation that they can clean it up or sort it on their behalf.

There is also an increase in illegal activity which appears to be ignored by the regulator at the expense of concentrating on permitted sites which have a higher profile.

**Q23: Overall, how effective do you think Options 2 and 3, as described in the impact assessment, would be to tackle criminality and poor performance in the waste sector?**

A.  Effective       Ineffective

What is your preferred option?

Option 1     Option 2

The REA believes that option 2 is the preferred option. It is important that there is transparency in respect to operator competency and that all sites have the same level of compliance applied to them, currently this is not the case which has a negative impact on legitimate site operators. The REA is keen to see a reduction in the number of poor performing sites across the sector and operator competency will assist in this ambition.

The requirement to place greater emphasis on the financial provision is very important and in conjunction with enhancing the four key elements of Past Performance, Technical Competence, Management Systems and Financial competence will overall provide greater security to the regulator and the wider waste industry.

**Q24: Do you think that any of the proposals will impose additional costs on yourself or your organisation?**

A.  Yes       No

Do you have any comments?

If permits have to be varied then this will bear a significant cost to the operator unless these changes can be carried out as 'administrative variations' at no cost to the operator.

There will inevitably be a higher cost burden on operators However, as long as this burden is spread across the whole industry then this will lead to a more equitable position which does not favor the under assessed or illegal sites as is currently the

case.

**Q25: Do you think that the proposed analytical approach appropriately covers all potential costs and benefits that would arise from implementing the proposals?**

A.  Yes  No

Do you have any comments?

It is not possible to quantify the whole costs of non-compliance as in many cases this will include such factors as 'disamenity value' and loss of recreational opportunity where poor operational and illegal activity occurs, including the tipping of waste illegally and fly-tipping which despoils the countryside.

**Q26: Do you think that any of the costs and benefit covered in the impact assessment should not be accounted for in the costings?**

A.  Yes  No

Do you have any comments?

No comment

**Q27: Do you have any evidence that would support the calculation of benefits or costs of the operator competence proposals to business?**

Do you have any comments?

No comment

**Are you aware of any other sources of evidence that would improve the costings?**

Do you have any comments?

No comment

## **Part B**

**Q28. Do you think the proposal to restrict registration of exemptions at permitted waste operations would help tackle illegal activity and stop waste operators expanding their activity without appropriate controls?**

A.  Yes  No

Do you have any comments?

There is clearly an opportunity under the current arrangement that operators who hold a permit may in some instances 'cloud' the water by also holding an exemption for a similar activity in order that there is a blurring between the two activities. As stated in the example used above, there should be recognition that there is a real need under certain circumstances to hold an exemption for use on another part of the land holding for a legitimate process such as landspreading. It is important that if certain exemptions are to be allowed under specific conditions, then 'Guidance' needs to be available to aid both the regulator and industry.

Some exemptions however, such as the U1 is registered for on-farm composting sites to provide hard-core to keep the site access roads in a good state of repair. These access roads form part of the permitted site boundary area and by

enforcing this proposal, operators who have standard rules permits would not be in a position to vary their permit, and those with bespoke permits simply wouldn't want to incur the additional cost of varying their permit to allow for the inclusion of this road building ability currently available under a U1. Similarly using baled tyres to provide segregated tipping areas for green waste from different authorities should be allowed as this is a worthwhile and useful application.

**Q29. Do you think that exempt waste operations that have direct technical links with other activities carried out at an adjacent permitted waste site should be included in the adjacent operator's permit?**

A.  Yes  No

Do you have any comments?

No comment

**Q30. Do you have further evidence on the current unlawful use of exemptions at permitted sites?**

A. Do you have any comments?

We hear from a number of our members that there are a number of compost sites registered under T23 exemptions that do not operate within the tonnage limits allowed. These sites compete unfairly as they do not have impermeable surfaces with sealed drainage systems or other environmental controls in place and, therefore, have much lower gate fees. Further pressure from the regulator is required to ensure that these sites work within their permitted tonnage

**Q31. Do you think that the proposals will impose specific costs or bring benefits on yourself or your organisation?**

A. Do you have any comments?

The REA does not believe there will be benefits to our members if exemptions cannot be registered on permitted sites. .

REA members believe that these proposals that would require a permit to be varied and which may also see an FPP/OMP etc. to be agreed. With the current Strategic Review of Charges decision from the EA, this will increase costs hugely as a Standard Rules permit will become a bespoke one.

A proposal would be to add some of the exempt activities in to the Standard Rules permits in order that these activities can be regulated and a fee charged to the operator.

