

A Review of Environment Agency Inspections in the Waste Operations and Installations Sector in England



Office for
**Environmental
Protection**

A Review of Environment Agency Inspections in the Waste Operations and Installations Sector in England

Presented to Parliament pursuant to section 29
of the Environment Act 2021

May 2026

The Office for Environmental Protection is a non-departmental public body, created in November 2021 under the Environment Act 2021. Our mission is to protect and improve the environment by holding government and other public authorities to account. Our work covers England and Northern Ireland. We also cover reserved matters across the UK.

www.theoep.org.uk/about-what-we-do



© The Office for Environmental Protection 2026

Contains public sector information licensed under the Open Government Licence v3.0. To view this licence, visit www.nationalarchives.gov.uk/doc/open-government-licence.

This publication is available at www.gov.uk/official-documents

Any enquiries regarding this publication should be sent to us at:

The Office for Environmental Protection

Wildwood

Wildwood Drive

Worcester

WR5 2NP

www.theoep.org.uk

03300 416 581

enquiries@theoep.org.uk

ISBN: 978-1-5286-6357-1

E03445339 05/26

Printed on paper containing 40% recycled fibre content minimum

Printed in the UK by HH Associates Ltd. on behalf of the Controller of His Majesty's Stationery Office

Contents

Foreword	4
Executive Summary	8
Recommendations	16
Chapter 1. Introduction.....	22
Chapter 2. Evidence and assessment – our approach.....	30
Chapter 3. The inspections system.....	34
Chapter 4. CAR form analysis	42
Chapter 5. Impacts of inspections not being conducted as anticipated or required	54
Chapter 6. Why guidance is inconsistently followed	60
Chapter 7. Planning and delivery of inspections.....	66
Chapter 8. How are remote inspections used in compliance assurance?	74
Chapter 9. Number of compliance activities performed	80
Chapter 10. Reliability of key performance indicators	86
Chapter 11. Accessibility of compliance data and if it is used sufficiently to drive improved outcomes.....	92
Annex 1. Acronyms.....	98
Annex 2. Types of EA compliance assessment activity.....	100
Annex 3. Methodology	102
Annex 4. EA compliance guidance inspection principles	110
Annex 5. Examples from the CAR form analysis.....	112

Foreword



Foreword

Our earlier report ‘Environmental Inspections in England – Case studies on selected laws and their implementation’ emphasised that inspections remain the backbone of environmental regulation. If non-compliant and errant behaviour is not detected, because few, or no, inspections are conducted, it cannot be dealt with. Without effective inspections, regulators and government will not know if the law is working as intended to deliver the environmental outcomes expected by Parliament.

The Corry Review was commissioned by the Secretary of State for the Environment, Food and Rural Affairs in 2025 to assess whether the existing environmental regulatory framework was fit for purpose. It raised concerns that whilst the current system of environmental regulation was set up in good faith, it was not now working as anyone would want. It found that the system needed to work in a fundamentally different way, to focus on delivering positive outcomes for the environment and to be an aid not an impediment to sustainable growth.

The Corry Review recognised the important contribution of the OEP in monitoring Government’s progress towards delivering the Environment Act targets. But it also called for the OEP to increase its focus on the outcomes that are desired and to support regulators to take more risks to achieve those goals.

We have examined one of the largest regimes regulated by the Environment Agency: waste operations and installations. The Environment Agency told Parliament in 2024 that it is generally doing a good job in this sector and there was effective regulation of environmentally harmful activities. 97% of the sites it assessed were found to be compliant, a result which satisfied one of the Environment Agency’s key targets.

Whilst outcome-focused regulation is supposed to be at the heart of the Environment Agency’s strategy, we found that this ambition is not always being reflected in practice. Our examination of the reports produced following inspections, during the period 2018-2022, shows that the inspections that had taken place were often poor quality, or were not focused on achieving satisfactory environmental outcomes.

While the 97% compliance rate reported by the Environment Agency may on its face suggest that its regulatory practices are working well, we have found that it is actually not an accurate indicator of either the effectiveness of regulatory practice, or compliance outcomes.

It is also important that the regulatory system actively encourages and recognises those businesses that invest in, and prioritise, high standards of compliance. Organisations that consistently demonstrate good environmental performance and strong governance should be incentivised, acknowledged and rewarded. This helps to reinforce positive behaviour across the sector and supports a shift towards outcome-focused regulation. By recognising good performance and enabling proportionate oversight, partly without the need for direct regulatory intervention, regulators can better target their resources at higher-risk activity while encouraging a culture of responsibility, innovation and continuous improvement that supports both environmental protection and sustainable economic growth.

The House of Lords Industry and Regulators Committee found in its ‘Who Watches the Watchdogs’ report in 2024 that *“it is difficult to assess whether a regulator has been sufficiently monitoring and enforcing compliance, and if this is having a positive impact”*. We

identify in this report very clearly where under performance in compliance monitoring in one major regime is occurring, and the reasons for this.

The Environment Agency has recognised that changes were needed and recently made welcome improvements to how it regulates waste operations and installations, which align with some of our recommendations. These developments are positive and demonstrate its commitment to risk-based regulation and its own EA2030 strategy. However, until data issued since our analysis (or yet to be released) can be fully reviewed, we cannot assume that the inspection issues that we discuss in this report have been substantively remedied; and as such we regard them as ongoing, unless we state otherwise.

This report shows that further progress will be required to improve the effectiveness of regulation of this sector, so that it can more demonstrably help shape economic growth whilst safeguarding the environment and nature. In this context, we hope this report is helpful to Government and to Parliament, in shining a light on inspection practice and its focus on desired outcomes.



A handwritten signature in black ink, appearing to read 'J Hill'.

Julie Hill
Interim Chair, Office for Environmental Protection

Executive Summary



Executive Summary

Scope of this report

Environmental laws have a significant impact in protecting the environment, but their success can depend on the level of compliance achieved in practice. This report examines an important area of environmental regulation – inspections. Inspections provide reassurance that compliance is being achieved, permitted facilities are performing to the required standard, and operators are taking steps to address any shortcomings.

This report is mainly prompted by our ongoing work on what in principle and practice makes for ‘good’ environmental regulation, as well as a broader report we published in 2025 on environmental inspections in England.

Whilst undertaking research for this report Defra commissioned a review in 2025, led by Dan Corry, which concluded that environmental regulation was “*not working as well as it should*”. It advised that Defra needed to “*significantly sharpen*” how it monitors and enforces compliance.

We focus on inspections at waste operations and installations by the Environment Agency. This is one of the largest regulated environmental sectors in England.

Effective regulation of this sector assesses whether sites are operating in a way which does not cause pollution of the environment and harm to human health. It is important, for example, in ensuring that waste and potentially polluting materials are stored, treated or disposed of in a safe, responsible manner. When business systems fail, through poor compliance, the consequences can be far-reaching to the public and the environment. The Environment Agency received 26,696 reports of odour pollution in 2022, with almost all (98%) attributed to individual Environment Agency regulated sites.

Effective regulation is also very important to industry, because inspections can create a level playing field by ensuring that no business gains a competitive advantage by breaking the law.

Based on the available data, the waste and installations sector appears to demonstrate high levels of compliance and provides an example of environmental regulation that is performing well. The Environment Agency has set itself a key performance indicator that 97% of regulated waste operations and installations should be compliant and has reported meeting this target for over a decade.

A core purpose of this work is to understand the basis of the Environment Agency’s reported figure that 97% of regulated waste operations and installations are compliant. It also examines how the legal framework for environmental inspections operates in practice, including the extent to which inspections support the identification and resolution of serious non-compliance and how risk-based regulation is planned, delivered, and monitored by the Environment Agency.

We do this by considering the quality and effectiveness of inspections at permitted sites. In particular, we test whether inspectors followed the Environment Agency’s operational guidance, which reflects legal requirements as well as their own and the Government’s standards and objectives.

We form an understanding of this by looking at a sample of inspectors' reports produced following every inspection. We have analysed compliance data produced following the Environment Agency's inspections of relevant sites in the years 2018-2022 (being the most up-to-date datasets available at the time of our analysis: 2024). We also engaged with stakeholders (industry and EA officers) to consider their views on inspection practice.

We do not consider waste operations taking place without a permit or other regulatory authorisation in this report (i.e. waste crime taking place outside of a regulated site).

Our analysis is based on 2018–2022 data. The Environment Agency has taken steps to improve their organisational processes and regulatory outputs since then, and it has further changes planned, which we summarise in this report. However, the impact of these changes will take time to evaluate, and we cannot assume that all of the issues that we discuss in this report have been substantively remedied. We consider that further changes are needed in some areas.

Our findings

1. The 97% compliant key performance indicator is unreliable

The performance of facilities permitted under the Environmental Permitting (England and Wales) Regulations 2016 is rated by the Environment Agency on a scale of 'A' to 'F'. The Environment Agency's key performance indicator requirement is that 97% of sites should be compliant with their permit (being in Bands 'A', 'B' or 'C').

A key issue with the key performance indicator reporting is that the 29% of sites (2022) not inspected by the Environment Agency are automatically recorded as being in the highest compliance band (Band 'A').

The Environment Agency also counts Band 'C' sites as being 'compliant' for the purposes of the key performance indicator, whereas sites in Band 'C' have by definition had non-compliance detected and the Environment Agency's own guidance says, they "*must improve in order to achieve permit compliance.*"

Because of limitations in its design and operation, the key performance indicator does not provide a reliable picture of compliance in this sector. This risks distorting how the public and Parliament understand regulatory performance. It is also not helping the Environment Agency understand its own performance and ensure continuous improvement, nor does it adequately recognise or underline those operators that prioritise compliance.

We feel that given its current inspection practices, the Environment Agency can only be confident that around 64% of its sites are compliant. This does not imply that the remaining sites are non-compliant, but rather that there is insufficient evidence to be confident about their compliance status. If uninspected sites had been excluded from the calculation, the resulting score would have been rated 'amber' under the Environment Agency's key performance indicator framework, rather than the 'green' rating that was reported.

2. Inspectors are not following the operational guidance when inspecting sites

We found the Environment Agency’s own operational guidance to reflect legal and regulatory standards and expectations. However, shortcomings in how this guidance was applied in practice suggest that even the 64% figure for sites that could be compliant may not be fully reliable.

Examination of on-site compliance assessments at well performing sites

We examined inspections at sites that were reported to be the best performers (‘A’ band within the Environment Agency’s banding system), with no non-compliances identified through an on-site inspection in 2022.

We found that in 28% of these site assessments, the inspection forms showed little or no adherence to the relevant guidance and/or there were significant legal or technical errors. Considering the depth and value of on-site assessments for ‘A’ banded sites we also concluded that 26% were low-depth inspections, in that they provided little to no compliance assurance or wider value.

Examination of remote compliance assessments at well performing sites

We examined inspection reports from sites that were found to be good performers (‘A’ or ‘B’ bands) following a remote inspection (which is desk-based) in 2022. We found that 25% of these inspections did not adhere to the guidance or there were significant legal or technical errors, for example, because there was no scoring of compliance breaches that were detected. We concluded that 57% of the remote compliance assessments examined provided little assurance that the sites inspected were performing well.

Analysis of poorer performing sites

We examined how serious non-compliance was recorded and addressed, and if the key parts of the operational guidance were being followed, for sites inspected between 2018 and 2022 and falling in the ‘D’ ‘E’ or ‘F’ bands (the poorer performing sites). Our findings were as follows:

Guidance Requirement	Met	Partially met	Not met
Was the root cause of the non-compliance identified and scored?	34%	26%	40%
Was the correct categorisation/reasonably foreseeable impact recorded?	27%	37%	36%
Were appropriate actions set?	42%	31%	27%

Actions to rectify the occurrence of serious non-compliance identified by the Environment Agency was only followed up in 51% of the subsequent inspections examined. It was not followed up for 22% of serious non-compliances and only followed up partially in 27% of cases.

Despite the banding improvements, we did not see evidence that serious non-compliance had actually been rectified in about 63% of the inspection forms that we assessed.

Analysis of compliance with operational guidance

The Environment Agency's guidance is clearly important as it implements both legal requirements, government direction and regulatory principles into operational delivery. Where the guidance has not been implemented consistently, this has reduced the overall effectiveness of the compliance assurance system. Several of the potential implications are explored below.

- If non-compliance is not consistently identified or addressed in inspections, the system may falsely report sites are compliant when they are not.
- Where non-compliance is not followed up or recorded, this affects the calculation of the next year's subsistence fee (operators pay the Environment Agency annual subsistence fees for each regulated activity it conducts to cover the cost of inspections). This can result in an incorrect, discounted, subsistence rate for operators, reducing regulatory resources for the Environment Agency.
- Where the Environment Agency does not focus sufficient effort on identifying, recording, and addressing the root causes of serious non-compliance, there is a risk that non-compliance will recur or lead to harm to the environment.
- If inspections do not correctly identify site issues, or correctly record non-compliances, there will be no action to address issues and achieve a good environmental outcome.
- The high degree of variation in inspections means that regulatory activity is applied inconsistently across England.
- Poor quality inspections consume valuable resources from both the regulator and the regulated parties, while arguably providing little benefit to either.

3. A lack of quality control and quality assurance

We found that formal oversight systems, which had previously been in place, were no longer operating to quality assure inspections. As a result, instances where inspection guidance was not followed were not being identified by the Environment Agency.

4. Inspections are not being planned and delivered as intended

The inspection system is intended to support risk-based regulation by providing a baseline of routine, risk-informed inspections alongside responsive (non-routine), performance-driven inspections. In practice, however, it is difficult to determine how inspection priorities are set and how resources are allocated by the Environment Agency.

Regulatory effort appears to a large extent concentrated on poorer-performing sites, meaning that many other sites may not receive the level of scrutiny expected, and that wider or emerging risks may go unexamined. We found limited evidence of systemic planning of routine inspections, with activity often appearing disconnected from a coordinated programme.

There is also limited transparency around planning and governance. We were unable to identify a clear plan setting out expected inspection activity or the governance arrangements through which inspection priorities are agreed. It is unclear how the Environment Agency makes these choices, and the extent that any choices are assured. As a result, regulatory approaches vary between inspectors and across areas, calling into question the consistent delivery of risk-based regulation.

5. Remote inspections are not always used appropriately

Almost half (42%) of inspections were performed remotely (off-site). Whilst remote inspection can be an effective regulatory tool, we could not find a strategic plan that clearly sets out the circumstances about how, why, and when the Environment Agency intends to use different types of inspection.

6. About two inspections every month are happening per inspector on average

The number of inspections completed by inspectors (on average one on-site, one remote per month) may not be sufficient to deliver the system as intended. Firstly, there is evidence that the Environment Agency are not managing to perform the numbers of inspections originally envisaged. They endeavour to inspect all permitted sites at least once a year but 29% of sites were uninspected in 2022, whilst some poor performing sites received high numbers of inspections. Secondly, that other responsibilities, beyond performing compliance assessments, are making up a substantial proportion of an inspector's workload.

Inspections of permitted sites represent only one component of inspectors' roles. The EA also operates a number of other regulatory regimes with different legislative origins and funding arrangements, for example inspections undertaken under the Hazardous Waste (England and Wales) Regulations 2005, the carrier, broker and dealer regime, and inspections undertaken as part of producer responsibility regimes. In some cases, these activities may be conducted by the same inspector during a single visit or during separate inspections. In the case of producer responsibility, inspections may also be undertaken by dedicated teams. The analysis and figures presented in this report relate solely to the Environmental Permitting Regulations (England and Wales) 2016 element of inspection activity.

Inspection frequency is only one element of effective regulatory delivery, and decisions about inspection numbers are an operational matter. However, it is unclear whether decisions about the prioritisation of inspectors' time (given competing demands within their role) are being made consistently and at the right organisational level to ensure a coherent national approach and a level playing field for businesses.

We have not found it possible from the data available to understand how much of an inspector's work is being resourced by subsistence fees from businesses (which covers inspection work) and how much is being funded by grant-in-aid payments (to cover their other work responsibilities). This is not contained in any annual reports.

The Environment Agency aims to deliver its functions in providing a national system of environmental protection, often within challenging fiscal circumstances. However, limited clarity over how different funding streams are allocated and used exposes vulnerabilities in the system. We made a recommendation on publishing clear data about the funding streams used to resource inspections in our previous environmental inspections report in 2025, and our focus on regulation of waste and installation sites also shows that greater financial transparency would be beneficial.

7. Transparency on inspections has been lacking

At the outset of this work, the Environment Agency was not publishing inspection forms on an online public register, notwithstanding the legislative provision requiring such records to be kept, updated, and made available for public inspection. Earlier accessible publication may have enabled regulatory issues to be identified sooner, including instances where inspection practice did not fully align with published guidance and where the quality of some inspection records was insufficient.

8. Compliance data is not easily accessible and is not being used to drive market behaviour

The Government's 2018 Waste and Resources Strategy committed to publicising site performance data, with the intention of raising industry standards. We cannot tell to what degree this commitment has been successful, but in practice the way the data is published could be improved. Currently there is a long time lag before compliance data is published by the Environment Agency (for example, the 2022 inspection data was published in 2024), making it less dynamic and meaningful to influencing market behaviour than it could be. It also makes it difficult to judge the relative performance of companies. As a result, the current approach does little to highlight or reward businesses that prioritise compliance and strong environmental performance, nor does it create clear incentives for poorer performers to improve.

9. The issues identified are not solely attributable to funding

Above we said that there was a lack of clarity about where and how funding for inspection work is being spent. The lack of readily available financial data covering an important regulatory function means that it is very difficult to see if there is sufficient resource being allocated to support inspections under this regime.

Previous reviews and committees (including those by Dan Corry and the Department of Business and Trade) have highlighted the importance of regulators being able to recruit and retain skilled staff. Our report on the implementation of environmental assessment regimes in England made the same point in 2023. Hopefully the growing understanding of this capacity issue will result in a closer examination as to what type of workforce the Environment Agency needs to protect and improve the environment by effective compliance assurance, how best to sustain it, and the availability of extra finances to enable this.

However, increasing budgets alone does not necessarily translate into improved regulatory effectiveness. There are root and branch issues which could be looked at, improved, and sustained. Resource efficiencies might be made if the number of appeals can be reduced for example, because inspections are more consistent.

A functioning regulatory framework needs:

- A clear risk-based compliance assurance plan on how the Environment Agency will best regulate the sector (ensuring that inspections that take place are outcomes focused, have a compliance assurance purpose, and provide value);
- Inspectors to follow that plan so there is a consistent approach;
- A governance plan covering issues such as oversight through quality control and quality assurance; and

- A metric that will accurately measure performance and drive improvements; and to provide good transparency on all of this, so Parliament and the public know what regulation is intended to happen is happening.

This report has found that many of these basics have been lacking, and the Environment Agency must continue to make improvements to achieve effective environmental compliance under current budgets.

The Environment Agency has told us that it is already acting to improve areas of regulation highlighted in this report. Some key examples of changes are given below.

Key Environment Agency Changes and Initiatives

- Strengthening assurance processes of inspections (from September 2025). It has carried out sector-by-sector reviews of CAR forms, provided assurance-focused training to inspectors and line managers, and introduced feedback mechanisms to support continuous improvement.
- Started publishing new inspection reports online on the public register (from September 2025).
- Issued a revised version of the Site Prioritisation Matrix (used for planning inspections). This will provide an overview of all sites, with each permit assigned environmental, social and economic risk scores.
- Introducing a new Regulatory Compliance Service which will allow for actions on non-compliance(s) to be recorded, and then tracked and managed. Inspectors will be required to review actions from previous inspections and ensure that actions are not missed or closed. This will allow them to better monitor ongoing non-compliance and consider it alongside its enforcement policy.
- Updating guidance which explains the importance of actions that address both immediate environmental risks and long-term compliance. This will provide clearer instruction on how inspectors should set actions.
- Providing inspectors with refresher training on compliance, to help address weaknesses in the identification of the root causes of environmental non-compliance.

These are positive steps and should continue. In our view, further work could help enhance the effectiveness of regulation of environmentally harmful activities in England.

Recommendations

The background of the page is a solid teal color with a repeating pattern of stylized, light teal leaves or branches. The pattern consists of vertical stems with several pairs of leaves branching out from each stem, creating a rhythmic, geometric design.

Recommendations

Recommendation 1: The Environment Agency, working in collaboration with Defra, should develop and implement more effective key performance indicators.

The 97% metric is masking underperformance. The Band 'A' default reversion for sites which have not received any inspection needs to be replaced. It does not measure compliance effectively.

The Environment Agency would benefit from a better collection of indicators covering its own performance and the compliance of regulated sectors, to highlight areas of both strong and poor performance. Alongside its sponsoring Department, it should consider new metrics that better reflect both environmental outcomes associated with inspections and the overall effectiveness of regulatory activity. A fuller understanding of the impact of its regulation, such as assessing performance in terms of the value added by compliance interventions, would also strengthen the evidence base for decision-making and resource allocation.

The new Environment Agency system of tracking action completion, and showing how sites move from non-compliance to compliance, should form the basis of a more meaningful performance indicator that better reflects environmental outcomes.

Presenting data in a more transparent way than is currently the case would also provide a more accurate picture of regulatory performance and be easier for everyone to understand. Input could be sought from the UK Statistics Authority to ensure the approach meets best practice standards.

Recommendation 2: The Environment Agency should review the design of its compliance system to ensure that it enables effective inspection planning and delivery, and it can achieve its intended outcomes.

Any compliance system should operate with a clear line of sight from statutory and legal requirements, through policy and guidance, to operational delivery. We do not think implementation of the current system is underpinned by a coherent and transparent framework and we do not know if it is achieving its intended outcomes.

Our recommendation is not simply to direct the Environment Agency to improve delivery of the existing model. Incremental changes to risk-based regulation since the system's introduction warrants a review of whether it remains effective, is aligned with modern regulatory principles, and remains workable for the EA at both national and operational levels.

As part of this review the Environment Agency should ensure that its compliance system:

- a. aligns charging, planning and delivery to ensure that these processes operate effectively together, so resources are targeted based on environmental risk,
- b. clarifies what routine compliance activity is designed to achieve,
- c. enables flexibility to focus on sites with significant or persistent non-compliance,

- d. encourages swift rectification of non-compliance, allowing it to focus on persistent or serious issues,
- e. ensures insights from inspections feed back into risk models to improve prioritisation and decision-making, and
- f. provides clarity and transparency on compliance levels, to inform decision making.

Recommendation 3: The Environment Agency should publish its objectives and standards for planning and evaluating its compliance activity

Compliance activity, whether routine or targeted, announced or unannounced, on-site or remote, plays a vital role in effective regulation. Yet the absence of clearly defined minimum standards and objectives for undertaking appropriate and periodic inspections can allow for infrequent inspections and inconsistent practices. Inconsistency has at times reduced the value of compliance efforts for both the Environment Agency and the businesses it regulates.

By publishing clear expectations and objectives, the EA can avoid inspections undertaken without a defined purpose, ensuring regulatory effort is outcome-focused and demonstrably value-adding. It would also improve consistency, effectiveness, and transparency across the regulatory system.

Recommendation 4: The Environment Agency should improve how it can make its inspections more focused on delivering environmental outcomes

We are aligned with the National Audit Office and Corry Review on the importance of regulation delivering on environmental outcomes. We found that inspections were not always resulting in non-compliance being remedied, even though the intention of the Environment Agency was to base its delivery on achieving environmental outcomes.

The Environment Agency has said it will implement changes on how it records and monitors any actions arising from non-compliance detected on inspections. At present, there is limited clarity on the purpose of these actions (for example, whether they are intended to reduce immediate environmental risk, or to secure long-term compliance with permit conditions). The changes outlined by the Environment Agency above will provide greater compliance assurance, better traceability, and a stronger focus on achieving outcomes.

Setting effective actions can be challenging and will require training, experience, and good professional judgement. As set out in Recommendation 5, the Environment Agency should ensure that assurance processes include checks that inspections are recording, describing, and tracking actions correctly.

The Environment Agency should also make identifying the root causes of non-compliance a core part of inspections, reporting, and follow-up actions. This will deliver long-term value by addressing underlying compliance issues rather than symptoms, reducing repeat incidents and improving regulatory effectiveness. It would help ensure regulatory actions are targeted, proportionate, and focused on achieving sustainable

compliance. Our review found this was often absent from inspection records, or approached inconsistently by inspectors.

The Environment Agency has indicated its continuing commitment to addressing the root causes of environmental non-compliance. It has already provided inspectors with refresher training on compliance. We support this commitment, although effective root cause analysis requires a specific regulatory skill set, ongoing professional development, and significant experience. To fully embed and deliver a root-cause approach, the Environment Agency will need to implement a range of measures that strengthen workforce capability. This includes continuous feedback, structured assurance, and regular oversight to ensure that inspectors are consistently applying the approach in practice.

Recommendation 5: The Environment Agency should strengthen and maintain internal quality assurance and quality control

A functioning regulatory framework needs quality assurance and quality control to confirm that its objectives and standards are consistently delivered. It is essential that the Environment Agency can assess whether its guidance and regulatory activities are being implemented to the required standard and achieving the intended outcomes. This will mean it can identify and investigate any gaps, implement corrective measures where necessary, and ensure it can support stronger environmental outcomes and improved experiences for permit holders. Quality assurance and quality control can also help ensure a consistent approach for industry irrespective of geography.

Our review found that assurance systems had been significantly eroded. The impact of this is evidenced in our review of inspection reports, showing that guidance is not being followed in many inspections.

The Environment Agency has provided plans to embed assurance within its business-as-usual processes and within its instructions to inspectors and managers. In our view, this shift to reinstate and strengthen internal quality assurance and quality control is essential to ensuring that improvements are sustained over the long term.

Assurance should not be a one-off exercise but an integral and ongoing part of the regulatory process.

