

**THE QUARRY PRODUCTS ASSOCIATION
NORTHERN IRELAND**



**Views on the Development of an Independent
Environment Protection Agency (EPA)**

May 2006

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Executive Summary

The Quarry Products Association NI (QPANI) welcomes the opportunity to comment on the Review of Environmental Governance for Northern Ireland.

Founded in Northern Ireland in 1998 the Association now represents 95% of aggregate production in the Province. Our membership includes major, medium and smaller sized companies. The Association represents companies engaged in the supply of primary aggregates; the processing of recycled and secondary materials; the production of down stream processed products such as asphalt, lime, mortar, ready-mixed concrete, precast concrete and road surfacing contracting.

Aggregates are among the very essentials of life - as important to us in their own way as the food from our farms. Through their products, quarries give us places to live, places to work, places to play and much more. They literally underpin our society.

Quarrying does, however, have environmental implications. Recognising this, the Northern Ireland industry aims to adopt a responsible approach to its work and a considerate attitude to its neighbours.

Quarrying is a major industry in Northern Ireland. There are around 160 quarries and sand pits in NI producing £300 million worth of products per year. The construction industry, which contributes around 10% cent of the Province's gross domestic product, is totally reliant on quarrying.

Annual demand for aggregates in Northern Ireland is approximately 24 million tonnes. The jobs that quarrying supports are in rural areas where other employment opportunities can be scarce. In fact, 75% of the total number of quarries and pits in Northern Ireland are situated in areas designated by Government as Targeting Social Need.

All quarrying is strictly controlled and has to meet high standards of environmental performance set by Government and the Planning Service. As urban sprawl and land designation increases, it is vitally important that Northern Ireland's aggregate resources are identified and protected for responsible utilisation by future generations.

It is the Quarry Industries view that existing environmental enforcement is failing and confidence in the EHS's ability to protect and maintain Northern Ireland's environment is at an all time low. Legitimate businesses are being undermined by ineffective regulation and interpretation of existing laws. The Association recognises that Northern Ireland is the only part of the United Kingdom and Ireland that does not have an independent environmental protection agency. It is our view that the introduction of an independent EPA provides an ideal opportunity for industry and Environmental NGOs to work together to ensure the protection of the environment and environmentally responsible businesses.

The Review of Public Administration provides a timely opportunity to consider the establishment of an independent Environment Protection Agency. QPANI recommends that:

- the establishment of a cost-effective independent Environment Protection Agency for Northern Ireland should be considered and evaluated
- the Agency would have to focus on enforcement of environmental regulation and the provision of information and advice on promoting best environmental practice
- The introduction of fiscal incentives such as exemption from rating for structures erected for purely environmental reasons and tax incentives for the adoption and implementation of environmental best practice

The Agency should be designed to meet the needs of Northern Ireland with

- An independent board drawn from various stakeholders
- Funding provided by central government as well as from a charging regime which should be designed to ensure competitive charging with incentives to encourage good environmental behaviour
- staff with technical and legal expertise, committed to providing a professional, fair and balanced service, consistent with the needs of the three pillars of sustainability – economic development, social development and environmental protection.
- a consistent risk based approach to environmental enforcement, an understanding of the competitive environment in which businesses operate and the need to provide customer orientated support and service
- close links to other relevant Northern Ireland bodies and to similar agencies elsewhere

Comments on Review Paper

Our responsibilities concerning protection and management of the environment and why does the environment matter to us.

The Northern Ireland Quarry Industry takes its environmental responsibilities seriously. The industry has the highest uptake of the ISO 14000 Environmental standard of any business sector in Northern Ireland.

We are the first business sector to appoint a Biodiversity / Geo-diversity officer. Her role will be to carry out research and develop a ten year strategy for bio-diversity and geo-diversity in the NI quarry products industry. As part of this the officer will research current work on and awareness of bio-diversity

and geo-diversity within the NI quarry products sector. She will identify potential development, produce Northern Ireland specific information packs, liaise with and assist members and formulate a ten year strategy for bio-diversity and geo-diversity in the quarry industry. A number of members have or are currently developing biodiversity action plans for their operational sites.

As part of the aggregates levy derogation from £1.60 per tonne to £0.32 per tonne the Northern Ireland quarry industry has signed up to an agreement, approved by the European Commission, to implement environmental improvements on a site by site basis as per an environmental protocol.

The QPANI hold an annual Environmental Awards Scheme and Conference to recognise and promote environmental best practice in the industry.

