

CONSULTATION RESPONSE TO MINISTRY OF HOUSING, COMMUNITIES AND LOCAL GOVERNMENT IN RELATION TO CONSULTATION ON STREAMLINING INFRASTRUCTURE PLANNING

Introduction

The National Infrastructure Planning Association (NIPA) was established in 2010 with the aim of bringing together individuals and organisations involved in the planning and delivery of major infrastructure projects. Our principal focus is the planning regime for nationally significant infrastructure projects (NSIPs) introduced by the Planning Act 2008; however, our members work across all consenting regimes, and we act as a forum and community for anyone with an interest in the challenge of driving better national infrastructure planning outcomes.

In summary, we:

- advocate and promote an effective, accountable, efficient, fair and inclusive system for the planning and authorisation of national infrastructure projects and act as a single voice for those involved in national infrastructure planning and delivery;
- participate in debate on the practice and the future of national infrastructure planning and act as a consultee on proposed changes to national infrastructure planning and authorisation regimes, and other relevant consultations; and
- develop, share and champion best practice, and improve knowledge, skills, understanding and engagement by providing opportunities for learning and debate about national infrastructure planning.

This Consultation

On 1 September 2025, the Ministry of Housing, Communities and Local Government. (MHCLG) published a consultation entitled **Consultation on streamlining infrastructure planning**. The consultation is on changes to guidance, services operated by the public sector, and secondary legislation under the Planning Act 2008 to streamline the infrastructure planning process for Nationally Significant Infrastructure Projects (NSIPs).

The consultation seeks views on the eight key proposals that support the application process for development consent under the Planning Act 2008:

1. New guidance about consultation and engagement following removal of statutory pre-application consultation requirements through the Planning and Infrastructure Bill
2. Guidance and secondary legislation to support notification and publicity
3. Guidance to support the acceptance stage for applications
4. The use of Initial Assessments of Principal Issues (IAPIs) to focus examinations
5. Guidance for public bodies about their role in examinations
6. Changes to secondary legislation related to the examination of applications including compulsory acquisition
7. Reforms and improvements to pre-application services provided by the Planning Inspectorate, and the fast-track examination process
8. Supporting pre-application services through effective resourcing of statutory bodies.

It also seeks views on the removal of statutory pre-application requirements for onshore wind projects under the Town and Country Planning Act 1990 regime.

Overarching comments on the Guidance

NIPA welcomes this opportunity to provide views on the proposals set out by MHCLG and to help shape and inform guidance. We held a *NIPA Matters* discussion led by members of the NIPA Board on Monday 6 October 2025, to understand the thoughts and comments of members on the Guidance, which MHCLG representatives also attended in an observation capacity. Relevant points from the *NIPA Matters* discussion have helped shape and inform this response, which was further developed by NIPA member volunteers and members of the Policy and Practice Working Group.

We recognise NIPA has a role to play in shaping collaborative best practice to make the infrastructure planning process more effective for all. We have aimed to highlight to government in our responses where guidance needs to focus and what it could helpfully cover, however we are keen to play our part in developing feedback loops so that the guidance can be reviewed, refined and streamlined, supported by NIPA resources, as practice evolves.

We have sought to provide evidence of how the process works well based on current practice and feedback from members. As new legislation comes into force, we recognise that feedback loops will be critical in driving positive practice particularly in a changing environment.

Constructive, positive cultures and respectful, well-informed behaviours between parties and organisations in the NSIP process will underpin the success of NSIP reforms. Our response focuses on the practical tools and principles to enable this; however, Guidance could usefully be explicit about the importance of establishing these cultures and behaviours across the system.

Guidance has a role in encouraging communities and applicants to build constructive relationships. NIPA's research project, *Insights II*¹ identifies the significance of building trust, so that local knowledge, opportunities and priorities are integrated into project considerations throughout the project development programme.

In the context of the objectives of the planning reforms to deliver a faster, more certain and less costly NSIP regime, and for government to deliver the high quality infrastructure projects, growth and clean power commitments set out in the Plan for Change, it will require the whole process to be performing and delivering at the highest level. As detailed in our response, whilst NIPA is supportive of measures to enable more efficient and effective examinations to achieve the Government's ambitions in a fair and proportionate way, the pre-application stage is the critical aspect to materially speed up project timescales and reduce cost.

¹ https://nipa-uk.org/wp-content/uploads/2023/12/NIPA_Insights2_D4b_PRINT_1.pdf

Whilst outside of the scope of the guidance, NIPA members would also support proposals to improve and support the delivery of infrastructure post-consent. The NIPA Insights III report², found that greater flexibility in the ability to achieve post consent changes with greater speed or ease would have aided the construction and delivery process.

In the [NIPA Plan](#) we have committed to supporting the development of Guidance, and this response forms the basis on which we can continue to work in collaboration with government drawing on the breadth and depth of expertise in our membership, as we believe is evidenced in this consultation response, so that the Guidance has the maximum positive impact.

