



Meeting note

File reference	n/a
Status	Final
Author	Richard Price
Date	17 January 2017
Meeting with	Heathrow Strategic Planning Group (HSPG)
Venue	London Borough of Hounslow
Attendees	See Annex A
Meeting objectives	Advice about Planning Act 2008 process and the role of local authorities
Circulation	All attendees

Summary of key points discussed and advice given:

The Planning Inspectorate (the Inspectorate) was invited to the HSPG meeting to present to attendees about the roles and responsibilities of local authorities in the Planning Act 2008 (PA2008) process and discuss effective participation in the process. The presentation delivered is attached to this note at **Annex B**.

Following the presentation there was an open-floor discussion about the process.

The Inspectorate explained that the key resource for HSPG members in respect of the PA2008 process was the National Infrastructure website:

<https://infrastructure.planninginspectorate.gov.uk/>

Under the tab 'Application Process' can be found various resources including the Inspectorate's 'Pre-application Prospectus for Applicants' ¹and a video specifically designed to outline the core process for local authorities. Under the tab 'Legislation and Advice' are various other important resources including the Inspectorate's suite of advice notes. In particular:

- Advice Note 2 provides specific advice on the role of local authorities (http://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/03/Advice_note_2.pdf); and
- Advice Note 1 covers Local Impact Reports (<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-1v2.pdf>).

¹ Also a valuable resource for local authorities

The Inspectorate noted that Transport for London's proposals for the Silvertown Tunnel were currently being examined by the Inspectorate. All submissions made to that examination were available 'live' on the Inspectorate's website. Members of the HSPG could access these documents to see examples of the types of submissions made and to get a sense of the timeframes within the Examination Timetable:

<https://infrastructure.planninginspectorate.gov.uk/projects/london/silvertowntunnel/>

The Inspectorate advised that draft and made Development Consent Orders (DCO) for all applications formally submitted to the process were also available on the website. In respect of Requirements (analogous to conditions attached to a Town and Country Planning Act permission), reviewing the Requirements attached to the made DCOs for Thames Tideway Tunnel and Hinkley Point C Nuclear Power Station would give the HSPG an idea about how local authorities and other consultees are involved in their discharge.

The definition of relevant local authorities was discussed, and the terminology of 'host' and 'neighbouring' authorities was noted. The majority of likely relevant authorities were represented through the HSPG. The Inspectorate explained that all relevant authorities would be invited to submit, for example, an Adequacy of Consultation Representation and Local Impact Report. The authorities were under no duty to submit such documents, but in the interests of a fair and robust process for all parties involved, authorities were strongly encouraged to engage at an early stage.

In respect of the emerging draft Airports National Policy Statement (ANPS) and the consultation period associated with its publication, the discussion drew attention to potential complexities which could arise from concurrent consultations by Heathrow Airport Ltd (HAL) on the proposed DCO, and also consultations by the Civil Aviation Authority on new guidance about the Airspace Change Process. The discussion also noted the challenges of progressing with local plan making whilst the ANPS was in draft and whilst Heathrow Airport Limited (HAL) might be progressing a Development Consent Order application as well as the impact on members of the public and wider funding issues.

It was noted that more than one designated National Policy Statement (NPS) could be relevant to the examination of an application by HAL. The ANPS could provide clarification in respect of which NPS would have primacy in this scenario. Otherwise it would be a matter for the examination to weigh-up.

The Inspectorate clarified the inquisitorial approach set out in the PA2008, explaining however that cross-examination could be used by Examining Authorities as a tool to ensure the robust interrogation of complex and/ or controversial issues or to test elements of the evidence base.

Specific decisions / follow up required?

- The Inspectorate to provide presentation slides to HAL for distribution to attendees.

