



Nationally Significant Infrastructure: how to get involved in the planning process

Advice note 8.3: How to register and become an interested party in an application

The Planning Inspectorate and nationally significant infrastructure projects

The planning process for dealing with proposals for nationally significant infrastructure projects, or 'NSIPs', was established by the Planning Act 2008 ('the 2008 Act'). The 2008 Act process, as amended by the Localism Act 2011, involves an examination of major proposals relating to energy, transport, water, waste and waste water, and includes opportunities for people to have their say before a decision is made by the relevant Secretary of State.

The Planning Inspectorate carries out certain functions related to national infrastructure planning on behalf of the Secretary of State.

Status of this Advice Note

Experience to date has shown that developers and others welcome detailed advice on a number of aspects of the 2008 Act process. This Advice Note forms part of a suite of such advice provided by the Planning Inspectorate.

It has no statutory status.

This version of this Advice Note supersedes all previous versions.



Introduction

Advice Notes 8.1 – 8.5 have been prepared to help people who may be affected by or interested in a proposal for a NSIP.

Any developer wishing to construct a NSIP must first apply for development consent. For such projects, the relevant Secretary of State will appoint an 'Examining Authority' to examine the application. The Examining Authority will be from the Planning Inspectorate, and will be either a single Inspector or a panel of three or more Inspectors.

Once the examination has been concluded, the Examining Authority will make a recommendation to the Secretary of State, who will make the decision on whether to grant or to refuse consent.

Advice Note 8.1 gives an overview of the planning process for dealing with applications for development consent for NSIPs.

This Advice Note, 8.3, only applies once an application for development consent has been formally accepted by the Secretary of State for examination.

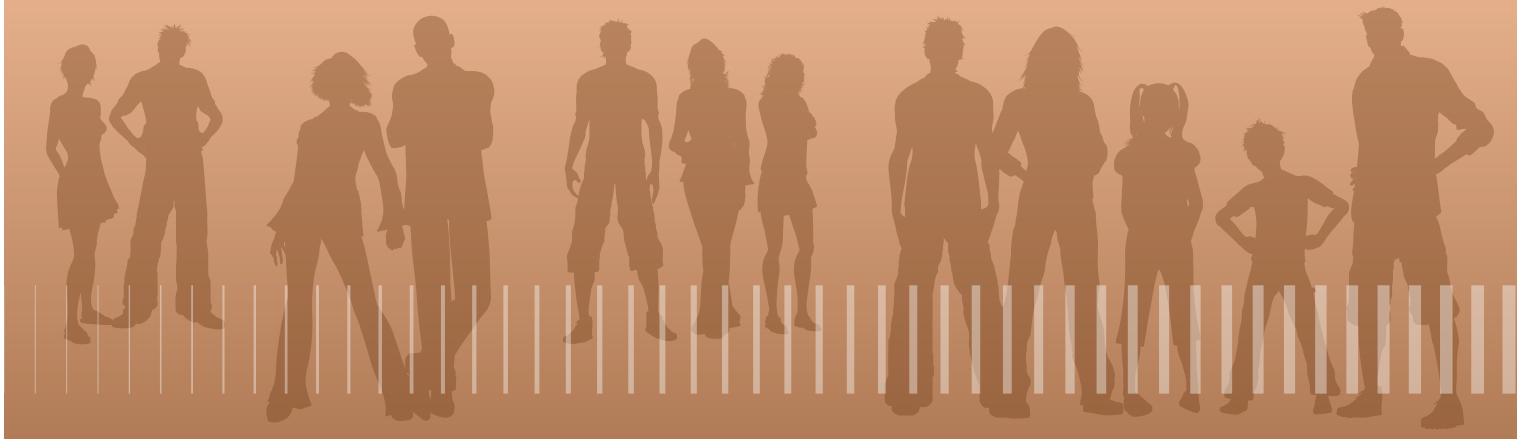
It explains how to register with the Planning Inspectorate and make a "relevant representation," so that you will become an "interested party". This will give you an opportunity to participate in the examination of the application by the Examining Authority.

Why should I become an interested party?

Becoming an interested party means that you will be invited to take part in the examination of the application, including attending the Preliminary Meeting. You may also ask to speak at this meeting if you wish. This meeting may include questions and responses relating to the key issues that will need to be examined, the timetable for the examination and other important organisational details. However, the merits or otherwise of the project will not be discussed at this meeting, which is purely procedural.

As an interested party, once the examination is underway you will have the opportunity to provide further written evidence on any of the issues that concern you, if you wish. You may request that an 'open floor' hearing is held, and to speak at it. You will be informed of the progress of the examination, and once it is concluded, you will be notified of the decision.

If there are several people in your household who wish to register as an interested party, you may wish to consider whether each member of the household should register individually, or whether just one member of the household should register. This is worth considering because there is a legal requirement to provide documentation throughout the examination process to every person registered as an interested party in an application, even where several parties reside at the same address. If you do not wish for multiple copies of each letter and procedural decision to be sent to your



household, it may be better for a single member of the household to register to represent their own views, together with the views of others, in the household.

