Overview of the nationally significant infrastructure planning process for members of the public and others

Advice Note 8.4: The Examination

1. Making written submissions and responding to questions
   1.1 The Examination is the period during which the appointed Examining Inspector, or panel of Examining Inspectors, (known as the 'Examining Authority') gather evidence and test information about the application from Interested Parties.

   1.2 The Examination is primarily carried out in writing. Parties can also make representations orally at hearings, which are supplemental to written submissions (see Annex 8.5).

2. Examination deadlines
   2.1 The Examining Authority issues a Procedural Decision, including the Examination Timetable, in a letter (known as the Rule 8 Letter) shortly after the Preliminary Meeting.

   2.2 The Examination Timetable will set out what needs to be submitted and when it should be received by the Planning Inspectorate. It is important that all representations are received by the specified date, to allow the Examining Authority to progress with the Examination and to give all participants an equal opportunity to read and comment on other Interested Parties' representations, if appropriate. Where a date is given without a time, it means that representations must be submitted by 23:59 on that day.

   2.3 The Examining Authority may disregard any late representations.

3. The website and publication of Examination documents
   3.1 The Planning Inspectorate will upload all submissions received for each deadline to the relevant project page of the National Infrastructure Planning website as soon as practicably possible after the deadline. Interested Parties do not need to wait until the actual deadline to submit representations or comments. Timely submissions are encouraged and welcomed.

4. What are the main types of Examination documents?
   Written Representation
   4.1 This is an opportunity to set out your case and if you want to, expand on any views provided in your Relevant Representation (see Annex 8.2). There is no prescribed form for Written Representations; you may wish to include supporting evidence in your representation by cross referring to a document or providing extracts as an annex. A deadline for submission is usually set early in the Examination.
Statement of Common Ground (SoCG)

4.2 These are produced jointly by the applicant and another interested party (usually a statutory body) setting out the areas of agreement and/or disagreement between parties. Even if there are only a few areas of agreement these can still be very useful to the Examining Authority. The Examining Authority may request that specific parties prepare a SoCG.

Local Impact Report (LIR)

4.3 Prepared by local authorities such as District, County and Unitary Councils; this document allows them to use their local knowledge and set out both the positive and negative impacts that they think the proposed development will have on the local area and communities. It has a special status and the Examining Authority must have regard to a local impact report if it is submitted by the deadline in the Examination Timetable. Further information about Local Impact Reports can be found in Advice Note 1.

Responses to Questions/Requests for information

4.4 Following the Preliminary Meeting (see Annex 8.3), the Examining Authority will usually issue its written questions to gather and clarify information about the application. These questions are often addressed to specific parties; however, any interested party may respond. The Examining Authority may issue more than one round of questions during the Examination or issue a request for information from named parties.

Post or email?

4.5 It is for you to choose how you wish to make your submission to the Planning Inspectorate. You can choose to do so by email or by post or even deliver it in person, as long as it arrives by the relevant deadline. Most Interested Parties make their submissions by email. Contact information is provided on the relevant project page of the National Infrastructure website and in the Examining Authority’s Procedural Decision (Rule 8 letter).

5. In what format and style shall I submit my written submissions?

5.1 The Planning Inspectorate does not provide a template for written submissions; however, we have some helpful hints:

- Quality not quantity. Clear and concise submissions add more value to the Examination and are easier and quicker for people to understand.
- Graphical representations can help; for example photos, maps, plans, charts, graphs or drawings are acceptable and may assist the Examining Authority’s understanding of the issue.
- Numbered paragraphs are helpful, so that anyone can easily refer to a specific part in your submission.
- Relevant extracts of documents such as government policies, reports, legislation, minutes of meetings, or newspaper cuttings may be appended to the submission. It is acceptable to provide a link to any documents you want to refer to, if they are also published online.
- All submissions to the Examination should have a clear title such as “Written Representation” or “Response to the Examining Authority’s First Written Questions”, and the deadline to which they relate. If you have an interested party reference number, please use it.
- If you are responding to the Examining Authority’s questions, please be clear about which question(s) you are responding to.
6. Other technical and formatting matters

6.1 It is preferable for files to be submitted in Microsoft Word (‘.doc’ or ‘.docx’) or Adobe (‘.pdf’) formats.

6.2 Electronic submissions exceeding 10Mb may fail to be delivered. Please split any submissions exceeding 10MB into two or more emails. If this is not possible speak to the Planning Inspectorate’s team for advice. When attaching more than one document it is a good idea to include a cover email with the contents listed, in case you accidently miss one. It may be possible to send very large documents using a file transfer site, but please discuss this with the Planning Inspectorate case team in advance.

6.3 Please provide a short summary at the start if your written submission exceeds 1500 words.

7. What should I write?

7.1 This depends on your view about the application. Written comments may support the application, object to the application, or be neutral. Comments and views can relate to the application as a whole or only address specific parts.

