

28th March 2006

**Carmel Howard
Barker Review Team 4/E1,
Horseguard's Road
LONDON
SW1A 2HQ**

Dear Carmel

Barker Review of Land use Planning

Thank you for inviting us to comment on this review of the planning system commissioned by the Chancellor in his pre-budget report at the end of 2005.

The British Aggregates Association (BAA) represents the interests of over 70 members. 50 are independent and privately-owned SME quarry companies throughout the UK with some 10% of national output and who operate from over 100 sites. We are part of the consultation and lobbying process both in the UK and Europe – and are also represented through the CBI (Confederation of British Industry) and CPA (Construction Products Association).

We welcomed the government's stated intention to create a strong and coherent planning system which will give faster, more timely and more business-friendly decisions in providing the essential needs of society through the Planning and Compulsory Purchase Act of 2004. However, we have been disappointed that the indicators so far are not encouraging in terms of government intentions and for us specifically the provision of minerals.

Specific areas of concern are:

1. Nationally-sourced minerals are required for most other development particularly roads, rail, hospitals, schools, factories, offices and houses; and ready market access to a long-term supply of at least 25-years.
2. The current system is not sufficiently encouraging to retain and foster business investment in the country. The UK has one of the slowest planning systems in Europe.
3. There is insufficient political resolve from elected councillors, MPs and Ministers to ensure that the local authority gets full support from government following the decision making process. Too often the views of an unrepresentative vocal minority is allowed to over-influence; and for the environmental considerations to have too much weight over social and economic issues.
4. Devolution has essentially added another layer of decision making and along with "wider community involvement" introduced further potential delaying factors – and a huge amount

of additional bureaucracy. In the case of the English regions these Assemblies are unelected representative bodies.

We believe that some simple measures would improve the current situation:

- A return to the pre-1991 “*presumption in favour of development unless it causes demonstrable harm*”.
- Strict adherence by authorities to time limits on consultation responses – and that no response within these stipulated times would be deemed approval.
- A rethink of the role of the unelected Regional Assemblies, and the “wider community” in the decision making process. More emphasis should be placed on elected representatives in the decision supporting process.

Our more detailed responses to your specific questions are attached in the appendix.

We trust that our comments are helpful in recommending and implementing changes that would assist in improving the planning process to meet the needs of the nation. If you require any further information or explanation please do not hesitate to contact me further.

Yours Sincerely

Peter Huxtable
Secretary, British Aggregates Association

Annex

1. Is the planning system sufficiently flexible and/or responsive to the right signals to deliver the right development in the right place, given the changing economic circumstances due to globalisation, demographic change, natural resource pressures and environmental change? If not, what policy measures might help deliver this flexibility?

The current system is not sufficiently flexible or responsive. Additional layers of decision-making have been added with regional assemblies and a “wider stakeholder involvement”. Some prioritization is required and more specifically a stricter adherence to stated time limits for responses. Some respondents are notably poor and always late – eg Environment Agency. A nil response within stated response time should be deemed “in favour”.

2. Do you have any views on the scope of plans at the different spatial levels in England which are now emerging following the introduction of the new system in 2004? Are there further improvements to the plan-making process at the different spatial levels in England, particularly regarding the need to encourage a positive/proactive approach to planning, which was a key theme of the new plan-making system? Does the current system strike the right balance between central direction and regional and local discretion?

The new system has created a mountain of paper with SCIs, Strategy documents etc. This is also leading to potentially different approaches in different areas. Some authorities for example are less friendly towards having mineral developments – and would aim to have this done by others – authority nimby-ism!! There is a vital need to ensure that national needs are met despite this!

3. Sustainable development is the core principle underpinning planning. Does the current system achieve the right balance between economic and other goals, such as the regeneration of areas and the promotion of social cohesion, improving the quality of design of buildings and urban environments, and the protection and enhancement of our natural and historic environment? Are some environmental, natural resource, or social considerations given too much or too little weight?

The current system places too much emphasis on environmental goals to the detriment of national and local social and economic needs. There needs to be a counter-weight from elected representatives to the small unrepresentative vocal minority interest groups.

4. What, if anything, could the English planning system learn from the planning and consent systems operated in other countries in order to respond to this new economic environment?

This is essentially one of attitude. UK planning process is one of the longest in Europe. Compare a typical 7-10 year process for a mineral planning application (after all the pre-business work) compared to say 2 years in Ireland – which is now the fastest growing economy in the EU! It is noteworthy that overcrowded Hong Kong conceived, planned, and built a much-needed new airport in less than 10 years....compare Terminal 5 – or proposals for **only** an additional runway at Stanstead!

