

Position paper:

Planning Policy



October 2013



At a **Glance.**

The UK urgently needs a sustainable waste infrastructure that can meet its needs - now and in the future. But despite the pressing need for economic investment and growth, over the last few years this has become increasingly difficult to deliver. Thanks to an uncertain and evolving planning regime, our infrastructure requirements still remain acute and financially challenging.

Where we **Stand.**

Veolia would urge that further changes are made to reduce the burdens on the industry. This is the only way that the waste infrastructure in the UK will continue to grow and receive external investment.

If development plans are to be realised in the future, it's imperative that project development is aligned with existing policy frameworks. Sites and developments must also continue to be promoted throughout the Local Development Process. Community relations will be the key to success. Industry must strive to engage with local communities and the Government to seek ways to encourage acceptance of developments that communities need but do not necessarily want.

The Situation.

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The waste industry now has incredibly modern waste management facilities with high levels of technology and investment.

The UK urgently needs a sustainable waste infrastructure that can meet its needs - now and in the future. But despite the pressing need for economic investment and growth, over the last few years this has become increasingly difficult to deliver. Thanks to an uncertain and evolving planning regime, our infrastructure requirements still remain acute and financially challenging.

The waste industry now has incredibly modern facilities with high levels of technology and investment, yet generally it's still perceived to be a "bad neighbour". That means that, unlike other industries, it does not benefit from the Use Class or Permitted Development rights that would reduce the burden on investment and growth.

What's more, despite positive community engagement by companies like Veolia Environmental Services, the industry is still seen as the problem, rather than the provider of solutions to society's waste problems. These fundamental issues and prejudices

must be broken down and addressed if we are to provide the investment, infrastructure and jobs expected of us within a framework of Localism. The Government has a key role to play in this, both through legislative change and the long-awaited National Waste Management Plan.

When it comes to planning, the system itself operates on "plan led" principles. Decisions are taken in the context of a framework of policy and guidance designed to provide for future development needs and infrastructure requirements. But the system has largely failed to deliver an adequate framework, one that gives the industry the confidence to bring forward proposals and gives decision makers a clear framework within which to determine them. Add to that a lack of clear, unequivocal guidance from Government and it's no wonder decision makers feel uncomfortable about taking positive decisions - even when recommended to do so by their professional officers.

The result is often delayed determination or planning refusal so that the decision has to be made by others, with a negative impact on timescales, costs and investor confidence. The political intervention of the Secretary of State has also frequently given rise to frustration, significant delay and additional cost. Too often this has resulted in additional and unnecessary cost to the tax payer or has deterred investment from the UK.

The Situation.



The legal requirements

The Localism Act 2011 and National Planning Policy Framework (NPPF) brought forward changes to streamline the planning process and provide a pro-development boost to economic activity. However, whilst welcome in principle, both still contain major areas of uncertainty and ambiguity. In the short to medium term this will not encourage swift decision making at the local level for waste infrastructure that is needed urgently.

The industry is also witnessing the loss of its strategic policy framework. The framework of Regional Strategic Statements is being dismantled. The waste industry must therefore rely on the requirement of Local Authorities to co-operate with each other when preparing their own Local Development Frameworks.

The NPPF itself has little to say about waste. As an industry we therefore have to depend largely on PPS10 and Waste Strategy 2007 until it is supplemented by the National Waste Management Plan, later in 2013 (accompanied by revisions to PPS10). In addition, the extensive range of case law built up over many years on a range of key matters is now uncertain and potentially unreliable. That's because it was underpinned by the now rescinded Planning Policy Statement (PPS)/ Planning Policy Guidance (PPG). This only serves to increase planning risk and the

likelihood that a planning system for waste infrastructure will be dominated by Appeal.

Indeed, the Department for Communities and Local Government (DCLG) has indicated that it will not provide guidance on how to interpret the NPPF as this will be made at the local level in line with the principles of Localism. This is likely to compound the issues faced by the waste industry. Defra has recently published its long awaited guidance on Energy from Waste (EfW). Whilst helpful in clarifying the range of issues and considerations that we need to bear in mind, it fails to provide the level of endorsement sought by the industry.

For some Major Infrastructure Projects there is at least a more defined and clear framework for bringing forward proposals that meet the National Infrastructure Projects criteria. Although the process is highly prescriptive and comes with significant resource and financial implications, it at least gives some certainty to the timescales needed for determination. However, even here the Compulsory Purchase Order (CPO) provisions contained within the process could potentially give rise to protracted delivery times.

The Growth and Infrastructure Bill should help to streamline the planning system further when it receives Royal Assent later

in 2013. It contains changes to help kick-start the economy by unlocking major infrastructure investment and reducing bureaucracy. Furthermore, proposals to reform the Judicial Review (JR) process by reducing the JR period and the number of application stages should also minimise construction risk and delay. The DCLG's recently published consultation paper on streamlining the planning application process in relation to content, validation and Design and Access Statement provisions, should also be of benefit. However, as always the devil is in the detail. Lobbying by objectors has the potential to change the emphasis and benefits the consultation paper proposes. Other changes, including those brought about by the European Communities (Environmental Impact Assessment) (Amendment) Regulations, also have the potential to increase the burdens for the UK, rather than reduce them.

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Where we Stand.

Veolia would urge that further changes are made to reduce the burdens on the industry



Despite the strong rhetoric and measures intended to encourage investment and economic activity, we believe the Localism Act 2011 has slowed down the plan making process. It has also delayed investment decisions for waste development, particularly for major residual waste projects.

Veolia would urge that further changes are made to reduce the burdens on the industry, including those associated with the Use Classes Order and Permitted Development rights. This is the only way that the waste infrastructure in the UK will continue to grow and receive external investment.

If development plans are to be realised in the future, it's imperative that project development is aligned with existing policy frameworks. Sites and developments must also continue to be promoted throughout the Local Development Process.

Community relations will be the key to success. Industry must strive to engage with local communities and the Government to seek ways to encourage acceptance of developments that communities need but do not necessarily want.

Veolia will continue to make significant investment into the development of a modern waste management infrastructure; one that meets the needs of local authorities and society as a whole. However, the costs and risks involved are increasing. We believe that more can, and should, be done by Government to ease the burden and make it clear whether certain technologies are acceptable.

Ultimately this will assist in the timely delivery of sustainable waste infrastructure and provide much-needed jobs and growth.



Where do you stand?

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