Ministry of Housing,
Communities &
Local Government

Open consultation

Consultation on streamlining infrastructure planning

Updated 24 September 2025

Applies to England and Wales

Contents

Scope of the consultation

Basic information

Ministerial foreword

Introduction

Chapter 1: Pre-application

Chapter 2: Acceptance

Chapter 3: Pre-examination and examination

Chapter 4: Reforming NSIP services

Chapter 5: Mandatory pre-application requirements under the Town and Country Planning Act 1990

Personal data

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This publication is available at https://www.gov.uk/government/consultations/consultation-on-streamlining-infrastructure-planning/consultation-on-streamlining-infrastructure-planning

Scope of the consultation

Topic of this consultation:

This consultation seeks views on changes to guidance, services operated by the public sector, and secondary legislation under the Planning Act 2008 to streamline the infrastructure planning process for Nationally Significant Infrastructure Projects.

Scope of this consultation:

This consultation seeks views on the following key proposals that support the application process for development consent under the Planning Act 2008:

1. New guidance about consultation and engagement following removal of statutory pre-application consultation requirements through the Planning and Infrastructure Bill
2. Guidance and secondary legislation to support notification and publicity
3. Guidance to support the acceptance stage for applications
4. The use of Initial Assessments of Principal Issues (IAPI) to focus examinations
5. Guidance for public bodies about their role in examinations
6. Changes to secondary legislation related to the examination of applications including compulsory acquisition
7. Reforms and improvements to pre-application services provided by the Planning Inspectorate, and the fast-track process
8. Supporting pre-application services through effective resourcing of statutory bodies

It also seeks views on the removal of statutory pre-application requirements for onshore wind projects under the Town and Country Planning Act 1990 guidance.

Geographical scope:

These proposals relate to England, Wales and Scotland (to a limited extent) only.

Impact assessment:

No. We will use feedback from the consultation to inform our assessment of the impact of the measures.

Basic information

Body/bodies responsible for the consultation:

Ministry of Housing, Communities and Local Government.

Duration:

This consultation will open on 1 September 2025 and will close at 11:59pm on 27 October 2025.

Enquiries:

For any enquiries about the consultation please contact: InfrastructurePlanning@communities.gov.uk

How to respond:

You may respond by completing an online survey at: https://consult.communities.gov.uk/planning/streamline-infrastructure-planning-and-consenting (https://consult.communities.gov.uk/planning/streamline-infrastructure-planning-and-consenting)

We strongly encourage responses via the online survey (https://consult.communities.gov.uk/planning/streamline-infrastructure-planning-and-

consenting), particularly from organisations with access to online facilities, such as local authorities, representative bodies, and businesses. Consultations on planning policy receive a high level of interest across many sectors. Using the online survey greatly assists our analysis of the responses, enabling more efficient and effective consideration of the issues raised for each question.

Alternatively, you can email your response to the questions in this consultation to: InfrastructurePlanning@communities.gov.uk

If you are responding in writing, please make it clear which questions you are responding to.

Written responses should be sent to:

> Streamlining Infrastructure Planning Consultation
> Planning – Infrastructure Division
> Ministry of Housing, Communities and Local Government
> Third Floor SE, Fry Building
> 2 Marsham Street
> London
> SW1P 4DF

When you reply, please confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name,
- your position (if applicable),
- type of organisation, or individual response:
- Individual (not on behalf of an organisation)
- Applicant/developer
- Consultant/practitioner
- Legal expert
- Local Authority
- Parish Council
- Community group, Civil or Environmental Organisation
- Government Body
- Other
- the name of organisation (if you are responding on behalf of an organisation)
- an address (including postcode),
- an email address, and

- a contact telephone number

Ministerial foreword

A failure to build enough critical infrastructure, in particular Nationally Significant Infrastructure Projects (NSIPs), is constraining economic growth and undermining our energy security. Upgrading the country's major economic infrastructure – including our electricity networks and clean energy sources, roads, public transport links and water supplies – is essential to delivering basic services and growing the economy.

This government has taken decisive action to support the delivery of critical infrastructure projects. We moved quickly last year to lift the ban on onshore wind and expand the scope of the NSIP regime, enabling laboratories, gigafactories and data centres to be directed into the process. And we are making more timely decisions on individual projects than any previous government, determining more planning applications for infrastructure projects since the general election than in any previous 12-month period.

Our landmark Planning and Infrastructure Bill, currently progressing through Parliament, will make it quicker and easier to deliver critical infrastructure projects including through streamlining NSIP consultation requirements, ensuring National Policy Statements are kept up to date, and reducing opportunities for judicial review.

To ensure their timely commencement, this consultation seeks views on how best to implement some of the most significant reforms in the Bill as well as other key proposals that support the application process for development consent under the Planning Act 2008.

The removal of the statutory requirement to consult as part of the pre-application stage for NSIP applications presents an unparalleled opportunity to speed up the delivery of major economic infrastructure. Over this Parliament, the change could result in a cost saving of over £1 billion across the pipeline of projects. By speeding up delivery, increasing capacity and reducing constraint costs, it will also contribute to lower household bills.

As we have consistently made clear, following the removal of the current statutory requirements we still want the NSIP regime to function on the basis of a front-loaded approach in which development proposals are thoroughly scoped and refined prior to being submitted to the Planning Inspectorate.

To that end, we still expect high-quality early, meaningful and constructive engagement and consultation to take place with those affected by NSIP proposals, thereby enabling positive changes to be made to them without

causing undue delays. Guidance will make clear that while no longer required by statute, the views of communities, landowners, local authorities and statutory bodies remain valuable in developing high quality applications prior to submission. Without recreating the flaws of the current system, we are seeking views on what would constitute best practice in that regard.

We intend the principle test on submission of an application to be whether it is of sufficient quality to proceed to examination, rather than the nature of any engagement and consultation that contributed to its development. As such, we are seeking views on a meaningful test of whether applications are of sufficient quality to proceed to examination.

To ensure a faster system overall, we want to couple a more proportionate approach to pre-application with ensuring that examinations themselves run more smoothly. Accordingly, we are seeking views on critical changes to examinations to ensure they remain focused and secure the right input from statutory bodies at the right time.

The successful delivery of government's infrastructure objectives relies on appropriately supporting applicants through the process. We are therefore seeking views on the operation of the Planning Inspectorate's pre-application and fast-track services. We are also interested in whether they should be deployed more flexibly to focus on high priority projects that are particularly important to the successful delivery of government's infrastructure objectives.

Achieving our Plan for Change milestone of fast-tracking 150 planning decisions on major infrastructure projects by the end of this Parliament is going to require the NSIP regime firing on all cylinders. The proposals in this consultation are crucial to ensuring it is flexible, proportionate, and responsive to government's priorities. We look forward to receiving your feedback.

Matthew Pennycook
Minister of State for Housing and Planning

Introduction

1. Sustained economic growth remains the most effective means of securing prosperity and improving living standards. Achieving this will require bold and co-ordinated action to modernise the UK's economic infrastructure – including energy generation and networks, transport systems, roads, and water services – to support essential public services, stimulate long-term growth, and accelerate the transition to clean energy by 2030.

2. Our 10 Year Infrastructure Strategy (https://www.gov.uk/government/publications/uk-infrastructure-a-10-year-strategy), published in June 2025, highlights that it took on average 3.6 years for a Nationally Significant Infrastructure Project (NSIP) to secure development consent in 2024, compared to 2.6 years in 2012. Longer processes result in increased costs being borne by applicants and, consequently, tax and bill payers – with delays costing large projects on average £1.5 million a month even at the early planning stages.

3. This is why the government committed to making planning decisions on 150 major economic infrastructure projects in this Parliament as part of its Plan for Change. In support of that goal, the Planning and Infrastructure Bill introduces a range of reforms to speed up and streamline the consenting and delivery of infrastructure. In particular, we want to ensure that the NSIP process – the preparation of an application, engagement with communities, local authorities and statutory bodies, examination of the development proposal, and decision by the Secretary of State about whether to grant development consent – is efficient, proportionate and effective.

4. The reforms in the Planning and Infrastructure Bill, subject to parliamentary passage and royal assent, will help achieve this aim by:

- requiring National Policy Statements (NPSs) to be updated at least every 5 years, and introducing a new streamlined reflective amendment procedure to update them to reflect changes to policy, legislation and court decisions, where necessary
- allowing greater flexibility to determine the appropriate planning route, so that projects can be directed out of the NSIP regime, where appropriate
- streamlining application requirements, including removing the statutory requirement for pre-application consultation and adjusting acceptance tests to allow greater pragmatism in the system
- making judicial review more proportionate, by removing the paper permission stage and the right of appeal for cases deemed totally without merit

5. The implementation of these reforms will require further steps by government in both secondary legislation and in guidance, as well as changes to the way that the Planning Inspectorate and other statutory bodies operate. This consultation therefore seeks views across four chapters related to the NSIP process:

- **Pre-application** – covering guidance about consultation and engagement prior to submitting an application, as well as guidance and regulations on notification and publicity requirements for applicants
- **Acceptance** – specifically what guidance is needed to accompany the changes to the acceptance test in the Planning and Infrastructure Bill

- **Examination** – the use of the Initial Assessments of Principal Issues (IAPI) process to focus examinations, guidance for statutory bodies about their role in examinations, and introducing greater proportionality in the examination of compulsorily acquired land as part of a Development Consent Order (DCO)
- **NSIP services** provided by the Planning Inspectorate, statutory bodies and local authorities – including how these services can evolve to reflect the changes to pre-application that are being made through the Planning and Infrastructure Bill, and enable faster and more effective preparation and consideration of projects, including high priority projects that are particularly important to the successful delivery of government's infrastructure objectives

6. This consultation additionally seeks views on changes to deliver the commitment in the Onshore Wind Strategy to embed best practice on engagement into guidance by removing pre-application consultation requirements under the Town and Country Planning Act 1990 for onshore wind.

7. This consultation does not cover all changes being made to legislation and guidance in relation to reforming the NSIP regime, such as the wider review of guidance on the NSIP Guidance Portal (https://www.gov.uk/government/collections/national-infrastructure-planning-guidance-portal) that we will undertake over the coming months. However, it does provide a critical first step in delivering on the ambitions of our reforms. We will continue to engage widely with stakeholders on the full scope of reforms to the NSIP regime, as the Planning and Infrastructure Bill continues its passage through Parliament and beyond.

Chapter 1: Pre-application

8. The pre-application stage represents the initial part of an NSIP's development lifecycle and is critical to putting together a successful proposal. Before an application for a DCO is submitted to the Planning Inspectorate, the applicant – typically a developer, public body, or consortium – undertakes extensive preparatory work. However, the status quo isn't working: pre-application timeframes have almost doubled between 2013 and 2021; driven, in combination with other factors, by statutory requirements for applicants to consult before submitting their applications. Concerns about complying with the letter of the law has resulted in applicants over-engineering consultation, including undertaking numerous rounds of consultation, and using lengthy and technical documents that confuse and fatigue communities. Developers have told us that while they intend to continue undertaking non-statutory consultation and engagement, removing these statutory requirements could save them up to 12 months at

the pre-application stage. We estimate that this could save over £1 billion on the pipeline of projects to be determined over the course of this Parliament.

9. While the Planning and Infrastructure Bill removes the statutory requirement for applicants to consult local authorities, statutory bodies, landowners and communities before submitting their application, it places a new guidance-issuing duty on the Secretary of State. We will therefore produce guidance to assist applicants in preparing applications[footnote 1], which will be published on the government's portal incorporating guidance about the NSIP regime.

10. This chapter seeks views on how government should approach this guidance to support applicants in adjusting to this change, and how best to make the most of non-statutory engagement and consultation to inform and improve projects. It also outlines proposals to update requirements for applicants to notify and publicise their proposals.

11. Our objectives are to reduce the amount of time projects spend in pre-application, while retaining well-developed applications moving through the NSIP regime. We aim to achieve this by reforming the pre-application stage to:

- focus on the outcome of delivering well-developed applications supported by a more meaningful approach to engagement, rather than focusing on the operation of statutory processes and requirements
- increase flexibility for applicants and those they engage to balance their engagement on an application based on the individual nature of the project, as opposed to a one-size-fits-all approach

12. In delivering this wholesale reform of the pre-application stage, this chapter seeks views on:

- the contents of guidance the Secretary of State will be required to produce to support applicants in the steps they might take in readiness for submitting an application
- how further regulations or guidance can support effective notification requirements
- how changes to regulations and guidance can ensure publicity requirements capture a wide audience

Guidance for applicants preparing applications

13. Given that DCO applications relate to most of the biggest and most complex infrastructure projects in the country, the government is keen to provide applicants with the right tools to prepare well-evidenced applications. We are seeking views on 4 areas that guidance could cover:

- factors for applicants to consider at pre-application
- the benefits of non-statutory consultation and engagement
- the role of different statutory bodies and stakeholders at pre-application
- the documents which can support pre-application

14. In taking the above approach, guidance would not establish step-by-step, detailed expectations of practice, but assist applicants with practical advice on how applicants might choose to consult and engage, while being clear that it is for applicants to judge how best to approach particular projects.

15. We are conscious that in producing detailed guidance, there is a risk we limit the potential benefits of our broader changes to pre-application by constraining applicants' flexibility. At the same time, we are keen to ensure that applicants are sufficiently aware and realistic about what will be expected of them as they go through the NSIP process. This consultation seeks your views so that we strike the right balance. We also welcome views on whether guidance could encourage collaboration outside of the NSIP process to address wider challenges (such as matters that may affect permitting) that could otherwise impact development proposals.

