



The Planning
Inspectorate

The Planning Act 2008 Process: Effective participation, roles and responsibilities

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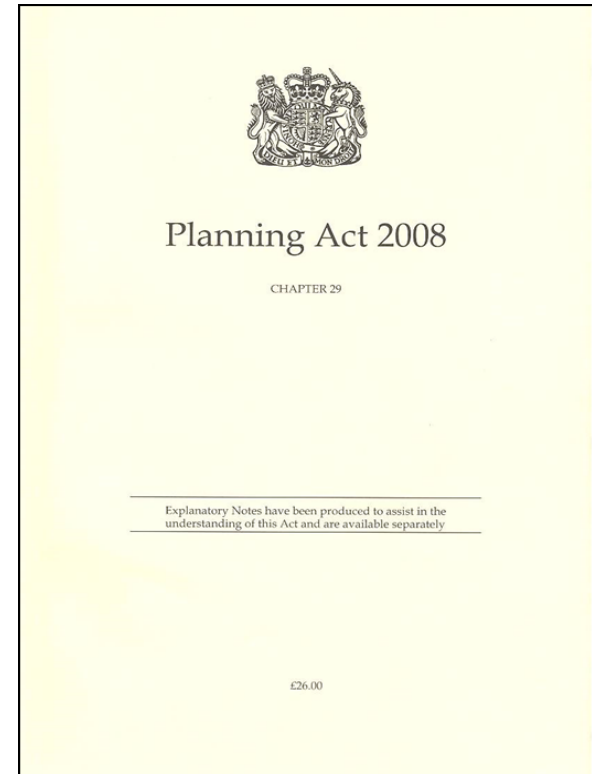
Overview

- Background and principles of PA2008
- Stages in the DCO process
- Roles and responsibilities: Applicant, Statutory Parties, LAs and PINS
- Effective participation and lessons learnt



