



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

PROPOSALS FOR  
INTRODUCING MINERAL REVIEW FEES: A FURTHER  
CONSULTATION PAPER

Planning Division

Department for Environment, Sustainability and Housing

June 2009

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## Invitation to Comment

This consultation document is available on the Welsh Assembly Government web-site at: [www.wales.gov.uk/planning](http://www.wales.gov.uk/planning) or paper copies can be obtained at the address below.

Comments on this document, by e-mail or in writing, should be sent to;

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1. The closing date for responses is: 11 September 2009.
2. When commenting please make clear whether you represent any organisation or group, and in what capacity you are responding. A list of consultees is at Annex 6.
3. A summary of responses will be published on the following web site: [www.wales.gov.uk/planning](http://www.wales.gov.uk/planning).
4. All responses will be made public unless confidentiality is specifically requested. The Welsh Assembly Government intends to publish a summary of the responses to this document. Normally, the name and address (or part of the address) of its author are published along with the response, as this gives credibility to the consultation exercise. If you do not wish to be identified as the author of your response, please state this expressly in writing to us.
5. Responses may, notwithstanding a request for confidentiality, be included in statistical summaries of comments received and views expressed. Any automatic confidentiality disclaimer generated by your organisation's IT system will not be respected unless you specifically include a confidentiality request in the main text of your response.
6. This consultation document has been produced in accordance with the Welsh Assembly Government's Code of Practice on Consultation. The principal criteria governing this Code are reproduced at Annex 2.
7. Because this consultation follows on from the previous consultation on resourcing the planning system, is very specific, focused on the level of fees and has a limited audience, the fact that the consultation period of 12 weeks coincides in part with the summer period is considered to be acceptable.
8. In accordance with the assessment under the Assembly Government's Welsh Language Scheme, the consultation paper will issue in English only, however please feel free to respond in either English or Welsh.

## Introduction

1. Following consideration of the responses to the “Resourcing the Planning Service” consultation paper, the Minister for Environment, Sustainability and Housing agreed in principle in February 2009, among other fee decisions, the introduction of fees for new mineral review applications from April 2010, subject to further consultation on the level at which the proposed fee should be set. This second consultation is being undertaken to determine the fee level to be imposed, focusing on 3 specific issues and will run for a period of 12 weeks to 11 September 2009.

## Background

2. The term “Review of old mineral planning permissions”, (ROMPs) is used here to cover applications for the determination of conditions under Schedule 2 of the Planning and Compensation Act 1991 (the "1991 Act"), and under Schedules 13 and 14 of the Environment Act 1995.
3. The purpose is to allow the conditions attached to mineral planning permissions to be reviewed to ensure that they keep up with current requirements for environmental protection and match changing expectations with regard to amenity. It has long been recognised that mineral working is different from other forms of development. It can only take place where minerals are found; it is a temporary use of land, although sometimes lasting for many years, and consideration needs to be given to ensuring restoration of the land to a beneficial after-use. There is need for regular review so as to ensure that modern standards are met.
4. The 1991 Act introduced new procedures for dealing with permissions for the winning and working of minerals or the depositing of minerals waste, originally granted under Interim Development Orders (IDOs). These were permissions granted after 21 July 1943 and before 1 July 1948, which have been preserved by successive planning Acts as valid planning permissions in respect of development which had not been carried out by 1 July 1948.
5. The Environment Act 1995 placed a duty on all Mineral Planning Authorities to review and update all planning permissions at active mineral sites in two phases. Phase I of the ROMP Review, beginning in 1996 applied to active sites where the predominant planning permissions were granted after 30 June 1948 and on or before 31 March 1969. Phase II of the Review commenced in October 1998 and dealt with active mineral sites where the predominant planning permission(s) were granted after 31 March 1969 and before 22 February 1982.
6. The 1995 Act provides that, in the case of Phase I and Phase II sites where no operations for the winning and working of minerals or the depositing of minerals waste have been carried out to any substantial extent in the period beginning on 22 February 1982 and ending with 6 June 1995 ("dormant" sites), development may not recommence or lawfully continue after 1 November 1995 until a scheme of conditions has been finally determined.
7. It also provided for the future periodic review of all mineral permissions thereafter. Periodic reviews take place every 15 years from the date of either a previous review, or, if no review has taken place, from the date of the latest

mineral permission relating to the site.

