

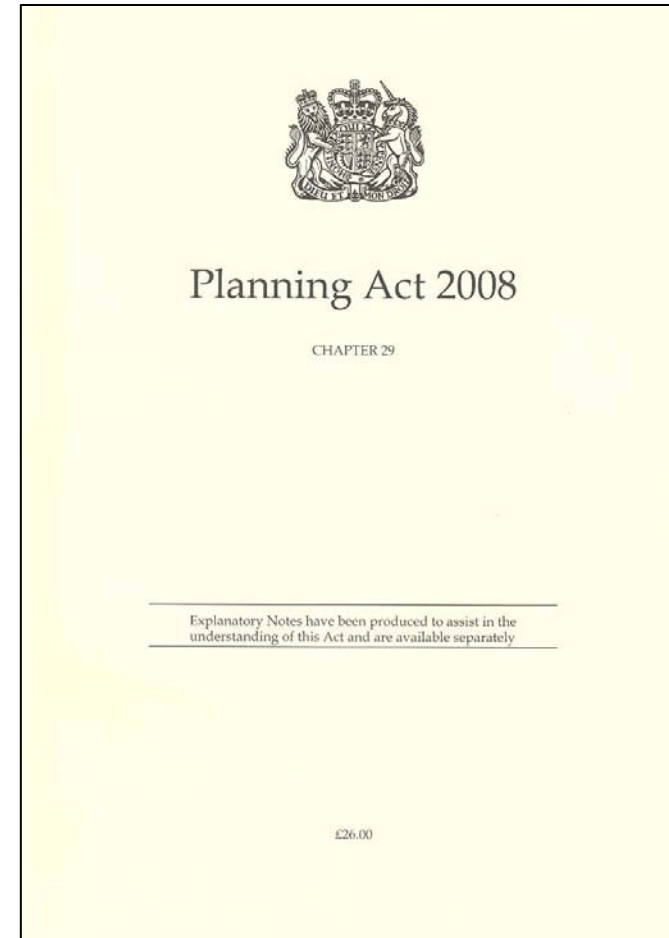
The New Planning Regime for Nationally Significant Infrastructure Projects

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The New Regime for NSIPs

A regime that is better for everyone

faster and fairer

more streamlined and more accountable

more predictable with better participation

Components of the New Regime

- The **Planning Act 2008** – sets the framework, makes statutory provision for the rest of the regime.
- **Secondary Legislation and Statutory Guidance** – “fleshes out” the new regime and its processes (e.g. applications, determinations, fees; habitats, EIA and, importantly, transitional arrangements).
- The **Infrastructure Planning Commission (IPC)** – new independent body which will take development consents decisions on NSIPs.
- **National Policy Statements (NPS)** - Government produced documents – principle basis for IPC decisions on NSIPs.

Timetable for IPC implementation

- **27 January** Consultation on NPS statutory consultees ✓
- **March** Location Decision ✓ [Bristol]
- **8 March** CEO, Deputy Chair and Commissioner recruitment ✓
- **26 March** IPC Chair appointed ✓ [Sir Michael Pitt]
- **30 March:** Consultation second tranche of regs and guidance ✓
- **1 May:** Sir Michael Pitt takes up post ✓
- **Summer '09:** Drafts of first tranche of NPSs published; senior appointments to IPC
- **Autumn '09:** IPC to begin advising applicants
- **Early 2010:** First Tranche of NPS designated
- **Q2 2010:** "Switch on" IPC begins receiving applications

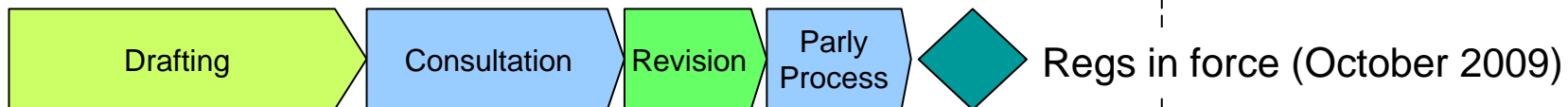
Timetable: Secondary Legislation and Guidance

