



Chairman - Keith Duff
Secretary – George Muskett

**Minutes of the Seventeenth Meeting of the UK Minerals Forum,
held at The IoMMM HQ, 1 Carlton House Terrace, London SW1Y 5DB
on Thursday 22 March 2012 at 10.30am.**

Present; -

Keith Duff - Chairman
George Muskett - Secretary

Andrew Bloodworth – BGS
Bob Brown –CPRE
Ruth Chambers - CNP
Jim Davies – Environment Agency
Alan Everard – Tarmac/CBIMG/mpa
Chris Hall - CBIMG/BCC
Clare Harding – DECC
John Heron – BCA/Lafarge
Lester Hicks - Consultant
David Highley
Ken Hobden - mpa
Nick Horsley – CBIMG/SAMSA/Sibelco
Jon Humble - English Heritage
Nigel Jackson – CBIMG/mpa
Bob LeClerc – CBIMG
Mark Plummer – DCLG
Richard Read – Hampshire CC/POS
Ian Selby – Crown Estates
Hannah Townley – Natural England
Andy Tickle - CPRE
Simon van der Byl- CBIMG/mpa
Chris Waite - SEERAWP/LAWP
Roger Wand – DCLG
Paul Wilcox – Planning Officers Society

17/1 Welcomes and Introductions

The Chairman welcomed Jim Davies who was now attending in his own right as the EA representative. The Chairman also welcomed Roger Wand DCLG who was deputising for Mark Plummer, arriving later and Bob Brown CPRE who is taking over from Andy Tickle.

The Chairman reminded the meeting that he would be retiring later in the year. Nigel Jackson explained the philosophy behind the choice of chairman and said that following discussion at CBI Minerals Group (CBIMG) there was support for Lester Hicks to succeed Keith Duff. CBIMG therefore propose Lester as chairman designate, but it is open to Members of UKMF to propose an alternative if they wished. Any such nominations should be made as soon as possible for the chairman designate to be able to sit alongside Keith at the next meeting in June.

The term of office is 3 years which aligns with the work leading up to the next Living with Minerals conference in 2014, allowing a year to bring conference outcomes to a conclusion.

The Secretary has also indicated that he would be retiring at the same time and volunteers or nomination for the role were therefore sought.

17/2 Apologies for absence

Apologies were received from:

Darren Moorcroft – RSPB

David Brewer – Coalpro

Bob Fenton – MAUK/CBIMG

Peter Huxtable – CBIMG/BAA/IOM3

Mick Daynes – CBIMG/mpa/Hanson

Hugh Lucas – Aggregate Industries/mpa/CBIMG

Graham Marchbank – Scottish Government

Joanne Smith – Welsh Assembly Government

Brian Marker – Former Chairman

Paul Wilkinson – The Wildlife Trusts

NB. mpa in lower case refers to The Mineral Products Association

17/3 Minutes of the Last Meeting (17.11.11)

These were agreed, subject to amending European Minerals ‘Day’ to Days on page 6; correcting the spelling of Professor Stewart’s name on page 7 and changing Corrine to Lucy Yates on page 8.

17/4 Matters Arising, not dealt with elsewhere

These were summarised in the paper circulated before the meeting and it was noted that the majority of the actions had been discharged.

Minutes 15/3 and 16/4 - Nigel Jackson said that he and Bob LeClerc had met with Defra, but the Department's representative was still unresolved as it had been difficult to identify one person whose role would touch all the issues in front of the Forum.

Action: Nigel Jackson

NB. Since the meeting Lindsay Harris of the Sustainable Business and Resource Efficiency section at Defra has agreed to join the Forum at its June meeting.

Minute 16/5- Andrew Bloodworth confirmed that the UKMF website would be updated shortly.

Action: Andrew Bloodworth

17/5 Living with Minerals 4

The Chairman explained the background to the Working Groups' work.

He said David Brewer, convenor WG2, has advised that the Institute of Quarrying (IoQ) has developed initial proposals for a short course for new mineral planners and that David would discuss this with IoQ, after Easter when he returns from holiday.

Action: David Brewer

The Chairman noted that Brian Marker, convenor WG3, was still looking for photographs to illustrate mineral operations for the public information material. Responses from Members have been slow and the Chairman asked that they reply to Brian as soon as possible.

Action: All Members

The Techniques of Communication paper had already been put on the BCC website and Nigel Jackson said that he would ensure it goes onto the mpa website.

