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Planning
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e-mail:

By email

Your Ref:

Our Ref: TR010029

Date: 06/05/2020

Dear Sir/ Madam,

Planning Act 2008 (as amended) – Chapter 2

Application by Highways England for an Order Granting Development Consent for the M25 junction 28 improvements

Information about a proposed application

We refer to the above application for an order granting development consent. We have been informed by the developer Highways England that this application is likely to be submitted to the Planning Inspectorate on 26 May 2020.

In advance of this submission, we thought it would be helpful to inform you of the process where we will be requesting a representation from your Authority on the adequacy of the applicant's pre-application consultation, and to confirm contact details for future correspondence with your Authority.

Adequacy of consultation

On receipt of an application, the Planning Inspectorate has 28 days to decide whether or not to accept the application¹. In accordance with section 37 of PA2008, the developer must submit a consultation report with the application. This consultation report should set out the developer's pre-application consultation processes, a summary of the relevant responses to its consultation and how it has taken account of responses received in developing the application. Developers must have regard to relevant guidance on the pre-application process issued by the Secretary of State².

As soon as we receive the application, the Planning Inspectorate will invite you as a host or neighbouring local authority³, to submit an 'adequacy of consultation representation' which the Planning Inspectorate must have regard to in deciding

¹ PA2008 s37(3)(c)

² PA2008 s50(3)

³ PA2008 s55(4) and (5) – a "local authority consultee"

whether or not to accept an application⁴. This adequacy of consultation representation means a representation about whether the developer has complied, in relation to the proposed application, with its duties under sections 42, 47 and 48 of PA2008 relating to consultation and publicity.

Given the short statutory time limit for the acceptance stage, we will be seeking a representation from you within 14 calendar days of the date of our invitation. In light of this, you will clearly wish to ensure that your Authority has appropriate internal approval procedures in place to meet this deadline.

Contact details for future correspondence

In order to give you as much time as possible to respond, we would like to email your invitation to submit an adequacy of consultation representation together with an electronic copy of the developer's consultation report.

To accord with section 229 of PA2008, please would you **confirm by 18 May 2020 the appropriate mail address and contact name** for us to send an electronic communication for this purpose. It would be very helpful if you could also confirm that you will accept email communications of other procedural notices and correspondence from the Planning Inspectorate in connection with the examination of this application, should it be accepted.

Local impact reports (LIRs)

We will not consider the merits of an application unless it is accepted for examination. The adequacy of consultation representation is not therefore a representation on the impacts of the scheme or the merits of the case, and the submission of any such representations prior to an acceptance would be premature.

Should the application be accepted, host authorities will automatically be registered to participate in the examination. Neighbouring authorities are encouraged to register on our website at the appropriate time.

If the application is accepted for examination, the Examining Authority will invite local authorities to submit a LIR in which you should give details of the likely impact of the proposed development upon your Authority's area. The deadline for the submission of the LIR will be set by the Examining Authority following the Preliminary Meeting, which is likely to take place a few months after the acceptance of an application. You are therefore encouraged to begin preparation of your LIR now, and put in place internal approval procedures.

Further details regarding the process for applications for orders granting development consent including relevant legislation, guidance and advice notes can be found on our website and accessed by following this link
<https://infrastructure.planninginspectorate.gov.uk/>

If you have any further queries, please do not hesitate to contact us.

⁴ PA2008 s55(4)(b)

Yours sincerely,

Dee Allen

Dee Allen
Case Manager

This communication does not constitute legal advice.
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<https://infrastructure.planninginspectorate.gov.uk>

