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Open consultation

National Infrastructure Planning Reform Programme

Published 12 August 2021

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Scope of the consultation

Topic of this consultation:

This consultation seeks views on the Nationally Significant Infrastructure Planning (NSIP) process. It covers the following areas:

- what government, its arms-length bodies and other statutory bodies could do to accelerate NSIP applications
- aspects of the examination and decision process which might be enhanced
- impediments to physically implementing NSIP projects
- digital improvements to the regime
- cross-government co-ordination including government departments and arms-length bodies
- interacts with other consenting and regulatory processes and the wider context within which infrastructure projects operate
- potential limits in the capacity or capability of NSIP applicants, interested parties and other participants

Scope of this consultation:

We are undertaking a comprehensive end-to-end review of the NSIP process and all its interactions.

The government is keen to hear from all those who engage with the NSIP regime on what they see as the main issues affecting each principal stage of the process, and what potential solutions might be deployed to remedy these.

To help inform our review of the NSIP process, we wish to ask those who interact with the process on our mailing list to consider the following questions.

1. Please provide your name
2. Please provide your email address
3. What could government, its arms-length bodies and other statutory bodies do to accelerate the speed at which NSIP applications can be prepared and more generally to enhance the quality of submissions? (no more than 300 words)
4. Following submission, are there any aspects of the examination and decision process which might be enhanced, and how might these be improved? (no more than 300 words)
5. Where a development consent order has been made, what impediments are there to physically implementing a project which could be removed? (no more than 300 words)
6. How might digitalisation support the wider improvements to the regime, for example are there any specific aspects that you feel could benefit from digital enhancements? (no more than 300 words)
7. What issues are affecting current NSIPs that would benefit from enhanced cross-government co-ordination including government departments and arms-length bodies? (no more than 300 words)
8. Does the NSIP regime successfully interact with other consenting and regulatory processes and the wider context within which infrastructure projects operate? (no more than 300 words)

9. Are there areas where limits in the capacity or capability of NSIP applicants, interested parties and other participants are resulting in either delays or adversely affecting outcomes? (no more than 300 words)

10. Is there anything else you think we should be investigating or considering as part of our end-to-end operational review of the NSIP process? (no more than 300 words)

11. Please confirm how you interact with the NSIP regime?

- promotor
- local planning authority
- statutory consultee
- lawyer
- consultant
- member of affected community
- other (please specify).

Geographical scope:

These proposals relate to England and Wales only.

Basic information

Body/bodies responsible for the consultation:

MHCLG

Duration:

This consultation will last from 12 August 2021 until 17 December 2021

Enquiries:

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

How to respond:

You may respond by completing the online survey (<https://forms.office.com/pages/responsepage.aspx?id=EGg0v32c3kOociSi7zmVqKHpsjgzppNPkk7yeX649kJUMFo5OTYwTEc5WU1MS0pRQ0tGVktWMIU5OC4u>)

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:

Infrastructure Planning
Fry Building,
2 Marsham Street,
London,
SW1P 4DF

When you reply it would be very useful if you 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),
- the name of organisation (if applicable),
- an address (including post-code),
- an email address, and
- a contact telephone number

About this consultation

The National Infrastructure Planning Reform Programme survey and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations 2004 and UK data protection legislation. In certain circumstances this may therefore include personal data when required by law.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the department is bound by the information access regimes and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

The Ministry of Housing, Communities and Local Government will at all times process your personal data in accordance with UK data protection legislation and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included below.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the complaints procedure (<https://www.gov.uk/government/organisations/department-for-communities-and-local-government/about/complaints-procedure>).

Personal data

The following is to explain your rights and give you the information you are be 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.

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.

4. With whom we will be sharing your personal data

The some or all of the personal data collected will be shared with the following parties:

- Planning Inspectorate
- Department for Environment, Food & Rural Affairs
- Department for Business, Energy & Industrial Strategy
- Department of Transport.

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.

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.

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 online (<https://ico.org.uk/>), or telephone 030 3123 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 exported outside of Europe.

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.

Your personal data will be collected via Microsoft Forms and stored on a secure government IT system. Your personal data will remain on our secure government IT system for two years of retention before it is deleted.

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