

12th January 2006

**Anne Dacey
Environment Agency (TLA)
15 -17 Wrens Court
Lower Queen Street
Sutton Coldfield, West Midlands
B72 1RT**

Dear Ms Dacey

Time Limiting Arrangements for Water Abstraction Licensing

Thank you for inviting us to comment on the above consultation.

The British Aggregates Association (BAA) represents the interests of over 70 members. 50 are independent and privately-owned SME quarry companies throughout the UK with some 10% of national output and who operate from over 100 sites.

Several of our members operate with some quarry dewatering but generally most of the water is returned to the same aquifer so there is minimal nett extraction. We believe that more effort by the regulators to keep small users exempt from the licensing regime would have been appropriate and in the spirit of Government intentions to reduce the regulatory burden on industry and on SMEs.

We are members of the CBI Minerals Group and fully support their more detailed response to your consultation which emphasise concerns over the unnecessary complications and disincentives to long term business investment in the UK. It is clear that the unique nature of the minerals industry with regard to quarry dewatering for which no alternatives exist apart from business closure has not been adequately understood or addressed in the proposals.

We are concerned that these consultations have not been carried out at the same time as two DEFRA consultations on the regulations and licensing regime – one recently completed and another scheduled for early this year. Better coordination between EA and DEFRA would assist industry and other stake holders to fully appreciate the changes proposed for the water abstraction and licensing regime.

Section 3 Principles of time limiting and associated proposals

We strongly believe that for mineral extraction, the appropriate period for a transfer licence is that for which planning permission has been granted. It is reasonable that if the Mineral Planning Authority has deemed it acceptable to grant permission for a 25 year extraction operation, which it will only have done after the completion of an environment impact assessment and extensive consultation with the Environment Agency and others, that the EA should then issue any transfer licence for the same period.

It should also be recognised that due to the unique nature of the industry and to engender business confidence that a presumption of renewal is automatic.

As permit applications to the EA can take many months to be determined, the date for deciding licence duration should be the date of issue not the application date.

Long Duration Licences

An application for a transfer licence should be considered as an exceptional circumstance for considering issuing licences of greater than 18 years because they do not involve the consumption of significant quantities of water.

In the case of mineral extraction the key factor is likely be the permitted life over which the reserves will be extracted. So the answer to your question **TLA 3** for satisfying 'Requirement I' is the life of the quarry permitted by the planning permission.

Minimum Value Conditions

In the case of mineral applications it may be that there is no dewatering of the operation for some time while the material above the water table is being extracted and therefore a transfer licence may not become operable for some years. It is essential however that the licence is in place at the outset to ensure the planned life of the investment is secure. Standard 'self-destruct' conditions are not appropriate and should not be used.

We trust that our comments are helpful. If you have any queries or wish to clarify or discuss any items further please do contact me.

Yours Sincerely

Peter Huxtable

Secretary, British Aggregates Association