

The Infrastructure Planning Commission and the application process

The Proposed East Northants Resource Management Facility 19 January 2012

**Pauleen Lane – Commissioner
Alan Nettey – Case Leader**

Objectives for today

1. Introduce the IPC
2. An overview of the Planning Act 2008
3. How the process works
4. The role of local authorities

The IPC commitments

- Engagement
- Openness
- Sustainability



The IPC: How we work

Commissioners

- Pre-application advice on process (not merits of a scheme)
- Examining Authority: examining applications and making decisions (or recommendations)
- Specialisms and Wales Commissioners
- Appointed by Government

Secretariat

- Advice to support the process (includes EIA specialists)
- Case leader is main point of contact
- Support Examining Authority through examination

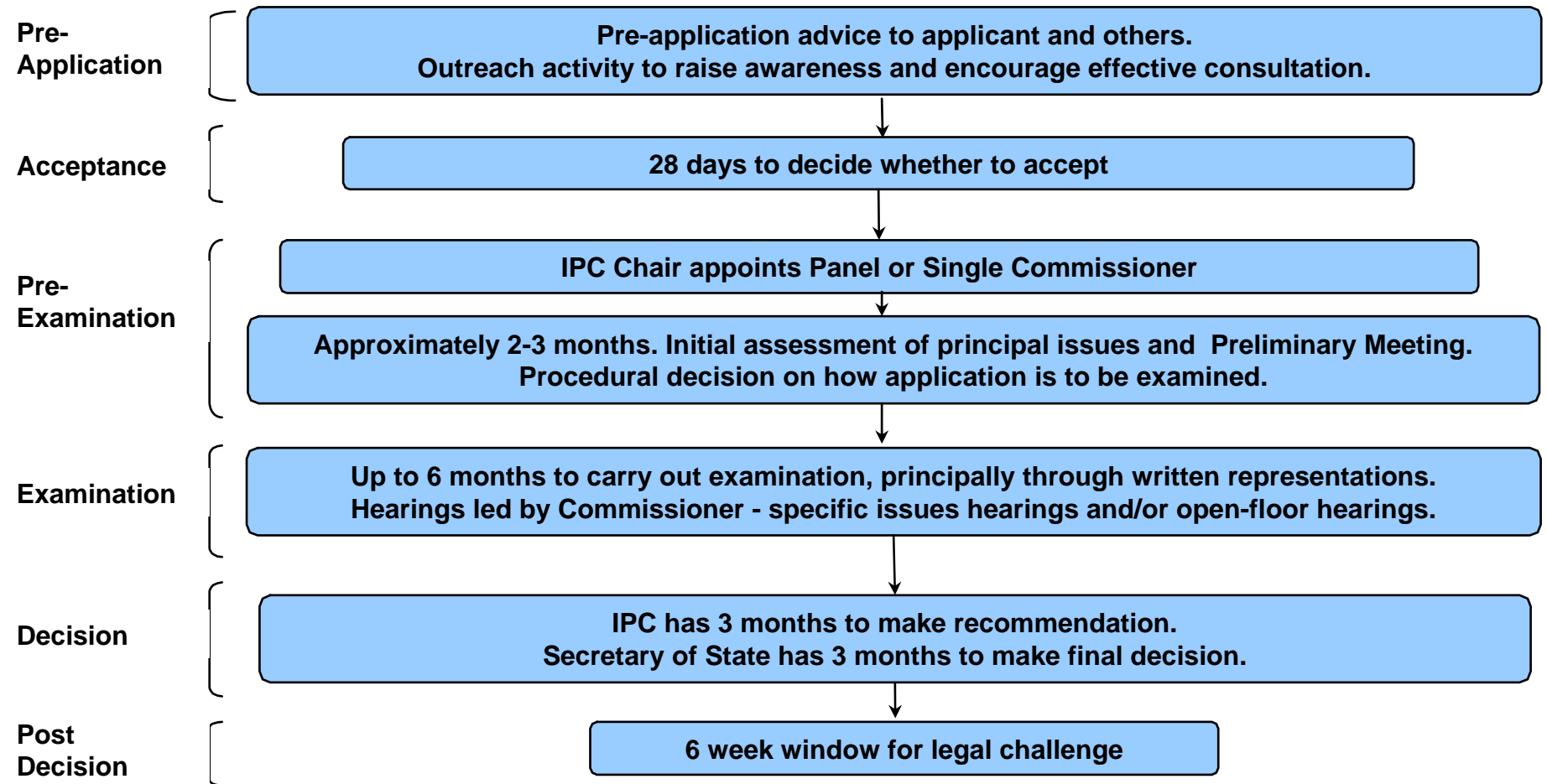
Planning Act 2008

- **Nationally Significant Infrastructure Projects:** energy, transport, water, waste, waste water
- **Thresholds** set in legislation, eg:
 - Hazardous Waste Disposal by Landfill >100,000 tpa
 - Hazardous Waste Disposal in Deep Storage Facility >100,000 tpa
 - In any other case >30,000 tpa
- Decision making framework set out in **National Policy Statements (NPS)**

Looking to the future

- NPSs to be voted on by Parliament
- Localism Act
- Secretary of State to make final decisions
- Integration with the Planning Inspectorate
- Seamless transitional arrangements.
- Expertise, processes and special character of the IPC to be retained

