



Department for  
Communities and  
Local Government

# Planning Act 2008

Application form guidance

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# Section 1

## General issues

### Application documents and information

1. The Planning Act 2008 (“the Planning Act”) created a new development consent regime for nationally significant infrastructure projects in the fields of energy, transport, water, waste water, and waste. These projects are commonly referred to as major infrastructure projects and will be throughout this document. Through the Localism Act 2011 the Government made significant changes to the regime by abolishing the Infrastructure Planning Commission and transferring responsibility for decision making to the Secretary of State<sup>1</sup>.
2. This guidance is to help those who intend to make an application for development consent under the Planning Act. The Planning Act provides that an application for an order granting development consent must be made to the Secretary of State. Section 55 of the Planning Act provides for the circumstances in which the Secretary of State may accept an application. This guidance is to be read alongside the Planning Act, and The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (“the Applications Regulations”).
3. The application must be of a standard which the Secretary of State considers satisfactory: Section 37(3) of the Planning Act requires the application to specify the development to which it relates, be made in the prescribed form, be accompanied by the consultation report, and be accompanied by documents and information of a prescribed description. The Applications Regulations set out the prescribed form at Schedule 2, and prescribed documents and information at regulations 5 and 6.
4. In addition, it is important for applicants to bear in mind that National Policy Statements for particular types of infrastructure may also require applicants to provide the Secretary of State with other specified information. As the National Policy Statements will provide the principal basis for the Secretary of State’s decision making, applicants must ensure that this specified information is also included within the application (see Box 4), and appropriately referenced on the application form. Failure to do this will risk the Secretary of State refusing to accept the application, if he or she considers the applicant has thereby not complied with the requirements of section 55.

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<sup>1</sup> ‘Secretary of State’ in this document should be read as ‘the Secretary of State with responsibility for the relevant policy area’. Applications relating to energy projects will be decided by the Secretary of State for Energy and Climate Change; those relating to transport by the Secretary of State for Transport; hazardous waste by the Secretary of State for Communities and Local Government and those for waste water and water supply will be a joint decision by the Secretary of State for Communities and Local Government and the Secretary of State for the Environment, Food and Rural Affairs.

5. The applicant may also wish to submit other information in support of its development proposal. For example, this may include information that the applicant might usually submit in support of its infrastructure development proposals under other consenting regimes, or that which has been suggested or asked for by respondents to the pre-application consultation and publicity and which the applicant has decided to include. Any such information must be appropriately referenced on the application form (see Box 23).
6. The application information must be provided to a sufficient degree of detail that will enable the Secretary of State (and all interested parties) to appropriately consider the proposal. If the applicant considers that it is not feasible to provide full and final details of any element of the proposal at the point of submitting the application, the applicant should clearly set out its reasoning for this in its Explanatory Memorandum or, if more appropriate, in its planning statement if one is submitted with the application. However, in such circumstances, the applicant should still submit sufficient information on those elements to enable them to be considered during the examination. The applicant should consider discussing these issues with the Planning Inspectorate (“the Inspectorate”) in advance of submitting an application.
7. All applications must include two specific plans, namely a land plan and a works plan. The purpose of these is set out in regulations 5(2)(i) and (j) of the Applications Regulations. Aside from these two, further plans only have to be submitted to address other issues that are relevant to the application in question, and/or if the applicant decides that other plans are necessary to describe the proposals or support the application. It is acceptable for a plan to incorporate several issues, as long as there is sufficient clarity for each issue to be understood, and the plan and issues appropriately referenced throughout the application form. Consideration should be given to using appropriate forms of location referencing on the plans, such as Ordnance Survey map grid references. Where any plan consists of three or more separate sheets, the applicant must provide a key plan that shows the relationship between the different sheets.
8. Applicants may wish to refer to the Inspectorate’s Advice Notes, which contain a range of information and advice on the application process.<sup>2</sup>

## Application form

9. A standard application form is being used in order to ensure there is a consistent approach to the manner in which applications are made to the Secretary of State. It assists the applicant in knowing what must be submitted and how. It also makes it simpler for the Secretary of State to

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<sup>2</sup> These Advice Notes are available from the Inspectorate’s website:  
<http://infrastructure.planningportal.gov.uk/legislation-and-advice/advice-notes/>

verify that the applicant has fulfilled its obligation of providing the prescribed documents and information. The completed form also acts as a high level summary of the proposed development with the level of detail entered in the relevant box being appropriate for this purpose. This will enable any interested party to gain a basic overview of what is being proposed. To ensure it is easily understood by a range of audiences, the applicant must avoid the use of complex and technical terminology or unexplained acronyms, as far as possible, within the entries on this form.

