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Local Councils
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Suffolk
County Council

Getting to Grips with NSIPs

Advice for Town and Parish
Councils on Nationally Significant
Infrastructure Projects (NSIPs)



Foreword from SALC

Parish and town councils are an essential part of the democratic framework of the country, representing the interests of the local communities they serve. Not only do they have to manage the challenges associated with new infrastructure, they must do this whilst both continuing to engage with local matters, maintaining and providing local services.

The Suffolk Association of Local Councils (SALC) recognised there was a lack of guidance to help town and parish councils engage with Nationally Significant Infrastructure Projects (NSIPs), and that this had led to an imbalance across the tiers of the public sector. This guidance, prepared through effective collaboration between the tiers of local government, is an important step towards addressing that imbalance.

The arrival of an NSIP on the doorstep of a local council, brings different challenges to even the largest of normal planning applications, and can be extremely time and resource intensive. It is therefore important that local councils are provided with sufficient information and guidance to help them to engage confidently and effectively.

Community representation is at the heart of what local councils do, it is essential, through town and parish councils, that the hyperlocal voice is heard and articulated effectively.

Sally Longmate,
CEO of Suffolk Association of Local Councils

Foreword from SCC

The development of this guidance has been a partnership between Suffolk County Council, the Suffolk Association of Local Councils, and the parishes they represent. It is an exemplary collaboration between the tiers of local government.

Parishes are uniquely placed to reflect local concerns, and because infrastructure projects develop iteratively before their formal submission, communities must be supported to engage with projects from the earliest stages. This is particularly important because effective early engagement is more likely to produce beneficial changes to a project.

The scale of NSIPs and their potential to impact the communities which host them, should not be underestimated. In my view, this makes it essential that communities are given agency and equipped to shape the projects that they will be living with.

I believe that where local authorities can secure the necessary tools and funding, they have a role to play in enabling and supporting the creation of systems and structures that allow parishes to have their own distinct voice on NSIPs. This guidance represents an important part of our contribution to improving the NSIP process at all levels.

I am proud of this collaboration between SCC and SALC, and I sincerely hope that you find this guidance useful.

Richard Rout,

Deputy Leader of the Suffolk County Council
and Cabinet Member for Finance and Environment



How to use this document

- This document includes definitions of key documents, stages, and procedures within the NSIP process. It is aimed at town and parish councils and includes advice on what to expect, when, and what to look out for.
- For ease of use, Appendix 4 provides all the checklists from each section in one location.
- The document is composed in the chronological order of an NSIP project.
- Acronyms are incorporated into the document. This is to help familiarise town and parish councils with the acronyms which will be used during the process.
- For those using this document in paper form, links to external pages have the full website address at the bottom of the document.
- Throughout this document references to 'local authorities' refer to district, borough and/or county councils. References to 'local councils' are to town and/or parish councils. The DCO applicant is also referred to as the developer.

Acknowledgements

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SALC's understanding of clustering is credited to the work of Sue Hobbs BA (Hons) who provided their dissertation on clustering.

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Key Acronyms

AoC	Adequacy of Consultation	OFH	Open Floor Hearings
ASI	Accompanied site inspection	PA2008	Planning Act 2008
CAH	Compulsory Acquisition Hearings	PINS	Planning Inspectorate
DCO	Development Consent Order	PPA	Planning Performance Agreement
DLUHC	Department for Levelling Up, Housing and Communities	RR	Relevant Representation
ExA	Examining Authority (see below)	SALC	Suffolk Association of Local Councils
ExQ	Examining Authority's Questions	SCC	Suffolk County Council
ISH	Issue Specific Hearings	SoCC	The Statement of Community Consultation
LIR	Local Impact Report	SoCG	Statements of Common Ground
NSIP	Nationally Significant Infrastructure Project	SoS	Secretary of State
		WR	Written Representation



Introduction

Local (town and parish) councils represent their communities and, in doing so, need to balance the need to grow the economy whilst protecting the local environment. Nationally Significant Infrastructure Projects (NSIPs) are dealt with by a separate process from developments under the Town & Country Planning Act 1990, with an emphasis on pre-application work involving local communities.

This sector-specific guidance is designed to help local councils manage their responsibilities in what can be a complicated, time-consuming, and overwhelming process. We hope it will help inform other major stakeholders by providing a wider understanding of the challenges and constraints at grassroots local democracy, lead to improved communication and ensure community engagement is at the heart of this complex process.

Background to this guide

To capture SCC's experience and lessons learnt following the Sizewell C examination, SCC established internal officer guidance on how to engage with NSIPs. As part of the Department for Levelling Up, Housing and Communities' (DLUHC) funding for SCC's NSIP Centre of Excellence, this guidance was reviewed and published on the SCC website for the benefit of other local authorities.

Discussions with the Suffolk Association of Local Councils (SALC) identified the need for better guidance for town and parish councils on how to deal with NSIPs. SCC and SALC agreed that it would be helpful to devise guidance focussed on the role of town and parish councils in the process, building on SCC's local authority guide.

This guide is the first iteration, which we hope will be useful for town and parish councils in Suffolk and other parts of the country.

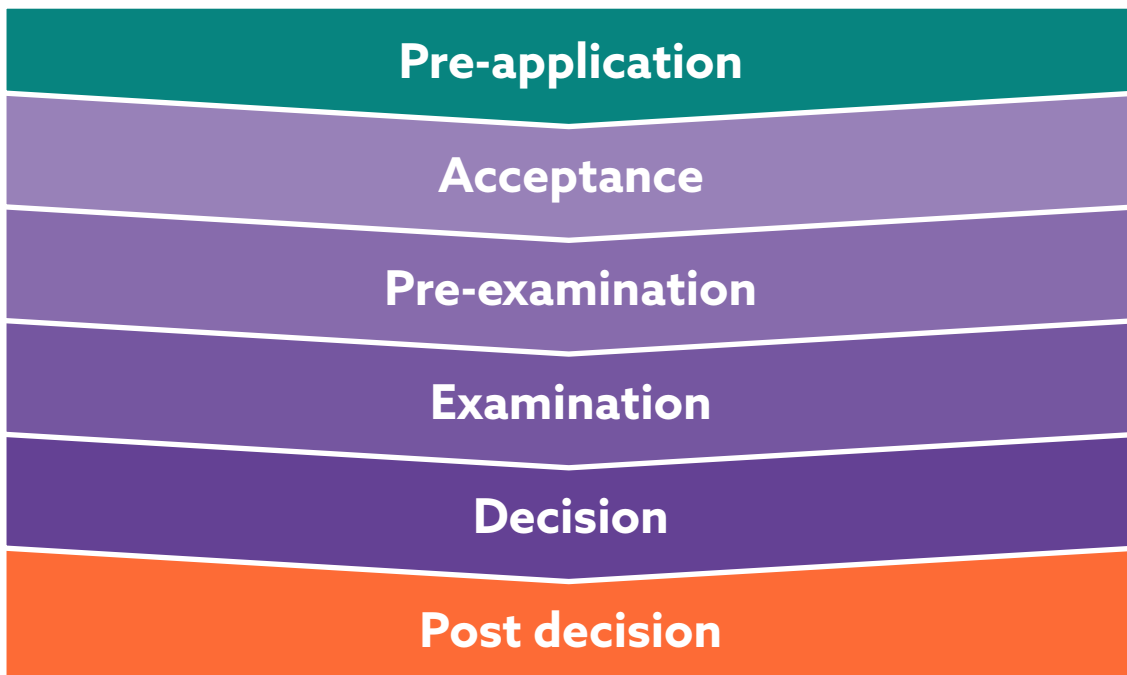
What is an NSIP?

An NSIP is a Nationally Significant Infrastructure Project. They are a certain type of project, over a certain size, and considered by the Government to be so big and nationally important that permission to build them needs to be given at a national level, by the responsible Secretary of State. The thresholds for NSIPs are set out in sections 15 to 30A of the PA2008.

Instead of applying to the local authority for planning permission, the developer must apply to PINS for a different kind of permission called a Development Consent Order (DCO). The PA2008 process was introduced to streamline the decision-making process for major infrastructure projects. Since then, over 110 NSIPs have been consented in the UK.

PINS is responsible for undertaking Development Consent Order (DCO) examinations and writing a report with recommendations to the Secretary of State to aid their decision-making.

An NSIP will follow 6 stages in this order:



The concept is that an NSIP front loads the planning process. This means there is more emphasis placed on shaping a development before an examination starts. Depending on the complexity of the project, it can take several years to get to the examination phase. To speed up NSIP's further, fast track consenting has been proposed if certain criteria are met, shortening the examination period for certain applications, and so placing more weight on the pre-application stage for those wanting to respond to a proposal.

NSIPs in Suffolk – now and in the future

Suffolk is seeing a very large number of NSIPs being pursued in the county, with around nineteen NSIPs having been approved, submitted, or proposed.

Amongst the projects, there are a high number of energy generation NSIPs (offshore wind, solar and Sizewell C), and it is reasonable to expect that more solar and offshore wind projects will come forward in coming years. National Grid has announced the Great Grid upgrade, which is the largest overhaul of the electricity grid in generations. This expansion is to cope with the combination of connecting low carbon energy generation, and an expected doubling of energy demand by 2050. Several National Grid reinforcement NSIPs are proposed for our county.

All these low carbon developments are key for Suffolk, as set out in the following Council policy:

“Suffolk County Council has declared a Climate Emergency and is therefore predisposed to supporting projects that are necessary to deliver Net-Zero carbon and climate adaptation for the UK. However, projects will not be supported unless the harms of the project alone, as well as cumulatively and in combination with other projects, are adequately recognised, assessed, appropriately mitigated, and, if necessary, compensated for”

SCC Energy and Climate Adaptive Infrastructure Policy, 2023

Other NSIPs are expected to come forward to secure reliable water supply infrastructure due to increasing water shortages and climate adaptation, as well as to move to hydrogen energy systems.

