



The Planning
Inspectorate

The Development Consent Process

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Why a new planning process?

Sizewell B

4.5 years to decide



LHR Terminal 5

Over 7 years to decide





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Planning Act 2008 is based on clear principles

- Clear and statutory timetable
- National Policy addresses need and principles
- Front loaded
- Predominantly Written Representations
- Development as applied for (Development Consent Order)



Planning Act 2008

CHAPTER 29

Explanatory Notes have been produced to assist in the understanding of this Act and are available separately

£26.00



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Pre-Application



Led by the Developer

A chance to influence what the project looks like

A Statutory Requirement



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Acceptance

28 Day Deadline

We will ask Local Authorities for views

Consultation must be adequate, and application must be satisfactory for examination





Pre-Examination

Register to participate in the Examination

Inspector(s) will be appointed ASAP and will issue a draft timetable

A Preliminary Meeting to discuss the timetable



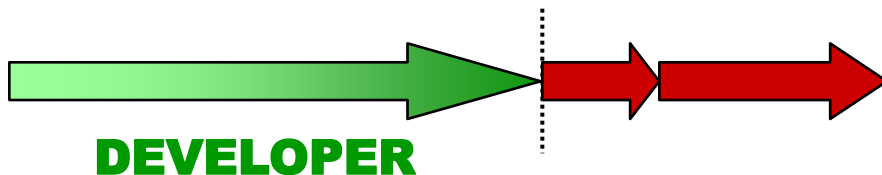


Examination

A strict timetable for submissions

A bespoke setup of hearings, to suit the case

Cannot last more than 6 months



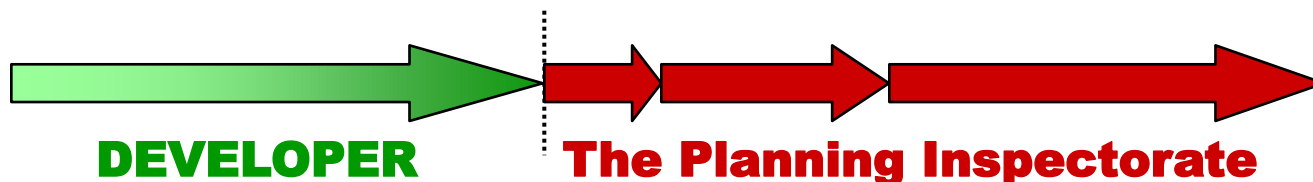


Reporting

The Inspector(s) consider and draft their report

They will make a recommendation to the
Secretary of State

Cannot last more than 3 months





Decision

The Inspector(s) consider and draft their report

They will make a recommendation to the
Secretary of State

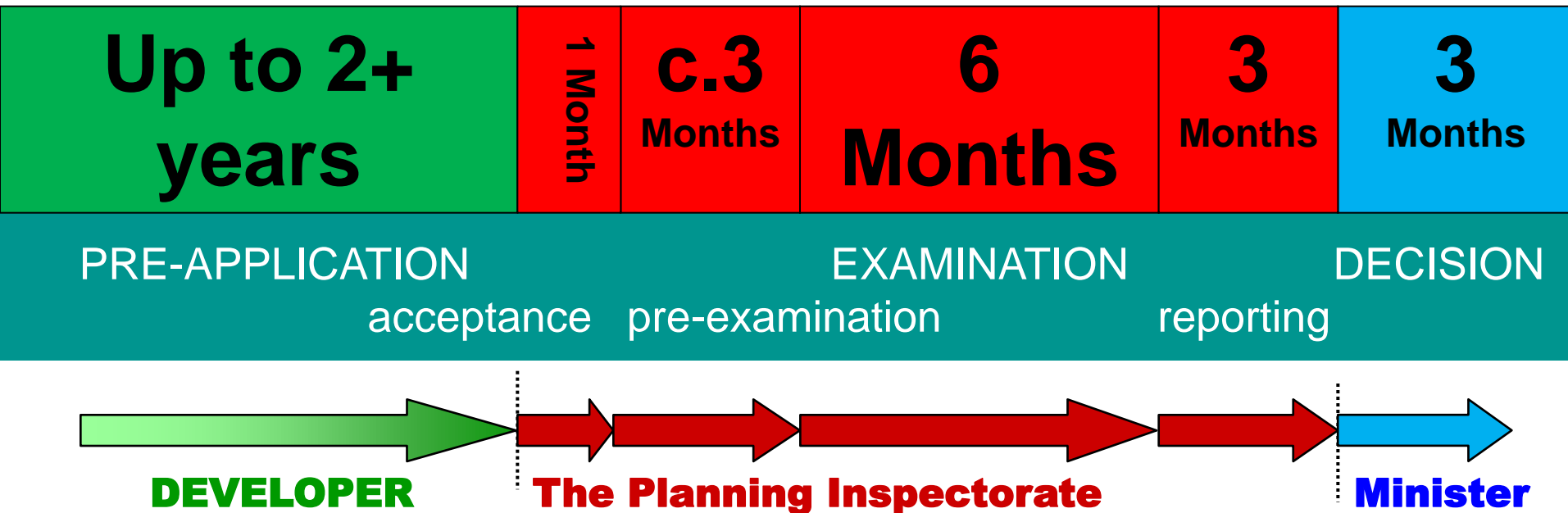
Cannot last more than 3 months





Statutory Timescales

Applications are considered and determined in predictable stages, within predictable timescales





