



The Planning
Inspectorate

Pre-application service for Nationally Significant Infrastructure Projects



Prospectus for Applicants

In this prospectus...



This is a clickable PDF

	Executive summary	3
1	Purpose of the pre-application prospectus	5
2	The pre-application stage – an overview	7
3	What applicants can expect from the Planning Inspectorate at the pre-application stage	8
	3.1 Knowledge and experience of the process	9
	3.2 Advice about making an application	11
	3.3 Review of draft application documents	13
	3.4 Facilitation and making the links	14
	3.5 A structured approach – pre-application contact plans	16
4	What the Planning Inspectorate expects from applicants	19
5	Frequently Asked Questions	21
	Annex 1 Contact plan template	23
	Annex 2 Pre-application engagement services	24



Executive summary



Image by Flickr user Ian Carroll

The Planning Act 2008 (as amended) created a new system for planning for nationally significant infrastructure projects (NSIPs). A key feature of the regime is front-loading, meaning that applicants must fulfil a number of pre-application duties such as consultation and environmental assessment before an application can be submitted.

Through the Government's 2014 review of the nationally significant infrastructure planning regime, applicants, consultees and other users of the system welcomed the suggestion of a more structured and facilitative approach from the Planning Inspectorate in terms of support at the pre-application stage.

In response, this prospectus sets out the Planning Inspectorate's service for applicants at the pre-application stage of the nationally significant infrastructure planning process. Building on experience of operating the process, this document is also relevant to statutory consultees and local authorities participating in the pre-application process for an NSIP.

The service outlined in this prospectus is optional, free to use and is designed to help applicants in planning and carrying out their pre-application duties.

The Planning Inspectorate's pre-application service for applicants encompasses five key aspects:

1. Knowledge and experience of the NSIP process

We assemble a bespoke team for every pre-application project. Each team is led by one of our most experienced officers and includes planning, legal and environmental advisors. Where issues are novel or complex, our teams can seek advice directly from an Examining Inspector. See [section 3.1](#) for more information.

2. Advice about making an application and the policy framework

We can provide advice to applicants on procedural and planning matters, such as consultation strategies and the policy framework. We can also advise on approaches to Environmental Impact Assessment and Habitats Regulations Assessment. Drawing on our experience, we can provide advice about what to expect in the examination process and good practice document examples. [Figure 3](#) provides more detail about this while [Box 1](#) explains when we may be able to delay publication of early advice or project discussions. For more information see [section 3.2](#).

3. Review of draft application documents

We encourage applicants to share certain draft application documents with us at the pre-application stage. This enables us to provide advice about any omissions or procedural risks for the acceptance or examination stages. [Section 3.3](#) explains our approach further while [Box 2](#) sets out how this can work in practice.

4. Facilitation and making the links

We have good working relationships with statutory consultees and other bodies such as the Consents Service Unit and Major Infrastructure and Environment Unit. Where the need arises, we can offer a facilitation role by participating in round table meetings for example, between an applicant, local authority and statutory consultees. [Section 3.4](#) provides more information including about how multi-party meetings might assist.

5. A structured approach

We are offering applicants the option of engaging in a more structured approach to pre-application engagement with us. This prospectus introduces the concept of a 'contact plan' which can be agreed between an applicant and the Inspectorate, setting out a framework for our support. The aim is to help to improve certainty about timescales and the levels of input required and so minimise risks to the effective running of the examination process. [Section 3.5](#) sets out the simple four step process for developing a contact plan.

In exchange, this prospectus explains [what we expect from applicants](#) at the pre-application stage. We ask applicants to:

- embrace early dialogue with us and with consultees
- provide realistic and up-to-date submission information
- indicate what level and type of pre-application support is likely to be requested from us, and
- engage in open and regular conversations with us.

An important principle of this service is flexibility. We recognise that different cases will require different levels of advice at the pre-application stage depending on a number of factors such as whether the applicant is using the NSIP regime for the first time.

The level of pre-application support provided by the Planning Inspectorate will be agreed between the applicant and the Inspectorate at the beginning of the pre-application stage and will be kept under review. Annex 2 sets out an overview of our pre-application engagement services as a starting point for this discussion.

Accessing advice

The pre-application phase is a vital part of the NSIP regime under the Planning Act 2008 (as amended) ('the PA2008'). As a front-loaded process, in which consultation and any necessary environmental assessment must be carried out prior to making an application, it is important that applicants can access helpful and timely advice about what they are required to do and when.

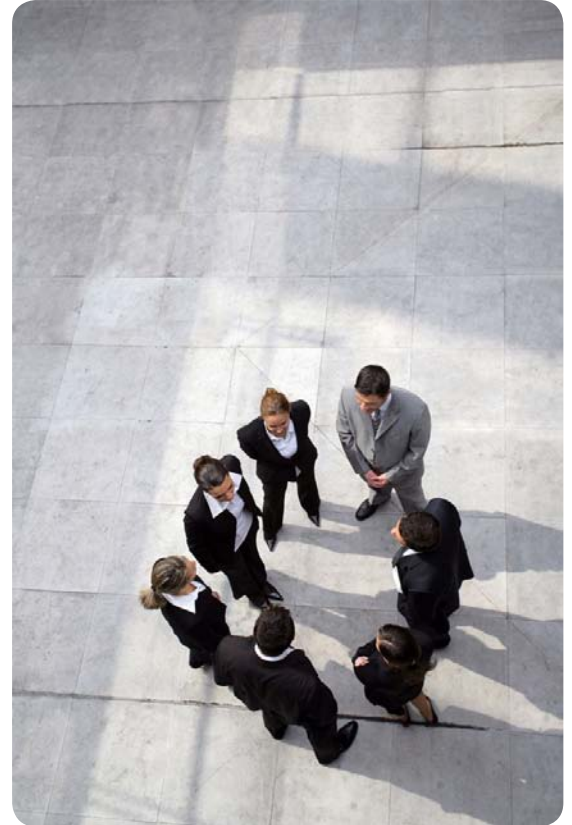
Through the Government's 2014 review of the nationally significant infrastructure planning regime, some applicants and consultees expressed a desire for the Planning Inspectorate to provide a more structured, programme management style approach to providing support at the pre-application stage.

