



Chairman – Lester Hicks
Secretary – Chris Waite

**Minutes of 31st Meeting of the UK Minerals Forum,
held at the IoMMM 297 Euston Road, London, NW1 3AQ
on Thursday 24 November 2016 at 11 00am.**

DRAFT

Present: -

Lester Hicks - Chairman

Teresa Brown - BGS
Ruth Bradshaw – CNP
Peter Close – NE
Lauren Derby – Ceramfed
Peter Day – POS/LGA
Trefor Evans – BAA
Ken Hobden – CBIMG
David Highley – independent
Chris Waite – Secretary

Nigel Jackson – CBIMG/MPA
Brian Marker – independent
Mark North - MPA
Barney Pilgrim – HJ Banks
Richard Read – National Trust
Guy Robinson - HE
Ian Selby – The Crown Estate – Chairman elect
Alan Thompson – Secretary elect

1 Welcome and Introductions

1.1 The Chairman welcomed Trefor Evans (BAA) and Alan Thompson (Secretary elect) both attending their first UKMF meeting.

2 Apologies for absence

Apologies were received from:

Andrew Bloodworth – BGS
Peter Dorans – The Wildlife Trusts
Bob Fenton – CBIMG/MAUK
Eamon Mythen – DCLG
Mark Russell - MPA
Joanne Smith – Welsh Assembly
Andy Tickle – CPRE
Nicola Walters – BEIS
Lonek Wojtulewicz – POS/LGA

Simon van der Byl - CBIMG/MPA
[Jim Davies – EA](#)
Nick Horsley (MPA)
Peter Huxtable – CBIMG/BAA/IoM3/MAUK
Jo Russell – NE
Nigel Symes - RSPB
Andrew Tyler - OMYA
Paul Williams – Hanson

3 Minutes of the last meeting, 23 June 2016

3.1 The minutes of 23 June meeting were agreed.

4 Action Points from the last meeting not dealt with elsewhere (UKMF 31/01)

Minerals Awareness in revised school curricula

4 4.2 BM said that the Geological Society had confirmed that it would assist, in developing a list of sites for school visits, but a delay had occurred whilst it sought a new recruit. A new Educational Assistant had been appointed and a meeting had now been planned for January to take the matter forward ie to prepare a package of sites for use by schools – with the focus on geology, but with the intent of raising awareness of the use and economic importance of minerals.

Action: BM

HE Review of its 2008 Minerals and Archaeology Practice Guide

4 4.3 GR said that the workshops held in March, April and May had been well attended. A full draft of the **revised Guidance Review** had been prepared. An editorial panel of the Minerals and Historic Environment Forum would meet in early December to **review the finalise a revised Guide, paragraph by paragraph**, for approval by MHEF. The intention was still to issue the Guide within this financial year, but this might not be achieved. **The Chairman noted that** In particular, local authority archaeologists needed to be persuaded to follow guidance that had the official support of bodies representing all the parties involved..

Action: GR

Natural Capital informal sounding board

6 The Chairman said that he understood that the EU INTERREG application for funding had not been successful.

Post meeting note: Nigel Symes, who had apologized for his absence due to illness, would have reported at the meeting that:

The EU INTERREG application for funding a project to identify and evaluate the scale of natural capital benefits and natural resource renewal potential from a range of restoration scenarios across ‘post mining landscapes’ had failed. He felt that the assessors had struggled to see the connection between primary extraction and the economy. The partnership was currently evaluating options.

On related issues, Nature After Minerals had recruited a new programme manager, Helen Barnard, starting on 5 December 2016. Last year RSPB led a consortium of organisations, including mineral operators, community, local authorities and NGOs in the Trent and Tame valleys to produce a ‘Bigger and Better’ master plan for minerals extraction with high legacy value for wildlife and people. The overview document and concept plan* for the Newark area provided a valuable approach to identifying the public benefits in advance and had potential to help with securing future mineral resource. (*enclosed with the minutes)*

Commenting on the failure of the RSPB’s INTERREG bid, the Chairman noted that the Forum had hoped this would help it start to understand the important and emerging issue of Natural Capital conservation and accounting, by setting up an informal Sounding Board to advise on issues related to ongoing mineral extraction, restoration and after-use. Since Natural Capital was likely to become a significant issue for environmental economics, and potentially policy, he suggested the Forum might need to consider other options for engaging with it.

On shore Oil & Gas (UKMG 31/06).

10.1 Lonek Wojtulewicz had supplied a chart on the latest position in respect of planning applications. This showed that a number of shale gas applications had been granted permission or allowed on appeal. But it was noted in discussion that some were now facing judicial reviews (eg in Nottinghamshire) or might affect others (notably the recent Lancashire appeal decisions). Nonetheless, the Chairman said that it appears that progress was being made by the government in its drive to release the potential of UK underground gas sources.