List of attendees

NAME	ORGANISATION
Susannah Guest	The Planning Inspectorate
Richard Price	The Planning Inspectorate
Ajit Bansal	London Borough of Hounslow
Surinderpal Suri	London Borough of Hounslow
Steve Barton	London Borough of Ealing
Tom Brooks	London Borough of Hounslow
Hannah Cook	Spelthorne Borough Council
Anita Cacchioli	South Bucks District Council
Alison Cowie	Transport for London
George Davies	Heathrow Airport Limited
Geoff Dawes	Spelthorne Borough Council
Jonathan Deegan	Heathrow Airport Limited
Simon Earles	Heathrow Airport Limited
Lyndon Fothergill	Greater London Authority
Kieren Taylor	London Borough of Hounslow
Jane Griffin	South Bucks District Council
Paul Harwood	Highways England
Alan Hesketh	London Borough of Hounslow
Sue Janota	Surrey County Council
Lyndon Mendes	Surrey County Council
Paul Millin	Surrey County Council
Lee McQuade	Surrey County Council
Michael Parsons	Heathrow Airport Limited
Rachel Raynaud	Runnymede Borough Council
Ian Maguire	Runnymede Borough Council
Georgina Pacey	Runnymede Borough Council
Paul Stimpson	Slough Borough Council
Darl Sweetland	Buckinghamshire County Council
Michael Thornton	London Borough of Hounslow
Kevin Travers	Enterprise M3 LEP
Paul Turrell	Runnymede Borough Council
Richard Tyndall	Thames Valley Berkshire LEP
Tracey Farrell	South Bucks and Chiltern District Councils
Brendon Walsh	London Borough of Hounslow
John Devonshire	Runnymede Borough Council
Georgina Barretta	Transport for London

Presentation given by the Planning Inspectorate



The Planning
Inspectorate

Planning Act 2008 Process for Nationally Significant Infrastructure Projects

Effective participation, roles and responsibilities



Overview

- ❑ Background & principles of PA2008
- ❑ Stages in the DCO process
- ❑ Roles & responsibilities: HAL, LAs & PINS
- ❑ Effective participation and lessons learnt



