



Major infrastructure planning reform

Work plan



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Introduction

1. Securing investment in new nationally significant infrastructure - energy, road, waste, rail and water – is essential to deliver the Government's commitment to sustainable growth in the UK over the coming decades. It is an integral part of the Government's efforts to rebuild the UK economy and provide new jobs.
2. In order to meet this ambition the planning regime for major infrastructure must be an enabling system: rapid, predictable, transparent and democratically accountable. We cannot expect to meet the needs of tomorrow with yesterday's infrastructure and we cannot secure essential investment without a planning system designed to meet this need.
3. The Government made clear its commitment to new infrastructure in the October 2010 Spending Review, highlighting the £200bn of private and public sector investment which is expected over the next five years, including £30bn on transport projects. Total investment in the electricity sector alone is estimated at more than £100bn over the next decade¹.
4. In October 2010 and for the first time, the Government set out a broad vision for the infrastructure investment that is required in the UK with the publication of a National Infrastructure Plan. Infrastructure UK - the body charged with the improvement of the Government's long-term planning, prioritisation and delivery of major infrastructure, including the enabling of greater private sector investment in infrastructure, will oversee the plan's implementation.
5. This work plan provides further detail of the Government's specific proposals for the planning regime for major infrastructure. It sets out the steps that it is taking to abolish the Infrastructure Planning Commission and relocate it within the Planning Inspectorate, the timetable for the delivery of national policy statements and the measures that the Government is introducing to ensure that it meets its commitment to a planning regime which is effective, efficient and transparent.

Our commitment to major infrastructure

6. The planning system for major infrastructure is separate from the Government's reforms to the town and country planning system which will provide the tools and the freedoms for communities to shape their own neighbourhoods and for decisions to be taken at the most appropriate level without unnecessary central government interference.
7. Decisions on national and strategic infrastructure must be taken at national level because of their critical importance to economic growth and prosperity. This will ensure that the needs of the nation are considered together with local impacts. As such, these decisions must be taken by democratically accountable ministers.

¹ Energy Market Assessment, HM Treasury and Department for Energy and Climate Change, March 2010

8. In *The Coalition: our programme for government*, the Government announced its intention to abolish the Infrastructure Planning Commission in order to make the decision-making process for major infrastructure more democratic, and explained why the Government committed to retain a fast-track process for nationally significant planning applications.
9. On 29 June 2010, the Minister for Decentralisation, The Rt Hon Greg Clark, MP announced that:
 - a Major Infrastructure Planning Unit would be set up within the Planning Inspectorate to replace the Infrastructure Planning Commission
 - responsibility for major infrastructure planning decisions would return to ministers
 - the Infrastructure Planning Commission would continue in its present role until it is dismantled, including making decisions where any relevant national policy statements are designated; and
 - the Government would press ahead with development of national policy statements which will, in the future, also be subject to the approval of Parliament.

The Localism Bill

10. The Government intends to legislate for these changes through the Localism Bill. The Localism Bill will make amendments to the Planning Act 2008 (“the 2008 Act”) however, the fast track process for dealing with major infrastructure applications will remain in place.
11. The Bill will abolish the Infrastructure Planning Commission and transfer its functions to the Secretary of State. These functions (other than decision-making, which remains with the Secretary of State) will be delegated to the Major Infrastructure Planning Unit. As is the case under the current regime, examinations will be carried out either by a single person appointed to that task, or a panel of up to five appointed people, depending on the size and complexity of the application. To ensure that applications transfer from the Infrastructure Planning Commission to the Major Infrastructure Planning Unit without interruption, the Bill includes a power of direction which will enable the Secretary of State to specify how the transition should be dealt with on a case by case basis.
12. The Bill also provides for the approval of national policy statements by Parliament. Further detail on this is given from paragraph 32 on.
13. The Localism Bill does not change:
 - a. the role of national policy statements in providing the framework for decision making