This view of emerging future challenges is also shared nationally:

“We face ever more urgent challenges on transport, energy security, water and wastewater and climate change”

DLUHC, 2023

Whilst recognising the need and urgency of NSIPs to help mitigate these challenges, SCC considers it is essential that projects do not lead to avoidable, unmitigated, or uncompensated detriment to the communities and environment of Suffolk, and its existing businesses.

It is noted that the Government is aiming to reduce the time an NSIP takes from application to decision to 17 months. This is to help get critical infrastructure projects built within an acceptable timescale.

All this means the quantity and complexity of NSIPs is increasing and will continue to increase. To successfully represent local communities, effective communication and engagement in the process by town and parish councils and local authorities is essential.

Suffolk Association of Local Councils (SALC)

SALC is a not-for-profit membership organisation that provides support, guidance and training to local councils and parish meetings across the county, helping them deliver for the communities they serve.

SALC has a reputation for understanding the challenges of the sector and has an established track record of representing and supporting its membership. SALC engages with numerous stakeholders across the public sector and believes strongly that collaborative working enables good communication and helps to reduce duplication and improves efficiency.

Suffolk County Council (SCC) - A nationally recognised Centre of Excellence for dealing with NSIPs

Over the past few years, SCC has built up a significant amount of knowledge and expertise in the NSIP process through its involvement in a number of NSIPs, most notably Sizewell C. SCC is a leading local authority with expertise in NSIPs, both at a regional and national level. Government departments are increasingly recognising and valuing SCC's NSIP expertise.

SCC has established an NSIP Centre of Excellence, supported by funding from DLUHC to run a series of seminars and a conference on NSIPs for local authorities across the region and beyond.

General Advice for town and parish councils' involvement in NSIPs

The pre-application and examination stages are where improvements to an NSIP can best be achieved. It is therefore important for town and parish councils to identify any changes to the scheme and additional mitigation and compensation measures which could reduce the impact on local communities during these stages. Even if the local council is opposed to the scheme, such engagement to improve the NSIP is crucial. This is because if the NSIP receives development consent, there will not usually be further opportunities for the local council to influence the detail of a consented scheme. Hence, should the NSIP be approved by the Secretary of State, and town and parish councils have not engaged and commented on the specific proposals, they will have missed the opportunity to influence the scheme or achieve changes and additional mitigation to reduce its impacts.

Joint Working

Time and resources for local councils are limited and there can be benefits in local councils working together to exchange views, share knowledge and, where required, to enable expert advice to be made more affordable. A collaborative approach can also provide benefits in terms of increased representation and influence, and will particularly benefit smaller councils to engage more effectively with the NSIP process.

Experience also shows that examining authorities will appreciate a clear, co-ordinated response from the local community in which issues are raised collectively.

Local councils can work together, perhaps by forming working groups or it might be considered necessary to form a formal joint committee under s.102(1)(b), Local Government Act 1972. In this case, it would require each council to agree how many councillors they will appoint to the group and their term of office. It may well be beneficial for non-councillors with expertise or suitable skills to be appointed as members, although they will only have voting rights on an advisory committee.

For more information on meetings of council, committees, subcommittees and working groups see Appendix 1 or contact SALC via email at admin@salc.org.uk or call 01473 833713 for further assistance.

It is important, before commencing joint working, to agree a clear view of what each party wants to achieve; for instance, by agreeing terms of reference.

It is recommended such terms should cover, for example:

- Membership
- Aims and objectives
- Appointment of a chair
- Tenure
- Decision-making process
- Funding

Whilst there are a number of positives of working collaboratively in this way, there are also some important barriers to note and manage, including:

- Smaller councils potentially experiencing loss of identity,
- The additional challenge of managing conflicts of interest,
- Additional pressure on both councillor and officer time,
- Apportioning costs and contributions, geography and capacity.

Also, decision-making can be delayed as a result of having to return to full council and can be restrictive where short timescales apply for formal responses.

Council Policy

Sometimes councils will want to reach an agreed policy position on an issue. For example, they might be opposed to the routing of a by-pass through the parish.

This is particularly relevant on strategic projects or highly controversial matters, when the councils might wish to consult the local population and take their views into account before agreeing their position on the issue.

Further information is available on this subject in NALC's Legal Topic Note 81 available from the SALC member portal.



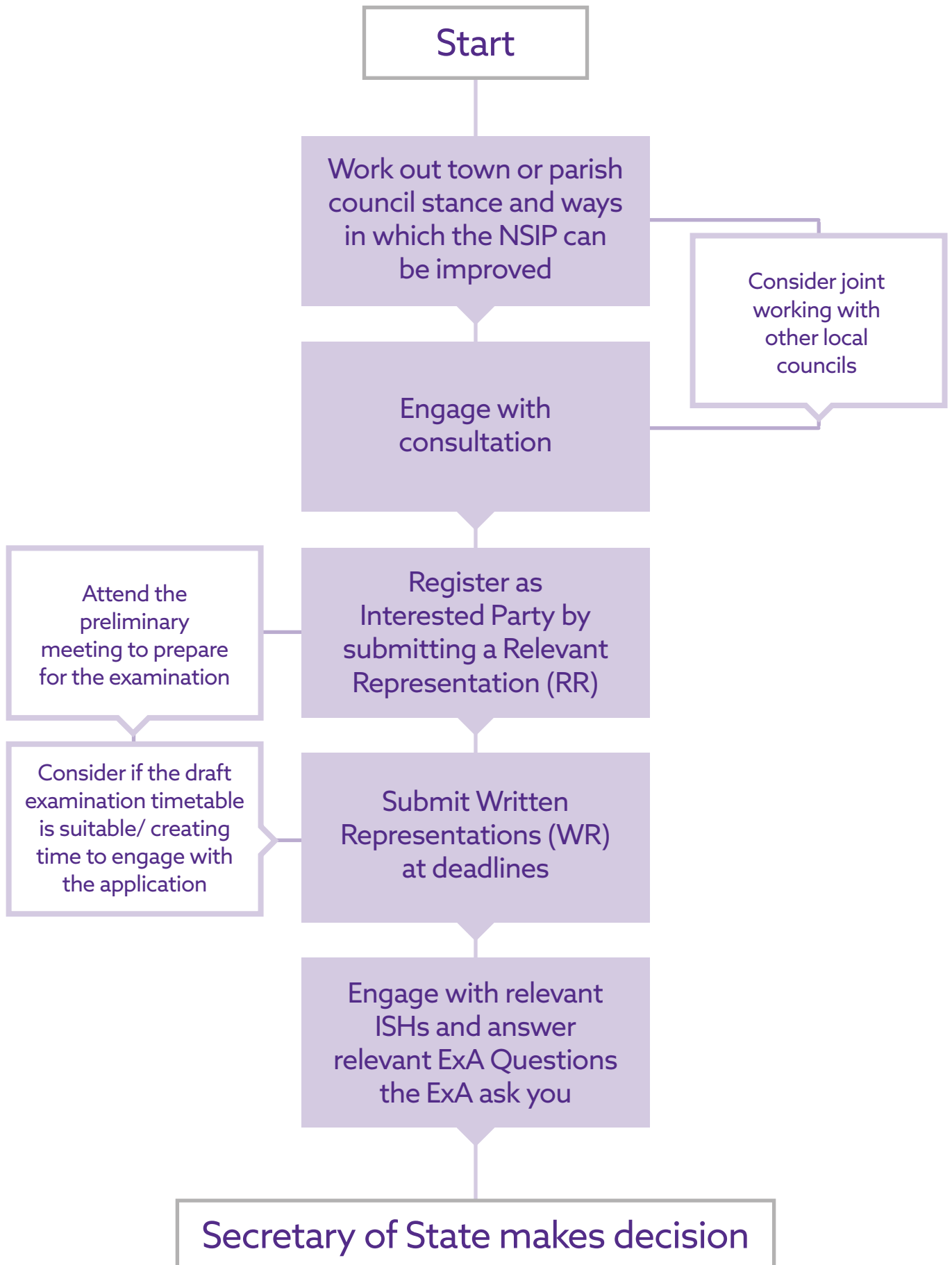
The roles of town and parish councils in the NSIP process

The flowchart and table below provide a quick overview of areas SALC and SCC consider are important for town and parish councils. Each document/process in this guidance document uses colour coded headings. This colour code represents:

	Activities which directly involve town and parish councils
	Local Authority activities which will be of interest to town and parish councils
	Activities which do not require town and parish council involvement

Key stages

This diagram provides an overview of key stages in the NSIP process for town and parish councils. Documents mentioned here are explained under the section NSIP Process in Detail



Full scheme of engagement

This table provides summarises the stages involved in the NSIP planning process, including the engagement necessary for town and parish councils who need to respond to NSIPs. Each NSIP raises different issues. Local councils should be aware of all stages, and consider participation, even if they eventually decide that it is not necessary to engage in each stage.

Pre-application	Acceptance	Pre-examination	Examination	Post Decision
28 days for local authority to provide comment on draft The Statement of Community Consultation (SoCC)	28 days for PINS to decide whether to accept the application for examination	Most importantly, submit a Relevant Representation (RR) to become an Interested Party	6 months of Examination (maximum)	Local Authorities discharge requirements and conduct monitoring
Respond to developer consultation about the scheme (s42)	Local authority submits adequacy of consultation representation	Consider the draft examination timetable and provide comments if necessary	PINS produce the procedural decision, including the examination timetable (rule 8 letter)	Local Planning Authority carries out enforcement where necessary
Local authorities discuss Section 106 agreements and requirements with the developer		Attend the Preliminary Meeting	Submit written representation early in examination	Responding to notifications - non-material and material change applications
Local authorities are advised to begin work on Local Impact Reports		Continue preparation of SoCG, and WR(s)	Attend and participate in hearings/ accompanied site visits	
Town and parish councils are advised to begin work/ arrange delegations on 4.6 - Statements of Common Ground and -Written Representation (WR)		Respond to the invitation to the preliminary meeting (rule 6 letter)	Comment on other interested parties' representations and submissions	
Town and parish councils are advised to consider making arrangements for joint working with other town and parish councils		Prepare for examination - legal and specialist support?	Respond to ExA written questions and requests for further information	
		Continue negotiations with developer		



NSIP Process in Detail

1. Pre-Application

Overview

Pre-application begins when the Planning Inspectorate (PINS) is informed by a developer that they intend to submit an application for development consent. Before submitting an application, the developer is required to consult on their proposals.

