Operational reforms to the Nationally Significant Infrastructure Projects consenting process: government response

Introduction

In February 2023, the government published the Nationally Significant Infrastructure Projects Reform Action Plan. This set out proposed reforms to deliver our commitments to making the infrastructure consenting process better, faster, greener, fairer and more resilient. Government commitments to reform of the regime were made in the National Infrastructure Strategy (2020), and reinforced in the British Energy Security Strategy (April 2022) and Powering Up Britain (2023) policy papers.

The government is committed to the provision of new infrastructure, as this country faces some of the biggest policy challenges for decades. We recognise the need for new and improved infrastructure to realise energy security, improve environmental outcomes to support our net zero agenda, and deliver the transport connectivity, water, wastewater and waste infrastructure this country needs. New infrastructure is also vital for growing the economy, creating new jobs and promoting new opportunities, as well as levelling up our communities.

The Nationally Significant Infrastructure Projects (NSIP) consenting process under the Planning Act 2008 is the route to consent for many of our large infrastructure projects and has served us well for more than a decade.

Introducing the NSIP process has successfully reduced the time taken for major infrastructure projects to achieve development consent to an average of around 4 years, compared to the 8 years it took to consent Heathrow Terminal 5 via a conventional planning inquiry. Major projects which have benefitted include Hinkley Point C (the first nuclear power station to be built in this country for 30 years), the flagship Thames Tideway Tunnel (a major upgrade to London's Victorian sewerage network) and 18 offshore wind farms.

The demands on the system are changing, its speed has slowed and the volume and complexity of cases in the pipeline is increasing. Policy changes are more frequently required to respond to an ever-changing world. Cumulative impacts, particularly in the offshore wind and electricity networks sector, require strategic solutions outside the remit of individual projects. International developments have underlined how crucial it is for the UK to build its own infrastructure to meet energy security, resilience and net zero objectives. To meet our objectives of making the Planning Act 2008 consenting process better, faster, greener, fairer and more resilient, the NSIP Reform Action Plan identified 5 reform areas:

1. **Setting a clear strategic direction**, where National Policy Statements and wider government policy reduce the policy ambiguity faced by individual projects.
2. **Bringing forward operational reforms to support faster consenting,** with an emphasis on delivering proportionate examinations for all projects, strengthening pre-application section 51 advice, and introducing a fast-track consenting timeframe for projects that meet a quality standard.
3. **Realising better outcomes for the environment,** replacing the cumbersome environmental assessment processes with new Environmental Outcomes Reports; reviewing the protected sites and species policy framework (including Habitats Regulations Assessment); and introducing biodiversity

net gain and developing principles for marine net gain for Nationally Significant Infrastructure Projects.

4. **Recognising the role of local authorities and strengthening community engagement with Nationally Significant Infrastructure Projects**, with greater support and measures to embed community input and benefits much earlier in the process.
5. **Improving system-wide capacity and capability**, including through developing skills and training and extending proportionate cost recovery by the Planning Inspectorate and key statutory consultees to support effective preparation and examination of Development Consent Order applications and build resilience into the system.

Executive Summary

Following the publication of the NSIP Reform Action Plan in February 2023, the government is bringing forward reforms to ensure the existing system can support our future infrastructure needs by making the NSIP consenting process better, faster, greener, fairer and more resilient by 2025. The key operational changes we consulted on are designed to make the system work more effectively for applicants, local authorities and communities. These changes fall broadly into three of the five reform areas identified above which this consultation sought views on:

1. Operational reform to support a faster consenting process.
2. Recognising the role of local communities and strengthening engagement.
3. System capability - building a more diverse and resilient resourcing model.

From spring 2024, the government wants all projects entering the pre-application stage of the Planning Act 2008 system, to go through the consenting process within the overall statutory timeframes, and many should be able to progress more quickly. To support this, we will bring forward several changes to the existing process that will lead to more effective pre-application discussions and more flexible and proportionate examinations, thereby supporting faster decision making on applications for Development Consent Orders (DCO).

A new fast-track route to consent will be available for projects capable of meeting the new fast-track quality standard. These projects will be supported to achieve a non-statutory 12-month target timescale from acceptance to decision, including a shorter statutory maximum examination timescale.

All projects will have the opportunity to benefit from improved pre-application services and advice from the Planning Inspectorate. This will include a new enhanced pre-application service for the most complex projects or those seeking a faster examination through the new fast-track route to consent.

The aim of these reforms is to ensure that the system works as efficiently and effectively as possible, without compromising opportunities for those affected by DCO applications to engage in the process. Local communities will continue to have an important voice in the infrastructure consenting process and should play a vital role in ensuring the projects delivered are of the highest quality. The right to be heard is a fundamental principle of the examination process and this is contained in both the Aarhus and the Espoo Conventions (where a plan or project is likely to have a significant effect on the environment). The UK is a signatory to both Conventions and our reforms will continue to reflect our obligations.

Overview of consultation

The consultation was open for eight weeks from 25 July to 19 September 2023, and published on GOV.UK. Responses were accepted via online survey, email and written letter.

The consultation received 142 responses across a broad range of stakeholders, as set out below in Table 1. The government is grateful to everyone who took the time to respond to this consultation, by sharing their experience, views, and suggestions. All responses were thoroughly considered in the development of policy and this government response.

Table 1 – types of consultation response

Types of responses	**Number of responses**
Individual response	16
Central government department / arms-length body	6
Upper-tier local authority (for example, County, Unitary, Metropolitan district or London borough)	20
Lower-tier local authority (for example., District or Borough)	12
Town / parish council	1
Developer / promotor / consultancy	31
Lawyer / legal profession	1
Professional body / organisation	27
Interest group or voluntary organisation	12
Other	16
Total	**142**

A summary of the consultation responses received are included in Annex A to this document setting out the key points made as part of this consultation. Given the technical nature of the proposals, responses to this consultation focus on where the organisation or individual has the most interest. Therefore, not every question was answered by every respondent to the consultation, and this has been clearly indicated in the summary of responses.

The government has had regard to its responsibilities under the Equality Act 2010 and the Environment Act 2021 during the preparation of these reforms.

Summary of proposals and government response

Strengthening the role of pre-application and ensure consultation is effective and proportionate

The government consulted on the following reforms including:

- Revising the pre-application service offering of the Planning Inspectorate, including the introduction of a new enhanced pre-application service;
- Enabling the Planning Inspectorate to provide merits and procedural section 51 advice whilst maintaining impartiality;
- Providing greater clarity for applicants on whom to consult and when;
- Ensuring more effective and proportionate consultation through an early 'adequacy of consultation' milestone; and
- Revising and updating pre-application guidance concerning certain consultation requirements and providing greater clarity about what is required for an application to be accepted.

The government sought views on proposals to support the submission of high-quality applications by improving the level of pre-application advice provided by the Planning Inspectorate and improving the level of engagement with key statutory bodies, local authorities and communities. The consultation provided the government with a range of views, with most responses (Annex A questions 1-11) in support of these measures. The Government will therefore introduce new pre-application services to support applicants in preparing applications, issue new guidance that provides greater clarity over expectations, and amend legislation on consulting statutory consultees.

The responses broadly agreed with the pre-application service proposals put forward, including the three tiers of service proposed. Through the publication of a new Pre-Application Prospectus expected in April 2024, the Planning Inspectorate will set out how it will ensure that all tiers support applicants and enable projects to progress through pre-application. This will include an enhanced level of service to support complex projects and projects aspiring to the fast-track consenting route. Through these services, the Planning Inspectorate will support applicants to prepare high quality applications. The Inspectorate will also offer advice on how to engage government's expert bodies (statutory consultees) in line with those bodies' cost recovery frameworks.

To further support applicants, the government is removing the restriction on a person who has been involved in giving advice during pre-application (under s.51) from then being appointed as the single appointed person or to a Panel responsible for examining that application for Development Consent. By removing this legal restriction, government will be enabling the Planning Inspectorate to, where necessary and appropriate, deploy its resource of Examining Inspectors more flexibly. Further details on this are provided further in the 'Operational reform to support faster and more proportionate examinations' section of this response.

The Planning Inspectorate's Pre-Application Prospectus will provide clarity on arrangements to enable applicants some flexibility to change tiers of service, as well as to ensure the service offer is sustainable. Pre-application services will be supported by new cost recovery measures which will enable the Planning Inspectorate to charge proportionately for each tier of advice. Further detail is provided in the 'Resourcing the Planning Inspectorate and updating existing fees' section of this response. While some applicants noted the challenges they face in ensuring early notification of a project entering pre-application and in providing a fixed application window, the government considers that this should be supported through applicant

discussions with the Planning Inspectorate. This information will be essential to enable the Inspectorate to effectively plan and manage its resources.

In addition to these new pre-application services, new pre-application guidance will be published in April 2024, followed shortly by a new Pre-Application Prospectus to provide greater clarity over expectations for all those involved in the pre-application process. Together, these documents will cover the expectations of different parties, the use of a Programme Document, the main steps required during the preparation of an application and testing through the early consultation milestone embedded in pre-application (which will allow applicants, local authorities and the Planning Inspectorate to assess the adequacy of consultation arrangements early in the pre-application process). Guidance will also emphasise the importance of identifying and resolving key issues early in the process and that failure to do so may result in a longer consenting time.

Guidance will also provide greater clarity for applicants on whom to consult and when. This guidance will also support the provisions in secondary legislation. The government is making amendments to The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 by updating the table in Schedule 1 that contains the list of the prescribed persons to be notified and/or consulted on in relation to NSIP applications under Sections 42(1)(a) and 56(2)(a) of the Planning Act 2008. These updates take account of changes to the legal names of any consultees. Our consultation highlighted some amendments to the list of statutory consultees that were being considered and sought views on further changes (Question 6). Within the breadth of responses suggesting potential organisations that might be added to the list, there was no strong and consistent case for any additional consultee essential to the delivery of quality national infrastructure. For more locally focused stakeholders, local authorities are well-placed to support developers to understand and consult stakeholders, as they engage with developers on Statements of Community Consultation. Having considered the responses, we consider that the current list of prescribed consultees is sufficient for ensuring that the correct expert bodies are notified about and consulted on DCO applications. Should circumstances change in the future, the government will consider reviewing the list of prescribed consultees to ensure that expert input remains current and robust.

Operational reform to support faster and more proportionate examinations

The government consulted on proposals including:

- Removing the prohibition on an Inspector who has given section 51 advice during the pre-application stage from then being appointed to examine the application, either as part of a panel or a single person;
- Requesting more detailed relevant representations, rather than receiving detailed information at the later written representations stage, to enable the Examining Authority to understand the key issues of the application and optimise preparation for the examination earlier on and thus create a robust examination timetable earlier in the process;
- Introducing greater discretion for the Examining Authority to set flexible deadlines during the examination;
- Enabling the use of digital tools for notifications to avoid delays associated with paper notices and letters; and
- Updating guidance to provide greater certainty on the information requirements to support a robust and efficient examination.

The consultation allowed the government to hear a range of views in response to these proposals and showed that there was a significant degree of support on all these measures (Annex A questions 12-17). Many of those who expressed support saw the advantages that could be gained from these proposals both

in making the examination faster, but also more effective through greater flexibility in the process, without compromising on the thorough scrutiny applied to any DCO application by an Examining Authority.

Concerns were raised about the potential bias and lack of perceived impartiality with an Inspector examining (and therefore considering the merits of) proposals which they have previously engaged with during pre-application.

The government is grateful for the feedback received and we believe the case for giving flexibility to the Planning Inspectorate to be able to call on Examining Inspectors to support during the pre-application stage is strong, and merits pursuing the removal of this prohibition. This is to ensure applicants are given the best possible support to fully understand and address issues that could otherwise be critical and cause delays to examination if not addressed early. As well as the need for an appointed Inspector to be transparent in carrying out their functions in any event, the government will consider further the suggestions put forward in some responses that the Inspector's role should be supported through supplementary guidance, or an advice note.