10. To enable all of the documents and other information to be easily identified by the Secretary of State and all other interested persons, the applicant must ensure they are all given appropriate document references. These must be stated on the form in the relevant boxes. The submission of duplicated documents and information should be avoided. Instead, where a box requires the enclosure of information that the applicant has included in a document elsewhere, the box entry should state that document's reference number.

## Format of application documents

11. Applicants are required to submit full applications in both electronic and hard copy formats. The applicant should discuss with the Inspectorate the appropriate format for the submission of application documents, for example electronic index, number of electronic and paper copies required, etc.

# Section 2

## Application form: information requirements

12. The numbered box references in this guidance correspond to the numbered boxes in the Application Form at Schedule 2 of the Applications Regulations. Where applicable, applicants may wish to provide information on composite plans (e.g. plans combining common land and Crown land), as a way of explaining where the items on the plan fall in relation to one another, as long as all the required information is provided in a clear manner and the referencing on the plans is consistent with all other application documents. This approach should be discussed with the Inspectorate prior to submission.

### **Box 1: Applicant**

13. Enter the name, address and company number of the organisation that is applying for the order to grant development consent. Include the name and contact details of a point of contact within that organisation for this application. Separately from the application documents, the applicant may also wish to provide the Secretary of State with a more comprehensive list of contacts within its organisation. This information is confidential and will not be published or provided to Interested Parties.

### **Box 2: Agent**

14. Where there is an agent acting on behalf of the applicant, enter the equivalent information as for Box 1.

### **Box 3: Application fee payment**

15. A fee is payable in respect of the Secretary of State's consideration of whether to accept the application for examination. This fee must be paid at the time of submitting an application. Given the short time period the Secretary of State has in which to decide whether or not to accept an application it would be desirable if funds had already cleared into the Inspectorate's account on or before submission of an application. The manner in which the payment is being made must be described in Box 3. For example, whether by an electronic transfer (including the applicable transaction dates), or a cheque enclosed with the application, or description of any other arrangement that may have been made with the Inspectorate for making this payment.

#### **Box 4: Confirming why the application falls to be determined under the Planning Act**

16. Part 3 of the Planning Act sets out the circumstances in which an infrastructure development proposal requires development consent under the Planning Act. In Box 4, the applicant must give a brief statement which explains why its proposal fulfils this criteria, including giving reference to the relevant section of Part 3 of the Planning Act. Where applicable, the statement should include the capacity of the proposed development, with respect to the relevant threshold requirements for that development which are set out in Part 3. For harbour facilities, this must also include the appropriate equation as set out in section 24(5) of Part 3.

#### **Box 5: Brief non-technical description of the development proposal**

17. A brief, non-technical description of the proposed development must be entered in Box 5. The purpose of this statement is to enable any reader of the form to easily gain a basic overview of what would be granted consent through this application. Therefore, as well as being of use to the Secretary of State, this statement is for the benefit of any person or organisation that could be affected by, or is otherwise interested in, this application. This means it is important that the use of technical or otherwise complex terminology, descriptions and unexplained acronyms is avoided in this statement as much as possible. This requirement will ensure the statement is likely to be more understandable to any interested person. However, it is anticipated that boxes 5 and 6 of this form will be of use for any interested person in deciding whether they wish to consider in more detail the proposed development that is the subject of the application. This will assist with making representations regarding it to the Secretary of State and the Examining Authority.