We have identified areas within our response whereby NIPA has offered to work with the Government to develop and test aspects of how the emerging draft guidance might play out in practice, such as development of best practice on iterative engagement with statutory bodies on environmental information; what a digital – first approach might mean in practice for different parts of the process; and the steps government could take to make the enhanced pre-application service more attractive and bring improvements to deliver overall positive outcomes across the process.

The consultation was framed with 48 questions, and these are addressed in turn below.

National Infrastructure Planning Association

27 October 2025

² https://nipa-uk.org/wp-content/uploads/2023/08/NIPA_Hindsights_Final_Report.05.07.2023.pdf

CHAPTER 1: PRE-APPLICATION

Guidance for applicants preparing applications

Question 1: Please provide views about the potential risks and benefits of government producing more prescriptive or less prescriptive guidance about pre-application consultation and engagement in absence of statutory requirements. In particular, we are interested in views on how guidance on engagement can support an efficient, faster, proportionate and effective NSIP process or whether doing so risks undermining the potential time and cost savings.

Please provide your views.

Bearing in mind proposed s50(2) and s55(4)(b) of the Planning Act 2008 that the Secretary of State must issue guidance that is considered to be best practice, and that the extent to which s50 pre-application guidance has been followed is a factor in determining acceptance, it is vital that guidance is **unambiguous** and **leaves little scope for interpretation** whilst ensuring it **can be used proportionately for all types of infrastructure** and Development Consent Order (DCO) project.

We view more prescriptive guidance as providing the following benefits:

1. Clarity and certainty for applicants, statutory bodies, and communities about what is expected particularly in terms of approach to engaging in the DCO process.
2. Reduces the risk of non-compliance or applications being rejected for procedural reasons.
3. Supports consistency across projects and sectors, making the process more predictable.
4. Can help less experienced applicants and consultees navigate the process.

The risks however are that more prescription could inadvertently “gold-plate” requirements, leading to over-engineered and unnecessarily lengthy consultations, as applicants seek to avoid any risk of non-compliance and challenge. It could also reduce flexibility for applicants to tailor engagement to the specific context, scale, communities (both offshore and onshore) and complexity of their project and can stifle innovation and discourage proportionate, risk-based approaches. It may also increase costs and timeframes, undermining the intended streamlining benefits and could result in a “tick-box” mentality, where the focus is on process rather than meaningful engagement or outcomes.

We are of the view that the risks of more prescriptive guidance can be mitigated by taking a **balanced approach**. Whilst overly prescriptive guidance risks undermining the flexibility and speed the reforms seek to achieve, too little prescription risks inconsistency and uncertainty. The Government should aim for guidance that sets **clear principles and expectations** based around meeting the Gunning principles and ensuring Aarhus conformity, **highlights best practice**, and **provides illustrative examples**—while **allowing discretion** for applicants to tailor their approach to the project’s circumstances.

Question 2: Should guidance note that collaboration outside of the NSIP process can help to address wider challenges that could otherwise impact development proposals? If so, what should it say?

Please provide your views.

By collaboration outside the NSIP process, this presumably means before required notification under s46 and publicity under s48 of the amended Planning Act 2008 since any collaboration after these events fall within the current statutory NSIP process.

We recognise that NSIPs are an integral part of the communities and regions that host them as well as contributing nationally to environment and growth needs. Guidance can encourage applicants, local authorities, regulators and consultees to collaborate so that when projects do come forward through the DCO process there is a greater chance that the main examination issues will be understood and that projects that accord with up to date National Policy Statements will stand a greater chance of being consented and delivering better outcomes.

Therefore, we are of the view that guidance should explicitly say what it means by collaboration outside the NSIP process particularly in the context of the proposed legislative change to the statutory consultation process. Guidance should **explicitly encourage applicants to collaborate with relevant stakeholders as early as possible** in the evolution of the proposal. It should be borne in mind however that there will be commercially confidential matters that an applicant will have in train such as internal governance requirements, property option agreements, funding, grid connections, etc., that will be required before an applicant is able to share information or engage more widely with a particular proposal.

Guidance could however highlight that early, informal engagement introducing the proposal can **improve communication and help identify and resolve issues** related to permitting, environmental constraints and local concerns, thereby reducing risks of misinformation, delay or objection later. The guidance should recommend that applicants **document such collaboration and consider cross-sectoral or cross-boundary issues** that may affect project delivery. There should not however be any requirement or expectation that collaboration outside the NSIP process is favoured since it could impact on acceptance risk under s55(4)(b).

Factors for applicants to consider in preparing applications

Question 3: Would it be useful for applicants to consider these factors while preparing their applications and in particular in relation to any non-statutory engagement and consultation (at paragraph 19)? What changes or additions to these draft factors would you welcome?

Yes/No/Don't Know. Please provide your views.

Yes. The four factors referred to (front-loading, proportionate, open, timely), are essential for **effective and efficient application preparation**. They encourage applicants to focus on quality, transparency, and proportionality, which can reduce unnecessary work and improve outcomes.

