



The Planning  
Inspectorate

# DCO Process - Effective Participation

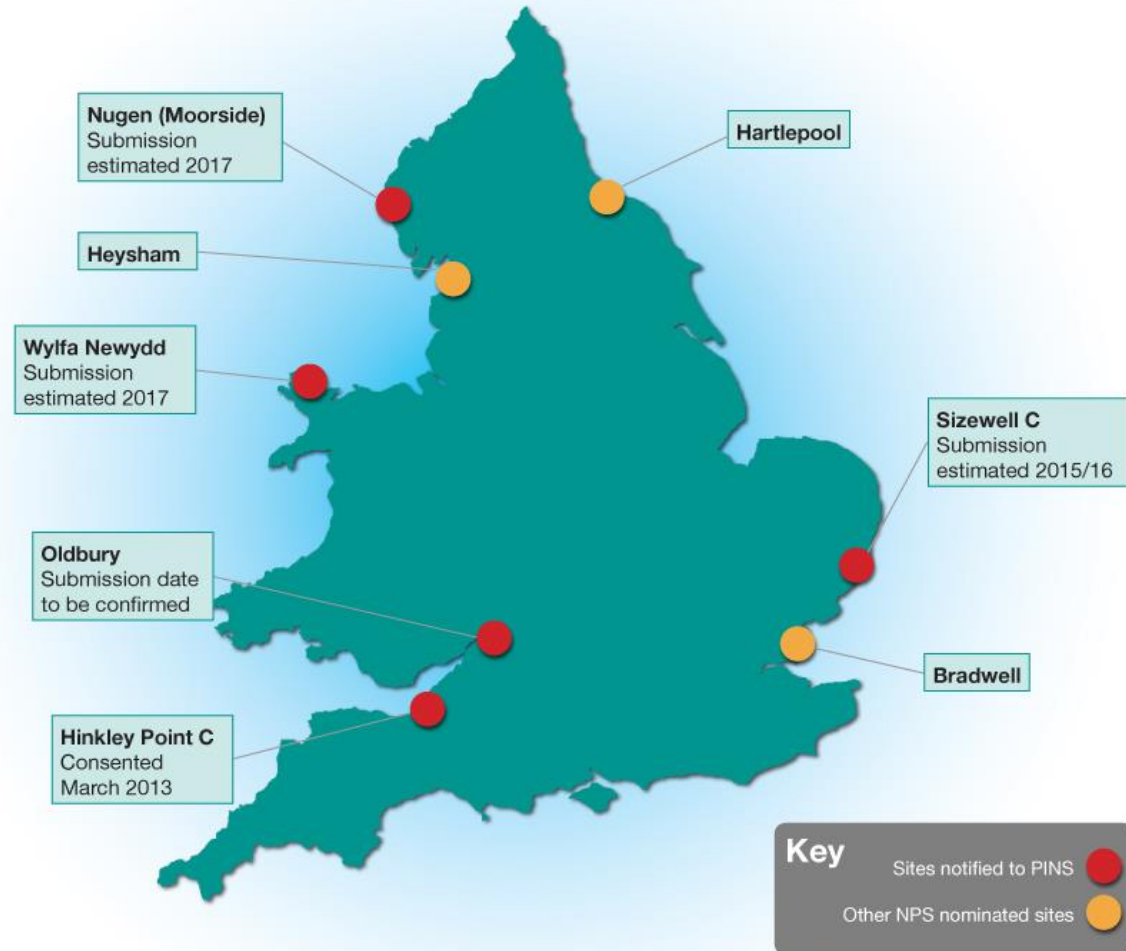
**Mark Wilson MRTPI – Infrastructure Planning Lead**



- **Background**
- **The DCO Process**
- **Local authorities' role**
- **Legislation / Guidance / Advice**
- **Hinkley Point C experience**



# Current Caseload of Nuclear Projects





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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