8. Any person who is an owner of land or has an interest in any relevant mineral which is or forms part of a dormant site or an active site may apply to the MPA to determine the conditions to which the relevant planning permissions relating to that site are to be subject. Each eligible person may make only one application for determination of conditions. However, if there is more than one person eligible to apply and each makes a separate application, the MPA must treat all the applications as a single application served on the date on which the latest application was made, and must notify each applicant of receipt of the applications and their determination accordingly. Applicants are strongly advised therefore to co-ordinate their approach with any other persons eligible to apply for determination of conditions in respect of the same site.
9. It is for applicants in the first place to submit schemes of conditions for the consideration of the MPA, and for the MPA to determine whether the submitted conditions are acceptable or should be modified or added to. Similarly, whilst the provisions of the Town and Country Planning (General Development Procedure) Order 1995 relating to consultations before the grant of planning permission do not statutorily apply to these new procedures, MPAs should have regard to these general requirements and carry out such consultations as they see fit before determining the application.
10. Under the *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) (Amendment) Regulations 2000)* MPAs must consider the need for Environmental Impact Assessment (EIA) in all review cases. EIA is **always** required for development proposals of the type and size listed in Schedule 1 to the EIA Regulations. For example, EIA is always required for quarries and open-cast mining where the surface of the site exceeds 25 hectares or peat extractions where the surface of the site exceeds 150 hectares. EIA **may be** required for development proposals of the type listed in Schedule 2 to the EIA Regulations if they are likely to have significant effects on the environment.
11. Planning permission may not be granted (or new mineral conditions determined) for a proposal for development which requires EIA unless all of the information about the likely environmental effects of the proposal have been taken into consideration by the local planning authority (or the Welsh Ministers in relation to appeals or called-in applications).
12. MPAs will now be considering the periodic reviews for active sites and, where relevant, applications for schemes of conditions for dormant sites.

## Previous Consultation

13. The Welsh Assembly Government commissioned research to assess the costs of the planning service provided by local planning authorities, and identify options for increasing resources and extending the scope of the fees regime. "Resourcing the Planning Service" consultation was issued on 18 July 2008 requesting responses by 19 September 2008. The consultation put forward options for changes to the system of planning application fees, among them fees for reviews of old mineral planning permissions (ROMPS).

Mineral organisations and the minerals industry were specifically included in the consultation.

14. The initial consultation outlined that reviews of old mineral planning permissions as required under the Planning and Compensation Act 1991 and the Environment Act 1995 do not currently require a planning fee. However, it is felt that the work required to be undertaken by MPAs for a review is no different from that for a new application for the winning and working of minerals – which does require an application fee. The need for MPAs to generate adequate fee income from all their activities to fund their development control (management) service in the current climate of declining fee income from major planning applications was fully explained.

15. The consultation raised the following questions:

***Do you believe that***

- ***Application fees should be charged for the review of minerals permissions?***
- ***In the review of minerals permissions, a flat fee should be charged to cover the costs of appraisal, as is currently the case for marine dredging applications?***
- ***Do you think that, for the review of minerals permissions, a variable fee should be charged to cover the costs of appraisal?***

***We would particularly welcome evidence from Mineral Planning Authorities on the costs associated with the appraisal of Environmental Impact Assessments in minerals review cases.***

16. Of the 37 responses received 21 answered these questions (58%) on review of old mineral planning permissions. 19 of these wanted a fee to be imposed for undertaking this work (90%), with 2 parties opposed as they saw little extra costs to mineral planning authorities in reviewing permissions accompanied by Environmental Impact Assessments (EIA). 10 respondents clearly expressed a preference for a variable fee based on the size of the site. Although all known minerals operators in Wales were notified of the consultation on planning fees, only the minerals trade organisations responded together with some Mineral Planning Authorities (MPAs). In view of the majority preference expressed it was decided in principle to introduce new ROMP application fees.

**MPAs workload for review of minerals sites**

17. Reviews of old mineral planning permissions can be resource intensive and can require the engagement of outside consultancy expertise for which mineral planning authorities currently receive no recompense. The complexity of individual cases, staff resources and relative priorities within planning authorities all influence the speed of the service. The reviews involve commercial operators, and the intention is to recover the cost of processing the applications which is currently borne by the taxpayer.

