

A photograph of the Roosecote Biomass Power Station. The image shows a large industrial building with a red upper section and a dark blue lower section. A tall, silver chimney rises from the building. In the foreground, there are large piles of biomass material, including a pile of dark, granular material on the left and several large piles of light-colored wood chips on the right. The sky is clear and blue.

# Biomass Power Station – Roosecote, Barrow, Cumbria

Introduction to the IPC and the  
Development Consent Process

27<sup>th</sup> September 2011

Case Leader: Simone Wilding  
Case Officer: Chris White



# The IPC: How we work

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## Our vision and values

- The IPC is independent, impartial and inclusive

## Five Commitments

- Openness
- Engagement
- Sustainability
- Independent decision
- Consensus

## 7 Nolan Principles

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# The IPC: How we work

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## Commissioners

- Pre-application advice on process (not merits of a scheme)
- Examining Authority: examining applications and making decisions (or recommendations)
- Specialisms and Wales Commissioners
- Appointed by Government

## Secretariat

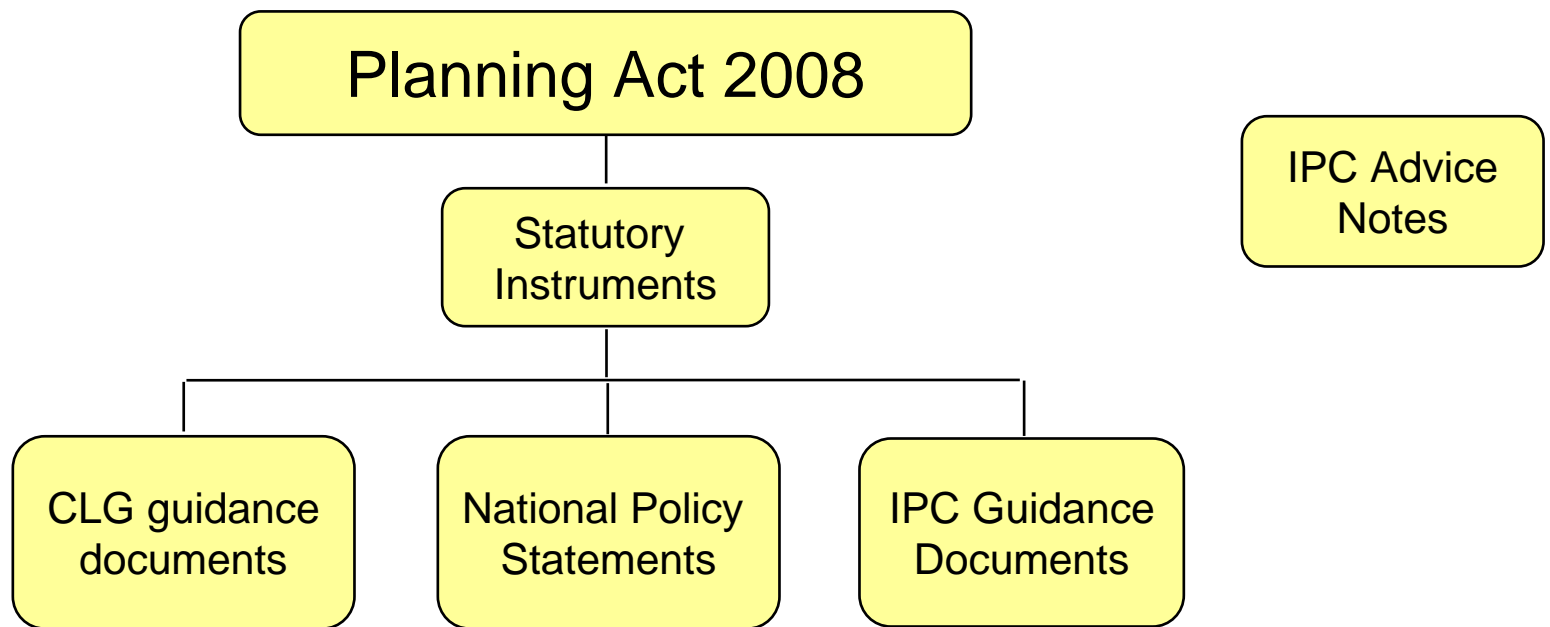
- Advice to support the process (includes EIA specialists)
- Case leader is main point of contact
- Support Examining Authority through examination



