



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

## Advice Note 8.1: Responding to the developer's pre-application consultation

This advice is aimed at the local community to assist them in understanding and engaging in the developer's pre-application consultation.

### 1. The pre-application consultation process

1.1 The process begins before an application is submitted. The developer of the Nationally Significant Infrastructure Project (NSIP) is legally required to carry out pre application consultation on the proposed development.

1.2 Effective engagement leads to applications that are better understood by the local community. Early engagement provides developers with an opportunity to resolve or reduce the impacts caused by the construction and operation of the NSIP in advance of submitting the application.

1.3 Making substantial changes to an application becomes more difficult after an application is submitted. Responding to the developer's consultation at the pre-application stage is therefore the best time to influence the project and have your say on whether you agree with it, disagree with it or believe it could be improved.

1.4 It is important to remember that the consultation material presented by the developer at the pre- application stage is not "the application". The pre- application process is intended to allow the developer to gather useful information from the public and others that will influence the preparation of the application that is eventually submitted. The consultation material presented must be clear and informative, but it is not necessarily a draft version of the application. Some developers may have more than one pre- application consultation stage to allow the public and others to comment on and influence the project as it evolves.

1.5 The pre-application consultation activities can include both 'non-statutory' and 'statutory' consultation.

### 2. Non-statutory consultation

2.1 Although optional, developers are encouraged to undertake initial consultation as soon as there is sufficient detail to allow local communities a real opportunity to influence the proposed development.

#### Contents

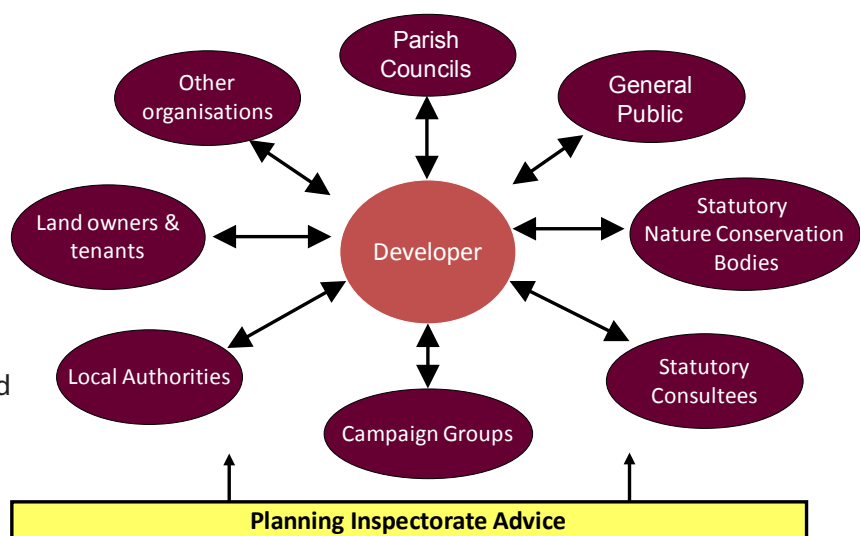
|   |               |
|---|---------------|
| The pre-application consultation process<br>Non-statutory consultation  | (Page 1)      |
| Statutory consultation with the local community<br>The Statement of Community Consultation (SOCC)<br>Statutory consultation with expert and specialist bodies | (Page 2)      |
| Statutory publicity<br>Who is responsible for doing the pre-application consultation?<br>The Consultation Report<br>What happens next?                        | (Page 3)      |
| How to find out about the project?  | (Page 4)      |
| Handout   | (Pages 5 & 6) |



2.2 The aim of early non-statutory consultation is to allow local communities and others to gain a better understanding of the project and its potential impacts. It also allows local communities to have their say and influence the project in its early stages. Local knowledge of the area plays an important role in the pre-application consultation and throughout the application process. Feedback received may help developers to exclude unsuitable options and minimise impacts on the local community where possible.

### 3. Statutory consultation with the local community

This is required and is usually carried out nearer to the submission of the application. At this stage the project is likely to be more defined, although the developer should retain the flexibility to alter the development based on consultation feedback. The developer is under a legal duty to demonstrate that they have had regard to consultation responses at this stage, although that isn't to say that they must agree with all of the views put to them in the responses recieved.



### 4. The Statement of Community Consultation

- 4.1 Before commencing consultation, the developer must prepare a consultation strategy known as the Statement of Community Consultation. There is no prescribed form for the Statement of Community Consultation because it must reflect the unique circumstances of each application and each community/area.
- 4.2 A local authority is likely to have the best overall knowledge of their area and therefore its view on a developer's Statement of Community Consultation is important. The developer is required to send a copy of the draft Statement of Community Consultation to the relevant local authorities and to have regard to any comments about the proposed consultation strategy made by the relevant local authorities, before producing the final document.
- 4.3 Once the Statement of Community Consultation is finalised adverts are published in a local newspaper by the developer explaining where the public can view it.
- 4.4 Developers must carry out their pre application consultation with the local community in line with the Statement of Community Consultation. It may be necessary for the developer to carry out additional consultation in response to feedback from consultees or where a significant change is made to the project. In these circumstances, the developer may revise the Statement of Community Consultation and seek the agreement of the relevant local authority.

### 5. Statutory consultation with expert and specialist bodies

- 5.1 Developers must write to a list of expert and specialist bodies (called "prescribed" or "statutory" consultees) and send them information about their proposal. They must give the consultees at least 28 days to respond. Both the host and neighbouring local authorities are on that list, as are other bodies such as the Environment Agency, Natural England, and Natural Resources Wales where appropriate. Once again, the applicant is required to have regard to any responses from such bodies.



