

**NOTES OF THE POS MINERALS AND WASTE COMMITTEE EXECUTIVE  
HELD ON 13 OCTOBER 2009 IN LONDON**

Present:

Paul Wilcox	-	Staffordshire County Council
Richard Read (Chair)	-	Hampshire County Council
Lonek Wojtulewicz	-	Leicestershire County Council
David Palk	-	Suffolk County Council
Andrew Farrow	-	Flintshire
Paula Hewitt	-	Somerset County Council
Mark Plummer	-	CLG

**1. Apologies**

Apologies had been received from Gordon Halliday.

**2. Minutes of the MW Committee held on 10 July 2009**

The minutes were noted.

**3. Notes of the Liaison Meeting between the MPA and MWC held on 10 July 2009**

The notes were noted.

**4. Matters Arising**

2 Item 4 b PAS Waste Seminars - A number of seminars had already been held comprising a mixture of presentations on Lessons Learnt, PINS and practical workshops. A number of issues had been raised including:-

- the relationship between the WDA and WPA
- the impact of HRA on the delivery process. Reference was made to the recent case of R (on the application of Simon Wooley v Cheshire East Borough Council where clarification had been sought on the legal duty of LPAs when considering impacts on European Protected species.
- Climate change and sustainability
- Restrictions on waste arisings by planning conditions

3 PW explained that the MPA were awaiting a response from the MWC on data and information for MWLDFs. The MPA were drafting a document about the retention of MASS for POS consideration and a note to PINS about robust and credible evidence base for plan making.

**5. CLG Items**

MP explained the impact of the Climate Change Act on government departments and the preparation of delivery plans.

Lucy Yates had issued a letter on 22 September to RAWPs about future funding and a forthcoming review on performance and role. The AM 2009 survey had still to be agreed with Ministers.

Charging for Fees - The problem with charging £85 to discharge planning conditions would be resolved through the planning fees review which is likely to be concluded by April 2010. Paula Hewitt agreed to resend her letter raising the issue to MP to enable a formal response to be made.

PDG - The distribution and quantum of the grant was currently with Ministers.

1APP - there was an issue about the copyright of the forms on the Planning Portal. POS agreed to speak to Atrium. MP said that CLG were keen to progress the minerals form and it was agreed that contact should be made through John Duncalfe (Oxfordshire) in the first instance. John would then report to DCPAG and iPAG as appropriate.

Coal - The CA had produced maps of the 178 Districts where there were potential coal resources.

## 6. **PAG Reports**

(a) The note of the Minerals PAG meeting held on 11 September 2009 previously circulated was noted.

PW drew attention to the mineral safeguarding project being co-ordinated by BGS. The BGS would be meeting with CLG on 16 October 2009 to discuss progress with the project.

It is likely that MPS1 will be reviewed to determine its impact on mineral policy and other MPSs and PPSs including the new Development Management PPS due out this autumn.

(b) The draft minutes of the DCPAG meeting held on 4 September were noted.

There was a long discussion on the Mines Waste Directive and its implementation by DEFRA and the EA.

The draft Working Together protocol produced by the EA is unlikely to be signed by the LGA. They did not think it was appropriate for them and would be reporting back direct to DEFRA. There was therefore no further action for the MWC to take.

Concerns had been raised about the planned stakeholders meeting set up by DEFRA for 16 October. It was unclear if it was still on and what matters it would cover.

The EA's consultation on EPP and the MWD had raised the issue of the definition of waste and inert waste. The use of materials derived from mineral activity for storage, mitigation and restoration was being classed as waste. Even a reclassification as inert waste was not felt to be correct. This was a mineral activity directly associated with the winning and working of minerals.

MP said that a steering group involving DEFRA and CLG had been set up and he would welcome a POS involvement. An invite would be sent by Charlotte Palmer to Richard Read.

(c) Waste PAG - There had been no recent meeting of the PAG. In terms of the Waste Framework Directive consultation RR agreed to check on whether the POS response had been sent.

(d) iPAG - the draft minutes of the meeting held on 30 July 2009 were noted. In terms of the Business Plan it was agreed that some tweaking of the wording would be helpful now that the various groups DCPAG/iPAG/CEOG were operational. This would aid clarity about roles and responsibilities.

7. Communications with MPAs - the discussions on MWD in particular the consultee list operated by DEFRA and the EA had raised an issue about the lack of a database of MPAs for the Committee. There were issues about the maintenance of the database. At present the MWC used a database provided by CLG when they needed to contact MPAs. It was recognised that Mineral Planning Magazine collected this data but that a charge would be made for using the database. It was highlighted that the MWC held a number of regional contacts and that through this network a database could be devised and maintained. It was agreed therefore that the following people be responsible for the regional database:-

South East and London	-	RR
East of England	-	DP
East Midlands	-	LW
West Midlands	-	PW
South West	-	PH
North East	-	GH
North West	-	AF
Yorks and Humberside	-	
Wales	-	AF

PW agreed to produce a pro forma so that all the data held on the database could be held in a consistent manner.

8. Waste DPDs - see Item 4 above
9. Consultation Database - RR tabled an up to date database of the consultation.
10. POS Cabinet : 18 September 2009. Richard Read announced that he was part of the POS team to meet the Conservatives on 20 October 2009. The issue of who was responsible in POS for nuclear power stations was still unclear.
11. Future Meetings - It was agreed that the next MWCE would be held on 2 March 2010 at 10.30am in Birmingham. The next country meeting would be held in Northumberland on 1/2 or 8/9 or 15/16 July 2010. Final Date to be agreed with GH and RR.
12. AOB – there was no any other business.
13. Date of Next Meeting – 24 November 2009 CLG London.