Recommendation 6: The Environment Agency and Defra should improve the transparency, timeliness, and accessibility of compliance information

We agree with the Corry Review's conclusion that opening data to the public is essential to foster transparency and trust. The Environment Agency and Defra should improve how compliance information is communicated to operators and the public. Current reporting is often delayed, difficult to access, and lacks clarity on monitoring expectations, reducing transparency and limiting accountability.

The Environment Agency should:

- a. Publish a single, accessible compliance monitoring policy, as envisaged by the Regulator's Code, setting out inspection frequency, how risk and performance

influence planning, and how compliance data informs priorities (as recommended in our 2025 report on environmental inspections and to which Defra responded saying it is reviewing and intends to agree next steps in Spring 2026),

- b. Ensure that all data that must be included on the public register is entered on to the register and made available for public inspection as required,
- c. Make compliance data more visible and available in a timely fashion, for example by using more dynamic reporting and tools such as alerts for changes in compliance status, and
- d. Learn from best practice in other jurisdictions to improve engagement and usability.

Effectively capturing and using compliance data has the potential to strengthen the impact of duty of care legislation and enable more strategic use of regulatory resources to drive environmental improvements.

Chapter 1. Introduction



Chapter 1. Introduction

1.1 Background

In 2025, we published the report ‘Environmental Inspections in England – case studies on selected laws and their implementation’. It examined 10 environmental regulatory regimes to consider how inspections are implemented in practice in England. We found that oversight of environmental inspections has received little scrutiny, even though inspections are essential for the effective implementation of environmental laws. If non-compliant and errant behaviour is not detected it cannot be addressed. Furthermore, regulators, government, Parliament and the public will not know whether the law is delivering the outcomes expected.

We also found in our 2025 report that today’s approach to inspection seemed increasingly resource-based, rather than risk-based, and we could not be certain that there is effective regulation of environmentally harmful activities in England.

This report builds on our earlier inspection focus, as well as our work on what in principle and practice makes for ‘good’ environmental regulation,¹ by assessing the implementation of environmental law in England in relation to one inspection regime: ‘waste operations and installations,’ regulated by the Environment Agency (“EA”).

Both waste operations and installations are regulated under the Environmental Permitting (England and Wales) Regulations 2016 (“EPR 2016”).² A ‘waste operation’³ is any operation involving the recovery or disposal of waste.⁴ ‘Installations’ are facilities where industrial activities are carried out, with some larger waste operations classified as installations in their own right.⁵

Under the EPR 2016, the EA has a legal duty to make ‘appropriate periodic inspections’ of waste operations and installations.⁶ For installations, there are additional requirements for the programme of inspections that must be drawn up, such as prescribing the frequency of inspections based on an appraisal of an installation’s environmental risks.⁷

There are no equivalent statutory requirements concerning the programme of inspections for permitted waste operations that are not categorised as installations. However, Defra’s core guidance on environmental permitting sets out the views of Government on how the EA’s duty to make ‘appropriate periodic inspections’ should be applied and how particular terms should be interpreted.⁸

1 OEP, ‘What makes for good environmental regulation’ (2026) <www.theoep.org.uk/node/3185> accessed 6 March 2026.

2 EPR 2016, sch 1, pt 2, ch 5. Under the EPR 2016 the classes of regulated facility can overlap.

3 EPR 2016, reg 8(1)(c).

4 EPR 2016, reg 2.

5 EPR 2016, reg 8(1)(a) and sch 1.

6 EPR 2016, reg 34(2).

7 EPR 2016 sch 7(9) requires the EA to comply with art 23 of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (“Industrial Emissions Directive 2010/75/EU”) when carrying out appropriate periodic inspections under reg 34(2).

8 Defra, ‘Environmental permitting: Core guidance For the Environmental Permitting (England and Wales) Regulations 2016 (SI 2016 No 1154)’ (last revised March 2020).

Waste operations and installations form one of the largest regulated environmental sectors in England,⁹ with about 14,000 permits in place. It is also growing: the number of permits increased by 87% between 2005 and 2023.¹⁰ The regime is well-established (although it has adapted to various regulatory approaches throughout its existence), and this longevity allows us to examine data and trends over time.

1.2 What are inspections?

Our previous report, ‘Environmental Inspections in England: Case Studies on Selected Laws and their Implementation’ found that there is no single definition of the term ‘inspection’ and that regulators define the term broadly.

The EA applies its own definition of what constitutes an ‘inspection,’ which sits within its seven distinct categories of compliance assessment on its National Compliance Assessment Database¹¹ (rather than using the term ‘inspection’ in a single, uniform sense). These categories are set out in Annex 2.

For the sake of consistency in this report we apply the following two terms wherever possible when discussing the types of compliance assessments that the EA conducts. We refer to physical visits by a regulator to a regulated entity to assess compliance levels or environmental conditions as ‘on-site inspections.’

Compliance assessments can also be carried out off-site. This can include activities which might serve as an alternative to such in-person inspections, or may be a technical review of data or reports. We refer to these as ‘remote inspections.’

1.3 The importance of inspections

Environmental laws have a significant impact in protecting the environment, but their success can depend on the level of compliance. Businesses have the prime responsibility for ensuring they adhere to the law, but compliance inspections provide reassurance that compliance is being achieved, facilities are performing to the required standard, and that operators are taking steps to address any shortcomings. They also demonstrate how effectively the environment and public are protected from potentially harmful activities.

Effective inspections support effective regulation, which as HM Treasury acknowledged last year, in turn plays an important role in delivering growth.¹² Benefits include:

- Reinforcing credibility, fairness, and the deterrent effect of environmental laws.
- Strengthening public confidence in environmental protection.
- Maintaining a level playing field by ensuring that no business gains a competitive advantage by breaking the law.
- Reducing costs for society, for example, from remedying the effects of pollution.

9 EA, ‘Chief Regulator’s Report 2023-24’ (EA, 2024). 73% of industrial EPR permits cover waste activities.

10 From 7,500 to 14,006. See, EA, ‘Delivering for the Environment: A 21st Century Approach to Regulation’ (EA, 2005). Second figure: EA, ‘Compliance Ratings (Waste and Installations)’ <www.data.gov.uk/dataset/1b268e32-d399-4e1c-87a0-00a17a11fce6/compliance-ratings-waste-and-installations> accessed 5 March 2025.

11 Data provided by the EA (2024).

12 HM Treasury, ‘Regulation Action Plan – Progress Update and Next Steps’ (HMT, 2025).

- Contributing towards statutory targets and policy objectives.
- Creating a predictable climate for investment and growth.¹³

1.4 The waste operations and installations sector

The waste and installations sector is an important component of the national economy, generating approximately £11 billion in annual turnover.¹⁴ As well as containing critical infrastructure,¹⁵ it is also integral to resource efficiency and waste reduction goals, supporting efforts towards a circular economy and meeting net zero targets.¹⁶ There are many different waste streams and a wide range of relevant activities, including waste collection, recycling, energy recovery, chemicals management, food and drink manufacturing, and resource management.

Unlike the water sector, which comprises a small number of large companies (17),¹⁷ there are believed to be approximately 5,000 companies operating within the waste operations and installations sector in England,¹⁸ ranging from small companies to those that are FTSE-listed.

Regulatory activity is not relatively uniform across regimes, because different sectors present varied risk profiles, operational models and compliance behaviours, all of which influence how regulatory decisions are made by the EA in practice.

1.5 The key performance indicator

The EA has set itself a key performance indicator (“**KPI**”) that 97% of regulated waste operations/installations should be compliant with relevant environmental law. It considers that it meets this metric if it assesses 97% of sites to be within the top three compliance bands (‘A’ to ‘C,’ out of bands ‘A’ to ‘F’).¹⁹ While this metric was not established as a KPI throughout the period, retrospective application indicates consistently equivalent performance to a 97% KPI in each year since 2013.²⁰ This suggests that the sector is highly compliant and an example of successful regulation.

The EA has said that its targeted advice, guidance and enforcement action have been effective at improving compliance in the sector.²¹ The former EA Chief Executive said in 2021, “*it is reassuring that most companies in England are playing their part by meeting their environmental obligations.*”²² The current EA Chair also commented in 2024, “*we generally are doing a good job on waste overall.*”²³

13 OECD, ‘Ensuring Environmental Compliance. Trends and Good Practices’ (OECD, 2009).

14 Defra, ‘UK Waste Statistics: Annual Report’ (Defra, 2022).

15 National Infrastructure Commission, ‘Second National Infrastructure Assessment’ (NIC, 2023).

16 P. Cebon, ‘Circular Economy and the Future of the Waste Industry in the UK’ (2020) *Environmental Policy Review* 14(3), 45-63.

17 Ofwat, ‘Water Company Performance Report 2023-24’ (Ofwat, 2024).

18 WRAP, ‘The Waste and Resources Sector: Overview and Trends’ (WRAP, 2021).

19 EA, ‘Waste operations and installations: assessing and scoring environmental permit compliance’ (EA, 2024).

20 EA, ‘Chief Regulator’s Report 2024-25’ (EA, 2025).

21 EA, ‘Chief Regulator’s Report 2023-24’ (EA, 2024).

22 EA, ‘New report: regulation helping protect against climate change’ (EA press release, 20 October 2021) <www.gov.uk/government/news/new-report-regulation-helping-protect-against-climate-change> accessed 27 January 2026; (ii) Conor McGlone, ‘EA says compliance improved during 2020, despite fewer inspections’, *ENDS Reports*, 20 Oct 2021.

23 House of Commons Environmental Audit Committee, Oral Evidence: ‘The environmental protection work of the EA,’ HC 702 Wednesday 24 April 2024.

Against this generally positive picture, challenges remain. In 2025 the EA Chief Regulator’s report noted that the EA was “*facing performance challenges*” in regulating this sector,²⁴ and data from various sources also casts some uncertainty on the reported 97% levels of sector compliance.

There are real world problems for communities with how waste is regulated. Such public concern can be shown by the fact that between 2015 and 2023 there were 9,469 total ‘substantiated’ reported incidents (via an EA incident hotline) by the public of suspected non-compliance at waste operations and installations²⁵ (an average of nearly three a day).²⁶

If members of the public are dissatisfied with the service provided by the EA they can complain. The number of complaints made to the EA filtered by ‘waste management’ at regulated sites between 2020/21 and 2023/24 was 1,908²⁷ (an average of over one complaint a day).²⁸

The waste sector had the highest number of serious pollution incidents in 2024 compared with other sectors regulated by the EA, representing a 57% increase on 2023.²⁹ This might be explained by the fact that it is a large regulated sector with a lot of sites, but the EA also said in 2025 that “*there are some issues around waste compliance that we need to tackle.*”³⁰ The high numbers of non-compliance incidents can also be attributed to some poor actors (2.9% of sites were in poor performing bands in 2022), not the whole sector.

There is also evidence of serious issues around hazardous waste classification in some areas. A 2019 EA campaign³¹ identified that whilst 99% of trommel fines (residue produced from the mechanical treatment of waste and a significant waste stream in England) were classified as non-hazardous, none of the businesses assessed had carried out waste assessments to see if this was the case (100% non-compliance with a legal requirement).

Only one in five of those waste businesses surveyed by the EA in 2025 agreed with the statement that the EA was effective in how it operates as an organisation in relation to waste regulation (20%); 46% of respondents disagreed; 35% neither agreed nor disagreed.³²

The Health and Safety Executive (“**HSE**”) also regulate waste sites. It found material breaches at 260 of the 610 waste facilities it inspected in 2022/23, meaning 43% of sites

24 EA, ‘Chief Regulator’s Report 2024-25’ (EA, 2025).

25 Data provided by the EA (2024). The data provided is subject to change as it is in the EA validation and approval process. Incidents are recorded as substantiated if there is evidence that what was reported actually took place. Incidents are recorded as unsubstantiated on the incident recording system where there is no evidence of what was reported based on inspection, assessment, or indicator information. The EA cannot provide data for unsubstantiated reports (as the source data cannot be distinguished). The EA note that the ‘Type of Authorisation’ (EPR waste installations or EPR Waste Operation) is an optional field in their incident reporting system and therefore may not be consistently populated.

26 2.88 substantiated incidents a day. Data provided by the EA (2024).

27 Data provided by the EA (2024). Complaints data is only held for 4 years. There are significant limitations in this EA data. The EA’s data search cannot be carried out at ‘regulated waste operations and installations’. The data can only be coarsely filtered based on the business area fields of ‘waste management’ and ‘permitting’, with relevant sub fields applied. There are data limitations with the filtering above, and it is possible that some reports relating to waste installations and operations may be miscategorised. The numbers could be overestimated because of the inclusion of non-waste and non-installations, as well as permitting complaints, and could also be under-estimates because it is not a mandatory field.

28 Data provided by the EA (2024). Average of 1.31 complaints a day; 1461 days and 1908 complaints. See the limitations above. We were not provided with data to understand how many sites these complaints related to and if there were multiple complaints about a small number of sites. The EA data records customer types and the data would require further sorting by the EA to better understand these complaints received from the ‘public’.

29 EA, ‘Chief Regulator’s Report 2024-25’ (EA, 2025).

30 House of Commons, Environment, Food and Rural Affairs Committee, ‘Oral evidence: Work of the Department and its arm’s length bodies’, HC 415, 28 October 2025. Evidence of Philip Duffy.

31 EA, ‘Trommel Fines: Chemical Analysis and Waste Classification’, Waste Classification and Tracking Team (EA, 2020).

32 EA, ‘National waste crime survey 2025: results and findings’ (EA, July 2025).

contravened health and safety rules.³³ The nature of their regulations and their approach to compliance is different to the permit based system operated by the EA, but research has indicated that under certain circumstances there can be correlations between businesses' compliance performance under parallel regulatory regimes.³⁴ It is therefore unclear why the HSE is finding much deeper compliance problems in the waste sector in their own area of regulation than the EA are with theirs.

The findings above do not by themselves show that there are major problems with EA regulation in this sector, but taken together they did provide sufficient impetus for us to scrutinise the system of inspections in greater detail to assess whether an adequate degree of assessment and environmental protection is actually being delivered. In particular we wanted to test the robustness of the EA's repeated assurance that 97% of regulated sites are compliant with the law.

The National Audit Office (“**NAO**”) also recently concluded that the Department for Environment, Food and Rural Affairs (“**Defra**”) had limited data on the effectiveness of environmental regulation to inform decisions about future activities and resource prioritisation, which could affect its ability to secure a high level of environmental protection.³⁵

1.6 Aims, scope, and structure of this report

We have used a range of research methods to consider EA operational practice. Chapter 2 summarises our approach to collecting and assessing sources of evidence, with more detail provided in our methodology in Annex 3.

Chapter 3 outlines how the EA's compliance assurance system had been designed, its legal framework, and how it is expected to work. Chapters 4 to 6 examine the quality of the EA inspections taking place. These chapters are based on our analysis of a sample of inspection forms, known as Compliance Assessment Reports (“**CAR forms**”). The results of compliance assessments are recorded in these official forms, which we have used in Chapter 4 to review:

- The adequacy of on-site inspections at well performing sites.
- The adequacy of remote inspections at well performing sites.
- How serious non-compliance is tracked and dealt with at poor performing sites.

We consider the impacts of inspections not being conducted as anticipated or required (Chapter 5), and the reasons why operational guidance might not be followed (Chapter 6).

Chapters 7 to 11 assess key working parts of the inspection system. Chapter 7 looks at the number of inspections planned and delivered, and the extent to which the system is risk-based.

33 Pippa Neill, 'HSE finds health and safety concerns at 43% of waste site visits', *ENDS Reports*, 20 Apr 2023.

34 Greenstreet Berman, 'Research Results: What is the Value in Regulators Sharing Information?' (Better Regulation Delivery Office, 2013). This included the following conclusion: “*An analysis of regulators' compliance ratings found that businesses that perform poorly in a business-critical area of regulation are more likely to also perform poorly in other areas of regulation.*” See also (ii) Graham Russell and Helen Kirkman, 'Risk-based prioritisation', in Graham Russell and Christopher Hodges, *Regulatory Delivery* (Hart Publishing, 2019) 267, and Christopher Hodges and Ruth Steinholtz (2017) *Ethical Business Practice and Regulation: A Behavioural and Values-Based Approach to Compliance and Enforcement* (Hart Publishing, 2017).

35 National Audit Office, 'Regulating to Achieve Environmental Outcomes,' (NAO, 2023).

Chapter 8 considers the increased use of remote inspections, and the consequences of this.

Chapter 9 focuses on average inspection output per EA inspector (the term the EA use is “officer”, and this will be used throughout this report), and the factors influencing this.

We then in Chapter 10 look at the statistical reliability of the EA KPI that 97% of sites are compliant.

Finally, Chapter 11 considers the accessibility of the compliance data and whether it is being used effectively to drive market behaviour.

1.7 What the report does not cover

Industry stakeholders repeatedly emphasised two factors that they believe negatively influence compliance assurance of waste operations and installations.

The first is waste crime. The EA estimates that about 20% of all waste produced in England may be illegally managed; enough to fill Wembley stadium 30 times.³⁶ If waste is not disposed of safely this undermines net zero and circular economy aspirations and puts communities and the environment at risk. It also costs the economy about £1 billion a year in England.³⁷

Businesses considered waste operations taking place without a permit or other regulatory authorisation to adversely affect sector compliance and saw it as a significant barrier to providing a level playing field and a predictable regulatory environment for business and investors. They also found it frustrating that regulated facilities were scrutinised, but criminals operating unlicensed sites in close proximity appeared to not be being tackled by the EA.

The second issue emphasised by businesses was the EA’s enforcement response to compliance breaches in waste operations and installations regulation. Regulation needs to have consequences. Non-compliant activity should be dealt with in a timely manner and fairly, with penalties high enough to outweigh the benefits of non-compliance.³⁸ Businesses perceived enforcement responses as neither quick nor robust enough, and felt that the EA was moving towards regulating with no compliance end point, and that enforcement needed to be reprioritised.

We acknowledge the importance of these matters for achieving environmental ambitions and for sustainable growth, for example through supporting compliant businesses to invest and grow. However, these are not matters upon which we express a view in this report. We may look at these issues in the future.

36 EA, ‘National waste crime survey report 2025 – findings and analysis’ (EA, 2025).

37 EA, ‘Waste crime interventions and evaluation project’ (EA, 2017).

38 OECD, ‘Ensuring Environmental Compliance – Trends and Good Practices’ (OECD, 2009).



Chapter 2. Evidence and assessment – our approach

Chapter 2. Evidence and assessment

– our approach

2.1 Our use of evidence

This report relies on evidence largely derived from data provided by the EA and its answers to our questions. We also sought the views of stakeholders. We interviewed a range of individuals who have played roles in compliance assessments, or who were in a position to provide informed insight into them.

Questionnaires were determined to be an important method for understanding experiences and perceptions. We elicited the views of nearly 200 stakeholders from a sample of EA officers, waste businesses, and former EA officers.³⁹ The questionnaires acted in a similar way to a call for evidence, highlighting themes and areas for development, focus and further consideration rather than leading directly to statistical conclusions.

We selected three sets of EA CAR forms for review, based on factors such as the compliance banding categories of the relevant site (see Table 1 below), and the nature of the inspection conducted.

Table 1: Compliance band categories

Compliance Band	A	B	C	D	E	F
Performance description	Good performer		Needs improvement	Poor performer		
Proportion of sites in each Band (2022) ⁴⁰	74.6%	18.5%	4.2%	1.2%	1.2%	0.3%

We analysed whether the EA guidance had been followed in each of the following CAR form sets.

(a) 'A' band sites which received one annual on-site inspection

We examined 300 sites that had received one on-site inspection during 2022, and were classified as 'A' band. This level of regulatory intervention represents a significant portion of the EA's compliance activity (75% of sites). This helps understand compliance assurance provided by a single annual routine inspection.

(b) 'A' and 'B' band sites which received one annual remote inspection

We examined 100 sites in bands 'A' or 'B' that achieved their rating solely through one remote assessment in 2022. This provided insight into how remote assessments were conducted and the level of compliance assurance provided.

39 Respondents: 113 EA officers; 60 businesses; and 19 former officers. See Annex 3.

40 Number of sites in respective bands in 2022: 9,179 ('A'), 2,280 ('B'), 511 ('C'), 150 ('D'), 143 ('E') and 34 ('F'). Taken from EA, 'Compliance Ratings (Waste and Installations)' <www.data.gov.uk/dataset/1b268e32-d399-4e1c-87a0-00a17a11fce6/compliance-ratings-waste-and-installations> accessed 27 January 2026.

(c) Sites which were classified as ‘D,’ ‘E’ or ‘F’ band between 2018 – 2022

We analysed the EA’s inspection records for 90 sites in the poorest performing compliance bands (‘D’-‘F’) by reviewing 1,200 CAR forms produced for these sites over 2018 to 2022.

By looking at this five-year period, we were able to examine trends in band movement over time (between good and poor compliance bands), assess how non-compliances identified during one inspection were addressed in subsequent inspections, and evaluate how the EA’s inspections system overall contributed to improved environmental outcomes.

More information about our research methods is provided in Annex 3.

2.2 Data limitations

(a) EA datasets

The EA collects and presents compliance data in several forms. For example, one of the EA’s datasets lists 13,980 permitted ‘waste operations and installation’ sites in 2022.⁴¹ This includes sites linked with agriculture, biowaste use, and nuclear activities. These are not considered by the EA to be ‘regulated industry’ and are excluded from its performance assessment of annual compliance data. A separate EA dataset from 2022 lists 12,291 ‘regulated industry’ sites.⁴²

For consistency, we have where possible used data from the EA’s ‘regulated industry’ dataset. We make it clear in this report where we rely on data from the ‘waste operations and installations’ dataset.

(b) Data timing

Looking at just 2022 for ‘A’ and ‘B’ band sites provides a snapshot of one calendar year. However, we have no reason to believe 2022 was atypical. We considered CAR form data for 2022 because this was the most up-to-date data available to us from the EA at that time.⁴³

We also looked across five years (2018-2022) at inspections of poorer performing sites (‘D’, ‘E’ or ‘F’ band). The COVID-19 pandemic affected the EA’s operations between 2020-2021. However, during this time the EA still carried out inspections (on-site or remote) at high-risk sites, such as the ‘D’, ‘E’ or ‘F’ band sites we considered. We therefore do not consider the COVID-19 pandemic should alter our findings from this analysis.

We acknowledge that inspection approaches may have changed since 2022. We address changes in EA practice where we have the information to do so.

41 *Ibid.*

42 EA, ‘National Compliance Assessment’ (EA, updated 1 August 2025), <www.data.gov.uk/dataset/d49096ed-e89c-488f-9bae-d79ef4891394/national-compliance-assessment> accessed 18 October 2025.

43 Newer EA datasets were released after our CAR form analysis work had been completed. Data for 2023 was published in January 2025, and data for 2024 was not released until the end of 2025. As a result, even under the most optimistic assumptions, only one additional year of data would have been available in time to inform our analysis, and the overall timeliness of data publication has not materially improved.

Chapter 3. The inspections system

Chapter 3. The inspections system

3.1 Funding inspections

(a) Baseline

Following a ‘strategic review of charges’ (“**SRoC**”), in 2018 the EA updated its charging system, to fund its compliance assurance work through annual subsistence fees. Until 2018 a sites annual subsistence fee was based on ‘Operational Risk Appraisal’, which considered hazards, emissions, complexity, and compliance history. It now follows a simpler model that considers the nature and scale of the activity, designed with the longer-term aim of moving towards ‘performance-based regulation’.⁴⁴

Under the current model subsistence fees are set with the aim of covering the EA’s costs of predictable and planned compliance activity.⁴⁵ Higher-risk industries, such as landfill, pay higher fees because they are more likely to require more frequent and detailed compliance assessments. Lower-risk activities, such as end-of-life vehicle sites, pay lower fees.

This approach reflects the EA’s ‘baseline compliance activity’. It incorporates an element of risk-based regulation within the annual fee structure, providing the EA with resources (calculated in hours) to deliver its compliance work.⁴⁶ There is an expectation that some form of compliance activity should occur at each site, each calendar year, paid for via subsistence fees.⁴⁷

The EA sets sector-specific expectations for regulatory activity. This can be described in regulatory hours, inspection types, numbers and/or priorities. This information is not publicly available and therefore this cannot be easily compared with actual delivery.

In practice, local teams have the discretion to adapt plans based on local knowledge, resources, and risk, allowing for flexibility within baseline compliance activity. Officers have a range of planning tools including a site prioritisation matrix (“**SPM**”) to help plan inspections.

(b) Multiplication factors (adjustments)

The baseline subsistence fee assumes that a permit holder operates at the ‘expected level’ of compliance. In practice, higher levels of compliance generally demand less EA resources to ensure activities remain controlled and that potential impacts on people and the environment are minimised. Conversely, lower compliance levels demand greater regulatory intervention.

To accommodate this variability, the EA applies multiplication factors (adjustments) to the baseline subsistence fees dependent upon operator performance. It does so using a compliance band approach, which reflects the amount of regulatory ‘effort’ applied by the EA in the previous calendar year. The EA categorises permit holders into bands ‘A’-‘F’ based on cumulative non-compliance points, with ‘A’ being fully compliant and ‘F’ being the most

44 EA, ‘Consultation on assessing and scoring permit compliance – summary of responses and decisions’ (EA, 2018).

45 EA, ‘EA Charge proposals from 2018’ (EA, 2017).

46 EA, ‘The Environment Agency (Environmental Permitting and Abstraction Licensing) (England) Charging Scheme 2022’, Version 1.8 (EA, amendments up to 27 February 2026).

47 EA, ‘EA Charge proposals from 2018’ (EA, 2017), paras 4.2 and 4.5.

non-compliant. Table 2 shows that the adjustments in the charges are designed to reflect the level of regulatory attention required and to provide the additional resource for this.

