



Chairman – Lester Hicks
Secretary – Chris Waite

**Minutes of the Nineteenth Meeting of the UK Minerals Forum,
held at The IoMMM HQ, 1 Carlton House Terrace, London SW1Y 5DB
on Thursday 15 November 2012 at 11 00am.**

Present: -

Lester Hicks - Chairman

Andrew Bloodworth - BGS

Ruth Bradshaw - CNP

Bob Brown - CPRE

Simon van der Byl – CBIMG/MPA

Ruth Chambers – independent

Lauren Darby – Ceramfed

Jim Davies – EA

Bob Fenton – CBIMG/MAUK

Lindsay Harris – Defra

David Highley – independent

Nick Horsley - Sibelco

Mark Plummer – DCLG

Hannah Townley – NE

Peter Whittington – BIS

Chris Waite – Secretary

Jon Humble - EH

Peter Huxtable – CBIMG/BAA/IOM3

Nigel Jackson – CBIMG/MPA

Bob LeClerc – CBIMG

Hugh Lucas – Aggregate Industries

Nigel Symes – RSPB

Keith Duff – independent

Clare Harding – DECC

John Hernon – Lafarge Cement UK

Ken Hobden – MPA

Mark North – Kier Minerals Ltd

Joanne Smith – Welsh Government

Laura Horner – NE

Lonek Wojtulewicz – POS

19/1 Welcomes and Introductions

The Chairman welcomed Lauren Darby and Mark North as new members of UKMF, Nigel Symes (RSPB) who was attending for Darren Moorcroft and Laura Horner NE) who was accompanying Hannah Townley.

19/2 Apologies for absence

Apologies were received from:

David Brewer – Coalpro

Mick Daynes – Hanson

Alan Everard – Tarmac

Brian Marker – independent

Ian Selby – The Crown Estate

Peter Day – POS/LGA

Darren Moorcroft - RSPB

Simon Kirk – DOE NI

Paul Wilkinson – The Wildlife Trusts

19/3 Minutes of the Last Meeting 26 June 2012

1. These were agreed, subject to Ruth Bradshaw shown as representing CNP, the first sentence in the third paragraph of item 6 amended to Bob Brown being concerned that MPAs would not have sufficient resources to undertake annual LAAs, and the Stone Centre correctly spelled in 18/12 as at Wirksworth.

19/4 Action Points from the last meeting not dealt with elsewhere

4.1 18/5a The Chairman said that at the meeting with David Brewer IoQ had promised that they would update and revise their mineral planning distance learning training module to be suitable for use by planners, and to consult DB and him on the revised material. He would discuss this with DB when the redraft is available from IoQ. **Action: Chairman with DB**

4.2 18/5b NJ was still seeking to close off some loose ends with the public information material before he could populate it in full for posting on the MPA and UKMF websites. The Chairman had also had a report from Brian Marker. Brian had now received some photographs to illustrate mineral extraction and processing (and, as DH reported, a copyright licence from BGS). He had therefore supplied BF with a final set of material to place on the MIRO Sustainable Aggregates website. BF confirmed this was in hand.

Action: NJ & BF

4.3 On minerals awareness in education, the remaining strand of the former Communications Working Group, it was agreed that with the school curriculum in transition, the time was right to pursue the idea of including mineral issues in the secondary exam syllabus. The Chairman would follow up with BM his suggestion to explore this further with his contacts with Earth Science Teachers and the Geological Society which had both expressed interest, and then to draft letters to the heads of the Examination Boards. PH said his Chairman was Chair of the Headmasters Conference, and he would also utilise this avenue to further the objective. NJ said that MPA was very supportive and would also pursue its own actions in this sphere. JD said that the initiative should not be confined to secondary education - introducing rock samples at primary school level raised interest in minerals at that age because the samples were tactile.

Action: Chairman with

BM.