Summary

- Respond to Pre-Application Consultation to influence the scheme
- Register at Pre-Examination to participate in the examination
- Participate in the Examination to influence the decision



Four Key Messages

- 1** The Planning Inspectorate is impartial
- 2** At pre-application the developer is the focus
- 3** The pre application consultation is an iterative process
- 4** The Examining Authority is appointed if the application is accepted



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General Advice



Advice Note 2 – the role of local authorities

- Local authorities' special role – participation not mandatory
- Adequacy of consultation representation
- Host County, District and Parish Councils are automatically Interested Parties
- Advocate for communities – not representing them
- Responsible for producing Local Impact Report (evidence based)
- Make written / oral representations
- Negotiate with developer (planning agreement / Statement of Common Ground)
- Requirements and Enforcement

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The role of local authorities in the development consent process

Advice note two: Development Consent Process

Introduction

The Planning Act 2008 (as amended) (PA 2008) contains a many processes where a local authority has a special role and their participation is expected. This advice note seeks to explain when and why, a relevant local authority should take part in the process.

This advice note provides an overview of that special role to enable authorities to target their resources more appropriately and effectively. To aid understanding of the various terms used in the advice note please refer to the Glossary of Terms on the National Infrastructure pages of the Planning Portal website.¹

The Planning Act and the Planning Inspectorate

The PA 2008 involves the examination of nationally significant infrastructure projects (NSIPs) relating to energy, transport, water, waste, waste water and certain business and commercial developments. It includes opportunities for people to have their say before a decision is made by the relevant Secretary of State (SoS).

The Planning Inspectorate carries out certain functions related to these major proposals on behalf of the SoS.

Status of this Advice Note

This Advice Note has no statutory status and forms part of a suite of advice provided by the Planning Inspectorate.

This version of this Advice Note supersedes all previous versions.

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1. <http://infrastructure.planningportal.gov.uk/help/glossary-of-terms/>



Parish Councillors / Council Members

- Be clear about whether you are representing the Council, yourself or a local group
- Engage with the developer during the pre application stage – this is your and the community's opportunity to influence the proposals
- The Examination is inquisitorial, led by the (Panel of) Examining Inspectors
- Primarily a written process with set deadlines (timetable)
- 3 types of Hearings, each with a different purpose.
- Understand the scope of the examination and the primacy of National Planning Statements
- Politically motivated speeches are of no use to the ExA



The DCO

- **Articles / General provisions** – Powers sought to construct and operate the infrastructure (incl Compulsory Acquisition).
- **Schedule of works** – accurate description of works for which development consent is sought (linked to works plans)
- **Other schedules** - requirements, detailed sub processes and protective provisions
- **Explanatory Memorandum** - reasons why powers are being sought.



Effective ways to participate

- It is not necessary to read the whole application – site specific sections / topics / non-technical summaries
- The purpose of the Preliminary Meeting is to discuss **how** the application should be examined – not the merits of the application itself.
- Read the examination timetable and keep up to date with the progress of the examination regularly online or by visiting one of the deposit locations.
- Keep written submissions concise and to the point.
- Stick to any agenda issued by the Panel in advance of any hearings – the Panel will control the proceedings.
- Hearings are intended to supplement the written process, not an alternative.
- If possible, use the internet and email to engage with the process – more efficient and less wasteful of paper
- The PINS Case Team can help you navigate the process but must remain impartial



Future Stages

- Register a relevant representation to become an “Interested Party” – special status
- Easiest way to register will be to complete a form online via our website, on the project page.
- Your relevant representation can be a list of your main points – you can provide a more detailed representation at a later date if you want to.
- If you are a neighbouring local authority (rather than a host) you will need to register or confirm your intention to become an interested party.



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Waste Water Treatment Plants: Thames Tideway Tunnel by Thames Water

Acceptance Pre-examination Examination

Find out more about the process >

Click Here to Register

Register online

helpline on: 0303 444 5000 to request a paper form. Advice Note about Registering

For more information, please call the

Overview Application documents Project documents Advice given Representations

About this project

New tunnel for the transfer or storage of waste water

Visit developer's website

Next action

Registration closes on Tuesday 28 May 2013 at 11:59pm

Dates for your diary

28/05/2013 - Registration of interested parties closes

11/06/2013 - Deadline for applicant to certify compliance with notification requirements

Location

Cross London Project



The location shown on the map is approximate at this stage.

Follow project updates

Recent activity

The Planning Inspectorate is holding a series of events to help people understand the planning process, when to register and how to make a representation. See the poster for details of locations and dates. 18 April 2013

Registration of interested parties begins Applicant's publicity regarding the examination published 17 April 2013

Decision on whether or not to accept the application for examination 27 March 2013

Application received by the Planning Inspectorate 28 February 2013

What happens next

Once the applicant has published and notified people of an accepted application, the Planning Inspectorate has approximately three months to prepare for the examination. During this stage, you will be able to register to become an interested party on the application. You will always have at least 28 days to register with us.

Our Project Pages

http://infrastructure.planningportal.gov.uk/

How to take part in the application process



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Further advice and information

Helpline: 0303 444 5000

Email: NIEnquiries@pins.gsi.gov.uk

More Info: infrastructure.planningportal.gov.uk/