The pre-application stage is the best opportunity to amend the proposals and address concerns. The greatest opportunity to influence a project is by responding to the developer's pre-application consultation, whether you agree with it, disagree with it, or believe it could be improved. It is important to remember that it is possible to engage constructively while maintaining an overall objection. Engaging on the specifics of the proposal at an early stage provides the community with the best chance of achieving an acceptable project.

On the other hand, objecting without engaging with the developer risks the local community being burdened with a project which has not been mitigated at all.

It should, however, be noted that not all developers engage in pre-application engagement to the same degree. If there are significant concerns about the quality of consultation, local councils should write to the developer and inform the local authorities of their concerns.

Town and parish councils are advised to begin work on and, where necessary, arrange delegations for Statements of Common Ground and Written Representation (WR). This is also an important stage to start making arrangements for joint working with other town and parish councils. Joint working between town and parish councils can allow knowledge and resources to be shared, enabling them to better deal with the time burden of engaging with the NSIP process. It also provides the examining authority with a clearer understanding of local communities' shared issues with an NSIP. **Any person or organisation can sign up to receive project update emails on the PINS web page for that project.**

Establishing strong links with neighbouring local councils and key relevant partner organisations in this phase is important to creating effective working partnerships, providing support, and, where possible, supporting each other's arguments. Collaboration strengthens your voice and position.

Public meetings can be utilised to brief residents and request offers of expertise from the community. Setting up a working party, which includes residents with time and expertise to offer, can help to provide a better resource for representing the community. Other strategies to obtain community representation can be utilised, such as newsletters, however this may be constrained by resources.

If, before the Acceptance stage, the Secretary of State concludes that the consultation is inadequate, they can recommend that the applicant carries out further consultation before the application can be resubmitted.

Please note - During the NSIP process, the role of the county and district council is that of a party who can try to persuade/advise, but cannot force changes upon the developer. Neither the county nor district council is responsible for designing or delivering any scheme.

Information - Private vs public considerations

The planning issues that will be considered in an NSIP are the same as in normal planning applications, and revolve around the concept of material considerations. What counts as a material consideration can vary on a case-to-case basis, but they will include all the fundamental factors involved in land-use planning, such as:

- Overshadowing;
- Overlooking and loss of privacy;
- Adequate parking and servicing;
- Overbearing/ nature of the proposal;
- Loss of trees;
- Loss of ecological habitats;
- Design and appearance;
- Layout and density of buildings;
- Effect on Listed Building(s) and Conservation Areas;
- Access and highway safety (highway authority views crucial);
- Traffic generation (highway authority views crucial);
- Noise and disturbance from the scheme;
- Public visual amenity (not loss of an individual's view);
- Disturbance from smells;
- Flood risk (Environment Agency/ Anglian Water's views crucial)



Things that aren't material considerations and therefore aren't relevant for town and parish councils to feedback to the Examining Authority might include:

- Loss of value to private individual property;
- Loss of view;
- Boundary disputes;
- Private covenants or agreements;
- The applicant's personal conduct or history;
- The applicant's motives;
- Potential profit for the applicant or from the application;
- Private rights to light;
- Private rights of way;
- Damage to property;
- Disruption during construction;
- Loss of trade and competitors;



For further general advice on material considerations, see Appendix 2.

Individuals can represent themselves at Compulsory Acquisition Hearings if certain private rights are going to be affected by compulsory acquisition or temporary possession, but it is not usually appropriate for a local council to become involved in this kind of issue. It would be usual for individuals to obtain their own legal advice.

Information – The mitigation hierarchy

Once town and parish councils have identified the NSIP's potential impacts, the mitigation hierarchy is followed to lessen their impact. The hierarchy is to avoid, mitigate and, finally, compensate impacts on the environment and biodiversity.

Although compensation funds may be necessary and useful to mitigate residual impacts, the emphasis should first be on minimising residual impacts and working up meaningful mitigation proposals with the applicant. It is useful for the council to be proactive by providing a list of desired changes to the scheme or mitigation measures.

Local councils are the closest level of governance to communities and, as such, can identify potential impacts at a very local level. Specific local knowledge cannot be underestimated during this process, so highlighting this is important to achieving suitable mitigation.

Please consider:

- Seeking early implementation of mitigation and compensation measures, especially with environmental mitigation.
- Be clear what the specific objectives are, in terms of maximising local opportunities.
- Each funding and mitigation measure may come with its own conditions – be it approval through a governance group or need to evidence that impacts have occurred and are linked to the development. In general, the conditions are often controlled by local authorities. Town and parish councils need to be aware that there is usually a need to evidence a link between mitigation and the development, often with required governance approvals.

1.1 Environmental Impact Assessment Screening Opinion

What?

A screening opinion states whether an environmental impact assessment is required as part of a development proposal.

When?

During the pre-application period.

1.2 Non-statutory consultation

What?

Although optional, developers are encouraged to undertake initial consultation to allow local communities to have a say at an early stage of the application. It is an opportunity for communities to influence the proposed development. The local community will gain knowledge of the

project and understand its potential impacts. Feedback may help developers focus on the most viable options as early as possible.

When?

As soon as there is sufficient detail on a proposed development, during the pre-application period.

1.3 The Statement of Community Consultation (SoCC)

What?

The Statement of Community Consultation (SoCC) is produced by the applicant to establish the way it will consult with the local community at the pre-application stage. The SoCC must reflect the unique circumstances of each application. The draft SoCC is sent to the host local authorities for comment. The applicant must have regard to any comments made by the local authority about the proposed consultation strategy but is not bound to accept or implement them.

If local people have ideas on how community consultation is best carried out, they can submit them to their local authority to pass on to the applicant in its response to the SoCC.

It may be necessary for the developer to carry out additional consultation in response to feedback from consultees or where a significant change is made to the project. In these circumstances, the developer may revise the SoCC and seek the agreement of the relevant local authority for the revised approach.

Once the SoCC is finalised, adverts will appear in local newspapers explaining where the public can view it.

When?

During the pre-application period, at least 28 days must be given for responses.

1.4 Statutory consultation with the local community

What?

Before submitting an application, applicants have a statutory duty to consult on their proposals. The length of time taken to prepare and consult on a project will vary depending upon its scale and complexity. It is our view that the developer should directly engage local communities in pre-submission discussions. This is the best time for communities to influence a project, whether you agree with it, disagree with it, or believe it could be improved.

When?

During the pre-application period.

Pre application checklist

Essential items

Tick

1.	Engage with Non-Statutory Consultation	<input checked="" type="checkbox"/>
2.	Engage with Statutory Consultation with the local community	<input checked="" type="checkbox"/>

Advisory items

Tick

1.	Respond to the Statement of Community Consultation (SoCC) by informing the local authority how the community thinks consultation should be carried out	<input checked="" type="checkbox"/>
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2. Acceptance

Overview

The acceptance stage begins when a developer formally submits an application for development consent to Planning Inspectorate (PINS). There then follows a period of up to 28 days (starting with the day after the application is submitted) for PINS, on behalf of the Secretary of State, to decide whether or not the application meets the standard required to move to the next stage. If the application is accepted, the letter to the applicant confirming this will be published on the National Infrastructure Planning website and pre-examination will begin. During the acceptance stage, PINS will ask the host county and district local authorities in addition to the neighbouring local authorities whether the applicant's pre-application consultation was adequate.

2.1 Development Consent Order (DCO) application documents

What?

The Development Consent Order (DCO) application documents include the draft DCO and the Environmental Statement. The draft DCO is the precursor to the Development Consent Order (DCO) which will be examined, and amended, during the examination. During the examination, it is likely that amendments and additions will be submitted by the applicant to the application documents, to which the local authority may wish to respond. All documents will be published in the PINS Examination Library.

When?

Between one month and a week before submission, PINS will normally send a letter to relevant local authorities to advise them of the likely submission date of the application. Once accepted by PINS, the submission must be published.

2.2 Adequacy of Consultation (AoC) representation

What?

PINS will invite the host and neighbouring local authorities to submit an adequacy of consultation representation (AoC). PINS must have regard to the AoC when deciding whether or not to accept an application. The AoC is a representation as to whether the applicant has complied with:

- Its duties under sections 42, 47 and 48 of the PA2008 relating to consultation and publicity.
- Its duty to take into account the local authorities' comments on the draft Statement of Community Consultation (SoCC),

- The commitments set out in the SoCC in terms of undertaking the pre-application consultation in compliance with the stated consultation methodology.

The AoC allows town and parish councils to provide the local authorities with their comments on any shortcomings with the developer's consultations. If town or parish councils have concerns about the adequacy of the developer's consultation, these can be raised with the local authorities to be included in the AoC representation.


When?

As soon as possible after receipt of the application. If local councils have comments to provide to the local authority, these will need to be provided to the local authority before the AoC representation is due. Due to the tight deadline, it may be necessary for the local council to arrange delegations to their clerk. Alternatively, owing to the tight timeframe, it may be worth preparing to submit comments in advance of the developer's submission of the DCO application.