**Q32. Overall which of the proposed options do you support and which do you prefer?**

Support 1  2  3  4  (tick as many as apply)

Prefer 1  2  3  4  (Select one preference)

**Q33. Are there any particular exemptions that you think should not be registered at the same site under option 3?**

A. Do you have any comments?

No comment

**Q34. Do you have further evidence on the registration of multiple exemptions at single sites to hide unlawful activities?**

A. Do you have any comments?

No comment

**Q35. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?**

A. Do you have any comments?

No comment

**Q36. Do you have further evidence on the current unlawful use of this exemption?**

A. Do you have any comments?

No comment

**Q37. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?**

A. Do you have any comments?

Maintaining the status quo will continue to provide an unfair advantage to those operating under a T6 exemption. Treating 26k tonnes of wood waste in an unregulated manner is not fair to those who are regulated and have to work under a framework which also brings additional costs. There is also a significant opportunity for operators using a T6 exemption to accept inputs such as 'wood fines' which are not clean and have the potential to pollute.

**Q38. Which of the proposed options for exemption U1 do you support and which do you prefer?**

Support 1  2  3  (tick as many as apply)

Prefer 1  2  3  (Select one preference)

**Q39. Under Option 2 do you think the U1 exemption should allow any additional types of construction activities beyond those listed in Annex 2?**

A.  Yes  No

If so please describe the activities together with the waste types and quantities needed:

No comment

**Q40. Under Option 2 do you think the quantities of waste allowed for each specified construction activity are appropriate?**

A.  Yes  No

Do you have any comments?

No comment

**Q41. Under Option 2 are the waste types listed sufficient to carry out each specified waste activity?**

A.  Yes  No

Do you have any comments?

No comment

**Q42. Do you have further evidence on the current unlawful use of this exemption?**

A. Do you have any comments?

No comment

**Q43. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?**

A. Do you have any comments?

No comment

**Q44. Which of the proposed options for exemption U16 do you support?**

A. 1  2

**Q45. Do you have further evidence on the current unlawful use of this exemption?**

A. Do you have any comments?

No comment

**Q46. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?**

A. Do you have any comments?

No comment

**Q47. Which of the proposed options for exemption T4 do you support and which do you prefer?**

Support 1  2  3  (tick as many as apply)

Prefer 1  2  3  (Select one preference)

**Q48. Do you have further evidence on the current unlawful use of this exemption?**

A. Do you have any comments?

The REA does not have evidence of case-specific unlawful use of T6 exemptions but we hear from members that some operators use these exemptions unlawfully to process inappropriate materials.

**Q49. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?**

A. Do you have any comments?

Members have informed the REA that T6's allowance of 26,000 tonnes of waste to be treated per year financially undermines permitted sites that carry out the same kinds of activities. They also say that because T6 exemption compliance is not checked by the regulator, some T6 operators accept treated/hazardous wood wastes. The REA believes this happens at some sites because operators are not aware of the legal requirement to carry out a hazard assessment, make errors when assessing wood waste from construction sources or cannot obtain all the information needed for making a reliable hazard assessment.

The REA strongly prefers option 2 which is changing the T6 conditions. Our less preferred option is withdrawal of T6 and use of a Standard Rules Permit only.

Comments on the regulator's proposed changes to T6:

REA supports the removal of 17 02 01 (non-hazardous wood from construction) because such wastes can be more reliably managed well at permitted sites and such sites are inspected by the regulator.

REA is concerned that the proposed text for 030301 could allow unwelcome

differences in interpretation. 'Wood and bark wastes from pulp, paper and cardboard production and processing'; is this intended to allow the acceptance of pulp, paper and cardboard from recycled paper and cardboard? Could it successfully be argued that pulp, paper and cardboard reprocessing by-products / wastes are wood waste?

REA is concerned that the proposed 'Wooden packaging only' wording for 150103 does not make clear enough that such waste must exclude 'packaging containing residues of or contaminated by dangerous substances' (from Commission Decision of 3 May 2000). Given the regulator has found cases of T6 operator failures to carry out hazardous wood waste assessments on some construction industry wastes, that many wooden pallets have been treated with chemical preservatives, and that the EA codes non-hazardous pallet wastes as 150103, the REA has concerns about inclusion of 150103 in the revised T6 exemption. If 150103 remains included in a revised T6, it should be a requirement of a T6 exemption is that the operator can demonstrate having undertaken training on how and when to assess whether waste has hazardous properties.

Under a revised T6, the regulator's proposal '3 months total on site' would be clearer if written as 'Maximum of 3 months on site including any storage carried out before and/or after any activity allowed under this exemption'.

