



The Planning
Inspectorate

The Development Consent Process



The Planning
Inspectorate

Pre-Application

Led by the Developer

A chance to influence what the project looks like

A Statutory Requirement





Acceptance

28 Day Deadline

We will ask Local Authorities for views

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



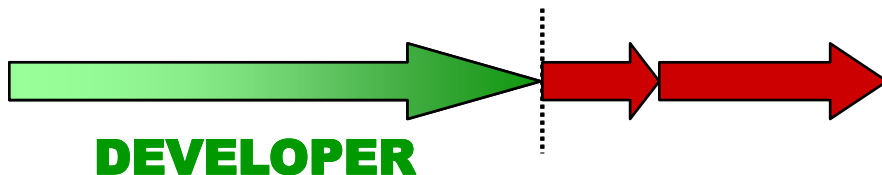


Pre-Examination

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



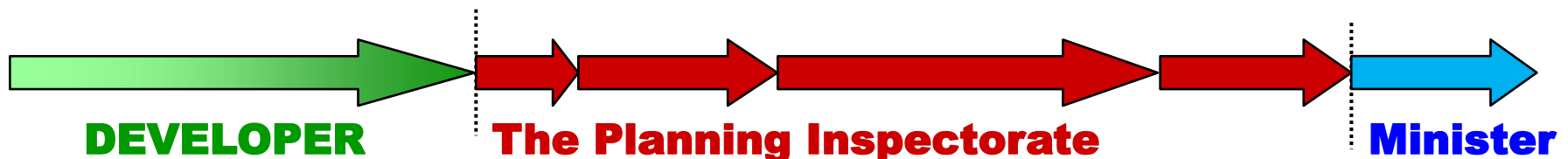


Decision

Decision made by Secretary of State – an elected Government Minister

Decision is final, but can be challenged in the courts

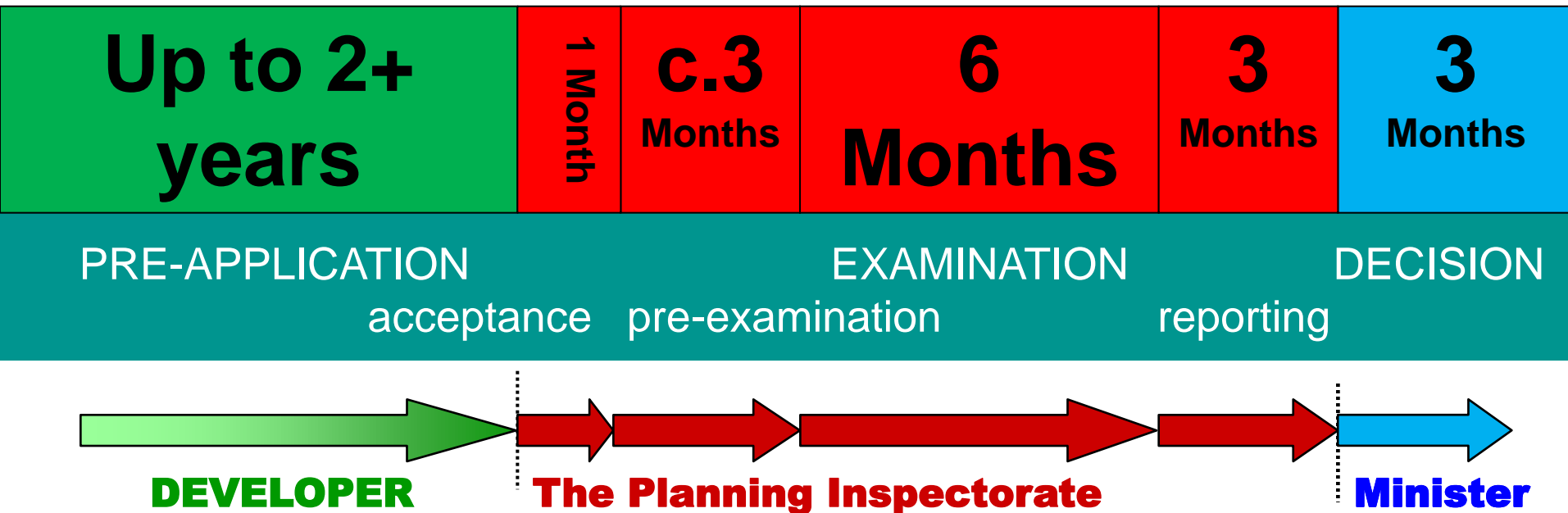
3 months from receiving the report





Statutory Timescales

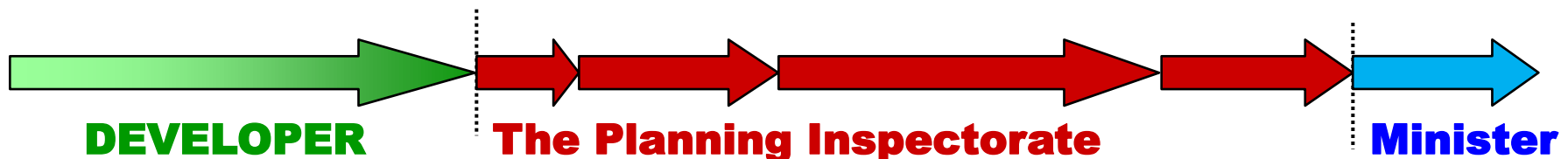
Applications are considered and determined in predictable stages, within predictable timescales





