



## **2021 Legal Update on-line event**



## Legal Update 2021:

*A practitioner's perspective.*

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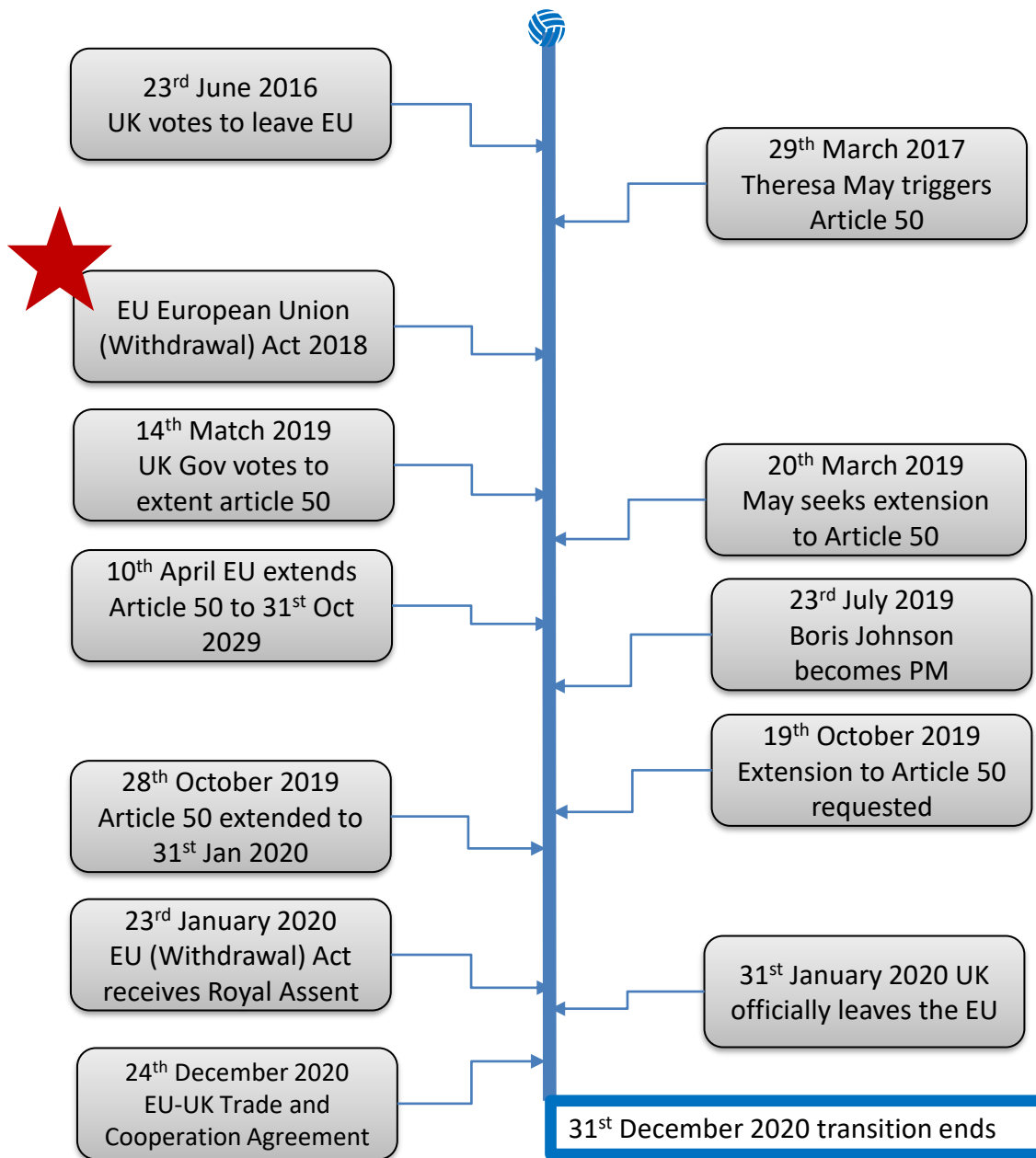
1. Brexit
2. Environment Bill
3. Covid-19
4. Waste
5. Air pollution
6. Climate change
7. Covid 19 - Green Recovery

# Brexit


- The single biggest change in legislation since UK joined the EC in 1973.



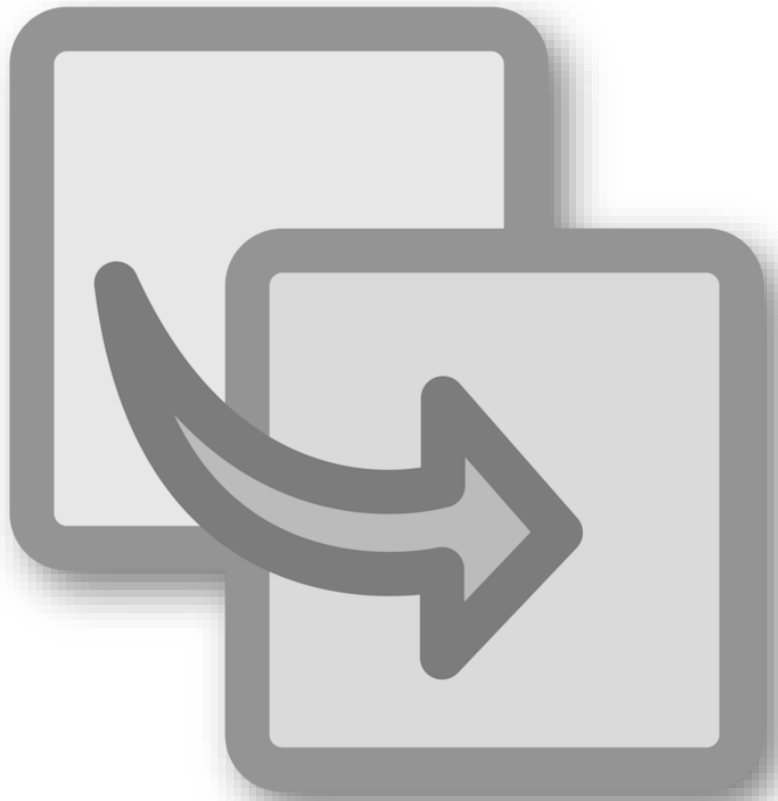
# The Brexit timeline



# Looking back

- The European Union (Withdrawal) Act 2018  (EUWA):
  - Provided a new framework for the continuity of 'retained EU law' in the UK, replacing the EU treaties that had until that point applied in the UK.
  - Took 11 months to pass through Parliament!

