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NetRegs update

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May 2016

In this month's update...

NEW Legislation:

Energy Act 2016

The UK's oil and gas industry makes a substantial contribution to the UK's economy, energy security and employment. The Energy Act 2016 aims to maximise the economic recovery from the UK Continental Shelf (UKCS) oil and gas recovery.

In summary the Act will:

- Formally establish the Oil and Gas Authority (OGA) as an independent regulator, responsible for the asset stewardship and regulation of domestic oil and gas recovery.
- Transfer existing regulatory powers in respect of offshore oil and gas licensing to the OGA, excluding environmental powers.



- Give the OGA additional powers including: access to company meetings; data acquisition, retention and transfer; dispute resolution; and sanctions.
- Introduce provisions in relation to charges for the offshore oil and gas environmental regulator's services to the industry.
- Make legislative changes to remove the need for the Secretary of State's consent for large onshore wind farms (over 50 Mega Watt (MW)), acting in tandem with other measures to, in effect, transfer the consenting of onshore wind farms into the planning regime in the Town and Country Planning Act 1990.
- Close the Renewables Obligation early to new onshore wind projects in Great Britain and enable the Secretary of State to make provision to restrict the use of renewables obligation certificates relating to new onshore wind in Northern Ireland.

The Act received Royal assent on 12 May 2016.

You can view the full text of the Act here:

[Energy Act 2016](#)

Fisheries Act 2016

The Fisheries Act 2016 amends the Fisheries Act 1981 (enforcement of Community rules) in relation to enforceable EU restrictions and enforceable EU obligations.

The Act received Royal assent on 12 May 2016.

To view the full text of the Act, click the following link:

[Fisheries Act \(Northern Ireland\) 2016](#)

Environmental Better Regulation (2016 Act) (Commencement No.1) Order (Northern Ireland) 2016

This Order was made on the 15 April 2016. It brings into operation sections 7 to 14 (Powers of Entry and Associated Powers) of the Environmental Better Regulation Act (Northern Ireland) 2016. The Environmental Better Regulation Act (NI) 2016 is a key element of the Department's Regulatory Transformation Programme.

The overall aim of the Programme is to provide a more streamlined and effective regulatory system for businesses and regulators.

You can view the full text of the order here::

[Environmental Better Regulation \(2016 Act\) \(Commencement No.1\) Order \(Northern Ireland\) 2016](#)

[Environmental Better Regulation Act \(Northern Ireland\) 2016](#)

Update:

Functions of new Department of Agriculture, Environment and Rural Affairs

The new Department of Agriculture, Environment and Rural Affairs (DAERA) came into effect on 8 May 2016.



The functions of the new department include:

- most of the roles and responsibilities of the former Department of Agriculture and Rural Development (DARD), excluding Rivers Agency which transfers to the Department for Infrastructure;
- inland fisheries from the former Department of Culture, Arts and Leisure (DCAL);
- environmental functions from the former Department of the Environment (DOE);
- and policy responsibility for the Sustainable Strategy from OFMDFM (now the Executive Office).

You can find further information here:

[Department of Agriculture, Environment and Rural Affairs website.](#)

Decide if a material is waste or not: general guide

If you are the producer or holder of a material and you're unsure whether it's a waste or not, you can use this guidance to assess the status of your material. A material can include any substance or object.

To work out if waste rules apply to your material you need to:

- decide if your material is waste
- identify when waste rules apply
- find out when waste ceases to be waste
- find out when waste rules do not apply



This guidance applies to Northern Ireland, England and Wales.

You can view the guidance document here:

[Decide if a material is waste or not: general guide](#)

From last month's update in case you missed it...

Legislation:

The Waste (Amendment) Regulations Northern Ireland 2016

These Regulations amend a number of pieces of legislation to bring into effect the changes introduced by the EU Directive 2015/1127/EU Annex II of the Waste Framework Directive.

The purpose of Directive 2015/1127 is to apply a climate correction factor to the R1 formula on the recovery of energy from waste. In order for an incinerator to be formally classed as a waste recovery facility, it needs to obtain R1 status by meeting the threshold set out in the energy efficiency formula (R1 formula) in Annex II of the Waste Framework Directive (WFD).

