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Waste Infrastructure Delivery Programme Planning Systems Guidance

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Glossary

AMR	Annual Monitoring Report
CFT	Call for Final Tenders
DPD	Development Plan Documents
EA	Environment Agency
EfW	Energy from Waste
EIA	Environmental Impact Assessment
ES	Environmental Statement
HCC	Hampshire County Council
LDD	Local Development Documents
LDF	Local Development Framework
LDS	Local Development Scheme
LPA	Local Planning Authority
MBT	Mechanical Biological Treatment
MRF	Materials Recycling Facility
MWMS	Municipal Waste Management Strategy
OBC	Outline Business Case
ODPM	Office of the Deputy Prime Minister
PCPA	Planning and Compulsory Purchase Act
PFI	Private Finance Initiative
PPC	Pollution Prevention and Control
PPS	Planning Policy Statement
RSS	Regional Spatial Strategies
RTAB	Regional Technical Advisory Bodies
SCI	Statement of Community Involvement
SA	Sustainability Appraisal
SEA	Strategic Environmental Assessment
SPD	Supplementary Planning Documents
SPG	Supplementary Planning Guidance
SPS	Supplementary Planning Statement
TIA	Traffic Impact Assessment
VfM	Value for Money
WCA	Waste Collection Authority
WDA	Waste Disposal Authority
WDPD	Waste Development Plan Documents
WIDP	Waste Infrastructure Delivery Programme
WPA	Waste Planning Authority
WML	Waste Management Licence

1. Introduction

This Planning Systems Guidance seeks to encourage a constructive approach to waste planning, identifying actions that will facilitate favourable determinations of planning applications and speed the delivery of waste infrastructure. Particularly it aims to help ensure that regional spatial strategies (RSS) and local development plans conform to national planning guidance on waste so that waste infrastructure projects needed to deliver Defra's Waste Strategy for England 2007 receive planning approval, while promoting best practice in the way local authorities consult stakeholders on their waste strategies.

A better understanding amongst infrastructure promoters of the planning system will deliver significant benefits. This might be through: an appreciation of what is, and what is not, appropriate development; a positive 'strategy' for contributing, through engagement opportunities, to the development plan; or ensuring the planning system's needs with regard to applications are comprehensively addressed.

As a result of being informed by the guidance, planning applications will be more likely to be consistent with the development plan, and a 'planning-positive' application will increase the likelihood of favourable determination at the first attempt and reduce the risk of delays that might have been avoided.

The guidance is formed of three principal parts. These are as follows:

- A Planning Process Guide;
- Case Studies; and
- An Infrastructure Planning Roadmap.

The approach to community engagement taken by those seeking to secure permissions for waste infrastructure projects is critical to all stages of both the planning process and preparation of the municipal waste management strategies prepared by local authorities. The changes to the planning system (detailed in Touch Point 1 and the Infrastructure Planning Roadmap) have introduced greater emphasis on community engagement meaning a more active involvement of communities, stakeholders and commercial interests at an early stage of both plan-making and pre-application discussions.

The aim of community engagement in planning is to seek the views of local people. It provides opportunities to explain the planning process and how local government works, in addition to explaining the community's needs and those of the business sector. Community engagement provides the opportunity for the community's voice to be heard, and it is anticipated that community involvement should lead to outcomes which better reflect the views and aspirations of the wider community. Community involvement, at its most effective, should aim to improve the quality and efficiency of decisions by ensuring all aspects of the planning process and planning applications are understood. Every planning authority is required to prepare a Statement of Community Involvement (SCI) which sets out its main principles for community involvement (Refer to the Infrastructure Planning Roadmap for details of the SCI). The SCI will actively encourage applicants to undertake early community involvement to explain their proposals to the local community. Touch Point 4 of this guidance provides details and signposts to waste disposal authorities on how best to conduct community engagement.

At relevant points this guidance refers to the requirements of pollution control permitting, a separate but complementary approval that most waste projects will require. It is not possible to cover the requirements of permitting in detail in this guidance, however developers are advised to discuss their proposals with the Environment Agency at a suitably early stage and consider parallel submission of planning and pollution control permit applications. More information on environmental regulations can be found on the Netregs website: www.netregs.gov.uk.

1.1. A Planning Process Guide

The Planning Process Guide identifies key touch points, which, when considered and embraced by those promoting waste infrastructure projects, should result in a smoother and more constructive engagement with the planning process. It is not meant to be a comprehensive summary or guide to planning policy and procedure, but it is intended to assist and guide authorities with a view to helping ensure that there is positive engagement with the planning process.

The guide identifies when and where promoters should become involved with the development plan process, the need for effective project management which allows for early engagement with both the plan-making and development control processes, key stakeholders and their roles in the process, and the need for early and effective community engagement in all aspects of the planning process.

1.2. Touch Point 1

Touch Point 1

Engage early with plan preparation at both regional and local levels to help deliver a supportive development plan framework for the procurement project.

Action Required:

- Officers in the Waste Disposal Authority (WDA) need to be aware of what stage of development plan production the waste planning authority (WPA) has reached. Obtain a copy of, and be familiar with, the authority's Local Development Scheme which sets out the timetable for DPD preparation. Maintain regular contact with the project manager for the waste elements of the Local Development Framework (LDF)¹.
- Establish whether the transitional arrangements for plan-making are relevant to your authority.
- Liaise with colleagues in the WPA to ensure that opportunities to engage in the development plan process are not missed, for example, engaging with the development of, and revisions to, the RSS or attending stakeholder meetings for the core strategy/DPD or site selection/identification processes. Figure 1 illustrates opportunities for the Waste Disposal Authority (WDA) to get involved in the plan-making process.
- Establish joint working in preparing the municipal waste management strategy (MWMS) and the waste elements of the LDF which should inform one another.

¹ Shire Authorities will produce a Minerals and Waste Core Strategy and other Development Plan Documents such as site allocations as part of their Minerals and Waste Development Framework. Metropolitan and Unitary Authorities produce a Core Strategy which covers a number of subject areas including waste as well as other Development Plan Documents such as site allocations as part of their Local Development Framework.

1.2.1. The New Planning System

- The Planning and Compulsory Purchase Act (2004) (the PCPA) introduced a new system for plan preparation. The intention of this new plan-led system is that it is simpler and more flexible at both regional and local levels, with plan-making contributing to the achievement of sustainable development. The development plan is still the key factor in determining planning applications unless material considerations indicate otherwise (Section 38 (6) of the PCPA).
- Regional planning guidance, structure, local and unitary plans are being replaced by RSSs and LDFs. References to RSS in this guidance include the London Plan prepared by the Mayor of London.
- The RSSs are developed by regional planning bodies and they set the strategic context for local planning authorities to produce their LDF. They should identify a pattern of waste management facilities of national, regional and sub-regional significance, should comprise a distribution of waste tonnage (both municipal and commercial and industrial) requiring management, and should identify the broad locations where the pattern of waste management facilities should be accommodated.
- The LDF is a portfolio of local development documents (LDDs) comprising development plan documents (DPD), supplementary planning documents, the Statement of Community Involvement (SCI), the local development scheme (LDS) and the annual monitoring report (AMR). All LDDs should be in general conformity with the RSS and inform, and be informed by, a number of other strategies, and in particular authorities preparing the municipal waste management strategy (MWMS) and local planning authorities preparing the LDF should work closely so as to ensure effective integration and to deliver sustainable waste management. Under the new system, waste planning authorities produce as appropriate waste development plan documents (WDPD) or local development documents (LDD) which replace waste local plans.
- The core strategy covering waste, a key document produced by the WPA, sets out a planning strategy for sustainable waste management that enables sufficient opportunities for the provision of waste management facilities in appropriate locations. The core strategy should be supported by land allocations, sites and areas, suitable for new or enhanced waste management facilities to support the pattern of waste management facilities set out in the RSS and in accordance with the broad locations identified in the RSS. These allocations should be made in one or more DPD. These DPD will not usually state the waste management technologies that must be used to deal with specific waste streams in the area. But the type or types of waste management facility “that would be appropriately located” on the allocated site or in the allocated area should be identified taking care not to stifle innovation in line with the waste hierarchy as set out in Defra’s Waste Strategy for England, 2007.
- The Planning Inspectorate has recently published guidance focussing on lessons learned from examining Core Strategies (“Local Development Frameworks: Lessons Learnt Examining Development Plan Documents, June 2007 (http://www.planning-inspectorate.gov.uk/pins/appeals/local_dev/index.htm)). This

guidance also incorporates a note prepared by CLG on the waste content of Core Strategies.