How our process works: six stages

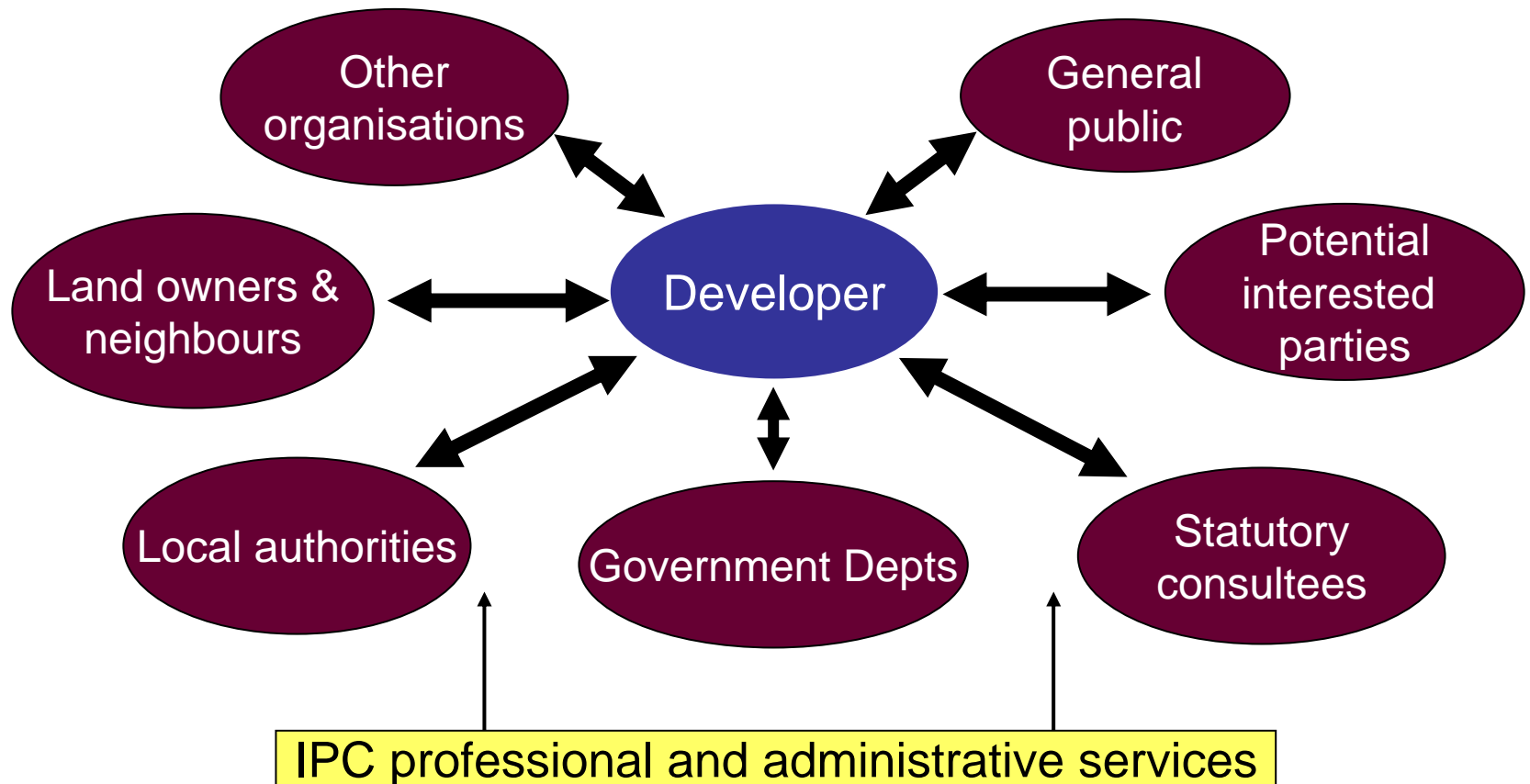


Pre-application stage