Responding to the views of a range of stakeholders, this document sets out the Planning Inspectorate's service to applicants at the pre-application stage. This prospectus is aimed primarily at project developers although it is also relevant to statutory consultees and local authorities participating in the pre-application process for an NSIP.

Building on our experience of what works well, the prospectus explains what the Planning Inspectorate can offer during the pre-application phase and what we expect in return.

The Planning Inspectorate can provide advice about the merits of a scheme in respect of national policy as well as advice about procedural and other planning matters.

The service set out in this prospectus is optional.



The benefits of engaging with the service:

- it is free of charge, can help to provide timely and proportionate input on an application and can help applicants to prevent unnecessary cost;
- our advice can help applicants take actions at the pre-application stage to reduce risks for acceptance and subsequent examination stages;
- our service to applicants is flexible and can provide as much or as little support as an individual applicant requires;
- a more structured approach can assist applicants in programme managing the pre-application stage, improving certainty about their costs and timescales; and
- a number of pre-submission checks and reviews of draft documents by the Planning Inspectorate.



Making better use of your time

We recognise that some projects will have options being considered at an early stage which may not automatically fall into the definitions of an NSIP under the PA2008. It is for applicants to determine how they consult on all aspects of their project, but good consultation practice on major projects is likely to be applicable to both PA2008 and other consenting regimes (such as Town and Country Planning Act 1990 or Transport and Works Act 1992). Designing pre-application work in the most flexible way to meet a range of application routes can make good use of time for all parties.

Projects can also be directed to the NSIP regime by means of a direction under section 35 of the PA2008 by the relevant Secretary of State. This will be the case for all Business and Commercial projects and may also be appropriate for projects which fall into the main NSIP categories but where the specific definitions and thresholds are less clear. Again, it is for the applicant to decide whether to pursue a direction (via the relevant Secretary of State) but the Planning Inspectorate can give advice on options and processes associated with this route at an early stage.

We will keep this prospectus under review and will revise it as necessary. We welcome your feedback on both the prospectus and our service using the [contact details provided at the end of this prospectus](#).

2 The pre-application stage

An overview

The main features of the pre-application stage for NSIPs are explained in Government guidance¹ and the Planning Inspectorate's advice note series². As a front-loaded process, the pre-application stage is of primary importance in preparing an application that, if accepted, is fit to be examined within the statutory 6 month timeframe.

For applicants, the principal components of the pre-application stage under the PA2008 regime are:

- refining the details of the project;
- undertaking mandatory pre-application consultation and publicity;
- giving required notifications to the Planning Inspectorate which oversees the pre-application phase on behalf of the Secretary of State;
- preparing and undertaking necessary project assessments, if required, such as Environmental Impact Assessment (EIA) and any assessment that may be required under the Habitats Regulations;
- obtaining other non-planning consents or licences required for a project (such as species licensing consents or environmental permits); and
- preparing the application documents including the draft Development Consent Order (DCO).



Whilst the pre-application phase is led by the applicant, the Planning Inspectorate can advise applicants and others with a view to ensuring an application is better prepared for the examination. Applicants have indicated a desire for more specific and detailed advice, including on the merits of an application in relation to national policy³. Since the final decision maker for NSIP applications is the Secretary of State, the Inspectorate's advice is given without prejudice to any future decision of the Secretary of State.

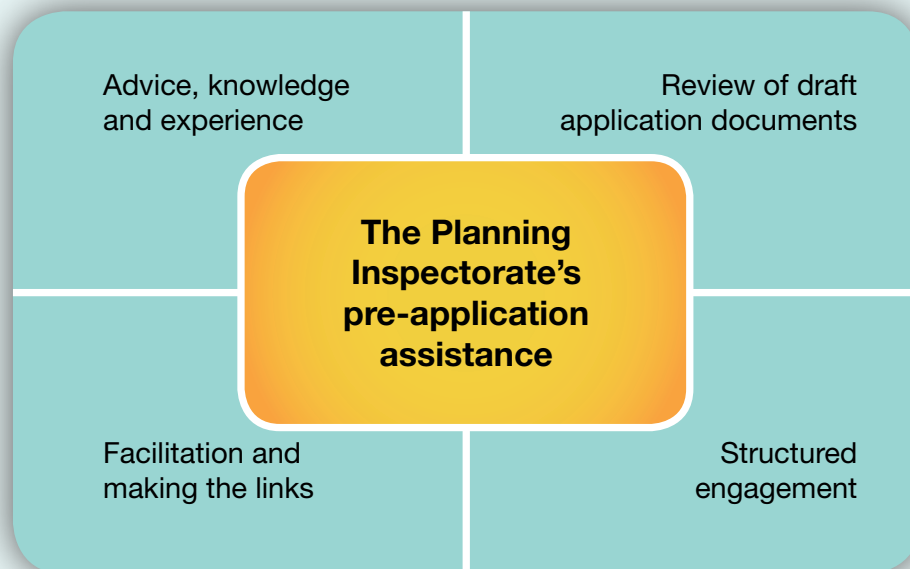
1. CLG (January 2013) 'Guidance on the pre-application process for major infrastructure projects'
<https://www.gov.uk/government/publications/guidance-on-the-pre-application-process-for-major-infrastructure-projects>
2. <http://infrastructure.planningportal.gov.uk/legislation-and-advice/advice-notes/>
3. The Localism Act (2011) removed the bar on the Planning Inspectorate (on behalf of the Secretary of State) advising on the merits of a proposed application.

3

What applicants can expect from the Planning Inspectorate at the pre-application stage

This section sets out what the Planning Inspectorate can offer applicants and others at the pre-application stage. Figure 1 below summarises the Planning Inspectorate’s service to applicants at the pre-application stage. Annex 2 provides examples of the services that we can offer.

