

Perry's Farm – Hazardous Waste Management Facility
PINS meeting with Medway Council
Jeffrey Penfold & Alan Nettey.

The application process. The six steps

The Inspectorate has 28 days to decide whether the application meets the required standards to proceed to examination including whether the developer's consultation has been adequate.

You can send in your comments in writing. You can request to speak at a public hearing. The Inspectorate has 6 months to carry out the examination.

There is the opportunity for legal challenge.

Pre-application

Acceptance

Pre-examination

Examination

Decision

Post-decision

Look out for information in local media and in public places near the location of the proposed project, such as your library. The developer will be developing their proposals and will consult widely.

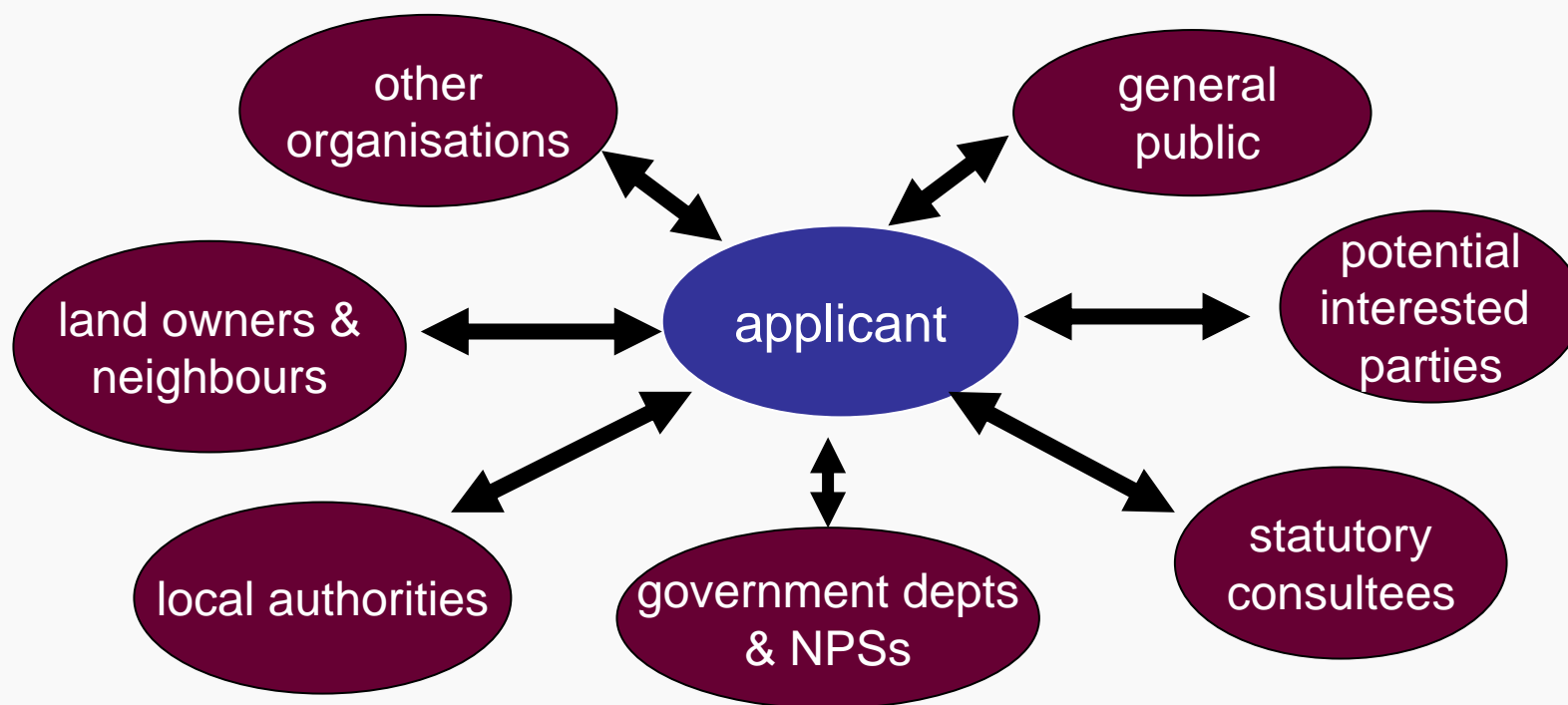
You can now register as an interested party; you will be kept informed of progress and opportunities to put your case. Inspectors will hold a Preliminary Meeting and set the timetable for examination.

A recommendation to the relevant Secretary of State will be issued by the Inspectorate within 3 months. The Secretary of State then has a further 3 months to issue a decision on the proposal