2009 | 2010

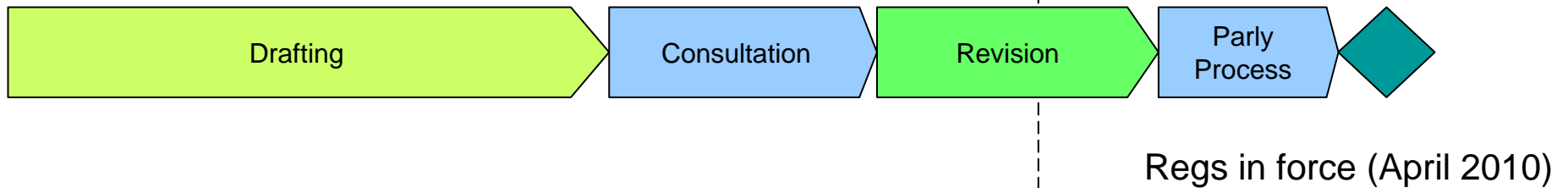
Package 1: SI on NPS Statutory Consultees



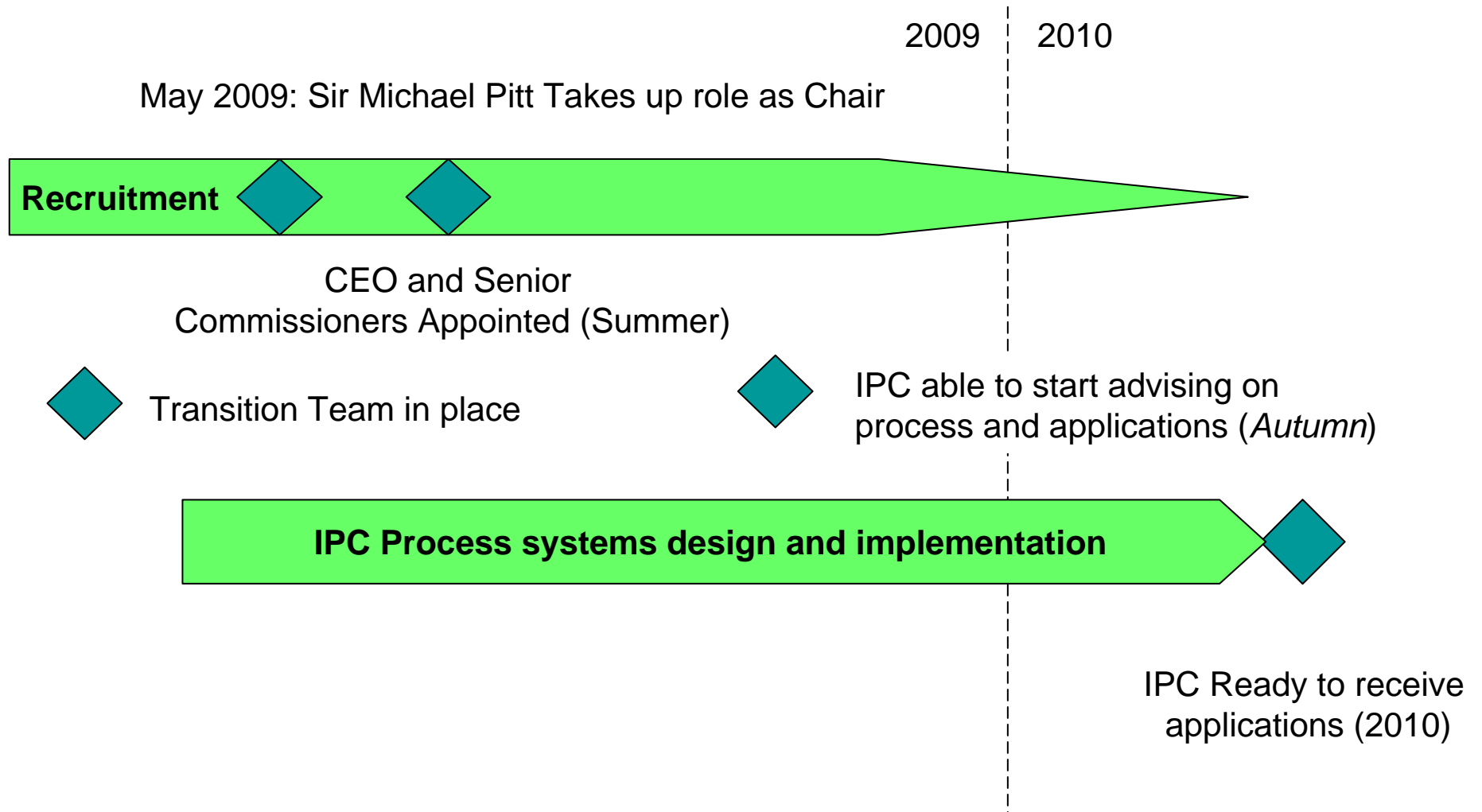
Package 2 SIs (applications) and SofS guidance published