Likewise, we thank stakeholders who raised concerns regarding shorter notification timescales (which apply to compulsory acquisition and open floor hearings). Concerns expressed included the possibility that shorter notification timelines could lead to reduced engagement with statutory consultees and communities, increasing the perceived lack of transparency in the process, with some parties being unable to comment on matters until they have come to light during the written representation stage. The government acknowledges these concerns but believe the proposed change to be proportionate, giving Examining Authorities the flexibility to set their own notification periods reflecting the circumstances that such hearings need to be held in each case, rather than be restricted to the 21 or more days necessitated under the existing legislation.

Some concerns were raised by stakeholders that the move towards digital applications and examinations may reduce active participation by local communities throughout the NSIP consenting process. While we acknowledge these concerns, we consider that a digitised system for submitting DCO applications has many benefits and should ultimately improve participation. Digital transformation of the system will streamline the process for the applicant and Examining Authority, allowing application information to be updated more quickly when it becomes available. It will also enable communities to engage with and respond to applications more quickly – both to applicants during the pre-application phase, and to the Examining Authority as part of relevant representations during the Examination phase. Therefore, the government will take forward these proposals, whilst taking steps to minimise any negative impacts (this is discussed under the Public Sector Equality Duty section of this response).

Changes to be implemented through amendments to secondary legislation and updated guidance

Having considered all the responses to the questions that were posed under this section of the consultation, the government will progress with our proposals to enable faster and more flexible and proportionate examinations, amending, where necessary, the relevant secondary legislation regulations that govern the pre-examination and examination processes.

We will commit to make amendments to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ("the 2009 Regulations") and the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 ("the 2015 Regulations") in order to support faster consenting processes, with an emphasis on delivering proportionate examinations for all projects and introducing a fast-track consenting timeframe for projects that meet the new fast-track quality standard. The amendments are detailed below:

- Removing the provision in Regulation 11(3) of the 2009 Regulations which prohibits appointing a person who has been involved in giving advice under s.51(1) (Advice to potential applicants and others) of the Planning Act 2008 from then being appointed to a Panel or as a single appointed person responsible for examining the relevant application. This restriction is being removed to provide the Planning Inspectorate with greater flexibility in their deployment of Inspector resource on applications for Development Consent. The deployment of Examining Inspectors will be at the discretion of the Planning Inspectorate, who will make a judgement based on the level and complexity of the individual's involvement during pre-application, and resourcing requirements, all while giving due regard to The Planning Inspectorate Code of Conduct ensure a fair examination of the application;

- Amending Regulation 4(2)(b) of the 2015 Regulations to provide that the registration form for 'Relevant Representations' must include the principal submissions and where practicable, the full particulars of the case to encourage more detailed submissions at an earlier stage, where possible. Providing full particulars of a person's case will be dependent upon the application information that is available, but it is expected that this will support the front loading of information at the Relevant Representation stage of the DCO process. This should improve the Examining Authority's ability to develop its initial assessment of principal issues and ensure that examinations are robust, focused and can be completed to proportionate timescales.

The government will also make amendments to the Infrastructure Planning (Examination Procedure) Rules 2010 by:

- Removing the requirement under Rule 10(2) to provide a minimum of 21 days' notice to be provided by the Examining Authority when specifying the date by which a Written Representation is to be received.
- Amend the requirement under Rule 13 which ensures that at least 21 days' notice is given for any hearings under 92(2) (compulsory acquisition hearings) and 93(1) (open-floor hearings) of the Planning Act 2008. Instead, the Examining Authority will need to provide a reasonable timeframe when giving notice of such hearings, adopting a balanced and proportionate approach taking into account the complexity of the hearing and input needed from stakeholders and expert bodies.
- Expand the meaning of advertising 'by local advertisement' prescribed in Regulation 13(7)(a) to also include by publication on the applicant's website. This will allow applicants to publish such notices via a local newspaper or via the applicant's website. These changes do not amend the need to give notice in a local/national newspaper about the submission of an NSIP application. This will continue to be a requirement for applicants with this change in place. The Government believes statutory notices in local newspapers continue to play an important role in informing local communities of significant proposals or developments; and
- Removing the current requirement under Rules 22(3) to (6) for consent to be given by the recipient for any representation, notice or other document required or authorised to be sent under any provision of the Rules by electronic transmission.

These amendments will be introduced through amendment regulations coming into force in spring 2024. Alongside this, we will introduce updated guidance setting out the information needed to support the adoption of these regulatory changes, during both the pre-application and examination stages. The government has set out more detail on this programme of work under the guidance section of this response.

Establishing a fast-track route to consent

The government consulted on the following reforms including:

- Increasing participation in the enhanced pre-application support service from the Planning Inspectorate;
- Introducing a new quality standard, set by the Secretary of State, governing entry into a fast-track process; and
- Allowing a decision by the Planning Inspectorate, on behalf of the Secretary of State, to set a 4-month examination period.

The government recognises the need to support faster consenting and therefore, we will implement the proposed new fast-track process for applications that meet the quality standard. Most responses agreed that delays need to be minimised and that enhanced work during the pre-application stage is an appropriate way for applications to become ready to meet the quality standard at acceptance (Annex A questions 18-21). The fast-track route is designed to be suitable for projects of any sector and complexity, however complex applications are likely to require more effort to reduce the number and scope of issues likely to require time at examination and be capable of being examined within 4 months. Applicants will need to consider, taking account of Planning Inspectorate advice, whether the fast-track route is appropriate on a case by case. The quality standard, therefore, will act as a standard which any project could aspire to meet. However, as each project has variable complexity, the activities and approach required, and ability for project issues to be sufficiently addressed, may also vary.

The government recognises some developers want choice over how they prepare applications with a view to meeting the fast-track quality standard. However, we consider that use of the Planning Inspectorate's enhanced pre-application service will be necessary to ensure that all potential participants in the DCO process can engage meaningfully and effectively to facilitate a shorter examination time for fast-track projects. This enhanced service also plays a critical role in ensuring the Planning Inspectorate can track the resolution of issues across relevant stakeholders and offer advice and engagement as appropriate. The Planning Inspectorate can determine what any examination may need to consider and will bring its experience and expertise to bear through its enhanced pre-application service. While these services will support potential fast-track applications to meet the quality standard, it will be for the Planning Inspectorate acting on behalf of the Secretary of State to make the decision about whether an application meets the fast-track standard and progresses into the fast-track consenting route.

The government recognises views expressed in consultation responses that the quality standard will be effective, but only if pre-application is active in enabling a sound judgment to be made. We also appreciate that some consider the measures in the quality standard to represent best practice. It is important, therefore, for these to be established as a standard and to set a benchmark for best practice for all applications.

It is critical that pre-application timescales remain proportionate to the project and are not extended unnecessarily to enable the fast-track quality standard to be met. Our fast-track route incentivises applicants to develop a transparent programme and work with the Planning Inspectorate and others, including statutory consultees, to ensure the necessary information and inputs are provided at the right time, so quality standards are met. The majority of responses agreed with this. Transparency of applicants' intentions is of paramount importance to enable communities and consultees to engage with applications on a fair basis, and to build trust between parties. Developers will therefore be required to make clear their intention to apply for fast-track in their consultation documents. It remains for the applicant to determine when to submit an application and for the Examining Authority to fully examine the application and for the relevant Secretary of State to decide on that application.

Reviewing the processes for making changes to Development Consent Orders post consent

The government consulted on proposals including:

- To consider whether additional support is needed for applicants to ensure that changes are better directed through either the material or non-material change process to avoid discussions about materiality taking place after the submission of an application, contributing to delays on application progress; and
- Exploring the potential to introduce a statutory timeframe for decisions on non-material change applications.

The government sought views on the need for new guidance relating to post-consent changes to DCOs and what topics such guidance should cover to help inform decision making on the materiality of a proposed change. The government also sought views on a proposal to introduce a statutory timeframe for non-material change applications and what would be considered a reasonable timeframe for determining such applications.

Responses to the consultation provided a range of views from different stakeholders on the process for making post-consent changes to DCOs. There is support for new guidance on changes to DCOs, with stakeholders agreeing that this should cover which application route the proposed post consent changes should undergo. There were requests for further guidance to support decisions on the materiality of proposed changes, and interest in the introduction of a statutory timeframe for determining non-material change applications.

Responses to the consultation demonstrated strong support for the introduction of a statutory timeframe, with 72% of respondents agreeing or strongly agreeing with this proposal. Whilst views on what an appropriate statutory timeframe to determine non-material change applications were varied (Annex A questions 22-24), 81% of responses agreed with timeframes up to 12 weeks at most. 18.2% suggested another timeframe would be suitable and that this should need to be considered on a case-by-case basis depending on the complexity of the change in question.

The government recognises that a statutory timeframe for non-material changes would help applicants make better informed decisions on changes to their projects and enable them to have confidence about when a decision can be expected. This should have a beneficial impact on infrastructure in terms of innovation, speed, and delivery.

Alongside the question of introducing a timeframe for changes, there is clear scope for improvement to the operation of the wider post consent change process. We see some benefits in creating a new framework which is not reliant on deciding whether a change is material or non-material and is instead more proportionate to the complexity of the change in question.

Following the strong support shown for a statutory timeframe through this consultation, the government is committed to a statutory timeframe for post-consent changes. The work to prepare for the introduction of a statutory timeframe will take place alongside a review of the whole process associated with making post-consent changes to DCOs, including material changes.

To support the introduction of changes to post-consent processes, and the introduction of a statutory timeframe, the government will introduce revised guidance. This will set out clear expectations around engagement between applicants, consenting departments, and other key stakeholders, and will be explicit about the quality and scope of the documentation required. These factors will be crucial for enabling consenting departments to advise on the appropriate consenting route for determining such changes so that the change in question is given the appropriate scrutiny based on its complexity and impact on stakeholders and communities.

The government welcomes the range of views expressed in the consultation responses and will consider these carefully in our future policy development and review of the post-consent aspect of the NSIP system.

Resourcing the Planning Inspectorate and updating existing fees

The government consulted on proposals including:

- Enabling the Planning Inspectorate to recover costs for the pre-application services it provides to applicants; and
- Ensuring current fees accurately reflect the work undertaken by the Planning Inspectorate in its work during the statutory stages of the Development Consent Order application process, and the work undertaken by consenting departments in determining non-material change applications.

The Planning Inspectorate plays a fundamental role in enabling the NSIP consenting process to handle an increasing number of projects with increasing complexity. Alongside this, we appreciate that the work needed to implement and fully realise these operational reforms will create additional burdens on these already constrained services. Government recognises the concerns expressed in responses about the ability of the Planning Inspectorate to meet the increasing demands on its resources. From responses, there is broad agreement to our proposals that the Planning Inspectorate's new pre-application services will need to be resourced on a cost recovery basis (Annex A questions 25-29). There is also agreement that the existing fees should be updated to reflect the associated costs.

Secondary legislation to enable fuller cost recovery is due to come into force (subject to Parliamentary approval) in spring 2024 and will prescribe the fee for each 'relevant day' on which the Planning Inspectorate provides the pre-application services. This will be accompanied with government guidance and a new Pre-Application Prospectus, to be published by the Planning Inspectorate, setting out the services an applicant should expect to receive at each tier of pre-application service. Enabling cost recovery for the Planning Inspectorate at pre-application will resource and enable delivery of new pre-application services. These services will support applicants to engage with appropriate bodies and help enable them to develop and test the application they are submitting to the Examining Authority.

The government will be introducing amendments to the Infrastructure Planning (Fees) Regulations 2010 to bring forward new provisions to enable the Secretary of State (the Planning Inspectorate) to charge applicants for their pre-application services. This will include charging a rate of £2,300 for each relevant day as required by the Secretary of State for the provision of the service. Pre-application services relates to 'services provided to the applicant by the Secretary of State in connection with the Secretary of State's major infrastructure functions', and may include (in relation to proposed applications) providing the following service during the pre-application stage:

- Giving of advice to the applicant under s.51(1) (Advice to potential applicants and others) of the Planning Act 2008;
- Services provided to the applicant in relation to the environmental impact assessment process under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017;
- Services provided to the applicant in relation to s.98 (Timetable for examining, and reporting on, applications) of the Planning Act 2008; and
- Services provided to the applicant in relation to any matters which the Secretary of State thinks may be both important and relevant to the Secretary of State's decision under s.104 (Decisions in cases where national policy statement has effect) and s.105 (Decisions in cases where no national policy statement has effect) of the Planning Act 2008.

