Challenge to nutrient neutrality advice rejected by the High Court

News story

The Court of Appeal dismissed the case on all grounds on Friday 15 July.

Criticism of Natural England's nutrient neutrality advice to one of the Solent's local planning authorities (LPAs) has been firmly rejected by the Court of Appeal. In an important judgment, the Court of Appeal found that the LPA's planning permission which relied on the advice was lawfully granted and successfully withstood the legal challenge.

The advice was aimed at helping planners to ensure that proposed housing developments did not cause additional harm to protected nature sites that were already suffering from nutrient pollution. Its application by Fareham Borough Council, Hants, in granting planning permission for eight homes, was challenged by a residents group.

In Wyatt v Fareham BC the residents claimed that the LPA's decision, which relied on Natural England's methodology, did not comply with the Habitats Regulations and did not sufficiently protect internationally-important wildlife sites.

The Court of Appeal dismissed the case on all grounds on Friday 15 July and concluded that the planning permission had been lawfully granted. The appeal had been brought against Mr Justice Jay's judgment in the High Court in 2021. The High Court's helpful recommendations were incorporated by Natural England when it issued its national nutrient neutrality methodology, guidance and tools in March 2022.

This positive outcome at the Court of Appeal should give all those involved confidence in the approach and methodology that Natural England has proposed to help LPAs to address nutrient impacts from new development.

We look forward to continuing to work with LPAs and developers to bring forward nature-based solutions which deliver broader benefits for people and

nature, in addition to mitigating water quality impacts from new development.

Published 22 July 2022

Adrian Bird appointed new Chief of Defence Intelligence

Press release

Adrian Bird has been appointed the new Chief of Defence Intelligence

Defence Secretary Ben Wallace has confirmed that the Prime Minister has approved the new appointment of Adrian Bird CB as Chief of Defence Intelligence.

Adrian Bird will commence the role in September 2022, in succession to General Sir James Hockenhull KBE ADC Gen.

General Sir James Hockenhull, Commander United Kingdom Strategic Command said:

> I am delighted to congratulate Adrian Bird on his appointment as Chief of Defence Intelligence.
>
> As a current Director-General at GCHQ, Adrian is a widely respected figure across all the intelligence community. He has worked on a wide range of operations and brings to his new role a huge bank of experience and knowledge.
>
> This will enable him to integrate all levels of Defence and Government to work together to address the challenges we face in an increasingly uncertain world.

Adrian Bird said:

“I am very proud and excited to be appointed as the Chief of Defence Intelligence, an amazing organisation with a long and proud history.

> I have been fortunate to work closely with colleagues across Defence and Defence Intelligence for many years – amazingly dedicated and talented people, brimming with ideas, who are making a difference for the UK and our allies every day.

Published 22 July 2022

Anne Kavanagh and Clare Shine appointed to The Crown Estate Board

News story

On the recommendation of the Prime Minister, Anne Kavanagh and Clare Shine are appointed as new members of The Crown Estate Board.

Anne and Clare have been appointed by Royal Warrant to the Board of The Crown Estate. Both started as Commissioners on 4 July for an initial period of four years.

Anne Kavanagh has an extensive track record in transforming and growing global businesses, working closely with investors and occupiers and driving diversity and sustainability. Anne was recently named Chief Executive Officer of Telford Homes, a Trammell Crow Company developer. She was a Board Member and Chief Investment Officer at PATRIZIA until June 2022, where she was instrumental in helping the company grow to manage more than €55 billion in real assets. Anne also sponsored PATRIZIA’s debut impact investment strategy,

Sustainable Communities, which launched with €125m of seed capital to invest in affordable and social housing across Europe. She has also held leadership roles at AXA Real Assets, Lazard, Cambridge Place Investment Management and JLL. She is a trustee of the Urban Land Institute and Global Board Member. She also serves on the advisory board of Cambridge University's master's degree in Real Estate Finance.

