



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

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

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 8.4 only applies once an application for development consent has been formally accepted by the Secretary of State for examination under procedures governed by the Planning Act 2008 ('the 2008 Act').

It explains the purpose of the Preliminary Meeting in setting the procedure for the examination. This meeting provides an opportunity for registered "interested parties" to make submissions about the way in which the examination is subsequently conducted.

For advice on how to register and become an interested party, see the Planning Inspectorate's Advice Note 8.3.

What is the purpose of the Preliminary Meeting?

The purpose of the Preliminary Meeting is to give people who are interested parties in relation to an application for development consent the opportunity to tell the Examining Authority how they think the application should be examined, and what the key issues that it should examine are.

Because all projects are different and are located in different parts of the country the Examining Authority has to decide the best way to arrange the examination. The Preliminary Meeting focuses solely on the procedure for examining the application.

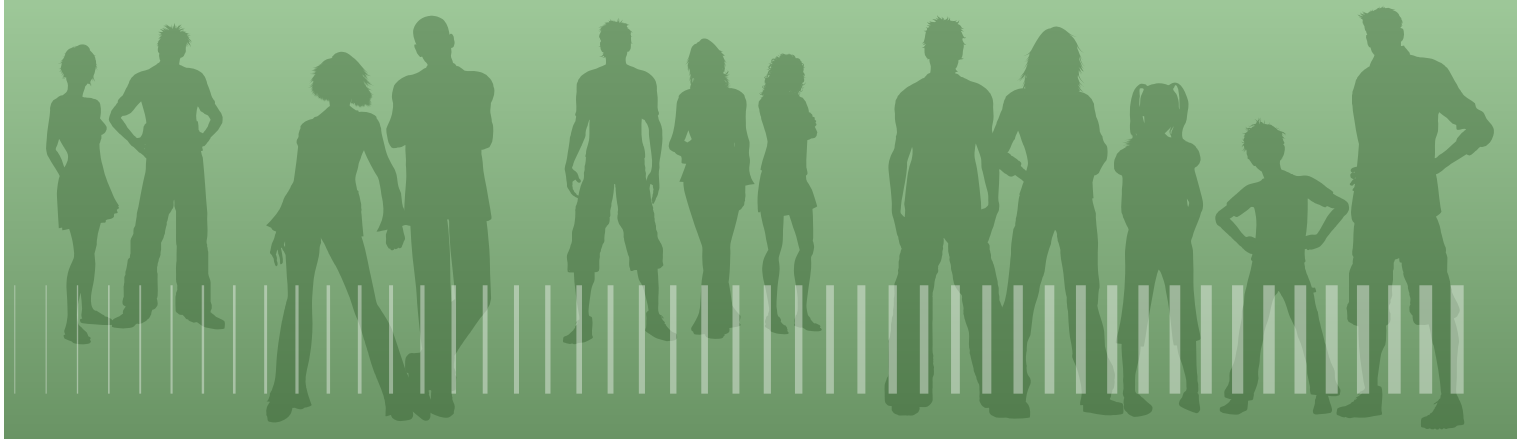
The Examining Authority will send out an agenda in advance of the meeting. Matters to be discussed will cover topics such as:

- The key issues to be examined
- Whether any hearings are required and if so, what types
- The draft timetable for the examination.

The Preliminary Meeting is not the place to discuss the details or merits of the application. There will be opportunities to make representations on these matters during the examination itself.

Who runs the Preliminary Meeting?

The meeting is run by the Examining Authority.



Where will the Preliminary Meeting be held?

The meeting will be held in a venue as close as possible to the location of the development, or at an appropriate location along the route of a linear scheme. When selecting a venue the Planning Inspectorate will take into account the level of interest in the project, the safety of attendees and staff and access to the venue by public transport.

What facilities will be available at the venue?

The venue selected for the meeting will be wheelchair accessible. Please let the Planning Inspectorate Case Team know (see the Inspectorate's contact details at end of this note) at least 7 days before the meeting if you have any specific needs, for example, due to a visual or hearing impairment. This will enable us to ensure that appropriate provision is made.

Can anyone attend?

