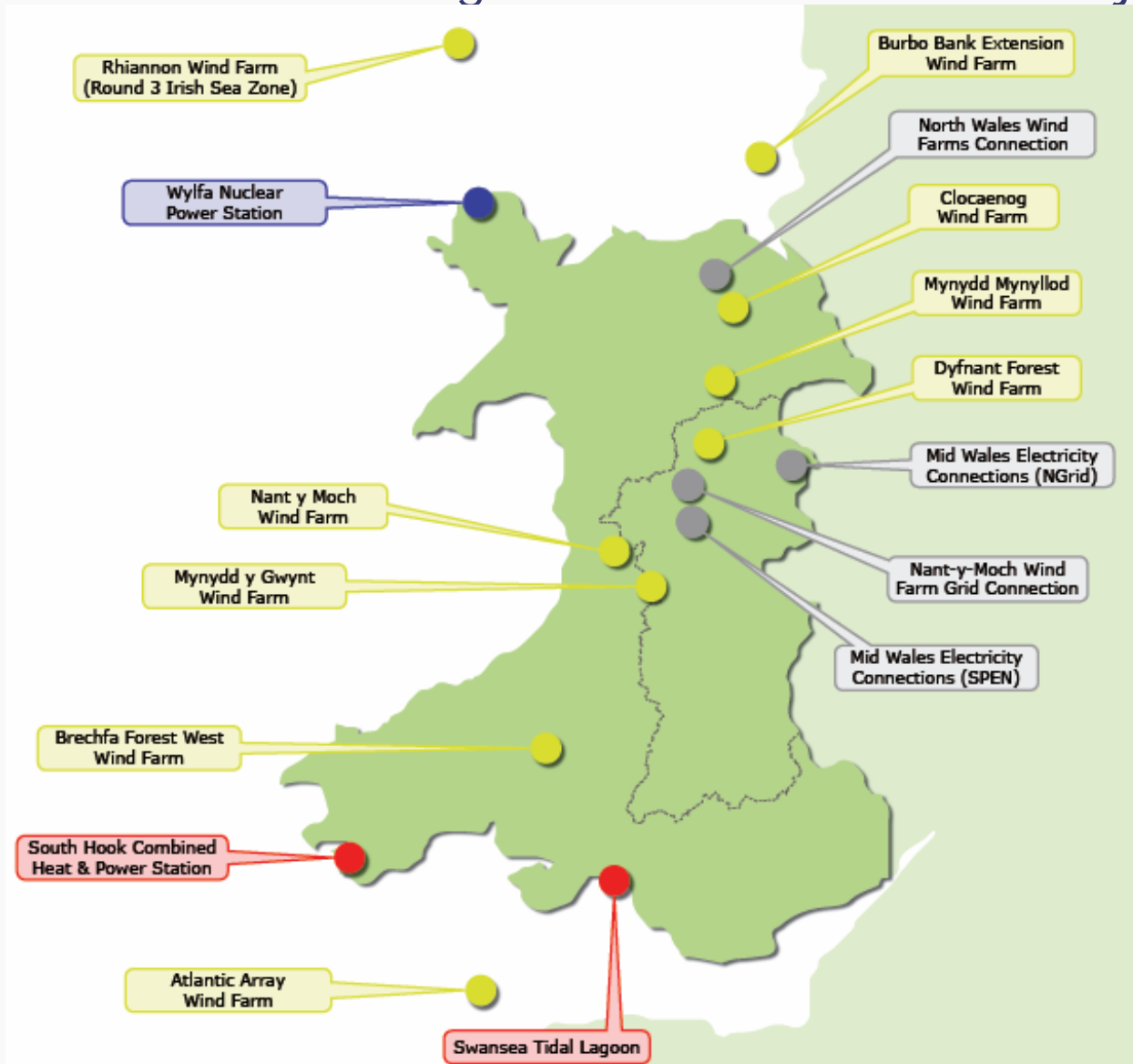


Planning Process for Nationally Significant Infrastructure Projects (NSIP)

