ToR Reference No.: 2021/17	Author(s): Simon Bingham
Version: V 1.0	Date: 21/10/2020
TERMS OF REFERENCE FOR WORK UNDER THE AUSPICES OF IMPEL	

1. Work type and title

1.1 Identify which Expert Team this needs to go to for initial consideration

Industry and air	☐
Waste and TFS	☐
Water and land	☐
Nature protection	☐
Cross-cutting tools and approaches	☒

1.2 Type of work you need funding for

Exchange visits	☒
Peer reviews (e.g. IRI)	☒
Conference	☐
Development of tools/guidance	☒
Comparison studies	☒
Assessing legislation (checklist)	☒
Other, (please describe):	☐

Note: This program will undertake a large number of activities in a wide range of technical areas. These will all be organised virtually except for a handful of activities where physical interaction is considered necessary. Consequentially this proposal has a small budget.

1.3 Full name of work (enough to fully describe what the work area is)
Climate Emergency Umbrella Programme 2021/24

1.4 Abbreviated name of work or project
Climate Emergency 21/24

2. Outline business case (why this piece of work?)

2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)

This programme crosses all legislative and expert team boundaries

2.2 Link to IMPEL MASP priority work areas

1. Assist members to implement new legislation. ☒
2. Build capacity in member organisations through the IMPEL Review Initiatives. ☐
3. Work on 'problem areas' of implementation identified by IMPEL and the European Commission. ☒
4. Other, (please specify): ☒
   Some of these projects also directly contribute to the green recovery.

2.3 Why is this work needed? (background, motivations, aims, etc.)

The declaration of a climate emergency (as well as an increasing awareness of the impact of plastic, biodiversity decline and now the impacts of a global pandemic & potential green recovery) are having a profound impact on policy, how we regulate and on those that we regulate. The pressures to contribute to the reduction of greenhouse gases, the reduction of carbon or supporting green recovery are increasing yet few regulators have the correct tools to begin to tackle with these issues. This programme hopes to tackle these issues by designing tools and approaches that regulators can use to meet these emerging challenges.

2.4 Desired outcome of the work (what do you want to achieve? What will be better / done differently as a result of this project?)

Research, development and design of new tools and approaches for regulators to use to meet policy goals driven by the climate emergency (& green recovery).

2.5 Does this project link to any previous or current IMPEL projects? (state which projects and how they are related)

There are links to previous projects such as mini-conferences on technology and regulatory strategy although the proposals take this work in a new direction. Project 5 builds on a series of compliance management system projects that ran from 2011 to 2015. This project pulls together the lessons learnt from those projects (interim report in 2015) and subsequent collaboration and aims to deliver a practitioners handbook.

3. Structure of the proposed activity

3.1 Describe the activities of the proposal (what are you going to do and how?)

It is proposed that a programme of work is established that will cover the period 2021-2024. It is planned that this work will largely be carried out virtually (except for the odd exception) although it may piggy-back onto existing IMPEL activities such as X-cutting Expert Team meetings or IMPEL conferences should the need arise. Given the subject matter flights will be kept to the absolute minimum with any travel required being by train where at all possible.

As the project is primarily virtual with minimal associated budget, project areas can and ideally will be added to within the scope of this ToR up until 2024. It is proposed to organise the work in six initial themes although many of these areas are inter-related so the distinction is somewhat arbitrary.