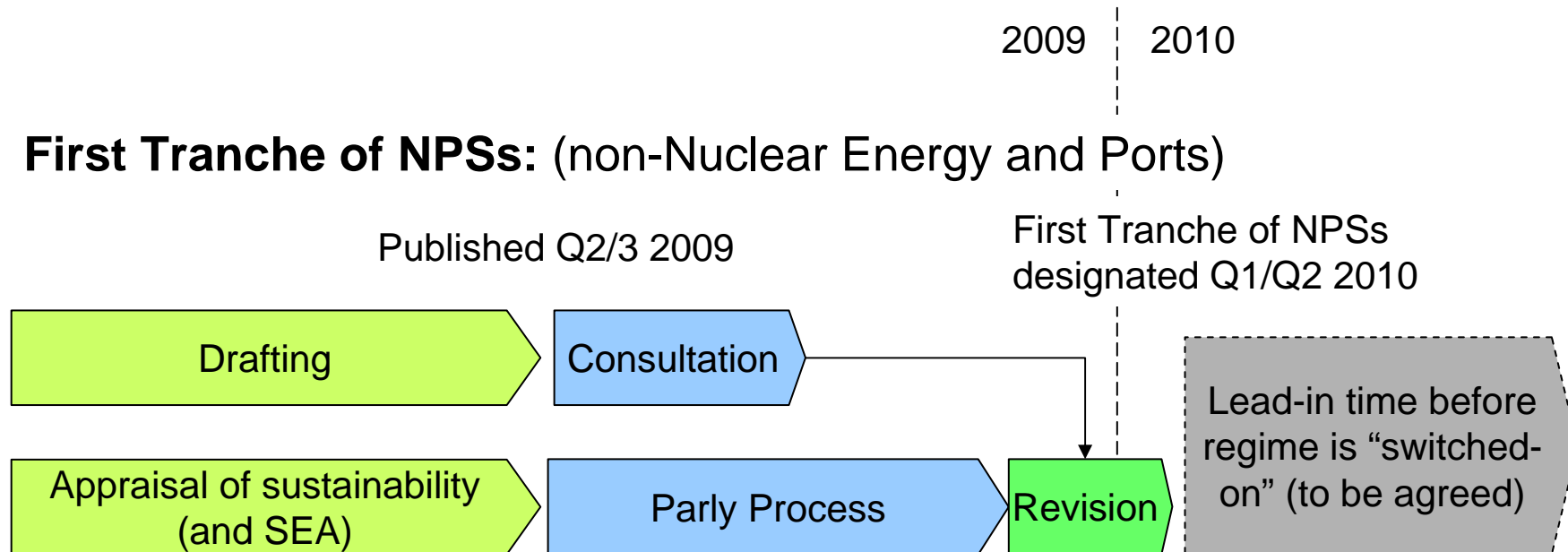
Package 3 SIs (examinations, procedures and fees)



Timetable: IPC



First Tranche of NPSs: (non-Nuclear Energy and Ports)



- **Nuclear NPS** - published later in 2009 designated spring 2010
- **National Networks NPS** - published later in 2009 designated later in 2010
- **Waste Water NPS** - published late 2009
- **Water Supply NPS** - published in 2010
- **Hazardous Waste NPS** - published in 2010.
- **Aviation NPS** – published by 2011.

Transitional Arrangements

Transitional Arrangements

- Draft regulations and Guidance that was published for consultation on 30 March 2009 sets out our proposed policy for transitional arrangements – key messages are:
 - where applications have been submitted under the existing consent regimes it will be decided under those regimes. There will be no requirement to transfer cases to the new regime part way through the approval process.
 - Any application commencing consultation on an NSIP after October 2009 should carry out consultation in accordance with new standards.
 - Consultation commenced between October 2007 and October 2009 can be taken into account in meeting consultation requirements subject to certain conditions.

National Policy Statements

What is an NPS?

Statement of the primary policy framework for decisions on applications to the IPC for development consent for Nationally Significant Infrastructure Projects.