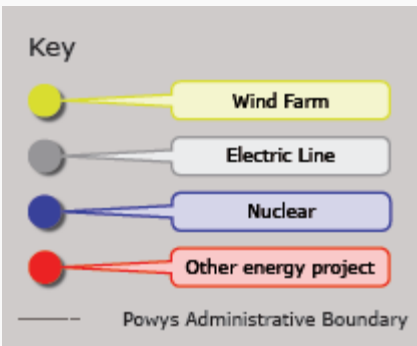
Emre Williams
&
Pauleen Lane

The Planning Inspectorate

National Significant Infrastructure Projects in Wales

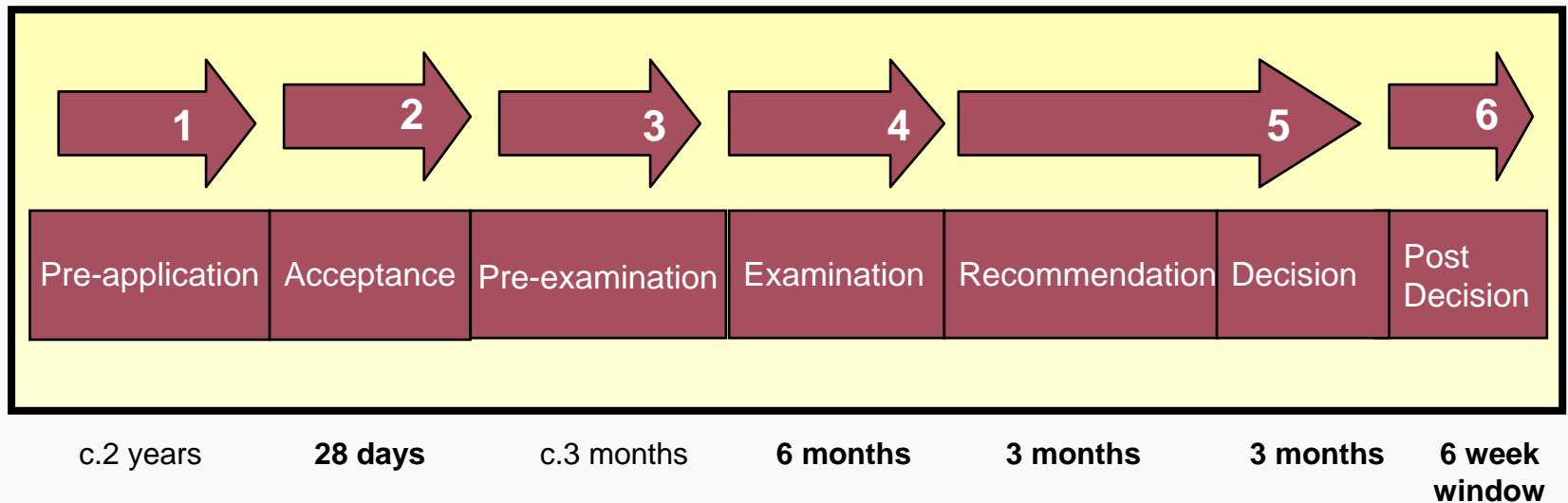


Anticipated and live applications for Nationally Significant Infrastructure projects located in, or in waters near to, Wales as at July 2012.