1. Green transition;
2. Regulators as exemplars;
3. Partnership working;
4. Regulatory framework;
5. Technology; and
6. Approaches
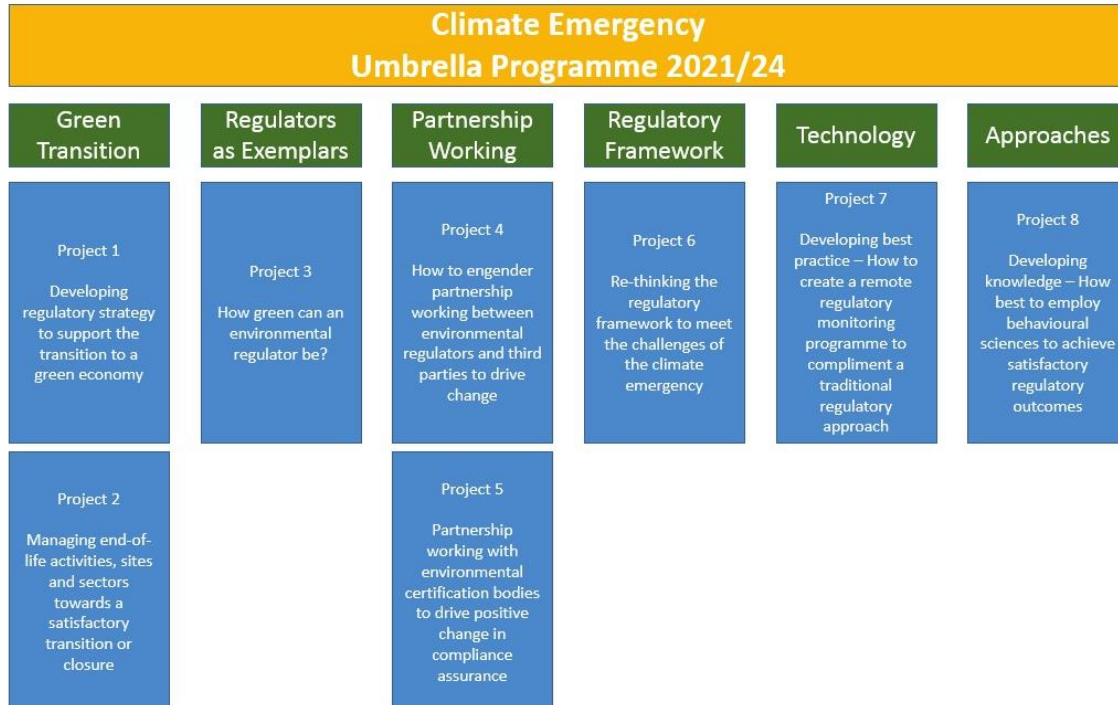
Each of these themes will be discussed in turn below with the individual sub-projects and deliverables.

Green transition

The movement from a carbon based economy to a green economy is not a simple process. It will require careful navigation by many regulators to enable activities that can transition to do so whilst managing those activities that cannot to a successful closure without leaving lasting legacy issues. This will require regulators to use new tools and techniques and work in an extremely sensitive and potentially locally charged atmosphere.

- Project 1 - Developing regulatory strategy to support the transition to a green economy

The regulatory strategies needed to carry out this work are different from those employed during traditional regulation. This project seeks to explore what changes will be needed and to create guidance on how to revise your regulatory strategy and what it should contain. This project will be virtual and have zero associated cost. This project will seek to deliver by the end of 2021.

- Project 2 - Managing end-of-life activities, sites and sectors towards a satisfactory transition or closure

This project will look at how regulators will need to change their tactics to manage those activities that cannot transition. Push too hard and the site will close prematurely perhaps leaving lasting legacy issues, do not push and the activity could increase emissions. How to you manage site remediation perhaps on a large multi-site scale. This project will explore these and other issues in an attempt to draw up recommendation and guidance for regulators. This project will be virtual and have zero associated cost. This project will seek to deliver by the end of 2023

Regulators as exemplars

Many regulators are under-pressure to cut their carbon footprint or greenhouse gas emissions but how far can we go without impacting on service delivery.

- Project 3 - How green can an environmental regulator be?

This project will seek to collect and examine best practice amongst environmental regulators to explore how green can we become without impacting on the delivery of core service such as compliance assessment and enforcement. This project will produce its conclusions and recommendations on how to go green yet still perform our key activities. This project will be virtual and have zero associated cost. This project is scheduled to deliver by the end of 2022.

Partnership working

The issues that regulators currently face are huge, multi-faceted and unlike anything, we have ever faced before. Partnership working with other public bodies, private entities and NGOs can be successful in helping to deliver mutual outcomes. Partnership working can, however, bring with it risks.

- Project 4 - How to engender partnership working between environmental regulators and third parties to drive change

This project will collect examples of partnership working between regulators and third parties and tools and approaches to support partnership working. It will seek to identify what are the critical success measures to forming an effective partnership and what are the potential pitfalls and risks of partnership working; guidance will be produced. This project will also use Project 5 as a case study to explore effective relationships. This project will be virtual and have zero associated cost. This project is scheduled to deliver by the end of 2022.

- Project 5 - Partnership working with environmental certification bodies to drive positive change in compliance behaviour

A successful partnership of many years between several IMPEL member organisations and accreditation and certification bodies, the project will pull all the shared learning together to draft an IMPEL handbook on environmental inspections using certified management systems. Having more eyes looking at the regulated community has to be a good thing but how can a regulator be confident in the findings of a third party? The project will document amongst other things the benefits and pitfalls of this form of partnership. This project will predominantly work virtually although one physical meeting between the partnership members is envisaged. This will be based in a location to minimise travel and facilitate train travel - total budget €9,850. There is also a consultancy cost of €10,000, which will be organised and paid for externally. This project is scheduled to deliver by the end of 2021.

Regulatory framework

We all know that the climate is changing rapidly and bringing with it different weather patterns. We can now expert a range of different extreme weather scenarios such as wet winters, drier summers, increased wildfires, more powerful storms, increased flooding etc. Our regulatory framework has, however, not changed.

