



London Councils World City Division Circular 09/01

To:	London borough planning contacts, OAPP contacts	Cc:	Cllr. Chris Roberts
Date:	5 th February 2009	Ref. no:	WCD 09/01
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1. Publication of the Infrastructure Planning Commission implementation route map

2. Consultation on list of statutory consultees for National Policy Statements

Summary

The Government has published a route map for the implementation of the new Infrastructure Planning Commission (IPC), introduced as part of the Planning Act 2008, which is expected to begin reviewing applications in spring 2010.

It has also published a list of statutory consultees for National Policy Statements (NPSs), which will form the basis for the new IPC's decision making.

Dear Colleagues

Background

The Government's Planning Act 2008 was granted Royal Assent on the 26th November 2008. The Act built on proposals outlined in the 2007 Planning White Paper and introduces a new planning system for nationally significant infrastructure projects, alongside reforms to the town and country planning system and the introduction of the Community Infrastructure levy.

This circular provides details of two recent CLG publications relating to the establishment of the new planning regime.

1. Infrastructure Planning Commission Implementation Route Map

<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyimplementation/eforplanningsystem/planningbill/>

The Government has now published a route map for the implementation of the new Infrastructure Planning Commission (IPC), which will review all applications for nationally significant infrastructure projects from spring 2010. (For full summary see: Appendix one).

- Key members of the IPC's staff, including the chair, deputy chairs and a core of commissioners will be appointed between January and summer 2009.
- The IPC will begin offering formal advice from October 2009 and reviewing applications from April 2010.
- Around 15 statutory instruments (SIs) and guidance documents will deal with establishing the details of the new planning regime. These will be drafted in three packages and published between January and April 2010.
- An initial 12 National Policy Statements (NPSs) will be published between summer 2009 and 2011. CLG is committed to public consultation in the production of these NPSs, which will include proactively engaging with citizens and communities. Where an NPS is location-specific, local authorities will be consulted about how the NPS should be publicised in the local area. CLG has increased the resources it makes available to provide Planning Aid in order to promote community engagement in the planning process.

2. Consultation on list of Statutory Consultees for National Policy Statements

<http://www.communities.gov.uk/publications/planningandbuilding/consultationstatutoryconsultees>

CLG has published the list of bodies and organisations that will be consulted during the process of producing NPSs (available at the above link). The list includes local authorities, TfL and the LGA, but does not include London Councils.

The consultation was published on 27th January 2009 and will end on 20th April 2009.

Consultation question:

Do you agree that the draft Regulations capture the organisations which the Secretary of State should be legally obliged to consult before designating a statement as a National Policy Statement? If not, what changes would you make to the list of organisations?

Response

London Councils welcomes the publication of both the IPC implementation route map and the list of statutory consultees for NPSs. We will prepare a response to the consultation proposing that London Councils is also included as a statutory consultee where any proposed NPS is likely to affect London. If London boroughs wish to see other proposed changes to the list of consultees included in our response, we ask that their comments are sent to us by Friday, 20th March.

Yours sincerely

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Appendix 1:

Infrastructure Planning Commission implementation: Route map summary

<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyimplementation/reformplanningsystem/planningbill/>

The route map outlines the process of establishing the new planning regime, a result of the Planning Act 2008. Broadly this involves three stages:

1. establishing the Infrastructure Planning Commission (IPC), a new independent non-departmental body, which will make decisions on planning applications for nationally significant infrastructure projects
2. setting out the detailed procedures and processes of the new regime in statutory instruments (SIs) and guidance, and
3. preparing National Policy Statements (NPS), which will provide the basis for the IPC's decision making.

1. Infrastructure Planning Commission (IPC)

An interim team will be in place from early 2009, which will begin work establishing the organisation's processes and systems. The IPC is expected to begin offering formal advice to potential promoters of applications from October 2009, and to be ready to receive applications from April 2010.

The process of recruiting the IPC's Chair has already begun, and an appointment is expected in Easter 2009. The recruitment of the IPC's Deputy Chairs will begin in February 2009, with appointments expected in the summer.

