

LOCALISM BILL

HOUSE OF COMMONS PUBLIC BILL COMMITTEE

**Written submission by the Mineral Products Association
January 2011**

1. The Mineral Products Association (MPA) is the principal trade association representing aggregates and similar mineral extraction and production operations in Great Britain. Our members represent 100% of cement production, 90% of aggregates production and 95% of asphalt and ready mixed concrete production. They are also responsible for producing important industrial materials such as silica sand, agricultural and industrial lime and mortar. Together they supply essential materials valued at £5bn to the UK economy each year.
2. MPA have serious concerns about those parts of the Bill which relate to community empowerment and reform of the planning system. Our concerns, which relate to all stages of the planning process, can be summarised as follows:

Minerals Development Management

3. There have been many revisions to the planning system in recent years and they have been largely unsuccessful in achieving their objectives; indeed they have left us with a strategic plan making system which is at best cumbersome and at worst entirely unfit for purpose. Throughout various reviews which were closely focused on planning for housing and other built development, MPA have constantly had to remind Government that minerals development is different.
4. We will not go into the detail of the differences between mineral working and built development in this submission but in summary those differences stem from the essential nature of minerals supply, the fact that mineral resources are not distributed evenly across the UK and quite obviously can only be worked where they are found. Unlike all other forms of development, mineral working is not footloose.
5. MPA were pleased to see therefore that Government appears to have accepted this point and planning matters relating to the winning and working of minerals are classed as “excluded development” by virtue of section 611 of Schedule 9 of the Bill. Decision making based on neighbourhoods does not match with the complex skills and knowledge set that is needed to consider the mineral requirements of the nation as a whole. Incentivising neighbourhoods to support mineral working will be much more difficult than incentivising for built development. It is imperative that the proven planning

system based on specialist Mineral Planning Authorities is maintained throughout the passage of the Bill.

Mineral Plan Making

6. Whilst the “excluded development” provisions within the Bill may address some of the MPA concerns regarding the impact of localism on the development management process (i.e. the determination of planning permissions), our concerns about the failure of the current plan-making system remain.
7. MPA believe that there is little in the Bill that will make the system less cumbersome than at present. Making the reports of planning inspectors non-binding will only lengthen the adoption process. A lack of up-to-date minerals development frameworks is depriving industry of the certainty they need to invest in proposals to sustain adequate and steady supplies of minerals for the future. Stocks of reserves of aggregates (landbanks) are in serious decline in many areas.

Strategic Planning/ the Managed Aggregates Supply System

8. MPA welcome the inclusion of the duty to cooperate in sections 89 and 90 of the Bill. However, it is not clear how this will have effect and what mechanisms would come into play if the authorities, bodies or persons did not fulfil their obligations under those sections.
9. The effectiveness of planning for aggregates supply at the national/strategic level currently relies upon the Managed Aggregates Supply System (MASS). MPA do not feel it is appropriate to go into detail about the MASS for purposes of this submission, as information on this matter will no doubt be available to the Committee from within DCLG. In addition, it is not something that has been mentioned specifically in the Bill. However we would like to use this opportunity to remind the Committee that the MASS has been in place for over 30 years and recent independent research commissioned by DCLG confirmed that it continued to be both fit-for-purpose and very cost effective.
10. MPA would stress the importance of keeping the MASS in some form. Our comments on the Bill are made on the assumption that a MASS will be retained and we are continuing to work with DCLG officials and others to identify workable options. We have assumed that details of a revised MASS could be incorporated in the National Planning Policy Framework.
11. If however, a MASS is not retained then we believe it would be essential to provide mechanisms within the Bill to ensure that authorities, bodies and individuals have a specific duty to cooperate to provide an adequate and steady supply of minerals throughout England.

Minerals and Sustainable Development

- 12.** An important feature of published proposals for review of the planning system has been Government support for development that is sustainable. MPA wholly support that principle. In making this submission we have assumed that the presumption in favour of sustainable development will be given weight through the medium of the National Planning Policy Framework. Those reading the Bill could be excused for thinking that the planning system in the future will only make decisions consistent with what local communities and neighbourhoods want. That should not always be the case. With minerals development in particular the wider needs of the UK for minerals and their importance to the UK economy is a major element of sustainability.

- 13.** Minerals are a finite resource and in the interests of sustainable development they should not be sterilised or access to them otherwise compromised, without full consideration of the implications. The current MPSI introduced an obligation on planning authorities to ensure that mineral resources were not needlessly sterilised by non-mineral development. Part of that process was an obligation to define Mineral Safeguarding Areas (MSAs) in the development plan. Evidence shows that despite the designation of MSAs, they are being ignored and planning permissions are being granted which sterilise mineral resources. It is suggested that this is a process that should be covered in the Bill under the heading of “Duty to co-operate in relation to planning of sustainable development” (section 90)