



Department of the
Environment

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ENVIRONMENTAL BETTER REGULATION WHITE PAPER

March 2011

ENVIRONMENTAL BETTER REGULATION

Introduction

The environment is at the centre of every aspect of life in Northern Ireland. Not only does it supply us with clean air, water, food and a place to live and work; it also provides opportunities for recreation and improving our health and supports a range of economic activities.

The economy and the environment are closely linked and a healthy, attractive environment plays a key role in attracting and retaining people to live and work in Northern Ireland. Furthermore, it provides us with many of the raw materials we use, especially in the manufacturing and construction sectors.

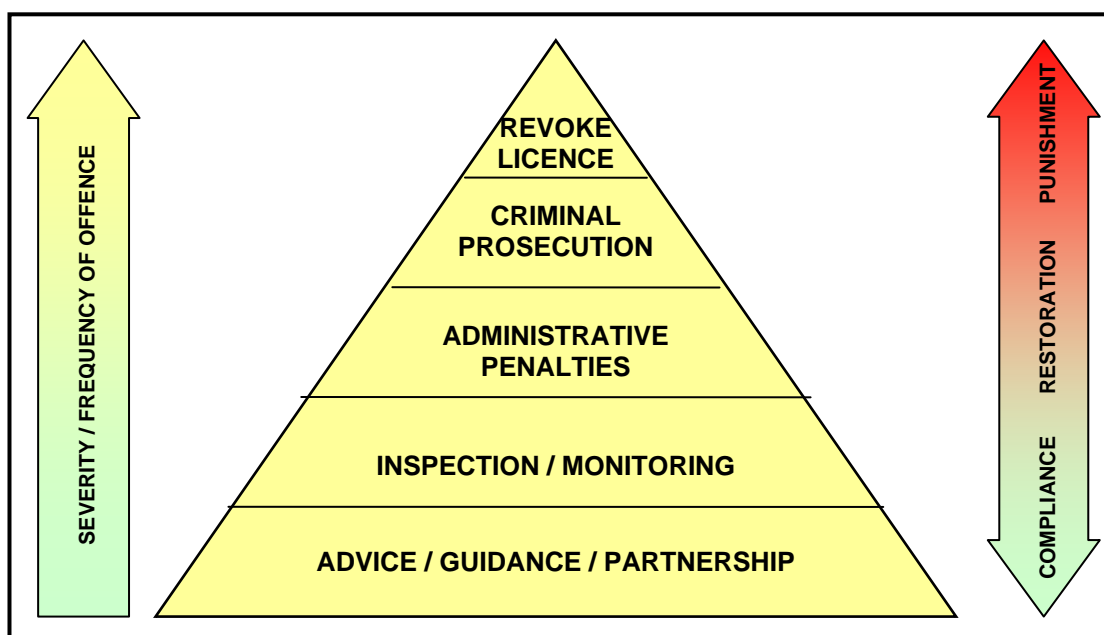
The current economic situation has brought into sharp focus the need to find a better, more efficient way to regulate activities that impact upon the environment. This is necessary not only to match the shrinking resources available to the Department but also to support the business sector as we emerge from these difficult times.

Regulation is necessary, not only to protect the environment but also to ensure fair competition by removing the financial incentive that is often responsible for damage to the environment. However, over-regulation delivers bad outcomes just as much as under-regulation. Regulation needs to be focused on the real risks, and designed so that it actually protects the environment.

That is what better regulation is about – not more or less regulation, but risk-based regulation that works for business and the environment.

Regulation is not a single function – rather, it is a range of interventions that are applied by the regulator according to circumstances. Fig. 1 shows the aim and scope of interventions that may be used to achieve appropriate risk-based regulation.

Fig. 1



The aim of this paper is to set out a range of proposals to reduce the regulatory burden on business, reduce the regulatory costs borne by the Department and, at the same time, enhance protection of the environment in Northern Ireland. Giving environmental regulators an appropriate range of tools will enhance their ability to take a risk-based approach to regulation, while reducing the regulatory burden on business will enhance competitiveness and help the sector to do what it does best – provide jobs, services and prosperity.