Further details regarding the new planning system can be found in the Infrastructure Planning Roadmap.

1.2.2. Transitional Arrangements

As stated above, the development plan is a key consideration in the determining of planning applications. Thus those applications which are in line with policies in the development plan are more likely to gain a positive outcome. However, the WDA may wish to proceed with the acquisition of a site required for a residual waste management project where the adopted development plan is out of date and the waste core strategy and associated DPD are still emerging.

What are the transitional arrangements?

- The transitional arrangements were put in place on commencement of the PCPA. The Act, recognising the need to avoid gaps in development plan coverage if all existing adopted local plans, unitary plans and relevant structure plan policies were disregarded, allows existing adopted policies to be automatically saved until September 2007. The expectation was that there would be a swift transition to LDF within these timescales. However, it is anticipated that some planning authorities and regional planning bodies will be requesting to extend the saving of old policies beyond the three-year period, and CLG have produced a protocol on handling these requests². The LDS sets out which policies are to be saved and, for each saved policy, if it is to be replaced, deleted or merged, the timing for that, and within which DPD any replacement policy is to be located.

Can we proceed with a procurement under the transitional arrangements?

- There is no reason why the lack of an adopted DPD should delay a WDA acquiring a site and at least starting on the processes integral to the making of a planning application, as saved policies should guide development decisions. However, officers involved in the project procurement process must engage with waste planning officers to clarify the timetable for adopting waste development documents and if there is any good planning reason to change the procurement timetable.
- If a site has been selected, test its suitability in planning terms against the criteria for identifying suitable sites and areas as set out in PPS 10 at paragraph 21 (i), paragraph 24 and Annex E of the PPS, and also in the Companion Guide at paragraphs 8.13-8.17. Also refer to paragraphs 7.36 – 7.38 of the Companion Guide on “Testing the Suitability of Sites and Areas”. In addition there may be criteria set out in up-to-date RSS’s for assessing applications and identifying broad locations for facilities.
- Paragraph 5 of PPS 10 provides principles to be followed by the LPA in determining applications. The third point refers to the need for an application for a

² Department for Communities and Local Government - Protocol for handling proposals to save adopted Local Plan, Unitary Development Plan and Structure Plan policies beyond the 3-year saved period (2006).

waste management facility received prior to the review of the development plan to reflect PPS 10 (e.g., through the adoption of the DPD) and to have regard to policies in PPS 10 and that these policies may supersede policy in the adopted waste local plan. The applicant needs to be aware of this when preparing the supporting statement and policy justification for the proposal.

1.2.3. Municipal Waste Management Strategies (MWMS) and Local Development Frameworks (LDF)

As stated earlier the core strategy must inform and be informed by the development needs of the MWMS. The MWMS may deal with both municipal waste and other wastes that could be treated in facilities financed through municipal waste contracts. Waste managers and planners will need to take a project planning approach to establish where they can work together in terms of community engagement on options, explaining technologies and consulting on the Strategic Environmental Assessment/Sustainability Appraisal (SEA/SA).

What are the benefits of joint working?

- Optimises use of staff time and resources.
- Minimises the potential for consultation fatigue by arranging for community involvement, stakeholder participation and SEA/SA initiatives to be undertaken simultaneously.
- An increased understanding between waste management, planning colleagues and members of the public in the delivery of sustainable waste management. PPS 10 requires the waste core strategy of the WPA “to inform and in turn be informed by” the MWMS.
- Reduces the risk of developing municipal waste options which are inconsistent with the spatial strategy for an area and which would thereby increase the risk of not obtaining planning permissions.
- Co-ordination of monitoring and ensuring that the data used in the MWMS and any DPD are consistent with one another.

1.2.4. Key Signposts

PPS 1 Planning for Sustainable Communities sets out the Government’s over-arching planning policies on the delivery of sustainable development through the planning system: available at <http://www.communities.gov.uk/index.asp?id=1143804>.

PPS 11 (Chapter 1) sets out the purpose, scope, status and format of RSS: available at <http://www.communities.gov.uk/index.asp?id=1143846>.

PPS 12 (paragraphs 2.4 to 2.27) explains the role, relationship and content of Development Plan Documents and Section 5.3 explains the transitional arrangements: available at <http://www.communities.gov.uk/index.asp?id=1143846>.

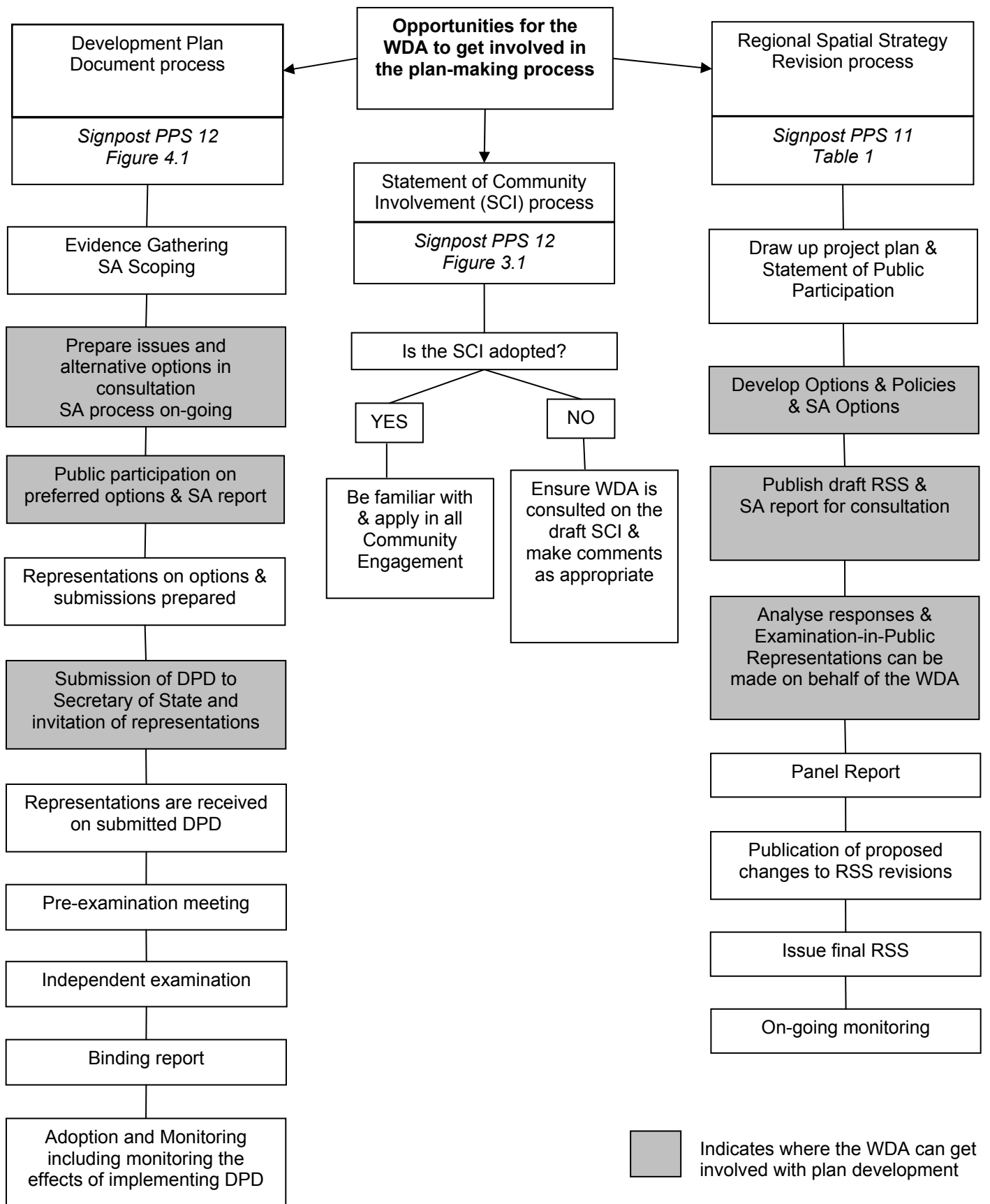
PPS 10: Planning for Sustainable Waste Management: available at <http://www.communities.gov.uk/index.asp?id=1501865>.