Figure 1



Flexibility

An important principle of this approach is flexibility. The Planning Inspectorate is not seeking to apply a 'one size fits all' model to all cases. We recognise that projects are different in nature and that different cases will require different levels of engagement and advice at the pre-application stage depending on, for example:

- whether the applicant has experience of using the NSIP regime;
- whether the host and neighbouring local authorities have previous experience of the NSIP process;
- the scale and location of the project;
- the complexity of project issues and levels of agreement / disagreement between the applicant and other parties, including statutory consultees;
- the extent to which a project or application approach is novel;
- the complexity of the consenting landscape for a project, for example the extent of coordination with other consents and licences that are required;
- whether or not a National Policy Statement is designated; and
- the level of local, political and media interest in a scheme.



The level of pre-application support provided by the Planning Inspectorate will be agreed between the applicant and the Planning Inspectorate at or shortly following the initial meeting. It will be kept under review throughout the pre-application period and, if circumstances change, may need to be amended and agreed by both parties.

3.1 Knowledge and experience of the process

Since the regime became operational in 2010, the Planning Inspectorate has acquired considerable practical experience from implementing the PA2008 process across a range of applications and infrastructure sectors.

Our Infrastructure Planning Leads, who are our most experienced officers and specialists in their field, are responsible for delivering our pre-application service to applicants. As well as ensuring the quality of the advice provided by their teams, the Infrastructure Planning Leads work closely with the Consents Service Unit⁴ (CSU) and the Major Infrastructure and Environment Unit⁵ (MIEU) who provide specialist advice in relation to non-planning consents and the Habitats and Wild Birds Directives respectively for NSIP projects.

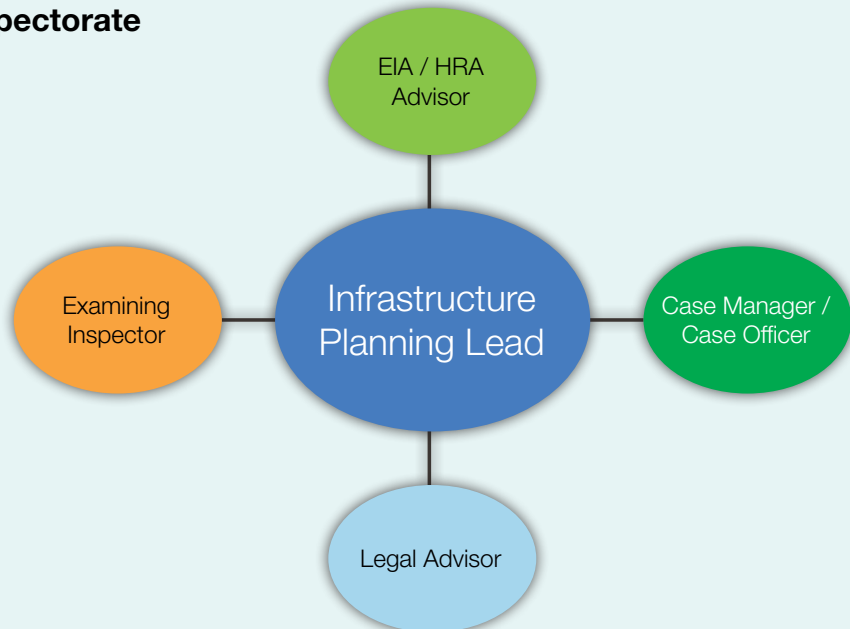
The Infrastructure Planning Leads are also building awareness of sector specific issues relevant to the nationally significant infrastructure planning process through liaison with Examining Inspectors, Government Departments, statutory bodies and industry representatives. The main sector responsibilities are: renewable energy, waste, nuclear, electricity networks, transport, gas generation, pipelines and business or commercial. A copy of the National Infrastructure team structure chart is published on the National Infrastructure portal⁶.



4. The Consents Service Unit prospectus is available here: <http://infrastructure.planningportal.gov.uk/legislation-and-advice/consents-service-unit/>
5. The Major Infrastructure and Environment Unit prospectus is available on the Defra website: <http://www.defra.gov.uk/habitats-review/implementation/infrastructure-projects/mieu/>
6. <http://infrastructure.planningportal.gov.uk/application-process/planning-inspectorate-role/>

Matching skills and experience with the needs of the individual case, the Infrastructure Planning Leads assemble for every project the most appropriate team to advise applicants including planning professionals, legal advisors and environmental specialists (see Figure 2). Where possible we keep a team together for the duration of a project as we know applicants and other stakeholders value continuity.

Figure 2: Typical Planning Inspectorate pre-application case team



Working together, our officers and Examining Inspectors have established a growing body of expertise based on up to date experience of examinations. We draw upon this experience in providing our advice. An Examining Inspector is allocated to each sector team and officers can seek the Examining Inspector's advice about particularly complex or novel matters with a view to providing an Inspector's perspective to applicants. Due to the need to maintain impartiality, Inspectors who have been involved in providing pre-application advice on a project will not be appointed to examine that project if accepted.

Our experience means we can often anticipate a range of issues, be they procedural, which an Examining Authority may need to address at examination, or early warning of potential actions that applicants can take to assist with pre-application and examination stages. We can also advise on emerging practice.

3.2 Advice about making an application

The Planning Inspectorate can give advice about applying for an order granting development consent or making representations about an application for such an order⁷. For applicants, this can include (but is not limited to) the aspects of advice set out in Figure 3.

Figure 3: The nature of pre-application advice to applicants

Application process and policy advice	EIA and land rights advice	Good practice advice
<ul style="list-style-type: none"> • Advice on procedural and planning matters; • Advice about the policy framework for a proposed application; • Advice about the project design options being considered by the applicant; • Advice about the consultation strategies, consent strategies and application programmes, e.g. advising whether timescales are realistic or about any important omissions; and • Advice about the acceptance tests under the legislation and acceptance process. 	<ul style="list-style-type: none"> • Advice about proposed approaches to EIA; • Advice about approaches to Habitats Regulations Assessment; • Advice prior to submitting an EIA screening request or a scoping request; • Advice about the list of consultees for the Environmental Statement; • Advice about the transboundary consultation and the process followed; and • Advice prior to making land rights and access requests (s52/s53 of the PA2008). 	<ul style="list-style-type: none"> • Helping applicants to build and sustain good working relationships with key consultees and stakeholders; • Advice about what to expect in examination and examination risks based on experience of other cases; • Signposting to good practice examples of application and examination documents and approaches; and • Advice about approaches to Statements of Common Ground.

