

The Planning Bill – Modernising the UK's ageing infrastructure



October 2008

The Planning Bill is a visionary piece of legislation and its timing is critical. The UK's essential infrastructure, in particular our energy infrastructure, is ageing and the investment required to replace it is at a scale not seen since the early post-war years. In the energy sector alone it is expected that trillions of pounds will be needed if we are to replace existing capacity and reduce our reliance on fossil fuels.

Time is of an essence too - £100bn worth of renewable developments alone will be needed by 2020 if we are to meet our carbon reduction targets.

An improved planning process should be:

- Strategic –Allowing a national picture of our infrastructure plans to be presented and discussed
- Streamlined and transparent – planning applications need to be determined much more quickly, but also with greater visibility so that the public can easily understand when and how significant decisions are being made
- Fair – allowing local people a voice in decisions that affect them, whilst taking account of national needs

Ageing infrastructure and an outdated planning system

There is agreement that the current planning system is not working. The system is unwieldy and time-consuming - large planning applications can wait years for a decision by the Secretary of State. Projects are often initially rejected that later win consent on appeal – this year alone over 60% of wind farm won consent on appeal after having initially been rejected. This all adds cost and delay to the process of renewing and expanding the UK's ageing infrastructure.

The current planning system

Under the current system, planning consent for nationally significant infrastructure projects involves pieces of legislation. Applications for the necessary permissions and powers must be made to the Secretary of State or to the Local Planning Authority.

Procedures for determining applications vary according to the scale of the development. A local public inquiry is generally conducted by a planning inspector who examines the project in detail and considers objections – including those from NGOs, local authorities and residents. Observations are also invited from the various external parties, such as the Environment Agency, on the legality of the proposals. The inspector then submits a report – including recommendations – to the Secretary of State who decides whether the project should be granted the consents and powers needed to allow it to proceed.

The Government's ambitious and progressive proposals

The new system proposed in the planning bill will remove the current costly and drawn-out debate around each new proposed infrastructure project. In its place it will establish a series of upfront 'in principle' debates through a series of National Policy Statements. These statements, which will be reviewed periodically set out which size and type of infrastructure project – including wind, grid, harbours, roads, airports and nuclear – that should be developed, where and at what size in the UK in the coming decades. All interested UK parties, from individuals through businesses and NGOs, will have had an opportunity to submit their thoughts on the National Policy Statements, through public consultation and lobbying of local MPs. Parliamentary Select Committees will then scrutinise the proposals and argue for changes before the Statements are finally approved by the Secretary of State.

Once a National Policy Statement is agreed, relevant developers can apply to a quasi-judicial body, the Infrastructure Planning Commission (IPC), who will make its decision within the context of the National Policy Statement and within a strict timeframe.

Opportunities but also risks

The Planning Bill represents a huge opportunity for the UK. The certainty created by this new systematic and transparent approach to planning decisions will substantively de-risk large project development in the UK and increase the attractiveness of the UK to developers and investors. But it also carries social and environmental risk – that can only be mitigated through a full debate to explore the potential downside as well as upside of delivering this new system.

Ensuring that environmental and other concerns are heard

There are obvious benefits to ensuring infrastructure projects are granted permission in a timely fashion according to the set of pre-agreed National Policy Statements of need. But this means social and environmental risk is all front-loaded to the development of the statements themselves. The move towards a major dialogue on national collective infrastructure need is bold – and there will inevitably be some winners and some losers. For this reason it is essential that local interests are sensitively and fairly assessed and sustainability considerations are front and centre as decisions about the 'bigger picture' of need are made. Local concerns must be fully considered at an early stage in the development of National Policy Statements. This can only be achieved through robust debate to understand those concerns so they can then be balanced and addressed within an overall statement of national need.

Creating National Policy Statements that are fit for purpose

The National Policy Statements will create a vision for the UK's 21st century infrastructure, ensuring that we have the energy, transport and other facilities needed to give everyone in the UK a fair chance. Political debate should therefore be focused on these National Policy Statements. By having an upfront national discussion of need, through public consultation and

parliamentary scrutiny, interests and concerns can be heard across the board. This information can then be channelled into creating a strong consensus and excitement about forward-thinking policy on everything from wind to nuclear to rail-links.

It will be a matter of great importance, therefore, that environmental, social and economic imperatives are reconciled effectively in a process that is consensual and transparent, where all stakeholders have a voice. This will especially be the case given that changes also delivered by the Planning Bill to the appeals process would mean objections made by local stakeholders who would be affected by the development would be limited to matters of timing and process only.

To be acceptable, decisions of the shape on the Policy Statements must have integrity. Integrity can only be achieved through full, rigorous and open debate and the transparent and inclusive development of a planning scheme and strategy that has parliamentary endorsement and in which carbon is constrained.

SERA's position

SERA supports the reforms outlined in the planning bill but would like to ensure that:

- The National Policy Statements are robustly debated and factor in sustainability requirements in a transparent and open manner to ties in closely with the carbon budgets being proposed in the Climate Change Bill
- The IPC is given a clear role to enforce the sustainability criteria required of planning applications in accordance with National Policy Statements, such that they help us meet our National Carbon Budgets
- The Government directs some of the community infrastructure levy towards enabling communities to take a stake in or dividends from local renewable energy developments