Planning for Sustainable Waste Management: Companion Guide to Planning Policy Statement 10: available at <http://www.communities.gov.uk/index.asp?id=1500757>.

Guidance on Municipal Waste Management Strategies and its accompanying practice guide: available at <http://www.defra.gov.uk/environment/waste/localauth/planning.htm>.

Criteria for Securing Waste PFI Credits issued by Defra in May, 2006 sets out the criteria which waste projects must meet to be considered for PFI credits: available at <http://www.defra.gov.uk/environment/waste/localauth/funding/pfi/pdf/pfi-criteria-may06.pdf>.

Figure 1 Touch Point 1: Engage early with plan preparation at both regional and local levels to help deliver a supportive development plan framework for the procurement project



1.3. Touch Point 2

Touch Point 2

Early engagement with the planning and permitting processes is essential in the delivery of waste infrastructure projects.

Action required:

- WDA must be mindful of the location guidance for waste facilities as set out in PPS 10 and the Companion Guide when procuring sites not already identified in an existing waste local plan or DPD. Broad locations set out in the RSS will also be relevant.
- Ensure those making planning applications and engaging with the planning process have the appropriate skills in planning and community engagement and that pre-application discussions and procedures are followed.
- Ensure good design is incorporated into the application. Ensure requirements and guidance in any available supplementary planning guidance (SPG) or supplementary planning documents (SPD) outlining requirements for submission of a planning application are followed. For example, Dorset County Council has produced SPG which states the level of information the planning authority requires to accompany applications for mineral or waste operations.³
- The overall procurement timetable must provide for enough time for any baseline studies and data gathering and for the determination of planning, PPC permit and WML applications.
- Discuss permitting requirements with the pollution control authority, normally the Environment Agency.

To achieve the successful delivery of a waste infrastructure project, thorough attention must be given to every stage of the process in terms of both the acquisition of the sites and the submission and determination of the planning applications. It is important that everybody involved in the process knows not only what their responsibilities are but understands what parts are played by others in the process. As set out in Defra's Waste Strategy for England, 2007 engagement with the planning process will be a factor in deciding on the allocation of additional financial assistance and support to be provided to local authorities through WIDP.

1.3.1. Roles and responsibilities of those involved in the planning permission

Table 1 The roles and responsibilities of the WDA and WPA in the planning process.

Role	Responsibility
Waste Disposal Authority	<ul style="list-style-type: none"> • Preparation of MWMS - take opportunities to engage with planning colleagues who are developing waste policy. The process is not dissimilar, and opportunities are available to undertake joint sustainability assessment and community consultation. • To avoid options in the MWMS being developed which are inconsistent with the spatial strategy and development plan for

³ Defra has commissioned the production of a design guide for waste management facilities to assist both developers and planning authorities.

Role	Responsibility
	<p>an area, ensure the WDA is represented in key discussions with the WPA throughout preparation of the waste elements of the LDF, and vice versa for the preparation of the MWMS.</p> <ul style="list-style-type: none"> • Co-ordinate the timetable for production of the MWMS with those of the DPD and core strategy. Community involvement, stakeholder participation and SA/SEA initiatives should be co-ordinated. Engage with the development of and revision to the RSS. • Ensure sufficient time is incorporated into the timetable to fulfil all planning and community engagement requirements. If the application is to be submitted in advance of an allocation in emerging DPD, there will be even greater need to ensure some form of pre-application community involvement is undertaken in addition to pre-application discussions with planning officers and statutory consultees. The team needs to be aware that to proceed with a procurement on a site that is not allocated in a DPD will increase the risk that a planning permission will not be granted. To ensure that delays in processing the application are kept to a minimum, the procurement team (and/or their advisers and/or the Contractor) should liaise closely with the planning authority to ensure that the application is accompanied by all the necessary information.
Waste Planning Authority	<p>Policy planning</p> <ul style="list-style-type: none"> • Preparation of the waste elements of the LDF and associated DPD and SPD, SCI, SA/SEA and monitoring – liaise closely with officers in the WDA preparing the MWMS (refer to comments above on joint working). • Ensure the development of the waste elements of the LDF address specific waste management technologies as identified in the MWMS where these help drive waste management up the waste hierarchy. Land allocations to support the apportionment for municipal waste could reflect the solution that the WCA and WDA have proposed. <p>Development Control</p> <ul style="list-style-type: none"> • To provide advice to the procurement team, their advisers and/or the Preferred Bidder as to the suitability of the proposal, and the issues that need to be covered in any EIA and supporting statement. • Set up some pre-application discussions to ensure better understanding of the issues that will emerge from the proposal. In the course of such discussions, proposals can be adapted to ensure that they better reflect community aspirations and that applications are complete and address all relevant issues. • The planning officer, once the application has been received, will be responsible for gathering all the information and consultation responses together. Additional meetings may be required to discuss specific issues which have been raised during the consultation process. • In reaching his/her recommendation, the officer will assess the

Role	Responsibility
	<p>proposal against policy and relevant guidance and then write a committee report with a recommendation which, if for an approval, will be subject to conditions and may be subject to a legal agreement. The officer will then present the application to members at a meeting of the relevant committee and a decision will be made by the elected members. If the application is approved, the planning certificate will be issued after the committee meeting or once the legal agreement has been signed (where applicable), but provided the proposal does not represent a departure from the Development Plan in which case it will require prior referral to and the agreement of the relevant Government Office.</p>

1.3.2. Site selection and acquisition

- Ideally, sites for waste infrastructure have already been identified in an existing waste local plan or an emerging WDPD or LDD. In the absence of that, WDAs should ensure the criteria agreed between it and the planning authority for identifying suitable sites and areas are followed. Refer to details set out under transitional arrangements in Touch Point 1.
- It is vital that there is a dialogue with planning officers during this process as most previously developed land will have a planning history which will provide useful information and guidance as to the suitability of a site. If the WDA does not follow these locational criteria, the risks of a party not obtaining a planning permission on a site may be increased.
- The WDA will be required, as part of its OBC⁴ submission, to demonstrate that either it has acquired appropriate sites or has options in place over such sites. Options or similar agreements are frequently used by developers to secure a site pending submission of planning proposals. Because of the long lead in time required to obtain consent WDAs should be satisfied that the site can, in practice, be delivered and they should ensure that the appropriate option or other legal agreements are in place. This should also enhance the potential for competition and innovation.
- Even if the site is allocated in an existing waste local plan or an adopted DPD, there may be substantial public opposition to any proposal for planning permission. Consideration needs to be given as to how the WDA can engage with the public at an early stage (although practicalities are likely to suggest that such engagement should only follow either acquisition of the site or securing of an option to purchase the site in question) to explain the type of facility proposed and why there is a need for such a facility in a particular location. The local authority will have undertaken community engagement through the development of the MWMS and DPD preparation. It is hoped that this will have helped to build understanding between the local authority and the community as the latter becomes more aware and appreciative of the changes in waste management and the need for new waste infrastructure in its area.

