



"Working for our members to be the voice of government on waste minimisation and recycling issues"

LOCAL AUTHORITY RECYCLING  
ADVISORY COMMITTEE

Defra  
Environmental Permitting Consultation  
Area 5A  
Ergon House  
Horseferry Road  
London SW1P 2AL

20 September 2010

Dear, Sir Madam

**Consultation Response – Environmental Permitting (England and Wales)  
(Amendment) Regulations 2011**

I am writing to present the LARAC response to the Environmental Permitting (England and Wales) (Amendment) Regulations 2011 Consultation, which is contained below, and I thank you for the opportunity to respond to the above consultation.

The comments below are sent on behalf of the Local Authority Recycling Advisory Committee (LARAC). LARAC is an association of around 380 local authorities across England, Scotland Wales and Northern Ireland whose waste management and recycling professionals' co-ordinate and operate waste management services. Membership is drawn from all types of authority including statutory Waste Collection (WCA), Waste Disposal (WDA) and Unitary.

Overall LARAC considers that the amendments to be made offer greater clarity to existing regulations and allow for better operation of facilities. Overleaf are our detailed comments as requested in the consultation.

If you have any queries on this response or would like to discuss the matter further then please contact me on 01227 862247 or [ian.mackenzie@canterbury.gov.uk](mailto:ian.mackenzie@canterbury.gov.uk).

Yours faithfully,

Ian MacKenzie  
LARAC Policy Team



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GREEN GLASS

## **Consultation Response – Environmental Permitting (England and Wales) (Amendment) Regulations 2011**

### **Question 1: Do you think the consultation approach to the consultation is reasonable?**

Yes, it is clear that the consultation process is designed to reach as many interested parties as possible.

### **Question 2: Do you agree with our proposal that environmental permits held by a deceased sole operator should vest in the personal representatives of the deceased for up to 6 months pending transfer of the permit.**

Yes the proposal would appear to be fair and reasonable, however the proposal assumes there will always be a personal representative listed, but what happens if there is no personal representative coming forward to reregister the permit. In such instances would it rest with a lawyer for the deceased or the person responsible for keeping the business running? Would this be covered by the amendment proposed to regulation 21?

### **Question 3: Do you agree with our proposal to amend regulation 21 to make it easier to transfer a permit where an individual cannot be located?**

Yes

### **Question 4: Do you agree with our proposal to amend regulation 21 to make it possible for a stand alone groundwater or water discharge permit that is held by a large number of individuals to be transferred by notification of the parties who are directly affected by the transfer?**

Yes

### **Question 5: Do you agree with our proposals to remove the obligations relating to traffic travelling to and from permitted waste sites, like landfills, from the Environment Agency on the basis that it is more appropriately addressed by the local authorities under existing arrangements.**

Yes, the proposal is agreed with. But although local authorities can determine conditions in relation to traffic travelling to or from a waste facility, they are still reliant on the police to stop vehicles where there are breaches of those conditions. The power of stop and search in relation to waste activities should also be vested with the local authority to make this proposal and other provisions more meaningful.

### **Question 6: Do you agree with our proposal to amend Schedule 1, Part 2, Chapter 1, Section 1.1 so that waste-derived fuel that has ceased to be waste before being burned as a fuel is regulated in the same way as non waste derived fuel?**

Yes, this seems to be an eminently practical proposal.



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**Question 7: Do you agree with our proposal to change some of the waste descriptions and codes for exempt waste operations and the scope of some exemptions as described in Annex 11 paragraphs 1 to 13?**

Yes, although there is concern that the amendment to T19 (physical treatment of waste edible oil and fat to produce biodiesel) is limiting and should be expanded further from 250 litres to allow for the proper investment in full scale biodiesel production from this source.

**Question 8: Do you agree with our proposals for which civil sanctions should be available for each specific offence in regulation 38?**

Yes

**Question 9: Do you agree with our proposal to amend regulation 2?**

Yes

**Question 10: Do you have any views on the forward programme outlined or suggestions which should be considered?**

As the majority of the forward programme, so far defined, is not within the remit of LARAC, we have no view to offer.