

Title: Scale of maps in applications for development consent for offshore nationally significant infrastructure IA No: Lead department or agency: Department for Communities and Local Government Other departments or agencies:	Impact Assessment (IA)
	Date: 15/08/2014
	Stage: Validation
	Source of intervention: Domestic
	Type of measure: Secondary legislation
	Contact for enquiries: Andrew Maginn 0303 444 3101
Summary: Intervention and Options	RPC Opinion: Awaiting Scrutiny

Cost of Preferred (or more likely) Option				
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Two-Out?	Measure qualifies as
£0	£0	£0	Yes	OUT

What is the problem under consideration? Why is government intervention necessary?

A consultation undertaken as part of the 2014 Review of the Nationally Significant Infrastructure Planning regime identified that the scale of plans required for an application for development consent for an offshore infrastructure scheme was a potential burden on those wanting to make applications.

Current regulations require that developers of such projects, which may be many miles from land, have to use the same large map scale as required for onshore proposals. Strictly applied, this requirement would lead to a significant number of large maps having to be produced that simply show empty areas of sea.

Although the Secretary of State can accept an application where the accompanying plans do not comply with the current prescribed scale requirement (as long as the application is of a standard that is considered satisfactory) the prescribed scale requirement creates uncertainty for developers about whether their applications will be accepted if the scale requirements are not complied with.

Intervention is needed to amend the regulations to ensure a more proportionate approach, to eliminate any uncertainty among developers as to whether they are entitled to use appropriate map scales for offshore projects and to bring regulation into line with the policy objective.

This intervention is therefore to clarify that large scale plans are not required for offshore projects.

What are the policy objectives and the intended effects?

The policy objective is to ensure that the documents that are required to be submitted with applications for development consent for under the Planning Act 2008 are fit for purpose, whilst ensuring that costs and burdens on developers of projects and on others are minimised. This will allow developers to use a more efficient scale of plans for offshore development proposals. The changes proposed will give developers more confidence that their applications will be accepted if they propose a more appropriate scale for offshore projects. As a result, developers will save the expense of producing many high quality, colour charts that only show empty sea. The effect of this should continue to be that fewer pages of maps will be needed for applications for development consent for offshore projects.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 1 (preferred) is to amend the current regulations to remove the minimum scale requirement for plans showing offshore projects. In practice, in advance of submitting the application, it is expected that developers will seek a view from the Planning Inspectorate (acting on behalf of the Secretary of State) about the appropriate plan scales for offshore projects.

Option 2 would be to amend the current regulations to prescribe a different fixed scale for off-shore schemes to the one currently set. This option has been rejected as discussions with the Planning Inspectorate and some developers have made it apparent that there is no ideal scale as offshore infrastructure projects are so diverse (eg in relation to their distance from land).

Will the policy be reviewed? It will not be reviewed. **If applicable, set review date:** Month/Year

Does implementation go beyond minimum EU requirements?			N/A		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	Micro Yes	< 20 Yes	Small Yes	Medium Yes	Large Yes
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded:		Non-traded:

I have read the Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs.

Signed by the responsible Minister: Brandon Lewis Date: 04/09/2014

Summary: Analysis & Evidence

Policy Option 1

Description: Scale of maps for offshore projects to be agreed in advance on a case by case basis.

FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate:

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate	0	0	0

Description and scale of key monetised costs by 'main affected groups'

The main affected group will be applicants for development consent orders for offshore infrastructure projects. To a smaller extent, local authorities, statutory consultees and community groups and individuals will also be affected. This intervention is not expected to impose any new costs on any parties, as it merely removes uncertainty among developers.

Other key non-monetised costs by 'main affected groups'

No non-monetised costs have been identified.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate			

Description and scale of key monetised benefits by 'main affected groups'

The key benefits will accrue to developers of offshore infrastructure projects. Proportionate and project specific plans, drawn to an appropriate scale, avoid wasteful expense for developers..

Other key non-monetised benefits by 'main affected groups'

Simplification of the requirements on maps will potentially make it easier for interested parties who want to make representations, or the examining authority, to understand the geographical context for the application being made.