⁴ The OBC is a submission that is required by Defra in support of an application for PFI credits.

1.3.3. Risks involved with procurement and planning

- If the WDA's preferred site is one that has not been specifically allocated in a development plan it must be aware that there may be a greater risk of delays in determining any planning application or even not obtaining a planning permission. PPS10 expects that 'any refusal of planning permission on grounds of prematurity will not be justified unless it accords with policy in *The Planning System: General Principles*'. However, local communities can be hostile to applications for waste proposals. Those without a specific allocation in an adopted plan are less likely to receive support from local communities. If the planning policy issues are adequately dealt within the application and the proposal complies with policy, then it is anticipated that the proposal would be more likely to receive a favourable determination.
- Prior to submission of an application, comprehensive community engagement should have been undertaken together with very thorough pre-application meetings. There need to be good channels of communication between the WDA, the applicant (if different) and the waste planning officers, key consultees and members of the local community (where appropriate).
- Furthermore, where proposals are likely to come forward in advance of the LDF then it may be advisable to carry out a SA at an early stage to ensure continuity in the whole process and, in particular, the selection of sites and the consideration of alternatives.

1.3.4. Identify the critical path in delivering a waste facility

- The critical path to deliver a waste infrastructure project on a specific site must be identified to ensure adequate time is given to requisite integral tasks, taking into account that most waste infrastructure development will need both a planning permission and a pollution control permit. In most cases of applications for large waste infrastructure projects, the proposal will be subject to an Environmental Impact Assessment (EIA). The types of development which fall within the scope of EIA are listed in Schedules 1 & 2 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The EIA will require the collection of appropriate baseline data, and corresponding surveys over appropriate periods extending up to twelve months to monitor water levels, air quality, and/or flora and fauna, for example, are not uncommon. Longer periods may be required in certain circumstances such as for proposals in particularly sensitive locations. Time must be built into the programme to allow for the collection of such data. There can be benefits in the parallel submissions of planning and pollution control permit applications to help secure a co-ordinated approach to matters such as baseline data for both planning and permitting (see below).

1.3.5. Pre-application discussions and procedures to involve key stakeholders

- There is a need for clarity in the pre-application discussions undertaken, to avoid subsequent delays in decision-making.

- Statutory consultees such as the Environment Agency should be involved in these discussions so they can clearly explain to the applicant what the regulator requires.
- Pre-application discussions provide the applicant and the LPA with the ideal opportunity to clarify concerns and issues at the outset, and therefore to accelerate the determination process.
- An outcome from these discussions should include an initial view on the scope of any EIA and at the appropriate time this will need to be followed up by a request for a formal scoping opinion.
- The opportunity should be taken to discuss the proposed determination timetable so that unrealistic expectations are avoided.

1.3.6. Design of the project

- Good design, layout and aesthetic treatment are essential when delivering waste infrastructure projects. This not only facilitates community acceptance of such projects, but maximises waste management opportunities for the site.
- Refer to any SPG or SPD design guidance⁵ produced by the planning authority. As an example, considerable attention was given to the design of the energy-from-waste facility at Chineham, Hampshire, in particular the design of the chimney/stack (Case Study 2). This appears to have helped increase understanding and acceptance of the scheme by the local community.

1.3.7. Submission of planning application, integrated pollution prevention and control (PPC) permit and waste management licence (WML)⁶

- Planning and pollution control authorities are expected to work closely to ensure integrated and timely decisions under the complementary regimes. WDAs and/or their contractors should consider parallel submissions of applications. Box 33 of the PPS 10 Companion Guide outlines how to identify the right pollution control authority.
- Simplified stages and indicative timetable for submitting a planning application and applying for a PPC permit or WML are shown in the Table 2.

⁵ At the time of writing, Defra has commissioned the production of an authoritative design guide for waste management facilities.

⁶ At the time of writing it is anticipated that the separate PPC and WML regimes will be simplified into a single environmental permit. The new environmental permitting system is expected to be in place by April 2008.

Table 2: Timescales (which are not necessarily cumulative and activities may overlap) involved in the submission and determination of planning applications, pollution prevention control permits and waste management licences⁷

Planning Application		Pollution Control Permit (PPC or WML)	
Activity	Indicative Timing	Activity	Indicative Timing
Collection of baseline data to support planning application and ES (if required). Preparation of draft proposals to include design of building, traffic movements, operational hours etc. Screening opinion required to establish if an EIA and/or TIA is required. If 'yes', a scoping meeting to be held to scope EIA/TIA.	Depending upon data required this could take 12 months. In exceptional circumstances the collection of data could take longer	Preparatory work: <ul style="list-style-type: none"> • Pre-application discussions • Necessary surveys or investigations • Prepare application 	3-12 months prior to application submission and depending on nature of application and the location of the proposed facility.
Pre-application discussions to be undertaken to ensure that the application is complete and addresses all relevant issues. Undertake pre-application community consultation if appropriate.	This could be between 3-12 months depending upon the quality of preparation undertaken by developers and the complexity of issues potentially raised by the proposal.		
Preparation and submission of application	The authority will seek to determine within its specified targets in its charter (or equivalent). Central government guidance is that a major application with an ES should be determined within 16 weeks. Delays do occur and may result from statutory consultees not responding	Application submitted	Regulator has 4 months to determine application including: <ul style="list-style-type: none"> • Consultation with statutory consultees

⁷ There is a prior planning requirement in place for waste management activities permitted under the Waste Management Licensing Regulation 1994 and for some, but not all, waste management activities regulated under the Pollution Prevention and Control Regulations 2000. Where it applies, the prior planning requirement means that before the pollution control permit can be granted, a planning permission needs to be in place where one is needed. Power stations with a capacity over 50MW require consent under Section 36 of the Electricity Act 1989. This is obtained from the Secretary of State for the Department for Business, Enterprise & Regulatory Reform. The Secretary of State would normally grant deemed planning permission for the development as part of that process. EfW proposals with a capacity over 50MW would similarly fall to be determined by the Secretary of State through the Section 36 process. (Note however that such developments would be covered by the new proposals in the Planning White Paper as nationally significant infrastructure projects).

Planning Application		Pollution Control Permit (PPC or WML)	
Activity	Indicative Timing	Activity	Indicative Timing
	within the specified timeframe (21 days) or because of the large amount of public opposition to the proposal, the need to negotiate a legal agreement or planning conditions, or the need for additional data to be collected.		<ul style="list-style-type: none"> Advertisement for PPC applications <p>In practice determination times are often extended beyond 4 months</p>
On Once the planning officer is satisfied that all information has been gathered and negotiations completed the committee report is written and presented. If recommended for approval it may be subject to legal agreement. To reduce delays in signing such agreements, the developer should agree where possible to the terms of the agreement prior to the committee meeting. This assists the council's legal staff in accelerating the process.	Committee cycles may be every month or every 6 weeks depending upon the authority. In the event the proposal is deferred, pending further information, it will be brought back to committee at the earliest opportunity. If the application is approved and is not subject to a legal agreement and all conditions have been agreed, and provided it does not represent a departure from the development plan, the certificate will be issued within a certain number of days after the meeting. A legal agreement can cause delay in the issuing of the permission of several months or more.	Application determined	If application is refused, applicant has 6 months to appeal against refusal. Appeals to Secretary of State for Environment and Rural Affairs.

1.3.8. Who should make the planning application?

- There are broadly three options available for making planning applications:

Option 1: an approach where a local authority applies for a full planning permission based on a particular design. To be of greatest value to a procurement, the corresponding planning permission will need to be secured prior to the CFT stage (Call for Final Tenders) of the procurement. This approach will require a second application (normally, but not necessarily, by the Contractor) for planning permission based on the Contractor's design.