Acceptance checklist

Advisory items

Tick

1.	Feed into the response to the Adequacy of Consultation (AoC) representation by informing the local authority about any shortcomings with the developer's consultation. (Ideally in advance of the AoC being published due to tight timescales).	
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3. Pre-examination

Overview

The pre-examination phase commences as soon as the Development Consent Order (DCO) application has been accepted by the Planning Inspectorate (PINS) and takes approximately 3 months. The start of the pre-examination phase begins with the appointment of the Examining Authority (ExA). This can be a single Examining Inspector or a panel of up to 5 Examining Inspectors. The ExA will value documents submitted to them that are well-structured and easy to read.

Any person or organisation can register with PINS and provide a summary of their views on the application in writing by submitting a Relevant Representation (RR), making them an Interested Party. **It is very important that town and parish councils submit a relevant representation, otherwise they will not be permitted to participate in the rest of the process.** During the pre-examination stage, interested parties will be invited to attend the Preliminary Meeting. This meeting is run and chaired by the ExA and its purpose is to discuss how the application will be examined.

This is a key stage to establish the local councils' position and strategy.

3.1 Relevant Representation (RR)

What?

Town and parish councils who wish to make submissions during the examination need to submit a RR to register as an "interested party".

A Relevant Representation (RR) should include a summary of what the town or parish council agrees with and/or disagrees with in the application, what they consider the main issues to be resolved to be, and the impact these would have on the community. The content of RRs is used by the ExA to help inform their initial assessment of principal issues for examination. The RR should set out a succinct list of concerns and issues (with clear asks/options to address the concern) that need to be addressed. This helps both the ExA to determine principal issues for examination, and the applicant to be clear about, and be incentivised to resolve, areas of objection/concern.

Interested Parties have further opportunities to develop on these points, most notably in a Written Representation (WR), once the examination has commenced. Issues (or potential issues) need to be referenced in the RR, even if at a high level, as you do not want to have to introduce new issues later during the examination that have not been raised before.

When?

This needs to be completed soon after acceptance. Following publication of a statutory notice, the applicant is required to allow at least 28 days, from the day after the notice is last published, for anyone wishing to submit a relevant representation to do so.

3.2 Appointment of the Examining Authority (ExA)

What?

The Examining Authority (ExA) is the inspector, or the panel of inspectors, appointed by PINS to conduct the examination of the application. This is set out in the Rule 6 letter, in advance of the Preliminary Meeting.

When?

Prior to the Preliminary Meeting.

3.3 Draft timetable

What?

The draft timetable will set out a proposal for a range of Deadlines (to submit representations) and other dates for such things as:

- Making written representations,
- For the ExA to ask an initial set of Examining Authority's Questions (ExQs) about any matter contained in the application, Relevant Representation (RR), Written Representation (WR), or anything else considered relevant,
- For the applicant and interested parties to comment in writing on any Relevant Representation (RR), Written Representation (WR), or responses provided to the Examining Authority's Questions (ExQs)
- Examination deadlines for additional rounds of questions, written representations, dates of hearings etc.

Consider the structure of the examination as a whole, not just the detail of when the deadlines and hearings occur. If the draft timetable presents difficulties, there is an opportunity to make these known to the ExA before the timetable is finalised shortly after the Preliminary Meeting.

When?

Prior to the Preliminary Meeting.

Information – Cumulative impacts

In planning terms, cumulative impacts are the combined impacts of a project in combination with other nearby or overlapping projects. There will usually be a chapter dealing with cumulative impacts in the Environmental Statement submitted as part of the application documents.

It is a principle of planning law that applications should be decided on their own merit, but consideration of cumulative impacts is still necessary. The mitigation for an existing project cannot generally be re-opened retroactively in the light of new projects, so a decision-maker can only take into account the project at hand in combination with other projects that either already exist, or which are proposed, and for which enough detail is available for the applicant to consider them.

3.4 Initial Assessment of Principal Issues

What?

The ExA decides how to examine an application; however, it must make an initial assessment of the principal issues arising from the application prior to the Preliminary Meeting. This is usually listed as an appendix to the Rule 6 letter which gives notice of the Preliminary Meeting. The list is not comprehensive: The ExA will have regard to all matters raised during the examination. The initial assessment of principal issues usually forms the basis of agenda items at the Preliminary Meeting, allowing parties to comment on the initial list and raise other potential issues. Interested parties have an opportunity to comment on the list of issues in its submission in advance of the Preliminary Meeting (Deadline A).

When?

Prior to the Preliminary Meeting.

3.5 Preliminary Meeting

What?

At the Preliminary Meeting, the procedure and timetable to be followed during the examination are discussed. The Preliminary Meeting is not the time or place to put forward views about what you like or don't like about the application, or for members to make politically motivated speeches. It will cover:

- The draft examination timetable,
- The ExA's initial assessment of the principal issues, and
- Any procedural decisions the ExA chooses to make at this stage.

The preliminary meeting is a public event where any interested party can raise comments about the procedure and timetable proposed for the examination. Sometimes, the preliminary meeting is adjourned to a second day, which does not have to be the day after the first day.

The 6-month examination period commences at the close of the preliminary meeting.




When?

This is a procedural meeting held after the deadline for making a RR has passed and once the ExA has made its Initial Assessment of Principal Issues after consideration of the application documents and the Relevant Representation (RR). The Rule 6 letter gives notice of the Preliminary Meeting.

Pre examination checklist


Essential items

Tick

1.	Submit a Relevant Representation (RR) to the ExA to register as an Interested Party, allowing further involvement in the NSIP process	
2.	Look at the Draft timetable deciding which parts of the examination are feasible to engage with, and make any issues with the timetable known to the ExA before the end of the preliminary meeting	
3.	Attend the Preliminary Meeting where the draft timetable is released and the ExA sets out the initial assessment of issues and covers any procedural decisions that have been made.	

Advisory items

Tick

1.	Use the Initial Assessment of Principal Issues submission to comment on the initial list of issues proposed by the ExA and raise issues not listed, before the Preliminary Meeting.	
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4. Examination

Overview

The Examining Authority (ExA) carries out the examination, having a maximum of 6 months to do so. During this stage, interested parties are invited to provide more details of their views in writing and in hearings, though it is primarily a written process. The examination period is very intense for all involved, with limited advance notice of when topics will be covered. It is essential that interested parties take note of the Examination timetable.

Compensation funds can be secured through Planning Obligations to mitigate the residual impacts of the project. Such funds can be a valuable asset for the community.

There is no benefit in repeating a point made in a previous submission, as the ExA are already aware of the issues, unless there is further information or evidence that you consider significant. All documents received by the Planning Inspectorate (PINS) will be published on the National Infrastructure Planning website.

Information – Seeking professional advice

If you wish to use professional advice, whether legal or technical, a comprehensive briefing with them before each major examination event is highly recommended. This preparation will allow your advisors to lead on key points of interest throughout the hearing.

Barrister/solicitor

Some interested parties will be represented by a barrister or solicitor during the examination, however many interest parties won't be, perhaps because instructing a lawyer will require a financial outlay. It is noted that barristers or solicitors, with experience in NSIPs, can be useful during the examination process for those who have the financial capacity. If you choose to use a barrister, there are usually instructed by your solicitor (if you have one) or can be instructed by direct access.

SALC and SCC do not make any particular recommendation regarding whether town or parish councils should obtain legal services. It is noted that experience from previous examinations shows that town and parish councils have often been effective in making their views heard in front of the examination without legal support.

Planning consultant

If your local council wishes to seek technical advice on the NSIP planning process, or on how to make and present planning arguments in your representations, you may wish to appoint a planning consultant to assist with your representations. A planning consultant should be able to ensure that your responses to an NSIP engage with the relevant planning policy, and can often provide advice on when and how to seek the services of more specialised experts, like ecologists, landscape architects or engineers.

Local councils may wish to explore whether to pool resources with other affected town or parish councils to appoint shared advisors. SALC and SCC cannot recommend particular consultancies, but councils may wish to use the Royal Town Planning Institute's Directory of Planning Consultants to find a firm that employs chartered town planners. For more information, visit: <https://www.rtpiconsultants.co.uk>

Information – Engaging Directly with the Developer during the Examination

Town and Parish councils can engage directly with the developer in discussions to improve some of the details of the application. Be aware that developers are not obligated to do this and will usually request that the content of discussions is confidential until agreement is reached. It can be useful to keep these lines of communication open because it allows for flexibility and enables a direct approach to explore potential resolutions in more detail outside of the formal examination processes.

It is useful to consider who, on behalf of the local council (or joint councils), will lead these direct negotiations and what authorisation they will require. This could be an individual or a team, professional, volunteer, or a blend, working on behalf of the council(s). Any authorisation to engage in discussions should be agreed formally beforehand.

4.1 Examination timetable

What?

The timetable will set out a range of Deadlines (to submit representations) and other dates for such things as:

- Making written representations,
- For the Examining Authority to ask an initial set of Examining Authority's Questions (ExQs) in writing about any matter contained in the application, Relevant Representation (RR), Written Representation (WR), or anything else considered relevant,
- For the applicant and interest parties to comment in writing on any Relevant Representation (RR), Written Representation (WR), or response provided to the Examining Authority's Questions (ExQs),
- Examination deadlines, for additional rounds of questions, written representations, hearings etc.

The timetable evolves during examination, with more deadlines and hearings potentially often being added. Deadlines are usually tight.

When?

After the preliminary meeting, the ExA will publish a timetable.

Example – Sizewell C examination timetable from 2021: The Sizewell C Project | National Infrastructure Planning (planninginspectorate.gov.uk). Please note, the tight deadlines in which an examination operates within.

4.2 Examination Library

What?

The Examination Library lists each document that has been submitted to the examination by any party and documents that have been issued by PINS. Each document linked in the examination library receives a unique reference number, which should be used when referring to it in submissions. All documents in the Examination Library are on the PINS website and a hyperlink is provided for each one. The Examination Library will be updated regularly, so it is important to ensure that the latest version of any document is being looked at.