Question 1: Please provide views about the potential risks and benefits of government producing more prescriptive or less prescriptive guidance about pre-application consultation and engagement in absence of statutory requirements. In particular, we are interested in views on how guidance on engagement can support an efficient, faster, proportionate and effective NSIP process or whether doing so risks undermining the potential time and cost savings.

Please provide your views.

Question 2: Should guidance note that collaboration outside of the NSIP process can help to address wider challenges that could otherwise impact development proposals? If so, what should it say?

Please provide your views.

Factors for applicants to consider in preparing applications

16. Guidance could suggest that applicants consider certain factors when they prepare their applications, which could include:

- **Prioritise front-loading**, so applications are well-developed by the time they are submitted and provide the right information for the Planning Inspectorate to determine whether the application is suitable to proceed to examination, and are capable of being accepted and progressing through the regime within statutory timescales.
- **Proportionate**, so that applicants can identify and understand issues that must be explored, addressed and decided during the NSIP process to enable the application for consent to be determined. If consultation and engagement is undertaken with communities, landowners, local authorities and statutory bodies, it should be done in a way that is proportionate to these aims, considering the nature and complexity of the proposal while ensuring infrastructure can be decided and, where consent is granted, developed in a timely manner. While informal, light-touch engagement may be sensible, multiple rounds of non-statutory consultation should be avoided.
- **Open and transparent**, with applicants being clear about their proposals and the timescales they are working to, and considering how accessible and understandable their documents are. If they consult and engage, they should be clear on the matters on which they are seeking views and which people can influence, and how responses will be taken into account in progressing the proposal.
- **Timely**, so that applications progress to reasonable timeframes and informal engagement and consultation is timed to benefit the applicant's overall programme for their proposed development, giving proportionate levels of detail and sufficient time for consideration and response.

Question 3: Would it be useful for applicants to consider these factors while preparing their applications and in particular in relation to any non-statutory engagement and consultation (at paragraph 19)? What changes or additions to these draft factors would you welcome?

Yes/No/Don't Know. Please provide your views.

The benefits of non-statutory consultation and engagement

17. While government is removing statutory requirements for pre-application consultation, we recognise that non-statutory engagement can support better projects with greater local benefits and improved mitigations. We believe that given the importance of major infrastructure projects, guidance should be explicit in reminding applicants of these benefits that non-statutory consultation and engagement can bring.

18. Guidance could recognise that undertaking engagement and consultation could increase the likelihood of a smooth examination process, and help to ensure that potential impacts of projects can be understood, mitigated and, where possible, resolved in advance and support final consenting decisions. Early engagement builds trust, improves transparency and allows stakeholders to prepare for their formal roles in the examination. Guidance could reflect that engagement can provide an opportunity for dialogue, help communities and public bodies to understand applicants' objectives, reasoning, flexibility and scope to influence the proposals and effect change in advance of examination. It could also recognise that through engagement, applicants can propose and test mitigations with communities, local authorities, local experts, specialists and statutory bodies in a way that more formalised consultation does not always lend itself to.

19. In addition to providing a platform for local communities, stakeholders, and experts to contribute valuable insights, consultation and engagement can also help to identify potential impacts early on and shape applications for infrastructure projects capable of delivering more effective, inclusive, and sustainable outcomes. Guidance could highlight how meaningful engagement and consultation done well provides an opportunity to improve applications, enhance transparency, build public trust, and reduce delays by addressing issues before formal applications are submitted.

20. Guidance will not provide specific examples of best practice in relation to consultation and engagement. It could, however, recognise the benefits of working collaboratively between applicants and stakeholders.

Question 4: Do you agree guidance should set out at a high level the benefits of non-statutory engagement and consultation? Are there any benefits not listed which we should include?

Yes/No/Don't Know. Please provide your views.

Question 5: Should guidance encourage collaboration between applicants, stakeholders and statutory bodies? If so, what should it say? We particularly welcome views on how collaboration and prevent delays and the role for the sector to work collaboratively with stakeholders and how government can support this.

Please provide your views.

The role of different stakeholders and statutory bodies at pre-application

21. In addition to outlining principles for pre-application and the benefits of non-statutory engagement, guidance could highlight the roles of different statutory bodies and stakeholders during the pre-application stage.

22. In consulting and engaging different stakeholders, there would be a balance to strike between engaging early enough to inform the proposed development and providing sufficient information for stakeholders to understand potential impacts. While in the early stages of shaping development proposals there may be limited information available, this can provide the greatest opportunity to influence a project. We are interested in whether guidance could help to bridge the understanding between applicants and stakeholders about what information may be available, at what time, to enable constructive engagement. Guidance could encourage an ongoing process of engagement, where appropriate, to develop an understanding of the project that benefits all parties. Alongside this, it could emphasise that the focus should be on proportionate and meaningful engagement, rather than following a fixed process, or undertaking multiple rounds of consultation to little benefit. It could emphasise that undertaking consultation and engagement in a proportionate way should not require extensive documents and material. We are interested in how guidance could help encourage an appropriate balance between engaging early enough to inform a proposed development and with sufficient detail to enable impacts to be understood, without creating unnecessary delay.

Question 6: Should guidance include advice to local authorities, statutory bodies and applicants on finding the right balance between engaging early and engaging with sufficient technical information without creating unnecessary delay? We would also welcome comments on whether and how guidance could encourage applicants, local authorities and statutory bodies to work together to most effectively manage resources in their engagement.

Please provide your views.

Consultation and engagement with statutory bodies

23. Statutory bodies play an essential role in providing expert advice and information on significant environmental, transport, safety and heritage issues relating to projects. Bodies including the Environment Agency, Natural England, the Marine Management Organisation, Historic England and the Forestry Commission regularly work with applicants so they can understand potential impacts of their development and meet legal requirements around how these are addressed.

24. In recognition of their role in advising ministers and regulating industries, these bodies will often participate in the examination of an application as ‘interested parties’ after it has been submitted. For these reasons, guidance could encourage applicants to work with relevant statutory bodies in preparing an application to help prevent significant issues, which could affect examination and decision timeframes, arising late in the NSIP process

and potentially risking the overall likelihood of gaining consent. It could also encourage statutory bodies to work constructively with applicants during pre-application and recognise that constructive engagement should continue into examination, decision and post-consent (see proposals related to guidance at Chapter 3 (https://www.gov.uk/government/consultations/consultation-on-streamlining-infrastructure-planning/consultation-on-streamlining-infrastructure-planning#chapter3)).

25. Guidance could also encourage applicants to target consultation and engagement effectively by identifying and working with statutory bodies whose advice they may need early on in preparing a potential development proposal. Applicants would be encouraged to consider the potential issues associated with their development proposal; which statutory bodies they may wish to engage with, recognising that they will be required to notify them later; and at what point to do so in the development of their application.

26. Where required under environmental legislation, guidance will reiterate that consultation with the specified bodies must still be undertaken. Applicants will still be expected to engage with relevant bodies as early as possible during the pre-application stage, including those who advise on environmental issues. Guidance could highlight the particular benefits where applications are dependent on secondary consents, including environmental permits. This would be encouraged through guidance and will vary according to the project, but may include:

- Water Framework Directive screening and any subsequent Water Framework Directive activities, including consultation with the Environment Agency and/or Natural Resources Wales
- Habitats Regulations Assessment, including consultation with Statutory Nature Conservation Bodies, to ensure requirements are met and complex environmental issues relating to the Habitats Regulations are resolved as much as possible
- Marine Conservation Zone Assessment screening and any subsequent activities, including consultation with the Marine Management Organisation

27. Planning up front to resolve environmental issues and building mitigations into project designs will speed up project delivery, by allowing projects to be examined within statutory timeframes, and decrease costs, compared to making ‘bolt on’ changes late in the process. Guidance would remind applicants that, where a project is ‘Environmental Impact Assessment (EIA) development’, the applicant will be required to follow the requirements of the EIA Regulations in undertaking an EIA and producing an Environmental Statement as part of their application.[footnote 2]

28. For NSIPs that require an EIA, guidance could remind applicants that there will be opportunities for statutory bodies and the public to comment on the likely significant environmental effects identified by the applicant in the Environmental Statement following acceptance of the application through relevant and written representations to the Planning Inspectorate. The EIA Regulations will continue to allow for further environmental information to be requested where this is required to reach a reasoned conclusion on the significant effects.

29. Through the Planning and Infrastructure Bill, we are removing the statutory requirement to consult on preliminary environmental information. While the purpose of preliminary environmental information is to provide statutory bodies and communities with clarity about a development's likely significant effects, in practice, developers are producing lengthy, technical and inaccessible reports akin to a draft Environmental Statement.

30. Early engagement with statutory bodies on potential environmental impacts is key to ensuring that significant impacts are identified and managed early on, avoiding delays in the later stages of the process. However, the current requirement for developers to prepare a preliminary environmental information report is inefficient, time-consuming and can delay project development. Developers must effectively pause project development to prepare the report and, if project proposals change following consultation, relevant work undertaken to produce a detailed report requires reviewing and updating. A more flexible and agile approach to engagement with statutory bodies, with developers providing information on a more iterative basis throughout project development, would help prevent unnecessary delays and deliver better outcomes by ensuring that relevant bodies can continually assess and manage likely significant impacts. Removing the requirement to consult on preliminary environmental information will also enable developers to focus resources on providing communities with targeted and appropriate information, rather than the technical detail intended for statutory bodies, helping to ensure more meaningful engagement on key areas of local concern.

Question 7: Is guidance needed to support applicants to identify which statutory bodies should be consulted based on the potential impacts of the proposed application? If so, what should that guidance include?

Please provide your views.

Question 8: Would additional government guidance on engagement with statutory bodies regarding environmental requirements be of value, in addition to the advice and guidance provided directly by those organisations? How can guidance support constructive engagement by statutory bodies? Please provide details on what would be most useful in government

guidance relative to what is provided to other relevant organisations.

Yes/No/Don't Know. Please provide your views.

Consultation and engagement with local authorities

31. Guidance could note that local authorities play an important role in developing applications in the NSIP system. First, they have expert knowledge of the local community, businesses and other interests, as well as responsibility for the development of their local area. Local authorities can use this expertise to support applicants in developing proposals, ensuring local issues are understood and taken into account. Guidance could provide examples of how local authority input can be use this knowledge to be most useful in relation to an applicant's assessments of, for example, the noise, traffic and visual impacts of their project. Local authorities also play an important role after examination in discharging requirements that are set in a DCO.

32. Second, local authorities play an important role before and during examination. They are invited to report on the likely potential impact of the proposal on their area through Local Impact Reports, which are considered by the Examining Authority in preparing for and undertaking examination and the Secretary of State in making a decision. Guidance could therefore remind applicants that it is useful to engage with local authorities at the pre-application stage so that they can develop a shared understanding of the potential impacts of their proposed development, how these may be raised during examination, and how they might be addressed before submission, including through proposed requirements. This will help to deliver a robust and informed application and help make post-consent smoother and more efficient.

33. Finally, local authorities have a political and leadership role, which can support applicants to understand likely community views. We understand that this political function can sometimes impact the ability of local authorities to provide technical advice to applicants. To address this, guidance could make clear that local authorities should still engage fully with applicants on technical matters, and that this will not later prejudice any views expressed by the authority about the merits of the project, which would be articulated through the examination process (see proposals related to guidance at Chapter 3 (https://www.gov.uk/government/consultations/consultation-on-streamlining-infrastructure-planning/consultation-on-streamlining-infrastructure-planning#chapter3)). As part of this, local authorities can help applicants to understand the potential cumulative impacts of multiple projects in close proximity, and guidance could note that local authorities can highlight opportunities for applicants to share infrastructure, mitigations and reduce disruption for communities/landowners.

34. Multiple local authorities may be impacted by a proposed development. Under existing legislation, applicants are required to consult all host and neighbouring upper and lower tier or unitary authorities. This inflexible approach can lead to a wide geographical approach to consulting authorities, even where they are unlikely to be impacted by the proposal – and could miss those authorities that may be impacted.[footnote 3] To ensure engagement is proportionate, guidance could encourage applicants to engage principally with host upper and lower tier (or unitary) authorities.[footnote 4] It could also recommend that they consider whether the impacts of the proposed development are likely to mean they should consult neighbouring authorities. For example, a development near the boundary of one authority may have air quality or visual impacts on an adjacent authority, or a development with widespread noise or traffic issues may have impacts more widely across neighbouring authorities.

Question 9: Is guidance needed to support proportionate, effective and constructive engagement from both the applicant and local authorities? If yes, what should such guidance cover?

Please provide your views.

Consultation and engagement with landowners and affected persons

35. Landowners and affected persons are important participants in the NSIP process and they should be consulted and engaged with early in the process, where possible. This is because large-scale infrastructure developments, which may include compulsory acquisition of land, often have very real and significant impacts on people whose land is acquired. The NSIP regime affords compulsory acquisition powers to a wide variety of private applicants, as well as to public bodies. Even where land is not acquired but may affect individuals nearby, these individuals (known as ‘Category 3 persons’) could later have rights to make a relevant claim for compensation. During the pre-application stage, both applications and land boundaries can change significantly. The Planning and Infrastructure Bill’s removal of the pre-application consultation requirement helps reduce unnecessary engagement with individuals, which can cause undue concern. For example, applicants are currently required to consult landowners whose property may ultimately be unaffected by the final application. Removing this obligation allows applicants to refine their proposals without prematurely involving individuals whose land may not be impacted, while ensuring that landowners and Category 3 persons are still notified once an application has been accepted for examination, bringing requirements closer into line with compulsory purchase procedures.[footnote 5] However, government considers it is important that guidance supports engagement between applicants and landowners and affected persons.