The provisions will also prescribe the process for notifying applicants of the fee that is being charged, the period within which a fee must be paid by the applicant (28 days), the consequences if a fee is not paid by the applicant, and that a fee may be waived by the Secretary of State.

The government also remains committed to updating the existing fees in the Infrastructure Planning (Fees) Regulations 2010 ("the 2010 Regulations"). To ensure that updated fees accurately reflect the costs associated with the service they charge for, further work is needed to determine these updated fees, and further secondary legislation may be introduced once this further work is complete. Existing fees will continue to be uprated to take account of indexation in accordance with the 2010 Regulations, with updated fees published on the Planning Inspectorate's webpage, until they are revised. Updating the current fees will enable the Planning Inspectorate to build a better resourced team capable of dealing deal with projects as needed, building on the additional resources they have already put in place.

Strengthening performance of government's expert bodies

The government consulted on proposals including:

- Working across government to define performance standards and monitoring arrangements across a number of government's expert bodies to deliver improved services;
- Enabling specific organisations to move towards full cost-recovery of direct project advice and engagement across the Planning Act 2008 consenting process; and
- Revising and updating guidance concerning requirements for engaging with statutory consultees and their role across the system including requirements under the enhanced pre-application process and faster examinations.

The government recognises that the capacity, approach and capabilities of specific statutory consultees is fundamental to deliver effective and timely advice and support the efficient decision making on NSIP applications. It is essential that these bodies are resourced effectively so they can engage proactively with the consenting process. To ensure they can recover the costs associated with engaging with the DCO application process, the government is introducing new provisions to enable some public bodies, which are also statutory consultees, to charge applicants the planning services they provide. The following public authorities will be prescribed in the Regulations as being able to charge for their services:

- The Environment Agency
- Natural England
- Natural Resources Wales
- The Coal Authority
- The Health and Safety Executive
- National Highways
- Marine Management Organisation
- Historic Buildings and Monuments Commission for England

These expert bodies represent a group of organisations that are instrumental in the early identification and mitigation of impacts associated with water, energy, and transport infrastructure projects. These organisations are consulted on over 90% of DCO applications and already respond to 80% of formal pre-application engagement. They will continue to play a critical role across the whole DCO application process providing expert advice and input on development proposals from early pre-application engagement and formal Examination to recommendation and decision, and post-consent activities.

New charging powers will be introduced by amending the Infrastructure Planning (Fees) Regulations 2010 to enable these authorities to recover costs of relevant services provided in relation to applications for development consent. These fees are not for profit, but specifically to recover the costs to the body of its work on the application.

New provisions will also set out the process for the payment of fees by applicants to the prescribed authority in relation to the provision of the relevant services. This also includes provision for the circumstances in which a fee may be charged, and the consequences when a fee is not received by the public authority. Secondary legislation will be introduced to enable prescribed statutory consultees to recover costs associated with the provision of relevant services on NSIP projects. The prescribed bodies will be limited to those consultees set out in the consultation document.

The government will continue to review other bodies on the principle of 'organisations that are instrumental in the early identification and mitigation of impacts associated with water, energy, and transport infrastructure projects, which respond to a significant percentage of those that they are consulted on, and which will play a critical role across the whole DCO application process'. This will inform the government as to whether additional bodies should be able to recover costs in the future.

Local authorities are not included here. The government recognises the important role that local authorities play as a statutory consultee, and the wider role they play in ensuring development proposals address local issues, and consents are implemented in accordance with specific requirements. Cost recovery for local authorities will be taken forward as one of the principles for planning performance agreements that will be included in guidance (see 'improving engagement with local authorities and communities').

Many of the bodies above already recover costs for discretionary work and the new cost recovery regime will not prevent statutory consultees from using their existing general powers under different legislation. The government will issue guidance on the new cost recovery regime. While the regulations will allow those authorities listed to recover the costs of relevant services provided from 1 April 2024, some expert bodies will take more time to introduce their new charging schemes.

Cost recovery is essential to secure effective resourcing in government expert bodies, which have already been increasing resourcing to support NSIP consenting. The ability for statutory consultees to respond effectively, especially at the Relevant Representations stage to support effective pre-application will require applicants to ensure consultees have the information they need to respond in an effective and timely way. This will be emphasised in pre-application guidance. Consultation responses showed strong support for performance monitoring of government expert advice based on outcomes, covering the provision of statutory and non-statutory advice, considering the quality of customer service, and appropriately tailored to each organisation (Annex A questions 30-35), although there were also calls for cost recovery to be dependent on meeting KPIs. The government is working with those prescribed statutory consultees to bring key performance indicators into place to measure these matters, to be reported on in a timely, transparent, simple to understand and easily accessible way. The government considers that transparency is the most effective mechanism for accountability, rather than financial penalties which would negatively affect consultees resourcing and ability to engage. The government also recognises that introducing these indicators will require the collection of data, which will need to be tested and will evolve over time.

Improving engagement with local authorities and communities

The government consulted on proposals including:

- Further innovation and capacity building for local authorities including launching a new round of Innovation and Capacity funding;
- Supporting longer-term capacity and positive engagement between local authorities and applicants through the use of 'planning performance agreements'; and
- Improving local community engagement through more prescriptive guidance and an early 'adequacy of consultation' milestone

Local authorities play a key and vital role in the DCO process. There is no specific funding for local authorities to engage with NSIP projects, which can demand extensive consideration of local issues. The government has responded to these concerns by establishing the Innovation and Capacity Fund, launched in June 2022.

The funding has helped local authorities innovate in how they handle NSIPs and build capacity, and we recognise that this has contributed to some very positive outcomes. The funding received in Round 1 of the innovation and Capacity Fund has helped the awarded local authorities develop projects ranging such as, a Centre of Excellence, an online interactive dashboard to improving existing governance methods. Following the successful outcomes of Round 1 of the Innovation and Capacity Fund, the government has offered funding to local authorities through a second round of funding in two streams:

- **Stream 1**: for projects relating to NSIPs in the **transport sector only**, with grants up to £350,000.00, with funding for financial year 2023-24.
- **Stream 2**: for projects relating to NSIPs of any sector, with grants up to £100,000.00 with funding for financial years 2023/24 and 2024/25. Projects can span financial years and funding has been made available for up to 12 months from September 2023.

The government announced those projects that were successful in applying for funding in November 2023 in Getting Great Britain building again: Speeding up infrastructure delivery.

More sustainable funding of local authorities is critical to appropriately resource the work needed for them to engage effectively and support the development of proposals that understand and respond to local needs and issues. The government welcomes the broad support in responses (Annex A questions 36-38) for guidance on setting out principles for planning performance agreements, which are specific to individual projects. The government will publish guidance in spring 2024. In preparing guidance, we will take into account the responses received to our consultation on what the proposed principles should include, in particular about the importance of early agreement that enables local authorities to participate in the development consent process, and potential for a template to support preparation of agreements. Guidance will also take into consideration the accountability of both applicants and local authorities to engage appropriately and effectively.

In addition, the government has continued to support the development of skills and knowledge by working with the Planning Advisory Service to help bring local authorities together through regular network events, where they can come together in one space and openly discuss the challenges, they face in dealing with major infrastructure projects. The number of local authorities participating in this network has doubled over the last 12 months.

Effective engagement with local communities is also critical to the DCO process. The government agrees with local authorities, applicants and community responses about the importance of early engagement with communities and the need for updated guidance to support this. We will issue revised guidance covering the preparation of applications, including proportionate and effective engagement and consultation. This will lead to enhanced applications from the outset, a reduced risk of uncertainty and delay due to legal challenge, and result in better outcomes. This will be supported by the programme-led approach to pre-application, driven by applicants and supported through the Planning Inspectorate's pre-application services.

Building the skills needed to support infrastructure delivery

The government consulted on proposals including:

- Providing support to authorities that are new to the Planning Act 2008 NSIP consenting process;
- Supporting authorities to improve understanding of how to effectively engage with Development Consent Order applications by sharing learning from Innovation and Capacity Fund projects; and

- Developing materials to support local authorities to prepare 'planning performance agreements'.

The government asked for views on where there are gaps in skills, capacity and capability to support the NSIP consenting process, including within the Planning Inspectorate, statutory consultees and local authorities, while recognising that number of specialist roles required to support consenting will need to increase given the competitiveness of the labour market, and the increasing complexity of NSIP projects requiring more specialist input.

The consultation allowed us to hear a range of views from many of different stakeholders involved in the NSIP consenting process. We recognise the challenges faced by many stakeholders, especially those in the public sector for example statutory bodies, local authorities and community groups, who are struggling to recruit to specialist roles which include town planning, environment and ecology- specific roles (Annex A questions 39-41). Stakeholders also raised several ways in which that the government might support the development of programmes to boost skills, capability and capacity across the sector. These included developing more apprenticeship routes to train as specialists in certain fields and offering more opportunities for employers to provide secondments across public and private sectors to upskill existing staff and create better cross-sector working.

The government has already committed to supporting developing capability and capacity across the wider planning sector with the introduction of the Planning Skills Delivery Fund which supports driving skills and capacity in local authorities. This includes the Innovation and Capacity Fund to support local authorities on NSIP applications and expanding opportunities for young professionals to become practitioners across the wider planning sector. This includes supporting the expansion of the Royal Town Planning Institute's Future Planners Bursary Scheme.

The government reforms will enable full cost recovery measures for the Planning Inspectorate and statutory consultees will address some of the resourcing challenges that exist across sectors. However, there is more that needs to be done to address the gaps identified, and the evidence provided will support the development of a skills strategy for infrastructure planning later in the year. This will be particularly important to understand and support development of the range of skills required, especially across public sector bodies, to enable faster consenting. This will require a joint effort with the sector to tackle the sector's skills, capabilities to fill capacity gaps. We will work with Planning Advisory Service, local authorities and professional bodies to identify opportunities to address these challenges across the wider planning sector, to ensure that there is the necessary expertise and skills available to support the increasing number and complexity of DCO applications.

Updates to the national infrastructure planning guidance

The government consulted on proposals including:

- Strengthening existing pre-application guidance to emphasise the importance of identifying and resolving key issues early in the pre-application process;
- Revising existing guidance on the pre-application and examination stages of the process to complement our proposed changes to secondary legislation and set out further detail about what information is needed at each stage;
- Publishing new guidance to support the fast-track consenting route, including how applications can demonstrate compliance with the fast-track quality standard;
- Updating existing guidance on changes to Development Consent Orders to ensure timely decision making;

- Publishing new guidance on the fees for pre-application advice and post consent changes to Development Consent Orders;
- Publishing new guidance on the cost recovery system for statutory consultees providing clarity to applicants and statutory consultees of their roles in acquiring cost-recoverable services; and
- Publishing new guidance on the principles for the use of 'planning performance agreements' with local authorities and providing greater clarity on community engagement expectations throughout the consenting process.

The government sought views on the extent to which proposed updated guidance on matters covering pre-application, examination, fast-track, post consent changes, cost recovery and planning performance agreements would support the objectives of NSIP reforms. We also sought views on moving towards a HTML based format for guidance and sought feedback on any additional guidance stakeholders consider would support NSIP reform.

Responses received to the consultation welcomed proposals to provide updated and strengthened guidance. To support this we will be introducing new and updated guidance covering the full NSIP process from pre-application to post consent, including on pre-application, fast-track, post consent changes, and cost recovery. Strong support was also received for the proposal to move towards a fully web-based format for guidance similar to the National Planning Practice Guidance. Respondents also raised a comprehensive range of additional guidance updates which some considered are needed to support NSIP reforms (Annex A questions 42-44).

The NSIP regime introduced by the Planning Act 2008 has been in operation now for over a decade, and several changes to the legislation have been made during that period. The legislation is supported by a range of guidance documents, many of which have not been updated for several years. As part of operational reforms to make the NSIP process faster, more transparent and easier for all stakeholders to navigate, national infrastructure planning guidance will be comprehensively reviewed and updated from April 2024 to take into account consultation responses as well as experience gained by government departments, the Planning Inspectorate and other stakeholders as part of their handling of a large number of DCO applications over recent years.

