

British Aggregates Association

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Janet Amery
PDP Resources (Fees)
Communities and Local Government
Zone 4/J2, Eland House
Bressenden Place
London
SW1E 5DU

Dear Janet

Planning Performance Agreements (PPA): A New Way to Manage Large-Scale Major Planning Applications

Thank you for the opportunity to comment on these proposals.

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:

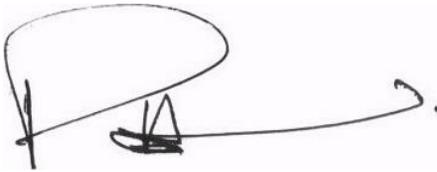
- We see no benefit to the minerals industry and potentially duplication of time and cost; along with a disproportionate impact on independent SME operators unless exempted.
- It is not clear whether the proposed PPAs were intended to apply to mineral extraction applications. We would not normally consider most applications as *significant large-scale developments* but the current proposals would include all developments covering more than 2 hectares.
- We believe that PPAs could create a two-tier system with a second rate service for those who do not use them.
- Processing mineral planning applications requires a range of technical expertise and MPAs depend very heavily on inputs from outside consultees e.g., Environment

Agency, English Heritage, Natural England and Airport Authorities. PPAs will only be effective if they bind these consultees into the process.

The responses to your specific questions are attached.

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

Yours Sincerely

A handwritten signature in black ink, appearing to be 'Peter Huxtable', written on a light-colored background.

Peter Huxtable
MA(Cantab) CEng FIQ FIMMM
Secretary

ANNEX

BAA Response to the consultation questions

Q1: Do you agree with the principle of having PPAs?

We do not believe that voluntary PPAs will significantly improve the processing of mineral planning applications. We believe that they could detract from the focus on improving the overall performance of planning authorities.

Q2: Are you content with the definition of large-scale major applications?

The proposed definition at 2 hectares would place most mineral extraction applications within the large-scale category which we believe is inappropriate. In addition, surface area size is not the deciding factor for mineral applications where tonnage (volume) and market value are the key criteria.

Q3: Do you think that only PPAs relating to large-scale major planning applications should be taken out of the Best Value 109 target regime?

We have concerns on the over-use of meeting time targets. Quality of performance and decision making is equally important.

Q4: Do you think PPAs are the most effective way to ensure that local authorities and applicants/developers devote sufficient resources to the delivery of decisions on significant major planning applications?

No.

Mineral operators are fully aware of the extensive resources needed to prepare a major mineral planning application which will normally also require the preparation of an Environmental Statement. An operator would be ill advised and very short sighted if he did not allocate sufficient resources to prepare a sound application. There are already procedures in place for the scoping of environmental assessments when required in support of a planning application.

The PPA process is unlikely to assist this process; and they would be of little assistance to applicants in deciding what resources need to be allocated to the application process.

Local authorities should devote sufficient resources, in terms of manpower, training and decision making procedures to ensure all applications are processed professionally.

Q5: Do you agree with the optional funding arrangements for PPAs?

We think project management skills should be an essential tool for all planning officers responsible for processing mineral extraction applications and that applicants should reasonably expect the processing of their planning application to be managed

professionally. The current fees payable for processing planning applications should be more than sufficient to cover all costs.

Q6: Are you content with the basic minimum requirements for a PPA?

N/A

Q7: Should PPAs include financial penalties which would be applied to either the applicant or the local authority for failure to deliver the PPA to the agreed timetable?

Unless a PPA is a legally binding contract, it is difficult to see how in practice financial penalties would work. We have grave concerns that it could lead to time and money being squandered on the arguing about the process rather than focusing on determining the planning application. Unless consultees are bound into PAAs in the same manner as the planning authority it is difficult to see how the agreed timetable could be enforced

Q8: What are the likely effects of any of the changes on you, or the group or business or local authority you represent? Do you think there will be unintended consequences?

It is unlikely that mineral operators would wish to enter into PPAs.