Table 2: Compliance Banding and Multiplication factors

Compliance Band	A	B	C	D	E	F
Total non-compliance points	0	0.1 to 10	10.1 to 30	30.1 to 60	60.1 to 149.9	>150
Regulatory effort: the adjustment	5% discount (0.95 x Baseline charge)	No impact	10% increase (1.1 x Baseline charge)	25% increase (1.25 x Baseline charge)	50% increase (1.5 x Baseline charge)	200% increase (3 x Baseline charge)
Performance description	Good performer		Needs improvement	Poor performer		

Retaining the ‘A’ to ‘F’ factors was described by the EA as an interim measure in 2017,⁴⁸ pending the roll-out of a new approach. However, they remain in place today.

(c) Time and Materials

The cost of some compliance activities cannot be accommodated within an adjusted baseline subsistence fee, for example because its occurrence is unpredictable or its cost to the EA too variable. For such activities, the EA may charge fees on a ‘time and materials’ basis. This is used in specific circumstances, such as when a serious pollution incident occurs at a permitted site, or when a permit is suspended. These activities are considered to fall outside the scope of baseline and multiplier charges.

3.2 Other Outputs Generated by the Inspection System

In addition to providing a basis for charging, the inspection system also provides several other functions:

(a) Reporting Compliance Banding

The EA publishes the compliance banding for each permitted site, providing information on the site performance to both businesses and the public.

(b) Incentive and Disincentive Mechanism

The banding system incorporates financial incentives and disincentives: sites in Band ‘A’ receive discounted fees, while sites with poorer performance incur increased charges, up to three times the baseline fee.

48 EA, ‘The model for the EPR charging scheme’ (EA, 2017) para 4.8 <https://consult.environment-agency.gov.uk/engagement/environmentagency-charging-proposals-fromapril2018/user_uploads/section4.pdf> accessed 2 December 2025.

(c) Performance Measurement

The EA uses compliance banding as part of its internal performance assessment. Several of its KPIs are linked to compliance outcomes across regulated industries.

As has been previously mentioned, one published KPI outlines that 97% of sites should be in bands 'A'-'C'. The EA also has an internal KPI that aims for every permitted site to receive some form of inspection each year, so that no site is left uninspected and without a compliance banding.

(d) Risk Intelligence for Future Regulation

Banding data provides insight into site risk profiles, which the EA uses as intelligence to inform compliance planning and the regulatory approach for subsequent years.

3.3 Inspection frequencies

Under the EPR 2016 the EA has a legal duty to carry out 'appropriate periodic inspections' of waste operations and installations.⁴⁹ There are additional inspection requirements for installations⁵⁰ which are often more complex and pose greater risk to the environment and human health than waste operations.

There are several considerations for the EA in determining the 'appropriate' frequency of inspections. For sites falling within the definition of an industrial installation (about 30% of sites),⁵¹ the law requires a risk-based inspection programme for routine inspections, supported by procedures for setting out how these inspections will be planned.⁵²

The programme must prescribe the frequency of inspections with inspections required at least annually for sites classified as highest risk, every three years for those deemed lowest risk, and within six months following any 'important' non-compliance with permit conditions.⁵³

Planning of routine inspections must involve a systemic appraisal of risk, based on, for example, compliance history and the potential and actual environmental and human health impacts of operations.⁵⁴ Planning for non-routine inspections must also be carried out so the EA can investigate complaints, and occurrences of serious accidents, incidents and non-compliance when these occur.⁵⁵

The vast majority of permitted waste operations are not categorised as an industrial installation, and there is no equivalent statutory requirement concerning programmes of inspections for such waste operations.⁵⁶

49 EPR 2016, reg 34(2).

50 EPR 2016 sch 7 para 9 requires the EA to comply with art 23 of the Industrial Emissions Directive 2010/75/EU when carrying out appropriate periodic inspections under reg 34(2).

51 The public register in 2025 listed 9,719 waste operations, of 14,009 permits in the waste and installations sector as detailed in EA, 'Chief Regulator's report 2024-25: supporting evidence' (EA, 2025).

52 EPR 2016, sch 7(9), applying Industrial Emissions Directive 2010/75/EU, art 23(2)-(3).

53 EPR 2016, sch 7(9), applying Industrial Emissions Directive 2010/75/EU, art 23(4).

54 *Ibid.*

55 EPR 2016, sch 7(9), applying Industrial Emissions Directive 2010/75/EU, art 23(5).

56 Although some waste sites will qualify as installations in any event.

In 2013, Defra published Core Guidance⁵⁷ that sets out the views of Government on how the EA’s duty to make ‘appropriate periodic inspections’ should be applied and how particular terms should be interpreted (“**Implementation Guidance**”).

The Implementation Guidance instructs that, in its procedures, the regulator should have regard to a 2001 Recommendation of the European Parliament and of the Council (“**Council Criteria**”) on environmental inspections.⁵⁸ This sets out recommendations for minimum inspection requirements for EU environmental regulators, without being as rigid or inflexible as setting this out in primary legislation. EU recommendations are not legally binding. This is still in the Implementation Guidance following the UK’s exit from the EU.

This Implementation Guidance points to a similar approach, with the use of plans which consider environmental issues, compliance history and previous inspection data, then further informed by site-type or specific site intelligence from previous inspections and data submitted by operators. It indicates that additional, non-routine inspections to investigate serious occurrences of complaints, accidents, incidents and non-compliance should be completed as soon as possible.

The Implementation Guidance therefore guides the EA to have a ‘baseline’ routine inspection plan for sites, and to complete additional non-routine inspections when appropriate. There is no specified timeframe for these plans, and they may be at national, regional or local scales. The EA has discretion in determining inspection frequency and methodology.

As set out in Figure 1 below, the EA’s compliance framework is designed to exceed the minimum expectations above, supporting a consistent and appropriately high level of compliance activity each year.

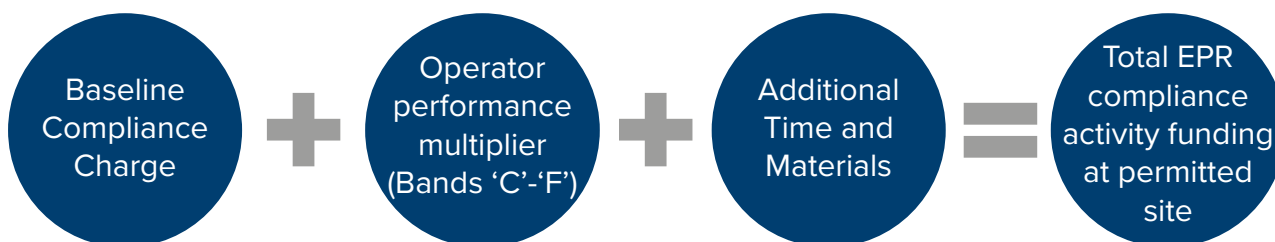


Figure 1: Sources of compliance activity funding

3.4 Compliance assessment scores

The EA conducts compliance assessments of sites to ensure operators meet permit conditions and to identify any actions needed to reduce environmental risk. The results of compliance activity are recorded by an EA officer on a CAR form. The EA categorises and scores non-compliances that relate directly to permit conditions.

57 Defra, ‘Environmental permitting: Core guidance For the Environmental Permitting (England and Wales) Regulations 2016’ (SI 2016 No 1154) (last revised March 2020).

58 Recommendation of the European Parliament and of the Council of 4 April 2001 providing for minimum criteria for environmental inspections in the Member States (2001/331/EC).

There are four risk categories of non-compliance that can be recorded on the CAR form. They represent the severity of the non-compliance and are applied on a basis of reasonably foreseeable impact, or in the case of amenity conditions, the actual impact. Each risk category is scored in the manner shown in Table 3 (below).

Table 3. Risk Category Non-Compliance Scores

Risk category	Non-compliances score	Associated with
1	60 points	A major impact on human health, quality of life or the environment.
2	31 points	A significant impact on human health, quality of life or the environment.
3	4 points	A minor impact on human health, quality of life or the environment.
4	0.1 points	No impact on human health, quality of life or the environment.

Non-compliance points accumulate throughout the calendar year to determine a site’s compliance banding for that year.

3.5 Guidance on how to inspect

There are several considerations for the EA in how it undertakes inspections. The Implementation Guidance instructs that the regulator should have regard to the Council Criteria.

Based on the above guidance to the EA, the EA provides internal guidance to its officers. The Council Criteria recommendations are implemented via ‘Waste operations and installations: assessing and scoring environmental permit compliance’ (“**Compliance Guidance**”).⁵⁹

The Compliance Guidance sets out six principles that explain how the EA assesses, and scores permit compliance which reflect several of the Council Criteria. These principles can be seen in Annex 4. Guidance to EA officers is also given in ‘How to complete a CAR form – Waste & Installations’ (“**CAR Guidance**”).⁶⁰

3.6 Routine and non-routine inspections

Two types of inspection are referred to in the Council Criteria, planned ‘routine’ inspections and responsive ‘non-routine’ inspections. Whilst not referred to in these terms, this is reflected in the EA’s compliance system.

‘Routine’ inspections are delivered on an annual basis and represent the EA’s baseline compliance activity, which is the level of inspection that is expected, based on the inherent risk of any regulated activity, and is funded through annual subsistence fees.

59 EA, ‘Waste operations and installations: assessing and scoring environmental permit compliance’ (EA, 2024).

60 EA, ‘How to complete a compliance assessment report (CAR) form’ (EA, LIT 56629).

‘Non-routine’ inspections are reactive, and address site specific issues such as complaints, reported incidents, or continued poor performance. These inspections are funded through charging mechanisms which include the band multiplication system (with increased fees for bands ‘C’–‘F’) and time and material charging.

In practice, a waste operation or installation may undergo a combination of these inspection types within a typical year, or have elements of each of these as part of the same inspection.


3.7 Announced or unannounced inspections?

It is EA policy that on-site inspections should usually be unannounced to allow officers to observe normal operations.⁶¹ Pre-arranged inspections (i.e. where the operator receives advance notice of a site visit) may be required by health and safety risk assessments for high-risk sites. They are otherwise generally scheduled to ask questions about what the operator is doing, or to examine specific matters, such as the installation of new equipment or to assess progress in addressing previously identified compliance issues.⁶²

61 (i) EA, ‘How you’ll be regulated: environmental permits’ (EA & Defra, updated 2025); (ii) OECD, ‘Ensuring Environmental Compliance. Trends and Good Practices’ (OECD, 2009).

62 *Ibid.*

Chapter 4. CAR form analysis



Chapter 4. CAR form analysis

4.1 Overview

The operator is responsible for ensuring that its regulated facility does not cause pollution of the environment and harm to human health.⁶³ Assessing compliance with the terms of the permit is the principal way in which the operator's performance in relation to that responsibility should be assessed. Inspections of sites which are performing well should have a clear purpose and be completed to an appropriate standard to ensure they achieve this aim.

In this chapter we consider how the EA approaches that compliance assessment in practice through our analysis of selected CAR forms.⁶⁴

(a) Adherence to the CAR Guidance (well performing sites)

Our analysis of the inspection records for both on-site and remote inspections at well performing sites considered whether the CAR form had been completed in adherence with the CAR Guidance.⁶⁵ Annex 2 of the CAR Guidance includes an internal template used by the EA to audit CAR forms, and this informed our assessment approach.

We agree with the EA's audit approach and the importance of applying the guidance. We analysed whether it is being adhered to in practice.

Our assessment did not use every element of this internal EA template, focusing instead on just those aspects of the CAR form we considered important for it to effectively act as a record of a compliance assessment. This included whether the sections of the CAR form were completed correctly, whether the content was clear, and whether it was clear how the assessment conclusions were reached. We also considered whether there may be missing non-compliance scores, which are critical to the functioning of the compliance banding system.

The CAR Guidance explains how each section of the CAR form should be completed, including who it should be sent to.⁶⁶ It also sets out why adherence to the guidance matters. CAR forms serve important purposes: they provide formal communication to the operator about compliance, create a formal record of interventions, appear on the public register for scrutiny, and may be used as evidence in court or during a regulatory appeal.

Adherence to the guidance ensures that the EA can apply a uniform approach, gather reliable compliance information, and compare results across subsequent inspections.

(b) Level of compliance assurance provided (well performing sites)

The Implementation Guidance is clear that the primary purpose of inspections is to determine whether operators are meeting their responsibility to ensure their operations do

63 Defra, 'Environmental permitting: Core guidance for the Environmental Permitting (England and Wales) Regulations 2016 (SI 2016 No 1154)' (last revised March 2020).

64 See Chapter 2 (Evidence and assessment – our approach) for how we selected CAR forms for analysis.

65 EA, 'How to complete a compliance assessment report (CAR) form' (EA, LIT 56629).

66 *Ibid.*

not cause pollution by assessing compliance with permit conditions. This ensures that any necessary corrections can be made, and environmental protection achieved.

This is particularly important where only one routine inspection is planned and carried out each calendar year, as this inspection alone determines a site's annual compliance band. Routine inspections should generally provide the regulator with sufficient assurance to assess the level of risk posed by an operation, its management, and provide intelligence to inform future inspections.

Different operations and sectors will have a range of potential and actual environmental impacts and varying risk profiles, and we would expect routine inspections to reflect these differences. For example, at waste transfer sites the storage of waste is a key risk factor due to fire hazards. Consequently, we would expect to see permit conditions related to this aspect of site management regularly assessed.

For inspections to be effective at assessing whether the operator is ensuring their operations do not cause pollution, they must have a clear purpose. There is an inherent balance to be struck when assessing permit compliance between the resources available and achieving a sufficient level of assurance to provide reasonable confidence in compliance status.

An inspection that is too brief risks being ineffective for both the regulator and the operator, while an overly detailed inspection can become unnecessarily burdensome and a poor use of available resources if not completed with a clear, justified purpose.

An inspection where an officer just assesses a single aspect of the permit is unlikely to provide a representative view of overall permit compliance, but it may be appropriate where the purpose of the assessment is intelligence led or proportionate to the environmental risk. Striking a balance is essential to maintain a proportionate, risk-based approach.

To analyse how this works in practice, we rated how effectively CAR forms provided assurance of permit compliance at well performing sites.

(c) The identification and rectification of serious environmental impacts or risks from non-compliance (poor performing sites)

A critical aspect of environmental inspections is the identification and rectification of serious environmental impacts or risks from non-compliance. For this reason, our analysis concentrated on this element of compliance activity.

The Council Criteria, incorporated into the Implementation Guidance, set out expectations for how serious non-compliance should be investigated and managed. Those expectations are that the EA should:

- (a) Clarify the causes of the event and its environmental impact, and, as appropriate, determine responsibilities and possible liabilities.

- (b) Mitigate and, where possible, remedy environmental impacts through appropriate actions, either itself or by requiring this of the operator.⁶⁷
- (c) Determine actions to prevent further accidents, incidents, and non-compliance.
- (d) Enable enforcement action or sanctions, if appropriate.
- (e) Ensure that operators take appropriate follow-up actions.

The EA’s Compliance Guidance, CAR Guidance, and ultimately the CAR forms themselves are designed to implement this approach in practice. When correctly applied, this framework provides a structured and consistent method for focusing inspections and addressing serious non-compliance. We examine if it is being correctly applied in practice.

(d) Our rating system

We assigned Red/Amber/Green (“**RAG**”) ratings to each individual CAR form, based on how well the form reflected adherence to the EA’s guidance.⁶⁸ The specific criteria applied are outlined in each case, but as a general principle, generally positive findings led to a green classification, and generally negative/problematic findings led to a red classification. More mixed findings led to an amber classification.

4.2 On-site inspections at well performing sites

We examined 300 ‘A’ band sites, each receiving one on-site inspection in 2022.⁶⁹

(a) Adherence to guidance

Table 4 shows the proportion of CAR forms for these sites that received RAG ratings in respect of their adherence to the guidance.

Table 4: RAG ratings – adherence to guidance at good performing facilities

RAG rating	Percentage of ‘A’ band sites with one annual on-site inspection
Green. The CAR form was generally completed by the inspector in accordance with the guidance, or there was explainable deviation.	49%
Amber. Guidance was not followed, however, there were limited or less serious errors. Issues identified may also include poor or unprofessional presentation, making the CAR form unclear.	23%
Red. There was little or no adherence to the guidance and/or there were significant legal or technical errors.	28%

67 EPR 2016, sch 7(5), read with Industrial Emissions Directive 2010/75/EU, art 7, requires that, following an incident or accident significantly affecting the environment, the EA takes necessary measures consistent with its relevant functions to ensure “(b) the operator immediately takes the measures to limit the environmental consequences and to prevent further possible incidents or accidents; (c) the competent authority requires the operator to take any appropriate complementary measures that the competent authority considers necessary to limit the environmental consequences and to prevent further possible incidents or accidents”.

68 The EA uses RAG ratings in its own performance assessments (for example, when scoring water and sewerage companies. EA, ‘Water and sewerage companies in England: EPA metric guide for 2023’ (gov.uk, 23 July 2024) <www.gov.uk/government/publications/water-and-sewerage-companies-in-england-environmental-performance-report-2023/water-and-sewerage-companies-in-england-epa-metric-guide-for-2023> accessed 28 August 2025.

69 See Annex 3 Methodology for more information.

Of the sites we analysed, CAR forms for 49% of ‘A’-band sites that had received a single annual on-site inspection generally adhered to the guidance. An example of what we considered to be a good on-site inspection (green-rated) is provided in [Box 1](#) in Annex 5.

23% of CAR forms for on-site inspections received an amber rating. This was because they clearly did not meet the guidance on how CAR forms should be completed. While these shortcomings may reduce the level of assurance provided by the associated inspection, they were not considered as serious as those identified in forms classified as red.

A further 28% of CAR forms from on-site inspections received a red rating. One common reason for this was that the CAR form recorded that the inspector had detected a permit breach, but did not record this being ‘scored’ in the form (see paragraph 3.5 and Table 3). An example of such a red-rated inspection is shown in [Box 2](#) in Annex 5.

Other sites were given a red rating because the officer assessment appeared to run contrary to the guidance given the potential risk identified. An example of this is provided in [Box 3](#) in Annex 5.

(b) Level of compliance assurance provided

To better understand the level of compliance assurance provided by the CAR forms for well-performing sites, we also assessed the depth and value of the associated on-site inspections. The results of this assessment are set out in Table 5.

Table 5: Level of compliance assurance classified at good performing facilities

RAG rating	A band – on-site inspection
Green. There was a good level of compliance assurance providing confidence in the assessment and reported compliance.	47%
Amber. Some compliance assurance was provided; however, this was unclear, limited in scope, or issues were not fully explored.	27%
Red. It was a low depth inspection that provided little to no compliance assurance or wider value.	26%

Of the sites we analysed, for 47% of ‘A’ band sites subject to on-site inspections, the assessments provided a good level of compliance assurance (green-rated).

Our review found that 27% of inspections did not provide an adequate assessment of site compliance and were consequently assigned an amber rating. Our review found instances where CAR forms did not demonstrate that permit conditions central to the purpose of the inspection had been assessed. For example, inspections completed in response to amenity complaints not recording amenity-related permit conditions as having been assessed. A further example is given in [Box 4](#) in Annex 5.

We found that CAR forms for 26% of ‘A’ banded sites that received an on-site inspection provided little or no compliance assurance. An example of a poor on-site inspection is given in [Box 5](#) in Annex 5.

4.3 Remote inspections at well performing sites

We examined 100 ‘A’ and ‘B’ band sites that had received one remote inspection in 2022.⁷⁰

(a) Adherence to guidance

Table 6 shows what proportion of the CAR forms relating to these sites received different RAG ratings.

Table 6: RAG ratings – adherence to guidance

RAG rating	‘A’ and ‘B’ band – remote inspection
Green. The CAR form was generally completed in accordance with the guidance, or there was explainable deviation.	57%
Amber. Guidance was not followed, however, there were limited or less serious errors. Issues identified may also include poor or unprofessional presentation, making the CAR form unclear.	18%
Red. There was little or no adherence to the guidance and/or there were significant legal or technical errors.	25%

Of the sites we analysed, CAR forms for 57% of ‘A’- and ‘B’-band sites inspected remotely generally adhered to the guidance. However, 18% of CAR forms from remote inspections received an amber rating, while a further 25% were rated red.

(b) Level of compliance assurance provided

To gain insight into the level of compliance assurance provided in CAR forms we assessed the depth and value of the remote inspections at the same 100 ‘A’ and ‘B’ band sites examined above. This assessment is presented in Table 7.

Table 7: Level of compliance assurance classified

RAG rating	‘A’ and ‘B’ band – remote inspection
Green. There was a good level of compliance assurance providing confidence in the assessment and reported compliance.	21%
Amber. Some compliance assurance was provided; however, this was unclear, limited in scope, or issues were not fully explored.	22%
Red. It was a low depth inspection that provided little to no compliance assurance or wider value.	57%

For 21% of those ‘A’ and ‘B’ band sites subject to remote inspections, the assessments provided a good level of assurance. We therefore consider the EA could be reasonably confident that these sites complied with the permit conditions assessed. An example of a good inspection (green-rated) is provided in [Box 6](#) in Annex 5.

We considered that 22% of CAR forms analysed provided only partial assurance and did not constitute a fully adequate assessment of site compliance, so received an amber rating.

⁷⁰ See Annex 3 Methodology for more information.

CAR forms for 57% of sites with remote inspections provided little to no compliance assurance. For this 57%, about a third (35%) of these consisted of automatic CAR forms stating that operators have failed to submit a waste return on time. We classified such ‘inspections’ as having a red rating because they provided no assessment of the environmental risk posed by activities at those sites. Since this activity constituted the only annual ‘inspection’ during that calendar year, no assessment in fact took place. This practice is explored further in [Box 7](#) of Annex 5.

4.4 CAR form analysis of serious non-compliance

We reviewed approximately 1,200 CAR forms for inspections undertaken from 2018 to 2022 of 90 sites in compliance bands ‘D’, ‘E’, and ‘F’ where serious non-compliances had been identified. The selected sites are associated with risks of serious impacts on human health, quality of life, or the environment.

Over the review period, the selected sites had moved between poor-performing compliance bands and higher-performing bands, in some cases moving back and forth. This movement allowed us to track operator performance through subsequent EA compliance work following the initial detection of non-compliance.

Where a permitted site was recorded as having multiple unrelated serious non-compliances we evaluated each one independently. For instance, if a site was scored for poor drainage and noise emissions, these issues were examined individually.

Our aim was to assess whether these non-compliances and site performance were addressed in line with the key principles set out in the Compliance Guidance as shown in Table 8 below. Significant, upward changes in banding would indicate, for example, that the original cause of poor performance had been successfully addressed.

Table 8: Was the guidance in respect to dealing with serious non-compliances followed

Issue	Green	Amber	Red
(a) Was the root cause of non-compliance identified and scored?	34%	26%	40%
(b) Did the compliance record meet the guidance requirements for correct categorisation/reasonably foreseeable impact?	27%	37%	36%
(c) Did the compliance record meet the guidance requirements for setting appropriate actions?	42%	31%	27%
(d) Did the CAR forms record any follow up to serious non-compliance? ⁷¹	51%	27%	22%

Table 8 shows that, across the four questions asked, the guidance was followed in approximately a third (39%) of the serious non-compliances analysed when investigating, recording, providing actions, and following up. Around a further third (30%) did not fully

⁷¹ EA, ‘Waste operations and installations: assessing and scoring environmental permit compliance’ (EA, 2024). See the text on ‘Explaining the outcomes of a compliance assessment’.

follow the guidance, and the remaining third (31%) did not follow the guidance at all.⁷² We break down the individual components provided in Table 8 below.

(a) Root cause

The Compliance Guidance emphasises the importance of inspectors assessing the root cause of non-compliances (principle 4).⁷³ Root cause analysis requires additional time during a compliance assessment to further investigate non-compliance and identify the contributing causes to the problem. The assessment should also identify the corrective and preventative actions required to prevent recurrence of the problem and avert future issues.

A non-compliance reported in a CAR form can often be a symptom of a wider underlying issue at a permitted site. By identifying and addressing the root cause, these underlying problems can be resolved, reducing the likelihood of recurrence. This approach also helps to prevent other non-compliances from arising by strengthening the overall compliance framework.

For example, poor training and weak management procedures may lead to a range of non-compliances, from improper waste storage to failures in implementing appropriate amenity controls. Tackling these systemic issues not only resolves the immediate concern but also supports a more resilient and compliant operational culture across a site.

Where root cause analysis is done at an early stage after non-compliance is identified, it helps address barriers to compliance with permit conditions, meaning a resolution can be reached sooner, helping to ensure that EA resources are used efficiently.

Table 8 shows that only 34% of CAR forms with serious non-compliances investigated the root cause of the original failure. Where CAR forms recorded that the root cause of non-compliance had been identified, we saw examples which showed that the compliance issue was more effectively addressed in subsequent inspections. This was especially evident when subsequent CAR forms were consistent, included clearly defined actions, and applied appropriate enforcement escalation where actions were not completed. An example of a green-rated CAR form is in [Box 8](#) of Annex 5.

26% of CAR forms reviewed were amber-rated. This was because the CAR forms had demonstrated the officer's awareness of the root cause concept, but either failed to explain why something should be considered a root cause, or incorrectly identified something that could be a cause but was not the root cause of the issue. Others were rated amber because root cause analysis was inconsistently applied by different officers for recurring non-compliances, reducing the ability of regulatory action to return the site to compliance.

The root cause of the non-compliance was not identified or investigated in 40% of the CAR forms assessed. An example of a red-rated inspection is provided in [Box 9](#) in Annex 5.