The four factors are well set out, but under the heading Proportionate, the text warns against multiple rounds of consultation, but offers that informal, light touch engagement may be

sensible. This may be viewed as ambiguous. Currently most applicants embark on at least two stages of consultation:

- Early-stage non statutory consultation commonly based on introduction to the project, options, high-level design, policy context and timing for feedback to inform the next stage of design iteration and assessment.
- Statutory stage of consultation providing more technical information including preliminary environmental information on impacts and likely significant effects and how the project has evolved in response to feedback and any ongoing engagement considered.

To promote a faster, more efficient NSIP process, **guidance should be based on an assumed single consultation but also support discretion of the applicant to undertake early informal engagement** if it offers benefits in terms of consideration of options and early-stage feedback.

An additional factor could be “responsiveness”— **encouraging applicants to adapt their approach** based on feedback received during ongoing engagement not just consultation.

The benefits of non-statutory consultation and engagement

Question 4: Do you agree guidance should set out at a high level the benefits of non-statutory engagement and consultation? Are there any benefits not listed which we should include?

Yes/No/Don't Know. Please provide your views.

Yes. High-level guidance on the benefits of non-statutory engagement will reinforce its value in the absence of statutory requirements. Additional benefits to include, building long-term **relationships** with stakeholders and good ongoing **communication**, reducing the risk of legal challenge and enhancing the project's social licence to operate.

In providing high-level guidance on the benefits of non-statutory engagement and consultation, it is **essential that the guidance clearly distinguishes between these two concepts and activities**. Applicants need this clarity to plan, deliver, and present their approach consistently. The guidance should also make the benefits of each concept explicit, while identifying any benefits that apply to both.

As such, we would **recommend that the following additional benefits are included** and clearly attributed to engagement, consultation, or both:

Engagement (informal, iterative, two-way dialogue enabling early influence):

- Early influence on design and mitigation
- Building trust and long-term relationships
- Capturing local and expert knowledge to improve understanding and assessments
- Flexibility to test ideas collaboratively
- Securing social licence and opportunity to engage constructively with all and create reliable communication

Consultation (formal, time-bound process for communicating project information and participation and commenting on defined proposals):

- Transparency and accountability through a documented process
- Providing an evidence base for application and examination
- Clarity of proposals for stakeholders
- Reducing legal risk by providing information in an accessible and understandable format including environmental information to allow consideration of the proposals and provide an informed response

Benefits common to both:

- Improved project outcomes
- Efficiencies through early issue understanding and resolution
- Alignment with national planning policy and regard to local plans
- Greater equity and inclusion

Clearly articulating these distinctions and shared benefits would help applicants apply the right approach at the right stage, supporting better designed projects, stronger community and affected party relationships, and more focussed examinations.

Question 5: Should guidance encourage collaboration between applicants, stakeholders and statutory bodies? If so, what should it say? We particularly welcome views on how collaboration and prevent delays and the role for the sector to work collaboratively with stakeholders and how government can support this.

Please provide your views.

Guidance should promote **early** (e.g. project development milestones such as design freezes to allow for assessments or periods of engagement) and **ongoing collaboration** between applicants, stakeholders, and statutory bodies throughout the planning process. This is essential for improving the quality of applications, identifying and resolving issues early and proactively, and reducing delays during examination. Meaningful collaboration builds trust, ensures that proposals are better informed, and helps avoid any late-stage issues or challenges. It also enables statutory bodies to provide timely and constructive input, particularly in cases where resources are stretched, by giving greater visibility and allowing more time for informed engagement. Guidance could recognise that project design is an on-going process, including post-consent through to operation. Good collaboration will include working with emerging information, as well as creative problem solving or compromises that enable well-prepared project programmes to avoid unnecessary delay.

Guidance should:

- Encourage early and ongoing collaboration between applicants, stakeholders, and statutory bodies **using examples and case studies of best practice** to illustrate benefits of collaborative working, as well as highlighting the risks of poor collaboration
- Clarify the **responsibilities of each party** (applicant, statutory bodies, local authorities, etc.) in the process, including expectations for meaningful proactive feedback to avoid delays

- Promote **transparency** in collaboration by encouraging briefings
- Encourage continued use of tools such as Statements of Common Ground (SoCG) and engagement logs to **document and track** meaningful collaboration and substantive issues
- Promote the establishing of **working relationships** (such as recurring design workshops) where issues can be resolved before finalising and submitting applications
- Emphasise that the focus should be on **proportionate and meaningful outcomes** focussed collaboration rather than following a fixed process

Guidance should also note the importance of proportionate and contextual collaboration by:

- Encouraging collaboration that is **tailored to the local and regional context**, ensuring its relevance and effectiveness
- Encouraging **targeted and purposeful collaboration processes** rather than broad or generic approaches that do not provide meaningful opportunities to collaborate or engage, and which require extensive documents and materials or undertaking multiple rounds of consultation to little benefit.