#### **Box 6: Location or route of the development proposal**

18. A brief statement must be given that clearly identifies the location of the application site, or the route if it is a linear scheme. Consideration should be given to the use of appropriate grid referencing, such as Ordnance Survey map grid references, latitude/longitude references, etc.

#### **Box 7: Associated development**

19. If the Secretary of State grants development consent for a major infrastructure project, the Planning Act also allows the Secretary of State to grant consent for development that is 'associated' with that project, subject to certain geographical and other restrictions as set out in section 115 of the Planning Act. If an application for development consent includes such associated development this should be indicated in Box 7. The application information relating to the associated development must be clearly identified



as such within the application documents, and referenced within Box 7.

### **Box 8(a): Consultation report**

20. Part 5 of the Planning Act requires the applicant to produce a consultation report, and for this report to accompany the application. The report must include a summary of the relevant responses received by the applicant. Applicants are also encouraged to provide other supporting evidence, such as written statements or correspondence, where matters relevant to their application have been agreed with other organisations.

### **Box 8(b): Copies of newspaper notices**

21. Regulation 4 of the Applications Regulations requires an applicant to publish newspaper notices in order to publicise a proposed application. Copies of all the notices must be submitted within the application including the date and issue that the notices were published.

### **Boxes 9 & 10: Draft Development Consent Order and Explanatory Memorandum**

22. A draft Development Consent Order is to be prepared by the applicant. This is to contain provisions relating to all the development work for which development consent is required, any associated development, any ancillary matters and any powers sought under the Planning Act regime which the applicant considers are necessary to construct and operate the proposed development. The Explanatory Memorandum should explain the purpose and effect of the provisions in the draft Development Consent Order.

### **Box 11: Land plan**

23. All applications must be accompanied by a plan that is identified as a land plan. Regulation 5(2)(i) of the Applications Regulations sets out the requirements of this plan. The main purpose is to identify the land that is required to be used for the proposed development, and land that would be affected by it. The applicant must also use this plan to show any land or rights that will be subject to compulsory acquisition, etc., and any replacement land or special category land. The applicant may also include other information on this plan if it so wishes, provided that the plan is clear and the approach explained.

## **Box 12: Works plan**

24. All applications must be accompanied by a plan that is identified as a works plan. Regulation 5(2)(j) of the Applications Regulations sets out the requirements of this plan. The purpose of this plan is to set out the proposed positioning of the development and works at the location or locations in the order limits. The applicant may also set out other information on this plan if it so wishes provided that the plan is clear and the approach explained.

## **Box 13: Compulsory acquisition of land or an interest in land or right over land**

25. Where an applicant intends to compulsorily acquire land, an interest in land or rights over land, information relating to this must be set out within a statement of reasons, a funding statement and a book of reference<sup>3</sup>. These documents must be submitted with the application for an order granting development consent.
26. The statement of reasons should set out the reasoning for why the compulsory acquisition powers being sought in the application are necessary to enable the proposed development to proceed. A funding statement must contain sufficient information to enable the Secretary of State to be satisfied that, if it were to grant the compulsory acquisition request, the proposed development is likely to be undertaken and not be prevented due to difficulties in sourcing and securing the necessary funding.
27. The book of reference must be in the format, and contain the required information, as set out in regulation 7 of the Applications Regulations. By producing the document in this format, and containing the names and in most parts of the book of reference addresses for service, it will aid the applicant in fulfilling its duties of notifying and engaging with the persons affected by the proposed compulsory acquisition.<sup>4</sup> It also means the applicant will only have to submit further information about the affected persons to the Secretary of State, after the application has been accepted, if any of that information has changed since it was first submitted. This is because the Secretary of State will otherwise already be in receipt of the information needed for the Examining authority to then inform specified persons of their right to request a compulsory acquisition hearing. These obligations on the Secretary of State and the Examining authority are set out in section 92 of the Planning Act. The book of reference must also, in part 4, specify the owner of any Crown interest in the land which is proposed to be used for the purposes of the order for which application is

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<sup>3</sup> The book of reference is also required in certain circumstances when no compulsory acquisition is involved, for example when Crown land is proposed to be used.