Option 2: an approach where the Contractor applies for its own planning permission based on its own design. This approach requires the local authority to reduce as far as practicable the planning risks for the procurement in advance by carrying out as early as possible all the necessary substantial site environmental and other studies expected to be needed for the planning application. This approach will usually mean that an application is not submitted until the Preferred Bidder has been chosen.

Option 3: an approach where the Contractor and the WDA apply for a planning permission jointly.

- The table below seeks to highlight the benefits and disadvantages of particular approaches. In relation to each benefit the question is asked whether the benefit can be secured by an alternate means. In relation to each perceived disadvantage, a mitigant is proposed. It should always be remembered that any planning application by a WDA or for development of its land will (and should) be treated in the same way as any other planning application.
- In view of the benefits and disadvantages of each approach and the particular profile of the WDA's procurement (for example, number of sites available) the WDA is expected to make a decision concerning which approach it will adopt for its procurement. Where PFI funding is being sought for the procurement the reasons for the approach that the WDA adopts will need to be set out in the OBC and will be subject to scrutiny by WIDP.

1.3.9. Options for making planning applications – Benefits / Disadvantages

Option 1 - WDA submits planning application

Benefits	Benefit Secured by Alternate Means?
<p>If required as a consequence of soft market testing, will help engender bidder confidence with regards to planning deliverability but only in relation to the reference project in the OBC. Soft market testing should clarify whether the market is specifically seeking a consented site or simply planning comfort in relation to the WDA's offered site.</p>	<p>Planning reports concerning suitability of sites may be prepared to stimulate bidder confidence as per Option 2.</p>
<p>Submission will fully engage both functions of the authority/authorities i.e., waste disposal and planning. An application may demonstrate the extent to which consultation has satisfied any planning or other objections to the development and provide the opportunity for resolving any remaining issues.</p>	<p>As this guidance sets out, whilst any planning proposal by the WDA should be treated the same way as any other application, there should still be close liaison between the WDA and the planning authority as there would be in the preparation of any major proposal, and the consultation and the pre-application procedures should provide the opportunity for resolving issues.</p>

Disadvantages	Mitigants
<p>Implies 2 applications for every proposed site development. If so, there will be increased cost and possibly increased time implications of having to prepare and submit two planning applications on potentially a number of sites. Whether or not a right of appeal exists in such cases WDAs will have to carefully consider any situation or scenario which might lead to any appeal in the instance where the WDA is also the planning authority.</p>	<p>Possible increased cost of two applications may be outweighed by the benefit of increased project deliverability and possible reduction in bidder cost contingency.</p>
<p>If applications are submitted by the local authority (in its capacity as WDA), there is no right of appeal</p>	<p>Whether or not a right of appeal exists in such cases WDAs will have to carefully consider any situation or</p>

Disadvantages	Mitigants
<p>against refusal of an application. See the Town and Country Planning General Regulations 1992, Regulation 5 – note in general the right of appeal does not apply where the application is made by the WDA to itself, or where the development is by the WDA (either by itself or jointly with another person) on any land in its area.</p>	<p>scenario which might lead to any appeal in the instance where the WDA is also the planning authority.</p> <p>The WDA may, of course, if an adverse planning recommendation is being made and there is accordingly a strong likelihood of an adverse determination, decide to withdraw the application prior to its formal determination. This, however, would have an impact on overall timing of the procurement and possibly undermine deliverability of the previously identified reference project.</p>
<p>Possible impact on nature of solutions proposed through loss of innovation given that a full planning application is likely to be required.</p>	<p>This option is unlikely to be appropriate where the broad technology choice is not known at the outset of the procurement. Furthermore, the design that the WDA uses in its application should be of a scale and nature to accommodate the particular solutions proposed by bidders.</p> <p>An effective communications strategy with bidders (bearing in mind potential bidder preconceptions where the WDA has pursued a planning application on the basis of a particular design and technology) to ensure throughout that they understand the reasoning under-pinning the strategy being employed on sites and that securing planning permissions is expected to assist bidder confidence. One facet of such strategy may be to emphasise to the bidders the importance of submitting variant bids in the process.</p> <p>The WDA should also consider along with the planning authority whether an outline planning application be submitted which should provide it with greater flexibility as far as design of the facility is concerned. Outline planning permission is technically available for waste infrastructure</p>

Disadvantages	Mitigants
	buildings, although it should be noted that this may only give limited flexibility, as most large waste infrastructure projects will require an Environmental Statement to be submitted with the planning application (whether outline or full) which would limit flexibility outside environmental impacts that have been assessed.
Ambiguity in the final design of the project at this stage may stimulate a more hostile public response as part of the consultation process.	Through community engagement to secure community knowledge and buy-in.
The WDA is less well placed to develop and apply for a planning permission than a Contractor that will have previous experience and a financial incentive to deliver.	If there are clear benefits for adopting this route then, in principle, Authorities should be able to obtain the skills required to develop and progress planning applications at a level comparable to Contractors.
WDA planning applications presume certain choices regarding technology have already been made; it should be noted, however, even where the broad type of technology is chosen (such as MBT) there will still be variances – such as MBT producing solid fuel, compost or material to landfill all with different land takes.	Authorities should perhaps have a greater degree of confidence that its reference project will be the project that will in fact be delivered than a WDA which is not proposing to submit its own planning application.
Query whether the planning permission is transferable and validity of baseline data where there is a gap in the timing for carrying out the monitoring and submission of the planning application.	Planning permission normally attaches to the land and can be used by future owners of that land. This is the case where planning permission is granted for its own development by a planning authority in a unitary area. However, in non-unitary areas, where the WDA is also the planning authority, planning permission granted for development by the WDA ensures for the benefit only of the planning authority or for anyone else referred to in the application as a joint developer. As the position regarding applications made by authorities may be dependent on the particular

Disadvantages	Mitigants
	<p>circumstances of each case, where appropriate legal advice should be taken on this point.</p> <p>The baseline environmental data etc. collected for the WDA's application could still be valid for the planning application that the Contractor will be required to pursue, although any significant time interval between the applications may necessitate new surveys to be conducted.</p>
<p>Cost to WDA and duplication of cost by the Preferred Bidder in making a subsequent planning application.</p>	<p>Incurring additional costs may provide better VfM by reducing risk of planning failure.</p>
<p>Opponents to the proposed development have two opportunities to frustrate process, and sequential applications may thus have an adverse impact on the overall timetable.</p>	<p>Incurring additional costs and extra time may provide better VfM by reducing risk of planning failure; such VfM analysis should take into account costs to preferred bidder to carry out surveys etc so that it is in a position to take design risk.</p>
<p>Site for which the WDA has planning approval may not present the most economically advantageous tender once bids have been evaluated and the grant of permission may adversely affect the chances of obtaining permission elsewhere.</p> <p>The WDA should consider whether its approach is compatible with permitting issues.</p>	

Option 2 – Contractor submits planning application in own name

Benefits	Benefit Secured by Alternative Means
<p>Application will be design specific.</p>	<p>By narrowing down choice of technology open to bidders and buying in expertise, a WDA might be able to pursue Option 1 and achieve the same level of specificity.</p>
<p>Application will be submitted by experienced people with clear</p>	<p>WDA could pursue option 1 by buying-in experience (waste management</p>

Benefits	Benefit Secured by Alternative Means
financial incentive to succeed utilising contractors' skills and experience.	companies tend to rely on consultants).

