

		AGENDA ITEM 5
		EDE/12/11
Committee:	Economic Development and Environment Policy & Scrutiny Committee	
Date:	12 May 2011	
SCRUTINY REVIEW ON THE EXERCISE OF PLANNING CONTROL ON THE USE OF INERT WASTE FOR RECREATIONAL DEVELOPMENT		
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In September 2008 (Minute 28) the Committee agreed to add to its list of topics to be taken forward as part of its work programme a scrutiny review on the exercise of planning control on the use of inert waste for recreational development. In practice the Task and Finish Group led by Councillor Schofield did not begin its work until the following year.

The objective of the scrutiny review was agreed as:

‘To review the effectiveness of planning control upon the use of inert waste for recreational development such as golf courses.’

The scoping document for this review is reproduced at Appendix A to this report.

The Task and Finish Group led by Councillor Schofield has now completed its work, and its final Scrutiny Report is attached at Appendix B for the Committee’s consideration.

The Scrutiny Report contains the following recommendations:

1. That in the summer of 2012 the Cabinet Member for Communities and Planning be invited to inform the Economic Development and Environment Policy and Scrutiny Committee on the longer term effectiveness that the ‘Development Involving County Matters. Guidance Notes, March 2009’ may have had in Essex since its publication.

2. That as part of the monitoring of the outcomes of this review in the summer of 2012, the Environment Agency be invited to provide a progress report on the implementation of the new Environmental Permitting Regulations.

3. That the Cabinet Members for Highways and Transportation, and Communities and Planning continue to explore opportunities to reduce the impact of lorry movements associated with development upon the local highway network.

Action required by the Committee:

The Committee is invited to consider the final report of the Task and Finish Group, and approval of the recommendations contained therein.

Scoping Document

Committee	Economic Development and Environment Policy and Scrutiny Committee	
Topic	The exercise of planning control on the use of inert waste for recreational development.	Ref: EDE-SCR-07
Objective	To review the effectiveness of planning control upon the use of inert waste for recreational development such as golf courses.	
Reasons for undertaking review	<p>Since the introduction of the Landfill Tax, companies have had to pay tax on the inert waste that they dispose of at landfill sites. If inert waste is being used to facilitate recreational development eg a golf course, it will normally be exempt from waste management licensing and the developer may avoid the payment of landfill tax. While planning permission is still required, the proper local planning authority could be either a district or county council depending upon the detail of the proposed development.</p> <p>The Committee is aware of a number of instances across the county where recreational development has led to local concern, because of its scale and the apparent lack of development control. Therefore Members wish to review how planning control is being co-ordinated and exercised in practice and, if necessary, raise awareness across the county in order to promote more effective practices and procedures.</p> <p>Councillor John Schofield proposed this review and his reasons are set out at the Appendix to this document. <i>(NB not reproduced with this committee report – May 2011)</i></p>	
Method	Task and Finish Group	
Membership	Councillors J Schofield (Lead), J Dornan, R Howard, J Knapman, G McEwen	
Issues to be addressed	<p>To review existing development control legislation in respect of recreational development that incorporates the use of inert waste eg the creation of golf courses.</p> <p>To review what practices and procedures are in place for the consideration and control of such development.</p> <p>To consider the need for more effective co-ordination in the consideration of such planning applications by the County and District Councils.</p>	

Sources of Evidence and witnesses	<p>Briefing papers Cross examination of witnesses</p> <p>Site visits (need to be able to distinguish between different scales of development)</p> <p>County and District Planning Officers, Environment Agency, Developers, and Members of the public</p>		
Work Programme	<p>Probably require at least six months to undertake because of the need for consultation with District Councils, and to seek information from a variety of witnesses</p>		
Indicators of Success	<p>The production of an evidence based scrutiny report for submission to the Cabinet Member, and the Committee's observations/ recommendations are acted upon.</p> <p>Raised awareness of the waste planning issues associated with recreational development, and more effective co-ordination and planning control across all local planning authorities in Essex on these types of development.</p>		
Meeting the CfPS Objectives	<p>The Committee will act as a critical friend to the Executive on the way planning control for recreational development is currently being exercised across Essex where a planning application may be treated as either an amenity or waste planning issue.</p> <p>This is an issue that has raised local concerns as reported in the local media particularly in relation to lorry movements, and enforcement of planning control.</p>		
Date agreed by Committee	<p>Minute 28/ September 2008</p>		
Future Action			
Governance Officer	Christine Sharland	Committee Officer	Ian Myers
Service Lead Officer(s)	<p>Roy Leavitt and Richard Greaves, Minerals and Waste Planning (ESH)</p>		

Scrutiny Review on the exercise of planning control on the use of inert waste for recreational development.