

**Implementation of new powers to charge for the monitoring of mineral and landfill permissions**

Report by Head of Planning Applications Group to the Regulation Committee on 19 September 2006.

Summary: Progress in implementation of new powers to charge for the monitoring of mineral and landfill permissions. Work and resources required to introduce charging for our formal monitoring of mineral and landfill permissions in Kent

Recommendation: Note progress of this work and support prioritisation of work for the period to 31<sup>st</sup> March 2007.

Local Member: n/a

Unrestricted

**Background**

1. In May 2006 we reported to committee that new Regulations had come into force giving mineral and waste planning authorities (mwpas) the powers to charge for the monitoring of mineral and landfill waste permissions.

**Update on work completed to date**

2. We have prepared our own guidance explaining how we will administer the scheme and approach site monitoring in Kent. This has been issued as interim guidance for the period up to 31<sup>st</sup> March 2008. A copy has been sent to relevant operators and will be on our website. It sets out the procedures for invoicing, fee recovery and dealing with disputes and will be reviewed, taking into account operator comments that we receive and the findings from the first full 18 months of monitoring under the new regime.
3. From the initial categorisation of sites, there were 99 sites that were thought to fall within the regime. The initial assessment of sites has been revisited and as a result of more detailed investigation, this number has been reduced to 87 sites and site categorisations refined. These were split into the following categories:

	Nos of sites in each category	Estimated No of visits required
Category 1	17	17
Category 2	24	48
Category 3	12	36 to 48
Category 4	23	92 to 138
Category 5a & b	5	24 to 32
Further verification needed prior to initial contact	6	
Totals	87	Between 217 & 283

4. We have written to relevant site operators in order to introduce the system to them and in order to start the process of agreeing site categorisations and site visit frequencies. Operators have been told of our initial site categorisation and indicative monitoring frequency and have been asked for their views via completion and return of a site survey form to us.

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5. Initial chargeable visits to sites have not yet commenced.

**Information received from site operators**

6. We asked operators to return the site survey form to us by the 11<sup>th</sup> September and at that time we will be able to establish how many operators agree or otherwise with our initial site categorisation and site monitoring frequency. We will also be able to identify what further initial site survey work is required. This information will help us to further prioritise the work.
7. The indication from the survey forms received so far (representing approx 25% of the sites) suggests that some operators (mainly those in lower visit frequency site categories) clearly agree with our initial site categorisation. Others suggest that a lower site categorisation is more appropriate and we will need to consider these further. Some operators consider that they fall into a lower category than the information that they have provided to us in their survey form suggests they should be, and we will need to explain our categorisation to them. There are some sites where we need to do more to establish the most appropriate and the main operator to write to and we will need to re-send the survey form. Further correspondence will also be needed with those that sent back incomplete forms.

**Proposals to further progress implementation of chargeable monitoring in the period to 31<sup>st</sup> March 2007**

8. We do not currently have sufficient additional appropriately skilled staff in place, in order to carry out all of the visits that would be required in order to deliver an excellent monitoring service in the period up to 31<sup>st</sup> March 2007. We will therefore need to prioritise our visits to sites.
9. Our monitoring guidance stated that we would give a higher priority in our phased implementation, to carrying out the first chargeable monitoring visits, to those sites that we think, based on our initial site category and the site survey information, should be in site categories 5, 4 or 3. We indicated that we would also give a higher priority to carrying out the first visits to sites where we have no recent information about the activities being carried out at the site.
10. Based on the site numbers in paragraph 3, there are 40 sites within these three categories which would require monitoring in the period up to 31<sup>st</sup> March 2007. Using the suggested monitoring frequencies to these sites for the remainder of the year means that we will need to carry out between 13 visits per month and 18 visits per month. However, the workload associated with each visit indicates that we will not be able to complete a programme of visits to this frequency at all sites within categories 5, 4 and 3. It would be more realistic to give a higher priority to only those sites in category 5 and 4. This would mean that visits to sites in other categories would be delayed until after 1<sup>st</sup> April 2007.
11. However, if we have a large number of operators that do not respond to our site survey, we will need to reconsider this prioritisation.