19/5 Distribution of the Summary Report on the 2009-2011 Working Groups to Top Level Policy Interests

5.1 A note by the Chairman, UKMF 19/P2, had been circulated setting out to whom the 2009-2011 Working Groups Summary Report had been sent in August and the replies received. Only two replies had been received, from Bob Neill (then at DCLG) and from Arlene Foster at DETI in Northern Ireland. Thanks were no doubt due to Mark Plummer for ensuring the DCLG reply. While the overall lack of response was disappointing, it was not surprising in view of the reshuffle of most of the English ministers involved. It had been necessary to write to a wide range of interests because the Working Groups had covered numerous departmental responsibilities; planning, construction, economic development, transport and education. There were also devolved subjects, so approaches had to be made to all the constituent UK territories. However, it was agreed to move on rather than seek to breathe more life into the Report findings. As already noted, some follow-up of planner education and education was continuing. At RLeC's suggestion it was agreed that in future UKMF might consider alternative means of getting political attention and securing a reaction to the Forum's findings e.g. by raising a PQ, which in the House of Lords could secure a mini-debate.

19/6 Verbal Report by DCLG

NPPF and Guidance on the MASS

6.1 Mark Plummer said that the future of planning Guidance, which included the recently issued guidance on the MASS and several remaining technical MPGs was part of the Taylor Review. He had already been asked twice to provide initial clarification to the review group on this material. It was clear that they were deciding on what matters it was necessary to give guidance, and what was not. He could not say how stakeholders might be consulted; this had

not been resolved. He expected the new Planning Minister, Nick Boles, to say something on the Taylor review alongside the Chancellors' Autumn Statement due on 5 December.

6.2 The MASS Guidance had been prepared in consultation with a small industry/MPA group. This set out the content for LAAs. The NPPF policy takes precedence over the Guidance. There had not been time for the customary general consultation. It was felt better to get the material out after a period of delay, not least because it was to be reviewed by Taylor.

6.3 Tender documents for the AWP had been accepted by the OJEU (EU publication being required because of the contract value) but until that was formally published he could not issue the tenders. Responses will be requested by just before or after Christmas and he hoped Secretaries would be in place by February. (*Secretary's Note: the OJEU documents have now been published*).

6.4 Two dates had been suggested for the National Co-ordinating Group (for managed aggregates supply), and it was likely to be Friday 30 November. (*Secretary's Note: this has since been confirmed*).

- 6.5 In response to questions MP said that:
- AWP areas could be amended with DCLG agreement, provided they were organized so there would be full coverage of all MPAs;
 - The Taylor Review would cover all guidance documents badged as from DCLG or joint with another body. It would not cover documents issued by other departments, but he knew some were separately reviewing their own documents, including Defra;
 - LAAs were required annually as part of a monitoring role (though the Chairman suggested that annual updates might not require a full assessment each year where fundamentals had not changed);
 - The national collation would be created from figures in LAAs being summarized regionally by AWP and reported to NCG. To enable a systematic approach, a month would be set for all LAAs to be submitted together to an AWP. MP recognized that no one wished to lose the legacy of data collected over the years.
 - DCLG still had at present (but subject to the Autumn Statement on departmental resources) resources to undertake the next national 4 year AM survey.

Legislation

- 6.6 Growth and Infrastructure Bill:
- Clause 1: enabling applicants to ask the Secretary of State to determine their application. Referring an application to PINS is an 'opt in' process – not automatic. There will be a consultation paper on how a poor performing authority is to be Designated;
 - Clause 4: measures to limit information requirements to accompany an application;
 - Clause 8: scope to reduce the frequency of reviews of mineral sites. Substantive discussions on the clause are likely to start near the end of this month. Supported by the Opposition spokesman;
 - Clause 21: consultation will take place on the extended role proposed for PINS for larger business and commercial development not already decided by Ministers. Only the most significant minerals applications would be likely to be affected by this clause, and it had not yet been decided on how this should be assessed e.g. whether by size of site, output or by particular mineral. A consultation paper (England only) is due.

6.7 The Planning Fee Regulations providing for a general uplift of 15% had been approved by both Houses of Parliament and will take effect on 22 November.