The Preliminary Meeting is primarily for interested parties although others may attend and participate at the discretion of the Examining Authority. Where space is limited because of the maximum capacity of the venue, priority will be given to interested parties.

It will be helpful if you could notify us in advance if you wish to attend the meeting, using the contact details at the end of this note, so that we can estimate the size of venue needed.

Can I speak at the meeting?

The Examining Authority will decide who will be asked to speak at the meeting. Any party wishing to speak, who has not previously advised the Planning Inspectorate in writing of their wish to do so, should inform a member of the Inspectorate staff as soon as they arrive at the meeting. The Examining Authority will confirm whether or not this request can be granted at the beginning of the meeting or as matters arise under each agenda item.

Repeating the same points will not assist the Examining Authority. Therefore, where several people or organisations wish to make the same point, they are encouraged to identify a representative who can speak on their behalf.

Will there be a time limit?

The Examining Authority will run the meeting so as to ensure efficient use of everyone's time, and may wish to set a time limit for people to speak. If this is the case, they will also ensure that speakers do not exceed the time limit they have been allocated. Everyone who speaks should aim to be clear, concise and to remain focused on the issue being discussed.

Speakers should be prepared to answer questions from the Examining Authority if they need more information or clarification



What is the agenda?

The proposed agenda for such a meeting will be set out in advance in a letter to all interested parties, and to anyone else the Examining Authority wishes to invite to the meeting.

The agenda will also be accompanied by an initial list of the principal issues for the examination, which have been identified at this stage by the Examining Authority based on the information provided in the application and the relevant representations submitted to the Planning Inspectorate about the application.

The letter outlining the proposed agenda will also include a draft timetable for the examination. This will include, for example, proposed deadlines for more detailed written representations to be submitted to the examination, along with any proposals for hearings.

At the Preliminary Meeting, one of the issues that may be discussed is whether it will be necessary to hold any issue specific hearings as part of the examination. The Examining Authority will only hold an issue specific hearing if they consider that it is necessary to ensure adequate testing of a particular issue or that an interested party has a fair chance to put forward its case.

There will also be an opportunity for anyone who is an interested party to request an open floor hearing. An open floor hearing must be held if one is requested by an interested party. It will provide interested parties with an

opportunity to make oral representations, based on their initial relevant representation or subsequent more detailed written representation about the application, subject to the Examining Authority's running of the hearing.

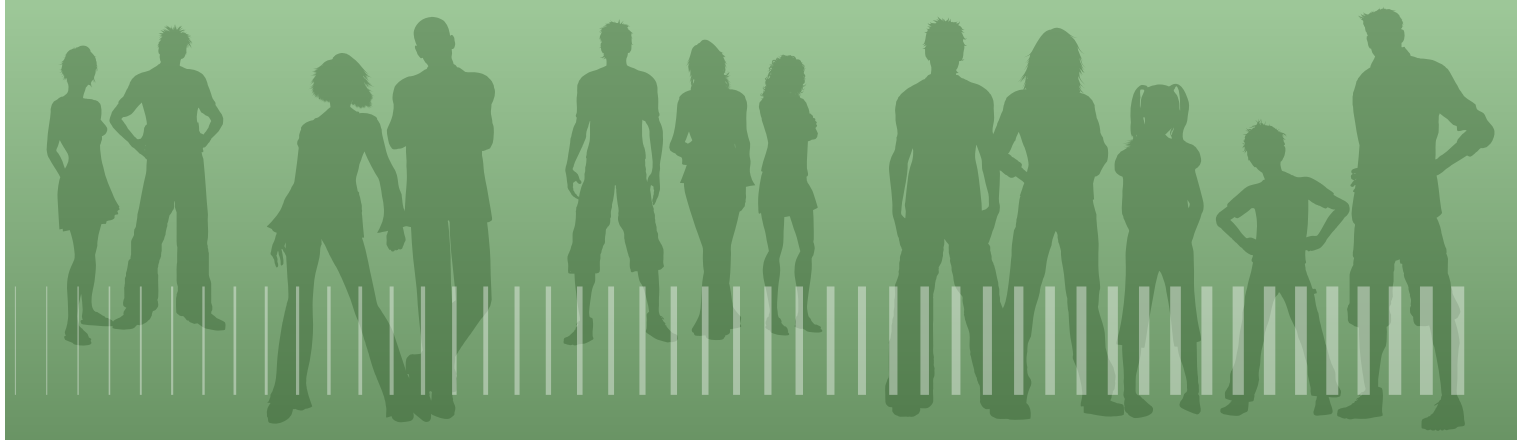
Anyone affected by a compulsory acquisition proposal (to compulsorily purchase land or interests in land) has the right to request that a hearing is held on that matter

Can I provide my evidence on the application at the Preliminary Meeting?

