

Box 4

Report of the  
**Regional  
Environment  
Protection  
Advisory  
Committee  
(REPAC)**

For Thames Region of the  
Environment Agency

April 1999 - end of March 2000



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The Regional Environment Protection Advisory Committee (REPAC) is appointed under section 12 of the Environment Act 1995. It is one of three regional statutory committees : REPAC, RFERAC (Regional Fisheries, Ecology and Recreation Advisory Committee) and RFDC (Regional Flood Defence Committee).

Under the Act it is the duty of the Agency to consider any representations made to it by REPAC as to the manner in which the Agency carries out its functions in the Region. There are 21 members of the Committee, including the Chairman who is appointed by the Secretary of State for the Environment.

The members are appointed by the Agency following public advertisement and from nominations from relevant organisations and local government.



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The role of the Environment Agency REPAC has gradually evolved since it was first established in April 1996, on the formation of the Environment Agency. Its primary purpose is to advise the Agency on its Regional strategy and to raise issues of Regional concern for consideration by the Agency.

# 1.1

During the first complete year for the Chairman, Pamela Castle, the Thames REPAC has become more independent and is gradually developing its remit into one which involves scrutiny of the Agency's performance. This, of course, has required more openness and transparency by the Agency and the development of criteria by which its performance can be measured.

REPAC would like to thank Chris Birks (Regional Director), Simon Read (Environment Protection Manager) and officers of the Thames Region of the Agency for their co-operation on these developments, which have inevitably required the application of considerable time and resource. REPAC has obviously been dependent on support of the Agency and the provision of information in the preparation of this report.

The broad remit of REPAC and the plethora of Government consultation documents requiring the Agency's involvement (and therefore input by REPAC) has meant that REPAC members have been kept very busy; highlights are reported below in Section 3. Bearing in mind REPAC meets only four times a year in April, July, October and January (at meetings which are open to the public), much of the consultative work has been carried out in sub-groups, the findings of which are reported at the official REPAC meetings. Thames REPAC is gratified that its Board Member, Chris Hampson, now Vice-Chairman of the Environment Agency, and various Directors of the Agency have attended its meetings: members welcomed the

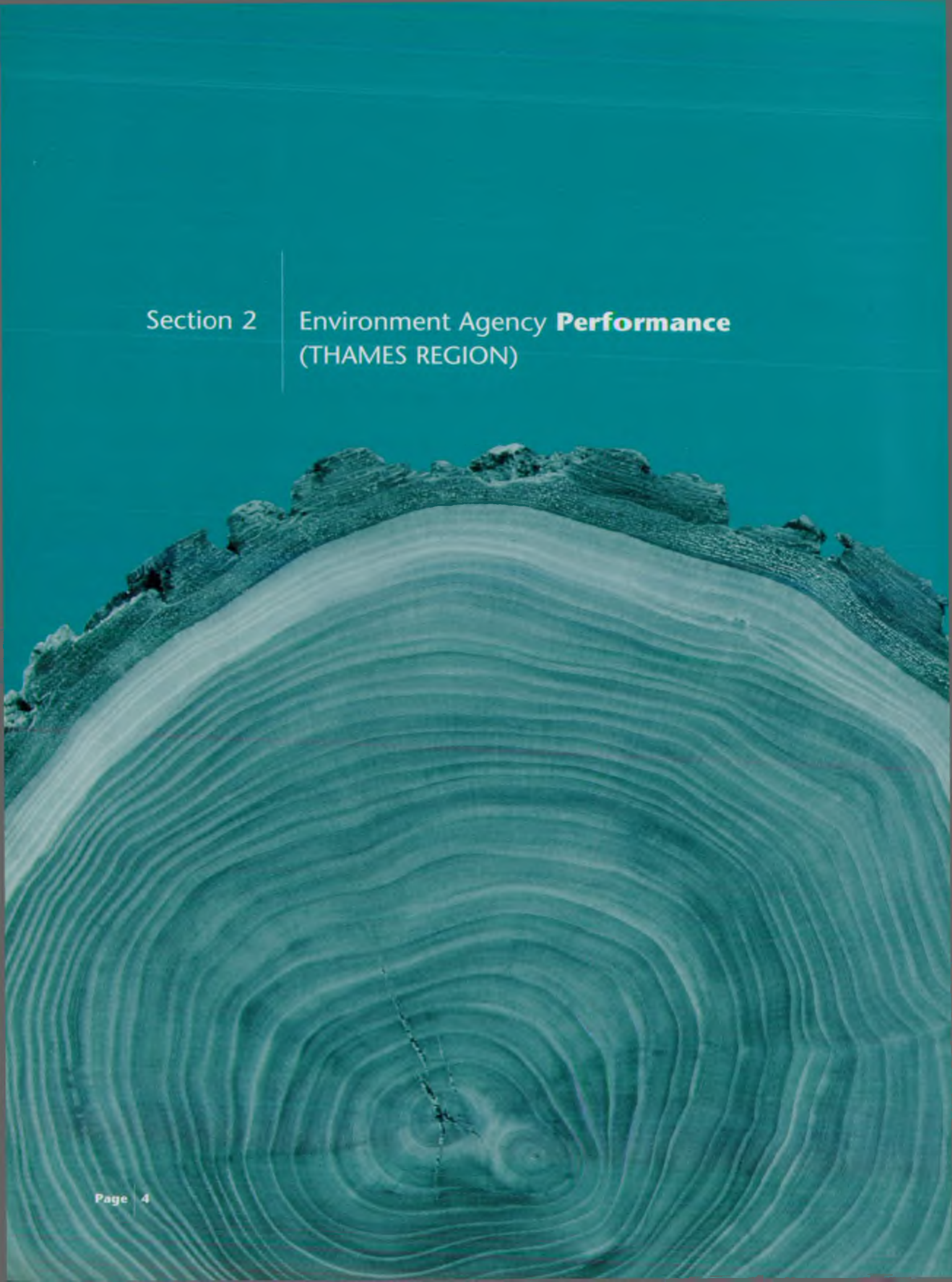
opportunity of raising issues of concern with them direct.

