



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Frequently Asked Questions (FAQ)

What is my status in the Examination?



May 2019

1. INTRODUCTION AND PURPOSE OF THIS DOCUMENT

- 1.1 This FAQ document has been published under section 51 of the Planning Act 2008 (PA2008). Its content consists of advice to persons involved in the PA2008 process about their status in the examination of applications for development consent.
- 1.2 This document aims to assist persons in understanding why they have received correspondence from the Planning Inspectorate (in particular the 'Rule 6' letter comprising an invitation to a Preliminary Meeting) and to clarify future actions that in certain circumstance may need to be taken in order for particular rights to be engaged or retained.
- 1.3 More information regarding the formal status of Interested Parties and how you can get involved in the process is set out in the Planning Inspectorate's Advice Note 8 series, available here: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>.
- 1.4 Information about the status of local authorities is set out in Advice Note Two, available here: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>
- 1.5 If having read these documents you are still unsure about your status in an Examination, please [contact the Planning Inspectorate](#).
- 1.6 This FAQ may from time to time be updated at the discretion of the Planning Inspectorate.

Version	Updates
December 2018	Original publication
May 2019	Updated to capture status under s102A of the Planning Act 2008

2. FAQ: What is my status in the Examination?

Section 51 advice	<p>If you have received a letter from the Planning Inspectorate inviting you to the Preliminary Meeting for a particular application, it has been sent to you because you (or the body you represent) fall within one of the categories in s88(3) of the Planning Act 2008 (PA2008).</p> <p>For simplicity, we will refer to the types of persons identified in s88(3) as falling within Group A, Group B or Group C. The detailed explanations provided below are summarised in the table at Annex A.</p>
	Group A
	<p>If you have made a Relevant Representation¹, have a legal interest in the land affected by the application², are a relevant local authority where the development is proposed within your boundary or have been notified under s102A of the PA2008³, you have a formal status as an Interested Party in the Examination.</p> <p>Section 102 of the PA2008⁴ provides, amongst other things, a definition for the meaning of Interested Party. Interested Parties have a special status in the examination of applications for development consent and will receive notifications from the Planning Inspectorate about the Examination throughout the process. Importantly, Interested Parties have a legal right to make written and oral submissions regarding the application in the course of the Examination.</p> <p>Section 59(4) of the PA2008 provides, amongst other things, a definition for 'Affected Person'. An Affected Person is a person with a legal interest in the land, or any part of the land, affected by an application. Affected Persons are Interested Parties, along with any persons who have been identified by the Applicant as a person who might be entitled to make a relevant claim for compensation if the Development Consent Order were to be made and fully implemented. For more information please read 'Planning Act 2008: Guidance related to the procedures for the Compulsory Acquisition of land', available here: https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/guidance/</p>

¹ What constitutes a Relevant Representation is explained in Advice Note 8.2: How to register to participate in an Examination, available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-8-2v3.pdf>

² Or have been identified by the Applicant as a person who might be entitled to make a relevant claim for compensation if the Development Consent Order were to be made and fully implemented

³ Available at: <http://www.legislation.gov.uk/ukpga/2008/29/section/102A>

⁴ Available at: <http://www.legislation.gov.uk/ukpga/2008/29/section/102>

Group B

If you are a Statutory Party⁵ or a local authority bordering the local authority in which the development is proposed, but you have not made a Relevant Representation, you will not automatically be an Interested Party. The ExA will impose a deadline early in the Examination Timetable by which you are requested to confirm to the Examination that you wish to be treated as an Interested Party. Notwithstanding this, you may notify the ExA that you wish to be treated as an Interested Party at any point during the Examination.

Statutory Parties who have not made a Relevant Representation and do not notify us of their wish to become an Interested Party will receive the ExA's Procedural Decision following the Preliminary Meeting, but **will not** receive any further correspondence in the course of the Examination; save for the Secretary of State's final decision.

Group C

If you are not an Interested Party or a Statutory Party, you have been invited to the Preliminary Meeting as an Other Person because it appears to the ExA that the Examination could be informed by your participation.

If you are an Other Person **you are not an Interested Party**. You will receive the ExA's Procedural Decision following the Preliminary Meeting, but **will not** receive any further correspondence in the course of the Examination unless it is to inform you that the Examination Timetable has changed⁶, or the ExA has specific questions for you.

Still not sure?

If you are still unsure about your status in the Examination, please [contact the Planning Inspectorate](#).

Information regarding the formal status of Interested Parties and how you can get involved in the process is set out in the Planning Inspectorate's Advice Note 8 series, available here:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>.

Information about the status of local authorities is set out in Advice Note Two, available here:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

⁵ For the purpose of this advice, meaning a body specified in Schedule 1 of The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 (but not an Affected Person)

⁶ Rule 8(3) of The Infrastructure Planning (Examination Procedure) Rules 2010

Annex A – Status summary table

Group	Category	Explanation	Participation	Recipient of	
A	Made a Relevant Representation	Section 102 of the Planning Act 2008 sets out who is an Interested Party	<ul style="list-style-type: none"> • Legal right to participate • Can make written submissions • Can make oral submissions at any hearings • Can request Open Floor Hearings • Can request Compulsory Acquisition Hearings (Affected Persons) • Can take part in Accompanied Site Inspections 	<ul style="list-style-type: none"> • Invitation to the Preliminary Meeting ('Rule 6' letter) • Procedural Decision following Preliminary Meeting ('Rule 8' letter) • Notification of any hearings and Accompanied Site Inspections • All further Procedural Decisions made in the course of the Examination • Notice of any changes to the Examination Timetable • Notice of Secretary of State decision 	
	Affected Person				
	Identified as potential claimant				
	Host local authority				
	Notified under s102A				
B	Statutory Party	Schedule 1 of The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 sets out who is a Statutory Party	<ul style="list-style-type: none"> • Not an Interested Party • Can request to become an Interested Party (if Relevant Representation not made) • Request engages Group A participation entitlement 	Does not request to become an Interested Party	<ul style="list-style-type: none"> • 'Rule 6' letter • 'Rule 8' letter
	Boundary local authority	Section 56A(2) and (3) of the Planning Act 2008 sets out who is a boundary local authority		Requests to become an Interested Party	<ul style="list-style-type: none"> • Group A correspondence
C	Other Person	Persons not in group A or B who have been invited to the Preliminary Meeting by the Examining Authority as an Other Person	<ul style="list-style-type: none"> • Not an Interested Party • Can make oral submissions at the Preliminary Meeting • Can make written submissions to the Examination and oral submissions at any hearings at the discretion of the Examining Authority • The Examining Authority may ask Other Persons questions in the course of the Examination 	<ul style="list-style-type: none"> • Invitation to the Preliminary Meeting ('Rule 6' letter) • Procedural Decision following Preliminary Meeting ('Rule 8' letter) • Notice of any changes to the Examination Timetable 	