

British Metals Recycling Association

Response to joint DEFRA/DCLG consultation on Options for improving the way planning and pollution control regimes work together in delivering new development, published September 2006

This response is based on consultation with BMRA members, and supplements comments made at a meeting between BMRA, MVDA and DEFRA Representatives, Stewart Marshall and Dr. Andy Fraser, held on 28 November 2006.

The British Metals Recycling Association (BMRA) is the trade association for ferrous and non-ferrous recycling companies throughout the UK and represents some 300 businesses from multinational companies to small family-owned enterprises. This £3.5 billion industry processes over 13 million tonnes of metal annually into secondary raw material, which is vital for metals manufacturing.

The UK metals recycling industry is well-established and operates in an international market of traded raw materials. Many companies are family-run, passing on skills and knowledge 'from father-to-son'. Most metals recycling activities are considered low risk [using EP OPRA profiling – A19, A20] and are typically regulated under waste management licensing or registered exemption. The industry is a substantial contributor to the delivery of existing strategies on recycling and sustainable use of resources.

We agree that there have been problems with the existing "planning : permitting" interface and that the successful implementation of the EPP proposals in the UK will be partly dependant on the recognition that the interface needs to allow applications to be processed more efficiently.

The following comments have also been submitted in response to the joint DEFRA/Environment Agency consultation on the Environmental Permitting Programme.

BMRA members frequently report significant difficulty in obtaining planning consent for site development or modifications to satisfy the requirements of waste management legislation. This in turn can cause lengthy delays in securing an appropriate waste management licence.

The main problem experienced by operators of existing metals recycling facilities is that prior planning consent is required before the Agency can issue appropriate licence modifications/permits.

A recent example of the difficulty this creates was experienced when previously-exempt sites required licenses to operate as authorised treatment facilities under the End-of-Life Vehicle Regulations 2003. The Agency was unable to determine ATF status for sites until planning consent had been obtained. In late 2005, the Agency considered that those sites with unresolved planning status would have their ATF application rejected. As a result, a number of sites were forced to cease part of their activities due to factors beyond their control. These sites had no choice but to make a renewed application.

The requirement for prior planning permission also inhibits business development and investment decisions. We therefore welcome Government's review of options to improve the interface between planning and pollution control regimes.

We believe that some straightforward changes would greatly improve the current situation:

- greater exchange of information between the Agency and planning authorities;
- approval of environmental permit (in principle) in advance of planning consent. This would reduce the number of disputes and the time taken for the decision on planning permission (as the pollution risk would be established; thus reducing objections from the public on perceived environmental grounds);
- clarification of the roles of the Agency, the planning authority and other local authority departments (such as Environmental Health) so that the operator knows who is responsible for advising on specific issues; and
- production of a critical path that plots all aspects of the planning process including potential blockages would assist operators with making investment decisions.

Whatever measures are adopted to improve the interface between planning and pollution control regimes, the resultant system must be flexible and work for new applications and for sites with existing operations.

If there is any aspect of this response on which further information is required, please contact Howard Bluck by email Howard.Bluck@recyclemetals.org or write to:

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