Background

The better regulation agenda has been pursued by the UK Government through various initiatives and proposals which have flowed from the recommendations of the following major reports:

- The Better Regulation Task Force: *Less is More*;
- The Hampton Review: *Reducing Administrative Burdens: Effective Inspection and Enforcement*;
- The Macrory Review: *Regulatory Justice: Making Sanctions Effective*;

- The Davidson Review: *Implementation of EU Legislation*; and
- The Anderson Review: *The Good Guidance Guide – taking the uncertainty out of Regulation*.

The Northern Ireland Better Regulation Strategy was agreed by the Executive in 2001 and endorsed by all the Northern Ireland Departments. Its aim was to reduce the regulatory burdens on businesses, and in so doing to encourage and assist the competitiveness and growth of Northern Ireland businesses. The Department is committed to the aims of the Strategy and to the 5 principles of better regulation – i.e. that all regulatory activity should be:

- Proportionate;
- Accountable;
- Consistent;
- Transparent; and
- Targeted

As part of that commitment the Department has engaged with a range of key stakeholders and, from these discussions, has determined that the focus of this paper should be in respect of the following workstreams:

- Better Environmental Permitting;
- Inspection & Enforcement;
- Administrative Penalties and Sanctions ; and
- Criminal Penalties and Sanctions.

Better Environmental Permitting

Identifying the problem

In his report *Reducing Administrative Burdens – Effective Inspection and Enforcement* Sir Philip Hampton's recommended proportionality in regulation through the application of effective risk-based approaches.

We all acknowledge that the authorisation of permitted activities, in the form of permits, licences and consents, is a key tool in the field of environmental regulation and is necessary to protect the environment and human health from harm.

However, in Northern Ireland many current regulatory regimes have been developed in isolation to meet the requirements of individual European Directives. This has led to a regulatory system that has grown unnecessarily complex and time-consuming for both business and regulators. This is particularly the case where multiple permits are required for individual operations that involve different types of activity.

Businesses throughout Northern Ireland have indicated their wish for reform of the current regulatory controls, with many of them advocating a simpler system utilising a more risk-based approach. They suggest proportionate levels of control are applied, dependent on the different levels of risk associated with the operation.

Feedback from industry and regulators generally indicates that there are opportunities to increase efficiency in the area of permitting and compliance. Some of the challenges facing the current systems include:

- confusion experienced by business and regulators due to complex and inflexible permitting systems;
- a lack of integration between permitting systems;
- compliance is resource intensive for business and regulators in terms of time and cost;
- a lack of co-ordination between regulators; and

- the need for a regime comparable in outcomes to the rest of the UK, whilst supporting Northern Ireland businesses.

What can we do?

In reality, separate permitting systems are not essential to deliver individual European Directives or National environmental objectives. They could, for example, be delivered through a single, more user-friendly and modern permitting and compliance system that complements the Department's key theme of supporting the economy while protecting the environment.

We consider the development of a more integrated permitting system, covering all environmentally hazardous activity, is a means of addressing business concerns and would be an innovative way of improving environmental performance.

Our aim is to introduce a simpler, clearer, more effective and flexible system of permitting that is easier to understand by business and quicker to process by regulators. It would contribute to a better and safer environment for all and provide high levels of environmental protection while taking account of social and economic factors.

The proposal would also facilitate the Northern Ireland Environment Agency's efforts to modernise its regulatory activities, some of which are restricted by differences between separate regulatory systems with each having their own pyramid of rules, guidance, procedures, forms and IT systems.

In developing the proposals we can look at the experiences of other regions in the UK which have adapted to change within their permitting regimes.

The single environmental permitting system introduced by DEFRA and the Environment Agency through the Environmental Permitting Programme has been designed to achieve clear, practical benefits, including the following:

- a procedural platform allowing common environmental permitting and compliance mechanisms;
- removing the need for Government to develop separate sets of legislation each time they need to introduce environmental policies;
- a simpler, streamlined approach to guidance, procedures, forms, etc;
- a common platform suitable to accommodate future permitting systems as the need arises; and
- outcomes are delivered in a more efficient way.

