

# **Emissions Performance Standard Monitoring and Enforcement Regulations (Northern Ireland) 2015**

*Comments by*

**Northern Ireland Environment Link**

**11<sup>th</sup> November 2015**

Northern Ireland Environment Link (NIEL) is the networking and forum body for non-statutory organisations concerned with the environment of Northern Ireland. Its 62 Full Members represent over 90,000 individuals, 262 subsidiary groups, have an annual turnover of £70 million and manage over 314,000 acres of land. Members are involved in environmental issues of all types and at all levels from the local community to the global environment. NIEL brings together a wide range of knowledge, experience and expertise which can be used to help develop policy, practice and implementation across a wide range of environmental fields.

These comments are made on behalf of Members, but some members may be providing independent comments as well. If you would like to discuss these comments further we would be delighted to do so.

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NIEL welcomes the opportunity to respond to the DoE's consultation on the Emissions Performance Standard Monitoring and Enforcement Regulations (Northern Ireland) 2015.

At the outset, we acknowledge the potentially limited impact of the EPS in Northern Ireland (though perhaps this indicates a lack of ambition in the Regulations), with no new coal fired stations planned. We also agree that it is beneficial for all operators across the UK to work under similar regulatory arrangements.

However, we would take this opportunity to highlight the significant, and potentially damaging, 'policy clash' that is arising across government, where the DoE aim to "*progress... towards the development of a low carbon future in Northern Ireland*", whilst at the same time the UK government (and DETI) seek to remove incentives for the production of renewable energies<sup>1</sup>. Apart from reducing the pace of introducing renewable energy (and the dampening of innovation), such a policy signals a significant stepping away from Northern Ireland's commitment to reduce carbon-based energy. This works against the current consultation proposals to limit the amount of carbon produced by Power Stations, by increasing the pressure to produce electricity from the burning of fossil fuels (removing renewable alternatives). If we are really seeking to progress toward a low carbon future (which NIEL supports), there needs to be a clear policy direction in NI toward clean alternatives to fossil fuels.

**Q1. Does the proposed approach for monitoring and reporting carbon emissions for the purpose of the EPS minimise burden on operators? Are there ways in which the process could be simplified and/or the burden reduced?**

We agree with the policy aim to streamline the regulation process for operators.

**Q2. Do you agree with the principles that the chief inspector must apply when determining the level of any financial penalty (specifically, that any financial penalty must be sufficient to recover any benefit derived from the breach and that the penalty must be fair and proportionate)?**

NIEL believes that polluters should pay. Too often fines do not recognise the true extent of damage to the environment and society brought about by pollution. Any financial penalty for breach of the regulations should be at least sufficient to recover any benefit derived from the breach, but should also include *restitution costs* that reflect the extent of damage caused to others through environmental degradation.

**Q4. Do you consider that the Planning Appeals Commission (PAC) is the appropriate body to hear and determine appeals relating to any civil penalty and/or enforcement action imposed by the chief inspector in connection with the EPS?**

NIEL considers the PAC to be an appropriate body for dealing with appeals which may arise.

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<sup>1</sup> See, for example, <http://www.bbc.co.uk/news/science-environment-34555821>