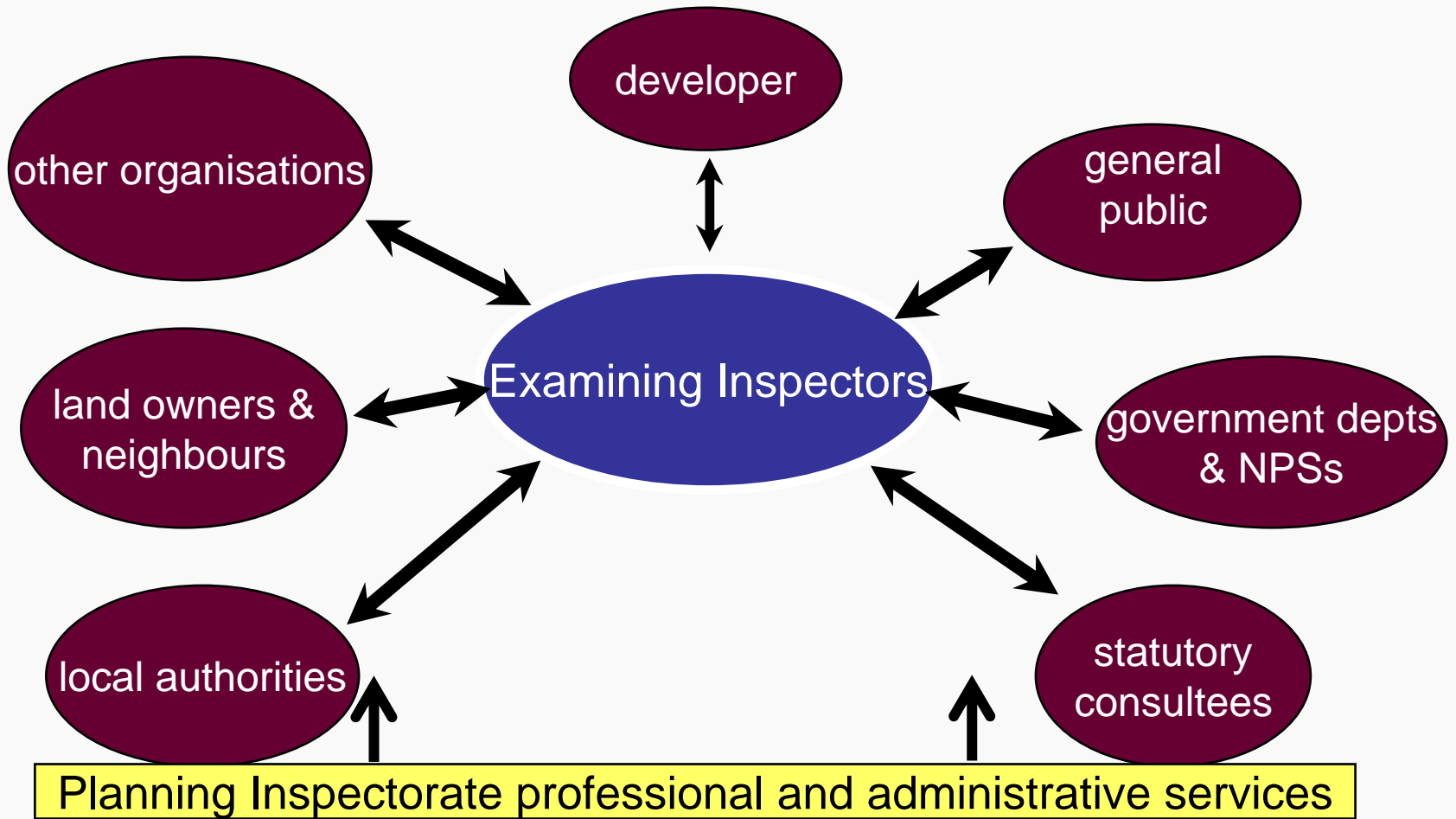
Key deadlines for Local Authority

Pre-app	Comments on developer's draft SoCC	28 days
	EIA Scoping Opinion consultation	28 days
	Pre-application consultation (s42) and publicity (s48)	Min 28 days
Acceptance	Adequacy of Consultation statement	Within 14 days of submission
Pre-examination	Submission of relevant representation following application acceptance	Min 28 days
Examination	Production of Local Impact Report	Approx 6 weeks
	Submission of detailed written representations	Min 21 days

Pre-application: effective engagement with communities and organisations



Planning Inspectorate professional and administrative services



Local Impact Reports

- No “one size fits all” template for LIRs
- LIR needs to be a useful document for the Examining Authority – objective as possible
- LAs should seek to utilise their existing evidence base
- Identify significant characteristics of / issues affecting the Area and the positive and negative impacts that the NSIP will have on them
- Not necessary to reach a conclusion about the acceptability of the NSIP
- Go beyond “planning” and look at the Council’s corporate roles and responsibilities (public health/safety, education, transport, environment, land owner)

Statements of Common Ground

- Can be a report or an exchange of correspondence
- A suite of smaller SoCGs may be easier to progress rather than a large “omnibus”
- No expectation that everything will be agreed – but try!
- Set out areas of agreement; areas where further work is required to reach agreement (mitigation), and areas where no agreement can be reached.

Written representations

- The Council's view
- Pick up on areas of disagreement from SoCG
- Elaborate on the LIR
- The Examining authority can disregard representations that relate to the merits of Government policy in NPS
- Focused and concise

Considerations for Local Authorities

Resources and capacity

- Talk to the applicant; shape the development
- Think about possible links between LIR, SoCG and s.106
- Think about possible requirements for draft DCO to secure mitigation
- Post-acceptance e.g. participation in hearings, negotiating S106
- Always remember – not your role to examine the application

Timescales

- Start early – LIR and s.106
- Meeting tight statutory deadlines: schemes of delegation and committee cycles

Assistance and information

- Planning Inspectorate advice available to all parties – but not legal advice
- Advice and Guidance is available on our website:
- <http://infrastructure.planningportal.gov.uk/legislation-and-advice/>
- Our enquiries line can also offer advice and guidance:
0303 444 5000
- The case team will always be on hand to offer you help

Effects of the Localism Act

- Localism Act 2011 restored final decision to Secretary of State
- IPC abolished – staff, systems, processes, web presence transferred intact into the Planning Inspectorate
- Transitional arrangements should ensure that no proposal is delayed at any stage
- Planning Act 2008 regime largely unchanged – relatively minor adjustments to:
 - Acceptance tests
 - Local authorities
 - Interested parties
 - Powers to advise
- National Planning Policy Framework gives primacy to National Policy Statements

Contact us

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