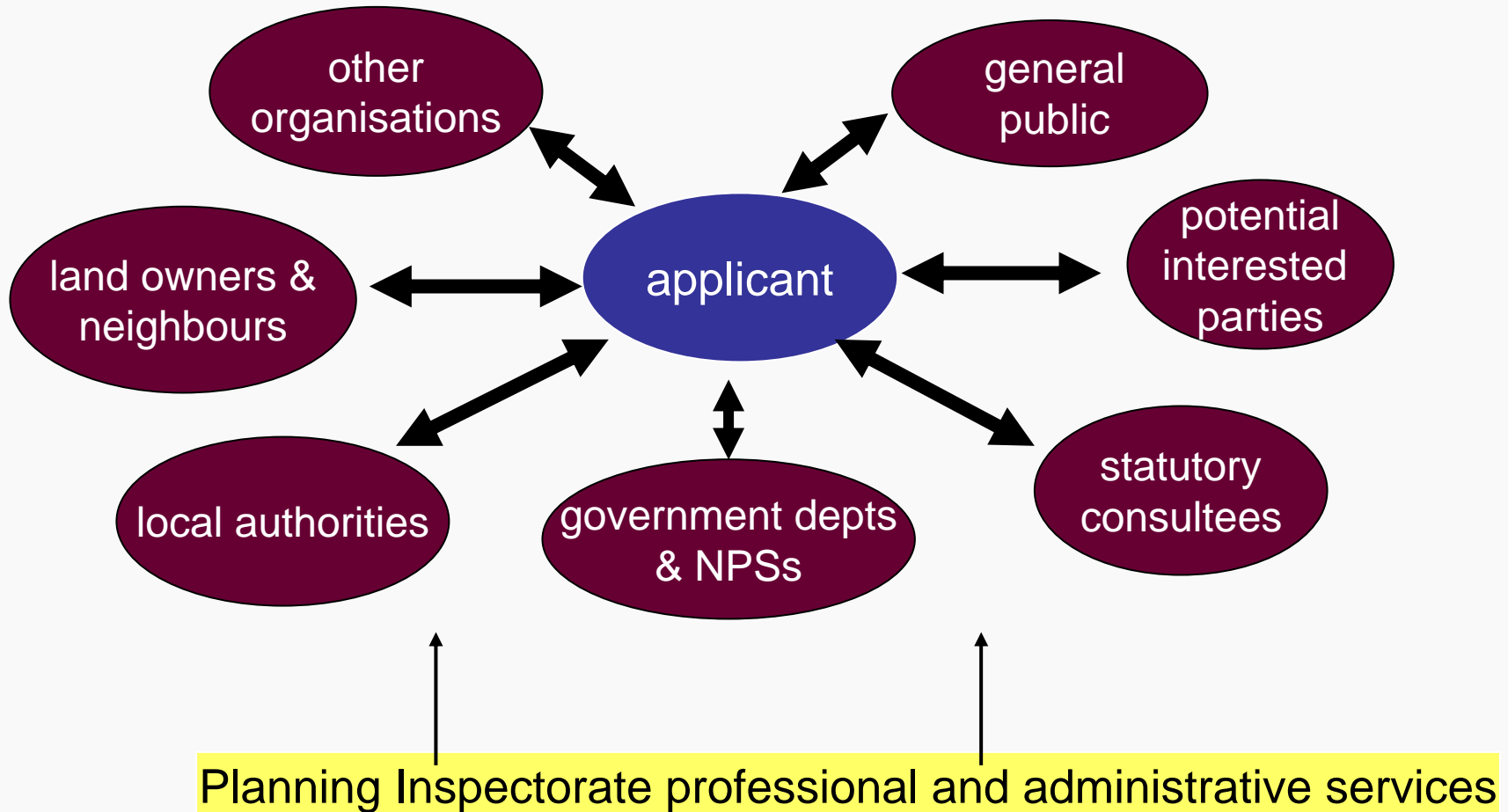


The consenting process



Times in **bold** are statutory **maxima**

Pre-application: effective community and organisational engagement





Pre-application work for developers

Total application: No shocks, no surprises

- Environmental screening and scoping, PEI and ES
- Consultation with prescribed bodies (s42) and landowners (s44)
- Consultation with the community (SoCC and s47)
- Draft Development Consent Order (DCO) including deemed marine license
- Limited scope for amending applications post submission



The role of local authorities

- Statutory Consultee
- Design of SoCC
- Advice on adequacy of consultation
- Negotiation of PPAs
- Negotiation of s106 agreements
- Statement of Common Ground
- Relevant Representation
- Pre-examination meeting
- Local Impact Report
- Written Representation
- Responding to written questions
- Site visits
- Hearings
- Enforcement
- Advocacy, assistance, information source: local voice

Resources?



Considerations for Local Authorities

Resources and capacity

- Talk to the applicant; shape the development
- Talk with other authorities; opportunities for joint working (LIR)
- Think about possible links between LIR, SoCG and s.106
- Think about possible requirements for draft DCO to secure mitigation
- Post-acceptance e.g. participation in hearings, negotiating S106
- Always remember – not your role to examine the application

Timescales

- Start early – LIR and s.106
- Meeting tight statutory deadlines: schemes of delegation and committee cycles

Key deadlines for Local Authority

Pre-App	Comments on developer's draft SoCC	28 Days
	EIA Scoping Opinion consultation	28 Days
	Pre-application consultation (s42) and publicity (s48)	Min 28 Days
Acceptance	Adequacy of Consultation statement	Within 14 days of submission
Pre-Examination	Submission of relevant representation following application acceptance	Min 28 days
Examination	Production of Local Impact Report	Approx 6 weeks
	Submission of detailed written representations	Min 21 days



The Planning Inspectorate

The application process. The six steps

The Inspectorate has **28 days** to decide whether the application meets the required standards to proceed to examination including whether the developer's consultation has been adequate.