The submission documents will include a wide variety of information including application forms, plans and maps, the draft DCO, information related to compulsory acquisition, a report on the pre-application consultation, all documents forming the Environmental Statement, and miscellaneous other information which may be required as part of the application.

When?

The ExA will set up an Examination Library at the start of the examination.

Example – Sizewell C Examination Library - EN010012-002292-Examination Library PDF Version Sizewell FINAL.pdf (planninginspectorate.gov.uk)

4.3 Deadlines (to submit representations)

What?

A series of stages where further representations are sought by the ExA from interested parties. The examination is primarily a written process. Each deadline sets out what information is required to be submitted.

When?

The Examination timetable includes deadlines which cover the whole examination. Typically, there are in the region of 10 deadlines in an examination, the last one being close to the date of the examination's close.

4.4 Local Impact Report (LIR)

What?

The Local Impact Report is a written report by host local authorities (i.e. District/Borough and County Councils, or unitary authorities), which provides details of the likely impacts of the proposed development within the authority's area (or any part of that area). It must be considered by the ExA and the Secretary of State. PINS Advice Note 1 includes the list of topics that could be covered in an LIR. It is worth noting the LIR is often consists of several hundred pages.

As per PINS advice note 1, the LIR should:

- Provide local knowledge and experience,
- Show evidence of local concerns and issues e.g. local evidence of flooding, local social / economic issues or local knowledge of travel patterns to community facilities,
- Appraise the development's compliance with local policy and guidance,
- Give views on the relative importance of different social, environmental or economic issues and the scheme's impacts on them,
- Consider the impact of DCO articles, requirements and obligations and any changes to these the local authority considers are needed, and
- Consist of statements of positive, negative and neutral local impacts.

There is no need for a balancing exercise between positive and negative impacts.

Who?

As stated, writing the LIR is the responsibility of the local authorities, hence it is not a document that town and parish councils will produce, or be directly involved in the production of. It is good practice for local authorities to take on board local knowledge from parish and town councils. If parish and town councils have particular views or intelligence which they wish to be considered by the local authorities as part of the LIR, they should share these with the relevant local authority case officers. Because it is important that the LIR is an objective, technical document, the local authorities can only include points concerning potential impacts which are credible and can be evidenced.

When?

Early on during examination (usually one of the first deadlines). Preparation will often commence well in advance of examination due to the scale of the task and limited time between notification and expiry of deadline.

4.5 Written Representation (WR)

What?

The Written Representation (WR) is a distinct document allowing interested parties, such as town and parish councils, to express their views on an application, i.e., whether or not they support the application and their reasons. This can expand on any views provided in the Relevant Representation (RR) and should provide as much detail as possible on particular impacts. Although there is no prescribed form for WR, you may wish to organise it by environmental theme, using the chapters of the Environmental Statement as a guide. It is generally good practice to include detailed supporting evidence as an annex or appendix if including it in the body of the document would interrupt the flow.

When?

Early on in the examination – often at the same deadline as the Local Impact Report (LIR).

4.6 Statements of Common Ground (SoCG)/ Principal Areas of Disagreement Summary Statements (PADSS)

What?

A Statement of Common Ground (SoCG) is a statement agreed between the applicant and another stakeholder which:

- sets out any matters on which the applicant and other party agree, and,
- identifies those areas where agreement has not been reached.

Typically, the most affected town and parish councils will be requested by the ExA to enter into a SoCG with the applicant. The SoCG, once agreed, will be considered by the ExA as evidence, and it will be given weight when the ExA makes its recommendation to the Secretary of State. Typically, the SoCG will be drafted by the applicant, however the local councils should be able to shape the document through discussions.

The statement should include references to show where those matters are dealt with in the Written Representation (WR) or other documentary evidence.

The SoCG is a useful document that helps ensure the examination focuses on the material differences between the parties. To be helpful to the ExA, do not lose focus or get lost in the detail, as the document is intended to provide a useful guide to which matters, when agreed, are closed.

More recently, SCC has noted the ExA requesting Principal Areas of Disagreement Summary Statements (PADSS) instead of SoCG. These documents serve a similar purpose, but focus on areas of disagreement.

When?

The ExA will set deadlines for submission of SoCG in the post Preliminary Meeting letter; however, early submission is encouraged. A final SoCG is expected to be submitted at the final Deadline of the examination. This final version is often signed by both parties. Local councils should consider making governance arrangements for approval of the final document in advance of the deadline, and communicate these governance arrangements with the applicant.

Usually, the SoCG begins with few items agreed, and as the examination progresses more items may become agreed. Local councils should be sure that they are happy that an issue is resolved before agreeing it in the SoCG.

4.7 Examining Authority's Questions (ExQs)

What?

Questions by the ExA, usually directed to the applicant, local authorities or other key consultees, which could in some instances include town and parish councils. These can be wide-ranging, and are likely to cover strategic, legal as well as technical questions, and may relate to any matter contained in the application, RRs, WRs, or anything else considered relevant.

When?

Usually early in the examination in the first set of questions, likely to be followed by around two more rounds of questions.

Advice: Each Examining Authority's Question (ExQ) tends to be directed to the applicant and/or specific interested parties. If you have something important to say on a question not directed at you, you should consider your response and reply at the next deadline, when you can comment on the responses submitted to the initial ExQ.

4.8 Planning Obligations – Section 106 agreement/Deed of Obligation or Section 111 agreement

What?

Planning Obligations are legal obligations which secure mitigation and compensation in respect of a development proposal. They are entered into under section 106 of the Town and Country Planning Act 1990 and must satisfy certain statutory tests. If those tests cannot be satisfied, commitments might be secured by an agreement entered into under section 111 of the Local Government Act 1972. Whether an agreement is entered into under section 106 or section 111, it will be dated and executed as a deed by all the parties to it, e.g. the applicant and the relevant local authorities.

Although town and parish councils are not party to these agreements, and do not negotiate directly with the applicant, they can still be influential by generating ideas for mitigation schemes and funding which can be used to mitigate the impacts of the development. Local authorities and local councils should both aim to develop a good working relationship to positively influence these agreements.

These agreements are perhaps the most important document to be agreed by the local authority, as they secure the mitigation and compensation funding, directly for the local authority, for third party organisations, and for the wider Suffolk community.

When?

A signed and dated agreement (where required) will usually need to be submitted by the final Deadline. The ExA might request for drafts to be submitted at intervening deadlines, to give other interested parties the opportunity to submit comments on the draft to the ExA. When these drafts are published, local councils should pay attention to any provisions for how the money can be claimed.

Because these agreements are negotiated in considerable detail, the negotiations may carry on until the last minute of the examination.

Information - Community Benefits

Community benefits are outside of the planning balance (and so the Secretary of State does not give them any weight when making their decision), and therefore the examination. The Supreme Court judgement (R vs Resilient Energy Severndale Ltd and Forest of Dean District Council, 2019) outlined that community benefits are non-material considerations and therefore not compulsory for developers to provide. There is expected to be forthcoming guidance on community benefits for transmission infrastructure in late 2023, and guidance exists for onshore wind, which was published in December 2021. Subsequently, the guidance around community benefits is still evolving, and therefore the dynamics and process are still to be fully established.

Community benefits are additional to the required mitigation and compensation and are voluntarily offered by the developer. These are used to fund local initiatives, in recognition of the important role of communities, which are hosting national infrastructure.

Community benefits would be procured formally by the local authority. To understand the community's needs, before examination, the local authority should consult the local councils. Since community benefit as a concept is still emerging, it is anticipated that community benefits will be secured via section 111 agreement. SALC and SCC support the principle of developers providing community benefits for communities hosting national infrastructure. These funds would be for small scale community initiatives.

Parish and town councils should not be dissuaded by the offer of a community benefit, as engaging on this topic can be 'without prejudice' to the local councils' overall position, and engaging in shaping the community benefit offer provides an opportunity to improve the communities':

- Quality of life,
- Rejuvenation of community assets
- Improvements to the resilience and function of the environment and the community

It is very important that community benefits are not negotiated as part of a quid pro quo, for example in exchange for withdrawal of an objection. Properly implemented, community benefits should not present a conflict of interest, because they are not connected to the planning merits of the project.

4.9 Development Consent Order (DCO)

What?

The Development Consent Order (DCO) is a statutory instrument which provides consent for the project and means that a range of other consents, such as planning permission and listed building consent, will not be required. A DCO can also include provisions authorising the compulsory acquisition of land or of interests in or rights over land which is the subject of the application. A draft DCO is submitted by applicants with every application.

When?

A draft DCO will be included within the original Development Consent Order (DCO) submission documents. At the last deadline of the examination, a final draft DCO will be submitted by the applicant. The Secretary of State can amend the draft DCO before it is made.

4.10 Open Floor Hearings (OFHs)

What?

Typically, OFHs are community focused, with an emphasis on individuals and community representatives putting their views directly to the ExA, and the ExA can ask questions. This is usually a great opportunity for town and parish councils to put forward their views.

There is usually no agenda for these hearings. The ExA will hold at least one OFH if one is requested by an interested party within the deadline specified in the Examination Timetable; or if they consider it necessary.

When?

Typically, one set of OFHs will be held close to the beginning of the examination, but additional ones later are possible.

4.11 Issue Specific Hearings (ISHs)

What?

Issue Specific Hearings (ISHs) are held by the ExA to explore in detail a specific topic or set of topics e.g. DCO / obligations / transport impact but can also be site-specific. These hearings are only held if the ExA considers them necessary for an adequate examination of an issue or for an interested party to have a fair chance to put forward their case.

Issue specific hearings are inquisitorial, and the ExA will generally ask questions of the participants. Cross-examination is rare, but can be requested by an interested party.

ISHs may be run solely in-person, solely online/virtual, or as hybrid meetings (i.e. as in-person meetings with the option to join the meeting remotely via your device on MS Teams).

