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Dear Sir

CUMBRIA COUNTY COUNCIL: LOCAL VALIDATION CHECKLIST CONSULTATION

The Mineral Products Association (MPA) is the trade association for the aggregates, asphalt, cement, concrete, dimension stone, lime, mortar and silica sand industries. With the affiliation of British Precast, the British Association of Reinforcement (BAR), Eurobitume, QPA Northern Ireland, MPA Scotland and the British Calcium Carbonate Federation, it has a growing membership of 500 companies and is the sectoral voice for mineral products. MPA membership is made up of the vast majority of independent SME quarrying companies throughout the UK, as well as the 9 major international and global companies. It covers 100% of UK cement production, 90% of GB aggregates production, 95% of asphalt and over 70% of ready-mixed concrete and precast concrete production. Each year the industry supplies £20 billion worth of materials and services to the Economy and is the largest supplier to the construction industry, which had annual output valued at £151 billion in 2016. Industry production represents the largest materials flow in the UK economy and is also one of the largest manufacturing sectors. For more information visit: www.mineralproducts.org.

Thank you for allow us to make representation on the validation checklist following our email of 21st January 2019. Having had further opportunity to make more detailed appraisal, concerns remain over the format and content of the document as it currently stands. We believe it will place an unnecessary burden on our members by requiring information which is not necessary for the determination of planning applications for minerals development. However, we have provided detailed considerations in the table below to highlight our concerns to the county council.

Introduction

A local list should be prepared by the local planning authority to clarify what information is usually required for applications of a particular type, scale or location. The information requested must be:

- reasonable having regard, in particular, to the nature and scale of the proposed development; and
- about a matter which it is reasonable to think will be a material consideration in the determination of the application.

The statutory tests are set out in section 62 (4A) of the Town and Country Planning Act 1990 (inserted by the Growth and Infrastructure Act) and article 11(3)(c) of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015.

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Registered at the above address

We appreciate that front loading the application process can help the speed up determining applications, however, it is important that planning does not become a “tick box” exercise with the validation checklist being used to ratify the process rather than deliver a balanced and considered approach to an established and recognised planning system. Whilst we would expect planning officers to use professional judgement in what is regarded as a material consideration, routinely validation is undertaken by administrative and technical staff where the level of professional understanding may be less developed.

As highlighted below, it must be made clear at the outset, that not all matters will be necessary for all applications to address and where matters are considered relevant to determining an application, this must be necessary and proportionate, not just “nice to have”. Matters must be material to the determination of the application. Further, there are matters listed in the document which could readily be dealt with by planning conditions.

The document is not clear in how the validation checklist will dovetail with the EIA screening and scoping process, where matters may have been “scoped out” of an EIA yet not excluded from the validation checklist.

There are a number of issues with reference to the Policy drivers which need to be resolved.

Para	Text/subject	Matter for consideration	Suggested amendment
2.10 to 2.11	Reference is made to both registration and validation	It would be helpful to provide clarification in the document on what is “registration” and what is “validation”	Provide clarification on what is “registration” and what is “validation”
2.13	Changes post validation	Most changes made post submission arise as a result of responses from consultees or from the LPA. Invariably such changes are in response to comments or representations received during the consultation process. Rarely are minerals applications dealt with within the prescribed period and planning is about good decisions and not league tables. Routinely LPAs ask for revised plans or additional information which necessitate major changes to the submission. If EIA developments, these go through a recognised process. Whilst the aspirational timescales are supported, in reality most applications for minerals	Delete the paragraph.