The revised guidance will better reflect knowledge of good practice, changing circumstances and feedback from users on its clarity and helpfulness. It will be developed with input from across government, industry and a wide range of stakeholders, and will build on responses received to this consultation on operational reforms to the NSIP process.

The format of the updated guidance will enable more regular updates to reflect changes to the system and can build on experience gained as reforms to the process take effect. This includes a move towards a webpage format to provide greater searchability, consistency and accessibility across the full guidance suite for all users of the system.

The government's approach to the revised guidance will be to structure it by the main stages involved in the preparation and examination of applications for development consent:

- Introduction;
- Pre-application;
- Fast-track;
- Content of an application for development consent;
- Acceptance and pre-examination;
- Examination;

- Decision;
- Post Decision;
- Fees, Cost Recovery & Planning Performance Agreements;
- Compulsory Acquisition;
- NSIP and Housing; and
- National Policy Statements.

The government intends to take a phased approach to the introduction of new or updated guidance from March 2024, with Cost Recovery guidance to be issued first and the following guidance to be published from April 2024:

- Introduction;
- Pre-application;
- Fast-track;
- Content of a development consent order;
- Acceptance and pre-examination; and
- Examination.

This will be followed by guidance on:

- Fees & Planning Performance Agreements;
- Decision;
- Post Decision;
- Compulsory Acquisition;
- NSIP and Housing; and
- National Policy Statements.

The government proposes the following initial priority updates to guidance:

- **Pre-application** – strengthening pre-application guidance to emphasise the importance of identifying and resolving key issues early in the pre-application process, as well as providing further guidance on consultation expectations. New guidance will cover pre-application services from the Planning Inspectorate and matters such as Environmental Impact Assessment, Preliminary Environmental Information, Habitats Regulations Assessment and alternatives.
- **Fast-track** – publishing new guidance to support the fast-track consenting route, including the acceptance process and how applications can demonstrate compliance with the fast-track quality standard; the types of applications suitable to enter the fast-track route; pre-application expectations; participation in the enhanced pre-application support service from the Planning Inspectorate; the decision for entry into the fast-track process; non-statutory timeframes; and fast-track examination, reporting and decision stages.
- **Content of an application for development consent** – publishing new guidance on the preparation of a DCO and Explanatory Memorandum.
- **Acceptance and pre-examination** – publishing new guidance on the standard of application required to comply with the 'Acceptance' tests (section 55 of the Planning Act 2008); and updated guidance to support changes to secondary legislation which will provide that the relevant representation registration form must include the principal submission and, where practicable, the full particulars of the case which the person proposes to make in respect of the application. Guidance will also reflect changes to secondary legislation which will enable an Examining Inspector involved in giving pre-application advice to the applicant during the preparation of an application to be appointed to the

Examining Authority and the removal of the requirement for consent to the sending of representations, notices or documents by electronic transmission.

- **Examination** – updated guidance to promote the early identification of the key issues which need resolution through reaffirmation of the role of the initial assessment of principal issues by the Examination Authority; the early submission of Principal Areas of Disagreement Summary Statements by interested parties in the examination; and updated guidance to support changes to secondary legislation which will provide greater flexibility and discretion for the Examining Authority to set deadlines for notification of compulsory acquisition and open-floor hearings and the receipt of written representations during the examination.
- **Cost Recovery** – publishing new guidance on cost recovery for the Planning Inspectorate and statutory consultees.

The government will publish the remaining sections of updated guidance post April 2024, communicating directly with our statutory consultees and publishing on Gov.uk.

Public Sector Equality Duty and Impact Assessment

The government sought views on whether the proposals could impact on any particular groups with relevant protected characteristics, under the Equality Act 2010. Some stakeholders replied to the consultation with views that some proposals may negatively impact certain groups of people with relevant protected characteristics, mainly in relation to the proposals to move towards digitisation of the consenting process, to enable the submission of digital applications, planning data and digital examinations (Annex A question 45).

The government does not anticipate the proposals will have significant impacts under the Equality Act 2010, but recognises the concerns raised by stakeholders. We will continue to keep the impact of these proposals under review and will seek to minimise any negative impacts.

A move towards digital applications and examinations will support government objectives to streamline the NSIP consenting process and support delivery of faster examinations. The government also believes that by moving to digital applications and examinations, it will enable greater transparency, accessibility and wider participation for all parties engaging with the NSIP process. Yet, we also recognise that any move towards digital processes will need to ensure that it does not exclude stakeholders from actively participating in the wider planning process, including pre-application consultation and during the Examination itself.

Under existing legislation[1] and guidance[2], applicants are permitted to utilise digital processes relating to certain requirements relating to the publication of notices, and the giving of notice, about how relevant documents are available for inspection. However, there is an expectation that, where appropriate, applicants should work with local authorities to ensure that there are alternative arrangements to make documentation available on request where it is not possible to view the material online, for example by providing copies of documents on a USB flash drive where parties have access to a computer but have limited or no internet access or, where reasonably practicable, by making paper copies of documents available for inspection free of charge where a person is unable to access the documentation electronically or finds it difficult to do so.

The government will continue to ensure that guidance is in place to ensure that there remain alternative proportionate means of engaging with the NSIP consenting process outside of the digital processes, from

[1] The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and the Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020

[2] Guidance on procedural requirements for major infrastructure projects (July 2020)

pre-application to participating throughout the Examination stage. This will be reflected in any guidance that is required to reflect any legislative changes that are introduced.

Annex A – Summary of responses

Strengthening the role of pre-application and ensure consultation is effective and proportionate

Question 1 – Do you support the proposal for a new and chargeable pre-application service from the Planning Inspectorate?

Option	Total	Percent
Strongly agree	12	8.45%
Agree	65	45.77%
Neither agree/disagree	13	9.15%
Disagree	3	2.11%
Strongly disagree	1	0.70%
Not Answered	48	33.80%

Questions 2a and 2b – Do you agree with the 3 levels of services offered? If you are an applicant, which of the 3 tiers of services would you be most likely to use and for how many projects?

Do you agree with the three levels of service offered?

Option	Total	Percent
Strongly agree	4	2.82%
Agree	51	35.92%
Neither agree/disagree	22	15.49%
Disagree	7	4.93%
Strongly disagree	1	0.70%
Not Answered	57	40.14%

If you are an applicant, which of the 3 tiers of services would you be most likely to use and for how many projects?

Tier 1: A new basic pre-application service multiple choice

Option	Total	Percent
Yes	18	12.68%
No	4	2.82%
Not applicable	34	23.94%
Not Answered	86	60.56%

Tier 2: A new standard pre-application service multiple choice

Option	Total	Percent
Yes	15	10.56%
No	0	0.00%
Not applicable	38	26.76%
Not Answered	89	62.68%

Tier 3: A new enhanced pre-application service multiple choice

Option	Total	Percent
Yes	15	10.56%
No	1	0.70%
Not applicable	37	26.06%
Not Answered	89	62.68%

Key points raised included:

- Stakeholders wanted to ensure that the fees represent the cost of the resource needed to provide the service. There were a broad number of responses across different sub-questions that noted that applicants would use a range of tiers depending on the complexity of their project.
- Of those that agreed with the basic tier, most noted they would use this and other tiers. Views on delivering a basic service included that it should:
    - Provide added benefit beyond the existing approach to pre-application;
    - Be more structured, providing key milestones;
    - Provide projects with sufficient attention and offer advice on issues such as digital environmental assessment;
- For the standard and enhanced services respondents commented that these services would enable projects to be given sufficient attention to achieve progress through pre-application. Some respondents commented that they may opt for a higher tier if the response from the Planning Inspectorate would be more authoritative and more substantive to the project, and others that they would use the higher tier for projects that are more complex in nature with a number of elements which need consenting, or associated consents required. However, some respondents also thought that the six-month notification in advance of a project entering pre-application and a fixed application window are likely to be impractical. Respondents also wanted to make sure they understood what was expected in practical terms for the use of the pre-application service in relation to the programme, and issue and risk tracking.
- Some stakeholders thought that the services should be more flexible for various reasons, including in case of any delay to the expected programme. A number also questioned whether the fast-track route should be available to services that have not used the enhanced pre-application service (especially simpler projects that should be able to progress through examination more swiftly). It was also noted that for some applications which may be close to the boundary of using the NSIP or TCPA consenting routes, the cost of pre-application cost recovery between the two regimes may influence decisions on which consenting route is used for a project.
- Stakeholders flagged that pre-application engagement by other agencies – in particular local authorities and statutory consultees – will be important. Respondents are also conscious that the service will need to provide expertise, and aware of the resourcing challenges faced by the Planning Inspectorate. They also noted that the new services could potentially create additional administrative burdens for the inspectorate. Suggestions included seeking a simple administrative approach and paying more competitive salaries to attract expertise. They also noted that there would be a period while the new services are transitioned-in by the Planning Inspectorate.

Question 3 – Would having the flexibility to change subscriptions as a project progresses through pre-application be important to you?

Option	Total	Percent
Yes	41	28.87%
No	5	3.52%
Not applicable	32	22.54%
Not Answered	64	45.07%

Key points raised included:

- There would be merit in flexibility for a number of reasons, including:
    - That the nature of NSIP projects means that the complexity or controversy of projects or their suitability of projects for entering fast-track may change as issues emerge or diminish over time;
    - As well as unexpected changes, it may be appropriate for projects to use different tiers at different stages as they progress through pre-application;
    - Applicants may want to change tier to ensure it meets their needs and that the cost can be justified to their own management structures;
    - Changes to tiers may help applicants ensure their projects can progress through pre-application, and ensure applications are effectively addressing issues such as community engagement;
- For extended pre-application advice, beyond an initial twelve months, a further 12 month subscription may not meet applicant's needs (for example a rolling monthly or quarterly period may better support applications);
- It may be appropriate for pauses to the pre-application service in the event of delays to a project;
- One respondent questioned whether changing tiers may create additional delay to a project. Another suggested PINs include an early gateway to help ensure the appropriate level of service.
- Developers would need guidance on changing tiers.

Question 4 – To what extent do you agree that the overall proposals for merits and procedural advice will enable the policy objective to be met?

Option	Total	Percent
Strongly agree	5	3.52%
Agree	45	31.69%
Neither agree/disagree	26	18.31%
Disagree	7	4.93%
Strongly disagree	1	0.70%
Not Answered	58	40.85%

Question 5 – Do you have any specific comments on the proposals in the table above?

For this question, 91 responses were received. Respondents were broadly supportive of the Planning Inspectorate providing merits advice. Applicants were particularly focussed on this advice seeking to ensure an application is fit for purpose, avoiding new issues coming to light at examination. This particularly needs

advice to address stalemate situations and provide advice on what is needed from the applicant to eliminate uncertainties and resolve issues prior to examination. It should identify potential examination issues at an earlier stage of the process and allow a structured approach to their resolution.

There was a mix of views on the relationship between merits advice and the examination stage, with some respondents stressing the need for impartiality, whereas others noted that there would be merit in consistency of advice and Inspector resource going from pre-application into examination. It was also considered the merits advice at pre-application should logically be the same at application. One respondent considered merits advice is "evidenced opinion (without prejudice)", based upon information available to the Inspectorate at that time. There was also recognition that applicants often follow commercially driven programmes, and may choose not to follow Planning Inspectorate advice, taking account of its own advice and appetite for risk.

Stakeholders reflected that there are opportunities from the pre-application service to ensure high quality community engagement, and positive outcomes. It was recognised that applicants need to engage positively in the process, including providing the right level of information early enough to inform advice. At the same time there was also broad recognition about the importance of other organisations, in particular local authorities and statutory consultees, resourcing and effectively engaging in the process for it to have benefit.

The view that the added value of the Inspectorate's role should be to enable tracking of issues across a sector in a way that avoids recurring issues arising post-application that need to be addressed at later stages to ensure a development is acceptable.

Question 6 – Do you agree with the proposed changes to the consolidated list of statutory consultees outline above?

This question sought stakeholders' views on the consolidated list of statutory consultees on whether to keep or remove them.

