



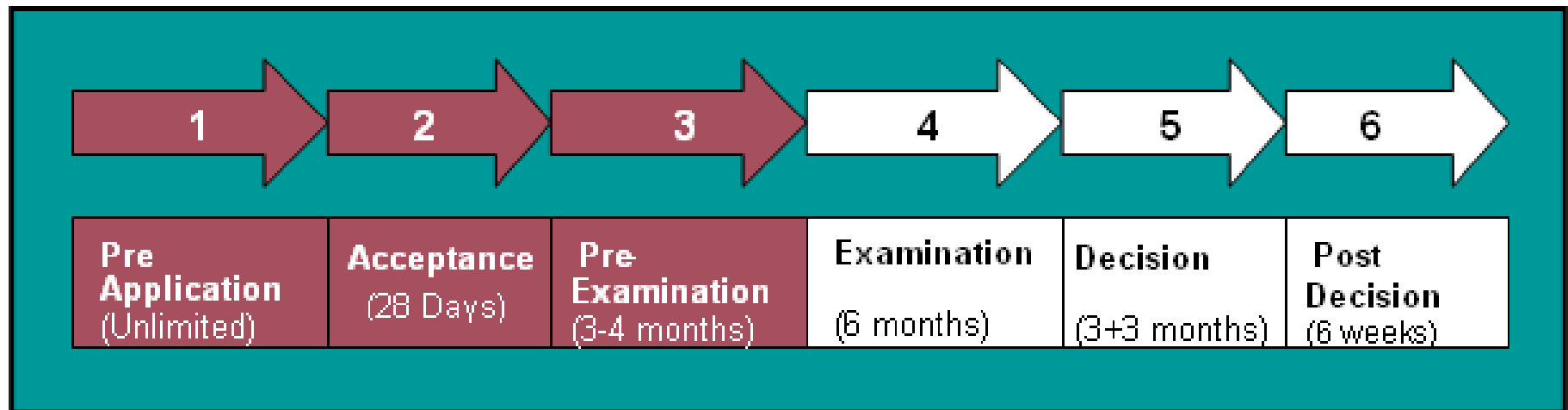
The Planning  
Inspectorate

# The Development Consent Process

## The Role of Local Authorities & Preparing for Examination



# Stages of the Process





# Pre-Exam Summary

- Application been accepted
- ▼
- PINS notifies the applicant
- ▼
- The applicant notifies everyone as prescribed and publishes notice in the local newspaper
- ▼
- Registering to have your say about proposal
- ▼
- Relevant Representation = interested party
- ▼
- Applicant submits certificates to PINS
- ▼
- Appointment of Examining Authority
- ▼
- Initial assessment of issues must be made by the Examining Authority
- ▼
- Preliminary Meeting held by Examining Authority
- ▼
- **DAY AFTER PRELIMINARY MEETING = START OF EXAMINATION STAGE**



# Making a Relevant Representation

- Host authorities are automatically interested parties, and do not need to register ...
- **However:** the relevant representation is the first opportunity to make your main points to Examining Authority and your community can see them too

The screenshot shows the Planning Portal website for the Daventry International Rail Freight Terminal project. The navigation bar includes Home, Projects, Application process, Legislation and advice, and Help. The main content area features a progress bar with stages: Acceptance, Pre-examination, and Examination. A prominent message states: "You can now register as an interested party" with a "Register online" button. Below this, it provides a helpline number: "0303 444 5000" for paper forms. A "Next action" section indicates that registration closes on Monday, 20 May 2013 at 11:59pm. A "Dates for your diary" section shows "20/05/2013 - Registration of".

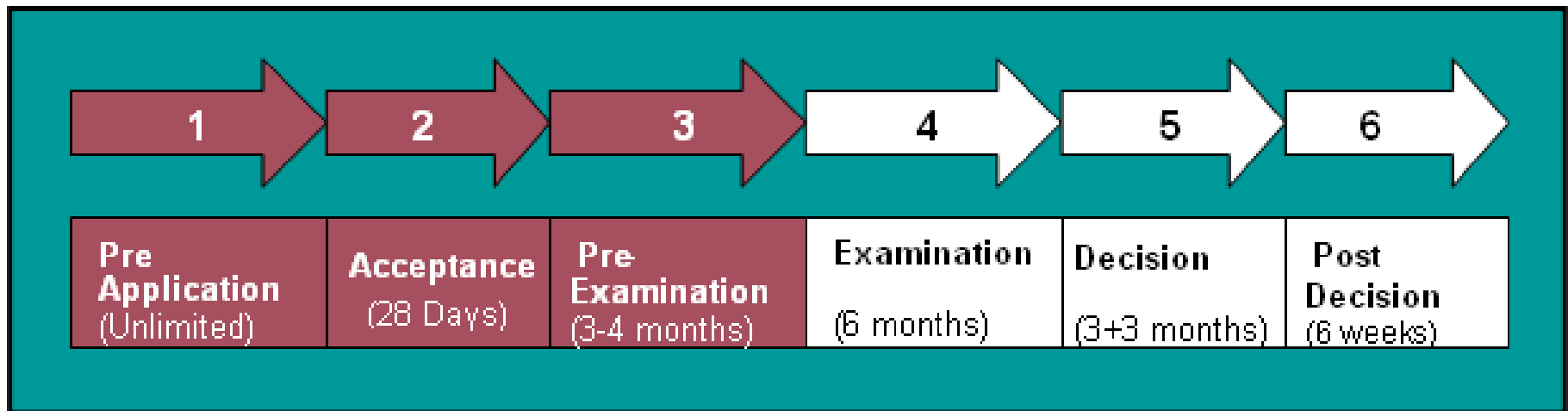
Online:

<http://infrastructure.planningportal.gov.uk/projects/East%20Midlands/Daventry-International-Rail-Freight-Terminal/>

Paper: 0303 444 5000



# Stages of the process





# What is the Examination?

- A 6 month statutory period to examine the application
- Starts the day after the Preliminary Meeting
- ExA examines evidence: against national policy (if has effect), any Local Impact Reports, prescribed matters, and 'relevant and important' matters
- Primarily undertaken through written representations
- Provision for hearings and site visits accompanied and unaccompanied
- Publication of all evidence considered by the ExA
- Examination to be inquisitorial rather than adversarial



## Role of Local Authority

- Relevant Representations
- Local Impact Report
- Statements of Common Ground
- Written Representations
- Responses to ExA round of questions
- Attending hearings



# Examination Timetable: Hinkley Point C

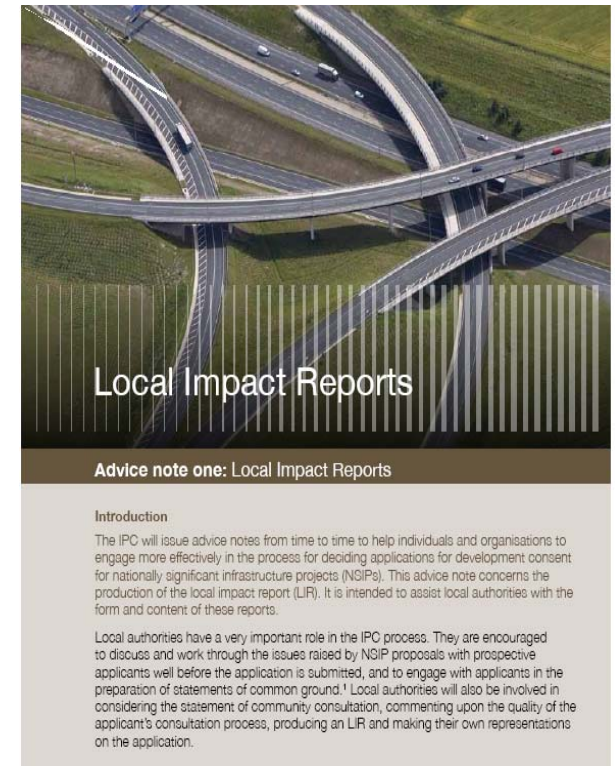
- 21 March - Start of six month examination s98 (2) PA 2008
- 27 March - Rule 8 Letter: Notice of procedural decisions made at the Preliminary Meeting and Panel's first written questions
- 11 & 12 April - Initial (familiarisation) site inspections
- 24 April - Response to Panel's first written questions
- 3 May - Receipt of LIRs, SOCG and WRs
- 14 June - Panel's further written questions
- 26 June - First IS Hearing on the DCO and mitigation measures (as secured by requirements/s106 etc)
- 9 July - Responses to Panel's further written questions
- 16 July - Notification of dates for any additional IS hearings required by the Panel and all other hearings
- 17 July - Second IS hearing on the DCO and mitigation measures (as secured by requirements/s106 etc)
- 6 August - Comments on responses to Panel's further written questions
- 13-24 August - Time reserved for further ISH (if/as required) includes 3<sup>rd</sup> ISH on DCO and mitigation measures – 14 August)
- 28-31 August - Time reserved for CA hearings
- 3-7 September - Time reserved for further OFH
- 10-14 September - Time reserved for further site inspections
- 22 September - Deadline for close of examination (PA 2008 s98 (1)) - actual end date 21 September 2012





# Local Impact Report

- Decision maker **must** have regard to it
- A report on “likely impact of proposed development” on your area
- Local Authority decides form and content
- Focus on economic, environmental and social issues
- Deadline in timetable for examination - but you can start work now
- Schemes of delegation
- Any link between LIR and s.106
- See Advice note 1





# Statements of Common Ground

- What is agreed, and what is not agreed
- Simple and soon – don't overcomplicate, and don't delay
- Just because an issue is agreed, doesn't mean it won't be examined. You may want to include reasoning within the SoCG



# Hearings

- Three types of hearing:
  - Open Floor (OFH)
  - Issue Specific (ISH)
  - Compulsory Acquisition (CPA)
- No new evidence is generally permitted, only elaboration on existing written submissions
- ExA ‘control of conduct over the meeting’
- ExA will take an inquisitorial role
- Limited cross-examination at discretion of ExA





# Considerations for Local Authorities

- Importance of Relevant Representations
- Resources – time and people (joint working)
- Schemes of delegation / Committee cycles
- Consider powers/requirements in draft DCO - understand, discharge and enforce
- Examples available on Planning Portal Infrastructure pages:  
<http://infrastructure.planningportal.gov.uk/>



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# Contact us

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