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

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£26.00



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Inspectorate

# Planning Act 2008 is based on clear principles

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



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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



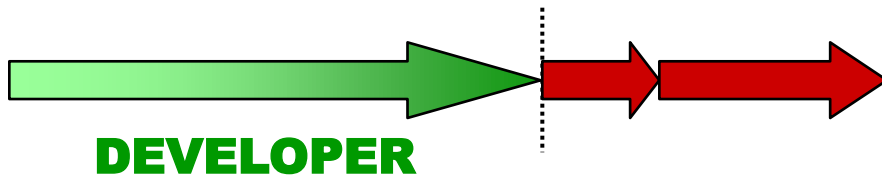


# Pre-Examination

Register to participate in the Examination

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

A Preliminary Meeting to discuss the timetable





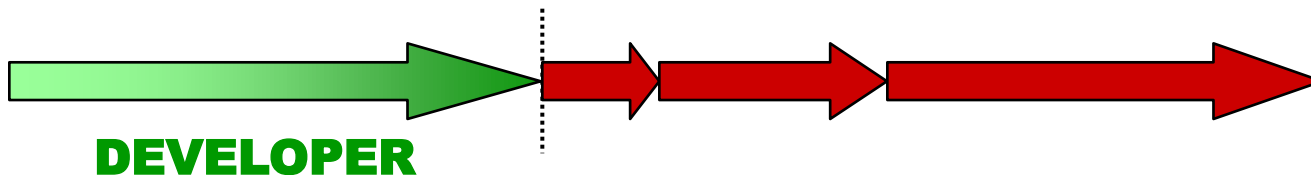


# Examination

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



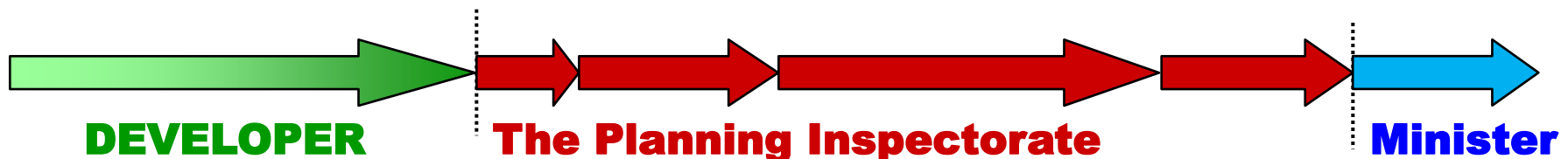


# Decision

Decision made by Secretary of State – an elected Government Minister

Decision is final, but can be challenged in the courts

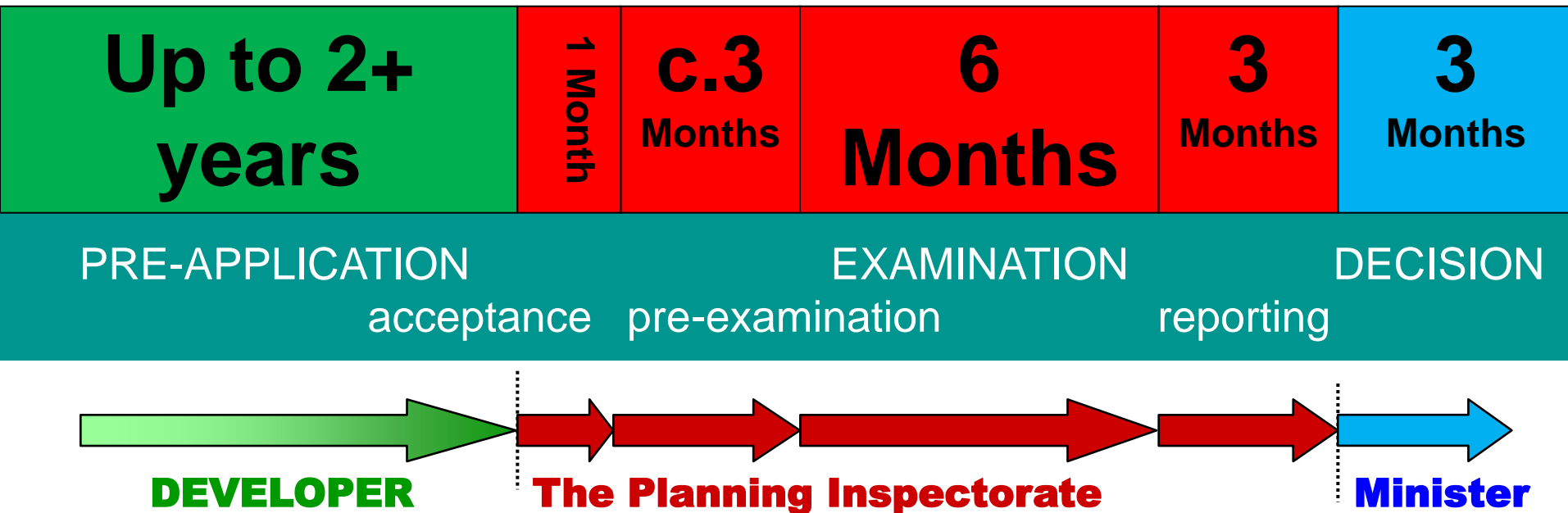
3 months from receiving the report





# 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



# Perspectives

## Local Authorities

Ensure local views are taken account of (political)

Development Plan policies followed

Alternatives?

Resources and business continuity

Land owner?