Civil Aviation Authority

Option	Total	Percent
Keep	53	37.32%
No view	13	9.15%
Remove	0	0.00%
Not Answered	76	53.52%

Forestry Commission

Option	Total	Percent
Keep	53	37.32%
No view	13	9.15%
Remove	1	0.70%
Not Answered	75	52.82%

Health and Safety Executive

Option	Total	Percent
Keep	50	35.21%
No view	14	9.86%
Remove	3	2.11%
Not Answered	75	52.82%

Integrated Transport Authorities (ITA) and Passenger Transport Executive (PTE)

Option	Total	Percent
Keep	50	35.21%
No view	15	10.56%
Remove	1	0.70%
Not Answered	76	53.52%

Maritime and Coastguard Agency

Option	Total	Percent
Keep	51	35.92%
No view	15	10.56%
Remove	0	0.00%
Not Answered	76	53.52%

National Health Service Commissioning Board and the relevant clinical commissioning group

Option	Total	Percent
Keep	48	33.80%
No view	14	9.86%
Remove	4	2.82%
Not Answered	76	53.52%

National Health Service Trusts (Wales)

Option	Total	Percent
Keep	44	30.99%
No view	18	12.68%
Remove	3	2.11%
Not Answered	77	54.23%

Natural England

Option	Total	Percent
Keep	56	39.44%
No view	9	6.34%
Remove	1	0.70%
Not Answered	76	53.52%

Natural Resources Wales

Option	Total	Percent
Keep	51	35.92%
No view	13	9.15%
Remove	1	0.70%
Not Answered	77	54.23%

Relevant AONB Conservation Boards

Option	Total	Percent
Keep	56	39.44%
No view	9	6.34%
Remove	1	0.70%
Not Answered	76	53.52%

Relevant Fire and Rescue Authority

Option	Total	Percent
Keep	51	35.92%
No view	13	9.15%
Remove	2	1.41%
Not Answered	76	53.52%

Relevant Health Board (Scotland)

Option	Total	Percent
Keep	43	30.28%
No view	19	13.38%
Remove	4	2.82%
Not Answered	76	53.52%

Relevant Highways Authority

Option	Total	Percent
Keep	52	36.62%
No view	11	7.75%
Remove	3	2.11%
Not Answered	76	53.52%

Relevant Internal Drainage Board

Option	Total	Percent
Keep	53	37.32%

No view	12	8.45%
Remove	1	0.70%
Not Answered	76	53.52%

Relevant local health board (Wales)

Option	Total	Percent
Keep	41	28.87%
No view	20	14.08%
Remove	4	2.82%
Not Answered	77	54.23%

Relevant Northern Ireland Department

Option	Total	Percent
Keep	42	29.58%
No view	20	14.08%
Remove	3	2.11%
Not Answered	77	54.23%

Relevant Parish Council or Community Council

Option	Total	Percent
Keep	54	38.03%
No view	12	8.45%
Remove	1	0.70%
Not Answered	75	52.82%

Relevant Police Authority

Option	Total	Percent
Keep	46	32.39%
No view	17	11.97%
Remove	3	2.11%
Not Answered	76	53.52%

Relevant Statutory Undertakers

Option	Total	Percent
Keep	52	36.62%
No view	12	8.45%
Remove	1	0.70%
Not Answered	77	54.23%

Royal Commission on Ancient and Historical Monuments of Wales

Option	Total	Percent
Keep	46	32.39%
No view	17	11.97%
Remove	2	1.41%
Not Answered	77	54.23%

Scottish Natural Heritage

Option	Total	Percent
Keep	49	34.51%
No view	16	11.27%
Remove	1	0.70%
Not Answered	76	53.52%

Secretary of State for Defence

Option	Total	Percent
Keep	47	33.10%
No view	17	11.97%
Remove	1	0.70%
Not Answered	77	54.23%

The British Waterways Board

Option	Total	Percent
Keep	47	33.10%
No view	18	12.68%
Remove	0	0.00%
Not Answered	77	54.23%

The Coal Authority

Option	Total	Percent
Keep	47	33.10%
No view	18	12.68%
Remove	1	0.70%
Not Answered	76	53.52%

The Crown Estate Commissioners

Option	Total	Percent
Keep	49	34.51%
No view	16	11.27%
Remove	1	0.70%
Not Answered	76	53.52%

The Environment Agency

Option	Total	Percent
Keep	55	38.73%
No view	10	7.04%
Remove	1	0.70%
Not Answered	76	53.52%

The Highways Agency

Option	Total	Percent
Keep	52	36.62%
No view	12	8.45%
Remove	1	0.70%
Not Answered	77	54.23%

The Historic Buildings and Monuments Commission for England

Option	Total	Percent
Keep	53	37.32%
No view	11	7.75%
Remove	2	1.41%
Not Answered	76	53.52%

The Joint Nature Conservation Committee

Option	Total	Percent
Keep	50	35.21%
No view	13	9.15%
Remove	2	1.41%
Not Answered	77	54.23%

The Scottish Environment Protection Agency

Option	Total	Percent
Keep	46	32.39%
No view	19	13.38%
Remove	1	0.70%
Not Answered	76	53.52%

The Scottish Executive (Scottish Government)

Option	Total	Percent
Keep	45	31.69%

No view	21	14.79%
Remove	0	0.00%
Not Answered	76	53.52%

The Welsh Ministers (Welsh Government)

Option	Total	Percent
Keep	45	31.69%
No view	20	14.08%
Remove	0	0.00%
Not Answered	77	54.23%

Transport for London

Option	Total	Percent
Keep	48	33.80%
No view	16	11.27%
Remove	1	0.70%
Not Answered	77	54.23%

Trinity House

Option	Total	Percent
Keep	44	30.99%
No view	19	13.38%
Remove	2	1.41%
Not Answered	77	54.23%

UK Health Security Agency

Option	Total	Percent
Keep	44	30.99%
No view	19	13.38%
Remove	1	0.70%
Not Answered	78	54.93%

Question 7 – Are there any other amendments to the current consolidated list outlined in table 2.1 that you think should be made?

Option	Total	Percent
Yes	56	39.44%
No	33	23.24%
Not Answered	53	37.32%

Key points raised:

- A number of stakeholders requested clarification on what is meant and how applicants are to identify relevant consultees in the new category of "Neighbourhood Planning or Development Groups".
- Some stakeholders cited that the Health and Safety Executive, while a key statutory consultee, should be removed as they do not sufficiently engage with NSIP process.
- Network Rail should be added to this list, especially given that National Highways/Highways Agency is on the list, TfL believe this would make the list inconsistent as they both have responsibility for national transport infrastructure.
- Stakeholders highlighted consideration to adding Active Travel England to the consolidated list of statutory consultees. They were recently added as a statutory consultee housing and were added recently (on 1st June 2023) on major planning applications for all transport and land use developments where access is relevant, as they are responsible for promoting walking, wheeling and cycling.
- Another suggestion by stakeholders was that there is no statutory body charged with scrutinising climate mitigation in the DCO process. Either the Office for Environmental Protection or the Climate Change Committee should provide this essential function and be provided with the necessary resources to perform it.
- There should be an annual update to take account of new and dissolved organisations as well as name changes.
- The government should amend the name for National Highways from the 'Highways Agency'.
- Further suggested additions to the consolidated list included Local Nature Partnerships, Local Water Authorities, The Office of Health Improvement and Disparities, Transport for the North, Directors of Public Health, Local Wildlife Trusts, Statutory Harbour Authorities, other formally constituted local community groups, Parish Councils, Historic Environment Scotland, Local Economic Partnerships, National Park Authorities, Relevant Minerals and Waste Planning Authority, Lead Local Flood Authority (LLFA), Sport England, Aerodrome Operators, North Sea Transition Authority, Relevant Inshore Fisheries and Conservation Authorities, 'any specialist' AONB body or unit constituted within a Local Authority.

Question 8 – Do you support the proposed introduction of an early 'adequacy of consultation' milestone?

Option	Total	Percent
Strongly agree	24	16.90%
Agree	54	38.03%
Neither agree/disagree	11	7.75%
Disagree	8	5.63%
Strongly disagree	3	2.11%
Not Answered	42	29.58%

Question 9 – Are there any additional factors that you think the early 'adequacy of consultation' (AoC) milestone should consider?

There were 97 responses provided to this part of the question. Overall, majority of respondents do agree with the AoC milestone, but to ensure its success and benefit to the system they've provided some caveats to this (as mentioned in Q8 as well). Applicants highlighted the need to have some way to measure the

success of the AoC milestone and make sure it is not a tick box exercise like there is currently in parts of the process. Respondents have suggested a way to rate/score this milestone which is needed.

A variety of stakeholders echoed the need for guidance in this area, this should be in place for all involved and advise on what adequacy means, what the minimum requirement is, when the milestone is intended to occur and acknowledge that this may be different for each project.

There were also calls for local authority support if there is an AoC milestone and for local authorities to be rightly and sufficiently resourced to deal with any potential additional part of consultation. This was supported by the local authority consultation responses but was also re-iterated by the other types of stakeholders, as well as developers, as some felt inexperienced local authorities not knowing/understanding their role can cause delays.

Question 10 – What are the main reasons for consulting with community's multiple times during the lifetime of an NSIP application?

What constitutes adequate consultation is not clear from legislation

Option	Total	Percent
Strongly agree	9	6.34%
Agree	27	19.01%
Neither agree/disagree	15	10.56%
Disagree	4	2.82%
Strongly disagree	0	0.00%
Not Answered	87	61.27%

What constitutes adequate consultation is not clear from guidance

Option	Total	Percent
Strongly agree	12	8.45%
Agree	27	19.01%
Neither agree/disagree	15	10.56%
Disagree	2	1.41%
Strongly disagree	1	0.70%
Not Answered	85	59.86%

What the Planning Inspectorate will accept as adequate consultation is not clear

Option	Total	Percent
Strongly agree	14	9.86%
Agree	22	15.49%
Neither agree/disagree	18	12.68%
Disagree	2	1.41%
Strongly disagree	0	0.00%
Not Answered	86	60.56%

It is challenging to get the right level of information from consultation

Option	Total	Percent
Strongly agree	11	7.75%
Agree	25	17.61%
Neither agree/disagree	18	12.68%
Disagree	2	1.41%
Strongly disagree	1	0.70%
Not Answered	85	59.86%

The age of the National Policy Statements means more consultation is needed than before

Option	Total	Percent
Strongly agree	8	5.63%
Agree	20	14.08%
Neither agree/disagree	23	16.20%
Disagree	3	2.11%
Strongly disagree	2	1.41%
Not Answered	86	60.56%

It is the main way to update a community on changes that are made to a project

Option	Total	Percent
Strongly agree	18	12.68%
Agree	19	13.38%
Neither agree/disagree	13	9.15%
Disagree	6	4.23%
Strongly disagree	1	0.70%
Not Answered	85	59.86%

It is hard to engage with the correct communities

Option	Total	Percent
Strongly agree	4	2.82%
Agree	19	13.38%
Neither agree/disagree	21	14.79%
Disagree	7	4.93%
Strongly disagree	3	2.11%
Not Answered	88	61.97%

It is a means to mitigate legal challenge for the project

Option	Total	Percent
Strongly agree	9	6.34%
Agree	28	19.72%
Neither agree/disagree	19	13.38%
Disagree	0	0.00%

Strongly disagree	2	1.41%
Not Answered	84	59.15%

It is part of how to build enthusiasm for a project over time

Option	Total	Percent
Strongly agree	5	3.52%
Agree	21	14.79%
Neither agree/disagree	18	12.68%
Disagree	8	5.63%
Strongly disagree	3	2.11%
Not Answered	87	61.27%

It is a helpful way to develop the project.

Option	Total	Percent
Strongly agree	13	9.15%
Agree	27	19.01%
Neither agree/disagree	15	10.56%
Disagree	0	0.00%
Strongly disagree	0	0.00%
Not Answered	87	61.27%

Question 11 – Are there any other measures you think that government could take to ensure consultation requirements are proportionate to the scale and likely impacts of a project?

