

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

Advice Note 8: Overview of the nationally significant infrastructure planning process for members of the public and others

1. What is an NSIP?

1.1 An NSIP is a Nationally Significant Infrastructure Project. They are projects of certain types, over a certain size, which are considered by the Government to be so big and nationally important that permission to build them needs to be given at a national level, by the responsible Government minister (the 'Secretary of State').

1.2 Instead of applying to the local authority for Planning Permission, the developer must apply to the Planning Inspectorate for a different permission called a Development Consent Order (DCO).

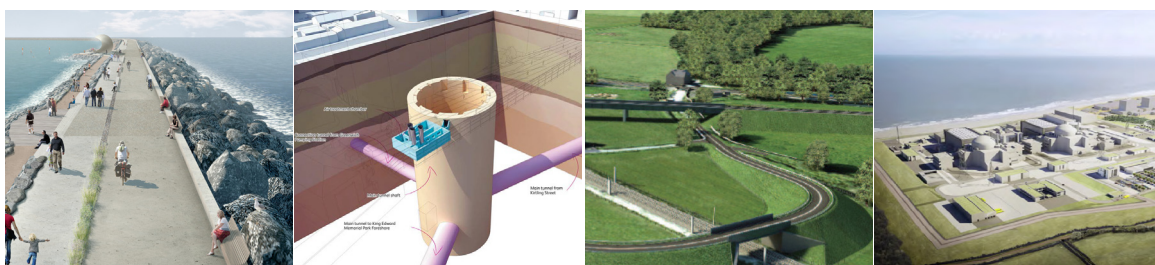


Figure 1: Examples of NSIPs – from left to right: Swansea Bay Tidal Lagoon, Thames Tideway Tunnel, North Doncaster Rail Chord and the Hinkley Point C Power Station

The NSIP process

1.3 The process for applying for a Development Consent Order is set out in the Planning Act 2008.

1.4 It came into force in March 2010 and was introduced to streamline the decision-making process for NSIPs, making it fairer and faster for communities and developers alike.

6 Minute video

To watch a brief, illustrated overview of the NSIP process visit:
<https://infrastructure.planninginspectorate.gov.uk/application-process/the-process/>

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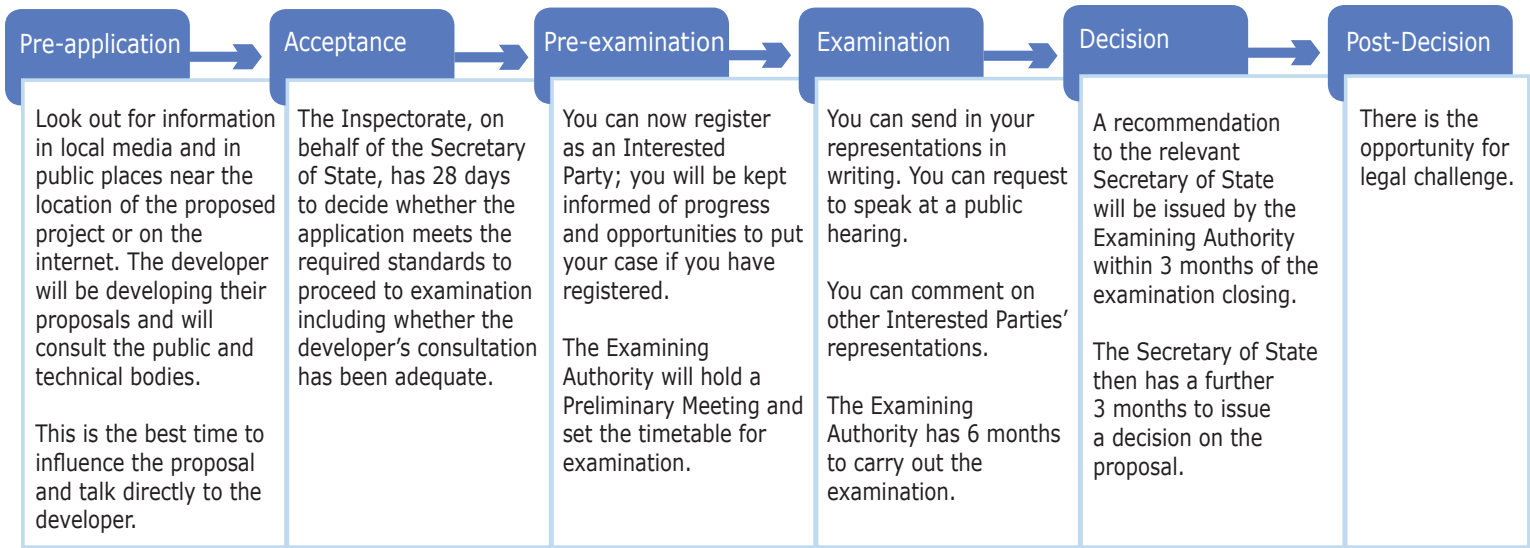
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Figure 2: The NSIP process has clear stages, with clear timetables