The Thames REPAC would like to congratulate the Agency on the dedication of its staff to working towards the goal of improved enhancement, protection and conservation of the environment and for raising the profile of the Agency in the Thames Region, forming closer relationships and partnerships with stakeholders. It should also be congratulated on its initiatives for making stronger links with the new Greater London Authority (GLA) and South East England Development Agency (SEEDA). There remain, however, concerns about various aspects of the Agency's performance. They include:

- a significant lack of integration between the various functions of the Agency (for example, waste management and water resources) which makes effective communication between the regulated community and the Agency very onerous;
  - inconsistency in the attitude and efficiency of individual field officers; and
  - the move by the Agency to be seen as the guardian of the whole environment, whereas in the face of constrained resources, a significant majority of REPAC members felt it should concentrate on its statutory obligations.
- As far as the work of REPAC is concerned, the reliability of feedback from Head Office has been most welcomed and the gradual transition to more openness with REPAC on matters of strategy and policy appreciated.

Section 2

Environment Agency **Performance**  
(THAMES REGION)



## 2.1

### Development of Performance Indicators - Members' Workshop

A members' workshop was held in July 1999 to assist in development of indicators which would help REPAC to scrutinise Thames Region's performance. Members felt, however, that the long term goal (for next year and beyond) should be to develop indicators which measure improvements in environmental standards for which the Agency is responsible rather than indicators which measure Agency activity, which now seems to be the case (see Tables 1 and 2 on the following page).



## 2.2

### Agency Performance as a regulator and communicator

REPAC understands that Thames Region is now achieving 95% compliance or greater in over two thirds of its Customer Charter targets, a publicly available document which sets out the Agency's standards of service. Targets relating to response to complaints and to requests for advice, however, were not met and the Agency has now launched a new tracking system plus local co-ordinators to help improve performance. The greatest area of concern is the response to local authority planning applications where the Region has failed to meet any target for more than three years, with the levels of performance continuing to decrease.

Excellent progress appears to have been made however in reducing the backlog in waste licence processing. At the end of March the number of licences delayed by greater than 12 months was 29 (from 61 at the beginning of the year), with plans to eliminate the backlog by the end of June 2000.

