



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

## **WELSH ASSEMBLY GOVERNMENT**

# **FEES FOR MONITORING MINING AND LANDFILL SITES A GUIDE TO IMPLEMENTATION AND GOOD PRACTICE**

**MAY 2006**

Guidance for the implementation of SI 2006 No.152 (W.108) The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment No.2) (Wales) Regulations 2006

# WELSH ASSEMBLY GOVERNMENT

## FEES FOR MONITORING OF MINING AND LANDFILL SITES: A GUIDE TO IMPLEMENTATION AND GOOD PRACTICE

May 2006

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## INTRODUCTION

1. The Town and Country Planning (Fees for Applications and Deemed Applications)(Amendment No 2)(Wales) Regulations 2006 SI 2006/1052 (W 108) came into force on 6 April 2006 to provide for the payment of a fee to local planning authorities (LPAs) in Wales for the monitoring of mineral and landfill waste sites. Mineral and landfill operations involve a continuous process of development, sometimes over many years and even decades in accordance with mineral and landfill waste permissions. These permissions are subject to complex and technical planning conditions to mitigate the environmental impact of mineral and waste working. The objective of introducing these fees is to ensure that these permissions are monitored to a best practice level.
2. The Government's commitment to implement a fee regime was made in the Comprehensive Spending Review 1998. The regulations and this guidance follow two Office of the Deputy Prime Minister (ODPM) research studies published in 2000 and 2004 and two public consultation exercises in 2001 and 2005 in Wales and England which explored a number of options for the scope and content of a fee regime. A separate and similar regime is being implemented in England. A planning bill is currently before the Scottish Parliament which includes a provision that will enable a similar regime to be put in place in Scotland.
3. This guidance has been prepared in consultation with representatives of the Planning Officers' Society (POS) for Wales Minerals and Waste Topic Group and the minerals industry. We hope that both LPAs and mineral and landfill waste operators will find the guidance useful in implementing the new regime and in explaining the scope of the new regime and the Welsh Assembly Government's expectations of how it will operate according to good practice principles. This guidance does not purport to give a definitive interpretation of legal planning requirements, which is ultimately a matter for the courts.
4. The guidance is structured around three main topics:

Section 1: describes what the Regulations cover.

Section 2: sets out issues which LPAs in particular will need to consider in implementing the new regime.

Section 3: offers good practice guidance on monitoring mineral and landfill permissions based on, and in some cases quoting from, the Planning Officers' Society's good practice guidance issued in 1998 (*Good Practice Guide on Monitoring Minerals and Waste Management Sites*) and also the comments received during the two consultation exercises.

5. A copy of this guidance note has been placed on the Welsh Assembly Government Planning website and sent to LPAs in Wales and the industries trade associations.
6. Individual LPAs may well wish to supplement this national guidance with advice to their staff and operators of mineral and landfill waste sites in their areas.
7. This is a new regime and the Welsh Assembly Government is committed to reviewing its operation, including any changes to the level of fees, by no later than 2011. Any changes to the regime will be subject to full public consultation. In advance of the review, any comments about the application of the new fees regime should be sent to:

