

Planning Support Note 5: Nationally significant infrastructure projects

There is a separate planning policy framework and legislation for nationally significant infrastructure projects. These include:

- power stations
- electricity transmission lines
- large renewable energy projects
- gas storage projects
- major transport related schemes such as
 - new airports or airport extensions
 - high speed rail
 - major roads
 - rail freight interchanges
- pipelines
- new harbours and docks
- reservoirs
- water treatment plants

A series of National Policy Statements set out the policy applying to different types of nationally significant infrastructure. For guidance, there are also thresholds above which certain types of infrastructure development are deemed to be 'nationally significant'.

The process, introduced in the Planning Act 2008, and subsequently amended by the Localism Act 2011, aims to streamline decision making for these major and complex projects. The Government believes it's fairer and faster for communities and applicants alike.

It's administered by the Planning Inspectorate on behalf of the relevant Secretary of State (SoS) and comprises the following stages:

1. Pre-application The process begins when the Planning Inspectorate is informed by the developer (which could be a private developer, Government Agency or Local Council) that they intend to submit an application. However, before doing so, the developer needs to fully scope and refine the proposal.

They are required to carry out an extensive consultation on the scheme - and this is the best time to try to influence the project. There will be little opportunity to change the application once it has been submitted and accepted.

This stage is run by the applicant and there is no set time scale for its completion. Indeed, the length and time taken to consult on the project will vary depending upon its scale and complexity.

2. Acceptance This stage begins when a developer submits a formal application for development consent to the Planning Inspectorate. The Inspectorate has up to 28 days to decide whether or not the application meets the standards required to be formally accepted for examination. If it is refused, the applicant has six more weeks in which to challenge the decision in the High Court by seeking a Judicial Review.

3. Pre-examination This is when the public can register with the Planning Inspectorate and provide a summary in writing of their views of the application. Everyone who has registered and made a relevant representation will be invited to attend a preliminary meeting. This is chaired by an Inspector, or a Panel of Inspectors.

After the meeting, the Examination programme and associated timetable is published. This stage of the process takes approximately 3 months from the developer's formal notification and publicity of an accepted application.

4. Examination The Inspectorate has six months to carry out the Examination, which is primarily conducted by the exchange of written submissions. During this stage, people who have registered to have their say are invited to provide more details of their views in writing. If a formal hearing is deemed necessary it will be held in an inquisitorial manner.

The Examining Authority then consider all the important and relevant matters, including the representations of all interested parties, any evidence submitted, and answers provided to questions set out in writing and explained at hearings.

5. Decision The Planning Inspectorate must prepare a report on the application for the relevant SoS, including a recommendation, within 3 months of the Examination ending. The SoS then has a further 3 months to make the decision on whether to grant or refuse development consent. An approval may also grant consent for a number of related matters such as environmental licenses.

6. Post Decision Once the decision has been issued by the relevant Secretary of State, there is a six week period in which the decision may be challenged in the High Court by seeking a Judicial Review.