18. A significant change to the level of input arises from the potential requirement for EIA. When the minerals review legislation was introduced in the 1990s, the imposition of new operating conditions was not considered to be “development consent” within the meaning of the Directive. However, High Court judgements in 1999<sup>1</sup> held that these reviews were “development consent” and the need for EIA has to be considered prior to the imposition of new operating conditions under these legislative provisions.
19. These additional responsibilities may require additional time and can carry an associated cost for the MPA. Possibly most time consuming is the assessment of the environmental statement (particularly in the case of multiple applications for one site, should that arise). The process may be more intensive for reviews than for new applications.
20. There are significant variations between planning authorities in the number of cases subject to review, with corresponding workload implications. It is to the benefit of the minerals industry that MPAs retain viable minerals teams, but resources are dependent on new applications and in Wales, where most authorities have large aggregates landbanks, these are few and far between.
21. Most minerals permissions in Wales do not have an end date in the conditions. This means that Old Mining Permissions end in 2042, whilst other more recent sites without an end date expire 60 years after the permission was granted. Periodic reviews apply every 15 years, and therefore reviews will continue to be the significant part of MPAs’ work for a considerable period.
22. The intention of review is to reflect current expectations for protection of the environment. Recent research by Capita Symonds (2009) on the restoration of minerals sites suggests that adequate conditions for restoration are not always included. “Of the 86 sites that met the criteria for inclusion in this survey (*closure in the last ten years*), 59 (~66%) had conditions for restoration (and where applicable, aftercare) in force either before extraction stopped or subsequently (including those applied during the Prohibition Order process and in reviews of old permissions). A further 22 sites were identified where no restoration and/or aftercare conditions had been applied and for 5 sites, it was unclear from the MPA responses whether or not such conditions had been applied.” All of these sites should have either had modern conditions or been through review. The Welsh Assembly Government believes that this is a strong argument for an appropriate level of fees to ensure the consistent and effective application of conditions.
23. The high quality of minerals reviews is important for the minerals industry as well as for society as a whole. Experience in Scotland (Review of Old Mineral Permissions, 2002) considered that, *inter alia*, the effectiveness of review procedures appeared to centre on the opportunity provided for dialogue. This requires specialist planners with the time and capacity to discuss the circumstances relevant to each site. Outsourcing of review work, one of the options if the core mineral planning group cannot be justified, carries additional costs without the benefits of the appreciation of local context and circumstances.

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<sup>1</sup> R v North Yorkshire County Council ex parte (1) Brown and (2) Cartwright (1999) and R v Peak District National Park ex parte Bleaklow Industries Ltd (1999)

## Proposed Way Forward

24. As the introduction of a fee for the review of old mineral permissions will be a new step in the UK, it was decided that the introduction of the new fee be delayed until 2010, to enable further consultation on the level at which the fee should be set. The preference set out in this consultation is that the new fee be set at the same level as a normal application fee for the winning and working of minerals, as detailed at Annex 3. [Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (Wales) Regulations 2009/851]
25. Regular review will be undertaken of the new fee regime to be imposed from April 2010 to assess its effectiveness and impact, and ensure that a reliable and up-to-date evidence base for updating such costs is available (normally inflationary increase).

## Summary of Proposals and Questions

26. In view of the limited response to the initial consultation undertaken in 2008, before introducing the agreed new fee regime in April 2010, it has been decided to explore further with all interested parties, the level of fee to be imposed.
27. ***Your views are invited on the following questions:***
  - ***In reviewing minerals permissions, should a flat fee be charged to cover the costs of appraisal? If so give an indication of the fee to be imposed to ensure mineral planning authorities are fully compensated for all costs incurred irrespective of size and/or complexity of development.***
  - ***In reviewing minerals permissions, should a variable fee be charged to cover the costs of appraisal, to be set at the same level as a normal application for the winning and working of minerals? Scale of charges detailed at Annex 3.***
  - ***In reviewing minerals permissions, should a variable fee be charged to cover the costs of appraisal, to be set at a suitable proportion of the level for a normal application for the winning and working of minerals? If proportionate, at what level? Scale of charges detailed at Annex 3.***
  - ***Should there be a separate Minerals Register for Review purposes?***
  - ***Are there any unintended consequences that may result from these proposals?***
  - ***Do you have any comments on the outcomes predicted in the partial RIA, in particular the costs and benefits? Your comments should be supported by relevant evidence/data if possible.***

Annex 4 sets these questions out on a form to assist the response.



28. ***Only 2 Mineral Planning Authorities during the initial consultation gave an indication of costs associated with the appraisal of Environmental Impact Assessments in minerals review cases. Any information that can be provided in this matter would be appreciated. Indicative estimates based on previous years are requested from MPAs on the following:***
- ***The time and cost of processing a ROMP not requiring EIA***
  - ***The time and cost of processing a ROMP requiring EIA***
  - ***The number of periodic reviews not requiring EIA undertaken by the MPA, by year***
  - ***The number of periodic reviews requiring EIA undertaken by the MPA, by year***
  - ***The number of dormant sites applying for new conditions not requiring EIA undertaken by the MPA, by year***
  - ***The number of dormant sites applying for new conditions requiring EIA undertaken by the MPA, by year***
  - ***The number of 12-month notices of periodic review that have been issued over the last twelve months***

**Annex 5 sets these questions out on a form to assist the response.**

***Deadline for receipt of comments 11 September 2009.***

## **Legislation**

29. Following this secondary consultation, once the Minister has decided the level of fee to be imposed on new applications from April 2010, lawyers will be instructed to prepare relevant regulations to be put to Plenary for approval by the National Assembly for Wales.

