

Advice Given:

Question: The PINS website still states that the DCO application is expected to be submitted on 1 Nov for this project which is less than 3 weeks away. Can you confirm whether it is actually going ahead on that date?

Submission dates are set by applicants and can sometimes be subject to last minute changes. Currently, the application is still expected on 1 November 2024, as per the Applicant's published programme document. If we are notified of any significant changes to the submission date (i.e more than a week) the submission date will be updated on the project page. The project page will also be updated once the application is submitted.

Question: When we spoke in the summer, you told me that PINS will write to local authorities 1 month before application is coming in. Has that happened yet?

In preparation for submission of any DCO application, the Planning Inspectorate writes to all host and neighbouring Local Authorities to advise them of the expected submission date, and of the forthcoming request for their views on the Adequacy of Consultation once the application is received. This letter has now been sent for Botley West.

Question: Are you aware that the Developer has not yet provided the document as recommended by the Inspectorate and originally promised in the summer but certainly prior to submitting the application that, in their own words "*presents our final design highlighting how Botley West has been refined following the hundreds of pieces of feedback we have received during consultation*" (taken from Information Change Booklet page 5). We expected this to be done at least 28 days before submission. Is it mandatory? Can they be required to do this before their DCO application can be submitted?

I am uncertain as to which document you are referring to. However, I am not aware of any statutory requirement for this type of information to be supplied before the submission of the application, outside of the necessary notices for publicising consultation.

The applicant is required to submit a Consultation Report as part of its application at the 'acceptance' stage. The Consultation Report must explain how the applicant has complied with the statutory pre-application consultation requirements set down in the Planning Act 2008, specifically the requirements to: consult prescribed consultees (section 42); consult the community (section 47); publicise the proposed application (section 48); have regard to consultation responses (section 49); and have regard to the government's guidance on the pre-application stage (section 50). The applicant's Consultation Report should also explain any non-statutory pre-application consultation that has been undertaken by the applicant.

There is also a duty to take account of responses to consultation under section 49 of the Planning Act 2008, whereby the Consultation Report should provide evidence that the applicant has had regard to the responses to consultations when preparing their application. A summary of responses should be provided in the report and be

categorised in an appropriate way, such as grouping similar responses under topics, with an explanation of the method used (coding) to group and organise responses, including any safeguarding and cross-checking processes. The summary of responses should identify: comments that are relevant (directly or indirectly) to changes made to the project during the pre-application stage (such as changes to siting, route, design, or scale of the scheme itself, or to mitigation or compensatory measures proposed); comments that led to no change, including an explanation of why the applicant considered that no change to the project was required; and comments that were received after deadlines set by the applicant and the process used to deal with these. These matters are explained in our published [Nationally Significant Infrastructure Projects: Advice on the Consultation Report](#). I can only suggest you raise any concerns you may have directly with the applicant and / or your Local Authority, during the pre-application stage.

The application and its supporting documentation will be reviewed by the Inspectorate during the 28-day 'acceptance' stage to decide whether the applicant has complied with the pre-application procedure and that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory, amongst other matters, under section 55 of the Planning Act 2008.

If the application is accepted for examination, you can make a Relevant Representation setting out this matter and your other views about the application for the attention of the appointed Examining Authority and as part of the examination of the application, if accepted.

Question: As well as being of very poor quality and inaccessible, the Developer's targeted consultations failed to accord with the SoCC and failed to address key omissions or responses received from the statutory consultation. Is this sufficient reason for them to be required to reconsult?

Under s47 of the Planning Act 2008, the applicant is required to produce a Statement of Community Consultation (SoCC) and to carry out that consultation in accordance with the proposals set out in the SoCC in line with s42 of the Act. Further rounds of consultation are then at the discretion of the applicant. The applicant also has a duty (under section 49) to demonstrate their regard to any relevant responses received within the Consultation Report, which is submitted with the DCO application. Information is given in our published [Nationally Significant Infrastructure Projects: Advice on the Consultation Report - GOV.UK \(www.gov.uk\)](#). Whether the applicant has had regard to any relevant consultation responses received under the sections 42, 47 and 48 consultation is one of the requirements we need to check has been complied with during the 'acceptance stage', once the application has been submitted. I include a link to an example of the checklist we use at the 'acceptance' stage for a recently accepted project, which shows the types of checks the Inspectorate undertakes.

[Section 55 Acceptance of Applications \(planninginspectorate.gov.uk\)](http://planninginspectorate.gov.uk)

Question: Will the Inspector take account of the lack of engagement reported by so many stakeholders in deciding whether to accept the DCO application for examination?

The Inspectorate, on behalf of the Secretary of State, will review the application and its supporting documents once it has been submitted to us and we have 28-days on which to decide whether the application has complied with the requirements set out in section 55 of the Planning Act 2008 and whether it should be accepted for examination; namely, to conclude on whether the application has complied with Chapter 2 of Part 5 of the Act in regard to the pre-application procedure and is of a standard that the Secretary of State considers satisfactory.

During the 'acceptance' stage, the Inspectorate will consider the application documents submitted (such as the Consultation Report) as well as any comments received from the Local Authorities regarding the adequacy of the applicant's consultation. It is therefore important to raise any concerns you may have about the applicant's consultation with your local authority during the pre-application stage. If the application is accepted for examination, you will be able to make a Relevant Representation setting out your views about the proposed development and participate in the examination and its hearings. There may be areas of concern by parties that may not be a barrier to the acceptance of the application but which can still be explored and tested by the Examining Authority during examination, at their discretion.