**Planning Act 2008: Development Consent Order Fact Sheet**

**Q. What is a Nationally Significant Infrastructure Project?**

**A:** Nationally Significant Infrastructure Projects (“NSIPs”) are major infrastructure developments in [England and Wales](http://en.wikipedia.org/wiki/England_and_Wales). These include projects such as power plants, large renewable energy projects, new airports, airport extensions and major road projects.

**Q. Who decides a Nationally Significant Infrastructure Project?**

**A:** A Development Consent Order (“DCO”) application for consent to undertake a NSIP is made to the Planning Inspectorate who will consider the application and make a recommendation to the Secretary of State, who will decide on whether development consent should be granted for the proposed scheme.

**Q. How does the NSIP process work?**

**A.** The NSIP process comprises six key stages, covering pre-application, acceptance, pre-examination, examination, decision and post-decision stages. Upon receipt of an application for development consent, the Planning Inspectorate has 28 days to decide whether or not to accept it. There is a period of 6 months for the Planning Inspectorate to examine an application and 3 months for the Planning Inspectorate to make its recommendation to the Secretary of State. The Secretary of State has a further period of 3 months in which to issue a decision. From accepting an application to making a decision, the whole process should last in the region of 15 months. Previously, the average time taken for major applications was around 2 years.

**Q. How do local authorities work together if a NSIP covers a number of local authorities?**

**A.** The Planning Inspectorate encourages dialogue between local authorities affected by a NSIP. Ultimately, it is for the particular local authority to judge how best to respond to the Planning Inspectorate when notified of a NSIP. However, if several local authorities are affected by a proposal, they may wish to discuss and co-ordinate representations, if this is the clearest and most effective means of conveying their views.

**Q. How can I be kept up to date on proposed developments for my area and Planning Inspectorate announcements relating to Nationally Significant Infrastructure Projects?**

**A.** Once the Planning Inspectorate is notified by the Highways Agency of a proposed project, it will be added to the Register of applications on the following website: <http://infrastructure.planningportal.gov.uk/>.

The Planning Inspectorate also offer an [email notification service](http://infrastructure.planningportal.gov.uk/application-process/frequently-asked-questions/infrastructure.planningportal.gov.uk/help/about/#updates) that notifies subscribers of updates during the lifecycle of an application, as well as a [RSS feed](http://infrastructure.planningportal.gov.uk/feed/) covering the key milestones of all projects listed on this website.

**Q. How can I get involved in having my say on a project?**

**A.** The chance to influence, for example the design, layout, or location of a NSIP takes place during the pre-application stage before the Highways Agency finalises its application and submits it to the Planning Inspectorate. The opportunity for this is during the public consultation period (the consultation on the M4 junctions 3 to 12 smart motorway proposal will be until 21st December 2014).

Written representations can also be made to the Planning Inspectorate during the examination stage.

**Q. Will my views be taken into account?**

**A.** The Highways Agency has a duty to take into account all consultation responses at the pre-application stage and to summarise these in a consultation report to be submitted with the DCO application. In the event that the Highways Agency’s consultation is not considered adequate by the Planning Inspectorate, the application may not be accepted for examination.

**Q. How can stakeholders comment on the Environmental Impact Assessment (“EIA”) process at the pre-application stage when the Environmental Statement (“ES”) is not formally published until it is submitted to the Planning Inspectorate?**

**A.** Where an application is EIA development, stakeholders will have the opportunity to comment on the Preliminary Environmental Information (PEI) report at the pre-application consultation stage. Written representations can be made to the Planning Inspectorate on the ES during the examination stage. Although not required by legislation, the Highways Agency may decide to consult on the draft ES with stakeholders prior to submission of a DCO application in order to obtain comments and address any issues prior to submission.

**Q. How do I get hold of documentation about an application?**

**A.** Once an application has been accepted by the Planning Inspectorate, the Highways Agency will, amongst other things, publish a notice of their application in the local and national press together with details on how people can find out more and take part in the consultation.

Documents will also be made available on the Highways Agency’s website:

[www.highways.gov.uk/roads/road-projects/M4-Junctions-3-12](http://www.highways.gov.uk/roads/road-projects/M4-Junctions-3-12)

Look out for advertisements detailing when different consultation events are being held in your local area. Once an application has been accepted by the Planning Inspectorate, look out for the Highways Agency's notification about the registration period. During this period you can register with the Planning Inspectorate to have your say during the examination process.

**Q. I am a statutory consultee - what does this mean?**

**A.** Statutory consultees are organisations or individuals that are legally required to be consulted on NSIPs. These are listed in Schedule 1 of the [Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009](http://www.legislation.gov.uk/uksi/2009/2264/contents/made). The Schedule also sets out the circumstances in which statutory consultees are to be consulted. For example, whereas the Environment Agency must be consulted on all NSIPs, the Office of Rail Regulation is consulted only on NSIPs which are likely to affect the rail transport industry.

**Q. We are not sure if we are a statutory consultee for this project but we feel that we should be consulted on the proposed application.**

**A.** A list of statutory consultees is prescribed in Schedule 1 of the [Infrastructure Planning (Applications: Prescribed Forms & Procedure) Regulations 2009](http://www.legislation.gov.uk/uksi/2009/2264/contents/made). If you are a statutory consultee for the project, the Highways Agency has a duty to consult with you. If you are unclear as to whether you are a statutory consultee for a particular project, please contact the Planning Inspectorate. In any event, the Highways Agency must undertake public consultation on the project and you may participate in that.

**Q. What is the difference between being a statutory consultee and an interested party?**

**A.** At the pre-application stage the onus is on the Highways Agency to consult with statutory consultees (as defined by Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009) and the local community. Once the application has been accepted by the Planning Inspectorate the Highways Agency must publicise this and set a deadline for the receipt of 'relevant representations'. Any member of the public who makes a ‘relevant representation’ becomes an interested party at this stage. Statutory consultees are deemed to be interested parties under [section 102 of Planning Act 2008](http://www.legislation.gov.uk/ukpga/2008/29/section/102). All interested parties will be invited to make further written representations and take part in the Examination.

**Q. Why is there no public inquiry?**

**A:** Under the DCO process there is no public inquiry, however a mechanism exists for stakeholders and the public to provide comments during the examination period. The Examination is mainly a written process, although in certain circumstances hearings may be held, at the discretion of the Planning Inspectorate.