# What is retained EU law?



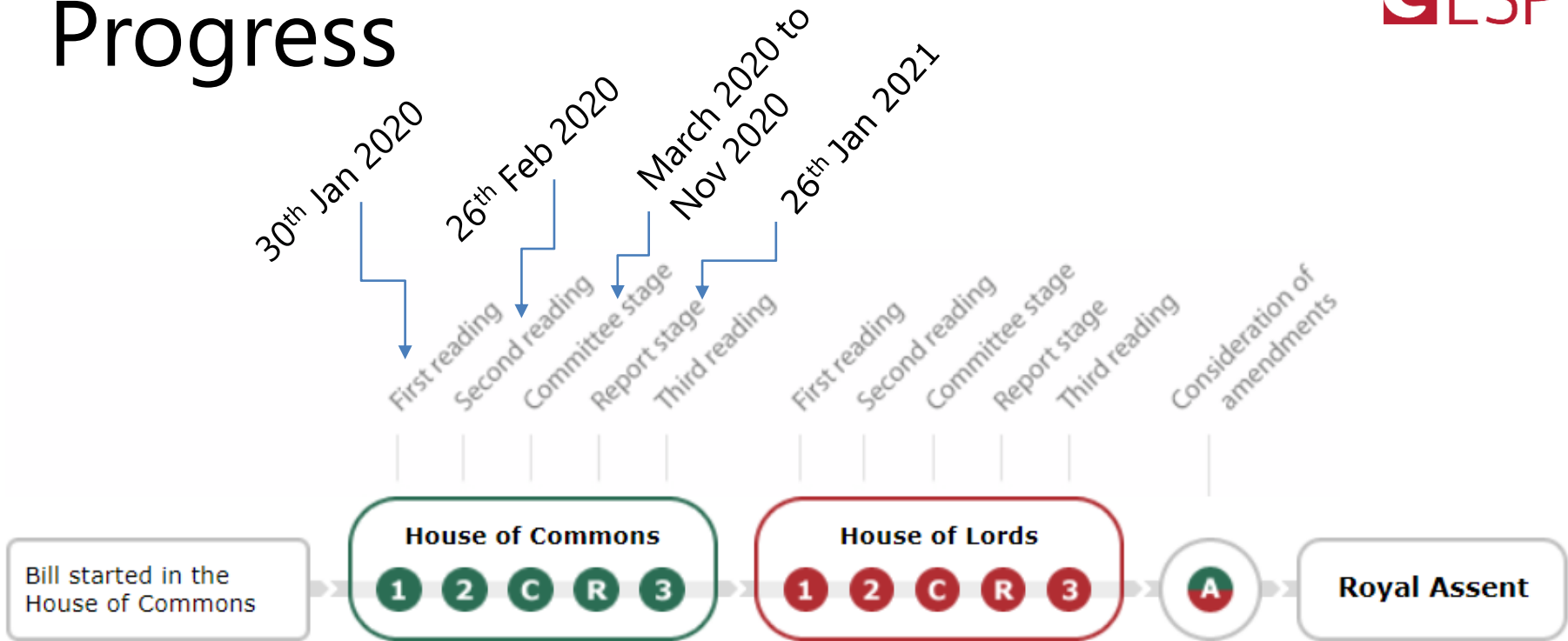
- Retained EU law is essentially a snapshot of EU law as it applied in the UK on 31<sup>st</sup> December 2020, which was “cut and pasted” into the UK legal system.
- Officially, this amounts to 150,000 pieces of EU legislation, though it is thought that only around 3,000 of them have a practical impact in the UK.

# So whilst we have been “Brexiting”



- The “landmark” Bill would make significant changes to laws relating to:
  - Air quality & net zero,
  - Water resources,
  - Waste management,
  - Nature improvement,
  - Chemicals,
  - A new green watchdog.

# Progress



The Environment Bill stalled while other bills on immigration, trade, pensions and the Commonwealth Games have all leapfrogged it (Despite Covid-19).

# Changes to the Environmental Bill so far...



- Significant additions to the Bill:
  - Includes new commitments to perform a two-yearly review of international green laws (E.g. Framework Convention on Climate Change inc. Kyoto, Montreal etc).
    - To be factored into DEFRA's Environmental Improvement Plan and environmental target setting process.

# Changes to the Environmental Bill so far...

- It gives new powers to ban plastic waste exports to developing countries which was a Conservative election manifesto pledge.



“...to reduce the environmental impact on the oceans as well as developing countries which do not have the capacity to handle it properly”.

# Changes to the Environmental Bill so far...

- In a press release accompanying the Bill, DEFRA echoed comments made by senior Ministers.....