36. Given the potential impact of compulsory acquisition on human rights, where applicants propose compulsory land acquisition in their DCO, the examination process provides for mandatory hearings to be requested. Relevant landowners and Category 3 persons may be considered Interested Parties by the Examining Authority for the process of examination. Finally, applicants often need to engage with landowners in order to undertake the surveys needed to prepare their application in advance of submission.

37. To prepare for a smooth examination process with a well-considered application, guidance could encourage applicants to seek to identify, consult and engage relevant landowners and encourage attempts to reach agreement, where possible. It could highlight that this can be impacted by whether the proposed land-take (known as the 'order limits') are more, or less, fixed in order to finalise proposals. Guidance could highlight that the principles that apply to compulsory acquisition set out in government's Guidance on the Compulsory Purchase Process (https://www.gov.uk/government/publications/compulsory-purchase-process-guidance) are relevant.

Question 10: Is guidance needed to encourage applicant engagement with landowners and affected persons in a proportionate, effective and meaningful way? If so, we would welcome views on how guidance should support engagement with landowners and affected persons.

Please provide your views

Question 11: Should guidance support applicants to identify Category 3 people to be notified once an application is accepted for examination? If so, what should it say?

Please provide your views.

Consultation and engagement with the community

38. Engagement with local communities can support applicants in the preparation, examination and consenting of applications for development consent because their unique knowledge, experiences, and interests can help shape a development proposal that can deliver long term benefits. Local people often hold critical insights into how a proposed development might affect daily life, the environment, and the character of their area. This may include data and evidence about an application site gathered through citizen science, or insights such as impacts on local walking routes between a school and community, land conditions and history, and visual impacts on communities, which may not be captured through technical assessments alone. Early engagement can therefore help enable better infrastructure design, particularly in terms of how it will be operated over the longer term,

and ensure issues are brought to light in a way that can inform iterative assessments, such as EIA.

39. Guidance could therefore acknowledge that through engaging with communities early and meaningfully, applicants can better understand local issues, identify potential risks or opportunities, and design proposals that are more responsive, robust, and grounded in real-world contexts. Guidance could go further in signposting the best available practice in relation to engaging with communities effectively, noting this is often best done through events and forums as opposed to the sharing of lengthy draft documents. More informal engagement could support applicants to identify and explore issues of importance to communities and other affected groups so that, where appropriate, these can be addressed in applications. It will also support applicants to prepare for their applications being examined and help them to be reasonably confident about which issues are likely to be raised.

40. We are interested in what role guidance could play in supporting applicants to identify the local communities with which they may wish to engage and consult. While applicants will no longer be required to prepare statements of community consultation and consult local authorities on these, guidance could encourage applicants to consider whether local authorities should assist in identifying whom to consult and engage, and how best to do so (e.g. where limited internet access may mean some people would be less able to access large consultation documents online). Guidance could also encourage applicants to include any proposed approach to consultation and engagement in their programme document, if used, as they work with the Planning Inspectorate's pre-application service.

Question 12: Is guidance needed to encourage applicant engagement with communities in a proportionate, effective and meaningful way? If so, what should it say? We would also welcome thoughts on how guidance can provide clarity and support engagement by communities.

Please provide your views.

Guidance and documents to support acceptance, examination and decision

41. Government recognises that the pre-application stage can be complex and challenging to navigate. We are keen to understand whether guidance could encourage the production of certain documents in the pre-application

stage to support applicants and stakeholders to focus on the most important aspects of an application and on refining projects to best support swift examinations and robust decisions. In the absence of statutory pre-application consultation, these documents could help the Planning Inspectorate advise applicants and support the Examining Authority to assess where the examination should focus.

42. The majority of these documents are already included in existing government guidance or in advice provided by the Planning Inspectorate:

- A Potential Main Issues for Examination document, currently requested through the Pre-application Prospectus
- Statements of Common Ground or Principal Areas of Disagreement Summary Statements[footnote 6]
- An Issues and Engagement log
- Land and Rights Negotiation Trackers

43. Guidance could also note the use of voluntary ‘evidence plans’ to support the development of EIAs. Evidence plans are produced in collaboration with relevant environmental bodies. They provide a means to agree and record the information the applicant needs to supply to the Planning Inspectorate when applying for a DCO, so that environmental issues arising from multiple assessments (e.g. EIA, Habitats Regulations Assessment and/or Flood Risk Assessments) within the application can be efficiently identified, tracked, discussed and progressed. In some instances, this process can lead to a smoother examination, as it provides the opportunity for all parties to identify proportionate assessments and for issues to be progressed outside the constraints of statutory timeframes. Currently, evidence plans are used mostly for Habitats Regulations Assessment matters. Our guidance could explain the circumstances in which evidence plans may be of value to applicants to support their use in appropriate circumstances.

44. In addition to these documents, guidance could go further. It could suggest that applicants voluntarily publish an engagement summary report alongside their application. Unlike the current consultation reports, this report would not need to explain compliance with statutory requirements, contain all responses and set out the account taken of them, or be part of the acceptance test. It would instead be an opportunity for applicants to set out how the applicant approached engagement, summarise what engagement took place and how this has informed their application. Where no or limited engagement has taken place, applicants could also provide their reasoning for this.

45. We are interested in views on whether such a voluntary report would help to provide transparency around the people and bodies the applicant

has engaged with, in order to avoid examination re-opening issues unnecessarily.

Question 13: Should guidance continue to encourage applicants to use tools such as Issues and Engagement logs, and Principal Areas of Disagreement Summary Statements? Please comment on the value and scope of these documents for informing likely examination issues in light of the removal of statutory requirements for consultation. We also welcome views on any potential advantages or disadvantages for enabling a more effective examination if regulations required some of these documents to be submitted alongside an application.

Yes/No/Don't Know. Please provide your views.

Question 14: Are voluntary evidence plans an effective way of getting input on environmental issues early to inform environmental assessments and identify suitable mitigations? Please provide reasons.

Yes/No/Don't Know. Please provide your views.

Question 15: Should guidance set out the circumstances in which use of voluntary evidence plans might be beneficial?

Yes/No/Don't Know. Please provide your views.

Question 16: If guidance were to highlight the option to publish an engagement summary report, what might the potential advantages and disadvantages of this be? We would also welcome views on submitting this report alongside an application, especially what advantages and disadvantages there may be for a more effective examination if guidance encouraged or regulations required its submission.

Please provide your views.

Enhancing notification and publicity

46. Beyond changes to guidance, the Planning and Infrastructure Bill also amends the existing notification duty on applicants at the pre-application stage and amends the publicity requirements.[footnote 7] This section seeks views on what further information could support these changes to ensure meaningful notification and publicity is undertaken.

47. The Planning Act 2008 sets requirements for applicants to notify the Planning Inspectorate of the proposed application, and to publicise their proposed application in line with regulations. Notification and publicity are currently linked to the requirement and timeline for statutory pre-application consultation. Government considers that notification and publicity will continue to play a role in the pre-application process, as outlined below, and is considering what guidance and secondary legislation would be useful to support this.

Notification of proposed applications

48. While applicants often engage informally with the Planning Inspectorate early in the pre-application process, and use their pre-application services while developing their projects and applications, notification plays an important role by formally signalling the applicant's intent to submit an application for development consent, allowing the Planning Inspectorate to programme and resource with more certainty for the submission.

49. Guidance could encourage applicants to issue the notification when they have a degree of certainty about proposals to clearly signal their intention to submit an application. Notifying local authorities at the same time could similarly support them in preparing for an upcoming examination. Notification enables local authorities to engage with applicants on their pre-application service offer by building an understanding of the proposal and securing the necessary knowledge and capacity to advise on the proposed application at an early stage. Local authorities often have varying levels of experience with NSIP proposals. The scale and complexity of NSIP proposals is such that local authorities may need to bolster their resources to enable effective engagement. The Planning and Infrastructure Bill therefore amends the section 46 'duty to notify' the Planning Inspectorate to also include host local authorities and, where relevant, the Marine Management Organisation.

50. The Planning and Infrastructure Bill will also require the notification to include:

- the applicant's name and address
- a statement that the applicant intends to apply for an order granting development consent
- a statement about why development consent is required for the proposed development, specifying the relevant provision of Part 3 of the Planning Act 2008 (or referring to a direction that has been given under section 35)
- a summary of the proposed application, specifying the location or route of the proposed development

51. We are interested in whether guidance should encourage applicants to notify the Planning Inspectorate, local authorities and the Marine Management Organisation (where appropriate) at a certain stage in the preparation of their application. On the one hand, guidance could recommend notifying as soon as possible, thereby engaging the ability to trigger pre-application services and fees and better support frontloading. On the other hand, notifying too early in the process might mean that limited information is provided, limiting bodies' ability to advise and input. It could also mean that applicants are having to pay for services they cannot use.

52. We are also interested in whether secondary legislation should prescribe additional information to be included in the notification. For example, a notification to include information about whether a project is expected to be likely to require an EIA, or for a notification to include a link to an up-to-date website for the project so that the Planning Inspectorate and local authorities can access up-to-date materials.

53. To ensure ease and consistency for applicants and stakeholders, we could consider creating a standardised template for notifications, with the template provided by government. If a standardised format would be beneficial, we are seeking views on whether its use should be required by secondary legislation or encouraged by guidance.

Question 17: Do you agree that requiring the following information in notifications to the Planning Inspectorate, host local authorities, and the Marine Management Organisation would be beneficial in enabling them to prepare for examination? What other information or documents could be encouraged through guidance?

(a) Whether a proposed application is expected to be EIA development

Yes/No/Don't know.

(b) When notifying the Marine Management Organisation, whether a proposed application is expected to require a marine licence for any licensable activities

Yes/No/Don't know

(c) Where the most up-to-date information is published and available to view

Yes/No/Don't know

(d) Publishing the notification on the applicant's project website

Yes/No/Don't know

(e) Other

Please provide your views

Question 18: Should guidance indicate a point at which the applicant should issue the notification? If so, at what should it say?

Yes/No/Don't know. Please provide your views.

Question 19: Do you agree that a specific format with contents requirements, would be beneficial to standardise this duty for both the applicant and the Planning Inspectorate when ensuring that this Duty has been met (please specify why)? We would also welcome views on what further guidance may support this clarity

Yes/No/Don't know. Please provide your views.

Publicity of proposed applications

54. Under section 48 of the Planning Act 2008 applicants are required to publicise their proposed application. This is to support transparency and greater public awareness of the proposed application.[footnote 8] Section 50(1) of the Planning Act 2008 will require applicants to have regard to guidance about publicity of proposed applications under section 48. Existing pre-application guidance about publicity is limited.

55. This process is intended to help inform and help familiarise affected communities, landowners, statutory bodies and other stakeholders about the broad nature and detail of potential locations of the main proposals ahead of being able to provide a representation once an application is accepted. It can also provide an opportunity to support engagement through greater awareness of an applicant's intention to submit an application.

56. The Planning Act 2008 requires applicants to formally publicise the proposed application in a prescribed manner in local and national newspapers.[footnote 9],[footnote 10] These notices should include a summary of the main proposals, and provide a statement outlining where additional documents, maps and plans may be physically inspected. While some applicants include details of their project's website – where these documents may be viewed – in these notices, this is not currently required under existing secondary legislation. We are considering whether applicants should be required to make available a website where the necessary information can be viewed, rather than a physical location.

Question 20: Do you agree with the proposal to move to a 'digital first' approach by only requiring information to be made available for inspection online? Please explain why. The government would

welcome information and data about any potential impacts, including equalities impacts, of this change.

Yes/No/Don’t know. Please provide your views.

Question 21: What further guidance would support applicants to undertake effective publicity which enables transparency and public awareness?

Please provide your views.

Chapter 2: Acceptance

57. The acceptance test plays a valuable role in ensuring that only high quality applications can enter the NSIP regime. This is particularly important given that the process is intended to ensure robust and swift decisions on some of the largest and most complex developments in the country are made within strict statutory timeframes. It also reflects the value that applicants place on the certainty of decision timeframes in the NSIP regime. Nevertheless, we have heard that concerns about whether applications will be accepted or not has made applicants cautious, delaying projects and increasing costs.

58. In this chapter, we explain changes to the way in which the acceptance test will operate contained in the Planning and Infrastructure Bill. We also seek views on what role guidance could play in ensuring clarity about what is required from applicants when submitting their applications.

Aims of our reforms to the acceptance test

59. We have been clear throughout that our changes to the acceptance test intend to make it more flexible but still meaningful. The Planning Inspectorate retains the ability to reject applications that are not of a high enough standard. History shows that rejections are rare, and through our changes, which more specifically test the standard of an application and introduce the ability to request changes to it to enable acceptance, we expect that this should continue to be the case.

