

SOUTH WALES REGIONAL AGGREGATES WORKING PARTY

**Minutes of meeting – 10am on Monday 14th September 2015, at The Innovation Centre,
Bridgend**

Present:

Martin Hooker – Consultant (Chair)
Hugh Towns – Carmarthenshire CC (Secretary)
Susan Jones – Bridgend CBC
Ruth Amundson – Caerphilly CBC
Tom Boothroyd – Carmarthenshire CC
Ruth Henderson – Swansea CC
Justin Waite – Merthyr Tydfil CBC
Malcolm Ratcliff – MPA
Mark Frampton - MPA
Mark Russell – MPA
Mike McGee – MPA
Martin Davies – Monmouthshire CC
Peter Jordan - NRW
Sue Hall - Newport City Council
Gary Nancarrow – North Wales RAWP Secretary
Robert Murray – Torfaen County Borough Council
Andrew Wallace – Vale of Glamorgan C
Nathan Slater – Vale of Glamorgan C
Joanne Smith – WG

1. Apologies:

Chris Morgan – Brecon Beacons NP
Murray Alston - BAA
Stuart Williams – Cardiff CC
Ken Hobden – MPA
Malcolm Lawer - MPA
Ceri Morris – Neath Port Talbot CBC
Richard James – Pembrokeshire Coast NPA
Bob Smith – Pembrokeshire CC
Peter Morris – Powys CC
Steve Bool – WG

2. Minutes of the SWRAWP Meeting 16th March 2015

The minutes were accepted as a correct record.

3. Matters Arising

Section 12 – The Vale of Glamorgan LDP has been submitted to WG for Examination. The Examination is likely to commence January 2016. MPA advised that they took issue with the way the Vale had calculated their landbank and considered that it deviated significantly from the RTS. Whilst it was accepted that the LDP Examination would be the mechanism to consider the issue there was merit in seeking areas of common ground prior to the Examination. The MPA, the Vale of Glamorgan and the SWRAWP Secretary would produce position statements on the issue by the end of October 2015 and if necessary the Chair would convene a meeting of interested parties in order to facilitate discussion.

4. South Wales RAWP Update

The AM2014 Survey was ongoing. Whilst the response rate was reasonably good there were two major players outstanding – Aggregate Industries and GD Harries Ltd. Hope Construction Materials at Briton Ferry Wharf has also not responded for the second year although Briton Ferry landings are not believed to come from licensed marine aggregate production areas. It was agreed that estimating production and reserves for major players in the market was in no ones interests and obtaining accurate figures was important, particularly distribution figures which were only collected in 4 yearly AM Surveys. MPA would write to the Companies and encourage them to submit their returns. The deadline for RAWP Secretaries to submit data to BGS was 30th September 2015 so the timescales are short. Some LPA data was outstanding – in part this was due to IT issues and some Councils not supporting Microsoft Access database. The Chair requested that possible IT issues with Access be considered for future surveys.

The response for Secondary Aggregates has been disappointing with no returns received to date. Data on recycled aggregates is difficult to obtain and the Regional Waste Lead Authorities are currently considering this along with NRW.

5. North Wales RAWP Update

All the major producers had submitted AM 2014 survey returns. Some of the larger independents in Gwynedd and Anglesey have not responded to date which had the potential to skew the position if estimates had to be submitted. Initial evidence suggests a gradual upward trend in sales during 2014 in North Wales.

6. WG Update

The Planning (Wales) Act 2015 received Royal Assent in the summer. The Wellbeing of Future Generations (Wales) Act 2015 has also received Royal Assent. WG are currently working on the secondary legislation required to implement the requirements of the Acts – NDF, SDP's, DNS. Consultation on some issues is ongoing. Consultation on Developments of National Significance has just closed. There have been some responses suggesting that opencast coal and quarrying developments should be DNS. WG issues periodic bulletins about progress on the requirements of the Planning Act. These are available using the following web link:

<http://gov.wales/topics/planning/legislation/planning-wales-act-2015/150720-planning-bulletin/?lang=en>

PPW needs to be updated to reflect the new situation but this is likely to be after the WG elections in May 2016. This will include consideration of updating Paragraph 13 of MPPW. Programmed updates to PPW will go ahead in the interim and MPPW will be integrated into PPW. There is no change in policy but it has been necessary to rearrange the content to reflect the way PPW is written. WG will provide a 'crib sheet' of where the sections of MPPW can now be found in the new PPW which is likely to be published towards the end of the year.