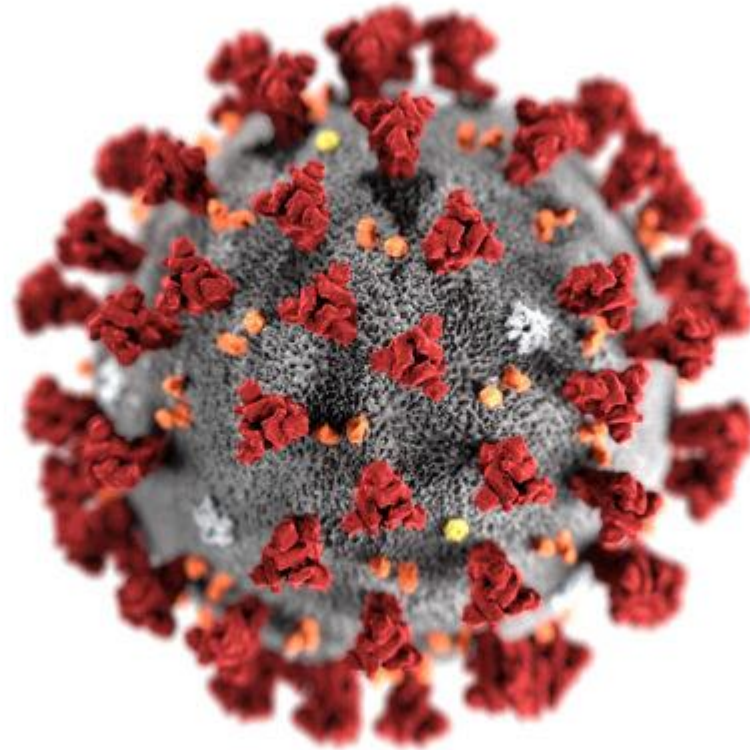
The £165m facility will produce about 2.5 million tonnes of coking coal annually once it begins operations



*Artist's impression of Woodhouse Colliery, a £165m deep mine set to be built in West Cumbria (Credit: West Cumbria Mining)*

“...that the UK will go beyond the EU’s level of ambition on the environment and that by freeing ourselves from future changes to EU law... we will be able to lead the way at home and abroad.”

# So Covid hit...



## **“COVID-19 regulatory position statements”**

# Waste - RPS C8

*Social distancing when signing and handing over waste transfer and consignment notes in person*



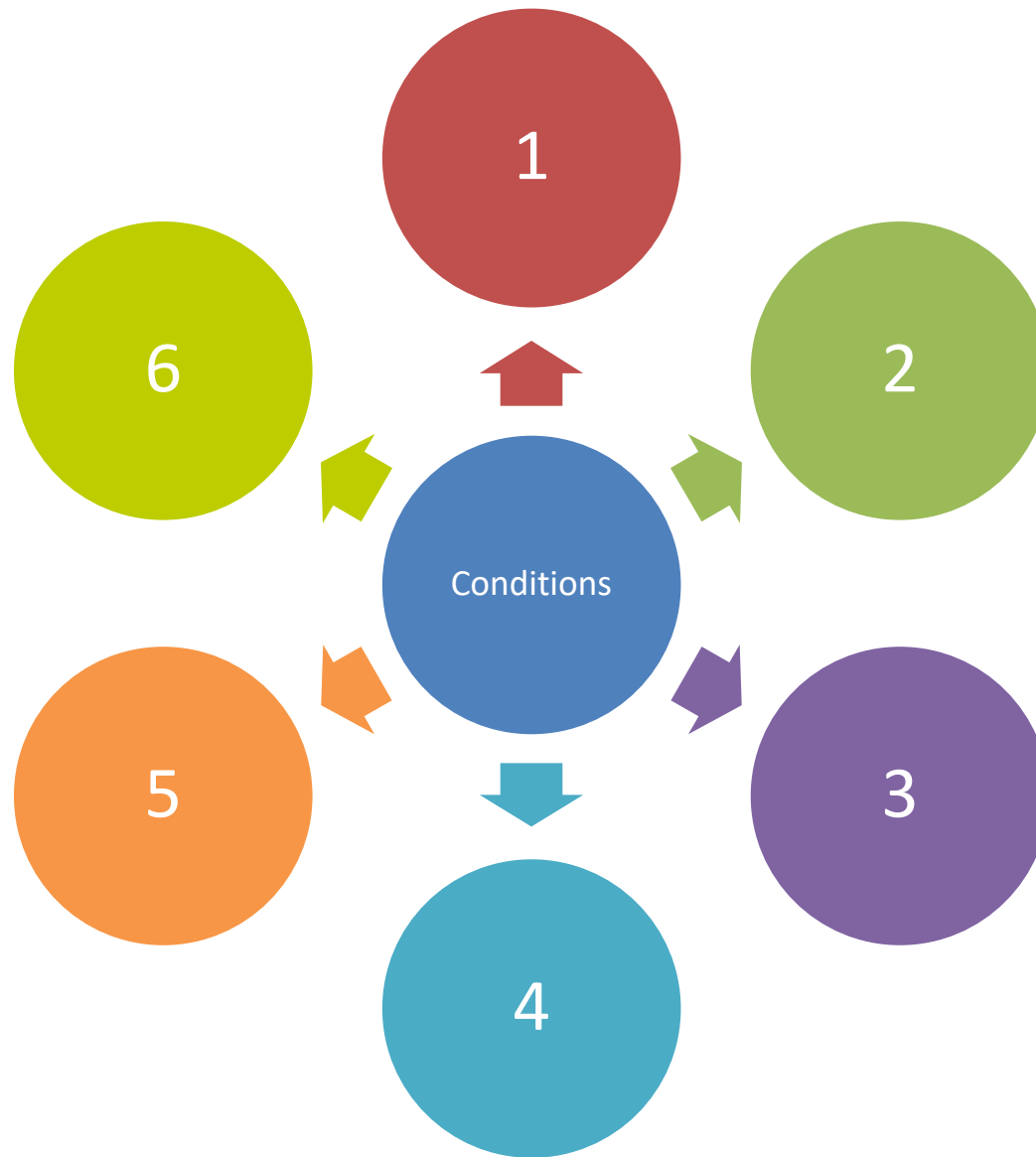
- When transferring waste, to comply with the Regulations, you can use:
  - Paper waste transfer notes (including season tickets).
  - Consignment notes (including multiple collections).
  - An electronic handset.
- Normally sign and hand over paper copies or obtain a digital signature in person.

