



1st October 2009

Fran Sykes
Environment Agency
Kingsmeadow House
Kingsmeadow
Reading
RG1 8DQ

Dear Fran

RESPONSE TO THE ENVIRONMENT AGENCY CONSULTATION ON DRAFT GUIDANCE ON COMPLIANCE PERMITS IN RESPECT OF THE “MINING WASTE REGULATIONS”

1. The English Stone Forum

1.1 The English Stone Forum was set up to promote dialogue between key interested organisations to debate and disseminate information on issues concerning the supplies of appropriate building and roofing stone, and roofing slate that are essential for repair and conservation of existing buildings and in new building that provides a sense of place by using traditional materials. The aims and membership of the Forum are at Appendix A to this response. I am responding in my capacity of current chairman of the Forum. **Views expressed in this response are those of the Forum. These are not necessarily views of those organisations that representatives attending the English Stone Forum Committee are drawn from.** The response has four sections: first some general comments, secondly specific points on certain of the consultation questions, then some specific comments on the wording of certain draft policies and, finally, comments on the Historic Environment Practice Guide.

2. Comment on the draft

2.1 I have been unable to open the response form so I am responding by letter and hope that this representation can still be taken into account.

2.2 It is, of course, essential that all guidance should be completely consistent with the terms of the Directive and associated Regulations. However it is also important that disproportionate and perverse effects should not arise. The Forum is concerned that application of the proposed guidance could lead to unfortunate effects on operations for the supply of building and roofing stone and roofing slate. It is unlikely that most of these extraction sites would fall into Category A, so comments are limited to the draft guidance on compliance permits. Also, we are concerned here only with inert waste.

2.3 Box 1.2 defines, for inert waste, a 3 year period before “a mining waste facility exists”. Many (but not all) building and roofing stone operations are undertaken at a small scale with small amounts of stone being worked sporadically, rather than continuously. During these sporadic “extraction campaigns” good stone will be taken to meet current market demands but a proportion of other stone will be set aside for future sale that may occur sooner or later but not necessarily within 3 years. These materials are not waste and neither will they be used as backfill. They could, therefore, be caught by the terms of the regulations even though they are products and not wastes. This matters particularly because building and roofing stones have very specific technical and aesthetic properties and appropriate stone is needed for the restoration, maintenance and repair of our heritage of historic buildings. For instance, stone may be set aside for sale for the repair of a cathedral which is, by its nature, an

ongoing, if not continuous, process. The imposition of the full weight of the Regulations on such materials would cause severe problems for small operators as well as creating a perverse incentive for operators to crush valuable building stone as aggregate so that it does not remain on the site. If so we would be losing scarce and valuable materials that are essential for the preservation of our historic heritage.

2.4 It is hoped that the Environment Agency will give careful thought to this issue in order to avoid adverse outcomes. These comments relate as much to the proposed step-by-step procedure yet to be published (para 1.2) as the existing draft document.

2.5 Representatives of the Forum would be pleased to discuss this matter if that is thought to be helpful.

Yours sincerely,

B R Marker

Brian Marker
Chair English Stone forum