Clare Shine has worked across the world on sustainable development, organisational change and culture since 1990 and was appointed Director and CEO of the University of Cambridge Institute for Sustainability Leadership (CISL) in 2021. She is a UK-qualified barrister with extensive experience as an independent environmental lawyer and policy adviser, including 15 years working on cross-sector marine and coastal strategy and planning, climate change and biodiversity. Clare was previously Vice President at Salzburg Global Seminar and is a member of the Santander X Innovation Xperts Board, an Associate of the Institute for European Environmental Policy, and a member of the IUCN Commission on Environmental Law and the World Commission on Protected Areas.

Further information

Appointments and re-appointments of The Crown Estate Commissioners are Crown Appointments made on the recommendation of the Chancellor and Prime Minister.

Non-Executive appointments are made in line with the Governance Code on Public Appointments and regulated by the Commissioner for Public Appointments.

All appointments are made on merit and political activity plays no part in the selection process. However, in accordance with the original Nolan recommendations, there is a requirement for appointees' political activity (if any declared) to be made public. Anne Kavanagh and Clare Shine have confirmed that they have not engaged in any political activity in the last 5 years.

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New building to drive innovation at thriving Culham

A fresh wave of innovative companies will be moving into Culham Science Centre after the UK Atomic Energy Authority (UKAEA) signed a new agreement to build an 8,000 square metre research and development building.

A 35-year income strip forward funding agreement with Legal & General was

agreed this month, with the £40 million building comprising engineering and office space due to be completed in mid-2024. Planning permission has been granted and the work will be carried out by Kier construction.

It is the latest boost for the evolving South Oxfordshire campus and forms part of a major regeneration programme. It will facilitate growth and deliver economic gains while helping to solve complex and critical challenges across a range of sectors.

In June 2021, UKAEA and General Fusion announced the Canadian firm would build its Fusion Demonstration Plant at the Culham campus. In addition, further upgrades are taking place across the UKAEA site to advance fusion energy and adjacent technologies, including robotics, computing and artificial intelligence. Applications for these technologies are expected in a range of fields, including space exploration, mining, healthcare, and transport.

Antonia Jenkinson, UKAEA's Chief Financial Officer and Director of Property, said: "We believe fusion could be part of the world's future energy mix, and are working with a wide range of science, engineering, and technology companies at our Culham Science Centre to achieve it.

"Our work here continues to create jobs and drive economic growth, while helping place the UK at the forefront of the international scientific community. This new investment into Culham will help support companies contributing to the UK's world-recognised fusion technology cluster, while developing a supply chain and skills base required to solve challenges across a much broader range of sectors."

Derek Gilby, Head of Long Income, LGIM Real Assets (Legal & General), said: "In line with Legal & General's commitment to drive science and technology growth across regional cities, we are delighted to work with UKAEA and bolster our investment into the Oxfordshire region.

"Today's announcement follows Legal & General's existing £4bn partnership with the University of Oxford, where we are meeting our long-term pension commitments through creating real assets to provide new housing and innovation facilities, which in turn, boosts productivity, retains talent, and creates new jobs. It's clear that meaningful partnerships between the public and private sector have never been more important in successfully supporting our towns and cities."

Owned and managed by UKAEA, Culham Science Centre combines world class publicly funded research into fusion with commercial organisations, including the Culham Innovation Centre, to create a powerhouse of high technology innovation and enterprise. It is home to the record-breaking Joint European Torus, the most powerful operating fusion machine in the world, as well as Oxfordshire Advanced Skills apprentice centre and leading robotics facility, Remote Applications in Challenging Environments (RACE).

Other private tenants include Reaction Engines and EnerSys ABSL.

The new four-storey office building will include a rig hall for research and development and multi-storey carpark. It will be designed to BREEAM 'Excellent' standard as part of UKAEA's long-term sustainability goals, as announced this week, and capable of multi-tenant occupancy.

Antonia added: "The development of public and private partnerships is of huge benefit to our mission to lead the delivery of sustainable fusion energy. We've had strong interest in the new building, which will be versatile and support the growth of innovative companies aligned to UKAEA's own aims."

Fusion energy has great potential to deliver safe, sustainable, low carbon energy for generations to come. It has been described as the ultimate energy source, based on the same processes that power the sun and stars.

By the end of 2021 the global private fusion sector had raised over $4bn in private investment, with $2bn of this increase coming in the previous 12 months. UKAEA was advised by JLL and Burgess Salmon for the new funding agreement.