60. Through the Planning and Infrastructure Bill we are making changes to the acceptance test, namely:

- removing the requirement for applicants to submit a consultation report under section 37, and remove the adequacy of consultation test
- altering the wording in the acceptance test from an application being 'of a satisfactory standard' to one which is 'suitable to proceed to examination'
- enabling the Planning Inspectorate to request changes to application documents during the acceptance period where doing so is necessary for those applications to be accepted
- introducing the ability for the Planning Inspectorate to take into account 'the extent to which the applicant has had regard to any advice given under section 51 in connection to the application'

61. These changes relate to an important part of the process and we believe that guidance to applicants and the Planning Inspectorate could provide clarity for applicants about what to expect. In addition to the guidance for applicants in preparing applications discussed in Chapter 1 (https://www.gov.uk/government/consultations/consultation-on-streamlining-infrastructure-planning/consultation-on-streamlining-infrastructure-planning#chapter1), we believe that it may be beneficial for guidance to clarify the government's intent behind each of these four changes.

Changes to the acceptance test

Impact of removing statutory pre-application consultation on the acceptance test

62. If needed, guidance could make explicit that whether an application has undertaken consultation or engagement during the pre-application stage, this may not be a determining factor in the Planning Inspectorate's decision to accept or reject an application. Following the changes in the Planning and Infrastructure Bill, whether and how consultation and engagement have been undertaken would not be a matter tested at acceptance. Guidance could explain that the removal of the statutory requirement to consult at the pre-application stage will enable the Planning Inspectorate to focus its decision-making on the quality of the documents that are required to be submitted as part of an application – on whether they are sufficiently clear and comprehensive to be examined.

From 'satisfactory standard' to 'suitable to proceed to examination'

63. Guidance could explain that the change to the wording of the acceptance test from 'satisfactory standard' to 'suitable to proceed to examination' will mean that the high quality of applications – and the documents required under section 37 (with the exception of a consultation report)[footnote 11] – will still be required following the removal of the statutory requirement to consult during the pre-application stage. It could also explain that this change seeks to maintain the same quality of applications entering

the system, focused on clear and comprehensive documents, and clarify that the purpose of the acceptance test is to assess whether applications are of a sufficient standard to proceed to examination. It could highlight the statutory timeframes that apply to examination and decision and make explicit it is not a test of whether issues have been resolved but whether the documents enable examination to take place. Guidance could make clear that the wording of the test is specific – being of a standard that is suitable to proceed to examination, rather than a satisfactory standard. This test should therefore not result in the ratchetting up of expectations for applicants based on past good practice.

64. Guidance could make clear that applications are less likely to be considered ready for examination if it is clear that they contain fundamental information gaps which are incapable of being rectified within the regime's timeframes following acceptance – for example, where surveys and data that will clearly be necessary to enable the Secretary of State to make a decision on the proposed development will not be able to be provided at examination in a timely manner. While not all issues are expected to be resolved, and the test is not about the extent to which they have been, applications will need to be sufficiently developed for them to be examined under the Planning Act 2008. As part of this, we are considering how pre-application advice from the Planning Inspectorate, including section 51 advice, can support applicants to identify where further work may be needed to explore and potentially address application issues, such as through engagement with environmental bodies. The intent laid out in guidance could be that, so far as possible, applications should seek to be developed to a quality that can be examined and determined within the statutory timeframes and, where appropriate, fast-tracked or determined more quickly.

Requesting corrective actions to applications

65. Changes to the NSIP regime through the Planning and Infrastructure Bill will, for the first time, enable the Planning Inspectorate to request corrective action by applicants so that applications may be accepted. This will mean that the Planning Inspectorate can seek clarifications or supplementary information from applicants to address gaps and enable applications to be accepted for examination without rejecting applications or recommending applications are withdrawn.

66. While this flexibility should reduce uncertainty and encourage applicants to submit their applications sooner, government is clear that the intent is to enable applications to be able to be accepted where an issue with documentation or information submitted can be remedied within a reasonable period (i.e. up to 28 days from the request of additional information). This will help provide clarity for the subsequent examination process. Guidance would be clear that it should not be used as a means of seeking applications to be updated with unnecessary minor changes or addressing matters that could instead be considered through examination. This should not lead to iterative requests for changes or extended

timeframes to provide additional information, as this would have significant impact on the resources of both the Planning Inspectorate and applicants. Guidance could make clear that government would continue to expect the Planning Inspectorate and applicants to take a pragmatic and proportionate approach to ensuring documents and information pertaining to the application process are updated.

Section 51 advice

67. In supporting the development of applications that can meet the acceptance test, the Planning and Infrastructure Bill includes the ability to take into account the extent to which applicants have had regard to section 51 advice. This will incentivise applicants to engage with the Planning Inspectorate and give proper consideration to their advice at the pre-application stage. Section 51 advice will focus on supporting the development of high quality applications, and will not re-introduce expectations for mandatory consultation, or for engagement to be done in a set way. While the acceptance test will consider how the applicant has responded to section 51 advice, there is no requirement that advice be adhered to. Applicants may disagree with the advice and will have the opportunity to explain why they may not have followed this. To provide certainty for the Planning Inspectorate and applicants, guidance could seek to explain how section 51 advice is considered in determining whether to accept an application.

Question 22: What further advice is needed through guidance to ensure sufficient clarity about the test that will be applied by the Planning Inspectorate at the acceptance stage, and how applications can be prepared that will meet the acceptance test? What guidance if any should be provided to provide clarity about matters that are not tested at acceptance, in order to clearly establish the difference between past and future requirements?

Please provide your views.

Question 23: How can applicants outline how they have had regard to section 51 advice from the Planning Inspectorate when they submit applications, and what should be encouraged through guidance?

Please provide your views.

Chapter 3: Pre-examination and examination

68. The pre-examination and examination stages are pivotal within the DCO process, shaping the way NSIP applications are scrutinised and decided. Previous sections of this consultation have focused on fostering well-developed applications. This chapter focuses on improving the efficiency with which applications are examined. It starts by explaining the purpose of the pre-examination and examination stages, before outlining the ways in which the status quo could be improved to deliver swifter and more robust decisions. It explores three areas of reform: using Initial Assessments of Principal Issues (IAPI) to focus examinations, introducing guidance for statutory bodies about their role in examinations and introducing greater proportionality in the examination of compulsorily acquired land as part of a DCO.

Aims of our reforms to the pre-examination and examination stages

69. While examinations are subject to statutory timeframes, we want to ensure they are as effective and efficient as possible by always focusing on the primary issues presented by an application; increasing the engagement of statutory bodies to resolve concerns at examination rather than in the final decision-making stage; and increasing flexibility for the Examining Authority to adapt procedural requirements for changes made during examination that affect compulsory acquisition, such that they are proportionate to the specific circumstances of each application.

Enabling sharper focus and stronger outcomes in the examination stage through focused IAPIs

70. One of the Examining Authority's first tasks is to make an IAPI within 21 days of the deadline for relevant representations. This enables the Examining Authority to focus on the most significant matters for examination. The IAPI informs the preliminary meeting agenda and helps all parties prepare relevant evidence. It promotes transparency, procedural fairness, and effective time management, contributing to robust and balanced decision-making. Current guidance states that Examining Authorities should identify the key issues the examination will focus on.

71. Currently, there is no description in legislation as to what an IAPI should contain, and Examining Authorities have wide discretion in their preparation and use. While many use the IAPI effectively to guide examination planning, including the construction of the timetable, practices vary. Some have previously resulted in a long list of routine matters which would likely be

relevant to any major infrastructure application, whereas others result in a clear, succinct list of a small number of issues specific to the proposed application, its impacts, and known issues. The Planning Inspectorate has recently started to use a revised format which will actively support more focused IAPI. The IAPI process, when used effectively, can set the stage for an actively managed, focused, transparent and efficient examination, allowing all parties to understand what will be examined and to work toward resolving or deciding issues.

Leveraging the benefits of the IAPI to enhance the examination stage
72. Through the Planning and Infrastructure Bill, we are introducing new requirements for the Examining Authority to make procedural decisions 'in light of' its IAPI. This change consolidates existing good practice and reflects recent updates to examination guidance (https://www.gov.uk/guidance/planning-act-2008-examination-stage-for-nationally-significant-infrastructure-projects). It aims to ensure examination decisions are focused on efficiently resolving the key issues identified or, where resolution is not possible, enabling sound judgments based on evidence.

73. As part of implementation of the new requirements, and recognising the IAPI's potential to shape the examination, we are considering whether further guidance and secondary legislation – through potential changes to the Infrastructure Planning (Examination Procedure) Rules 2010 – is needed to ensure that the maximum benefit is extracted from the IAPI. The objective in making any changes will be to ensure that IAPIs are more succinct and focused for examinations, and to encourage the Examining Authority to focus on those issues during the examination. As part of its overall review of NSIP secondary legislation , government will consider the case for:

- strengthening the definition of an IAPI so that Examining Authorities are directed to identifying issues that are critical to the planning decision
- requiring the Examining Authority to submit the IAPI to the relevant Secretary of State once it has been prepared
- requiring that the Examining Authority clearly demonstrates how the IAPI has informed its decisions on the timetabling for the examination
- requiring the Examining Authority to explicitly link the IAPI to the recommendation to the Secretary of State by showing how these key issues identified were considered during the examination process

74. In addition to considering responses to this consultation, we will engage with the Planning Inspectorate, other government departments and industry stakeholders to take decisions on changes to guidance and any changes to the Examination Procedure Rules.

Question 24: What further steps should government consider to strengthen the role of the Initial Assessment of Principal Issues

(IAPI), so that it supports early clarity for all stakeholders, procedural fairness, and a more focused and effective examination?

Please provide your views.

Supporting effective examination through guidance for public bodies

75. Following changes made through the Planning and Infrastructure Bill, public authorities (under section 96A of the Planning Act 2008) will be required to have regard to any guidance issued by the Secretary of State to assist them in making representations for the purposes of the examination of an application. This will include relevant representations, written representations, hearings and any other such engagement. Local authorities will also be required to have regard to guidance in preparation of local impact reports (LIRs). This section considers what guidance may be appropriate to ensure efficient and effective examination of applications.

Local authorities and local impact reports

76. Pre-examination is when statutory bodies, including local authorities, are notified of the accepted application and can view the documents published by the Planning Inspectorate.[footnote 12] This may be the first time that local authorities see and familiarise themselves with the finalised documentation supporting the DCO. During the pre-examination stage, the Examining Authority, on behalf of the Secretary of State, will invite local authorities[footnote 13] to provide a LIR by a set deadline (under section 60 of the Planning Act 2008). LIRs are an important part of the evidence base for the examination and decision making. The Secretary of State must have regard to any LIRs when deciding the application.[footnote 14] The LIR should be succinct statements which provide a local perspective that may not be fully captured in the applicant's documentation, drawing the Examining Authority's attention to such matters of local importance during examination. Local authorities are not decision-makers in the NSIP process, so the LIR provides an important and formal opportunity to inform the NSIP process by outlining the key positive and negative impacts and considerations in relation to local context. Although local authorities are not required to submit an LIR, local authorities preparing an LIR will be required – as a result of changes made through the Planning and Infrastructure Bill – to have regard to any guidance issued by the Secretary of State.

77. Section 60(3) of the Planning Act 2008 states that the LIR should assess the likely effects of a proposed infrastructure project on their area. We want to ensure that guidance encourages LIRs that form an effective

part of the NSIP process, inform examination timetables, and support recommendation and decision making. Guidance could seek to highlight that LIRs should provide an objective assessment of how the project is likely to impact the local community, environment, and economy. This would be partnered with factual evidence, identifying and quantifying the scale of impact, where appropriate. Guidance could make clear that local authorities should avoid carrying out their own environmental or technical assessments of the applicant's proposals without clear justification. It could also establish that the role of an LIR should be to provide evidence related to impacts, and note that local authorities may choose to suggest potential mitigations to the likely effects. However, it would make clear that a LIR is not intended to identify the local authority's broader views about the proposal. Much of this is already outlined in existing guidance[footnote 15] and government plans to incorporate much of this into the new guidance. Guidance could also encourage effective and proportionate examinations by encouraging multiple local authorities that are affected by similar issues to consider submitting a joint LIR.

78. Guidance could encourage and emphasise the importance of local authorities preparing their LIRs as early as possible after the application is published. This would be supported by our encouragement through pre-application guidance for applicants to share key information concerning their applications, with local authorities prior to applications being formally submitted, where practical to do so, so that authorities can prepare reports.

79. During the pre-examination period, local authorities are also able to submit a relevant representation.[footnote 16] Both relevant representations and LIRs enable the Examining Authority to identify local impacts which may not be highlighted in the application and ensure they are given due regard in the examination. However, to support effective examination, guidance could highlight that local authorities' relevant representations and LIRs should not duplicate one another. It could encourage that relevant representations should explain key points of agreement or disagreement with an application. This is distinct from LIRs which, in line with legislation, should provide a succinct statement of the likely impacts of the proposed development on an authority's area which is factual and may include mitigation suggestions.

Question 25: Do you agree that existing guidance provides enough information to aid local authorities in preparing meaningful local impact reports and should therefore be retained? If further information would be beneficial to be included within this guidance what should it say?

Yes/No/Don't know. Please provide your views.

Question 26: Is existing guidance clear on the difference between a relevant representation, written representation and local impact report? What further information on the differences between a

local impact report and relevant representation would be beneficial to assist local authorities?

Yes/No/Don't know. Please provide your views.