If you feel that a topic should be the subject of ISH, and is not proposed, you can raise this at the Preliminary Meeting in relation to the draft Examination Timetable.

When?

A number of ISHs will be scheduled throughout the examination phase. The ExA will try to issue an agenda a week in advance of an ISH in order to provide interested parties with a guide to who will need to attend and what will be discussed.

Advice

SALC and SCC have created a template for town and parish councils to reply to ISHs. It is good practice to fill in the post-hearing submission template (Appendix 3) in advance of the hearing with all the detail, so that it is at hand for your representative. Make sure you cross-refer to the documents on the PINS library with the correct reference number and page/paragraph.

As the agenda is usually only issued around one week in advance of the ISH, there is only a limited amount of time to prepare based on the agenda. We suggest commencing preparations on likely topics before the agenda is issued.

Keep the following in mind:

- Avoid repetition.
- Don't complain without explaining what remedy is sought.
- Don't pull rabbits out of the hat – make sure your concerns have been raised, at least in outline form, previously.
- Aim for concise delivery of presentation which gets to the point.
- If feasible, aim for joint presentations (e.g. joining up with other interested parties with similar / same concerns and have joint statements, or agree that one puts across the agreed argument, and the other endorses this argument).
- It is useful to be concise at the hearings and not to get drawn too much into detail – instead, be ready to cross-refer to already submitted documents or offer to submit detailed written information afterwards.

Remember, during the hearing, communication is key.

4.12 Compulsory Acquisition Hearings (CAHs)

What?

Compulsory Acquisition Hearings (CAHs) take place at the request of anyone whose interest in land or rights over land are proposed to be compulsorily acquired. Town and parish councils should check if any of their land is directly affected by any proposals.

If town and parish councillors need to attend CAHs, they should be clear when introducing themselves to the ExA whether they are representing personal or parish interests.

When?

Probably around halfway through the examination.

4.13 Accompanied site inspection (ASI)








What?


A visit by the ExA to the development site(s). Interested parties are usually invited to attend, to point out specific locations, views etc. The ASI is not an opportunity to discuss the merits of the proposal, but to point out features of the site relevant to points made elsewhere.

When?

Usually in advance of the first 4.11 - Issue Specific Hearings (ISHs).

Examination checklist

Essential items		Tick
1.	Submit a Relevant Representation (RR) to the ExA to register as an interested party, allowing further involvement in the NSIP process.	
2.	Submit a Written Representation (WR) which allows interested parties to express their views on an application. Consider building on your Relevant Representation (RR) and submitting any supporting evidence.	
3.	Town and parish councils may be requested by the ExA to enter into Statements of Common Ground (SoCG). These are used to set out agreed matters and areas which are not agreed between, in this case, the local council and the applicant.	
4.	Respond to Examining Authority's Questions (ExQs). Questions may relate to any matter contained in the application, RRs, WRs, or anything else considered relevant.	
5.	Attend/ request an Open Floor Hearing (OFH) to put forward the community's views to the ExA.	
6.	If the ExA deems that an issue requires detailed examination, local councils should attend the relevant Issue Specific Hearings (ISHs). An ISH template (in the appendices below, provided by SALC and SCC) can be used by local councils to comment on the last ISH meeting.	
7.	Check whether local council owned land is affected by the proposal. If it is, and the local council wants to raise issues, a Compulsory Acquisition Hearing (CAH) can be requested by the affected local council.	

Advisory items		Tick
1.	Local councils can share their views and local intelligence with the local authority. The local authority will consider whether the local councils' views can be evidenced when composing the Local Impact Report (LIR).	

5. Decision

Overview

After the close of the examination, the Examining Authority (ExA) needs to submit a report and recommendation to the Secretary of State within three months. The ExA carefully considers all the important and relevant matters, including the representations from interested parties.

The Secretary of State then has another three months to make their decision (although it is not uncommon that this period is extended). The Secretary of State's decision letter and the ExA's report and recommendation are both published on the National Infrastructure Planning website.

6. Post decision

Overview

Once development consent has been granted by the Secretary of State, the developer can commence the project, subject to the completion of any pre-commencement commitments set out in the Development Consent Order (DCO) or in an agreement. Often there are changes post consent, and sometimes a change in management, requiring new relationships to be formed. There is a 6-week period in which the decision may be challenged in the High Court. The Secretary of State's decision letter, including information about legal challenge, is sent to all interested parties and published on the National Infrastructure Planning website.

Interested Parties continue to be kept up to date with progress by PINS and about any post consent change applications (whether material or non-material considerations) which have been made to the Secretary of State. SCC aims to be open and inform communities of its own roles, responsibilities, and what had been agreed to mitigate against any future conflicts.

6.1 Discharge of requirements

What?

The discharge of requirements within a Development Consent Order (DCO), is roughly equivalent to the discharge of a planning condition. Generally, requirements will be discharged by a local authority, but how requirements are handled can vary considerably between different projects. If local councils are interested in particular requirements, it is important to read the relevant provision of the DCO to understand how the process will work for that specific project and, if there is any uncertainty, to discuss it with the named discharging authority.

The discharge of a requirement does not usually require broad public engagement as a formal part of decision-making. Requirements are intended to be narrow in scope, technical in nature, and unrelated to the principle of development.

Unlike planning applications, there are typically no site notices posted for discharge of requirements applications, however information pertaining to discharges of requirements can often be found online, on the website of the relevant discharging authority.

Who?

DCOs do not usually include any legal obligation for parish councils to be consulted on discharges of requirements, nor any individual members of the public, householders, or community groups. The DCO usually sets out

who the compulsory consultees are for each requirement. For example, it is common for statutory bodies to be named where their area of expertise is relevant to the requirement e.g. the Environment Agency, Natural England and or Historic England.

Because this process is relatively new and unstandardised, different discharging authorities will handle notifications differently. For example, where SCC is the discharging authority, it will notify relevant parish councils of applications to discharge requirements on a discretionary basis if their area falls within the site described by the application materials. Other authorities may instead require parish councils to sign up for notifications on their planning webpages.

If any parish councils or members of the public wish to provide comment, they are welcome to do so, but there is no expectation or legal requirement for parish councils to submit comments. There is also no formal duty on the part of the discharging authority to have regard to comments from any person or organisation who is not a named consultee.

6.2 Implementing Section 106 or Section 111 agreements


What?

County and district councils have a key role to ensure an agreement entered into under Section 106 or Section 111 is implemented. They, and the developer if applicable, will engage with other stakeholders benefitting from the agreement's commitments, as required.

When?

At/after commencement of the development.

Post Decision checklist

Advisory items		Tick
1.	Receive funding following the implementation of agreements made under section 106 or section 111, spending the money as specified in the agreement.	

Glossary

Table adapted from the glossary on Advice Note Eight: Overview of the nationally significant infrastructure planning process for members of the public and others | National Infrastructure Planning (planninginspectorate.gov.uk)

Term	Description
Commencement	To carry out any material operation, as defined in section 155 of the PA2008 (when development begins), unless the DCO itself includes a different definition.
Compulsory Acquisition	The power to force the sale of land or rights, which can be sought as part of a DCO.
Development Consent	A single consent required for large projects, that replaces Planning Permission and also some other technical consents. Applications are examined by PINS and decided by the Secretary of State.
Examination	A period of no more than 6 months in which an application for Development Consent is examined. An examination can include hearings and deadlines for written submissions; and the ExA may ask questions. Every examination is different, to suit the needs of the project.
Examining Authority (ExA)	The panel of one or more Inspectors who will examine an application.
Interested Party	A term taken from legislation, this refers to a person (or a group or company) who has registered to participate in the examination.
Nationally Significant Infrastructure Project	A project that, by reason of its scale and/or importance, needs Development Consent before it can be built or operated. The term is defined in the PA2008.
Preliminary Meeting	A meeting held by the ExA before the start of the examination, to discuss the timetable for the examination of an application.
Relevant Representation	A term taken from legislation, this refers to a form that is completed before the examination begins, to register as an interested party.

Representation	A comment or submission from an interested party about the merits of an application that is received by the ExA's deadline.
Rule 6 letter	The letter that is sent to interested parties, inviting them to the Preliminary Meeting.
Rule 8 letter	The letter that follows the Preliminary Meeting and sets out the timetable for the examination.
Secretary of State	The minister with responsibility for the area of government business that an application relates to. For example, as of September 2023, the Secretary of State for the Department for Energy Security and Net Zero is Claire Coutinho.
The Planning Inspectorate	An executive agency of the UK Government, the Planning Inspectorate (colloquially 'PINS') is responsible for administering applications for Development Consent. They are also responsible for other things, including appeals against the refusal of planning permission.
Timetable	The deadlines and events in the examination, as set out in the Rule 8 letter, and sometimes changed during the examination.

