



Local Authority Recycling Advisory Committee

Anne Wood  
Permitting and Planning Interface Consultation  
Planning-Resources and Environment Policy Division  
Department of Communities and Local Government  
4/B1 Eland House  
Bressenden Road  
London. SW1E 5DU

5<sup>th</sup> December 2006

Dear Madam

### **Consultation Response - Planning and Pollution Control**

Set out below are our detailed comments as requested in the consultation.

I am writing to present the LARAC response to the Planning and Pollution Control Consultation, which is contained below, and I thank you for the opportunity to respond this consultation.

The comments below are sent on behalf of the Local Authority Recycling Advisory Committee, (LARAC). LARAC is an association of well over 400 local authorities across England, Scotland, Wales and Northern Island whose waste management and recycling professional's co-ordinate and operate waste management services. Membership is drawn from all types of authority, including statutory waste collection (WCA), waste disposal (WDA) and Unitary.

LARAC's professional remit is not within the field of planning expertise. It does however work alongside such professionals and comments to this consultation as an "informed outsider"

LARAC after reading the document, is pleased to see that the government is looking to improve the process of planning consent where pollution control is a requirement. Any mechanism which improves the speed of approval from the relevant bodies is to be supported.

The document makes clear that there is a need for public consultation. It does not state how this is to be taken forward, it is suggested that the local planning authority should always take the lead in this, but relevant bodies should attend any public consultation meeting called. This should be a voluntary requirement in the first instant, but if transparency of the planning process is not achieved then regulation should be considered.



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- 1. This consultation paper focuses on the interface of land-use planning and the Environment Agency's responsibilities for waste management and pollution control permitting. Do you agree with the scope of the consultation?**

In the first instance, and to improve the planning process the scope of the consultation is correct. As stated within the consultation, relevant other procedures can be considered at a later date and this should be the case.

It is to be hoped that similar consultations will take place within the other regions, or the best of their regulation is transposed into the English regulation process.

- 2. The current arrangements for transposing the requirements of EU legislation provide for potentially overlapping responsibilities. Do you consider that this can be unhelpful for working across the interface between planning and pollution control?**

Yes. The current 'policy as outlined in 3.22 does not allow for the obtaining of permission easily. If both permissions are sought at the same time, then there could be staffing implications for both permitting bodies which could still impede the process. At the very least it would require staff with the relevant knowledge to process such applications, which is not always the case.

If such an approach is to be used then suitable training must be available to all relevant staff within the process.

- 3. The consultation presents examples of problems encountered when working across the planning and permitting interface. From your experience do you agree with the problems described:**

**a) when remediating land affected by contamination?**

Yes

**b) from regulatory duplication in information requirements?**

Yes

**c) considering the implications of health?**

Yes

**d) in securing effective input to planning applications?**



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Yes

**e) in promoting community confidence in decision-making?**

Yes

**4. One area of expressed concern is the sequencing of planning permission and pollution control permits. Do you see merit in:**

**a) the planning context being confirmed first through the grant of planning permission before the pollution control permit is issued?**

No

**b) the pollution control permit being issued before planning permission is sought?**

No

**c) both the planning permission and the pollution control permit being sought in parallel?**

Yes

**d) flexibility for the applicant to pursue necessary authorisations in the order they see fit?**

No.

**5. Do you agree that the criteria set out in para. 5.2 are the right ones to test the development of new options against? Consultees are invited to suggest amendments or offer further criteria.**

The criteria set out are the correct ones to use assuming that the sequencing of permissions are sought in parallel (4c) It would be difficult to use such criteria given any other method. It is noted that relevant agencies have commented on increased staff time, but a better informed community must be more beneficial to the planning process, so such increased staff time must benefit the process.



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**6. One option for improving the interface between planning and pollution control could be to prepare and implement protocols (or administrative improvements) that set out roles and responsibilities between planning and pollution control authorities. Do you:**

**a) support this option?**

Any process or mechanism which allows for clarity of understanding within the process involved can only be of benefit to all concerned and should form part of whatever method of operation is finally decided upon.

**b) feel it would be sufficient by itself to address your concerns?**

No. To ensure that whatever method finally determined is effective, it cannot operate successfully unless relevant staff are adequately trained in what is required and are dedicated to this process. It should not be seen as an 'add-on' to someone's job.

**7. One option for improving the interface between planning and pollution control could be to publish specific practice guidance on working across the planning pollution control interface so as to deliver the expected ways of working set out in PPS10 and PPS23. Do you:**

**a) support this option?**

Yes

**b) feel it would be sufficient by itself to address your concerns?**

No. The comments made at 6(b) are relevant to this question to.

**8) One option for improving the interface between planning and pollution control could be to amend the approach set out in Schedule 4 of the Waste Management Licensing Regs. 1994 to separate more clearly the roles and responsibilities of planning and pollution control authorities. Do you:**

**a) Support this option?**



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Yes

**b) feel it would be sufficient by itself to address your concerns?**

No

**9) One option for improving the interface between planning and pollution control could be to discharge some waste permitting requirements through the planning permission. Do you support this option?**

No. It seems inconceivable that planning officers would now have to undertake waste management training on top of planning qualifications to be able to discharge their statutory functions for this requirement.

**10) In the particular case of construction sites one option could be for particular waste permitting requirements to be discharged through the granting of a planning permission for the development envisaged. Do you support this option?**

No. It is important that land remediation activities are adequately controlled, especially in cases of hazardous/contaminated disposal. Current requirements should remain in place to ensure due diligence of the process is maintained.

**11) In the particular case of proposed new development on contaminated land one option could be for those matters addressed by the relevant pollution control authority through their waste management licencing to be excluded from the set of factors that the local planning authority is expected to consider in assessing whether the proposed development is appropriate. Do you support this option, either:**

**a) by itself?**

No.

**b) as part of a consolidated permit as proposed by the Urban Task Force?**

No. Such a process could be counter productive, especially if the planning process has not been fully undertaken.

**c) irrespective of any changes to the remit of the local planning**



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authority would you favour a permit along the lines of that proposed in the Urban Task Force report.

No.

**12) One option for improving the interface between planning and pollution control could be for local authorities to be the regulator for the discharging all pollution control activities. Do you support this option?**

Yes. Necessary expertise already exists within local authorities. But such a proposal could only work if relevant service areas within local authorities were more closely integrated.

**13) One option for improving the interface between planning and pollution control could be to prescribe methods of working essential to good delivery, for example the parallel submission of applications for planning permission and pollution control permit applications. Do you support this option?**

Yes. But such an option could only work successfully if combined with the operational suggestion outlined in (12) above.

**14) Are there other options for improvement not mentioned in the consultation document that should be considered?**

Whatever is finally decided as the best way to simplify the process, none will work without the necessary investment in training. There should therefore be greater emphasis on it's inclusion in the final documentation.

**15) Do you agree with the assessment of the advantages and disadvantages of the options set out in the RIA and have you specific experiences which could help with developing this assessment further?**

Yes



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If you have any queries on this response or would like to discuss the matter further then please contact me on 01227-862247 or [www.ian.mackenzie@canterbury.gov.uk](mailto:www.ian.mackenzie@canterbury.gov.uk)

Yours faithfully,

Ian MacKenzie  
LARAC Policy Team