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**MPA submission to EA Consultation “Standard Rules Consultation No. 14”**

Thank you for informing the Minerals Products Association of the EA “Standard Rules Consultation No. 14”.

The Mineral Products Association (MPA) is the trade association for the aggregates, asphalt, cement, concrete, dimension stone, lime, mortar and silica sand industries. With the recent addition of The British Precast Concrete Federation (BPCF) and the British Association of Reinforcement (BAR), it has a growing membership of 450 companies and is the sectoral voice for mineral products. MPA membership is made up of the vast majority of independent SME companies throughout the UK, as well as the 9 major international and global companies. It covers 100% of GB cement production, 90% of aggregates production and 95% of asphalt and ready-mixed concrete production and 70% of precast concrete production. Each year the industry supplies £9 billion of materials and services to the £120 billion construction and other sectors. Industry production represents the largest materials flow in the UK economy and is also one of the largest manufacturing sectors.

MPA has provided representation to the EA on the licensing and permitting of deposit of waste for recovery activities since the removal of the Para 9 and 19 exemptions during 2008. Historically, our members have faced difficulties securing inert waste against other operations involving the permanent deposit of waste which were less regulated and cheaper to run. At the time of the removal of the exemptions it was considered that the extra regulatory requirements placed on landfill sites, compared to the exempt recovery sites, acted as a barrier for operators to receive inert waste. The increased costs and procedure involved with operational elements, including extra engineering requirements, meant that many inert waste producers would send their waste to recovery sites. Another issue has been the difference in requirements between the types of operation with landfill generally involving further engineering requirements such as geological barriers. The added cost of such requirements led to deposit for recovery operations being more favourable with operators than landfill.

We understand from the consultation document that the EA are further seeking to level the playing field between recovery for deposit and disposal operations. We agree that this should be the way forward where both operations are very similar in terms of risk to the environment posed by the operation.

However, the retrospective application of the proposed conditions is likely to severely affect operators currently operating under a recovery for deposit standard rules permit. Indeed, the re-submission of Recovery Plans and applications will result in a cost that we would consider completely disproportionate to the risk posed to the environment by these sites. We would strongly urge the Environment Agency to re-consider this aspect of the consultation proposals in particular.

1. Do you agree with our approach to use standard rules for deposit of waste for recovery activities?

Yes, we agree with the continued use of standard rules for operations involving deposit for recovery.

2. What are your views on the proposed changes and why?

In general we support the principle of increasing regulation, where appropriate, for standard rules permits involving the permanent deposit of waste on land. Extra regulative requirements should only be applied where required and where there is an evidence base to support them.

Regarding this and based on the evidence provided to support the proposed changes, we are having difficulty supporting the proposals within the consultation. Looking at the increased cost to businesses and regulative requirements vs the potential environment harm that may be caused under the current system it is difficult to agree that the proposals are risk based and necessary.

3. Do you understand the requirements of the proposed new standard rules?

Yes, we understand the requirements of the proposed new standard rules. However, it is not clear how the level of “risk” will be determined for those sites requiring bespoke permits, as described in the Business Engagement Assessment.

4. Will the proposed standard rules provide a useful mechanism to allow the beneficial use of waste?

We do not think that the new standard rules provides any further assistance in allowing the use of beneficial waste.

We do not agree that *“the proposed change may make it easier for landfill operators to attract wastes for disposal and operation”* as stated in the Business Engagement Assessment. The main barrier faced by our members operating landfill sites (of whom the majority operate inert landfills for the purpose of quarry restoration and are exempt from landfill tax) are initiatives such as “Zero Waste to Landfill”. Even though the use of waste (regardless of permit) in quarry restoration is not counted in the overall waste sent to landfill figures submitted to the European Commission, waste producers do not understand this and will still send their waste further afield to a recovery site that does not have the banner of landfill. This is also compounded by many County Councils not putting any landfill sites forward in their Waste Plans. This second point is becoming a significant problem for our Members.

5. Have we correctly identified all the risks for the activity, as described in the generic risk assessment associated with the consultation?

No response

6. We have estimated the net benefit of the proposed change to be -£0.67 million\*. This is set out in the draft Business Engagement Assessment that forms part of this consultation. Do you agree? If you disagree, please explain why, and provide evidence to support your assessment of the impacts.

It is very difficult to understand how -£0.67 million has been calculated without the mathematics set out in the Business Engagement Assessment. -£0.67 million is mentioned on the front page of the Business Engagement Assessment but we are unable to find the detail within the document as to how the EA came to this figure.

The site costs and impact estimates documented in Annex A are also difficult to understand without any background information provided on the activity details. Without further information on what activities for “surrender preparation”, for example, for the different site risks it is difficult to respond as to whether they are accurate, or not. To that end we would want to see further detail on the expected costs and how they were reached before responding further.

Regardless, the estimated cost of £1,248,000 to existing permit holders migrating to the new permitting system is extortionate. The sites currently permitted under Standard Rules are small, time-limited, low risk sites and have controls in place to prevent harm to the environment. The cost proposed per operator (on average approximately £8,500) is unreasonable considering the low risk posed to the environment by these sites. We also understand that the Waste Recovery Plans would have to be re-submitted. The costs of developing these and re-submission could result in costs exceeding those estimated.

7. Will the proposals have any other impacts that we have not identified. These could be financial impacts or costs and benefits that are not readily quantifiable.

We are aware that HMRC are also consulting on their Loss of Ignition test for waste fines sent to inert landfill to ensure they comply with the lower tax rate for qualifying material. It can be expected that more waste fines will be sent to recovery sites to avoid the LOI testing regime and it is not clear from this consultation what/if the Waste Acceptance Procedure will be to avoid this (where appropriate).

The introduction of the new SRPs and the LOI testing regime may see an increase in waste crime and fly tipping as producers struggle to get rid of wastes they previously disposed of at inert landfills or recovery sites.

We are also concerned that the County Councils reluctance to licence the development of landfills in their counties will lead to further difficulties for restoring mineral workings using inert waste. It is essential that the restoration of exhausted mineral workings is licensable, as a recovery operation where appropriate, or as a disposal operation.

8. Please tell us if you have any other views or comments on these proposed revisions that have not been covered by previous questions

As we have already documented earlier in our response, we see no need for the retrospective application of the SRPs and disagree strongly with these proposals. The operations are naturally time-limited and have controls in place through the current permitting regime. The extensive cost and re-application procedure far outweighs any potential environment harm prevented.

I hope that you will consider our comments carefully. Please do let me know if I can be of further assistance.

Yours sincerely,

**Nicola Owen**  
Environment and Waste Policy Executive  
Mineral Products Association