



Chairman – Lester Hicks
Secretary – Chris Waite

**Minutes of the Twentieth Meeting of the UK Minerals Forum,
held at The IoMMM HQ, 1 Carlton House Terrace, London SW1Y 5DB
on Thursday 21 March 2013 at 11 00am.**

Present: -

Lester Hicks - Chairman

Andrew Bloodworth - BGS

David Brewer - CoalPro

Bob Brown – CPRE

Ruth Chambers – Independent

Lauren Darby – Ceramfed

Jim Davies – EA

Peter Day – POS/LGA

Alan Everard – Lafarge Tarmac

Lindsay Harris – Defra

John Heron – Lafarge Tarmac

David Highley – independent

Nick Horsley - Sibelco

Jon Humble - EH

Peter Huxtable – CBIMG/BAA/IOM3

Nigel Jackson – CBIMG/MPA

Carolyn Jewell – RSPB

Jo Mankelow – BGS

Brian Marker – Independent

Mark North – Kier Minerals Ltd

Mark Plummer – DCLG

Joanne Smith – Welsh Assembly

Hannah Townley – NE

Graham Ward - DCLG

Chris Waite - Secretary

1 Welcome and Introductions

The Chairman welcomed members new to the UKMF meeting.

2 Apologies for absence

Apologies were received from:

Ruth Bradshaw – CNP

Mick Daynes – Hanson

Keith Duff – Former Chairman

Ken Hobden – MPA

Bob LeClerc - CBIMG

Darren Moorcroft - RSPB

Ian Selby – The Crown Estate

Peter Whittington – BIS

Lonek Wojtulewicz – POS/LGA

Bob Fenton (CBIMG/MAUK)

3 Minutes of the Last Meeting (15 November 2012)

1. These were agreed subject to Mark North being correctly identified as representing Kier Minerals Ltd.

4 Action Points from the last meeting not dealt with elsewhere

4.1 Mineral planner training (from the 2010-2011 Working Groups): the Chairman said that discussions had continued with IoQ/MPQC on developing a distance learning module,

including at MPQC's request seeking firm evidence of market demand. Consultations with POS on this had not been encouraging, and he felt it unlikely that UKMF could make further progress. NJ said that MPQC should be pressed as hard as possible on what evidence was needed to go ahead, given the service MPQC provides to the minerals industries, and the offer made by Jack Berridge to LWM4. POS M&W Group have also agreed to circulate their members on the likely scale of firm demand for this service.

Action: Chairman

4.2 UKMF public information material about minerals on web sites (from the 2010-2011 Working Groups): NJ said that he believed that all the relevant information was now on the MPA site. The situation with the MIRO site would be checked. BM said that as the information was intended for the wider public, it needed easy pointers and access on the web, and he was concerned that if it was not available soon the information would become outdated.

Action: NJ, BLeC, MIRO to check

4.3 Minerals awareness in revised school curricula (from the 2010-2011 Working Groups): the Chairman and BM would take forward a suitable approach to examination bodies, after first consulting the Geological Society and the Earth Science Teachers Association (ESTA)

Action: Chairman & BM

4. Creating New Landscapes: JH said that it was not possible to work this up as a UKMF Working Group in the time available. However, he would pursue the idea of developing an co-ordinated approach on post-mineral landscapes with others, including NE which had given general support.

4.5 QPA 4 Point Plan: NJ said that with companies undergoing major structural changes and industry with other priorities, including surviving an ongoing severe recession in demand, he could not foresee MPA agreeing to extend the plan to AONBs and the new National Parks.