## **Regulatory Impact Assessment**

30. An outline Regulatory Impact Assessment (RIA), setting out in more detail the costs, benefits and risks of the proposed changes, is included in Annex 1 of this consultation . A full RIA will accompany the legislation that will be brought in to implement fee changes.

## OUTLINE REGULATORY IMPACT ASSESSMENT (RIA)

### INTRODUCING MINERAL REVIEW FEES IN WALES.

#### PURPOSE AND INTENDED EFFECTS OF MEASURE

##### Objective

- RIA1. The proposal to introduce fees for minerals review applications is intended to provide resources which will encourage the maintenance of mineral planning teams. It is expected that this will ensure that the specialist minerals services necessary for the review of minerals permissions will continue to be available at an appropriate level throughout Wales. The target date for implementation of fees for the review of old minerals permissions in Wales is April 2010.
- RIA2. This Partial Regulatory Impact Assessment (RIA) accompanies the Welsh Assembly Government's consultation on proposals for the level at which fees for the review of minerals permissions in Wales should be introduced.

##### Background

- RIA3. Fees for planning applications and development control matters are as set out in the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 (as last amended by SI 2009/851). Applications for the determination of conditions under Schedule 2 of the Planning and Compensation Act 1991 and under Schedules 13 and 14 of the Environment Act 1995 have not, until now, attracted fees.
- RIA4. Following the consultation on "Resourcing the Planning Service", in February 2009, the Minister for Environment, Sustainability and Housing agreed the introduction of fees for new mineral review applications from April 2010 in principle. The Welsh Assembly Government is of the view that increased fees should be justified on the basis of improved performance.
- RIA5. Section 303 (5A) of the Town and Country Planning Act 1990 (as amended by section 53 of the Planning and Compulsory Purchase Act 2004) says: If the local planning authority calculate the amount of fees or charges in pursuance of provision made by regulations under subsection (1) the authority must secure that, taking one financial year with another, the income from the fees or charges does not exceed the cost of the performance of the function or doing of the thing (as the case may be).
- RIA6. The research on Resourcing the Planning Service (Arup, 2007 - see earlier consultation for executive summary) found the largest salary bands, in terms of proportion of FTE staff, were £15,001 to £18,000 (16.2%), £21,001 to £25,000 (15.4%) and £25,001 to £30,000 (23.1%). It is suggested that a nominal figure of £25,000 is used as an example salary, and an overhead rate of 170%, to give an annual cost of £67,500 per mineral planner.

## OPTIONS

### Option 1 – ‘Do nothing’ approach

RIA7. The first option is the “do nothing” approach, meaning fees for the review of old minerals permissions in Wales will not be introduced. The decision to proceed with fees has been made in principle.

### Option 2 – Introducing a flat fee for the review of old minerals permissions

RIA8. Option 2 proposes a flat fee to be charged for all such reviews, irrespective of their size or complexity.

RIA9. The results of the Survey of Land for Mineral Workings in Wales (Welsh Office, 1988) (the most recent survey) identified the total area permitted or authorised to be 10,781 hectares, with 799 permitted sites. This gives an average area of 13.5 hectares per site. Although for England only, the Survey of Land for Mineral Workings in England 2000 (DCLG, 2002) found that 2955 minerals sites covered 113,644 hectares – an average of 38 hectares. Interim Development Orders (IDOs) were an average 27 hectares and first review sites 52 hectares. It is suggested that rationalisations and closures since 1988 are likely to have increased the average site area in Wales somewhat, and an average area of 15 hectares is proposed. Evidence to support an average figure for Wales is welcomed.

RIA10. The *Town and Country Planning (Fees for Applications and Deemed Applications Regulations 1989* provide for a fee for new minerals applications of £24,852 for 15 hectares.

RIA11. Therefore, the suggested fee if a flat rate were to be considered, is £24,852.

### Option 3a – Introducing a variable fee for the review of old minerals permissions at the same level as the fee for new applications

RIA12. This would allow mineral planning authorities to recover the costs of processing mineral review applications at a rate proportional to their size, as is currently the case for new minerals applications. Option 3a recognises that the level of work for an MPA in determining new conditions for a review is equivalent to determining a new permission.