**Environmental Planning Branch  
Planning Division  
Welsh Assembly Government  
Cathays Park  
Cardiff  
CF10 3NQ**

**May 2006**

# SECTION 1

## THE SCOPE OF THE REGULATIONS

1. This section explains the provisions in the regulations which introduce fees for site visits to monitor minerals and landfill waste permissions. It also offers advice on the application of these provisions. Only certain elements of the fees regime are prescribed in the regulations. Other elements, including the factors to be taken into account in determining the number of annual visits to sites and the scope of these visits are covered in Section 3 of this guidance on monitoring practice. Advice on implementing the fees regime is in Section 2 of this guidance.
2. The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment No 2) (Wales) Regulations 2006 came into force on 6 April 2006. They amend the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989. The regulations are made under section 303 of the Town and Country Planning Act 1990, as amended by section 53 of the Planning and Compulsory Purchase Act 2004. The latter enables the National Assembly for Wales to provide for the payment of fees or charges relating to the determination of other functions of local planning authorities (LPAs) in addition to the determination of planning applications. The regulations apply in Wales only.
3. The Regulations prescribe a relatively limited number of matters. Specifically, they provide for a fee to be paid for a maximum of 8 site visits in any one period of 12 months by local planning authorities to active mining and landfill sites for monitoring purposes. Additional visits may be undertaken but they cannot be charged. For inactive mining and landfill sites, a reduced fee is payable for 1 monitoring visit in any one year. The following terms are defined in the regulations:
  - i. mineral permission and landfill permission
  - ii. mining site and landfill site
  - iii. active and inactive sites
  - iv. site visit
  - v. the fee; and
  - vi. who is liable to pay the fee.
4. The following paragraphs set out the definitions in the regulations and give advice on their application as part of the fees regime.

## Mineral and landfill permissions

5. *Mineral permission* is defined as:

“any planning permission for development consisting of -

a) the winning and working of minerals; or

b) the depositing of mineral waste”

The “winning and working of minerals” is not defined in the Regulations or other planning legislation but has come to be interpreted as the extraction and primary processing (eg grading and crushing) of minerals.

6. *Landfill permission* is defined as “any planning permission for operational development designed to be used wholly or mainly for the purpose of, or material change of use to, a waste disposal site for the deposit of waste onto or into the land”. This definition is consistent with the definition of landfill in the Landfill (England and Wales) Regulations 2002. The definition is restricted to permissions for waste disposal sites for the deposit of waste onto or into land. It does not include the deposit of waste as part of a waste recovery operation, as this does not involve waste disposal. A copy of the guidance to determine whether a waste activity is a disposal or a recovery operation is available at [www.environment-agency.gov.uk/commondata/acrobat/dr\\_guidance\\_v\\_1\\_1150553.pdf](http://www.environment-agency.gov.uk/commondata/acrobat/dr_guidance_v_1_1150553.pdf)
7. These definitions cover both specific planning permissions and general permissions granted under permitted development orders (but see paragraph 9 below).

## Mining and landfill sites

8. *Mining site* is defined as land to which either a single mineral permission relates or, the aggregate of land to which two or more permissions relate where the aggregate of the land is worked as a single site or is treated as a single site for the purposes of schedule 13 or schedule 14 to the Environment Act 1995.

*Landfill site* is defined as land to which a landfill permission relates.

9. The definition of mining and landfill sites has been drafted so that, in each case, an area of land can be defined which, irrespective of the number of planning permissions which relate to it, is worked as a single site and so will be subject to monitoring visits for which a charge will be made. It is expected that the vast majority, if not all, of the mining and landfill sites to be monitored under this regime will be ones where there are one or more specific mineral or landfill planning permissions (as

defined in paragraphs 5 and 6 above) granted subject to a number of planning conditions. These sites may also have the benefit of permitted development rights. It is most unlikely that there will be sites to be monitored which benefit only from mineral or waste permitted development rights which fall within the definitions of mineral and landfill permissions in paragraphs 5 and 6 above.

10. Landfill sites are likely to be parcels of land which clearly form single working sites. Fees are only payable for visits to monitor landfill sites which are subject to landfill permissions as defined in the Regulations (see paragraph 6 above). Landfill sites which are subject to such permissions may also have other waste activities on them, including waste recovery activities, and LPAs should monitor those activities where they are integral to the operation of the site (see paragraph 43 below).
11. Minerals operations may take place on more than one parcel of land but together form a single working site. The definition of mining site therefore provides for the aggregation of one or more parcels of land to which two or more mineral permissions relate in order to identify a single operational unit.
12. Some mineral operations rely on one or more “satellite” sites at which mineral is extracted and may undergo a degree of primary processing and at which mineral waste may be deposited. The resulting minerals from extraction and primary processing may be sent to a dedicated central processing facility such as a brick works or cement works for secondary processing and manufacture. Some of these “satellite” sites may be active, whilst others may be held in reserve to be brought into production in the future.
13. Whether or not “satellite” sites should be grouped with the main extraction site or processing facility and regarded as one mining site or several different mining sites will depend upon factors such as:
  - their location;
  - their distance from each other and from the main extraction site or primary processing facility;
  - whether it is clear that the various sites form part of a co-ordinated mineral extraction and/or primary processing operation; and
  - whether it makes sense to monitor them all at the same time or separately.
14. Some sites worked as single units may be subject to both mineral and landfill permissions. In other words they may be both mining and landfill sites as defined in the regulations. Such sites must be regarded as single sites which may be subject to the maximum chargeable