CPRE Representation

10.3 Andy Tickle was to represent CPRE in future, but was unable to attend this meeting. RB said that CPRE and CNP would alternate representatives at future meetings.

5 ‘Brexit’ Impact on Minerals and Planning

a) Priorities for Mineral Products Industry (UKMF 31/02)

5.1 NJ outlined the priorities for the minerals products industry set out in the MPAs briefing note. This had been put together immediately after the referendum vote, on which MPA had taken a neutral stance. The problems facing the minerals sector (and industry generally) were the uncertainty over the impact on the economy and the apparent lack, so far,

of a coherent approach by government to the Brexit negotiations. The Chairman confirmed that his sources were indicating a considerable degree of confusion and disagreement within the government as it moved towards drawing up its Article 50 application. Continuing, NJ welcomed the Chancellor's autumn statement with more funding for housing and infrastructure, but how much of this would be delivered? The demands from Hinkley Point C, HS2, and Heathrow third runway (if it goes ahead) were some years away. While the government's talk about an industrial strategy was also a step in the right direction, the minerals industry was concerned that it was emphasizing innovation, skills, supply chain and management, whereas for minerals, continuity of access to resources was the imperative. MPA was starting due diligence on the 16 EU Directives that affected the minerals industry, considering what was worthy of retention, disposal or modification.

5.2 In discussion UKMF members agreed that the biggest problem was uncertainty as to the impact of Brexit on the economy. How government approaches negotiations with the EU and the subsequent deal would be crucial. The timescale for Brexit appeared to be two years from 31 March 2017 when the Prime Minister intended to trigger Article 50. But even if the main negotiations could be completed by 2019, working out the full details was likely to take longer, delaying further the point at which the real effects of Brexit became known.

b) Potential Impacts on Planning

5.3 The Chairman said he had recently been preparing the UK Country report on Mineral Law for the EU. This was an EU single market initiative begun long before the UK Referendum in June. It was still relevant post-Brexit because it would provide data for prospective operators wishing to extract materials in any of the 28 states at present in the EU. He had faced difficulty in obtaining the necessary information, especially from Scotland and Northern Ireland, but was grateful for the help received from several members of the Forum, especially in obtaining contacts around the UK.

5.4 On possible de-regulation post-Brexit, most EU Regulations directly applicable to minerals extraction had been transposed into UK law. Much of the EU Environmental legislation was useful, not only in establishing common rules for regulators, but also in buying public acquiescence in, if not welcome for, mineral extraction. In the Chairman's view, it would be very difficult to unpick parts of the legislation, and removal of EIA and habitats, clean air and water protection in particular would be deeply unpopular with the public. Industry might consider the submission of EIAs a burden, but they gave all parties a level playing field and protected industry and local government against challenges of decisions having been taken on too little or inappropriate data. Once UK had left the EU, government would have to decide what to do about those elements that had not been transposed into UK law. That might be done by a 'catch all' transposition Act, then leaving the field clear for a case by case review of what should be retained, modified or removed. Given the very limited staff resources now available in Departments such as DCLG and Defra, any reviews of UK regulations based on Directives affecting minerals and planning generally could take a considerable time – several years at least.

5.5 *In a post meeting note Nigel Symes wrote that:
Exit from the EU could have serious implications for RSPB capacity to work with the minerals extractives sector. We have benefited from EU co-finance. If we conclude with a 'hard Brexit' then there would be no access to that finance in the future. If so (and in any case) we are keen that Government recognises the environmental and community benefits that have come from ALSF in the past, and would want to see it or similar be put in place to enable collaborative working to continue.*

6 UKMF Minerals Strategy

6.1 NJ thanked forum members who had commented on the June draft of the Strategy. These views were being taken into account in the current efforts to sharpen and shorten the Strategy. BM and KH had been tasked to do this with NJ. KH said that they were seeking to make the draft more concise and in a language that would appeal to the audience to which it was directed. There needs to be one more iteration between NJ/BM/KH, and then the intention was to issue the draft strategy for open consultation before the end of 2016. It had not yet been decided whether the Strategy would be published as a CBIMG document or as

an independent mineral industries initiative. NJ hoped that it could be packaged in a manner that a government minister would be willing to put his/her name to a preface.

6.2 In response to DH, NJ confirmed that he considered UKMF the primary stakeholder, giving the Strategy maximum credibility. This would be the final consultation and would not go back to UKMF for further 'internal' views. KH said that it would be a glossy publication with images referring to the two earlier UKMF and CBIMG publications in which UKMF had been closely involved, notably through its working group run and led by BGS.

