

MINERALS AND WASTE – WHAT WE DO AND WHAT WE CAN OFFER YOU

The team has had long experience in the minerals and waste sectors. Indeed, one of our team members worked as a primary legal advisor to a large regional waste management company (it operated materials recycling facilities, landfill, composting and gas production plants) for seventeen years, dealing with all of that company's planning, environmental and health & safety regulation and enforcement issues.

Although many issues that arise – for example relating to planning, environmental regulation, property law issues and so on - also affect other sectors, waste and mineral operators frequently encounter particular challenges. We understand these and are used to dealing with them.

To give you an idea of what we do in planning, environmental and property law relevant to minerals and waste sectors, here are some highlights over the past few years.

- Planning
 - Inclusion of minerals and waste sites in emerging Waste and Minerals Development Frameworks.
 - Strategy adopted to deal with significant local opposition to a large new asphalt plant - in terms both of necessary planning permission and environmental permits.
 - Negotiating and completing a complex s106 agreement to enable restoration of and further extraction from partly-worked minerals site, including backfilling with inert waste.
 - Advising the operators of an anaerobic digestion at plant on compliance with planning conditions and on environmental regulation issues;

- Environmental and H&S
 - Advising the minerals sector's professional body on transposition and implementation of the Mining Waste Directive. Advising a number of individual operators on environmental permitting issues used as a result of the Directive being transposed through the means of the Environmental Permitting regime.
 - Advising on interviews under caution and inspector-led investigations under both health & safety and environmental regulation.
 - Advising on environmental protection clauses for land owners, as well as from the perspective of operators, in leases and agreements for leases relating to mineral extraction and waste activities (including both inert landfill and anaerobic digesters, materials recycling facilities and specification plants).
 - Acting for a waste management company during investigation of a leachate breakout incident, including representing the company in the Magistrates'

- Court and negotiating plea bargains. This included issues relating to health & safety.
- Property
 - Negotiating minerals leases on behalf of both land owners and operators, including agreements for introduction fees relating to operators instrumental in setting up deals which have been entered in to by others (relating to partly worked sites).
 - Acting on the acquisition of freehold mineral rights in a dormant quarry following a statutory review of the old minerals permission, including negotiating the split of environmental liabilities between the operator and freeholder.
 - Advising landowners on the variation of an option and lease for aggregate extraction.
 - Dealing with the property law issues arising from incomplete incorrect land registrations which would otherwise defeat the completion of a section 106 agreement (as the minerals operator did not own all of the “red line” site) including advice on adverse possession and prescriptive (long-user) rights.

We are currently working on planning permission and environmental regulation issues relating to a major off-shore minerals and asphalt production plant and on compliance with a number of planning permission conditions and section 106 obligations in relation to a large worked-out quarry that is currently being backfilled and restored.

The team works closely with other specialists in the firm to provide companies and businesses in the minerals and waste sectors. We advise on employment issues as well as company structures, shareholders agreements, specialist supply and service contracts, standard and bespoke terms of trading and the sale and purchase of businesses operating in the sectors. (A recent example is advising investors into a company established to develop a biomass power station on the terms of their investment and the shareholders agreement to regulate their relationship and set out their exit strategy.)

The firm is a member of the Mineral Products Association and the team regularly attend MPA meetings and regional liaison meetings with county planners. All of this gives us a good understanding of current concerns and issues. From environmental regulation to planning issues to property deals and corporate work, we understand minerals and waste.