- Project 6 - Re-thinking the regulatory framework to meet the challenges of the climate emergency.

How do we adapt our permits to these challenges? Do we need to change our risk assessment processes or what we look at during inspections? This project will explore the subject and come up with a series of recommendations for regulators. This project will be virtual and have zero associated cost. This project is scheduled to deliver by the end of 2024 but will deliver a series of reports on specific topics each year.

Technology

The public purse has been squeezed since the economic crash in 2008 and the financial impacts of the COVID-19 pandemic are yet to be realised but will clearly be felt for many years to come. Yet at the same time, the environmental challenges we face are greater than ever before. Can technology help fill the gaps in traditional regulatory programmes both in terms of dwindling finances and effectiveness?

- Project 7 - Developing best practice - How to create a remote regulatory monitoring programme to compliment a traditional regulatory approach.

This project at different types of remote monitoring such as remote sensing, online stack monitoring etc and seek to identify strengths, weakness and costs of implementing the technology in a regulatory authority with the aim of designing a comprehensive remote regulatory oversight programme to compliment a traditional approach. Much of this project will be virtual in nature, however, a series of small field visits is deemed necessary to fully analyse examples of technology currently in use. It is envisaged that 5 field visits for three people will be necessary in 2022, total budget €10,250. A technical report will be produced for each visit and a guidance document covering the wider project. This project is scheduled to deliver by the end of 2023.

Approaches

The regulatory toolkit is expanding, however, many regulatory organisations still do not utilise the full range of tools. One largely under-utilised area of development lies in the field of behavioural science, and understanding why certain decisions are taken and how to get people to actively take the positive decisions. This area has be seen as controversial by some; however, it has been shown to work eg by having smaller plates in a canteen you generate less food waste or by having themed dustbins you can reduce street litter. Clearly the task ahead of us immense and we need every possible tool at our disposal.

- Project 8 - Developing knowledge - How best to employ behavioural sciences to achieve satisfactory regulatory outcomes.

This project will research where examples of the application of behavioural sciences has been used in a regulatory context. It will look at the benefits and pitfalls of such an approach and seek to develop guidance on potential adoption of the approach. This project will be virtual and have zero associated cost. This project is scheduled to deliver by the end of 2023.

3.2 Describe the products of the proposal (what are you going to produce in terms of output / outcome?)

The products of this proposal are all primarily paper based such as recommendations, technical reports and guidance. This work is exploring new areas of work and envisioning re-engineering existing areas in a largely virtual environment, it will also explore how to feedback some of this information in other formats such as podcasts, interviews etc.

Project 1 - Guidance document

Project 2 - Recommendations & guidance document

Project 3 - Recommendations & guidance document

Project 4 - Guidance document

Project 5 - Inspector Handbook

Project 6 - Series of technical reports eg. Permitting, risk assessment etc

Project 7 - Technical reports (1 per field visit) & guidance document

Project 8 - Guidance document

An annual programme report will also be produced each year covering progress.

3.3 Describe the milestones of this proposal (how will you know if you are on track to complete the work on time?)

Project 1 - Guidance document - Autumn 2021

Project 2 - Recommendations & guidance document - Autumn 2023

Project 3 - Recommendations & guidance document - Autumn 2022

Project 4 - Guidance document - Autumn 2022

Project 5 - Inspector Handbook - Autumn 2021

Project 6 - Series of technical reports - delivered from Autumn 2022 onwards until 2024

Project 7 - Technical reports (1 per field visit delivered Autumn 2022) & guidance document - delivered Autumn 2022

Project 8 - Guidance document - Autumn 2023

	2021				2022				2023				202	
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
Project 1				X										
Project 2												X		
Project 3								X						
Project 4								X						
Project 5				X										
Project 6								X				X		
Project 7								X				X		
Project 8												X		

X = Deliverable

3.4 Risks (what are the potential risks for this project and what actions will be put in place to mitigate these?)

This project is primarily virtual and therefore has little risk of delay due to meeting cancelation. The project has minimal budget and therefore carries limited financial risk.

Virtual working is fundamentality new to IMPEL and it is uncertain, at this stage, how many participants would wish to work primarily on virtual projects.

4. Organisation of the work

4.1 Lead (who will lead the work: name, organisation and country) – this must be confirmed prior to submission of the TOR to the General Assembly)

Simon Bingham, Scottish Environment Protection Agency, UK.
4.2 Project team (who will take part: name, organisation and country)
To be confirmed after X-Cutting Expert Team Meeting
4.3 Other IMPEL participants (name, organisation and country)
It is proposed that this programme draws in participation from all Expert Teams and will include a broad number of individuals from different organisations. Names to be confirmed.
4.4 Other non-IMPEL participants (name, organisation and country)
This programme will likely require interaction with non-IMPEL member organisations. Names and organisations to be confirmed.