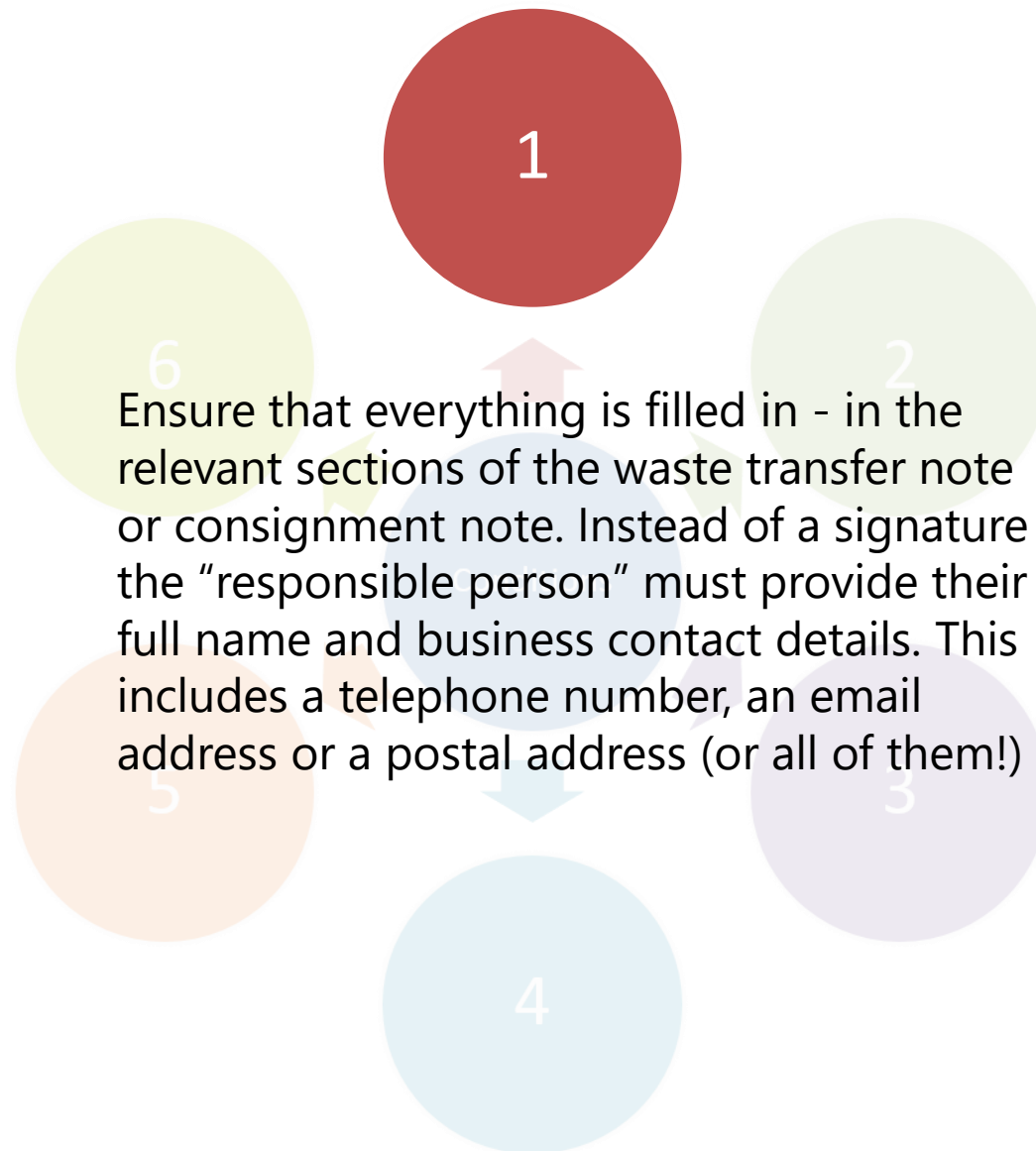
# Waste - RPS C8

*Social distancing when signing and handing over waste transfer and consignment notes in person*

