

Response ID ANON-D5YD-65S2-6

Submitted to Consultation on operational reforms to the Nationally Significant Infrastructure Project consenting process
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About you

1 What is your name?

Full Name:
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2 What is your email address?

Email:
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3 Are you replying as an individual or submitting a response on behalf of an organisation?

Lower-tier local authority (e.g., District or Borough)

Organisation:
Horsham District Council

Strengthening the role of pre-application and ensuring more effective and proportionate consultation

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

Agree

2 Do you agree with the three levels of service offered?

Agree

Not applicable

If you wish, please provide your reasons - How many projects?:

Not applicable

If you wish, please provide your reasons - How many projects?:

Not applicable

If you wish, please provide your reasons - How many projects?:

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

Not applicable

If you wish, please provide your reasons:

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

Agree

5 Do you have any specific comments on the proposals in Box 2?

Further information:

It is important advice issued as a part of any pre-application service cannot be used by the Applicant at later stages in the DCO process to unduly influence the considerations of the Examining Authority.

6 Do you agree with the proposed changes to the consolidated list of statutory consultees outlined below?

Pre App 6 - Civil Aviation Authority:
Keep

Pre App 6 - Forestry Commission:
Keep

Pre App 6 - Health and Safety Executive:

Keep

Pre App 6 - Integrated Transport Authorities (ITA) and Passenger Transport Executive (PTE):

Keep

Pre App 6 - Marine Management Organisation:

Keep

Pre App 6 - Maritime and Coastguard Agency:

Keep

Pre App 6 - National Health Service Commissioning Board and the relevant clinical commissioning group:

Keep

Pre App 6 - National Health Service Trusts (Wales):

Keep

Pre App 6 - Natural England:

Keep

Pre App 6 - Natural Resources Wales:

Keep

Pre App 6 - Relevant AONB Conservation Boards:

Keep

Pre App 6 - Relevant Fire and Rescue Authority:

Keep

Pre App 6 - Relevant Health Board (Scotland):

Keep

Pre App 6 - Relevant Highways Authority:

Keep

Pre App 6 - Relevant Internal Drainage Board:

Keep

Pre App 6 - Relevant local health board (Wales):

Keep

Pre App 6 - Relevant Northern Ireland Department:

Keep

Pre App 6 - Relevant Parish Council or Community Council:

Keep

Pre App 6 - Relevant Police Authority:

Keep

Pre App 6 - Relevant Statutory Undertakers:

Keep

Pre App 6 - Royal Commission on Ancient and Historical Monuments of Wales:

Keep

Pre App 6 - Scottish Natural Heritage:

Keep

Pre App 6 - Secretary of State for Defence:

Keep

Pre App 6 - The British Waterways Board:

Keep

Pre App 6 - The Coal Authority:

Keep

Pre App 6 - The Crown Estate Commissioners:

Keep

Pre App 6 - The Environment Agency:

Keep

Pre App 6 - The Highways Agency:

Keep

Pre App 6 - The Historic Buildings and Monuments Commission for England:

Keep

Pre App 6 - The Joint Nature Conservation Committee:

Keep

Pre App 6 - The Scottish Environment Protection Agency:

Keep

Pre App 6 - The Scottish Executive (Scottish Government):

Keep

Pre App 6 - The Welsh Ministers (Welsh Government):

Keep

Pre App 6 - Transport for London:

Keep

Pre App 6 - Trinity House:

Keep

Pre App 6 - UK Health Security Agency:

Keep

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

No

If you answered 'Yes', please provide your reasons here:

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

Agree

9 Are there any additional factors that you think the early 'adequacy of consultation' milestone should consider?

Further information:

No.

10 Our evidence shows that there is a substantial amount of community consultation that happens during the lifetime of an NSIP. To guide our reforms, and to ensure that reforms support faster consenting, preventing consultation fatigue, more proportionate community consultation, with clearer tests for adequacy, it is important to gather further information about the causes for multiple consultations. What are the main reasons for consulting with communities multiple times during the lifetime of an NSIP application?