6.8 Consultation on the Planning Red Tape Challenge (deferred by the setting up of the Taylor Review) will begin in 3 weeks' time (i.e. early December) and responses would be required within perhaps 5 further weeks.

Revocation of the Regional Strategies

6.9 Five environmental reports have been published as steps towards revoking the RSs. The period for views on the East of England report has closed. After considering responses, the next step, if the strategy is to be revoked, would be an Order to be laid in Parliament.

Miscellaneous

- 6.10 MP raised various items:
- The recent Heseltine Review on Wealth Creation in the UK had proposed a range of changes in planning, including an emphasis on speed in decision making, a greater role for PINS, and establishing urban development corporations (though the latter had already been ruled out by the Communities Secretary);
 - Extraction of shale gas will be subject of a House of Commons debate before DECC decides whether operations can continue.
 - The Competition Commission: DCLG has provided evidence
 - Joint Minerals Information Programme: funding was still available for its continuation and MP apologized for the delay in implementing that.

Recent minerals appeal cases

- 6.11 MP drew attention to the following:
- An dismissed appeal relating to coal extraction in Durham was now subject of a statutory challenge in the High Court;
 - A similar situation applies to an oil and gas exploration and appraisal case at Bury Hill in Surrey (see also under AOB, 11/1);
 - A called-in application for peat extraction near Manchester has been refused by the Secretary of State, and may be seen as a test case of the NPPF

19/7 Proposals for 2013-2014 Working Groups

7.1 The Chairman had issued a paper UKMF 19/P3 setting out the seven proposals he had received for possible working groups. He reminded members that the Forum had concluded at an earlier meeting that in view of limited resources and time, there was merit in having perhaps only two Working Groups (WGs) for 2013-2014. Proposals 2-5 had much in common and he considered that they could be drawn together for one WG to examine. The other proposals were different, 1 with a focus on landscape, 7 on monitoring the impact of current planning policy changes, and 6 where Natural England sought a WG to steer and contribute to work on an exercise to collect more widely electronic data on social and environmental gains from mineral site restoration that it had already started and would fund. The Forum considered each proposal in turn, and subsequently reached conclusions.

Creating New Landscapes

7.2 JH said that there was a great deal of advice on the value of landscape, ranging from the European Convention on landscape, the Natural Environment White Paper, landscape character assessments, pre-application advice, local plan advice etc. But practice varied, and there was a need to raise standards to what the best were already showing was possible in ensuring that development could enhance the resulting landscape in its natural, cultural and historic elements. His proposal would draw together integrated advice to mineral planning authorities and industry, illustrated by best practice case studies. This could create an environmental baseline to inform Minerals Local Plans and feed into a landscape vision and strategy for the areas they deal with. That could help ensure future mineral allocation and extraction proceeded in a sustainable and coordinated manner, providing certainty to the mineral industries and those local communities who have to live with the impact of mineral working. The findings could be placed on the web and distributed to appropriate bodies.

- 7.3 This proposal received some support in principle, but concerns were expressed that:
- it needed to cover, or at least draw in, the UK territorial administrations;
 - there would be a wide range of perspectives from Forum members and it would cut across various government departmental interests. Any product would need at least

tacit departmental support, for example in terms of the doctrine of guidance to emerge from the Taylor review;

- minerals planning authorities would have reservations about the call on resources to supply case studies. The POS would need to consult its members on the proposal;
- although the findings could be placed on associated websites, if case studies were to be really effective they would need a quality document with good illustrations that only say EH or NE or well-funded consultants might produce. UKMF did not have its own resources for the professional dissemination that “best or better practice” required.

Security of Minerals Supply/Supply Issues facing the Industry/ and Constraints to Access

7.4 DH explained that it was his vision to produce no more than a single side of print for each mineral (and possibly its first downstream product), setting out the strategic issues it faced in a 30 year time scale – which in the worst scenario might be a diminishing or increasingly uneconomic resource leading to closure. These proposals received significant support including from BIS and Defra representatives. Defra has a Resources & Risk Group across departments on materials security of supply issues, and offered to be a WG member.

