

CESHIRE EAST COUNCIL

Briefing Note: Strategic Planning Board

Date of Meeting: 5Th May 2010

Report Of: Planning Policy Manager

Title: Briefing Note on: The Infrastructure Planning Commission

Portfolio Holder: Cllr Jamie Macrae (Prosperity)

1.0 Introduction

This report provides a guide to the role of the Infrastructure Planning Commission (IPC) and how it will affect Cheshire East.

2.0 Role of the IPC

The IPC came into being on 1st October 2009 and was set up under the Planning Act 2008. It is an independent public body with the dedicated task of examining and deciding applications for nationally significant infrastructure projects. The IPC acts in accordance with the new National Policy Statements (NPS) being prepared for each type of infrastructure in the 5 general fields of energy, transport, water, waste water and waste. Further information on NPSs can be found in the next section. Applications to the IPC may include nuclear and fossil fuel power stations, onshore and offshore windfarms, major improvements to the national grid, railways and roads, reservoirs, harbours, airports and sewerage treatment works. Projects are dealt with by the IPC if they are of a certain size and importance, for example, an offshore generating station having a capacity exceeding 100 megawatts. A list of application thresholds is shown in Appendix 1. If the proposal does not meet the statutory criteria, but is deemed by the Secretary of State to be of national importance then it may also be referred to the IPC. The IPC does not consider applications in other areas, such as retail or housing development.

3.0 NPS

Government departments will publish NPSs in each of the areas within the remit of the IPC. The following NPSs are now in draft form:

- Energy (overarching statement);
- Nuclear power;
- Renewable energy;
- Electricity networks (e.g. power lines);
- Fossil fuels;
- Oil and gas infrastructure (e.g. pipelines and storage);
- Ports.

Others to be expected are:

- National networks (e.g. strategic roads and railways);
- Airports;
- Waste water (e.g. sewerage treatment);

- Water supply (e.g. reservoirs);
- Hazardous waste.

NPSs will be subject to public consultation and Parliamentary scrutiny. They set out the issues of national policy and the need for infrastructure of different types having regard to government policies for achieving sustainable development, addressing climate change and securing good design. For some types of nationally significant infrastructure project the NPS will identify locations or potentially suitable locations for national infrastructure. If no NPS is in place the IPC has no power to decide an application, but will make a recommendation to the Secretary of State.

4.0 Overview of the Process

The application process for nationally significant projects involves a series of stages, including extensive pre-application consultation, publicity and community engagement that must be undertaken by the applicant. The stages are as follows:

- Pre-application (project development and pre-application consultation. Environmental Impact Assessment where required);
- Acceptance by IPC (28 days to decide whether an application can be accepted as valid);
- Pre-examination (Single Commissioner or panel appointed by the Chair. Procedure and timetable set for examination);
- Examination (a maximum of 6 months to carry out examination);
- Decision (a maximum of 3 months to issue decision (or recommendation to the Secretary of State if no NPS is in place) with statement of reasons);
- Post decision (6 weeks for legal challenge).

5.0 The IPC and Cheshire East

The introduction of the IPC will leave the balance between national and local decisions on large infrastructure projects largely unchanged. All local authorities (LAs) with an interest will be properly consulted and, by law, local impacts must be balanced against national benefits. Local authorities will have a role that is woven into the system at all stages, including:

- Government will consult LAs on NPSs;
- Promoters must consult LAs, as well as other bodies and the local community, before they submit an application to the IPC;
- Promoters must consult the LA on their proposals for engaging the local community;
- Commissioners¹ must take account of the views of the LA and others on the adequacy of the promoter's publicity and consultation in deciding whether an application can be accepted as valid;
- The LA may submit a Local Impact Report (LIR) to the IPC. The LIR describes the likely effects of the proposed development on the LA's area;
- Commissioners must have regard to the LIR in deciding an application and may reject the application, even if it is in accordance with a relevant NPS, if the adverse impacts outweigh the benefits.

Currently Cheshire East has one outline proposal, which is a Highways Agency scheme for improvements to the A556 between the M6 junction near Tabley/Knutsford and the M56 junction near Bowden. The scheme is currently progressing through the preliminary design stage as planned, with ongoing work including site surveys, detailed design development and the preparation of an Environmental Statement. The publication of environmental information and the

¹ Commissioners are tasked with examining the applications and are accountable to the courts.

detailed design proposals for the route will provide further opportunities for consultation with local communities, LAs and other stakeholders. An application to the IPC is expected in 2011, with the opening of the completed road planned for 2015.

For further information:

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Appendix 1 - Thresholds for infrastructure projects considered by the IPC

The thresholds for infrastructure projects that will be considered by the IPC, as set out in the Planning Act 2008, are as follows:

Power stations

- In England or Wales; minimum 50 megawatts (MW) generating capacity if onshore; minimum 100 MW if offshore

Electric lines

- In England or Wales, including lines that run into (but not within) Scotland
- Above ground, minimum 132 kilovolts (kV) capacity

Underground gas storage / liquefied natural gas (LNG) facilities / gas reception facilities

- In England and Wales; minimum 43 million cubic metres working capacity or 4.5 million cubic metres maximum flow rate

Pipe-lines

- In England; minimum 800 millimetres diameter and minimum 40 kilometres (km) length

Highways

- In England; trunk roads and motorways where the Secretary of State is or will be the highways authority

Airports

- In England; will be capable of handling a minimum 10 million passengers per year or 10,000 movements of cargo
- Extensions will need to increase airport capacity by at least 10 million passengers per year or 10,000 movements of cargo

Harbours

- In England and Wales; for container ships, a minimum 500,000 twenty-foot equivalent units (TEU); for roll on roll off (ro-ro) ships, minimum 250,000 units; for facilities for cargo ships of any other description, minimum 5 million tonnes.

Railways

- Wholly in England; part of the railway network

Rail freight interchanges

- In England; at least 60 hectares in area; at least 4 trains per day, from more than one consigner and consignee

Dams and Reservoirs

- In England; more than 10 million cubic metres for new developments
- An increase of more than 10 million cubic metres for extensions

Transfer of water resources

- In England; more than 100 million cubic metres per year; not piped drinking water

Waste water treatment plants

- In England; capacity exceeding a population equivalent of 500,000

Hazardous waste facilities

- In England; if landfill or deep geological storage, 100,000 tonnes per year; in other cases, 30,000 tonnes per year