

THE INFRASTRUCTURE PLANNING COMMISSION



Sir Michael Pitt
Chair of the IPC

It is 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. Applicants for major infrastructure projects needed to obtain multiple consents under different regimes for 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 enquiries, before the Secretary of State could grant or refuse consent for a project.

Created under the Planning Act 2008, The Infrastructure Planning Commission (IPC) was set up to streamline decision-making on applications for nationally significant infrastructure in England and Wales. The change is a long overdue shake-up of the planning regime for national infrastructure.

It marks the separation of policy-making from decision-making for the first time in planning history, ensuring that applications, for projects such as new wind farms and power stations, will be considered by an independent body.

The IPC opened for business on 1st October 2009 and received the green light from the Rt Hon John Healey MP, Minister for Housing and Planning, to start receiving applications on 1st March 2010.

To be decided by the IPC, projects must reach the

thresholds laid out in the Planning Act 2008. For example, if an onshore wind farm produces more than 50 megawatts of electricity. However, smaller infrastructure applications can also be handled by the IPC if the Secretary of State feels that this is necessary.

It expects the first applications it receives to be from energy and transport infrastructure applicants. Indeed, over three quarters of its initial work programme is currently anticipated to be coming from the energy generation sector.

You can view the full Programme of Projects at: www.independent.gov.uk/infrastructure

The introduction of the IPC has left the balance between national and local decisions on major infrastructure projects largely unchanged. In practice, all the projects that are dealt with by the IPC were those

previously handled by central government. Some current consent regimes require this, for example because infrastructure projects such as electricity lines, railways are linear and cut across many local authority areas.

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

The public must also have its say. Applicants 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 stage of the new system. Further consultation takes place following 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. IPC Commissioners' decision to refuse or accept any applications will be determined by evidence

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of public consultation and environmental impact assessments.

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 in writing and personally to the IPC. The IPC will make all representations public and allow interested parties to comment on them.

Applications will be decided by the IPC within the framework of National Policy Statements (NPSs) which have been widely welcomed. The statements are a cornerstone of the new regime and will be vital to realising significant benefits from the new system.

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 NPS, the Commission's independent consideration of an application for a particular infrastructure project can focus 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.

The first of these statements for energy and ports completed public consultation in February this year. These are now undergoing parliamentary scrutiny. Once this is completed, Government will take account of the responses and the views of Parliament before designating the NPSs.

If the relevant NPS (or NPSs) is in place, the IPC will make the decision on an application. If it is not, it will make a recommendation to the Secretary of State, who will make the decision.

The IPC will deliver a faster, fairer and more efficient process, to achieve estimated savings of £300 million annually. The new process brings eight former consent regimes into one and will reduce the time taken to make a decision from an average of 100 weeks previously, to less than a year.

IPC Commissioners, appointed for their expertise, will consider applications and make the decisions in the interests of the public and in accordance with government policy. However, the IPC is not a rubber stamp for government, and Commissioners will weigh the national benefit of each proposal against the local impact.

The new process provides greater predictability for investors, ensuring improved opportunities for local community involvement from the outset. Heavy frontloading under the new regime means that applicants will need to demonstrate that they have consulted local people on their proposals and acted upon their feedback, prior to submitting an application to the IPC.

Once an application is received by the IPC, it will have up to 28 days to accept or reject it. Applications will not be accepted if the quality of the consultation undertaken by the applicant is deemed to be inadequate. Involving local people and the local authority at an early stage will also help to

ensure that the best possible proposal is put forward.

If an application is accepted, the public will be able to register at the appropriate time to provide their views in writing to the IPC, and later to participate in open floor hearings and to cross examine evidence.

The IPC is independent, impartial and inclusive and it operates independently from Government. All Commissioners are screened and allocated to projects to ensure they have no conflicts of interest and the IPC is accountable to Parliament and to the courts for its decisions. It is a completely open organisation and does not have confidential conversations. For this reason, it also publishes on its website a record of the advice it has provided about the new process.

At every step, the IPC will ensure the new regime achieves its core objective of greater efficiency. However, it is well worth emphasising that this will be achieved through a total commitment to its core values of being independent, impartial and inclusive.

A range of views are already being expressed about the new regime, as will be the case with each project proposal. It is the job of the IPC to ensure that all those views are included and taken on board, as it starts to receive and process applications.

The IPC recognises that

developing a proposal for a nationally significant infrastructure project is a major undertaking. It represents a massive investment and a long term commitment on the part of the applicant and investors.

Therefore, it is vital for all with a stake in this process to be clear that there are no short cuts in the new process. Projects will not be fast tracked or applications rubber stamped. Every proposal will follow the same vigorous process.

Investing significant time and effort in working with local people to develop and enhance a proposal from the outset will give it a better chance of success. It cannot be overstated that the pre-application stage is the key stage in the new process to get an application right. Applicants who engage early and meaningfully will be able to submit a stronger proposal to the IPC for consideration.

More information is available by visiting www.independent.gov.uk/infrastructure to view guidance on the new process, frequently asked questions; the programme of projects and record of advice. Contact the helpline, Mondays to Fridays, 8am - 6pm on: 0303 444 5000 or email at: ipcenquiries@infrastructure.gsi.gov.uk

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