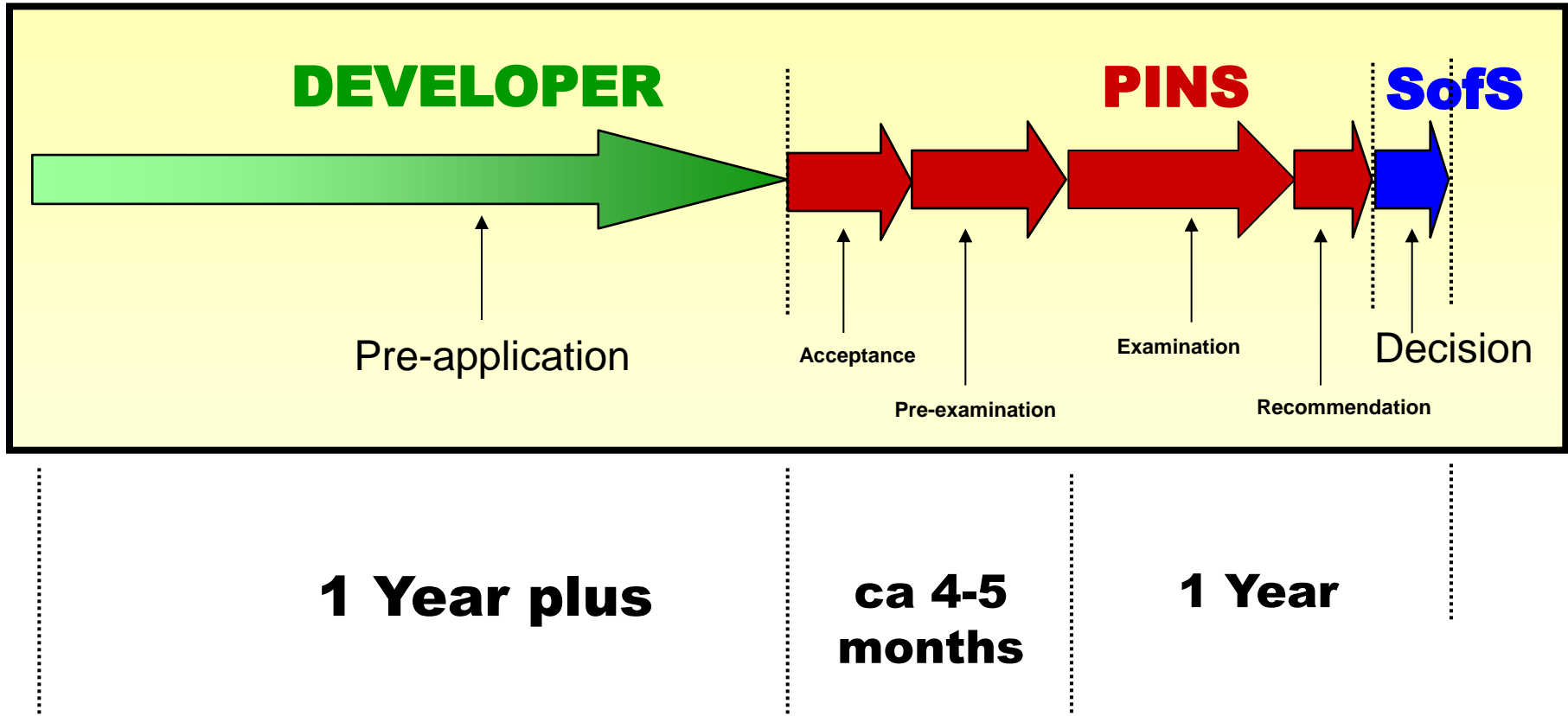
PA2008 clear principles

- Single consents regime
- Clear and statutory timetable
- National Policy Statements address need and principles
- Front-loaded/ early engagement
- Predominantly written and inquisitorial process
- Localism Act 2011