Robust mitigation measures

## PINS (ExA)

Fair, transparent process for everyone involved

Balance local impacts against national need

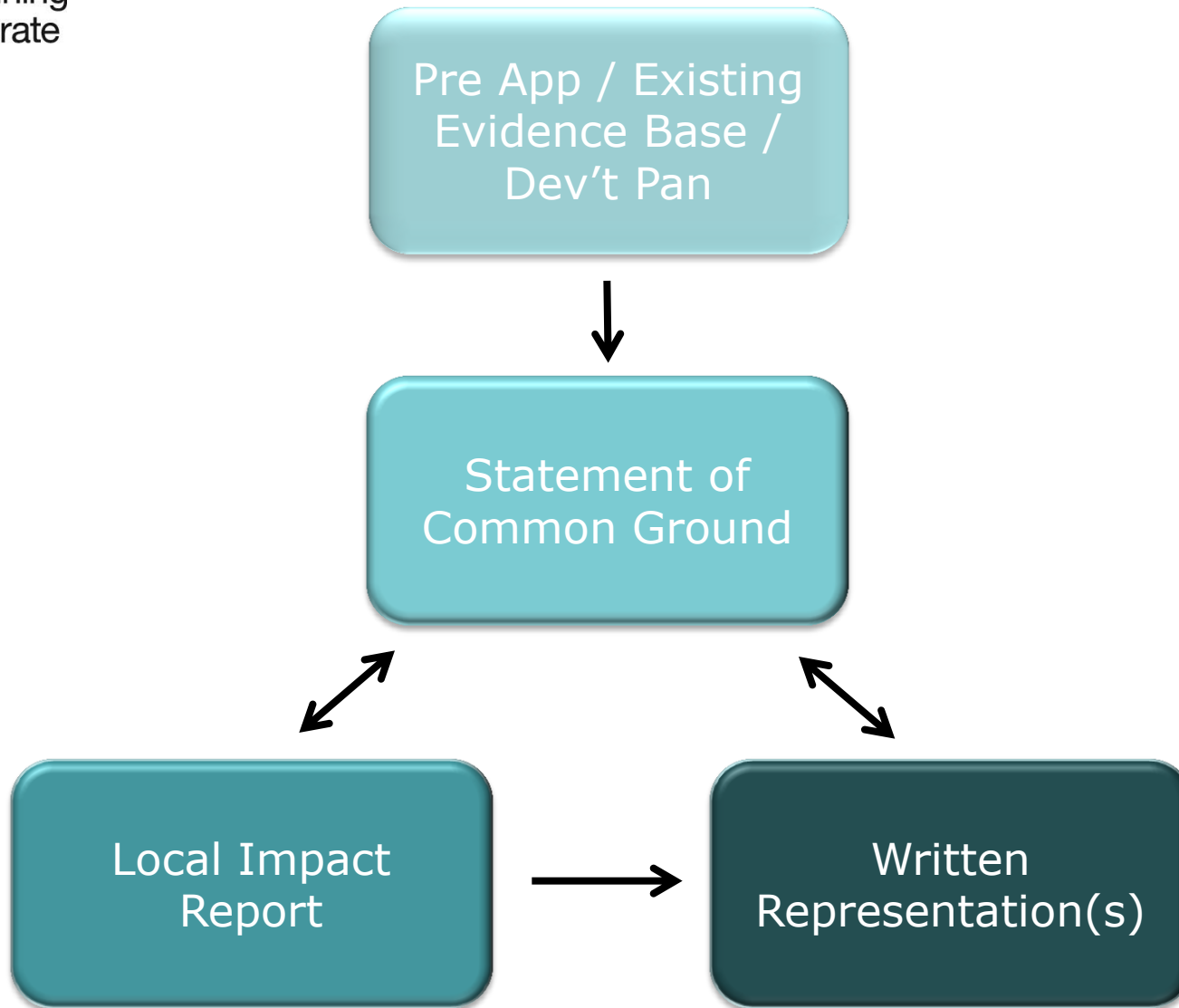
Consider the application as made

Gathering evidence to be able to make a well-reasoned recommendation

Complete the examination within statutory time limits



## Key examination documents / submissions






# Resources



Concise and  
Proportionate

Discharge of  
requirements  
/  
enforcement




End of the  
examination  
is busy




Be  
proactive –  
Preliminary  
Meeting

Joint  
working with  
other  
Councils



Understand  
the  
examination  
timetable

PPA



SoCG / s106  
/  
LIR /  
Requirements







• Planning Act 2008  
and Regulations /  
Rules

• DCLG Guidance  
(statutory)

• PINS Advice Notes  
(non statutory)

## National Infrastructure Planning

[Cymraeg](#) [FAQs](#) [Contact](#) [Sitemap](#)

Enquiries: 0303 444 5000

[Home](#) [Projects](#) [Application process](#) [Legislation and advice](#) [Help](#)

### Legislation and advice

Find out more about the relevant legislation and advice.

#### [Legislation](#)

Here you can view the legislation which govern the application process, including:

- **Primary legislation** – The Planning Act 2008
- **Secondary legislation** including rules, regulations and commencement orders
- **European Legislation** – TEN-E: Regulation (EU) No 347/2013

#### [Guidance](#)

Provides guidance on a range of matters relating to the application process.

#### [Advice notes](#)

The Planning Inspectorate has published its own series of advice notes about a range of process matters.

#### [National Policy Statements](#)

Find out what National Policy Statements (NPSs) are, what they include and how they fit into the decision making process.

#### [Consents Service Unit](#)

Provides information on the Consents Service Unit within the Planning Inspectorate that became operational in April 2013.

#### [Register of advice](#)

View the advice the Planning Inspectorate has provided that is not specific to a project.