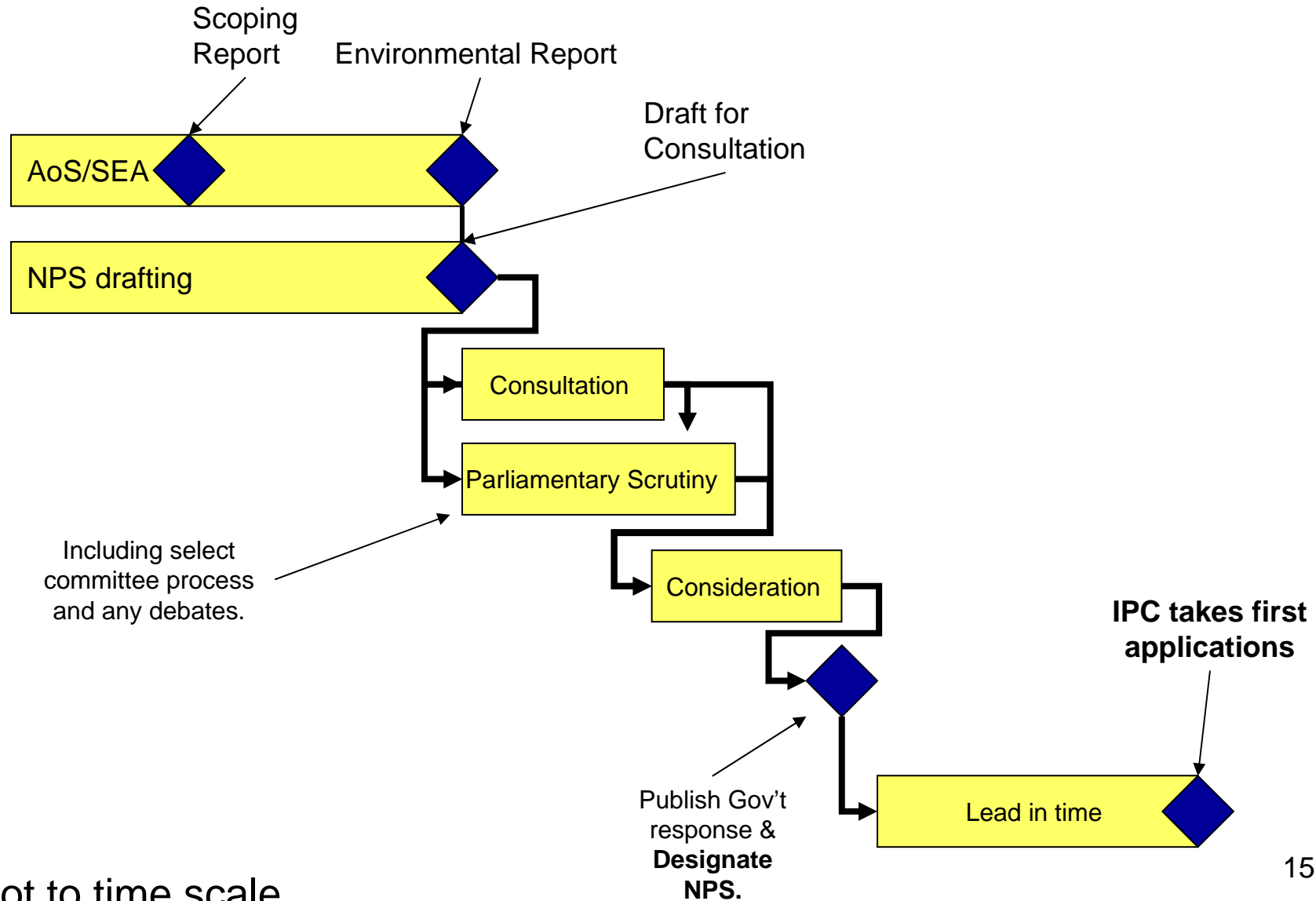
NPS will aim to:

- Be a clear strategic statement of national policy integrating social, economic and environmental objectives, assured by Appraisal of Sustainability (and where appropriate SEA), public consultation and parliamentary scrutiny.
- Set out the strategic need for the type of infrastructure.
- Set out consideration of relevant generic issues (e.g. safety and technology) to be taken into account by IPC aiming to avoid inquires having to consider such issues in individual applications.
- Where appropriate be locationally specific.

Core elements of NPSs will be:

- Identification and justification of need for the infrastructure
- Locational considerations (sites for locationally specific NPSs)
- Identification of impacts of infrastructure type
- A clear policy steer on how IPC should assess impacts and come to decision on applications.