In Scotland the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR) regulates activities associated with the water environment. Like the Environmental Permitting Programme, it streamlines and rationalises Scotland's water legislation and provides a common base on which future regulation within this sector can be built.

It should be recognised that, in taking these lessons on and in developing systems in Northern Ireland, it will be necessary to develop and invest in supporting systems, including information systems. Meanwhile, the Northern Ireland Environment Agency (NIEA) will progress many of the key areas under the existing legislative framework where this is possible.

Future action

It will be possible to deliver some improvements by re-engineering existing procedures. The existing legal framework would not, however, support a more fundamental reorganisation necessary to deliver a more integrated and streamlined permitting regime and therefore legislative change will be required.

A common procedural framework

Establishing a common procedural platform would allow existing environmental permitting regimes, with similar administrative processes, to adopt a common approach to controlling all the impacts of an operation on the

environment. Specific requirements arising from particular European Directives or national policy can be managed separately through Schedules. The proposed system could be created in a way that:

- separates the administrative information from the technical data;
- has fewer sets of rules thereby providing more consistency;
- has simpler rules providing less complexity; and
- has clearer guidance providing more transparency.

The proposed system would maximise the positive and minimise the negative impact of change on all concerned. For example:

- those already holding permits under existing regimes would be moved to the new regime immediately without having to make fresh applications;
- the proposed new regime would contain more flexible approaches to transfer, variation and surrender of environmental permits.

Flexible and Effective Risk-based Regulation

While regulators, such as NIEA, are already taking a risk-based approach to the regulation of activities likely to have an impact upon the environment, it is acknowledged that this approach needs to be developed further. A new regime would build on the experiences elsewhere in the UK and allow for the introduction of tiers of control providing proportionate tools for regulating different scales of activity.

The proposal will establish different tiers of control. These may include: General Binding Rules, Registration, Standard Permits and Bespoke Permits. This will include the development of a set of “Standard Rules” on which Standard Permits should be based.

General Binding Rules are intended to control activities which represent a small risk to the environment and which are unlikely to represent a cumulative risk. They provide direct conditions or minimum standards of actions determined by a threshold.

General binding rules would be part of a wider set of potential measures, including Exemptions and simple Registration where it may be necessary to collect information on cumulative risk or to restrict the scope of the proposed activity. These measures should deliver more consistent and proportionate regulation and will allow tangible benefits to be delivered, both under the existing legislative framework and under a new legislative regime.

Registration would be used to control relatively simple activities where cumulative impacts are likely. Registration would allow the Department to collect information and assess the cumulative risk to the environment that may result in activities concentrated in one area.

Standard Permits can be used to regulate activities which are less complex and which vary little across a particular sector. Standard permits would be suitable for industry sectors where a number of regulated facilities share similar characteristics in relation to environmental hazards. They would be based on a common set of published conditions which had been subject to consultation and agreement. These rules would set the standards that operators would need to meet in relation to certain low to medium risk activities. While this approach is being developed standard permit conditions will be introduced under the existing legislative framework for appropriate sectors.

Bespoke Permits would apply to the more complex and high risk category of activities where the conditions of the permit are tailored to the specific regulated facility. They would normally be required for facilities likely to pose a higher risk to the environment and human health. While this approach is being developed, the NIEA will develop templates to ensure that those activities subject to bespoke permits are subject to consistent regulation.

The proposed system would deliver a reduction of the regulatory burden on low risk business thereby allowing limited resources to be redirected from unnecessary inspection to providing advice on how to improve compliance.

The above proposals set out below respond to the better regulation agenda, designed to reduce costs for business and regulators, by cutting red tape

while maintaining the environmental and human health standards currently delivered. Proposals to reduce administrative burdens should particularly help small firms.

In addition, the proposals aim to offer reduced costs and a more responsive decision-making process, reducing the time taken to issue appropriate permits, within a system with the capacity to expand according to future requirements.