Guidance for public authorities on participation in examinations

80. Public authorities play a vital role in both the pre-examination and examination stages of the DCO process. Their involvement brings essential expertise, local knowledge, and statutory responsibilities that help shape and refine applications before they reach decision.

81. During the pre-examination phase, public authorities contribute to shaping an examination timetable by submitting their relevant representations, which highlight key areas of the proposed application which should be explored during examination. Submitting a relevant representation[footnote 17] enables a public authority to be treated as an interested party.[footnote 18] Certain public authorities, including the host local authority, are automatically treated as interested parties.[footnote 19]

82. Interested parties can participate in the examination by submitting written representations, responding to the Examining Authority's questions, and commenting on other submissions.[footnote 20]They may also be invited to attend and speak at hearings where evidence can be given directly to the Examining Authority. These representations and evidence provide critical insight into the potential impacts of a project, helping the Examining Authority reach a well-informed recommendation. Without this active engagement, the integrity, transparency, and effectiveness of the DCO process is significantly diminished.

83. Guidance could outline that public authorities, where relevant to the application, are encouraged to submit a relevant representation to ensure they are considered 'interested parties' and are then able to participate in the examination. It could explain that this relevant representation should contain sufficient information to enable the Examining Authority to understand which aspects of the application the public authority agrees or disagrees with and why.

84. Guidance could also cover written and oral submissions and explain that written submissions from public authorities should provide the Examining Authority with enough information to make a clear judgement on the issue and should be submitted by the specified deadline so as not to delay the examination. It could explain that public authorities must respond promptly to requests from the Examining Authority and allocate appropriate technical expertise to ensure their input is timely, accurate, and complete. Given NSIPs often have far-reaching economic, environmental and social implications across multiple communities, regions and sectors, the quality and responsiveness of public bodies directly affects the ability to understand

and address these impacts. Having effective involvement enhances the robustness of the examination process and enables informed decisions within statutory timeframes.

85. Guidance could outline that although examinations are primarily a written process, Examining Authorities may choose to invite certain bodies to a hearing where it is considered particularly beneficial to examine specific issues in a hearing format. This provides an opportunity for public bodies to answer questions and provide explanation to the Examining Authority regarding their concerns. Without the relevant public authority being in attendance, the Examining Authority may need to defer to requesting answers through written representations. Therefore, where specific information is requested orally at a hearing, the relevant public authorities should attend and be prepared to provide a clear and comprehensive oral submission that falls within their technical remit. Preparation of such information in advance of the hearing is essential to avoid deferring responses to later stages of the examination, which could cause unnecessary delays. Examinations are expected to progress within timescales or more quickly and should not be delayed by a lack of engagement. This guidance would build on guidance previously issued by government on written representations and attending public hearings which is aimed at all those involved in the examination.[footnote 21] Guidance could set out expectations that public authorities are encouraged to treat requests to attend hearings and examination deadlines as a priority, in line with the national significance of the application.

86. In line with the proposals in Chapter 4 (https://www.gov.uk/government/consultations/consultation-on-streamlining-infrastructure-planning/consultation-on-streamlining-infrastructure-planning#chapter4), where an application has been designated as fast-track or a priority, it should be especially important to provide timely and efficient engagement, allowing the accelerated timetable to be maintained without compromising the quality of the examination.

87. In all cases, any delay in providing information or attending hearings can significantly disrupt the examination timetable and undermine the efficiency of the process. Given the national importance of these projects, a high standard of engagement is considered essential.

88. We recognise examination can be resource intensive and the guidance will highlight the role of the Rule 6[footnote 22] letter and the preliminary meeting, where key dates for hearings and written representations are discussed. This could encourage public authorities to take part in this meeting as their opportunity to shape the final timetable, and encourage them to notify the Examining Authority where they foresee that they may be unable to attend hearings or provide additional information by deadlines. Once this timetable is finalised, public authorities should ensure they are adequately resourced to meet Examining Authority requests.

Question 27: How can guidance seek to reduce existing barriers that public authorities face in engaging with the process?

Please provide your views.

Question 28: What should guidance say to ensure public authorities engage appropriately with examinations? We would welcome views on how guidance can outline the circumstances in which public authorities are relevant to the application.

Please provide your views.

Procedural flexibility for land acquisition amendments during examination

89. The need to make changes to a project can occur throughout the project life cycle, including after an application has been submitted. This can include the need to change the compulsory acquisition arrangements for a project once an examination has commenced. The current legislative framework allows for such changes to be made; however, this is subject to undertaking additional steps during the examination period when an applicant wishes to alter the compulsory acquisition to be authorised by the DCO. These requirements currently apply to all changes, regardless of whether the changes are limited in impact and affect a landowner who is already well informed of, and engaged in, the application. This inflexibility is adding unnecessary bureaucracy for those wanting to make changes to their projects and can result in sub-optimal projects being delivered.

90. Section 123 of the Planning Act 2008 provides that a DCO may only include provision authorising the compulsory acquisition of land if one of the conditions in subsections (2) to (4) of that section is met. One of these conditions is that the prescribed procedure has been followed in relation to the land, in cases where the applicant/proposed applicant does not have the consent of persons with interests in the land. The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (https://www.legislation.gov.uk/uksi/2010/104/contents/made) (as amended) ("the CA Regulations") prescribe the procedure that must be followed by applicants, the Examining Authority and Secretary of State.

91. We are considering amending the CA Regulations to give the Examining Authority greater discretion on when certain stages of the examination need to be repeated or reopened where there are unforeseen changes to

compulsory land acquisition or rights over land once the examination has commenced.

92. Regulation 5 of the CA Regulations applies when an applicant seeks to compulsorily acquire new land, acquire new rights over land or make changes to existing land that materially affects landowners not originally included in a submitted DCO application. When an applicant intends to add or amend land to be compulsorily acquired after submission or during examination, a formal request must be submitted to the Examining Authority for the proposed provision. This must include a book of reference, accompanied by a land plan and a statement of reasons as to why the additional land is required, and a statement to indicate how the compulsory acquisition of the additional land is proposed to be funded.

93. As part of this process, the Examining Authority must set aside time for the applicant to publicise the proposed provision, followed by a period for relevant representations about the proposed provision, for the Examining Authority to make an initial assessment of issues and choose whether to hold a meeting. Under existing regulations, the Examining Authority will then issue a timetable, which includes an additional period for written representations, in parallel with the examination.

94. We recognise that applicants may need to secure a variety of land rights for a DCO, ranging from the temporary possession of land to obtaining rights over land and the acquisition of land, each requiring varied forms of scrutiny from the Examining Authority. Under current requirements, we understand that applicants are sometimes choosing not to proceed with a change, even if it is beneficial to the overall proposal, in order to avoid delays to the examination process or the need to extend the examination period.

95. The legislation as it exists does not allow the Examining Authority to cater to the site-specific issues of each DCO.

96. To limit the duplication of procedures during examination where changes to land acquisition are proposed, we are considering changes to remove the triggers which result in the need to undertake certain stages in the compulsory acquisition process. Instead, processes could be merged with existing examination procedures, with government guidance setting out where additional processes would be deployed by the Examining Authority, under their own discretion, based on the level of scrutiny a change must be given. For example, a minor change to compulsory acquisition may not need a separate round of relevant representations and the Examining Authority may consider the existing representations received to be sufficient.

97. The changes to the CA Regulations under consideration include:

- replacing the relevant representation and written representation stages with a single representation stage
- enabling the Examining Authority to add a list of any additional issues to the existing DCO IAPI. A meeting to discuss the proposed provision would continue to be held at the discretion of the Examining Authority
- removing the requirement to prepare a separate timetable for handling the changes to compulsory acquisition and instead enabling the Examining Authority to simply amend the existing examination timetable required by section 98 of the Planning Act 2008
- enabling requests through procedural decisions for interested parties/affected persons to listen to and/or read transcripts of issue specific hearings that have already taken place and enabling interested parties/affected persons the ability to attend and raise issues at any future timetabled hearings, therefore removing the requirement to re-run previous issue specific hearings
- removing the requirement for 21 days' notice to introduce more discretion for the Examining Authority to set responsive and proportionate timeframes for minor changes by removing defined time periods. For example, this could include removing specific notice requirements in alignment with The Infrastructure Planning (Examination Procedure) (Amendment) Rules 2024 (https://www.legislation.gov.uk/uksi/2024/317/contents/made) which introduced the ability for Examining Authorities to set 'reasonable' deadlines for matters such as hearings, rather than prescribing specific deadlines in legislation

Why is flexibility needed?

98. The table below outlines case study examples to demonstrate how the Examining Authority could exercise its discretion when deploying levels of scrutiny to changes which relate to compulsory acquisition:

Scenarios for changes to land to be compulsory acquired once a DCO application has been submitted	**Current requirements of the CA Regulations 2010**	**Potential approach with amended CA Regulations and more discretion for the Examining Authority**
Scenario 1: Following the submission of the DCO application, the applicant submits a change request (the proposed provision)	Regulation 10 – Relevant Representations: Interested Parties are invited to submit representations about the proposed	The Examining Authority invites a single round of representations, allowing the interested parties/affected persons 7 days (number of days to be determined by Examining Authority ensuring

Scenarios for changes to land to be compulsory acquired once a DCO application has been submitted	Current requirements of the CA Regulations 2010	Potential approach with amended CA Regulations and more discretion for the Examining Authority
to include an area of hardstanding for use during the construction period with no change to the Order limits. The landowner is already an affected person and is involved in the DCO examination process. The landowner objects to the additional compulsory acquisition.	provision. The deadline for the representations must not be less than 28 days (Regulation 7). Regulation 11 and 12 – Initial Assessment and Timetable: The Examining Authority assesses the issues raised and may hold a preliminary meeting and issue a meeting note. The Examining Authority sets a timetable for further examination. Regulations 13 to 16 – Examination Process. The Examining Authority may: - invite written representations for a period not less than 21 days (Regulation 13) - hold issue-specific hearings (Regulation 14) with 21 days' notice - hold a compulsory acquisition hearing (Regulation 15) with 21 days' notice	enough time to absorb, understand and comment on the proposed changes) to respond. No new issues arise. The Examining Authority does not hold a preliminary meeting and the IAPI is not amended. No further issue-specific, open-floor or compulsory acquisition hearings are deemed necessary by the Examining Authority for the change request, but the Examining Authority provides the opportunity for any interested parties/affected persons to raise any issues at already timetabled hearings (Compulsory Acquisition Hearing still to be held as part of the timetable). No changes are required to the examination timetable.

Scenarios for changes to land to be compulsory acquired once a DCO application has been submitted	Current requirements of the CA Regulations 2010	Potential approach with amended CA Regulations and more discretion for the Examining Authority
	- hold an open-floor hearing (Regulation 16) with 21 days' notice	
Scenario 2: Following the submission of the DCO application, the applicant submits a change request (the proposed provision) that includes additional land that needs to be compulsory acquired to amend and widen the proposed permanent access road which extends the Order limits by 2.5 hectares (Examining Authority would need to consider if this is a material change to the DCO application). The change results in two new affected persons that have not been involved in the DCO examination process.	Regulation 10 – Relevant Representations: Interested Parties are invited to submit representations about the proposed provision. The deadline for the representations must not be less than 28 days (Regulation 7). Regulation 11 and 12 – Initial Assessment and Timetable: The Examining Authority assesses the issues raised and may hold a preliminary meeting and issue a meeting note. The Examining Authority sets a timetable for further examination. Regulations 13 to 16 – Examination Process. The Examining Authority may: - invite written	The Examining Authority invites a single round of representations, allowing the interested parties/affected persons 21 days (number of days to be determined by Examining Authority ensuring enough time to absorb, understand and comments on the proposed changes) to respond. A number of new issues arise. The Examining Authority holds a preliminary meeting and issues a note of the meeting. Due to the new issues arising the Examining Authority amends the existing DCO IAPI and issues an amended timetable for further examination. An additional issue-specific hearing is timetabled with 14 days' notice (number of days at Examining Authority's discretion). The Examining Authority also provides the opportunity for any interested parties/affected persons to raise any issues at already timetabled hearings (if a Compulsory Acquisition Hearing is already in the timetable).

Scenarios for changes to land to be compulsory acquired once a DCO application has been submitted	Current requirements of the CA Regulations 2010	Potential approach with amended CA Regulations and more discretion for the Examining Authority
	representations for a period not less than 21 days (Regulation 13) - hold issue-specific hearings (Regulation 14) with 21 days' notice - hold a compulsory acquisition hearing (Regulation 15) with 21 days' notice - hold an open-floor hearing (Regulation 16) with 21 days' notice	

Question 29: Do you consider that regulations for compulsory acquisition as part of DCOs should, where possible, limit the duplication of procedures where land acquisition changes are required and to provide the Examining Authority with greater discretion to set reasonable timeframes to reflect the specific circumstances of each DCO and its associated land acquisition issue?

Yes/ No/ Don't know. Please provide your views.

Question 30: Are there any further changes that could be made to the infrastructure planning CA Regulations and supporting guidance to contribute to the streamlining of the DCO examination process by reducing repetition or timescales where changes to land acquisition are required post submission?

Yes/ No/ Don't know. Please provide your views.

