

9 June 2010

Ms. Virginia Hawkins
Sustainability Committee
National Assembly for Wales
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Dear Ms. Hawkins

Draft IPC Evidence to the Welsh Assembly Sustainability Committee

I would like to thank the Assembly's Sustainability Committee for inviting the Infrastructure Planning Commission to submit evidence to its inquiry into Planning in Wales.

The IPC was established on the 1st October 2009, under the Planning Act 2008, to examine applications for development consent for Nationally Significant Infrastructure Projects (NSIPs). An important feature of the new infrastructure planning regime is the separation of the policy making process from the process of examining particular applications for development consent. It is clear that the IPC, as the body which will examine applications, has no remit to comment in any way on government policy.

For this reason, our evidence to the Committee will be limited to the effectiveness of the infrastructure planning regime in relation to the Committee's interest in the delivery of Welsh Government policy.

The IPC publishes on our website a list of the applications for development consent for NSIPs we expect to receive. At time of writing, there are 34 proposals on this list, of which nine are in Wales and a further four are off the Welsh coast or would be visible from Wales. The effective functioning of the IPC regime in Wales is therefore of considerable importance to your inquiry. While no applications for development consent have yet been determined under the new regime, it is important to consider now how effective it is likely to be in the respects identified by the Committee.

1. How are key Welsh government policy objectives reflected in national and local planning policies/guidance and local planning decisions? Do you think this approach is successful?

The Planning Act 2008 gives special significance to National Policy Statements (NPSs). Once the relevant NPS has been designated by the Secretary of State, the IPC must determine applications for development consent in accordance with it. Statements of Welsh Government policy, where relevant, will be important considerations for IPC Commissioners in their examination of applications. Given the

significant number of applications expected for onshore wind farm development in Wales, the Welsh Government policy TAN 8 will be of particular relevance. Nevertheless, Welsh

Government policies do not enjoy the special status of designated National Policy Statements, which in the event of any conflict between them must, by law, carry greater weight with Commissioners.

The relationship in Government policy documents between policies set by Government in Westminster and the policies of the devolved administration is not a matter for the IPC to determine. We do, however, take the view that greater clarity in that relationship would be helpful within the context of individual NPSs. We commented to the House of Commons Select Committee on Energy and Climate Change that while the differences between the different infrastructure planning regimes are appropriately acknowledged at different points in the energy NPSs (notably EN-3 section 2.2), it would be helpful for there to be a single analysis of how the policy framework differs between England and the devolved administrations.

2. How successful are current planning policies/guidance in helping planners to reconcile competing demands e.g. renewable energy vs landscape quality, economic growth vs climate change?


The draft National Policy Statements published to date provide guidance on a wide range of matters which IPC Commissioners will need to take into account when examining applications, and in our judgment are fit for purpose. We have drawn departments' attention to areas where in our view there is scope for greater precision and clarity in the NPSs, and we look forward to seeing any revisions which the new government decides to make in the drafts following the processes of consultation and parliamentary scrutiny.

It is neither possible nor desirable for NPSs or other policy statements of relevance to planning decisions to provide detailed prescriptive guidance on how to reconcile competing demands. In the case of NSIP applications, it must be for the examining authority to consider all the evidence presented in relation to a specific application on its merits, and formulate a reasoned decision or recommendation on the balance between the need for and benefits of the proposed infrastructure and any adverse impacts.

The role of consultees will be particularly important in this respect. For all applications in Wales, the IPC must consult the Welsh Assembly Government, the relevant Welsh local authorities, and a number of other Welsh bodies prescribed in statute. Input from these organisations, including their views on the compatibility of the applicant's proposals with existing policy and guidance, will be important evidence which the examining authority will take into account.

We therefore consider that the new infrastructure planning regime will be effective in this respect.

I hope this evidence is of assistance to the Committee in its inquiry. We would be pleased to attend as witnesses and give evidence orally if that would be of further assistance.

Yours sincerely


Sir Michael Pitt
Chair

The IPC gives advice about applying for an order granting development consent or making representations about an application (or a proposed application). The IPC takes care to ensure that the advice we provide is accurate. This communication does not however constitute legal advice upon which you can rely and you should note that IPC lawyers are not covered by the compulsory professional indemnity insurance scheme. You should obtain your own legal advice and professional advice as required.

We are required by law to publish on our website a record of the advice we provide and to record on our website the name of the person or organisation who asked for the advice. We will however protect the privacy of any other personal information which you choose to share with us and we will not hold the information any longer than is necessary.

You should note that we have a Policy Commitment to Openness and Transparency and you should not provide us with confidential or commercial information which you do not wish to be put in the public domain.