Action: Nigel Jackson

The Chairman then drew attention to the Summary Report on the Working Group programme as a whole that Lester Hicks had prepared. He asked if Members were happy with the summary and conclusions, or whether any changes were needed, as it was necessary to get the work signed off.

The Chairman then took the paper section by section for comments.

Introduction

Following discussion it was agreed that the Introduction should have a paragraph giving the context of the Forum and one about Living with Minerals.

WG1

There was much discussion of the section for WG1 (mineral transport), with respect to the potential for recognition to be given to the ability of existing major import facilities to cater for future aggregate need as advocated by a parallel study by Buchanan and Partners. It was noted that the adequacy of new port infrastructure and the possible need for it to be augmented, together with the capability for the onward distribution of materials from the ports raised parallel issues for transport from new aggregate quarries, which should be emphasized in the text (all but one of the present major rail-served quarries in Somerset and Leicestershire would have closed by the end of 2032 unless extensions were granted). There needed to be a determined strategic priority for heavy freight in national transport planning, which was not presently the case.

However it was felt by some that to make more of this aspect at this stage was not only going beyond the original remit of WG1, but would tend to roll forward the discussion to another issue. It was necessary to focus on what had been done by WG1 and distil the areas for future action.

It was also suggested that it could also be helpful to consider how to present the main issues and conclusions, perhaps by the use of boxes or colour.

In response, Paul Wilcox (Group Leader) advised that the report had covered the ground in its remit and the extension into the findings of the ASLF –funded Buchanan study was entirely relevant to that and usefully levered in resources not available to the Group. The report and its conclusions had also formed the basis of WG1's response to the consultation draft of the National Planning Policy Framework.

WG2

Lester Hicks (in David Brewer's absence) reported that in the light of the discussion at LWM4 and the views of CBIMG on funding, contact would be made with the IoQ to explore whether the necessary resources for course development and possible start-up subsidies might be funded from the industry-wide training levy.

Nigel Jackson suggested that if the IoQ were going to be approached with a view to developing and providing a course, then this could be added to the report. In agreeing to this Lester Hicks noted that the initial proposals from IoQ at the outset of WG2's work had seemed 'planning light'. It was necessary to explore whether IoQ could deliver what WG2 and LWM4 had agreed was necessary as well as the funding aspect.

WG3

Nigel Jackson suggested that what Forum had done could be up-loaded to Iain Stewart in relation to the work he is doing for BGS.

Chris Hall confirmed that he was happy to have the material, developed by WG3, on the BCC website, but to be effective, particularly for non-expert browsers, it needed to be made more visually appealing.

Lester Hicks stressed the importance of this; its success depended on the uptake by industry, communities and educationalists and further work was needed by experts in web design with the skills not available within the WG.

Nigel Jackson agreed to speak to Barry Hedges concerning presentation.

Action: Nigel Jackson

Richard Read confirmed that he would get the WG3 material onto the POS website.

Action: Richard Read

The Chairman recapped on the changes that were needed and asked Lester to liaise with Nigel and BobLeClerc.

Action: Lester Hicks

Members agreed that following this it could be signed off before the next meeting.

17/6 CLG Update

In the initial absence of Mark Plummer, Roger Wand advised that as it had been announced that the NPPF will be published next Tuesday, 27 March there is nothing he can say on this, other than the mineral industry's comments have 'been taken into account'.

He confirmed that the consultation period on the voluntary Strategic Environmental Assessment for the revocation of the eight Regional Spatial Strategies (RSS) ended on 20 January. He confirmed that each RSS would be revoked individually by Order, but had no information as to the timescale in which this might take place.

There was no further information on the proposed decentralization of planning fees.

Richard Read observed that a very complex planning scenario would result from next week's publication of the NPPF when so many of the RSSs would be extant. The faster that certainty could be achieved the better.

Roger confirmed that the team was now:

Mark Plummer

Roger Wand dealing with waste and some aspects of minerals and
Mathew Bigault.

When Mark Plummer joined the meeting he advised that the National Planning Policy Framework was to be published on Tuesday 27 April, 2012 and should clarify what is happening with current guidance. He also confirmed that the Government's review of the Habitats Directives was being published today, 22 March and that the DCLG Red Tape Challenge has been deferred as it is currently engaged in issuing new regulations, amongst which were those dealing with the duty on local planning authorities to co-operate under the Localism Act and the key bodies in relation to this duty. However, there was nothing yet on planning fee reform, but when brought forward it would require an affirmative resolution in both Houses.

