



The Planning Inspectorate

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Mr N Thorp

Your Ref:

Issued via e-mail

Our Ref: EN010077, EN010078 &
EN010012

Date: 13 March 2019

Dear Mr Thorp

Request to Extend NSIP Pre-Application Consultations

Thank you for your email dated 23 February 2019 addressed to Sarah Richards, the Planning Inspectorate's Chief Executive. Your email has been passed to myself for response, as I am part of the Planning Inspectorate's case team. I apologise for the delay in our response.

The Planning Inspectorate is aware that several Developers are currently undertaking pre-application consultation in the area. In respect of the duration of the consultation period, section 45 of the Planning Act 2008 prescribes that a Developer's statutory pre-application consultation must run for a minimum of 28 days. We are aware of the following consultation periods:

- Sizewell C: 4th January 2019 – 29th March 2019
- East Anglia One North: 11th February 2019 – 26th March 2019
- East Anglia Two: 11th February 2019 – 26th March 2019.

In this instance we therefore advise you to contact the Developers directly with your request for an extension.

Once an application for a Development Consent Order is submitted (following the pre-application stage), the Planning Inspectorate (on behalf of the Secretary of State), has a statutory duty to invite comments from all relevant Local Authorities about whether a Developer has complied with its statutory pre-application consultation duties (see sections 42, 47 and 48 of the Planning Act 2008). Responses received are referred to as 'Adequacy of Consultation Representations'.

All applications for a Development Consent Order must be accompanied by a 'Consultation Report'. The Consultation Report is prepared under section 37 of the Planning Act 2008 and must give details of:

- a) what has been done in compliance with sections 42, 47 and 48 of the Planning Act 2008 in relation to a proposed application that has become the application;
- b) any relevant responses; and

c) the account taken of any relevant responses.

In the Acceptance period (ie the 28 days following the formal submission of an application) the Planning Inspectorate will scrutinise all the application documents, including the evidence provided in the Consultation Report, applying the statutory tests set out in the Planning Act 2008. By the end of the Acceptance period the Planning Inspectorate (on behalf of the Secretary of State) must decide, in accordance with the tests in section 55 of the Planning Act 2008, whether or not to accept an application for examination. In reaching this decision, section 55(4) makes explicit that the Planning Inspectorate must have regard to the Consultation Report and any Adequacy of Consultation Representations made by Local Authority consultees.

In this instance it is normal practise for the Planning Inspectorate to advise you to also provide your comments on the consultation undertaken to the Local Authority, to make them aware of your points, ahead of providing their Adequacy of Consultation Representation; however we note that you have already copied the Local Authorities into your email.

I hope you find the above information to be helpful.

Yours sincerely

Kathryn Dunne

Kathryn Dunne
Infrastructure Planning Lead

This communication does not constitute legal advice.

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