<sup>4</sup> It is important that applicants state in which category under section 57 (Categories 1, 2 and 3) someone is considered to be.

being made. This information must be included in the book of reference even if the applicant is not proposing to seek compulsory acquisition powers.

28. Note that, unlike other infrastructure consent regimes, compulsory purchase order schedules are not to be used by the applicant. Instead, the applicant must submit a book of reference, as explained above. Provisions relating to an applicant's compulsory acquisition proposals (if any) are to be included within the draft Development Consent Order.<sup>5</sup>

#### **Box 14: Environmental Impact Assessment**

29. The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 set out the procedures for determining whether a proposed development requires the applicant to undertake an Environmental Impact Assessment, and the process that must be followed.

#### **Boxes 14(a): Environmental statement**

30. Where the proposed development is deemed to be Environmental Impact Assessment development, the required environmental statement must be submitted as part of the application. The Environmental Statement must as a minimum comply with the requirements of Part 2 of Schedule 4 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.

#### **Box 14(b): Screening and scoping opinions**

31. Reference must be made to whether the application has been the subject of screening and scoping opinions. Copies of the opinions received by the applicant must be enclosed.

#### **Box 14(c): Publicity required under regulation 11 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009**

32. At the same time as publishing a notice of the proposed application, Regulation 11 of the Infrastructure Planning (Environmental Impact

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<sup>5</sup> Where no Compulsory Acquisition is applied for, an applicant should be aware, amongst other matters, of Regulation 7(1)(d) of the Applications Regulations, which requires Part 4 of the book of reference to specify the owner of any Crown interest in the land which is proposed to be used for the purposes of the order for which application is being made.

Assessment) Regulations 2009 requires an applicant to send a copy of that notice to the consultation bodies, and also to any person that the applicant has been notified about under regulation 9(1)(c).

33. In Box 14(c), the applicant must confirm that it has sent the notice to the consultation bodies and, if applicable, to the other persons.

### **Box 15: European sites – Habitats Regulations**

34. The applicant must submit to the Secretary of State a report that identifies any of these sites that may be affected by the proposed development, along with sufficient information that will enable the Secretary of State to make any necessary appropriate assessment of the implications for the site.<sup>6</sup>

### **Boxes 16 & 17: Plans with accompanying information, relating to sites or features of nature conservation, habitats of protected species, etc, and to sites or features of the historic environment**

35. Regulations 5(2)(l) and 5(2)(m) of the Applications Regulations set out the information that should be referred to in Boxes 16 and 17 respectively. The Applications Regulations require provision of information on ‘any effects’ - which is not limited to effects which are classed as ‘significant’ under the terms of European Directives - in order to give the Secretary of State a full account of how such sites or features could be affected by the proposal, and an indication of the scope of effects which may need to be looked at during the examination phase.
36. The effects that are likely to be caused by the proposed development should be assessed at a level of detail that is appropriate for the circumstances. Where the effects are classed as ‘significant effects’ under the terms of European Directives, they will need to be assessed in accordance with those Directives and, in relation to a proposed development that is Environmental Impact Assessment development, the relevant information must be set out within the environmental statement (this document should be cross- referenced in Boxes 16 and 17). In the event that all relevant information and plans are dealt with an environmental statement, additional plans or information outside the environmental statement are not required. Applicants should make clear where the relevant information can be found. Applicants are encouraged to discuss its intended approach with relevant consultees and with the Inspectorate.

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<sup>6</sup> The relevant legislation is now the Conservation of Habitats and Species Regulations 2010/490 (see regulation 61).

### **Box 18: Flood risk assessment**

37. This assessment does not need to be a completely separate plan or report but could be included as an Appendix to the relevant chapter of the environmental statement, provided it is appropriately referenced. This approach would avoid unnecessary duplication of information.

### **Box 19: Matters set out in section 79(1) of the Environmental Protection Act 1990**

38. The applicant should refer to section 79(1) of the Environmental Act 1990 in order to consider whether the development proposal would engage one or more of that section's issues relating to nuisance. If it does, the applicant's statement should set out its proposals for mitigating or limiting them.