# Table 1 Customer Charter Performance

Year-end Average

## PROCESS INDUSTRIES REGULATIONS (PIR)

|  |      |
|--|------|
| Determine new applications within 4 months (or agreed extension time)* | 100% |
|--|------|

## RADIOACTIVE SUBSTANCES REGULATIONS (RSR)

|  |      |
|--|------|
| Determine new applications within 4 months | 100% |
|--|------|

## WASTE MANAGEMENT

|   |       |
|---|-------|
| Determine new waste licence applications within 4 months. | 94.3% |
|---|-------|

|   |      |
|---|------|
| Determine licence modifications within 2 months | 100% |
|---|------|

|  |      |
|--|------|
| Determine licence surrenders within 3 months | 100% |
|--|------|

## WATER QUALITY

|  |       |
|--|-------|
| Determine Water Quality consent applications within 4 months | 96.9% |
|--|-------|

|   |       |
|---|-------|
| Results of all water and effluent samples available on the Public Register within 60 days | 91.0% |
|---|-------|

|   |       |
|---|-------|
| Assess all Category 1 and 2 incidents, and attend where necessary within target time<br>(2 hours in normal working hours; 4 hours at all other times) | 96.6% |
|---|-------|

|  |       |
|--|-------|
| Respond to "incident reportees" who request feedback on the outcome of incidents | 89.1% |
|--|-------|

## WATER RESOURCES

|  |       |
|--|-------|
| Determine licence applications within 3 months | 95.4% |
|--|-------|

## MULTIFUNCTIONAL TARGETS

|   |       |
|---|-------|
| Respond to all complaints within 5 days | 78.1% |
|---|-------|

|   |       |
|---|-------|
| Respond to all requests under the Open Government Code of Practice within 20 days | 78.9% |
|---|-------|

|  |       |
|--|-------|
| Respond to Local Authority Planning Offices:<br>50% within 2 weeks (1-14 days) | 28.6% |
|--|-------|

|                                |       |
|--------------------------------|-------|
| 75% within 3 weeks (1-21 days) | 46.9% |
|--------------------------------|-------|

|                                |       |
|--------------------------------|-------|
| 95% within 4 weeks (1-28 days) | 65.4% |
|--------------------------------|-------|

|   |       |
|---|-------|
| Reply to all requests for information under the Environmental<br>Information Regulations 1992 within 2 months | 87.5% |
|---|-------|

\* Information on agreed extension time not provided



## Table 2 Site Inspection Performance

|                            | Target       | % Achievement of Programme |
|----------------------------|--------------|----------------------------|
| <b>PIR INSPECTIONS</b>     | 522          | 64.2                       |
| <b>RSR INSPECTIONS</b>     |              |                            |
| Band 1 (Nuclear Sites)     | 0            | n/a                        |
| Band 2 (Nuclear Sites)     | 76           | 195.2                      |
| Band 3 (Non-nuclear sites) | 184          | 70.3                       |
| Band 4 Registrations       | 143          | 40.6                       |
| <b>WASTE INSPECTIONS</b>   |              |                            |
| Quarter 1                  | 4090         | 92.6                       |
| Quarter 1                  | 3930         | 96.0                       |
| Quarter 3                  | 3712         | 87.7                       |
| Quarter 4                  | 3279         | 82.2                       |
| <b>Total</b>               | <b>15011</b> | <b>90.0</b>                |

Successful high profile prosecutions brought by Thames Region include the first prosecution by the Agency against a nuclear site (Hunting BRAE Ltd) at Aldermaston under the Radioactive Substances Act 1993 and a £250,000 fine against Thames Water Ltd for water pollution and illegal waste disposal.



## 2.3

### Management, People and Integration

REPAC understands that considerable restructuring of the Regional Environment Protection department has taken place in order to achieve a saving of approximately £600k in annual operating costs, involving redeployment.



## 2.4

### Relations with stakeholders

The Regional Management Team has recorded 197 visits to various members of the regulated community, stakeholders and other organisations with which it works (for example, waste operations, district, city and county councils, London boroughs, conservation groups and water companies). During 1999/2000 Thames Region received 81 complaints mostly of a local and individual nature, rather than commercial or industrial; 32 were found to be justified. All were investigated thoroughly. Over the same period 27 commendations were received. The Region hosted a week long programme of London-based activities for the 'Big Green Campaign'. This was aimed at raising the Agency's profile in London with a wide audience ranging from politicians, industry, voluntary organisations and individuals. 200 external visitors attended the Region's Annual Reception, followed by a high level conference to launch the Greenprint for London, attracting some 200 visitors.