When can I become an interested party in an application?

You can only register to become an interested party once an application has been submitted, and the Secretary of State has accepted it as adequate to proceed to examination. Prior to this, any views about a proposal should be directed to the developer, and, where appropriate, can also be provided to the local authority. For advice on giving your views before an application has been made, see Advice Note 8.2.

How do I become an interested party?

The developer, who is referred to as the applicant once an application has been submitted, has to publicise the decision to accept its application for examination, and invite anyone who wishes to do so to register with the Planning Inspectorate to make a representation about it.

The registration period will be advertised by the developer at the proposed site for the project and through a range of media. The Planning Inspectorate will also provide notification of registration deadlines on the relevant project page of the National Infrastructure portal¹ and via Twitter.

Anyone who registers with the Planning Inspectorate and makes a “relevant representation” about an application becomes an interested party in that application. There are also a number

¹ www.planningportal.gov.uk/infrastructure

of statutory organisations that are automatically interested parties by law.

You need to register separately with the Planning Inspectorate for each project about which you wish to make representations.

What is a relevant representation?

The 2008 Act, and Regulations made under it, set out a number of straightforward matters (such as your name and address) that a representation must contain before it can be treated as a “relevant representation” giving you an entitlement to become an interested party. It should also include a summary of what you agree and/or disagree with in the application, what you consider the main issues to be, and their impact.

To be valid, the representation should be submitted on a fully completed Planning Inspectorate Registration and Relevant Representation form, and received by the Planning Inspectorate within the registration period (of at least 28 days) set by the applicant.

This form will be available at the relevant project page of the National Infrastructure portal² during the registration period. The form includes sections for your personal information, your representation about the application and several questions relating to how you intend to participate in the examination.

Relevant representations are used by the Examining Authority to help identify the initial principal issues for examination. Therefore, you should ensure that your representation relates specifically to the

² www.planningportal.gov.uk/infrastructure



application and explains what you agree and/or disagree with and why.

At this stage, when you register, all you need to provide is a summary of the points you wish to make about the application. It would be helpful if you could limit your representation to 500 words.

Later, during the examination, as an interested party you will have the opportunity (if you wish) to provide more detailed evidence about the matters you raised in your relevant representation, by making a written representation.

Large volumes of documentation are typically submitted with applications for development consent. Therefore, you may find it useful to use the summaries of the application documents as a starting point to navigate your way around the application. You may also wish to focus on the documents that you feel are most relevant to the issues you wish to highlight in your relevant and written representations.

Greater weight may be given to statements you make if you can provide reliable and up-to-date information or robust evidence to support them. If you are a local resident you may also have specific information about your area which could be of use to the Examining Authority. You don't have to be a technical expert in order to support your statements. Just explaining how a project may affect your day-to-day life may be as valuable to the examination as more technical evidence.

You should also be aware that the Examining Authority may ask you questions about your relevant representations in order to clarify points or to seek further information.

Please note that the Examining Authority may disregard representations which it considers are vexatious or frivolous, or those which deal with the merits of matters of national policy, contained in National Policy Statements (NPSs). NPSs have already been the subject of consultation and parliamentary approval and it is not the role of the examination to debate the merits of national policy.

The Examining Authority may also disregard representations which relate just to compensation for compulsory acquisition (rather than the justification or need for such acquisition).

Completing the Planning Inspectorate Registration and Relevant Representation form

It is vitally important that you complete all the required sections of the registration form in order to register as an interested party. This is because there are statutory requirements about the information that must be provided if your representation is to count as a 'relevant representation' entitling you to be an interested party.

Unfortunately, your representation may not be valid if your form is incomplete or is received by the Planning Inspectorate after the registration deadline has passed.



If you register online, the electronic form will automatically navigate you to each of the required sections. You are urged to complete the form online if at all possible, due to the safeguards it has built in, which will help to ensure that you do not submit an incomplete registration.

If you do not have access to the internet, a paper version of the form will be made available via our helpline, details of which are set out at the end of this Advice Note. In order to enable the efficient and accurate processing of representations, paper forms can only be made available to named individuals and it is not possible for multiple hard copies to be issued for copying and wider distribution.

If you do use the paper version, you are asked to take care to ensure that you complete this fully and send it in good time to be received by the Planning Inspectorate before the specified deadline.

Can anyone who is not an interested party participate in the examination?

The Examining Authority will seek to be fair to everyone in managing the examination procedures.

The Examining Authority does have some discretion to accept written evidence, even from people who have not submitted a valid relevant representation, if they consider it fair to do so. However, if you want to be sure that your views are taken into account, you should ensure that you make a relevant representation, so that you become an 'interested party' and can participate fully in the examination.

Will my representation be published?

After the registration period has closed, the Planning Inspectorate will publish all relevant representations on the relevant project page of the National Infrastructure portal³.

We are required by law to make copies of representations available for public inspection, and copying if requested. This means that none of the information provided, including your contact details, can be treated as confidential although details published on the National Infrastructure portal will be restricted to your name and the text of your representation.