5. It was agreed that the proposals needed shaping and caution was expressed on:
- the minerals industry is changing, for example with shale gas and metal exploration
 - the proposal needs to include the difficult fields of imports and exports, for example the long term future of exports for downstream users will be difficult to grasp. And for some minerals that are actively traded internationally such as coal, UK production crucially depended on fluctuating world supply patterns and prices;
 - while a 30 year vision did not appear to be consistently on the government’s policy making agenda, minerals supply was a permanent feature of the economy and in the case of construction minerals was crucial to growth, infrastructure and social provision. So it was a legitimate issue for a WG to examine and report on. Security of material supply was a major strategic issue for the UK.

Create a Spatial Record of Environmental and Social Gains from Mineral Workings

7.6 LD explained that NE was already recording data on gains to “Green Infrastructure” (i.e. habitats) through its internal records of achievements in minerals developments. NE could expand this through a UKMF WG. Forum members could encourage the supply of data on restoration schemes by individual companies and planning authorities that had led to new habitats or enhanced habitat capacity, ideally in CAD format so that it could be put into a GIS system. Access would then be freely available to all. The proposal would only work with the cooperation of all parties that the WG would represent.

7. Concern was expressed on a number of aspects:
- the proposal would duplicate or run alongside numerous other biodiversity initiatives rather than standardizing an approach for all participants to GIS
 - there would be heavy demands on industry and mineral planning authorities (already under severe staffing and financial pressures) to identify material. As with the EH proposal for guidance on integrated landscape creation, it would be necessary to consult the POS Minerals and Waste Group;
 - it was in any event doubtful if much of the material NE required was yet available in digital format in companies or authorities, and there would be no resources to convert paper-based material to digital format;
 - some parts of the minerals industries had experience of highlighting and enhancing the environmental benefits in preparing their development proposals only to have no recognition of that, but rather demands for additional habitat-creation measures when subsequent applications were made. There had to be a more even-handed approach by habitats interests that recognized the considerable long-term benefits already delivered by mineral working and restoration, and the costs of imposing further demands. Such an approach would be of more benefit to the industry and the wider economy;
 - as with the EH landscape proposals, this proposal should have a UK-wide dimension;

- despite the concerns, and the overall feeling that a data-collection and analysis project did not fit the Forum's WG, improvements in this area were to be welcomed, and a positive dialogue should be maintained between the various interests.

Monitor post 2010 Changes of Planning Policy

7.8 The Chairman introduced a proposal from Brian Marker for a small Working Group to monitor the impact on the UK minerals sector of the numerous recent and ongoing changes in planning policy. In a short discussion it was felt:

- it was too early to be able to assess the impacts of the changes on minerals; aspects such as the duty to cooperate needed clarification and experience (probably in the Courts) before the real impact could be assessed;
- it would be too onerous to monitor changes in real time;
- it would be difficult to reach a consensus on the impacts;
- It would be better for individual representatives to assess the changes from their differing perspectives and then give their views at Forum meetings. The issues concerned were bound to surfaces regularly on agendas.

Conclusion on Working Groups

9. The Forum decided that:
- **Creating New Landscapes:** while the proposal had some potential, the Forum was not ready to take this forward without a response from POS and a clear definition of what a Working Group would examine, what the output would be, how that would be disseminated and what outcomes could be expected as a result.. JH was asked to see if he could make this proposal more strategic and UK-wide. Since the proposal was aimed at practice in landscape development by mineral planning authorities, the views of the Planning Officers' Society should also be sought. **Action: JH and LW.**
 - **Proposals 2-5 on a strategic examination of issues affecting future mineral supply including constraints:** there was general support in principle for a WG but a detailed proposition should be carefully structured. The Chairman invited DH and CBIMG to get together to produce a working proposition (with draft terms of reference and proposals for WG representation, Convenor, Secretary etc.) for the next Forum meeting on 21st March 2013. The proposal should have a UK-wide dimension, cover imports and exports to UK, and a clearly defined output. **Action: DH, NJ, CBIMG**
 - **Create a GIS based spatial record of environmental and social gains from mineral workings:** this had the attraction that the collation and analysis of data could be funded by NE. However, the proposition to expand NE's own data set with detailed GIS based material of schemes held by mineral planning authorities and mineral operators was not supported. While improvements in data availability and analysis were desirable activities in themselves, they did not fit UKMF's strategic and policy-oriented remit. (*Chairman's note: while data protection issues were not raised in NE's proposal or discussed at the meeting, they are relevant and would also have had to be resolved before any such project could have gone ahead*). It was however agreed to maintain a positive dialogue on the issue of data about habitat-creation and enhancement through mineral working, but outside the WG format, rather than for the proposal to be reworked and resubmitted.
 - **Monitor post 2010 changes in planning policy:** it was considered too onerous to set up a dedicated WG to maintain a real time monitor, but instead it was agreed to have an annual agenda item to review and discuss the impacts of current and recent policy changes as seen by Forum members. **Action: Secretary**