## 6. Statutory publicity

- 6.1 Developers are also required to publish a notice in a local and a national newspaper for 2 consecutive weeks. The notice must describe the project and explain where to view information about the proposed development, such as plans and other consultation material. Developers must also stipulate the deadline to respond to the publicity. The deadline needs to be at least 28 days from the day after its last publication.
- 6.2 There is no prescribed point during the pre-application stage when the developer must publish the notice. Again, a developer must demonstrate that they have had regard to comments made in response to the publicity.

## 7. Who is responsible for doing the pre-application consultation?

- 7.1 Pre-application consultation is run by the developer. You should contact the developer with your views until the application is made and submitted to the Planning Inspectorate.
- 7.2 The developer's contact details can be found on the National Infrastructure Planning website. You can also find out contact details relevant to the pre-application consultation which will be published in a local newspaper by the developer.
- 7.3 The pre-application consultation is very important because it is your opportunity to influence what is applied for. Even if you think the project should not be allowed to go ahead, you should take the opportunity to explain your concerns to the developer so that, if it does go ahead, the project is as good as it can be and its impact on the local community and the environment is managed in the best way possible. It's also your opportunity to find out as much as you can about the project.
- 7.4 If you have concerns about the way in which the developer is carrying out the pre-application consultation, you should let them know as soon as possible and allow them the opportunity to respond to any issues you raise. You can also make your local authority aware of your concerns. The Inspectorate will request the relevant local authorities' view on the adequacy of the consultation at the point the application is submitted.

## 8. The Consultation Report

- 8.1 All applications must be accompanied by a Consultation Report. In this document the developer (now applicant) must show that they have complied with the statutory pre-application consultation requirements, and that they have had regard to the responses.
- 8.2 The Consultation Report is part of the application and will be published on the relevant project page of the National Infrastructure Planning website soon after an application is received.

## 9. What happens next?

- 9.1 Once an application has been submitted, the Planning Inspectorate has 28 days to decide whether the application is of a satisfactory standard to be examined.
- 9.2 Upon submission of an application we will write to relevant local authorities and ask for their views on whether or not the consultation has been adequate. We will consider the Consultation Report, alongside any adequacy of consultation representation made by a local authority and the other application documents, before deciding whether or not to accept the application for examination.



9.3 If an application is accepted for Examination, you will have the opportunity to register your interest and participate in the examination by making a Relevant Representation. The period within which you can make a Relevant Representation will be advertised on the relevant project page of the National Infrastructure Planning website, and in notices placed by the developer in local and national newspapers. Advice Note 8.2 provides more advice about making a relevant representation.

## 10. How to find out about the project?

10.1 Once notified about a proposed NSIP application, the Planning Inspectorate will set up a specific webpage for the project which can be found at the link below:

<http://infrastructure.planninginspectorate.gov.uk/>

10.2 To find out whether a project is proposed in your area check:

- notices in local, regional and national papers
- the developer's website
- with your local authority or the Planning Inspectorate
- the National Infrastructure Planning website

10.3 On the National Infrastructure Planning website we also publish details of the advice we have given to the applicant and others, and our best understanding of when an application will be submitted. You can find this on the relevant project page.



# Overview of the NSIP process

Advice Note 8.1 Responding to the promoter's pre-application consultation

The design and form of the project is decided by the developer

This stage happens before an application is submitted.

You can influence the project by contributing to the pre-application consultation

The pre-application consultation is something a developer is legally required to do, and includes:

## Consultation with the local community

A Statement of Community Consultation, setting out how communities will be consulted, must be published. Adverts in local newspapers will tell you where it can be inspected.

The applicant must do what they commit to doing in their Statement of Community Consultation.

## Consultation with technical consultees (prescribed bodies)

There is a list of organisations and others set out in regulations that must be consulted in certain circumstances, such as the Environment Agency, the local council and those whose land or interests in land may be affected.

The developer must send information to these parties, and give them 28 days to respond.

## Publicising the proposed application

The developer must publish an advert in local and national newspapers, and explain where documents can be inspected and how the public can submit comments to the promoter on the proposed project.

The developer must have regard to responses to their statutory consultation.

The application will be accepted for Examination if it has been prepared to a satisfactory standard.

The Examination will consider whether the project, in the form applied for, should be consented.



## 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:

|                      |   |
|----------------------|---|
| <b>Advice Note 8</b> | Overview of the Nationally Significant Infrastructure Planning process for members of the public and others |
| <b>Annex 8.1</b>     | Responding to the developer's pre-application consultation  |
| <b>Annex 8.2</b>     | How to register to participate in an examination  |
| <b>Annex 8.3</b>     | Influencing how an application is examined: the Preliminary Meeting   |
| <b>Annex 8.4</b>     | The examination   |
| <b>Annex 8.5</b>     | 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](mailto: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](mailto:advice@planningaid.rtpi.org.uk)

**General enquiries:** 020 3206 1880

**Email:** [info@planningaid.rtpi.org.uk](mailto:info@planningaid.rtpi.org.uk)

Planning Aid for London: 020 7247 4900

**Email:** [info@planningaidforlondon.org.uk](mailto:info@planningaidforlondon.org.uk)

**Planning Aid England Wales:** 02920 625 000

**Web:** [www.planningaidwales.org.uk](http://www.planningaidwales.org.uk)