

# **Conquering the Planning Process**

*To Minimise Delays and Achieve a Cost  
Effective Result*

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# Overview

- ◆ Achieving the Waste Targets
- ◆ Planning – Upper and Lower Case!
- ◆ Is there a ‘Recipe for Success’?
- ◆ Can we trace the ‘Golden’ Thread?
- ◆ Getting the Planners on board
- ◆ Getting the Public on board
- ◆ Achieving the result

# Achieving the Waste Targets

- ◆ Fundamental to what we are all doing.
- ◆ We have known about these targets for at least six years
- ◆ Not everyone has made good use of this knowledge!
- ◆ Many authorities now find themselves having to squeeze a five-year (or more) process into 3 years.

# Planning – Upper and Lower Case!

- ◆ We all need to find a way through the Town and Country *Planning* regulations
- ◆ This is the big ‘P’
- ◆ But we also need to *plan* our project carefully so that we can meet our objectives.
- ◆ This is the little ‘p’

# Let's start with the little 'p'

- ◆ Do we know what we have to achieve?
- ◆ Objectives
- ◆ Stakeholders
- ◆ Budgets
- ◆ Risks
- ◆ Does the cabinet understand 'LATS' risk?
- ◆ Communicate!

# Toolkit for the waste ‘little p’

- ◆ Prepare a ‘baseline’ report on current activity.
- ◆ Prepare a waste prediction ‘model’ to determine compliance with LATS targets – particularly 2010 (a bit late now!), 2013 and 2020
- ◆ Consider our ability to meet (or miss!) these targets.
- ◆ Engage and consult with stakeholders, particularly the Public.

# ‘Little p’ toolkit contd...

- ◆ Using the results of this consultation we must: -
- ◆ Prepare a Waste Strategy
- ◆ Publish it and communicate widely with all stakeholders
- ◆ Establish what action needs to be taken to meet the targets
- ◆ Prepare a plan of action

# ‘Little p’ planning

- ◆ Establish the need (or otherwise) for waste treatment facilities.
- ◆ If yes, decide on who will provide
- ◆ ...and who will operate
- ◆ Talk to the Big ‘P’ Planners ASAP
- ◆ Consider the funding needs

# More ‘Little p’ planning

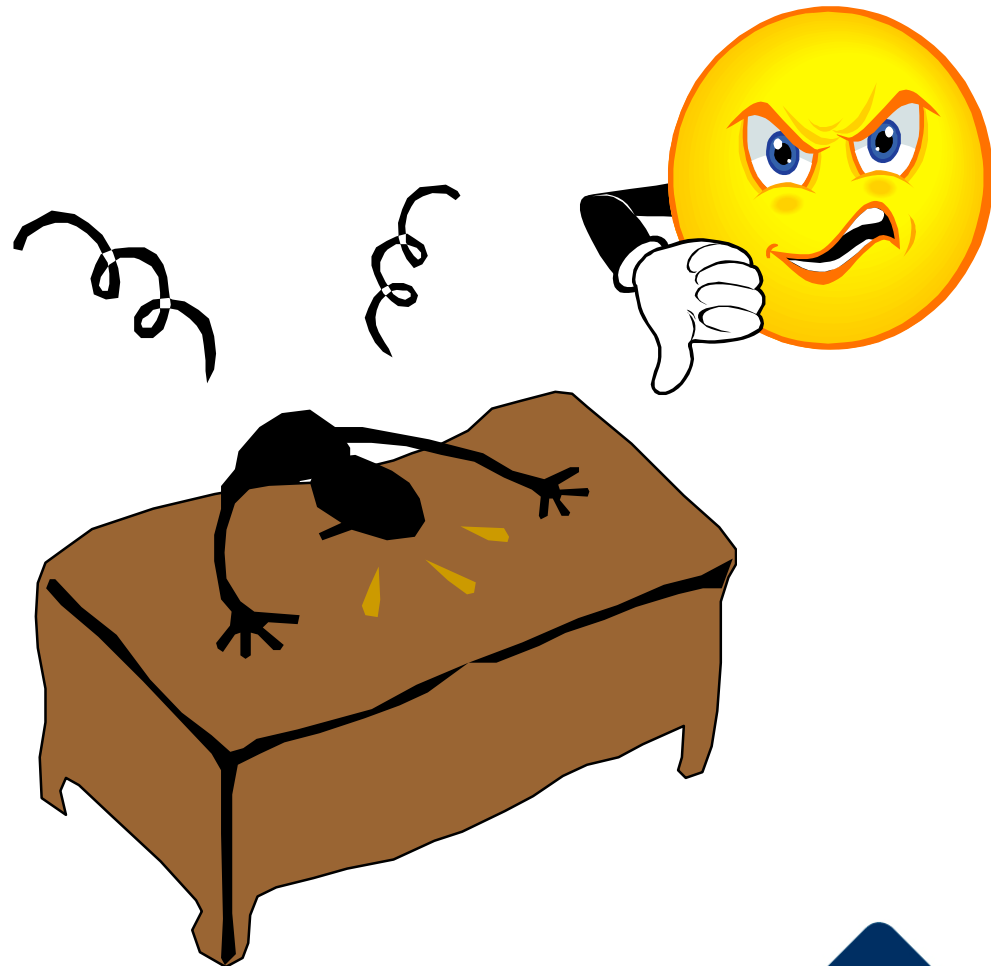
- ◆ Consider if maintaining the ‘**status quo**’ is a possibility.
- ◆ Plenty of **landfill** available
- ◆ Will the Government fine for non-compliance with LATS targets...?