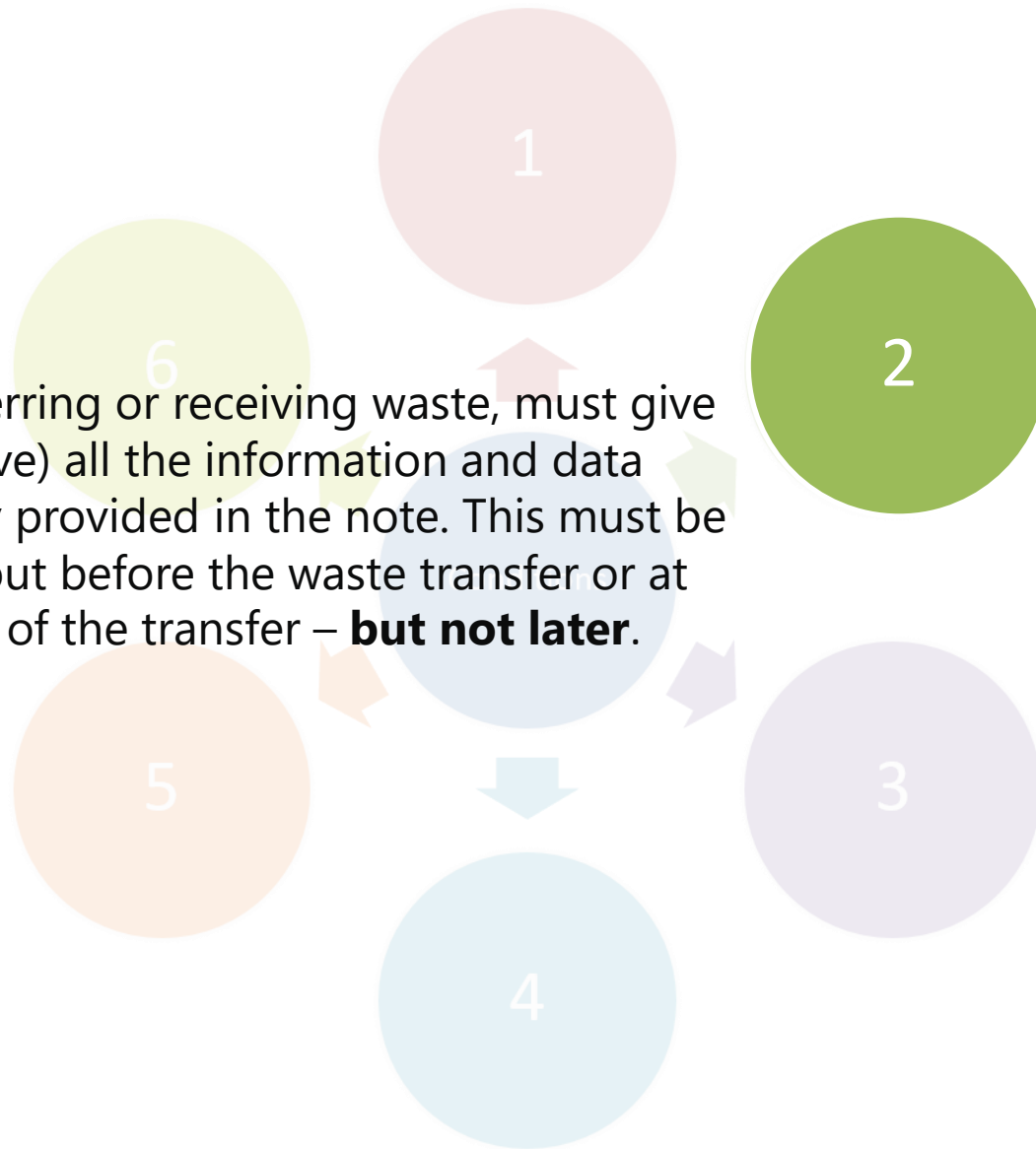
- It applies when:
  - Handing over waste to others.
  - Receiving waste from others.
- BUT, the following does **not** have to take place in person when you transfer the waste:
  - Sign or hand over paper copies of waste transfer notes.
  - Sign or hand over paper copies of consignment notes.
  - Obtain a digital signature on a handset.

But only if....



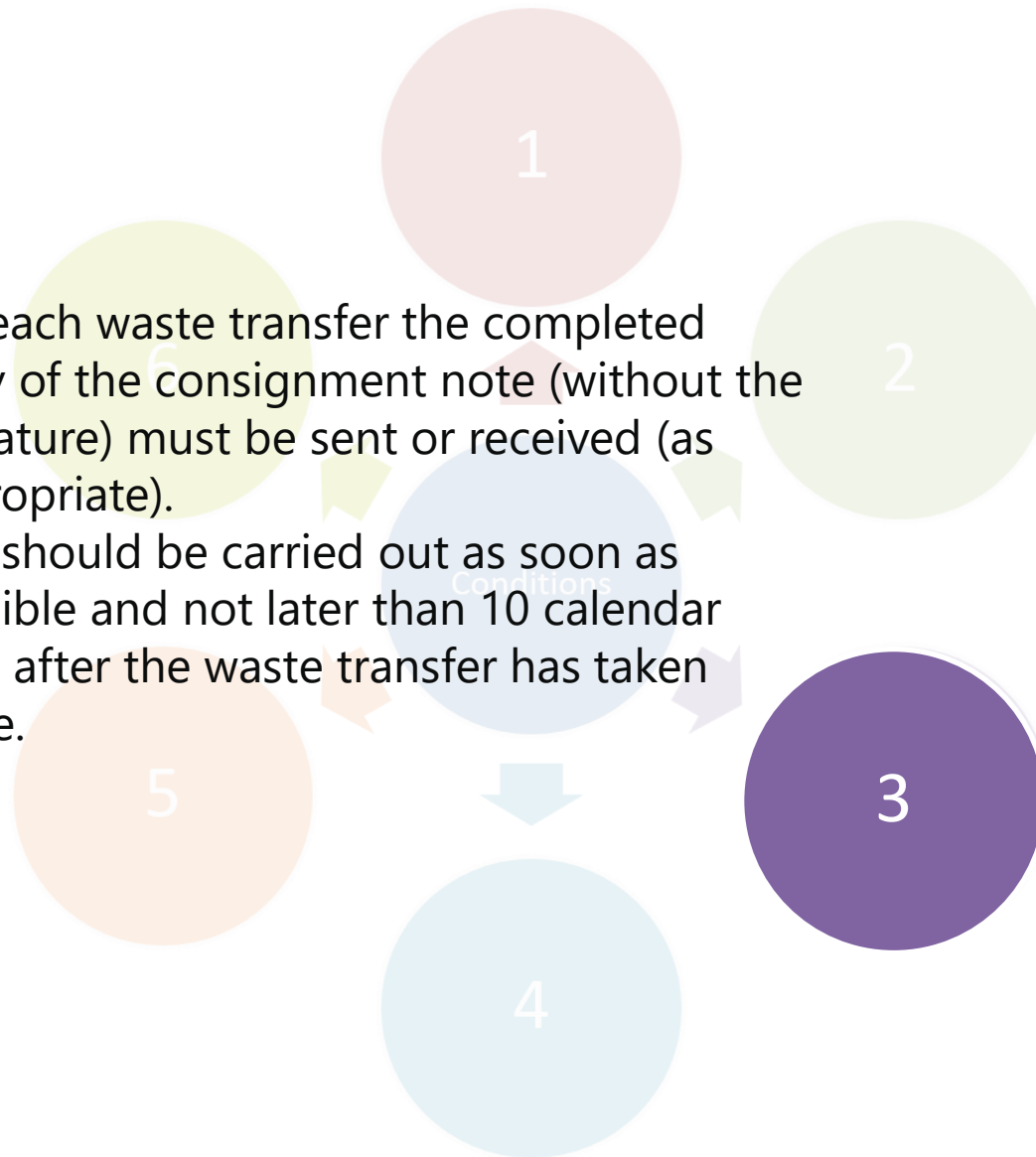


If transferring or receiving waste, must give (or receive) all the information and data normally provided in the note. This must be carried out before the waste transfer or at the time of the transfer – **but not later.**



For each waste transfer the completed copy of the consignment note (without the signature) must be sent or received (as appropriate).