INSPECTION AND ENFORCEMENT

Identifying the problem

Sir Philip Hampton pointed out that, *“Inflexible or inefficient enforcement increases administrative burdens needlessly, and thereby reduces the benefits that regulations can bring”*.

Hampton also identified that the cumulative burden of regulation, with multiple inspections, overlapping data requirements as well as inconsistent practice and decision-making within and between regulatory bodies as being the main burden faced by the regulated community.

There are over 200 separate statutes pertaining to environmental law in Northern Ireland, with most having their own suite of investigatory powers. The individual enforcement of these creates a significant administrative and compliance burden to both the regulated and the regulator.

The Department’s aim is to identifying ways in which the administrative burden of regulation on businesses can be reduced, while maintaining the protection for the environment and improving regulatory outcomes.

During Stakeholder engagement the business and farming community voiced concerns with the number of visits by different inspectors from the same Agency, who were inspecting for compliance under different regulations.

Stakeholders agreed with Hampton that there is a need for a more transparent, proportionate, consistent and effective enforcement regime which would deliver and achieve good environmental outcomes. They found that the number of environmental regulations each with their own powers of inspection created an administrative and compliance burden.

Summary of issues

- There is an administrative and compliance burden understanding what powers relate to which piece of legislation within the 200 environmental regulations for both the regulator and the regulated;

- The number of inspections for businesses, carried out under different regulations is creating an administrative burden;
- How to encourage compliance.

What can we do?

Simplify and harmonise investigatory powers

The Northern Ireland Law Commission, identified a need to unify investigatory powers, which would simplify and harmonise the law by creating one set of investigatory powers in a single enactment.

This would consolidate and define what powers exist for officers when carrying out inspections and investigating possible noncompliance with environmental legislation. The simplification and harmonising of powers would require consolidation and streamlining in areas such as:-

Powers of Entry. The aim of this proposal is to regulate and standardise powers to enter land, premises or property for the purposes of ascertaining whether the provisions of a range of environmental regulations have been complied with or whether an offence has been committed.

Powers of examination and investigation already exist where an inspector has entered a property in the belief or reasonable suspicion that there has been a pollution incident or that the business is not complying with the conditions of its permit. This power would be extended to cover all environmental sectors and provide a generic power of investigation.

The Power to gather evidence would be used, for example, where an inspector has discovered a breach of permitted processes or where the inspector believes the environment has been polluted. In each case where pollution or a breach has occurred evidence may be gathered, such as taking samples of water, soil or waste. All these powers would be used to support a possible suspension of the permitted activity or criminal prosecution.

A comprehensive suite of enforcement powers introduced through enabling primary legislation would provide clarity and simplify, streamline and

harmonise the powers of investigation in line with Better Regulation principles. This would assist business and regulators to understand what powers of enforcement relate to their regulated activities and future legislation can refer to the unified investigatory regime for their powers.

Risk based inspections

This proposes that environmental regulators be empowered to utilise a risk based approach to prioritizing and planning the inspection and monitoring of permit compliance. This would mean that those operations with a high risk of environmental impact are given a higher priority for inspection and many low risk activities could be taken out of the monitoring regime.

To provide clarity the regulator would be required to identify the reason for the inspection, to make available the report of the visit to the operator and provide Statutory Guidance so that the regulator and operator are fully aware of the legality and extent of any inspection. The Statutory Guidance would cover:

- ***Risk***, where the probability of occurrence of a defined hazard together with the magnitude or seriousness of the consequences to the environment combines to give a risk factor.
- ***Targeted inspection***, making sure that the regulatory effort is directed primarily towards activities that actually or potentially give rise to the most serious risks to the environment and reducing the focus on low risk and compliant businesses.
- ***Prioritising inspections*** would mean that compliance officers and their resources are focused on serious pollution incidents, on reacting to information on possible breaches of permitted activities and are more frequently inspecting sites posing the greatest risk.

Encouraging Compliance

The overriding aim of the Department is to encourage business to comply with regulation and to recognise the potential risks their operations could have on our environment.