5 Proposals for 2013-14 Working Groups

1. The Chairman noted that only one proposal was on the table for discussion. A background paper and draft terms of reference for a Working Group (WG) entitled '**Mineral Scenarios for the UK – Looking 30+ Years Ahead**' had been circulated as UKMF 20/02 with the agenda. JM introduced the proposal, saying that it brought together the suggestions by IS (Crown Estate and CBIMG) and DH at the last UKMF meeting, with broader support from CBIMG. The focus would be to draw attention to potential impacts on planning and the environment in the longer term. The WG could not predict the future, but would make assumptions e.g. on carbon capture and storage (CCS) becoming viable, and what impact that could have on the UK's coal industry. The WG would start by drawing on scenarios produced by organizations such as Shell and Defra, decide on the assumptions to be made, and then in discussion with UKMF bodies and others set out the potential impacts. The purpose of the eventual report would be to influence the decisions by government and organizations in the short and medium term in a manner that might help address positively any longer term adverse impacts on UK minerals supply.
2. JM said it is intended to hold 3-4 WG meetings, the first in April/May, to convene a workshop/seminar with an external facilitator later in the current year (2013). Perhaps UKMF could then devote most of one of its meetings (maybe in early 2014) to assisting the study by considering and commenting on emerging issues. The WG would need the industry, environmental and government bodies represented on UKMF to play a full part by contributing their views on the impacts the chosen assumptions might have on their interests.
3. Both MN and the Chairman said that the study needed realism in terms of the scenarios/assumptions selected for examination. The main focus should be on demand for UK land-won or sea dredged minerals and constraints on domestic supply. In discussion it was agreed this should also include imports where there was international trade in parallel with UK production; current examples included coal, china clay and possibly ball clay. The work would not extend to offshore UK oil and gas production, or the imports of these hydrocarbons, but it would cover onshore oil and gas and the unconventional hydrocarbons (e.g. shale gas, coalbed methane and in-situ gasification) to which the Government now intended to give policy priority. The Chairman said that it was important for the WG's credibility to show awareness of possible constraints on UK production due to potential

changes in regulatory structures, including the possibility of Scotland leaving the UK after the September 2014 referendum, and, in the medium-term, of UK exit from the EU.

4. The WG timetable would require a near-final draft report to the UKMF's July 2014 meeting to allow for it to be finalised and a simplified presentation prepared for LWM5 in November 2014. The Secretary suggested that the WG should present a timetable at the next meeting on the steps to be taken to achieve this. This may restrict the number of scenarios that could be covered.

5. NJ said that UK needed to get the use of resources from where it is now in policy and practical terms to where it should be, and address security of supply. Funding would be available to take this WG forward, but it would need to consider how wide it might cast its scenarios and how deeply it would be able to investigate them. It was important not to range too widely in a superficial way. Limitations in time and the resources available could well result in this study raising more questions than answers and another UKMF WG cycle might be needed to try to provide those answers.

5.6 Addressing the practicalities, the Chairman noted the importance, from past experience, of active WG members able not only to come to meetings and comment on issues and drafts but also to do some of the heavy lifting in researching issues, assembling evidence and data and writing up reports. A small hard-working team was better than a large talking-shop.

6. Concluding the discussion, the Forum gave strong support to this WG proposal. JM and DH invited representatives to approach them after the meeting to discuss what assistance they could give. The new Group would report on initial progress, including its first meeting, to the next full Forum meeting (21st) on 27 June.

Action: JM, DH and UKMF members

6 Verbal Report by DCLG

1. Mark Plummer updated the meeting on:

The Growth and Infrastructure Bill: the previous night the Government had lost a vote in the Lords removing Clause 27 (Employee share ownership schemes) and would now have to resubmit this in the Commons. Under Clause 1, poor performing authorities (including mineral planning authorities) would be selected for intervention on their failure to determine major applications in a specified time and the proportion of refusals overturned on appeal (criteria to be specified separately). No issues had been raised on clause 9 (now cl. 10) (deferral of ROMPS). The opt-in process in Clause 21 for major developments to be determined by the Secretary of State had been supported in most representations (shale gas "fracking" was for the moment outside this procedure but this could change – new planning guidance on this has been promised for summer 2013. DECC would be in the lead, but a strong planning input was required).

Red Tape Challenge: There are 7 minerals-related sets of regulations in this exercise. DCLG has received 150 submissions and there was a tight timetable to decide on the Government's responses with draft proposals intended in late April/early May and final proposals in June.

AMRI: the 2011 data was now on the web.