monitoring visits (8 or 1 depending on whether the site is active or inactive) in any 12 month period.

15. In most cases it should be clear from the planning history of the development what constitutes a site. Ultimately it is for the LPA to define the area of the site and the permissions, permitted development rights and any planning obligations including section 106 agreements to be monitored, having considered with the operator(s) the most appropriate and efficient aggregation of areas, permissions and agreements.

### **Active/Inactive sites**

16. An *active* site is one where development to which a mineral or landfill permission relates or, other works to which a condition attached to the mineral or landfill permission relates, is being carried out to any substantial extent. An *inactive* site is any other site and includes dormant sites (see paragraphs 17 and 18 below). A single site which is both a mining site and a landfill site, will be active whenever the mining and landfill sites are active and when either the mining or landfill site is active.
17. An active site can therefore include both working mineral and landfill sites and those which are 'mothballed' but which may be subject to ongoing restoration or aftercare. Fees will cease to be charged for monitoring visits on the completion of the period of aftercare required by a condition of the planning permission. An inactive site will include both a dormant mining or landfill site (see below) and a 'mothballed' mining or landfill site where no mineral or landfill restoration and aftercare are being carried out to any substantial extent. Where an active site is 'mothballed' but subject to restoration works, then the site should receive fewer monitoring visits than a working mining and landfill site where mineral extraction or processing, or the deposition of waste, is being carried out.
18. For an Interim Development Order consent granted after 21 July 1943 and before 1 July 1948 and for an old mineral permission granted after 20 June 1948 and before 22 February 1982 a site is *dormant* where no minerals development has been carried out to any substantial extent for, respectively, the two years preceding 1 May 1991 and during the period between 22 February 1982 and 6 June 1995. Work cannot start on any dormant site until a new scheme of full modern operating and restoration conditions has been approved by the LPA.
19. LPAs can charge a reduced fee (see 23 below) for monitoring visits to inactive sites.



## **Site visit**

20. *Site visit* has been defined in terms of a planning authority's powers to enter a site. These powers are specifically related to an authority's enforcement responsibilities and so the definition of a site visit is restricted to those cases where an LPA enters the mining or landfill site to monitor compliance with planning control, to consider whether enforcement action should be taken and to ensure compliance with any such action. It is important to remember that while the definition of site visit provides the legal basis for officers entering a mining or landfill site, the rationale for monitoring visits is for authorities and operators to work together constructively to review compliance with permissions in the light of the stage of development reached and possible changing operational circumstances and needs. In this way problems can be avoided and formal enforcement action is more likely to be unnecessary (see also paragraph 36 below).
21. LPA officers undertaking a monitoring site visit must check compliance with mineral and landfill permissions as defined in paragraphs 5 and 6 and any related planning obligations. LPA officers may also check compliance with other permissions and planning obligations that apply to the site including, for example, separate permissions for secondary mineral processing and manufacture (see paragraph 43 below).
22. A fee is only payable when local authority officer(s) enter a mining or landfill site for the purpose of monitoring compliance with planning permissions or obligations. A 'drive by' assessment or any assessment by a planning officer of conditions at a site which is not followed by entry to that site would not be a site visit for which a fee should be charged.

## **Amount of the fee**

23. A *fee* of £288 shall be paid to the LPA in respect of a site visit to an active site or £96 in respect of a visit to an inactive site, as defined in the regulations (see paragraph 16 above).