The application process



2. Pre-application

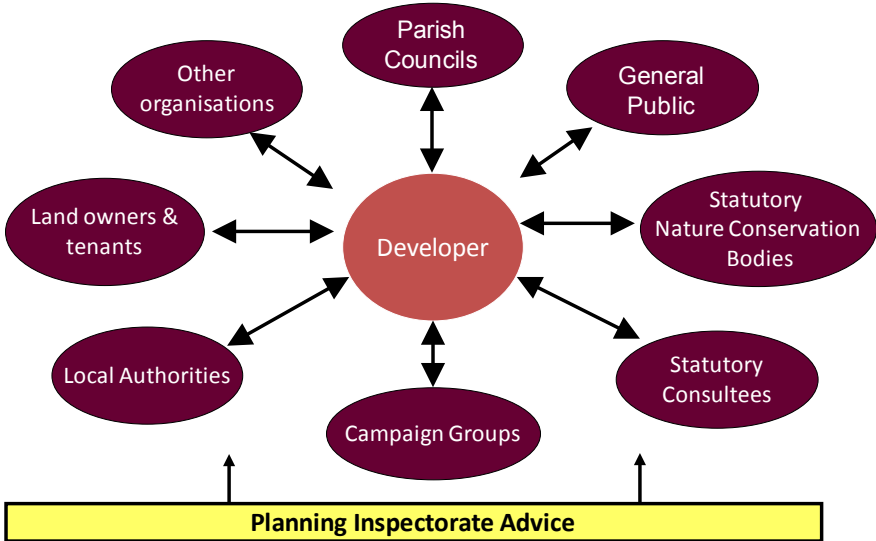
2.1 The process begins when the Planning Inspectorate is informed by a developer that they intend to submit an application to us. Before submitting an application, the developer is required to carry out consultation on their proposals. The time taken to prepare and consult on the project will vary depending upon its scale and complexity. Responding to the developer's pre-application consultation is the best time to influence a project, whether you agree with it, disagree with it or believe it could be improved.

What you can do:

Take part in the applicant's pre-application consultation.
See Annex 8.1

Preparing an NSIP application is the developer's responsibility.

The Planning Inspectorate provides advice to all interested in the process as set out in the Pre-application Prospectus.





3. Acceptance

3.1 The acceptance stage begins when a developer formally submits an application for development consent to the Planning Inspectorate. There then follows a period of up to 28 days (starting with the day after the application is submitted) for the Planning Inspectorate, on behalf of the Secretary of State, to decide whether or not the application meets the standard required to be examined. The Planning Inspectorate will check the application documents and plans to make sure all the required information is included. During the acceptance stage the Inspectorate will also ask whether the relevant local authorities think the applicant's pre-application consultation was adequate before we decide whether or not to examine the application. A relevant local authority is the county and district, or unitary local authority(s) in which the development is located, and the neighbouring local authorities.

3.2 If the application is accepted for examination, the letter to the applicant confirming this will be published on the National Infrastructure Planning website and the process will move on to the next stage, pre-examination.

3.3 If the application is not accepted for examination, a letter to the applicant explaining the reasons why will be published on the National Infrastructure Planning website. This may include advice to the applicant about how it can remedy the deficiencies identified. It will be up to the applicant to decide whether or not to resubmit the application or to challenge the decision not to accept it for examination.

4. Pre-examination

4.1 If the application is accepted the Examining Authority can be appointed. The Examining Authority can be a single Examining Inspector or a panel of up to 5 Examining Inspectors.

4.2 At this stage, the public will be able to register with the Planning Inspectorate and provide a summary of their views of the application in writing by submitting a 'Relevant Representation' in order to become an Interested Party. At the Pre-examination stage interested parties will be invited to attend a Preliminary Meeting. This Meeting is run and chaired by the Examining Authority and its purpose is to discuss how the application will be examined. This stage of the process takes approximately 3 months from the developer's formal notification and publicity of an accepted application.

5. Examination

5.1 The Examining Authority has a maximum of 6 months to carry out the examination. During this stage, Interested Parties are invited to provide more details of their views in writing. The Examining Authority will also ask written questions. Hearings may be held.

What you can do:

You can tell your local authority if you think there is anything they should include in their adequacy of consultation representation.

6 Minute video

To watch a brief, illustrated introduction to having your say on NSIPs visit:

<https://infrastructure.planninginspectorate.gov.uk/application-process/participating-in-the-process/>

What you can do:

Decide whether or not to register to participate in the examination.

See Annex 8.2

Attend the Preliminary Meeting.

See Annex 8.3

What you can do:

Make written submissions and respond to questions.

See Annex 8.4

Attend Hearings and Site Visits.

See Annex 8.5



5.2 To ensure the 6 month Examination process runs as smoothly as possible for all parties, it is important that all representations from Interested Parties are submitted by the deadlines set out in the Examination Timetable. All documents received by the Planning Inspectorate will be published on the project page of our website.

6. Decision

6.1 The Examining Authority must prepare a report on the Examination of the application to the relevant Secretary of State, including a recommendation about whether to grant or refuse development consent. The Examining Authority must make the recommendation to the Secretary of State within 3 months of the close of the examination.