Pre app 10 - What constitutes adequate consultation is not clear from legislation.:

Strongly agree

Pre app 10 - What constitutes adequate consultation is not clear from guidance.:

Strongly agree

Pre app 10 - What the Planning Inspectorate will accept as adequate consultation is not clear.:

Strongly agree

Pre app 10 - It is challenging to get the right level of information from consultations.:

Agree

Pre app 10 - The age of the National Policy Statements means more consultation is needed than before.:

Neither agree/disagree

Pre app 10 - It is the main way to update a community on changes that are made to a project.:

Strongly agree

Pre app 10 - It is hard to engage with the correct communities.:

Neither agree/disagree

Pre app 10 - It is a means to mitigate legal challenge for the project.:

Neither agree/disagree

Pre app 10 - It is part of how to build enthusiasm for a project over time.:

Neither agree/disagree

Pre app 10 - It is a helpful way to develop the project.:

Agree

Further information:

It is important to retain an expectation set out in the guidance for Applicants to re-consult and update statutory consultees and stakeholders of changes of material impact in the nature and scope of the project so they can feedback on these changes. It is very much agreed that current legislation and guidance is unclear to what constitutes adequate consultation and consequently. From our experience with recent DCOs (Gatwick second runway and Rampion 2 windfarm), what the Planning Inspectorate will accept as adequate consultation is also unclear to our communities, with recent feedback to the Council being that the bar for demonstrating adequate consultation is very low, and more precisely focused guidance would be helpful to the Applicant, Statutory Consultees, and other interested parties.

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

Further information:

National guidance on expected levels of engagement by the Applicant with communities based on proportionality to scale/impact of a project.

Operational reforms to support faster and more proportionate examinations

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?

Agree

If you wish, please provide your reasons:

Provided the advice offered by the Inspector involved during pre-application stage was informal, their appointment should not unduly influence examination of the application.

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?

If you wish, please provide your reasons:

Disagree. For stakeholders to provide a detailed submission at an earlier stage, they will need access to information about the project and application in question to set out fully their case. This has not been the Council's experience regarding engagement with applicants during the pre-application stage and the provision of draft information before submission of the application to the Planning Inspectorate.

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?

Agree

If you wish, please provide your reasons:

The examining authority is best placed to offer tailored notification periods reflective of the particulars of the project, but there will be a need for consistency across the Inspectorate for similar projects.

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?

Agree

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?

Agree

If you wish, please provide your reasons:

All interested parties will have access to this data.

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

If you wish, please provide your reasons:

No.

Establishing a fast-track route to consent

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?

Agree

If you wish, please provide your reasons:

If fast track route to consent is sought, which is resource heavy for the Planning Inspectorate, then the Applicant should be required to use the enhanced pre-application service for cost-recovery to the Planning Inspectorate.

Financial support should also form part of the proposals for a fast-track route for Applicants to support affected local authorities as tighter timescales will have even greater resource implications for local authorities than the current system, which is already resource heavy.

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?

Neither effective/ineffective

If you wish, please provide your reasons:

The Proposed Fast Track Quality Standard in the consultation document appears fairly limited in terms of detail currently.

20 On each criteria 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?

Fast 18 - 1. Principal areas of disagreement:

Agree

Fast 18 - 2a Fast track programme document:

Agree

Fast 18 - 2b(i) include fast track intention in consultation material:

Agree

Fast 18 - 2b(ii) formal agreement to use enhanced pre-application:

Agree

Fast 18 - 2b(iii) publicise fast track programme:

Agree

Fast 18 - 2b(iv) provide evidence at submission of 2a - 2c:

Agree

Fast 18 - 3. Regard to advice:

Strongly agree

If you wish, please provide your reasons. Please also include any additional criteria that you would propose including within the Fast Track Quality Standard. :

Principal areas of disagreement should be clearly articulated in order to meet the Fast Track Quality Standard but there is no acknowledgement of the support required for local authorities to meet the timescales and significant resource implications. The ability of local authorities to feed into this work is heavily dependent on the quality of engagement undertaken by the applicant and the sharing of information prior to submission.

Agree with the submission of a Fast Track Programme document, however, the submission of an Issues Tracker as part of this document may also support a fast-track route.

Regard to advice - suggest that to qualify for the fast-track route the Adequacy of Consultation responses of statutory consultees will form part of the decision-making process when the Planning Inspectorate decides whether to accept an application to proceed via the fast-track route.

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?

Agree

If you wish, please provide your reasons:

Measures are proposed that address both.

Reviewing the processes for post consent changes to Development Consent Orders

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

Strongly agree

If you wish, please provide your reasons:

Guidance provides clarity for parties.

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?

Neither agree/disagree

If you wish, please provide your reasons:

None.

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

Agree

10-12 weeks

If you wish, please provide your reasons:

Appropriate timescales may be needed to allow sufficient time to seek the views of statutory Consultees and communities.

Resourcing the Planning Inspectorate and updating existing fees

25 Taking account of the description of the services in section 2.2.1 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?

23 resourcing the Planning Inspectorate:

Agree. Reduces risk from the Applicant as updated on issues such as slippage.

