

I make this representation as a Director of a Private Company with over 40 years experience of offering advice to industry, government and the public on mineral planning and development. I am not a lobbying organisation and therefore this is the only route I can make comments. My comments relate to the report by the ad-hoc group on Best Practice on Land Use Planning for Minerals. I give examples from the UK which is where I mainly work. However, I have experience of land use planning matters in other parts of Europe and in North America.

My fundamental concern is that while the report tries to deal with best practice on land use planning and permitting, it has been prepared almost exclusively by agencies not involved in that process. The report takes examples as if they work and are applicable generally rather than testing or reviewing if (i) they are fit for purpose, and (ii) what outcomes are achieved.

I am mainly relating my comments to the recommendations in section 9.

1 It is stated that "Any land use policy for minerals must utilise a robust digital geological knowledge base". That is neither achievable or desirable. We just don't know enough to produce a robust knowledge base and we never will. The mineral development process in the UK and elsewhere is littered with things we got wrong. The problem for a developer and the decision maker is that we can never compare like with like in planning options and we have to deal with highly variable data. This concept will just lead down the path of, at the macro level, either overstating or understating broad totals of resources/reserves (for example what is the quantity of high PSV sandstone in the Bude Formation?, how much concreting aggregate, as opposed to out of spec fines, is there in the terrace deposits of the River Ribble?, how much ball clay is there really in the Wareham Basin ["it all depends on what you mean by"]), and thereby misleading ourselves as to overall adequacy and land use planning decisions, and, at the micro level, applying spurious accuracy to the data, such that we make poor local decisions.

2 Reference is made to "estimating long-term demands". It is obvious that we can't accurately estimate even short-term demands. I have no problem with estimating long-term demand, but that can only fit within a very flexible land use planning process which eschews the precision and precise actions suggested elsewhere in the report

3 It is stated that the aim of a land use policy for minerals should be - "fair and equal consideration of all potential uses of land...". This is a utopian approach which goes beyond that achievable. Minerals policy should never be about some form of supposedly benevolent social engineering. Or more to the point - it can't be in the form of society we have. Land use planning struggles continually between various land use and economic forces - it makes the best decisions it can given that it is a reactive process, responding to individual aspirations of, on one hand, an individual and on the other a global mega-company - and the decision process is a political process - and the ground rules are always changing - and (despite what some people think) there is never an end state, just a continuous response to those pressures. In that process there has to be, will always be, some winners and some losers. Who says what is "fair and equal"? Ultimately that has to be left to the courts to decide on the evidence at the time - it can't be defined by policy.

A minerals policy is going to be just one of the many and varied sectoral policies which help to set the overall land use objective. It should be there to identify the significance and importance of minerals for decision makers to be informed by and to draw on - it doesn't make the decision itself.

4 A standardised application form is of little value or even purpose. A minerals application deals with the details of a particular location. The only 'standard' data is that which has little relevance to the land use planning process - the meat is in the location specific submission.

5 The pace of authorisation partly reflects the enabling of the public in the decision process. One occasionally regrets that, but that is the price to be paid by having a democratic system coupled with planning in the 'public interest' (at least in the UK context). Authorisation is also slow because of the time spent within the policy process itself. The concept of "one competent authority" sounds great, but bureaucracies are all the same - combine them, and they set up internal 'agencies' which act like individual agencies but without external pressure.

I do support the objective of safeguarding across Europe (that is the prevention of UNNECESSARY sterilisation) because that is a resource neutral concept leaving the decision to the decision makers.

I think there is much merit in a statement of National Mineral Policy as identified in principle by the Working group, but it needs to be indicative of the value of minerals, not proscribed by other considerations.

Regards

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