# From little 'p' to BIG 'P'

- ◆ Assuming we decide to comply with the law (most of us do!) and let a contract then...
- ◆ We will need to tackle **'THE BIG P'** – this is where the real problems can start and, if we are not careful, where major delays can occur
- ◆ In extreme cases total frustration by refusal and loss of appeal to Secretary of State.

# Frustrated Planning Applications

- ◆ Hereford and Worcester 2002
- ◆ Hull and East Riding of Yorkshire 2003
- ◆ Milton Keynes 2003
- ◆ Nottingham 2006
- ◆ Cornwall 2009
- ◆ Total Frustration!



# Making Planning Work for Us

- ◆ We need to Understand: -
- ◆ How the Planners work!
- ◆ Planning Processes
- ◆ Areas of Search
- ◆ Site Specific Plans
- ◆ ...and how our requirements can align with our planning colleagues.



# Understanding our own Needs

- ◆ From our LATS projections and from our Waste Strategy we will have identified: -
- ◆ Need for Waste Processing Facilities
- ◆ Need for Household Waste Recycling Centres
- ◆ Need for Waste Transfer Stations

# Sourcing Land

- ◆ Local Authorities are significant landowners.
- ◆ We need to appraise all potential sites owned by the authority and see how appropriate and available they might be.
- ◆ This is where we need to ‘cosy up’ to our planning colleagues!



# Is this land any use?

- ◆ The Planners will tell us if the sites we have identified are appropriate in Planning terms.
- ◆ *A 'black' art?*
- ◆ They will consult the Structure Plan and the ***Waste Local Plan***
- ◆ They will be in the process of preparing a ***Waste Local Development Framework***

# The Waste Local Plan

- ◆ A Statutory Document prepared under the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991)
- ◆ The plan sets out the criteria for site selection and identifies individual sites (or areas of search) where waste facilities will be permitted.

# The Waste Local Plan - 2

- ◆ The sites identified will also specify what type of facilities are permissible
- ◆ The Plan will have an end date and will be subject to regular review (every 5 years approximately)
- ◆ The Plan will bring some certainty to applications for waste facilities on the Plan Sites.

# Waste Local Development Framework

- ◆ The Planning and Compulsory Purchase Act 2004 fundamentally changed the planning system.
- ◆ Minerals and Waste planning authorities are now required to produce a Minerals and Waste Development Framework which will replace the old minerals and waste local plans
- ◆ The Minerals and Waste Development Framework is really a ‘folder’ or collection of minerals and waste development documents.

# Waste LDF - 2

- ◆ The framework comprises Development Plan Documents and Supplementary Planning Documents, together with the Regional Spatial Strategy (prepared by the Regional Assembly) and other supporting documents.
- ◆ The Government is very keen that as many people as possible get involved in planning, and in the preparation of these new planning documents.

# Public Consultation

- ◆ Important to involve the public in decisions on site designation.
- ◆ Consultation can be in 2 or 3 stages as proposals are received.
- ◆ You will need to submit a 'Statement of Community Involvement' (SCI) with your application



# Lets Take Stock!

- ◆ We are friends with our Planners!
- ◆ There is a Waste Local Plan in being
- ◆ A Waste LDF is being prepared
- ◆ We know how many sites we need for Waste Facilities
- ◆ We know what land we own
- ◆ Can we bring all of these together?



# Site Acquisition

- ◆ If we can find no suitable site in our ownership that fits in with the WLP or the emerging Waste LDF then we may need to buy land.
- ◆ What is certain is that if we are to enter a major waste management contract procurement, a permitted site will be essential to ensure a ‘level playing field’

# Site Selection

- ◆ No easy formula!
- ◆ Needs to be included in WLP/WLDF
- ◆ Needs to be readily available
- ◆ Needs to be away from houses
- ◆ Needs to have good road connections



# Waste LDF Preparation

- ◆ If Planning colleagues are preparing the Minerals and Waste LDF then this is an ideal time to submit potential sites for inclusion.
- ◆ Some will be rejected but (if we have done our research carefully) some will be accepted and become 'Preferred Sites'

# Status of Sites

- ◆ Sites in the Waste Local Plan are likely (given a following wind!) to be approved.
- ◆ Sites in the Minerals and Waste LDF that are 'Preferred Sites' have a good chance of being approved
- ◆ Other sites, not endorsed by Planning colleagues, are unlikely to get very far.

# Before the Application

- ◆ Consider the proposed use of the site
- ◆ EfW and MBT will need sensitive communication with the media, stakeholders and the public.
- ◆ A ‘wooing’ campaign over a series of months will need to be carried out
- ◆ The ‘ground’ needs to be prepared with environmental groups – be candid!

# Before the Application - 2

- ◆ Arrange exhibitions in the area surrounding the proposed facility
- ◆ Listen to what people say
- ◆ If opposition is overwhelming consider the wisdom of continuing with the application



# Who should Apply and When?

- ◆ To gain certainty the authority should get all sites approved before going out to procurement!
- ◆ Time is no longer on our side but even so significant risk can be removed from a project if the planning process has commenced.
- ◆ If the successful contractor applies, the authority still pays + the risk premium.

# Other Waste Sites

- ◆ In some cases HWRC sites can be more problematical than major waste treatment sites.
- ◆ Similarly, Waste Transfer Station sites, unless carefully chosen, can engender significant opposition
- ◆ Need to do the ‘homework’

# The 'Golden Thread'

- ◆ The Golden Thread that runs through all successful waste site planning applications is communication.
- ◆ Good communication of ideas and intentions at all stages, with **all** stakeholders, is considered to be absolutely essential!

# To Conclude

- ◆ Plan the project carefully
- ◆ Do the research
- ◆ Communicate with all stakeholders (especially the Big 'P' planners), listen to what they say and act on it
- ◆ Only then will you have a chance of success!



# Thank You for your Attention

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