Thames Region also pioneered the setting up of the Waste Round Table, a discussion forum attended by Agency managers and senior executives from the waste industry allowing industry to raise issues of concern in an informal setting.

Matters discussed during the year included IPPC implementation and implications, fly-tipping (including demonstration of surveillance equipment), Strategic Waste Management Assessments, licence surrender policy, DETR consultation on limiting landfill and the Groundwater Regulations.

Thames Region has also initiated a secondment programme in conjunction with Environmental Services Association (ESA) and three waste management companies. This has allowed a number of junior environment protection officers in the Thames Region to work at waste operators' premises for four one-week secondments, giving them a valuable understanding of the challenges waste operators face in running complex waste businesses. Following the success of this initiative and at the request of the ESA, consideration is being given to extending the scheme to all Agency Regions.

REPAC welcomed the news that Thames Region has committed just over £500k for partnership and collaborative projects releasing overall funding from other sources of £3.4 million. In addition many other partnership projects are supported through direct staff input or through being identified as Local Environment Agency Plan (LEAP) actions. Highlights include:

- **Partnership with the Londonwide Environmental Trust**  
"London Waste Action", which is working with London local authorities (through the Association of London Government) and with London businesses (through London First), to promote and encourage waste avoidance and waste reduction by business, and to develop new markets for recyclable materials and to organise a stakeholder debate designed to bring people and organisations together to discuss how London can manage its waste better;
- **The Wycombe Environmental Project** which was the first project to get approval from DETR to allow the Agency to be a third party funder in a landfill tax bid. The Agency's contribution was £15k, out of a total of £55k. This secured a release of £550k for the project from the landfill operator;
- **The River Wandle Park Scheme**, completed in partnership with the London Borough of Merton and Groundwork Merton which has been opened formally. The scheme has flood defence, water quality, ecological and recreational benefits, serving to transform a previously poor stretch of river into a valuable local asset; and
- **The award** of a 'Green Apple' for the waste minimisation project in partnership with the Vale of the White Horse District Council. The scheme, which has led to savings of approximately £600k already for the companies concerned, has been widely cited as an excellent example of partnership.



Section 3

Work of **REPAC**

Examples of the work of REPAC



# 3.1

## National Issues

### Periodic Review of Water Company Price Limits

A joint sub-group with the RFERAC concluded that Ofwat's draft determination of the water industry's pricing for water and sewerage services contained insufficient information to enable full comment. REPAC and RFERAC Chairmen therefore wrote to the Director General of Ofwat (Ian Byatt) and to the Minister (Rt. Hon. Michael Meacher MP) in order to express their particular concern that the Director General's final determination should reflect fully the Agency's National Environment Programme which has been endorsed by the Government.

REPAC is pleased to note that the Director General's final determination, published in November 1999, contained a number of significant changes from the draft determination and that all schemes recommended for the Thames Region were included with the sole exception of improvements to six sewage works. Those schemes have, however, been retained in the National Environment Programme pending identification of cost effective solutions and are subject to further Ministerial decision.



### Environmental Protection Act 1990 - Part IIA - Contaminated Land

During the year, the Government progressed the introduction of new regulations and Part IIA of the Environmental Protection Act 1990, which places regulatory control over contaminated land and its remediation. REPAC was concerned about the resource implication for the Agency and also whether local authorities, which have the prime responsibility for the new regulations, would be sufficiently resourced or have the necessary expertise to cope with the responsibilities placed on them. Following consultation, the new regulations came into force on 1 April 2000.

# 3.1

## Working more closely with Local Government

The Agency sought advice from REPAC on a 5-year plan to promote a closer working relationship between the Agency and the Local Government Association (LGA) and its constituent member authorities. Key points in the plan were: better mutual assistance with information and advice; closer liaison with local communities; and greater integration of the work of the Agency with local authorities. REPAC felt that the document was overly complicated but endorsed a closer relationship between the Agency and local authorities.