6.3 The Chairman said that the timing of the Strategy was opportune with the Government's apparent renewed interest in an industrial strategy, or at least having industrial strategy in the title of its business Department. However, NJ reiterated his concern that the government's approach to industrial strategy was high level and broad brush, concentrating on skills, innovation and rebalancing the economy by promoting manufacturing and emphasizing regional growth outside London and the South East. The Government did not at present seem interested in intervening to remove specific impediments in individual industrial sectors where the real needs of business were. DH agreed with the Chairman and said it was opportune to stress the economic benefits of making the most of UK indigenous minerals which would spread benefits to regions other than the South East, and help avoid more costly imports after the UK left the EU.

7. DCLG Report (UKMF 31/05)

7.1. In the unavoidable absence of Eamon Mythen (DCLG) he had tabled paper 31/05. This set out the reorganisation of the Minerals and Waste Team in DCLG's Planning Directorate, and the headline findings of the 2014 Aggregate Mineral Survey. It also noted work was in hand to prepare a Housing and Planning Bill, to be supported by a White Paper, focused on DCLG's overriding priority of securing a step-change increase in the supply of new homes. The White Paper would be supported by a number of Annexes on various issues, including the consultation on NPPF revision, the proposals of the Local Plans Expert Group, the CIL and rural planning reviews, and the planning technical consultation. Finally, paper 31/05 reported that the AWP Technical Secretaries were now funded to the end on 2016/2017, and discussions were in hand over possible future funding for the Secretaries and a further AM Survey.

7.2 The Chairman added that in a recent update to a group of mineral planning authorities, Eamon Mythen had reported:

- the Housing and Planning White Paper was due out with the Autumn Statement on 23 June (clearly this had slipped);
- the driving priority in DCLG's Planning Directorate was the housing imperative
- work on minerals and waste planning (other than for shale gas) was now on a care and maintenance basis. Work in this area would only be carried out if unavoidable (e.g. on AWP Secretaries and AM funding);
- the new Director of Planning, Simon Gallagher, had been posted in from the Treasury;
- though the Directorate retains a formal divisional structure, its staff were now deployed flexibly between teams, depending on work demands. He (Eamon) was now part of the Local Plans team. (This topic was receiving extra attention because of the key role of local plans in delivering housing);
- Regulations were planned for 2017 to deliver Permissions-in-Principle (but these were not intended to apply to minerals development).

7.3 In discussion regrets were expressed at the ending of funding for the Annual Minerals Raised Inquiry (AMRI) and DCLG's long-standing joint minerals information contract with BGS, as well as the chronic lack of certainty about AWP funding and the future of the Managed Aggregates Supply System (MASS). The Chairman and NJ agreed, but pointed out that in a period of severe budget and staffing restraint, DCLG had decided it had to protect the policy priority of managed aggregates supply, which could be justified (as was now required) by its direct relevance to housing delivery. On the suggested possibility of using the AM exercise to gather information of non-aggregate minerals, the Chairman advocated

caution. Approaching other minerals operators formally would be considered a “burden on business” for which formal government position was required. It could also suggest there was surplus capacity and funds in the present AWP/AM system. Any local initiatives by the AWP’s to collect non-aggregate minerals supply data would have to be entirely voluntary for all parties.

7.4 In reply to a question about whether the Annexes to the Housing and Planning White Paper would deal with the outcome of the 2014 Cutting Red Tape Review of Minerals Regulation, the Chairman said that he understood this would be dealt with separately, perhaps in a wider review of EU-based regulation as part of the Brexit work programme. Other UKMF members said their impression was that there would be a further round of consideration with stakeholders on the basis of revised proposals from the regulatory bodies involved. The Chairman agreed to check this with DCLG . **Action: LH**

8 Environmental Update (UKMF 31/03)

8.1 The Chairman thanked the contributors, and RB for pulling together the Environmental Update that had been circulated. PC asked for the minerals industry and associated stakeholders to promote the delivery of the multiple objectives of Natural England’s Conservation Strategy for the 21st Century. He also drew attention to the guidance on NE and EA roles in the planning process as recently published in [Planning and Development](#) pages of the GOV.UK website.