The aim is to ease the inspection burden on business, whilst maintaining the level of compliance and protecting the environment by:

Combined Inspections. The Department proposes to introduce legislation enabling the combination of inspections, ideally into a single visit. This would involve giving the regulator a unified power of inspection across all environmental sectors. It would be designed to allow a holistic examination of the operation during a single inspection.

Compulsory Advice and Guidance. The Department proposes to introduce legislation requiring the Department to provide advice and guidance on how business should comply with environmental regulations. For low and medium risk businesses this may take the form of a standard booklet, but for high risk operations more individually tailored guidance should be provided.

Powers to resolve less serious breaches of environmental regulation. In line with other proposed better regulation changes, the Department seeks to empower the regulator to resolve minor environmental problems, principally through the issue of advice and guidance. This gives legitimate business the opportunity to correct mistakes, leaving the regulator to concentrate enforcement action on serious non-compliance.

Statutory Guidance. The Department proposes that statutory guidance should be used to define how the Regulators shall operate this approach across the full breath of environmental legislation. The guidance will also help define what businesses will be considered low, medium or high risk with regard to their environmental impact. This should help assure the business community of the standards of regulation, advice and guidance they can expect.

Future Actions

A unified investigatory regime to simplify and harmonise powers

A comprehensive suite of enforcement powers in one statute would provide clarity and simplify, streamline and harmonise the powers of investigation in line with Better Regulation principles.

Entrenching the principle of risk based inspections

This proposes that environmental regulators be empowered to utilise a risk based approach to prioritizing and planning the inspection and monitoring of permit compliance.

Encouraging Compliance

This proposal is to empower the environmental inspectors to operate in a role as the inspector of the entire site, resolve minor enforcement breaches and provide advice and guidance.

ADMINISTRATIVE PENALTIES AND SANCTIONS

Identifying the problem

Penalties for breaches of environmental legislation in Northern Ireland are generally applied through the criminal justice system with monetary fines and, in extreme cases, custodial sentences being imposed.

Business, regulatory, environmental NGO and academic sectors all support a more flexible range of penalties to be made available to regulators to reduce the likelihood of lesser offences either going unpunished or becoming the subject of costly and unnecessary criminal proceedings. There is general consensus that proper protection of the environment is best achieved by providing regulators and the judiciary with civil and criminal sanctions appropriate to a wide range of regulatory breaches.

The main issue for legitimate business is that of unfair competition. There is strong support for any regulatory system that deters “rogue” operators and effectively punishes those who flout the law. The business sector is not against regulation *per se*, only that which is applied unfairly or unnecessarily.

Several stakeholders have suggested changes to the regulatory systems by which “credit” could be given to “good” operators – i.e. to widen the gap between responsible, reputable operators and those with little regard for the law or environment.

What can we do?

Regulators and businesses would like to see a more consistent, flexible and proportionate environmental penalties and sanctions regime which would include the addition of a range of administrative sanctions. Regulators and business feel this flexibility would enable a more measured and proportionate approach to non-compliance.

It is likely that the range of administrative sanctions made available to regulators would include:

- Fixed monetary penalties (FMP);
- Variable monetary penalties (VMP);
- Compliance notices;
- Stop notices;
- Restoration notices; and
- Enforcement undertakings.

Fixed Monetary Penalties - sometimes referred to as Fixed Penalty Notices, are notices issued by the regulator requiring the offender to pay a fixed sum within a certain period of time. FMPs are mainly appropriate for relatively minor offences.

Variable Monetary Penalties are monetary penalties assessed by the regulator according to the seriousness of the offence. VMPs could be imposed for more serious cases of non-compliance where it is decided that prosecution is not in the public interest or where an administrative penalty is considered to be a more effective means of dealing with the incident, for example to:

- remove any financial benefit that may exist from non-compliance; and
- adequately deter future non-compliance.

Compliance Notices are written notices issued by the regulator which would require a person to take specified steps within a stated period to ensure that an offence does not continue or happen again. Regulators would be able to use them either independently or in conjunction with other notices to tailor the sanctions imposed to the circumstances of the offence.

This could help to achieve a constructive enforcement outcome that remedies the consequences of an offence and, as far as possible, promotes good working relationships between regulators and regulated, an outcome that is often not achieved by prosecution.