- b. the requirements for national policy statements to be subject to public consultation and scrutiny by Parliament, and for an appraisal of the sustainability of the policy set out in a national policy statement and
 - c. the process for preparing, handling and examining applications.
14. The Bill will also make a number of further modest amendments to the 2008 Act, aimed at improving, further streamlining, and increasing the flexibility of the regime.
 15. Changes to the regime are dependent on Royal Assent of the Localism Bill after its passage through Parliament. We currently anticipate that commencement of the relevant parts of the Act will be in April 2012.
 16. Secondary legislation and guidance, already made under the 2008 Act, will be amended to reflect the transfer of work from the Infrastructure Planning Commission so that its functions can be taken on by the Major Infrastructure Planning Unit and by ministers. Any further secondary legislation and guidance that is needed to complete this work will be put in place to coincide with commencement of the Act. In practical terms, this means that those using the nationally significant infrastructure planning system will continue to benefit from a faster, transparent and more predictable decision making process.
 17. We have recently published for public consultation a final set of regulations necessary to fully implement the nationally significant infrastructure elements of the 2008 Act. These are *Procedures for revoking or making changes to development consent orders for Major Infrastructure Projects (MIPs)*². The closing date for this consultation is 24 December 2010 and we aim to bring these into force in April 2011.

- **The Infrastructure Planning Commission's functions will have transferred to the new Major Infrastructure Planning Unit following Royal Assent of the Localism Bill**
- **The Department for Communities and Local Government will put in place any additional secondary legislation or guidance that may be necessary as a result of the changes to the 2008 Planning Act**
- **Regulations on revoking or making changes to development consent orders will be in place by April 2011.**

² <http://www.communities.gov.uk/publications/planningandbuilding/dcosconsultation>

Decisions by the Secretary of State

18. Following the abolition of the Infrastructure Planning Commission decisions on major infrastructure applications will revert to the Secretary of State with the policy responsibility for the relevant industry sector: energy projects will be determined by the Secretary of State for Energy and Climate Change; transport projects by the Secretary of State for Transport. We envisage that applications relating to hazardous waste will be determined by the Secretary of State for Communities and Local Government, and that applications relating to waste water and water supply will be determined jointly by the Secretaries of State for Communities and Local Government and Environment, Food and Rural Affairs. This is in line with the position prior to the establishment of the Infrastructure Planning Commission.
19. The relevant Secretary of State will determine applications for development consent in accordance with designated national policy statements, following consideration of the report and recommendation from the Major Infrastructure Planning Unit. In the absence of a national policy statement, decisions will be based on established policy, the Major Infrastructure Planning Unit's recommendation and other matters the Secretary of State deems to be both important and relevant.

- **Following Royal Assent of the Localism Bill major infrastructure applications will return to ministers for decision as follows:**
 - **the Secretary of State for Energy and Climate Change will take decisions on energy applications**
 - **the Secretary of State for Transport will take decisions on transport applications**
 - **the Secretary of State for Communities and Local Government will take decisions on hazardous waste applications; and**
 - **the Secretaries of State for Communities and Local Government and Environment, Food and Rural Affairs will jointly determine water supply and waste water applications.**
- **Decisions will continue to be made in accordance with national policy statements.**

Speed and effectiveness of the new regime

20. The Government supports the front-loaded approach to the major infrastructure planning regime which calls for detailed pre-application work, including consultation with local communities, before an application is submitted. Partners have stated that they support this approach but have asked that the Government monitors the new regime to make sure that it is free of unnecessary bureaucracy and provides as much certainty as possible for applicants and statutory consultees.
21. The regime is still very new, with only one application having been accepted at present, although some 50 cases have been notified to the Infrastructure Planning Commission and are therefore in pre-application phase. A faster, more effective, regime is absolutely vital to the economy but also benefits all who require certainty about plans for major infrastructure, including local people. We will be listening very closely to the experiences of those using the new regime for the first time. The Government will be reviewing the effectiveness of the entire system once the Major Infrastructure Planning Unit has been established and a number of varied cases have been through the process from pre-application to final decision.
22. The timetable for the Infrastructure Planning Commission and then the Major Infrastructure Planning Unit to consider applications as set out in the 2008 Act is, six months for examination stage, three months for the submission of a recommendation and three months for the Secretary of State to determine an application. That is to say that decisions will be taken within 12 months of commencement of an application's examination and the timetable remains unchanged. However, the Government will consider whether it would be possible to speed up the timetable while ensuring that the regime remains as predictable and efficient as possible.

