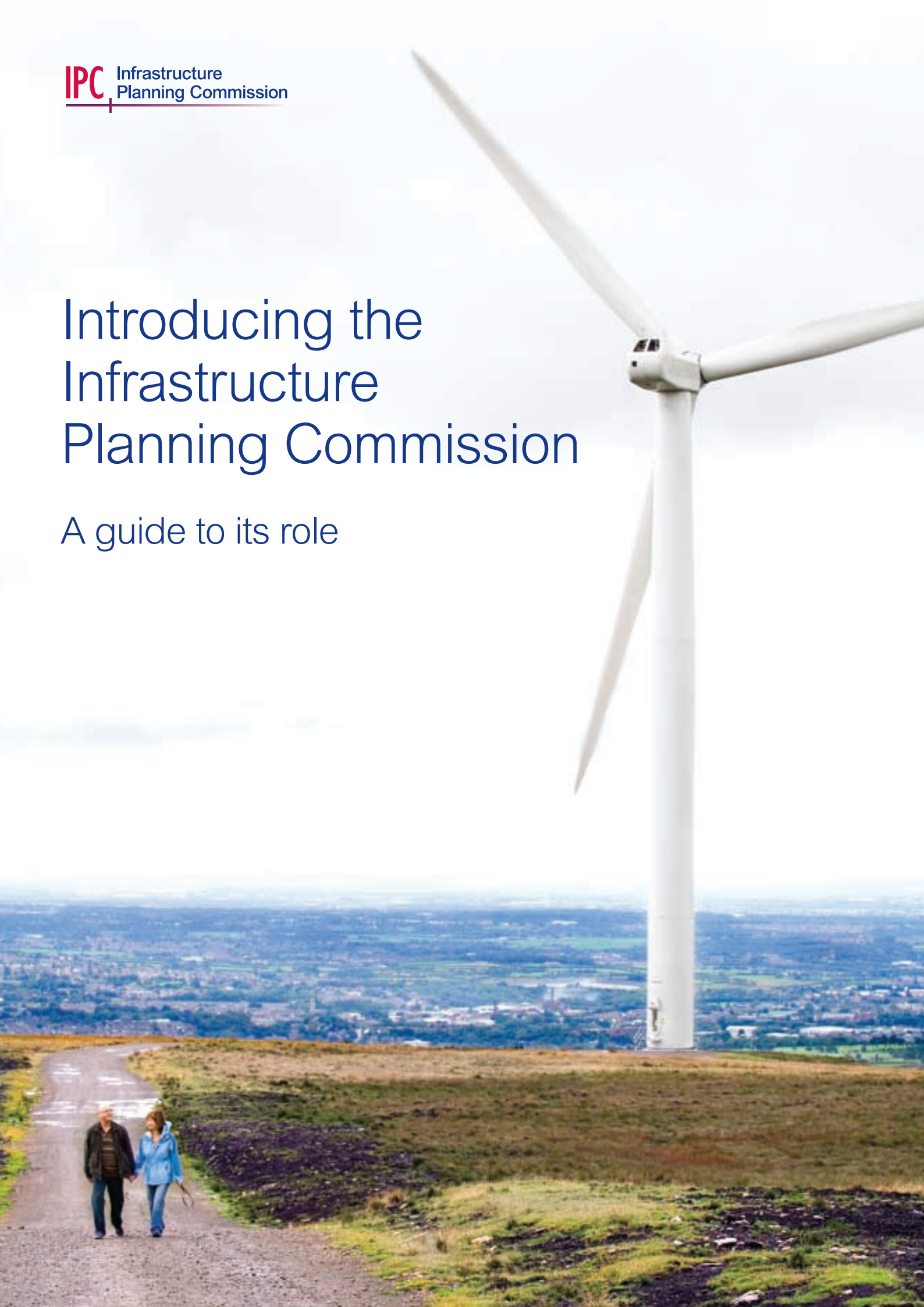


Introducing the Infrastructure Planning Commission

A guide to its role



The Infrastructure Planning Commission (IPC) opened for business on 1 October 2009. This short guide outlines the key features of the IPC and its place in the new system for deciding major infrastructure proposals. The guide will be useful to senior stakeholders such as Members of Parliament and local authorities, and leaders in non-governmental organisations, public bodies and businesses.



The need for a new infrastructure planning system

It is now widely acknowledged that the previous arrangements for examining major infrastructure projects resulted in unacceptable delays and costs and did not consistently give the right quality of opportunities for all parties to participate effectively in the decision-making process. Promoters of major infrastructure projects needed to obtain multiple consents under different regimes for the one project. In some cases, lack of clarity over national policy and need for infrastructure led to these issues being debated at great length and expense at individual public inquiries, before the Secretary of State could grant or refuse consent for a project.