The Preliminary Meeting is not the place for you to provide your evidence on the application. This meeting will not discuss the merits of the proposal.

There is no need to attend the Preliminary Meeting in order to have the opportunity to make further representations during the examination. Whether or not you attend this meeting, you will later have the same rights to provide further written representations and evidence regarding the application and to attend any hearings.

The relevant representation you made when you registered as an interested party is already part of the evidence the Examining Authority will consider in their examination. The examination will rely heavily on the written evidence that the applicant and other interested parties have submitted.



What do I do if I think that a key issue is being overlooked?

If, having received the agenda for the Preliminary Meeting, you think a key issue is being overlooked, please contact the Planning Inspectorate case team for the project as soon as possible, explaining what the issue is and why you think it is important for this to be discussed at the Preliminary Meeting. Your request should be received by the Inspectorate at least seven days before the Preliminary Meeting, so that it can be adequately considered by the Examining Authority.

Can I ask a question?

It is not possible to email or telephone the Examining Authority directly or to speak to them individually outside of formal meetings.

The Examining Authority will seek to ensure the efficient running of the Preliminary Meeting, including the degree to which it is possible to respond to questions from those attending.

As the meeting will run to a timetabled agenda, it is important to raise any substantive questions you have with the Planning Inspectorate before the meeting, by contacting the case team or by telephoning the Inspectorate helpline, on 0303 444 5000. Advice about process or making a representation can be sought from the case team.

Please be aware that the Preliminary Meeting will be recorded and any questions you ask or contributions that you make may be included in the

recording, which could be in writing, audiotape or video. All submissions made to the Planning Inspectorate during the examination are generally made public. Records of the meeting, including a written summary and possibly also an audio or video recording, will be posted on the relevant project page of the National Infrastructure portal¹ where they will be available for any member of the public to access.

What happens next?

Following the Preliminary Meeting, a written summary of the meeting will be prepared. The Examining Authority will write to all interested parties and anyone else that the Examining Authority invited to attend the Preliminary Meeting, to provide details of how the application is to be examined, including the proposed examination timetable.

Timetable

The proposed examination timetable will include:

- The deadline for providing more detailed written representations to the Examining Authority about the application.
- Details of any hearings – including open floor, issue specific or compulsory acquisition hearings (or deadlines by which such hearings must be requested).

¹ <http://infrastructure.planninginspectorate.gov.uk/>



- The deadlines for providing comments on others' representations. Any such comments will also be published on the relevant project page of the National Infrastructure portal and deposited for inspection at the specified local venues. Copies can be requested in writing or by telephone.
- The deadlines for the issue of questions by the Examining Authority and the deadlines for any responses to be provided.
- Deadlines for Statements of Common Ground (SOCG) to be received. The Examining Authority may ask specific interested parties to jointly prepare a SOCG setting out matters on which they are in agreement. Parties may also find it useful to draw up SOCGs voluntarily. Such documents must be received by the Examining Authority by the specified deadline.

All interested parties will be kept up to date, in writing, about any changes to the examination timetable and the arrangements for any hearing(s).

You can read more about the examination process in Advice Note 8.5: Participating in the examination.

Transitional arrangements for National Infrastructure planning

Up to 1 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 notified 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 2011 .



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.planninginspectorate.gov.uk/>

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

Planning Aid England Advice Line 0330 123 9244

Email: advice@planningaid.rtpi.org.uk

General enquiries: 020 3206 1880

Email: info@planningaid.rtpi.org.uk

Planning Aid for London: 020 7247 4900

Email: info@planningaidforlondon.org.uk

Planning Aid England Wales: 02920 625 000

Web: www.planningaidwales.org.uk

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.