In summary, guidance should encourage early and ongoing collaboration between applicants, stakeholders, and statutory bodies throughout the planning process supported by clear roles, practical tools like Statements of Common Ground, and examples of best practice. It should also promote targeted, context-sensitive engagement that avoids generic or overly burdensome consultation, ensuring collaboration is constructive, relevant, realistic to the stage of development of the project and efficient.

Pre-application: the role of different stakeholders and statutory bodies at pre-application

Question 6: Should guidance include advice to local authorities, statutory bodies and applicants on finding the right balance between engaging early and engaging with sufficient technical information without creating unnecessary delay? We would also welcome comments on whether and how guidance could encourage applicants, local authorities and statutory bodies to work together to most effectively manage resources in their engagement.

Please provide your views.

Balance between early engagement and sufficient information

Nationally Significant Infrastructure Projects as a classification implies a certain level of complexity, scale and potential environmental impact, and most are EIA developments. The process of developing proposals to the level where they can be submitted as an application for a DCO (with an EIA) is **iterative and progressive**. As the development of a proposal progresses, the scope to change elements of it (without incurring significant cost) diminishes. We would encourage that the **engagement programme to be embedded into and integrated the wider project development programme and critical path** so that engagement is an integral part of an applicant's decision making.

As such, without imposing unrealistic cost pressures on applicants and resource pressures on consultees, early engagement presumes a limit on available detailed information – and

engagement with significant technical information presumes a level of design development that is burdensome to undo.

Under the existing Planning Act 2008 regime and supported by existing guidance, this has led many applicants to adopting a two-stage consultation approach as the core of their pre-application engagement activities. The first (non-statutory) consultation fulfilling the requirement for 'early engagement' and typically presenting high level information and options for initial feedback, which is then followed by a statutory consultation (including preliminary environmental information) that acts as a check on the proposals and opportunity for stakeholders to examine and feedback on emerging potential likely significant environmental effects of the project – with the technical information to support that.

Bridging the gap between the two stages, most applicants engage with statutory bodies and local authorities outside of consultations to explore issues and test design aspects without the rigours of fixed-in-time designs for consultation. In addition, ongoing engagement with land interests and communities is often carried out to seek to secure land interests by agreement and provide updates on progress between consultations.

In the experience of NIPA members, the process works well with two fixed consultation points (one on options and concepts, one on detail and potential impacts) supported by ongoing engagement with statutory bodies and local authorities. Delay and cost to projects is generally experienced from the need to repeat rounds of consultation following changes to emerging design, and from the level of information presented as preliminary environmental information (which is dealt with elsewhere in this consultation).

The guidance should therefore set out the **importance of engaging throughout the development of a project** and building any fixed consultation points early into the project's programme – making it clear to applicants that there is an expectation to engage early, so that feedback can realistically influence the proposals in a meaningful way, and later when technical information is more available to allow consideration of likely significant effects (ideally leading towards resolving issues with key stakeholders and informing design and mitigation). With the proposed changes to the regime removing the statutory requirement to consult, guidance will need to make it clear that engagement is still expected early in the process and on technical information.

NIPA members consider it important to **engage communities and landowners early enough in the process for their views to be able to inform design development**. At present, most applicants do this through their non-statutory stages of consultation, where a project can be introduced to the potentially impacted communities, options presented, and information and views collected for consideration in the development of proposals. If consultation is no longer expected at this early stage, it would be helpful for guidance to set out what is considered effective engagement and communication with communities and landowners at this early stage of design and project development.

NIPA members also consider it important to engage statutory bodies and local authorities on technical information, as it enables discussion and resolution of issues and areas of disagreement before submission of an application (relieving pressure from the examination). In the existing regime, the requirement for at least one stage of consultation (on preliminary

environmental information) creates the natural point for applicants to present technical information at a fixed design point; to enable statutory bodies, local authorities and communities to engage on that greater detail. If this requirement is to be removed, and acknowledging the challenges presented by the tendency towards lengthy Preliminary Environmental Information Reports, guidance will need to set out **minimum expectations around engagement prior to submission and the level of information necessary** (particularly environmental information) to inform that engagement and consultation.

Effective management of resources

NIPA members understand that local authorities and other statutory bodies are under significant resource pressures. It is therefore understandable that many of these organisations are able to recoup costs from applicants to support their involvement in the process. It is however the experience of some NIPA members that the level of engagement provided by statutory bodies can be inconsistent, particularly early in a project's development, and does not always represent value for money.

It would therefore be useful for guidance to **set out an expectation for applicants to provide efficient opportunities to engage** (such as topic specific working groups, chaired and noted by the applicant) and the expectation of local authorities and other statutory bodies to engage early when approached with appropriate informed, empowered and engaged resource. In addition, it would be helpful for guidance to set out **methods through which local authorities and other statutory bodies could effectively engage with a more efficient use of resources** – such as self-nominated lead local authorities and individual statutory bodies taking a lead on certain environmental and technical topics.

Consultation and engagement with statutory bodies

Question 7: Is guidance needed to support applicants to identify which statutory bodies should be consulted based on the potential impacts of the proposed application? If so, what should that guidance include?

