

27 June 2012

Fees for Planning Applications
Directorate for the Built Environment
Scottish Government
2J (South) Victoria Quay
Edinburgh
EH6 6QQ

Dear Sir/Madam

Planning Reform – Next Steps March 2012 – Fees Consultation

We write to comment on the above consultation and trust that you will take on board our comments despite the fact that the closing date was 22 June 2012.

The British Aggregate Association is a trade association that represents the viewpoints of the majority of independent quarry operators throughout Scotland and the UK. As such we will restrict our comments to that part of the consultation paper that concerns mineral planning applications.

Whilst we understand the need to increase planning fees in certain areas in order to provide a better service to the building and construction industry at large, we see no justification to include minerals planning in the debate for fee increases in this instance. Mineral planning application fees are already higher than most other planning applications simply because of the nature of the operation. For example mineral operators are required carry out many detailed investigations into environmental aspects as part of their application and these all come at a cost over and above the planning fees. Mineral operations are usually relatively large operations and as such contribute more in local taxes and rates than many smaller retail businesses or private dwellings. Then there is the matter of charging mineral operations for regular inspections by planning officers in order to see whether or not the operator is complying with the planning conditions. Furthermore there is the matter that some mineral planning authorities “request” mineral operators to contribute to some local community fund that has nothing whatsoever to do with the site in question. (We are not aware that this kind of financial contribution is applied to other industry applications).

All of this can come within the backdrop of a very poor service provided by some mineral planning authorities. This organisation is only too aware of the great strides recently taken by the Scottish Government in improving legislation for mineral planning. Unfortunately this lead has not always been followed by some local MPAs. For example we have seen local development plans concerning minerals altered on the recommendation of a Recorder appointed by the Scottish Government simply because the MPA has not interpreted regulations laid down for mineral development. Because some planning authorities do not have the experience or knowledge of mineral planning this organisation, and other mineral trade associations, have been involved in teaching some planning authorities just how to deal with mineral planning applications. Then there is the matter of Section 75 Agreements and the failure of some authorities to use planning conditions as an alternative (as per Scottish Government Policy).

We note that the Scottish Government is aware of these shortcomings by some authorities, hence the section in the Consultation "Linking Fees To Performance". However, this organisation does not think that this proposal will solve the problem of mineral planning applications. The problem is just too great to link it with some sort of league table.

We note that the fees for mineral applications will go from:

The winning and working of minerals, £160 for each 0.1 hectare of the site area, subject to a maximum £23,925

To a proposed

Applications for the winning and working of minerals (other than peat) will continue to be charged according to the area of the site at a rate of £500 for the first 0.1 hectare of the site and after that at a rate of £250 per 0.1 hectare or part thereof, subject to a maximum of £100,000

This organisation maintains that there can be no justification for this size of increase particularly in view of the fact that there has been little consultation with stakeholders in the minerals industry on this subject. If implemented it would bring considerable hardship to an industry that is already suffering from a downturn of around 35% in its business. Furthermore the high cost of planning fees (including the environmental investigation charges) restricts entry into the minerals industry by smaller operators and this is already the subject of investigation by the Competition Commission.

Another aspect is that it is understood that minerals planning applications only account for 0.1% of all applications therefore any massive hike in fees to mineral operators is not going to solve the local authority's resource problem, but will only hurt the minerals operator.

This organisation knows that there are some planning authorities who do have excellent mineral planners on their staff. It would suggest that one way forward, bearing in mind the comments above, would be to reduce the number of authorities that handle minerals planning to say three or four throughout the whole country. Not only would this save on resources but would give a much better service to the industry. Judging by the percentage of mineral applications, it is clearly unnecessary for every planning authority to have a minerals specialist and simply throwing more money at it is not going to solve the problem. More consultation with the minerals industry is most certainly required before further steps on this matter are taken.

Yours faithfully

Richard Bird
Executive Officer