



# Environmental Health – Technical Advice for Planning applicants (EH-TAP)

Helping planning applicants *get it right first time*



A service for developers, applicants and agents seeking technical and consultee advice on environmental health matters linked to the planning process: helping make your journey through the planning process simpler, quicker and easier.

*"Receiving environmental comments early in the application process is extremely useful as it substantiates our report and provides communities and Parish Councils with a level of confidence before they vote or pass judgement"*

**Gareth Davies, Clean Earth Energy, Wadebridge**



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# Environmental Health - Technical Advice for Planning Applicants

## Helping planning applicants get it right first time

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## What is EH-TAP?

'Environmental Health - Technical Advice for Planning Applicants' (EH-TAP) is a flexible service for developers, applicants, and agents seeking consultee advice on environmental health matters linked to the planning process.

EH-TAP provides technical and regulatory advice to help prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, pollution. This is a prime objective of the National Planning Policy Framework (NPPF) for achieving sustainable development.

In particular, EH-TAP provides a consultee perspective on potential adverse effects upon health and/or general amenity associated with the following:

- Air quality
- Contaminated land
- Acoustics (sound/noise)
- Odour

EH-TAP is aimed at applicants who want to *get it right first time* and in the process reduce costs and save time. Two main options are available: **Preliminary** EH-TAP which is offered as an option when utilising 'Pre-Application Advice' (via the Planning and Sustainable Development service), and **Detailed** EH-TAP whereby full consultee comments are provided on assessment reports (usually prior to submission as part of a full planning application).

## How could EH-TAP benefit my project?

The Key Benefits of EH-TAP can include:

- Saving time and resources – aim to get it right first time
- Expert advice to help identify, understand and seek to resolve relevant issues associated with a planning proposal
- Identifying the need for specialist input earlier
- Providing sufficient information to support final application
- Raising the quality of development and reducing any negative impacts
- Increasing community acceptance
- Reducing the likelihood of complaints and future Public Protection regulatory involvement if an application is approved
- Serves charged at cost: no profit margin or shareholders

EH-TAP provides technical advice from a consultee/regulator perspective on matters that are often important material planning considerations. Without such a service, our role as a consultee is restricted to providing an opinion / recommendation within the formal planning consultation period. Unfortunately, this can result in:

- Recommended refusals
- Consequent resubmissions
- Requests for further information, and/or
- Imposed conditions (e.g. requiring further information 'prior to commencement')

EH-TAP assists developers/applicants address such technical considerations with the aim of ensuring all relevant information is included within an application, the correct assessment methodologies followed, and, should the developer require, that relevant assessment reports have been reviewed prior to formal submission and consultation.

## **At what stage can I use EH-TAP?**

EH-TAP is particularly beneficial at a pre-application stage (Preliminary EH-TAP is an option when utilising the Planning Pre-Application Advice service). However, in some circumstances EH-TAP may also be accessed at other stages in the planning process.

Open and constructive discussions are an opportunity to work together to achieve sustainable development that delivers benefits to the individual, community, environment, and the economy.

## **What might EH-TAP include?**

The type of advice given will depend upon the nature and likely impacts of the proposed development, but may include:

- **Air Quality:** Comments and advice on local air quality and the potential for the proposed development to adversely affect this or expose people to existing sources of air pollution, particularly with respect to Air Quality Management Areas (AQMAs). Discussion of suitable methodologies and baseline data for air quality assessments/modelling including cumulative impact assessments, appraisal of consultant assessment reports, traffic data, agreement of mitigation and any further monitoring that may be required
- **Land contamination:** Comments and advice on what might be necessary to demonstrate a site is suitable for the proposed use. This can therefore include discussing the potential risks associated with land that may be contaminated, providing comments on consultant assessment reports (e.g. Phase I desktop and / or Phase II site investigation) and/or associated sampling. Any further assessment/investigations that are recommended (e.g. further site investigation and quantitative risk assessment, remediation options appraisal) will be outlined.

- **Potential adverse impacts upon health and/or general amenity due to noise and/or odour:** Comments and advice on the identification of potential adverse effects due to noise and odour, with consideration of both construction and operational phase impacts where relevant. Advice on assessment methodologies, identification of affected premises and monitoring locations. Appraisal of draft technical reports including any further assessment and/or mitigation required.

## Two levels of EH-TAP Service

We offer **Preliminary** EH-TAP for applicants seeking to take advantage of initial outline discussions and **Detailed** EH-TAP for more involved technical appraisals where consultee comments are also provided. Either option can be utilised singularly, or as a progression from Preliminary EH-TAP to Detailed EH-TAP.

### **Stage 1 - Preliminary EH-TAP:** £140 (excl. VAT)

Preliminary EH-TAP is of most benefit to projects at an early stage of consideration (pre-application). It may also be of value where relevant environmental issues are not anticipated to be significant but some discussion and confirmation is required, or where appointed consultants wish to hold initial discussions regarding outline methodology/data or similar.