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?

24 resourcing the Planning Inspectorate:

Agree. Allows for cost recovery for the Planning Inspectorate. It is also considered that there should be a mechanism to support cost recovery for public bodies such as local authorities - there is no acknowledgement of the burdens placed on local authorities as a result of responding to the DCO applications which are extremely resource intensive.

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?

Agree

If you wish, please provide your reasons:

Full cost recovery will resource the Planning Inspectorate.

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?

Agree

If you wish, please provide your reasons:

Full cost recovery will resource the Planning Inspectorate.

29 To what extent 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?

Agree

If you wish, please provide your reasons. If do not agree, are there any other ways to support the Planning Inspectorate to better resource their statutory work?:

The revenue raised can be directed to more resources.

Strengthening performance of government's expert bodies

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?

Agree

If you wish, please provide your reasons. If do not agree, are there any other mechanisms you would like to see to ensure performance?:

Key performance methods will help focus the Planning inspectorate in managing case load.

31 Do you agree with the principles we expect to base performance monitoring arrangement on? Please select from the options set out in the table below and give your reasoning and additional comments in the accompanying text boxes:

Agree

If you wish, please provide your reasons:

Quality outcomes are more important than meeting arbitrary targets (outputs)

Agree

If you wish, please provide your reasons:

The Applicant is a customer.

Agree

If you wish, please provide your reasons:

The DCO is a multi-stage process with multiple outcomes.

Agree

If you wish, please provide your reasons:

Embeds flexibility.

Agree

If you wish, please provide your reasons:

Important for interested parties to be engaged in the process.

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?

30 strengthening performance of governments expert bodies:

No.

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

Strongly agree

If you wish, please provide your reasons:

It is important to recover costs for services provided throughout the DCO process.

34 To what extent do you agree with the key principles of the proposed charging system? Please select from the options listed in the table below and give reasons in the 'comment' text box.

Agree

If you wish, please provide your reasons:

Applicants should have certainty to costs.

Agree

If you wish, please provide your reasons:

Planning Inspectorate and others need to be adequacy resourced.

Agree

If you wish, please provide your reasons:

There should be certainty to costs for the Applicant.

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

33 strengthening performance of governments expert bodies:

No.

Improving engagement with local authorities and communities

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

Agree

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

35 Improving engagement with local authorities and communities:

No.

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

Agree

If you wish, please provide your reasons:

There will be more understanding to timescales to structure engagement.

Building the skills needed to support infrastructure delivery

39 Do you face any challenges in recruiting the following professions? Please complete the table below and give reasons.

Skills 37 - SOC2452 Town Planning Officers:

Yes

Skills 37 - SOC2455 Transport Planners:

Not applicable

Skills 37 - SOC3581 Planning Inspectors:

Not applicable

Skills 37 - SOC3120 Administrators:

Not applicable

Skills 37 - SOC4112 Local government administrative occupations:

Not applicable

Skills 37 - SOC2451 Architects:

Not applicable

Skills 37 - SOC2453 Quantity Surveyors:

Not applicable

Skills 37 - SOC2455 Construction project managers and related professionals:

Not applicable

Skills 37 - SOC2481 Planning engineers (including windfarm):

Not applicable

Skills 37 - SOC2151 Conservation professionals:

Not applicable

Skills 37 - SOC2152 Environmental professionals:

Not applicable

Skills 37 - SOC2483 Environmental health professionals:

Not applicable

Skills 37 - SOC2121 Water engineers:

Not applicable

Skills 37 - SOC3520 Legal associate professionals:

Yes

Skills 37 - SOC3544 Data analysts:

Not applicable

Please provide your reasons here, with the Standard Occupation Classification (SOC) code(s) you are referring to. :

Challenges of recruiting experienced planning and legal professionals in the public sector.

40 Are there any other specific sectors (as identified above) that currently face challenges in recruiting? If so, please state which ones and give reasons why

Further information:

No.

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?

Further information:

No.

Updates to national infrastructure planning guidance

42 To what extent do you agree that updated guidance on the matters outlined in this consultation will support the NSIP reforms?

Agree

If you wish, please provide your reasons:

Having the guidance updated at point of source will offer clarity to all parties when referencing and working to the most up to date guidance.

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

Agree

If you wish, please provide your reasons:

A consolidated and centralised point to access the guidance would assist the public and stakeholders.

44 Are there any other guidance updates you think are needed to support the NSIP reforms?

Further information:

No.

Public Sector Equalities Duty

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?

No

If you answered 'Yes' to this question, please use the text box below to provide your reasons. :