5. What is the impact of planning on encouraging or impeding business investment? In this context, how would you assess the potential of recent reforms to the English planning system, which are now being implemented? Are they increasing the transparency of the system and providing greater certainty for businesses? What further reforms, if any, are desirable in order to improve the transparency and effectiveness of the system still further?

The recent reforms had good intent but the reality is not at the moment supporting these intentions. Business is seeing less certainty. Essentially additional layers of decision making have been added which will inevitably slow the process. A return to a presumption in favour of development would assist in counteracting this. A re-appraisal is required between elected and non-elected input, and a stricter adherence to the methodology of time limits. No reply in stipulated time limits should be a

deemed consent. A review of the EC EIA regulations should be taken to look for speeding up this process – and in particular the current mechanism for “clock-stopping”.

6. Is the planning system sufficiently “joined-up” with other related aspects of government policy? In particular, are Regional Economic Strategies delivering a clear economic framework to help inform Regional Spatial Strategies? Is there sufficient interaction between RDAs and RSSs when preparing their respective regional strategies and if not how might greater interaction be encouraged?

The initial indications are not good. The timber industry will be pleased at the vastly increased use of paper!!

7. Planning applications for major projects will typically take a considerable time to work through all the necessary stages. Do you consider the system puts too much emphasis on speed or do you feel that is too slow? If there is an undue emphasis on speed, what are the negative consequences of this and how could they best be avoided? If the process is too slow, what could be done to overcome delays? In particular, what improvements might be made to the planning appeal system to improve its speed and efficiency?

Quality decisions are very important. Our track record on delivering quality decisions in a reasonable time against other countries is not good! Delays are we believe essentially due to manipulation of the system not an inherent under-estimation of time needed. Where there is a will there is a way. Mechanisms are needed to ensure these *manipulation* abuses are minimized. Clock-stopping and deemed consent if no response in time limits are two suggestions. Clear, unequivocal and unambiguous language is essential in all legislation and policy guidance to minimize litigation – much of recent guidance has been very very poor in this respect eg the initial MPS1 policy statements.

8. Is there evidence to suggest that the direct costs of making a planning application are deterring investment? Are there any unnecessary burdens/how might information requirements be streamlined to reduce the regulatory burden from the process of making an application?

Costs have been rising at rates well above inflation and the imposition of additional burdens on industry eg Monitoring fees. These have not been justified. These are particularly disadvantageous to SMEs as the increases are not proportionate.

9. To what extent are high occupation costs in England likely to be due to planning constraints, or due to other factors such as imperfect competition or lack of transparency in the land market? What is the economic impact of these costs in terms of the main drivers of productivity?

Not relevant to the minerals industry.

10. How does the planning system impact on competition, through influencing barriers to entry and exit and economies or scale? If there are areas where there is a negative impact, how can these be addressed, while protecting other goals of the planning system?

Minerals planning issues are different and unreasonable and over-prescriptive. The mechanism for decisions neglects that an individual applicant is unlikely to have submitted an application if there was not a good business case – yet the application could still be rejected on “need”!! This is quite different to an application for other businesses eg a new corner shop!

11. To what extent does the planning system effectively support innovation through fostering the formation of business clusters and wider agglomeration of economic activity?

Not relevant to minerals.

12. Do planning authorities have the skills and resources required to help promote sustainable economic development? If not, what is the best way to ensure that resources match the challenges the system faces? Are there ways to increase further efficiency of process?

This is variable – some very good, some poor. More encouragement needed to show this is a valuable, worthwhile and rewarding profession. However, planners need more support from elected representatives in society (councilors, MPs, Ministers, civil service) to support their decisions rather than undermining them!

13. Are the new arrangements for stakeholder engagement in the plan-making process succeeding in engaging those representing economic interests, including SMEs? If not, what are the barriers to that engagement and how might they be addressed?

In principle excellent but time constraints must be imposed – and the views of small vocal minorities counterweighted heavily for the “silent and quietly suffering majority”.

14. Are there ways that the incentive structure for decision-makers and local communities can be improved so that a balance is achieved between local interests and the interests of the wider community regarding proposals for economic development?

A more positive attitude to development and change needed from elected representatives and publicly paid officials; the impact on employment, and local community interests should be emphasized; and local pride needs to be engendered.

15. Economic development can help achieve the regeneration and renaissance of urban and rural areas. Are there ways which planning could strengthen economic performance in regions, sub-regions (including city regions) and at the local level?

No comments.