### In this section:

- [Legislation and advice](#)
  - [Legislation](#)
  - [Guidance](#)
  - [Advice notes](#)
  - [National Policy Statements](#)
  - [Consents Service Unit](#)
  - [Register of advice](#)



The Planning Inspectorate

- **Advice Note 1: Local Impact Reports**
- **NEW! Advice Note 2: The role of local authorities in the development consent process**



**Advice note one: Local Impact Reports**

The Planning Inspectorate and nationally significant infrastructure projects

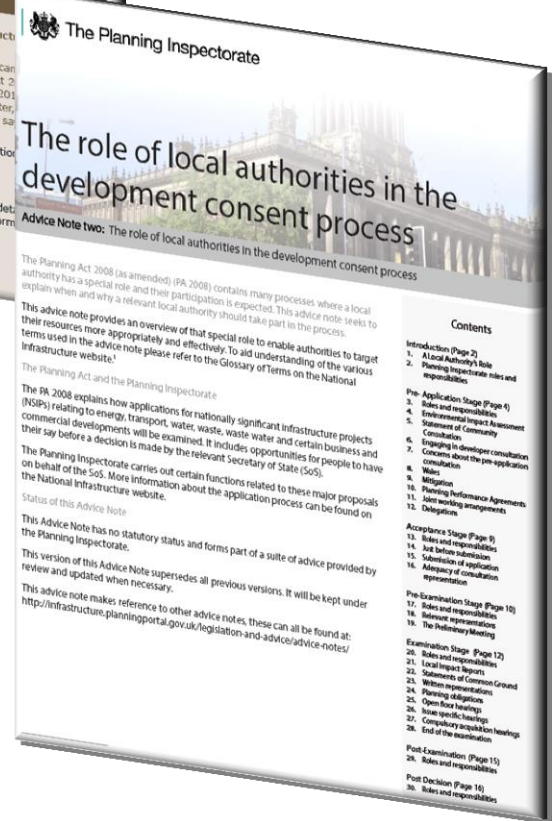
The planning process for dealing with proposals for nationally significant infrastructure projects or 'NSIPs' was established by the Planning Act 2008 (Act). The 2008 Act process, as amended by the Localism Act 2011 and waste water, and includes opportunities relating to energy, transport, water, and decision is made by the relevant Secretary of State.

The Planning Inspectorate carries out certain functions related to nationally significant infrastructure planning on behalf of the Secretary of State.

Status of this Advice Note

Experience to date has shown that developers and others welcome details on a number of aspects of the 2008 Act process. This Advice Note forms part of a suite of such advice provided by the Planning Inspectorate. It has no statutory status.

This version of this Advice Note supersedes all previous versions.



**Advice Note two: The role of local authorities in the development consent process**

The Planning Act 2008 (as amended) (PA 2008) contains 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 website.

The Planning Act and the Planning Inspectorate

The PA 2008 explains how applications for nationally significant infrastructure projects (NSIPs) relating to energy, transport, water, waste, water and certain business and commercial developments will be examined. 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. More information about the application process can be found on the National Infrastructure website.

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. It will be kept under review and updated when necessary.

This advice note makes reference to other advice notes, these can all be found at: <http://infrastructure.planningportal.gov.uk/legislation-and-advice/advice-notes/>

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# Hinkley Point C Application

