



Local Impact Reports

Advice note one: Local Impact Reports

Introduction

The IPC will issue advice notes from time to time to help individuals and organisations to engage more effectively in the process for deciding applications for development consent for nationally significant infrastructure projects (NSIPs). This advice note concerns the production of the local impact report (LIR). It is intended to assist local authorities with the form and content of these reports.

Local authorities have a very important role in the IPC process. They are encouraged to discuss and work through the issues raised by NSIP proposals with prospective applicants well before the application is submitted, and to engage with applicants in the preparation of statements of common ground.¹ Local authorities will also be involved in considering the statement of community consultation, commenting upon the quality of the applicant's consultation process, producing an LIR and making their own representations on the application.

¹ Further reference to statements of common ground can be found in the IPC's Pre-application Guidance Note 1 and in CLG's Guidance for the Examination of Applications for NSIPs, available on the IPC website www.independent.gov.uk/infrastructure



This advice note will consider:

- The importance of the LIR
- The timetable
- The content of the LIR.

Importance of the LIR

Local authorities in whose areas applications for nationally significant infrastructure projects are submitted are strongly encouraged to produce LIRs. The Commission, or the Secretary of State as appropriate, must have regard to the LIR in deciding applications.²

When the Commission decides to accept an application, it will ask relevant local authorities to submit a LIR.³ Relevant local authorities are those where the site of a proposed NSIP, or any part of it, lies in their area, or if their area adjoins those authorities.⁴

Relevant local authorities should prioritise preparation of their LIR irrespective of whether the local authority considers the development would have a positive or negative impact on their area. Where a number of relevant local authorities are involved, local authorities might consider a joint LIR submission.

Timetable

The IPC process is summarised in Figure 1, which also shows the statutory deadlines

to which the IPC must operate. Figure 2 illustrates how local impact reports fit into that timetable.

The Commissioner (or Commissioners) assigned to the case are responsible for setting the procedure for the examination and the deadline for the LIR, taking into account the complexity of the application and other relevant matters and bearing in mind the overall timetable in the Planning Act 2008 ('the Act') for examining the application.

The Commissioner will hold a preliminary meeting before the commencement of the examination. After the preliminary meeting the Commissioner will send a procedural note concerning the details and timetables in respect of various aspects of the examination to all interested parties. This will specify the deadline for the submission of the LIR, and the period within which interested parties will have the opportunity to make written comments on it.⁵

However, local authorities should not wait for the deadline to be set following the preliminary meeting to commence work on the LIR. This is because the preliminary meeting is likely to take place a few weeks after the application is accepted, whereas the LIR will be required early in the examination period. The deadline given for the submission of the LIR following the preliminary meeting is likely to be short.

² Planning Act 2008 s104(2)(b), s105(2)(a)

³ Planning Act 2008, s60(2)

⁴ Planning Act 2008, s102(5)

⁵ The Infrastructure Planning (Examination Procedure) Rules 2010, r8(1)(i)