There were 104 responses to this question. Respondents provided a variety of additional measures they felt government could take to ensure proportionality for consultation requirements. Of these suggestions, respondents were clear that government needed to update guidance and provide clarity on various elements such as any adequacy of consultation milestone, the PINS role, and environmental matters. Other suggestions included minimising changes to a project, proper engagement with communities and developers not seeing it simply as a 'tick-box' exercise. However, some developers did emphasise they want pre-application consultation to be a 'journey' with communities, they do want to properly engage and allow for communities to help support the design of a project and that many changes occur as a result of having to consult so early on, that the full details of a project haven't been established and while the design is in the process of being established.

Operational reform to support faster and more proportionate examinations

Question 12 – To what extent do you agree with the proposal to remove the prohibition on an Inspector who has given section 51 advice during the pre-application stage from then being appointed to examine the application, either as part of a panel or a single person?

Option	Total	Percent
Strongly agree	13	9.15%
Agree	43	30.28%
Neither agree/disagree	20	14.08%

Disagree	6	4.23%
Strongly disagree	6	4.23%
Not Answered	54	38.03%

Key points raised included:

- There would be real benefit in having continuity of knowledge about a proposal carried across into the application and subsequent examination of that proposal and could help contribute to the aspiration for faster determination.
- The appearance of bias from a Planning Inspector providing pre-application to a NSIP application, to then be appointed to the Examining Authority panel. Any perceived sense of bias could be mitigated through being openly transparent, supplemented by codes of conduct or guidance.
- There is an importance to demonstrate transparency regarding any pre-application involvement to all parties, not just the applicant.
- Suggestions that any pre-application Inspector could be made as a support resource available to the appointed Examining Authority (rather than directly appointed as part of the Examining Authority) in the same way that legal or expert resource can be appointed. This would enable the pre-application knowledge to be maintained, but a clear separation in examination and reporting maintained.

Question 13 – To what extent do you agree that it would lead to an improvement in the process if more detail was required to be submitted at the relevant representation stage?

For this question, 101 responses were received, where stakeholders raised a number of key points:

- Stakeholders including developers, local authorities and professional bodies support the principle of including more detail at the relevant representation stage, as this would enable the examination process to be 'frontloaded' with critical issues that the Examining Authority may wish to consider. It would also streamline the examination hearings by reducing the need for participants to provide 'context setting' at the beginning.
- Some local authorities suggested that there was merit in requesting more detail within relevant representations, providing that there was sufficient pre-app engagement with the applicant and other relevant bodies (i.e. statutory consultees and community bodies) to provide the detail necessary.
- Some stakeholders questioned whether requesting more detail at the relevant representation stage was duplication (with the information to be provided at the written representation stage), and whether this would actually make the examination stage more streamlined.
- Where stakeholders disagreed with the proposal, concerns were raised relating to the volume of information that could be submitted at this stage with some stakeholders being at a disadvantage to meet tight deadlines, depending on the complexity of the project. There were also concerns that resource issues with statutory consultees (if not addressed quickly) will impact the level of detail that could be provided if there is limited pre-application engagement.

Question 14 – To what extent do you agree that providing the Examining Authority with the discretion to set shorter notification periods will enable the delivery of examinations that are proportionate to the complexity and nature of the project but maintain the same quality of written evidence during examination?

Option	Total	Percent
Strongly agree	6	4.23%
Agree	32	22.54%
Neither agree/disagree	18	12.68%
Disagree	17	11.97%
Strongly disagree	10	7.04%
Not Answered	59	41.55%

Key points raised included:

- Some developers and promoters welcomed the proposal for enabling the Examining Authority to set shorter notification periods. They considered that this will support the overall principles of the NSIP reform programme, making the Examination stage more streamline and focus on delivery of nationally significant infrastructure.
- A number of stakeholders (including developers, local authorities, professional bodies and community interest groups) raised concerns that shorter notification timescales could lead to reduced engagement with statutory consultees and communities. There would be a perceived lack of transparency in the process, with some parties being unable to comment on matters until they have come to light during the written representation stage. Developers and promoters are equipped and resourced to provide the necessary material, but other groups (i.e. local authorities, statutory consultees and local communities) may not have the resources dedicated to review and actively participate in the Examination.
- Some stakeholders suggested that it was sensible to consider shorter timescales for less complex cases, but erred on the side of caution suggesting that there needs to be strong guidance in place, setting out expectations of participants and ensuring that there is consistency in how this proposal is applied across all cases.

Question 15 – To what extent do you agree that moving to digital handling of examination materials by default will improve the ability for all parties to be more efficient and responsive to examination deadlines?

Option	Total	Percent
Strongly agree	17	11.97%
Agree	59	41.55%
Neither agree/disagree	12	8.45%
Disagree	4	2.82%
Strongly disagree	0	0.00%
Not Answered	50	35.21%

Question 16 – To what extent do you agree that the submission of 'planning data' will provide a valuable addition as a means of submitting information to the Planning Inspectorate?

Option	Total	Percent
Strongly agree	18	12.68%
Agree	42	29.58%
Neither agree/disagree	20	14.08%
Disagree	3	2.11%
Strongly disagree	0	0.00%
Not Answered	59	41.55%

Key points raised included:

- That any further digitalisation should account for other planning reforms including Environmental Outcome Reports;
- Operational matters to support the examination process including the Book of Reference should be included as part of this proposal;
- Stakeholders stressed that all information submitted digitally should be in a format that is easily accessible and should not require specialist software or expertise to access, to ensure that there is maximum transparency (i.e. constant data standards);
- That a move to digital materials should not entitle developers/promotors to exclude people from the overall process and sought assurances that material would continue to be made available through alternative means.

Question 17 – Are there any other areas in the application process which you consider would benefit from becoming 'digitalised'?

For this question, 94 responses were received, where stakeholders raised the following key points:

- That any further digitalisation should account for other planning reforms including Environmental Outcome Reports;
- Operational matters to support the examination process including the Book of Reference should be included as part of this proposal;
- Stakeholders stressed that all information submitted digitally should be in a format that is easily accessible and should not require specialist software or expertise to access, to ensure that there is maximum transparency (i.e. constant data standards);
- That a move to digital materials should not entitle developers/promotors to exclude people from the overall process and sought assurances that material would continue to be made available through alternative means;
- Ensuring that where pre-application engagement occurs digitally (specifically with local communities), guidance on consultation includes advice on digital tools and best practice;
- The digitalisation of public notices and notifications should be the default position;
- Ensuring that the Planning Inspectorate website is future-proofed to be more user friendly for all participants to use, including better search functionality and document organisation;
- Hybrid hearings can increase participation but there should be flexibility if the Examining Authority wanted only virtual hearings for specific topics with a limited number of interested parties wanting to participate (for example only 6 participants wanted to discuss impacts on specific heritage assets as part of a proposal);
- Flexibility to amend standardised clauses and conditions, linked with post-consent changes.

Establishing a fast-track route to consent

Question 18 – To what extent do you agree that projects wishing to proceed through the fast-track route to consent should be required to use the enhanced pre-application service, which is designed to support applicants to meet the fast-track quality standard?

Option	Total	Percent
Strongly agree	16	11.27%
Agree	51	35.92%
Neither agree/disagree	12	8.45%
Disagree	11	7.75%
Strongly disagree	8	5.63%
Not Answered	44	30.99%

Key points raised included:

- Where the proposal was not supported, it was based on grounds that less complex schemes should not have to incur additional time and cost when they are not likely to need it in their view. Where the proposal is supported by stakeholders, they view the ability to complete a four month examination is really challenging, and the components of enhanced pre-app are most likely to provide all parties with the assurance and confidence that the required engagement and work will be done.
- There was some confusion from some responses about whether enhanced pre-application is for complex NSIPs or fast-track less complex NSIPs. Stakeholders suggest that clearer guidance on how this policy will operate would be beneficial to provide certainty and clarity.
- Some responses suggested that the introduction of a fast-track route would reduce checks and balances to the overall NSIP consenting system, and that if the proposal goes ahead, then there needs to be a clear framework on how it would work.

Question 19 – To what extent do you consider the proposed fast-track quality standard will be effective in identifying applications that are capable of being assessed in a shorter timescale?

Option	Total	Percent
Very effective	4	2.82%
Effective	31	21.83%
Neither effective/ineffective	28	19.72%
Ineffective	10	7.04%
Very ineffective	4	2.82%
Not Answered	65	45.77%

Key points raised included:

- Stakeholders welcoming a reduction in timescales for the examination stage but suggested that it would only be effective if engagement with statutory consultees occurs at an early stage and that information received is received in a timely manner.

- The Planning Inspectorate should take account for the views of the local authority when determining whether the quality standard criteria has been met and if an application has been successfully included into the fast-track route.
- Where stakeholders supported the fast-track quality standard requirements, they urged that the Planning Inspectorate act in a transparent way, and that the criteria is equally applied to all types of DCO applications.
- The ability for the applicant to successfully demonstrate if they have adequately engaged with local authorities and statutory consultees will be important, if the fast-track quality standard is going to work, and that information will be submitted in a timely manner to support the decision on whether a DCO application is accepted into fast-track.

Question 20 - On each criterion within the fast-track quality standard, please select from the options set out in the table below and give your reasoning and additional comments in the accompanying text boxes. Please also include any additional criteria that you would propose including within the fast-track quality standard?

1 Principal areas of disagreement

Option	Total	Percent
Strongly agree	30	21.13%
Agree	32	22.54%
Neither agree/disagree	13	9.15%
Disagree	4	2.82%
Strongly disagree	5	3.52%
No view	5	3.52%
Not Answered	53	37.32%

2a Fast-track programme document

Option	Total	Percent
Strongly agree	20	14.08%
Agree	38	26.76%
Neither agree/disagree	18	12.68%
Disagree	2	1.41%
Strongly disagree	2	1.41%
No view	6	4.23%
Not Answered	56	39.44%

2b(i) include fast-track intention in consultation material

Option	Total	Percent
Strongly agree	21	14.79%
Agree	42	29.58%
Neither agree/disagree	11	7.75%
Disagree	6	4.23%
Strongly disagree	1	0.70%
No view	6	4.23%

Not Answered	55	38.73%

2b(ii) formal agreement to use enhanced pre-application

Option	Total	Percent
Strongly agree	17	11.97%
Agree	37	26.06%
Neither agree/disagree	14	9.86%
Disagree	9	6.34%
Strongly disagree	4	2.82%
No view	5	3.52%
Not Answered	56	39.44%

2b(iii) publicise fast-track programme

Option	Total	Percent
Strongly agree	18	12.68%
Agree	35	24.65%
Neither agree/disagree	21	14.79%
Disagree	5	3.52%
Strongly disagree	2	1.41%
No view	6	4.23%
Not Answered	55	38.73%

2b(iv) provide evidence at submission of 2a–2c

Option	Total	Percent
Strongly agree	20	14.08%
Agree	27	19.01%
Neither agree/disagree	22	15.49%
Disagree	7	4.93%
Strongly disagree	2	1.41%
No view	8	5.63%
Not Answered	56	39.44%

3 Regard to advice

Option	Total	Percent
Strongly agree	23	16.20%
Agree	24	16.90%
Neither agree/disagree	22	15.49%
Disagree	8	5.63%
Strongly disagree	2	1.41%
No view	6	4.23%
Not Answered	57	40.14%

Key points raised included:

- For the fast-track quality standards to work in practice, there needs to be more clarity on how the criteria will be applied, including guidance on the thresholds that would be used to determine whether a DCO application meets the criteria set. Stakeholders agreed that any threshold that set should not be ambiguous, subjective or open to inconsistent application.
- The fast-track quality standards appear to be rigid and not flexible. Some stakeholders believe that there should be some flexibility permitted by the Planning Inspectorate when considering DCO applications entering fast-track on a case-by-case basis.
- The quality standard should be applied proportionately according to the complexity of the DCO application, as this could unfairly treat more complex applications in favour of less complex applications.

Question 21 – To what extent do you agree that the proposals for setting the fast-track examination timetable strike the right balance between certainty and flexibility to handle a change in circumstance?