Key assumptions/sensitivities/risks

Discount rate (%)

Changes being proposed are currently only expected to impact on only a small number of projects - there are currently only 4 projects that are at the stage prior to an application being made. The number of applications that may benefit in future years will depend substantially on wider government policy (eg in terms of financial support to the offshore wind industry).

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			In scope of OITO?	Measure qualifies as
Costs:	Benefits:	Net:	Yes	OUT

Summary: Analysis & Evidence

Policy Option 2

Description: A change to replace the current minimum scale of maps with a smaller scale

FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate:

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate	0	0	0

Description and scale of key monetised costs by 'main affected groups'

The main affected group will be applicants for development consent for an offshore infrastructure projects
No monetised costs have been identified with this option.

Other key non-monetised costs by 'main affected groups'

No non-monetised costs have been identified.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate			

Description and scale of key monetised benefits by 'main affected groups'

Monetised benefits have not been calculated for this option – the option has been rejected as it apparent that there is no ideal scale for maps due to offshore infrastructure projects being diverse (eg in relation to their distance from land). Therefore the savings in producing, printing and copying maps would entirely depend on the new minimum scale chosen.

Other key non-monetised benefits by 'main affected groups'

Developers of offshore infrastructure projects would benefit from this option because of the reduced cost of producing, printing and copying maps. However, the level of benefits would depend entirely on the scale chosen, and could vary considerably between projects.

Key assumptions/sensitivities/risks

Changes being proposed are currently only expected to impact on a small number of projects - there are currently only 4 projects that are at stage prior to an application being made. The number of applications that may benefit in future years will depend substantially on wider government policy (eg in terms of financial support to the offshore wind industry) but it is assumed the number of new projects coming forward will be very small - perhaps only 3 per year.

Discount rate (%)

BUSINESS ASSESSMENT (Option 2)

Direct impact on business (Equivalent Annual) £m:			In scope of OITO?	Measure qualifies as
Costs:	Benefits:	Net:	Yes	OUT

Evidence Base (for summary sheets)

Problem under consideration

The Planning Act 2008 (“the 2008 Act”) created a new regime for development consent for certain types of nationally significant infrastructure - major energy projects, railways, ports, major roads, airports, water and waste projects. The purpose of this new regime was to simplify and speed up planning consent by reducing the number of applications and permits which are required and enabling decisions to be taken faster. An important feature of the regime is clarity of expectations for applicants. Regulations under the 2008 Act prescribe application requirements and applicants know what is expected and can properly prepare their application.

One such expectation concerns the scale of maps which are presented as part of the application. Maps are essential to delineate the area affected and to ensure that all involved can properly study the scope of the development and its potential impacts. Current regulations state that the map scale for all applications “must be not smaller than 1:2500”. That prescription on map scale is applied uniformly to all schemes, off-shore and on land. Applicants have questioned its usefulness for off-shore schemes, indeed in the last couple of years they have increasingly requested that the Planning Inspectorate accept a smaller scale of chart for large areas of sea, and that is something Planning Inspectorate have agreed to, on a case-by-case basis.

For off-shore developments, which can be many miles from land, a consequence of using the formally prescribed scale is that developers would submit very many pages of charts that are, in effect, blank blue pages, as they just show apparently empty sea. This would be wasteful on printing (large colour maps), and time (as people need to look through many pages of blank pages to reach the maps where the development is actually situated).

Rationale for intervention

A consultation undertaken as part of DCLG’s 2014 Review of the Nationally Significant Infrastructure Planning regime found that developers wanted more flexibility in the requirements for scale of maps to show for off-shore schemes. Although the Secretary of State can accept an application where the accompanying plans do not comply with the current scale requirement (provided the application is of a standard that is considered satisfactory) the minimum scale requirement creates uncertainty for developers of offshore projects about whether their applications will be accepted if the scale requirements are not complied with. Changes to the current minimum scale for maps can only be achieved through an amendment to regulations.

Policy objective

The ultimate policy objective is to ensure that the documents that are required to be submitted with applications for development consent for under the Planning Act 2008 are fit for purpose, whilst ensuring that costs and burdens on developers of projects and on others are minimised. This can be achieved by making deregulatory amendments to regulations to reduce the level of prescription developers must adhere to in submitting their applications.