- **The Government will be retaining the front-loaded approach to the major infrastructure planning regime**
- **The Government will be reviewing the regime's effectiveness after the Major Infrastructure Planning Unit is established.**

A commitment to delivery

23. The Government has listened to the comments and concerns of industry about the need to ensure that a return to ministerial decision-making does not result in a slower and less predictable regime. We will progress and determine at the earliest opportunity the body of nationally significant infrastructure planning applications that were submitted to the Government under the regimes that predated the arrangements introduced by the 2008 Act.
24. There are some 15 applications currently with the Department for Transport and 49 with the Department for Energy and Climate Change (36 power generation applications and 13 for major overhead power lines). These entered into the system ahead of the commencement of the 2008 Act. It is the Government's intention that these be dealt with swiftly and effectively to ensure that significant progress is made in determining them before major infrastructure decisions returns to ministers.
25. From 2011, as part of the commitment to the investment in major infrastructure and to a rapid and effective planning regime, the Secretary of State for Communities and Local Government will chair a regular meeting of ministers from consenting departments. It will also be attended by Infrastructure UK, the Treasury, and the Department for Business, Innovation and Skills. The group will look specifically at expediting outstanding cases under the previous regimes and at driving performance across government. It will also share good practice and take joint responsibility for the effectiveness of the new major infrastructure planning regime.

A new informal ministerial group will be established to:

- **have oversight of major infrastructure planning matters including the outstanding planning applications made under the former regimes; and**
- **examine the effectiveness of the new regime.**

National policy statements

26. National policy statements are central to the Government's planning reforms for major infrastructure because they set out the policy framework for decisions on these projects. Once the Infrastructure Planning Commission is abolished and the responsibility for nationally significant infrastructure decisions is returned to elected ministers, these will continue to be made in accordance with any relevant designated national policy statement.

27. On 18 October 2010 the Department for Energy and Climate Change published revised draft energy national policy statements for public consultation and parliamentary scrutiny³. The consultation will close on 24 January 2011 and the national policy statements will be presented to Parliament for approval in spring 2011 before designation.
28. On 16 November 2010 the Department for Environment, Food and Rural Affairs published the national policy statement for waste water for public consultation and parliamentary scrutiny⁴. Public consultation will close on 22 February 2011, parliamentary scrutiny will end on 17 May 2011 and we expect the national policy statement to be presented to Parliament for approval in summer 2011. We also envisage that the national policy statement for hazardous waste will be published in April 2011 for consultation and scrutiny with presentation to Parliament in early 2012. The need for a water supply national policy statement will be considered once the final water resources management plans have been published (likely to be early in 2011).
29. During the course of 2011, the Department for Transport intends to proceed with the designation of a ports national policy statement. This will be based on the draft which was published in November 2009, and take into account the responses made during the consultation at that time and the subsequent Parliamentary scrutiny process. The Department for Transport will also be publishing a draft national policy statement for national networks in 2011, covering the strategic road and rail networks and strategic rail freight interchanges. The precise timing of these documents is subject to review and will need to take account of the Government's proposals for a national high speed rail network. The Secretary of State for Transport expects to make an announcement soon on the timetable and process for taking forward these national policy statements.
30. The Government has made clear its position on additional runways at London's three major airports and its priority is to create a sustainable framework for UK aviation, rather than to produce a national policy statement. The Department for Transport will develop a new policy framework for UK aviation which supports economic growth and addresses aviation's environmental impacts. The Department for Transport will issue a scoping document in March 2011 with a view to publishing a draft policy framework for formal consultation in March 2012.
31. All national policy statements will be subject to appraisal of sustainability, including, where appropriate, strategic environmental assessment. National policy statements may also be subject to Habitats Regulation Assessments under the EU Habitats Directive.