Section 51 advice and the Planning Inspectorate's openness policy

The Planning Inspectorate has a duty under s51 of the PA2008 to publish any advice it gives about applying for an order granting development consent or making representations about an application or proposed application for such an order. This duty reflects the importance of the pre-application stage and the role of the Planning Inspectorate within it.

We seek to be helpful in advising individuals, organisations and applicants about an application. Our commitment to fairness, openness and impartiality means that we publish advice that we have given to any party and notes of meetings held regardless of whether any advice was given under s51. Where advice relates to a specific project, it is published on the relevant project page of the National Infrastructure portal⁸. Draft notes of meetings will always be shared with the parties participating before publication to ensure accuracy.

Scope for delaying publication of early advice and project information

As part of the Government's consultation on the 2014 review of the nationally significant infrastructure planning regime, many respondents highlighted the need for the Planning Inspectorate to strike an appropriate balance between openness and enabling potential investors to protect sensitive information at the earliest stages of discussion. Some applicants felt that there may be

7. s51 of the Planning Act 2008 as amended

8. The National Infrastructure Portal is accessed at: <http://infrastructure.planningportal.gov.uk/>

occasions in the early pre-application phase of a project when they may be able to engage more fully with the Planning Inspectorate if the publication of any advice given and any information about a project provided by an applicant to the Planning Inspectorate did not immediately emerge into the public domain.

As explained above, we are required to publish any advice we give under s51 of the PA2008 and other information relating to that advice. Whilst the Act does not specify any time period within which such advice must be published, it implies an expectation that there should not be any unreasonable delay. The Planning Inspectorate's openness policy sets an expectation that summary notes of meetings will be published as soon as practicable except in circumstances where a reasonable delay is justified.

Responding to the views of users of the system, the limits of when delaying publication of information may be appropriate are set out in Box 1 below.

Box 1: Delaying publication of early advice or project discussions

Where the applicant of a project has not yet submitted a request or notification under Regulation 6 of the EIA Regulations⁹, applicants can ask the Planning Inspectorate to delay publication of early project discussions by up to 6 months, specifically:

- publishing advice given to the applicant and other prescribed information relating to such advice;
- adding the project to the list of pre-application projects on the National Infrastructure Portal; and/or
- publishing notes of meetings between the Planning Inspectorate and the applicant whether or not any advice was given at the meeting.

The Planning Inspectorate will expect applicants to justify why delaying publication of such information is required for commercial confidentiality / sensitivity reasons. We will not unreasonably decline any such request.

When an EIA Regulation 6 request or notice is received, all advice given and notes of meetings held in relation to that project will be published at that point irrespective of whether or not 6 months have passed from the time information for the website was received, advice was given or a meeting held for which the Planning Inspectorate had agreed to a delay of publication. Once the Planning Inspectorate has received an EIA Regulation 6 request or notification, existing practice of publishing all advice provided and notes of meetings as soon as practicable will continue in the interests of openness and transparency.

Applicants should note the Planning Inspectorate's obligations under the Freedom of Information Act and/or the Environmental Information Regulations. These may, following a request, require us to disclose any unpublished information for which it has agreed to delay publication, either where an exemption or exception does not apply or, if in all the circumstances of the case, the public interest in disclosing the information outweighs the public interest in maintaining the exemption or exception.

In addition we encourage applicants to have early (in confidence if necessary) discussions with statutory consultees such as the statutory nature conservation bodies and local authorities on the scope, where necessary, of their Environmental Impact Assessment and Habitats Regulations Assessment.

9. Under Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended), applicants are required to either request a screening opinion or notify the Secretary of State that it proposes to provide an Environmental Statement in respect of a proposed project before carrying out statutory consultation with prescribed bodies.

3.3 Review of draft application documents

The Planning Inspectorate encourages applicants to share with us some of their most important application documents in draft form during the pre-application period. This allows us to give advice about any aspects that may need clarification prior to submission and to highlight any procedural omissions. It also helps us to understand more about the proposed application and to prepare for the submission so that we can deal with the application in a timely manner.

Experience has shown that our review of draft documents can help to avoid possible problems before they arise, such as at the acceptance stage or in examination. Box 2 sets out our approach to reviewing draft application documents.

Box 2: Reviewing draft application documents

We can review:

- Draft Development Consent Order (DCO) including other matters commonly included in DCO schedules such as protective provisions and/or draft deemed marine licence(s)
- Explanatory Memorandum
- Sample works plans and land plans
- Consultation Report including s42 consultee list
- List of Other Consents & Licences
- Draft HRA report¹⁰
- Book of Reference
- Statement of Reasons
- Funding Statement

We are unable to review:

- Draft Environmental Statements or Preliminary Environmental Information Reports due to the size of documents, but we can comment on the approach and methodology. This is in addition to our statutory role in the EIA scoping or screening processes. Applicants are encouraged to share draft chapters of the Environmental Statement with relevant statutory consultees at the pre-application stage.

Timing:

- Applicants are encouraged to start preparing application documents sufficiently early (for example before the final round of statutory consultation) and we welcome early sight of draft documents.
- Due to the volume of material, applicants should allow sufficient time for the Planning Inspectorate to review draft documents. As a minimum, applicants should allow around 3 months for the review stage. This may be shorter (about 6 weeks) or longer (up to about 6 months) depending how complex and novel a project or the issues it raises might be.
- As a rule of thumb, we ask for at least 3 weeks' notice that draft documents are going to be sent to us for review and request that applicants provide their draft documents at least 3 weeks before any meeting or feedback session.

10. National Infrastructure Advice Note 10 explains how the HRA process works within the PA2008 regime and sets out the respective roles of the applicant, Planning Inspectorate, statutory nature conservation body and Secretary of State within this: <http://infrastructure.planningportal.gov.uk/legislation-and-advice/advice-notes/>

How:

- Normal practice is to give advice verbally at a face to face meeting at our Bristol office, with the key advice captured in writing in a meeting note or follow up letter. In some circumstances we can take a different approach, to be agreed between the applicant and the Planning Inspectorate. In all cases, our advice on draft application documents is published.
- Applicants should consider carefully the best time to provide draft documents. The more complete the documents are when provided to us, the more thorough our advice can be. This needs to be balanced against seeking advice on key elements sufficiently early to frame and shape project development.
- It is standard practice for the Planning Inspectorate to undertake one review of draft documents, but there may be circumstances when seeing further iterations of a document, or key parts of a document, is necessary and helpful.

