

PLANNING POLICY GUIDANCE PPG23 - PLANNING AND POLLUTION CONTROL - CONSULTATION PAPER

1 SUMMARY

- 1.1 This report seeks Members' views on revised Planning Policy Guidance in respect of Planning and Pollution Control. A copy of the consultation paper has been placed in the Members Room.

2 INTRODUCTION

- 2.1 The current version of PPG23 was published in 1994. The revision now proposed is intended to replace those parts of the guidance dealing with pollution prevention and control. The guidance is intended to complement the new pollution control framework under the Pollution Prevention and Control Act 1999 and the Pollution Prevention and Control Regulations 2000.
- 2.2 The draft advises on the policies and practices that should be adopted by Local Planning Authorities and others involved in planning new development and redevelopment.
- 2.3 In addition to consulting on revisions to PPG23, the Government is also seeking views on the structure of the document which has been reduced and is more focussed on policy in accordance with proposals included in the Planning Green Paper (Planning: Delivering a Fundamental Change, December 2001). The issues on which the Government is consulting are listed in Appendix 1 to this report.

3 PROPOSED GUIDANCE

- 3.1 In summary, PPG23 advises that:
- any air or water quality that relates to land use and its development is capable of being a material planning consideration;
 - the planning system has an important role to play in determining the location of development which may give rise to pollution and in ensuring that other developments are, as far as possible, not affected by major existing or potential sources of pollution;
 - the controls under the planning and pollution regimes should complement rather than duplicate each other;
 - developers will find it helpful to hold early discussions with both the Local Authority and the relevant pollution control Authority;

- where possible, parallel submissions of applications under planning and pollution control procedures should be encouraged.

Relationship between Planning and Pollution Control

- 3.2 The planning and pollution control systems are considered to be complementary and close co-operation can help ensure that the common objective of sustainable development is met effectively and efficiently.
- 3.3 Clearly, pollution issues can influence planning decisions, for example, the location of new housing near to a polluting process. However, planning decisions can also have a significant impact on air and water quality and, therefore, on the local environment.

Planning Control

- 3.4 The Government is committed to urban regeneration and particularly the redevelopment of previously developed sites. This makes it all the more important to take account of the risks of pollution. The consultation makes it clear that any air or water quality consideration is capable of being a material planning consideration, insofar as it affects land use.
- 3.5 The planning system considers whether the development of land is acceptable and does not seek to control the processes or substances themselves. Therefore, the guidance states that "Planning Authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced."
- 3.6 In preparing a Development Plan, Local Authorities are advised to take the following matters into account:
- The economic and wider social need for the development;
 - The possible impact of potentially polluting development on land use;
 - The sensitivity of the area (landscape, agriculture, protective designations, etc.)
 - Existing, and likely future, air quality in an area;
 - Compliance with any statutory environmental quality standards or objectives
 - Potential effects of climate change;
 - Impact of any possible discharge of effluent or leachates;

- Suitable provisions for the drainage of surface water;
- The provision of sewerage and sewage treatment;
- Relevant action and management plans, including air quality management plans;
- The possibility of there being a statutory nuisance under the provisions of the Environmental Protection Act 1990.

3.7 More specific advice is given in respect of the preparation of Local Plans. In particular, Local Plans should include criteria against which applications for potentially polluting development may be determined.

Development Control

3.8 In determining planning applications, Local Planning Authorities must be satisfied that planning permission can be granted on land-use grounds, taking due account of environmental considerations.

3.9 Developers are encouraged to submit applications for planning approval and pollution control authorisations in parallel. This arrangement would allow Planning Authorities to take into account specific aspects of building design at the planning stage. Where this is not possible, there will be a need for close co-operation between the Local Planning Authority and Pollution Control Authority.

3.10 The guidance states that it should not be necessary to use planning conditions to control the pollution aspects of a development that are subject to prior approval by a Pollution Control Authority. It is important that planning conditions do not seek to duplicate conditions more appropriately imposed through pollution control authorisation or licence.

3.11 Outline planning applications are not considered to be acceptable for a development where the risk of pollution is significant. Planning obligations may be appropriate in certain circumstances, for example, the provision of a sustainable drainage system.

4. DISCUSSION

4.1 The advice included in this draft revision to PPG23 is considered to be clear in its explanation of the land-use issues to be taken into account by Local Planning Authorities in preparing Development Plans and processing planning applications where a development may cause pollution, or could be affected by an existing operation.

4.2 In terms of the questions posted in the consultation and reproduced in Appendix 1, the following responses might be appropriate:

- (a) The advice is considered to be useful. The several appendices included in the document helpfully summarise information about pollution control, although this information is, of course, available in the original documents.
- (b) The advice is clear and succinct.
- (c) The main readership will be planning professionals advising their Local Planning Authorities on such matters, and developers contemplating an application. As such, it does seem that the advice is pitched at about the right level without the inclusion of too much technical information.
- (d) This is background information that ties in with the document's appendices. It is considered that the short commentary provided is really necessary to set the scene.
- (e) If developers are persuaded to submit parallel applications, then this is the ideal situation. The position is more complicated when this is not the case and, in any event, despite clear guidance, objectors will still have difficulty in understanding that different bodies have different responsibilities in the decision making process and the subsequent control of the use.
- (f) A comment is made about the appendices in (a) above. Some detail is required to ensure that a rounded picture of the issues is available.
- (g) No.
- (h) It is unlikely that there will be any cost savings. The advice is more clearly presented than previously, but is not significantly different from the framework that has been operating since 1994.

5 RECOMMENDATION

That, subject to additional comments from Members, the suggested response outlined in this report forms the basis of the Council's comments on the consultation paper on revisions to PPG23 - Planning and Pollution Control. (HPS).

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Background Papers:

PLANNING POLICY GUIDANCE PPG23: (PLANNING AND POLLUTION CONTROL) Consultation Paper - July 2002 Version from the Office of the Deputy Prime Minister, London

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APPENDIX 1

Main issues on which views are sought

- (a) Do we need such advice in a simplified, leaner, planning system? Is all the text necessary or could any parts be omitted? If so, what core text is essential?
- (b) Is the advice sufficiently clear?
- (c) Is it aimed at the right level of readership?
- (d) Is the level of background information on the pollution control systems provided in the main text (i.e. paragraphs 6 to 19) sufficient and useful? Or could this be simplified and placed in the relevant appendices, or in good practice guidance?
- (e) The present draft encourages the submission of parallel applications under planning and pollution control procedures - is this a sensible use of resources or can consultees suggest other ways in which the procedures could be streamlined to avoid conflict and unnecessary expenditure?
- (f) Are the appendices useful in providing background and explaining the relevant regulatory control systems and how they work in relation to the planning regime, and should therefore be in the final published documents? Or could they be dispensed with, to avoid excessive detail?
- (g) Do any of the terms used require further explanation or illustration?
- (h) Is the advice likely to lead to any material increases or costs or savings for local planning authorities or applicants? If so, would you please quantify your estimates.