

The Planning Inspectorate
National Infrastructure Planning
Temple Quay House (2 The Square)
Temple Quay
Bristol
Avon
BS1 6PN

Our ref: NE/2023/136101/02-L01
Your ref: 20040567
Date: 28 November 2023

Please accept the following comments in lieu of attendance at Issue Specific Hearing 10 on 1 December 2023, to the extent they may be relevant to item 5 on the agenda.

Schedule 2 Requirements

Part 2

7. Code of Construction Practice

We wish to be named as a consultee for the discharge of this requirement where it is applicable to our remit.

Part 5

35.1.a.

It is stated:

...the discharging authority may consult a discretionary consultee where it appears to the discharging authority, acting reasonably, that such consultation is necessary and appropriate having regard to...

We propose that 'may' should be replaced with 'must'.

35.3.

It is stated:

In the event that the discharging authority does not determine an application within the period set out in sub-paragraph (1), the discharging authority is taken to have granted all parts of the application (without any condition or qualification at the end of that period).

We believe that this outcome would be a disproportionate outcome to a delay in response times. We suggest that in situations where the discharging authority has not determined the application in time:

if there are comments from a consultee body that considers it likely that the subject matter of the application is to give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement, then the application should be taken to have been refused by the discharging authority at the end of that period.

We propose that wording outlining this is added as 35.4.

Cont/d..

36.

Paragraph 36 of Schedule 2 relates to discharge of the requirements. The draft states 10 business days, we wish to challenge that this should be 20 business days (15 business days, in addition to the 5 allocated to the LPA to issue the consultation) to better align with the Development Management Procedure Order 2015.

Final comments

Our comments are based on our available records and the information submitted to us.

Should you have any queries regarding this response, please contact me.

Yours sincerely,

George Lloyd
Planning Specialist – Green Growth and Delivery

Direct dial: [REDACTED]

E-mail: HNLGreenGrowth@environment-agency.gov.uk