It is a concern then that 66% of CAR forms that we reviewed did not satisfactorily deal with addressing the root cause. This might be contributing to poor performing sites either staying

72 These calculations were determined by adding up the percentages individually in each column (green, amber, red) and then dividing them by four to get an average score.

73 Principle 4: assess the root cause of the original non-compliance.

in 'D', 'E', or 'F' bands over a long time period,⁷⁴ or repeated back and forth movements between good and poor performing bands.

The EA clearly considers root cause to be significant, as it forms a key part of its Compliance Guidance, so it is important for it to understand where and why it is not being identified or investigated.

(b) Categorisation and foreseeable risk of non-compliance

CAR forms should assess risk categories of non-compliance, which is usually the reasonably foreseeable impact of the identified non-compliance continuing, and detail must be provided of this assessment (principle 3 of the Compliance Guidance).⁷⁵ The amount of detail provided in the CAR form should be sufficient to explain the assessment, enabling the permit holder to understand why a particular categorisation has been applied.

The most common approach used to assess the reasonably foreseeable impact is to list the source (for example, damaged oil storage tank), pathway (for example, site drains), and receptor where the impact is likely to occur (for example, a watercourse). An assessment of the sensitivity of the receptor and any measures in place to mitigate pollution allows a conclusion to be reached on the reasonably foreseeable impact.

We examined whether explanations for the non-compliance and the categorisation given aligned with the Compliance Guidance, including examining whether reasonably foreseeable impacts were satisfactorily documented and explained in the CAR form.

27% of the serious non-compliances examined in CAR forms met Compliance Guidance requirements, satisfactorily listing a source, pathway, and receptor (green-rated).

For some non-compliances (37%), CAR forms appeared to follow Compliance Guidance requirements by categorising the non-compliance (for example, Category 2) and providing a partial rationale, such as citing a fire risk from significant waste storage, and its potential impact on air quality. However, they often stopped short of explaining the actual or reasonably foreseeable consequences in the CAR form. As a result, the rationale for why the non-compliance was considered significant was unclear, and these were therefore rated amber.

Classifying permit breaches and their reasonably foreseeable impact was not being fully applied in a further 36% of cases of CAR forms reviewed. An example of a red-rated CAR form is given in [Box 10](#) of Annex 5.

(c) Whether any action chosen was clear and appropriate

We considered how the required action to correct the non-compliance was assessed and recorded following the initial score (for some across subsequent years). Whilst action formulation is not explicitly one of the Compliance Guidance's six principles, it appears within it and is integral to many of their applications.⁷⁶ The Compliance Guidance specifically states that the action to correct problems and the date by which this should be done

74 EA, 'Review of activities regulated by the Environment Agency 2022' (EA, 2024). This states "Over the last 5 years, an average of 138 sites each year have been persistent poor performers".

75 Principle 3: assess the reasonably foreseeable impact.

76 'Explaining the outcomes of a compliance assessment'.

should be discussed with operators and recorded on the CAR form, with progress also documented.

Actions are a critical component of the regulatory process, designed to correct non-compliance and prevent recurrence. Ensuring these actions are clearly documented supports the EA's legal obligation to require operators to complete necessary measures within a reasonable timeframe for installations.⁷⁷

The Council Criteria set out what actions should achieve, as follows:

1. Mitigate and, where possible, remedy environmental risks and impacts.
2. Return the site to compliance and address root causes to reduce future risk.
3. Enable the regulator to assess follow-up measures effectively.

CAR Guidance reinforces this by requiring actions to follow the Specific, Measurable, Achievable, Relevant, and Time-bound (“**SMART**”) principles.

Formulating effective actions can be challenging, as immediate risk reduction and long-term compliance goals may not always align. For example, a site storing excessive combustible waste poses an immediate fire risk. A staged approach may be necessary: first, reducing waste volumes to lower immediate risk; then, implementing a Fire Prevention Plan to manage waste acceptance, pile sizes and prevent recurrence. Neither step alone achieves both objectives. It should be made clear in the CAR form what operators are required to do to achieve compliance. If actions are unclear, it can be difficult for the EA and the operator to subsequently determine if compliance has been achieved.

Our analysis found that only 42% of the serious non-compliance analysed in CAR forms met the Compliance Guidance requirements (green-rated) for the action chosen to be clear and appropriate, meaning the operator completing the action was more likely to address the non-compliance.

For 31% of the non-compliances analysed, the CAR forms demonstrated some adherence to the Compliance Guidance in setting appropriate actions, primarily focused on remediation. However, they did not include actions designed to return the site to sustained compliance with the permit, or the actions set did not fully meet the SMART principles, and were therefore rated amber.

For 27% of non-compliances analysed, we found that the Compliance Guidance regarding the setting of appropriate actions was not followed (red-rated). There were significant issues with how action formulation was prescribed, monitored, and ensured, especially as there was no time-bound action for the operator to correct the problems identified in the CAR form.

Where non-compliance continued over time and was identified in subsequent inspections, we looked at the follow-up actions and considered whether they too would be effective in returning the site to compliance.

77 Per EPR 2016, reg 34(2) and sch 7, and Industrial Emissions Directive 2010/75/EU, art 23, and the Council Criteria.

We found that they were SMART in 38% of those examined. They were only partially SMART in a further 15% and not SMART at all in 47% of cases. An example of one assessment that was not SMART and was red-rated is given in [Box 11](#) in Annex 5.

(d) Progress with non-compliance actions

Where issues have been identified, it is important that future inspections monitor progress to correct the problem and confirm that a site has addressed non-compliances. By doing so the EA can be assured of the positive impact from its inspections. The Compliance Guidance⁷⁸ and CAR Guidance instructs officers to ensure inspections monitor progress and satisfactory completion of actions, and that CAR forms confirm if non-compliances have been addressed.

It is important to understand a site's compliance history before undertaking a new inspection, including any ongoing or unresolved non-compliance. We therefore examined whether progress had been assessed against actions intended to return operations to compliance, both in relation to the original non-compliance and any underlying root-cause breaches.

We found that where significant or serious non-compliance had been identified and recorded in earlier CAR forms, the actions to address these issues were reviewed in 51% of the cases examined. They were only partially reviewed in a further 27% (amber-rated) and were not reviewed at all in 22% of subsequent CAR forms (red-rated).

Therefore, assessments at nearly half of sites where serious non-compliance was identified (49%), did not fully consider whether adequate action was taken to correct serious compliance problems. An example of this is shown in [Box 12](#) in Annex 5.

As set out earlier in this report, the EA has stated that it will implement changes to how it records and monitors actions arising from non-compliance identified during inspections. We support these changes.

To be effective, these changes will need to be accompanied by appropriate training, monitoring, and assurance to ensure they are implemented consistently and as intended. If this is achieved, the new action-tracking measures have the potential to significantly improve the delivery of environmental outcomes by supporting the timely rectification of non-compliance and the reduction of associated risks. They also have the potential to better recognise and reward those businesses that address issues swiftly and effectively.

(e) Rectifying the non-compliance

This issue is not part of the analysis in Table 8 above and we have treated it separately.

We did not see evidence that the non-compliance had been rectified in about two thirds (63%)⁷⁹ of the CAR forms reviewed. Without confirmation that problems have been resolved

78 EA, 'Waste operations and installations: assessing and scoring environmental permit compliance' (EA, 2024). The section 'Explaining the outcomes of a compliance assessment' says that "we record progress updates and satisfactory completion of actions on the CAR form".

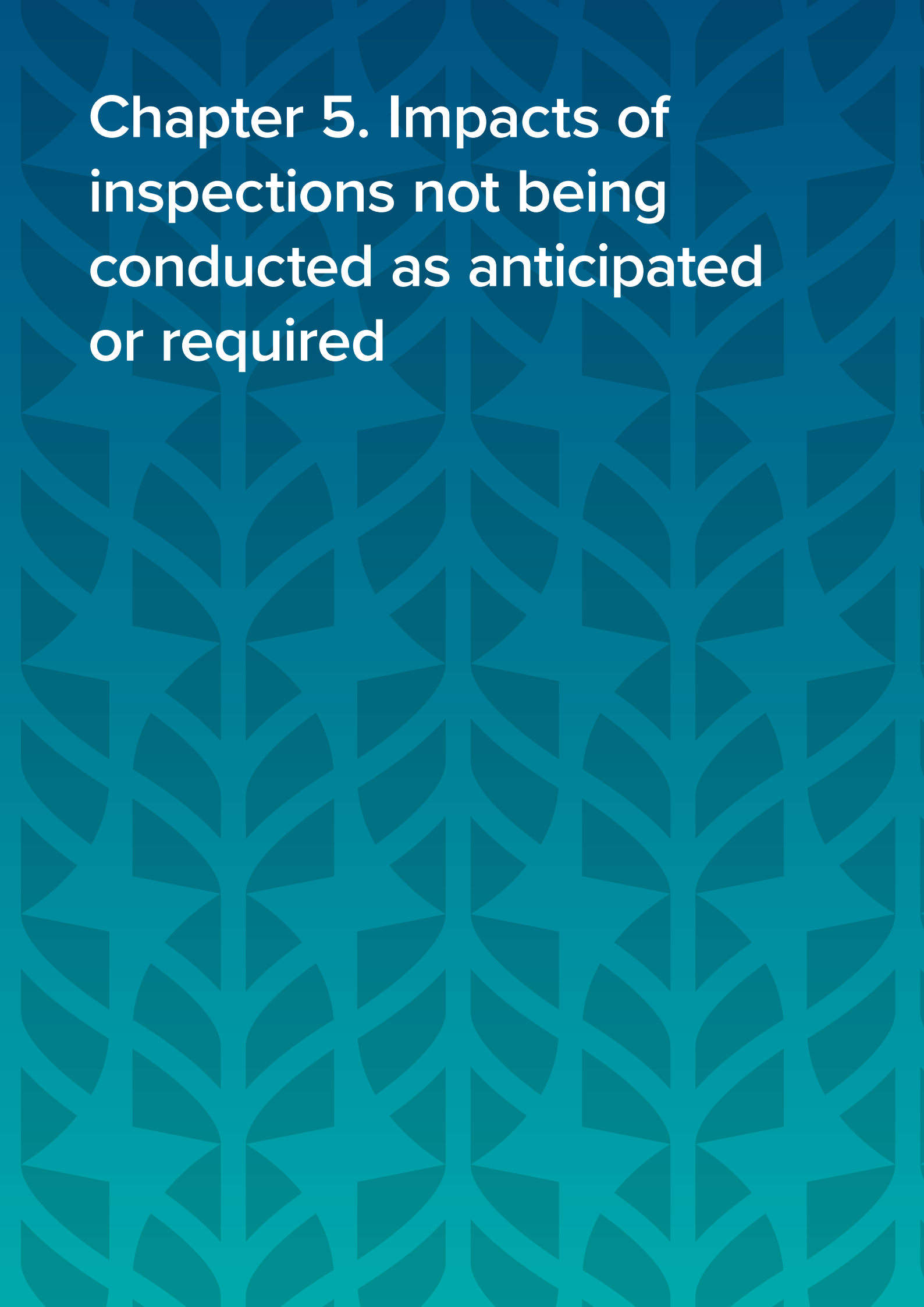
79 63% of CAR forms reviewed showed that non-compliance was not rectified, 21% were unclear, and in 16% non-compliance was clearly dealt with.

in subsequent CAR forms, it is unclear how the EA assures itself that actions have been completed, a legal requirement for installations.⁸⁰

It is possible that in some cases the original cause of non-compliance had been addressed, or improved, but the CAR form did not evidence this. In such cases, even if the non-compliance is rectified, a failure to record this limits the usefulness of CAR forms for the EA's understanding of site compliance, and more widely public understanding.

The absence of recorded evidence that previously identified non-compliances had been rectified indicates that compliance history was not always considered. This raises the risk that non-compliance will need to be repeatedly re-identified and that, where this does not occur, a site's compliance band may show artificial improvements. Repeatedly re-identifying the same non-compliances also places an additional and avoidable resource burden on the EA. An example of this is given in [Box 13](#) of Annex 5.

80 The Council Criteria, EPR 2016, reg 34(2) and sch 7, and Industrial Emissions Directive 2010/75/EU, art 23.



Chapter 5. Impacts of inspections not being conducted as anticipated or required

Chapter 5. Impacts of inspections not being conducted as anticipated or required

5.1 The compliance system may cease to operate effectively

Inconsistent application of guidance can have several knock-on implications for how the compliance system operates.

It will reduce the reliability of the EA compliance ratings when used as a comparison tool for site performance. This may also produce unfairness, where some sites have not been scored for non-compliances identified during inspections. This may also tend towards reducing the reliability of the EA KPI that 97% of sites should be compliant. This is considered in more detail in Chapter 10.

Because compliance scores reset annually, it is crucial that any non-compliance persisting between years is properly identified. Where non-compliance and the resulting follow up actions are not accurately tracked or reassessed in a new compliance year, site bandings may indicate an improved position, inaccurately reporting better performance under the 97% KPI. This, in turn, may lead to fewer resources being allocated to relevant sites in the following year, further reducing the likelihood of identifying, recording, and rectifying ongoing non-compliance.

Where a non-compliance score is not applied where justified, or where a site is under or over-scored, this directly affects the calculation of the site's subsistence fee for the subsequent year. As a result, sites can be charged as if they are more or less compliant than they actually are, creating a mismatch between the subsistence fees the EA collects and the resources it is modelled as requiring to regulate activity in line with environmental risk. Where a site is recorded as being less compliant than it truly is, it is in effect overcharged, which is unfair to operators that are investing in and maintaining high standards of compliance.

5.2 Inspections may not be outcome-focused or aimed at preventing harm

Many of the recent reviews into environmental regulation have emphasised the importance of the EA being more outcomes focused, rather than process focused.⁸¹ The EA recognises the importance of this and has said that “*outcome-focused regulation is at the heart of our mission – to protect and improve the environment whilst enabling sustainable growth.*”⁸²

The permanent secretary at Defra said in 2026 that “*there is a tendency in the way we work as regulators and Departments to become overly focused on process, and there is something about how we shift the system to be more focused on the outcomes that we*

81 For example, (i) Dan Corry, ‘Delivering economic growth and nature recovery: An independent review of Defra’s regulatory landscape: foreword and executive summary’ (Defra, 2 April 2025), (ii) NAO, ‘Environmental Regulation’ (NAO, 9 January 2026).

82 EA, ‘Reflecting on progress in regulation: Paving the way to EA20230’ (EA blog, 21 August 2025) <<https://environmentagency.blog.gov.uk/2025/08/21/reflecting-on-progress-in-regulation-paving-the-way-to-ea2030/>> accessed September 9, 2025.

want and that Government and Parliament want, as set out in legislation. That requires us to work in a different way.”⁸³

Stakeholders (industry/EA officers) were sometimes of the view that the EA is to a large extent focused on irregular and quick inspections, often to meet KPIs, and which is output-focused (rather than outcome-focused) regulation in practice.

We do not entirely agree with either view. But our review of EA inspections found frequent failure to fully investigate the root cause of a non-compliance, record whether non-compliance had been addressed, or secure an outcome from the operator in regard to correcting serious non-compliance.

This has several negative consequences.

Without assessments focussing on investigating and rectifying non-compliance, it is unlikely that action will follow to address non-compliance and achieve a good environmental outcome. The impact of poor regulation and non-compliance on communities can be significant and multifaceted.

Inspections should be risk based, planned using data from previous CAR forms, have a clear purpose, and investigate serious occurrences of non-compliance.⁸⁴ When the EA’s guidance is not followed, the purpose of the inspection is not clear, or the inspection is not undertaken in a way which achieves the planned purpose, its usefulness is limited. The likelihood of identifying and setting actions to resolve non-compliance, or the root causes of compliance issues, and achieving outcome-focused regulation is reduced.

If insufficient effort is put into investigating the reasons for non-compliance, or if there is no recording or regulatory follow-up of significant non-compliances, ongoing or recurring environmental harm can result. This may cause serious pollution and threaten important services such as drinking water supply, transport infrastructure (for example, railway or road closures from waste fires) or affect public health.

5.3 Regulation may become inconsistent

The EA takes the view that it is important for regulation to be “*consistent over time and across all business sectors.*”⁸⁵ Consistency should mean that two officers should be able to inspect comparable regulated sites (with the same performance in practice), for the same purpose, and produce similar CAR forms and compliance scores.

If consistency is achieved it gives the EA a framework to compare results and achieve continuous improvement and provides businesses with the certainty that they will be regulated fairly.

Few stakeholders (industry/EA officers) agreed that there was consistency across EA geographic areas. We also found a high degree of variation in how the CAR forms were completed and how scores were applied, within and across EA areas.

83 Public Accounts Committee, ‘Oral evidence: Environmental regulation’, HC 1687 Monday 2 February 2026. Evidence of Paul Kissack.

84 Implementation Guidance and Industrial Emissions Directive 2010/75/EU, art 23.

85 EA, ‘Creating a better place – the EA’s strategy for 2006-2011’ (EA, 2006).

There have been known issues with inconsistency in environmental regulation for a long time.

- A Department for Business, Innovation and Skills review of the waste sector in 2016 reported that there was inconsistency in decision making.⁸⁶
- A Department for Business and Trade report from 2024 noted that regulators were not always acting consistently across comparable situations.⁸⁷
- The NAO found in 2026 that environmental regulators found it challenging to apply a consistent approach across their area teams, and that factors affecting this included variable levels of expertise at local level and limited support for front-line officers.⁸⁸

The EA has recognised the need for a more consistent approach to delivery of inspections. In 2024, it began developing a regulatory ‘control strategy framework’ to improve the consistency and effectiveness with which it regulates within and across sectors.⁸⁹ This work remains in progress.

5.4 Regulatory resources may be wasted

Inspections consume valuable resources from both the regulator and the regulated parties. What happens during them is important and has consequences.

- If guidance is not followed then inspections are less likely to be effective.
- If an inspection does not assess the most critical parts of a permit, and is just a quick ‘tick box’ check, important compliance issues may go undetected.
- If inspections do not investigate the reasons for the non-compliance, or follow up on problems that previous inspections have identified, then the problem is not resolved and will continue to require resources.

Some current inspection activity appears to deliver limited regulatory value while still consuming significant resources. This leaves the system open to criticism where regulatory effort appears ineffective and does not represent good use of public funds. A more targeted approach, involving less frequent inspections of individual sites delivered through a planned, risk-based programme, undertaken in line with guidance and supported by stronger oversight of officer work, is likely to represent better value for money and deliver more effective regulatory outcomes.

5.5 Potential of increased regulatory challenges and appeals

Breaches of permit conditions can constitute criminal offences and may be admitted as evidence in legal proceedings and relied upon by the courts. The findings in a CAR form might also be relied on by third parties as evidence in nuisance or pollution claims. It is, therefore, important to businesses that the information contained in CAR forms is factually correct.

86 Department for Business, Innovation and Skills, ‘Cutting Red Tape – Review of the waste and recycling sector’ (BIS, 2016).

87 Department for Business and Trade, ‘Smarter Regulation and the Regulatory Landscape,’ Summary of Findings from the Call for Evidence (DBT, May 2024).

88 NAO, ‘Environmental Regulation’ (NAO, 9 January 2026).

89 *Ibid.*

Operators have the right to challenge the non-compliance scores and comments on the CAR form by notifying the EA within 28 days of receipt.⁹⁰ They can also appeal a regulatory decision that the Agency has made,⁹¹ for example, a decision made as a result of assessing or scoring permit compliance, or a failure to act in accordance with the Regulators' Code.⁹²

Where guidance is not followed this increases the risk of challenges and appeals. There is no published data on business challenges and appeal numbers. But many industry stakeholders told us they had strongly disagreed with a CAR form score and had formally challenged a score given by the EA in 2023.

Such challenges and appeals will require more EA officer resource to deal with them, taking away important resource from inspections.

5.6 Inspections may not provide accessible information

Many CAR forms were amber-rated in our analysis because they were not aligned with the appropriate level of formality, contained missing information, or were difficult to follow or understand.

CAR forms are public documents and should be accurate, clear, and comprehensible, so they can provide accessible information to those wishing to understand the compliance status of a site.

If they are difficult to understand, or poorly completed, this can have negative implications for both operators, who need to understand what compliance issues are occurring so they can be fixed, and the wider public. Poorly completed CAR forms also increase the likelihood of challenge by operators (with its associated resource costs).

90 EA, 'Information on Compliance Assessment Report Forms' (gov.uk, August 2018) <https://consult.environment-agency.gov.uk/onshore-oil-and-gas/information-on-cuadrillas-preston-new-road-site/user_uploads/information-about-compliance-assessment-report-car-forms--version-2.pdf> accessed 19 August 2025.

91 EA, 'Guidance. Appeal a regulatory decision from the Environment Agency' <www.gov.uk/guidance/appeal-a-regulatory-decision-from-the-environment-agency> accessed 16 March 2026.

92 Office for Product Safety and Standards, 'Regulators' Code' (OPSS, 2014). The Regulators' Code came into statutory effect on 6 April 2014 under the Legislative and Regulatory Reform Act 2006 and provides a clear, flexible and principles-based framework for how regulators should engage with those they regulate.

Chapter 6. Why guidance is inconsistently followed



Chapter 6. Why guidance is inconsistently followed

6.1 Staffing

The NAO found that workforce issues were affecting the ability of regulators to deliver current workloads.⁹³ Industry stakeholders thought that there were EA officers that were dedicated, passionate, and provided a professional service. But they were also of the view that staffing issues within the EA were becoming increasingly problematic and were having a detrimental impact on its ability to effectively regulate the sector.

(a) Turnover and pay

Staff turnover has been a challenge for the EA,⁹⁴ with the biggest and most recognised challenges being with recruitment and retention in regulation.⁹⁵ We do not have a clear picture of turnover of waste operations and installations officers, especially over time.⁹⁶

Staff turnover can mean that available staff resource is curtailed by time lost to recruitment, vacancies, and training. There is an argument that the impacts of staff turnover should not lead to a decline in standards if it is well managed. The EA should operate with turnover in mind and ensure that processes are in place for maintaining delivery standards.

Stakeholders (industry and EA officers) consider that this has not always been achieved. The EA Chief Executive has also said that *“if you look across the range of very technical skills we provide, we have a few areas where we are struggling in the market, and that is holding back growth because it is making it harder for us to deliver our services”*.⁹⁷

We heard from stakeholders (industry and EA officers) about the perceived low pay levels in the EA, compared with the private sector. From the small sample (19) of former EA officers that we contacted over half told us that the main reason they had left the EA was that they wanted a better salary. The EA told us that their exit data shows wider reasons for officers leaving.⁹⁸

The independent review of Defra’s regulatory landscape, led by Dan Corry, published in April 2025 (the Corry Review) recommended that the Government assess the potential for regulators to have targeted pay flexibility so that they can employ and retain staff, particularly specialist staff.⁹⁹

93 NAO, ‘Environmental Regulation’ (NAO, 9 January 2026).

94 Conor McGlone ‘Slashed to the bone: Almost 9,000 staff left the EA in the last eight years’, *ENDS Report*, 27 Mar 2024.

95 (i) EA, ‘Waste crime interventions and evaluation project’ (EA, 2017); (ii) EA, ‘Corporate scorecard 2023 to 2024 – quarter one’ (gov.uk, updated 15 August 2024).

96 The EA told us that length of service at Q4 2023-24 that was less than one year was 12.5% for EPR waste and 6% for installations. Data provided by the EA (2026). We do not have data showing trends over a longer time period.

97 House of Commons Environment, Food and Rural Affairs Committee, ‘Oral evidence. Work of the Department and its arm’s length bodies’, HC415, 28 October 2025. Evidence of Philip Duffy.

98 Data provided by the EA (2026).

99 Dan Corry, ‘Delivering economic growth and nature recovery: An independent review of Defra’s regulatory landscape: foreword and executive summary’ (Defra, 2 April 2025).

(b) Reduced organisational experience

The EA told us that about a third (30%) of officers in 2023/24 had less than two years' experience working for it.¹⁰⁰ A number of EA officer stakeholders suggested that the officer role needed longer tenure to be effective.

When new staff are recruited it takes time for them to acquire the necessary skills and experience to perform the job effectively. Stakeholders (industry and EA officers) considered that difficulties in retaining staff meant that officer experience and frontline expertise within the EA was progressively decreasing. This meant that new staff could be trained by staff who themselves had less skills and experience than previously would have been the case.

Without anything being done, inspection skills, expertise and capacity will continue to reduce, making it harder for the EA to deliver compliance assessment as it should to support positive environmental outcomes.

(c) Reduced skilled workforce

Most regulatory bodies require their inspectors to hold some form of degree, professional body certification, or evidence of substantial knowledge, or experience in the area being inspected. This is so that they have the suitable skills for the role.

Officers had in the past been educated to degree level.¹⁰¹ This appears to have changed. We saw a historical example (from 2017) of the EA advertising for some officer roles without requiring any qualifications.¹⁰²

The EA told us that candidates are now required to have a minimum educational attainment of A levels (depending on which sector within waste and installations regulation they will work in).¹⁰³ An advert for an officer role from 2026 says that it would be "*advantageous for candidates to have a degree or equivalent*".¹⁰⁴ We do not know how many candidates with degrees are being recruited compared to those with lower educational qualifications.

The Government's 'Smarter Regulation and the Regulatory Landscape' review in 2024 highlighted concerns around the lack of appropriate level of skills, experience and practical understanding of staff in different regulatory sectors.¹⁰⁵

Stakeholders (industry and EA officers) also expressed concerns to us about the competency of some officers, especially as the role had become increasingly technical and the technologies being regulated more complex. Newer officers were increasingly seen as lacking sufficient scientific knowledge and understanding of the processes businesses operate or the industry they regulate. The pay structures in place were widely seen to be influencing the type and experience of candidates that can be recruited by the EA.