**Q50. Which of the proposed options for exemption T6 do you support and which do you prefer?**

Support 1  2  3  (tick as many as apply)

Prefer 1  2  3  (Select one preference)

**Q51. Do you have further evidence on the current unlawful use of this exemption?**

A. Do you have any comments?

No comment

**Q52. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?**

A. Do you have any comments?

No comment

**Q53. Which of the proposed options for exemption T8 do you support and which do you prefer?**

Support 1  2  3  (tick as many as apply)

Prefer 1  2  3  (Select one preference)

**Q54. Do you have further evidence on the current unlawful use of this exemption?**

A. Do you have any comments?

No comment

**Q55. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?**

A. Do you have any comments?

No comment

**Q56. Which of the proposed options for exemption T9 do you support and which do you prefer?**

Support 1  2  3  (tick as many as apply)

Prefer 1  2  3  (Select one preference)

**Q57. Do you have further evidence on the current unlawful use of this exemption?**

A. Do you have any comments?

No comment

**Q58. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?**

A. Do you have any comments?

No comment

**Q59: Which of the proposed options for exemption T12 do you support and which do you prefer?**

Support 1  2  3  (tick as many as apply)

Prefer 1  2  3  (Select one preference)

**Q60. Do you have further evidence on the current unlawful use of this exemption?**

A. Do you have any comments?

No comment

**Q61. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?**

A. Do you have any comments?

The REA cautiously supports the proposed changes to the D7 exemption but advises that the regulator checks the changes would still enable land managers and/or their contractors to cost-effectively burn on-site diseased plant material, and/or on-site invasive non-native plant material such as Japanese Knotweed. We note that the proposed changes to total quantity of waste burned over any period of 24 hours (max of 20 m<sup>3</sup>) and total quantity of waste pending disposal by burning in the open (max 40 m<sup>3</sup>) is twice each relevant tonnage currently set in D7. We believe m<sup>3</sup> is a more practical on-site measure than keeping the limit in the tonnage unit. We assume that tonnage has been converted to m<sup>3</sup> using an appropriate bulk density figure. We also note the regulator has proposed to shorten the maximum waste storage period from 6 months to 3 months. Will any of these changes mean it would become significantly more expensive to on-site burn diseased and/or invasive non-native plant material?

**Q62: Which of the proposed options for exemption D7 do you support and which do you prefer?**

Support 1  2  (tick as many as apply)

Prefer 1  2  (Select one preference)

**Q63. Do you have further evidence on the current unlawful use of this exemption?**

A. Do you have any comments?

No comment

**Q64. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?**

A. Do you have any comments?

No comment

**Q65. Which of the proposed options for exemptions S1 and S2 do you support and which do you prefer?**

Support 1  2  (tick as many as apply)

Prefer 1  2  (Select one preference)

**Q66: Do think that the proposal to split the existing S1 and S2 exemptions into six new exemptions as set out under Annex 9 would help clarify what the exemptions are for and make the conditions clearer?**

A.  Yes  No

Do you have any comments?

No comment

**Q67. Do you think that operators should be required to keep and make available to the regulator records of the activities carried under any exemption?**

A.  Yes  No

Do you have any comments?

Given that exemptions are for low risk activity based on the scale of their operations then any reporting needs to be minimal to reduce the burden for both the site and regulator.

**Q68. Should operators be required to keep the records required in an electronic format and/or in a system identified by the regulator?**

A.  Yes  No

Do you have any comments?

The EA should ask that it is preferred in an electronic format but not demand it.

**Q69. Do you think that the regulator should be able to impose additional information requirements for individual exemptions on a case by case basis at registration, on an ongoing basis or at end of operation to address issues of poor compliance?**

A.  Yes     No

Do you have any comments?

In certain circumstances this may be beneficial particularly for sites that have a poor compliance record.

**Q70. Do you think any additional information requirements should be implemented immediately, notably in relation to the 10 exemptions of concern described in section 4.2?**

A.  Yes     No

Do you have any comments?

No comment

**Q71. Do you have any suggestions on how you think the exemptions registration service can be improved further?**

Do you have any comments?

No comment

**Q72. Do you support the changes to the waste codes set out in Annex 10?**

A.  Yes  No

Do you have any comments?

No comment

**Q73. If we change the conditions for the exemptions of concern would you support the alignment of conditions across exemptions listed in Annex 11?**

A.  Yes  No

Do you have any comments?

No comment

**For the exemptions U8 and U9 listed in Annex 11 (Table 1), what do you think the new aligned conditions should be?**

No comment

**For the exemptions U8, U9, T1 and T2 listed in Annex 11 (Table 2), what do you think the new aligned conditions should be?**

No comment

**For the exemptions U8 and U9 listed in Annex 11 (Table 3), what do you think the new aligned conditions should be?**

No comment

**Q74. Do you think that the standard rules for the ten exemptions set out in Annex 12 are sufficient? Are new standard rules also needed?**

A.  Sufficient       New standard rules needed

Do you have any comments?

