

# Consultation response form

This is the response form for the consultation on the draft revised National Planning Policy Framework. If you are responding by email or in writing, please reply using this questionnaire pro-forma, which should be read alongside the consultation document. The comment boxes will expand as you type. Required fields are indicated with an asterisk (\*)

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Are the views expressed on this consultation your own personal views or an official response from an organisation you represent?\*

## Organisational response

If you are responding on behalf of an organisation, please select the option which best describes your organisation. \*

### Please select an item from this drop down menu

If you selected other, please state the type of organisation

Trade Association

Please provide the name of the organisation (if applicable)

Mineral Products Association

## Chapter 1: Introduction

### Question 1

Do you have any comments on the text of Chapter 1?

No comment.

## Chapter 2: Achieving sustainable development

### Question 2

Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

Yes

Please enter your comments here

Yes, broadly.

We support the requirement for strategic plans to provide for objectively assessed needs for housing *'and other development, as well as needs that cannot be met within neighbouring areas'* [as established through statements of common ground]. This will apply to provision for minerals which are not evenly distributed and can only be worked where they lie. Statements of common ground should provide a mechanism by which authorities must jointly plan and provide for minerals, rather than assuming supply from elsewhere, and so provide more certainty over future supply.

Footnote 7 refers to 'irreplaceable habitats including ancient woodland'. The Glossary provides a definition of 'irreplaceable habitats' that includes *'some types of sand dune, saltmarsh, reedbed and heathland.'* We question whether this is true, especially for reedbeds and saltmarsh, and so to avoid mis-interpretation of which 'types' of these habitats are or are not irreplaceable, this text should be deleted.

We also have comments (made on Q36) relating to footnote 55 that is referred to in footnote 7.

### Question 3

Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?

**Please select an item from this drop down menu**

Please enter your comments here

No comment.

#### Question 4

Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?

No comment.

### Chapter 3: Plan-making

#### Question 5

Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?

**Yes**

Please enter your comments here

Yes, in particular the reference to objectively assessed needs for 'other development'. In order to deliver objectively assessed needs, there will need to be a supply of construction materials, particularly minerals and mineral products. The changes to the 'positively prepared' test, emphasising the role of plans meeting objectively assessed needs is welcomed. While this focuses on housing, it must also include other objectively assessed needs, including aggregates supply identified in Local Aggregates Assessments that properly assess future demand. Similarly, to be 'effective' joint working on cross-boundary strategic matters is essential in planning for the provision and supply of minerals.

#### Question 6

Do you have any other comments on the text of chapter 3?

No comment.

### Chapter 4: Decision-making

#### Question 7

The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?

**Please select an item from this drop down menu**

Please enter your comments here

No comment.

#### Question 8

Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?

**Please select an item from this drop down menu**

Please enter your comments here:

No comment.

### **Question 9**

What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?

Please enter your comments below

No comment.

### **Question 10**

Do you have any comments on the text of Chapter 4?

No comment.

## **Chapter 5: Delivering a wide choice of high quality homes**

### **Question 11**

What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?

Please enter your comments here

No comment.

### **Question 12**

Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?

**Please select an item from this drop down menu**

Please enter your comments here

No comment.

### Question 13

Do you agree with the new policy on exception sites for entry-level homes?

**Please select an item from this drop down menu**

Please enter your comments here

No comment.

### Question 14

Do you have any other comments on the text of Chapter 5?

Delivery of housing and associated infrastructure will require a steady, timely and adequate supply of essential minerals and mineral products, particularly aggregates and cement.

Levels of planned provision for minerals in Minerals Local Plans are based on Local Aggregates Assessments (LAAs), all but a very small number of which rely on past sales as a means of forecasting future demand. The inherent problem and risk in this system is of self-fulfilling cycle of decline, with fewer minerals sites being allocated and permitted, and sales decreasing, with a medium to long-term risk of shortage of construction materials.

Drawing parallels with the buffers imposed on housing provision, it would be prudent and helpful for the NPPF require application of similar 'buffers' on aggregate provision in Minerals Local Plans (based on Local Aggregates Assessments) in order to account for the risk of under-supply and provide necessary flexibility to account for market fluctuations.