# IPC – Our Role

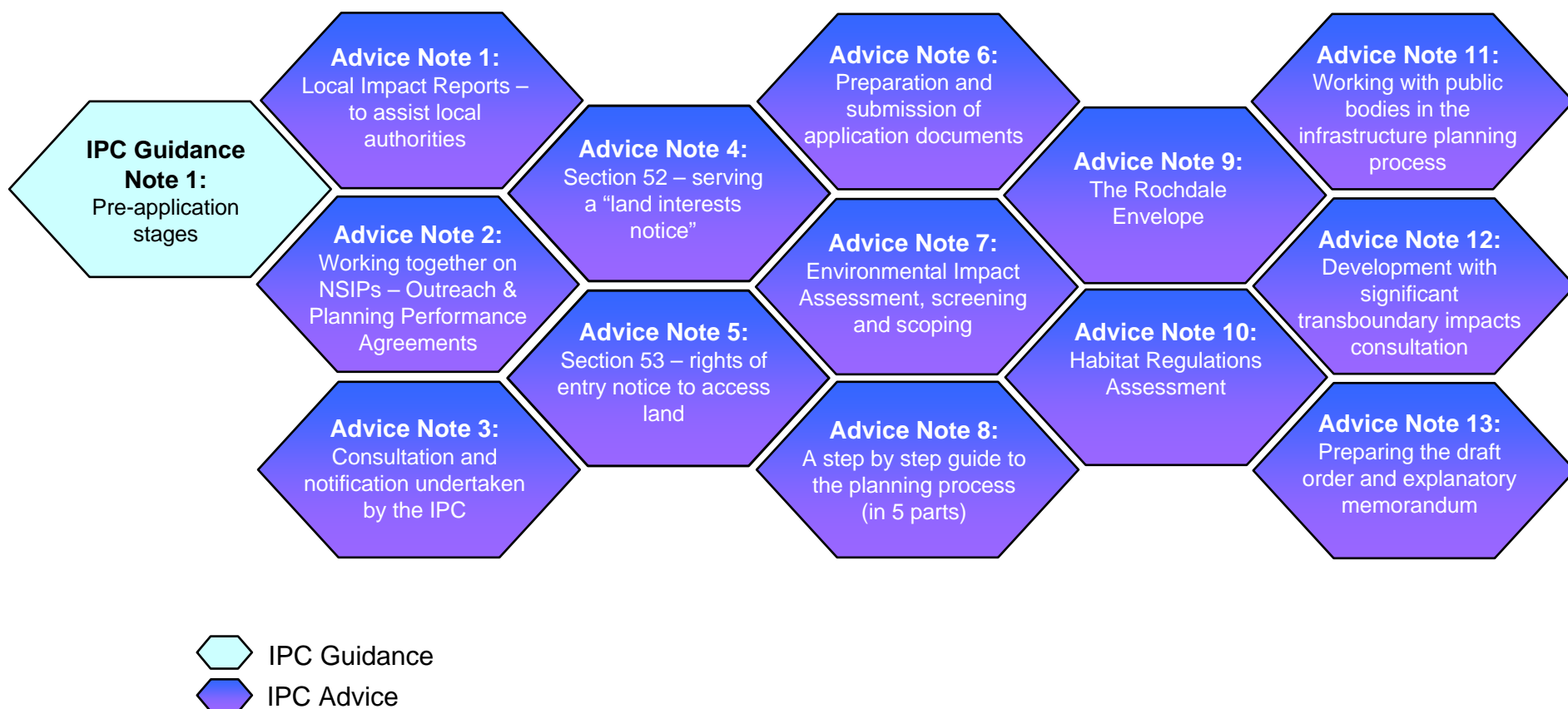
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- To consider Nationally Significant Infrastructure Projects