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**

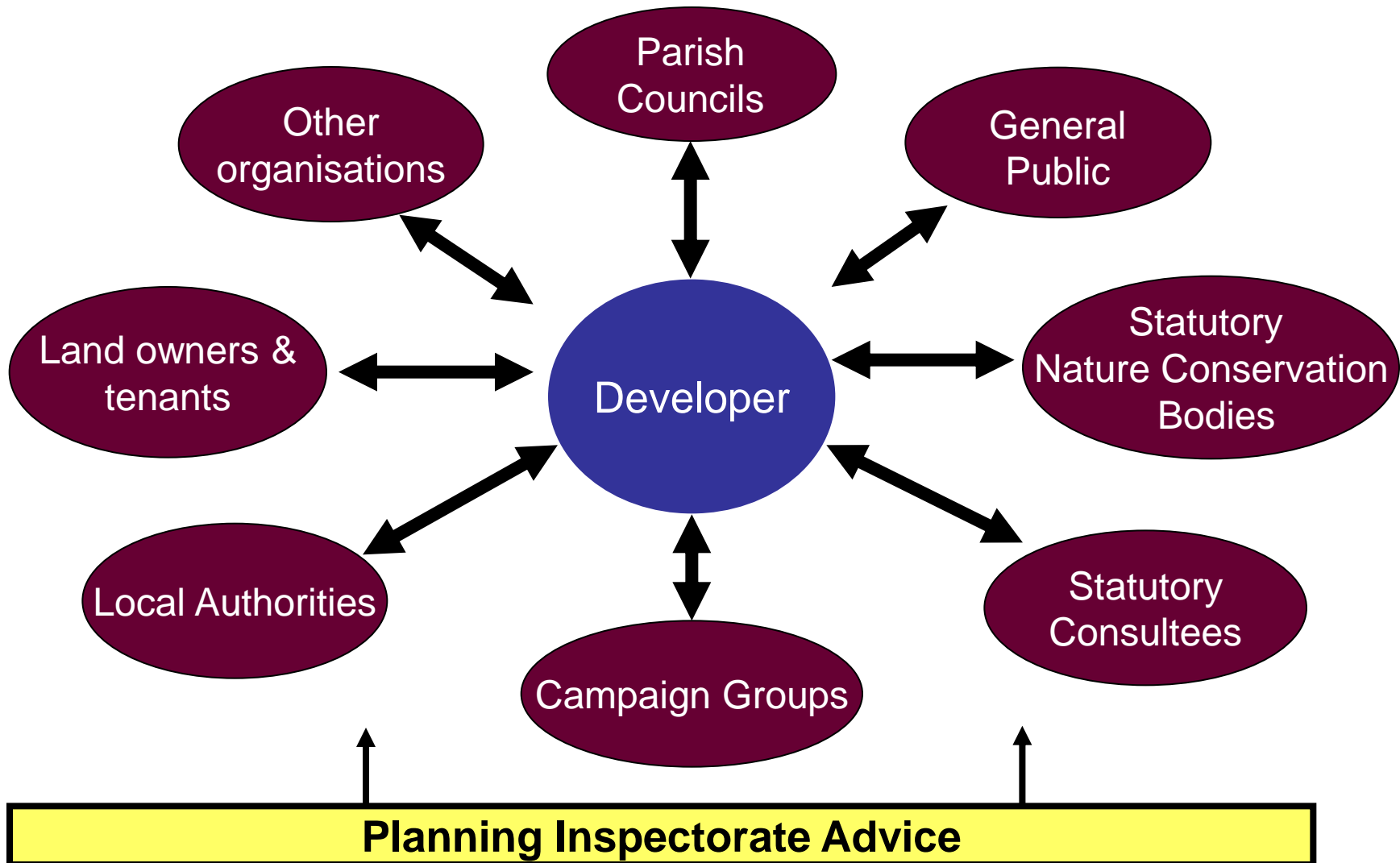


Key Message 1: We are impartial

- The Planning Inspectorate (PINS) is an agency of Department of Communities and Local Government (DCLG)
- PINS case team provides advice about how to take part in the process and supports the Examining Authority in the running of the examination
- Examining Authority (Panel) members are vetted for conflicts of interest before they are appointed



Key Message 2: At pre-application the developer is the focus





Key Message 3: Pre application consultation is an iterative process

- The consultation documents are not “the application”
- Usually the level of detail about the NSIP will increase between stages of consultation.
- Duty on developer to have regard to comments made (not necessarily agree with them)
- This is the time to make changes to the project
- The NSIP is the principal development AND any associated development (could be physically separate)



Key Message 4: Examining authority is appointed if the application is accepted

- Up to 5 Examining Inspectors are appointed if the application is accepted for examination – known as the “Panel” or “Examining Authority”.
- All communication with the Panel must be in public, either in writing or at hearings (no private meetings or “lobbying” allowed by anyone).
- The Panel’s role is to consider whether or not local impacts outweigh the national need for the project in NPS.



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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

The Planning Inspectorate

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.

Contents

1. Introduction
2. A Local Authority's Role
3. Planning Inspectorate roles and responsibilities
4. Pre-Application Stage
5. Environmental Impact Assessment
6. Statement of Community Consultation
7. Engaging in developer consultation
8. Concerns about the Pre-Application Consultation
9. Mitigation