The new system will be faster and fairer, leading to swifter decisions on applications and better opportunities for public participation.

The Infrastructure Planning Commission and its role

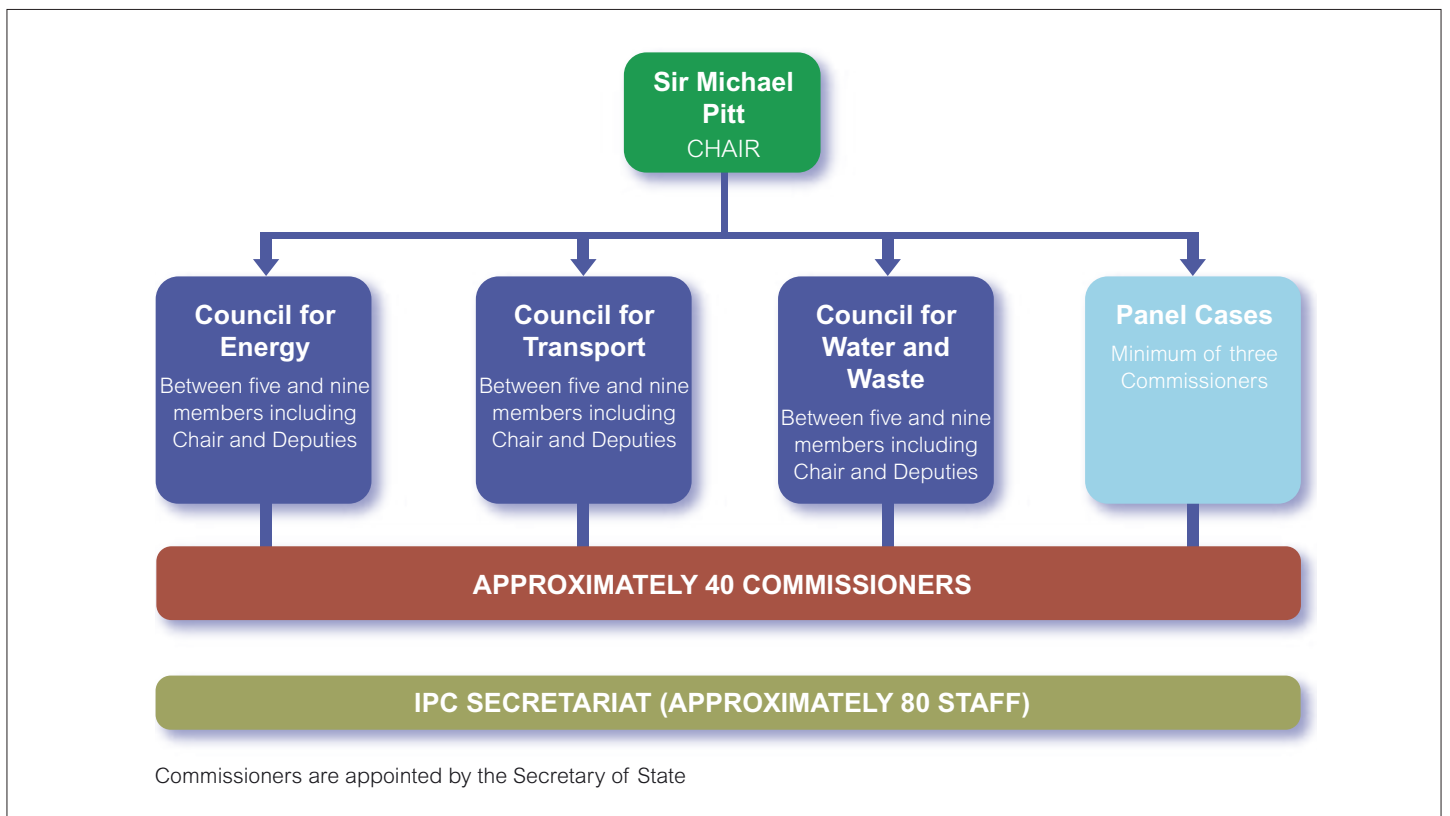
The IPC was set up under the Planning Act 2008 and is an independent public body with the dedicated task of examining and deciding applications for nationally significant infrastructure projects. The IPC acts in accordance with the new National Policy Statements being prepared for each type of infrastructure in the five general fields of energy, transport, water, waste water and waste. Applications to the IPC may include nuclear and fossil fuel power stations, onshore and offshore wind farms, major improvements to the national grid, railways and roads, reservoirs, harbours, airports and sewage treatment works.¹ Projects are dealt with by the IPC if they are of a certain size and importance, for example, an offshore generating station having a capacity exceeding 100 megawatts. The Secretary of State may also direct a proposal within the five general fields to the IPC, even if it does not meet the statutory criteria, if it is considered to be of national significance. The IPC does not consider applications in other areas, such as retail or housing development.