RIA13. The fee would be as set out in *Town and Country Planning (Environmental Impact Assessment) (England and Wales) (Amendment) Regulations, below.*

	£	£ maximum
site area less than 15 hectares - per 0.1 hectare	166	
site area exceeds 15 hectares	24852	
+ £84 for each 0.1 hectare over 15h	84	65,000

### Option 3b - – Introducing a variable fee for the review of old minerals permissions at a proportion of the fee for new applications

RIA14. Option 3b acknowledges the public benefit that arises from review and seeks to recover only a proportionate amount from the applicant, with the remainder continuing to be met through the public purse.

## **BENEFITS**

### **Mineral Planning Authority**

#### **Option 1**

RIA15. There is no benefit. Applicants would continue not to pay fees, but in conjunction with the low level of new minerals applications, the high cost of specialist minerals planning services can be a disproportionate call on overall planning budgets and the service availability may reflect this. This option has been superseded by the decision in principle to charge a fee.

#### **Option 2**

RIA16. Because of the relatively small number of applications to most MPAs for review of old mineral permissions, both for dormant sites to be recommenced and the periodic review of active mineral permissions, there is no “averaging” of the peaks and troughs. An authority with, say, several small permissions to review might benefit from a flat rate fee, whilst one with a large, complex site with potential significant impacts would find the work underfunded.

#### **Option 3a**

RIA17. The cost of a new minerals application most closely reflects the cost of a review. An MPA will be able to predict the review workload with some certainty and plan to deliver the necessary service, making provision for the specialism required.

RIA18. Where operations have been temporarily suspended because of reduced demand, operators might choose to seek a Suspension Order to justify postponement of the review. Suspension Orders do not carry fees, but will bring a benefit to the MPA and society in the effective management of minerals reserves; ensuring a site is safe, tidy and that restoration has been implemented as far as reasonably possible.

#### **Option 3b**

RIA19. A proportionate cost does help justify a core of mineral planning expertise, but does not necessarily reflect the importance of the work of the MPA in ensuring an environmentally acceptable and managed minerals supply.

### **Minerals industry**

#### **All options**

RIA20. The business sector affected is the extractive minerals industry. Funding for minerals review applications should provide MPAs with the resources needed to deliver an informed, consistent and efficient level of service. Developers would pay fees for applications which, once every fifteen years, would be relatively low in relation to overall development costs.

RIA21. Any person who is an owner of land or has an interest in any relevant mineral which is or forms part of the review site may apply to the MPA. However, the MPA must treat all the applications as a single application. This introduces the potential for multiple fees. Applicants are already strongly advised to co-ordinate their approach, and this should be an added incentive.

#### **Option 2**

RIA22. A flat rate fee would be a benefit for the larger and more complex sites, but would present a considerable and disproportionate burden for the smaller sites – often those owned by the smaller companies.

## **Society**

### **All options**

RIA23. Society is amongst the beneficiaries of the improved environmental standards resulting from minerals reviews. The fees, covering costs currently paid by society, will support the core of specialist of minerals planners necessary to ensure the proper application of review procedures. The fees internalise the environmental costs associated with minerals extraction.

## **Issues of equity and fairness**

### **All options**

RIA24. The options do not fall differentially on any sections of the community – the fees will be passed on by the industry as an increase in the cost per tonne of mineral. The cost per unit will be very small, taking into account production levels and the 15-year period. Most minerals, particularly aggregate, are price inelastic, and it is the cost of transport which most affects the final price. These fees will apply to all minerals with planning permissions of longer than 15 years and will not have a disproportionate effect.

RIA25. Option 3a will make fees most closely related to costs.

## **COSTS**

### **Compliance costs**

#### **Implementation**

RIA26. Authorities would need to amend guidance material and provide advice, where needed, to applicants on changes to fees. This may be responsive (when applicants enquire about fees) in which case it is difficult to estimate an additional cost, but it is expected that authorities would take a proactive approach to updating written and electronic material. Minerals operators are provided with a minimum 12-month notice of impending review, and that provides the sensible opportunity for advice as to fees.

### **Environmental and Social Costs**

RIA27. No significant social impacts are expected to arise from any of the Options.

RIA28. There are potential environmental benefits arising from the introduction of fees through the anticipated improved availability of minerals planning expertise for the review of conditions for minerals sites.

### **Risk assessment and unintended consequences**

RIA29. With any of the Options, there is a small risk that minerals operators with sites where only limited resources remain will prefer to not apply for periodic review. If this should occur, there are enforcement options available to the MPA to ensure that the site is still subject to restoration and aftercare conditions, which can be imposed if necessary. If conditions are not

submitted by the due date (unless this has, exceptionally, been agreed), the permission ceases to have effect. No fee would be available to the MPA in these circumstances.