You can send in your comments in writing. You can request to speak at a public hearing. The Inspectorate has **6 months** to carry out the examination.

There is the opportunity for legal challenge.

Pre-application

Acceptance

Pre-examination

Examination

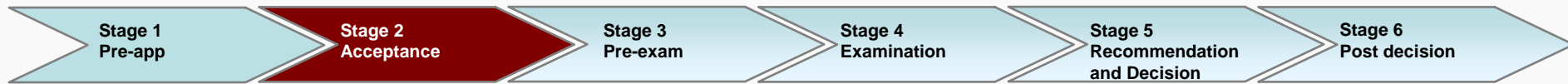
Decision

Post-decision

Look out for information in local media and in public places near the location of the proposed project, such as your library. The developer will be developing their proposals and will consult widely.

You can now register as an interested party; you will be kept informed of progress and opportunities to put your case. Inspectors will hold a Preliminary Meeting and set the timetable for examination.

A recommendation to the relevant Secretary of State will be issued by the Inspectorate within **3 months**. The Secretary of State then has a further **3 months** to issue a decision on the proposal



Planning Inspectorate and Local Authority Role

- Consultation report – has developer met commitments?
Demonstrated the **account taken of any relevant responses?**
- Local Authority asked to comment on **adequacy of consultation** – 14 days to provide report
- Local Authority asked to start thinking about content of **Local Impact Report** which will be requested at pre-examination.



Pre-exam period

- Developer gives **notice of accepted application**
- Registering to 'have your say' – as **interested parties through relevant representations** (minimum 28 days)
- Appointment of **Examining Authority** (panel or single examiner)
- Examining Authority makes its **initial assessment of principal issues**
- **Preliminary meeting** to discuss procedural issues and timetable for examination

Stage 1
Pre-app

Stage 2
Acceptance

Stage 3
Pre-exam

Stage 4
Examination

Stage 5
Recommendation
and Decision

Stage 6
Post decision

The examination

- **Inquisitorial** not adversarial
- Primarily through **written representations** and responses
- **Possible hearings** -
 - Open floor
 - Specific issue
 - Compulsory acquisition
- **Local Authority – Key Role**
 - Local Impact Report
 - Statements of Common Ground
 - Written Representations
 - Comments on Written Representation





Report with recommendations and the decision

- Report and recommendation to the SoS need to take into account:
 - National Policy Statements
 - Submitted evidence
 - International, national and other obligations
- Recommendation to the SoS would include a draft DCO and where relevant a draft s.106
- Decision by the relevant SoS(s)
- Challengeable through application for Judicial Review

National Infrastructure Planning

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Enquiries: 0303 444 5000

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Generating Stations:

Mynydd Mynyllod Wind Farm

by Scottish Power Renewables

Pre application

Acceptance

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

[Overview](#)

[Project documents](#)

[Advice given](#)

About this project

New Wind Farm

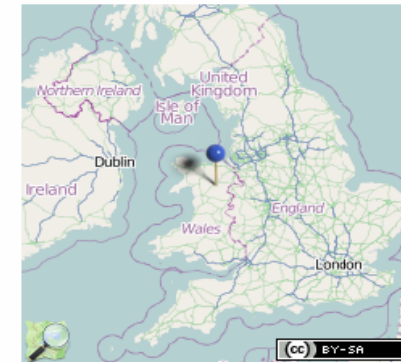
[Visit developers website](#)

Next action

This application is expected
Summer/Autumn 2012

Location

Denbighshire and Gwynedd



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

What happens next

The application is expected to be submitted to the Planning Inspectorate Summer/Autumn 2012.

After receipt of the application, there will be 28 days to review the application and decide whether or not to accept it.

If the application is accepted, we will advise the timescales when interested parties can register to make a representation.

If the application is accepted, we will:

- Publish all the application documents on this project page
- Publish the date from which you will be able to register to put your case on the application
- Publish the date on which registration will close.