100 Data provided by the EA (2024).

101 *Ibid.*

102 <www.therrc.co.uk/assets/files/news/candidate_information_pack_-_environment_officer.pdf> accessed 21 August 2025. "We're not seeking any specific qualifications for these roles ... please do not be put off applying if you do not have a degree, A Level or other qualification because we will provide you with all the training you'll need."

103 Data provided by the EA (2024).

104 <<https://environmentagencyjobs.tal.net/vx/lang-en-GB/mobile-0/appcentre-1/brand-2/xf-2f4f13cf343c/candidate/so/pm/1/pl/1/opp/33143-Regulated-Industry-Officer-33143/en-GB>> accessed 27 January 2026.

105 Department for Business and Trade, 'Smarter Regulation and the Regulatory Landscape', Summary of Findings from the Call for Evidence (DBT, May 2024).

6.2 Quality assurance

Quality assurance of inspections and their associated records (CAR forms) has an important role to play. It is important that the EA identifies assessments that do not meet required standards and understands whether its systems and interventions are achieving the right results, or if there is a need to change how they operate. Oversight can also incentivise improvements to planning and delivery of inspections.

The EA's internal CAR Guidance indicates that CAR forms prepared by new officers should be monitored during their training period by a mentor, but once training is completed it is expected that CAR forms are completed independently.¹⁰⁶

Local EA teams can conduct their own quality assurance of officer work after training, but this is not formally required by the EA's internal processes. It is therefore unclear how universally, and to what extent, quality assurance of inspections and CAR forms occurs.

The absence of a regularised system of quality assurance is surprising, and is likely to have contributed to the problems with the quality of CAR forms that we found, particularly given planning and delivery of inspections occurs at local level or by individual officers.

The EA has recognised that quality assurance has been an area of concern, and has taken a number of steps to strengthen its internal quality assurance arrangements for waste and installations CAR forms.

The EA has been increasing its assurance activity for officers' work across several regulatory sectors. From September 2025, this was extended and strengthened in relation to waste and installations. This has included sector-by-sector reviews of CAR forms and the provision of assurance-focused training to officers. The EA has also set out intentions to embed quality assurance more fully within its business-as-usual processes and within its operational instructions to officers.

In our view, this shift towards stronger internal quality assurance and quality control is essential to ensuring that improvements are sustained over the long term. It should also help provide greater consistency and clarity for regulated businesses, supporting a clearer understanding of compliance expectations and any actions required to address non-compliance, or drive improvement.

6.3 Training

Officers are required to complete core and role-specific training to enable them to perform their role. They may also receive training by accompanying more experienced officers during on-site inspections.

We observed occasions where CAR forms indicated several officers participated in on-site inspections together with senior officers, seemingly for training purposes.

For on-site inspections at well performing sites, 40%¹⁰⁷ of those we analysed involved more than one officer. This represents a significant resource expenditure. However, we noted

¹⁰⁶ EA, 'How to complete a compliance assessment report (CAR) form' (EA, LIT 56629).

¹⁰⁷ 29% of CAR Forms for on-site inspections analysed indicated two officers attending the inspection, 9% three officers, and 2% four officers (Data from analysis of 'A' band onsite inspections 2022).

that on some occasions, including when the CAR forms were produced by senior officers, such inspections did not fully meet operational guidance and standards. This raises some concerns about the overall effectiveness of the training junior officers receive through this considerable investment in officer time.

Chapter 7. Planning and delivery of inspections

Chapter 7. Planning and delivery of inspections

7.1 Statutory requirement

As discussed in Chapter 3, the EA must undertake ‘appropriate periodic inspections’.¹⁰⁸ There is no statutory requirement for annual waste inspections, or for a minimum number of inspections, except for installation sites.¹⁰⁹ The approach to planning and delivery of inspections has been determined by the EA.

Effective planning and delivery of inspections by the EA involves it having to consider how often regulated sites should be inspected and be clear as to the purpose of the inspections that occur (i.e. what conditions of the permit it seeks to assess and why).¹¹⁰

The EA has responsibility for ensuring that the system provides sufficient flexibility to support the effective delivery of a risk-based inspection plan that properly considers both site types and characteristics, as well as operator performance. It retains considerable discretion over how this is done.

7.2 Lack of transparency in planning inspections

We found the way in which the EA translates the resource available into a sector/activity-specific inspection plan to be unclear. There was no clear line of sight from national strategy to operational delivery on how inspections should be planned, prioritised, delivered and assured, with most planning inputs and prioritisation located at a local or individual (officer) level.

(a) Regulatory baseline

In Chapter 3 we noted that the EA uses a ‘regulatory baseline’ to set the typical level of regulatory effort for inspections at different types of permitted sites. This baseline translates the framework for annual charging into hours for the effort required to regulate different types of sites.

The EA does not publish regulatory baseline plans for the minimum expected frequency of the planned, risk-based, routine inspections that should take place.

However, the EA has provided an illustrative example of their inspection planning. For example, that it considers that a typical landfill would ordinarily be subject to around ten inspections per year.¹¹¹ In 2022, there were 2,414 EA inspections at 275 hazardous and non-hazardous landfill sites, which account for approximately 14% of all EA inspections at waste

108 EPR 2016, reg 34(2).

109 Inspections of installation sites are required annually for those classified as highest risk, every three years for those deemed lowest risk, and within six months following any ‘important’ non-compliance with permit conditions: EPR 2016, sch 7(9), applying Industrial Emissions Directive 2010/75/EU, art 23, para 4.

110 Defra, ‘Environmental permitting: Core guidance For the Environmental Permitting (England and Wales) Regulations 2016 (SI 2016 No 1154)’ (last revised March 2020) and Industrial Emissions Directive 2010/75/EU, art 23.

111 EA, ‘Environment Agency issues Closure Notice to Walleys Quarry Ltd’ (EA press release, 28 November 2024) <www.gov.uk/government/news/environment-agency-issues-closure-notice-to-walleys-quarry-ltd> accessed 26 January 2026.

operations and installations completed that year.¹¹² These sites account for about 2% of all regulated sites,¹¹³ demonstrating differing levels of inspection across sectors.

The 2018 SRoC consultation¹¹⁴ indicated that the regulatory baseline is more complex than simple inspection counts. It describes the overall regulatory effort expected for different sectors and the activities included within that effort. An example of this for the landfill sector is summarised in Table 9.

Table 9: Routine compliance assessment activities in the landfill sector

Routine compliance assessments	Three-yearly compliance assessments	Six-yearly compliance assessments
<p>Onsite assessments:</p> <ul style="list-style-type: none"> • Site inspections of landfills • Site inspections to assess engineering works <p>Offsite assessments:</p> <ul style="list-style-type: none"> • Engineering plans and Construction Quality Assurance reports, including gas and leachate plant • Annual review of groundwater data • Assessments of emissions from landfill gas plant, trace gas and walk over survey data • Continuing competence/ Technically Competent Manager check 	<p>Desk based audit of environmental management system to ensure this remains fit for purpose and to incorporate any minor changes</p>	<p>Assessment of the hydrogeological risk assessment</p>

Procedures for drawing up a planned programme of routine inspections are not available at this level of detail for most site types. As a result, it is difficult to identify what routine inspection activity is planned and how it is systemically prioritised across sectors.

In our view, further developing and publishing this information would enable the EA to target routine inspections more effectively and to understand how planned activity translates into delivery, including the reasons for any deviations. It would also allow Parliament and other stakeholders to scrutinise more effectively the relationship between the EA’s regulatory planning and delivery. Greater transparency would also help businesses understand the minimum level of regulatory oversight they should reasonably expect.

(b) Non-routine inspections

Defra’s Implementation Guidance indicates that additional, non-routine inspections (responsive, performance-driven) to investigate serious occurrences of complaints, accidents, incidents and non-compliance should be completed as soon as possible.

112 EA, ‘National compliance assessment’ (EA, updated November 2025) <<https://www.data.gov.uk/dataset/d49096ed-e89c-488f-9bae-d79ef4891394/national-compliance-assessment>> accessed 27 January 2026. This includes landfills which were no longer accepting waste, as 150 of these sites had remaining capacity as detailed at EA, ‘Remaining Landfill Capacity’ (EA, updated September 2025) <www.data.gov.uk/dataset/237825cb-dc10-4c53-8446-1bcd35614c12/remaining-landfill-capacity1> accessed 27 January 2026.

113 275 landfill sites out of 12,291 waste operations and installations sites in 2022.

114 EA, Consultation document, ‘Landfill and Deposit for Recovery Presentation,’ ‘EA charge proposals from 2019’ (EA, November 2018).

The EA does not distinguish between these types of inspection and the lack of published data on the numbers of these taking place makes it hard to form an understanding of how many non-routine inspections are occurring in practice.

This absence of data also makes it difficult to understand the impact that responding to non-routine inspections might be having on the EA's ability to undertake routine inspections, and how much this might change from year to year.

(c) Unannounced inspections

It is EA policy that inspections should usually be unannounced to allow officers to observe normal operations.¹¹⁵ EA officer stakeholders suggested that more recently, the majority of EA inspections are pre-arranged. However, the EA does not publish data on the numbers of inspections that are announced or unannounced.

There is currently no publicly available evidence that the EA has commissioned internal research specifically comparing the outcomes of announced versus unannounced inspections to better understand the impact of each type and their operational appropriateness.

7.3 The EA is unlikely to be delivering the regulatory baseline at all of its permitted sites

The EA tracks whether routine inspections are taking place through a KPI that measures the proportion of sites receiving at least one inspection in a calendar year.¹¹⁶ However, the KPI does not specify the type, or purpose, of the inspection, nor whether it is conducted on-site or remotely.¹¹⁷

This inspection KPI has been in place in a similar form since at least 2019. In 2022, the delivery expectation was reduced from 100% of regulated sites to at least 70%, which may reflect the difficulty of meeting the earlier target. Table 10 shows that between 14% and 29% of permitted sites received no inspection in a given year over the period considered.

115 EA, 'How you'll be regulated: environmental permits' (EA & Defra, updated 2025).

116 Excluded from the measure are intensive farming activities, biowaste and non-nuclear radioactive substances regulation, certain types of closed landfills, certain mining activities, medium combustion plants, sites permitted after 30 October of that year, as well as sites in temporary cessation or in the pre-construction phase.

117 The KPI excludes sites that receive only remote inspections in the form of data or procedure reviews where these result in a band 'A' or 'B' classification, meaning that such sites would not be counted as inspected by the KPI.

Table 10: Number of unassessed sites between 2018 and 2023¹¹⁸

Year	Number of regulated industry sites	Number of sites recorded as assessed	Number of unassessed sites	Percentage of unassessed sites
2018	12,074	9,363	2,711	22%
2019	11,926	10,277	1,699	14%
2020	12,007	8,823	3,184	27%
2021	12,144	9,636	2,508	20%
2022	12,288	8,681	3,607	29%
2023	12,339	8,942	3,397	28%

Between 2018 and 2023, waste operations and installation sites received, on average, 1.4 to 1.8 inspections per year (combining on-site and remote).¹¹⁹ Excluding unassessed sites, the average is around two inspections per year.¹²⁰

As described in Chapter 3, not all sites share the same expected regulatory baseline, and for many sites this will equate to more than two inspections. A blanket inspection-frequency target is therefore not an effective measure of performance in this area.

Flexibility in planning and delivering inspections is central to a risk-based approach, and the EA faces a legitimate challenge in balancing national consistency with responsiveness to local risks and issues. However, it currently operates an annual ‘baseline’ model as a matter of policy following SRoC, and there is no statutory requirement to undertake inspections in this way. Planning inspections using a more targeted, risk-weighted routine programme may be more effective and free resource for higher-impact activity elsewhere.

7.4 The EA primarily targets resource at poor performing sites over risk associated with facility type

For both waste and installations, inspections should be planned by some form of appraisal of risk based on the type of regulated site and operator performance, using relevant data available to the EA.¹²¹

The Corry Review in 2025 recommended that environmental regulators adopt more frequent risk-based monitoring, leveraging real-time and digital tools.¹²² This move toward risk-based regulation has been evolving for several decades, replacing assurance, or

118 Regulated site data taken from EA, ‘Compliance Ratings (Waste and Installations)’ <www.data.gov.uk/dataset/1b268e32-d399-4e1c-87a0-00a17a11fce6/compliance-ratings-waste-and-installations> accessed 29 January 2026. Assessment data taken from EA, ‘National Compliance Assessment’ (EA, updated 1 August 2025) <www.data.gov.uk/dataset/d49096ed-e89c-488f-9bae-d79ef4891394/national-compliance-assessment> accessed 29 January 2026. Sites listed as within the nuclear, agriculture, biowaste use, and blank or to be confirmed regulatory sectors, were removed from calculations.

119 2018: 19,844 assessments (1.6 average); 2019: 21,579 assessments (1.8 average); 2020: 18,208 assessments (1.5 average); 2021: 18,334 assessments (1.5 average); 2022: 17,407 assessments (1.4 average); 2023: 19,954 assessments (1.6 average). EA, ‘National Compliance Assessment’ (EA, updated 1 August 2025), <www.data.gov.uk/dataset/d49096ed-e89c-488f-9bae-d79ef4891394/national-compliance-assessment> accessed 18 October 2025.

120 Between 2 and 2.2 inspections a year.

121 The Council Criteria states plans should take account of the sites and the risks and environmental impacts of emissions and discharges from them, and the relevant available information in relation to specific sites or types of sites. See also, EPR 2016, sch 7(9), applying Industrial Emissions Directive 2010/75/EU, art 23, for installations.

122 Dan Corry, ‘Delivering economic growth and nature recovery: An independent review of Defra’s regulatory landscape: foreword and executive summary’ (Defra, 2 April 2025).

uniformity-based models, which apply the same level of regulatory effort to all organisations or activities.

Delivery of inspections above the EA's baseline planned level will impact how risk-based their inspection regime is overall in practice. We found that the EA clearly utilises significant inspection resource at the 3% of sites that are classified as being poor performers ('D' 'E' and 'F' bands). This is because it carries out additional non-routine inspections in response to serious non-compliance that has been detected at such sites, which might also attract more public complaints.

For example, between 2021 and 2024, the EA completed more than 180 inspections of Walleys Quarry landfill, an average of 45 per year.¹²³ However, this has been a complex and unusual site for the EA to regulate, and it had to undertake significantly more regulatory activity because of the extent of non-compliance taking place over a prolonged period.¹²⁴

The EA also undertakes reactive, non-routine, inspections in response to incidents or complaints. EA officer stakeholders told us that inspection priorities could be heavily influenced by complaint numbers and local political pressure, with amenity issues such as odour often treated as the highest priority for inspection.

The prioritisation of reactive regulatory effort towards poor performers, or at sites with complaints or incidents, is an appropriate response. However, it can reduce overall inspection capacity, resulting in fewer routine inspections than the baseline plans. The EA should track delivery plan gaps and reasons, to understand resource impacts, inform future planning, justify decisions, and identify trends for future focus.

It is unclear how the EA ensures that the inherent risks associated with particular site types are systematically factored into inspection planning and delivery. Where routine inspections are reduced or not undertaken, there is an increased risk that under-performance will go undetected.

Our analysis suggests that, in practice, the EA seems to see risk as most heavily weighted to operator performance.

7.5 If inspections are planned at local level it becomes harder to strategically deliver outcomes and have national consistency

The EA predominantly plans and delivers inspections at a local level through its area teams. Sector-based direction can be provided to local area teams by specialists at a national level, but a large amount of inspection activities appear to be disconnected from a co-ordinated national strategy.

Local area teams have to balance multiple priorities when planning and carrying out inspections, but in practice individual officers have significant discretion as to how and

123 EA, 'Environment Agency issues Closure Notice to Walleys Quarry Ltd' (EA press release, 28 November 2024) <www.gov.uk/government/news/environment-agency-issues-closure-notice-to-walleys-quarry-ltd> accessed 25 January 2026.

124 There had been 111 non-compliances resulting in scores given to the operator by the EA between 2019 and 5 August 2024. As detailed within '38. EA Response to NuLBC comments and information_Redacted,' in: Newcastle-under Lyme Borough Council, 'Report of the Walleys Quarry Committee of Inquiry July/August 2024' <www.newcastle-staffs.gov.uk/downloads/download/1241/report-of-the-walleys-quarry-committee-of-inquiry> accessed 17 February 2026.

when both routine and non routine inspections are carried out at sites. This approach can be beneficial as it incorporates relevant local knowledge.

In practice, area-level inspection planning is driven by the prioritisation of regulatory activity, informed by the use of a site prioritisation matrix (“**SPM**”) and other compliance planning tools. This approach determines where regulatory effort is focused and, as a consequence, influences inspection frequency.


This means that some sites may be identified as low risk and subsequently receive fewer, or no inspections, whilst others receive higher numbers of inspections.

In the absence of explicit minimum expectations, local area planning decisions may result in divergence from the level of regulatory activity the system was designed and funded to deliver. Inspection activities could also be disconnected from local EA area strategy. As a result, undertaking inspection planning primarily at local level, without a clear national procedure for this planning or with guidance on minimum requirements, makes it challenging to ensure a consistent risk-based approach across the country.

The EA told us it will improve the planning of compliance activity by issuing a revised version of the SPM with additional inputs. The revised SPM will provide an overview of all regulated sites, with each assigned environmental, social and economic risk scores. The EA expect that using this criteria will improve consistency.

We support the use of additional planning tools that draw on a wider range of intelligence sources to improve the targeting of compliance work and a risk-based approach. It remains unclear, however, how the risk scores in the SPM will be considered alongside the baseline risk of the activity and actual performance to create a compliance plan, particularly given that the original charging and planning framework was itself designed to achieve these same objectives. Planning led primarily at area level appears unlikely, on its own, to deliver national consistency.

Decisions about the appropriate level at which inspection planning choices should be made are a matter for the EA to determine. However, effective national-level oversight and assurance will be essential to ensure that the SPM is applied consistently across England and that it drives genuine improvements in regulatory outcomes.



Chapter 8. How are remote inspections used in compliance assurance?

Chapter 8. How are remote inspections used in compliance assurance?

8.1 Overview

Remote inspections play a key role in evaluating compliance. Remote inspections such as reviewing reports or data submissions are appropriate and beneficial as part of a regulatory strategy for a site.

The EA stated that during the COVID-19 pandemic *“it [was] using technology to carry out its role as an effective regulator where face-to-face visits [were] restricted.”*¹²⁵

Post pandemic the EA has said it has continued to *“develop [its] ability to regulate remotely.”*¹²⁶

In 2025 the Cunliffe Review seemed to question the effectiveness of remote assessment in water regulation of utility companies. It concluded that regulation needed a broader, less monolithic and a less desk-based approach to economic regulation and to the oversight of companies’ performance against their licences.¹²⁷

This chapter examines how many inspections are being performed remotely, in what context they are being used, and whether this forms part of a strategic plan.

8.2 Number of remote inspections

Table 11 shows that the number of remote inspections varies each year. They were used as a significant tool by the EA even before the pandemic, and this continued to be the case afterwards with nearly half of all assessments in 2023 performed remotely.

Table 11. Compliance assessment at waste/installation sites¹²⁸

Year	On-site inspections		Remote inspections	
	Total number completed	Percentage	Total number completed	Percentage
2018	11,231	57%	8,613	43%
2019	13,691	63%	7,888	37%
2020	7,687	42%	10,521	58%
2021	9,741	53%	8,593	47%
2022	10,014	58%	7,393	42%
2023	10,523	53%	9,431	47%

125 EA, ‘Regulating the waste industry during the coronavirus pandemic’ (gov.uk, 28 May 2020) <www.gov.uk/government/news/regulating-the-waste-industry-during-the-coronavirus-pandemic> accessed 11 April 2025.

126 EA, ‘Corporate scorecard 2023 to 2024 – quarter two, 1 July 2023 – 3 September 2023’.

127 Independent Water Commission, ‘Final Report’ (IWC, 21 July 2025) para 417.

128 Assessment information for waste and installation sites taken from EA, ‘National Compliance Assessment’ (gov.uk, updated 1 August 2025) <www.data.gov.uk/dataset/d49096ed-e89c-488f-9bae-d79ef4891394/national-compliance-assessment> accessed 8 October 2025.

Remote inspections are not always undertaken in isolation. The number of sites receiving remote inspections alone (and no other on-site inspections) ranges annually between 5% and 24%, showing that remote inspections are most often used at sites that also receive an on-site inspection. Rates of sites receiving exclusively remote inspections were highest in 2020, influenced by the COVID-19 pandemic, but some significant variation in other years¹²⁹ indicates that their use may also be driven by other factors.

Other countries with a similar legal framework around inspections and similar independent national regulator have taken a different approach. For example, 80% of inspections at waste operations in the Republic of Ireland were undertaken remotely by the Environmental Protection Agency (“EPA”) during the COVID-19 pandemic.¹³⁰ However, post-pandemic, the EPA decided not to primarily use remote inspections as the main form of compliance check, due to their limitations and the opportunities to identify non-compliances when on-site.¹³¹

An EPA official said that *“There were big advantages to being on-site. Unless you just want to see what paperwork is in place you can’t really not be there. It can be useful to undertake remote inspections as follow up to inspections on-site – where you can find out whether there has been paperwork follow-up, but mainly you have to see for yourself... inspections are done in person.”*¹³²

8.3 The use and efficacy of remote inspections

Remote inspections used inappropriately, or in isolation, may not provide an adequate basis for assessing operator performance.

We examined compliance scores for sites that had only received remote inspections between 2018-23. 99.7% of these sites were scored in Bands ‘A’-‘C’,¹³³ exceeding the EA’s 97% KPI. Only 15 of 5,911 remote assessments (0.2%) resulted in a site being placed in Bands ‘D’-‘F’.¹³⁴

Remote inspections should be used in a way that delivers meaningful value and is appropriate to the nature of the activity being assessed. To better understand this, we examined to what degree different methods of remote inspections were being used by the EA.

Report/data reviews made up a large proportion of both remote inspections (80%)¹³⁵ and total inspections (37%).¹³⁶ These are desk-based assessments of an operator’s data or records, which may either be requested for a specific review, or routinely submitted to comply with permit requirements (for example, emissions results).

129 *Ibid*, 2018 (15%); 2019 (5%); 2020 (24%); 2021 (15%); 2022 (8%); 2023 (11%).

130 Communication with the EPA, Republic of Ireland (2024).

131 *Ibid*.

132 *Ibid*.

133 EA ‘Compliance Ratings (Waste and Installations)’ <www.data.gov.uk/dataset/1b268e32-d399-4e1c-87a0-00a17a11fce6/compliance-ratings-waste-and-installations> accessed 29 January 2026. ‘A’ band: 0 points – 2364 sites (40%); ‘B’ band: 0.1 to 10 points – 3448 (58.3%); ‘C’ band: 10.1 to 30 points – 84 (1.4%).

134 *Ibid*, ‘D’ band: 30.1 to 60 points – 13 (0.2%); ‘E’ band: 60.1 to 149.9 points – 2 (0.03%).

135 % of remote compliance only 2023. Report/data review: 6,673 (80%); Procedure review: 753 (9%); Remote site inspection: 485 (6%); Remote audit: 183 (2%). A description of each of these activities is given in Annex 2. Data provided by the EA (2024).

136 % of total compliance assessments 2023. On-site inspection (55%); Report/data review (37%); Procedure review (4%); Remote site inspection (3%); Remote audit (1%). A description of these activities is given in Annex 4. Data provided by the EA (2024).

They will provide different levels of assurance, depending on what data is being reviewed and how. An assessment which considers whether monitoring data indicates a site is compliant with emissions limits is of value. Other reviews which, for example, only consider whether a requested report was submitted, might provide less assurance as to whether the operator adequately manages environmental risk.

For some data reviews, if an operator fails to submit information, or misses the deadline for doing so, a non-compliance score may, in some circumstances, be automatically applied. For example, an automated message reminding operators about missing a quarterly waste return can be classified by the EA as compliance activity, and a CAR form may be issued automatically which means the KPI requirement for an annual inspection is met. An example of this is provided in [Box 7](#) of Annex 5. Where there are no other inspections at such sites the EA system still reports them as Band 'B' performers.

Whilst it is a regulatory requirement to submit data, like waste returns, to the EA, an issue with then automatically classifying such sites as Band 'B' performers is that such 'inspections' do not consider whether there is recurring non-compliance(s), or the reasons why this might be happening (root cause analysis). This risks undermining the credibility of the regulator and the wider compliance assessment framework, particularly as the same bandings signal good performance and influence the type and volume of inspections in the following year.

When remote assessments are selected with a purpose or clear outcome, such as auditing data submissions, evaluating gas management systems at landfill sites, reviewing fire prevention plans, or assessing amenity controls, they serve a valuable and appropriate function. Their use did not always seem appropriate in the CAR forms we reviewed.

EA officer stakeholders had strong views on the use of and efficacy of remote inspections. The use of remote inspection on its own was considered by them to work for some sites (especially if looking at one specific compliance issue), but not others.

They thought the high levels of compliance being reported by the EA (the 97% KPI) linked to little officer time being spent physically on sites. Generally, remote assessments were seen by EA officer stakeholders as being no substitute for on-site assessments. They were perceived to miss many of the core aspects of compliance assessment, they were unable to identify some important compliance issues (for example, waste which could not be accepted at that site hidden in piles), and they did not allow for certain intelligence gathering or understanding trends.

Even when remote assessments did detect a problem, it was suggested that this might just show that there was a compliance issue at a site, not what was causing it. This view may partly reflect how remote inspections have been used to date, rather than their potential when applied effectively. It may also point to training and capability gaps, as analysing complex data, particularly for installations, requires specialist skills and developed experience.