UK's first magnet refinery given huge financial boost as first ever strategy for supply of critical minerals published

- Government backed Pensana to build the second-largest magnet materials refiner outside of China, in East Yorkshire, creating jobs and boosting UK's electric vehicle supply chain
- new Critical Minerals Strategy sets out measures to improve the resilience of critical mineral supply chains
- critical minerals – like those used in magnets – are essential to economic and national security and capitalising on growing industries

A multi-million pound investment in the UK's first-ever magnet materials refiner was launched today (Friday 22 July 2022) – securing hundreds of jobs in East Yorkshire, and a strong foothold for Britain in the international market.

This comes as the government publishes the UK's first ever 'Critical Minerals Strategy' to bolster the resilience of supply chains and seize on the economic opportunities of growing industries, such as electric vehicle manufacturing and offshore wind.

Speaking at the official opening of Pensana's £145 million Saltend site

today, Business Secretary Kwasi Kwarteng confirmed that the facility will be developed to process the critical minerals used in magnets, a key component for manufacturing electric vehicles (EVs). Pensana expects operations to begin at the end of 2023.

The facility is backed by the government's Automotive Transformation Fund, an £850 million programme to electrify Britain's automotive supply chain and protect our nation's competitiveness in the global market. It will make the UK one of the only places in Europe to have the facility to refine the rare earth oxides used in the creation of magnets, and will also lead to the creation of 126 new and skilled jobs in the area.

As set out in the new 'Critical Minerals Strategy', minerals such as graphite, lithium and silicon are vital to the economy, as they are key components of products ranging from laptops to aircraft. But supply chains are complex and markets are volatile, with most critical minerals sourced from just a handful of countries, particularly China. This leaves UK jobs and industries reliant on minerals vulnerable to market shocks and geopolitical events. Ensuring UK firms have a resilient and sustainable access to critical minerals will be vital for the growth of future industries such as EV manufacturing, which will support jobs across the UK for decades to come, and national security.

That's why today's strategy sets out plans to develop more robust supplies of these minerals for the vast range of industries reliant on them, protecting Britain's interests into the future. The measures include bolstering domestic production, building the UK's skills base, carrying out world leading research and development, and enhancing reuse and recycling. It also notes the importance of working with international partners and like-minded allies to build trading relationships and diversify supply chains.

Business and Energy Secretary Kwasi Kwarteng said:

> With rising geopolitical threats, Britain needs to move quickly to secure the rare earth minerals necessary to supply our future industries. Most of these minerals are sourced from just a handful of countries, leaving Britain vulnerable to market shocks. We need to develop and strengthen our own supply chains to protect our national security into the future.
>
> Russia's illegal invasion of Ukraine is a timely reminder of how global events beyond our control can impact supply chains, with profound consequences for the economy. To boost our domestic resilience, today's Critical Minerals Strategy lays out our plan to bring high value manufacturing back to the UK to protect our country's future access to supplies.
>
> Our support for Pensana's new facility in Yorkshire shows we are already putting the Strategy's aims into action to diversify our supply chains away from dominant market players.

Pensana Chairman Paul Atherley said:

> Pensana is delighted to have secured funding from the UK government's Automotive Transformation Fund, which demonstrates the government's support for Pensana's role in securing the UK's magnets metals supply chain.
>
> Our Saltend rare earth processing hub will be the world's first independent and sustainable rare earth separation plant, with plans to produce 5% of the global magnet metals in 2024. This will play a vital role in transforming the UK's EV and Offshore wind industries, as well as creating high value local jobs in the Humber region.

Production of critical minerals is expected to rise sharply – some as much as 500% by 2050. They are often irreplaceable in the products people rely on for their daily life, in clean technologies and national security – from electric vehicles and mobile phones to wind turbines and fighter jets.

The new strategy sets out an 'ACE' framework, with plans to accelerate growth of the UK's domestic capabilities, collaborate with international partners, and enhance international markets. Work to develop the UK's onshore supply chains forms just one part of what is planned domestically, with a focus on rebuilding skills, boosting research, and recycling and reusing more as well.

