



The Planning
Inspectorate

The Development Consent Process

The Role of the Local Authority

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The Planning
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2008 Act 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

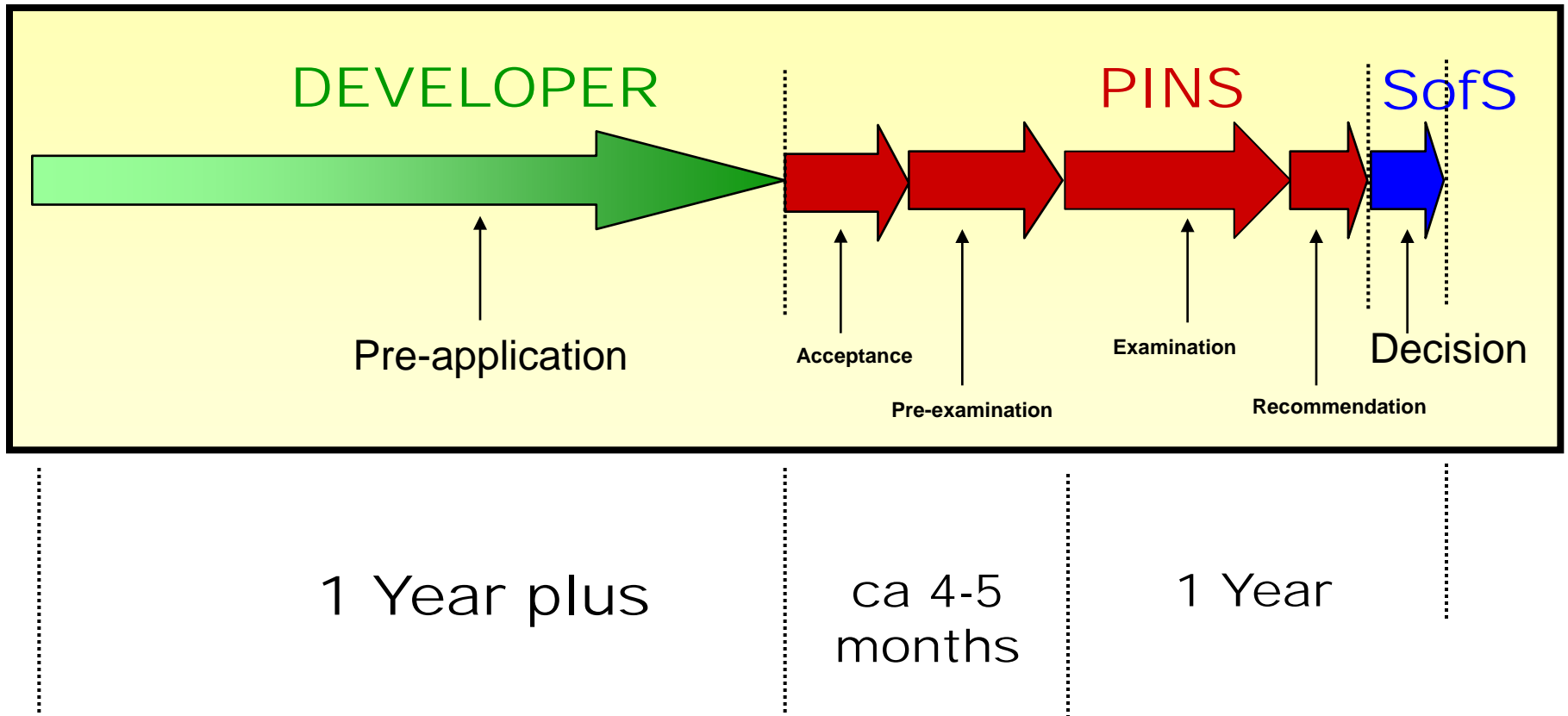
CHAPTER 29

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

£26.00

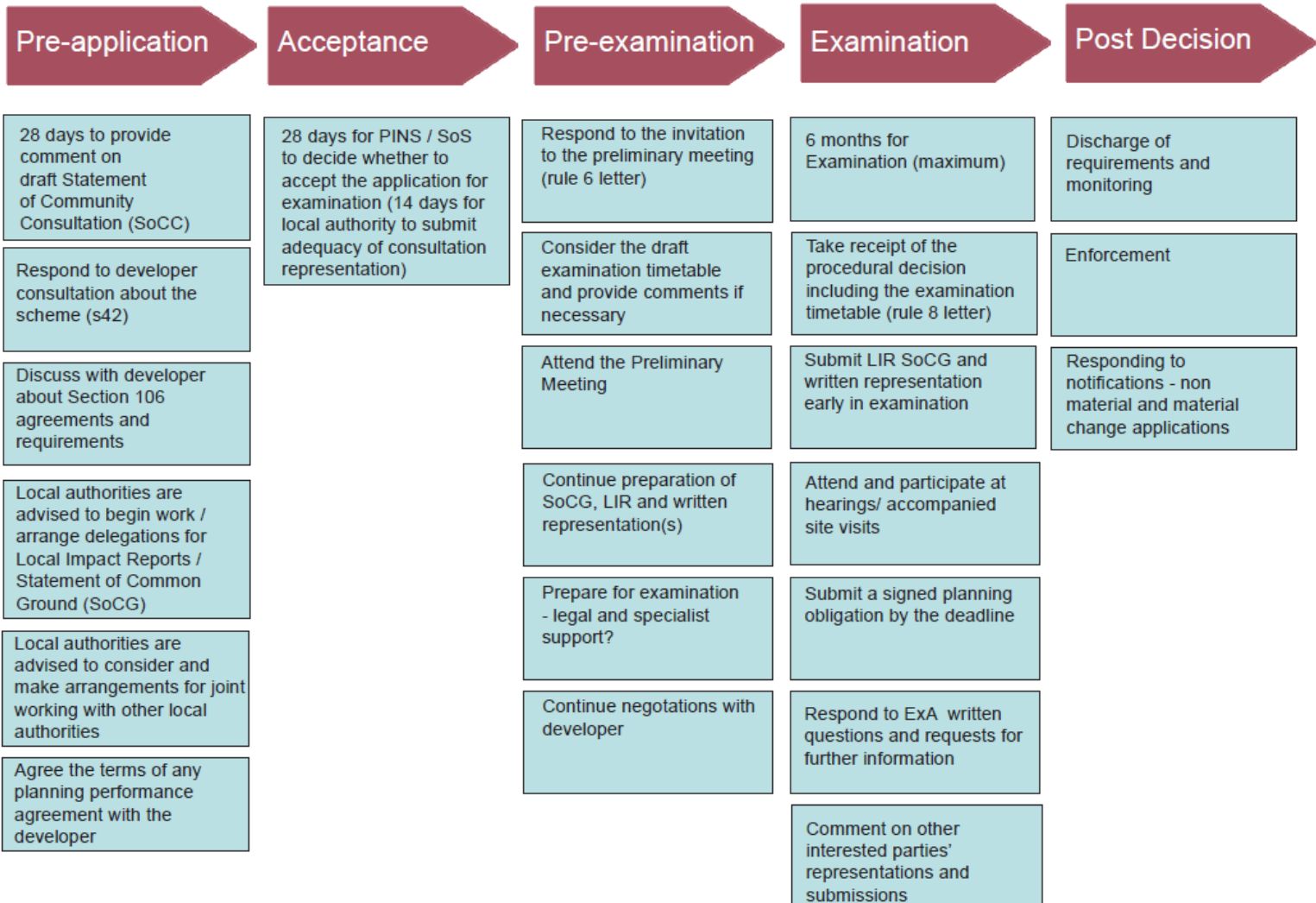


Overview



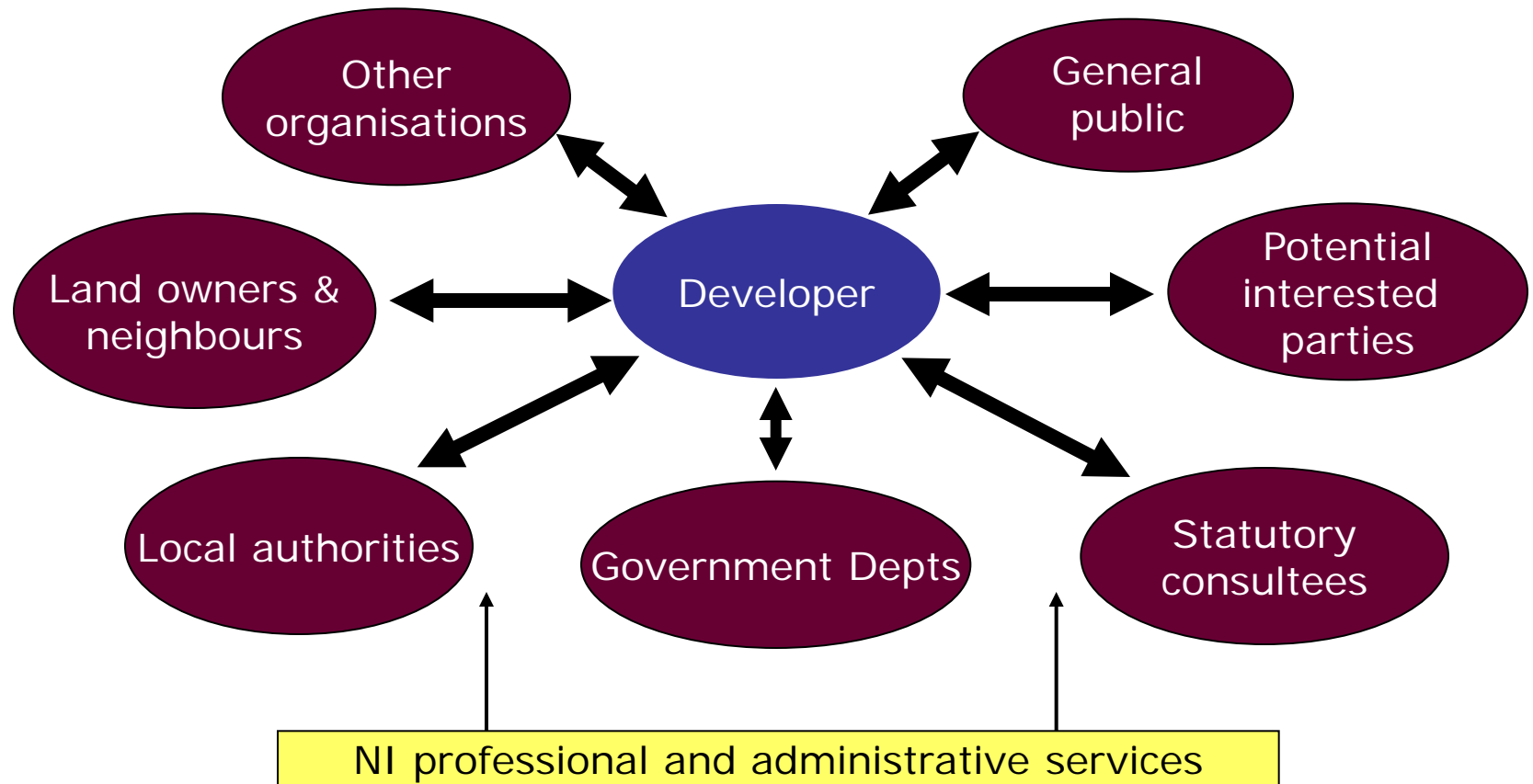


The Role of local authorities





Pre-application: The Developer in the Lead



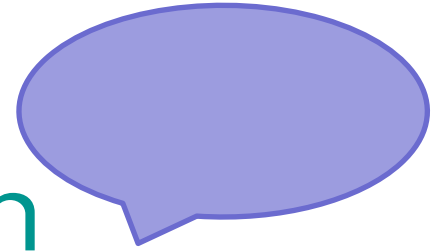


Relevance of Pre App to DCO

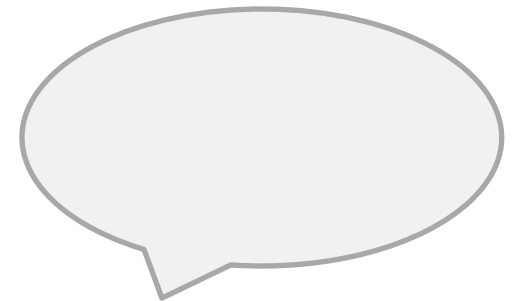
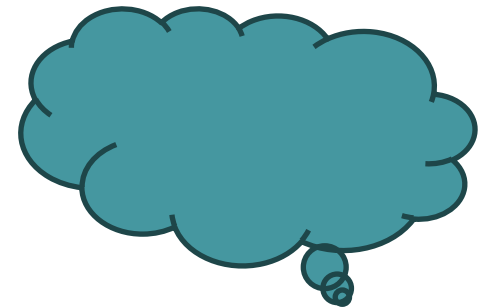
- The draft DCO is submitted as part of the application
 - Accurate description of works incl assoc dev't (plans / legal drafting / consistency with ES)
- Mitigation must be secured and set out in the DCO
 - Requirements – tie in with ES / discharge responsibility
 - Protective provisions (legally sound)
 - How do these link to any planning obligations? (part of the mitigation package)
- Compulsory Acquisition