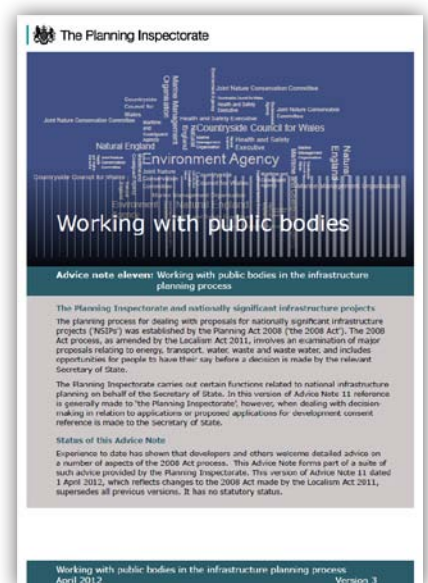
Sharing draft application documents with others:

- We encourage applicants to share certain draft application documents with key stakeholders as appropriate, and for those stakeholders to provide a meaningful response outlining any areas of concern or disagreement. This can be carried out as part of an applicant's consultation under s42 of the PA2008.
- For example, as a minimum, we would expect the draft DCO to be shared with any party named on the face of the document or responsible for discharge or enforcement of requirements. The expectation is that as many matters as possible are agreed with the relevant bodies prior to submission of the application.
- We also encourage applicants to share draft Environmental Statement chapters with key bodies where they are aware that consultees may have substantial interests that may need addressing. Some statutory consultees may charge for advice.

3.4 Facilitation and making the links

There are sometimes occasions when disagreement between an applicant and a key consultee about a certain aspect of a project can mean that progress is difficult to achieve. If such disagreements are not resolved during the pre-application stage, and the application is subsequently accepted, this could present challenges to everyone during the examination, particularly given the statutory six month time period. There are also times when, for example, resource constraints within a consultee body may limit the amount of advice and engagement that can be offered to an applicant. This can result in project delays at the pre-application stage. Where this is the case, or to seek to prevent this from happening, the Planning Inspectorate can have a role in helping to facilitate a way forward.

We have good working relationships with the statutory consultees relevant to our process and are in regular contact about the generic issues arising from our collective experience of the NSIP process. Advice Note 11¹¹ and its annexes explain our approach to working with other public bodies.



11. Advice Note 11 and its annexes are available on the National Infrastructure portal: <http://infrastructure.planningportal.gov.uk/legislation-and-advice/advice-notes/>

The Planning Inspectorate hosts the Consents Service Unit (CSU) which works with applicants and consenting bodies in England, including during the pre-application stage, to coordinate the handling of a range of non-planning consents which may be required by applicants in addition to a Development Consent Order¹². We can hold joint applicant meetings with the CSU or make introductions as required. We also work closely with the Major Infrastructure and Environment Unit in Defra and participate in the Evidence Plans process.

We encourage applicants and statutory consultees to work up draft Statements of Common Ground at the pre-application stage and where possible to submit these with their application. Experience has shown that this can help to clarify outstanding issues early in the process and, if used successfully, speed up the examination stage. We can provide advice about approaches to formulating Statements of Common Ground.



In some cases with a clear justification, we are able to hold or participate in round table meetings with a view to tackling a potential blockage in the process and moving an application forward. Typically such meetings will involve the Planning Inspectorate, applicant, relevant local authority and any other relevant statutory consultee. In accordance with our openness policy, a note of all such meetings will be published on our website. Box 3 provides examples to demonstrate how this can work.

Box 3: Multi-party meetings

Who – host local authority officers, applicant, Planning Inspectorate, relevant statutory consultees¹³, any other relevant local authority officers with an interest in the application.

When – depending on the project, could be before the applicant starts statutory consultation or following close of the final round of s42 consultation. It can be requested by either the applicant or relevant statutory consultees including local authorities.

What – round table format, held for example at the host local authority office.

Purpose – to understand:

- What the process requires of each party and to agree response timings;
- Whether there are any issues that are potentially difficult to achieve agreement on during pre-application stage;
- What are the implications of any unresolved issues for the parties and for the application process;
- What action is required by all parties prior to submission and what is the timescale for addressing particular issues; and
- Whether all parties are prepared for the acceptance stage and, if the application is accepted, examination.

12. The Consents Service Unit only covers projects in England, see CSU prospectus for more information: <http://infrastructure.planningportal.gov.uk/legislation-and-advice/consents-service-unit/>

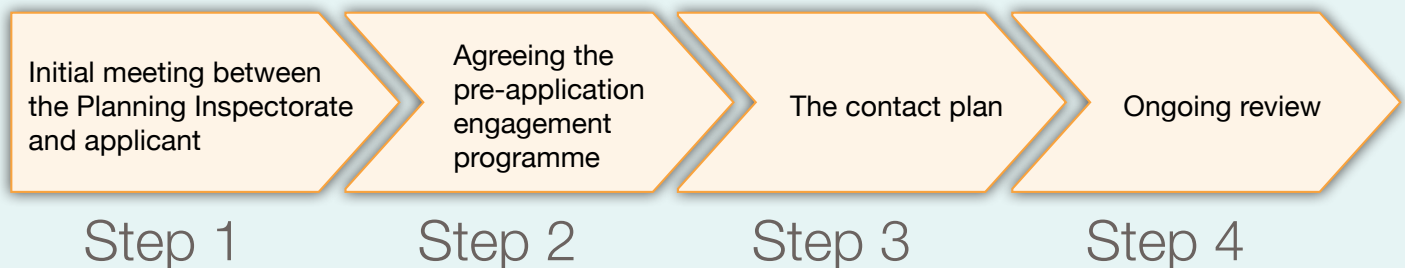
13. Some statutory consultees may charge attendance at such meetings

3.5 A structured approach: pre-application contact plans

Some respondents to the Government's consultation on the 2014 review of the nationally significant infrastructure planning regime expressed a desire for a more structured approach to engagement between the Planning Inspectorate and applicants at the pre-application stage. It was felt that this could assist applicants in programme managing the pre-application phase, improving certainty about costs and timescales.