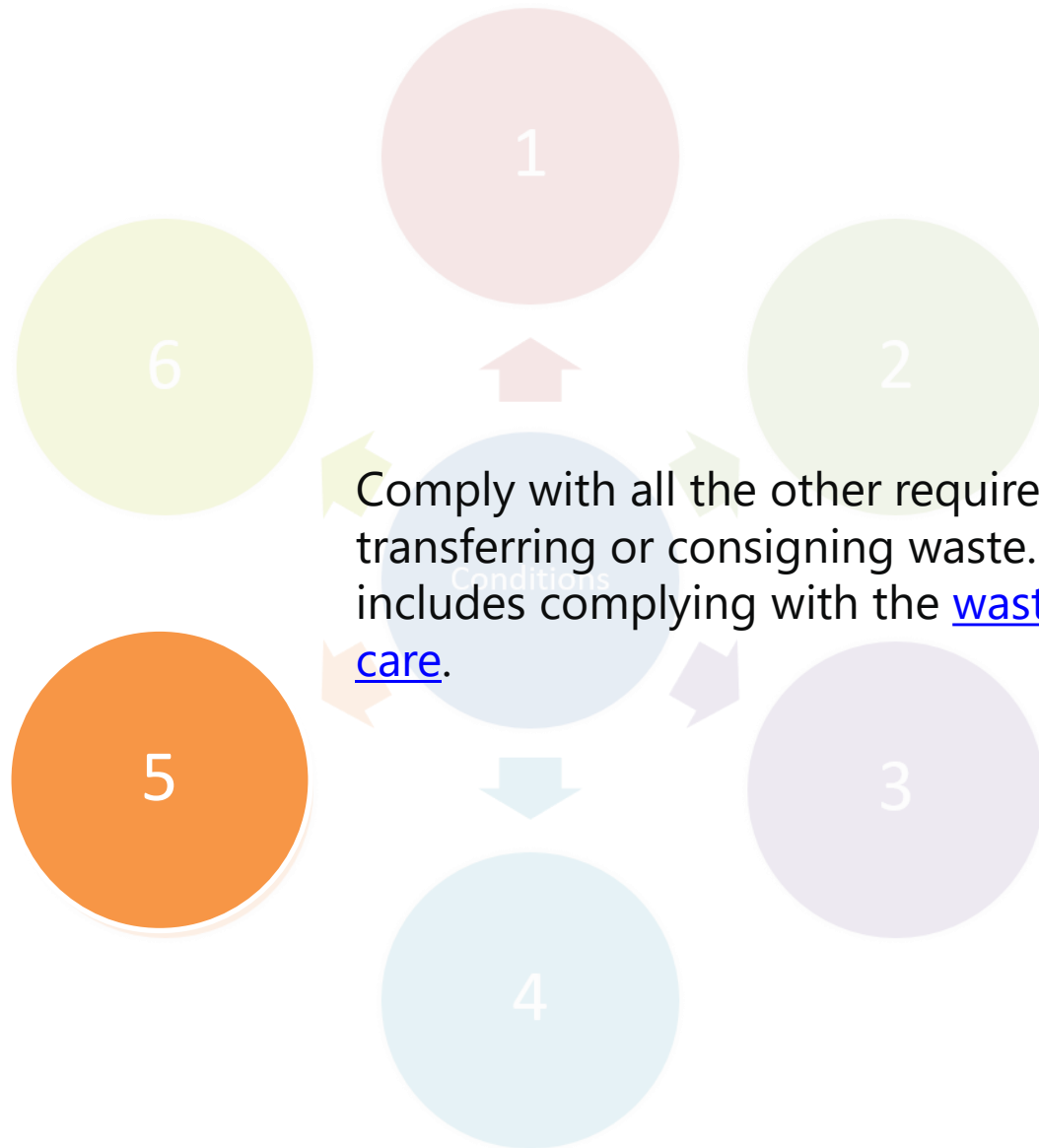
This should be carried out as soon as possible and not later than 10 calendar days after the waste transfer has taken place.