6.2 Careful consideration is given by the Examining Authority to all the important and relevant matters, including the representations from Interested Parties.

6.3 The Examining Authority's Recommendation Report is sent directly to the Secretary of State and is not published until the decision is made.

6.4 Following receipt of the Examining Authority's Recommendation Report, the Secretary of State has 3 months to make the decision to grant or refuse development consent. The Secretary of State's Decision, and the Examining Authority's Recommendation Report, are both published on the National Infrastructure Planning website.

7. Post decision

7.1 Once a Decision has been issued by the Secretary of State, there is a 6 week period in which the Decision may be challenged in the High Court. This process of legal challenge is known as Judicial Review.

7.2 Further information about legal challenge will be included with the Secretary of State's decision letter that is sent to all Interested Parties and published on the National Infrastructure Planning website.

What you can do:

Continue to check the PINS project website; there may be further consultations by the Secretary of State that you may wish to respond to.

What you can do:

Read and consider the decision.



Glossary of language

Affected Person	A term taken from legislation, this refers to a person who owns land or rights over land that are proposed to be subject to compulsory acquisition.
Compulsory Acquisition	The power to force the sale of land or rights, which can be sought as part of a Development Consent application. An independently-assessed and fair price must still be paid if the power is granted. The application must explain exactly what rights or land the power would apply to and why.
Development Consent	A single consent required for large projects, that replaces Planning Permission and also some other technical consents. Applications are examined by the Planning Inspectorate and decided by the Secretary of State.
Examination	A period of no more than 6 months in which an application for Development Consent is considered. An examination can include hearings and deadlines for written submissions; and the Examining Authority may ask questions. Every examination is different, to suit the needs of the project.
Examining Authority (ExA)	The panel of one or more Inspectors who will examine an application.
Interested Party	A term taken from legislation, this refers to a person (or a group or company) who has registered to participate in the examination.
Nationally Significant Infrastructure Project (NSIP)	Nationally Significant Infrastructure Project – A project that, by reason of its scale and/or importance, needs Development Consent before it can be built or operated.
Preliminary Meeting	A meeting held by the Examining Authority at the beginning of the examination, to discuss the timetable for the examination of an application.
Relevant Representation	A term taken from legislation, this refers to a form that is completed before the examination begins, to register as an Interested Party.
Representation	A comment or submission from an Interested Party about the merits of an application that is received by the Examining Authority's deadline.
Rule 6 letter	The letter that is sent to Interested Parties, inviting them to the Preliminary Meeting.
Rule 8 letter	The letter that follows the Preliminary Meeting, and sets out the timetable for the examination.
Secretary of State	The minister with responsibility for the area of government business that an application relates to. For example, as of July 2016 the Secretary of State for Business, Energy and Industrial Strategy is Greg Clark MP.
The Planning Inspectorate (colloquially 'PINS')	An executive agency of the UK Government, the Planning Inspectorate is responsible for administering applications for Development Consent. We are also responsible for other things, including appeals against the refusal of planning permission.
Timetable	The deadlines and events in the examination, as set out in the Rule 8 letter and sometimes changed during the examination.

Overview of the NSIP process

Advice Note 8 Summary Handout

An **NSIP** is a **Nationally Significant Infrastructure Project**.

NSIPs don't require Planning Permission – they require **Development Consent**.

They are administered by the **Planning Inspectorate**, and the process is set out in the Planning Act 2008. The process has **stages** and **timescales**, which are statutory.

Applications for Development Consent are decided by the **Secretary of State**; the elected minister with responsibility for the area of policy.

As part of the process, the applicant must undertake pre-application consultation.

If the application is submitted and accepted, there will be an examination, which will be led by an Examining Authority.

The application process

Pre-application

Look out for information in local media and in public places near the location of the proposed project or on the internet. The developer will be developing their proposals and will consult the public and technical bodies.

This is the best time to influence the proposal and talk directly to the developer.

Acceptance

The Inspectorate, on behalf of the Secretary of State, 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.

Pre-examination

You can now register as an Interested Party; you will be kept informed of progress and opportunities to put your case if you have registered.

The Examining Authority will hold a Preliminary Meeting and set the timetable for examination.

Examination

You can send in your representations in writing. You can request to speak at a public hearing.

You can comment on other Interested Parties' representations.

The Examining Authority has 6 months to carry out the Examination.

Decision

A recommendation to the relevant Secretary of State will be issued by the Examining Authority within 3 months of the examination closing.

The Secretary of State then has a further 3 months to issue a decision on the proposal.

Post-Decision

There is the opportunity for legal challenge.

You can
Respond to the applicant's pre-application consultation
Register to participate in the Examination

And once registered:
Make representations to the Examination, in writing and at hearings
Respond to questions from the Examining Authority
Comment on representations from other parties
Attend Site Visit

A decorative header image featuring silhouettes of a diverse group of people, including adults and children, some standing and some in a wheelchair, against a light green background.

Overview of the NSIP process

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