

Propriety Guidance

For Ministers and Officials dealing with Development Consent applications

December 2011

Propriety - statement of principles

The development consent regime is essential to make sure the UK gets the infrastructure it needs without creating unacceptable impacts. By definition, Government has a strong policy interest in seeing that the UK gets the new infrastructure it needs. But the impacts of projects proposed to meet this need must be properly assessed, and Ministers who give consent to build them must act, and be seen to act fairly and even-handedly by bringing an unbiased, properly directed and independent mind to the consideration of the matter.

Ministers will therefore:

- not entertain privately made representations about a case, or discuss the case with any interested party to a decision;
- not take part in a decision in which they have, or might be perceived to have a private or a constituency interest; and
- avoid expressing views on the merits of a proposed scheme which is (or is likely to be) the subject of an application, in a way that might be, or might be perceived to be, prejudicial to the eventual determination of such an application.

In order to make it clear that these principles are applied:

- No official or Minister in consenting Departments can enter into any discussion of the planning merits of any live Planning Act consent application (that is, one that is as yet undecided, or may still be subject to challenge) with any person outside Government or the IPC; and
- Neither Ministers nor officials can take part in the handling of or decision on any case in which they have, or might be perceived to have a private (or in the case of Ministers, constituency) interest.

This does not prevent all contact with organisations or individuals who have made, or have an interest in, live consent applications. We will:

- Continue to meet with stakeholders to discuss wider policy issues, provided they understand that we will not comment on the merits of any application;
- Continue, so far as is proper, to facilitate progress on aspects of individual projects (for instance, operating an agreement arising from the CCS competition), but always on the understanding that this is without prejudice to consideration of their planning merits; and
- If necessary, we may express a view on technical matters relevant to the handling of applications – for example, timescales for dealing with cases – provided that such views are and can properly be expressed without prejudice to our conclusions on the planning merits of a case.

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