AWPs: six Secretary appointments had been made, with three being re-tendered – East of England, West Midlands and Yorkshire and Humberside

EU EIA Directive: a review has started and will be overseen under the current Irish Presidency. DCLG was intensively involved – any revisions would be some way in the future.

2. Ongoing planning reform: MP said that Government was seeking to make the planning system more effective, and its focus was on action to make controls

proportionate. It was intended to amend the Use Classes Order and extend permitted development rights. As the Budget statement that week had indicated, Ministers were also looking at enabling certain retail and agricultural buildings to be converted to residential use without applying for planning permission, and shortening the time limit for seeking judicial reviews. The Ceramics industry and other heavy energy users such as cement, lime and glass manufacture would no doubt have welcomed the tax concession in the Budget statement. LD (Ceramfed) agreed.

6.3 DB said that the effects of the EU's EIA Directive were utterly disproportionate. It should be scrapped rather than reviewed. There was a growing body of opposition to it across the EU. MP replied that the intention was to refine the operation of the Directive and reflect a substantial body of European Court case law on its application.

6.4 Revision of mineral planning guidance: MP then turned to his letter of 18 March to the Chairman (circulated to the Forum by the Secretary by e-mail on 18 March) inviting UKMF to assist in the review of the minerals elements of planning guidance in the light of Lord Taylor's recent Review.

The Government considered that planning "guidance" in support of policy (now in the NPPF) was no longer fit for purpose. Lord Taylor's Review Group had concluded that almost all minerals guidance needed to be kept, but in a streamlined form, removing obsolete material and ironing out current inconsistencies. The Review Group had received over 350 responses to its overall report, and had set itself a tight timetable, intending to publish its revisions by summer 2013. Initial thinking was that the new material on minerals would have two categories: first, in support of legal processes, dealing with minerals orders (revocation, prohibition, suspension etc.) EIA and ROMPs; and second where guidance was considered essential to support detailed policy, dealing with material currently in the NPPF Technical Guidance, that formerly in MPS1 but still assessed as important, and on MASS. Some new material was required of general application, e.g. on the new Duty to Co-operate.

Continuing, MP said that DCLG would like to use UKMF as a sounding board for the preparation of updated/revised/new guidance on minerals planning within the framework he had set out. Time was very short for full-scale traditional consultation, and UKMF usefully covered the key interests in minerals planning authorities, the industry and key environmental interests (both statutory and voluntary). He would therefore like to convene a small core group representative of key UKMF interests to assist DCLG in this work, which would have to be carried out intensively in April and May. Ideally, he would like to be able to consult perhaps 6-8 UKMF representatives familiar with the present guidance and its use to assist with 3 key issues; what minerals guidance to keep, what new guidance was needed and drafting the text.

The biggest challenge would be the technical guidance to NPPF. There would need to be two or three meetings over the next two months. Team representatives would be expected to consult their colleagues to bring wider views to the team meetings. It was provisionally agreed that the UKMF core team would comprise:

Ruth Chambers representing environment groups;
Bob LeClerc/Ken Hobden representing industry;
Peter Day would ask Lonek Wojtulewicz to find a representative for POS (he has since advised this would be David Palk at Suffolk CC);
MP was to be advised of any other expressions of interest (BB said CPRE also might be interested)

6. In response to MP's DCLG update, several members referred to the blurring of guidance with policy and the inconsistency in applying current documents, including by the Planning Inspectorate. Despite the government's intention to draw a clear distinction between essential national policy requirements and helpful but non-mandatory guidance on how to implement technically complex areas of law and policy, practitioners at all levels of government were not always preserving this difference .

6.7 DB said that a greater problem than inconsistency in central government bodies was inconsistency by statutory consultees in interpreting guidance differently from one region to another. JD for the EA said that it was difficult to achieve consistency in large territorial organisations, but consistency for those regulated was still important and if UKMF members would send him examples of any inconsistencies by EA staff he would take them up with Head Office.