A number of minerals issues were being progressed, but they were not at a stage where they could be spoken about.

17/7 UK Constituent States

The report from Scotland, prepared by Graham Marchbank, had been circulated and was taken as read. There were no comments.

There were no further reports from the devolved administrations.

The Chairman then took the Environmental Update paper collated by Jon Humble, for which he thanked him, noting the useful hyperlinks that had been included.

It was taken as read and Jon advised that he would in future contact Jim Davies, EA for input. Jim mentioned that the Water Framework Directive may be a relevant item.

Nick Horsley asked to be contacted on the Mineral Archaeological Resource Assessment that is to be carried out on the china clay areas in Devon. Jon advised that Cornwall Council is the lead authority.

In the absence of a report from the Welsh Assembly, Ken Hobden advised that Wales was undertaking a complete review of its planning system, with the intention to produce a White Paper in 2013 and a Plan in 2014. The process is being undertaken by an independent advisory panel and public consultation has now closed. The mpa has submitted a response and Ken has been invited to a round-table discussion with the panel in April. There is no specific minerals representation on the panel, but Andy Farrow (ex sec.of the North West RAWP) is a member.

There are two other mineral consultations out in Wales

17/8 Any Other Business

The Chairman noted that the Competition Commission was to carry out an investigation into the supply or acquisition of aggregates, cement and ready-mix concrete. Bob Brown noted that this has relevance in respect of the environment and land banks. Lester Hicks said that it would also be relevant to the small operator since it had been pressure from small operators on competition issues that had largely triggered the investigation

However it was agreed that it was for industry and the trade associations to engage with the investigation.

Lester also drew Members attention to Defra's recently published response to the Government's Red Tape Challenge and Simon van der Byl noted that its review of the Habitats Directive was published today, 22 March.

The Chairman suggested that this could all be useful input for future UKMF discussion.

Chris Hall suggested that water abstraction issues could also be a topic for future discussion or debate.

Nick Horsley noted the EU General Court's recent judgment which annulled state aid approval in respect of the Aggregates Levy. Nigel Jackson said that mpa are analysing the case, but that the decision was possibly not the last word on the matter. The rate of the Levy had been frozen again in this year's Budget, but there was nothing to suggest that the treasury is changing its position as a result of the ruling.

Ken Hobden advised that the RTPI/mpa conference is to be held in a new venue at the Warwickshire County Cricket Club, Edgbaston this year on 17 May. Bob Neill MP is attending and there is the usual varied programme including a legal up-date and 3 panel style sessions on the NPPF, ROMPs and EIA, facilitated by Michael Rodd. The link below takes you to the flyer and booking form on the mpa website.

http://www.mineralproducts.org/documents/MPA_RTPI_2012%20Min_Plan_Conf_flyer.pdf

17/9 Dates of Meetings 2012

Tuesday 26 June at CBI, Centre Point, 103 New Oxford Street, London, WC1A 1DU
(Lunch 13.00hrs for 14.00hrs start)

Thursday 15 November at IoMMM, 1 Carlton House Terrace, London SW1Y 5DB
(11.00hrs)

17/10 Environmental Debate

The Chairman introduced the environmental debate by explaining that this was an opportunity to explore different perspectives and to reach a better understanding of respective positions. The debate should aim to highlight the drivers for sectoral views and to avoid polarization.

Andy Tickle would lead for the Environmentalists.

Richard Read would lead for the Planners.

Nick Horsley would lead for Industry.

The Environmentalists

Andy spoke to a power point presentation compiled by Ruth Chambers, Hannah Townley, Darren Moorcroft, Jon Humble and himself, entitled ‘Reflections on a decade of environmental progress?’

The presentation initially looked back at the issues, the establishment of the national parks, the concerns over old mineral permissions, the ‘predict and provide’ culture and the ten tests set out in 2001 for a more sustainable planning system.

However progress on some 5 or 6 of the ‘tests’ had been made in the last decade and the establishment and functionality of the UKMF in the last 5 years is also a testament to this progress. Local engagement was still a problem, but there were notable successes. The contribution made to bio and geo diversity in restoration programmes, the partnerships between industry and Natural England, RSPB and the Wildlife Trusts, the co-operation in drafting archaeological guidance and increased dialogue on the cultural heritage were all good examples. As were the formal reviews of the old mineral and mining permissions, the QPA’s four point plan for national parks and the establishment of the ALSF.