RIA30. Where an MPA determines conditions different from those submitted by the applicant and the effect, other than restoration or aftercare conditions, is to impose a restriction on working rights, then land and mineral owners are entitled to claim compensation from the MPA. It is possible that the introduction of fees will mean that such claims will be more frequent. However, the guidance on claims is clear and there is no reason to suggest that the balance would be swayed.

## **CONSULTATION WITH SMALL BUSINESS**

RIA31. Notification of this consultation document is being sent to the CBI and Federation of Small Businesses as well as being posted onto the Assembly web-site.

## **COMPETITION ASSESSMENT**

RIA32. We do not believe that the proposed change would have a disproportionate impact on any particular sector. Therefore it is considered unlikely that there would be appreciable competition impact arising from a rise in fees.

## **ENFORCEMENT AND SANCTIONS**

RIA33. Failure to submit the correct fee with an application would mean that the application would not be valid. The remedy in cases of dispute about a fee is by appeal to the Welsh Assembly Government.

## **MONITORING AND REVIEW**

RIA34. We will review the scale of fees and costs of the planning service to ensure that the appropriate levels of fees have been set to optimise cost recovery. Regular reviews of planning fees, to include the fees for minerals reviews, are proposed on a three yearly cycle to ensure a reliable and up to date evidence base.

## **CONSULTATION**

RIA35. This outline RIA forms part of the formal consultation with stakeholders of the planning system and is included for comment.

## SUMMARY AND PREFERRED OPTION

Option	Benefit (annual)	Cost (annual)
Option 1	No change	No change, but with the delivery of an effective minerals planning service at risk.
Option 2	A flat rate of fees would be introduced, and costs to authorities would be reduced /removed.	The fee might lead to some smaller permissions, with only limited resources remaining, being closed before the end date - with consequent loss of resources. Impact would be limited
Option 3a	The cost of dealing with applications, including larger applications, would be accommodated by fees, and costs to authorities removed.  Where operations have been temporarily suspended because of reduced demand, operators might choose to seek suspension orders to justify postponement of the review.	As above, but for any size of site.
Option 3b	The cost of dealing with applications, including larger applications, would only partially be accommodated by fees.	The delivery of an effective minerals planning service might be at risk.

RIA36. Option 3a is recommended as it is considered to bring the potential for the most significant and sustained improvements, whilst recovering the actual cost of the administrative work. Fees would rise in line with inflation, as decided following the consultation on planning fees. Subject to responses received on this consultation it is recommended that Options 3a is introduced.

## Consultation Criteria

The Assembly's [Standing Orders](#) stipulate that:

"The Assembly should be accessible and inclusive, so that different political parties and people in different parts of Wales are able to contribute to its policies".

The Welsh Ministers have a duty under the Government of Wales Act 2006 to work in partnership with the following:

- ◆ Local government relations are underpinned by The Partnership Council for Wales, to give advice and make representations to Welsh Ministers. It requires Welsh Ministers to prepare a local government scheme to sustain and promote local government in Wales. (Section 72 & 73 of the GoW Act 2006)
- ◆ Welsh Ministers are required to make a Voluntary Sector Scheme to develop its relations and set out how they propose to promote the interests of the Voluntary Sector in Wales. The scheme must specify how Welsh Ministers propose to assist relevant voluntary organisations, monitor the use of any assistance given and how they intend to consult relevant organisations in the exercise of their functions. (Section 74 of the GoW Act 2006)
- ◆ Welsh Ministers are required to make a Business Sector Scheme setting out how they intend to take into account the interests of the Business Sector. This must specify how Welsh Ministers propose to carry out consultation with the Business Sector and the impact the exercise of its functions might have on the interests of the business sector. (Section 75 of the GoW Act 2006)  
[.http://ssembly/policyunit/contents/consulta.htm](http://ssembly/policyunit/contents/consulta.htm) - top
- ✚ A duty on the Assembly to promote sustainable development. The Assembly has responded by adopting a [sustainable development scheme](#). (Section 79 GoW Act).
- ✚ Furthermore, Welsh Ministers are required to adopt a Welsh Language Strategy (section 78 of the Government of Wales Act 2006)



**Town and Country Planning (Fees for Applications and Deemed Applications) )  
Regulations 1989**

**PART II OF SCHEDULE 1 TO THE 1989 REGULATIONS**

9. The carrying out of any operations not coming within any of the above categories.

(a) in the case of operations for the winning and working of minerals—

(i) where the site area does not exceed 15 hectares, £166 for each 0.1 hectare of the site area,

(ii) where the site area exceeds 15 hectares, £24,852 and an additional £84 for each 0.1 hectare in excess of 15 hectares, subject to a maximum in total of £65,000;

## SUMMARY OF QUESTIONS

Your comments are invited on these questions, comprising mineral fee options and in the case of Mineral Planning Authorities, an indication of costs arising from mineral review cases.