Appendices

Appendix 1

SALC's guidance on; Meetings of Council, Committees, Sub-Committees and Working Groups

Type of meeting	Non-councillor members?	Public right to attend and report?	Public notice required	Quorum	Licensed premises?	Minutes
Full Council	No	Yes	Three clear days MUST not include: <ul style="list-style-type: none"> • Day notice issued or day of meeting • Sunday • A day of the Christmas or Easter breaks • Bank holiday or day appointed for public thanksgiving or mourning 	At least one third of councillors but no less than three	Legal restriction	Yes
Committee (with delegated powers or advisory only)	Yes* (not Finance)	Yes	Three clear days (As full council above) Law allows notice of a committee meeting convened at shorter notice to be given at the time the meeting is convened. However, NALC still recommends three clear days' notice	No legal minimum (three recommended)	NALC recommend council standing orders prevent meeting on licensed premises	Yes
Sub-Committee (with delegated powers or advisory only)	Yes* (not Finance)	No statutory right (but recommended, unless confidential etc.)	No legal requirement for notice to the public (N.B. NALC recommends three clear days' notice)	No legal minimum (three recommended)	NALC recommend council standing orders prevent meeting on licensed premises	Yes
Working group (for short-term projects or tasks)	Yes	No**	No	N?A	N?A	N?A

* Non-councillors only have voting rights re management of land, harbours, tourism and festivals

** Subject to council's Standing Orders

Appendix 2

SALC handout, a Brief Overview of the Planning System (Non NSIP related planning)

Councillor basics supporting notes v.2

Last revised May 2023



HANDOUT 4

BRIEF OVERVIEW OF THE PLANNING SYSTEM

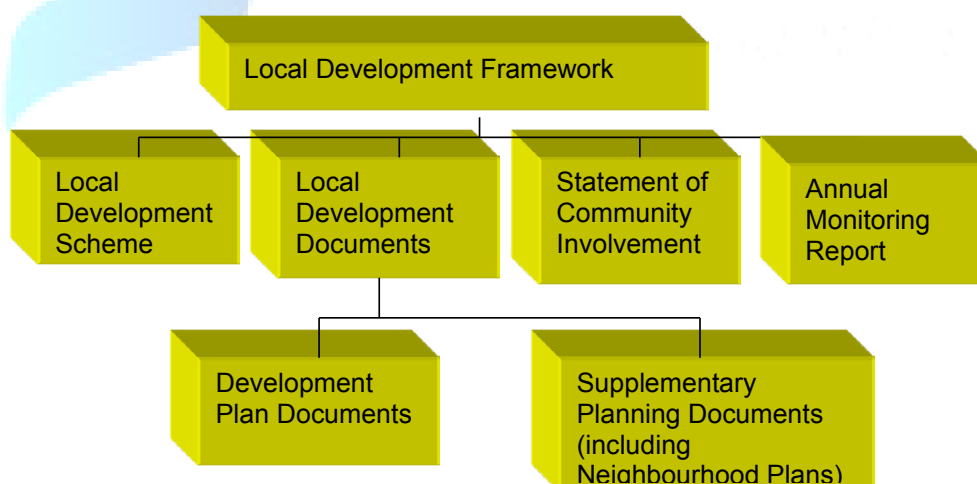
The key purpose of the planning system is to control development in the public interest. Your District Council, as the “Local Planning Authority” must take decisions on behalf of the whole community.

The planning policy system introduced under the Planning and Compulsory Purchase Act 2004 has three tiers:

- National Planning Policy Framework (issued 2012) which sets out national guidelines on things like housing, nature conservation, regional planning, transport, pollution control, flood risks, greenbelt, industrial and retail planning, waste management etc.
- Local Development Frameworks – produced by District and Borough Councils except in relation to minerals and waste which are the responsibility of the County Council. These include Neighbourhood Plans and Neighbourhood Development Orders developed by Parish Councils

The Local Planning Authority must take national guidance into consideration when reaching planning decisions.

Regional Spatial Strategies provide the basic framework within which the Local Planning Authority must work.



The Local Development Framework is a “folder” of local development documents. These documents are prepared by District and County Councils and contain policies, proposals and actions that affect the future of the area.

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The Local Development Scheme is a public “project plan” that sets out which local development documents will be produced, in what order and when.

Development Plan Documents: must include Core Strategies and Policies set out the general vision and objectives.

Site Specific allocations: set out the approved allocation of land for specific uses. These allocations will be shown on an “Adopted Proposals Map”.

Supplementary Planning Documents: expand or add detail to the policies laid out in development plan documents, or a policy “saved” from the previous Development Plan.

The LDF must include a “Statement of Community Involvement”. This must show how and when planning authorities intend to consult local communities and other stakeholders when preparing LDF documents.

Annual Monitoring Report: is submitted to government by the planning authority.

Processing Planning Applications

All planning applications are registered in a public register.

If you have notified the planning authority that you want to be consulted on planning applications within your parish, they must consult you.

The feedback from Anglian Water, Environment Agency and the Highway Authority about drainage, water supply, flooding, traffic etc is crucial to the process.

It is always a good thing to get to know the Case Officer who deals applications affecting your Parish. He will normally undertake a site inspection, collate responses, and draft a conclusion based on the comparison of the application with the relevant policies and guidelines. He may also engage in negotiation with the applicant to improve the application (if he has time and if some fine tuning is all that is necessary to achieve a speedy conclusion).

General principles/ best practice for Town/ Parish Councillors when dealing with planning applications:

- Don't put yourself in a position where your honesty or integrity may be questioned;
- Don't get involved in pre-application discussions or negotiations;
- Make recommendations on merit;

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- Avoid pre-determination - reach your own conclusion based on the facts as put before you;

Relevant Material Considerations

The planning system works on the basis of approval unless the application is harmful to planning policies. The Local Planning Authority must take into account “material planning considerations”, including:

- Representations received from consultees, landowners and the public. (This is where the Parish Council gets its say – but members must base comments to planning authority consultation on material planning considerations, not on personal viewpoints);
- Precedent (previous planning decisions).

Issues the LPA can take into consideration include;

- Overshadowing;
- Overlooking and loss of privacy;
- Adequate parking and servicing;
- Overbearing/ nature of the proposal;
- Loss of trees;
- Loss of ecological habitats;
- Design and appearance;
- Layout and density of buildings;
- Effect on Listed Building(s) and Conservation Areas;
- Access and highway safety (highway authority views crucial);
- Traffic generation (highway authority views crucial);
- Noise and disturbance from the scheme;
- Public visual amenity (not loss of an individual's view);
- Disturbance from smells;
- Flood risk (EA/ AW views crucial).

Issues that the local planning authority cannot normally consider:

- Loss of value to private individual property;
- Loss of view;
- Boundary disputes;
- Private covenants or agreements;
- The applicant's personal conduct or history;
- The applicant's motives;
- Potential profit for the applicant or from the application;
- Private rights to light;
- Private rights of way;
- Damage to property;
- Disruption during construction;
- Loss of trade and competitors;

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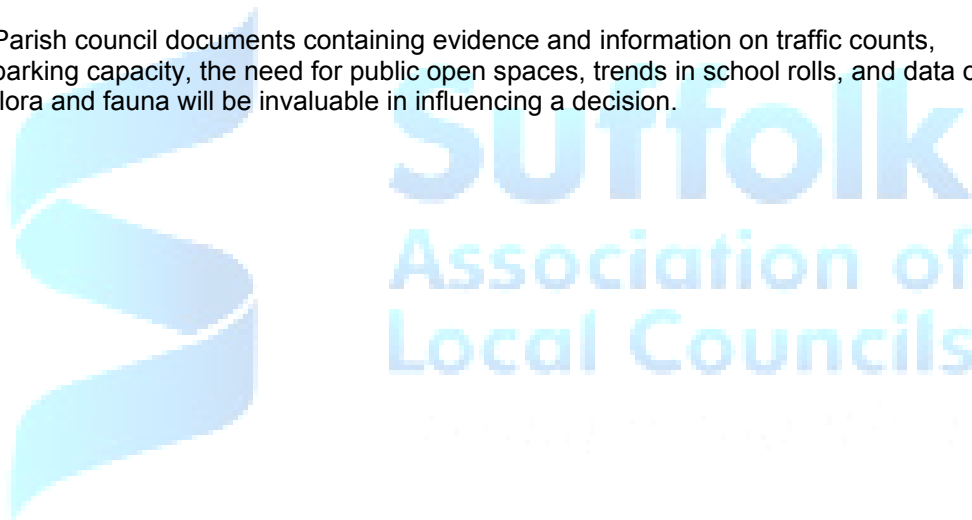


- Age, health, status, background and work patterns of objector;
- Time taken to do the work;
- Capacity of private drains;
- Building and structural techniques;
- Alcohol or gaming licences;

The views of local residents are always considered – but local opposition or support on its own is not a reason for refusing or granting planning permission. Opposition or support must be backed up by valid planning reasons

Influencing Planning Decisions: The parish council can produce evidence such as whether the consent affects a listed building, conservation area, Tree Preservation Orders, special landscape areas and Sites of Special Scientific Interest.

Parish council documents containing evidence and information on traffic counts, parking capacity, the need for public open spaces, trends in school rolls, and data on flora and fauna will be invaluable in influencing a decision.



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HANDOUT 5

BUDGETING

The preparation of the annual budget is one of the key tasks to be undertaken in any local council, irrespective of its size. The budget is the foremost control mechanism in a council's financial affairs and its importance should not be underestimated. Most important it is a vital tool for managing the potential risks to public money. This is a summary of key stages in the preparation of the annual budget for both revenue and capital purposes and provides practical advice on the factors to be taken into account in this process.

The revenue budget is a plan for financing the running costs of the council and its activities whereas a capital budget plans the council's investments in substantial new assets.

The Annual Revenue Budget

All local councils need to produce an annual revenue budget which sets out the financial requirements for the forthcoming year. This becomes the basis upon which spending policy is approved and the amount of cash required to finance spending plans is calculated.

The cash required can be raised in many ways (fees, charges, sales, bank interest, and grants for example) but the gap between planned expenditure and this variety of income is filled through the precept. The precept is a demand that the district or unitary council collects from the parish electorate on the parish council's behalf. The precept demand is made each year before March 1st and often, to accommodate district arrangements, an earlier date is agreed.

The budget starts with the council's action plan, or its policies drawn up or reviewed in the autumn; sometimes a council has a five-year business plan. The first stage in preparing the paperwork of the annual budget normally occurs in late autumn and involves drawing up a schedule of headings related to planned activities. The council will spend or receive cash under each of these headings. Many of the headings will stay the same year-on-year but each year some headings may change as projects come and go.

The clerk and/or the RFO are usually responsible for preparing the paperwork in a format that helps councillors decide precisely how spending will be allocated and how money will be raised in the forthcoming year. The budget document should show in the first column how much money was raised and spent against the agreed headings (listed in the second column) in the previous financial year. The third column shows the figures from the agreed budget for the current year while a fourth column shows a revised budget for the current year based on the most likely outcome. It's not until the fifth column that proposals for the next financial year are

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listed. This technique provides a very useful comparison for three financial years. An example of these five columns is shown in Table 1.