The Planning
Inspectorate

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



Planning Act 2008

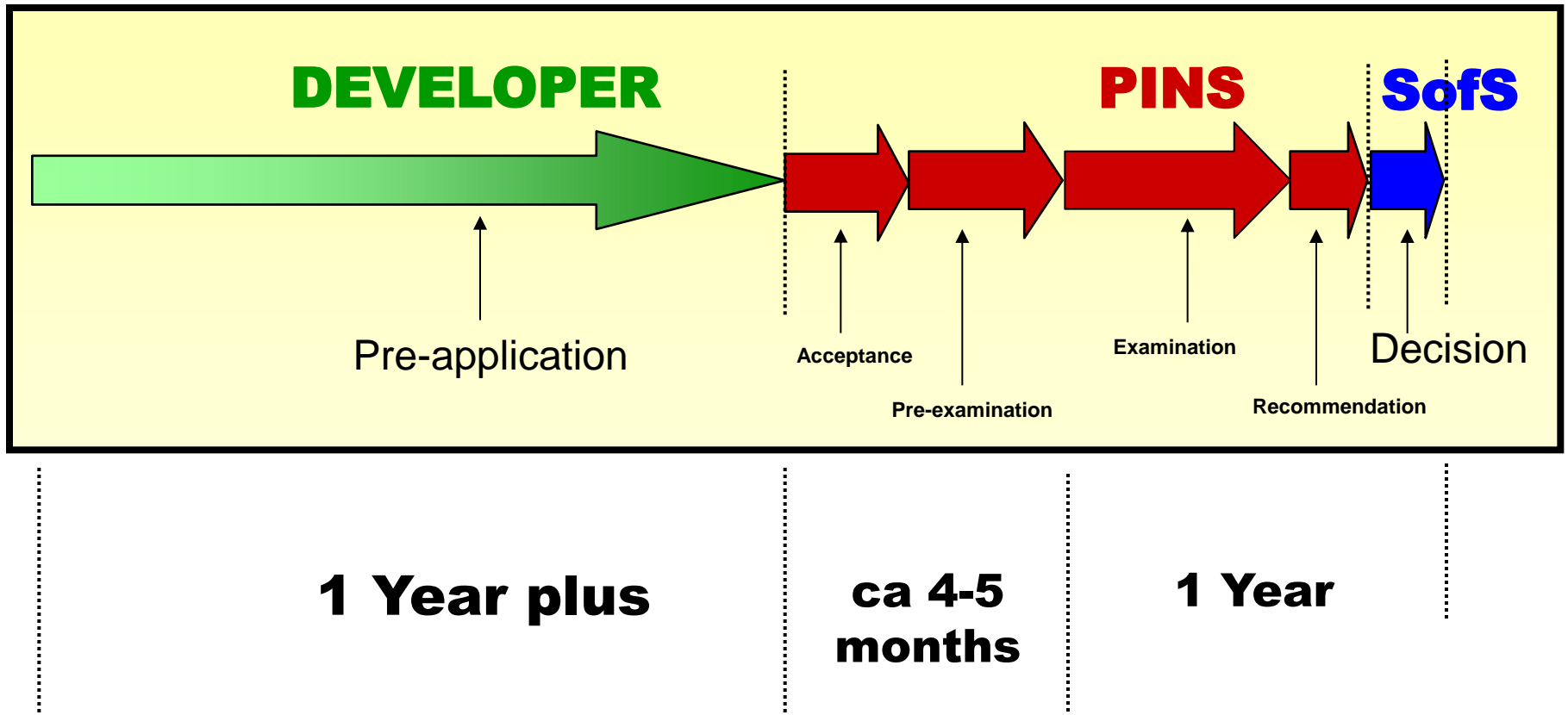
CHAPTER 29

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

£26.00

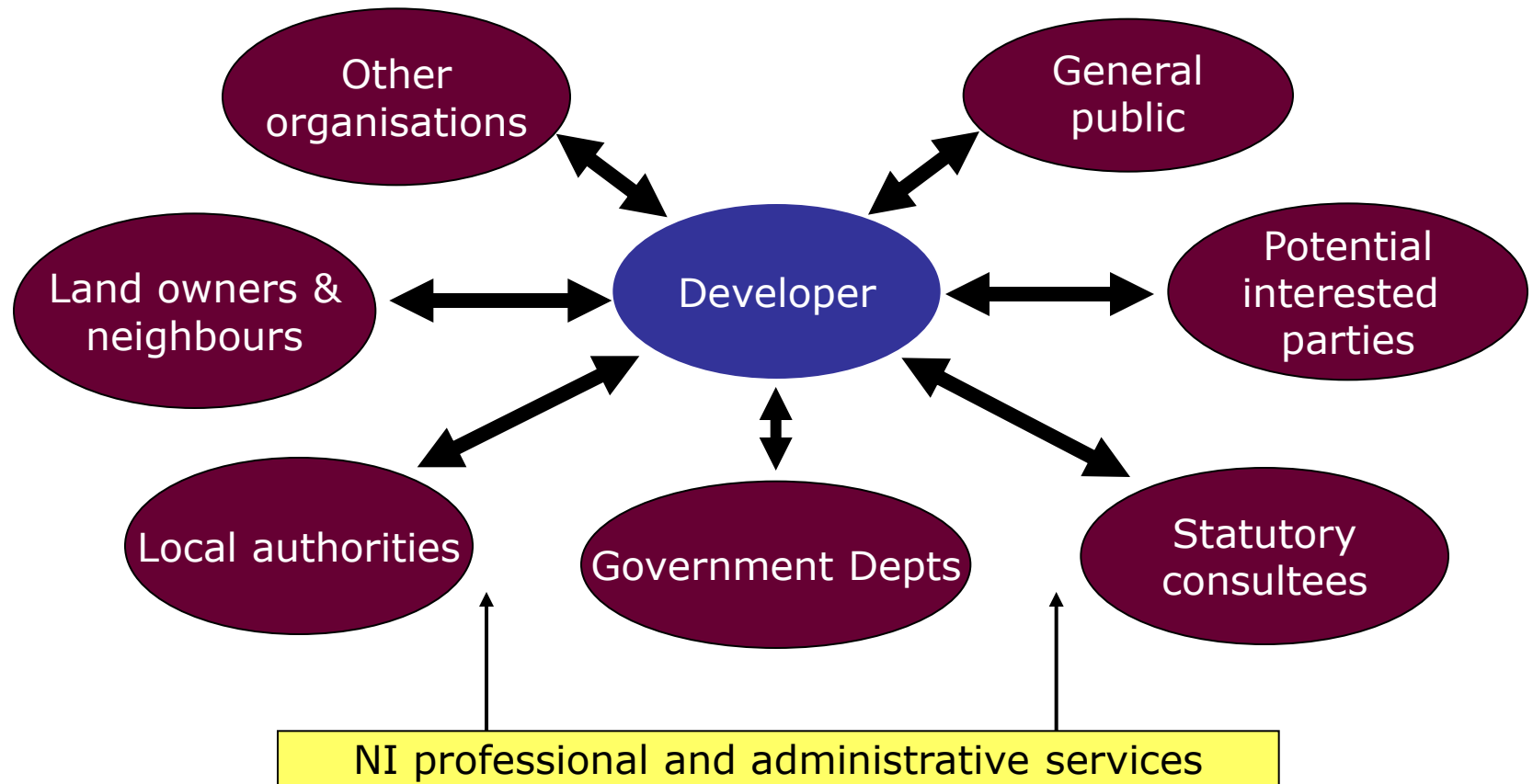


Overview





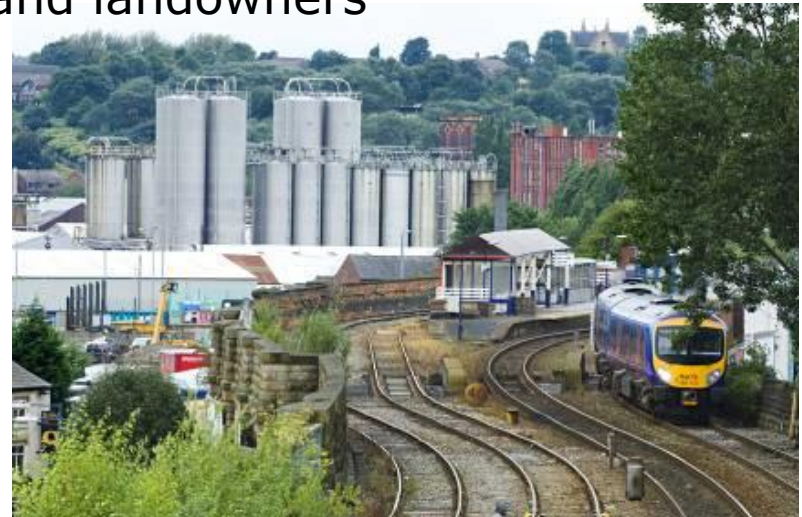
Pre-application





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





Acceptance stage

- 28 calendar days to decide
- Full application
- Main tests:
 - Consultation Report – has the Applicant fulfilled their duties re: consultation and had regard to responses
 - **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 appointed
- **Relevant Representations:**
 - summary of key points about application
- Initial Assessment
- Preliminary Meeting
- HAL – on-going dialogue
- LA – focus on LIR





Examination stage

- 6 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 SoS
- 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
- Recommendation must be made within 3 months of the end of Examination



Decision

- Has to make his/ her decision within 3 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 – 6 week window under s118 of the PA2008