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12. Where operators have returned a site survey form to us, and agree with our initial assessment of site category, regardless of the site categorisation, we may consider delaying the first chargeable monitoring visit until after 1<sup>st</sup> April 2007 in order to allow us to give a higher priority to sites where we did not receive a site survey form.
13. Alternatively, where operators do not agree with our initial categorisation and where we receive no survey response from the operator, we intend to carry out an initial site visit only, to each site, (irrespective of the site categorisation) in order to determine and agree the site category and site monitoring frequency for implementation in the 07/08 year. Members views are requested on this.
14. We will need to progress the recruitment of sufficient additional appropriately skilled staff in order to allow monitoring to frequencies that we agree with operators for the period 1<sup>st</sup> April 2007 to 31<sup>st</sup> March 2008. It is likely that the monitoring carried out will generate further case work in terms of securing full compliance, for case officers within the group, although this impact still remains difficult to quantify at this stage.
15. Improvements to our databases and systems will also be required, in order to be more efficient and effective. However, this work is unlikely to progress in isolation of other database improvements within the Planning Applications Unit.

**Conclusion**

16. In view of the need to be realistic about the level of monitoring that can be delivered, given that we do not currently have additional resources in place to do this work, chargeable visits for the period up to 31<sup>st</sup> March 2007 need to be prioritised in the ways set out above.
17. Resources will need continued diversion, from routine compliance monitoring at other types of permitted sites and also from other core planning work.
18. Continued flexibility will be needed in order to allow variation to the phasing of monitoring visits, according to resource availability. The view of members is requested on this issue.

**Recommendation**

19. I RECOMMEND that MEMBERS:
- 1) Note the progress made in implementation of Regulations that allow us to charge for monitoring at minerals and landfill permissions at a prescribed fee.
  - 2) Support development of the scheme in accordance with the provisional programme set out in paragraph 10, 12 and 13 above.

Case Officer: H Mallett  
Background Documents: see heading  
S:DOCS/COMM/012004PEI

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## Item 8

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#### Appendix 1

#### Site category, description and indicative initial site monitoring frequencies.

Category & description	Indicative initial monitoring frequency for which fee may be charged per 12 month period	
	Minimum	Maximum
<b>Category 1</b> - inactive because it has ceased operating, temporarily or otherwise and no restoration or aftercare is being undertaken to any substantial extent. Subject to a minimum monitoring frequency.	1	1
<b>Category 2</b> – active sites subject to routine restoration and aftercare; small scale / minor operations with limited monitoring requirements; seasonal / sporadic operations with limited monitoring requirements. Subject to a below average monitoring frequency.	2	8
<b>Category 3</b> – active sites in the early stages restoration; complex restoration within a sensitive location; sites considered to be compliant with planning permission and legal obligations and which do not warrant more than an average monitoring frequency. Subject to an average monitoring frequency.	3 or 4	8
<b>Category 4</b> – active sites, planned activities in the next 12 months warrant closer monitoring; sites with satellite operations; several complex planning permissions / legal agreements; a range of activities being carried out on the site, which would warrant separate specialist monitoring; variations of conditions or amendments to working methods that require monitoring. Subject to above average monitoring frequency.	Between 4 and 6	8
<b>Category 5a</b> – active sites which are not operating in accordance with planning permission / legal agreement and where formal enforcement action has not yet commenced. Sites where there have been substantiated complaints. Subject to a maximum monitoring frequency.	Between 6 and 8	8
<b>Category 5b</b> – active sites which are not operating in accordance with planning / legal agreement and where formal action has commenced and is in progress, including follow up actions as a result of formal enforcement. Subject to a maximum monitoring frequency, which will be influenced by the requirements of the enforcement activity.	Between 0 and 8	8