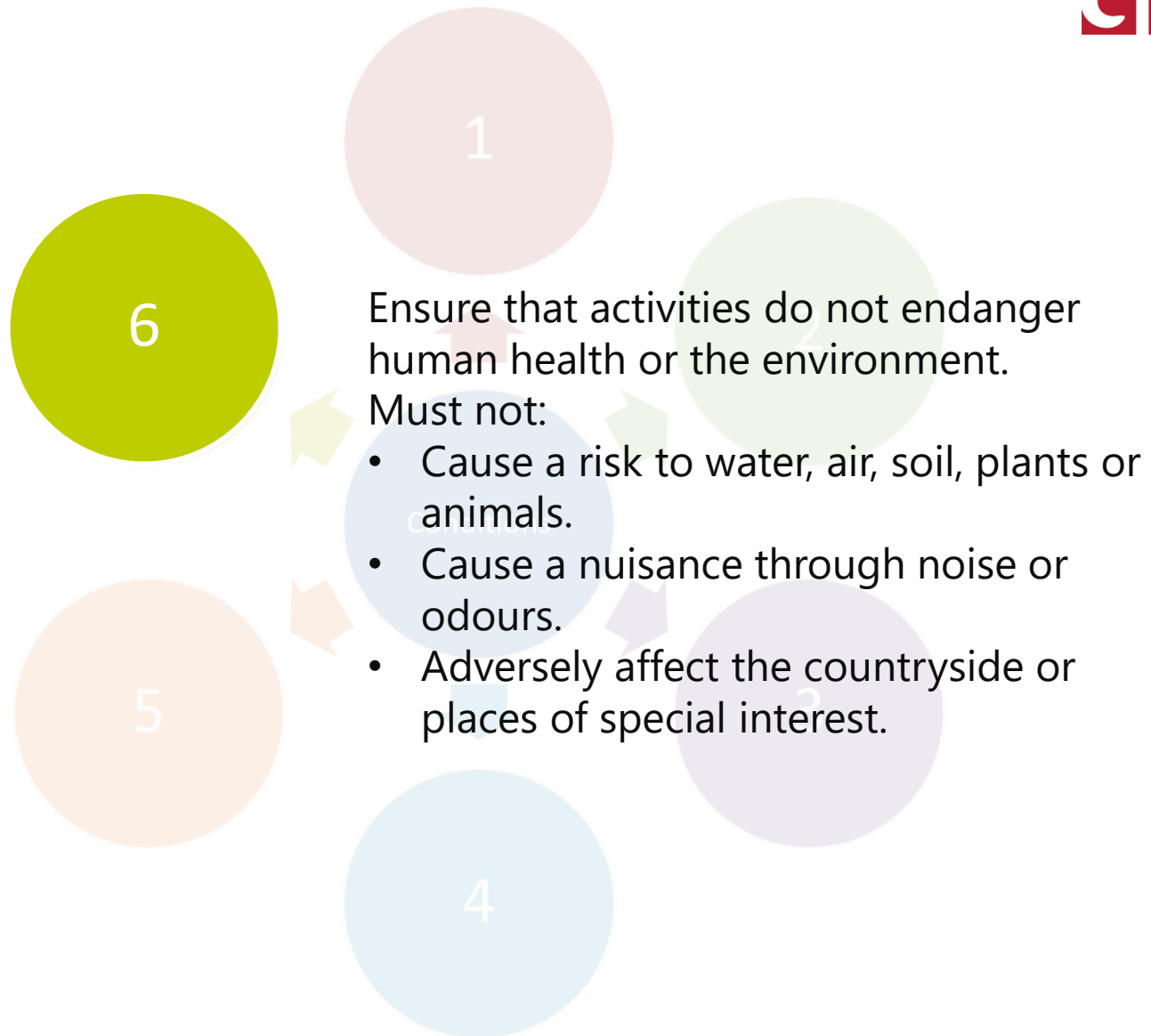
Keep a record of any waste transferred or received during the period of time you use this COVID-19 RPS. These records must include all the information and data required by the waste transfer note and consignment note.

Records of:

- Waste transfer notes for 2 years from the date of the transfer of the waste.
- Consignment notes for 3 years from the date of the transfer of the waste.
- Make them available to the Environment Agency on request.



Comply with all the other requirements for transferring or consigning waste. This includes complying with the [waste duty of care](#).



# Waste - RPS C8

*Social distancing when signing and handing over waste transfer and consignment notes in person*

Enforcement:

- Will not normally take enforcement action unless breach one of the conditions.
- Note; if at any point no longer be able to comply with the conditions, please tell the Environment Agency immediately.
- The Environment Agency will monitor how operators use and comply with this COVID-19 RPS through its proportionate, risk-based inspection and monitoring activity.

This COVID-19 RPS will be withdrawn on **31<sup>st</sup> March 2021** unless the EA extends it.

# Waste - RPS C17

*COVID-19 and storing waste at unpermitted sites due to exceeding your storage limits*

This allowed:

- Storage of waste at an unpermitted site.
- Exceed the storage limits of a registered waste exemption for a T1 to T32 or S1 and S2 exemption.

**WITHDRAWN ON 1ST  
OCTOBER 2020**

# Air emissions

- The EU Emissions Trading System (EU ETS) is an international, greenhouse gas emissions trading system which applies to multiple sectors. There are around 1,000 installations in the UK which participate in the EU ETS, including:
  - Power stations.
  - Oil refineries.
  - Offshore platforms.
  - Industries that produce iron and steel, cement and lime, paper, glass, ceramics and chemicals.
  - About 150 UK-administered aircraft operators.

# Air emissions

- Essentially EU ETS continues with The UK Emissions Trading Scheme (UK ETS) from 1<sup>st</sup> Jan 2021:
  - As of 1<sup>st</sup> January 2021, users no longer have access to accounts in the Kyoto Protocol national Registry within the Consolidated System of European Registries.
  - The UK government is procuring a new system which we expect to be operational in “Spring 2021”.



# Air emissions

- New “F” (Fluorinated) gas requirements
  - F-gases are powerful greenhouse gases, with a global warming effect up to 23000 times greater than carbon dioxide (CO<sub>2</sub>).
  - Used in air conditioning, chillers etc.



# Air emissions



Supplemental report or when the TM44 comes for renewal?

- The Energy Performance of Building (England and Wales) (amendment) Regulations 2020 now requires from 28<sup>th</sup> December 2020 :
  - "...the inspection of air conditioning systems (TM44s over 12kW). Inspection reports must now consider **the capabilities of air-conditioning systems to optimise performance under typical operating conditions** for the inspected system."

# Climate change



01-12 NOV 2021

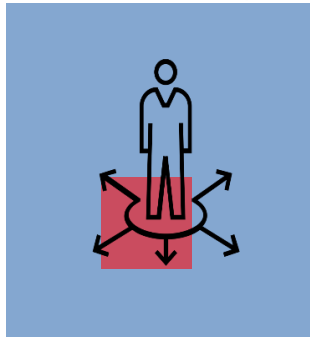
GLASGOW

# COP26

IN PARTNERSHIP WITH ITALY



Underpinning the Presidency...



- **Environment Bill**
- 25 Year Plan.
- 'Build Back Better'.
- Environmental Governance.
- Carbon Emissions Reduction Plan.
- Energy & Carbon reporting Review.
- Waste & Resources strategy.
- Net Zero Innovation Portfolio – Priorities Published.