Please provide your views.

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 Schedule 1, sets out the list of prescribed consultees to be consulted during the planning of NSIPs. However, since its introduction in 2009, the planning landscape has evolved significantly, particularly in terms of digital engagement, institutional structures, and public expectations around transparency and inclusion.

In NIPA members' experience, determining relevant bodies for a specific application or specific Order limits is complex and resource intensive and requires an understanding of impacts across multiple disciplines, which can vary widely from one project to the next. The current process tends to be overly precautionary as interpreted by the Planning Inspectorate, complicated, time consuming and resource intensive, often leading to relevant bodies being included due to that precautionary approach or missed off the list. This in turn leads to the need for further consultation. Therefore, we believe that **the process would benefit from simplification and clear guidance**. A few suggestions to be considered for inclusion in the guidance are included below:

Updates to the list

- Replace obsolete bodies and consider what is essential. Provision of the list in guidance rather than regulations may enable more frequent updates.
- Reflect devolved governance: Ensure that stakeholders in Wales, Scotland and Northern Ireland are accurately represented, especially where responsibilities have shifted post-devolution.

Enable Dynamic, Location-Based Identification

- Use geospatial/ interactive mapping tools: Integrate GIS-based systems to automatically identify relevant stakeholders based on the geographic footprint of a proposed development.
- Context-sensitive triggers/ Sector specific matrix: Move beyond static lists by allowing stakeholder identification to adapt based on project type, scale, and potential impact zones.

Improve Transparency and Traceability

- Digital audit trails: Implement systems that log when and how stakeholders are identified and consulted, ensuring accountability and reducing legal risk.
- Case study 'best practice' examples from other DCOs
- 'A check list' of service provisions from the Planning Inspectorate (similar to provisions as part of Acceptance)

The suggestions provided above are not exhaustive, and could improve the process of stakeholder identification and communication.

Question 8: Would additional government guidance on engagement with statutory bodies regarding environmental requirements be of value, in addition to the advice and guidance provided directly by those organisations? How can guidance support constructive engagement by statutory bodies? Please provide details on what would be most useful in government guidance relative to what is provided to other relevant organisations.

Yes/No/Don't Know. Please provide your views.

As per our overarching comments, the DCO process is currently missing effective feedback loops that would enable practice to evolve quickly and guidance to be streamlined.

Commentary on text

There are several points made in the consultation text that merit comment in the context of responding to this question.

Paragraph 28. For NSIPs that require an EIA, guidance could remind applicants that there will be opportunities for statutory bodies and the public to comment on the likely significant environmental effects identified by the applicant in the Environmental Statement following acceptance of the application through relevant and written representations to the Planning Inspectorate.

Commentary: Responding to relevant and written representations is currently done within the time constraints of the examination process on the application made. Meaningful consideration of comments that can lead to changes to proposals require time and the opportunity to alter proposals, both of which are less available after submission and start of Examination. Some NIPA members are concerned that should guidance place weight on this stage in the process, it may discourage earlier engagement on likely significant environment effects – at a stage when applicants can more easily update their proposals.

Paragraph 29. Through the Planning and Infrastructure Bill, we are removing the statutory requirement to consult on preliminary environmental information. While the purpose of preliminary environmental information is to provide statutory bodies and communities with clarity about a development's likely significant effects, in practice, developers are producing lengthy, technical and inaccessible reports akin to a draft Environmental Statement.

Commentary: It is worth noting that the purpose and principle of the requirement remains valid, and the in-practice effect of producing increasingly lengthy preliminary environmental information reports could be addressed by **clear guidance on the expected level of detail and design maturity**, whilst having regard to the stage the project will have progressed to in pre-application – and actively stating that the creation of draft Environmental Statements is not required.

Paragraph 30. Early engagement with statutory bodies on potential environmental impacts is key to ensuring that significant impacts are identified and managed early on, avoiding delays in the later stages of the process. However, the current requirement for developers to prepare a preliminary environmental information report is inefficient, time-consuming and can delay project development. Developers must effectively pause project development to prepare the report and, if project proposals change following consultation, relevant work undertaken to produce a detailed report requires reviewing and updating. A more flexible and agile approach to engagement with statutory bodies, with developers providing information on a more iterative basis throughout project development, would help prevent unnecessary delays and deliver better outcomes by ensuring that relevant bodies can continually assess and manage likely significant impacts. Removing the requirement to consult on preliminary environmental information will also enable developers to focus resources on providing communities with targeted and appropriate information, rather than the technical detail intended for statutory bodies, helping to ensure more meaningful engagement on key areas of local concern.

Commentary: As noted above, the burden of producing lengthy preliminary environmental information reports could be addressed by guidance – it is not presumed under the existing legislation or guidance, it is an emergent phenomenon driven by risk-adverse applicants and an absence of contrary guidance, in fact the most recent update to the Planning Inspectorate Advice Note Seven (Environmental Impact Assessment: process, preliminary environmental information and environmental statements) is that it is considered to be appropriate that Applicants can present the PEIR as a draft of the ES, which has driven practice towards greater detail.

