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Sent via email to: sustainableplaces@environment-agency.gov.uk

Dear Sir,

CONSULTATION- Draft Guidelines for developments requiring planning permission and environmental permits

Thank you for informing the Minerals Products Association (MPA, formed from the merger of the Quarry Products Association, the British Concrete Association and The Concrete Centre) of your recent consultation on the draft Guidelines for developments requiring planning permission and environmental permits.

The Mineral Products Association (MPA) is the trade association for the aggregates, asphalt, cement, concrete, lime, mortar and silica sand industries. With the recent addition of The British Precast Concrete Federation (BPCF), it has a growing membership of 430 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 in excess of £5 billion of materials to the £110 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. For more information visit: www.mineralproducts.org

Minerals can only be extracted where they lie and are therefore by their very nature a very unique type of development. The scope for considering alternative locations is very limited. Although a site can be operational for 30 + years in some situations, the development is not permanent. Mineral developments are typically a high volume low value business with high upfront investment. It is essential, therefore for the reasons stated, that operators have a high degree of certainty that they will be able to obtain the required planning and non-planning consents to operate their site for it's' lifetime.

On a typical extraction site numerous consents and assessments will be required. These include (but are not limited to)-

- Planning permission, usually with the addition of an Environmental Impact Assessment
- Where required a Habitats Impact Assessment (Appropriate Assessment)
- SR2009No8 The management of inert wastes and unpolluted soil resulting from the prospecting, extraction, treatment and storage of mineral resources and the

working of quarries, at mines and quarries, to comply with the Mining Waste Directive

- Permit for discharging water
- Part B license (in some cases) for-
 - 3/16 Mobile Crushing and Screening
 - 3/15a Roadstone Coating Processes
 - 3/15b Mineral Drying and Cooling
 - 3/8 Quarry processes
- Depending on the site restoration scheme a permit for recovery or use of waste on land or a landfill permit

Additional permits such as for the treatment of waste to produce aggregate or construction materials will also be required at some sites. It is also expected that the movement of water from the sump of the quarry to the adjacent water body (or same water body) will require licensing at the end of this year.

All of the listed licenses, permits and permissions are essential to the operation of a minerals extraction site and therefore must be considered as a whole by the Planning Authority and the Environment Agency. Without one particular license a mineral extraction site may be deemed commercially unviable and would not be able to continue.

The twin tracking of Environmental Permits and Planning Permission is an interesting idea and one that we would be interested in looking into. However, the lead time for obtaining planning permission can be up to ten years. It is unclear how mineral operators can have pre-discussions ten years before a development will actually require an environmental permit or license. Not only is it likely that the permit requirements will have changed but continuing a discussion for up to 10 years is difficult to manage. Different permits and licenses will be required at different stages of a minerals development and will usually be applied for when required. Again this makes pre-discussions difficult. We would welcome further discussions to understand if twin tracking environmental permits and planning permission was a possibility for mineral developments.

It should also be considered that planning applications normally require an environment assessment which addresses the interface with environmental, heritage, and other regimes. Unless impacts are satisfactorily addressed at the planning stage, planning permission will not be granted. There should therefore be a presumption in favor of granting environmental permits.

To accompany this document is the completed feedback form.

I hope you find our comments useful and informative- please let me know if I can be of further assistance.

Yours sincerely,

Nicola Owen
Environment and Waste Policy Executive
Mineral Products Association

YOUR FEEDBACK ON DRAFT GUIDELINES ON NEW DEVELOPMENTS REQUIRING PLANNING PERMISSION AND ENVIRONMENTAL PERMITS

What are we doing?

We've developed draft guidelines to help our developers, Local Planning Authorities, the Planning Inspectorate and our staff with planning and permitting applications. The guidelines can be found on our [website \(http://www.environment-agency.gov.uk/business/regulation/139378.aspx\)](http://www.environment-agency.gov.uk/business/regulation/139378.aspx). They aim to reduce costs and burdens by increasing certainty over planning and permitting decisions.

We are contacting you as a key partner in the planning and permitting process to get your feedback on the suggested approach in the guidance.

Why are we doing this?

The 'Penfold Review of Non-Planning Consents carried out for Government found that the way the planning / permitting works can create risks and uncertainty for new projects. Businesses can find our dual consultation and permitting role confusing and say our responses to planning applications are not always consistent or as helpful as they could be, both when responding to planning and permitting applications and when responding to different developments. They are also concerned about duplication between planning and permitting requirements.

Our planning liaison and permitting teams also face increasing requests from local planning authorities for detailed views on activities requiring an environmental permit that we would not normally consider until a permit application has been submitted. We also receive many permit applications that don't meet our requirements which means it takes us longer to determine our permits.

Our suggested approach

We want to clarify our role so that all those involved understand what they can expect from us, and join up our planning and permitting advice so that we give consistent messages at all stages.

