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IPC

31 MAR 2011

REF:

Sir Michael Pitt
Chief Executive
Infrastructure Planning Commission
Temple Quay House
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Bristol
BS1 6PN

REGENERATION & POLICY SERVICE

PO Box 4
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28 March 2011

Dear Sir Michael

INFRASTRUCTURE PLANNING COMMISSION PROCESS : LACK OF FLEXIBILITY COMPARED TO NORMAL PLANNING PROCESS

I recently visited the IPC for pre-application discussions with the promoters of a public road infrastructure project to seek advice about the IPC process. I don't want to raise with you any issues about the particular scheme but do need to ask for clarity about two fundamental provisions which appear to be omitted from the IPC process.

The first relates to there being no provision for an applicant to secure a definitive view from an authoritative body about whether a scheme comes under the IPC regime or not. It seems that applicants will be advised to take their own legal advice which will be very difficult in a case law vacuum. Under the TACP Act and the EIA Regulations applicants can apply for CLOPUD's and Screening Opinions yet inconsistently IPC legislation does not seem to include a similar provision. I fear that this may result in considerable delays and confusion amongst some applicants especially where the fit of schemes against qualifying criteria may be uncertain. Surely the new system, if it is to deliver the speedy and helpful route for nationally important schemes it is promoted to do, must rectify this.

Of even more concern is what appears to be an inability of the scheme to provide for the normal working amendments to projects which unforeseen circumstances often throw up. In 30 years in this profession I cannot think of many major projects which did not require some form of working revision during implementation and the normal planning process provides for these to be handled efficiently by LPA's. When I enquired what provisions exist in the IPC process I was told there are none. Surely an applicant cannot be required to resubmit their scheme for a new Consent Order for every working amendment.

Andrew Dobson
Head of Regeneration & Policy Service



The only alternative, it seems to me, is for the LPA to apply a great deal of common sense through the enforcement provisions and to find a way to provide the developer with certainty even if technical unlawfulness occurs. Again that cannot be right.

It may be that after consulting the Planning Officers' Society Guidance on the new process, and trawling through the 2008 Act, I have missed something and there are such provisions. If there are not however, nationally we have a big problem looming which could severely hamper the practical implementation of schemes and we need to resolve this now by discussions with the Secretary of State.

I would be grateful if you could let me know as soon as possible whether my concerns are well founded as there are a number of large new infrastructure projects emerging for me to advise on.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Dobson', written in a cursive style.

**ANDREW DOBSON
HEAD OF REGENERATION AND POLICY**