The aspiration of enabling agile engagement with statutory bodies and local authorities is something that NIPA members welcome, however it is worth considering the value of fixed-point consultations on published materials as an element of pre-application engagement. In its ideal state, the statutory consultation and requirement to consult on preliminary environmental information provides all stakeholders (from statutory bodies to local communities) an equal opportunity to review and comment on the same information at the same time – fulfilling a fairness test and adequate environmental information. While **developing the materials to be consulted on at that stage does place burdens on applicants, much of the work is not redundant but iterative** – with submitted environmental statements building on the work prepared for preliminary environmental information reports.

The work required to produce the technical information with which to engage statutory bodies and local authorities will remain significant whether it is presented in a consultation as a preliminary environmental information report or iteratively engaged on with stakeholders. While reviewing and responding to consultation material does present a challenge to stakeholders, the demands of engaging iteratively throughout the development of the same information is unlikely to require significantly less resource. Guidance will need to **set out clearly what is meant by agile and iterative engagement**, if it is to avoid creating a similar ratchetting effect as the requirement to provide preliminary environmental information at consultation; especially if there is a risk that insufficient engagement could lead to applications not being accepted for examination.

With regards to engaging with communities, nothing within the existing requirements precludes the provision of communities with targeted and appropriate information during consultations and wider engagement. In the experience of many NIPA members, the technical information presented at statutory consultation is typically accompanied by non-technical material designed to present a project and its potential benefits and impacts to communities; normally in the form of a 'consultation booklet' or similar document. Many applicants have also developed **innovative digital tools to enable community members to learn about proposals on complex and linear projects in an accessible manner**.

In addition, due to the more diffuse nature of engaging with communities, consultation provides effective 'fixed points' to share and discuss developing designs. For communities this also means that their input into the process can be effectively focused on key milestones, with well publicised deadlines. More open-ended engagement risks a lack of **clarity for communities on when and where to most effectively commit their time**, potentially increasing engagement fatigue and frustration. NIPA members would find it helpful for guidance to make clear what typical or acceptable levels of engagement would be.

Requirements of guidance

Under the proposals, the statutory requirement to consult on preliminary environmental information is being removed and increased emphasis is being placed on early engagement with statutory bodies to identify and manage significant impacts. A 'flexible and agile' approach is indicated as the way to deliver this.

NIPA members welcome the presumption of no longer producing lengthy preliminary environmental information reports in the form of draft environmental statements. NIPA would encourage guidance to incorporate principles of flexible, agile and iterative engagement with statutory bodies on relevant and proportionate environmental information and this is **an area that NIPA could support government to develop on-going good practice**. To avoid the natural tendency, driven by risk-adverse applicants, to gradually increase the quantity and detail of information provided to statutory bodies (and therefore help the resource demands on those parties) – **guidance should set out not just minimum expected levels of information, but maximum levels of detail expected prior to an application**. NIPA members wish to avoid future risk of legal challenge to proposals based on the adequacy of engagement on preliminary environmental information, whilst acknowledging the clear need to work within a proportionate level of detail.

Guidance will be needed on how to **balance the desire to identify and resolve significant issues** with statutory bodies and local authorities ahead of submission; with a **lowered requirement on the level of information provided** and absence of fixed statutory duties to consult. Stakeholders would need clear guidance to enable them to agree or resolve issues with a lower level of technical detail than is currently standard and the subject of significant repeated requests, otherwise it is hard to envisage how more issues could be resolved earlier with less information.

Note: Not referred to in the consultation guidance or this question is the difficulty and delays often experienced by applicants in engaging with statutory undertakers on protective provisions. It is the experience of NIPA members that statutory undertakers will occasionally engage late in the process despite engagement requests from applicants. Negotiations on protective provisions can also be drawn out with undertakers often requiring onerous and complex agreements which differ markedly to those in the DCO itself. Whilst it is recognised that s127 serious detriment to an undertaker's apparatus is of high importance, earlier engagement and reasonable positions taken by statutory undertakers can assist the process. There is **current guidance on DCO preparation particularly for linear projects for applicants to engage early**, but this could be reinforced in new guidance with strong expectations **for statutory undertakers to respond in a timely manner and taking a reasonable and proportionate approach to the drafting of protective provisions** and standardisation of the starting base of those provisions.

Consultation and engagement with local authorities

Question 9: Is guidance needed to support proportionate, effective and constructive engagement from both the applicant and local authorities? If yes, what should such guidance cover?

Yes, guidance is needed to support proportionate, effective and constructive engagement from both the applicant and relevant local authorities. As stated in our response to Question 6, NIPA would encourage that the engagement programme should be embedded into and integrated with the wider project development programme and critical path so that engagement is an integral part of an applicant's decision making.