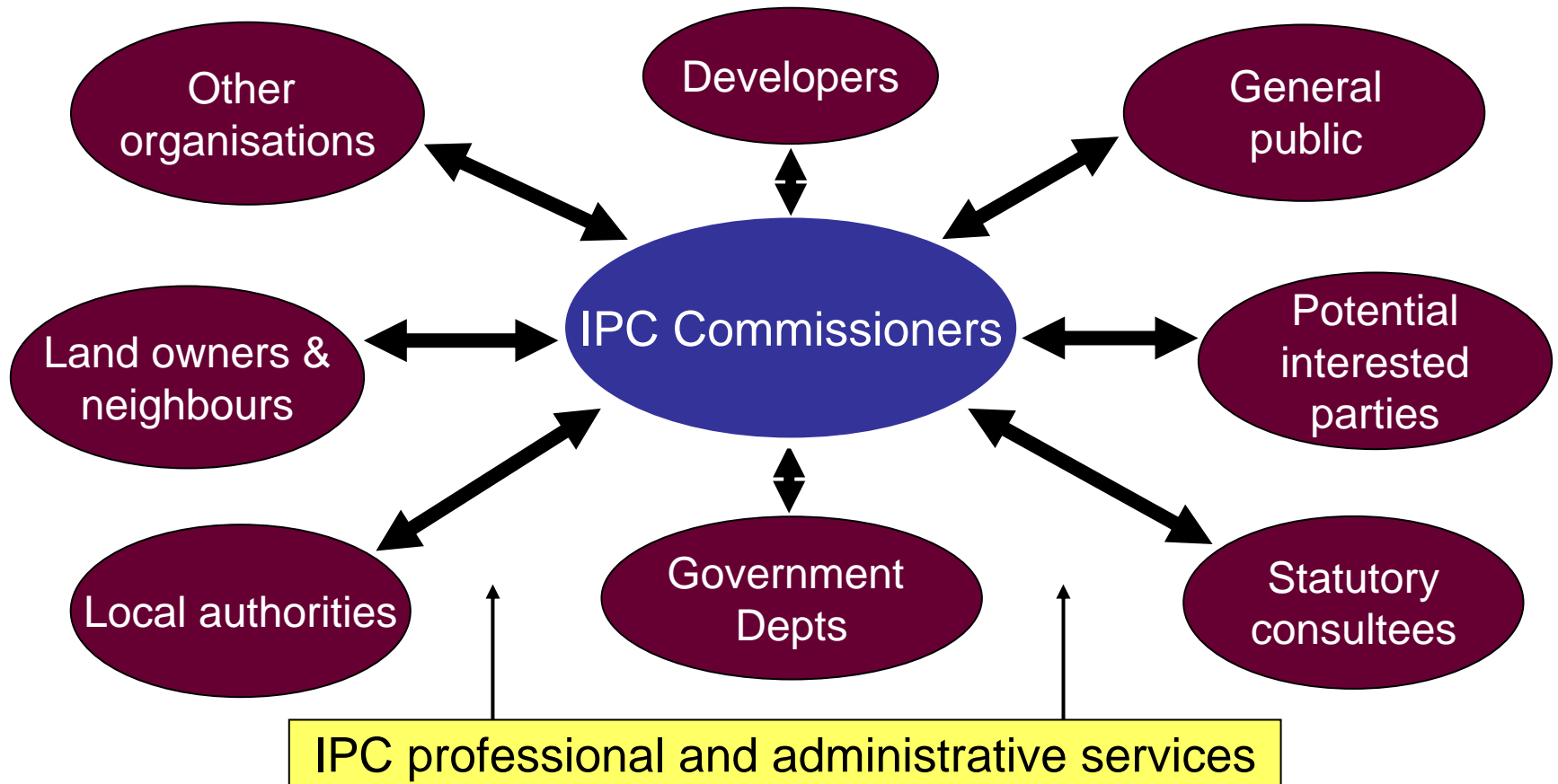
Total application: No shocks and no surprises