Further streamlining associated with compulsory acquisition

99. We are also considering further amendments that would enable alternative presentation and digital procedures to support the continued digitisation of the NSIP process, as well as removing out-of-date references to align the CA Regulations with the Examination Procedure Rules (https://www.legislation.gov.uk/uksi/2010/103/contents/made). Alongside amendments to the CA Regulations, we will also be updating the existing 'Guidance related to procedures for the compulsory acquisition of land (https://www.gov.uk/government/publications/planning-act-2008-procedures-for-the-compulsory-acquisition-of-land)', published in 2013, to reflect these changes.

Guidance on pre-examination and examination of applications

100. We believe the changes outlined above should go some way to streamlining examinations. However, feedback from users of the system regularly notes that they are overly procedural and repetitious.

101. There is existing government guidance covering the pre-examination and examination stages of the DCO application process. We are interested in understanding whether and how guidance can further support our objectives of ensuring that examination is efficient and effective, and what may be needed in light of reforms proposed through the Planning and Infrastructure Bill.

Question 31: In addition to the changes highlighted in Chapter 3 of this consultation, what further changes to pre-examination and examination guidance would support efficient and effective examination of applications for development consent?

Please provide your views.

Question 32: Are there further changes to secondary legislation – for example, the Infrastructure Planning (Examination Procedure Rules) 2010 – which you believe government should consider to support effective and efficient examinations?

Please provide your views.

Chapter 4: Reforming NSIP services

Government's objectives for NSIP services

102. We recognise the need for government to provide stronger strategic direction to infrastructure planning and delivery, as well as the need for clear governance and decision-making processes. This has led to the establishment of the National Infrastructure and Service Transformation Authority, a new Cabinet Committee for Infrastructure, and a new and emerging UK Infrastructure Pipeline (https://www.gov.uk/government/publications/uk-infrastructure-pipeline). These, and other developments, enable government to be clearer about its infrastructure priorities, which in turn provides an opportunity to better shape the input and services provided by government's statutory bodies.

103. NSIP services must keep pace with government priorities, adapting to new contexts and operating with both efficiency and effectiveness. As well as the need to ensure they reflect legislative reforms to the NSIP regime, we are interested in whether key NSIP services, including the Planning Inspectorate's pre-application services and the fast-track process could, or should, be more clearly directed towards supporting high priority projects through the NSIP regime. At present, the NSIP system is largely applicant-led at the pre-application stage. Government has limited discretion in how NSIP services are allocated across projects and has not had a clear mechanism with which it can encourage or require that agencies align their work and approaches to government priorities. We want to explore whether there is scope for arrangements that ensure relevant government bodies provide additional expert input, where this is needed, to support the highest priority projects to complete the NSIP process in a timely manner.

104. This section sets out proposals aimed at reshaping the services provided to projects by the Planning Inspectorate, local authorities and statutory bodies, ensuring that the NSIP regime is responsive, streamlined, and well-equipped to meet the evolving demands of infrastructure planning. It focuses primarily on the services provided by the Planning Inspectorate, which plays a central role in the NSIP process. However, as we implement reforms to the system, we will be interested in how best to improve co-ordination between agencies, and this consultation invites views on this.

Pre-application services

Refocusing the Planning Inspectorate's pre-application services for all projects

105. In October 2024, the Planning Inspectorate launched new pre-application services that sought to move away from a one-size-fits-all approach, towards a service which can tailor its approach and advice to the circumstances of specific projects, with assertive planning advice at its core. There are three tiers of service: a basic service, suitable for experienced applicants and low-complexity projects; a standard service, suitable for most projects; and an enhanced service, suitable for the most complex projects and including a prerequisite for projects to be eligible for the fast-track procedure. These are supported by programme documentation and issues tracking from applicants.[footnote 23]

106. The removal of statutory pre-application consultation requirements will mean a change in the Planning Inspectorate's role leading up to the submission of applications. Rather than primarily being focused on checking that a series of statutory steps have been taken across all applications, it will be providing tailored advice to applicants to support well-developed applications capable of delivering high quality projects. The Planning and Infrastructure Bill changes provide an opportunity for services and advice to be increasingly shaped around sector specific challenges and opportunities, and to reflect government's objectives for infrastructure planning.

107. We expect the Planning Inspectorate to centre its pre-application services around three core objectives:

- First, to continue to provide an impartial view on questions of a planning nature ('merits advice') which relate to potential examination issues, and the quality of an application so that it is ready to proceed to examination. This includes commenting on the quality of documents which will be required to accompany an application at submission so that they are clear and comprehensive. Views provided will not prejudice the examination process.
- Second, to support understanding and uptake of government's new guidance on how to prepare applications. By virtue of its central position in the planning system, in relation to specific matters raised during pre-application applicants may seek input, advice, and guidance from the Planning Inspectorate about which critical stakeholder(s) could help them to improve the quality of their application and fill in gaps of missing information.
- Third, where appropriate and necessary, the Planning Inspectorate can use its discretion and the ability to issue advice under section 51 to formally advise applicants on all of the above ahead of an application

being submitted, including sufficiency of engagement with statutory bodies on environmental issues.

108. We are interested in exploring whether there are alternative models for pre-application support which could better enable co-ordination of pre-application input and advice from government and its agencies at the individual project level. We would need to consider propriety for the decision-maker, the overall allocation of services between projects, and the potential resource implications of any reforms. This needs to align with government's broader ambitions to accelerate infrastructure delivery, particularly for critical infrastructure projects.

109. We will consider the responses to this consultation as we take decisions on how best to reshape the Planning Inspectorate's services to support government's infrastructure priorities.

Question 33: Is government correct in seeking to reframe the pre-application services provided by the Planning Inspectorate in this way? Are these the right objectives? Are there any additional changes to these services in light of the removal of statutory pre-application consultation that guidance should seek to clarify? We would particularly welcome reflections from developers on what factors they take into account in determining which service is most appropriate for their project.

Please provide your views.

Question 34: What alternative models could government consider for pre-application support in order to enable better collective oversight and co-ordination of input across statutory bodies?

Please provide your views.

Ensuring the right level of pre-application service from the Planning Inspectorate for high priority projects

110. To date, uptake of the Planning Inspectorate's enhanced level of pre-application advice service has been relatively low as a percentage of all applications. Since its introduction nine months ago, around 25% of applications (largely solar projects) have opted for the basic service; around 70% of applications have chosen the standard service; and only around 5% have taken up the enhanced service.

111. There are, potentially, considerable benefits for applicants of complex and high priority projects making use of the enhanced pre-application service, which includes the provision of additional advice and input from the Planning Inspectorate, including its Inspectors. This can provide applicants unique insight into the approaches taken by other applicants, statutory

bodies and local authorities. Projects following the enhanced pre-application service could also benefit from the involvement of the Planning Inspectorate in co-ordination and information-sharing across statutory bodies ahead of an application being submitted, smoothing later stages of the process.

112. Despite these benefits some high profile, complex projects – including projects that are deemed a critical national priority – have opted not to use the service, thereby limiting the extent to which they can benefit from the Planning Inspectorate's advice, and preventing them from being eligible to be fast-tracked after submission.[footnote 24] This runs counter to government's broader ambitions to accelerate infrastructure delivery, particularly for critical infrastructure projects. The Planning Inspectorate is conducting a review of its pre-application services and will publish its findings later this year. In addition, we are interested in applicants' views about how these services have been working. We are interested in why the uptake of the enhanced service by applicants is not greater.

113. Potential answers may lie in the terms and conditions associated with the enhanced pre-application service, including increased requirements placed on applicants and additional costs. The challenge may also stem from the fact that while the Planning Inspectorate may advise applicants on the most appropriate tier of service, with guidance setting out that higher levels of service are appropriate for more complex projects, the decision is ultimately left up to applicants. As a result, despite greater clarity on its objectives and priorities for infrastructure, government is unable to direct the most appropriate services towards priority projects to support their progress through the NSIP process.

114. We are considering how best to give government more input into the services provided to priority projects, so that they receive the co-ordinated and timely pre-application support they need to deliver robust and swift examinations and decisions. This may include making changes to the Planning Inspectorate's services, practices or to guidance, so that applicants are provided with the most appropriate level of pre-application service, taking into account the individual circumstances and complexity of the project – including the sector, novelty, prior experience from the sector, local controversy – and whether it is a high priority for government. One option could involve a shift in approach so that it is a decision by government and its statutory bodies about what level of pre-application service is appropriate and therefore offered to the applicant.

Question 35: What steps could government take to make the enhanced service more attractive to applicants of complex and high priority projects?

Please provide your views.

Question 36: Should guidance be more directive in setting out that, where applicants are advised that a project has been assessed by the Planning Inspectorate as being in need of a higher level of service (for reasons including project complexity and local circumstances), applicants are expected to adopt that level of service?

Yes/No/Don't Know. Please provide your views.

Question 37: Should guidance also specify that recommendations made by the Planning Inspectorate on the allocation of their pre-application services ought to be informed by considerations about whether the project or project type has been identified by government as a priority? If so, would this have any unintended consequences? Would it be important for government to be clear and transparent on what its priority projects are?

Yes/No/Don't Know. Please provide your views.

Developing services provided by relevant statutory bodies

115. As this consultation sets out, engagement with relevant statutory bodies will continue to be important so that applicants can access early advice on key matters affecting their applications, including environmental matters. Effective early engagement can help to reduce the impact of issues once an application is submitted. Environmental bodies such as Natural England, the Environment Agency and the Marine Management Organisation offer both statutory and discretionary advice during pre-application, and engagement with them supports government's wider environmental goals and objectives.

116. Engagement with statutory bodies in the pre-application stage is applicant-led, and those wishing to fast-track their applications are encouraged to engage with statutory bodies at an early stage to secure discretionary and statutory advice. We are interested in views on the input of a number of key statutory agencies, and the NSIP services they offer.

Natural England

117. Obtaining Natural England's advice, including on appropriate surveys and investigations, through early engagement will enable applicants to give appropriate consideration to the environmental effects of an NSIP by Natural England as the proposals are being developed. This will include applying the mitigation hierarchy to the management of impacts (i.e. avoid, mitigate, compensate) and identifying opportunities for environmental enhancements.

118. Natural England's main responsibilities relate to providing advice on EIA, the Habitats Regulations, the regulation of Sites of Special Scientific

Interest under the Wildlife and Countryside Act 1981 (as amended), as the licensing body in respect of protected species, and as a consultee in relation to development of best and most versatile agricultural land or mineral and waste site reclamation to agriculture, and as an adviser on landscape matters.

119. Applicants can request the agreement of evidence plans with Natural England for NSIPs located in England (or both England and Wales) which may affect a Habitats Site. These plans set out the evidence needed to satisfy the legislative requirements, and how it will be collected and assessed. The aim is to make sufficient information available to enable the relevant Secretary of State to undertake a Habitats Regulations Assessment (including any appropriate assessment), if required.

Environment Agency

120. The Environment Agency's pre-application service seeks to highlight environmental issues, agree mitigation and compensation, and review and provide feedback to environmental assessments/risk assessments/materials management plans aligned to the Environment Agency's statutory duties, through an applicant-led process. The Environment Agency also encourages conversations at pre-application stage on environmental permits which may be required during construction or operation of the consented project.

Marine Management Organisation

121. Where a project requires or could potentially require a Deemed Marine Licence, the Marine Management Organisation recommend that pre-application discussions are undertaken. These are charged at its current fee rates. The Marine Management Organisation can support applicants through early sight of the draft Deemed Marine Licence during pre-application to ensure this meets the minimum requirements.

Supporting pre-application services through effective resourcing of statutory bodies

122. Ensuring statutory bodies are adequately resourced is a priority for government. Since 2024, some statutory bodies have introduced charging for their NSIP advisory services, in particular pre-application advice to applicants. In addition to the Planning Inspectorate, regulations provide for eight statutory bodies to charge fees for relevant services provided to applicants/proposed applicants for DCOs. These are:

- Environment Agency
- Natural England
- Health and Safety Executive
- Marine Management Organisation
- Historic England

- Mining Remediation Authority (formerly the Coal Authority)
- National Highways
- Natural Resources Wales

123. Recovering costs enables statutory bodies to effectively provide quality and timely advice. Statutory bodies, including the Planning Inspectorate, will continue to evaluate whether the charges for their pre-application services adequately recover service delivery costs.

124. We are interested in views on whether cost recovery should be extended to other statutory bodies that are prescribed in the Planning Act 2008 and Schedule 1 to the 2009 Regulations.[footnote 25] Statutory bodies will continue to play an important role in the NSIP process. Cost recovery can support these bodies in planning their resources which we believe will have a positive impact in delivering timelier and more efficient reporting.

125. On the other hand, developers have raised concerns about value for money in terms of services provided by statutory bodies since these new powers have come in. Government is considering the resourcing and performance management of statutory consultees in the planning system more broadly, including the introduction of key performance indicators. Government could also update guidance to statutory bodies on the use of cost-recovery powers.

Question 38: Are there any changes that could be made to pre-application service offerings by public bodies?

Please provide your views.

Question 39: Should the ability to cost recover be extended to additional or all statutory bodies that are prescribed in the Planning Act 2008 and Schedule 1 to the 2009 Regulations (as amended?)

Yes/No/Don’t Know. Please provide your views.

Question 40: How should government develop key performance indicators for public bodies providing cost recoverable services for NSIP applications, and if so, what should those key performance indicators contain?

Yes/No/Don’t Know. Please provide your views.