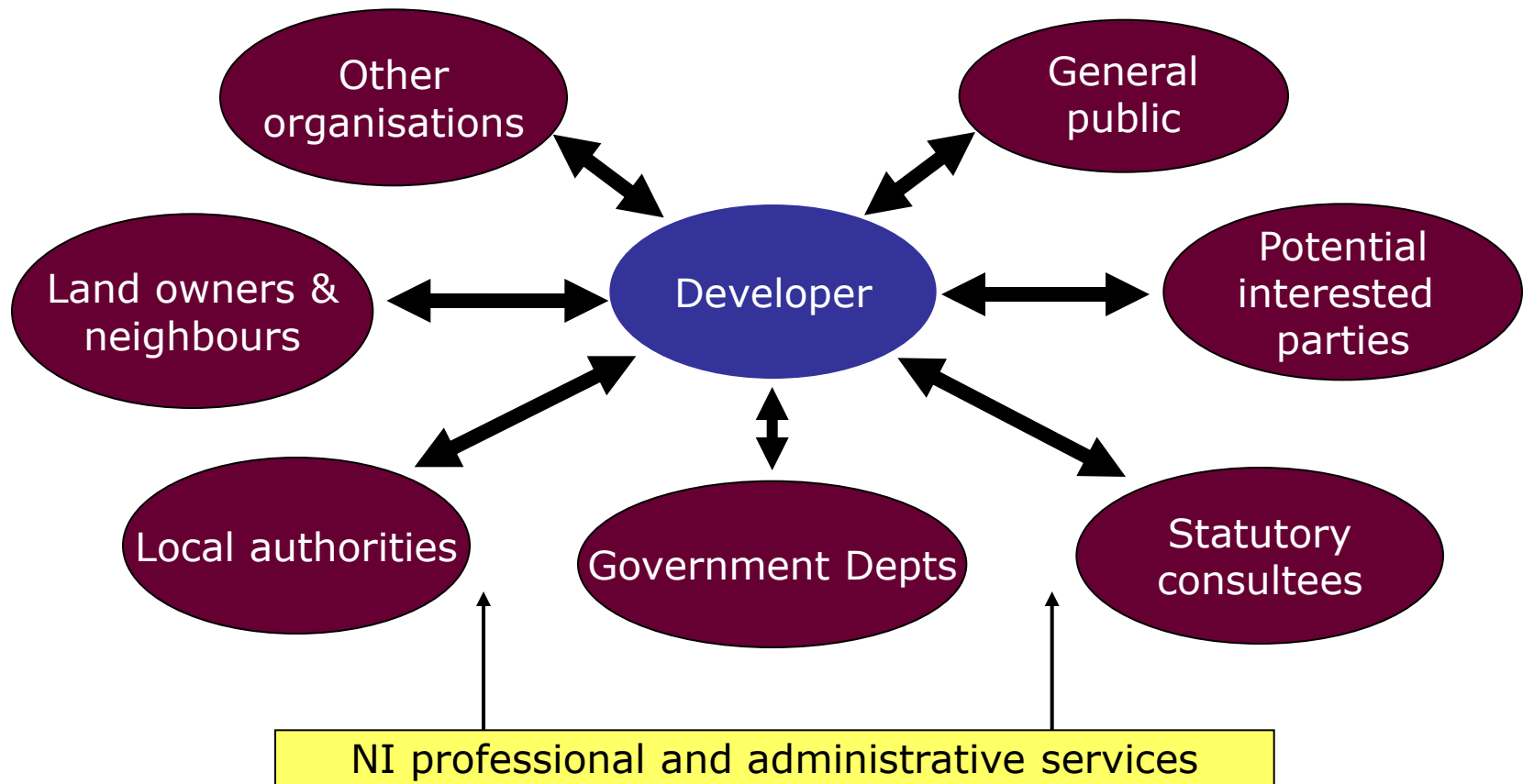


Overview





Pre-application





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Environmental Services

- Environmental objectives
- Scoping process
- The Environmental Statement
- Securing mitigation
- Environmental management plans
- Monitoring strategy





Pre-application for developers

- Total application: No shocks, no surprises!
- Limited scope for amending applications post-submission
- Environmental screening and scoping
- Consultation with prescribed bodies and landowners
- Consultation with the community (SoCC)
- PINS impartial advice to all





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Pre-application for Local Authorities

- Statutory Consultee
- Representing the community/
community champions
- Providing objective technical
evidence
- Discharge of requirements (on
land)*
- Enforcement*

* early and on-going dialogue: no shocks, no surprises





Pre-application with technical consultees

- Statutory Consultee
- Engage with scoping process
- Provides technical information about impacts
- Advise developers on matters under Habitats Regulations Assessment





Acceptance stage

- 28 calendar days to decide
- Full application
- Main tests:
 - Consultation Report: has the Applicant fulfilled their duties re. consultation
 - **Adequacy of Consultation - PINS request opinion from Local Authorities – 14 days to respond**
 - Full suite of documents
 - Ensure all plans are correct





Pre-examination stage

- Begins once the application has been accepted
- Examining Authority (ExA) appointed
- **Relevant Representations:**
 - summary of key points about application
- Issue of Rule 6 letter and draft examination timetable
- Initial Assessment of Principal Issues
- Preliminary Meeting





Examination stage

- Six months
 - **Tight timescales**
 - Quick turnaround of documents/evidence
 - Resource appropriately
- Primarily **written process** (supplemented by 3 possible types of hearings)
- Responding to written questions and requests for information from the ExA
- Requests for Statements of Common Ground
- PINS **project website**



Recommendation

- The ExA will make a recommendation to relevant Secretary of State
- Recommendation drafted by ExA will take account of:
 - National Policy Statements
 - Local Impact Reports
 - Important and relevant matters
 - International obligations
- Do the adverse impacts outweigh benefits?
- Recommendation to approve would include finalised DCO and Requirements (analogous to planning conditions)
- Recommendation must be made within three months of the end of Examination



Decision

- Secretary of State has to make his/ her decision within three months of receiving recommendation (s107)
- Decision needs to take into account:
 - National Policy Statements (s104)
 - Local Impact Reports
 - Important and relevant matters
 - International obligations
- Challengeable through application for Judicial Review – six week window under s118 of the PA2008



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Any questions?



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Contact

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