Another stakeholder (industry and EA officers) observation was that there was less human contact between regulator and regulated during remote inspections. Whilst public authorities are required to maintain publication schemes and provide advice and

assistance¹³⁷ the NAO found in 2025 that regulated businesses found it too difficult to access and apply guidance, advice and support from regulators.¹³⁸

Stakeholders (industry and EA officers) considered that increased attendance on-site was useful for the EA and industry. Face-to-face dialogue was seen to lead to better outcomes – it encouraged operators to act, it established working relationships, and the EA could more easily provide guidance, support and advice. There could be more clarity on the role of the EA in respect to providing support and advice to businesses.

8.4 Planning for when to use remote inspections

It is important that any remote inspections completed as part of planned compliance activity are used purposely, transparently and in accordance with the legislation.¹³⁹

The EA has operational guidance for officers on conducting remote compliance assessments¹⁴⁰ covering how this form of inspection should be implemented. The guidance makes clear that remote inspections complement, rather than replace, on-site inspections and should be used only where appropriate.

There is further internal guidance outlining that decisions may be made on a site-by-site basis as to which type of compliance activity to undertake,¹⁴¹ however, neither document constitutes a national planning procedure that sets out, by sector, or site type, when remote versus onsite inspections should be used. Archived materials indicate this was previously set out in the SRoC (2018), but those documents are no longer accessible.

Remote inspections, when planned and applied appropriately, are a beneficial component of a regulatory strategy. We do not suggest they be limited; rather, they should be purpose-led, and used in the right regulatory circumstances. Without such planning, remote inspections risk inconsistent application, making it difficult for the EA to draw meaningful conclusions about their effectiveness.


137 For example, Freedom of Information Act 2000 and Environmental Information Regulations 2004.

138 NAO, 'Environmental Regulation' (NAO, 9 January 2026).

139 Industrial Emissions Directive 2010/75/EU, and the Council Criteria.

140 EA, 'Guidance on Carrying Out Remote Compliance Activities', Guidance document: LIT5560 (EA, 8 April 2022).

141 EA, 'Methodology for Assessing Compliance,' Guidance Document LIT64425 (EA, 19 December 2022). The purpose of the compliance activity is identified (stage 1), information is gathered on what is already known (stage 2), the right compliance activity is undertaken to achieve the purpose (Stage 3).



Chapter 9. Number of compliance activities performed

Chapter 9. Number of compliance activities performed

9.1 Overview

A common response of government where environmental rules are not resulting in the necessary action, or poor performance is identified, is to set out new measures to increase the numbers of inspections.

For example, in response to media attention over the deteriorating quality of watercourses, Defra announced in 2024 that water company inspections would more than double by 2025 and then increase by tenfold by April 2026.¹⁴² The EA Chair said, “*extra boots on the ground to increase inspection visits will help further strengthen our regulation of the industry*”.¹⁴³

As discussed in Chapter 7, the EA monitors inspection activity through a KPI focused on delivering one inspection per site each year. In practice, however, inspection activity varies considerably between sites, with some receiving significantly more regulatory ‘hours’ than others. This variation is influenced by factors such as activity type, operator performance, intelligence, site history, and local priorities.

When performance indicators are focused on the delivery of inspection numbers this can unintentionally shift the focus to outputs, rather than outcomes (improved performance), and fail to reflect the wider impacts that inspections are intended to achieve. We consider that the absence of outcome-focused measures has contributed to regulation not being consistently targeted at environmental outcomes.

‘Boots on the ground’ are of course important in making inspections effective, but increasing inspection frequency alone is not always the correct response. Effective regulation goes beyond just numerical delivery, and also requires consideration of the appropriate form of monitoring, the quality of inspection needed, and for this to be supported by robust assurance.

The EA does not set an expected average number of hours or inspections to be delivered by each officer. Given the limitations described above, a metric of this nature is not, in isolation, a reliable indicator of performance. Nevertheless, we consider that analysing inspections¹⁴⁴ at a national level can still provide useful information on overall delivery, offering a broad picture of regulatory activity across the system.

To build this picture, we first calculated the ratio of regulated sites to officers. We then analysed the total number of compliance assessments undertaken and divided this by the number of officers, providing an additional perspective on overall inspection activity and delivery across the EA.

142 Press release, from Defra and the EA, ‘Inspection surge to crack down on water sector pollution’ (gov.uk, updated 7 June 2024) <www.gov.uk/government/news/inspection-surge-to-crack-down-on-water-sector-pollution> accessed 29 May 2025.

143 EA, ‘Chief Regulator’s Report 2023-24’ (EA, 2024).

144 Inspections, and not hours, were analysed, as information on inspection numbers is available from published inspection data.

9.2 Numbers of sites and numbers of officers

There were 731 EA officers specialising in waste operations and installations in the 2023-24 financial year, and 80 of these were team leaders.¹⁴⁵ Table 12 shows that if permitted sites are divided up between officers then each one should have responsibility for between 17 and 19.

Table 12: Average amount of sites (per officer)

Staff	Permitted sites	Average annual number of sites regulated per officer
731 (total officer numbers)	12,339 ¹⁴⁶	17
651 (total officer numbers excluding team leaders)		19

9.3 Compliance activities per officer

Table 13 shows that each officer will on average undertake 25 to 28 inspections a year, or about two inspections every month. For just on-site inspections, an officer will on average undertake 13 to 15 inspections a year, just over one site visit every month.

Table 13: Average amount of inspections per staff (per year)

Staff	Inspections undertaken	Average annual number of inspections per staff
731 (total officer numbers)	18,282 (total inspections)	25
	9,472 (total on-site inspections)	13
651 (total officer numbers excluding team leaders)	18,282 (total inspections)	28
	9,472 (total on-site inspections)	15

The figures in the above tables are indicative, and they do have limitations, for example, they do not consider the depth of each individual inspection or include factors such as part-time working or sick/maternity leave. Nevertheless, our approximate calculations indicate that the number of completed inspections is lower than what might be anticipated.

Stakeholders (industry and EA officers) told us that officers typically spent under half a day performing an average inspection.¹⁴⁷

¹⁴⁵ Data provided by the EA (2024). 313 installation officers and 418 waste officers.

¹⁴⁶ Taken from 2023 EA, 'Compliance Ratings (Waste and Installations)' <www.data.gov.uk/dataset/1b268e32-d399-4e1c-87a0-00a17a1fce6/compliance-ratings-waste-and-installations> accessed 29 January 2026.

¹⁴⁷ A typical routine inspection in this context referred to a pre-planned inspection where there were no significant ongoing non-compliances (which makes up about 97% of the regulated sector). Note that this may not include the time taken to travel, prepare for the inspection or complete the CAR form.

9.4 Influencing factors on levels of compliance activity

As noted within a CAR form which identified a serious non-compliance during an inspection of a site which had not been inspected in three years: “*The Environment Agency endeavour to inspect permitted sites at least once per year, but on occasion resources and other priorities prevent this.*”¹⁴⁸

One issue is the training of new recruits. Our analysis of CAR forms showed that in about 40% of on-site inspections more than one officer was attending (and sometimes up to four officers).¹⁴⁹ Whilst training officers, complex sites, or health and safety would be reasons for more than one officer attending a site, this also has resource implications.

A second issue is the technology in place, which was seen as making the work of officers more difficult and time consuming. EA officer stakeholders described the IT systems as “*not being fit for purpose,*” “*ridiculous,*” “*inadequate,*” “*dire,*” and “*painful*”. They were thought to have been designed without adequate consideration of how officers worked, or what data needed to be linked. Some systems were old and did not work well together. In addition, data was stored in various separate places.

In 2025 the EA’s Chief Executive asked for Government support to help overhaul its “*outdated*” IT systems and the Chief Regulator’s Group introduced a ‘Regulatory Futures’ strategy, focused on innovation and digital transformation in regulatory practice.¹⁵⁰ Defra’s 2025 spending review settlement included £300 million from 2026 to 2029 to replace legacy IT systems.¹⁵¹

The figure of two inspections a month should not be interpreted to mean that this is the extent of officer regulatory activity. Inspections of permits represent only one component of an officer’s role, and they have additional responsibilities which place demands on their time.

The officer role also includes responding to CAR form challenges and appeals, major incident response, freedom of information requests, exemption activity, duty of care and hazardous waste responsibilities, waste crime investigations, and complaint letters. It also includes writing planning consent responses, meeting with local residents, keeping industry informed of changes in the sector, and attending training and meetings.

It is unclear what level of strategic oversight the EA exercises for delivery of its regulatory activity, for example to check it is using resources efficiently to deliver planned work, or to gain assurance that priorities are being set and applied consistently. As discussed in Chapter 6, there is reduced organisational experience due to recruitment and retention challenges, as well as increasing technical complexity within compliance roles. Taken together, these factors raise questions about whether monitoring is sufficient to support effective regulation, and whether existing arrangements enable the organisation to sustain and develop the necessary technical experience over time.

148 CAR form received from EA as part of the ‘D’ ‘E’ ‘F’ band analysis in Chapter 4. CAR form reference held on file.

149 29% of CAR Forms for on-site inspections analysed indicated two officers attending the inspection, 9% three officers, and 2% four officers (Data from analysis of ‘A’ band onsite inspections 2022).

150 ‘A new approach to ensure regulators and regulations support growth’. Letter from Chief Executive’s Office, EA to Rt Hon Keir Starmer MP and others (gov.uk, 16 January 2025) <<https://assets.publishing.service.gov.uk/media/6793755a8a0829895f24bf1b/environment-agency-ceo-letter-regulations.pdf>> accessed 21 July 2025.

151 NAO, ‘Environmental Regulation’ (NAO, 9 January 2026).

9.5 Financial factors

Stakeholders (industry and EA officers) thought that the resources available to the EA were impacting what regulation was undertaken. In the EA's waste sector survey in 2025, 48% of respondents disagreed with the statement that the EA was adequately resourced.¹⁵²

This view would appear to be supported by the fact that the EA Annual Report and Accounts showed a funding deficit of £12.5m in respect to regulating waste and installations in the 2023/24 financial year, representing an 18% overspend.

There is a paradox in that officers are not completing as many inspections as might be expected, but large deficits between revenue raised and spend are nevertheless occurring. If government is committed to effective oversight and making efficiencies it needs to understand where the EA is spending money.

Our report, 'Environmental Inspections in England – Case studies on selected laws and their implementation',¹⁵³ found that some financial information on income and expenditure is made publicly available in regulators' annual reports and accounts, but inspection spend is not itemised. Under current funding rules the EA does not have to report on how much of what it raises is being spent on inspections.

As it is hard to establish the cost of inspections, we are unable to determine whether the application of current funding models is working well.

In practice some officer time will be funded by grant-in-aid for specific tasks such as prosecution. This a sum of money provided to regulators by government to be applied in general support for the objectives of that organisation. This has "*gone down very significantly*" since 2010.¹⁵⁴

Funding for officers' inspection work mostly comes from operators who pay the EA sums ranging from hundreds, to tens of thousands of pounds, in annual subsistence fees for each regulated activity they conduct.¹⁵⁵ This element has "*increased considerably... over the last three years.*"¹⁵⁶

The purpose of subsistence fees is to maintain the regulatory regime as a whole, rather than to provide a strict level of service to an individual site. In accordance with the EA's charging model, 66% of the subsistence income can cover the direct costs associated with ensuring permit compliance (with the rest covering indirect costs).¹⁵⁷ This is developed in line with HM Treasury's guidance for managing public money.¹⁵⁸

152 EA, 'National waste crime survey 2025: results and findings Chief Scientist's Group report' (EA, July 2025). Question: "To what extent do you agree or disagree with each of the following statements about the EA and how it operates as an organisation in relation to waste regulation?", N=764: "adequately resourced": 4% strongly agree, 12% tend to agree, 35% neither agree nor disagree, 22% tend to disagree, 26% strongly disagree.

153 OEP, 'Environmental Inspections in England – Case studies on selected laws and their implementation' (OEP, July 2024).

154 House of Commons Environment, Food and Rural Affairs Committee, 'Oral evidence. Work of the Department and its arm's length bodies', HC415, 28 October 2025. Evidence of Philip Duffy.

155 The Environment Agency (Environmental Permitting and Abstraction Licensing) (England) Charging Scheme 2022 (amendments up to 27 February 2026).

156 House of Commons Environment, Food and Rural Affairs Committee, 'Oral evidence. Work of the Department and its arm's length bodies', HC415, 28 October 2025. Evidence of Philip Duffy.

157 EA, Guidance, 'How the EA calculates its charges' (EA, 1 April 2025). For example, (i) direct costs (people costs, non-people costs, operations management and support, fixed costs) – 66%; (ii) corporate costs (IT, estates, finance, shared services, communications, human resources, procurement and commercial) – 32%; (iii) capital finance costs – 1%; (iv) bad debt – 1%.

158 HM Treasury, 'Managing Public Money' (HMT, 2023).

Clearly regulation does not just involve employing officers and undertaking inspections. The EA states that “*we will continue to ensure that people only pay for the regulatory service they receive*”.¹⁵⁹

But the NAO found that some EA monitoring and intelligence gathering activity was disrupted by responding to emergency incidents and reactive work.¹⁶⁰ Using officers responsible for waste inspections for flooding incident response¹⁶¹ is an example of a difficult position in which the EA finds itself. Government expects the EA to respond to emergency situations, but there may not be the direct resource available for that, so it has to be taken indirectly from other regimes like waste operations and installations.

This work can be funded through cross-charging; however, in the short term, waste operations and installations teams still lose front-line officer capacity. Similar issues arise with time-and-materials charging, which is often delayed and applied inconsistently, creating uncertainty and making longer-term recruitment and workforce planning difficult.

Industry stakeholders also did not feel that they were being inspected as frequently as expected from their annual subsistence costs. Inspection levels are also lower than the risk-based planning approach set out by the 2018 strategic review of charges.

If all of the work of officers is necessary and justifiable, and can be traced back to certain allocated funding streams, then the system might be working as intended. But the issue of how the EA raises and spends money, and on what specifically, is opaque and there is a lack of clarity about where and how different sources of funding are being spent in practice, the outcomes from such spending, and its impact on service levels. There should be more transparency to enable scrutiny of whether the legislation on inspections is being well implemented, or if insufficient funding is being dedicated to achieve ‘appropriate periodic inspections’.

If information on how money is being spent under allocated funding streams is not currently available to the EA, it would be helpful for itemised financial data on inspections to be made available to inform its planning and implementation of inspections.

The Corry Review recommended that a short review was needed to assess the current landscape of chargeable services and cost recovery across Defra, so it can go further in applying the polluter pays principle, to support the Department in providing faster and more transparent digital services to customers.¹⁶²

It is our view that if the EA is to make improvements and efficiencies, and provide better regulation that is value for money for Government and businesses, then they should understand very clearly where money is being spent.¹⁶³

159 Consultation response document: EA, ‘Environment Agency charge proposals from April 2019’ March 2019.

160 NAO, ‘Environmental Regulation’ (NAO, 9 January 2026).

161 Cabinet Office, ‘Preparation and planning for emergencies: responsibilities of responder agencies and others’ (Cabinet Office, 2013) <www.gov.uk/guidance/preparation-and-planning-for-emergencies-responsibilities-of-responder-agencies-and-others> accessed 10 February 2026. The EA are frontline Category 1 responders under the Civil Contingencies Act 2004 for flooding incidents. Officers take part in incident response roles in addition to their day jobs.

162 Dan Corry, ‘Delivering economic growth and nature recovery: An independent review of Defra’s regulatory landscape: foreword and executive summary’ (Defra, 2 April 2025). Recommendation 20.

163 OEP, ‘Environmental Inspections in England – Case Studies on selected laws and their implementation’ (OEP, 2025).

Chapter 10. Reliability of key performance indicators



Chapter 10. Reliability of key performance indicators

10.1 Overview

KPIs can provide measures of progress in meeting objectives.¹⁶⁴ They also play a vital role in ensuring accountability and transparency. The EA Chief Executive commented in 2026 that *“I personally believe in targets; I think that public bodies need them.”*¹⁶⁵

There is an agreed performance metric between the EA and Defra, that: *“97% of regulated sites are compliant. A site is compliant if assessed within the top 3 compliance bands (‘A’-‘C’).”*¹⁶⁶

The EA’s KPI results are publicly reported quarterly or annually,¹⁶⁷ and the percentage of sites that are in bands ‘A’-‘C’ has regularly been reported above 97%. While this metric was not established as a formal KPI until 2022, retrospective application indicates consistently equivalent performance to a 97% KPI in each year since 2013.^{168 169}

10.2 The reliability of the compliance data

In our view 97% of sites cannot be described as being compliant using the data available because of the following factors.

(a) Sites that are not inspected become by default Band ‘A’ sites

In calculating the KPI, the EA includes sites that operate under alternative inspection cycles, rather than the annual inspection regime applied to the majority of waste and installation activities within the regulated industry. These include, for example, sites regulated for mining waste, intensive agriculture, and biowaste use. Such sites are inspected according to different regulatory schedules and are explicitly excluded from the KPI set out in Chapter 7.3, which is based on a requirement for one inspection per site per year. Their inclusion in the calculation therefore reduces the reliability of the KPI as an annual performance measure.

Of sites considered part of ‘regulated industry’ and receiving an annual compliance band, 29% received no form of compliance inspection in 2022. Those sites are formally recorded by the EA as being in Band ‘A’ (the highest performing band) for the purposes of compliance classification and subsistence fee charging.

Without these sites being assessed, however, it is difficult to be confident that they can be assumed to be highly compliant. The EA is likely to have adopted this approach because it would be disproportionate to levy any additional subsistence fees to a site that did not

164 Robert Baldwin, Martin Cave, Martin Lodge, *Understanding Regulation. Theory, Strategy and Practice* (OUP 2013).

165 Public Accounts Committee, ‘Oral evidence: Environmental regulation’, HC 1687 Monday 2 February 2026. Evidence of Philip Duffy.

166 EA, ‘Corporate Report. EA Business Plan 2024-25’ (gov.uk, 20 May 2024).

167 For example, EA, ‘Corporate scorecard 2024 to 2025 – quarter two’ (gov.uk, updated 31 July 2025).

168 EA, ‘Review of activities regulated by the EA 2022’ (gov.uk, 28 February 2024).

169 The KPI was introduced in 2022. Previously, performance was measured using a KPIs that tracked the number of sites remaining in bands ‘D’, ‘E’ or ‘F’ for more than one year, and in bands ‘E’ and ‘F’ for more than two years.

receive an inspection and banding in the previous year. However, as described in Chapters 3 and 7, the design of the compliance system did not anticipate a scenario in which sites would not receive a minimum number of routine inspections.¹⁷⁰ This is illustrative of how the operational approach has evolved, with implications on reporting and assurance.

When excluding the 29% of sites that were not inspected, the overall compliance rate for the remaining inspected sites in 2022 (8,681¹⁷¹ in total), would be 96.2%. Under the EA's KPI RAG assessment, this level of performance would result in an Amber rating.¹⁷²

(b) Band 'C' sites are classed as 'compliant sites' in the KPI

The KPI is intended to reflect the proportion of regulated sites that are compliant with their permit. A further inconsistency between the KPI and how the EA scores permit compliance means that the KPI does not accurately reflect that proposition, so risks giving a misleading picture.

The KPI counts Band 'C' sites as 'compliant'. But to be categorised as a Band 'C' site, permit *non-compliance* (emphasis added) will have been detected. For other purposes the EA therefore regards Band 'C' sites as ones which "*must improve in order to achieve permit compliance*".¹⁷³

Whilst Band 'C' sites do not exhibit significant non-compliance, they may have up to seven instances of minor non-compliance, a considerable number if achieved in one annual inspection. If Band 'C' sites require enforcement action to drive improvements,¹⁷⁴ it raises questions about their inclusion in a metric intended to reflect satisfactory compliance.

In its KPI result communications the EA often talks about the "*permit compliance rate*" being at 97%,¹⁷⁵ or that 97% of sites "*comply*"¹⁷⁶ or are "*compliant*".¹⁷⁷

In principle, there is no objection to the EA monitoring its performance via a metric which applies to sites that are in the 'A'-'C' banding. Nevertheless, the EA should ensure that its communications on KPI performance do not inadvertently indicate that Band 'C' sites are compliant. Better detail is included as part of the EA Chief Regulator's report which states that 91% of sites in the waste sector and 95% of installations are in bands 'A' and 'B' in 2024.¹⁷⁸ However as highlighted in section (a) this include sites that were unassessed.

This approach risks overstating overall compliance, while also undervaluing the effort and financial investment made by operators that actively prioritise and invest in achieving and maintaining high levels of compliance, thereby potentially disincentivising high performance.

In 2022, 511 sites were classified by the EA as being Band 'C' sites (4%). If these are deducted to leave only those sites that have demonstrated an expected level of permit compliance (Bands 'A' and 'B') then the total figure of compliant sites in England is closer

170 With exception to those sites outside of the regulated industry definition e.g. (mining waste, intensive agriculture, MCP and biowaste use).

171 327 'D' 'E' and 'F' sites.

172 Green =>97%, Amber =>95 – 96.9%, Red <95%.

173 EA, 'Waste operations and installations: assessing and scoring environmental permit compliance' (EA, updated 16 January 2024).

174 *Ibid.*

175 EA, 'Regulating for people, the environment and growth', 2020 (EA, 2021).

176 Conor McGlone, 'EA says compliance improved during 2020, despite fewer inspections', *ENDS reports*, 20 Oct 2021.

177 EA, 'Annual report and accounts 2024 to 2025' (EA, 30 October 2025).

178 EA, 'EA Chief Regulator's report 2024-25: supporting evidence' (EA, 21 November, 2025).

to 94% or 90% where unassessed sites are also removed from the calculation.¹⁷⁹ On this basis, performance at this level would have been assessed as Red under the RAG-rated KPI framework.

With a better understanding of how changes to the delivery of inspections interacted with this key assurance measure, the EA might have identified potential issues in its approach. Similarly, greater transparency and reporting of the KPI could have brought weaknesses within the system to light at a much earlier stage. This is particularly important given that the KPI provides information used by Defra, Parliament, industry and the public to understand the EA's performance.

If the 29% of sites that were not inspected by the EA but automatically recorded as Band 'A' sites as well as the 4% of sites classified by the EA as being Band 'C' sites are removed from the KPI reporting of 97%, this suggests that the EA can only be confident that around 64% of its sites are compliant. This does not imply that the remaining sites are non-compliant, but rather that there is insufficient evidence to be confident about their compliance status.

10.3 Defra KPI guidance

Defra has developed 'Environmental KPI Reporting Guidelines' which contain core principles which aim to improve the transparency, accountability, and credibility of environmental KPI reporting.¹⁸⁰ While they are aimed at the private sector, they may be regarded as representing good practice generally.

It is therefore notable that this does not appear to be reflected in the EA's approach to reporting on the 97% KPI.

(a) Principle 1

Principle 1 says that sources of underlying data should be as readily available as possible alongside the KPI reporting. This adds to reporting transparency and enables independent analysts to undertake in-depth research. The way the data is currently presented and made publicly available by the EA does not readily provide for this.

(b) Principle 2

Principle 2 says that a KPI should be accompanied by a general narrative, explaining its purpose and impacts. We could not locate any EA document that explained the EA's 97% KPI's purpose and foreseen impacts.

Principle 2 also says that alongside each KPI there should be a description of the process undergone, the calculation methods and any relevant assumptions. A KPI that defines compliance rates as the number of facilities that are complying is according to the OECD also "*dependent on the use of sampling approaches to develop representative, statistically valid compliance rates*" if not all of the regulated community is checked.¹⁸¹

179 Sites that fall outside the regulated industry annual compliance regime, for example mining waste and agricultural activities, were excluded from the analysis. To calculate we used EA 'Compliance Ratings (Waste and Installations)' 2022.

180 Defra, 'Environmental Key Performance Indicators, Reporting Guidelines for UK Business' (Defra, 2006).

181 OECD, 'Ensuring Environmental Compliance. Trends and Good Practices' (OECD, 2009).

We could not see any justification in any EA documentation for all uninspected sites being classified as Band 'A.' The EA has not used a sampling approach for its calculations (i.e. basing the KPI on only those sites that have been inspected).

The OECD has said that it is problematic determining a compliance rate for environmental facilities that have not been inspected in a particular year.¹⁸² EA officer stakeholders also described the default of sites being placed in Band 'A' if they were not visited as misrepresentative.

Defra states in this guidance that KPI results should be communicated in a “*meaningful way*” and that those responsible for the KPIs have to be “*honest about the challenges faced*.”¹⁸³ But it seems that through its inclusion of uninspected sites the EA’s own KPI reporting paints an unreliable picture of compliance in the sector.

The EA’s latest quarterly scorecard reports that “*of the waste and installation permitted sites assessed in 2024, 97% were compliant*”.¹⁸⁴ If this KPI were calculated using assessed sites only, that would be a welcome improvement in how performance is expressed. However, other publicly available data suggests that approximately 78% of waste and installation sites were inspected in 2024, with 20,631 assessments completed. Across the year, 1,053 sites were recorded in compliance Bands 'C' to 'F'.¹⁸⁵ Using those figures, of the 8,790 waste and installation sites inspected, around 88% were compliant (i.e., not in Bands 'C' to 'F').¹⁸⁶ The EA has advised that the description in the scorecard constitutes an error in the commentary associated with the KPI. It has stated that it plans to clarify the basis on which the KPI is calculated in future reporting and has indicated an intention to review the KPI more generally to ensure that it is fit for purpose.

The EA’s annual report,¹⁸⁷ published in late 2025 (after the above scorecard), and Chief Regulator’s Report¹⁸⁸ state that 97% of permitted sites were compliant, without mentioning those numbers that were not inspected.