# IPC Guidance and Advice

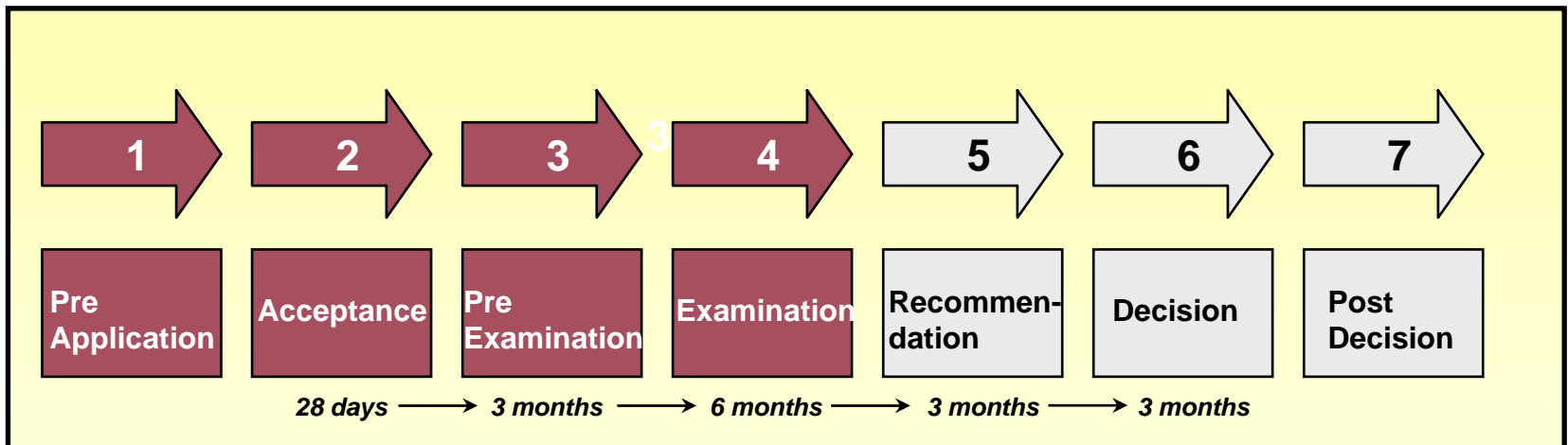
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# The Process

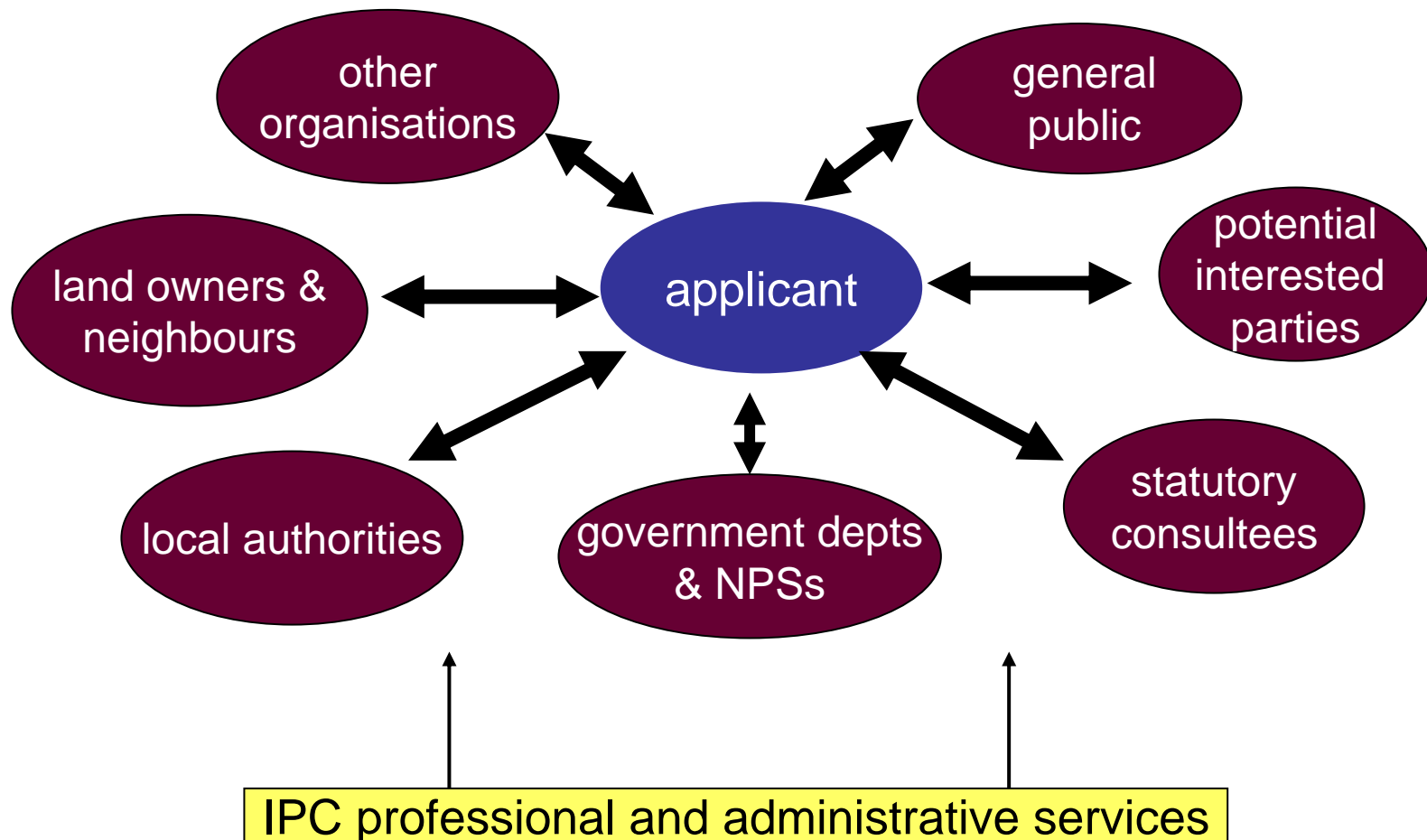
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# Pre-application: effective community and organisational engagement