10. Planning Performance Agreements
11. Joint Working arrangements
12. Acceptance Stage
13. Just before submission
14. Submission of application
15. Adequacy of Consultation representation
16. Pre-Examination Stage and Relevant Representations
17. Delegations
18. The Preliminary Meeting
19. Examination Stage and Local Impact Reports
20. Statements of Common Ground (SoCG)
21. Written Representations and Planning Obligation
22. Open Floor Hearings
23. Issue Specific Hearings
24. Compulsory Acquisition Hearings
25. End of the Examination
26. Post-Examination
27. Post Decision

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 examination 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



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.



The Planning Inspectorate

Our project pages

Press this button to register

Waste Water Treatment Plants:
Thames Tideway Tunnel
by Thames Water

Acceptance > Pre-examination > Examination

[Find out more about the process >](#)



You can now register as an interested party

[Register online](#)

If you are unable to complete a registration form online and would like to register your interest, please call the helpline on: 0303 444 5000 to request a paper form. [Advice Note about Registering](#)

[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.

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 calendar 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.

[View the acceptance letter](#)

When to register

- We will publish the date when you can start to register, the date will be made available in the box at the top of this page. We will tell you when registration ends in the same place.

Follow project updates



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[@ThamesTunnel](#)



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Further advice and information

Helpline: 0303 444 5000

Email: NIEnquiries@pins.gsi.gov.uk

More Info: infrastructure.planningportal.gov.uk/