It is usually the clerk and/or the RFO who has a first stab at entering the figures for the next financial year taking into account wage and price inflation, new projects, possible repairs or replacements and changes in legislation and financial guidance. It is the RFO's job to price all these things. This first attempt is then open for discussion. If committees have been established to manage different elements of the council's work, then each committee will then discuss its own aspect of the budget and make further recommendations. Sometimes the council has a Finance and General Purposes Committee which takes responsibility for debating the budget and coming up with firm proposals. However only the Full Council can agree the precept.

To meet the possible deadline for a precept setting meeting in February, this process often takes place in December or January.

Table 1
Extracts from a Draft Revenue Budget

	1	2	3	4	5
	Last Year Actual	Description	Current Year Original Budget	Current Year Revised Outcome	Next Year
Receipts	250	Hall Lettings	300	300	400
	650	Allotments	700	700	800
	500	Grant	1400	1300	1800
	1400	Total	2400	2300	3000
Payments	1600	Administration	1700	1700	1900
	1800	Village hall	3000	3000	3200
	3400	Total	4700	4700	5100
Net Payments	2000		2300	2400	2100

Every council needs to retain a 'working balance' which is sufficient to avoid a cash overdraft during the year and which will provide adequate cover against contingencies. This balance is held on behalf of the local council taxpayer and, where possible, any excess should be used to reduce future council tax bills. On the other hand, depleted balances (or reserves) will need to be built up to an acceptable level. The level of the 'working balance' should therefore be reviewed as part of the budget setting process each year. Some reserves will be earmarked for a particular project and should not therefore be used to cover for contingencies.

The district council will advise the clerk each year of the number of properties in your area and the formal council tax base. From these figures the annual charge for an

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average Band D household can be calculated. The council must determine whether or not such a charge can reasonably be made and revise spending plans if necessary. Finally, having completed the process, the full council must formally approve and adopt the budget and authorise the issue of a precept upon the district or unitary council.

The Annual Capital Budget

Payments of a capital nature relate to the acquisition, construction or enhancement of an asset which will last for several years. This work generally involves high levels of payments, which need to be properly planned over an appropriate time scale. If the council embarks on a major capital scheme, it should have a long-term capital budget or a rolling capital programme, reviewed annually with its impact on the revenue budget.



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Appendix 3

ISH response draft template for local councils

[INSERT PICTURE OF LOCAL COUNCIL CREST/LOGO]

ID Number: [Registration ID number]

[NSIP project name] [Project code]

[Name of local council] ISH[Add number] Post-hearing Submission

[Insert local council name] Registration ID Number: [Insert number from this NSIP project]

Procedural Deadline [number]

[Insert Date e.g. 12 October 2023]

GLOSSARY OF ACRONYMS

DCO	Development Consent Order
ExA	Examining Authority
ISH	Issues Specific Hearings

[Add other relevant acronyms used in this document – place in alphabetical order]

[NSIP Project name] – [Local council name]– PROCEDURAL DEADLINE [Number] SUBMISSION – DRAFT – RECIPIENTS ONLY

PREAMBLE

1. This submission provides further details on issues and queries raised at ISH[Insert number]

[Insert council name] COMMENTS ON ISH[Insert number]

[add/delete Agenda Items as required]

Examining Authority's Agenda Item / Question	[Insert local council name] Response	References
Agenda Item 1 – [Usually Welcome and Introductions]		
Agenda Item 2 –		
Agenda Item 3 –		
Agenda Item 4 –		
Agenda Item 5 –		
Agenda Item 6 –		




How to use this document – delete this table once document is complete

Table


- Topics is the agenda item set out by the ExA that you are replying to by using this document.
- The response is the chance for town and parish councils to provide a written summary of the views set out at an ISH, but is not the only opportunity to do this.
- References are for documents relevant to the response, that have been submitted into the examination found on the PINS website. Any other references are discouraged. In unusual circumstances .gov websites can be referenced and if possible, should be attached to this document as an appendix. PINS will redact most links if you include them in documents.

Appendix 4



1. Pre application checklist



Essential items		Tick
1.	Engage with Non-Statutory Consultation	
2.	Engage with Statutory Consultation with the local community	
Advisory items		Tick
1.	Respond to the Statement of Community Consultation (SoCC) by informing the local authority how the community thinks consultation should be carried out	

2. Acceptance checklist







Advisory items		Tick
1.	Feed into the response to the Adequacy of Consultation (AoC) representation by informing the local authority about any shortcomings with the developer's consultation. (Ideally in advance of the AoC being published due to tight timescales).	


3. Pre examination checklist


Essential items		Tick
1.	Submit a Relevant Representation (RR) to the ExA to register as an Interested Party, allowing further involvement in the NSIP process	
2.	Look at the Draft timetable deciding which parts of the examination are feasible to engage with, and make any issues with the timetable known to the ExA before the end of the preliminary meeting	

3.	Attend the Preliminary Meeting where the draft timetable is released and the ExA sets out the initial assessment of issues and covers any procedural decisions that have been made.	
Advisory items		Tick
1.	Use the Initial Assessment of Principal Issues submission to comment on the initial list of issues proposed by the ExA and raise issues not listed, before the Preliminary Meeting.	


4. Examination checklist

Essential items		Tick
1.	Submit a Relevant Representation (RR) to the ExA to register as an interested party, allowing further involvement in the NSIP process.	
2.	Submit a Written Representation (WR) which allows interested parties to express their views on an application. Consider building on your Relevant Representation (RR) and submitting any supporting evidence.	
3.	Town and parish councils may be requested by the ExA to enter into Statements of Common Ground (SoCG). These are used to set out agreed matters and areas which are not agreed between, in this case, the local council and the applicant.	
4.	Respond to Examining Authority's Questions (ExQs). Questions may relate to any matter contained in the application, RRs, WRs, or anything else considered relevant.	
5.	Attend/ request an Open Floor Hearing (OFH) to put forward the community's views to the ExA.	
6.	If the ExA deems that an issue requires detailed examination, local councils should attend the relevant Issue Specific Hearings (ISHs). An ISH template (in the appendices below, provided by SALC and SCC) can be used by local councils to comment on the last ISH meeting.	

7.	Check whether local council owned land is affected by the proposal. If it is, and the local council wants to raise issues, a Compulsory Acquisition Hearing (CAH) can be requested by the affected local council.	
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Advisory items		Tick
1.	Local councils can share their views and local intelligence with the local authority. The local authority will consider whether the local councils' views can be evidenced when composing the Local Impact Report (LIR).	

Post Decision checklist

Advisory items		Tick
1.	Receive funding following the implementation of agreements made under section 106 or section 111, spending the money as specified in the agreement.	

Sources used in this document

Advice Note two: The role of local authorities in the development consent process National Infrastructure Planning (planninginspectorate.gov.uk)	https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-two-the-role-of-local-authorities-in-the-development-consent-process/
Advice Note Eight: Overview of the nationally significant infrastructure planning process for members of the public and others National Infrastructure Planning (planninginspectorate.gov.uk)	https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-eight-overview-of-the-nationally-significant-infrastructure-planning-process-for-members-of-the-public-and-others/
(Department for Levelling Up, Housing & Communities, 2023)	https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-nsip-reforms-action-plan/nationally-significant-infrastructure-action-plan-for-reforms-to-the-planning-process
(SCC Energy and Climate Adaptive Infrastructure Policy, 2023)	https://www.suffolk.gov.uk/asset-library/energy-and-climate-adaptive-infrastructure-policy.pdf
15 to 30 of the PA2008	https://www.legislation.gov.uk/ukpga/2008/29/section/15
Local Government Act 1972	https://www.legislation.gov.uk/ukpga/1972/70/section/102
Guidance on Local Government Association Model Councillor Code of Conduct Local Government Association	https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-of-conduct#Disclosable%20Pecuniary%20Interests
The Sizewell C Project National Infrastructure Planning (planninginspectorate.gov.uk)	https://infrastructure.planninginspectorate.gov.uk/projects/eastern/the-sizewell-c-project/?ipcsection=exam
EN010012-002292-Examination Library PDF Version Sizewell FINAL.pdf (planninginspectorate.gov.uk)	https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010012/EN010012-002292-Examination%20Library%20PDF%20Version%20Sizewell%20FINAL.pdf
(R vs Resilient Energy Severndale Ltd and Forest of Dean District Council, 2019)	https://www.supremecourt.uk/cases/uksc-2018-0007.html
National Infrastructure Planning website.	https://infrastructure.planninginspectorate.gov.uk/
PINS Advice Note 1	https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-one-local-impact-reports/

Sources of further information

PINS website

- Legislation, guidance and advice at: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/>
- A short film produced by the Planning Inspectorate explaining the DCO process at <https://infrastructure.planninginspectorate.gov.uk/application-process/the-process/>
- Example documents at <https://infrastructure.planninginspectorate.gov.uk/application-process/example-documents/>

Sign up to updates on PINS website – you can do that on the project front page of any NSIP in the system and listed on the PINS website:

<https://infrastructure.planninginspectorate.gov.uk>

Suffolk County Council website

- Overview of NSIPs in Suffolk: [Nationally Significant Infrastructure Projects \(NSIPs\) | Suffolk County Council](#)
- Information about SCC's energy infrastructure policy and strategic engagement with Government: [Our Energy Infrastructure Policy and Strategic Engagement | Suffolk County Council](#)

Acknowledgement: In drafting this guidance, we have taken advantage of the wealth of information available on the Planning Inspectorate website, to explain processes and documents. Readers are advised to visit the Planning Inspectorate website for its full advice and guidance notes:
www.infrastructure.planninginspectorate.gov.uk