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***The Planning Bill and its  
implications for airport  
planning***

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[www.aef.org.uk](http://www.aef.org.uk)

# The proposals...

# Timeline

- Paper for consultation Summer 2007 (see AEF response on website at <http://www.aef.org.uk/?p=164>)
- Bill introduced Oct 2007
- Currently at Report Stage in Commons.

# Key proposals

Decisions on 'Major / Nationally-Significant Infrastructure Projects' to be taken by centrally-appointed 'Independent Planning Commission' (IPC)

NSIPs to include road, nuclear, wind farms, gas pipelines etc as well as airports

IPC's 'primary consideration' to be the relevant 'National Policy Statement' (NPS)

- NPS would be Government documents setting out NSIPs for a given sector
- If a project is contained in a NPS, there will be a presumption in favour of granting permission.

- **NSIP** threshold for airport projects = +10 mppa (up from proposed 5mppa in White Paper)
  - Runways: Heathrow, Stansted, (Gatwick), Birmingham
  - Other expansion? Liverpool, Manchester, NEMA, Luton (not fully clear if will qualify)
- **IPC** composed of planners and subject experts, c.30 strong
- **NPS** ‘subject to thorough public consultation, sustainability appraisal [SA] and parliamentary scrutiny’

# The implications...

## **Under old system:**

Local Authorities and/or Public Inspectors examined the impacts of individual proposals, with well-structured opportunity for public participation

## **Under new system:**

Safeguards of accountability (Parliamentary scrutiny, public consultation) and consideration of environmental impact (Departments) moved up the chain to central bodies



## **Pros:**

- Faster decisions
- Less repetition of debate

**But cons...**

- Limits on Parli time + expertise
- Bias in that benefits (usu. economic) are national-level and easily quantifiable; costs are local (noise, surface access) and harder to quantify.
- IPC is to take account of local impacts, but no clear guidance as to when they outweigh presumption in favour.
- Public representation limited to consultation – distant and easy to ignore. Direct participation in inquiries eroded; legal questions eg over compulsory purchase w/out representation.

# What this means for airports...

- Govt intend to generate an airports NPS out of **Air Transport White Paper (ATWP)** some time in 2009-11.
- Planning Bill Clause 11 stipulates that where **policy statements** exist, consultation and SA carried out for those policies can count for the purposes of NPS, so airport decisions will not even have these high-level safeguards.
- Any attempt to use ATWP consultation from 2002 for an airports NPS would be subject to **judicial review** and consultation must be clear on its outcomes, but concept of NPS did not even exist at time of ATWP consultation.

- ‘Sustainability Appraisal’ – vague term which could be stretched to apply to any discussion of env impact.
- NGOs currently fighting for a requirement to carry out Strategic Environmental Assessment (SEA) – a well-defined, rigorous process. ATWP had SA of a sort but not SEA.
- Requirement for Appropriate Assessment under Habitats Directive is new since time of ATWP and would definitely apply to NPS (see Riki’s presentation).
- Parliamentary scrutiny – this requirement has been dropped from Bill, NGOs calling for it to be re-instated.

# In summary...

# Pessimistic view

- Undemocratic fast-tracking of development proposals
- Even the much-reduced, high-level safeguards not applicable to airports, since there is a pre-existing policy.

# Optimistic view

- Was raising the threshold for a NSIP a defensive move on part of Govt?
- Requirement for fresh consultation and SEA / Appropriate Assessment can be forced on Govt gives an opportunity to re-examine some instances of airport development, with a new emphasis on environment.