The Planning Act's Impact Assessment estimated that the IPC will need around 35 Commissioners to act as decision makers on applications. Initially a core of two or three Commissioners will be appointed, who will work with the Chair and Deputy Chairs to establish the working arrangements of the IPC. Other staff and Commissioners will be appointed later in 2009.

2. Secondary Legislation and Guidance

Around 15 statutory instruments (SIs) and guidance documents will deal with establishing the details of the new planning regime. These will be drafted in three packages:

- First package: NPS consultees, which will set out the list of statutory consultees for National Policy Statements (published – see appendix 2)
- Second package: pre-application requirements, which will deal with the requirements placed on developers in order for them to prepare applications to the IPC. This includes their obligation, under the Planning Act 2008, to consult on applications before submitting them to the IPC. This package will also include guidance on what promoters will be expected to include in an application, the model provisions that can be used in draft Development Consent Orders (DCOs) and the screening process to determine whether an application will require an Environmental Impact Assessment (EIA). CLG intends to consult on this package in the spring, with the aim that they will come into force in October 2009.
- Third package: examination and decisions on applications, which will deal with how the IPC will run its examinations and the prescribed matters that the IPC must consider when reached decisions on applications. This package will be published for consultation in the summer and the SIs will come into force in April 2010.

3. National Policy Statements (NPSs)

NPSs will be the principle policy documents which the IPC will use in making decisions. Initially 12 NPSs will be produced covering the following infrastructure sectors:

- overarching energy
- renewables
- fossil fuel
- electricity networks (i.e. power lines etc.)
- oil and gas infrastructure
- nuclear power
- ports
- national networks (i.e. strategic roads and railways)
- airports
- waste water (e.g. sewage treatment infrastructure)
- water supply (e.g. reservoirs)
- hazardous waste (e.g. high temperature incineration)

NPSs are being drafted by the government departments responsible for the sectors they cover, a process that will be coordinated by CLG.

CLG is committed to public consultation in the production of NPSs, which will include proactively engaging with citizens and communities. Where an NPS is location-specific, local authorities will be consulted about how the NPS should be publicised in the local area. CLG has increased the resources it makes available to provide Planning Aid in order to promote community engagement in the planning process.

Each draft NPS will also be subject to Parliamentary scrutiny and Appraisal of Sustainability (AoS), including, where appropriate, Strategic Environmental Assessment (SEA). If the Select Committee recommends that a debate should be held on a draft NPS, the government is committed to make time for this in both Houses. Where possible this will take place within six weeks.

Consultation on the following NPSs will take place as follows:

- The non-nuclear energy and ports NPSs in summer 2009, with designation in early 2010
- The nuclear NPS in 2009, with designation in the spring 2010
- The national networks NPS in autumn 2009, with designation later in 2010
- The waste water NPS in late 2009 (a date for designation is not specified)

Other draft NPSs will be published as follows:

- The hazardous waste draft NPS to be published in spring 2010
- The water supply draft NPS to be published later in 2010, and
- The airports draft NPS planned for publication by 2011

(The route map does not indicate when consultations on these NPSs are likely to take place.)

Transitional Arrangements

Government departments will be having conversations with promoters and other interested parties to ensure that work already done on major projects will not need to be repeated in order to meet the new requirements of the IPC.

- Where applications have already been submitted under the current planning regimes, they will be decided by those regimes. However, once the IPC become operational all new application will be considered by it.

- Some flexibility will be needed to ensure promoters of applications do not have to repeat work already done, for example where public consultation has taken place in the years preceding an application. Safeguards will be in place to ensure this flexibility does not compromise the standards of the new regime.

Involvement

Exact dates for consultation on each stage outlined in this route map will be publicised at the appropriate time. CLG, the Department of Energy and Climate Change (DECC), the Department for Transport (DfT) and the Department for Environment, Food and Rural Affairs (Defra) will continue informal dialogues with stakeholders over the course of implementing the new regime.

Promoters considering bringing forward applications for nationally significant infrastructure projects are encouraged to contact the IPC implementation team.