## **Who is liable to pay the fee**

24. Ownership and operation of mining sites can be quite complicated. There may be one or more owners of the land who might or might not also be owners of the mineral interest in the land and who might or might not be the operator. Planning permission may be sought by either an owner or operator. It is also possible that there might be one or more operators with an interest in respect of one planning permission (eg through sub-letting). Similarly, owners of landfill sites may not be the operators of those sites. Either may have been granted planning permission. Monitoring is intended to ensure owners or operators compliance with

operating conditions attached to permissions and with planning obligations. In addition, there is a need to ensure that no unauthorised development is taking place. As a result, the operator should pay the charge for the monitoring, even though it is possible that, in some cases, the permission will have been granted to a different person - eg the owner - and that it is the owner against whom the authority has ultimate sanction in enforcement proceedings.

25. The definition of operator in the Regulations is the person who is identified as:

“(a)

- (i) carrying out operations on the land consisting of the winning and working of minerals;
- (ii) using the land for the deposit of mineral waste;
- (iii) carrying out operations on the land for the purposes of, or using the land as, a waste disposal site for the deposit of waste onto or into the land; or
- (iv) carrying out on the land other works to which a condition attached to a mineral permission or landfill permission relates.

(b) Where there is more than one person carrying out the operations, works or using the land in the way described in sub-paragraph (a), the person in overall control of the mining site, landfill site or, where a site is both a mining site and a landfill site, the mining site and the landfill site, as the case may be; or

(c) in either case, where there is no such person, the owner of the site.”

26. A single operator of a mining or landfill site will be liable to pay the monitoring fees. Alternatively, where there is more than one operator on a site then the operator in overall control of the site, who may be the head lessee or head licensee, would be liable to pay the fees. In most cases there will be either one operator or one person in overall control of the site. For sites in multiple operation, any operator in overall control may choose to make separate arrangements for recouping a contribution towards the fees from subsidiary operators. Subsidiary operators include any person who is carrying out mineral development but is not in overall control of the site. They may also include any person who is carrying out operations not within the definition of mineral development and who is not in overall control. This type of operation could include, for example, a ready mixed concrete or asphalt plant or a recycling facility.

27. However, the Regulations also provide that for a site in multiple operation where a person in overall control cannot be identified, liability to pay the monitoring fee rests with the owner; firstly a person who holds the head lease of the site and if there is no head lessee, then the person who is the freehold owner of the site. If there is more than one owner, then the fee will be split between them.

## **SECTION 2**

### **IMPLEMENTATION ISSUES**

28. This section offers advice on issues to be considered by LPAs in implementing the new regime.

#### **Powers to enter mining and landfill sites**

29. Section 196A of the Town and Country Planning Act 1990 gives LPAs the power to enter mining and landfill sites to carry out monitoring to a good practice level. The definition of “site visit” in the regulations (see paragraph 20 above) replicates the powers in section 196A, which requires that there should be “reasonable grounds” for authorities entering the land. While the powers to enter sites are those used by authorities to exercise their enforcement function, the overriding objective of good practice monitoring is to secure, through constructive dialogue between authorities and operators, compliance with planning conditions and agreements.

#### **Resources allocated for monitoring mining and landfill sites**

30. The Welsh Assembly Government believes that, with the introduction of monitoring fees, the mineral and waste industry is entitled to expect LPAs to employ fully trained and qualified planning staff in sufficient numbers to carry out the monitoring of mining and landfill sites in accordance with the good practice principles summarised in Section 3 of this guidance. On the basis of the Planning Officers Society’s good practice guidance (Good Practice Guide on Monitoring Minerals and Waste Management Sites), it is recommended that :

- authorities should regularly review the range of skills needed to monitor compliance;
- monitoring should involve experienced staff and suitable junior staff should be trained to maintain a sufficient number of monitoring officers;
- senior staff should visit problem sites and be involved in discussions with operators;
- tours of a range of representative sites should be arranged for planning committee members at regular intervals to give an appreciation of operational issues and what is involved in monitoring work;

- adequate supporting staff resources should be provided (eg. clerical and technical);
  - specialist advice should be sought to monitor more complex issues such as noise or landscaping;
  - consideration should be given to the use of outside resources to obtain specialist advice not available within the planning department; and
  - adequate powers should be delegated to officers to act promptly on breaches of planning control.
31. It is recognized that some authorities will need to develop appropriately resourced monitoring teams to achieve a good practice level of monitoring.