¹ The new system applies across England and to some cross-border oil and gas pipelines into Scotland. In Wales the IPC will only examine applications for ports and energy infrastructure.



Commissioners

Commissioners of the Infrastructure Planning Commission, tasked with conducting fair and open examinations, are chosen for their knowledge of public engagement and inclusion as well as their technical and professional skills. They consider the evidence and government policy, and act independently when making their decisions on individual applications. Commissioners are accountable to the courts; they work to a strict code of ethics and are free of any political interference. Applications will be examined either by a panel of Commissioners or by a single Commissioner, depending on the size and nature of the project. Applications examined by a single Commissioner will be decided by one of three IPC Councils. The following chart gives a summary:





National Policy Statements

Government departments will publish National Policy Statements (NPSs) in each of the areas within the remit of the Infrastructure Planning Commission. There will in due course be NPSs on:

- **Energy (overarching statement)**
- **Nuclear power**
- **Renewable energy**
- **Electricity networks (e.g. power lines)**
- **Fossil fuels**
- **Oil and gas infrastructure (e.g. pipelines and storage)**
- **Ports**
- **National networks (e.g. strategic roads and railways)**
- **Airports**
- **Waste water (e.g. sewage treatment)**
- **Water supply (e.g. reservoirs)**
- **Hazardous waste**

National Policy Statements are subject to thorough public consultation and Parliamentary scrutiny. They set out the issues of national policy and the need for infrastructure of different types in an open and democratic manner. National Policy Statements must take account of government policies for achieving sustainable development, addressing climate change and securing good design.

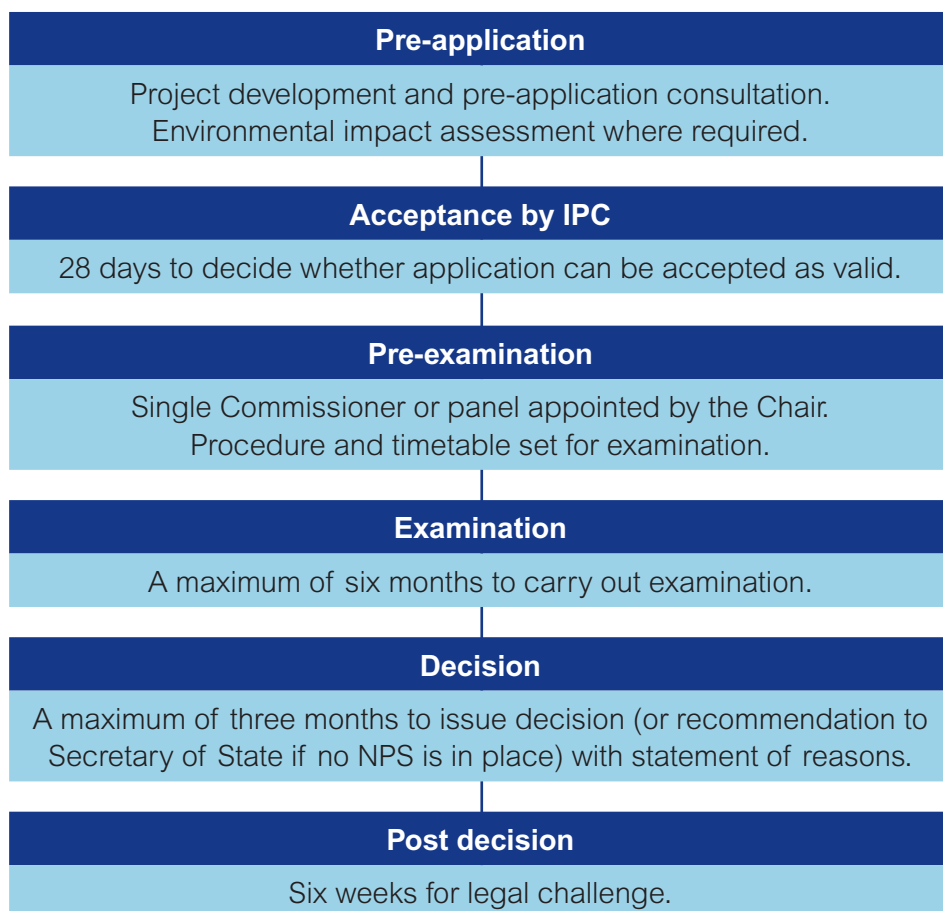
For some types of nationally significant infrastructure project, for example nuclear plants and airports, the National Policy Statement will identify locations or potentially suitable locations for national infrastructure.

