Minutes of Meeting of SEEAWP held on 24 October 2012
at Eland House, Bressenden Place, London

Present:
John Kilford    Chairman
Matt Meldrum   West Berks
Paul Pinkney   Bucks CC
Tony Cook      E Sussex CC
Adrian Flavell  Hants CC
Lillian Harrison Kent CC
Catherine Smith Medway
Peter Day       Oxfordshire CC
Paul Sanderson  Surrey CC
Mike Elkington  West Sussex CC
Chris Mills     Isle of Wight

1 Welcome & Apologies
1.1 The Chairman welcomed those attending for the first time. Apologies were received from Roger Kirkham (Slough), Claire Potts (SDNPA), Fiona Tarbit (Milton Keynes), Nigel Jackson (MPA), Steve Cole (BAA), Nick Everington (The Crown Estate), Roy Leavitt (EoE AWP) and James Trimmer (PLA).

2 Minutes and Matters Arising from 28 March 2012 meeting
2.1 The minutes were agreed and matters raised, other than those to be dealt with under an agenda item were as follows:

2.1 5.1 A letter was sent on behalf of SEEAWP to the Competition Commission and had been acknowledged. Ken Hobden said that the transcripts of the hearings by the Competition Commission were now published. This would update SEEAWP and he would supply the reference.

(KH supplied the following reference which was circulated to members after the meeting:
5.1 AM2010 had been circulated but had not been placed on DCLG web. Graham Ward was asked to reply as to when SEEAWP minutes and reports would be placed on the government web. In the meantime MPAs were asked to place it on their webs as a stop gap, together with SEEAWP minutes.

(Post meeting response says ‘cannot be specific about launch date yet as publicly it is ‘coming soon’. Government will accept Annual reports or the AM reports onto its web, but it is not the practice to include meeting minutes. The web would advise people to ask for them).

3 NPPF and AWPs
3.1 The Secretary had prepared a paper (SEEAWP 12/05) seeking responses from DCLG on a series of points concerning the AWP, MPAs and NCG, and also referred to the review group on guidance to support the NPPF to be led by Lord Taylor. The Guidance for the Managed Aggregates Supply System (MASS) was published subsequent to the paper. It provided answers to some of the points raised, but not all, and raised other questions.

3.2 SEEAWP welcomed the Guidance for MASS even if it did not answer all the matters on which MPAs and industry sought clarity. Mark Plummer was invited to respond and said that:

The Guidance for MASS and Lord Taylor Review Group

3.3 - the Guidance issued was a start and would set the ball rolling. It was recognised that it would not be the final word, and it would be subject to review by the Review Group

- the Review Group intended to make its first report by the end of the year, but this was likely to focus on what would be cut from current guidance.

- more guidance is expected on how MPAs are to fulfil the duty to cooperate

- he was grateful for the suggestions in preparing the guidance made by POS and industry, and would be prepared to receive and collate any queries on the guidance and park them for the Review Group.

- the Review Group has a defined mandate. If MPAs and industry want more detail than the Review Group was prepared to issue, it would be for them or NCG and AWPs to develop, not government.

- in any conflict between policy and guidance, policy takes precedence

AWPs
3.4 - funding for AWP secretaries would be set out in a document when released

- the tenders, as recommended by the Local Government Association, would be for the existing AWP boundaries for the period of the contracts. New groupings might follow after that if considered to be an advantage.

- all MPAs are to be a member of an AWP. As set out in the guidance, MPAs would also be encouraged to cooperate with adjoining MPAs across AWP boundaries and attend an adjoining AWP if an item was of significance to them.

- the AWP has more of a scrutiny role in responding to LAAs and its advice would be a material consideration at an EIP into a minerals plan. Where its advice was not being
followed, an inspector might well call for the AWP to give evidence (by the Chairman or Secretary).

- the Guidance confirms AWPs as a technical advisory body, but membership of AWPs is still under discussion. The MMO should be a member and is clearly important in respect of the marine aggregate supply to this AWP area. (An MMO officer attended the last meeting and an officer has been invited to be a regular member of SEEAWP).

- AWPs have apportioned the 2005-2020 guidance figures and this may aid LAA preparation by MPAs. AWPs may continue to apportion any revised guideline figures which similarly should be regarded as indicative figures to be tested by the MPA.

**LAAs**

3.5 - the Guidance sets out the supply options and sources from which information can be obtained to assist the preparation of an LAA.

- MPAs should not just base their LAA on the 10 year average sales, but consider future changes in demand from infrastructure and new development

- LAAs are required from all MPAs in order that a full geographical plan coverage is obtained nationally. This may be met by authorities preparing joint plans supported by an LAA (as being undertaken in three plans between the South Downs NPA and Hampshire, West Sussex and East Sussex).

- LAAs are to be prepared and submitted annually to the AWP. This may require only updating part of a preceding LAA. It would be desirable for an LAA to form part of an authority’s AMR.