- Frontloaded process
- Driven by applicant
- Effective engagement
- Comprehensive EIA (for EIA development)
- SoCC
- Draft DCO
- Limited scope for amending applications post submission

Pre-application: effective engagement with the local community, statutory consultees and other organisations



Post submission: effective evidence gathering, examination and decision making



Acceptance stage

- Has the applicant met its pre-application obligations?
- Does the Consultation Report demonstrate that consultation was effective?
- Local authorities' adequacy of consultation representations?
- Is the application in the correct form, including necessary documentation?
- Has applicable guidance been followed, and if not, why not?

Pre-examination stage

- IPC moves to centre stage
- Duty to publicise and notify of accepted application
- Developer required to publicise an accepted application
- Register as an interested party (relevant representation)
- IPC initial assessment of issues
- Preliminary meeting
- Procedural decision
- Timetable for examination

Examination stage

- Written representations
- Inquisitorial rather than adversarial
- Hearings:
 - Specific issue
 - Open floor
 - Compulsory acquisition
- IPC may appoint an assessor
- Statements of common ground
- Local impact reports

Decision and Post-Decision stages

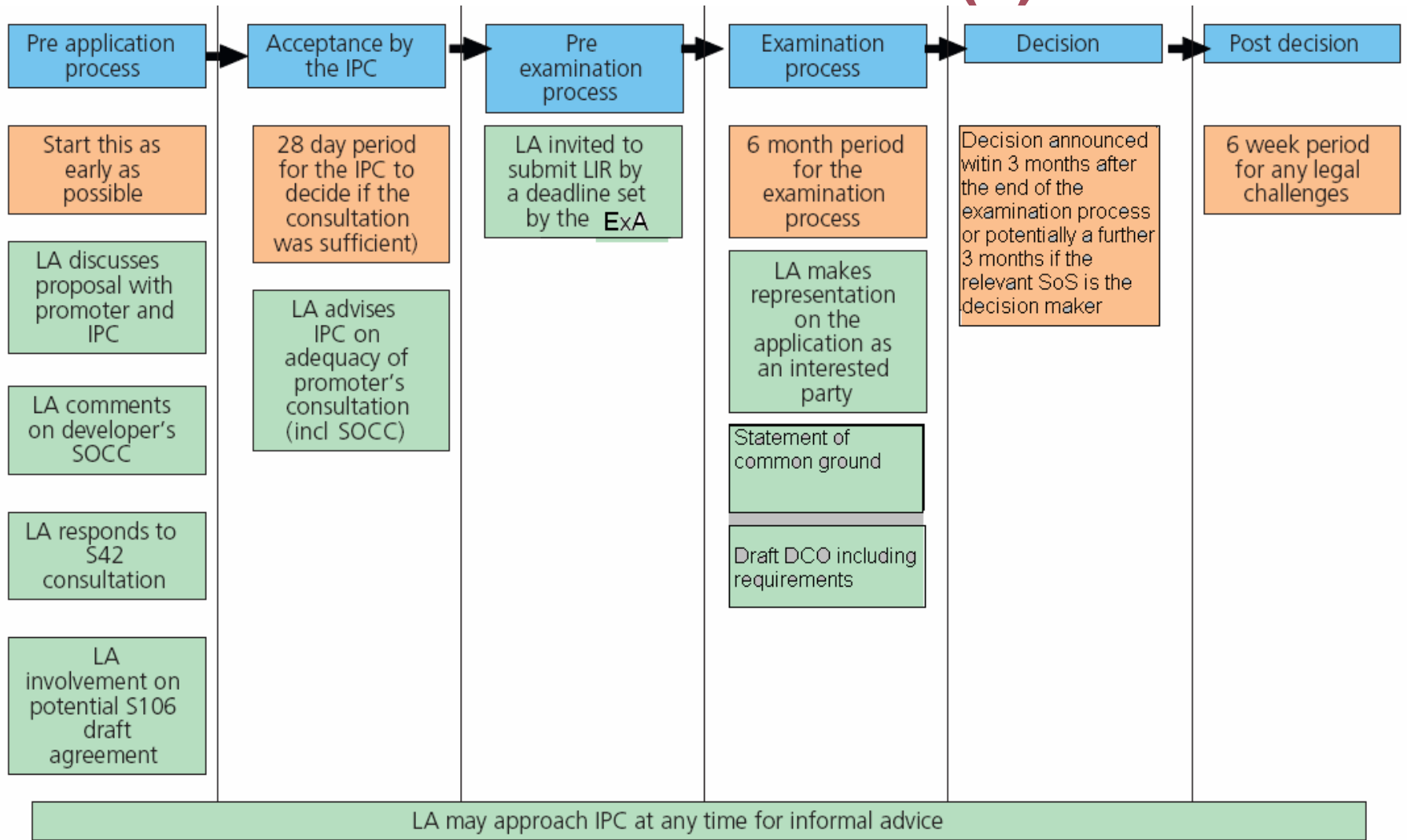
Making a decision (or recommendation to SoS)