### Hall of Shame

The Agency's publication in June 1999 of a league table of companies prosecuted for causing pollution, or exceeding their discharge limits, entitled "The Hall of Shame", met a mixed reception by REPAC feeling that, on balance, it would be more acceptable to all stakeholders in future if recognition was also given to companies which had made environmental improvements, as well as those who had transgressed - a "carrot and stick" approach. REPAC recognised however that the Agency has a difficult task in balancing the role of an "arms-length" regulator with that of working in partnership with industry.



## Better Regulation to Protect the Environment

Dr Paul Leinster (Director of Environmental Protection) attended the Committee's January meeting and gave a presentation together with a report setting out proposed priorities and principles to guide the future development of regulation by the Agency.

In welcoming the report, REPAC expressed concerns about a wide range of issues including the possible reliance on self-monitoring by those being regulated, the importance of quality assurance in the regulatory process, and particularly the need for adequate funding to enable resources of a high quality and competence to be retained within the Agency. In his reply, Dr Leinster emphasised that the Agency had to define competencies for its staff and was preparing a training programme with a view to raising the confidence of industry and other regulated sectors. He planned to publish proposals in the future.

### Integrated Pollution Prevention and Control (IPPC)

The fourth consultation paper on IPPC included a set of draft regulations which would form the basis of The Pollution Prevention and Control Regulations 1999, not yet in force. A sub-group commented in detail, and in particular about clarification of the relationship between local authorities and the Agency, (both of whom have regulatory responsibilities under IPPC), energy efficiency measures and the suggestion that carbon dioxide and methane emissions should be regulated and the level of the Agency's proposed interim charging scheme, especially with respect to the agricultural sector.

### Proposed Environment Protection Charges 2000/2001

During the year, the Agency published its 2000/2001 Corporate Plan, which sets out the indicative levels of increases in charges for environment protection and the basis for them. In commenting, REPAC expressed surprise at the level of the proposed daily rate of charges for environmental protection in the Agency's Corporate Plan for 2000/2001 and considered that the rate was excessive. The Agency explained that the charges included overhead costs of developing new regulations and regulatory regimes, something which those in business as environmental consultants are not required to fund internally. In commenting, REPAC felt that a means of introducing incentives for the Agency to reduce costs (for example, by cutting back on inspection rates) was something that should be considered and developed further.



# 3.1

## Enforcement and the Courts' Attitude

The REPAC Chair gave a detailed report on this topic, following a request by members. During the debate on the issues set out in the report, REPAC commented on a wide range of issues, which included fly-tipping, the low level of fines given by the courts, the need to provide in-depth briefing to magistrates through the Magistrates Courts Association, and the importance of adopting a balance of proportionate penalties for accidental breaches compared with deliberate offences. The Chairman agreed to produce a response from REPAC which would be sent to the Sentencing Advisory Panel for its consideration.

## "A Way with Waste" - The Government's Draft Waste Strategy for England and Wales

In June 1999 the Government published for consultation the draft waste strategy "A Way with Waste" for England and Wales. The draft strategy sets out the framework for how the Government plans for waste to be dealt with and sets targets which will help the EU meet its obligations. A sub-group broadly welcomed the approach being taken by the Government, but expressed its concern regarding adequate funding and staff resources in the Agency. These specific matters were taken up by REPAC in a letter to the Environment Minister.

## Risk-based Approach to Waste Site Inspections

The Agency further developed its Operator Pollution Risk Approach (OPRA) to waste management site inspections, under which priority would be given to those sites deemed to be most at risk. REPAC in commenting on the draft guidelines, welcomed the introduction of the scheme provided that it was introduced with a fully supported training programme. Some members were concerned at the adverse publicity attaching to prioritised sites without the right of appeal. Subsequently, a training programme has been provided. At the end of the year (March 2000) the Agency awaited approval from the DETR before fully implementing OPRA for waste inspections.