(c) Principle 3

Principle 3 says that the KPI results should be reported in a comparable format, so users of reports can assess performance over time. We consider that the EA’s compliance data results have not been presented in accordance with this principle and have been difficult to analyse and compare across years because they are continually presented in an inconsistent way in the EA’s annual reports.¹⁸⁹

182 *Ibid.*

183 Defra, 'Environmental Key Performance Indicators, Reporting Guidelines for UK Business' (Defra, 2006).

184 EA, 'Corporate scorecard 2024 to 2025 – quarter four' (EA, 31 July 2025).

185 EA, 'National Compliance Assessment' <www.data.gov.uk/dataset/d49096ed-e89c-488f-9bae-d79ef4891394/national-compliance-assessment> accessed 30 January 2026, records 20,314 assessments were completed at 8,790 sites, filtered to remove agriculture, biowaste use, mining waste, medium combustion and nuclear, in 2024. EA, 'Compliance Ratings (Waste and Installations)' <www.data.gov.uk/dataset/1b268e32-d399-4e1c-87a0-00a17a11fce6/compliance-ratings-waste-and-installations> accessed 30 January 2026, filtered to remove the same sectors, records that 11,296 waste and installation permits were held in 2024.

186 EA, 'Compliance Ratings (Waste and Installations)' <www.data.gov.uk/dataset/1b268e32-d399-4e1c-87a0-00a17a11fce6/compliance-ratings-waste-and-installations> accessed 11 February 2026, records in 2024 there were 1,053 sites in Bands 'C'-'F' and 2,937 sites in Band 'B', when filtered to remove agriculture, biowaste use, mining waste, medium combustion and nuclear sites. Therefore, of the 8,790 sites inspected, 7,737 sites were compliant (in Bands 'A' or 'B').

187 EA, 'Annual report and accounts 2024 to 2025' (EA, 30 October 2025).

188 The EA 'Chief Regulators Report 2024-25' (EA, 2025) and the supporting evidence report accompanying this do not mention that all sites were not inspected when reporting on overall compliance in the sector.

189 For example, see the EA's 'Regulating for people, the environment and growth' reports (2016-2021).

10.4 Impacts

Performance assessment is important for the progressive development of regulatory policies and can be integral to good regulatory management. It can help the EA get a better understanding of itself as an organisation, including how to improve the ways that it regulates and specific processes used, reducing its costs, or achieving stakeholder expectations.

But the design of the 97% KPI does not seem to be helping the EA reach a level where it can understand performance and improve it.

The NAO's 2025 report found the EA's focus is on 'inputs' rather than broader environmental 'outcomes'.¹⁹⁰ The OECD found that KPI assessments, which measure the extent to which the goals of a specific programme, such as the number of sites that are compliant, are historically less common in environmental regulation.¹⁹¹ This is in part because, as a Defra study from 2005 found, environmental risk-based systems where scores are allocated and compared can be 'gamed' by regulators,¹⁹² and it is limited as a method of performance assessment as it only tests the model within its existing parameters.¹⁹³

The EA Chief Executive said in 2026 that "*right now in the EA, every month, I say to all my area directors, "Are you meeting your targets?" Maybe they are the right targets or the wrong ones, but people are trying to meet them.*"¹⁹⁴ This underlines the importance of having an effective and well-designed suite of KPIs, as performance measures inevitably shape organisational focus, behaviour, and the allocation of regulatory effort.

EA officer stakeholders thought that the EA had become too focused on achieving the 97% KPI, at the expense of concentrating on outcomes and the objectives of the inspection programme. They considered that there should be clearer direction about what was important to the EA in respect to regulating the sector and why, and what outcomes it was looking to achieve. One EA officer stakeholder suggestion was to have a metric that confirmed the number of non-compliances that had been addressed.

As the EA reports a consistent level of good performance there is a risk that this reduces the impetus to review whether the system of compliance assessment is working as well as it might.

Finally, reported achievement against the 97% metric may have had implications for how resourcing needs are perceived. In circumstances where KPIs indicate strong performance, it may be more difficult to demonstrate the case for additional investment.


190 NAO, 'Environmental Regulation' (NAO, 9 January 2026).

191 OECD, 'Ensuring Environmental Compliance. Trends and Good Practices' (OECD, 2009).

192 Defra: 'A Review of Enforcement Measures and an Assessment of their Effectiveness in Terms of Risk and Outcome,' written by Robert Baldwin and Julia Black, (Defra, 2005).

193 Julia Black and Robert Baldwin, 'Really Responsive Risk-Based Regulation,' 32(2) *Law and Policy* (2010) 181.

194 Public Accounts Committee, 'Oral evidence: Environmental regulation', HC 1687 Monday 2 February 2026. Evidence of Philip Duffy.



Chapter 11. Accessibility of compliance data and if it is used sufficiently to drive improved outcomes

Chapter 11. Accessibility of compliance data and if it is used sufficiently to drive improved outcomes

11.1 Overview

The EA has publicly recognised that transparency is central to effective regulation and sustainable growth.¹⁹⁵ It has committed to keeping stakeholders informed through data, reporting, and proactive publication of regulatory information.¹⁹⁶

Highlighting how well-regulated communities are adhering to the rules is also known to influence business behaviour, as non-compliance can result in adverse reactions from customers, investors, insurers, or the stock market.¹⁹⁷

In the 2018 Resources and Waste Strategy¹⁹⁸ the Government committed to publicising industry performance data to help recognise higher performing operators, and to help people and companies to better achieve their duty of care commitments.¹⁹⁹

This chapter examines the accessibility of compliance data, and if it is being used sufficiently to inform duty of care checks and drive market behaviour.

11.2 Public register data

The EA is under a statutory duty to maintain a public register containing all information about a permitted site obtained by the regulator as a result of its own monitoring, such as completed CAR forms.²⁰⁰ The EA must make the register available for public inspection at all reasonable times, free of charge, and enable members of the public to obtain copies of register entries on payment of a reasonable charge.²⁰¹ The register may be kept in any form.²⁰²

At the outset of this research, the EA did not make CAR forms available online, and they could not be accessed at EA offices. The EA considered its statutory obligation to be met by enabling individuals to request copies directly.²⁰³

195 EA, 'Reflecting on progress in regulation: Paving the way to EA2030' (EA blog, 21 August 2025) <<https://environmentagency.blog.gov.uk/2025/08/21/reflecting-on-progress-in-regulation-paving-the-way-to-ea2030/>> accessed September 9, 2025.

196 *Ibid.*

197 OECD, 'Ensuring Environmental Compliance. Trends and Good Practices' (OECD, 2009).

198 HM Government, 'Our Waste, Our Resources: A Strategy for England' (London: The Stationery Office, 2018), para 4.3.4.

199 The 'duty of care' provisions under the Environmental Protection Act 1990 (s.34) imposes a duty on any person who imports, produces, carries, keeps, treats or disposes of controlled waste, or has control of such waste, to take reasonable measures to prevent specified regulatory or environmental permit contraventions by any other person – which could prevent waste being transferred to non-compliant sites. That person must also take reasonable measures to only transfer waste to an authorised person or to a person for authorised transport, and to prevent the escape of waste whether by that person or by any other person.

200 EPR 2016, reg 46(1) and sch 27(1).

201 *Ibid.*, reg 46(6).

202 *Ibid.*, reg 46(7).

203 Defra, 'What is changing with Compliance Assessment Report (CAR) forms?' (gov.uk, updated 25 September 2025) <<https://environment.data.gov.uk/support/faqs/715423752/809598986>> accessed 27 October 2025.

There has been criticism of the EA for not publishing inspection data.²⁰⁴ We have also informed it about our data access concerns in relation to complaints we have received about this.²⁰⁵

The EA recently changed its approach to publication of waste and installations CAR forms. Those written from 18 August 2025 became available online from 29 September 2025.²⁰⁶ This is a positive step by the EA. A former EA officer stakeholder thought this would place a greater onus on officers to produce work of a good standard. Better transparency was also considered by them to help drive consistency.

Those CAR forms written before 18 August 2025 will not be published online, but can be obtained from the EA through an information request. Our earlier data access concerns about information not being available for inspection pro-actively, through a publication scheme, would appear to still apply to this policy. Additionally, where information of any description is excluded from the public register, under the legislation a statement must be entered on the register indicating the existence of information of that description.²⁰⁷ It does not appear that this is taking place.

But some countries have gone further. In the Republic of Ireland (which has a similar legal framework around inspections and similar independent national regulator to England) all EPA documents in the compliance assessment process, including responses from the licensees, are published online. As well as inspection reports, this includes all written correspondence, and individual complaints from the public about sites (with names of complainants protected). The EPA considers that its high level of openness has enhanced its reputation.

11.3 Operator performance data

The EA has sought to achieve the 2018 Waste and Resources Strategy commitment to publish performance data by publishing an online dataset of annual totals of the non-compliance points given and compliance bandings allocated.²⁰⁸ We consider there are problems with this response for the following reasons.

(a) Long time delays in releasing the data

There are long time delays before publication of the data. The scores for the 2022 calendar year were not released until 27 February 2024.²⁰⁹ This delay undermines the effectiveness of the compliance system as a mechanism for stakeholders and businesses to benchmark performance nationally.

A clear risk of the above is that the compliance situation at a site could change. Over an extended period, a site might have either improved significantly, or conversely deteriorated

204 House of Commons, Environment, Food and Rural Affairs Committee, 'Oral evidence: Work of the Department and its arm's length bodies', HC 415, 28 October 2025. Q300 Jayne Kirkham.

205 OEP, 'The EA's duty to provide a Public Register as specified in The Environmental Permitting (England and Wales) Regulations 2016' (OEP, 20 January, 2022). <www.theoep.org.uk/investigation/eas-duty-provide-public-register-specified-environmental-permitting-england-and-wales> accessed 25 May 2026.

206 Defra, 'What is changing with Compliance Assessment Report (CAR) forms?' (gov.uk, updated 25 September 2025) <<https://environment.data.gov.uk/support/faqs/715423752/809598986>> accessed 27 October 2025.

207 EPR 2016, reg 46(5).

208 EA, 'Compliance Ratings (Waste and Installations)' (EA, updated 1 August 2025) <www.data.gov.uk/dataset/1b268e32-d399-4e1c-87a0-00a17a11fce6/compliance-ratings-waste-and-installations> accessed 19 August 2025.

209 Data for 2023 was published in January 2025, and data for 2024 was released at the end of 2025.

in performance. By the time compliance scores are released in England they are less likely to be an accurate reflection of the state of compliance.

If data is to have some meaningful use, it cannot be too out of date. Consumers in another area of regulation (food hygiene) considered that if performance ratings reflected inspections that had happened several years before, they might not reflect current practice, and called into question how useful the ratings might be.²¹⁰

Considerable time lags in releasing performance scores might also reduce its positive effects. If a business knows that it takes a long time before compliance issues are made publicly available, this might reduce any incentive it has to quickly remedy any compliance issues.

The Corry Review recommended increasing the transparency of the work of regulators by making “live” information accessible to the public, so that they could see for themselves how regulators were improving the environment in their area.²¹¹

In the Republic of Ireland, performance information is placed online within a 30-day window from the inspection taking place. The EPA consider that having such a dynamic reporting system incentivises operators to address compliance issues quickly. The public is also better informed, and gets a better picture as to whether the work of the EPA is outcome-focused and prompting compliance changes. The EPA considers that its transparent approach provides reassurance to the public that if there is non-compliance “*they are on to it, and are not hiding issues from the public*”.

(b) Form in which the data is presented

The published EA dataset consists of a downloadable excel spreadsheet file for each year. This comprises multiple fields of information on all waste operations and installations permits (of which there were 14,006 in 2022). Whilst making such rich data public is helpful, its unfiltered presentation is overwhelming, making it difficult to judge the performance of operators.

(c) Promoting data availability

Limited action has been taken by the EA to promote the availability of the performance data. Given this, it seems unlikely that the current approach is effectively supporting the 2018 Waste and Resources Strategy goal of raising industry standards.

The EA recognises that there is an organisational challenge with data transparency. The Chief Executive said in 2024 that: “*I am very struck by feedback I have had from stakeholders that says that they want to see us publishing more data and being more transparent. They rely upon us for data for their work in the area and they want to see more of it, and they want to see platforms where they can interrogate that data and see it being very visible. We have just started that effort*”.²¹²

210 Ipsos UK and Food Standards Agency, ‘The value of the Food Hygiene Rating Scheme and potential changes to regulatory approach: Consumer research’ (Ipsos, 2023).

211 Dan Corry, ‘Delivering economic growth and nature recovery: An independent review of Defra’s regulatory landscape: foreword and executive summary’ (Defra, 2 April 2025).

212 Environmental Audit Committee Oral evidence: ‘The environmental protection work of the EA,’ HC 702, 24 April 2024.

Not publishing compliance data (either dynamically, or at all) has resource implications. The EA overall receives about 48,000 freedom of information requests a year.²¹³ This is broadly equal to the whole of central government. The EA has recognised that this situation “*is in part because we do not publish enough material easily*”.²¹⁴

Healthy and competitive markets function better if consumers are sufficiently well informed to be able to make judgements about the businesses they use on the basis of their compliance.²¹⁵ A 2022 Defra report found that the second most important factor for UK businesses when transferring waste was to give it to someone responsible, with 91% of the respondents thinking that this was very important or quite important.²¹⁶

Industry stakeholders we consulted were in favour of more transparency and better reporting of compliance results to drive better performance. They thought that providing better visibility of compliance data would improve market competition by better highlighting good operators, improve operator performance, and improve regulator performance. They also thought that people would be interested in compliance data if presented correctly and the EA would be pushing at an open door if it took steps to facilitate this.

In the Republic of Ireland over 100,000 documents relating to compliance of EPA regulated sites (not just waste sites) are accessed annually online by businesses and the public. For a country with a much smaller population than England this is a high number of data users, showing that if performance information is made accessible, the public are interested in accessing it and gaining a better understanding of the licensee’s activity and the enforcement activity of the regulator.

213 *Ibid.*

214 *Ibid.*

215 E. Hayek, ‘The Use of Knowledge in Society’ (1945) 35 *American Economic Review* 519.

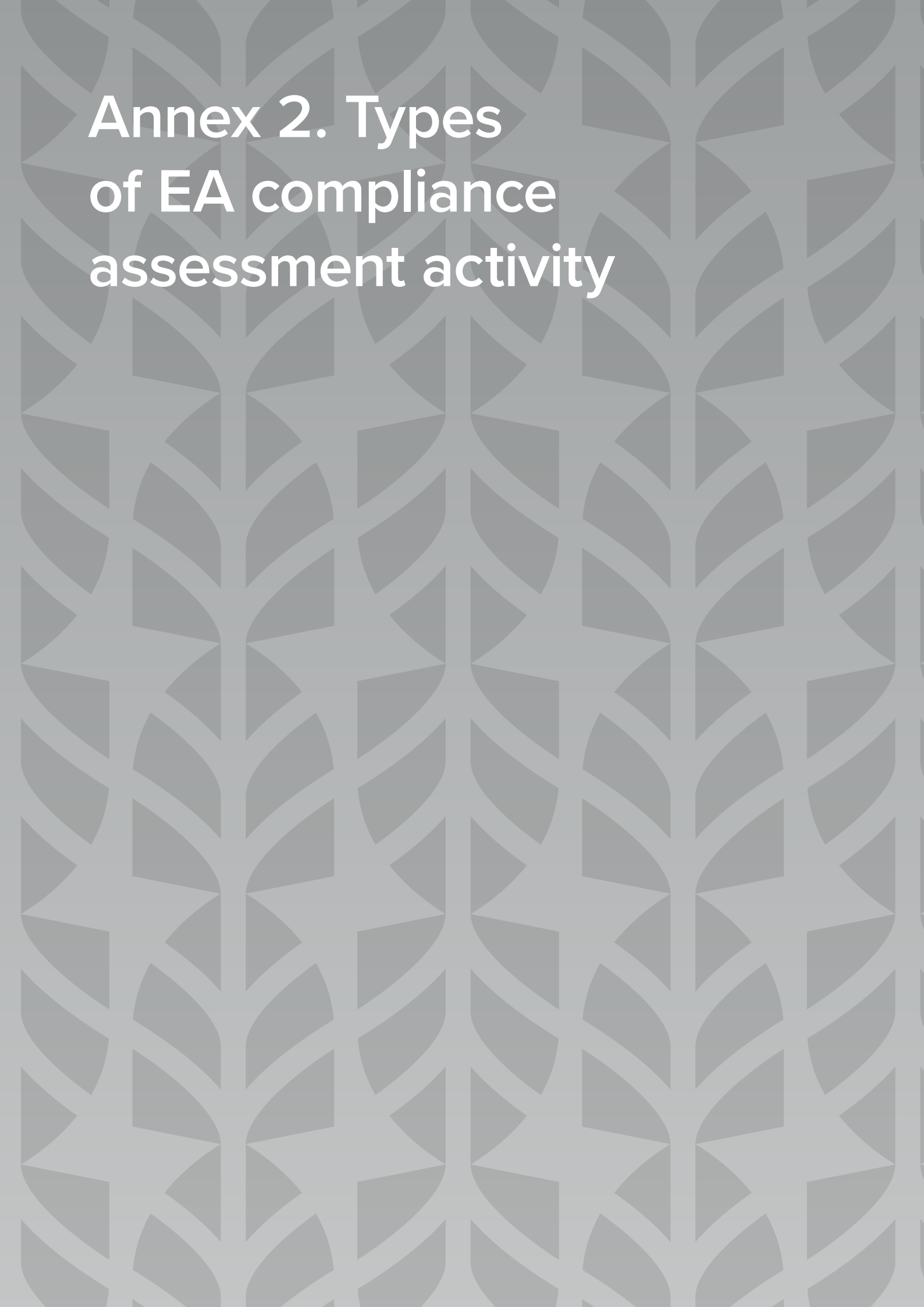
216 Defra, ‘Fly-tipping: Drivers, Deterrents and Impacts’ (Defra, 2022).

Annex 1. Acronyms

The background of the page features a repeating pattern of stylized, light gray leaves. Each leaf is a simple, rounded shape with a central vein, arranged in vertical columns that create a sense of depth and texture. The leaves are set against a slightly darker gray background, creating a subtle, organic pattern.

Annex 1. Acronyms

Acronyms	Description
CAR	Compliance Assessment Report
Defra	Department for Environment, Food, and Rural Affairs
EA	Environment Agency
EPA	Environmental Protection Agency (Republic of Ireland)
EPR	Environmental Permitting Regulations
EU	European Union
HSE	Health and Safety Executive
KPI	Key Performance Indicator
NAO	National Audit Office
OEP	Office for Environmental Protection
RAG	Red, Amber, Green
SMART	Specific, Measurable, Achievable, Relevant, Time-bound
SPM	Site Prioritisation Matrix
SRoC	Strategic Review of Charges

The background of the page features a repeating pattern of stylized, light gray leaves. Each leaf is pointed and has a central vein, arranged in vertical columns that create a sense of growth and movement.

Annex 2. Types of EA compliance assessment activity

Annex 2. Types of EA compliance assessment activity²¹⁷

Activity	Description
On-site inspection	In-person visits used to assess permit compliance. They consider whether both the environmental and management controls are effective or if they need reviewing.
Audit	An in-depth review of an operator's compliance which assesses their ability to meet regulatory standards, often focusing on a specific aspect of their operation. These might be completed as part of sector wide campaigns or in response to site specific issues. Conducted in person.
Remote inspection	Desk-based assessment of a permitted site.
Remote audit	In-depth desk-based assessment of a permitted site.
Report/data review	Desk based assessment of an operator's data or records, which may either be requested for a specific review, or routinely submitted to comply with permit requirements. Relevant data or records might include emissions monitoring results or engineering plans and quality assurance reports.
Procedure review	Desk based assessment of adequacy of the environmental management system and procedures.
Check monitoring	Routine and spot check samples, deployment of continuous monitoring equipment (for example, water quality sondes, air quality monitors or surveys for odour or noise).

²¹⁷ Data provided by the EA (2024).

Annex 3. Methodology



Annex 3. Methodology

1. Introduction

In line with our commitment to transparency and accessibility we have developed the following methodological statement to accompany this report. This provides information on our research approach, including the data sources we have used, our analytical methods and the stakeholder engagement we have undertaken.

This is intended to be in line with our Statement of Voluntary Compliance with the Code of Practice of Statistics²¹⁸ and also compliant with the key principles in the Government Social Research Publication Protocol.²¹⁹

2. Data received from the EA

(a) Compliance dataset

In June 2023, the EA was asked to provide its compliance dataset for the 2022 calendar year, so we could select which regulated sites to examine. Although the data is publicly available,²²⁰ it had not been published at the time (official publication was on 28 February 2024). To ensure our review was based on the most recent data we requested early access. It was provided by the EA on 4 December 2023, when it was in a form that the EA considered it could be released.

In addition, we collected compliance data published by the EA covering the years 2018 to 2021.

We decided to primarily focus on those sites that received annual compliance ratings and removed sites falling outside this scope.²²¹ The refined dataset was used to identify CAR forms to request from the EA. Our selection process was randomised, with weighting applied based on the size of each of the 14 EA regional areas to ensure a representative geographical spread across England.

(b) CAR form requests

On 4 January 2024, the EA was asked to provide CAR forms for 300 sites that had received an 'A' band classification following a single on-site inspection in 2022, and CAR forms for 100 sites that had received an 'A' or 'B' classification based solely on remote compliance activity in 2022. These were received on 29 January 2024.

Separately, on 23 January 2024, we requested CAR forms covering both on-site and remote compliance activity for 90 permitted sites that had been rated in the 'D', 'E', or 'F'

218 <www.theoep.org.uk/sites/default/files/reports-files/Statement%20of%20Compliance%20with%20the%20UK%20Code%20of%20Practice%20for%20Statistics.pdf> accessed 10 December 2025.

219 Government Social Research, 'Publishing research and analysis in government. GSR Publication Protocol', Version 4, May 2022.

220 EA, 'Compliance Ratings (Waste and Installations)' (gov.uk, updated 1 August 2025) <www.data.gov.uk/dataset/1b268e32-d399-4e1c-87a0-00a17a11fce6/compliance-ratings-waste-and-installations> accessed 24 September 2025.

221 Sites in these sectoral areas were excluded: mining waste Directive; medium combustion plants; intensive farming; biowaste; non-nuclear radioactive substances sectors; permits effective after October 2022; sites in temporary cessation or pre-construction; closed landfill (included in overall KPI from 2023/24).

compliance bands between 2018 and 2022. In total, approximately 1,200 individual CAR forms were received on 24 May 2024.

Not all site data requests returned the expected results. In some cases, national operator returns were included within 'A' band site data alongside CAR forms from physical site inspections; these were discounted from the analysis. Overall, 287 CAR forms were assessed in this data set.

Some sites returned more than one CAR form where only one was expected. For the purposes of analysis, we assessed 133 'A' and 'B' band sites from remote inspections, of which 46 were national operator returns.

For 'D' 'E' and 'F' sites, one site returned fewer CAR forms than would be expected based on the final banding. The results above are likely due to complications arising from comparisons across different datasets, where sites may hold multiple permits and inspections are sometimes recorded under a single permit reference. However, the number of such cases was limited and did not materially affect the overall analysis.

(c) Supplementary data

Further data requests were sent to the EA, split into five parts (as shown in Table A).

Table A: Supplementary data requested

Part	Data	Requested from EA	Received from EA
1	Data on officer numbers/salaries. Data on the total number of permits in each compliance band ('A' to 'F') between 2018 – 2023.	5 March 2024	17 June 2024
2	Data on incident reports received by the EA from members of the public, and the number of complaints about the response/service received by the EA from members of the public.	5 March 2024	25 June 2024
3	Data on the total yearly number of recorded fires at EA regulated waste operations and installations.	5 March 2024	25 June 2024
4	Data on follow-up work on the analysis/classification of trommel fines following a 2020 EA report.	5 March 2024	7 May 2024
5	Data on resourcing, the publication of compliance scores, appeals, remote checks, decisions regarding the type of compliance activity, quality assurance, training and misdescription.	2 October 2024	10 December 2024

We acknowledge that the lengths of time it took the EA to respond to the various data requests were because of the significant amount of information asked for. The project team is grateful to the EA for all of its data responses.

3. CAR Form analysis

We examined CAR forms covering about 3.25% of all regulated sites in 2022. However, because the EA did not inspect all sites that year, this represents about one in 16 of sites that were subject to compliance activity.

We looked across five years (2018-2022) at inspections of poorer performing sites ('D', 'E' or 'F' band) and examined CAR forms for 100 permitted sites. Around 3% of sites are poor performers each year.²²² Of the 327 waste and installation sites which were poor performers in 2022, over a third were recurring, with 124 persistent poor performers in the waste sector.²²³

The assessment of each CAR form against our selected criteria inevitably introduced a degree of subjectivity. For example, evaluating the clarity and appropriateness of enforcement actions requires significant expert judgement to assign RAG ratings.

To ensure high-quality analysis, we assembled an expert team comprising two OEP investigators and an external consultant. All three were former EA officers with extensive inspection experience. To maintain the quality and consistency of our analysis, we implemented a comprehensive peer review and calibration process, which included the stages outlined in Table B.

Table B: Peer review and calibration process

Stage	Peer review and calibration process
Initial peer review	All assessors analysed the CAR forms from five of the same sites. There was then an internal review of the five completed assessments. Any discrepancies in the recorded results were discussed during an evaluation session to refine the assessment process.
Mid-process peer review	After completing 10 assessments a further peer review exercise was undertaken. The same evaluation and adjustment process as the initial review was followed. Where a new consensus on how analysis should be recorded was reached this was applied to both previously assessed sites and to future assessments.
Final peer review	Upon completing all CAR form assessments, we randomly selected 20 from each category for a final review, to ensure consistency in the application of the analysis recording across all assessments.