Stop Notices are written notices which would prohibit a person from carrying out an activity which is causing (or is likely to cause) serious harm until the

person has taken the steps specified in the notice. These notices would generally be available for use in combination with other administrative sanctions or criminal prosecution.

Restoration Notices are written notices issued by the regulator which would require a person to take steps to restore harm caused by non-compliance so that the position is restored as far as possible to what it would have been if no offence had been committed.

Typical restoration actions might, for example, include:

- Removal and/or treatment of contaminants to reduce impacts on natural resources or local communities;
- Re-stocking or re-introductions of damaged species (e.g. fish);

Enforcement Undertakings are voluntary agreements by an operator to take steps that would make amends for non-compliance and its effects. An enforcement undertaking would be appropriate where a person wishes to take a proactive approach and is able to suggest measures that appropriately address the non-compliance and the issues it raises. It would be for the regulator to decide whether to accept it in a particular case.

Future Actions

In order to introduce a range of administrative sanctions, it would be necessary to introduce enabling primary legislation to the Assembly which would give the Department the power to make regulations allowing regulators to apply a range of administrative sanctions across a wide range of existing and future waste, water and biodiversity legislation.

Such an approach would contribute to meeting the 5 principles of Better Regulation and, as stated earlier, help to ensure that a level playing field exists for all businesses in Northern Ireland.

In particular, this extended toolkit allows regulators to remove the financial benefit gained by businesses that deliberately seek an advantage though non-

compliance with their regulatory obligations while helping to secure increased compliance.

It is proposed that subordinate legislation made under this enabling legislation, supported by guidance, would provide the detail for the application of an administrative sanctions regime.

There are clear benefits to be derived from the introduction of some or all of these penalties and sanctions, including: a reduction in costs (for regulator and regulated), removal of the stigma of criminal prosecution and enhanced protection of the environment through the availability of a flexible, responsive regime that can be tailored to the circumstances of individual cases.

CRIMINAL PENALTIES AND SANCTIONS

Identifying the problem

Professor Richard Macrory in his 2006 report, *Regulatory Justice: Sanctioning in a Post-Hampton World*, points out that, “*Fundamental to penalties and sanctions is the belief that the underlying regulation is fit for purpose and provides for a greater social purpose such as the protection of consumers, workers, or the environment. The overriding purpose of penalties and sanctions is to provide a deterrent which will ensure that the quality of our environment is maintained and safeguarded.*”

The Department’s aim will always be to encourage business to work with regulatory bodies to ensure the protection of the environment while conforming to regulations. While this is the aim of the Department cases arise when criminal penalties and sanctions are necessary usually for serious cases of pollution or for frequent offenders.

Legitimate businesses in Northern Ireland, especially the small and medium sized enterprises have expressed concern at the lack of clarity and the variation of criminal penalties across the considerable volume of existing environmental legislation.

In the past, each time a European directive has been transposed this has required new regulations and each with its own suite of criminal penalties and sanctions leading to a plethora of penalties and sanctions and resulting in the lack of clarity and confusion within the business community that exists.

Stakeholders believe that a holistic harmonisation and simplification of environmental criminal penalties and sanctions is overdue to ensure a better understanding and compliance with regulations.

Current environmental legislation contains criminal penalties but few sanctions. More sanctions, such as restoration of the damaged or polluted environment, should be available within all environmental legislation and

those sanctions should apply not only to the perpetrator of the crime but all others who may be involved enforcing the principle of the polluter pays.

Clarity is required to determine when offenders should be served with **administrative** penalties and sanctions or **criminal** penalties and sanctions and it would be useful to legally clarify the terms “frequent offenders” and “severe cases” as this would help the business sector to have a clearer understanding of the reasoning behind enforcement decisions.

Summary of issues

- Businesses are confused by the lack of clarity and variation of criminal penalties across the considerable volume of environmental regulations.
- Development of more effective sanctions to make the polluter pay as opposed to the tax payer.
- Define when an offender has committed a serious offence or is a frequent offender.