6.8 In conclusion, MP said that government was seeking to boost shale gas, and had formed an Office of Unconventional Gas. There was little in the way of background reports on shale gas resources, and a decision needed to be made on whether exploration as well as production was caught by EIA legislation. AB drew attention to the BGS Fact Sheets.

7 Impacts of Current and Recent Policy Changes

1. DB said that the NPPF's reformulation of planning policy on coal had helped the coal industry, but of course did not extend to the other territorial administrations. It was also notable that the HS2 phase 2 route from Birmingham to Yorkshire struck right across the shallow coal reserves notably in Derbyshire, which could sterilize the resource and lead to ground stability issues. The Chairman said that the industry should look to prior extraction. A strategic understanding with the HS2 promoters and Derbyshire CC might be advantageous.

7.2 On the question of the preparation of Local Aggregates Assessments (LAAs) it was noted that the NPPF and MASS Guidance had already led to many MPAs drawing up LAAs. It was therefore rather late for DCLG now to be looking for authorities and industry to assist in drawing up a protocol on the format for LAAs.

8 UK Territorial Administrations

8.1 Scotland: Graham Marchbank had sent a note saying consultations on National Planning Framework 3 (England does not have an equivalent) and a review of Scottish Planning Policy (the equivalent of NPPF) are soon to begin. An effort to start a limited minerals survey has been delayed due to a lack of staff resources but it was still intended to pick this up with the four Scottish Strategic Development Planning Authorities.

2. Wales: Joanne Smith noted that the Welsh Government was embarking on its own programme of planning reform. It envisaged two planning Bills including a consolidating Bill. It was also considering its own national development framework, and measures for regional collaboration. It was also pondering the possibility of a Welsh regime for the Principality's National Infrastructure development.

3. Northern Ireland:

No update had been provided from Northern Ireland.

9 Environmental Update

1. A paper by John Humble had been circulated in advance, incorporating contributions from EA, NE, CNP, EH, and RSPB. The contents were noted with the Forum's thanks. One item that drew comment was the Discretionary Advice Service offered by NE on a charged-for basis. HT said that this is currently on trial, but will become the norm. The Chairman said that he agreed with DB's earlier comments (see 6.7 above) that a change in statutory advice could have serious consequences for a developer. Changes in statutory advice when a different personality took over an application, simply on the basis of a different personal view rather than any material change in circumstances, caused uncertainty, delay and additional costs. It amounted to statutory responsibility without accountability for the consequences. EH was to be commended for giving a public commitment that it would not change statutory advice once given unless there were changes in material circumstances applied to the case. He had pressed NE to do the same, so far to no effect. HT replied that NE had measures to avoid advice being changed, but could not give the guarantee being sought. NH said that he had attended a NE stakeholder workshop at which he had raised the issue but the problem has not been resolved. The Chairman noted that if statutory advice was changed without good reasons connected to the case parties suffering inconvenience and loss could well have a

viable legal case for damages or judicial review. In due course an aggrieved party might well find it worth taking legal advice on possibly mounting a test case.

10.2 NH said that he had used the NE discretionary advice service and, despite being costly and not fast track, he supported the approach. The pre-submission discussions had enabled him to run this at the same time as a licensing application, which had led to a decision made in an appropriate timescale.

10 Any Other Business

10.1 The Chairman noted that this would be the final meeting attended by David Brewer (CoalPro). He had been a founder member of the Forum in summer 2007 and had made a major contribution, not least to the Climate Change study in the first round of Working Groups reporting in 2008 and in leading the Mineral Planner Education Group reporting in 2011, and its follow-up. The Forum warmly endorsed the Chairman's wishes for a long and happy retirement. In reply DB said he has been glad to serve on the Forum and felt it had made a difference. (He subsequently advised that his successor will be Philip Garner, former Commercial Director of UK Coal).

10.2 There was no other business and the meeting concluded at 1.20pm.

11 Date of Next Meeting

11.1 The next (21st) meeting will start at 11am at the IoMMM, 1 Carlton House Terrace on **Thursday 27 June**. (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 following (22nd) meeting has been arranged for 11am at IoMMM on Thursday 14 November.