 - Is all land / rights over land needed / included in the DCO?
 - Have the rights of affected persons been respected?



Adequacy of Consultation



- Local Authorities invited to provide their view
- Can be short and simple
- Tight timeline – good to prepare
- Applicant invited to share consultation report





Statements of Common Ground

- What is agreed, and what is not agreed
- Simple and Soon – don't overcomplicate, and don't delay
- Just because an issue is agreed, doesn't mean it won't be examined. You may want to include reasoning within the SoCG





The Local Impact Report

- A report on the “likely impact of the proposed development” on your area – across all the Council’s functions (not just planning)
- Secretary of State **must** have regard to it
- Deadline in examination timetable; but you can start work now - get your delegations in place.





Resources

- We know you aren't expressly funded for this.
- Focus on what matters to you
- Planning performance agreements have been used in the past; but that's between you and the applicant.



Emerging Learning

- Discuss draft DCO requirements early
- Start preparing Statements of Common Ground as early as possible
- Agree key points in writing to minimise 'change in positions' from misunderstanding
- Use pre-application to request information and raise issues with the applicant
- Joint working can help manage resources
- PINS are impartial and can advise all parties





TEN-E

- Trans-European Energy Networks (TEN-E). Regulation on guidelines for trans-European energy infrastructure EU 347/2013 (the TEN-E Regulation)
- Rules for the timely development and interoperability of trans-European energy networks to ensure the functioning of the internal energy market and security of supply in the union and to promote energy efficiency and saving and interconnection. Aim of smart, sustainable and inclusive growth.
- Discussion of:
 - (a) the scope of material and the level of detail of information to be submitted as part of the application file, and
 - (b) detailed schedule for the permit granting process.



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Contact us

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<http://infrastructure.planningportal.gov.uk/richborough-connection-project/>