7.2 It is also possible to support one aspect of the application and object to another. For example, a comment may support the location of a development, but object to the design of it. Comments may be about any aspect of the development or its impacts. It is very important that you explain the reasoning behind your views. The Examining Authority must have regard to any representations submitted by an interested party by the deadline set. In summary, before making a recommendation to the Secretary of State, the role of the Examining Authority is to consider whether the impacts of a development (including construction and operation) on the local community and environment, outweigh the national need for it and any other benefits. The need for an infrastructure development is either set down in a National Policy Statement or, in the absence of a National Policy Statement, as part of the application documents. It is not the Examining Authority’s role to examine the merits of Government Policy which is set down in National Policy Statements that have been laid in Parliament and designated. If you disagree with the designated policy then you should write to your MP and not the Examining Authority. However, it is acceptable to comment on how the application complies or conflicts with national policies.

7.3 The Examining Authority will consider whether the land or rights to be compulsorily acquired are necessary, in principle, to allow the development to be carried out, if it is granted consent. The Examining Authority does not decide how much should be paid to compensate those whose land or rights are interfered with. It is appropriate to comment on what you think the impact of proposed compulsory acquisition will be, such as loss of access to land or any disruption caused due to the relocation or loss of a business or service.

7.4 There is no benefit in repeating a point made in a previous submission, unless there is further information or evidence that you consider significant. You can rely on the Examining Authority considering all representations received.

7.5 In summary, the Examining Authority may disregard submissions if they are:

- Late;
- Vexatious or frivolous ie intended to cause annoyance or offence or have no serious purpose;
- Relating to the merits of policy in a National Policy Statement; and/or
- Relating to compensation for compulsory acquisition.
8. Redaction and confidential information

8.1 We cannot accept anonymous or confidential submissions from Interested Parties, except in cases of national security and only when directed to do so by the Secretary of State. This is very rare, and if this happens Interested Parties will be informed that the Secretary of State has issued a direction to allow this. Some information about protected species is not published, for example, the locations of badger setts or the nests of rare birds.

8.2 All other Examination documents submitted to the Planning Inspectorate must be published on our website.

8.3 The Planning Inspectorate operates a policy of redacting (blanking out) private information on our website. For example we will endeavour to redact personal postal addresses, telephone numbers, e-mail addresses and personal signatures before submissions are published on the website.

8.4 When writing your representations, you should consider whether anything you have written saying is confidential, and only include information you would wish to appear in the public domain.

9. Requests for advice

9.1 During the Examination, parties can ask the Planning Inspectorate’s case team for advice on procedural matters such as how to make a representation.

9.2 Because we must remain impartial, The Inspectorate is limited in the advice we can give you on the content of your representation. Inspectorate staff are not able to give an opinion on whether you have made a good argument or whether the proposed development is a good one.

9.3 For advice on the planning merits of the development and how best to put your case, you are advised to contact a planning consultant or seek legal advice. Free independent planning advice can also be sought from the Royal Town Planning Institute’s ‘Planning Aid’ service, the contact details of which are at the end of this note.

10. Withdrawal of submissions

10.1 If you wish to withdraw a submission that has already been made, you may do so in writing clearly stating which representation or which parts of the representation you wish to withdraw.

10.2 Your written request will be published on the website alongside the original submission, which will remain published on the project website for public record.
Overview of the NSIP process
Advice Note 8.4 - The Examination Summary Handout

Examination Timetable
Rule 8 letter

**DEADLINES**

**Written Representations**
Your case in detail

**Statements of Common Ground**
Joint statements between parties, about what they agree on and don’t

**Local Impact Reports**
Submissions from local authorities

**Responses to questions**
Answers to questions from the Examining Authority

**Remember to include:**
- Your name and Interested Party reference number
- The project you are interested in
- The title of your document
- The deadline you are responding to

**Quality not quantity**
**Stick to the Deadlines**
**Explain your reasons**
**Don’t repeat yourself**
Advice Note 8 series

The Planning Inspectorate has produced a series of non-statutory Advice Notes about a range of process matters. These are available to download on the legislation and guidance / advice notes page of the National Infrastructure planning website.

The Planning Inspectorate’s Advice Note 8 series explains how to get involved in the National Infrastructure planning process. It includes 5 annexes, as follows:

- **Advice Note 8**: Overview of the Nationally Significant Infrastructure Planning process for members of the public and others
- **Annex 8.1**: Responding to the developer’s pre-application consultation
- **Annex 8.2**: How to register to participate in an Examination
- **Annex 8.3**: Influencing how an application is examined: the Preliminary Meeting
- **Annex 8.4**: The Examination
- **Annex 8.5**: The Examination – Hearings and Site Visits

If you would like to order copies or you require further information about any of these issues, please contact the Planning Inspectorate:

The Planning Inspectorate, Major Casework Directorate, Temple Quay House, Temple Quay, Bristol BS1 6PN

**Email:** Nlenquiries@pins.gsi.gov.uk  
**Telephone:** 0303 444 5000  
**Web:** http://infrastructure.planninginspectorate.gov.uk

Alternatively, for independent planning advice, you may wish to contact Planning Aid:

Planning Aid England Advice Line 0330 123 9244  
**Email:** advice@planningaid.rtpi.org.uk  
**General enquiries:** 020 3206 1880  
**Email:** info@planningaid.rtpi.org.uk

Planning Aid for London: 020 7247 4900  
**Email:** info@planningaidforlondon.org.uk  
**Planning Aid England Wales:** 02920 625 000  
**Web:** www.planningaidwales.org.uk