The Regulations come into force on 15 July 2016

You can view the full text of the Regulations here:

[The Waste \(Amendment\) Regulations Northern Ireland 2016](#)

The Renewables Obligation Closure Order (Northern Ireland) 2016

This Order closes the Northern Ireland Renewables Obligation (NIRO) to new large scale (i.e. above 5 megawatts (MW) installed capacity) onshore wind generation and existing large scale generating stations adding additional capacity from 1 April 2016 and introduces exceptions to closure in the form of limited defined grace periods.

The Order does not have effect in relation to electricity generated from small scale onshore wind (i.e. up to and including 5MW installed capacity).

This Order came into force on 17 March 2016

You can view the full text of the Order here:

[The Renewables Obligation Closure Order \(Northern Ireland\) 2016](#)

Position Statement:

Regulatory Position Statement – Utilising additional quality protocols in place in England

The quality protocols set out how to fully recover wastes and turn them into quality products.

It defines the point at which waste ceases to be waste and can be used as a product without the requirement for waste management controls. By following quality protocols, producers can create sustainable resources in which end users can have confidence.

You can read the Regulatory Position Statement here:

[Regulatory Position Statement – Utilising additional quality protocols in place in England](#)

Update:

Northern Ireland Departments are changing from 8 MAY 2016

What will this mean to you?

- Business should continue as usual.
- Functions will remain the same:
 - For agriculture, environment, marine, fisheries, sustainability and rural affairs issues, your new Department will be the Department of Agriculture, Environment and Rural Affairs (DAERA).

- For drainage and flooding issues, contact the Rivers Agency in the Department of Infrastructure (DfI) (www.dfi-ni.gov.uk).
- For built heritage issues, contact the Department for Communities (DfC) (www.dfc-ni.gov.uk).
- Staff contacts and telephone numbers will remain the same, but there will be a new website -www.daera-ni.gov.uk - and new e-mail addresses for staff: e.g. joanne.smith@daera-ni.gov.uk

For more information on the responsibilities of the nine future Departments go to: www.nidirect.gov.uk

New Report on Nutrient Recovery and Reuse (NRR) in European agriculture

The RISE Foundation has now launched its new report on **Nutrient Recovery and Reuse: a review of the issues, opportunities, and actions**.

The study engages a multi-disciplinary approach to bring together in a more integrated way, knowledge and expertise which is found in the separate worlds of agricultural science and farming, the food industry, water and sewage treatment industries and environmental and waste regulation. Specifically, it aims to provide greater clarity on the following questions:

- What is the scope for nutrient recovery and reuse in Europe?
- What are the issues and opportunities that this involves?
- What are the actions that could support the development of nutrient recovery and reuse in Europe?

To view the report, click the following link:

[Nutrient Recovery and Reuse: a review of the issues, opportunities, and actions.](#)

Ofgem Renewable Obligation (RO) Guidance

The Renewables Obligation (RO) is one of the main support mechanisms for renewable electricity projects in the UK. Smaller scale generation is mainly supported through the [Feed-In Tariff \(FITs\)](#).

Ofgem, the administrators of the RO scheme have recently produced the following guidance documents:

Submitting data for the Northern Ireland Renewables Obligation: a step-by-step guide

This step-by-step guide will help you to claim annual support under the Northern Ireland Renewables Obligation (NIRO) scheme for your Microgeneration Certification Scheme (MCS) certified solar photovoltaic (PV) or wind installation. This guidance is intended for micro-generators not using an agent.

[Submitting data for the Northern Ireland Renewables Obligation: a step-by-step guide](#)

Renewable Obligation (RO) Output Data FAQ

This document answers some of the most frequently asked questions around output data submissions under the Renewables Obligations (RO) scheme.

[Renewables Obligation \(RO\) Output Data FAQ](#)

Renewables Obligation (RO) FAQ

This document answers some of the most frequently asked questions around the Renewables Obligations (RO) scheme. This includes advice on what the RO is, account functions, applying for accreditation, submitting output data and receiving Renewables Obligations Certificates (ROCs).

[Renewables Obligation \(RO\) FAQ](#)

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