



The Planning
Inspectorate

DCO Process - Effective Participation by Local Authorities

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The Planning
Inspectorate

Overview

- **Background**
- **The DCO Process**
- **Key Messages**
- **Key LA documents / submissions (ref to good practice)**
- **Legislation / Guidance / Advice**



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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

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

£26.00



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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



DEVELOPER



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



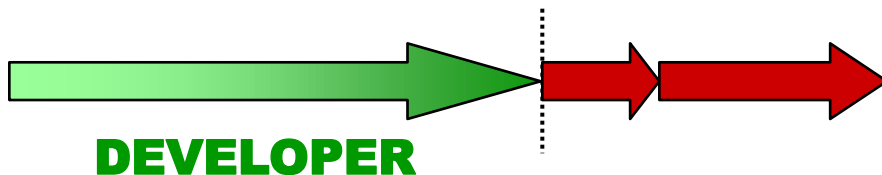


Examination

A strict timetable for submissions

A bespoke setup of hearings, to suit the case

Cannot last more than 6 months



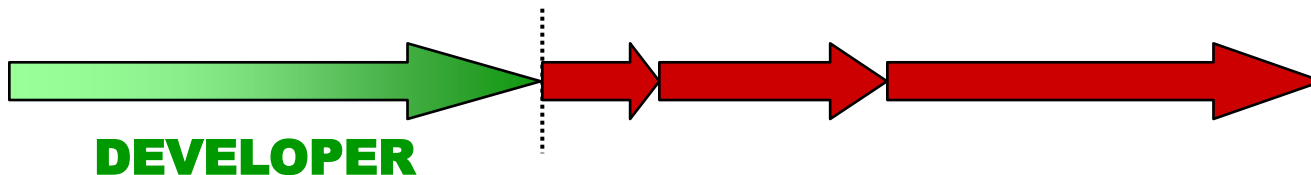


Reporting

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

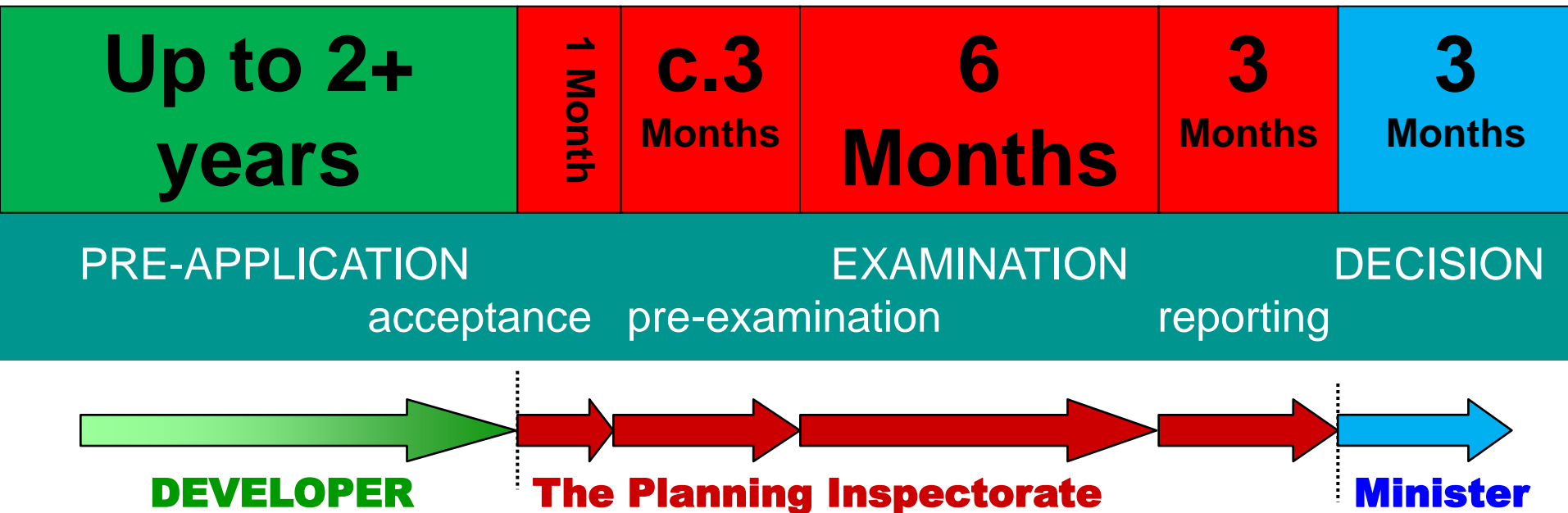
3 months from receiving the report





Statutory Timescales

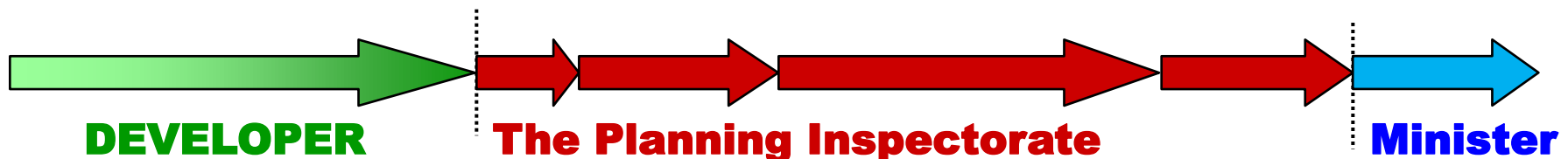
Applications are considered and determined in predictable stages, within predictable timescales





