



Mr David Mason
Department of the Environment
Sustainable Development Division
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By email to david.mason@doeni.gov.uk

Dear Mr Mason,

Consultation on Proposed new abstraction and impounding licensing regulations to apply in Northern Ireland

Quarry Products Association's Response

1. Thank you for consulting the Quarry Products Association NI (QPANI) on the proposed new abstraction and impounding licensing regulations consultation. The QPA welcomes the opportunity to comment on the proposals within the consultation document.
2. The QPANI is the principal trade association representing the Northern Ireland aggregates and quarrying industry. Our members produce over 95% of aggregates quarried in Northern Ireland – sand and gravel and crushed rock. They also produce agricultural and industrial lime, silica sand and marine dredged sand and gravel, as well as secondary and recycled aggregates, ready mixed concrete and asphalt products for roads.
3. The QPA makes the following comments:

Q1 Do you consider that the proposed regulations will provide an effective means of protecting the water environment?

In the context of the aggregates industry we do not believe that the regulations will significantly reduce the impact that our industry has on the water environment. Water management is given a high

priority by the industry as such significant investment has been made in best practice procedures to meet legal obligations. However that is not to say that there are companies within the industry who have not lived up to the high standards expected. That being the case the existing enforcement and prosecution policy should be a sufficient driver to improving performance. The industry view is that the best way to protect the water environment is by industry and the regulator working together to promote best practice, have a charging scheme that rewards good compliance and heavily punishes the repeat offender.

Q5.2 Are there any other abstraction / impoundment activities that should be exempted from the regulations?

It is our Associations view that each application for licensing should be assessed on its own merits. Criteria that should be considered are,

1. Level of environmental risk.
2. Is the use of water consumptive or non consumptive.
3. Is water being used recycled water i.e. water that is collected in a lagoon or sump and pumped for use in various processes.

We would contend that if there is minimal environmental risk and the use of the water is non consumptive then a registration, not a licence, should be required. Where water is being collected, i.e. rainwater from roofs or run off from site, this should be exempted from the regulations.

Examples of non consumptive use would be,

1. washing of aggregate and then returning same quantities used to the water course in a state that complies with water discharge consents.
2. Discharge of sand from barges, as carried out on Lough Neagh. Water is used and returned to the lough in the same quantity and condition.

In the case of low environmental risk we would contend that where dewatering is taking place in order to extract aggregate below the water table and that water is simply transferred from one part of the aquifer to another in the same quantity and condition then it should be categorised as a PCA.

Q5.3 Are the limits set out in schedule 1 for the Permitted Controlled Activities reasonable?

We would suggest that dewatering for the purpose of prevention of interference with mining or quarrying be added to schedule 1 as a permitted controlled activity.

The volume limit for test pumping a borehole (150m³) may in certain circumstances, be insufficient to allow proper testing. We recommend that limit is raised.

Q5.4 Do you have any comments on the licensing process?

The QPANI see no reason to require the renewal of time limited licences at the same or reduced level of abstraction to be advertised.

With regard to any register the QPANI would like to know if the register will be made available via the Departments website or other means.

Q5.5 Are the time limits for processing applications reasonable?

Yes

Q5.6 Have you any comments on the provisions relating to the variation or revocation of licenses?

No

Q5.7 Do you consider the enforcement provisions are reasonable and effective?

Yes

Q5.8 Have you any other comments on particular aspects of the proposed Regulations or the regime generally?

The industry will be significantly affected by the new licensing regime when currently exempt quarry dewatering activities become licensable for the first time with the introduction of licences, as well as the imposition of time limiting arrangements. We would require clarification on the following points,

1. In the minerals industry dewatering will not be required until the quarrying operation hits the water table. This may take many years therefore we would seek clarification on whether a license would be required prior to the development of the site or prior to abstraction. This is vital as companies need to ensure security for investment in the operation.

2. We would also seek a statement from the Department that in any review of licenses that there will be a presumption for renewal. This of course would be on condition that all conditions of the previous license had been complied with and no environmental damage had occurred.
3. We would also seek clarification on how the process is to be linked into the Catchment Area Management Plans.

We would like to make comment on why we believe the quarrying industry should be considered an exceptional case. Below is the comments made by QPA during the DEFRA consultation in England and Wales. We would recommend that the Department take on board the proposals for adoption in Northern Ireland.

Exceptional circumstances – Long duration licences

The minerals industry must be routinely considered as within the remit of 'exceptional circumstances' and guidance must be issued to this effect. The main abstractions carried out by the quarrying industry are for dewatering purposes and would involve long-term water transfers which have minimal environmental impact but are essential to the working of aggregates below the water table.

The use of a Forum to decide applications under 'exceptional circumstances', along the lines of that used to review waste management permit applications, could provide an effective decision making process and would demonstrate consistency in applying the requirements detailed within the consultation paper.

Mineral working involves substantial capital investment; it is essential that the duration of an abstraction licence is linked to the anticipated life of a development if investment is not to be prejudiced.

Yours sincerely

Gordon Best

Regional Director QPANI