### Extended Public Consultation on Selected Licence Application

As part of the concept of extended public consultation on selected licence applications, REPAC, although seeing merit in the proposal, expressed concern at the cost and delay to industry and the implication of identical issues being considered by both the waste licensing procedure and the planning procedure but on different criteria. It was suggested that the Agency's Internet Website might be a useful tool to keep the public informed about the existence of applications and REPAC advised that the criteria for selecting which applications should be subject to the extended consultation needed to be clarified. Archie Robertson (Director of Operations), who attended the meeting, responded to members on issues raised.

### Developing a new Agency Environmental Strategy

REPAC received a presentation on the new Strategy, under which the Agency Regions were each assigned a specific theme to develop. The theme for Thames Region was "Preventing and Adapting to Climate Change" which had been identified earlier at a members' seminar as a priority issue for the Region (see below).



# 3.2

## Regional Issues

### Greater London Authority

During the passage of the Greater London Authority Bill through Parliament, REPAC's views and advice were sought on the relevance of the key environmental issues and on possible amendments being sought by the Agency in order to increase the Agency's influence with the Mayor and Assembly. REPAC was pleased to note that the Agency was generally successful in achieving changes it sought to the Bill, which was given the Royal Assent on 11 November 1999. This will be explored in more detail in next year's report.

### Work arising from Members' Seminar February 1999

Members of all three Regional statutory committees, (REPAC, RFDC and RFERAC) attended, producing a prioritised list of issues for the Thames Region. REPAC commends the Agency for producing a number of in-depth reports on these issues. They cover education initiatives by the Agency; identification of climate change indicators for the Region; an integrated plan for water resources; the management of waste and the promotion of recycling; and air quality - the effect of various IPC processes, the campaign on air quality, including closer working relationships with local authorities.

### Climate Change

REPAC contributed to the Agency's response to the Government's consultation on its Climate Change programme. It supported the Agency in encouraging the Government to take a long term view on the need for a sustainable reduction in greenhouse gas emissions. It also supported the Agency in its input and key role in collaborating with many partners in producing a report - "Rising to the Challenge", which was a scoping study of the effects of Climate Change in the South East.

### Local Environment Agency Plans (LEAPs)

Following a request from officers, four members of REPAC were nominated to work with members of the RFERAC to further develop and scrutinise particular LEAPs. As a result, nine LEAP Consultation Drafts were published during 1999/2000 for the Kennet, Upper Thames, Thames (Benson and Hurley), Pang & Wye, Loddon, Wandle/Beverley Brook/Hogsmill, Mole, Upper Lee and North London catchment areas.



## River Thames Navigation and Recreation draft Strategy

In response to the draft strategy, REPAC emphasised the importance of partnerships with local authorities adjacent to the River Thames and urged the Agency to be mindful of the environmental impact of some of the proposals and the Agency's reputation. One of the issues put to REPAC was the charging for river uses, particularly by those who benefit from recreational use of the river bank. Members generally endorsed the strategy but felt that certain aspects needed to be developed in more detail



Section 4

The **Future**



It is certainly the case that the position of REPAC has been strengthened. It is hoped that this will continue and the role of REPAC will become better publicised (not least through the development of the Environment Agency web-site) and its links with the Regional communities and with Regional and local authorities enhanced. It is further hoped that the Agency will increase its transparency in order that REPAC may fully develop its role of one of scrutiny.



# 4.1

## The Future

The current (September 2000) membership of the Thames REPAC is as follows:

|                         |                 |
|-------------------------|-----------------|
| Mrs P Castle - Chairman | Ms V Lamey      |
| Professor N W Arnell    | Mr A Law        |
| Mr D W Boyd             | Mr P McIntosh   |
| Dr R P Burns            | Mr R Parkin     |
| Ms M Coombs             | Mr P J Reeve    |
| Mr D W Gardiner         | Mr J N Rice     |
| Ms N Gavron             | Miss E Richmond |
| Mrs H Hawker            | Mr J R Sexton   |
| Mr M G Healey           | Mr R M Skehens  |
| Mr B Hurley             | Mrs J Venables  |
| Mr R T Johnston         |                 |



Vacancies for Committee places are advertised in the national and local press, usually in January and February each year.

Minutes of meetings, dates for future meetings and agendas of Thames Regional committees can be viewed on the Agency's web site at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

All meetings are open to the public.

If you have any queries about the work of this, and the other Statutory Committees in Thames Region, then contact:

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