³ <https://www.energynpsconsultation.decc.gov.uk/>

⁴ <https://www.defra.gov.uk/corporate/consult/waste-water/>

- **The Department for Transport will announce the timetable for transport National Policy Statements, in early 2011**
- **The Department for Environment, Food and Rural Affairs will announce whether a Water Supply National Policy Statement is needed, in early 2011**
- **Energy National Policy Statements will be presented to Parliament for approval, in Spring 2011**
- **The draft Hazardous Waste National Policy Statement will be published for consultation and Parliamentary scrutiny, in April 2011 and presented to Parliament for approval in early 2012**
- **The Waste Water National Policy Statement will be presented to Parliament for approval, in Summer 2011**
- **Waste water infrastructure will be brought within the major infrastructure planning regime in April 2011 by means of a commencement order.**

Parliamentary approval of national policy statements

32. The Government believes that national policy statements should have the strongest possible democratic mandate and has made a commitment to their approval by Parliament. This will be put on a statutory footing through the Localism Bill. The intention, subject to the passage of the Bill, is that existing Parliamentary scrutiny arrangements will be followed i.e. scrutinised by the House of Commons, the House of Lords or a joint committee of both Houses. How a national policy statement is scrutinised is a matter for the House authorities to determine. The relevant Secretary of State will lay a final version of a national policy statement in Parliament for approval, having taken into account any recommendations or resolutions made during the scrutiny process.
33. Approval of a national policy statement can occur either by “deemed consent” after a “consideration period” of 21 sitting days passes without a vote, or after the House of Commons votes to approve it within the 21 day period. Once approved, the national policy statement will be formally designated by the Secretary of State. If the Commons rejects the statement, ministers will consider the reasons for that rejection carefully and will determine whether to produce a new version. Further public consultation will be required if material changes are made.

34. In advance of Royal Assent of the Localism Bill, the Government will proceed on a similar basis. For the energy national policy statements in particular, this will mean that the Government will not proceed if the House of Commons declines to approve them.

The National Planning Policy Framework

35. The Government has made clear that it will streamline national planning policy, presenting to Parliament a simple national planning policy framework which will cover all forms of development. National policy statements are part of the overall framework of planning policy and will remain the decision-making framework by which nationally significant infrastructure projects will be determined.

Major Infrastructure Planning Unit

36. Subject to Royal Assent of the Localism Bill and commencement of the parts of the legislation relating to Infrastructure Planning Commission abolition, the functions of the Infrastructure Planning Commission under the 2008 Act will transfer to the Secretary of State. The new Major Infrastructure Planning Unit will retain the streamlined, fast track processes of the Infrastructure Planning Commission and will be established by that time within the Planning Inspectorate (an Executive Agency of the department). The examination of major infrastructure cases that were in the Infrastructure Planning Commission's system will continue without delay. A transitional provision will be made to prevent interruption to the timetable.
37. The Department together with Planning Inspectorate and the Infrastructure Planning Commission has established an Integration Group with membership representing the Board and Executives from both organisations. The Group is working together to ensure a seamless transition and to draw up options for a smaller, more effective and integrated Planning Inspectorate, with a portfolio that covers the breadth of Town and Country Planning Act and nationally significant infrastructure planning regimes.
38. Final decisions are yet to be made on the future structure of the Major Infrastructure Planning Unit within the Planning Inspectorate. However, we will ensure that we identify the most efficient structure needed to deliver an effective and integrated service.