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

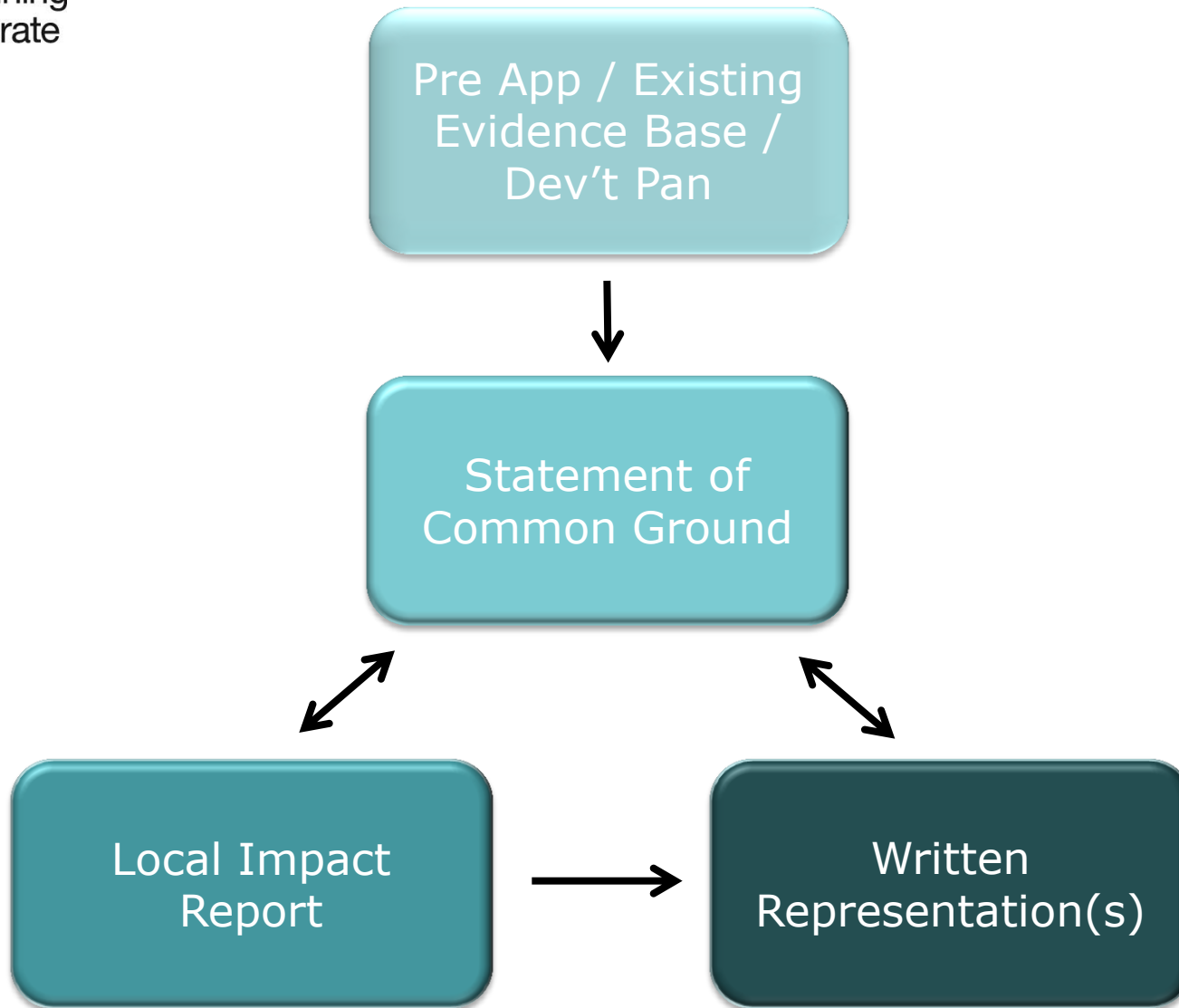
Consider the application as made

Gathering evidence to be able to make a well-reasoned recommendation

Complete the examination within statutory time limits



Key examination documents / submissions





Resources



Concise and
Proportionate




Joint
working with
other
Councils



Be
proactive –
Preliminary
Meeting


PPA




End of the
examination
is busy



Discharge of
requirements
/
enforcement



Understand
the
examination
timetable



SoCG / s106
/
LIR /
Requirements





Legislation / Guidance / Advice

National Infrastructure Planning

Cymraeg FAQs Contact Sitemap Enquiries: 0303 444 5000

Home Projects Application process Legislation and advice Help Search

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:

- [Legislation and advice](#)
 - [Legislation](#)
 - [Guidance](#)
 - [Advice notes](#)
- [National Policy Statements](#)
- [Consents Service Unit](#)
- [Register of advice](#)

- Planning Act 2008 and Regs / Rules
- DCLG Guidance (statutory)
- PINS Advice Notes (non statutory)

- **Advice Note 1: Local Impact Reports**
- **Advice Note 2: The role of local authorities in the development consent process**