By identifying potential adverse impacts at an early stage, Preliminary EH-TAP reduces the likelihood of omissions being highlighted at subsequent formal consultation and helps focus resources where needed. To assist with this process, when applying for [Planning Pre-Application Advice](#) applicants will be advised if any relevant constraints (e.g. land contamination related, air quality, noise and odour) apply to a proposed development site. In such circumstances, Preliminary EH-TAP will be offered as an optional extra as part of the Pre-Application Advice service.

### **Typical examples of Preliminary EH-TAP: From £140 (excl. VAT)**

Discussion of development proposal with outline advice provided on those EH factors expected to be addressed within an application
Identification / provision of relevant data sets for consideration by developer (e.g. historic land uses, complaints, air quality, private water supplies etc.)
Discussion on requirements of a relevant planning condition and the technical information necessary within discharge application
Outline discussion on proposed investigation/assessment methodology (e.g. Phase II site investigation, position of noise monitoring locations) and/or any queries relating to specific aspects of this

**Stage 2 - Detailed EH-TAP:** From £210 (excl. VAT)

Detailed EH-TAP is best suited to projects where relevant technical matters are likely to be significant considerations and consequently require detailed assessment.

Detailed EH-TAP has the benefit of including a review and comment upon proposed methodologies and/or technical assessment reports that might later form part of a formal planning application. When carried out at a pre-application stage, this reduces the likelihood of delays or potential recommended refusals/conditions at a later full application stage.

For flexibility, two options are available:

- A. **Review of proposed sampling / monitoring methodology & provision of EH consultee opinion:** £210 (excl. VAT)
- B. **Full appraisal of assessment report & provision of EH consultee comments:** £280 (excl. VAT)

Applicants who wish to take advantage of both option A and B can do so at a **discounted** rate of £420 (excl. VAT) where both are selected at the point of application and a single payment made.

EH-TAP does not include travel (e.g. site meeting). Site visits are not usually necessary providing sufficient information is submitted with an EH-TAP application. However, should this be required an additional fee of £70 applies (up to one hour on site).

## Detailed EH-TAP: From £210 (excl. VAT)

Package type and contents	How might this benefit my project?	Fee (ex. VAT)
<p><b>Full appraisal of assessment report &amp; provision of EH consultee comments:</b></p> <ul style="list-style-type: none"> <li>• Full appraisal of a consultant assessment report (e.g. air quality, contaminated land, acoustic)<sup>1</sup></li> <li>• Meeting/telephone discussion (up to 1 hour with case officer)<sup>2</sup></li> <li>• Concluding letter with EH consultee comments (with recommendations for further work if appropriate)</li> </ul>	<ul style="list-style-type: none"> <li>• Confidence assessment report has been appraised with <b>consultee comments</b> prior to formal submission</li> <li>• Creates an opportunity to address matters within report which might otherwise be critical to determination of application</li> <li>• Can help identify any necessary mitigation measures and incorporate these into subsequent application</li> <li>• Reduced likelihood of 'prior to commencement' conditions being imposed requiring subsequent discharge</li> <li>• Saves you time and resources by 'getting it right first time'</li> </ul>	£280
<p><b>Review of proposed sampling/monitoring methodology &amp; provision of EH consultee opinion:</b></p> <ul style="list-style-type: none"> <li>• Review of proposed sampling/monitoring methodology (e.g. sound monitoring locations, soil sampling strategy) including reference to technical standards/guidance<sup>1</sup></li> <li>• Meeting/telephone discussion (up to 30 minutes with case officer)<sup>2</sup></li> <li>• Concluding letter with EH consultee opinion (and recommendations for further work if appropriate)</li> </ul>	<ul style="list-style-type: none"> <li>• Improved <b>assurance</b> when investing in costly consultant investigative/assessment work</li> <li>• Help ensure consultant is following a methodology considered appropriate in the context of the project/application</li> <li>• Provides confidence subsequent assessment report will be based upon data and following a methodology considered suitable for planning application</li> <li>• Reduces uncertainty when submitting formal application that additional sampling/monitoring methodology will be highlighted as a consultee concern</li> </ul>	£210

<sup>1</sup>Additional fees may apply for review of multiple sampling/monitoring proposals, the appraisal of reports across different disciplines (e.g. both air quality and noise), and/or for development proposals involving very complex and/or lengthy monitoring/investigations. The case officer will confirm in such circumstances and provide a quote for the specific project.

<sup>2</sup>The case officer time allocated to meetings/telephone calls is the maximum allocated within the package category and not likely to be exceeded in the majority of cases. In the unlikely event this isn't sufficient, the case officer will confirm the fee for any additional time.

Should a site visit be required an additional fee of £70 applies (up to one hour on site)

## Planning Performance Agreements (PPA)

In some circumstances, an applicant might wish to enter into a Planning Performance Agreement (PPA) with the Local Planning Authority (LPA). In particular, a PPA can bring benefits when the applicant wishes to agree timescales, actions and resources for handling a planning application. More information is available within Cornwall Council's [PPA Charter](#), including the input that we can provide on relevant Environmental Health considerations.