5. High level budget projection of the proposal. In case this is a multi-year project, identify future requirements as much as possible

This is an Excel Table, please double click on it to open it and to fill it.	2021 (exact)	2022	2023	2024
Travel and subsistence costs for IMPEL (should match the total costs of Annex I)	9,850.00 €	10,250.00 €	0.00 €	0.00 €
Travel and subsistence costs co-financed	0.00 €	0.00 €	0.00 €	0.00 €
Consultant(s) costs for IMPEL	0.00 €	0.00 €	0.00 €	0.00 €
Consultant(s) costs co-financed	10,000.00 €	0.00 €	0.00 €	0.00 €
Translation costs for IMPEL	0.00 €	0.00 €	0.00 €	0.00 €
Translation costs co-financed	0.00 €	0.00 €	0.00 €	0.00 €
Total costs for IMPEL	**9,850.00 €**	10,250.00 €	0.00 €	0.00 €
Total co-financed	**10,000.00 €**	0.00 €	0.00 €	0.00 €
Total budget	**19,850.00 €**	10,250.00 €	0.00 €	0.00 €

6. Detailed other costs of the work for year 1

6.1 Are you using a consultant?	Yes ☒ No ☐
6.2 What are the total costs for the consultant?	€10,000

6.3 Who is paying for the consultant?	Procured directly by Dutch Province	
6.4 What will the consultant do?	Give academic and technical support to project 5 and draft up the results into a report	
6.5 Are there any additional costs (NOT included in point 5)?	Yes ☐ No ☒ If your answer is 'Yes', please describe:	
6.6 What are the additional costs for?	n/a	
6.7 Who is paying for the additional costs?	n/a	
6.8 Are you seeking other funding sources?	Yes ☐ No ☒ If your answer is 'Yes', please describe:	
6.9 Do you need budget for communications around the project? If so, describe what type of activities and the related costs.	Yes ☐ No ☒ If your answer is 'Yes', please describe:	

7. Communication and follow-up (checklist)

	What		**By when**
7.1 Indicate which communication materials will be developed throughout the project and when? *(all to be sent to the Communications Officer at the IMPEL Secretariat)*	TOR ˅ *	☒	After X-Cutting Expert Team Meeting
	Interim report ˅ *	☒	Annual reports
	Progress report(s) ˅	☐	
	Project report ˅ *	☒	Various as identified above
	Press releases	☐	

	News items for the website ˅ *	☐	At points of major delivery. See above
	News items for the e-newsletter	☐	
	Project abstract ˅ *	☐	
	IMPEL at a Glance ˅	☐	
	Other, (give details):	☐	
7.2 Milestones / Scheduled meetings (for the website diary).	n/a		
7.3 Images for the IMPEL image bank.	Yes ☐ No ☒		
7.4 Indicate which material s will be translated and into which languages.	n/a		
7.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required.	n/a		
7.6 Identify which groups/institutions will be targeted and how.	IMPEL members & regulatory institutions		
7.7 Identify parallel developments / events by other organisations, where the project can be promoted.	None known		

˅) *Templates are available and should be used.* *) *Obligatory*

8. Remarks

Is there anything else you would like to add to the Terms of Reference that has not been covered above?

In case of doubts or questions please contact the
IMPEL Secretariat.

Draft and final versions need to be sent to the
IMPEL Secretariat ***in word format, not in PDF.***

Thank you.

Annex I – Detailed event costs of the project

	Event	Number of days	Travel (maximum per round trip) 360 €	Hotel (maximum per night) 120 €	Catering* (maximum per day) 25 €	Total costs per Event
Description of Event	Project 5 - Partnership & project meeting	2	5,400.00 €	3,600.00 €	850.00 €	**9,850.00 €**
Location	tbc					
Month	Summer 2021					
Number of Host Country Participants	2					
Number of Traveling Participants	15					
Description of Event			0.00 €	0.00 €	0.00 €	**0.00 €**
Location						
Month						
Number of Host Country Participants						
Number of Traveling Participants						
Description of Back to Back Event			0.00 €	0.00 €	0.00 €	**0.00 €**
Location						
Month						
Number of Host Country Participants						
Number of Participants (no travel necessary)						
Description of Back to Back Event			0.00 €	0.00 €	0.00 €	**0.00 €**
Location						
Month						
Number of Host Country Participants						
Number of Participants (no travel necessary)						
		Total Costs	**5,400.00 €**	**3,600.00 €**	**850.00 €**	**9,850.00 €**

* Catering = Lunch and coffee breaks per participant per day.