Supporting NSIP services provided by local authorities

126. Currently, local authorities fund their NSIP-related activities (see paragraphs 31 to 34) through a combination of Planning Performance

Agreements and, more recently, for some authorities, one-off grants awarded via the government's NSIP Innovation and Capacity Fund. Acknowledging the limitations of these existing funding mechanisms, government has committed to enabling local authorities to recover costs for eligible NSIP services provided to applicants or prospective applicants. We will introduce secondary legislation to implement this as soon as parliamentary time permits.

127. Round 3 of the Innovation and Capacity fund is designed to support local authorities in managing ongoing NSIP applications and preparing for forthcoming changes introduced through the Planning and Infrastructure Bill. This includes shifting from the current pre-application consultation model to approaches that promote early, meaningful engagement and facilitate cost recovery—ultimately helping authorities build long-term operational sustainability when engaging in NSIP applications.

Question 41: In what ways can government support local authorities as they implement cost recoverable services?

Please provide your views.

Question 42: How else can government support local authorities in their role engaging with NSIP applications, as they adapt their role to take account of reforms through the Planning and Infrastructure Bill?

Please provide your views.

The fast-track process

128. We want to re-assess the fast-track policy, which was designed and consulted on by the previous government and which has to date remained untested, in light of our Plan for Change. We propose that any revised fast-track process must be designed to be capable not only of supporting faster processes (i.e. decisions granting or refusing development consent in considerably less time than that dictated by statutory maximum timescales) for those applications which opt for it, but so that it supports government's missions to accelerate infrastructure delivery and unlock economic growth, facilitating our ambitious commitment to delivering timely and robust decisions on 150 major economic infrastructure projects within this Parliament.

129. This section sets out how the current fast-track policy is intended to operate and assesses it against the government's broader priorities. Our

overall policy objective is to use the fast-track process to expedite decisions on the applications most capable of supporting delivery of government's infrastructure priorities, where use of the fast-track process is appropriate. We are interested in views on the following policy options.

How is the current fast-track process intended to operate?
130. The current fast-track process was designed and consulted on by the previous government to support use of the power introduced through the Levelling Up and Regeneration Act 2023, which enables the Secretary of State to set shorter timescales for the completion of examinations. It aims to deliver a decision within 12 months of acceptance for appropriate applications meeting certain conditions, as set out in fast-track guidance published in April 2024. In its response to the summer 2023 consultation on operational reforms, the previous government recognised that faster processes are dependent on clear and up-to-date NPSs, modern and digital services, and cross system capability.[footnote 26] Current guidance sets out that participation in the enhanced pre-application service offered by the Planning Inspectorate is mandatory for applications aspiring to be fast-tracked.

131. Since September 2024, any type of eligible application under the Planning Act 2008 has been able to apply to be considered for fast-track handling, with the key policy determinant being the requirement to meet the fast-track quality standard, which comprises three tests and which is applied on submission of the fast-track admission document, alongside the standard acceptance test:

a) **Principal areas of disagreement (main test)** – that the principal areas of disagreement between parties have been clearly articulated in the applicant's fast-track admission document at the conclusion of the pre-application stage. This allows the Planning Inspectorate to determine the likely complexity of the examination and the time needed to interrogate evidence on points of difference. The areas of disagreement must be such that the application is capable of being examined and/or disagreements being resolved in a maximum four-month examination period. The inclusion of Principal Areas of Disagreement Summary Statements (PADSS), which set out what changes to the draft DCO the interested party is seeking, helps considerably in meeting this objective.

b) **Procedure (supplementary test)** – that the applicant has undertaken the pre-application steps as set out in the Programme Document and has engaged with the Planning Inspectorate's enhanced pre-application service it is required to use as a condition of a fast-track request.

c) **Having regard to section 51 advice (supplementary test)** – that the applicant has had regard to advice given by the Planning Inspectorate under section 51 of the Planning Act (https://www.legislation.gov.uk/ukpga/2008/29/section/51) throughout the pre-application period covering process and merits specific to the proposed

NSIP, to enable application documents to be of a standard necessary and proportionate to support a faster examination.

132. Guidance contains the following benchmark timescales for handling a fast-track application:

- Pre-examination – up to 3 months (no statutory timeframe)
- Examination – up to 4 months (statutory maximum 6 months, but shortened under section 98(4A) of the Planning Act)
- Report and recommendation – up to two and a half months (statutory maximum 3 months)
- Decision – up to two and a half months (statutory maximum 3 months)

133. While the power to set a date for completion of the examination that is earlier than the statutory maximum – as the principal element underpinning the fast-track process – is for the Secretary of State to exercise under section 98(4A) of the Planning Act 2008 (https://www.legislation.gov.uk/ukpga/2008/29/section/98), in practice this is done by the Planning Inspectorate on their behalf. The Secretary of State has the ability to extend the timeframe and thus revert applications in the fast-track process, in cases where issues or gaps in applications or information make it apparent that it would not be possible to examine within the intended expedited timescales.

How is the fast-track process working?

134. Since its introduction in September 2024, no applicants have applied to be fast-tracked, and therefore it is not possible for us to assess the operation of the process. There are several possible reasons for the lack of demand to date. While enhanced pre-application engagement with the Planning Inspectorate is likely to bring an overall benefit to some applications in terms of their readiness and quality, it does not in itself guarantee entrance to fast-track, which is still subject to receipt and review of the relevant representations and the Planning Inspectorate being assured that a shorter examination is possible. Given this context, and some anecdotal feedback received, we understand that some applicants may be put off by the perceived additional effort and transparency which is required of them at the pre-application stage through mandated participation in the enhanced pre-application service.

135. We also appreciate concerns expressed by applicants and statutory bodies that shorter timescales are contingent not only on the processes applied by the Planning Inspectorate, but on constructive and open collaboration between applicants and a range of relevant statutory bodies and local authorities involved in the process. Approaches to engagement across bodies vary significantly, as is the case with strategies adopted by applicants, and fast-track timetables may be unachievable without reliable and timely inputs from all parties.

136. However, while applicants have so far not taken up the formal fast-track offer, we are nonetheless starting to see reductions in average examination and reporting timescales across all applications, supported by updated NPSs and guidance, new applicant services, and system wide operational and practice improvements. The Planning Inspectorate and applicants are adopting several of the policy tools intended to support fast-track applications, and processes are being streamlined. In the year to April 2025, we have seen reductions in average examination and recommendation times across all applications. Further improvements to examination timescales should result from better use of the IAPI (see proposals related to IAPI in Chapter 3 (https://www.gov.uk/government/consultations/consultation-on-streamlining-infrastructure-planning/consultation-on-streamlining-infrastructure-planning#chapter3)).

137. This trend towards shortened timescales is positive; it indicates that there is scope to continue to speed up the handling process for all NSIP applications through incremental time savings, and points to the potential for new approaches from all parties to expedite process. However, an approach which is only able to deliver incremental savings to applications on a stage-by-stage basis does not provide government, applicants or other stakeholders with the certainty needed to truly realise the benefits of reduced consenting timescales. We believe there continues to be merit in a fast-track process which is capable of delivering certain and shorter timescales.

138. On reviewing the fast-track policy, our assessment is that it is overly restrictive and inflexible and is not able to support a wide variety of projects. One feature of the policy is the requirement for proposed applicants to take up the enhanced pre-application service from the Planning Inspectorate, which leaves little scope to adapt to changing circumstances in relation to applications which may already be in the system. Existing guidance outlining the requirements for fast-track does not reflect broader policy priorities and government objectives. Existing limitations on its use mean that, where government has identified a priority sector or project type, current guidance means applications may be unable to be fast-tracked. Fast-track being available only at the request of an applicant may also undermine government's ability to direct or expedite priority projects, where this may better support delivery against its infrastructure objectives. At the same time, timescales are already shortening for those non-fast-track applications that are typically less complex, such as solar applications. There is an argument that resources should be focused more quickly on the delivery of projects which are a high priority for government, and which government considers stand to benefit from an expedited process.

Reforming the fast-track process

139. Our proposal is to re-design fast-track policy to support government's missions, so that it is available and can be applicable to a greater number of projects and so that it can better support delivery of government's missions.

In terms of eligibility, individual project characteristics, such as level of complexity and number of outstanding issues, as well as the quality of the application, will continue to inform decisions on whether applications can be fast-tracked, but we propose introducing other relevant considerations in revised fast-track guidance. Other relevant considerations may include whether projects from the particular sector or sub-sector have been identified as critical national priorities, whether the project is named and prioritised in any government strategy or policy document, including spatial strategies, and whether the project is a dependency for other infrastructure projects.

140. In terms of process, we would propose that applicants aspiring to be fast-tracked opt for, or are allocated, a higher level of pre-application service from the Planning Inspectorate, but this would not be mandated as it currently is in existing guidance. In considering changes to the process, our intention will be to focus on better co-ordinating the expert input and services from relevant statutory bodies which will likely be required for applications to proceed through the process of pre-application, examination and decision in shorter timescales.

141. There is a strong rationale for government to ensure the planning system operates in a way that is in alignment with government's infrastructure objectives and reflects the urgent need for certain types of infrastructure, as set out in NPSs and other published strategy and policy. In decisions about fast-track, government and the Planning Inspectorate would refer to published policy and strategy. Fast-track guidance would be clear and transparent about government's approach, which will be informed by the need to ensure propriety for the decision-maker. Projects which are fast-tracked will no more or less likely to be granted development consent as a result of their priority or fast-track status, and all consenting outcomes will continue to be decided by the relevant Secretary of State on the basis of a fair and transparent process.

142. We are interested in exploring views on the following policy options through this consultation, all of which will be considered as part of our re-assessment of the policy:

- **Setting out in guidance which sort of projects may be suitable to be fast-tracked**, with individual advice from the Planning Inspectorate and recommendations being given to projects at an early stage of the process about the suitability of the fast-track process.
- **Retaining the quality standard test, but amending this** so that participation in enhanced pre-application is not mandated in order for projects to be eligible to apply for fast-tracking.
- **Adapting the guidance so that as well as applying the quality standard, government takes account of the need to support project-types which are considered by government to be a priority (i.e. those capable of delivering government's objectives).** This means

that the extent to which projects meet the standard will be considered as part of an overall assessment of suitability, with the judgement taking into account the priority and need for the project/project type, as outlined in NPSs and government missions. This means there may be circumstances where government approves a project to be fast-tracked even if one or more of the tests has not been met. This could affect the point in the process in which a project can be directed into the fast-track process. We would expect this only to be the case in exceptional circumstances.

- **Combining this greater flexibility with a stronger co-ordination role for government and statutory bodies** to help facilitate fast-track applications to progress swiftly through the NSIP process. The fast-track process can only deliver decisions within one year of acceptance of a fast-track application with the concerted and co-ordinated efforts of all relevant bodies, because every stage of the process must be reduced to below average timescales. This might involve government or one of its agencies getting key bodies together around the table, collectively deciding how quickly any given fast-track project should be able to proceed through pre-application, examination and decision, and then supporting that process through provision of necessary resource.

143. We will consider responses to this consultation as part of a review of the fast-track process, taking into account other reforms to the regime, and changes to the provision of NSIP services including the pre-application services offered by the Planning Inspectorate.

Question 43: Do you agree that there remains merit for applicants in a fast-track process, based on shortened examinations delivered through primary legislation and with the process set out in guidance, that is designed to deliver a faster process for certain projects? If yes, give reasons why it is not being used currently; if not, please give reasons.

Yes/ No/ Don’t know. Please provide your views.

Question 44: The current fast-track guidance is designed to deliver upfront certainty for making decisions within 12 months of applications being accepted. Do you consider it fit for purpose? If not, please give reasons.

Yes/ No/ Don’t know. Please provide your views.

Question 45: How do you think the existing fast-track process could be amended to support delivery of government’s priorities, and be more widely applied to applicants? We are also interested in views on how government should determine and communicate which projects it considers to be a priority for taking through the pre-application, examination and decision process.

Please provide your views.

Question 46: In what ways can government and its agencies best support applicants and relevant stakeholders to achieve robust, and faster decision timeframes during the pre-application, examination and decision process? Please indicate your views on the following potential changes, covered in this section. Please suggest practical measures, tools, or desired policy changes, and give reasons to support these:

(a) Adapting the existing process so that it supports those projects which are considered by government to be a priority for fast-tracking.

Please provide your views.

(b) Developing an approach based on a more proactive role for government and its agencies facilitating fast-track projects through the pre-application, examination and decision process.

Please provide your views.

(c) Support priority projects to be fast-tracked, by reducing / removing applicant choice from the decision about whether to apply a fast-track process.

Please provide your views.

(d) Introduce greater flexibility by adapting the current guidance to make it clear that the priority level of the project will form part of an overall assessment about the eligibility of the project for the fast-track process.

Please provide your views.

Question 47: Do you have any other comments or suggestions regarding the fast-track process or related policies?

Please provide your views.

Chapter 5: Mandatory pre-application requirements under the Town and Country Planning Act 1990

144. Unlike the NSIP regime, mandatory pre-application consultation with local planning authorities, statutory bodies and the community is not generally required for development proposals seeking planning permission in England under the Town and Country Planning Act 1990. Instead, the National Planning Policy Framework (NPPF) encourages early engagement to identify and resolve key issues to ensure timely decisions.

