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Dear Maria

Consultation on Greater Flexibility for Planning Permissions

Thank you for the opportunity to respond on this consultation.

The British Aggregates Association (BAA) represents the interests of some 90 members. 60 are independent and privately-owned SME quarry companies throughout the UK with some 10% of national output and operate from over 100 sites. We are active members of the CBI Minerals Group.

We are concerned that the government intentions in the early 2000s aimed at speeding up the process and making it more industry and user friendly with simpler, shorter and more focussed plans has not as yet been achieved through the 2004 Planning and Compulsory Purchase Act.

We therefore welcome any proposals that would look to correct the situation particularly in the current recessionary situation which has particularly badly hit the minerals and construction sector. The continuing economic uncertainty makes it difficult for the industry to commit resources to start new sites and permissions without clear and unambiguous government support. This is critical as the anticipated growth in the construction sector (mainly housing and roads) looks like being delayed for a number of years.

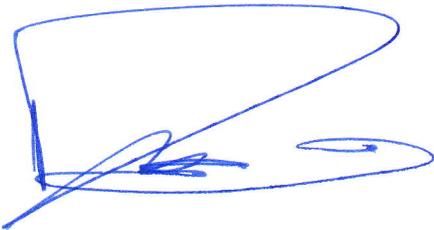
We support the response from the CBI and would add the following key points for the aggregate mineral industry and our SME sector:

1. The proposals must be made permanent through primary legislation. The problems are a direct result of the 2004 Act which removed the ability to extend a time limit of an unimplemented planning permission under section S73.
2. LPAs and MPAs must retain the discretion to grant longer permissions if needed (sections 91 and 92 of the Town and Country Planning Act 1990). Whilst re-imposing the 5 year default position is a helpful step there can be long lead in times and complicated start-up issues for minerals development which may require somewhat longer-life permissions.



3. Para 15 states that all other conditions must remain the same but Para 22 says that the LPA may seek further information (eg where they believe the environmental impacts may have changed.) This is neither reasonable nor acceptable in the interests of flexibility! We strongly believe that no new conditions should be imposed but recognise there may be very occasionally some requirement for limited additional information. There should also be the ability to agree further conditions where this might otherwise lead to a refusal of permission to extend the time limit.
4. There are concerns that the process would be open to legal challenge if for example all consultees are not consulted. The government must ensure and be satisfied that this is not the case.

Yours Sincerely

A handwritten signature in blue ink, consisting of a large, stylized 'P' followed by a horizontal line and a small flourish.

Peter Huxtable
MA(Cantab), CEng, FIMMM, FIQ
Secretary