



Campaign to Protect  
Rural England

**FOUR TESTS FOR THE INFRASTRUCTURE PLANNING COMMISSION**  
**A Briefing by the Campaign to Protect Rural England (CPRE)**  
**October 2009**

**Introduction**

1. The Infrastructure Planning Commission (IPC) comes into being on 1 October 2009. It is a new body created under the Planning Act 2008. It is intended to be independent of Government but IPC members will be appointed by the Secretary of State. It will be charged with making final decisions on proposals for major new development relating to energy (such as power stations and transmission lines), transport (including airports, roads and railways), water (including reservoirs) and waste (such as treatment plants) in accordance with National Policy Statements (NPSs) produced by central Government. The first NPSs are expected to cover energy issues and be issued for consultation in the autumn and adopted in spring 2010. The IPC will therefore decide on some of the most controversial and environmentally sensitive forms of development.
2. Business organisations such as the Confederation of British Industry have pressed strongly for a more supportive planning regime for major infrastructure projects. In the light of concerns about climate change, use of natural resources, and quality of life, some projects may well be beneficial; but the need for carbon generating forms development will be increasingly open to question.
3. A number of key appointments in the IPC have already been made including Sir Michael Pitt as Chair; John Saunders as Chief Executive; and Robert Upton and Dame Pauleen Lane as Vice Chairs. The Commissioners and senior IPC staff appointed to date largely have backgrounds in business, construction, the coal industry, planning and local government. To date none appear to have specific environmental expertise, despite Government assurances.
4. CPRE, both nationally and through our local branches, has long been involved in both the development of policies and numerous individual local planning inquiries concerning major infrastructure schemes. Will the IPC be sufficiently accountable to Parliament and the public to legitimise the decisions it will take? These decisions are of national, and often international, importance. CPRE believes that direct political accountability to Parliament and the electorate for such decisions is crucial, and that therefore Ministers should continue to take them.
5. The Conservative Party has stated that, were it to win the next General Election, it would abolish the IPC. Decision making powers would be vested in Ministers and the IPC's role in examining applications given to the Planning Inspectorate, along similar lines to how planning procedures have operated prior to the introduction of the IPC.

**Four tests for the IPC**

6. CPRE believes that IPC will need to address the following four tests:
  1. Champion of the environment: A key aspect of the Government's Sustainable Development Strategy is to achieve effective protection of the environment alongside new development. Sustainable development in turn is a statutory purpose for all planners. Despite efforts by CPRE and others during the passage of the Planning Act 2008, the IPC is not bound by this duty. Often, major infrastructure project proposals may well need to be refused where the scheme would undermine important policy objectives, such as tackling climate change and protecting the countryside from damaging development. CPRE needs to be convinced that the IPC will be prepared to both say no to damaging and unsustainable projects, and work with local authorities (who are required to monitor and enforce conditions set by the IPC) to help prevent needless environmental damage where projects do go ahead. Applications that are acceptable in principle

will often need strong, and wide-ranging, conditions attached to them to ensure that social and environmental considerations are properly addressed.

2. An independent judge. The IPC has often been referred to by Ministers as the ‘independent planning commission’. But the set up of the IPC suggests a body designed to guide and approve major infrastructure projects through the planning process, rather than to address the full complexities of planning issues with an open mind. Local Government Minister, John Healey MP has said that ‘the IPC will... have a narrow, confined and well-specified competence’. The IPC’s frame of reference will be largely confined to deciding on applications for projects, with the relevant National Policy Statement (NPS) an overriding factor unless the IPC can prove that local impacts outweigh the benefits of the scheme. The IPC will also be expected to provide advice to developers on how to prepare their applications (though not on the merits of an individual scheme). Parliamentary scrutiny of the Planning Act 2008 highlighted that the IPC would be under pressure to approve schemes in the majority of cases<sup>1</sup>. This will cause practical problems in cases where the IPC would need to make a decision as to whether one site is more preferable for a nationally significant infrastructure project than another. The IPC may often need to question the policies in an NPS, particularly if these do not square with other Government policies on protecting the environment and tackling climate change.

3. Defender of democracy. The Government has argued that the reforms to planning for nationally significant infrastructure projects will increase the opportunities for public involvement in these projects. The IPC will have a central role in making this argument a reality. It will need to make sure that the new consultations that are required to take place before an application is submitted are of a high standard. CPRE’s experience is that such consultations currently vary wildly in quality and usefulness. The IPC also has discretion to decide whether local authorities and public interest groups such as CPRE can question developers at public inquiries. In our view the IPC must show awareness of the lessons of Dibden Bay near Southampton, where cross-examination by CPRE and others highlighted that there was no need to build a new container port on an internationally important wildlife site. CPRE also calls on the IPC to investigate the possibility of public funding for public interest groups to participate in examinations.

4. Efficient decision-making. Part of the Government’s case for the IPC is that the body will reduce the time spent considering major infrastructure proposals to 35 weeks (from a current average of 100 weeks) and that less scrutiny by civil servants will be necessary. The proposed decision-making structure of the IPC will, however, largely replicate the existing structure of inspectors making recommendations to a Government department. The Government’s own Impact Assessment found that the IPC procedure will cost ten times more than current arrangements. Furthermore, the IPC has already reportedly received more applications (50) prior to its establishment than the number (45) it was expecting to receive in a year<sup>2</sup>. Moreover, we fear that concerns about the overall fairness of the new process may actually increase the need for a second round of scrutiny, rather than reduce it. Parties who have felt that their case has not been properly considered may well increasingly resort to judicial review (an issue already seen with Regional Spatial Strategies instituted in 2004) or direct action. The Government has committed to review whether the IPC is experiencing serious problems in its operation by October 2011 at the latest. If such problems do emerge, CPRE believes serious consideration should be given to establishing a new, well resourced division within the Planning Inspectorate to oversee inquiries into major infrastructure projects.

CPRE,  
October 2009

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<sup>1</sup> See House of Lords Hansard 6 October 2008, column 50-53.

<sup>2</sup> See *Planning* magazine blog entry from 2 July 2009:  
[planningblog.wordpress.com/2009/07/02/infrastructure-in-place-for-planning-commission-gravy-train/](http://planningblog.wordpress.com/2009/07/02/infrastructure-in-place-for-planning-commission-gravy-train/).