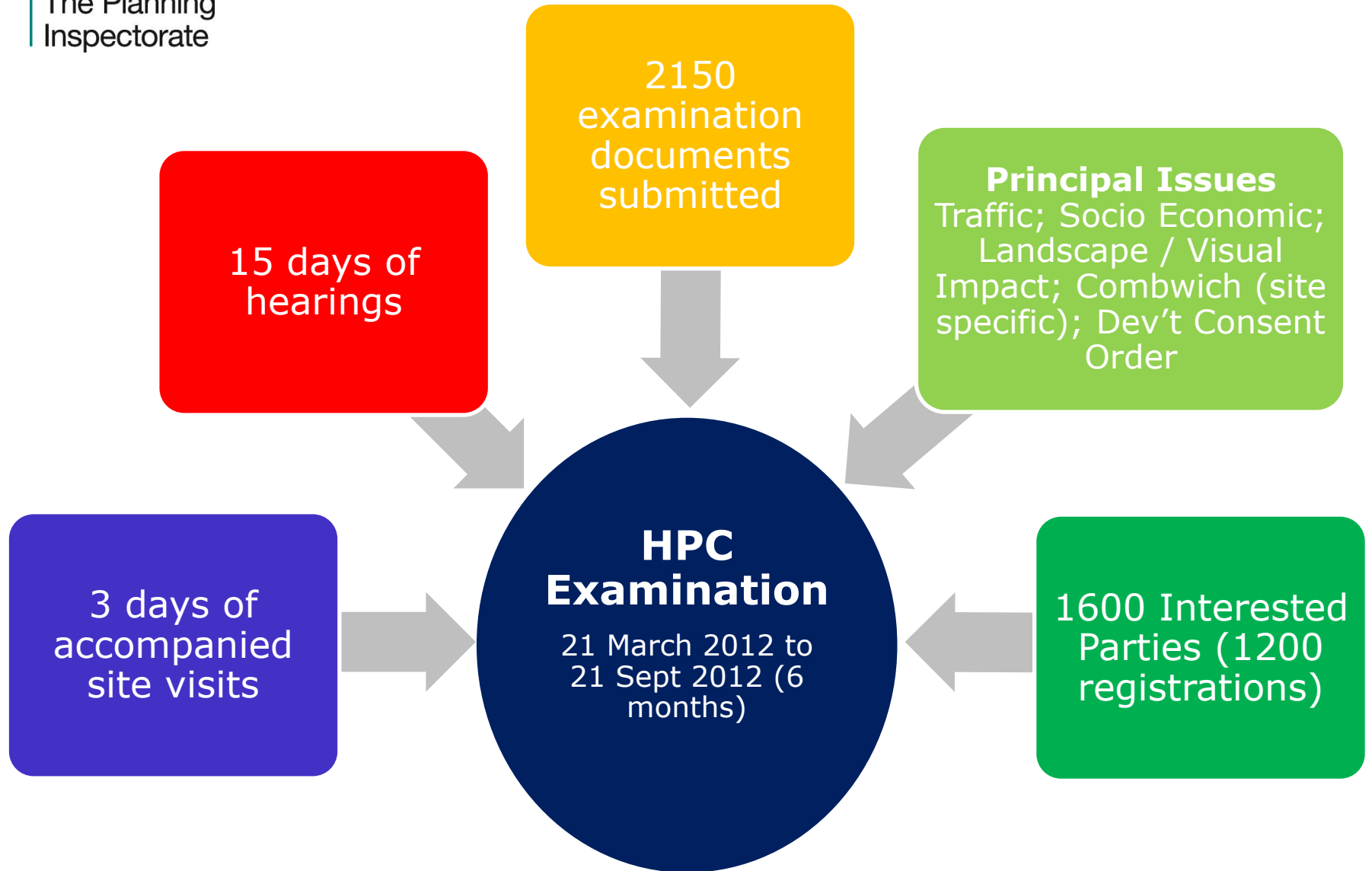


**Submitted 31  
Oct 2011**

**Circa 46,000  
pages**

**800 Plans**

**Accepted for  
examination  
on 24 Nov  
2011**





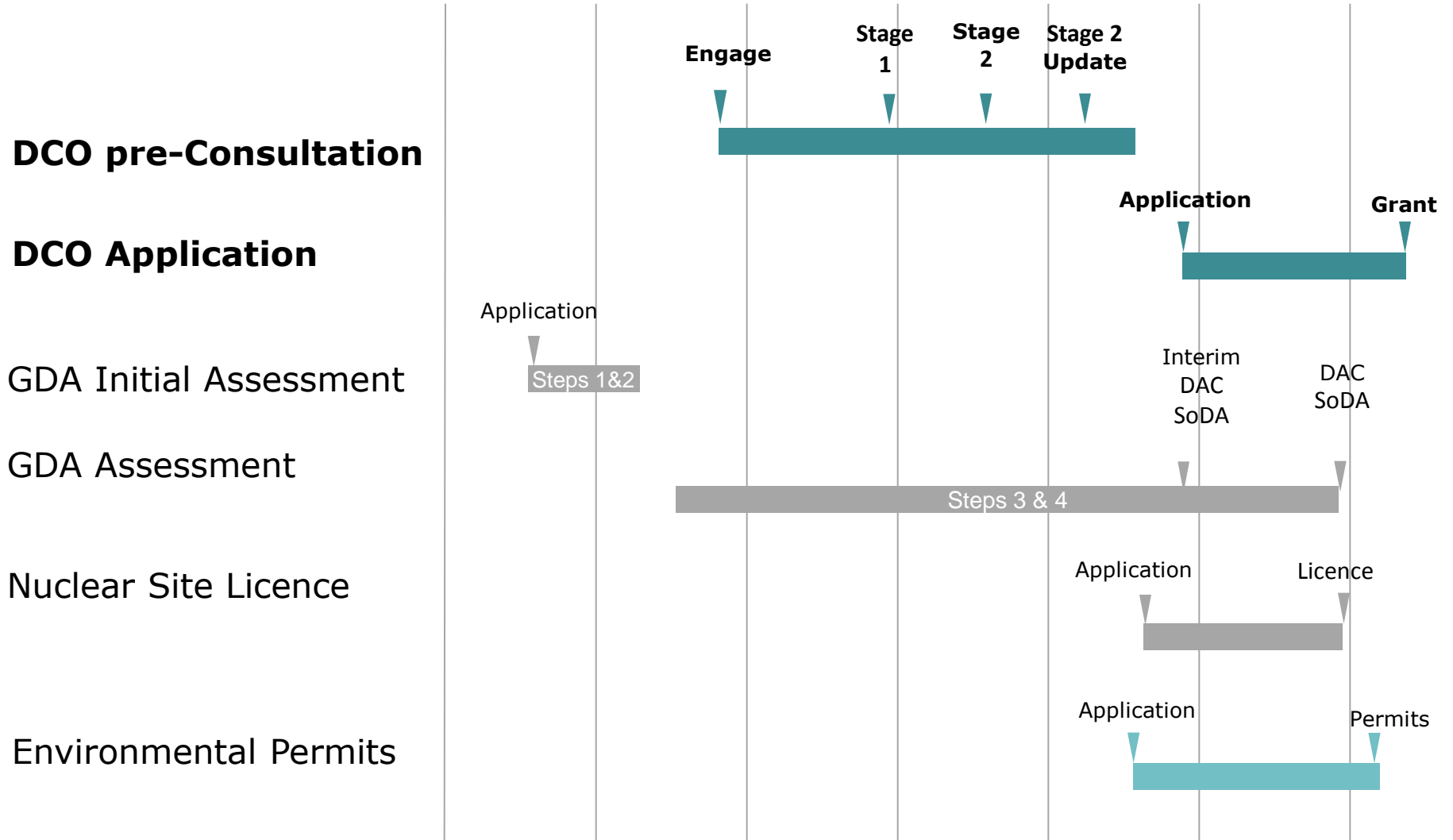
# National Policy Context

“...we drew attention to the fact that our initial assessment of the principal issues did not include matters such as nuclear safety, security, protection of people and the transport of nuclear material. We explained that it was not our intention to duplicate the consideration of matters which are within the remit of the bodies responsible for nuclear regulation.”



# Hinkley Point C Nuclear Power Station - Consents

2007 2008 2009 2010 2011 2012 2013





## **Sizewell B** s34(1) Electricity Act 1957

- **Duration of Public Inquiry: 2y 3m**  
*(Jan 1983 to Mar 1985)*
- **SoS Decision: Aug 1987**
- **Time Taken: 4.5 Years**



## **Hinkley Point C** Dev't Consent Order

- **Duration of Examination: 6 months**  
*(Mar 2012 to Sep 2012)*
- **SoS Decision: Mar 2013**
- **Time Taken: 1 Year**