### **Establishing the regime**

32. LPAs will need to ensure that their current systems and procedures for monitoring are adapted to achieve the good practice summarised in Section 3. The need to agree the number of annual site visits with the operator(s) of each site and to institute appropriate invoicing arrangements to recover the fees represents a major change from current monitoring practice.

### **Agreeing the number of visits**

33. LPAs should agree with operators at the start of the charging year the number of scheduled (announced and unannounced) site visits to each site and who will be invoiced for the monitoring fees. The factors to be taken into account in determining the number of site visits are set out in paragraph 46 below. Initially, the number of visits should take into account the current standard of operator compliance with the relevant planning permissions. It is expected that, provided the reasons are clear and reasonable and accord with this guidance, and any more detailed operational guidance issued by an authority (see paragraphs 38 and 39 below), there should be no disagreement about the number of visits. However, the LPA has ultimate responsibility for setting the number of visits. If an operator considers that they have been subjected to an excessive number of visits their recourse would be to follow the LPA's complaints procedures. Where the operator is unhappy with the outcome, it may ask the local government ombudsman to investigate.

## **Invoicing arrangements**

34. Invoicing arrangements should be agreed between LPAs and operators in advance of the monitoring year. A fee for a site visit can only be charged after the visit has occurred and a written follow up report (see paragraph 54 below) has been sent to the operator. LPAs will choose to put in place arrangements to invoice operators at the end of the monitoring year for the fees for all the visits which have taken place during that year or to invoice operators after each visit at the same time as sending a follow up report. All local authorities have established procedures for taking action against those who default on required payments.

## **Self-financing fund for Monitoring of Minerals and Landfill Permission**

35. The consultation responses received in 2005 supported the proposal to establish a self-financing fund from the monitoring fees charged under this regime. The Welsh Assembly Government has noted with concern the reducing availability of expertise on minerals and waste planning issues in many LPAs in Wales. It is hoped that this regime will support an improved monitoring service to the minerals and waste industry and provide for a consistent approach across Wales. It is recommended that LPAs establish the necessary financial systems to collect the monitoring fees to create a self-financing fund to support the employment and retention of suitably experienced staff to undertake this monitoring function. The Welsh Assembly Government supports the collaboration of LPAs to share experienced staff where appropriate.

## **Other issues**

36. LPAs will need to ensure appropriate arrangements are in place to avoid as far as possible duplication of the Environment Agency's (EA) waste management licence or PPC monitoring activity at landfill sites (see paragraphs 55 and 56 below). There may be some instances where a single minerals or landfill operation straddles local authority boundaries. In such cases the operations will be the subject of separate planning permissions issued by each authority. Each local planning authority has legal responsibility for taking formal action to enforce conditions attached to its planning permissions. However, for the purposes of monitoring such operations it is recommended that adjacent authorities should reach agreement as to which is responsible for monitoring the site and so to which authority the operator will pay the monitoring fees.
37. All LPAs will need to ensure that they have in place arrangements for completion of a written feedback to operators following the site visits. While the arrangements for monitoring visits and follow-up reporting are

for LPAs and operators to determine, it is also recommended that authorities should:

- regularly liaise with town and community councils, and appropriate conservation bodies, which should be encouraged to take an active role in the monitoring process;
- seek to establish site-specific liaison groups; and
- share experience, expertise or equipment when necessary.