Responding to this feedback, we are offering applicants the option to work with us to agree a 'pre-application contact plan'. This is a simple four-step process as outlined in Figure 4, below.

Figure 4: The contact plan process



Step 1: Initial meeting between the Planning Inspectorate and applicant

The first step in agreeing the pre-application service is an initial meeting between the applicant and the Planning Inspectorate. The purpose of the initial meeting is to provide an introduction to the project and to discuss and agree how the applicant and the Inspectorate will interact in the pre-application period. It is an opportunity for the applicant to introduce the key people from the project team to meet the Inspectorate's pre-application team for the project.

The output of the meeting is agreement between the two parties about the key milestones at which the Inspectorate and applicant will come together to provide project updates, advice and review. The expectation is that this should be a face-to-face meeting at our office in Bristol. Box 4 provides further detail about what an initial meeting usually covers.

Box 4: Initial meeting

Applicant provides:

- basic project information in advance of the meeting;
- project introduction and overview;
- overview of what the DCO application is likely to include, for example project description, likely order limits and powers sought;
- outline of any activity undertaken to date including, where relevant, any engagement with statutory consultees, local interest groups, land owners and/or anyone else with a particular interest in the project;
- draft pre-application programme including timing of, for example, EIA scoping, statutory consultation, production of application documents and, crucially, anticipated application submission date.

Box 4: Initial meeting (continued)

The Planning Inspectorate provides:

- any advice sought or given about the pre-application programme and process of making an application;
- discussion about the proposed project and consent strategy, for example clarifying the authorised project including any associated development or opportunities to streamline parallel consents;
- if appropriate, advice on EIA, HRA and/or transboundary matters as well as on land rights; and
- if relevant, introduction to the Consent Service Unit/ MIEU.

Output: Planning Inspectorate and applicant to discuss and agree key milestones for engagement throughout the pre-application period. To include identifying where key consultees may be part of meetings between the Inspectorate and applicant.

Following the meeting: Applicant to circulate a draft contact plan for agreement by the Inspectorate and publish on the project page of the National Infrastructure portal once agreed.

Step 2: Agreeing the pre-application engagement programme

The starting point for agreeing how the applicant and the Planning Inspectorate will interact is the applicant's pre-application programme. The applicant should identify when they anticipate key milestones to be reached such as EIA screening and/or scoping, statutory consultation and publicity, project design finalisation and production of draft application documents. We can provide advice on the benefits and drawbacks of different timing options based on experience of projects that have gone through the system to date.

The applicant should also think about the aspects of its pre-application duties where advice from the Planning Inspectorate would be of most value and identify key consultees that may also need to be involved in meetings between the Inspectorate and applicant.

The applicant and the Inspectorate can then consider this against resource availability and agree the principal milestones at which the applicant and the Planning Inspectorate will interact. This will provide assurance for the applicant about what to expect from the Planning Inspectorate and will assist us in ensuring that there is sufficient resource in place to provide advice or other involvement when required.

We welcome detailed programme information but recognise that dates can change during the pre-application phase, for example in response to the outcomes of consultation. In agreeing the pre-app engagement programme we therefore focus on the milestones and headline programme rather than seeking commitment to specific dates when certain stages will be reached. It is expected that timings will be more reliable for events in the next six months on a rolling basis.



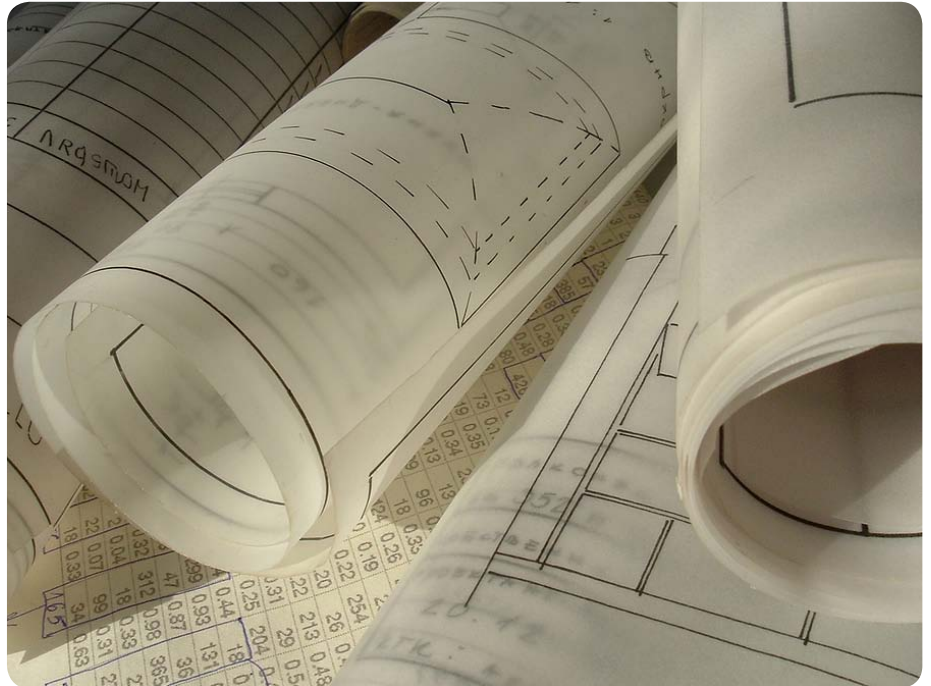
Step 3: The contact plan

The product of the discussions between the applicant and the Planning Inspectorate will be a short 'contact plan' document which sets out the agreed milestones. A template for the contact plan is provided at Annex 1. Applicants are asked to populate the contact plan following the initial meeting and submit it to us for agreement.

It is important to emphasise that the focus should be on the substance of the contact plan (i.e. the substance of what is agreed) rather than the plan document itself. Examples of the ways in which the Planning Inspectorate and applicants might agree to interact through a contact plan are provided at Annex 2.