Outline of NPS Process



Not to time scale

What infrastructure NPSs will cover

DECC

- Overarching Energy NPS
 - Renewables NPS
 - Fossil Fuel NPS
 - Electricity Networks NPS
 - Oil and Gas Infrastructure NPS
 - Nuclear NPS
- Covers **all** energy NPSs.
Non nuclear energy NPSs being dealt with as a package.
- Taken forward in parallel process

DfT

- Ports NPS; National Networks NPS & Airports NPS

Defra

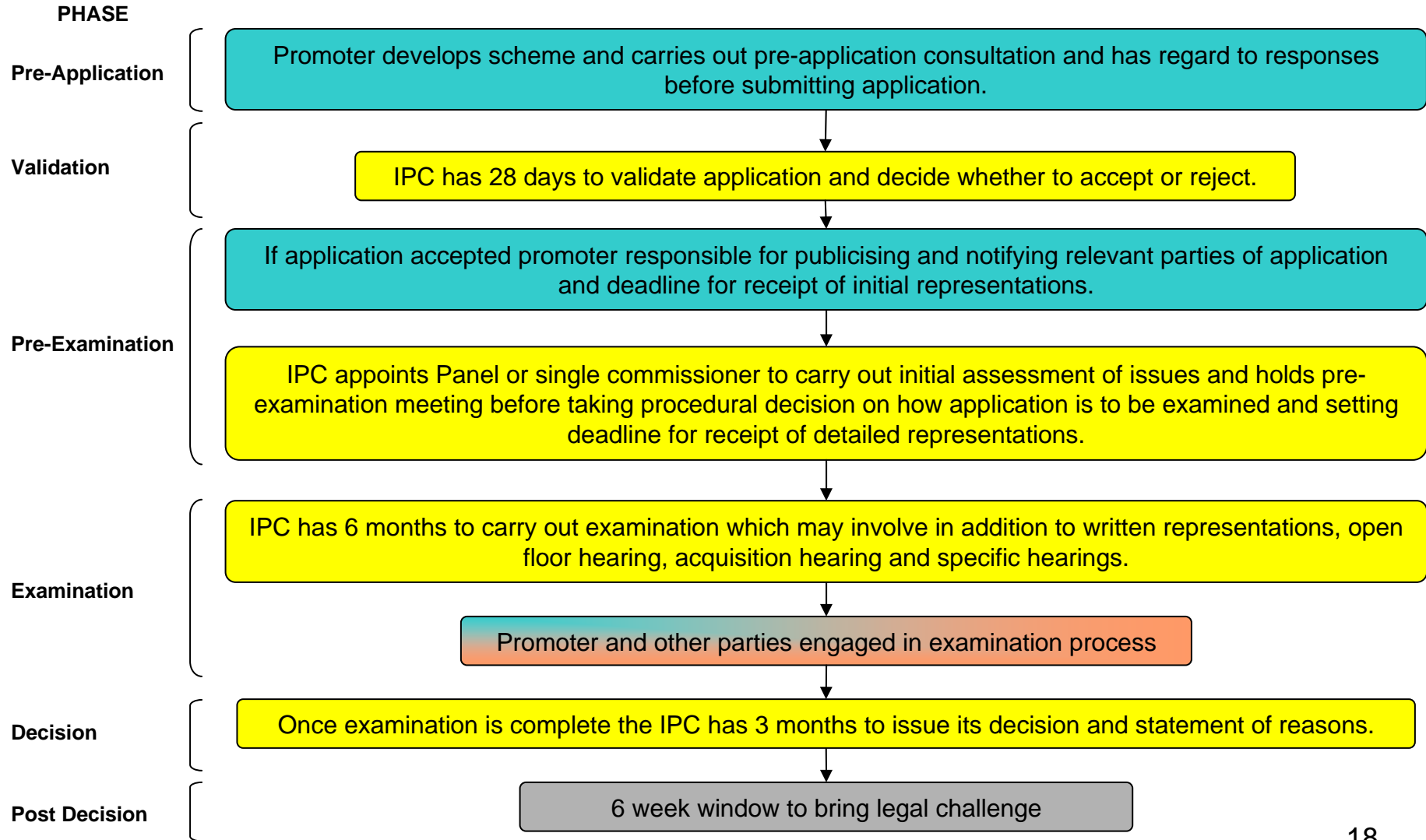
- Water Supply NPS; Waste Water NPS & Hazardous Waste NPS

CLG

- No NPSs, but Coordinating across government, ensuring coherence and consistency between NPSs and rest of planning system.

The Development Order Process

Development Consent Order Process: Overview



IPC decision making

- IPC must determine in accordance with the NPS, unless:
 - adverse impacts outweigh benefits
 - breach of international obligations
 - be unlawful
 - breach statutory duty
 - contrary to regulations about how decisions are to be taken
- IPC can require mitigation
- Statutory time limit of nine months for inquiry and decision – can be extended if reasons given to SofS
- Expect total time from submission of application to decision to be about a year - although a few cases may take longer

Questions?