

British Aggregates Association

**10 Brookfields
Calver, Hope Valley
Derbyshire S32 3XB**

Tel/Fax: 01433 639879
Mobile: 07711 492 378
phuxtable@british-aggregates.com
www.british-aggregates.co.uk

15th August 2007

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

Dear Janet

CLG Consultation Paper “Improving the Appeal process in the Planning System”

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).

It is noted that CLG believe the existing planning appeal system is not equipped to deal with the number of appeals that are currently being presented and the process is disproportionately complex for some of those appeals; and that you look to introduce changes in order to deliver an appeals system that is more proportionate to the type and complexity of each appeal, has improved customer service and efficiency at its core, and is better resourced.

Whilst we support these overall aims but have concerns about some of the detailed proposals. In particular, we are opposed in principle to the proposed introduction of charges. We have no objection to the time limit for lodging an appeal being reduced from six months to 28 days where there is an enforcement notice relating to the same development.

The responses to your specific questions are attached.

Yours Sincerely

A handwritten signature in black ink, appearing to be 'Peter Huxtable', with a large loop at the end of the name.

Peter Huxtable
MA(Cantab) CEng FIQ FIMMM
Secretary

ANNEX

BAA Response to the consultation questions

Q1: Do you agree with the proposal to fast track householder and tree preservation order appeals?

Yes

Q2: Do you agree with the proposal to require local authorities to establish Local Member Review Bodies for the determination of minor appeals?

We would be strongly opposed to this procedure being extended to simple applications made by non-householder applicants as we do not believe they would provide a decision making platform that would be wholly independent.

Q3: Do you agree with allowing the Planning Inspectorate, on behalf of the Secretary of State, to determine the appeal method for each case by applying Ministerially approved and published indicative criteria?

No, we believe applicants should have the right to have a public enquiry in complex technical cases so that the evidence can be tested under cross examination.

Q4: Do you agree with the package of proposals detailed in Chapter Two to improve the customer focus and efficiency of the appeals process?

We believe that the system generally works well at the moment and all that is necessary is to allocate more resources to the process so that the Inspectorate can react more quickly. We believe the Government should investigate why there has been an escalation in the number of appeals and tackle the root cause which we believe is poor decision making at a local level, driven at least in part by a performance target culture.

Q5: Do you agree with the changes proposed for the award of costs?

We do not oppose the proposed changes for the award of costs provided that these are applied robustly to all parties including 3rd party objectors.

Q6: Do you agree that the time limit for appealing against a planning decision should be reduced where there is an enforcement notice relating to the same development, so that in the event both are appealed, it will allow the appeals to be linked?

Yes

Q7: Do you agree with the changes proposed for enforcement and lawful development certificate appeals?

Yes; subject to the general comments above

Q8: Do you agree with the proposal to charge a fee for appeals?

We strongly oppose the introduction of fees as we believe that, as a fundamental principle, justice should be free.

Q9: 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?

We are concerned that over rigid procedures could result in a slowing of the appeal system and would not improve decision making. We firmly believe that if the Inspectorate was allocated more resources so they could react more quickly that the current system would work well.

Q10: Do you have any comment on the outcomes predicted in the partial RIAs (attached at Annex C), in particular the costs and benefits

No