- Issuing of decision notice
- Obligations

After the Decision (Post-Decision)

- 6 week period for legal challenges
- Approval of details
- Enforcement

The role of local authorities (1)



Source: CLG Guidance for local authorities, 2010

The role of local authorities (2)

Local authorities are involved throughout the process, in 3 main ways:



1. Pre-application consultation

- Comment on developer's draft SoCC

2. Acceptance

- Representation about adequacy of developer's consultation and publicity

The role of local authorities (3)

3. Local Impact Report

- Decision maker must have regard to LIR
- LA decides form and content
- Focus on the economic, environmental and social issues
- Opportunity for joint LIRs
- IPC advice note 1



The role of local authorities (4)

In summary

- Consultation on EIA Scoping Report
- Formal pre-application consultation by developer
- Draft Development Consent Order
- Potential s174 (s106) draft agreement

- 'Interested party'
- Preliminary Meeting

- Written representations
- Possible participation in hearings

- Enforcement of DCO

Key statutory other deadlines for LAs

Pre-app	Comments on developer's draft SoCC	28 days
	EIA Scoping Opinion consultation (IPC)	28 days
	Pre-application consultation (s42) and publicity (s48)	Min 28 days
Acceptance	Adequacy of Consultation statement	Within 14 days of submission
Pre-examination	Submission of relevant representation following application acceptance	Min 28 days
Examination	Production of Local Impact Report	Approx 6 weeks
	Submission of detailed written representations	Min 21 days

Things to consider

1. Resources and capacity
 - Resource planning
 - Potential for use of PPAs / MoUs
 - Opportunities for joint working

2. Meeting tight statutory deadlines
 - Committee cycles
 - Possible need for cabinet member, officer delegated or committee authority

3. Pre-application engagement
 - Opportunities to shape development, secure mitigation and developer contributions

Some advice and guidance

- Planning Act 2008: Guidance for Local Authorities, March 2010, CLG.
- IPC Advice note 1: Local Impact Reports
- IPC Advice note 2: IPC outreach programme
- IPC Advice note 3: Consultation and notification undertaken by the IPC
- IPC Advice note 7: EIA, screening and scoping
- IPC Advice note 8.1: How the process works
- IPC Advice note 8.2: How to have your say
- IPC Advice note 8.4: How an application will be examined by the IPC
- IPC Advice note 8.5: Putting your case on an application to the IPC
- IPC Advice note 10: Habitats Regulations Assessment relevant to NSIPs
- IPC Advice note fourteen: Compiling the consultation report

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