Actions are also planned to use the City of London's unique position as a global trading hub for metals and minerals to make global markets more effective in delivering the minerals we need. Part of this will be to push for better environmental, social, transparency and governance standards in critical mineral markets worldwide. Holding the market for critical minerals to higher standards helps reduce the likelihood of unforeseen events causing supply problems.

The UK's mineral mining heritage dates back to the Bronze Age. Cornish tinners, for example, were renowned and exported their innovations and expertise around the world. The UK has pockets of mineral wealth including lithium, tin, tungsten and others, found from the Highlands of Scotland to the tip of Cornwall, as well as clusters of expertise in refining and material manufacturing.

This follows the creation of the UK's first Critical Minerals Intelligence Centre (CMIC) based in Nottingham. The Centre will improve the resilience of the UK's critical mineral supply chain by providing policymakers with up-to-date data and analysis on supply, demand, and market dynamics.

1. Government support for the Pensana Saltend facility was provided through the Automotive Transformation Fund, the automotive pillar of the Global Britain Investment Fund. The Automotive Transformation Fund is an £850 million programme to industrialise the EV supply chain. This includes unlocking private investment in gigafactories, battery material supply chains, motors, power electronics, and fuel cell systems. It is being

delivered by the Advanced Propulsion Centre, based in Coventry.

2. The situation surrounding critical minerals – and which minerals are considered 'critical' – is constantly evolving. In January, the British Geological Survey (BGS) undertook the first UK criticality assessment. The BGS have now been appointed by the government, to run the Critical Minerals Intelligence Centre, which will regularly update this assessment and provide policymakers with a range of up-to-date data and analysis on supply, demand, and market dynamics.

3. The government draws on expert knowledge on critical minerals from across academia, finance, and industry, through the Critical Minerals Expert Committee. The Committee will continue to meet, to advise on the delivery of the Critical Minerals Strategy.

4. The government is also supporting businesses that are working on access to new, innovative sources of raw materials found in the UK.

5. Cornish Lithium and Geothermal Engineering are collaborating to build a zero carbon, lithium extraction pilot plant at an existing site in Cornwall. This £4 million project will be part supported from the government's 'Getting Building Fund', via a £14.3 million allocation to the Cornwall and the Isles of Scilly Local Enterprise Partnership (LEP).

6. Cornish Lithium, alongside the Natural History Museum and Wardell Armstrong, were awarded over £350,000 for the project 'Securing a Domestic Lithium Supply Chain for the UK (Li4UK)'.

7. In August last year, British Lithium Limited (BLL) was awarded an Innovate UK Smart Grant, with match funding of up to £500,000 from the government to progress its research and development of hard rock lithium extraction in the St Austell area of Cornwall.

8. The UK is already working with international partners through groups like the Minerals Security Partnership, and the International Energy Agency's Critical Mineral Working Group, to responsibly develop global supply chains.

9. The government is also working closely with likeminded international partners to strengthen supply chain resilience.

10. The UK has a leading role in developing global standards in the critical minerals supply chain through work with the European Partnership for Responsible Minerals, the Extractives Industry Transparency Initiative, the UN, the G7 and others.

Industry support for the Critical Minerals Strategy

Jeremy Wrathall, Founder and CEO of Cornish Lithium said:

> Cornish Lithium is delighted that the UK's first-ever Critical Minerals Strategy has now been published. This outlines the way forward for a new, domestic, supply chain of the minerals that

> enable industrial and social decarbonisation. Cornish Lithium is proud to play its part in accelerating the development of this domestic supply chain and looks forward to building a sustainable source of lithium and other critical minerals in Cornwall.
>
> The UK is particularly fortunate that Cornwall has historically been shown to have many of the critical elements needed for the move to Net Zero and sustainable extraction of these minerals in Cornwall builds on the County's tradition of mineral extraction that dates back to the Bronze Age. The Strategy highlights that a domestic source of these critical minerals generate greater resilience for the UK economy as we move away from the fossil fuels on which we have relied for so long.