4. Stakeholder Interviews

During the project we engaged with stakeholders who had played various roles in compliance assessments or who were in a position to provide informed insight into them.

Meetings were held with individuals from the Fire and Rescue Service, former EA employees, Environmental Protection Agency (Ireland), Newcastle-under-Lyme Borough

222 This percentage was ascertained via the 2022 compliance rating dataset. EA, 'Compliance Ratings (Waste and Installations)' <<https://www.data.gov.uk/dataset/1b268e32-d399-4e1c-87a0-00a17a11fce6/compliance-ratings-waste-and-installations>> accessed 19 January 2025.

223 EA, 'Review of activities regulated by the EA', 2022 (EA, 2024).

Council, law firms, academics, and technology companies. The meeting content varied according to the particular interests and specialisms of each stakeholder.

We held seven meetings with waste trade bodies including the Environmental Services Association, Chartered Institution of Wastes Management, Wood Recyclers Association, British Metals Recycling Association, Renewable Energy Association, Tyre Recovery Association, and United Resource Operators Consortium. Some trade bodies invited a selection of their membership to join the meeting.

The OEP has a College of Experts, comprising 58 members. The experts we met with as part of this review were Professor Stuart Bell (York University), Peter Kellett (University College London), and Alan Potter (Beyond Waste).

One or two members of the team participated in each of the meetings. All meetings were semi-structured teleconference calls, lasting between 60 and 150 minutes.

The project team are grateful to all of the interviewees for their time and input.

5. Questionnaires

We developed questionnaires for EA officers, former EA officers, and businesses operating in the waste and resources industry sector. All three questionnaires were co-designed and implemented by an external contractor, Professor Hervé Borrión, who works at University College London but undertook this work as a consultant.

They were all run on an online platform, [SurveyMonkey.co.uk](https://www.surveymonkey.co.uk). Ethical and data protection approval was granted by the OEP. Respondents were informed of the purpose of the questionnaire before providing informed consent for the collection, analysis, and publication of their answers.

Quantitative analysis of the results was conducted using the statistical programming language R.²²⁴

Specific measures were introduced to preserve the anonymity of the respondents and minimise the amount of personal data that was collected through the questionnaires. As a result, we are unable to confirm that all respondents were definitely eligible.

The questionnaires were configured to prevent multiple submissions from the same device. However, due to our anonymity protection policy, it was not possible to prevent the same individual from completing a questionnaire on different devices.

The project team are appreciative for the efforts of those people who completed the questionnaires and those bodies that helped promote their existence.

(a) Waste and resources sector questionnaire (5 March and 27 March 2024)

We examined the organisational membership of the seven trade bodies and professional membership organisations named above. These had approximately 1,403 members in

224 <www.r-project.org> accessed 18 July 2025.

total.²²⁵ Clearly, some businesses would not be members of professional bodies; some would be members of multiple bodies; and some may be members of bodies but would not fall within the inclusion criteria. As a best estimate of the target population size, we have used the figure 1,403, although, the actual number eligible for the sample could be found to be higher or lower if more resources were available to determine this.

The questionnaire link was publicised to members by the seven trade bodies and professional membership organisations. The final sample includes 60 respondents understood to be working in the waste and resources sector. An additional 28 responses in the dataset were removed because they did not meet the minimum completion rate inclusion criterion (<50%). 4% of the target population completed the questionnaire (60 responses out of 1,403 companies contacted).

Potential limitations

We acknowledge the potential for bias from a self-selecting sample (i.e. those that decided to complete the questionnaire).

The responses represented a good geographical spread across the country.²²⁶ Some respondents operated multiple sites across England. Of the 60 respondents, most had sites in at least two regions, and 13 had sites across all nine of the regions.

Respondents were asked to identify which category best described their company size based on the number of employees. These were broken down into the following: 1-49 paid employees (small), 50-249 (medium), 250+ (large). Of the 60 respondents, 24 reported their company as 'small', 12 as 'medium', and 24 as 'large'.

(b) Former officers (5 March and 27 March 2024)

The estimated population size was difficult to determine, as such figures are not publicly available. We calculated average staff turnover at the EA between April 2016 and April 2023 to be 10.5%.²²⁷ Applying the 10.5% turnover rate annually to the current number of waste and installation officers (651),²²⁸ suggests that approximately 68 officers left each year. Over a 10-year period, this equates to an estimated population size of 680 officers.

To identify respondents, we used LinkedIn in February 2024 to search for individuals who had previously worked for the EA within the last 10 years. We only included those officers who had specifically listed in their profile that they had 'waste' or 'installation' experience.

Our inclusion criteria required that participants had worked as an EA officer between 2014 and 2024, and had been employed for at least 12 months. It is likely that some eligible individuals were not on LinkedIn. Similarly, the number of ex-EA staff with relevant

225 Approximate membership size of trade bodies in 2024: Environmental Services Association (108); Wood Recyclers Association (120); Chartered Institution of Wastes Management (250); British Metals Recycling Association (300); Renewable Energy Association (500); Tyre Recycle Association (39); United Resource Operators Consortium (86). Data collected from their own websites.

226 East of England (21); East Midlands (22); Greater London (17); North-East of England (18); North-West of England (25); South-East of England (26); South-West of England (24); West Midlands (27); Yorkshire and The Humber (18).

227 Number of staff working at the EA between April 2016 and April 2023 (these dates were selected because they were published in a Parliamentary question) = average of 10,857 a year. UIN13957, EA, 'Termination of Employment: Question for Department for Environment, Food and Rural Affairs', (16 February 2024); <<https://members.parliament.uk/member/1591/writtenquestions?page=2#expand-1689031>> accessed 18 June 2025.

228 Data provided by the EA (2024).

experience listed on LinkedIn may have been higher than we identified, but many lacked sufficient detail in their profiles to confirm their eligibility.

We identified 72 individuals from an estimated sample size of 680 (11%). This was sufficient considering the difficulty of getting contact data. 72 was also a manageable number to approach and contact directly.

The final sample included 19 respondents understood to have worked as EA officers, so approximately 3% of the population completed the questionnaire (19 responses of an estimated sample size of 680). All 19 respondents had worked as an officer at some point between 2014-2024. Of the 19 respondents, nine had worked as officers for five years or less, including one who served for one year. Of the remaining respondents (eight) had worked in the role for nine to 19 years. Two respondents had worked in this role for more than 20 years.

(c) EA officers (22 July and 19 August 2024)

The questionnaire inclusion criteria required that respondents be current officers in the waste operations/installations sector. According to data from 2023-24, there were 651 officers in this category.²²⁹

The EA supported us engaging with their staff, contacting staff directly about the questionnaire. The EA considered that targeted communication via these channels would yield the best response rate. Because the EA distributed the questionnaire invitation, it is not possible to confirm that every EA officer had an equal opportunity to participate.

Potential limitations

We acknowledge the potential for bias from a self-selecting sample (i.e. those that decided to complete the questionnaire). The EA's direct involvement may have also influenced the results or introduced group bias. The fact that the invitation came from the EA might have discouraged some respondents from expressing negative views about their employer or the compliance system, despite the anonymity of responses. However, the bias may work the other way if some staff saw the route to make comment to the OEP as preferable.

133 submissions were received. 20 were removed because they were submitted after the advertised period, or were deemed incomplete. To assess attentiveness, two proxy indicators were used, but no responses were removed during this final filtering stage. The final sample consists of 113 respondents, all understood to be current officers: a response rate of approximately 17% (113 of 651 officers).

Respondents were distributed across four regions.²³⁰ The difference in size between the smallest and largest regional sub-samples was only five percentage points. Respondents reported starting their current roles between 1985 and 2024, which were aggregated into five-year sets.²³¹ The median start year was 2017, indicating that about half of the respondents have more than seven years of experience in the role. Around one-third of the respondents began working as officers during, or after the COVID-19 pandemic.

²²⁹ *Ibid.*

²³⁰ East and South-East (32), South and South-West (26), Midlands (25), and North (30).

²³¹ 1985-89 (8); 1990-94 (1); 1995-99 (16); 2000-04 (12); 2005-09 (8); 2010-14 (13); 2015-19 (20); 2020-24 (35).

6. Research Evaluation

Four external individuals kindly contributed to the production of this report through review and comment. We would like to thank them for their contributions. Whilst we have taken careful note of the reviewers' comments the content and conclusions are our own.

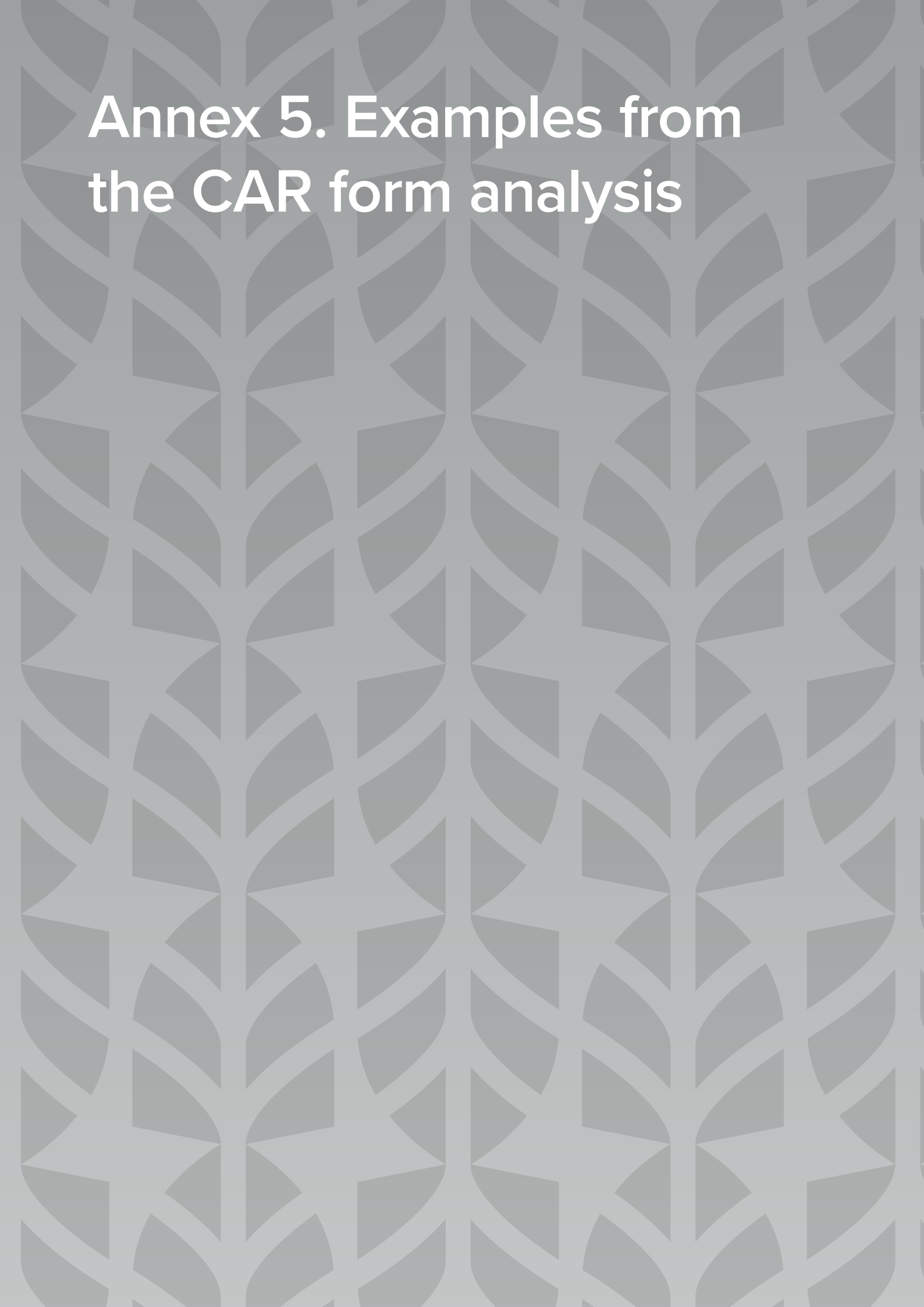
The EA were given an opportunity to review a draft report for fact-checking, comments and consideration of further evidence. It made the report available to a group of approximately forty EA staff members from the following areas of the business to do this, to reflect the wide-ranging nature of the content: Regulatory Resilience, Waste and Resources, Energy and Manufacturing Industries, Future Regulation, Defra Finance, Future Finance, Regulatory Delivery, Legal Services, Market Research, and Walleys Quarry Project Team. We are grateful to the EA for their input.

The background of the page features a repeating pattern of stylized, light gray leaves. Each leaf is pointed at the tip and has a central vein. The leaves are arranged in vertical columns, with each column containing a series of leaves that overlap slightly. The overall effect is a textured, organic background.

Annex 4. EA compliance guidance inspection principles

Annex 4. EA compliance guidance inspection principles

Guidance Principle	Summary
Principle 1: Recording Non-Compliance	An officer should document all instances of non-compliance identified during the assessment. This includes non-compliance with permit conditions as well as other directly applicable legislation. However, only non-compliance related to permit conditions will be considered when applying a compliance score.
Principle 2: Consolidation	Only one score is provided per single permit condition.
Principle 3: Reasonably Foreseeable Impact	The non-compliance score is allocated based on potential impact, except for amenity conditions where scores are issued for actual impact.
Principle 4: Root Cause	The root cause of any non-compliance should be identified and considered as an additional non-compliance.
Principle 5: Suspended Score	Where certain criteria are met, the EA may suspend scores so that they do not count towards calculating subsistence charges.
Principle 6: Category of Non-Compliance	The EA officer should determine the impact of a non-compliance and allocate a compliance score accordingly.

The background of the page is a repeating pattern of stylized, light gray leaves. Each leaf is pointed at the top and has a central vein. The leaves are arranged in vertical columns, with each column containing a series of leaves that overlap slightly. The overall effect is a textured, organic background.

Annex 5. Examples from the CAR form analysis

Annex 5. Examples from the CAR form analysis

(a) Assessment of physical inspections at Band 'A' sites

Box 1 – A clear assessment (Green RAG rated)

There was an inspection of a metals recycling facility. The CAR form recorded an initial desktop assessment completed prior to visit, with details of the Technically Competent Manager, summary of the waste returns, and reference to exemptions held on the site. Photographs of the site were also provided which would assist with future inspections and tracking permit compliance. The assessment details were proportionate to the level of risk, and this was a clear, concise, and transparent inspection.

Box 2 – Not recording non-compliance (Red RAG rated)

There was an inspection by three officers of a permitted vehicle breaking site. The inspection identified hot works being carried out in areas contaminated with oil, a fire risk, in contravention of the permit's Environmental Management System and Fire Prevention Plan conditions. Further aggravating fire risk factors were identified. The assessment recorded that the oil/water interceptor had not been emptied or maintained, that waste levels were "very high" and exceeded the "agreed limits", and that waste was stored on inappropriate surfacing. No photographic evidence was provided to support these observations.

Despite these findings, no breaches of the permit were formally recorded in the CAR form and no actions set for the operator to improve operations. The site was classified as Band 'A' and was not revisited during the remainder of the year. The CAR form was also issued outside the required timeframe. It was concluded that this CAR form was an example of poor regulatory oversight which undermines the integrity of the compliance process.

Box 3 – An ineffective assessment (Red RAG rated)

A closed inert landfill site was assigned a Band 'A' compliance rating consistently between 2015 and 2022. The CAR form recorded that no environmental monitoring had been undertaken by the site operator during this period, although this was required by permit conditions. The assessment failed to consider the root cause of this, or what actions should be taken to address the absence of monitoring. Notably, the inspecting officer did not engage with the permit holder and instead completed the assessment with the landowner.

The CAR form also confirmed that, contrary to the permit conditions, the site had never been fully capped, and that no monitoring infrastructure had been installed, indicating the site would have been non-compliant for some time. Despite this, no breaches of the permit were recorded, and no risk assessment or categorisation of these non-compliances was documented. The only advice given was for the permit holder to contact the landowner, an inadequate response to the situation.

This inspection approach is inconsistent with Principle 1 of the EA's Compliance Guidance, which requires that all instances of non-compliance identified during the assessment are recorded and scored appropriately. The resulting Band 'A' rating was inappropriate: the absence of landfill gas and groundwater monitoring, which meant the risk to the environment, which should have been assessed as part of the compliance inspection, remained unknown.

Box 4 – Site inspected, limited in value for compliance assurance (Amber RAG rated)

An on-site inspection of an end-of-life vehicle site, previously recorded as being in Band 'C', was carried out by the Environmental Crime Team as there was "*no current Environment Officer in place.*" Though officers performing these roles may inspect permitted sites, this will be for different reasons, and it is unclear whether the officer conducting the visit had received specific compliance assessment training.

The compliance detail provided focuses solely on drainage. The CAR form notes that the site operates under a "*very old*" permit that allows for discharge "*off-site.*" The report states that the discharge point could not be accessed during the inspection as it lies on land under different ownership, and therefore the inspection did not provide assurance that operations were compliant for this discharge.

The assessment did not provide any assurance as to the management of drainage. It did not explore how the permit holder manages, monitors, or maintains a discharge point that they cannot access. There is no reference to the site's management system or any procedures in place to ensure ongoing compliance or risk mitigation. This raises questions about how the drainage infrastructure is being checked, maintained, or verified, and whether the permit holder has any visibility or control over its condition or performance. These are critical aspects that a higher-value inspection would have sought to understand and document.

No further assessment or follow-up actions are recorded. While the report is not technically incorrect and does provide some useful site information for future inspections, several elements fall below expected standards. Given the narrow focus of the inspection, there is a lack of assurance that the operation and management of the drainage system is such that the operator is not causing any environmental harm and is compliant with permit conditions.

This example highlights the importance of preparation in line with the planned purpose of an assessment: without this it may not be possible to assess relevant parts of operations and management system, which limits the usefulness of an assessment in assessing operator performance against permit conditions.

Box 5 – Poor on-site Inspection CAR Form providing little compliance assurance (Red RAG rated)

There was an on-site inspection of a metal recycling facility. The CAR form details containment of stored materials and that management systems/operating techniques were assessed. The officer described the inspection as “*a quick site visit in keeping in view the time of the year*”.

The presentation of the CAR form is poor. Several compliance issues are mentioned, such as concerns around battery storage. However, these issues are not explored in any detail. No non-compliance scores are applied; a partial action is included, but it lacks clarity and does not specify a due date. No photographs are provided to support the findings, and the CAR form appears to have been issued to the incorrect legal entity, which could undermine its validity.

While the visit may have fulfilled a basic requirement, the limited scope, lack of supporting evidence, and administrative errors mean the report falls below expected standards providing little to no compliance assurance.

(b) Assessment of remote inspections at Band ‘A’ and ‘B’ sites

Box 6 – A good in-depth remote assessment (Green RAG rated)

The CAR form demonstrated a well-executed remote assessment of landfill gas monitoring data from a closed landfill site. The assessment clearly defined the monitoring period and systematically evaluated data across several areas: surface emissions, perimeter boreholes, extraction wells, inputs into the gas utilisation plant, and the gas well condition survey. The analysis was structured and thorough, with multiple observations noted and a single request for further information for clarification.

Each data submission assessed was appropriately linked to relevant permit conditions and specific elements of the landfill’s closure plan. The assessment provided clarity and assurance regarding the current state of monitoring and demonstrated how remote inspection can be effectively integrated into the regulatory toolkit.

Box 7 – Waste returns – no assurance of compliance (Red RAG rated)

Operators with an environmental permit must complete waste returns to tell the EA about the waste they have received and removed from their site each quarter. This information is used to monitor compliance with permit conditions, such as checking that they are accepting the right types of waste, that outgoing waste is being described properly, and that the tonnage of waste handled complies with their permit and management system.

Failure to submit a return can indicate issues with the management of a site and might be used as an indicator that a site warrants further checks to make sure there are not experiencing any compliance issues (for example, abandonment of the site, accepting non permitted waste types, or stockpiling).

If an operator fails to submit the waste return before the deadline specified in the permit, a Category 4 non-compliance score (0.1 points) is applied automatically. There is no consideration of why the operator has not submitted the return within this assessment.

This type of assessment provides the EA with little assurance of overall compliance. Our review of remote inspections identified that 35% of the sites we assessed received this type of compliance assessment, and no further assessment was completed in that compliance year, resulting in a band 'B' classification.

(c) Serious non-compliance

Box 8 – Root cause directly identified, and enforcement escalated (Green RAG rated)

A large plastics recycling facility began to accumulate excessive waste on-site, leading to non-compliances because of the associated fire risk. Though CAR forms which identified this issue did not include a direct analysis of the root cause, eventually Compliance Guidance was adhered to, and CAR forms began to explore the underlying reasons for the site's continued non-compliance. Officers explicitly identified poor site management as the root cause, stating that *"the root cause of the fire risk issues onsite has been identified as site management."*

Although there was some inconsistency in compliance scoring across the CAR forms, the detail and clarity within the narrative enabled us to understand the nature of the issue, what was being asked of the operator, and what had subsequently happened in response. Actions were clearly set out and consistently referenced, with updates on whether they had been completed.

Following a slightly extended period of non-compliance, further enforcement action was taken in the form of an enforcement notice. This ultimately led to the site returning to compliance, supported by updates to its management system, fire prevention plan, and waste processing procedures for incoming and outgoing materials. Applying the principles of root cause analysis sooner would have reduced resource required to regulate the site.

Box 9 – Root cause not investigated (Red RAG rating)

Prior to 2018, a site had been issued with a suspension notice due to excessive storage of end-of-life vehicles. The operator failed to comply with the suspension notice, and the deadline passed without resolution. Despite this, the site continued to operate and was receiving Category 2 compliance scores (associated with a risk of significant impact on human health, quality of life or the environment).

By late 2018, although the site had not complied with the suspension notice²³² for several years, the immediate environmental risk was considered to have reduced, and the notice was lifted. However, by April 2019, the site had returned to non-compliance, particularly in relation to following its Fire Prevention Plan, and was once again considered a serious environmental risk. During inspections in 2019, as many as seven separate breaches were recorded.

²³² The EA may suspend an environmental permit by serving a notice (a 'suspension notice') on the operator under EPR 2016 reg 37. This requires that the operator immediately stops some or all of the operations at a facility.

In January 2020, a further suspension notice was issued, but once again, the operator failed to comply. It was not until May 2021 that the non-compliance was finally addressed, and the notice complied with. Despite this, the same non-compliance (recorded as minor) recurred later in 2021, suggesting that the underlying issues had not been fully resolved. The site was not physically inspected in 2022, but it did receive a remote CAR form due to late waste return submissions, resulting in a Band 'B' compliance rating.

Overall, it is notable how long the non-compliance persisted and how much regulatory resource was invested over several years without any record of root cause analysis during inspections, despite repeated and serious breaches.

Box 10 – Assessment of Reasonably Foreseeable Impact not conducted (Red RAG rating)

A non-hazardous waste transfer and treatment facility received a Category 2 non-compliance score due to waste storage piles exceeding the Fire Prevention Plan limits. There were no source, pathway or receptor considerations detailed within the CAR form, nor any alternative justification for the rationale that storing waste outside of the Fire Prevention Plan limits could result in a foreseeable significant impact in that specific location.

Box 11 – SMART (Red RAG rating)

A CAR form for an inspection of a waste treatment permitted activity recorded a Category 2 non-compliance (associated with a significant impact on human health, quality of life or the environment) due to waste exceeding permitted heights, and not being correctly stored within bays.

The action to regain compliance stated: "*Action 1. Ensure combustible waste height is reduced, and waste is stored in bays. Deadline: Immediately and on-going.*" The action prescribed was not specific, or measurable enough as to what was required to comply, for example, it did not specify what storage height was required. The operator completing works which followed the action would not necessarily correct the problem and comply with permit conditions. The deadline was also unattainable with "*immediately*" being unachievable, and no set time limits to monitor progress.

Box 12 – Action follow-up (Red RAG rating)

A CAR form for a waste transfer station with on-site treatment facilities identified a Category 3 non-compliance for waste containment and a Category 2 non-compliance for storage of combustible waste. There was no source, pathway receptor, SMART actions, or root cause analysis for the non-compliances identified. Instead, a Fire Prevention Plan was requested by the officer within a specified timeframe.

Future CAR forms, produced over several years, did not track any of the above problems. Two years after the original inspection, the root cause of the non-compliances on the site was investigated and identified, and found to be due to not following the environmental management system in place.

Box 13 – Recurring environmental impacts (Red RAG rating)

A metals recycling facility had fluctuating compliance history: between 2015 – 16 it was a poor performer, between 2017 – 2021 a good performer and in 2022 it returned to being a poor performer.

When the site was classified as a good performer, it was inspected by the EA once in each of the years 2018, 2019 and 2021. We found the CAR forms to be vague and lacking in clarity on which permit conditions had been inspected. In 2019 and 2021 some permit non-compliances were mentioned in the CAR forms, but none had been scored, meaning the site may have been incorrectly labelled as a good performer.

In contrast, during 2022 the site was visited six times, with one site inspection being conducted by four officers. In March 2022, a CAR form recorded eight non-compliances, including no Technical Competent Manager, no access to their Environmental Management System, storing waste outside of the permit boundary, incorrectly storing hazardous wastes and combustible wastes. The CAR form included actions to produce a drainage plan and drainage maintenance schedule.

These actions were tracked in subsequent inspections. Actions in the March 2022 CAR form were not completed within required timescales. In June, September, and November 2022 the same actions were repeated with extended deadlines and no escalation in enforcement. Our review identified the actions included within CAR forms were not SMART, nor was an action plan sought to agree what progress the site would make to address non-compliance.

This is an example of how resource-intensive regulatory response to serious non-compliance can be where there is no clarity on what actions needs to be taken to correct problems.



ISBN: 978-1-5286-6357-1
E03445339