A full copy of your representation, including your contact details, will be made available for inspection at public locations. We will remove any personal information about third parties if we think they have not given their consent to including the personal information in the representation.

What happens next?

After the registration period has closed, the Secretary of State will appoint the Examining Authority.

Once appointed, the Examining Authority has up to 21 days to review the application and all relevant representations and identify the initial principal issues for examination. These are included together with a draft timetable, in a letter inviting all interested parties to attend the Preliminary Meeting, to discuss

³ www.planningportal.gov.uk/infrastructure



the procedure to be adopted for the examination.

After the Preliminary Meeting, the Examining Authority will issue a procedural decision to all interested parties, stating how the application will be examined, including a timetable for the examination.

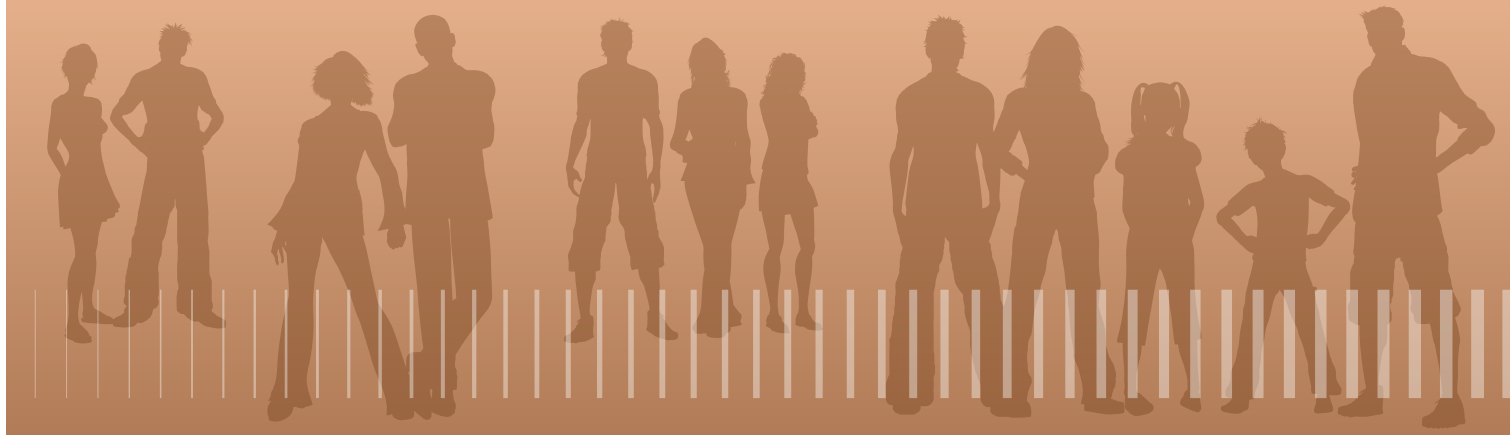
Transitional arrangements for National Infrastructure planning

Until April 2012, the Planning Inspectorate's functions described in this Advice Note were carried out by the Infrastructure Planning Commission (IPC).

Where an application or proposed applications has been formally notified⁴ to the IPC before 1 April 2012, anything done before that date is treated as having been done for the purposes of the 2008 Act provisions as amended by the Localism Act 2011⁵.

⁴ Under s46 PA2008

⁵ See The Infrastructure Planning (Transitional Provisions) Direction 2012



Advice Note 8 series

The Planning Inspectorate has produced a series of non-statutory Advice Notes about a range of process matters. These are available to download on the guidance & advice page of the National Infrastructure portal.

The Planning Inspectorate's Advice Note 8 series explains how to get involved in the National Infrastructure planning process. It includes 5 advice notes, as follows:

Advice Note 8.1: How the process works

Advice Note 8.2: Responding to the developer's pre-application consultation

Advice Note 8.3: How to register and become an interested party in an application

Advice Note 8.4: Influencing how an application will be examined – the Preliminary Meeting

Advice Note 8.5: Participating in the examination.

If you would like to order copies or you require further information about any of these issues, please contact the Planning Inspectorate:

The Planning Inspectorate, National Infrastructure Directorate, Temple Quay House, Temple Quay, Bristol BS1 6PN

Email: enquiries@infrastructure.gsi.gov.uk

Telephone: 0303 444 5000

Web: <http://infrastructure.planningportal.gov.uk>

Alternatively, for independent planning advice, you may wish to contact Planning Aid:

Planning Aid England Advice Line 0330 123 9244

Email: advice@planningaid.rtpi.org.uk

General enquiries: 020 3206 1880

Email: info@planningaid.rtpi.org.uk

Planning Aid for London: 020 7247 4900

Email: info@planningaidforlondon.org.uk

Planning Aid England Wales: 02920 625 000

Web: www.planningaidwales.org.uk

The content of this advice note was updated in February 2012 in order to provide the most helpful advice to all parties in light of lessons learned through implementation of the process and feedback from all parties.

This advice note was republished on 1st April 2012 with changes to reflect the Infrastructure Planning Commission being abolished and the work of the IPC transferring to the Planning Inspectorate under the Localism Act 2011.