Option	Total	Percent
Strongly agree	2	1.41%
Agree	47	33.10%
Neither agree/disagree	25	17.61%
Disagree	6	4.23%
Strongly disagree	5	3.52%
Not Answered	57	40.14%

Key points raised included:

- The need to pilot the fast-track is seen as necessary by some consultees.
- There is a risk that the examination could be extended to accommodate any delays that have been incurred (i.e. statutory consultees not providing information on time, additional key matters to address). Some stakeholders, mainly applicants, felt that there needs to be a mechanism whereby compensation could be sought if the examination is extended for a period of time.
- Stakeholders considered that the Examining Authority should have the flexibility and discretion to deal with key matters that are unique to that current DCO examination.
- Some stakeholders argued that fast-track should provide greater certainty given that pre-application services from the Planning Inspectorate is a requirement of fast-track.
- Concerns were raised by a number of stakeholders across different sectors about whether certain types of NSIP applications would be prioritised for fast-track, risking the view of bias towards a particular sector.

Reviewing the processes for making changes to Development Consent Orders post consent

Question 22 – To what extent do you agree that there is a need for new guidance on which application route proposed changes should undergo?

Option	Total	Percent
Strongly agree	21	14.79%
Agree	41	28.87%
Neither agree/disagree	19	13.38%
Disagree	1	0.70%
Strongly disagree	0	0.00%
Not Answered	60	42.25%

Question 23 – In addition, what topics should new guidance cover that would help to inform decisions on whether a proposed change should be considered as material or non-material?

Option	Total	Percent
Strongly agree	7	4.93%
Agree	17	11.97%
Neither agree/disagree	30	21.13%
Disagree	0	0.00%
Strongly disagree	1	0.70%
Not Answered	87	61.27%

The majority of respondents who answered this question, responded neither agree/disagree. It is considered that this was a result of the question asking 'what topics' and therefore could not be fully answered with the options provided. The free text box provided an opportunity for respondents to set out what topics new guidance should cover that would help to inform decisions on whether a proposed change should be considered as material or non-material.

Question 24 – To what extent do you support the proposal to introduce a statutory timeframe for non-material change applications? What do you consider is a reasonable timeframe for determining non-material applications?

<u>To what extent do you support the proposal to introduce a statutory timeframe for non-material change applications?</u>

Option	Total	Percent
Strongly agree	19	13.38%
Agree	37	26.06%
Neither agree/disagree	14	9.86%
Disagree	4	2.82%
Strongly disagree	3	2.11%
Not Answered	65	45.77%

Key points raised included:

- That changes should not bound by a legislative timeframe but subject to the merits of each case, and that the time needed will depend on the change and on the evidence and expertise required to evaluate the change.

What do you consider is a reasonable timeframe for determining non-material applications?

Option	Total	Percent
6-8 weeks	29	20.42%
8-10 weeks	22	15.49%
10-12 weeks	12	8.45%
Other	14	9.86%
Not Answered	65	45.77%

Key points raised included:

- Timetables being determined on a case by case basis to reflect the complexity of the change; 13 weeks for more complex applications; timeframes to be reflective of the technology and project scale; the timeframe should be a minimum of 12 weeks and potentially much longer dependent on the issues raised and number of interested parties/persons; up to 26 weeks to allow NGOs to adjudicate on the materiality of the proposed change; or that determination should be possible within 8-12 weeks presuming all information were provided and all necessary consultation undertaken.
- Support for the introduction of a statutory timetable for non-material applications to provide greater clarity and certainty for all parties, but in particular applicants, as well ensuring timely decisions are made to support changes that may lead to better outcomes for the project. This is, however, balanced with an acknowledgement that the timetable must provide consenting Departments and other parties the appropriate time to consider and assess in detail the proposed changes.
- There were also suggestions that a number of applications that had been progressed as non-material changes may have been more suited to the material change route, but that applicants were seeking to avoid this route (possibly due to the material route being considered to be too onerous), which suggests a role for guidance on materiality and a greater emphasis on ensuring change applications are progressed through the most appropriate route.

Resourcing the Planning Inspectorate and updating existing fees

Question 25 – To what extent do you believe a cost-recoverable pre-application service will represent value for money in supporting applicants to deliver higher quality applications with minimal residual issues at submission?

There were 93 responses to this question. Stakeholders support the proposal in principle but there are doubts about how it will work in practice. Stakeholders agree that a cost-recoverable pre-application service may improve the quality of the overall application when it is being prepared for submission and to deal with potential key issues which may arise during the examination stage. However, this is predicated on idea that both parties (the applicant and the Planning Inspectorate) engage fully in the pre-application process and that clear advice is provided.

Stakeholders also stressed the importance of ensuring that the is sufficient resource at the Planning Inspectorate to meaningfully engage with applicants. Ensuring that there is sufficient resource will minimise

the risk of delays in providing timely advice to inform the preparation of the application and engagement with relevant parties (statutory consultees, local authorities and communities). It was suggested by some stakeholders that "service level agreements" are put in place to ensure that it is cost-beneficial to the applicant and ensuring that the Planning Inspectorate provides clear, 'assertive' advice to minimise risk on key issues/matters that may arise at Examination.

Where stakeholders disagreed with the proposal, the principle matter citied was that the proposal adds another cost to the applicant which may impact the 'viability' of complex projects and their programmes for delivery. Some stakeholders also stated that the 'basic' tier pre-application advice proposal should not be charged Stakeholders also warned that should the proposal be taken forward, there should be complete transparency from the Planning Inspectorate to the applicant setting out the services that they can expect to receive in guidance or other documentation.

Question 26 – To what extent do you agree with the proposal to charge an overall fee (appropriate to the tier of service that will cover the provision of the service) for a fixed period?

There were 80 responses to this question. Stakeholders appear to welcome the proposal in principle but raise issues on how this will work in practice if the service is not delivered.

Where stakeholders agreed with the proposal to charge an overall fee for a fixed period of time (proportionate to the level of service rendered), stakeholders stressed that it ensures certainty for applicants on the services that they would get from the Planning Inspectorate, whilst ensuring that the level of service is maintained and fulfilled by the Planning Inspectorate. Stakeholders also expressed the importance of having guidance to provide greater clarity on what to expect, and what recourse is open to the applicant if the Planning Inspectorate does not perform and deliver within that fixed period.

Where stakeholders expressed disagreement or scepticism about the proposal, they stressed that that the additional cost to the applicant may not translate to having a positive impact on cost-benefit to the application process. In fact, a number of stakeholders suggested that due to the high-volume of applications that are expected to come through the pipeline with increasing complexity, there is concern that the Planning Inspectorate will not be able to provide a high-quality service to agreed timelines with limited resource. This would undermine the overall objective to streamline the NSIP consenting process by providing high quality, pre-application advice to minimise the risk of key issues being prolonged during Examination.

Question 27 – The government has set out an objective to move to full cost recovery for the Planning Act 2008 consenting process. To what extent do you support the proposal to support the Planning Inspectorate to better resource their statutory work on consenting by reviewing and updating existing fees, and introducing additional fee points?

Option	Total	Percent
Strongly agree	18	12.68%
Agree	41	28.87%
Neither agree nor disagree	9	6.34%
Disagree	4	2.82%
Strongly disagree	1	0.70%
Not Answered	69	48.59%

Key points raised included:

- The requirement for cost-recovery should be proportionate to the service that is provided – it should not be automatically a licence for the Planning Inspectorate to implement full cost recovery.
- Any future increases to charges should be proportionate and not to the detriment of the development industry.
- While the principle of streamlining the application process and increasing the importance of the high-quality pre-application advice is generally accepted, some stakeholders believe that this should happen regardless and should not be used as a justification for increasing fees in the future.
- There needs to be increased transparency from the Planning Inspectorate on how the fees will be used.
- Some stakeholders believe that fees paid by applicants should be better spent elsewhere to address acute bottlenecks in the NSIP process (i.e. LPAs and statutory consultees) rather than the Planning Inspectorate.

Question 28 – To what extent do you support the proposal to review and update existing fees in relation to applications for non-material changes to achieve cost recovery and support consenting departments in handling these applications?

Option	Total	Percent
Strongly agree	15	10.56%
Agree	40	28.17%
Neither agree nor disagree	8	5.63%
Disagree	3	2.11%
Strongly disagree	0	0.00%
Not Answered	76	53.52%

Key points raised included:

- Stakeholders considered that cost-recovery should extend to non-material changes so that it can support improving services within consenting departments.
- Any increase in fees should be proportionate with the non-material change that is being proposed.
- While the principle is supported, some stakeholders stressed the need to ensure that the process for dealing with post-consent changes (material or non-material) is also reviewed and updated, supported with updated guidance.
- Any increase to existing fees should remain as index-linked and should not involve a larger increase, increasing the financial burden on the applicant.
- Greater clarity will be required on the transition arrangements for this proposal to take effect, to ensure that applicants can plan accordingly and ensure that sufficient budgets for the application. It is also key to ensure that the expectations/timeframes for determination of post-consent changes are clear in guidance; failure to meet those deadlines should involve a refund mechanism.

Question 29 – To what extent to do you agree that the proposed review and update of existing fees and introduction of additional fee points will support the Planning Inspectorate to better resource their statutory work on consenting?

Option	Total	Percent
Strongly agree	11	7.75%
Agree	39	27.46%
Neither agree nor disagree	11	7.75%
Disagree	3	2.11%
Strongly disagree	0	0.00%
Not Answered	78	54.93%

Key points raised included:

- A minority of stakeholders were of the opinion that it should be the government's responsibility to ensure that the Planning Inspectorate should be adequately resourced and funded, and not the responsibility of applicants paying additional charges/fees to support resourcing.
- The suggestion that full-cost recovery is supported in principle but providing that the applicant receives a high-quality service from the Planning Inspectorate and that resource is retained and increased.
- The Planning Inspectorate should not be subject to headcount limits, to ensure that the services provided for NSIP is adequately resourced.
- Staff recruitment will be key to ensuring that the functions are properly carried out with candidates meeting the required levels of qualification/experience etc.

Strengthening performance of government's expert bodies

Question 30 – To what extent do you agree that defining key performance measures will help meet the policy objective of ensuring the delivery of credible cost-recoverable services?

Option	Total	Percent
Strongly agree	16	11.27%
Agree	36	25.35%
Neither agree nor disagree	15	10.56%
Disagree	2	1.41%
Strongly disagree	1	0.70%
Not Answered	72	50.70%

Key points raised included:

- The majority of stakeholder who strongly agree the key performance measures include developers/promoters/consultants and those from professional bodies/organisations. Comments welcomed the proposal with the condition that fees would be refunded if key performance measures are not met to ensure credibility, others supported the proposal identifying the need for KPIs and transparent reporting to demonstrate that higher fees are resulting in improved levels of service.

- The majority of stakeholders who agree with this principle include local authorities and developers/promoters/consultants. Those from professional bodies/organisations and central government agencies/departments also agree with the principle. Comments welcomed the need for KPIs to accompany a charging system for statutory consultees with an emphasis on considering the need for consequences in the event that KPIs are not met.

Question 31 – Do you agree with the principles we expect to base performance monitoring arrangement on?

Be outcome and not output focussed to ensure better planning outcomes

Option	Total	Percent
Strongly agree	20	14.08%
Agree	32	22.54%
Neither agree nor disagree	26	18.31%
Disagree	1	0.70%
Strongly disagree	0	0.00%
Not Answered	63	44.37%

Consider quality of customer service provision

Option	Total	Percent
strongly agree	26	18.31%
Agree	29	20.42%
Neither agree nor disagree	18	12.68%
Disagree	4	2.82%
Strongly disagree	1	0.70%
Not Answered	64	45.07%

Cover the provision of statutory and non-statutory advice provided by the specific prescribed bodies (outlined in secition7.2.2) through pre-application, pre-examination, Examination and Decision

Option	Total	Percent
Strongly agree	33	23.24%
Agree	25	17.61%
Neither agree nor disagree	14	9.86%
Disagree	4	2.82%
Strongly disagree	0	0.00%
Not Answered	66	46.48%

Monitoring should be tailored to the context of each organisation

Option	Total	Percent
Strongly agree	33	23.24%
Agree	32	22.54%
Neither agree nor disagree	12	8.45%

Disagree	2	1.41%
Strongly disagree	0	0.00%
Not Answered	63	44.37%

Reporting should be timely, transparent, simple to understand, easily accessible and evolved over time

Option	Total	Percent
Strongly agree	44	30.99%
Agree	21	14.79%
Neither agree nor disagree	13	9.15%
Disagree	0	0.00%
Strongly disagree	0	0.00%
Not Answered	64	45.07%

Respondents demonstrated an overwhelming support for objectives regarding the need for a system: that measures performance of both statutory and non-statutory services across the key stages of the NSIP consenting process, that is flexible where key performance measures are tailored to each specific statutory consultee and a reporting system that is transparent, timely and easily accessible.

