

## **British Aggregates Association**

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**Planning Reform Team  
Department for Communities and Local Government  
3/J2 Eland House  
Bressenden Place  
London  
SW1E 5DU**

### **Consultation on proposals contained in the Planning White Paper, "Planning for a Sustainable Future".**

Thank you for the opportunity to comment on the proposals in this White paper.

The British Aggregates Association (BAA) represents the interests of some 80 members of which 60 are independent and privately-owned SME quarry companies throughout the UK with some 10% of national output and who operate out of 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) Minerals Group and CPA (Construction Products Association). We have individual member representation on all the ten Regional Aggregates Working Parties (RAWPs) in England and Wales, and through the national steering groups; and work closely and constructively with other stakeholders including the Planning Officers' Society (POS).

We would make the following general comments:

- Planning is vital to economic development and delays in the process damages national economic, social and environmental well-being. We welcome again any initiatives which will simplify and speed-up the system and bring greater certainty and incentive to investors without excessive cost or additional layers of bureaucracy. This is of particular concern to our members who are all independent SME operators often with limited resource base.
- Mineral applications are not amongst the key and national infrastructure projects (such as major airport and port projects, strategic road network improvements etc) and therefore not subject to the proposed new Independent Commission or the national policy statements which cover the main thrust of the proposals outlined in the White Paper.
- However, we do play a vital role in ensuring that the raw materials to provide these essential projects are available; and the role and importance to the nation of creating an efficient and streamlined minerals planning system is rarely acknowledged and often underestimated. Minerals supply is also of paramount importance in providing the housing and local infrastructure needs – as was clearly recognised in the various reports and reviews undertaken by Kate Barker – and reinforced recently by the Prime Minister's plans for housing development.

- In this respect the proposals, and in particular the proposed new draconian fee structures, would create a problem in ensuring a continued supply of raw materials to meet the demand-side for the national needs. This could seriously impact the SME entrepreneurs vital to the country as it would create such a major disincentive to invest further in this already overburdened industry.
- Specific mineral policy statements and guidance has developed after a lengthy gestation period with close stakeholder consultation. This culminated in a major step forward and to widespread approval with the publication in November 2006 of Mineral Policy Statement MPS1 along with various annexes and detailed guidance. We believe that this meets clearly and succinctly all the sustainability requirements outlined in the White paper and should be retained in its entirety – and enshrined and reinforced within and as part of the proposed new national policy statements.
- We would also note the continued success of the managed aggregates supply and the steady evolution and improvements to the system with the full support of central government, reinforced most recently by Baroness Andrews when she launched the publication of MPS1 in November 2006.
- Whilst we would prefer to re-adopt a full presumption in favour of development we do welcome as a first step the proposed new planning policy statement to cover economic development and in para 7.46 that *“planning policy will make it clear that applications should be considered favourably unless there is good reason to believe that the economic, social and/or environmental costs of development are unlikely to outweigh the benefits.”*
- We believe that the proposals to widen of the range of material considerations could have significant and adverse implications for the decision making process as suggested in paragraph 7.44. (Amending the general principles of the planning system to make it consistent with PPS1). A recent appeal case (North Wiltshire DC v SoS for CLG) resulted in the Inspector dismantling every single one of the appellant’s arguments in favour of an affordable housing development on brownfield land in the open countryside but then decided that the need for affordable housing tipped the balance in favour of permission (material considerations indicating otherwise). The influence of economic, social and environmental factors that are relevant to the decision making process have broadened considerably.
- We welcome the proposed changes to local development frameworks and the application and appeals procedures to streamline and ensure they meet the objectives laid out in 2002 ahead of the new planning act – to make the system speedier, and more business-friendly. We have had grave concerns over the complexity of the current arrangements resulting from the 2004 Act and clearly contrary to the intentions of the Act.

Whilst we shall be separately responding to the other Issues you are consulting on in parallel we would comment at this stage some particular concerns as they would have a very negative impact on our industry if certain proposals proceeded:

- We strongly oppose a further draconian and unwarranted increase in planning fees and, in particular, the proposal to remove the £50,000 cap and to introduce a major increase in the fees for varying planning conditions. We are concerned that these proposed increases have not taken into account the situation

regarding minerals and we believe there is a strong case for the sector to be exempt from the proposals. The proposals would be particularly onerous on the SME independent sector.

- Whilst generally supporting the proposals to streamline the appeals process we strongly oppose the proposal to introduce fees. We generally feel that the current system would work well if the Inspectorate were given more resources to respond more quickly.
- Voluntary Planning Performance Agreements. We believe that this proposal is not appropriate for mineral planning applications which should be exempted. Most mineral applications would be classified as significant large-scale applications in the current proposals which state over 2 hectares. It would result in significant and unnecessary duplication which could be particularly disadvantageous to SME independents.

In response to your specific questions:

**Q1** We agree with your proposals for major key national infrastructure projects, but note that this is not relevant to our industry and member's applications.

**Q2-32 inc.** No comments. All refer to these major proposals which are not applicable to our industry or members.

**Q33.** *What types of non residential land and property do you think might have the greatest potential for microgeneration for renewable energy and which should we examine first?*  
We have no particular views on this.

**Q 34-37.** These questions refer to the new plans at regional and local level and the mechanisms and procedures. We are aware that these have not achieved the original objectives of being streamlined, shorter and more concise and more generalised; and have been time consuming and have distracted planning authorities away from their primary purpose. We welcome the proposals that have been suggested. On Q37 we would suggest that government again re-assess the need for their own UK-based Sustainability Appraisal over and above the statutory requirements for assessment under the SEA Directive and EIA Directives in the interests of better governance and reduced bureaucratic load.

**Q38-40.** We again welcome all these proposals to reduce the efforts and make the planning system more efficient and effective but are uncertain just how much potential and leeway is being suggested. We would propose that much wider powers be granted under this regime to include a much larger proportion of applications including those from our sector.

If you require any further information, clarification or would like to discuss any items further please do not hesitate to contact me.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Peter Huxtable', with a long horizontal flourish extending to the right.

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