Figure 1 The IPC Process

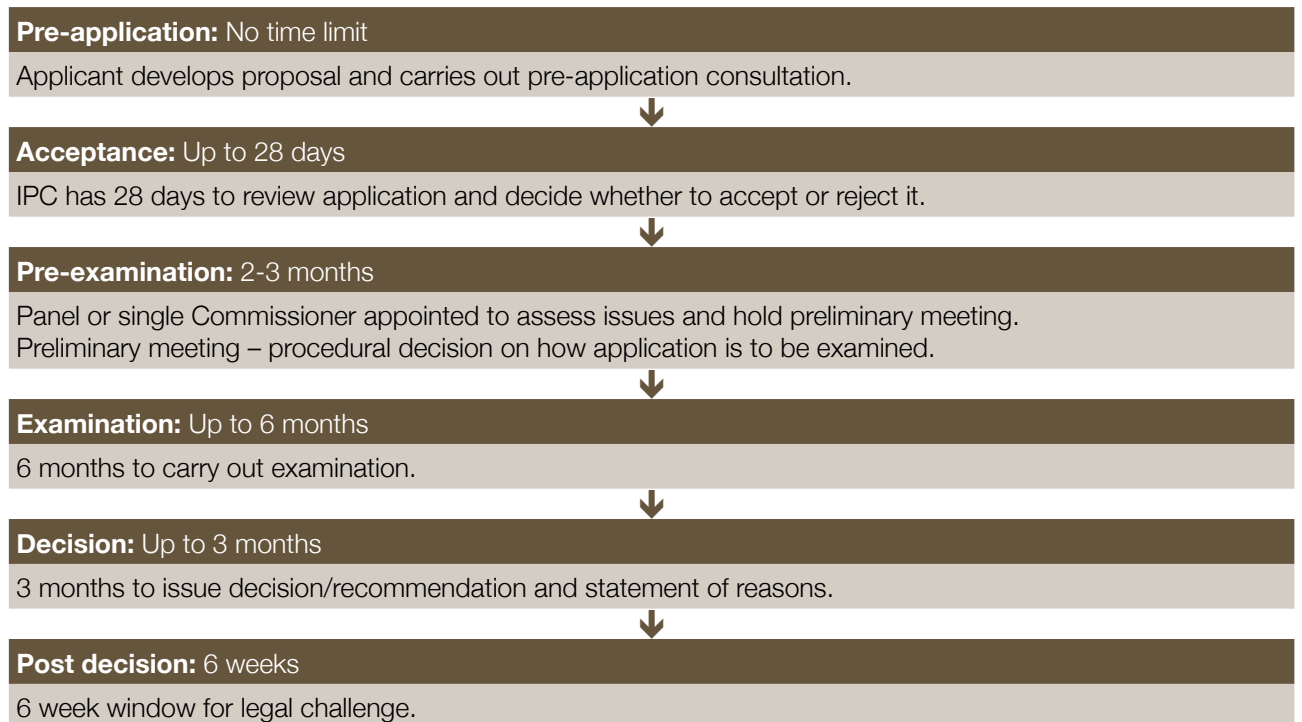
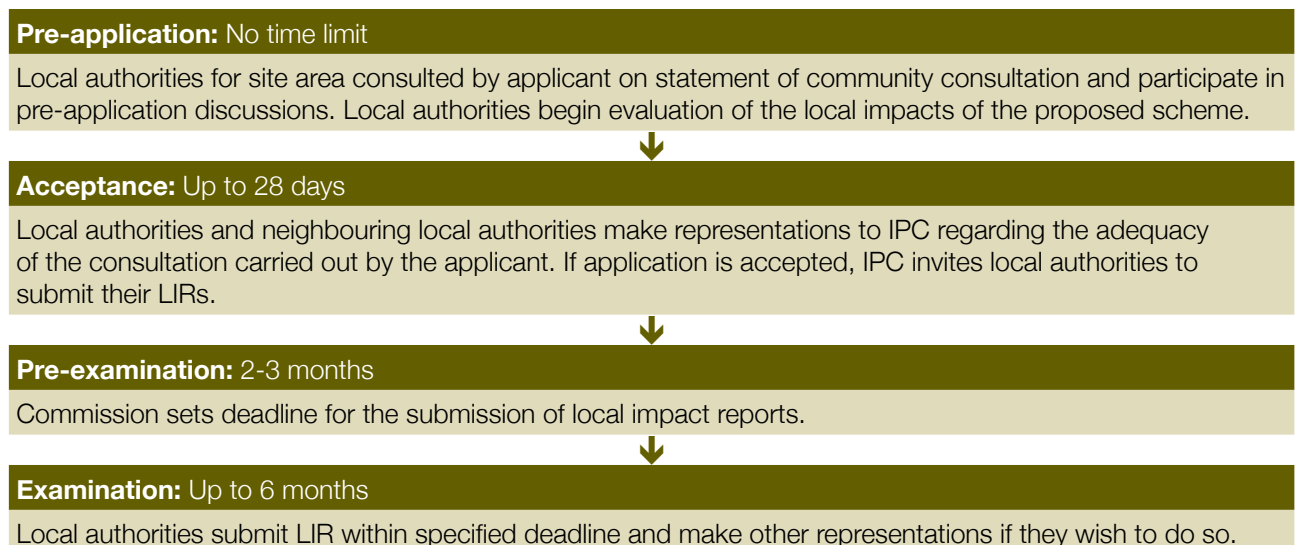


Figure 2 How the local authority fits in





Therefore, local authorities are strongly encouraged to use the pre-application period to start their own evaluation of the local impacts of the proposal. Local authorities should then begin to compile the LIR as soon as the application has been accepted formally by the Commission and they have been invited to submit an LIR.⁶ This approach will enable the LIR to be produced within the deadlines.