Not so good was the loss of the regional aspect to planning, the demise of the ASLF and the continuing need for enforcement in some cases. There were still issues to be progressed, the acceptance of environmental capacity, greater representation on RAWPs (subject to resources), policy on dormant sites and future issues such as ‘fracking’ and the approach to 2042.

It was concluded that the pendulum had not swung too far, but that there had been a proper reflection of environmental and social concerns. The planners still had the key adjudicating role.

The Planners

Richard Read went through his paper that had been circulated prior to the meeting.

Planners have to deal with a number of disparate agendas and a continuing stream of legislation. The courts have widened and reinforced the number of material considerations relevant to planning.

The result is an overloaded system, long timescales to ensure that every issue is addressed, perceived injustices and challenges and a service that no longer has public confidence.

There is a clear need to properly resource the planning function and at a time when public spending is being reduced this means that applicants/industry will be expected to fund the service through increased fees.

In response to these decreasing resources and rising expectations there will need to be a culture change in how planning is carried out. This will impact on all participants. There will need to be a focus on outcomes, particularly shared outcomes and on the customer, rather than on the process. Shared outcomes should result in less polarization, more benefits focused on what is really needed and as resources diminish in NGOs, as elsewhere, a more productive use of scarce resources.

There is also scope for more use of shared or purchased services between mineral authorities. There is also a need for better collaboration between statutory bodies, such as Natural England and the Environment Agency. The Defra 'Total Environment' projects are such an example.

Finally there has to be a change in expectations. A better understanding of what the planning system can deliver and what it cannot needs to be achieved. Impractical demands on the system lead nowhere. The answer is better communication and improved skills.

Those skills will also need to be nurtured in planning departments as well as other interested organizations. The dwindling skills base in mineral planning authorities was being addressed by the UKMF but requires reiteration as the requirements on planners widen to take in matters such as commercial acumen, project management and political awareness.

The Industry

Nick Horsley had taken on the task to lead for industry at a very late stage and had little time to prepare his presentation. He spoke from his first hand knowledge in the preparation of minerals applications, of the hurdles faced in this process and the consideration of the eventual application.

He posed the question 'environmental debate or sustainable development?' Despite achieving a high level consensus, local agendas can frustrate progress. There can be a resistance to engage by outside agencies, which possibly see a need to maintain their narrow view.

Statutory consultations could be seen as one-sided. Why are not BIS or the Chambers of Commerce engaged in this process.

Resource problems in local planning authorities can cause delays with changes of staff during the preparation and presentation of a mineral planning application.

The industry recognises the successes that have been achieved over the years in Nature after Minerals, the ALSF and the contribution of mineral restoration to the BAP objectives.

Mineral operators often face conflicting requirements, some mutually exclusive, so it is difficult to measure the material impact, if any, on the environment.

It could also be said that mineral development is not treated on a par with other development, such as housing, in the range of matters it has to address, particularly as it is a temporary use of land and offers much in the restoration phase.

In meeting environmental objectives there is little recognition given to the industry for its successes and often the innovative methods it devises.

Discussion

The Chairman then invited any questions of clarification from Members and a lively discussion followed.

Andy Tickle asked what was meant by a reference to ‘planning by stealth’
In response Nick clarified that this relates to the tactic of some objectors who raise issues but are not prepared to come forward to discuss them. It is a tactic which undermines the process.

The Chairman asked if there was also a related issue with changes in personnel. Nick acknowledged this saying that it underpinned his view on the proposals for charging for pre-application discussions, in that the advice received may not be ratified at a later date due to such changes.

Nigel Jackson referred to the four point plan that had been devised by the former QPA. He thought that this had been retained in the change to the mpa, but perhaps the mpa should confirm its adherence to the plan.

Ruth Chambers welcomed this and suggested it could be reviewed by the mpa to bring it up to date, as it was now 15 years since its inception.

Nigel agreed to take the suggestions back to mpa members, but they would not be the same as when the plan was devised and would require briefing. He thought this could be achieved in two phases; the first to re-affirm the plan and the second to consider review.

In answer to a supplementary query as to whether the review would include AONBs, Nigel agreed to ask the question of the mpa.

Clare Harding noted that the perception of objectors was often that “the industry is driven by the interests of its shareholders”. Industry needed to overcome this perception. Lester Hicks agreed that at the grassroots the view of minerals proposals was sometimes very ‘black and white’ and this can undermine any national level consensus about the need for sustainable mineral working.

