

The Planning Bill - our planning tests



If we are to continue to engage in a positive and productive way with the planning system, any reformed system must be able to pass the tests set out below. We consider this will also be necessary to ensure that our members and the wider public can have confidence in the proposed new system for approving strategic waste, energy, transport and water schemes (referred to in the Bill as Nationally Significant Infrastructure Projects).

The new system will comprise 2 main stages:

- Production of a series of National Policy Statements by Government for different types of Nationally Significant Infrastructure Projects (eg waste, aviation, roads and ports) following consultation at the national level;
- An Infrastructure Planning Commission (IPC) to determine applications for individual proposals within the context of the National Policy Statement for that type of project.

We believe that the new system must be able to pass the following 10 key tests:

- 1) **The Infrastructure Planning Commission (IPC) should be taking decisions according to national legislation, policy and guidance on the natural environment**, including EU Directives on Habitats and Birds, as well as planning guidance and Local Development Frameworks. It should also sit within a context of furthering environmentally sustainable development. Our proposal for a National Policy Statement on the natural environment would underpin this. It would ensure that decisions are taken to allow adaptation to climate change by protecting important areas for the natural environment and facilitating their connectivity (see attached briefing).
- 2) **IPC members should include ecological and environmental expertise** to help inform its decisions.
- 3) **National Policy Statements should be subject to proper environmental assessment** in the form of Strategic Environmental Assessment.
- 4) The process must ensure that **relevant stakeholders, including Wildlife Trusts are properly consulted and engaged** in decisions on major infrastructure development. It is important that **all** documents relating to an application are included on the register and available for public scrutiny. This includes documents submitted during the pre-application and determination stages.
- 5) **There should be a particular requirement to consult the statutory agencies** including Natural England, CCW in Wales and the Environment Agency.
- 6) **Decision-making process for Nationally Significant Infrastructure Projects should be iterative**. This would allow the IPC to consider all relevant information, such as up to date ecological data about the impact of the proposal on the nature conservation value of the site and its surroundings. It should allow the scheme to be amended to take account of particular environmental concerns.
- 7) **The IPC should not be able to attach certain conditions to permissions**. For example ecological survey work to determine the impact of the proposal on European Protected Species should not be conditioned, as this information is required by the IPC in order to reach its decision. Well designed schemes where all relevant data is gathered and submitted at the application stage will not lead to increases in the length of time taken to determine a proposal overall.
- 8) The IPC should have the power to require the promoter to provide **long-term mitigation and/or compensation** in order to secure high-quality benefits for biodiversity via legally binding agreements, such as S106 Agreements. It should also monitor the performance of local planning authorities in enforcing the delivery of planning obligations and conditions attached to permissions.
- 9) Any new development considered by the IPC should be assessed on its **total life time carbon budget** in order to further **climate change adaptation**.
- 10) **Third party right to challenge decisions of the IPC**. This right should not only apply to the legality of the decision but to the consideration of evidence, appropriateness of alternatives, or that benefits of the proposal are outweighed by its negative environmental impact or conflict with other policies.



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