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 examination is timetabled



Perspectives

Local Authorities

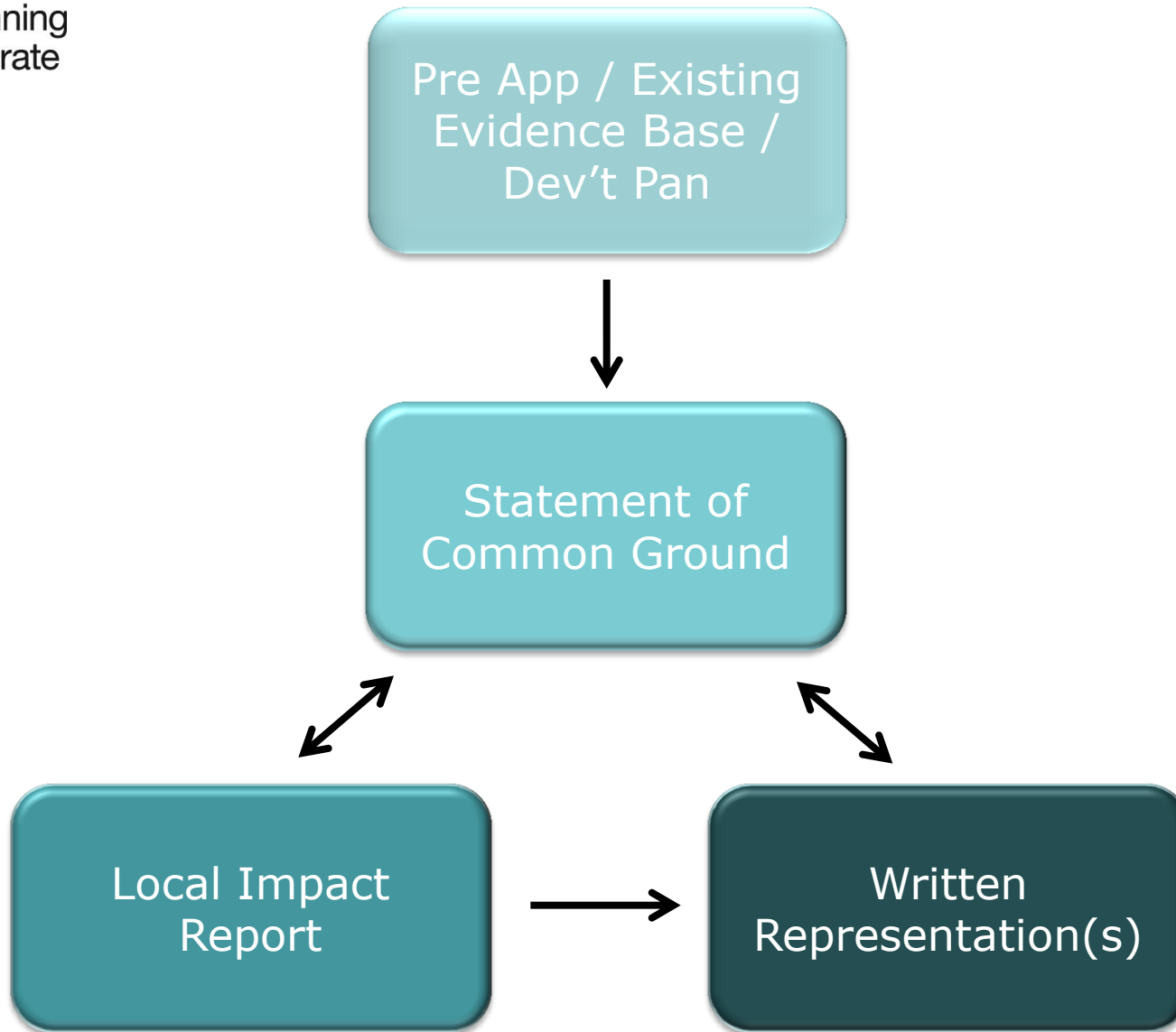
- Ensure local views are taken account of (political)
- Development Plan policies followed
- Alternatives?
- Resources and business continuity
- Land owner?
- Robust mitigation measures

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

- Joint working with other Councils (LIR / SoCG / WRs)
- PINS is supportive of PPAs in principle
- Understand the examination timetable and be proactive at the Preliminary Meeting
- Keep responses concise and proportionate
- Experience shows that the end of the examination is resource intensive for all participants
- Think ahead – discharge of requirements / enforcement



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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- Planning Act 2008 and Regulations / Rules

- DCLG Guidance (statutory)

- PINS Advice Notes (non statutory)

National Infrastructure Planning

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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:

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