By amending the current prescription that maps must be at a scale no smaller than 1:2500, will have more confidence that they can use a plan scale that is most suitable for their project. This will eliminate the waste of many pages of blank maps being produced, printed and copied because of the current regulatory requirement.

Description of options considered:

The do-nothing option:

This has been discounted as it does not resolve the policy issue that needs to be addressed. Leaving the current regulatory requirement will mean that some developers may provide maps that conform to the current regulations whereas others may, as currently, approach the Planning Inspectorate to request a more appropriate scale. This will be unfair to developers who are not aware of the ability to provide a better scale, and in such cases mean they incur unnecessary costs in producing, printing and copying charts.

Option 1:

Option 1 would mean amending the application regulations so that the scale of maps to be used in a particular offshore project would not be prescribed. In practice we would expect applicants to seek a view in advance on a case-by-case basis with the Planning Inspectorate before any application was prepared and submitted. This option would enable plans to be provided on a scale that allows sufficient detail to be provided without being overly burdensome.

Option 2:

Option 2 would amend the application regulations to prescribe a fixed scale for off-shore projects that was smaller than the current requirement (eg 1:5000, or 1:10000). However, discussions with Planning Inspectorate and some developers have shown that there is no ideal alternative scale to the current 1:2500, as schemes are so diverse. So, specifying a single replacement scale might provide benefits to some developers, but not others, and may even impose greater rigidity in practice than currently exists.

Monetised and non-monetised costs and benefits of each option

Option 1:

There are no costs (monetised or non-monetised) associated with option 1. The change proposed is purely de-regulatory. Removing the current prescription in the regulations on the scale of maps for offshore projects does not add any costs to developers, or the Planning Inspectorate.

Developers of some projects have already agreed an appropriate scale for maps with the Planning Inspectorate. There are therefore no new quantifiable benefits to option 1. Instead, applicants will have benefit from the confidence that there is no formal requirement or expectation that they should use the same scale as that required for onshore schemes.

We have sought information from developers on the current costs of producing maps as required by current regulations. One major developer of offshore schemes has advised that, if applied literally, the requirement could cost in excess of £50,000 per application compared to less than £5,000 at the more appropriate scale that is typically applied. However, given the small number of such applications per year, and the pragmatic approach already taken, we do not believe there is an additional quantifiable impact that can be assessed.

Option 2

There are no costs (monetised or non-monetised) associated with option 2. If the regulations were amended so that an alternative smaller scale was prescribed, this would not add any costs to developers.

There will be benefits to developers from option 2 arising from reduced numbers of map sheets that need to be produced, printed and copied for an application for an offshore project (and made available for public inspection). The level of benefits has not been quantified as any additional savings that would accrue would depend on the scale selected and the nature of the individual project concerned (eg its distance from land). It has not proved possible to establish a single scale that would replace the current

1:2500 scale and be effective in all situations. This option has therefore been rejected. In light of this, further analysis of the benefits has not been undertaken.

Rationale and evidence that justify the level of analysis used in the IA:

Risks and assumptions

The changes proposed are only expected to impact on a small number of projects. There are currently four relevant projects at the stage before an application is submitted. The number of applications that may benefit in the future depends on wider government policy (e.g. financial support to the offshore wind industry) and any future technological, business and geo-political changes that cannot be predicted.

Direct costs and benefits to business calculations (following OITO methodology)

Costs – none

Benefits: not monetisable as some of these savings are already being achieved (by some developers) so should not be double-counted by inclusion as a benefit of this exercise.

Summary and preferred option with description of implementation plan.

Option 1 is the preferred option. By not specifying a scale for maps and leaving this to be determined on a case by case basis, it provides the flexibility needed to deal with the variety of offshore infrastructure projects that may be brought forward. There are no costs with this option but there are benefits based on greater certainty for developers leading to reduced costs to applicants for producing, printing and copying maps.

Implementation will be through amendments to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. The change is intended to come into effect in October 2014.