Disadvantages	Mitigants
Potential for lack of engagement by Authority in planning process – illustrated as a problem with some PFI procurements.	Have firm requirements at OBC approval stage and other tests at various stages in procurement.
Potentially onerous planning conditions are imposed at a stage in the procurement where competitive tension is diminished or lost.	Tests exist that planning conditions should meet (Circular 11/95). Policy expectation is that planning and pollution control regimes should be separate but complementary, and should not duplicate each other. Furthermore planning authorities should work on the assumption that pollution control permits will be implemented properly. Full consultation may also flush out planning conditions prior to grant of permission.

Option 3 –WDA and Contractor submit joint planning application

Benefits	Benefit Secured by Alternate Means?
Application will be design specific and utilise contractors' skills and experience in obtaining planning permission for waste infrastructure.	see Option 2 above
Submission will fully engage both functions of the authority/authorities, i.e., waste disposal and planning. An application may demonstrate the extent to which consultation has satisfied any planning or other objections to the development and provide the opportunity for resolving any remaining issues.	see Option 1 above

Disadvantages	Mitigants
<p>Contractors will argue the diminishment in control that will be necessitated by a joint application (for example, how issues are dealt with following submission of a planning application will need to be jointly agreed or a process will need to be set out to deal with deadlock situations) is inconsistent with them taking any risk in relation to cost or likelihood of success.</p>	<p>If planning deliverability is enhanced by this approach then that is of overall benefit to the project.</p>
<p>In general there is no right of appeal against refusal of a planning application where the application is made by the WDA jointly with another person on any land in its area.</p>	<p>The WDA may, of course, if an adverse planning recommendation is being made and there is accordingly a strong likelihood of an adverse determination, decide to withdraw the application prior to its formal determination. This, however, would have an impact on the procurement and possibly undermine deliverability.</p>

The table demonstrates that there is no one approach to who should make a planning application that would be applicable in all circumstances. However, any particular approach will bring with it disadvantages which will need to be considered in the context of any particular procurement. It appears therefore:

- A WDA's planning approach should be determined on a project-by-project basis; a "one size fits all" approach to planning will ignore project specific considerations such as availability of sites, relationship with the development plan, likelihood of other sites being brought into the procurement, soft market testing around bidder requirements, etc.
- Any particular approach to planning will have downsides which will need to be considered in the broader context of the procurement. For example, if the WDA is minded to put in a planning application in its own name, it will need to carefully consider issues such as no right of appeal (together with any mitigants to this), whether it has or can put in place the appropriate skills to make the application, the nature of the facility for which it is seeking to obtain planning permission and, particularly, the likelihood of the reference project and identified site not necessarily being the project and/or site that represents the most economically advantageous tender once bids have been received. Such an approach may, however, be appropriate where, for example, there is a waste contractor with a site that has planning approval and the WDA, by obtaining planning approval on another site, opens up competition.

1.3.10. Key Signposts

The Planning Portal is the UK government's on-line planning and building regulation resource. It provides advice and guidance to applicants on how to submit a planning application. It also provides an explanation of the changes introduced by the PCPA 2004: available at <http://planningportal.gov.uk>.

Planning for Waste Management Facilities: A Research Study published by ODPM draws on real examples and provides indicative site sizes/building footprints/throughput capacities for a range of technologies: available at http://www.communities.gov.uk/embedded_object.asp?id=1145713.

Be aware of any SPG or SPS produced by the relevant planning authority stating the level of information required to accompany an application for waste infrastructure.

Be familiar with the planning authority's "Statement of Community Involvement" which sets out how local communities will be consulted on all types of planning applications.

Planning for Sustainable Waste Management: Companion Guide to Planning Policy Statement 10, Chapter 8 provides guidance to waste planning authorities on determining planning applications: available at <http://www.communities.gov.uk/index.asp?id=1500757>.

A useful and up to date source of information on environmental regulations and permitting is the Netregs website. Netregs is a partnership between the Environment Agency, SEPA and the Environment and Heritage Service in Northern Ireland. <http://www.netregs.gov.uk>

1.4. Touch Point 3

Touch Point 3
Identify the roles and inputs of planning and infrastructure stakeholders

Action required:

- Meet with key stakeholders at an early stage to exchange and disseminate information.
- Liaise with local authority officers to draw upon existing knowledge and expertise relevant to the site, the EIA and submission of the application.

Identifying the roles and inputs of both planning and infrastructure stakeholders early on in the process can provide constructive engagement with the planning process and reduce the opportunities for delay in determining applications. As soon as a site is identified as a potential site for development, key stakeholders should be informed and invited to a meeting to establish what the issues would be of developing such a site. For major development the meeting should include, as appropriate, officers from the EA, officers from the local district/borough councils, Natural England⁸, English Heritage, planning officers, county ecologists, archaeologists and other relevant bodies to cover any necessary aspects of the site development proposal⁹. Such a group would also be involved in any scoping requirements in preparing an EIA.

The following table identifies key stakeholders and their involvement with the planning process.

Stakeholder	Stages of involvement
Environment Agency	Pre-application discussions, scoping EIA, statutory consultee for application.
Natural England	Pre-application discussions, scoping EIA, statutory consultee for application.
English Heritage	Pre-application discussions, scoping EIA, statutory consultee for application.
Other Government Departments and Agencies: DEFRA, Government Office, the Department for Business Enterprise and Regulatory Reform, Regional Assembly, Regional Development Agency, Strategic Health Authority, Network Rail, Highways Agency.	Pre-application discussions, scoping EIA, statutory consultee for application where appropriate.
A range of Heritage stakeholders to be involved	Pre-application discussions,

⁸ Natural England was formed on 1st October, 2006 and brought together English Nature, the Countryside Agency and elements of the Rural Development Service.

⁹ In London, the GLA, particularly if the application falls within the thresholds for potential determination by the Mayor after commencement of the GLA Act 2007 (the Bill is currently being considered by Parliament but it is expected to receive the royal assent later this year).

on a case-by-case basis, e.g., Ancient Monuments Society, Garden History Society, The National Trust.	scoping EIA, statutory consultee for application as appropriate.
County Wildlife Trust	Pre-application discussions, scoping EIA, consultee for application.
A range of Nature Conservation stakeholders to be involved on a case-by-case basis, e.g., Urban Wildlife Groups, British Geological Society, other local wildlife groups	Pre-application discussions, scoping EIA, consultee for application.
District/Borough Councils within the County or adjoining (if appropriate)	Pre-applications discussions if appropriate (may be landowners), statutory consultee.
Parish/Town Councils	Statutory consultee for the application
Water Utility Companies	Statutory consultee for the application
Other Environmental interests such as Forestry Commission, British Waterways, Internal Drainage Boards, Commission for Architecture and the Built Environment, Sport England, Community Interest Groups	May be statutory consultee depending on location of proposal.

1.4.1. Key signposts

Refer to the Council's Statement of Community Involvement (SCI) which lists key stakeholders – ensure relevant ones are included in any pre-application and procurement discussions.

Planning for Sustainable Waste Management: Companion Guide to Planning Policy Statement 10, Chapter 5 and Annex B, Community Involvement in the Waste Management Context.

Planning Policy Statement 12: Local Development Frameworks – refer to Chapter 3 and Annex E which provide information on the Statement of Community Involvement and a list of consultees: available at <http://www.communities.gov.uk/index.asp?id=1143846>.

Refer to relevant policies in the adopted waste local plan or waste core strategy which set out procedures on consultation with key stakeholders.

Community Involvement in Planning, ODPM 2004: The Government's Objectives provides the Government's rationale for involving communities in the planning system, the principles underpinning the Government's objectives and details how the Government expects community involvement to happen. Annex A – Opportunities for Community Involvement – sets out a series of practicable suggestions from national planning policy formation to community involvement in planning application decision-making.

1.5. Touch Point 4

Touch Point 4

Be pro-active in community engagement to promote the need for waste development infrastructure and to get people to think and act differently with respect to their use of resources and waste management.