The Environment Bill will be next – it has reached the end of the first stage of Scrutiny. The anticipated timetable is appended to these minutes together with a weblink to the WG website.

NRW advised that the Environment Bill will formalise the principle of Sustainable Natural Resource Management. The principles will need to be considered in the way Wales does business. *Link* <http://gov.wales/docs/desh/publications/150731-sustainable-management-of-natural-resources-en.pdf>

A State of Natural Resources Report will be produced which will inform the development of a National Resource Management Policy for Wales and in turn the development of Area Statements. Combined these will form evidence and policy framework to support statutory plan development. The current proposals are not suggesting the production of dedicated natural resources plans, detail is still developing.

NRW offered to make a presentation on the subject at the next meeting. It was felt that this would be useful.

WG are about to commence work on the resilience of the Minerals and Waste Planning Services in Wales. The Minister has understood the clear message arising from his Coal Summit that something has to be done about the resilience of the service.

New fees Regulations come into force on 1st October 2015.

DCLG are facing the prospect of substantial cuts in their budget of between 25% and 40%. The Minerals Team are looking at priorities and their main cost is AWP's, MASS and the Minerals Surveys. There is a real risk that the Plan-led system in England will disappear and there will be a return to the pre-Verney days. There was a reason for the Verney Report and going back to the pre-Verney days will lead to more Appeals, more costs and minerals which the economy relies on will start to run out in some areas of England. Security of supply is important for the economy and without a Plan-led system the economy will be at real risk. The MPA considers that if MASS is ditched in England then National Policy would have to change to support mineral development in a more positive way. Alternatively, LPA's may be asked to fund AWP's but they are already under budgetary constraints. There is no appetite in WG to dispense with RAWP's but as WG only make a contribution to the AM Surveys and to AMRI these may be at risk.

Local Government Re-organisation is currently programmed for 2019-20. Proposals outlined by the Minister would essentially result in the return of the County Council pre-1996 with some slight alterations – Caerphilly would join with the former Gwent and there may be some changes in North Wales. Nothing will be done before the WG elections in May 2016.

7. MPA/BAA Report

There is a N2K Review Consultation ongoing. The MPA considers that temporary nature at mineral sites is important and at present the Regulatory System in the UK actually discourages that. The larger companies have Biodiversity Action Plans at their sites and MPA has asked Members to provide examples where mineral working has created habitat.

The MPA has recommended to its members that they relax the 3-company rule. The information is already largely in the public domain as a result of planning applications and ROMP's so the MPA don't think there is a competition issue. However, it is at the discretion of each member whether they agree to release information.

MPA has recently adopted a Water Policy which will be published shortly.

MPA has published a position statement on Dimension Stone.

MPA is working on a Position Statement on the need to restore mineral sites with inert waste. The question is whether it is recovery or whether it is landfill. Some strange decisions have been made in relation to this issue with a raised footpath across a void having been refused on the grounds it was using waste.

There have been some high profile legal challenges based on safeguarding policy. A housing application within 100m of a major granite quarry was challenged as it sterilised the future reserves. The application was withdrawn before judgement was issued. A NSIP for a National Grid Carbon Capture pipeline crossing a future sand and gravel site was granted planning permission but this has been challenged. MPA considers that National Grid applied a hierarchical test to safeguarding and essentially concluded that major impacts on safeguarding areas only had a minor impact as safeguarding was on the bottom of the hierarchy. MPA suggested that Wales should look at the BGS Guidance in England and look to do something similar. WG recognised some time ago that Paragraph 13 of MPPW needed to be revised. Policy was revised ready for consultation but there was no appetite for it so it stalled. POSW Minerals & Waste Group has considered it and Newport has drafted SPG on Safeguarding and Prior Extraction which has been circulated to all other LPA's in Wales. MPA is happy to contribute to any work on this subject.