<b>Mineral Fee Options</b>	
<b>Question 1</b>	<b>In reviewing minerals permissions, should a flat fee be charged to cover the costs of appraisal? If so, a fee of £24,852 is proposed as necessary to ensure that mineral planning authorities are fully compensated for all costs incurred irrespective of size and/or complexity of development. If you advocate a different level for a flat fee, please provide any evidence you have to support your proposal.</b>
<b>Question 2</b>	<b>In reviewing minerals permissions, should a variable fee be charged to cover the costs of appraisal, to be set at the same level as a normal application for the winning and working of minerals? Scale of charges detailed at Annex 3.</b>
<b>Question 3</b>	<b>In reviewing minerals permissions, should a variable fee be charged to cover the costs of appraisal, to be set at a suitable proportion of the level for a normal application for the winning and working of minerals? If proportionate, at what level? Scale of charges detailed at Annex 3.</b>
<b>Question 4</b>	<b>Should there be a separate Minerals Register for Review purposes?</b>
<b>Question 5</b>	<b>Are there any unintended consequences that may result from these proposals?</b>
<b>Question 6</b>	<b>Do you have any comments on the outcomes predicted in the partial RIA, in particular the costs and benefits? Your comments should be supported by relevant evidence/data if possible.</b>

## ANNEX 5

### QUESTIONS FOR MPAS

Any information that can be provided by MPAs on the costs of the review minerals permissions would be appreciated. Indicative estimates based on previous years are requested from MPAs on the following questions:

Mineral Planning Authority		
	Time	Cost
The time and cost of processing a ROMP not requiring EIA (approximation)		
The time and cost of processing a ROMP requiring EIA (approximation)		
The number of periodic reviews not requiring EIA undertaken by the MPA, by year		
The number of periodic reviews requiring EIA undertaken by the MPA, by year		
The number of dormant sites applying for new conditions not requiring EIA undertaken by the MPA, by year		
The number of dormant sites applying for new conditions requiring EIA undertaken by the MPA, by year		
The number of 12-month notices of periodic review that have been issued over the last twelve months		

**List of Consultees**

MPs in Welsh constituencies  
Assembly Members  
All Wales Ethnic Minority Association (AWEMA)  
Association of National Park Authorities  
Bartlett School of Planning  
Bwrdd yr Laith  
Cadw  
Campaign for the Protection of Rural Wales  
Centre for Environment and Planning, UWE  
Chief Planning Officers/ Mineral Planning Officers,  
Local Planning Authorities  
Children's Commissioner for Wales  
Citizens Advice Bureaux  
Commission for Local Administration in Wales  
Commission for Racial Equality Wales Office  
Community Enterprise Wales  
Council for National Parks  
Countryside Council for Wales  
CPRW  
Crown Estate  
Department of City and Regional Planning, Cardiff  
University  
Department of Law, University of Wales, Aberystwyth  
Development Planning Partnership  
Disability Wales  
Disabled Persons Transport Advisory Committee  
Environment Agency Wales  
Equal Opportunities Commission  
  
Federation of Small Businesses  
Forestry Commission Wales  
GMB  
Greenpeace UK  
Gwent Association of Voluntary Organisations  
Health and Safety Executive  
Home Builders Federation  
Land Registry Wales Office  
Land Use Consultants  
Landscape Institute Wales  
Law Society Wales  
National Farmers Union Cymru  
National Trust

Older People's Commissioner for Wales  
One Voice Wales  
Planning Aid Wales  
Planning Inspectorate  
Planning Lead Members of Local Authorities  
Planning Officers' Society Wales  
Race Equality First  
Royal Institution of Chartered Surveyors Wales  
Royal Society for the Protection of Birds  
Royal Society of Architects in Wales  
Royal Town Planning Institute in Wales  
Sports Council for Wales  
Sustainable Development Commission  
Sustainable Wales  
TGWU  
Town and Country Planning Association  
Voluntary Sector Assembly Centre  
Wales Council for the Blind  
Wales Council for the Deaf  
Wales Council for Voluntary Action  
Wales Disability Rights Commission  
Wales Environment Link  
Wales Planning Forum  
Wales Tourist Board  
Wales TUC  
Wales Women's National Coalition  
Welsh Language Board  
Welsh Local Government Association  
Welsh Police Forces  
Welsh School of Architecture  
WWF Cymru  
Aggregate Industry UK  
Brick Development Association  
British Aggregates Association  
British Cement Association  
British Geological Survey  
British Precast Concrete Federation Ltd  
British Slate Association  
British Stone  
Clwydian Range AONB  
Coal Authority  
Coalfield Communities Campaign  
COALPRO  
Coed Helyg  
Confederation of British Industry Minerals Committee  
Construction Products Association  
Health and Safety Executive (Quarries)  
Institute of Quarrying  
Institution of Highways and Transportation  
Minerals & Waste

