

**Mineral Products Association Ltd**

Gillingham House  
38 - 44 Gillingham Street  
London SW1V 1HU  
Tel 020 7963 8000  
Fax 020 7963 8001  
info@mineralproducts.org  
www.mineralproducts.org

James Smith  
Better Regulation Executive  
Department of Business, Innovation and Skills  
1 Victoria Street  
London  
SW1H 0ET  
Sent via email- [betterregulationconsultation@bis.gsi.gov.uk](mailto:betterregulationconsultation@bis.gsi.gov.uk)  
Date 14<sup>th</sup> March 2016

**MPA submission to BIS Consultation- The Business Impact Target, Growth Duty and Small Business Appeals Champion**

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.

Our members have recently been engaged with BIS and the Better Regulation Executive through the Red Tape Challenge. We welcome this further opportunity to engage with the application of the Business Impact Target and Growth Duty.

The MPA welcome the application of the Business Impact Target to cover the activities of statutory regulators through the Enterprise Bill. The provision of the Regulatory Policy Committee (RPC) to verify the economic impact of regulatory activities is also welcomed. We would encourage the RPC to work with the sector affected by the regulation to fully understand the consequences of implementation.

The MPA support the introduction of the Growth Duty, and the application of this to statutory regulators, to ensure that the impact on business is always considered when a permit or licensing decision is made. Our main focuses in this consultation response are the regulators and regulatory functions that are being brought into scope under the Growth Duty.

Our members frequently report that it is the time, effort and cost implications arising from the practical implementation of regulations by regulators that have the greatest impact on their business, rather than the regulations themselves. Indeed, terrestrial minerals are subject to two sets of consents- a Planning Permission and in most cases, one or more Environmental Permits. Often there is no certainty that a statutory regulator will grant the required Environmental Permit once a Planning Permission has been issued, despite having been involved in the planning process. This leads to uncertainty for the operator and has a significant effect on both existing and new companies' willingness to invest. If the regulator is required to have regard to the desirability of promoting economic growth, this may assist where permit or licence decisions effect the economic viability of a business.

### Growth Duty Guidance

Further comments on the Growth Duty Guidance are provided below.

### Understanding the Business Environment

Being able to implement the Growth Duty effectively will rely on the regulator being able to understand both the sector and the individual businesses within it that they regulate. We are concerned that both our main regulators, Natural England and the Environment Agency, do not understand how the minerals industry operates or the practical consequences of their actions to the businesses they are responsible for regulating.

Although the Growth Duty Guidance goes some way to directing the regulator to gain an understanding of business, we feel that this needs to go further. It is not clear exactly how a regulator will be expected to demonstrate their understanding of the business environment they are responsible for regulating, or the impact their actions can have on the operation of a business – either at a corporate or at an individual officer level. To achieve this, we would suggest that further engagement with regulated sectors will be required.

### Compliance Support

To be effective, the Growth Duty must be implemented consistently throughout and across each regulator. Our members frequently encounter inconsistent advice and decisions being provided by different staff within the same regulator. Consequently, there needs to be mechanisms through which every member of a regulatory body are made aware of their obligations and responsibilities under the Growth Duty and BIT.

### Authorisations

We agree that regulators should make better use of existing authorisation regimes and that there should be better collaboration between regulators to ensure a more consistent approach. The potential for duplication of effort and/or inconsistencies in approach between the planning and permitting regimes described previously represent one example of this. The minerals industry has also seen the introduction of two new areas of regulation recently- the Mining Waste Directive and the Water Framework Directive. This has introduced the requirement for Mining Waste Permits and soon will see Transfer Licenses/ Abstraction Licenses on our Members' sites. Both of these could have been practically delivered through the planning system, reducing the duplication of effort and associated regulatory inefficiencies that are otherwise required.

It is often the case that a site will have duplicate controls for emissions such as dust and noise through the permitting and planning system. The Growth Duty should provide an opportunity for the business consequences of these inefficiencies to be better understood, and for more efficient and effective regulatory solutions to be developed.

I hope you find our comments constructive, please do let me know if I can be of further assistance.

Yours sincerely,

**Nicola Owen**

Environment and Waste Policy Executive

Mineral Products Association