

14 March 2008

Letter sent by email only

Dear consultation respondent

Improving the planning and pollution control interface: the Government's response to the joint CLG/ Defra consultation

CLG and Defra consulted at the end of 2006 on options to improve the way the interface between planning and pollution control regimes work, particularly during the delivery of new waste infrastructure and the redevelopment of brownfield land. This letter provides an update on our work in light of the consultation responses. We are writing to you as a respondent to the joint consultation and a copy of this letter has also been placed on departmental websites.

Consultation responses

You will recall that our joint consultation considered the way the interface works in practice and sought views on a number of options for improvement. Our summary of responses is on the Departments' websites:
(<http://www.communities.gov.uk/publications/planningandbuilding/summaryresponses/pollution>)

Responses showed there was a general welcome for the consultation, and agreement that the interface should work better. There was a variety of opinion on how this should be achieved, although there was general support for making improvements to the current system rather than seeking more fundamental changes to the regulatory framework. For example it was suggested that significant improvements could be made through encouraging greater co-operation and good practice at the pre-application stage. There was broad agreement that protocols and practice guidance would be useful in clarifying the roles and responsibilities of key players during the planning and pollution control consent processes. The feeling was that that these could form part of a coordinated approach rather than be suitable as stand alone solutions.

Government response

Taking into account responses to the consultation Ministers have carefully considered options for improving work across the interface. Consultants, Eunomia, have advised on the planning and pollution control procedure that would provide the best practicable fit with the views of respondents, and how to deliver it. Their report is published on Defra's website at:

<http://www.defra.gov.uk/environment/waste/management/pdf/planning-pollution-control.pdf>.

Ministers have endorsed Eunomia's conclusion that many of the improvements sought by stakeholders can be realised by promoting and supporting the closer integration of decision making during the consenting processes. We will now work with stakeholders to develop a package comprising a protocol involving the main regulators and supporting practice guidance. Together these will help deliver a more streamlined approach to decision making.

The new protocol and guidance package:

The package will seek to promote and support a regulatory culture based on close working between planning authorities, pollution control authorities and developers from pre-application discussions onward, fleshing out the expectation already established in planning policy. A key principle is that planners and pollution control regulators are together involved in making one decision on the same development proposal, with planners largely addressing 'if' type questions relating to whether development should proceed, and pollution control regulators considering the 'how to' questions on whether a process or operation can be managed and regulated safely in terms of human health and the environment.

Our aim is a protocol setting out the roles of regulators and their commitment to work collaboratively. We are discussing the protocol with the Environment Agency and the Local Government Association. Joint CLG/ Defra guidance will complement the protocol and provide more detailed advice on its implementation, providing practical advice tailored to different scales of development and on the development of joint project plans.

Options for regulatory change:

A minority of respondents supported more fundamental reform, for example allowing developers to have flexibility in the order they obtain consents, or the option to discharge particular waste permitting requirements through planning permission. Before having recourse to regulatory change, Ministers wanted to give an opportunity for the improvements sought by those backing these more radical reforms to be delivered by the protocol/ guidance package through closer integration, particularly at the pre-application stage. The package will support decisions being made on projects in the most expeditious and efficient manner. In respect to permitting requirements on construction sites it will add to the reduction in regulatory complexity already gained through the simplified licensing process provided by the Environment Agency's Mobile Treatment Licensing programme.

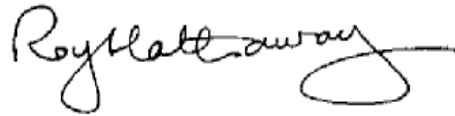
Next steps

We will work with stakeholders on the new protocol and guidance package and our aim is for it to be finalised later in the year. We will of course evaluate the effectiveness of the package in delivering the improvements that stakeholders, including industry and regulators, are looking for on the ground.

Yours faithfully



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