### **Local authority guidance**

38. For clarity and accountability, LPAs may wish to produce in collaboration with site operators their own guidance on local operational issues relating to the fees regime, to supplement this more general guidance. They may also wish to introduce a protocol setting out how the regime will be implemented and the standard of service operators could reasonably expect.

39. Local guidance should reflect the scope and principal parties of the regime as described in this document and not impose more onerous requirements. In particular, authorities should consider issuing guidance on:

- the process for agreeing the number of inspections in liaison with operator(s), including the factors to be taken into account in deciding the number of visits;
- the invoicing arrangements including liaison with operators to decide which operator should be invoiced (see paragraphs 24 to 27);
- the arrangements for liaison with EA to avoid duplication of work (paragraphs 55 and 56 below);
- the fee recovery arrangements - dealing with cases of non-payment;
- the format and timing of written follow-up reports.

### **Assessment of staff costs**

40. As explained in the Introduction to this guidance, the Welsh Assembly Government is committed to reviewing this fee regime. One of the options considered in developing the current regime, and to be considered again in the review, is that of moving to a regional or locally based scheme where authorities could charge their actual monitoring costs rather than a nationally set average fee. In anticipation of that review and also for their own internal management purposes, LPAs are advised to adopt systems, such as time sheets, to record the actual time

spent on the monitoring function following the introduction of this fees regime.



## **SECTION 3**

### **GOOD MONITORING IN PRACTICE**

41. Section 1 recognises that the Regulations are only specific to a relatively few of the issues eg what constitutes a site visit, who should pay for the monitoring and what fee they should pay. The Regulations do not prescribe how the monitoring is to be undertaken in practice. This section therefore clarifies how the regime should work, in order to achieve its purpose of monitoring according to good practice. The Welsh Assembly Government wishes to encourage a constructive, non-confrontational approach between LPAs and operators in order to promote universal compliance with, and wherever possible, exceedance of, the standards set by planning conditions. The introduction of fees is intended to raise all monitoring to good practice levels and not to detract from the positive relationship which exist between many authorities and operators.

#### **Objectives**

42. The Welsh Assembly Government therefore fully endorses the POS' good practice guidance that monitoring should:

- be used to minimise the need for enforcement or other action;
- identify and avoid potential problems before they arise;
- encourage good practice rather than punish bad practice;
- be developed as a means of regular liaison with operators and the public.

#### **Scope of the fees regime**

43. Fees are chargeable for site visits to monitor mineral and landfill permissions (from their initial implementation to the end of the aftercare period required by a condition of the planning permission) and any planning obligations relating to:

- all mineral extraction sites - see definition at paragraph 8 (and definition of mineral permissions at paragraph 5);
- all landfill sites - see definition at paragraph 8 (and definition of landfill permission at paragraph 6);

- all other waste activities located on a mineral extraction and/or landfill site which are an integral part of the operation of that site.

During a site visit, LPAs may also check compliance with other permissions and planning obligations which apply to the site.

### **Dialogue with operators**

44. Monitoring provides the opportunity for regular liaison between operators and LPAs. It should also further encourage operators to liaise regularly with local communities to deal with any concerns about the mineral and landfill operations, including complaints mechanisms. In agreeing the number of annual monitoring visits for specific sites, authorities should clearly explain to operators the basis of their performance assessment and other factors which have been taken into account in reaching their decisions.

### **Number of annual visits**

45. The planning system expects operators to comply with conditions in planning permissions. There should therefore in general be no 'reward' for achieving compliance. Rather, LPAs should consider carrying out more monitoring visits to sites where the risks of non-compliance are higher, or where operators fail to comply without good reason. While the Regulations specify a maximum of 8 chargeable annual site visits to active sites (additional visits can be undertaken but they cannot be charged), the POS good practice guidance suggests that on average active sites should be inspected at least quarterly. However, the actual number of visits to active sites should be determined on the basis of an assessment of a number of factors (see paragraph 46) including the performance of the operators of individual sites in complying with planning permissions and any planning obligations on those sites. Consistently compliant sites should expect fewer visits than those sites where breaches of planning control have been a feature, including where complaints about operations have revealed breaches of planning control. Such sites should expect more visits.
46. The Welsh Assembly Government considers it is likely that most sites will be compliant and so most should have no more than 4 visits per year. As regular monitoring becomes established in line with good practice, the percentage of sites with no more than 4 visits to rise. More than 4 visits should only be needed at particularly sensitive stages of a site's development, or where the authority has concerns about compliance. Minor breaches of control at an otherwise consistently compliant site should not normally attract an increased frequency of

visits in the following year. In deciding the appropriate number of site visits, LPAs should take the following factors into consideration:

- i. size and type of development;
  - ii. number and complexity of conditions;
  - iii. number of issues requiring monitoring;
  - iv. stage of development. For example, more frequent visits to mining sites are likely to be needed during initial site preparation (eg construction of site access and wheel washing equipment, installation and commissioning of processing plant/offices), soil stripping and replacement and the creation of soil storage and screening mounds, restoration planting and the final removal of plant equipment on completion of restoration;
  - v. whether the operator has ISO 14001 or EMAS accreditation;
  - vi. progressive nature of working/ restoration (ie sand and gravel sites may require more frequent visits than hard rock);
  - vii. breaches of planning control observed;
  - viii. complaints received for the site which prove to be justified.
47. The number of visits should be determined by the LPA following discussion and agreement with the operator at the start of the monitoring year. Visits may be announced or unannounced.
48. Inactive sites require no more than one visit for which a fee will be payable each year. Any additional visits cannot be charged.

### **Time spent monitoring**

49. The amount of time spent on monitoring a site will depend on the number and type of planning conditions or aspect of the operations that are being monitored.

### **Health and safety**

50. As will already be the case for any site visits, inspecting officers should be aware of the health and safety requirements at the sites visited and should present their Identity Documents to the site manager before commencing an inspection. There will be instances where inspecting officers will be required to be accompanied by an appropriate member of staff to comply with health and safety rules.

### **What needs monitoring**

51. While individual visits may monitor one aspect of operations or a few conditions only, each year the following should be monitored:

- all conditions at every site;
- development permitted under the provisions of Parts 19 - 23 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995;
- any planning obligations, including any section 106 agreements.

52. The POS' good practice guidance also recommends that:

- boundary limits should always be checked;
- in addition to the matters referred to in paragraph 51, the inspection officer's judgement of what further matters should be inspected will depend on the impact of the operations.

## **Reporting - timesheets and reports**

### *Timesheet*

53. A timesheet should be produced by each LPA and completed for each site visit recording the following information:

- i. Time of arrival
- ii. Time of departure
- iii. Name and address of officer(s) who carried out the inspection
- iv. Whether the visit was announced, unannounced or a response to a complaint
- v. A short description of what planning conditions were monitored
- vi. Signature of inspection officer(s) and site manager

### *Reports*

54. A written monitoring report should be completed by the LPA and copied to the operator for information giving a full account of compliance with planning conditions and identifying any failures to comply with conditions. The type of report will be influenced by the purpose of the inspection eg to review a particular aspect of the development or a full inspection of all conditions. However, the report on any visit should detail the matters reviewed, the points arising, including identifying agreed improvements in working practices, any breaches of conditions, and the action required by both the operator and the LPA, including timescales.

## **Avoiding duplication with Environment Agency monitoring**

55. Planning Policy Wales Technical Advice Note 21: Waste considers that the planning and pollution control regimes are separate but complementary. Pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health. The planning system controls the development and use of land in the public interest and should focus on whether development is an acceptable use of the land, and the impacts of those uses on the development and use of land. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.
56. It follows that in practice there should be little or no “blurring” of the interface between planning and waste management licensing/ permitting controls at waste sites and that there should be no need for duplication of monitoring at waste sites by LPAs and the EA. Operators should not be billed twice for monitoring the same matters. It will require liaison between the regulators to ensure that there is no duplication of effort and if there is any overlap between the two regimes, one or other should take the lead.