In practice, local authorities will know about the application some time before it is submitted, through the pre-application consultation carried out by the applicant. At this stage they should ensure that they gather sufficient information about the scheme to enable them to commence work on their evaluation of the proposal. This will have the added benefit of enabling them to focus their responses to the applicant's consultation when the application is being prepared.

Local authorities should ensure any necessary internal authorisation processes are in place to meet the timetable. It is entirely a matter for local authorities to determine whether or not an LIR requires approval by Members and in what form.

Content of the LIR

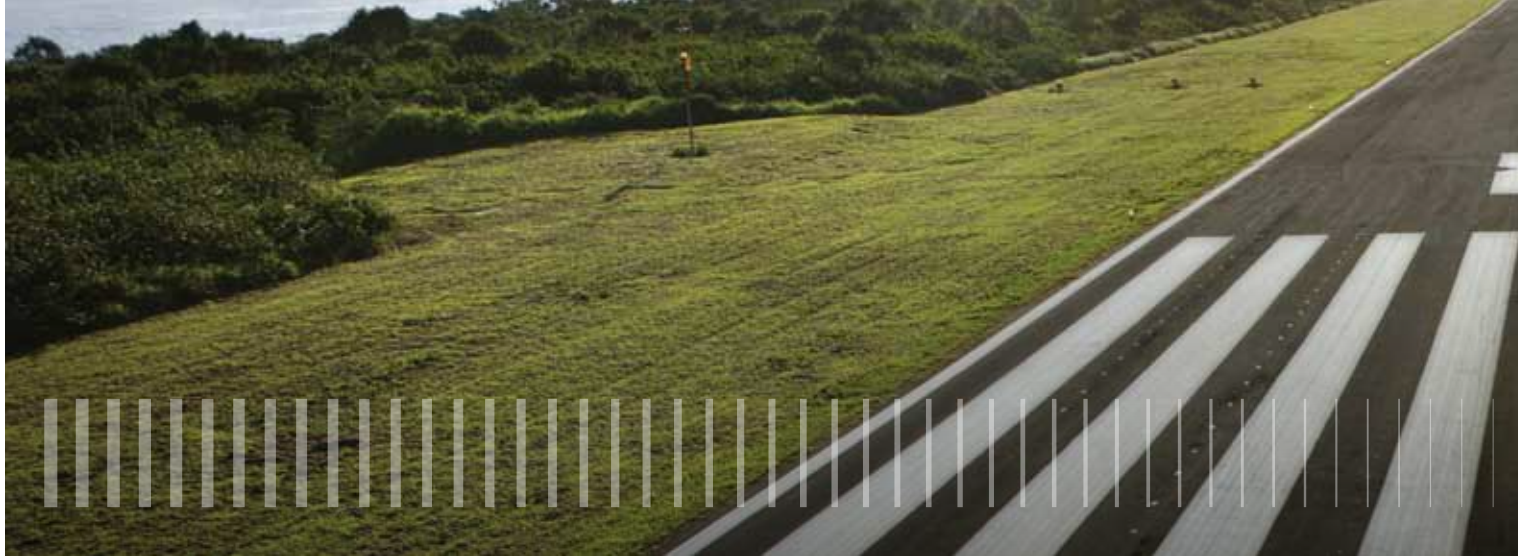
The sole definition of an LIR is given in s60(3) of the Act as 'a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)'. The content of the LIR is

a matter for the local authority concerned as long as it falls within this statutory definition.

