

31st December 2003
Carl Woodward
Air and Environment Quality Division
DEFRA Zone 4/G10
Ashdown House, 123 Victoria Street
London
SW1E 6DE

Dear Carl

Process Guidance Notes for the Minerals Sector

The British Aggregates Association represents the interests of some 60 privately-owned and independent quarry companies throughout the UK operating out of over 100 individual sites with some 10% of national output. We also have 20 associate members who have interests in and offer services and equipment to our industry. Some of our members also have asphalt and ready-mix concrete facilities and/or operate landfill sites. We were formed in late 1999 and our membership has grown steadily, with a target of 100 in due course. BAA is an integral part of the consultation process with ODPM, DEFRA, DTI, Treasury and Customs and Excise. We are members of the CBI Minerals Committee and are seeking representation to the Environmental Audit Committee. We also have formed strong links in Europe.

BAA maintains the highest regard for environmental matters and operates a Restoration Guarantee Fund similar to the SAGA scheme which we launched in October 2002.

We welcome the opportunity to respond to the Consultation on the series of draft revised process guidance notes relevant to the minerals sector and our comments are set out below. We make general comments on all the guidance notes but some more specific comments on PG3/8 for quarry processes.

- We would draw your attention to our previous correspondence, most specifically on PG3/8 and PG3/15A to Paul Barrett of your department dated 4th November 2001. These particularly questioned the need for further changes from the 1996 guidance notes – and most notably the reduction of emission levels to 50g/m³ and the installation of measurement equipment. Not only do we believe there is no justification or evidence that such moves is either necessary or indeed desirable – but the financial imposition on SMEs such as our members is an unjustified burden. In this respect we note that your Appendix 2 of PG3/8 states "*...the proposed changes...are not considered to involve significant financial implications*" which we do not agree with. If this was seriously to be considered a strong health argument is required from you and also a cost/benefit analysis.
- We would also draw your attention to our request in that letter and also in our letter to Dr Alison Simmons of the Environment Agency in Bristol dated 11th July 2001 that BAA is represented on the Technical

Committees reviewing these guidance notes. To date we have not been invited to any meetings.

- We would request that these proposed changes and comments you receive are subject of a full review by this Technical group and that we also send suitable technical representatives from our members.
- BAA note that the government are looking to reduce the bureaucracy and unnecessary red-tape burden on industry and specifically for SMEs. In planning controls the highly prescriptive nature of plans is to be replaced with shorter and more flexible controls. These will also include environmental guidelines (MPS2) for noise and dust in addition to the high regulatory regime in these and other associated areas from HM Quarry Inspectorate enforcing health and safety regulations.
- In this respect the process guidance notes are a duplication of existing regulation and could be seen as *gold-plating*. We would request that a simplification and more general and less prescriptive nature of the guidance be considered – and that certain categories be excluded eg SME operators, producers of products using wet processing (or with moisture contents exceeding 10%), producers of products not generating sub-micron dusts. This would also eliminate any disparity between interpretation and execution from different local authorities.
- The guidance does not differentiate between the size (and impact) of operations, and between operations in open rural areas and those close to residential dwellings in urban areas. In addition the regulations for recycle plants and for mobile equipment seem considerably less onerous than for fixed quarry plant. In some cases the suggested levels of dust emissions are lower than ambient conditions in city centres!
- There is no respect given, for instance in Guidance Notes 3/1, to separately summarising the issues for cement works, cement importing operations, cement distributing operations, pre-cast works, ready mixed concrete plants, and dry mortar silos on building sites. Given that there are only a handful of cement manufacturing works in the UK, but say 1200 ready mixed concrete plants, and huge quantities of dry mortar silos on building sites, this layout of all the draft guidance notes must add to the difficulties of local authorities in attempting to operate the system. There is also no respect given to the different scale of operation and volumes of powder used. The system is weighted to ‘one size fits all’ solutions.

Thank you for this opportunity to respond and we trust that our points will be considered. If you require any further information or clarification, please do not hesitate to contact me further.

Peter Huxtable

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Secretary