Referring to a previous comment, Lester confirmed that, if pre-application discussions with statutory regulators, such as the EA, EH or NE are to be paid for by the industry, official advice cannot be changed simply due to changes of personnel bringing about changes of opinion or taste. Where such opinions have financial consequences for the industry there would have to be greater accountability. A move towards payment for advice would force a culture change in bodies that have not always recognised the costs of their decisions and the consequential costs of changing those opinions.

Ian Selby welcomed the move towards pre-application discussions as there was a quality control element to the advice, but said that it was not working as well as it could.

Bob Brown pointed to an aspect particularly pertinent to CPRE, in that it is a member organisation and it is difficult to get a uniform view in all areas.

Nick responded that it has not been so much of a problem with CPRE, but on the question of AONBs there cannot be a blanket rejection of mineral working in such areas as significant reserves of important minerals exist and are worked in AONBs.

Jim Davies asked if there was a problem with EA advice.

Nick responded that it was the variability of the advice and Alan Everard mentioned that it was also a problem with getting advice related to the proposal. Lester Hicks added that while there had for some time been very good senior staff who understood the basis of the planning system at EA HQ, its territorial staff have not always understood the duty of the planner to weigh up all the material issues rather than just the one they were professionally regulating. It was possibly a cultural matter, as unlike local government, the EA was at the end of a long chain of accountability up to Ministers and not under the direct control of elected councillors at the point of individual decisions on cases.

Nigel Jackson said that the industry had come a long way in the last 20 years. They had taken on board Environmental Management Statements, signed up to ISOs, instituted reporting procedures, monitoring and training. The mpa was making a step change in looking at life cycle analysis, but was there a robust definition of ‘environmental capacity’?

Andy Tickle thought that it would be possible to move towards a definition of environmental capacity, but perhaps there was a need to define sustainable development, not just the environmental aspect.

Ruth Chambers noted that the Brecon Beacons National Park Authority had tried to embed environmental capacity into its approach. She was nervous at conflating

‘environment’ and ‘sustainability’, particularly in view of the Government’s current approach to sustainable development.

Andrew Bloodworth mentioned that shale gas extraction is also likely to come to the fore, due to energy pricing. This is a different industry with different impacts. He noted that the French government had banned it completely and that there were already problems with extraction in Ireland.

Alan Everard said that it should be recognised that industry also has a resource problem. It was often faced with the removal of GDO rights as a ‘norm’ which creates work for both the operator and the authority. Although having to deal with conflicting requirements in many cases, it has met all of the necessary conditions for its licence to operate, which have not changed fundamentally in the last 15 years. He wondered if there was any added value in the matters that had been debated during that time.

Ken Hobden wondered if the planners were being fed with too much information. Paul Wilcox said there was a need to focus on the key issues, avoiding the inclusion of waffle and padding, in applications.

Richard Read said that the context was changing. The public finance ‘growth’ forecast was negative. The government seemed determined to reconfigure the economy. This will require a different view on planning. There would be a need to move towards a more collaborative model.

Nick Horsley said that the public does not always benefit from the restrictions imposed by environmental concerns. He cited a case of a road realignment that would benefit both the industry and the public, which was being defeated on limited environmental grounds. Industry generally provided all the information that was required of it, within the timescales laid down, but local authorities can take excessively long times to respond or reach a decision.

Lester Hicks returned to the issue of the capacity of quarries to meet future needs, with some large quarries reaching the end of their permitted lives in the next 20 years and with 2042 looming. The meeting that day was at the midpoint of the 60 year period set in legislation in 1981 and UKMF members needed to start thinking about managing the permitting process to 2042 and beyond. 30 years was not too long in which to plan for the strategic inter-regional supply of supplementary aggregates for the middle of the current century. A number of projects in the final 2 years of MIRO’s Sustainable Aggregates Research Programme had looked at aspects of this issue.

If there were to be restrictions on further large-scale quarrying in National Parks and AONBs, then the planning climate in the rest of the country would need to be more positive. Some really serious supply issues are imminent. A lighter touch was needed if it was shown that operations were essentially acceptable.

The Chairman thanked the presenters and all the participants for their contributions to the debate, saying that it had reflected the purpose of the Forum in airing views and finding ways through the important issues.

The Chairman noted that this was the last UKMF meeting for Paul Wilcox and Richard Read and thanked them for all their support and involvement in the Forum on behalf of the Planning Officers Society and the Local Government Association respectively. All those present joined him in wishing them well in their respective future endeavours.

27.06.12