		development take between 2 and 3 years to determine.	
2.14	Changes post validation	See comments above. Also, this makes the assumption that the advice given during the pre-consultation exercise was sound and also that the consultation exercise has not thrown up any unforeseen issues. The key consideration is that National Policy has a presumption in favour of sustainable development and if a proposal accords with such, a recommendation for refusal would be inappropriate.	Delete the paragraph.
3.13	Block Plans	We would question whether a block plan is required for most applications. The opening sentence should be amended to reflect this identifying under what circumstances a “Block Plan” is required.	Amend opening sentence.
4.1	The paragraph states what “will” be required for validation of a planning application.	Many of the matters listed are relevant for applications for specific types of development but clearly not all. The paragraph should make it clear that not <u>all</u> matters are relevant or necessary to make <u>all</u> types of applications valid and the text should therefore be amended. This would then reflect the checklist in Part 2 and the subsequent headed sections from the 14 th page onwards, where it is clear not all matters are relevant to each and every application.	Amend the text to read “Below is a list of the various additional information/ requirements which will <u>may</u> be necessary for <u>the</u> validation of planning applications received by the county council.”
4.4	List of matters	It should be made clear in the introduction that not <u>all</u> these matters are relevant to <u>all</u> applications and that any studies undertaken must be relevant and proportionate.	Provide the appropriate clarity in para 4.4.

	Biodiversity	The Policy Driver List refers to NPPF para 07, where this should read the NPPG para 07. However, we would question the reference to NPPG para 07 as a policy driver or guidance as this a development plan duty placed on the LPA not on an applicant.	Review the policy drivers.
	Birdstrike Assessment	The first and second paragraphs in this section are the wrong way around. The second paragraph sets the locational requirements for when a Birdstrike Assessment should be required, whilst the first paragraph details the nature of the development which would warrant an assessment being undertaken in an ASZ.	Amend text by restructuring first and second paragraphs. Review the policy drivers.
	Dust Impact Assessment	This would appear to be covered under “Air Quality Assessment” and is unnecessary repetition.	Clarify whether or not this is duplication of Air Quality Assessment and amend where appropriate.
	Geotechnical Assessment	We would question the need for a geotechnical assessment for the construction of screening bunds unless these were of a size and nature to cause concern.	Amend the text accordingly
	Health Impact Assessment	Similarly, the need for HIA is questioned. The parameters indicated are already addressed in the list through Air Quality, Further, the policy drivers are confusing...reference is made to the National Planning Policy Guidance and then the NPPG.	This section should be deleted. HIA is not a requirement of planning policy in England.
	Heritage Statement	We are pleased that this should be recognised as being “proportionate” to the development proposals. However, we would suggest that this wording appears in the introduction to Section	Amend text accordingly.

		4 with all assessments being proportionate to the development proposals.	
	Landscape Proposals	It is unclear why Landscape proposals are outwith the LVIA section. Other sections appear to require mitigation, compensation and enhancement within the respective section and it would be appropriate to follow a similar approach.	Amend accordingly
	Minerals Need and Viability Assessment	In national planning policy viability assessments are applicable to housing developments and not minerals applications. A non-minerals proposal within a mineral safeguarding area would warrant a viability assessment. Further, the paragraphs reference in the NPPF are about need and not viability.	Delete the need for a viability assessment from minerals development proposals.
	Minerals Need and Viability Assessment. This section also states that “Whilst there is no maximum landbank level for aggregates, the county council needs to manage a steady supply and ensure that reserves are not released too early....”	There is an inference that where an applicant submits proposals for minerals development, where the landbank exceeds that specified in the NPPF, it will be refused. We trust this is not the case as the NPPF has a presumption in favour of sustainable development.	Clarify this statement of delete completely.
	Minerals Need and Viability Assessment. This section also requirement of ROMP applications, including the developer providing sufficient evidence, including finance costs and allowing for depreciation, to	This section should be deleted. It is duty is the responsibility of the Mineral Planning Authority to undertake the assessment if it chooses to impose new conditions which affect the asset value or indeed viability of a consented operation. The key test is the extent to which the further restrictions imposed by new conditions would	This section should be deleted.

	demonstrate the ability to produce sufficient revenue to cover all of its operating costs and how this might be compromised by the introduction of new conditions.	cause extra operating costs or restrict revenue to the extent that economic viability would be prejudiced adversely to an unreasonable degree. As such compensation would be payable to the operator	
PART 2	M&W List	Design and Access Statements are not applicable to Minerals development and should be deleted from the list.	Delete accordingly.

We trust the above comments are regarded as constructive and would welcome the opportunity to view further iterations of the document before formal adoption.

Yours faithfully



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