Early engagement (briefing before public project launch)

The guidance should include **timings of when applicants should start engaging** with local authorities, noting that engagement at least to brief before any project is launched into the public domain is preferable and encouraged. NIPA members note that early engagement between the applicant and relevant local authorities is crucial to provide sufficient input from both parties in the early-stage proposals, as well as agreeing on the methods of communicating and engaging with the local community. Guidance should note that **discussions around cost recovery and PPAs should be included in this early engagement with local authorities** (if this continues to be the way of funding local authority engagement and delivery in the DCO process), to avoid delays.

Expectations of stakeholders need to be carefully managed. Often, communities expect more information than is able to be presented and seek design detail/clarification and finalisation at early stages. Better and more effective communication is therefore required about the availability of environmental information, and project timescales and how to effectively take part.

Cross-boundary impacts

Guidance should be provided around the **proportionate engagement** applicants should have with host and neighbouring local authorities around **cross-boundary impacts**, specifically those pertaining to traffic, employment and landscape effects. Guidance should **encourage collaboration** between multiple local authorities and applicants on cumulative/cross-boundary impacts, with **examples of how to collaborate** (for example, cross-development design workshops, collaboration calls, shared and lead resources, etc.) should be included in guidance.

Approach to engagement

Through guidance, applicants should be encouraged to continue to **engage with local authorities on proposed methods of engagement and consultation** as the reforms would take away the Section 47 requirement to produce a Statement of Community Consultation (SoCC), guidance should still encourage applicants to share proposed approaches to consultation and engagement with local authorities for review and input. Guidance should note that **local authorities can help inform consultation programmes/engagement approaches** that are tailored to the needs of the communities potentially affected by projects.

Consultation and engagement with landowners and affected persons

Question 10: Is guidance needed to encourage applicant engagement with landowners and affected persons in a proportionate, effective and meaningful way? If so, we would welcome views on how guidance should support engagement with landowners and affected persons.

Please provide your views

Yes, guidance is needed to ensure that engagement with landowners and affected persons is conducted in a way that is proportionate, effective and meaningful. It also needs to provide clear guidance and expectation that landowners should engage early and reach agreement where possible pre-application.

Landowners and affected parties can often be approached later in the process, which can create mistrust and resistance. Therefore, guidance should encourage applicants to **engage early, providing clear and accessible information** about the project's scope, potential impacts and the rights sought.

The current inconsistency in engagement across applicants creates uncertainty and can undermine confidence in the process. Standardised guidance would help establish a baseline of good practice and improve outcomes for all.

Land ownership can be closely linked with long term family history which can be emotive, particularly in rural areas, so guidance must **promote respectful and empathetic engagement** that acknowledges the personal and economic significance of a project across land.

Guidance that encourages **early sharing of information** would assist in making applicants more confident in doing so and would allow flexibility and pragmatic discussions on what may or may not be achievable through the process resulting in a considered and balanced outcome for all involved.

Question 11: Should guidance support applicants to identify Category 3 people to be notified once an application is accepted for examination? If so, what should it say?

Applicants have a process of Category 3 identification, but it is subjective and dependent on the project stages, i.e. PEIR or section 42, these are then refined for the application submission with further design and engineering input.

The uncertainty surrounding the likelihood of a relevant claim at these early stages of the project suggests that guidance on this would be welcomed, albeit earlier than acceptance of the application. Including Category 3 interests in the Book of Reference brings people into the examination, in our opinion often unnecessarily. Whether or not they are included in the Book of Reference does not prohibit interests making a claim, substantiated or not and these interests would generally be captured through consultation under section 47 without them needing to be consulted as a section 44 interest.

If guidance is produced, it would be beneficial **to set out minimum expectations from application on steps for identifying category 3 interests** such as the use of mapping tools, data collected from site investigations and consultation records. Providing this clarity will reduce confusion and potential disputes later in the process. It would ensure that all parties with a potential to make a claim are able to participate in a consistent way.

Consultation and engagement with the community

Question 12: Is guidance needed to encourage applicant engagement with communities in a proportionate, effective and meaningful way? If so, what should it say? We would also welcome thoughts on how guidance can provide clarity and support engagement by communities.

If there is to be guidance on encouraging applicants to engage with communities in proportionate, effective and meaningful ways, it could **promote flexibility** by encouraging applications to design engagement activities that are proportionate to project scale,

complexity and the characteristics of the local community and area. Guidance could also caution against or discourage disproportionate engagement measures such as excessive documentation or lengthy consultation periods, which can overwhelm communities and work against the aims of effective engagement.

Guidance has a role in encouraging communities and applicants to build constructive relationships. **NIPA's research project, Insights II identifies the significance of building trust**, so that local knowledge, opportunities and priorities are integrated into project considerations throughout the project development programme. Guidance could encourage effective engagement by enabling applicants to engage communities in providing feedback that directly shapes project proposals and improves applications. Guidance could note that applicants can choose what they want to hear feedback on, rather than having the consultation on all components of the project, if the influence or ability for certain aspects to change is limited (e.g. due to functional reasons, specific technology requirements or safety regulations).