Contact information

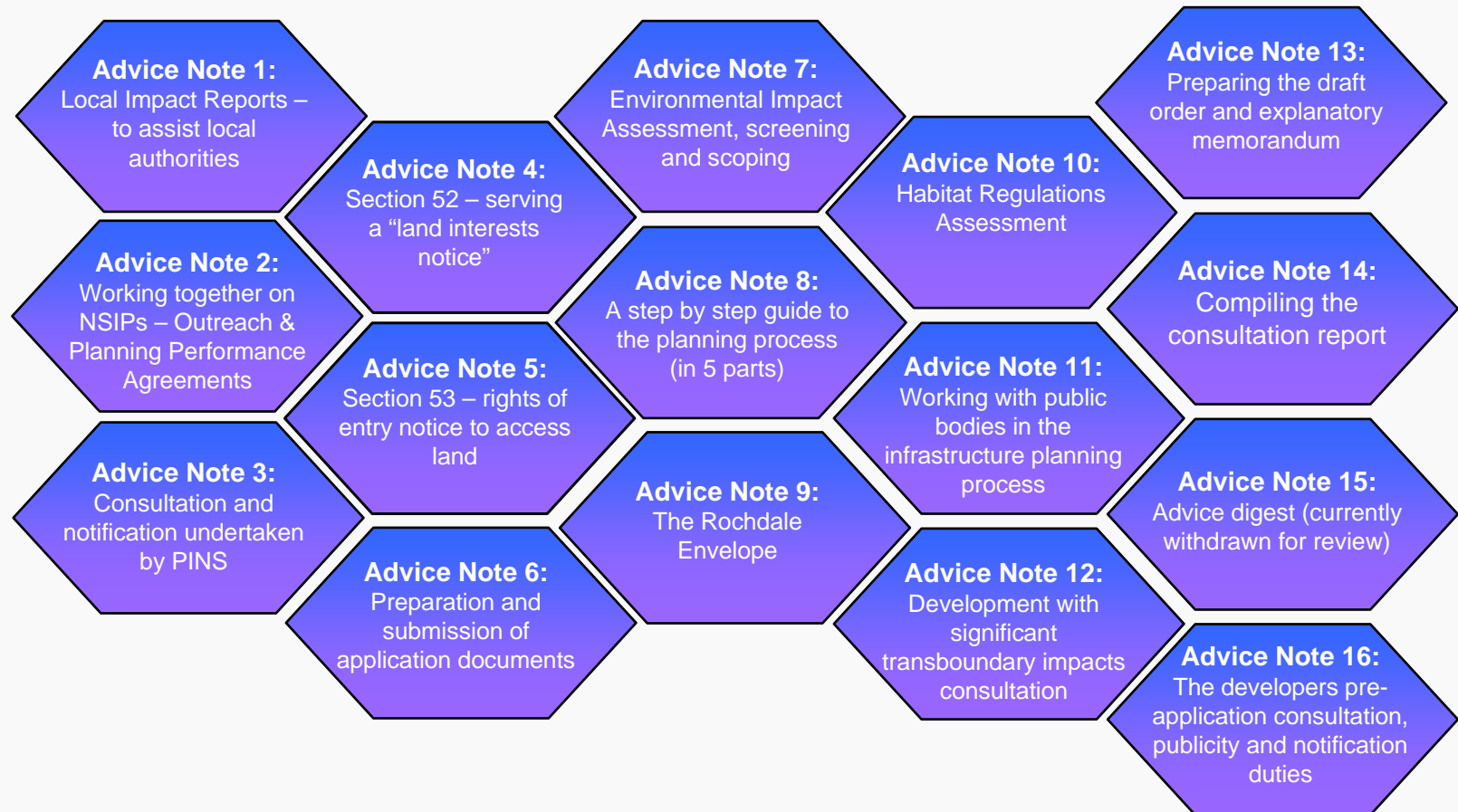
Planning Inspectorate case team:
enquiries@infrastructure.gsi.gov.uk
0303 444 5000

Effects of the Localism Act

- Localism Act 2011 restored final decision to Secretary of State
- IPC abolished – staff, systems, processes, web presence transferred intact into the Planning Inspectorate
- Transitional arrangements should ensure that no proposal is delayed at any stage
- Planning Act 2008 regime largely unchanged – relatively minor adjustments to:
 - Acceptance tests
 - Local authorities
 - Interested parties
 - Powers to advise
- National Planning Policy Framework gives primacy to National Policy Statements



PINS Advice Note Series



Contact us

- Planning Inspectorate advice available to all parties – but not legal advice on which you can rely
- Advice and Guidance is available on our website:
<http://infrastructure.planningportal.gov.uk/>
- Our enquiries line can also offer advice and guidance: 0303 444 5000

Address:

National Infrastructure Directorate
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

enquiries@infrastructure.gsi.gov.uk