<https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

<https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals>

<https://www.gov.uk/guidance/consulting-on-neighbourhood-plans-and-development-orders>

9 UK Territorial Administrations

9.1 No reports were received, which the Chairman said was a matter of regret. In his recent work on the EU-wide survey of minerals law in Member states he had received very limited responses from Northern Ireland or Scotland, and none from the current nominated contact points for UKMF meetings and papers. (Wales by contrast had been most helpful across the whole spectrum of planning, environmental regulation). He recognized the constraints of time and distance on staff in the devolved administrations, but their non-engagement raised the question of whether the forum now meaningfully represented the position on onshore minerals across the UK. RR added that LA staff in the Welsh AWP’s were in turmoil due to increased workload and new legislation. However, it was also interesting to note that Wales were still operating an apportionment system for aggregates between authorities, and that appeared to be locally acceptable. Concluding the discussion, the Chairman suggested that, not for the first time, it seemed the issue of minerals extraction was not a significant local political issue of much concern outside England and parts of Wales.

10 Applications for Aggregate Rail Depots (UKMF 31/04)

10.1 The Chairman said he had tabled this note because it had emerged in his other work that there was little apparent interest from the industry in opening up new minerals supply depots on the rail network close to major market areas such as Greater London and the metropolitan areas. While minerals planning authorities were still safeguarding a number of existing sites they saw little point in allocating new ones, and were under increasing pressure to release existing allocations for housing.

10.2 Mark North said safeguarding was high on the MPA agenda. Safeguarded sites were secure for the life of a local plan – the issue was to get local planning authorities to think strategically and include them in plans. National Rail was taking back aggregate site leases from operating companies, some of whom were selling off their kit. Rail freight suffered from lack of rolling stock, locomotives and drivers. In reply the Chairman noted that while safeguarding secured sites for the duration of the plan, with no evidence the industry wanted to take them up, authorities would find it hard to justify retaining them when plans were reviewed. Every local politician from the Mayor of London downwards was now looking at supposedly “surplus” railway land as a source of brownfield land for housing in line with the Government’s top planning priority. With no major new permissions for rail-linked quarries in the past two decades or more, and demand for primary aggregates well below the 1989 peak,

there was perhaps no need for new depots near established major markets requiring strategic supply, despite the development of marine-landed supply in the London and the South East

10.3 For the POS. Peter Day felt the issue for the future was perhaps not new depots to serve existing markets, but to supply major projects such as HS2 that would require large quantities of aggregates, and where bulk supply by rail could be the most sustainable option if suitable sites could be found. Mark North agreed, and said that work was already well in hand in planning the HS2 materials supply chain. Concluding the discussion, the Chairman noted that this was a welcome development where the pattern of supply was shifting, albeit perhaps for a limited period. But hanging on to existing safeguarded sites allocated in plans remained problematic if there continued to be no interest from the industry, at a time of acute pressure to divert brownfield land to housing.

11 Sustainable Aggregates Website

11.1 BM said that MIRO no longer existed. The sustainable aggregates website contained valuable data and it would be a loss unless a new sponsor came forward. He said that to re-register the website would be minimal cost, but updating and maintaining it was another matter. He would investigate the potential cost by consulting BGS and/or MPA. A number of alternatives were discussed, including just holding the existing data. But that would result in some of the content getting out of date and reflect adversely on the website owner. Alternatively, material might be archived at low cost, and perhaps accessed simply via a link from the UKMF website. BM would investigate and report back. **Action: BM**

12 Any Other Business

Chair and Secretary for future meetings

12.1 The Chairman and Secretary said that after 4 years this would be their last meeting in these positions. They thanked all members of the Forum past and present for their support and engagement, welcomed their successors, Ian Selby (Crown Estate) as Chairman and Alan Thompson (Cuesta Consulting) as Secretary, and wished them well in their new roles. The Forum endorsed a vote of thanks offered by Richard Read (NT) to the outgoing team for their stewardship, and the Chairman added that a similar message has been received from Lonek Wojtulewicz on behalf of the Planning Officers Society, which he had asked to be minuted.

The Future

12.2 Ian Selby reminded members that the Forum had been established some 10-15 years ago. The political and legislative context in which UKMF operated had changed, and it would be appropriate to take stock; what we do, how we do it and how we communicate. We were competent on the technical and environmental aspects of minerals, but what about our understanding of the cultural aspects or social license? AT pointed out that if Northern Ireland and Scotland continued their apparent disengagement, perhaps the forum should be rebadged as an England & Wales Forum. IS invited Forum members to attend an informal workshop on taking stock, which he would arrange in January at Crown Estate offices in London. If members were interested but could not attend on that day he would still welcome suggestions for the agenda or views by email. **Action: IS & UKMF members**

13 Date of Next Meeting

13.1 The next meeting will be held at **11am on Thursday 2 March 2017 at IOMMM offices 297 Euston Road, London, NW1 3AQ**. Coffee will be served from 10 30am and a buffet lunch at 1 30pm. To avoid over catering members are asked to indicate 7 days in advance if they could not attend or would not be staying for lunch.