We aim to improve our ways of working so we inform planning authorities and developers as early in the process as possible about the standards we expect of new developments and how particular local considerations could influence our responses to planning as well as the likelihood and measures needed to get an environmental permit.

How to provide your feedback

We aim to consult government departments, local authority departments, developers in regulated industry and others involved such as Natural England and Countryside Council for Wales. We are contacting these organisations to ensure the new approach meets your needs and expectations of us.

To provide your feedback on the working draft guidelines please complete and return the attached .We will also attend and set up face to face meetings / workshops to discuss the guidance, as required. We will be in contact with you on this following your feedback

Once we have considered all of the feedback the guidelines will be reviewed and published as final guidelines.

Please provide us with your feedback by June 15th to sustainableplaces@environment-agency.gov.uk using the attached form.

Feedback form

Please have a copy of the [Draft Guidelines \(http://www.environment-agency.gov.uk/business/regulation/139378.aspx\)](http://www.environment-agency.gov.uk/business/regulation/139378.aspx) to hand when completing this form

<p>Qu 1: (Section 2, p 3 - 5) Do the guidelines clearly define our role in the planning and permitting process?</p> <p>If not, what is unclear / what information is missing?</p>
<p>Ans: Yes but the role of the Environment Agency should also recognise the environmental benefits of development and the role that planning and permitting plays to enhance this, for example cement kilns have the capacity to recover energy from a large amount of waste material that would otherwise be discarded.</p>
<p>Qu 2: Do you feel your organisation has a good enough understanding of planning and permitting processes to deal with issues that relate to planning and permitting processes?</p> <p>If not, what do you feel you need to understand more, and how can we help build your understanding?</p>
<p>Ans: Yes but the operator should be consulted using the usual permitting/inspection contacts.</p>
<p>Qu 3 (Section 3, p. 6 – 8): Do you agree with the broad principles of our approach in Table 1 and what we say we will and won't do in Tables 2 and 3?</p> <p>If you don't agree with any of these principles, please identify which ones and explain why.</p>
<p>Ans: Yes but as outlined earlier the EA's role can also be supportive rather than rejection/concerned driven.</p>
<p>Qu 4 (Appendix 1): Does the sector facing guidance help you to understand the key locational risks for activities requiring an environmental permit?</p> <p>If not, what other information would you like to see?</p>
<p>Ans: The sector facing guidance applicable to MPA Cement members is that on incineration and co-incineration of waste. MPA Cement has the following comments on this guidance:</p> <ul style="list-style-type: none">▪ As set out in the introductory paragraph to this sector facing guidance,

incineration and co-incineration plants have very different functions. As a result MPA Cement firmly believes that to avoid unnecessary confusion and adverse attention that the guidance for co-incineration of waste is separated from that of incineration of waste to reflect the differing planning considerations of these sites. Some of the considerations for co-incineration sites are provided in the comments below.

- **Proximity to nature conservation sites at risk from emissions to air:** the guidance given in this section should only apply to new co-incineration facilities. Without this qualification, EA personnel unfamiliar with cement manufacture sites could apply the guidance to existing sites seeking planning changes linked to the use of Waste Derived Fuels, such as the addition of a simple silo or storage area change. If this guidance is followed in such instances, the EA could raise serious concerns for changes that can bring improvements to air and habitat quality.
- **Location that limits the potential to recover energy from the waste:** the location of a cement plant is governed by geology and therefore the access to raw materials and this should override any CHP considerations. Particularly as, unlike incineration sites, the majority of 'waste' heat generated in the cement manufacturing process is used effectively to dry raw materials. It is therefore not available for other heat users. The guidance also seems to be conflicting in that the CHP requirements want developers to locate (co)incineration plants close to areas of population which are more likely to be areas that are more sensitive and more likely to be air quality management areas. MPA believes that to minimise raw material road transport cement plants should be located on their raw material quarries and therefore away from densely populated areas. This makes CHP applicability in the cement sector impractical and uneconomic.
- **Combined Heat and Power (CHP) ready requirements:** Co-incineration sites located close to raw material supplies, that already utilise waste heat generated within their process, should be exempt from any requirement to be CHP ready. In addition, it is unlikely that CHP viability would change within two years and therefore a review and report on CHP practicability every two years seems burdensome on operators.

Qu 5 (Appendix 1)

Which other sectors would you like to be represented in this guidance?

Ans:

As stated in the answer to question 4 above, guidance for co-incineration of waste should be separated from that of incineration of waste to reflect the differences in planning considerations at these sites.

Qu 6 (Appendix 2):

Do you think the level of detail provided in the example response letter is enough to identify permitting issues for developments we identify as 'serious concerns'?

If not, what other information would you like to see in our response?

Ans:

Yes

Qu 7 (Appendix 2):

Would you find it useful if we provided example letters covering other types of response such as for 'standard response' or 'showstoppers'. If so, for which type of response?

Ans:

Yes- both for showstoppers and the standard response.

Do you have any other comments?