**Green Industrial Revolution**

- End of UK/EU 'transition'.
- 'UK Emissions Trading Scheme (UKTS) - End of Transition.
- COP 26 (2021).
- Hydrogen Consultation (2021).
- Long-term Government targets set. (2022)
- First Rail lines re-opened (2023-4).
- Aviation Decarbonisation Strategy (2021).
- Heat and Buildings Strategy (2021)
- Cycle Training to Every Child in UK (2025)
- Start 6 year, £5.2 Bn flood/coast defence project (2021)
- Deposit Return Scheme (2023)

- 600,000/yr Heat pumps installed in new and retrofit homes and public buildings.
- 68% Reduction of national CO<sub>2</sub> (1990 baseline).
- Triple Private Sector Investment.
- Public Sector 50% Carbon reduction (2017 Baseline)
- 40GW Offshore Wind + 1GW Floating Offshore
- 5GW Low Carbon Hydrogen
- Early Small/Advanced Modular Reactors.
- 30% Land Protected and Improved

- Sale of new Petrol & Diesel Cars & Vans Banned (2030 - some Hybrids allowed).
- 2035 – Zero emission new cars vans from tailpipe.

- +2.1°C degrees warming (optimistic scenario) by 2100 If Net Zero achieved.



 HM Government

# The Ten Point Plan for a Green Industrial Revolution

Building back better, supporting green jobs, and accelerating  
our path to net zero

November 2020

# Government 10-Point Plan

## Point

## Risks/Opportunities



### 1. Offshore Wind

£160 Million for ports, Infrastructure & Manufacturing.

Network Infrastructure – Energy Storage (Government White Paper).

- 60,000 Jobs, £20bn Private Sector Investment by 2030.
- Increase bids on Contracts for Difference (CfD) Scheme.
- Increased need for electrical distribution & storage.



### 2. Low Carbon Hydrogen

£240 Million Net Zero Hydrogen Fund.

Scaling of Low Carbon Heat pumps.

Hydrogen Blends - Existing Gas Network.

- £4bn (Private Sector Investment by 2030).
- 8,000 jobs (2030), Potential (100,000 Jobs 2050).
- Hydrogen generation in industrial areas – specialist sector.
- Manufacture, supply and service of boilers & heat pumps (trades).



### 3. New/Advanced Nuclear Power

£385 Million Advanced Nuclear fund.

£215 Million – Small Modular Reactors.

£170 Million for Research & Development.

- 10,000 construction jobs, £300 million Private Sector Investment by 2030.



### 4. Shift to Zero Emission Vehicles

£1Bn for Electrification of UK Vehicles.

£1.3Bn for Charging Infrastructure.

£582 million for EV Grants (2022-23).

£20 Million for Hydrogen Freight Trials.

End Sale of New Petrol & Diesel Cars/Vans in 2030.

Developing 'Giga factories' to Produce Batteries.

- 40,000 jobs by 2030, £3Bn of Private Sector Investment by 2026.
- Installation of electric charging infrastructure.
- Grants for sale of EV's.
- Business Vehicle Fleet Changes – e.g., Vans 2030-2035.

# Government 10-Point Plan

## Point

## Risks/Opportunities



### 5. Green Public Transport

£4.2Bn City Public Transport.

£5Bn on Busses.

£120 million British Built Busses.

£500 million on reopening closed rail lines.

Increased Cycle Lanes.

- 3,000 jobs by 2025.
- Vehicle manufacturing, service & maintenance.
- National Bus Strategy
- Local Authority Travel Planning.



### 6. Jet Zero & Green Ships

£15 Million Sustainable Aviation Fuel (Competition).

Airport Infrastructure for Hydrogen & Electric Aircraft.

£20 Million to develop clean maritime technology.

- 5,200 Jobs in Sustainable Aviation.



### 7. Greener Buildings

600,000 Heat pump installations per year.

New 'Future Home' Standard – Zero Carbon Ready.

£1Bn Green Homes Grant.

Public Sector & Social Housing Decarbonization Scheme(s).

- 50,00 Jobs in 2030, £11Bn Private Sector Investment.
- Manufacture, supply and service of boilers & heat pumps (trades).
- Changes to Building Regulations - (75-80% Lower Carbon).
- Green Home – 2.87 Million Homes, 1.5 Million to EPC C.



### 8. Carbon Capture, Use & Storage

£1Bn Infrastructure Fund.

2 Industrial Clusters by mid-2020's.

4 Sites by 2030.

- 50,000 Jobs by 2030.

# Government 10-Point Plan

## Point



### 9. Protecting Natural Environment

£40 Million Green Recovery Challenge.

£5.2 Billion Flood & Coastal Defences.

10 Landscape Recovery Projects.

## Risks/Opportunities

- 20,000 jobs in flood defence by 2027.
- Designation of more landscapes, national parks, AONBs – Local Planning.
- Climate & Biodiversity benefits – Tourism?
- 2000 flood schemes, 336,000 Properties.



### 10. Green Finance & Innovation

£1Bn Net Zero Portfolio for Low Carbon Innovation.

£100 million GHG Removal (Direct Air Capture).

£20 Million Zero Emissions Heavy Goods Vehicle Trials.

- 5,200 Jobs in Sustainable Aviation.

# Q & A



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[enquiries@esp.uk.net](mailto:enquiries@esp.uk.net)



# 10 Minute comfort break

ESP Ltd

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# A "Green" recovery from a Pandemic.



Legislation and other guidance can be seen as a risk or an opportunity. The Government is seeing a "green recovery" as an opportunity...

As a breakout group - determine:

- **At least 1 risk**
- **At least 2 opportunities**

...that derives from legislation or other guidance (e.g.10 point plan)

Draw experience from the companies and organisations that you work in.

## Timetable – break out rooms

- 5 minutes to introduce each other and appoint a person who will feedback.
- 5 minutes to discuss.
- 5 minutes to assemble at least 1 risk and 2 opportunities.
- 3 minutes to provide feedback.



# Thank-you!



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