National Policy Statements are prepared by the relevant government department, not by the IPC, which has no role in policy making. With the national policy debated and set out through the National Policy Statement, the Commission's independent consideration of an application for a particular infrastructure project can focus on issues specific to that application such as its impact locally rather than wider matters. This allows policy making and decision taking to be kept separate.

If no National Policy Statement is in place, the IPC has no power to decide an application, but will make a recommendation to the Secretary of State.

Overview of the process

The application process for a nationally significant infrastructure project, as summarised below, involves a series of stages, including extensive pre-application consultation, publicity and community engagement that must be undertaken by the applicant:



The Infrastructure Planning Commission may give advice to promoters, consultees and others on the application process although it will not at this stage comment on the merits of the scheme. All advice given on potential or actual applications will be recorded in writing by the IPC and is published regularly on the IPC's website:
www.independent.gov.uk/infrastructure



Decisions on nationally significant infrastructure projects

After the conclusion of the examination process the Infrastructure Planning Commission may refuse the proposal, or it may grant a development consent order which may contain a list of requirements with which the development must comply.

The development consent order is a new single consent which will simplify and speed up the planning process for national infrastructure and means all stakeholders, including local authorities and the public, have one, single process in which to engage.

The development consent order avoids the need for many of the range of separate consents which previously had to be obtained under separate legislation and from different government agencies, departments and local authorities. Examples include planning permission, authorisation for compulsory acquisition of land, approvals under the relevant acts and so on. This single consent regime will simplify and speed up the planning process for national infrastructure.



An important role for local authorities

The introduction of the IPC will leave the balance between national and local decisions on large infrastructure projects largely unchanged. In practice, all the projects that will be dealt with by the IPC are already handled by central government. Some current consent regimes require this, for example because infrastructure projects such as electricity lines, railways or highways are linear and cut across many local authority areas. Even with proposals currently falling under the Town and Country Planning Act 1990 that would otherwise be decided locally, the larger ones are generally determined by the Secretary of State, via call-in or recovered appeal procedures.

In the new regime, all local authorities with an interest will be properly consulted and, by law, local impacts must be balanced against national benefits. Local authorities will have a role that is woven into the system at all stages, including:

- Government will consult local authorities on National Policy Statements.
- Promoters must consult local authorities, as well as other bodies and the local community, before they submit an application to the IPC.
- Promoters must consult the local authority on their proposals for engaging the local community.
- Commissioners must take account of the views of the local authority and others on the adequacy of the promoter's publicity and consultation in deciding whether an application can be accepted as valid.
- The local authority may submit a Local Impact Report (LIR) to the IPC. The LIR describes the likely effects of the proposed development on the local authority's area.
- Commissioners must have regard to the LIR in deciding an application, and may reject the application, even if it is in accordance with a relevant National Policy Statement, if the adverse impacts outweigh the benefits.



The public has its say

Promoters must carry out extensive public consultation before they make their application to the IPC. Engagement with the local community and a range of other bodies at the pre-application stage is a very important aspect of the new system. Further consultation takes place following the submission of the scheme to the IPC.

This new system is designed to ensure that applications are prepared to a high standard – they must demonstrate that they have taken into account responses from consultation. Commissioners will refuse to accept any applications that are inadequate in significant areas including public consultation and environmental impact assessment.

Once an application has been accepted as valid by the IPC, the applicant must publicise this, and the public will have a further opportunity to express their views by making written representations to the IPC. The IPC will make all representations public and allow interested parties the opportunity to comment on them.

There will also be hearings, held in public, at which the evidence will be examined by the Commissioner who will chair the meeting. The principal approach to testing the evidence will be inquisitorial – the Commissioner will put questions to the applicant and others. The Commissioner will ensure that the evidence is properly considered, allowing cross-examination when appropriate, and will make sure that everyone has fair opportunities to make their views known and influence the outcome.

There will always be an opportunity for a public open-floor hearing.

The IPC is a keystone of the new system for deciding on the provision of nationally significant infrastructure. The Commission will ensure proper consideration of national policy, need and local impacts. In doing so, sustainable development and community engagement will be at the heart of the process.



The new infrastructure planning system will lead to faster approval for projects that merit it, and faster refusal for projects that do not. The Infrastructure Planning Commission introduces a single process which has been designed to ensure that applications are thoroughly consulted on and therefore better prepared and of higher quality by the time they are submitted. This will be easier to follow because all interested parties will be able to engage in one single process.

The new process will reduce the average amount of time taken from 'application' to 'decision' to less than a year and will save the country an estimated £300 million a year.

The planning system will be fairer and more transparent, placing accountability for policy clearly with government and Parliament, with the decisions on individual projects being taken independently by Commissioners. At all stages there will be better opportunities for the public, the parties involved and the affected local communities to participate in the planning process.

Contact us

For help and advice visit our website:
www.independent.gov.uk/infrastructure

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