We have identified a small number of key milestones at which experience shows it is necessary for the applicant and the Planning Inspectorate to interact as a minimum in order to help ensure that an application is fit for submission and, if accepted, for examination. This does not pre-determine the Secretary of State's decisions at either the acceptance or decision stage.

In addition to the key milestones, it is possible for the applicant and the Planning Inspectorate to agree further contact points at which engagement between the two parties, and possibly other bodies, will occur. Examples of other advice and support we may be able to provide at the pre-application stage are set out in Annex 2.



At or following the initial meeting, the applicant should indicate which of these services (if any) may be required and added to the contact plan. The Planning Inspectorate will need to consider carefully the resources that are appropriate to commit per project on the basis of professional judgement required in relation to the complexity of the issues raised by a project. Whilst we will endeavour to service all requests, decisions about what can be supported will need to be made on a case-by-case basis.

Step 4: On-going review

Once agreed, the contact plan will be published on the relevant project page of the National Infrastructure portal and will form the basis of a programme of meetings between the applicant and the Planning Inspectorate. The contact plan will remain a live document and any updated versions will be published on the relevant project page of our website. The plan will be revisited at each update meeting to ensure it remains up to date.

4

What the Planning Inspectorate expects from applicants



In order to provide the services described in this prospectus, we expect applicants to play their part in the following ways.

Early dialogue:

- Talk to us about a proposed project early on. This helps us to highlight any potential issues as early as possible and to forecast our workload.
- In all cases introduce the Planning Inspectorate to the project through a face-to-face meeting before a request for an EIA screening or scoping opinion is submitted.

Full and realistic information:

- Provide accurate and realistic information about the anticipated submission date for an application. This is important to ensure that a suitable team is available to handle the project in accordance with statutory timescales and in line with those set out in Government guidance¹⁴.
- The Planning Inspectorate and other key bodies such as statutory consultees and local interest groups use the anticipated submission dates on the National Infrastructure portal to forward plan their input and therefore the accuracy of the information provided to us by applicants is vital.

14. CLG (April 2013) Guidance - Planning Act 2008: examination of applications for development consent

Clarity about the preferred approach to engagement with the Planning Inspectorate

- Provide an indication of the level of pre-application engagement that the applicant is expecting from the Planning Inspectorate in an initial meeting between the applicant and the Inspectorate. At this stage the applicant should indicate which of the services outlined in this prospectus it wishes to use. To facilitate this, the applicant is expected to provide information about its proposed pre-application programme, for example relating to environmental assessment, consultation and application preparation.
- In all cases we ask applicants to give us a reasonable amount of advance warning of key work packages, such as the provision of any advice on draft application documents. Further information is provided at Box 2, on page 13.

Regular and open conversations

- Throughout the pre-application stage, we need open and frank conversations with applicants about the project and application programme. This helps us to plan our support, to advise accurately and avoids big surprises at a later stage.
- Regular project updates, whether by telephone, email or face-to-face meetings, as agreed with the Inspectorate's case manager. For example, if project details and/or timescales change significantly during the pre-application period, we ask applicants to talk to us about these in a timely manner.
- In particular, we encourage applicants to advise us about the main areas of outstanding disagreement with consultees in order that we can understand the possible issues for examination and if possible assist in their resolution (see Box 3, on page 15).



5 Frequently asked questions

Q. I'm an applicant, what if I don't want to participate in the more structured approach? Is it optional?

A. The structured pre-application service outlined in this prospectus is an offer to prospective applicants and it is optional. Applicants are encouraged to engage actively with us throughout the pre-application stage. As a minimum we advise applicants to interact with us at the stages highlighted in bold in Annex 2.

Q. I'm an applicant and the pre-application process is already underway for my project. How does this prospectus apply to me?

A. If the pre-application stage is already underway for your project you can opt to move to the structured approach set out in this prospectus. To do this, please speak to your Planning Inspectorate case manager. A 'contact plan' can be agreed at any point in the pre-application process for projects already underway.

Q. I'm an applicant. What happens if my pre-application programme changes? Can contact plans be revised?

A. Contact plans are designed to be kept under review over the course of the pre-application period. Changes to an applicant's programme will happen and can be accommodated; we encourage open conversations about project changes at the pre-application stage. We ask for more detail to be included in a contact plan for the next six months on a rolling basis, see Annex 2.

Q. I'm an applicant. I am considering whether to make a request to the Secretary of State for a direction under s35 to use the NSIP regime. Can the Planning Inspectorate advise about this?

A. Yes. We can give advice under s51 of the PA2008 where an applicant is considering whether to request a direction from the Secretary of State under s35 to use the NSIP regime. For example, for potential major Business or Commercial projects we are happy to advise applicants and local authorities about the advantages and disadvantages of pursuing the NSIP route as compared to other consenting regimes such as the Town and Country Planning Act 1990 process.

Q. I'm a statutory consultee or a local authority and concerned about a project in the pre-application stage. Can I approach the Planning Inspectorate?

A. Yes. We advise that you contact the applicant in the first instance if you have concerns about their pre-application process. If concerns remain, you may contact us to let us know of your concerns and to discuss what steps may be taken to resolve them. You should contact the relevant case manager if you know who this is, otherwise, if you are unsure who is dealing with the project, please contact us on 0303 444 5000 or enquiries@infrastructure.gsi.gov.uk and you will be directed to the appropriate contact for the case.



Q. I'm a local community or other interest group – what advice is available to me in the pre-application phase?

A. Whilst this prospectus is aimed primarily at applicants, statutory consultees and local authorities, the Planning Inspectorate is impartial and can give advice to anybody about how to engage with a proposed NSIP application. We have produced and published some short films explaining the process on our website: <http://infrastructure.planningportal.gov.uk/application-process/the-process/>. We have also published a series of advice notes that are intended to inform the public and others about a range of process matters in relation to the PA2008 regime. These are published on the National Infrastructure Portal at: <http://infrastructure.planningportal.gov.uk/legislation-and-advice/advice-notes/>.