This could be achieved through additional text in Chapter 17 requiring buffers of 10% to be added to the LAA figure where reliance is on the 10 year average of past sales as a forecast of future needs or where there is under-delivery, indicated, for example, by a landbank below the minimum levels.

## Chapter 6: Building a strong, competitive economy

### Question 15

Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

**Please select an item from this drop down menu**

Please enter your comments here

No comment.

### Question 16

Do you have any other comments on the text of chapter 6?

No comment.

## Chapter 7: Ensuring the vitality of town centres

### Question 17

Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

**Please select an item from this drop down menu**

Please enter your comments here

No comment.

### Question 18

Do you have any other comments on the text of Chapter 7?

No comment.

## Chapter 8: Promoting healthy and safe communities

### Question 19

Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?

No comment.

### Question 20

Do you have any other comments on the text of Chapter 8?

No comment.

## Chapter 9: Promoting sustainable transport

### Question 21

Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?

**Please select an item from this drop down menu**

Please enter your comments here

No comment.

### Question 22

Do you agree with the policy change that recognises the importance of general aviation facilities?

**Please select an item from this drop down menu**

Please enter your comments here

No comment.

### Question 23

Do you have any other comments on the text of Chapter 9?

No comment.

## Chapter 10: Supporting high quality communications

### Question 24

Do you have any comments on the text of Chapter 10?

No comment.

## Chapter 11: Making effective use of land

### Question 25

Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

**No**

Please enter your comments here

No. The reference in para 118 (d) to 'railway infrastructure' as under-utilised land for housing development could have unintended consequences through conflicting with or hindering delivery of other policies, for example safeguarding of important infrastructure that is essential for the delivery of minerals. Even where direct loss of such sites does not occur, locating noise-sensitive development in their proximity can lead to noise complaints and constraints on operation which is often necessarily 24/7. Therefore, reference to 'railway infrastructure' should be deleted or at least qualified to reflect the need for safeguarding of such assets.

Paragraph 120 is also too broad and could lead to the loss of important industrial and infrastructure facilities, including wharves and rail depots that facilitate the sustainable delivery of minerals. Such sites are safeguarded (through para 200 of this NPPF) and this should apply unless there is clear evidence that the site and its capacity is not required over the long term or can be adequately relocated and replaced. This paragraph should therefore specifically exclude land including safeguarded wharves and rail depots.

### Question 26

Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?

**Please select an item from this drop down menu**

Please enter your comments here

No comment.

### Question 27

Do you have any other comments on the text of Chapter 11?

No comment.

## Chapter 12 : Achieving well-designed places

### Question 28

Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?

No comment.

### Question 29

Do you have any other comments on the text of Chapter 12?

Paragraph 126 should also refer to and apply the Agent of Change principle (para 180) to ensure that developments in close proximity to industrial uses, including minerals wharves, rail depots and manufacturing facilities, should be designed to minimise their sensitivity and conflicts of use.

## Chapter 13: Protecting the Green Belt

### Question 30

Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are 'not inappropriate' in the Green Belt?

**Please select an item from this drop down menu**

Please enter your comments here

No comment.

### Question 31

Do you have any other comments on the text of Chapter 13?

The extraction of minerals requires machinery and plant, including conveyors and processing equipment, stockpiling of material, as well as associated works including landscaping bunds and access roads, which together with the extraction may at least temporarily have a visual impact and may affect the preservation of openness.

Minerals can only be worked where they occur (including in Green Belt) and minerals development is essentially temporary with removal of plant and site restoration following extraction (as required by para 200 of this draft NPPF).

The revised NPPF should include clarification of the definition of 'mineral extraction' to the effect '*mineral extraction including associated infrastructure*'.