Sinead Kaufman, Chief Executive, Minerals at Rio Tinto said:

> Rio Tinto welcomes the publication of the UK government's Critical Minerals Strategy as an important component in the path to net zero. We are delighted to have contributed as a member of the Critical Minerals Expert Committee along with an informed and diverse range of representatives from academia, finance, industry and government. We now look forward to helping implement parts of the strategy as a partnership with government. As a UK headquartered company with global operations in more than 35 countries, Rio Tinto is well placed to support the UK government in securing the critical minerals needed for net zero.

Duncan Wanblad, Chief Executive of Anglo American said:

> Vital to delivering the technologies and infrastructure required for a low carbon future is a sustainable and responsibly sourced supply of critical metals and minerals. The secure supply of those future-enabling metals and minerals will only be possible through the collaboration of the government, businesses, including in the mining sector, and other key role-players. We welcome this UK Critical Minerals Strategy which outlines many key elements of how such partnerships can deliver to support the UK's strategic objectives.

Isobel Sheldon OBE, Chief Strategy Officer at Britishvolt said:

> It is an absolute imperative that the UK has a clear and concise strategy when it comes to the critical materials required for the energy transition. UK government's foresight of creating a world-class battery cell ecosystem, from R&D to mass production, is being matched with policy to help ensure we have the right materials required to successfully produce battery cells at scale. This is a

> hugely impressive piece of work, incorporating the need for localised materials conversion, where possible, and also recognises the need to create skills and train the talent of the future. ESG requirements have also been accounted for, to ensure the minimal environmental footprint. It’s great to also see that recycling has been captured in this detailed future-looking policy. The UK is redefining benchmarks and setting the standards for a successful energy transition, that will result in renewable energy independence.

Maurits van Tol, Chief Technology Officer at Johnson Matthey said:

> The critical minerals strategy is key to ensuring the supply of technology metals to UK manufacturing industries. Metals such as iridium and the other platinum group metals are essential to the sustainable technologies Johnson Matthey is developing for global markets, which will advance the UK government’s net zero decarbonisation strategy.

Paul Atherley, Chairman of Pensana said:

> Pensana welcomes the government’s Critical Minerals Strategy. The strategy underlines the importance of establishing in the UK a secure magnet metals supply chain to drive the green energy transition. Pensana’s Saltend rare earth processing hub will be the world’s first independent and sustainable rare earth separation plant, with plans to produce 5% of the global magnet metals by 2024. We are grateful for the government’s support for this project and look forward to continuing to work together to position the UK at the forefront of the green industrial revolution.

Nitesh Shah, CEO of Metalysis said:

> Metalysis welcomes the UK’s first Critical Minerals Strategy. Through our unique midstream processing technology, we are seeking to revolutionise the design and application of metals and alloys in a range of sectors critical to the UK’s economic, energy and national security. We share government’s ambition to position the UK as a strategic location for midstream materials manufacturing. Being based in South Yorkshire, we are keen to support the ‘levelling up’ agenda in the process.

Sir Mick Davis, CEO of Vision Blue Resources said:

> I welcome the proactive approach that the UK government is setting

> out to facilitate responsible investment across critical minerals value chains.
>
> Vision Blue Resources was founded to accelerate the responsible supply of resources necessary to facilitate the transition to clean, green energy. Having recently made a strategic investment in Cornish Metals, this strategy should enhance the prospects for wider investment in this crucial sector for the UK.

Simon Moores, CEO of Benchmark Mineral Intelligence said:

> This is a crucial strategy to build critical mineral supply chains for the biggest industrial engines of the 21st century, especially lithium-ion batteries, electric vehicles, and energy storage.

Karen Hanghøj, Director of the British Geological Survey said:

> The new Critical Minerals Strategy represents a strong commitment from the government to ensuring the UK has secure and sustainable access to the raw materials needed to ensure economic prosperity, and the transformation to net zero. In hosting the new UK Critical Minerals Intelligence Centre, BGS is proud to be playing a key role in delivering this new strategy.

Neil Glover, President of the Institute of Materials, Minerals and Mining (IOM3) said:

> The Institute of Materials, Minerals and Mining (IOM3) welcomes the UK government taking a strategic view on critical raw materials. We look forward to continuing to contribute to the evidence-based policies that will play a vital part in the achievement of our net-zero commitments and in supporting the future of manufacturing in the UK.