



Local Impact Reports

Advice note one: Local Impact Reports

The Planning Inspectorate and nationally significant infrastructure projects

The planning process for dealing with proposals for nationally significant infrastructure projects or 'NSIPs' was established by the Planning Act 2008 ('the 2008 Act'). The 2008 Act process, as amended by the Localism Act 2011, involves an examination of major proposals relating to energy, transport, water, waste and waste water, and includes opportunities for people to have their say before a decision is made by the relevant Secretary of State.

The Planning Inspectorate carries out certain functions related to national infrastructure planning on behalf of the Secretary of State.

Status of this Advice Note

Experience to date has shown that developers and others welcome detailed advice on a number of aspects of the 2008 Act process. This Advice Note forms part of a suite of such advice provided by the Planning Inspectorate.

It has no statutory status.

This version of this Advice Note supersedes all previous versions.



Introduction

As part of the 2008 Act process, the relevant local authorities will be invited to submit a local impact report (LIR) giving details of the likely impact of the proposed development on the authority's area.

This advice note is intended to assist local authorities with the form and content of these LIRs.

Local authorities have a very important role in the 2008 Act 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 ground¹.

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.

This Advice Note is laid out under the following headings:

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

¹ Further reference to statements of common ground can be found in DCLG's publication "Planning Act 2008: guidance for the examination of applications for development consent for nationally significant infrastructure projects", which can be viewed via the National Infrastructure portal (<http://infrastructure.planninginspectorate.gov.uk>).

Importance of the LIR

Once an application has been accepted for examination, the relevant Secretary of State will appoint an 'Examining Authority' to examine the application. The Examining Authority will be from the Planning Inspectorate, and will be either a single Inspector or a panel of three or more Inspectors.

As part of the examination process, the Examining Authority will invite relevant local authorities to submit LIRs by a given deadline.

After the examination has been concluded, the Examining Authority will make a recommendation to the Secretary of State, who will make the decision on whether or not to make a development consent order (DCO) authorising the project.

In coming to a decision, the Secretary of State must have regard to any LIRs that are submitted by the deadline. Local authorities are therefore strongly encouraged to produce LIRs when invited to do so.

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. The local authority will be able to submit a separate written representation if it wishes to express a particular view on whether the application should be granted.



Where a number of relevant local authorities are involved, local authorities might consider a joint LIR submission.

Timetable

The 2008 Act process is summarised in Figure 1, which also shows the statutory deadlines to which the Examining Authority must operate. Figure 2 illustrates how local impact reports fit into that timetable.

The Examining Authority is 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 2008 Act for examining the application.

The Examining Authority will hold a preliminary meeting before the commencement of the examination. After the preliminary meeting the Examining Authority will circulate 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 LIRs, and the period within which interested parties will have the opportunity to make written comments on them.

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.

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 Secretary of State and they have been invited to submit an LIR. 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.



Figure 1 The 2008 Act Process

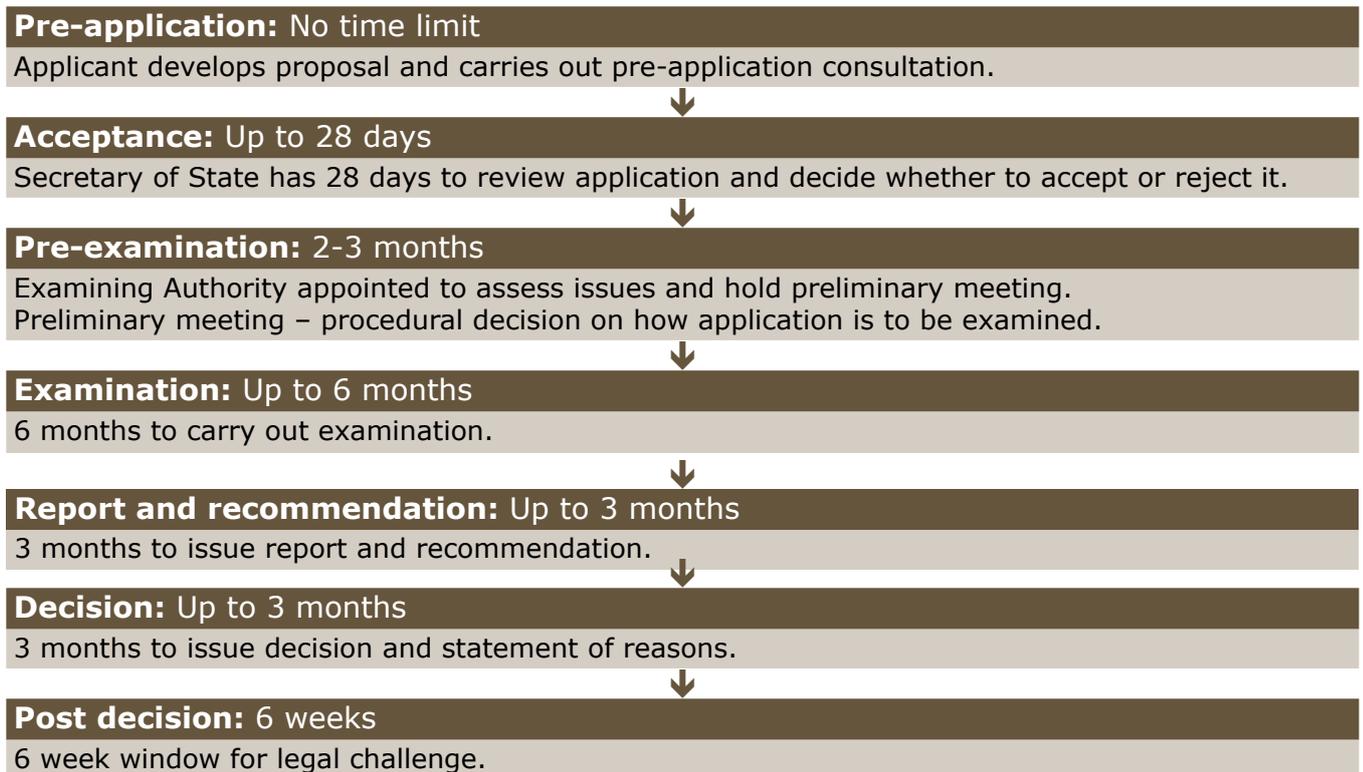


Figure 2 How the local authority fits in





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 articles and requirements within the draft Order (such as the scheme) in respect of all of the above
- DCO obligations and their impact on the local authority's area.

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 Examining Authority.

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 formal committee report. The Examining Authority 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 Examining Authority by identifying 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 Examining Authority 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 DCO obligations under s174 of the 2008 Act.

It will be important for the Examining Authority to have the local authority's views on DCO articles, requirements and DCO obligations. Where specific mitigation or compensatory measures are proposed by the applicant, by way of suggested DCO articles and requirements; or DCO obligations, these should be identified and commented upon. Local authorities should mention them explicitly. The same applies to DCO articles; 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. Local authorities should therefore encourage such respondents to register with the Planning Inspectorate as 'interested parties' at the appropriate time so that their representations about the scheme will be considered by the Examining Authority.



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 determination of an application. There is, however, no need for the local authority to undertake an assessment of compliance with an NPS; this would duplicate the Examining Authority'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 Examining Authority will encourage parties not to duplicate evidence submitted to it.

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

Further information

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This advice note was republished in March 2012 with changes to reflect the IPC being abolished and the work of the IPC transferring to the Planning Inspectorate under the Localism Act 2011.