145. The exception is development proposals for onshore wind projects for more than two turbines, or where the hub height of any turbine exceeds 15 metres, which are subject to regulations requiring applicants to consult with the local community ahead of submitting a planning application.[footnote 27]

146. These requirements are unique to onshore wind and do not apply across other forms of energy infrastructure in England. Government has already taken steps to create a level playing field between onshore wind and other technologies, such as by removing stringent tests in the NPPF and by reintroducing onshore wind into the NSIP regime.[footnote 28] There is potential to go further by removing these statutory pre-application consultation requirements for onshore wind in England.

147. This approach would ensure that onshore wind projects are treated in the same way as other development proposals, including types of energy infrastructure, within the Town and Country Planning Act regime, and are able to undertake consultation in a proportionate way that meets the needs of the community, whilst aligning with the approach proposed for the NSIP regime. By removing pre-application consultation regulations for onshore wind under the Town and Country Planning Act, it would ensure smaller projects do not face more prescriptive requirements with regards to community engagement than the largest projects of national significance. This would be more proportionate to their relative impact and avoid smaller projects facing additional requirements that would not apply to NSIPs.

148. If government were to remove these regulations, engagement would continue to be encouraged through the NPPF and additional guidance could also play a role in encouraging continued engagement. Government published updated good practice principles of community engagement[footnote 29] in December 2021 for onshore wind projects in England, which identifies the core principles all applicants should follow when they are engaging with the local community early in the development process. This will help ensure applicants are transparent, engage with a representative cross-section of the community and use a range of engagement techniques.

Question 48: Do you agree that pre-application consultation requirements under the Town and Country Planning Act for onshore wind developments should be removed? Please give reasons.

> Yes/No/Don’t Know. Please provide your views.

Personal data

The following is to explain your rights and give you the information you are entitled to under UK data protection legislation.

Note that this section only refers to personal data (your name, contact details and any other information that relates to you or another identified or identifiable individual personally) not the content otherwise of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gov.uk or by writing to the following address:

> Data Protection Officer
> Ministry of Housing, Communities and Local Government
> Fry Building
> 2 Marsham Street
> London
> SW1P 4DF

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

We will collect your IP address if you complete a consultation online. We may use this to ensure that each person only completes a survey once. We will not use this data for any other purpose.

Sensitive types of personal data
Please do not share special category (https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/#scd1) personal data or criminal offence data if we have not asked for this unless absolutely necessary for the purposes of your consultation response. By 'special category personal data', we mean information about a living individual's:

- race
- ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- genetics
- biometrics
- health (including disability-related information)
- sex life; or
- sexual orientation.

By 'criminal offence data', we mean information relating to a living individual's criminal convictions or offences or related security measures.

3. Our legal basis for processing your personal data

The collection of your personal data is lawful under article 6(1)(e) of the UK General Data Protection Regulation as it is necessary for the performance by MHCLG of a task in the public interest/in the exercise of official authority vested in the data controller. Section 8(d) of the Data Protection Act 2018 states that this will include processing of personal data that is necessary for the exercise of a function of the Crown, a Minister of the Crown or a government department i.e. in this case a consultation.

Where necessary for the purposes of this consultation, our lawful basis for the processing of any special category personal data or 'criminal offence' data (terms explained under 'Sensitive Types of Data') which you submit in response to this consultation is as follows. The relevant lawful basis for the processing of special category personal data is Article 9(2)(g) UK GDPR ('substantial public interest'), and Schedule 1 paragraph 6 of the Data Protection Act 2018 ('statutory etc and government purposes'). The relevant lawful basis in relation to personal data relating to criminal convictions and

offences data is likewise provided by Schedule 1 paragraph 6 of the Data Protection Act 2018.

4. With whom we will be sharing your personal data

MHCLG may appoint a 'data processor', acting on behalf of the Department and under our instruction, to help analyse the responses to this consultation. Where we do we will ensure that the processing of your personal data remains in strict accordance with the requirements of the data protection legislation.

The Ministry of Housing, Communities and Local Government reserves the right to share non-personal data such as responses and thematic analysis derived from the consultation with other government departments and arms' length bodies. This does not affect your statutory rights under the Government's Data Sharing Code of Practice.

5. For how long we will keep your personal data, or criteria used to determine the retention period

Your personal data will be held for two years from the closure of the consultation, unless we identify that its continued retention is unnecessary before that point.

6. Your rights, e.g. access, rectification, restriction, objection

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

a. to see what data we have about you
b. to ask us to stop using your data, but keep it on record
c. to ask to have your data corrected if it is incorrect or incomplete
d. to object to our use of your personal data in certain circumstances
e. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at https://ico.org.uk/ (https://ico.org.uk/), or telephone 0303 123 1113.

Please contact us at the following address if you wish to exercise the rights listed above, except the right to lodge a complaint with the ICO: dataprotection@communities.gov.uk or

> Knowledge and Information Access Team
> Ministry of Housing, Communities and Local Government
> Fry Building
> 2 Marsham Street
> London
> SW1P 4DF

7. Your personal data will not be sent overseas

8. Your personal data will not be used for any automated decision making

9. Your personal data will be stored in a secure government IT system

We use a third-party system, Citizen Space, to collect consultation responses. In the first instance your personal data will be stored on their secure UK-based server. Your personal data will be transferred to our secure government IT system as soon as possible, and it will be stored there for two years before it is deleted.

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1. The Planning and Infrastructure Bill (https://bills.parliament.uk/bills/3946) includes a requirement that "The Secretary of State must issue guidance to assist applicants, setting out what the Secretary of State considers to be best practice in terms of the steps they might take in relation to a proposed application in readiness for submitting an actual application."
2. See Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects - GOV.UK (https://www.gov.uk/guidance/planning-act-2008-pre-application-stage-for-nationally-significant-infrastructure-projects); and

Nationally Significant Infrastructure Projects - Advice Note Seven: Environmental Impact Assessment: process, preliminary environmental information and environmental statements - GOV.UK (https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-advice-note-seven-environmental-impact-assessment-process-preliminary-environmental-information-an/nationally-significant-infrastructure-projects-advice-note-seven-environmental-impact-assessment-process-preliminary-environmental-information-an#notification-of-the-eia-consultation-bodies)

3. Legislation (to be amended through the Planning and Infrastructure Bill) currently requires applicants to consult identify the lower and upper tier authorities, or the unitary authorities, which should both be consulted. This includes host local authorities (both upper and lower tier authorities, or unitary authorities), districts and unitary authorities which border a host district or unitary authority, and upper tier authorities which border a host upper tier or unitary authority. These are referred to as A B C & D authorities under section 43 of the Planning Act 2008 (https://www.legislation.gov.uk/ukpga/2008/29/section/43). As the geographical area of upper tier authorities can be large, this can lead to applicants being required to consult authorities where impacts are likely to be limited. For example, an offshore wind development off of the coast of the North East of England could be required to consult county authorities on the North West coast (which are adjacent to upper tier authorities on the North East cost), despite being a significant distance from them.
4. This is in addition to the notification requirements for host upper and lower tier, or unitary, authorities as highlighted in this consultation.
5. The Planning and Infrastructure Bill (https://bills.parliament.uk/bills/3946) includes removal of pre-application consultation requirements to consult Category 3 persons, as well as other persons as defined as Category 1 and Category 2 in section 44 of the Planning Act 2008 (https://www.legislation.gov.uk/ukpga/2008/29/section/44). These categories will remain under section 57 (https://www.legislation.gov.uk/ukpga/2008/29/section/57) for the purpose of notification after an application has been accepted for examination.
6. Principal Areas of Disagreement Summary Statements are already expected for applications seeking to meet the fast-track quality standard: Planning Act 2008: Fast-track process for Nationally Significant Infrastructure Projects (https://www.gov.uk/guidance/planning-act-2008-fast-track-process-for-nationally-significant-infrastructure-projects)
7. The Planning and Infrastructure Bill (https://bills.parliament.uk/bills/3946) expands the existing ‘Duty to notify the Secretary of State of proposed application’ under section 46 to also include a requirement to notify the host local authority and, where appropriate the Marine Management Organisation. The Bill also allows regulations to prescribe further detail in relation to this duty. In relation the section 48 ‘Duty to publicise’, the Bill removes the requirement for regulations made under section 48 of the

Planning Act to include a deadline for receipt by the applicant of responses to the publicity. There is no longer a legislative requirement for applicants to have to take account of responses to feedback as a result of publicity under this section.

8. Amendments in the Planning and Infrastructure Bill (https://bills.parliament.uk/bills/3946) remove section 49 of the Planning Act which includes a requirement to have regard to relevant responses including a response to publicity under section 48.

9. We do not intend to review these requirements in this consultation; they may be included within further government review related to local newspaper statutory notices in the future.

10. The matters which should be included in this publicity are outlined at Regulation 4 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations (https://www.legislation.gov.uk/uksi/2009/2264/contents/made).

11. Regulation 5 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (https://www.legislation.gov.uk/uksi/2009/2264/contents/made) sets requirements for applications under section 37 of the Planning Act 2008. Following changes in the Planning and Infrastructure Bill the requirement for a consultation report would be removed from section 37.

12. Section 56 of the Planning Act 2008 (https://www.legislation.gov.uk/ukpga/2008/29/section/56)

13. Host and neighbouring authorities as defined in section 43 of the Planning Act 2008 (https://www.legislation.gov.uk/ukpga/2008/29/section/43)

14. Section 104(2)(b) of the Planning Act 2008 (https://www.legislation.gov.uk/ukpga/2008/29/section/104)

15. Nationally Significant Infrastructure Projects: Advice for Local Authorities (https://www.gov.uk/guidance/nationally-significant-infrastructure-projects-advice-for-local-authorities)

16. Relevant representations enable a person or body to register to become an interested party (as defined in section 102 of the Planning Act 2008 (https://www.legislation.gov.uk/ukpga/2008/29/section/102)), allowing participation in examination. Some bodies are automatically registered as interested parties (landowners, affected persons, local authorities, public authorities), however they are still able to make a relevant representation. This enables them to express the aspects of an application which they agree and/or disagree with and their reasons.

17. Relevant representation is a formal written submission made by an individual, organisation, or authority during the pre-examination stage of a nationally significant infrastructure project. It sets out the aspects of the application that the person supports, opposes, or wishes to comment on, along with the reasons for their views. Submitting a Relevant Representation is the key step that grants someone the status of an

Interested Party, which entitles them to participate in the examination process. This includes attending hearings, submitting further written evidence, and receiving updates on the application's progress. Relevant representations help the Examining Authority understand the range of public and stakeholder views early in the process, ensuring that key issues are identified and addressed during the examination.

18. Interested Parties may participate in the examination of the application and will receive formal notifications as the Examination progresses. Some people and organisations are automatically Interested Parties and don't need to register to become an Interested Party. Other people and organisations must register to become an Interested Party by making a Relevant Representation to the Planning Inspectorate at the appropriate time and before the specified deadline.

19. Under section 102(1) of the Planning Act 2008 (https://www.legislation.gov.uk/ukpga/2008/29/section/102).

20. Section 90 of the Planning Act (https://www.legislation.gov.uk/ukpga/2008/29/section/90) requires that the consideration of written representations is the principal means by which the Examining Authority is to examine applications. These enable interested parties to develop further the elements of their case set out in relevant representations if they need to.

21. Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects (https://www.gov.uk/guidance/planning-act-2008-examination-stage-for-nationally-significant-infrastructure-projects)

22. The Rule 6 letter is the Examining Authority's letter inviting all Interested Parties to the Preliminary Meeting. It is issued under Rule 6 of The Infrastructure Planning (Examination Procedure) Rules 2010 (https://www.legislation.gov.uk/uksi/2010/103/contents/made) and must be sent to Interested Parties at least 21 days in advance of the Preliminary Meeting taking place. As well as providing notice of the date, time and place of the Preliminary Meeting, the Rule 6 letter will include a draft Examination Timetable and other important procedural information.

23. As established in the Nationally Significant Infrastructure Projects: 2024 Pre-application Prospectus (https://www.gov.uk/guidance/nationally-significant-infrastructure-projects-2024-pre-application-prospectus)

24. As set out in guidance on the Planning Act 2008: Fast-track process for Nationally Significant Infrastructure Projects (https://www.gov.uk/guidance/planning-act-2008-fast-track-process-for-nationally-significant-infrastructure-projects)

25. Substituted by the table set out in the Schedule of the Infrastructure Planning (Miscellaneous Provisions) Regulations 2024 (https://www.legislation.gov.uk/uksi/2024/332/contents/made)

26. Operational reforms to the Nationally Significant Infrastructure Projects consenting process: government response (https://www.gov.uk/government/consultations/operational-reforms-to-the-nationally-significant-infrastructure-project-consenting-process/outcome/operational-reforms-to-the-nationally-significant-infrastructure-projects-consenting-process-government-response)

27. These are required as a result of sections 61W, 61X and 61Y of the Town and Country Planning Act 1990 (https://www.legislation.gov.uk/ukpga/1990/8/section/61W) and Part 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (https://www.legislation.gov.uk/uksi/2015/595/contents)

28. The Infrastructure Planning (Onshore Wind and Solar Generation) Order 2025 (https://www.legislation.gov.uk/ukdsi/2025/9780348269765) was made on 9 June 2025 and will come into force on 31 December 2025.

29. Community engagement from onshore wind developments: good practice guidance for England (https://assets.publishing.service.gov.uk/media/686782c8d520affe4e581cbd/community-engagement-from-onshore-wind-developments-good-practice-guidance-england.pdf)

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