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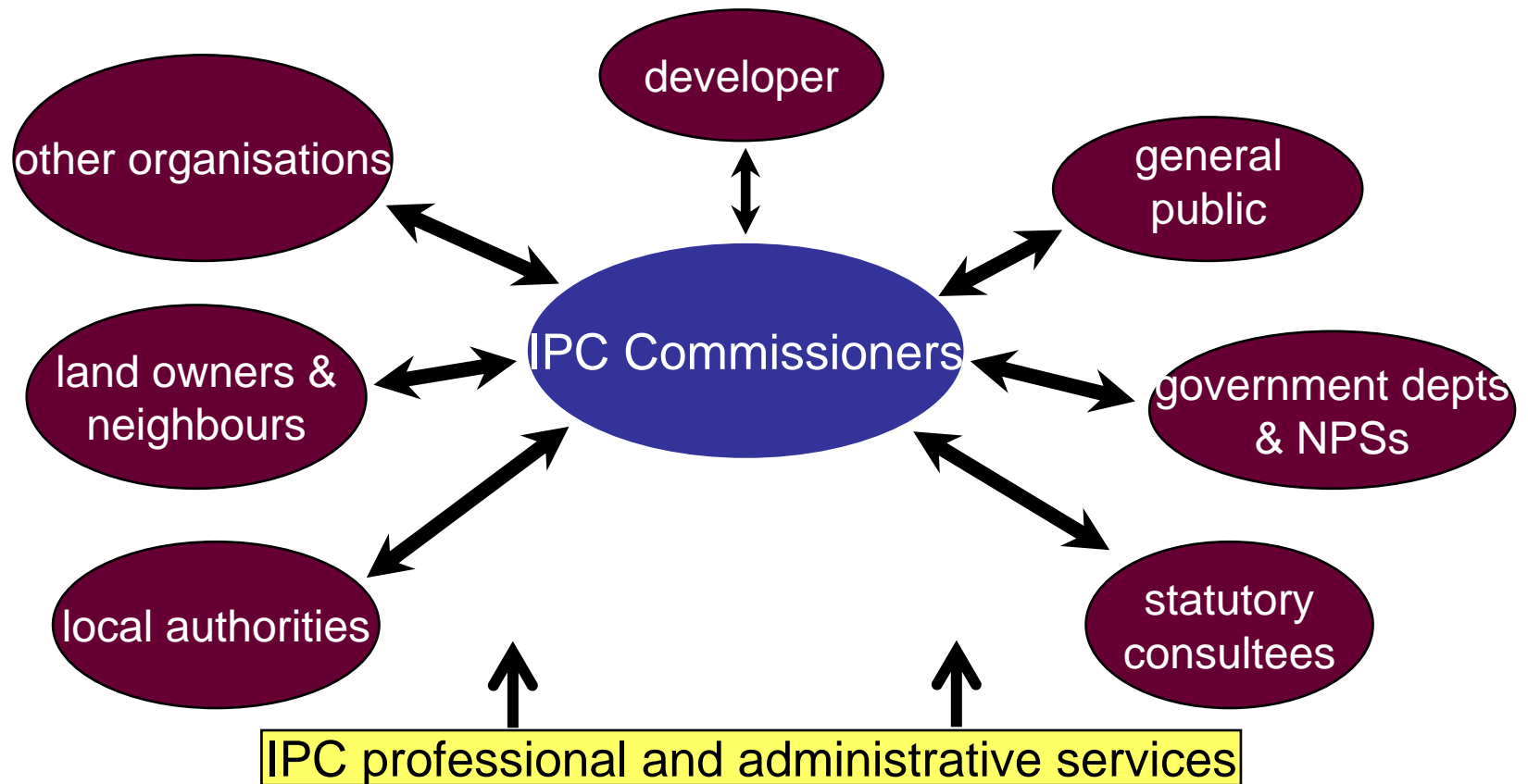
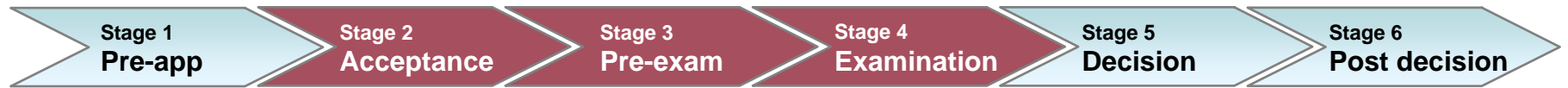