Topics which may be of assistance in the report include:

- Site description and surroundings/location
- Details of the proposal
- Relevant planning history and any issues arising
- Relevant development plan policies, supplementary planning guidance or documents, development briefs or approved master-plans and an appraisal of their relationship and relevance to the proposals
- Relevant development proposals under consideration or granted permission but not commenced or completed
- Local area characteristics such as urban and landscape qualities and nature conservation sites
- Local transport patterns and issues
- Site and area constraints
- Designated sites
- Socio-economic and community matters
- Consideration of the impact of the proposed provisions and requirements within the draft Order (such as the scheme) in respect of all of the above
- Development consent obligations and their impact on the local authority's area.

⁶ Planning Act 2008, s60(1) and (2)



This list is neither exhaustive nor prescriptive. Local authorities should cover any topics they consider relevant to the impact of the proposed development on their area.

Local authorities should set out clearly their terms of reference for the LIR. The LIR should be used by local authorities as the means by which their existing body of local knowledge and evidence on local issues can be fully and robustly reported to the Commission.

There is no need for the LIR to replicate the EIA. Nor is it necessary to replicate any assessment already produced in respect of the site such as those included in National Policy Statements. Rather, it should draw on existing local knowledge and experience. Examples might be local evidence of flooding, local social or economic issues or local knowledge of travel patterns to community facilities.

In producing a LIR, the local authority is not required to carry out its own consultation with the community.

The report should consist of a statement of positive, neutral and negative local impacts, but it does not need to contain a balancing exercise between positives and negatives; nor does it need to take the form of a committee report. The Commissioner will carry out a balancing exercise of relevant impacts, and these will include those local impacts specifically reported in the LIR.

By setting out clearly evaluated impacts in a structured document, local authorities will assist the Commission to identify local issues which might not otherwise come to its attention in the examination process. It will also be very helpful to have the local authority's appraisal of the proposed development's compliance with local policy and guidance.

It would assist the Commission if the local authority is able to give its view on the relative importance of different social, environmental or economic issues and the impact of the scheme on them. Local authorities are well placed to appreciate the impacts of proposals, for example in terms of employment, local services, associated development, or development consent obligations under s174.

It will be important for the Commission to have the local authority's views on provisions, requirements and development consent obligations. Where specific mitigation or compensatory measures are proposed by the applicant, by way of suggested provisions; requirements; or development consent obligations, these should be identified, commented upon and given appropriate weight. Local authorities should mention them explicitly. The same applies to provisions; requirements; and obligations that the local authority considers ought to be included.



Parish councils, organisations and members of the public may have made representations to the local authority or directly to the applicant about the scheme (prompted, for example, by the applicant's consultation). The LIR could include reference to these representations, but only where they are relevant to a particular local impact which the local authority itself wants to highlight. To make relevant representations about the application, interested persons must register their interest with the Commission at the appropriate time. Local authorities should therefore encourage such respondents to register their interest so that they can make representations about the scheme directly to the Commission.

National Policy Statements (NPSs) may be helpful to local authorities in preparing their LIRs as a guide to matters of local impact that are likely to be relevant to the Commission's determination of or recommendation on an application. There is, however, no need for the local authority to undertake an assessment of compliance with an NPS; this would duplicate the Commission's role.

Where a NPS is locationally specific, it will not be possible for all the local impacts of a development proposal to have been considered at the national policy development stage. In such instances, the LIR could assess local impacts not captured in the NPS process, for example on planning, landscape and highway matters. There may be local impacts on sensitive receptors not apparent at the NPS stage, stemming from, for example, the particular layout, design, scale, appearance, or access arrangements of the scheme.

The LIR can cross refer to any Statement of Common Ground agreed between the applicant and the local authority. The Commission encourages parties not to duplicate evidence submitted to it.

It is open to the local authority to make representations to the IPC about an NSIP application separately from the LIR if it so chooses.

Further information

If you have any queries regarding the Local Impact Report, please contact the IPC on:

Email: ipcenquiries@infrastructure.gsi.gov.uk

Telephone: 0303 444 5000

Web: www.independent.gov.uk/infrastructure