Question 32 – We would like to monitor the quality of customer service provided, and the outcomes of that advice on applicant's progression through the system where practicable. Do you have any views on the most effective and efficient way to do this?

There were 86 responses to this question. The majority of stakeholders who responded to this question highlighted the necessity for clarity of who the 'customer' is and of expectations from applicants and statutory consultees (and others, where necessary) in the process. There was an overwhelming majority of comments that recommended seeking feedback, via various approaches, to monitor and report on the quality of customer service without creating a space for feedback fatigue. Consultation responses have given room for thought on how to strike a balance between being proactive and productive in monitoring the quality of customer service without placing additional burdens on the system and those involved.

Question 33 – To what extent do you support the proposal to enable specific statutory consultees to charge for the planning services they provide to applicants across the Development Consent Order application process?

Option	Total	Percent
Strongly agree	24	16.90%
Agree	40	28.17%
Neither agree nor disagree	10	7.04%
Disagree	0	0.00%
Strongly disagree	2	1.41%
Not Answered	66	46.48%

Key points raised included:

- Comments recognised the positive contribution enabling cost-recovery will have on the system include enabling increased engagement, supporting early and detailed negotiations, improved speed and quality of planning services, and enabling statutory consultees to be properly resourced and funded to process applications in a timely manner.
- Stakeholders' comments are generally supportive of the principle to charge for advice with reference to it being an important component in identifying and resolving issues. Comments expressed support for initially limiting the ability to charge to specific set of consultees with the proviso that the effectiveness of the funding model is evaluated alongside KPIs to guarantee a good level of service. The principle was accepted along with recommendations to extend to local authorities. Other comments referred to the ability for refunds, there should not be any expectation that the level of service would change from existing services provided, should result in tangible improvement to the system, consideration should be given to admin support across charging organisations, charges should be consistent and published in advanced.
- Where stakeholders disagreed with the proposal, comments stressed the need to include local authorities within the remit for full cost-recovery in relation to NSIPs to assist them in securing the capacity and capabilities required to meet the demands of the system and from applicants. Other comments raised concern that charging for all stat and non-stat activities from pre-app to post-consent does not represent a proportionate and reasonable cost-recovery framework.

Question 34 – To what extent do you agree with the key principles of the proposed charging system?

Initially limit the ability to charge to the organisations listed in table 7.1

Option	Total	Percent
Strongly agree	9	6.34%
Agree	25	17.61%
Neither agree nor disagree	21	14.79%
Disagree	11	7.75%
Strongly disagree	7	4.93%
Not Answered	69	48.59%

Recover costs for non-statutory and statutory services provided throughout Pre-application, Pre-examination, Examination and Post-Decision

Option	Total	Percent
Strongly agree	29	20.42%
Agree	29	20.42%
Neither agree nor disagree	11	7.75%
Disagree	2	1.41%
Strongly disagree	2	1.41%
Not Answered	69	48.59%

Setting charging schemes

Option	Total	Percent
Strongly agree	20	14.08%

Agree	34	23.94%
Neither agree nor disagree	10	7.04%
Disagree	4	2.82%
Strongly disagree	0	0.00%
Not Answered	74	52.11%

Key points raised included:

- The majority of stakeholders welcome and support the proposed principles of the cost-recovery system recognising the important role of statutory consultees across the NSIP process, as well as the need for them to recover costs to help support them in securing the resources and funding required to better engage with applicants in developing proposals. Whilst stakeholder support the introduction of a charging system, many stressed that this should be on the condition that an improvement to the effectiveness and quality of engagement and planning services are improved. Many highlighted the need to extend cost-recovery to local authorities due to their integral role across the NSIP consenting system.
- There was general support for limiting the ability to charge to specific statutory consultees as a means to test the effectiveness of the cost-recovery funding model and the potential to roll this out to wider statutory consultees. Stakeholders overwhelmingly supported the proposal to extend charging to statutory activities across all stages of the application process, with specific support for post-consent activities where there is currently a gap. Most supported the proposal for charging organisations to set their own charging schedules recognising the varying nature of practices and remits across different organisations and that the system should be transparent and flexible enough to accommodate this to avoid any unintended consequences.

Question 35 – Do you have any comments on the scope and intended effect of the principles of the charging system?

There were 47 responses to this question.

Comments on the scope and intended effect of the principles of the charging system were predominantly supportive recognising the need for a charging system and for statutory consultees to be adequately resourced however mostly developers/promoters/consultants raised concern that such a system will add greater cost to project promoters which will have an impact on the desirability of the system. A range of stakeholders provided either conditions or recommendations to enabling charging including:

- Costs should not include procuring consultants and external expertise such as Counsel – kept in-house.
- Requirements in place to ensure that once advice has been provided it can no longer be altered/amended at a later date – treated as final.
- Widen charging system to local authorities.
- SLAs will be time consuming and resource intensive for stat cons.

Improving engagement with local authorities and communities

Question 36 – Do you support the proposal to set out principles for Planning Performance Agreements in guidance?

Option	Total	Percent
Strongly agree	25	17.61%
Agree	51	35.92%
Neither agree nor disagree	10	7.04%
Disagree	3	2.11%
Strongly disagree	0	0.00%
Not Answered	53	37.32%

Question 37 – Do you have any further views on what the proposed principles should include?

There were 93 responses to this question. Stakeholders raised a number of key points which included:

- Where planning performance agreements are used, they should proportionate between local authorities and applicants with guidance to reflect this;
- Local community groups, town and parish councils should be consulted when a planning performance agreement is being considered, as well as enabling alternative means of engagement with the local authority and applicants;
- Guidance should set out the principles for how planning performance agreements should be used to ensure that there is consistency in using them within the NSIP consenting process;
- Ensuring that planning performance agreements can enable transparency in the NSIP consenting process, setting key milestones for engagement with particular statutory bodies and local communities;
- Many stakeholders suggested that planning performance agreements should cover the whole period of the NSIP consenting process (i.e. from pre-application to post-examination).

Question 38 – To what extent do you agree that these proposals will result in more effective engagement between applicants and local communities for all applications?

Option	Total	Percent
Strongly agree	9	6.34%
Agree	43	30.28%
Neither agree nor disagree	21	14.79%
Disagree	4	2.82%
Strongly disagree	6	4.23%
Not Answered	59	41.55%

Building the skills needed to support infrastructure delivery

Question 39 – Do you face any challenges in recruiting the following professions?

SOC2452 Town Planning Officers

Option	Total	Percent
Yes	41	28.87%
No	3	2.11%

Not applicable	16	11.27%
Not Answered	82	57.75%

SOC2455 Transport Planners

Option	Total	Percent
Yes	18	12.68%
No	5	3.52%
Not applicable	28	19.72%
Not Answered	91	64.08%

SOC3581 Planning Inspectors

Option	Total	Percent
Yes	4	2.82%
No	3	2.11%
Not applicable	39	27.46%
Not Answered	96	67.61%

SOC3120 Administrators

Option	Total	Percent
Yes	7	4.93%
No	13	9.15%
Not applicable	26	18.31%
Not Answered	96	67.61%

SOC4112 Local government administrative occupations

Option	Total	Percent
Yes	7	4.93%
No	11	7.75%
Not applicable	27	19.01%
Not Answered	97	68.31%

SOC2451 Architects

Option	Total	Percent
Yes	5	3.52%
No	8	5.63%
Not applicable	32	22.54%
Not Answered	97	68.31%

SOC2453 Quantity Surveyors

Option	Total	Percent
Yes	8	5.63%
No	5	3.52%
Not applicable	33	23.24%
Not Answered	96	67.61%

SOC2455 Construction project managers and related professionals

Option	Total	Percent
Yes	14	9.86%
No	6	4.23%
Not applicable	30	21.13%
Not Answered	92	64.79%

SOC2481 Planning engineers (including windfarm)

Option	Total	Percent
Yes	9	6.34%
No	6	4.23%
Not applicable	35	24.65%
Not Answered	92	64.79%

SOC2151 Conservation professionals

Option	Total	Percent
Yes	27	19.01%
No	5	3.52%
Not applicable	18	12.68%
Not Answered	92	64.79%

SOC2483 Environmental health professionals

Option	Total	Percent
Yes	20	14.08%
No	4	2.82%
Not applicable	26	18.31%
Not Answered	92	64.79%

SOC2121 Water engineers

Option	Total	Percent
Yes	7	4.93%
No	5	3.52%
Not applicable	34	23.94%
Not Answered	96	67.61%

SOC3520 Legal associate professionals

Option	Total	Percent
Yes	15	10.56%
No	11	7.75%
Not applicable	22	15.49%
Not Answered	94	66.20%

SOC3544 Data analysts

Option	Total	Percent
Yes	9	6.34%
No	9	6.34%
Not applicable	30	21.13%
Not Answered	94	66.20%

A majority of stakeholders including local authorities, expressed significant barriers to competing with private sector in terms of salary for good quality professionals. This also becomes a barrier when trying to retain professionals. Some have expressed that part of the barrier is that there is not much route for progression in specialised fields. Several responses expressed concern that there is not enough of professionals available. Whilst the majority of developers do not seem to have issues recruiting for experienced professionals one did address that their recent recruitment efforts have demonstrated that in the renewables sector it is in a climate where there is a growing number of development projects, a still limited pool of candidates with experience and in a competitive market.

Question 40 – Are there any other specific sectors (as identified above) that currently face challenges in recruiting?

There were 78 response to this question. Stakeholders acknowledge a lack of ecologists, town planners and environmental health specialists. There have been responses the expressed concern that there is a lack of professionals in such a competitive market. Local authorities largely express not being able to compete with private sector in terms of salaries being too low and as such retention is equally difficult. Developers are noticing shortages in construction and development project managers. They have also expressed that sustainability specialists are high in demand.

Question 41 – Do you have any ideas for or examples of successful programmes to develop new skills in a specific sector that the government should consider in developing further interventions?

There 79 responses to this question. Stakeholders suggested a number of examples of successful programmes to develop new skills in a specific sector. There were examples of organisations that were taking advantage of Town Planning apprenticeships to upskill their work force. There have been suggestions from local authorities to offer more bursaries for town planning university students. There was also a suggestion of offering retainers for working in the public sector with better promotion opportunities.

Updates to the national infrastructure planning guidance

Question 42 – To what extent do you agree that updated guidance on the matters outlined in this consultation will support the Nationally Significant Infrastructure Project reforms?

Option	Total	Percent
Strongly agree	15	10.56%
Agree	53	37.32%
Neither agree/disagree	10	7.04%
Disagree	0	0.00%
Strongly disagree	1	0.70%
Not Answered	63	44.37%

Question 43 – Do you support a move towards a format for guidance that has a similar format to the national planning practice guidance?

Option	Total	Percent
Strongly agree	8	5.63%
Agree	53	37.32%
Neither agree/disagree	15	10.56%
Disagree	3	2.11%
Strongly disagree	0	0.00%
Not Answered	63	44.37%

Question 44 – Are there any other guidance updates you think are needed to support the Nationally Significant Infrastructure Project reforms?

There were 83 responses to this question. A range of stakeholders provided suggested new guidance content and updates to existing guidance covering the full NSIP process, from pre-application to implementation and the discharge of requirements.

Public Sector Equality Duty and Impact Assessment

Question 45 – Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

Option	Total	Percent
Yes	18	12.68%
No	124	87.32%
Not Answered	0	0.00%

Key points raised included:

- The main focus from respondents was ensuring the move to digital examinations and material will not negatively impact or discourage involvement in the NSIP process.
- That any consultation should remain inclusive and should not discriminate against those with protected characteristics. In some responses, this point was expanded by stakeholders to include local communities as well.

- A limited proportion of stakeholders suggested that the consultation did not adequately address/provide evidence to show how those people with protected characteristics will be impacted by the proposals.