If these do not answer your query you can contact the relevant case manager if you know who this is. If you are unsure who is dealing with the project you can contact us on 0303 444 5000 or enquiries@infrastructure.gsi.gov.uk. Please note that we are under a duty to publish on the National Infrastructure portal a note of any advice we give about applying for an order granting development consent or making representations about an application or proposed application for such an order irrespective of who it is given to.

Q. I'm the project promoter of or otherwise involved in a project that is affected by the TEN-E Regulation – how does this relate to the approach outlined in this prospectus?

A. The TEN-E Regulation relates to 'Projects of Common Interest'¹⁵, specifically energy projects that require coordination between two or more European member states. A small number of projects are currently contained on the relevant list. Projects affected by the TEN-E Regulation are required to undertake certain specific steps. These projects are welcome to use the structured pre-application approach set out in this prospectus; please speak to the relevant Planning Inspectorate officer for more information.

Q. I have feedback or ideas about the approach set out in this prospectus, where should I send them?

A. We will keep the prospectus under review and would welcome your feedback on both the prospectus and our service using the contact details provided below.



Q. How can I find out more?

A. If you are interested in finding out more about the Planning Inspectorate's pre-application service, please contact us. If you already have an identified case manager please speak to him / her; if you have not previously talked to us about your project please contact us on 0303 444 5000 or enquiries@infrastructure.gsi.gov.uk.

15. For more information see http://ec.europa.eu/energy/infrastructure/tent_e/ten_e_en.htm

Annex 1

Contact plan template



Download the contact plan template
(or go to bit.ly/1ge9Z0j)



The Planning
Inspectorate

Contact plan for XXX project

Project:	
Applicant lead contact:	
Planning Inspectorate lead contact:	
Date first agreed:	
Review dates:	(insert as and when reviewed) <ul style="list-style-type: none">• 1• 2• 3
Version number:	

Agreed engagement milestones

Expected date	Milestone	Details agreed
Eg November 2014	Consultation and EIA update meeting	Applicant and Planning Inspectorate to meet to discuss the applicant's consultation plans and progress update on EIA.
Eg Q2 2015	Planning Inspectorate review of draft documents	The applicant will provide draft DCO and Explanatory Memorandum three weeks prior to a face-to-face meeting at which advice will be given by the Planning Inspectorate.

Notes

'Expected dates' should be a named month for milestones in the next 6 months and can be quarter and year (eg 'Q1 2016') for milestones beyond the next 6 months.

Annex 2

Pre-application engagement services

As a minimum, we recommend that for all cases the applicant and the Planning Inspectorate meet at the key milestones **in bold** in the table below in order to ensure that an application is fit for the acceptance stage and, if accepted, the examination process.

In addition to the pre-application service set out in bold, we recommend that applicants identify any additional milestones or areas of support that may be requested from the Planning Inspectorate. Through discussion between the Planning Inspectorate and the applicant, one or more of the following elements of our service may be agreed.

Service	Typical timing
1. Initial meeting <ul style="list-style-type: none"> • See Box 4, on page 16 	Outset of the project
2. Project inception meeting between the Planning Inspectorate, applicant, host local authority and possibly some statutory consultees to understand likely project inputs and resources required	Following initial meeting and prior to statutory consultation
3. EIA screening/scoping and/or HRA screening discussion, for example: <ul style="list-style-type: none"> • a site visit to inform understanding of the site prior to scoping • a meeting prior to submitting a scoping request to discuss the approach taken and any queries, such as if an applicant is seeking to scope out issue(s) • a meeting after the scoping opinion is issued to discuss queries arising or next steps (NB not to revisit or debate the substance of the scoping opinion) • a discussion about the possible transboundary effects of a project. 	Prior to screening or scoping request / immediately following scoping opinion
4. Policy framework discussion, for example: <ul style="list-style-type: none"> • Where a relevant NPS exists, discussion of key policy considerations • Where no relevant NPS exists, discussion of the policy framework. • Where it is not clear whether a relevant NPS exists for the project, advice about the policy and decision-making framework that might apply. 	Sufficiently early in the pre-application stage
5. Consultation strategy discussion, for example: <ul style="list-style-type: none"> • Overall strategy, eg how many stages of statutory/non-statutory consultation, opportunities to achieve efficiencies • Advice on approaches to early and iterative consultation with key statutory consultees including timing and what information should be provided • s42 – Planning Inspectorate can review consultee list and provide non-binding advice about possible omissions • s47 - Planning Inspectorate can review draft Statement of Community Consultation and provide procedural advice • s48 - Planning Inspectorate can review draft notice and give procedural advice • s52 and s53- Planning Inspectorate can give advice about the process for obtaining information about land ownership and for obtaining access to land to undertake environmental surveys. 	Prior to s46 notification and statutory consultation

Service	Typical timing
6. Consultation and EIA update meeting <ul style="list-style-type: none"> • Planned consultation • EIA update • HRA report • Transboundary consultation 	Prior to s46 notification and statutory consultation
7. Post-statutory consultation and EIA update meeting <ul style="list-style-type: none"> • Feedback on levels of interest in the project • Consultation report considerations 	After completion of statutory consultation
8. Consultation issues arising, for example: <ul style="list-style-type: none"> • A meeting following statutory consultation to discuss issues arising and if relevant possible ways to seek resolution • A discussion to identify any problems with stakeholder engagement or need for a multi-party round table meeting • Advice about approaches to Statements of Common Ground • Help in assessing whether the consultation undertaken 'is enough' to satisfy the legislation 	Following statutory consultation
9. Multi-party round table meeting <ul style="list-style-type: none"> • If required and subject to Planning Inspectorate resource, see Box 3 • Involvement of Consents Service Unit and possible consents management plan 	Following s42 consultation or prior to s42 consultation to agree approaches
10. Draft documents and application submission preparation meeting <ul style="list-style-type: none"> • Update on anticipated submission date • Planning Inspectorate review of draft application documents (minimum draft DCO, Explanatory Memorandum, land and work plans, and Consultation Report, HRA report) • Discussion about practicalities of submission • Advice about the acceptance and pre-examination process 	At least 3 months prior to anticipated application submission
11. General project update meetings (such as quarterly face-to-face or by teleconference monthly as required)	All stages

