



HOUSE OF LORDS

Common Frameworks Scrutiny Committee

House of Lords

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10 December 2020

Rt Hon Christopher Pincher MP
Ministry of Housing, Communities & Local Government
2 Marsham Street
London SW1P 4DF

Dear Christopher,

Hazardous Substances (Planning) framework

Thank you for your letter dated 24 November and for providing us with a copy of the Hazardous Substances (Planning) Provisional Framework. There are several parts of this framework which we welcome, although we have a number of concerns and two recommendations that we believe would facilitate future stakeholder engagement and parliamentary scrutiny of this framework.

We welcome the clear structure of this Provisional Framework, which facilitates understanding and enables effective parliamentary scrutiny. We particularly welcome the fact that it explicitly lays out how it relates to the Joint Ministerial Committee's agreed principles governing the common frameworks programme, the existing legislation that the framework relates to, and provides a clear explanation of possible future divergence.

We also welcome the addition of a commitment to public transparency compared to the Draft Framework which, in contrast to other frameworks, was available in good time for interested parties to provide feedback. However, despite this transparency, more could have been done to proactively engage with non-specialist stakeholders such as environmental groups. The Draft Framework could also have been published by itself rather than as part of a more general update on common frameworks.

We regret the decision not to publish a draft concordat alongside the Provisional Framework. Given that the other Provisional Frameworks published to date have included a draft concordat, it is not clear why this framework should be an exception. Although the substance of a draft concordat may be similar to the rest of the Provisional Framework, it is an important document that we believe should also be published and subject to parliamentary scrutiny.

We are concerned by the lack of planned external scrutiny of the ongoing functioning of the framework. The Provisional Framework suggests a review after two years of operation and states that the "the involvement of other stakeholders would be considered at the time." We think this is insufficient and does not ensure an appropriate degree of transparency for the rules governing hazardous substances in the planning system. **We recommend that the review should actively solicit input from a wide variety of stakeholders, including non-industry stakeholders, and that a report from this review should**

be published and shared with the UK Parliament and devolved legislatures, in order to facilitate future parliamentary scrutiny.

We understand that each of the four governments are currently receiving views on this Provisional Framework from their respective legislatures. We therefore look forward to your response to this letter once these have been received and our recommendations have been considered, together with the final version of the framework.

Yours sincerely,

Baroness Andrews
Chair of the Common Frameworks Scrutiny Committee