Action Required:

- Engage the community and stakeholders early in the process to improve understanding and acceptance of the proposal or strategy, ensuring clear explanations of the need for the facility are given to help encourage local support.
 - Ensure any opportunities for joined up community engagement between the waste planning authority (WPA) and waste disposal authority (WDA) are taken in preparing the municipal waste management strategy (MWMS) and the waste elements of the LDF.
 - For the longer term establish operator-community liaison meetings which meet an agreed number of times per year to discuss the day-to-day running of the waste facility and any impacts it is having upon the local community.
-
- Pro-active community engagement will encourage the community to take responsibility for the waste it produces, ensure that information is relevant and accurate, and could change life-style choices to reduce the amount of waste produced. The community engagement undertaken for the core strategy, the DPD and the MWMS will help to explain to local residents the changes in waste management practice and hence the need for new waste infrastructure to replace landfilling. It is anticipated that such processes will deliver some acceptance and understanding of new waste management processes.
 - Those involved with submitting or assisting the submission of planning applications for waste infrastructure projects must ensure that early on they talk to local communities most affected by the proposals. Local residents are often fearful of the development of such facilities in the vicinity; such facilities are perceived as noisy, smelly and presenting a health risk and resulting in additional traffic movements on local roads. Acceptance is only gained from a community that is informed and engaged on the provision of waste management infrastructure.
 - Raising awareness of waste management issues in the round should also assist in changing public attitudes to waste and even impact on life-style choices. These actions will help not only to deliver the waste hierarchy and national policy objectives, recognising the waste produced as a resource, but also to reduce the amount of waste generated.

1.5.1. An example of good practice

Veolia (formerly Onyx) was successful in engaging with both the community and planners in delivering the Hampshire waste facilities. A series of events was held to explain the waste strategy that Hampshire was seeking to adopt. This included forum panels, public exhibitions and sending leaflets to all householders. This process of community engagement was repeated once specific sites were selected for facilities. A key to the success of the community engagement was that stakeholders felt genuinely engaged and the views of residents were taken into account (Refer to Case Study 1).

1.5.2. Key Signposts

PPS 1 (paragraph 40 onwards) sets out the general principles for community involvement following the Planning and Compulsory Purchase Act: available at <http://www.communities.gov.uk/index.asp?id=1143804>.

PPS 11 (paragraphs 2.17 to 2.20) describes the role and process of participation in RSS revision. Annex D provides more in-depth guidance: available at <http://www.communities.gov.uk/index.asp?id=1143839>.

PPS 12 (paragraphs 3.1 to 3.13) sets out the Government's policies on community involvement in the DPD preparation process: available at <http://www.communities.gov.uk/index.asp?id=1143846>. Chapter 7 of the Companion Guide to PPS12, available from the same web address, provides detailed guidance on managing community involvement.

Planning for Sustainable Waste Management: Companion Guide to Planning Policy Statement 10 Section 5: available at <http://www.communities.gov.uk/index.asp?id=1500757>.

Community Involvement in Planning: the Government's Objectives: available at http://www.communities.gov.uk/embedded_object.asp?id=1144472.

2. Case Studies

The following case studies outline some of the issues encountered in the delivery of waste infrastructure projects.

2.1. Case Study 1

Hampshire Integra Project

- In the early 1980s, Hampshire County Council (HCC) recognised its landfill would run out by 2000. HCC had 5 incinerators dealing with some of the county's municipal waste, but it became clear that these incinerators were out-dated and would not pass the requirements to be introduced by the Environmental Protection Act 1990. An incinerator was proposed on land owned by HCC in Portsmouth on the site of an existing incinerator.
- A planning application went to committee early 1993 with officer recommendation for approval, but members did not support it and stated the need for a wider strategic approach to deal with municipal waste.
- 1995 Core Strategy was produced which divided the County into 3 areas, and aiming to increase recycling by 25% and holding municipal waste at 1995 levels. The county would need 3 EfW facilities, 3 centralised composting facilities and 3 MRFs, a network of transfer stations (9) and 26 HRCs.
- Delivery of the facilities went out to tender. Won by Onyx (now Veolia) which named its bid Project Integra.
- Facilities secured: EfW plant at Chineham (further details are outlined below); other facilities secured for composting and recycling; MRF at Alton, August 2004 - Onyx acquired land (brownfield site) and submitted the planning application; EfW facilities opened at Marchwood, October 2004 and at Portsmouth, April 2005.

Keys to the delivery of Hampshire's waste infrastructure facilities:

- Recognised the need to look for alternatives to landfill at an early stage and thus had some time to look at alternatives.
- Onyx engaged all the waste collection authorities and other key players including parish/town councillors who signed up to supporting the waste strategy. Good communication and trust were developed between all parties.
- Onyx carried the risk to procure the sites, when not in HCC's ownership, submit applications and licences etc. This was successfully achieved through a process of on-going consultation and community engagement, including trips to see existing facilities relevant to the Hampshire strategy.
- HCC successfully educated its residents in acknowledging that the issue of waste disposal is everybody's problem and solutions needed to be found.

HCC took a long time to deliver its first facility after recognising the need for an alternative to landfill. Valuable lessons can be learned from Hampshire's approach and it is hoped this would reduce the delays in the delivery of waste infrastructure facilities for other authorities.

2.2. Case Study 2

Energy from waste facility (EfW), waste transfer station and ancillary buildings at Chineham

- An application for the construction of an EfW facility including a waste transfer station and ancillary buildings, capable of dealing with 90 000 tpa of municipal waste was submitted by Onyx to Hampshire County Council (HCC) in October, 1998. The site at Chineham was already owned by HCC. The application involved the demolition of an existing incinerator which no longer met with modern standards.
- The application went to committee with recommendation for approval and subject to a legal agreement for off-site highway improvements in November, 1999. The planning certificate was issued in January, 2000 once the legal agreement had been signed.
- The delay in the determination resulted from the PPC permit application and the planning application being sent to the Environment Agency (EA) at the same time. This was helpful but did mean the receipt of the EA's comments took longer than expected.
- Local residents formed an action group and a couple of hundred objections were received. However, the community engagement led by Onyx helped to explain the proposal to local residents

Keys to the delivery of the Chineham facility

- Onyx undertook extensive community engagement and a contact group was set up for representatives from the community; clear explanations of all aspects of the process, technology and design were made available.
- Considerable importance was attached to the design of the plant which was on a par with attention given to the technology itself.
- Very careful processing was undertaken with the application due to the potential conflict of interest in having the Waste Planning and Waste Disposal Authorities within Hampshire CC.
- Prior to the submission of the application there was a 12-month period of background monitoring of air and water quality in order to ensure a robust environmental statement to support the application.

2.3. Case Study 3

Bio MRFs at Jenkins Lane, Borough of Newham and Frog Island, Borough of Havering: East London Waste Authority

- Applications for the Bio MRFs to accept 180 000 tpa of residual waste were submitted by Shanks in late 2003. The planning process was run by consultants on behalf of Shanks.
- The applications were determined within 6 months of submission although issuing of the permissions was delayed by the legal agreements.
- Limited opposition to the proposal; those that did object did so on the grounds that there were already numerous waste management facilities in the area.
- The waste strategy was developed in 1996 in response to the recognised need for an alternative to landfill plus a need for higher environmental attainment. The strategy was developed at a high level and concentrated on outputs. Environmental targets were adopted by reflecting the recycling and diversion from landfill targets in the national waste strategy. As the strategy was output based it was suitable for PFI, and once PFI support was achieved PFI contractors were asked to bring forward proposals that would deliver the high-level strategy. The Integrated Waste Management PFI Contract was signed in December, 2002.