- although the Guidance says that MPAs must capture the amount of aggregate it is importing and exporting, it is recognised that this is not readily available for road movements across boundaries. For LAAs, MPAs should use what sources there are, and the data from the four yearly national survey would be a suitable proxy.

- similarly MPAs should use whatever data is available to obtain figures for recycling and secondary aggregates including EA data, using the Pathway to Zero Waste, and the Electronic Duty of Care

- any MPA that did not prepare a LAA or is not proceeding with a local plan would face the consequences at an appeal hearing into an application.

**NCG and National Guidance**

3.6 - future sub regional and national guidance will be a bottom up process. LAAs will be aggregated and tested against the indicative guidance generated by an econometric model.

NCG will consider whether any shortfall between the total in the LAAs for an AWP area or nationally and the indicative figures requires action.

- NCG will consider the terms of reference of AWPs and whether membership of the AWPs needs amending

- NCG will recommend when guidance needs to be reviewed

- DCLG will try to hold a NCG meeting in December, membership including AWP Chairmen and/or Secretaries as before.
The Chairman said that the Guidance for MASS and the submission of LAAs to AWPs was changing and increasing SEEAWP’s role. This had implications for the timetable of SEEAWP meetings, a mechanism for responding to LAAs, and the role of the Chairman and Secretary. It was also clear that if the SEEAWP view on an LAA was to hold weight at an EIP the members needed to reach a common agreed view.

It was agreed that responses to LAAs would have to undertaken via email rather than at a SEEAWP meeting, unless the meeting fell at a convenient date. The Secretary would seek a copy of the procedure agreed in the East Midlands AWP. It was also agreed that SEEAWP did not have to be in agreement over a response to an LAA, but that a split view would limit its value.

It was agreed that SEEAWP would be responsive to any MPAs seeking to attend its meetings rather than being proactive over cooperation with adjoining authorities.

The Chairman asked for a paper by the Secretary on the above aspects at the next meeting.

Cross Boundary Cooperation on Strategic Planning for London and the Wider Metropolitan Area

The Mayor of London issued the above discussion paper in October 2012 and asked for views by the end of the year. The paper drew attention to the London Plan commitment to work with planning authorities in the South East and East of England with a view to broadly aligning approaches to realise the potential and address the challenges facing the city region. There is an added urgency to cross boundary aspects of strategic planning due to the new statutory duty to cooperate introduced by the Localism Act 2011. The paper suggests options for engagement with Counties and Districts and suggests a proposed approach.

The Secretary had circulated a draft response prior to the meeting and invited SEEAWP to comment and amend as appropriate. He suggested that the 5th and 6th paragraphs should now include reference to the Guidance for the MASS which had been issued since the draft was written, and due to that document the penultimate paragraph should be amended to state that some guidance had now been given to MPAs on the duty to cooperate. The Chairman proposed that the paragraphs responding to the proposals for an online forum and seminars and meetings should be amended to say that the members of SEEAWP would wish to take part in such engagement, and that the last paragraph should be amended to avoid appearing to promote monitoring for aggregates as undertaken prior to 2000.

SEEAWP agreed the draft response with these amendments.

AM2011 Survey

The AM2010 report was issued after the last meeting, and SEEAWP asked for the AM2011 survey to begin. The Secretary reported that the survey forms were issued in March and many responses had been received. However, with no JSPU to collect Berkshire figures this creates a large gap in data, important for both land-won working and rail imports. A solution has been found by Berkshire Unitary Authorities agreeing to employ the Secretary to undertake the survey direct with the operators. The survey forms have now been issued seeking returns by 1 December. Some 25% of the returns have already been made. This should enable AM2011 for Berkshire and for SEEAWP to be completed early in 2013.
5 LDFs/DPDs and LAAs

Hampshire

5.1 Following the last meeting members were invited to comment on Hampshire’s draft LAA. A draft response was then circulated and amended before being sent to Hampshire as SEEAWP's views. A reply from Richard Read responded to each of the points made by SEEAWP and had been circulated.

5.2 AF said that he was grateful for the AWP response which had resulted in some changes to the LAA submitted to the EIP. The Inspector also welcomed the AWP letter, and coming from an extensive area with MPA and industry representation, it assisted Hampshire in meeting the duty to cooperate. The EIP had been held in June. The Inspector had accepted the LAA with a land-won figure of 1.56mtpa, and not asked for a review of this section. But he had asked Hampshire to strengthen its commitment to review. The next step is for Hampshire to consult on the Proposed Modifications. This would not affect the minerals figures. It would be for SEEAWP to choose whether to respond to this new consultation, but in any case SEEAWP would be involved at the annual review of the LAA.