The Association circulates specific information on all aspects of environmental management at member's sites and promote information sources such as Netregs and the new website www.goodquarry.com

The industry regularly consults with regulatory bodies such as

- DOENI Water management Unit
- Industrial Pollution Control Inspectorate
- Environmental Policy Division
- Natural Heritage.
- Planning Service

The industry is currently forming partnerships with a number of NGO groups such as

- RSPB
- Ulster Wildlife Trust
- Woodland Trust
- Conservation Volunteers
- WWF
- NI Raptor Group

Many members employ best practice to facilitate wildlife and plant life on their sites. Quarries and sandpits are home to many species including peregrine falcon, sand martins, ravens, kestrels and many others.

The Quarry Industry has produced its own Sustainable Development Strategy and has produced its first report. In Northern Ireland, in partnership with WRAP, we have produced the Quality Protocol for the Production of Aggregates from Inert Waste. In deed many members have now received exemptions from waste licensing in order to recycle construction and demolition waste.

The Industry is now represented on various bodies such as

- Northern Ireland Biodiversity Group

- Lough Neagh Partnership
- Various Council Biodiversity Groups
- Belfast Hills Partnership

The above is an indication of the commitment of the industry to acting in an environmentally responsible way to ensure that we protect the environment and at the same time supply Northern Ireland with key essential materials. As stated our industry is a rural one with many of our employees residing in the countryside. It is therefore in all our interests that we minimise any impact on that rural environment.

Experiences of institutional obstacles, functional limitations or relationship barriers that we have inhibited effective environmental protection and / or enhancement.

The basic objective of the Association and of many members is to ensure the protection of the environment and of legitimate responsible companies. In the past the following is an example of ineffective regulation;

Illegal quarry operators – because of legal limitations regulators have been unwilling or unable to stop unauthorised extraction operations. It is the Associations view that any Independent EPA must have the resources and legal support to protect the environment and local legitimate businesses. In the past many illegal operators have been able to supply materials in to local markets, and in some cases to Government projects and agencies, without planning permission and other required licences to the detriment of legitimate business.

Institutional Obstacles – an example of this is where one agency under the umbrella of DOENI does not make a distinction between an authorised operator and an illegal one. In the case where the IPC inspectorate regulate mobile crushing and screening plant there was a case in the Ballycastle area where the official called at a legitimate quarry operator that morning and was then going on to an unauthorised site to regulate a mobile crushing plant. When the official was told that the site he was going to was unauthorised he said that planning was not his area of responsibility. We believe that the introduction of an EPA with fully integrated responsibilities would prevent incidents like this happening in the future by ensuring more effective communication and responsibility among various agencies.

In the area of waste management and recycling there is an over emphasis on gold plating legislation and European Directives. This has led, in a number of cases, to perfectly good fit for purpose material having to be sent to landfill sites and also to prosecutions of legitimate companies where no risk to the environment was evident.

In the case of the use of recovered fuel oil we have witnessed an example of where the legal interpretation of two EU Directives has resulted in a serious risk to the environment. Some of our members involved in the production of asphalt and tarmac use Recovered Fuel Oil as a fuel in their plants, and have been doing so for over 30 years without any problems. The plants have been regulated through the Industrial Pollution Control Inspectorate. In fact RFO has much better environmental credentials than virgin gas oil. Currently we use some 10,000,000 litres produced in Northern Ireland every year thereby saving on virgin fuel and reducing the need for further imports into Northern Ireland.

However as a result of the Waste Framework Directive and the DEFRA lawyers interpretation of it, RFO has been viewed as a waste in GB. This effectively means that our asphalt plants are in effect "incinerators" and fall within the waste incineration directive. This means that the plants are now part A operations rather than part B. To meet the Waste Incineration Directive limits operators are going to have to spend on average between £300,000 and £400,000 per plant on continuous monitoring and engineering alterations. This simply will not happen as it is not viable. The perverse situation is that virgin gas oil will not even meet the WID limits.

The Asphalt industry in Northern Ireland financed the free collection of used oils and lubricants from workshops, garages and other businesses across Northern Ireland by companies such as Atlas Environmental. Atlas Environmental, and other collectors of used oil, now have to charge for the service. As experience from the waste issue has shown the risk of used oil being simply dumped or poured down the drain is significant. There are limited other outlets for this product and certainly none who will pay for it.

It seems totally illogical that because of a legal decision within DEFRA we are going to change a process that has been going on for over 30 years without a problem under strictly licensed controlled conditions to a situation where a hazardous product could be disposed of illegally and because of the view taken in the Republic that recovered oil is a product, an unregulated industry exporting this material south of the border could develop.