MPA is pleased to note that there is a 64% adoption rate of LDP's in Wales which is higher than in England. Another 26% are at deposit stage in Wales whereas there is a log jam in England.

The Aggregates Levy Determination that shale is not exempt from Aggregates Tax and should be charged at £2 tax per tonne and backdated 14 years is going to have a significant impact on shale producers. The Government is looking at ways to reduce the financial cash flow burden on operators but some sites may well close with restoration issues unresolved. Additional

pressures may come on LPA's in terms of unauthorised operations being developed or the use of higher specification material for lower end uses. Colliery shale and slate waste are exempt as they are considered to be by-products of other processes.

8. Marine Dredging Update

The Crown Estate and MPA jointly funded a Study by the Welsh Economic Research Unit at Cardiff Business School. The Report is in Draft at the present time and will be published later this year. Initial figures are that there are 190 mineral product industry sites in Wales with the largest concentration around the Bridgend area. These industries support 3,800 full time jobs. These businesses have a turnover of £650 million and a GVA of £220 million. The purchasing sector adds £200 million turnover and £100 million GVA. Minerals is not recognised as a key sector but it has a key enabling function for the construction sector which provides 6% of the GVA in Wales. The Minerals Industry in Wales has twice the UK average employment in minerals and only 1% to 8% of jobs are part time compared to a Welsh average of 35% part time.

The Marine Plan is being developed with public consultation post May 2016. A WG Steering Group is working on the structure and considering IMADP. It is likely that the Plan will look at the spatial dimension based on BGS data that IMADP didn't have, accompanied by a separate Technical Guide. It is not anticipated at this stage that it will radically change the picture in terms of Marine Aggregate Supply.

The latest tender round resulted in a new area being let at Culver Sands which straddles English and Welsh Waters. The Companies have been given 5 years exclusivity to develop an application but at this stage it is likely to be either wholly in English waters or wholly in Welsh waters due to the different regulatory regimes. MPA considers it unfortunate that resource selection is driven by policy rather than resource availability as this seems counter-productive. It is not likely to be something the Severn Estuary Partnership is going to be able to resolve – it is a product of devolution.

9. Secondary Aggregates

There was no-one present to give an update on secondary aggregates.

10. Major Projects Update

The Swansea Bay Tidal Lagoon has had its DCO. There are further regulatory hurdles to clear – i.e. Marine Licence and the Strike Price negotiations are ongoing. Cardiff/Newport Tidal Lagoon has been submitted for EIA Scoping and applications have been made for investigation licences.

The proposed M4 Relief Road at Newport is subject to ongoing consultation events with a possible start date of 2018.

The Circuit of Wales claims to have all its funding in place and the Common Land issue has been resolved. There may also be demand for rail ballast as part of the electrification of the South Wales line and the reconstruction of bridges. A new hospital has had permission in Torfaen.

11. Any Other Business

The MPA Wales Annual Lunch is scheduled for Friday 4th March 2016 at the St David's Hotel in Cardiff.

12. Date of next meeting – 10am on Monday 21st March 2016 at the Innovation Centre, Bridgend

APPENDIX – SWRAWP MINUTES – 14 September 2015

<http://gov.wales/topics/environmentcountryside/consmanagement/natural-resources-management/environment-bill/?lang=en>

Environment Bill current timetable of key dates:

Stage 1 already held:

Introduction of Bill - May 2015

Evidence Sessions with Stakeholders – June/July 2015

Stage 1 stages remaining:

Minister's Evidence Session - 16 September 2015 (this happened this morning)

Committee to report to on the general principles and to prepare a stage 1 report – 25 September - 26 October 2015

Stage 1 General Principles Debate – 13 October 2015

Stage 2 commences – tabling of amendments – 14 October 2015

Next Committee dates will be in the week commencing 16 November (for three weeks)

Minister's evidence session – 26 November 2015

Stage 3 Plenary proceedings – 26 January 2016

Stage 4 – to be finalised

Royal Assent – anticipated March 2016.