Where a request is received by Public Protection to contribute towards a PPA, the fee will be agreed based upon the level of input required (from £70 excl. VAT). This communication will usually take place via the nominated Planning Case Officer, but there may be some situations where an applicant wishes to discuss in further detail directly with Public Protection.

The total fee will be influenced by the level of input requested by the applicant, and factors such as the scale/complexity of the proposal and the extent of the agreement (i.e. stages of the planning process). Examples are provided in [Appendix 1](#) of the PPA Charter document.

## How to apply for EH-TAP?

### **Preliminary EH-TAP:**

Preliminary EH-TAP is an 'add on' option when applying for Pre-Application Advice via Planning & Sustainable Development. In particular, the service will be highlighted if a relevant constraint applies in relation to a proposed development site (e.g. contaminated land, air quality, and noise/odour). Preliminary EH-TAP payment will be collected with the pre-application advice fee(s).

Should agents/developers wish to utilise Preliminary EH-TAP independently from planning pre-application advice, this can also be arranged by contacting Public Protection's Business Regulatory Support team directly (see below).

### **Detailed EH-TAP:**

Detailed EH-TAP can be arranged by contacting Public Protection's Business Regulatory Support team (see below). Assistance will be provided to discuss the case, information currently available, and to complete a simple 'confirmation of proposal' form. Alternatively, you can request that we send you this form in advance by contacting us on the telephone number at the bottom of this document.

The confirmation of proposal form must be completed in full and payment made at the time of application. Payment can be made over the phone (credit or debit card), via a purchase order, or by means of a cheque made payable to Cornwall Council and sent to the address detailed below.

Please make sure that all required documentation as detailed in the checklist section of the confirmation of proposal form is provided so that your application can be processed. Please remember, providing detailed and substantive consultee comments requires that sufficient information is supplied – as with a full planning application, the better the quality of information provided the greater the likelihood that substantive consultee comments will be provided.

## What happens to my enquiry?

Within three working days of receiving a completed confirmation of proposal from, an officer from Public Protection will contact you either by phone or in writing to confirm:

- Your request for advice has been received
- That the correct fee has been paid, or if payment has not been submitted with the form, what the fee is
- Any additional information required before the submission can be processed
- The name of the specialist case officer/officers who will be providing the advice and their contact details

The allocated case officer may also contact you by telephone to discuss the case including clarifying any additional technical points. The target date for a full response to a valid **Preliminary EH-TAP** request is **fourteen days**, and for **Detailed EH-TAP** usually a maximum of **thirty days** (although this is very dependent upon the complexity of the EH-TAP submitted and any additional information required/liaison with appointed consultants). Any meetings will normally be held in a room at the one of the Councils 'one stop shops' (additional visit charge will apply for alternative locations).

## Summary of Terms and Conditions

- All quoted fees exclude VAT which will be charged at the applicable rate
- Standard fees inclusive of VAT must be paid on submission of the request for EH-TAP
- Cheques to be made payable to Cornwall Council
- Cornwall Council reserves the right to amend the advertised fees and charges at any time
- Where a fee has been paid for EH-TAP but necessary additional information is not received by Cornwall Council within a month of request, the fee will be returned minus £35 for administration costs
- Cornwall Council maintains compliance to the Data Protection Act and we will not release any personal information to third parties
- In limited circumstances, Freedom of Information (FOI) and /or Environmental Information Regulations (EIR) could apply and information may be subject to disclosure should a request be received, unless a relevant exemption applies.

## Limitations

Advice given by Council officers in connection with the planning process does not indicate a formal decision by the Council as local planning authority (LPA). Any views or opinions expressed are given in good faith, and to the best of ability, without prejudice to the formal consideration of any planning application following statutory public consultation, the issues raised, and evaluation of all available information.

You should therefore be aware that officers cannot give guarantees about the final formal decision that may be made on planning or related applications. Technical advice provided by Public Protection will be considered by the LPA where this is a material consideration in the determination of planning related applications, subject to the proviso that circumstances and information may change or come to light that could alter the position. It should also be noted that the weight given to pre-application advice will also decline over time.

The fees and charges associated with the service that Cornwall Council is providing via the Environmental Health - Technical Advice for Planning Applicants service ("EH-TAP") are to cover the costs of administration and delivery of the service and not for profit.

## Contact details and further information:

Public Protection  
Community and Environmental Protection Unit  
Cornwall Council  
Chy Trewail  
Bodmin Technology Park  
Bodmin  
Cornwall

PL31 2FR

- 0300 1234 212 (Option 2)
- [cep@cornwall.gov.uk](mailto:cep@cornwall.gov.uk)
- [www.cornwall-land-air-water.org.uk/](http://www.cornwall-land-air-water.org.uk/)
- [www.businessregulatorysupport.co.uk](http://www.businessregulatorysupport.co.uk)

**Please let us know if you need any particular assistance from us, such as providing this guidance note in a different format or language**