Minerals Planning Magazine  
Mining Association of the UK  
National Environment Research Council  
National Stone Centre  
North Wales RAWP  
Planning Officers' Society Wales Minerals and Waste Topic Group  
MPA Wales  
Mineral Products Association  
Silica and Moulding Sands Association  
South Wales RAWP C/o Directorate of Planning & Environmental Services  
Stone Federation of Great Britain  
Tarmac Minerals Ltd  
UKRIGS  
Wales Coastal & Maritime Partnership  
Wales Environmental Services Association  
West Midlands RAWP  
WBB Minerals Ltd  
A D Waste Ltd  
Aber Anglesey Stone Co  
Alfred McAlpine Slate  
Anglesey Mining Plc  
Bardon Aggregates - Midlands  
Bardon Aggregates - Southern  
Barland Quarry Ltd  
Berwyn Slate Quarry Ltd  
Biogas Technology Ltd  
Blaencilgoed Quarry Limited  
Border Hardcore & Rockery Stone Co Ltd  
Brock Plc  
Bryn Bach Coal Ltd  
Bryn Quarry Ltd  
C & M Parry Plant Hire  
C W Sproston (Lime) Ltd  
Cae Glas Colliery Co Ltd  
Cae Rhys Sand & Gravel Ltd  
Caerfagu Products  
Caernarfonshire Crown Slate Quarries  
Cardigan Sand & Gravel Co Ltd  
Castle Cement  
Celtic Energy Ltd  
Celtic Slate  
Cemex UK Materials Ltd  
Civil & Marine Slag Cement Ltd  
Cware Pantgwyn Quarry Ltd  
Cware Trefigin Quarries Ltd  
Cwmni Gro-y-Sarnau Ltd  
Cwmni Gwastraff Mon/Afon  
D Morgan PLC  
D P Williams Holdings Ltd

D W & E W Jones  
Danny Williams & Son  
Duchy of Lancaster  
E A & N W Jones  
Energybuild  
Evergreen Resources (UK) Ltd  
F H Gilman & Co  
Ffynonau Duon Mines Ltd  
First Hydro  
Forest Enterprise  
Forest Enterprise  
G & G L Bowness  
GKB Iron & Steel Ltd  
Goitre Tower Anthracite Ltd  
Grand Scenic  
Greaves Welsh Slate Co Ltd  
Green Circle Ltd  
Gryphon Quarries Ltd  
Gwilym Elias Owen  
Gwrwyd Specialist Stone Quarry  
H V Bowen & Sons Ltd  
Hafod Quarries Ltd  
Hanson Aggregates - North  
Hanson Aggregates - South Wales  
Hanson Brick  
J Harkins Transport  
J J Cummins Ltd  
J Stoddard & Sons Ltd  
Jones Bros, Ruthin, Co Ltd  
JPS  
Kerrville Associates Ltd  
Lafarge Aggregates Ltd  
Lafarge Cement UK Ltd  
Lawrence Bros (Landfill)  
Lloyds Quarries & Sand & Gravel Co Ltd  
Lloyds Spar Quarries  
M & W A Anthracite Limited  
Mansel Davies & Son Ltd  
Mason Brothers Quarry Products Ltd  
Minerals UK Ltd  
Minimix Ltd  
Mulcair Ltd  
Newscheme Ltd  
Omya UK Ltd  
Onyx & J A Morgan & Sons  
Parnell Contract Hire Ltd

Plas Gwilym Quarry Co  
Robin Jones & Sons Civil Engineering & Construction Services  
RMC Aggregates Ltd  
S & T Fuels (Partnership) 5  
Seth Hill & Son Ltd  
Severn Sands Ltd  
Signalfern Ltd  
Slate Alfred McAlpine  
Stoic Mining & Exploration Co Ltd  
T S Rees Ltd  
Tarmac Limited - North West  
Tarmac Limited - Western  
The Hogan Group  
Thomas; Croft Mining Ltd,  
Trustees of the 4<sup>th</sup> Duke of Westminster 1964 Settlement & Crown Estate  
Trustees of WRG Hammers' Settlement  
W J Owens & Sons  
Walker Beak Mason  
Walters Group  
Walters Mining Ltd  
Ward Brothers Mining Ltd  
Waste Recycling Group  
Wimpey Waste Management  
Wincillate Ltd  
Wynne's Transport Ltd