19/8 Review of QPA/MPA 4 Point Plan

8.1 RC and RB had asked for this to be a separate item on the agenda in order to pursue the request for MPA (Mineral Products Association) to consider extending its policy for National Parks to AsONB. In reply KH said that the commitment in the 4 Point Plan had been made partly because government policy was not clear at that time (the late 1990s). That was no longer the case, first with the MPS1 and now the NPPF. Moreover, MPA was more

committed to joint working with environmental groups than when the 4-point plan was introduced, as was evident from initiative such as Nature After Minerals, and there was now a far less adversarial climate in reconciling the needs of the economy and society for minerals with the protection and enhancement of the natural, cultural and historic environments.

8.2 The CNP's request had been considered by two MPA Committees. The principle underlying MPA response was to maintain a steady and adequate supply of aggregate. It could not see a way to extend the policy until a proper assessment has been made of the long-term implications for aggregate supply. Meanwhile, MPA remained committed to the present 4 Point Plan, i.e. the National Parks as then existing, but saw no need for a review.

8.3 In discussion the MPA's interpretation of planning policy was disputed, as the considerations for a minerals application were the same in AsONB and National Parks. However, MPA believed that the national planning policy considerations for an AONB as distinct from mineral planning policy considerations were different. NJ confirmed that a dialogue would continue. The issue had not yet been considered by the MPA Board.

Action: NJ

19/9 UK Territorial Administrations

9.1 A paper had been supplied by JS and circulated with the agenda. This updated the Forum on changes to legislation, planning policy and management aspects in Wales, and was noted with the Forum's thanks. There were no updates from Scotland or Northern Ireland.

19/10 Environmental Update

10.1 A paper by John Humble had been circulated in advance, incorporating contributions from CNP, CPRE, EH, NE and RSPB. The contents were noted with the Forum's thanks

19/11 Any Other Business

11.1 The Secretary reported on an appeal for oil and gas exploration in Surrey dismissed by an inspector on grounds including development 'inappropriate to the Green Belt'. The Inspector had used the NPPF definition that only mineral extraction was not inappropriate in the Green Belt, narrower than the term mineral development formerly in MPS1. This perversely applies a higher bar for mineral exploration and appraisal, despite being the first phase towards extraction with its more substantial impacts. The decision might have wider repercussions for shale gas applications. It is now subject to High Court challenge.

11.2 PW reported that ten Industry Sector Strategies would be published in coming months, including one on Construction, and three on Energy – oil and gas, offshore wind and nuclear energy.

11.3 NJ distributed an MPA document produced for its "Make the Link" campaign which includes an independent economic assessment of the industry by Capital Economics. He was pleased that this document clearly sets out the national value of construction materials.

19/12 Date of Next Meeting

12.1 The next meeting will start at 11am at the IoMMM, 1 Carlton House Terrace on Thursday 21 March. (Coffee will be served from 10 30am and a buffet lunch at 1 30pm for those indicating they will stay for that)

Please note in your diaries - the other meetings in 2013 have been arranged for 11am at IoMMM on Thursday 27 June and Thursday 14 November.