The former Planning Policy Guidance Note 2: green belt (PPG2) acknowledged the temporary nature and deemed them not to be inappropriate provided they achieved suitable environmental standards and restoration. In 2012 the NPPF was intended to maintain and summarise the policy at that time. The revision to the NPPF now provides an opportunity to clarify and reflect the former green belt guidance in PPG2 which should not have been changed. PPG2 stated; "*Minerals can be worked only where they are found. Their extraction is a temporary activity. Mineral extraction need not be inappropriate development: it need not conflict with the purposes of including land in Green Belts, provided that high environmental standards are maintained and that the site is well restored. ....*". We recommend that a new paragraph similar to this is inserted that addresses the specific characteristics of minerals development.

## Chapter 14: Meeting the challenge of climate change, flooding and coastal change

### Question 32

Do you have any comments on the text of Chapter 14?

No comment.

### Question 33

Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from building?

Please select an item from this drop down menu

No comment.

## Chapter 15: Conserving and enhancing the natural environment

### Question 34

Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?

**Not sure**

Please enter your comments here

Partially. Footnote 49 defines 'wholly exceptional circumstances' as 'infrastructure projects where the public benefit would clearly outweigh the loss or deterioration of habitat'. However, the inclusion of examples in brackets 'including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills' could be mis-interpreted as implying that it is only these types of projects that should be considered as 'wholly exceptional'. This would be too restrictive and inflexible and exclude minerals development. Minerals are different to other types of development given that their distribution is not even and they can only be worked where they occur. Minerals development is also essentially temporary and while operators generally avoid areas of environmental sensitivity, they also strive to deliver net gains in biodiversity and other natural capital and ecosystem services through site management and restoration wherever possible.

The text giving the examples in brackets should be deleted to enable the planning balance to be provided for all development through 'where public benefit would clearly outweigh loss'. We note that 'wholly exceptional' is not defined specifically elsewhere in the NPPF where it is applied, for example to development that may harm the highest significance heritage assets (para 190).

The Glossary definition of irreplaceable is also problematic as in addition to irreplaceable habitats of ancient woodland, blanket bog and limestone pavement, it includes '*some types of sand dune, saltmarsh, reedbed and heathland.*' We question whether this is true, especially for reedbeds and saltmarsh, and so to avoid mis-interpretation of which 'types' of these habitats are or are not irreplaceable, this text should be deleted.

### Question 35

Do you have any other comments on the text of Chapter 15?

Paragraph 170 now includes an additional sentence that states that ‘The scale and extent of development in these designated areas [National Parks and the Broads] should be limited’. Application of the established criteria later in this paragraph to major development inevitably mean that development is of limited scale and extent, and so this sentence is not needed and will only provide further scope for dispute over its meaning and interpretation.

Paragraph 175 needs to be amended or deleted, to reflect the recent ECJ ‘People Over Wind’ ruling, meaning that mitigation cannot be taken into account at the HRA screening stage. The presumption in favour should still apply to proposed developments where Appropriate Assessment is required, but not where the AA does not demonstrate that the plan or project would not adversely affect the integrity of a European site. If amending the text, we recommend the following:

*“The presumption in favour of sustainable development does not apply where an appropriate assessment does not demonstrate that the plan or project will not adversely affect the integrity of a European site”.*

We support the reference to ‘agent of change’ in paragraph 180. It would be helpful for interpretation of the principle to include wording reflecting para 123 of NPPF2012 that ‘existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.’ This is important to help implement more effective safeguarding of minerals sites, especially transport, processing and manufacturing infrastructure, including to allow for their future development and expansion where necessary. The list of examples of ‘existing businesses and community facilities’ cited should also include minerals infrastructure including wharves and rail depots.

## Chapter 16: Conserving and enhancing the historic environment

### Question 36

Do you have any comments on the text of Chapter 16?

The new text in paragraph 189 ‘...*irrespective of the degree of potential harm to its significance.*’ Should be deleted. The addition of this text adds confusion, particularly to the interpretation of the subsequent paragraphs which set out how the degree of potential harm to the significance of an asset should be considered. In practice, subjective interpretation of this sentence could lead to developments not being permitted due to very slight changes to the setting of an asset, even where the development is some considerable distance away. This is a particular concern for minerals development that can be large-scale but essentially temporary.