Charging regimes

The Agency will need to be funded by a mixture of central Government support and a competitive charging regime, with benchmarks against other European countries. This represents an appropriate balance between the benefits to society as a whole and to individual companies. Companies should not be faced with 'cost-recovery charging' where competitors have access to much lower costs – otherwise the international competitiveness of Northern Ireland companies will be undermined. Charging policy overall should be better linked to environmental risks and benefits with appropriate incentives developed for good environmental performance. While 'cost recovery' charging has an appearance of fairness it can lead to agencies not worrying about their own efficiency. In the past the DOENI have used cost recovery charges that are industry believe are unfair. We would point out the inequality

of the existing system and the need to have independent review through the Agencies board so that this is controlled and the industry paying- has a voice on the board to ensure some balance.

It should also be the responsibility of the Government to finance the transitional arrangements and costs which will accrue from the reorganisation of current departments.

As part of its responsibilities, the Agency must be financially accountable to those from whom it generates income. Full financial and audited reports must be publicly available.

Remedies and Solutions

1. the establishment of a cost-effective independent Environment Protection Agency for Northern Ireland should be considered and evaluated
2. the Agency would have to focus on enforcement of environmental regulation and the provision of information and advice on promoting best environmental practice
3. The introduction of fiscal incentives such as exemption from rating for structures erected for purely environmental reasons and tax incentives for the adoption and implementation of environmental best practice

The Agency should be designed to meet the needs of Northern Ireland with

1. An independent board drawn from various stakeholders
2. Funding provided by central government as well as from a charging regime which should be designed to ensure competitive charging with incentives to encourage good environmental behaviour
3. Staff with technical and legal expertise, committed to providing a professional, fair and balanced service, consistent with the needs of the three pillars of sustainability – economic development, social development and environmental protection.
4. A consistent risk based approach to environmental enforcement, an understanding of the competitive environment in which businesses operate and the need to provide customer orientated support and service
5. Close links to other relevant Northern Ireland bodies and to similar agencies elsewhere
6. To achieve these objectives the Agency's role and structure must be clearly defined. The Agency would not be responsible for environmental policy – this would remain the under the authority of the Minister of the Department of the Environment (DoE) and be implemented through the Environment Policy Group. The Minister would remain accountable to the Assembly for developing and implementing environmental policy. The new Agency would have a sensible and transparent relationship with the policy arm of the DoE. The new Agency would be charged with effectively enforcing this

legislation and operate a 'firm but fair' prosecution policy. It would be expected to develop close working links with the Environment Agency in England and Wales, the Scottish Environmental Protection Agency, the Irish Environmental Protection Agency and the European Environment Agency.

7. Secure sustainable improvement to the quality of the Northern Ireland environment by robust and accountable environmental monitoring, developing and recommending appropriate environmental quality objectives, providing appropriate advice and information, and promoting best environmental practice;
8. The Agency must also have good links with other Government Departments which are involved with setting environmental policy or in promoting environmental initiatives to ensure a coherent and joined-up approach is taken to achieving environmental objectives.

Opportunities for better environmental management

The introduction of an independent well resourced Environmental Protection Agency would in our view enhance integrated communication not only between Government agencies but also between the agencies and industry.

The introduction of fiscal incentives for implementing environmental good practice together with a firm but fair enforcement policy will promote and enhance environmental protection.

The EPA should provide a monitoring and reporting system to Government Departments on companies environmental performance that can be assessed to ensure that the public sector only procure products and services from legitimate and environmentally responsible companies.

The EPA should support and enhance existing sources of environmental information such as Netregs and Envirowise. It should also co-ordinate work with the Waste Resource Action Programme (WRAP).

Conclusion

As previously stated and shown QPANI has concerns about the failings and weaknesses of existing regulatory framework in Northern Ireland, and how it is enforced. As a result, QPANI believes that Government should consider the merits of establishing a cost-effective independent Environment Protection Agency for Northern Ireland.

The Association recognises that the changes the development of such an Agency may bring will have short term impacts both on Government and Industry. However the Review of Public Administration provides the opportune time to consider the creation of an independent Agency, designed to create a truly sustainable Northern Ireland.

With a clear focus on enforcement of environmental regulation, supported by the provision of information and advice on promoting best environmental practice, and the publishing of key environmental performance indicators, we believe an independent Environment Protection Agency may be able to make a major contribution to the future sustainable economic and social development of Northern Ireland, through effective and balanced environmental protection.

Signed

A handwritten signature in black ink, appearing to read "Seamus M. Keefe". The signature is written in a cursive style with a large initial 'S'.

Seamus McKeague
Chairman QPANI