Keys to successful determination

- Process went smoothly for all parties – primarily as a result of the large amount of work completed prior to the start of the planning application process as well as during the process.
- Shanks have a good working relationship with the authorities, and employing consultants to undertake the planning work was a successful move.
- Good project management was undertaken with enough time allowed for all the processes. Unforeseen delays resulted from third parties involved with the legal agreement.
- The waste strategy was in place prior to the submission of the planning application and was agreed by all 4 boroughs in the East London Waste Authority which acknowledged the benefits of the facilities and that they would contribute towards the delivery of the waste strategy.
- A strategic approach is fundamental to the smooth running of the planning process.

2.4. Summary of good practice in the submission and determination of planning applications

- Engage early with key stakeholders and members of the local community who will be affected by the proposal, to explain the process of site selection and its suitability and the technology proposed, how it will be designed and how any environmental impacts will be mitigated. The more work that can be done at the pre-application stage the better. This helps gain support from the community. Also key stakeholders such as the EA have more time to discuss their requirements with the applicants.
- Ensure plant and site layout design and proposed aesthetic treatment are of a high quality and appropriate to the site, and demonstrate how potential for impacts will be minimised through the design of the development (e.g., operations being undertaken indoors to minimise noise and dust).
- Ensure adequate background monitoring¹⁰ is undertaken prior to the submission of a planning application to ensure it is comprehensive and that information is available to answer any queries that may arise.
- Ensure that there are good lines of communication between the WDA and WPA whilst recognising the need for a clear distinction between the two authorities to avoid opportunities for criticism of the council's approach to dealing with the application.
- Demonstrate any added value that may be delivered through the development, e.g., site restoration, provision of nature conservation areas, contaminated land remediation, employment, improved access that may be more widely available to others than just the waste management facility.
- Demonstrate how the facility contributes to delivery of the required waste management strategy and corresponding infrastructure needs as a whole.
- Where possible, agree conditions and heads of terms for legal agreements prior to the report on the planning application being taken to Committee.

¹⁰ An appropriate assessment (under the Habitat Directive 92/43/EEC) may be required. In October 2005, the European Court of Justice (ECJ) ruled that, as a result of the failure to make land-use plans subject to Appropriate Assessment of their implications for European Sites, Article 6 (3) and (4) of the Habitats Directive 92/43/EEC had not been transposed completely. The necessary amendments are currently being made to relevant UK regulations in the Conservation (Natural Habitats etc) (Amendment) Regulations 2007 which have been introduced into Parliament.

3. Infrastructure Planning Roadmap

This section provides more detailed information about the new planning system, the SCI, community engagement, and the roles and responsibilities of those involved in the planning process.

3.1. Plan-led System

The key features of the new 'plan-led system' are:

- plan preparation is a continuous process with scope for overlapping DPDs; the evidence base and monitoring play a more comprehensive role and the Local Planning Authority (LPA) must demonstrate how they are integrated into the plan preparation process;
- each LPA must prepare a SCI which outlines how the authority will proactively engage the community on issues with an emphasis on 'front loading'; that is, involving people at the earliest stage in plan preparation to help identify issues and to seek solutions, thus reducing potential conflicts at examination stage;
- the new system requires sustainability appraisal (incorporating the requirements of SEA¹¹) to be applied to development plan documents and integrated into their development;
- it is a spatial, rather than land use, approach to planning, to ensure the most efficient use of land by balancing competing demands within the context of sustainable development. The land use planning system has always focused on the regulation and control of the use of land. The new system seeks to go beyond this by considering other strategies and plans of agencies not directly involved in land use planning, but which have an impact upon spatial development; and
- each LPA must produce a LDS (local development scheme) which sets out the programme for DPD preparation. This is a very useful document which the WDA should have, as it states which DPD are to be prepared and the dates when consultation will occur.

The above features are some of those tested by an inspector or panel as part of the Examination of the RSS or DPD (in particular one of the purposes of the Examination into the DPD is to determine whether the DPD is sound).

3.2. Regional Spatial Strategies

- The RSS provides an over-arching spatial strategy for the region and should include a concise strategy for waste management, including: distribution of tonnages requiring management; a pattern of any waste management facilities of national, regional or sub-regional significance that

¹¹ See footnote 9.

may be required in the region; and the broad locations for such facilities' development, and supporting policies. Tonnages of waste requiring management should be apportioned and the proposed apportionments should be expressed as annual rates. Both waste collection authorities (WCA) and the WDA can engage with the process of the development and revisions to the RSS, for example, by providing data, information and suggestions resulting from the preparation of the MWMS. PPS 10, paragraph 7, emphasises the need for regional planning bodies to work with WPA to develop "a realistic and responsible approach to future waste management".

- The RSS will also be able to inform the preparation and revision of a MWMS by providing a strategic direction across all waste streams and by providing a high level picture of the need and opportunities for, and constraints on, future waste management development. Revisions to the RSS should not be a 'top-down' process, but should draw on work carried out at the local level including existing waste plans, data and other works in the preparation of the DPD and MWMS.
- Regional planning bodies in preparing the RSS must consider the need for additional waste management capacity of regional or sub-regional significance and reflect any requirement for waste management facilities identified nationally. In drawing up this pattern of waste management facilities, regional planning bodies should take into account the need for waste management, including for disposal of residues from treated wastes, arising in more than one waste planning authority area but where only a limited number of facilities would be required. If the WDA has identified certain requirements through the MWMS, then it is important that the opportunity to engage and influence the RSS is taken. Both WDA and WCA should engage at the regional level, including with the regional technical advisory bodies (RTABs), which provide advice to regional planning bodies on the implications of waste management for the development and implementation of the RSS.

3.3. Key Signposts

Annex D of PPS 10 outlines the role and composition of a Regional Technical Advisory Body: available at <http://www.communities.gov.uk/index.asp?id=1501865>.

3.4. Preparation of Development Plan Documents

- The DPD will not generally prescribe the waste management technologies that will be used to deal with specific waste streams in the area. Rather, the type or types of waste management facility that would be appropriately located on the allocated site or in the allocated areas should be identified. The only exception to this is likely to be that of site allocations to support the pattern of waste management facilities set out in the RSS. Additionally, in the case of municipal waste, where the DPD has regard to the MWMS which provides a clear service development strategy requiring

sites of a potentially more specific nature, it may be appropriate to identify more specific allocations.

- If the WDA has sites that it would wish to see identified in a waste development document, then it is vital that there is dialogue with the waste planning authority so the details of specific sites can be considered. The potential sites being considered for procurement by the WDA should not contravene the development plan, or, where this is being up-dated to reflect PPS10, the project should align with policies in PPS10. The WDA should, however, be mindful of the practicalities of consulting on its proposed waste development sites prior to purchasing the sites or securing options to purchase, in order not to compromise deliverability of those sites (see Touch Point 2 – “Site selection and acquisition” for further details on this).

3.5. Statement of Community Involvement (SCI)

Increased community involvement in the planning process is one of the objectives of the new planning system. Every authority is required to produce a SCI which sets out the standards for, and the approach to, involving stakeholders and the community in the preparation, alteration and review of all development plan documents. The SCI also sets out how the authority will consult and engage the community on planning applications. The SCI forms part of the authority’s LDF.

3.6. Rules of engagement to increase effectiveness of community engagement

- Be inclusive by encouraging the participation of all stakeholders who have an interest in or who would be affected by a decision. Seek to involve the “silent majority”.
- Ensure transparency, openness and clarity in the provision of information to stakeholders. Where information is lacking, say so.
- Use a neutral convenor or independent facilitators to gain the confidence of stakeholders.
- Give engagement the priority it deserves.
- Be diverse and creative in the way you engage with different groups to ensure all parts of the community can participate.
- Be accountable. As soon as possible after the engagement period, respond to participants with an account of how and why their contributions have or have not influenced the outcome. Ensure there are routes for follow-up if required.

- Ensure there are enough resources to run the process in terms of time and money.
- Ensure there is a clear purpose to the engagement so all involved feel they have used their time well in getting involved. Ensure the process is evaluated to see where lessons can be learned for another time.