Kent draft LAA

5.3 LH said that a very well attended seminar had been held on the draft LAA in the summer and only one significant issue had been raised. Kent did not consider it possible to allocate sufficient sites for sharp sand and gravel land-won working to meet the recommended apportionment. In contrast there was an excess of soft sand permitted resource. Kent therefore proposed to meet the sand and gravel apportionment, but not to allocate separate figures for sharp sand and gravel and soft sand. The additional supply for sharp sand and gravel could be made up from marine and rail imports, and it made no sense to reduce the soft sand allocations which enabled industry to exercise flexibility in supply for part of the market.

5.4 LH pointed out that the NPPF says that separate landbanks should be provided for aggregates serving distinct markets, but the Guidance for MASS notably says that a separate landbank may be justified. Kent proposed to justify its pragmatic approach to provision in view of the balance of its aggregate resources. MP stated that a common sense approach should be taken to the issue of separate landbanks.

5.5 It was agreed that members should send their comments on Kent Draft LAA to the Secretary by 15 November. He would then draft a response from the views and circulate. A final response on the basis of replies would then be drafted and signed off by the Chairman.

Oxfordshire draft LAA

5.6 The first draft of the Oxfordshire LAA had been issued with the agenda. PD said that provision for land-won sand and gravel was based upon the earlier decision by the authority for a figure of 1.26mtpa. He recognised that the draft LAA was incomplete, but he would welcome comments upon the draft as it stands. It was agreed the same procedure as set out in paragraph 5.5 above would apply.

Progress with LDFs/DPDs

5.7 The Key Milestones sent with the agenda had been updated to October 2011. It showed that three MPAs have adopted Core Strategies including minerals, four more are due to be adopted in 2013, and three, together with Berks Unitary Authorities have a longer timescale.
TC said that East Sussex had a problem in preparing and asking for comments on an LAA as it had only one sharp sand & gravel operator and figures are therefore treated in confidence. Plan progress had been set back by an unexpected objection.

AF said that the reopened EIP into the Proposed Modifications for Hampshire was scheduled for 13-15 March 2013.

LH said that a timetable had now been drawn up for its Core Strategy in 2013. A copy would be sent to the Secretary.

ME said that the West Sussex dates in the chart were confirmed.

### Marine Aggregates

#### Marine Aggregate Licence Renewals

Of the 24 applications for licence renewals, all but 6 met the 5 October 2012 deadline. Transitional arrangements have been extended for these 6 applications by 7 weeks to 6 December. MR expects 4 of these to meet that date. It has been a demanding 15 months, but with cooperation from Defra and The Crown Estate the industry is satisfied with the results.

However, having dealt with the short term licences, the industry now has to turn to securing long term 15 year licences by the end of 2013 or 2014 (depending upon the operation). This time there will be no scope to extend the deadline.

#### BGS Review of Marine Aggregate Resources

All marine areas are now to be covered by the review of resources. The review will identify depositions with a high aggregate resource potential which will enable industry to focus applications for dredging. As importantly, the review will also identify areas where extraction is not likely to be economic. The MMO is using such information as it develops its policies and is able to give a much stronger planning steer. Aggregates is likely to get a level of protection akin to terrestrial planning, with areas of search and action areas with a presumption in favour of renewing licences.

#### East Coast and South Coast Plans

Consultation on the draft East Coast Plan areas is likely to take place starting in January/February 2013, with a view to adoption by the end of that year. It is not clear how an EIP into the draft will be organised. The MMO will be hosting a series of workshops for the South Coast Plan early in 2013.

It will be interesting to see how the East Coast Plan reflects the delivery of 95% of the aggregate extracted at wharves outside the Plan area - into the Thames ports and to continental Europe. The South Coast Plan may enable greater integration with the South East coastal authorities which are dependent on a large proportion of their supply from the marine resource, and with the ports at which the aggregate is landed.
7 Any Other Business

7.1 PS referred to an appeal against a refusal of an oil and gas exploratory well site at Bury Hill Wood in Surrey. The Inspector dismissed the appeal on grounds including that mineral exploration and appraisal of hydrocarbons is inappropriate in the Green Belt. He interpreted para 90 of NPPF as only referring to ‘mineral extraction’ as not inappropriate in the Green Belt. This decision sets a far more stringent test for mineral exploration than mineral extraction, surely a perverse application of GB policy. The problem stems from the NPPF wording failing to repeat MPS1 referring to ‘mineral development’ as being not inappropriate in the GB.

7.2 The Secretary said that he would seek to place this appeal decision on the UK Minerals Forum papers for wider circulation.

7.3 LH said that Kent elected members were resisting buildings for aggregate and waste developments as zero rating for the Community Infrastructure Levy without research to justify such an assessment. District authorities might well support this stance as collecting authorities with something to gain. MPAs sympathised but were unable to assist with any research.

8 Date of Next Meeting

8.1 The next SEEAWP meeting is set to take place at 2pm on Tuesday 5 March 2013 at DCLG Offices, Eland House, Bressenden Place, London, SW1E 5DU