What can we do?

Review existing Criminal Penalties and Sanctions

To achieve these aims the Department proposes to undertake an extensive review of existing criminal penalties and sanctions to address a range of issues highlighted by stakeholders.

A transparent and clear system with appropriate penalties and sanctions would help businesses comply with environmental regulation, ensure future compliance, provide a level playing field for legitimate business and enable regulators to more effectively pursue offenders who flout the law is required.

Although the Department is committed to reducing the administrative burden on business, it is also committed to effective protection of the environment. The review will therefore also aim to identify any gaps in legislation, both in terms of inadequate penalties and where appropriate offences do not currently exist.

Above all, it is essential that this review takes a holistic approach and takes account of the wider issues concerning compliance – inspection/enforcement, permitting/licensing, administrative penalties and education/guidance – to ensure that effective protection of the environment is maintained at reduced cost to business and the Department.

Furthermore, the provision of a comprehensive range of appropriate penalties and sanctions would help to address the perception amongst legitimate business that criminal operators are not adequately punished by the current system and that they can gain a competitive advantage as a result.

A proportionate response to non-compliance with environmental regulation ensures that the person who causes the greatest damage receives the greatest punishment.

It is intended that criminal prosecution should only be used for the most severe cases of pollution or for frequent offenders and administrative penalties and sanctions would provide sufficient deterrence for lesser offences.

In considering appropriate proposals in respect of criminal penalties and sanctions, there are a number of objectives, including:

- ***Simplification and harmonisation*** – to address the lack of understanding and clarity highlighted by stakeholders;
- ***Identification of existing legislative gaps*** – to ensure there are appropriate penalties and sanctions available across the whole spectrum of non-compliance;
- ***Introduction of new criminal sanctions*** – to complement existing penalties and sanctions to facilitate, for example, the restoration of the damaged environment;
- ***Provision of an effective deterrent*** – to ensure that the application of penalties and sanctions is sufficient to deter non-compliance and/or repeat offending;
- ***Future-proofing*** – to ensure a facility exists to apply appropriate penalties and sanctions to future legislation;

- ***Integration with proposals for administrative penalties and sanctions*** – to ensure the smooth transition between administrative and criminal penalties where overlaps occur on the spectrum.

Future Action

Better Regulatory Enforcement and Sanctions

It is proposed that new primary legislation will provide for the introduction of new criminal penalties, the extension of some existing penalties and the rationalisation of others. This would ensure that the courts have an effective range of appropriate and proportionate penalties and sanctions to apply to more serious cases of non-compliance, while at the same time enhancing the clarity and understanding of business and industry.

A key feature of this legislation would be the introduction of new criminal sanctions which would seek to, for example, ensure the restoration of a damaged environment rather than simply to punish the offender. Such sanctions already exist but only within a narrow range of specific legislation – e.g. remediation by court order under the Pollution Prevention and Control Regulations (Northern Ireland) 2003.

Subordinate Legislation and Statutory Guidance

While new primary legislation would provide the necessary enabling powers and the framework for new and extended criminal penalties and sanctions, subordinate legislation would be required to provide the technical and procedural detail. This subordinate legislation could be either stand-alone or amending regulations, or more likely, a combination of both.

To fully address stakeholder concerns regarding clarity and to ensure consistency between regulators, it would be necessary to provide comprehensive statutory guidance to support any new legislation.

This guidance would seek to give operators a clear idea of how they are likely to be treated under a given set of circumstances, how such terms as “frequent offender” or “severe pollution” are defined and would complement existing regulator publications such as NIEA’s Enforcement Policy.

CONCLUSION

The proposals in this White Paper are consistent with the principles of Better Regulation and are designed to ensure that the regulatory burden on business, both administrative and compliance, is kept to a minimum.

The proposed changes are also in keeping with the Hampton recommendations on risk-based inspection and the Macrory review's recommendations on flexible penalties.

This White Paper sets out a long-term programme of change in the way the Department intends to deliver its regulatory services. Many of the proposals set out in this White Paper will require subsequent legislation and will be the subject of further consultation.