### **Boxes 20 & 21: Crown land and Plan identifying new or altered means of access, etc**

39. Any Crown Land likely to be affected by the proposed development, and means of access, etc, must be shown on a plan or plans submitted under Regulation 5(2)(n) and 5(2)(k) of the Applications Regulations respectively. If applicants would find it useful, they may wish to show the information on a composite plan as long as they provide all the required information in a clear manner. The information included on the plan identifying any Crown land should be cross-referenced to the information included in part 4 of the book of reference (see Box 13 above).

### **Box 22: Additional information for specific types of infrastructure**

40. Regulation 6 of the Applications Regulations sets out the requirements for additional information to be submitted for specific types of infrastructure. A brief description of the information being submitted should be stated within Box 22, with any more detailed information being set out in an accompanying document, appropriately referenced. If this information is contained within other documents cited on this form, then those documents should be referred to in Box 22, rather than duplicating the information within additional documents.

### **Box 23: Other plans, drawings, etc to describe the development proposal, and any other documents, reports or information to support the application**

41. The applicant must enclose documents, and give a brief description, of any other plans, drawings and sections that are being submitted with this

application that have not already been referred to elsewhere on this form. Box 23 should be used to refer to documents containing information that is set out in regulation 5(2)(o) of the Applications Regulations, such as on the details of design, external appearance and the preferred layout of buildings, drainage, surface water management, means of vehicular and pedestrian access and means of landscaping, etc.

42. Box 23 should also identify the documents that are being submitted in accordance with regulation 5(2)(q). In particular, any National Policy Statement relevant to a particular type of infrastructure may explicitly require the Secretary of State to consider a particular issue, for example matters relating to climate change adaptation and mitigation measures, and how the development proposal would impact on the transport network, etc. The applicant should supply such documents as the Secretary of State needs in order to meet the requirements of any National Policy Statement, and these should be identified in Box 23.
43. The Applications Regulations, regulation 5(2)(l) requires, where applicable, that an application be accompanied by a plan and information on any impacts on water bodies in a River Basin Management Plan together with an assessment of any effects. Where appropriate, applicants should provide an assessment on any impacts of the proposed project on water bodies or protected areas under the Water Framework Directive<sup>7</sup>.
44. The applicant should also use Box 23 to refer to any other information that the applicant has decided to submit in support of the application, but which has not been explicitly required by Regulations or National Policy Statements. For example, this may include information that the applicant might typically submit in support of its infrastructure development proposals under other consenting regimes, or that which has been suggested or asked for by respondents to the pre-application consultation and publicity and which the applicant wishes to include. Applicants should identify in Box 23 any relevant information about measures to mitigate noise impacts from the proposed development, unless this is fully covered elsewhere (e.g. Box 19). In doing this, applicants should have regard to the Noise Policy Statement for England<sup>8</sup>.

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<sup>7</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000.

<sup>8</sup> The Noise Policy Statement for England was published on 15 March 2010. It sets out the long term vision of government noise policy, to promote good health and a good quality of life through the management of noise. <http://www.defra.gov.uk/environment/quality/noise/npse>

## **Box 24: Other consents / licences required under other legislation**

45. Where the proposed development will also require other consents, licences, permits, etc, to enable it to be constructed and/or operational, and for which the Secretary of State is not the authorising body under the Planning Act, then the applicant must list and briefly describe these in Box 24. Reference should be made to any that have already been applied for, and a copy enclosed of any that the applicant may already be in the possession of. Such other consents could be required for controlling pollution, for example.
46. The applicant should also, either in Box 24 or elsewhere in one of their application documents, set out whether there are, in principle, any reasons why such consents etc. might not be granted. In providing this information the applicant should reference responses received from the relevant authorising bodies regarding the likelihood of such consents etc. being granted.

## **Box 25: Declaration**

47. The form must be signed and dated by the applicant, or by a person authorised to do so by the applicant. In signing the form, that person is declaring, to the best of their knowledge, that the information given in the form and enclosed maps, plans and other documents that accompany the application is true. The Inspectorate encourages electronic working and will accept application forms which are submitted with an electronic signature.