

10th April 2007

Nigel Atkinson
Defra – Environmental Permitting Consultation
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Dear Nigel

Third Environmental Permitting Programme consultation – Guidance for a streamlined environmental and permitting system.

Thank you for inviting us to comment on the proposals again.

The British Aggregates Association (BAA) represents the interests of over 80 members. 55 are independent and privately-owned SME quarry companies throughout the UK with some 10% of national output and who operate from over 100 sites. We are active members of the CBI Minerals Group.

Whilst we strongly support any pragmatic government initiatives to reduce bureaucracy and red tape for industry we believe that the EPP system has limited if any application outside of activities controlled entirely by the Environment Agency. Extension to areas currently covered by planning authorities or other agencies (eg Health and Safety Commission) will create enormous additional work and decreased efficiency – with consequential extra cost and time delays to industry. As our members are almost entirely independent SMEs we are particularly concerned of the disproportionate impact on this sector.

Many of our concerns were expressed in the earlier joint DEFRA/CLG consultation and our response of 4th December 2006 is attached for your reference.

Several of our members operate waste, recycling and landfill facilities and have direct experience of the problems associated with the interface between land-use planning and pollution control. Quarry restoration schemes often involve the import of inert materials for use in restoration of sites, and are subject either to the simple exemptions (9A and 19A) or the more extensive WML or PPC regime. Regrettably a more pragmatic approach of treating this extremely important environmental enhancement has not been treated more appropriately as a recovery operation rather than a disposal one!

More specifically, the Davidson Review recommends (item 7) that DEFRA and CLG should move quickly to incorporate the final outcomes of this review into the environmental permitting and planning systems. This recommendation also calls for a full review of the regulation of inert waste with the aim of adopting a more proportionate and risk-based regulatory landscape. The report considered the current regulatory burden on the industry to be unnecessary.

We also have serious concerns at the potentially serious misapplication suggested by your department should EPP be used for the EU Mine Waste Directive currently being transposed into

UK legislation. This would impose enormous unnecessary bureaucracy and time delays to industry, and create a divisive legislative distortion between application in England and in Scotland. This also shows a lack of understanding by officials of the nature of this new EU Directive which is essentially one of health and safety, and the stability of *waste* tips and lagoons.

Our answers to the specific questions raised in this latest consultation.

Question 1

Does the summary booklet contain sufficient information, and if not what should be included?

Whilst the booklet contains useful information, for the reasons already mentioned we need much clearer remit, proportionality and pragmatism on the status of quarry restoration with imported inert materials. This will require either total exemption or an extension of the current 9A and 19A exemptions.

Question 2

Does the style and content of the *Environmental Permitting Guidance* meet your needs, and if not why not? Does it strike an appropriate balance between specifying what is expected of regulators and leaving enough flexibility to regulate in the most appropriate way within the requirements of the legislation?

No further comments.

Question 3

Do you think the form and model for the *directive guidance* is helpful, and if not why not?

No further comments.

Yours Sincerely

Peter Huxtable

Secretary, British Aggregates Association