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## Total application: No shocks and no surprises

- Importance of front-loading to shape the scheme
- Driven by applicant
- Comprehensive environmental appraisal
- Effective engagement with communities, LAs, stat cons
- Development of comprehensive draft *Development Consent Order*
- Limited scope to make changes post submission







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## IPC and Local Authority Role

IPC determines whether process has been followed – 28 days

- Consultation report – has developer met commitments?  
Demonstrated the **account taken of any relevant responses?**
- Local Authority asked to comment on **adequacy of consultation** – 14 days to provide report
- Local Authority asked to start thinking about content of **Local Impact Report** which will be requested at pre-examination.



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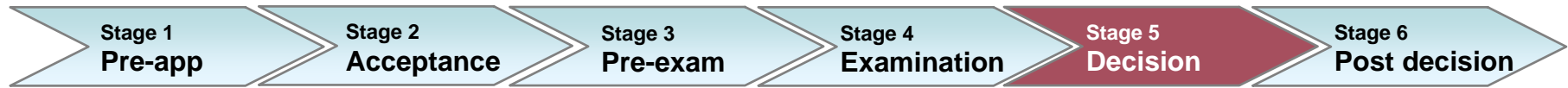
## IPC and Developer Role

- Developer gives **notice of accepted application**
- Registering to ‘have your say’ – as **interested parties through relevant representations** (minimum 28 days)
- Developer certifies compliance with notification requirement
- Appointment of **Examining Authority** (panel or single examiner)
- Examining Authority makes its **initial assessment of principal issues**
- **Preliminary meeting** to discuss procedural issues and timetable for examination



- **Inquisitorial** not adversarial
- Primarily through **written representations** and responses
- Possible hearings -
  - Open floor
  - Specific issue
  - Compulsory acquisition
- Key documents:
  - **Local Impact Report**
  - **Statements of Common Ground**





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- IPC to make recommendation to relevant SoS
  - Decisions ‘must have regard to’:
    - National Policy Statements
    - Local Impact Reports
    - International obligations
  - Do the adverse impacts outweigh benefits?
  - Recommendation to approve would include finalised DCO and s.106
  - Challengeable through application for Judicial Review



# Overview of the role of local authorities in relation to the IPC

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- Work closely with applicants long before the application is made
- Discuss draft DCO with applicant at pre-application stage
- Consider Planning Performance Agreements
- Ensure applicant's Statement of Community Consultation (SoCC) is fit for purpose
- Work with IPC to ensure effectiveness of outreach programme
- Submit views to IPC on adequacy of applicant's consultation
- Prepare Local Impact Reports
- Make further representations to Exam. Authority if LA wishes
- Liaise with IPC on timetables – where applicant must apply for local planning permission as well as development consent
- Enforcement of the development consent order



# IPC – Our Future

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- Localism Bill
- National Infrastructure unit part of the Planning Inspectorate (April 2012)
- Expertise, processes and special character to be retained
- Decisions made by relevant Secretary of State
- Smooth transition



# Assistance and information

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- IPC advice available to all parties – but not legal advice
- Advice and Guidance is available on our website:  
<http://infrastructure.independent.gov.uk/>
- Our enquiries line can also offer advice and guidance:  
0303 444 5000
- The case team will always be on hand to offer you help

# Contact us

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