No comment

**Q75. Do you think that the proposed timescales to implement the changes to the exemptions regime are adequate?**

A.  Yes       No

Do you have any comments?

18 months for existing operators provides a sufficient window to comply with any new requirements.

**Q76. Have you experienced an increase or a decrease in criminality and poor performance in the waste sector over the last few years?**

A.  Increase       Decrease

What are your expectations for the future if nothing is done to tackle the issue?

Compliant sites will be burdened with the cost of non-compliant sites and this will pose an unfair burden on their sites making them less cost competitive than the illegal operating sites.

**Q77. Overall, how effective do you think Options 2 and 3, as described in the impact assessment, would be to tackle criminality and poor performance in the waste sector?**

A.  Effective       Ineffective

What is your preferred option?

Option 2

**Q78. Do you think that any of the proposals will impose additional costs on yourself or your organisation?**

A.  Yes       No

Do you have any comments?

It is likely that there will be an additional burden of cost, however if this means that the criminal element is driven out then this price is worth paying.

**Q79. Do you think that the proposed analytical approach appropriately covers all potential costs and benefits that would arise from implementing the proposals?**

A.  Yes       No

Do you have any comments?

No comment

**Q80. Do you think that any of the costs and benefit covered in the impact assessment should not be accounted for in the costings?**

A.  Yes  No

Do you have any comments?

No comment

**Q81. Do you have any evidence that would support the calculation of benefits or costs of the exemptions proposals to business?**

Do you have any comments?

No comment

**Are you aware of any other sources of evidence that would improve the costings, including for the proposals not covered in the current impact assessment?**

Do you have any comments?

No comment

**Part C**

**Q82. Do you believe that householders are currently sufficiently aware of their duties and the risk of prosecution when passing their waste to an unauthorised person?**

A.  Yes     No

Do you have any comments?

In our view, it is unlikely that most households would be aware of this requirement

**Q83. What more could be done to improve householder awareness of their duty of care and prevent fly-tipping of household waste?**

Do you have any comments?

Provide information to householders via their local authority and social media

**Q84. Do you think that the Waste Duty of Care Code of Practice provides enough guidance on reasonable measures that can be taken to meet the household duty of care?**

A.  Yes  No

Do you have any comments?

No comment

**Q85. Do you think there are any other reasonable measures to meet the household duty of care that should be set out in guidance to households?**

A.  Yes  No

Do you have any comments?

No comment

**Q86. Do you think that the introduction of a FPN for the offence of a householder passing their waste to an unauthorised person would help tackle fly-tipping?**

A.  Yes  No

Do you have any comments?

Fines assist in focusing the mind and would certainly assist in this ambition.

**Q87. Do you think that government should provide further guidance to regulators on the use of the proposed FPN?**

A.  Yes  No

Do you have any comments?

No comment

**Q88. Do you think that the proposed levels of penalty for this FPN are correct?**

A.  Yes  No

Do you have any comments?

Repeat offenders need to be fined significantly more

**Q89. Following implementation of the FPN, do you think that local authorities should communicate how frequently they use these penalties, and the impact on fly-tipping?**

A.  Yes  No

Do you have any comments?

If this information was communicated to the wider public it would assist in raising the profile of the issue.

**Q90. Do you think the introduction of this FPN will impose any additional costs on local authorities or other issuing authorities?**

A.  Yes  No

Do you have any comments?

No comment

**Q91. Do you think the introduction of this FPN will make savings for local authorities or other issuing authorities?**

A.  Yes  No

Do you have any comments?

No comment

**Q92. Do you think that other parties than local authorities and other issuing authorities could incur costs of benefit from the introduction of this FPN?**

A.  Yes  No

Do you have any comments?

No comment

**Q93. Do you think that the proposal will impose additional costs on yourself or your organisation?**

A.  Yes  No

Do you have any comments?

No comment

**Q94. Do you have any other information on the possible cost or benefits of issuing fixed penalty notices)?**

Do you have any comments?

No comment

**Q95. Do you think that issuing authorities should be able to offer an appeals process for people to dispute a householder duty of care FPN?**

A.  Yes  No

Do you have any comments?

No comment

**Q96. Do you think that issuing authorities would incur any additional costs by providing an appeals process for people to dispute the issuing of a householder duty of care FPN?**

A.  Yes  No

Do you have any comments?

No comment

**Q97. Do you think there are any other steps the appeal process should cover?**

A.  Yes  No

Do you have any comments?

No comment

**Q98. What are the best ways to ensure that the recipients of a FPN are made aware of the appeal process if one is available?**

Do you have any comments?

No comment

**Q99. Where an issuing authority chooses not to offer an appeals process do you think the right of appeal is adequately provided for through the courts?**

A.  Yes  No

Do you have any comments?

No comment