Footnote 55 should be deleted as its application is not practical or reasonable and would entail significant cost and delay. The value of a designated asset is generally known. The value of “non-designated” assets (whatever they be and of whatever extent) is often unknown. Applicants would have to “demonstrate” (presumably by detailed evaluation) that all these features were not “of equivalent significance” to comply with footnote 55 to gain consent

## Chapter 17: Facilitating the sustainable use of minerals

### Question 37

Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text in this chapter?

Our detailed comments on the Minerals Chapter are provided as a separate document which is attached to this response (MPA response draft NPPF consultation 2018 Q37). Our overall position is that most of the text that has been deleted from NPPF (2012) should be re-inserted as it provides important national policy context for plan- and decision-making.

### Question 38

Do you think that planning policy in minerals would be better contained in a separate document?

**No**

Please enter your comments here

No. A specific chapter should be retained in the NPPF. This is important to ensure that the link is clearly made between delivery of housing and infrastructure, and also of environmental net gain, and minerals planning and development. It is important that minerals provision is not put into a silo to only be of concern for mineral planning authorities, and that local planning authorities (officers and members) properly understand and appreciate that delivery is dependent on a steady and adequate supply of raw construction materials. This is also important in ensuring that policies for safeguarding of mineral resources and of minerals infrastructure are implemented, as local planning authorities permit the development that may potentially sterilise or constrain these assets.

### Question 39

Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?

**Yes**

Please enter your comments here

Yes. The *Guidelines* are now out of date (they formally expire in 2020) and given little weight by planning authorities, Aggregates Working Parties or Inspectors. However, they form an important component of the Managed Aggregates Supply System (MASS) that has been in place for decades. They have provided a strategic assessment of future needs and expected provision at national (England) and sub-national scales to help inform local plans and the advice of the Aggregates Working Parties (AWPs).

A key role of the AWPs is *'to provide an assessment on the position of overall demand and supply for the Aggregate Working Party area, including whether, in its view, the*

*area is making a full contribution towards meeting both national and local aggregate needs.'* In the absence of up-to-date *Guidelines*, there is no strategic forecast of needs and no benchmark against which local provision and delivery can be compared and considered to enable the AWP's to make sound judgement. Given the difficulty the vast majority of mineral planning authorities are experiencing in deriving meaningful forecasts of future demand in their Local Aggregates Assessments, there is a growing risk of under-provision in minerals local plans.

Therefore, the Guidelines do have an important 'utility' as part of the MASS but need to be updated as a matter of urgency. Without the Guidelines there is no 'M' in 'MASS'.

## Transitional arrangements and consequential changes

### Question 40

Do you agree with the proposed transitional arrangements?

**Please select an item from this drop down menu**

Please enter your comments here

No comment.

### Question 41

Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in the consultation document? If so, what changes should be made?

**Please select an item from this drop down menu**

Please enter your comments here

No comment.

### Question 42

Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in the consultation document? If so, what changes should be made?

**Please select an item from this drop down menu**

Please enter your comments here

No comment.

Glossary

### Question 43

Do you have any comments on the glossary?

The definition of 'irreplaceable' is problematic as in addition to irreplaceable habitats of ancient woodland, blanket bog and limestone pavement, it also includes 'some types of sand dune, saltmarsh, reedbed and heathland.' We question whether this is true, especially for reedbeds and saltmarsh, and so to avoid mis-interpretation of which 'types' of these habitats are or are not irreplaceable, this text should be deleted.

The definition of 'Mineral Safeguarding Area' in the Glossary needs to include minerals infrastructure (as described in the original NPPF para 143) as safeguarded assets within MSAs.

The definition of 'minerals of local and national importance' needs to be reinstated back into the Glossary (as described in the original NPPF) in order to provide necessary clarity:

'Minerals of local and national importance: Minerals which are necessary to meet society's needs, including aggregates, brickclay (especially Etruria Marl and fireclay), silica sand (including high grade silica sands), cement raw materials, gypsum, salt, fluorspar, shallow and deep-mined coal, oil and gas (including hydrocarbons), tungsten, kaolin, ball clay, potash and local minerals of importance to heritage assets and local distinctiveness.'