The use of case studies and best practice would be helpful to include in the guidance. For example, **case studies could offer applicants practical guidance and examples to enhance engagement.**

Digital methods of engagement should be encouraged by guidance, with examples included of how applicants can utilise new technologies, digital tools and modern consultation methods to streamline and improve engagement. It should also **advise on the balance between digital and in-person engagement.**

Guidance could provide clarity and support engagement for communities by providing **examples of ways that feedback can be helpful.** For example, feedback that is structured to focus on 'issue, impact and solution.'

Pre-application: guidance and documents to support acceptance, examination and decision

Question 13: Should guidance continue to encourage applicants to use tools such as Issues and Engagement logs, and Principal Areas of Disagreement Summary Statements? Please comment on the value and scope of these documents for informing likely examination issues in light of the removal of statutory requirements for consultation. We also welcome views on any potential advantages or disadvantages for enabling a more effective examination if regulations required some of these documents to be submitted alongside an application.

Yes. Issues and Engagement logs offer a **traceable record of engagement**, demonstrating compliance with statutory duties under sections 42, 47, and 48 of the Planning Act 2008. Principal Areas of Disagreement Summary Statements (PADSSs), when developed effectively, help the Examining Authority quickly to identify contentious areas, streamlining the examination process and **focusing time and resources on unresolved matters.**

Both documents support transparency, accountability, and collaborative engagement between the applicant, affected parties, and stakeholders. However, there is often

considerable duplication of background and other content between Statements of Common Ground (SoCGs) and PADSSs.

With the removal of statutory consultation requirements, the value of these documents is likely to increase. Attention may shift from lengthy Consultation Reports and Design Development Reports to Issues Logs, PADSSs, and SoCGs, which will become the primary evidence of engagement and its influence on the proposed development. However, there is a risk that these documents could become lengthy and burdensome.

Making PADSSs and Issues Logs a regulatory requirement could improve the clarity and focus of the examination period. PADSSs are generally shorter and more agile than SoCGs, making them easier to produce and update. Issues Logs provide a clear audit trail of engagement and project development, allowing the Examining Authority and stakeholders to track how concerns have evolved and been addressed, thus supporting proportionality in examination.

Potential disadvantages include the risk of premature lock-in of positions if these documents are required too early, before full engagement has occurred across all disciplines and affected parties. There is also a risk of increased resource burden at critical points in the pre-submission and examination programme, and of overlapping documentation if PADSSs and Issues Logs are required alongside SoCGs.

Overall, **PADSSs and Issues Logs are likely to become foundational to the NSIP process under a guidance-led regime**, essential for building trust with stakeholders, demonstrating engagement quality and outcomes, and navigating the examination efficiently. Guidance should clearly define the role of these documents alongside other submission materials, specify expectations for quality, format, and content, ensure no duplication of content between them and clarify the responsibilities of both applicants and interested parties. It should emphasise that all parties are responsible for focusing on appropriate resolutions.

Question 14: Are voluntary evidence plans an effective way of getting input on environmental issues early to inform environmental assessments and identify suitable mitigations? Please provide reasons.

Voluntary Evidence Plans (VEPs) can be an effective way of obtaining early input on environmental issues to inform environmental assessments and identify suitable mitigation measures. By encouraging collaboration between applicants, regulators, and stakeholders at an early stage, **VEPs help ensure that evidence gathering is targeted, transparent, and scientifically robust**. This early engagement allows potential impacts and mitigation options to be identified before designs are fixed, improving both environmental outcomes and project efficiency.

Key benefits include: clear articulation of what evidence is needed and why; proportionate data collection, avoiding the need for over-surveying and abortive work; encourage flexibility in design, allowing for route and technology changes before an alignment or design is fixed thus de-risking projects; and increased stakeholder confidence by building trust with consultees by showing a clear plan for environmental evidence and the data needed appropriate to the stage of project maturity.

However, their effectiveness depends on genuine stakeholder participation, adequate resourcing, and clear integration with assessment processes. As a voluntary mechanism, their impact can vary, but when well implemented, **VEPs represent good practice for proactive, evidence-based environmental assessment.**

Question 15: Should guidance set out the circumstances in which use of voluntary evidence plans might be beneficial?

Yes. Guidance should set out the circumstances in which VEPs are likely to be most beneficial. Clear direction would promote consistent and proportionate use, ensuring VEPs are applied where they add real value, such as for complex, high-risk, or data-intensive projects. It would also help applicants and regulators understand how early evidence planning links to assessment processes, improving efficiency and reducing later delays. By **clarifying expectations and providing examples of good practice**, guidance would build confidence in using VEPs and encourage early, collaborative, and evidence-based approaches to environmental assessment.

Project teams often struggle to determine whether an evidence plan is appropriate, especially for smaller or less complex schemes. Therefore, guidance would be extremely beneficial if it explicitly sets out the **circumstances in which they would add value** to the pre-application and examination stages. Setting out the circumstances should empower applicants to make more informed decisions, streamline engagement with the relevant bodies by setting clear expectations, improve efficiency in production of submission documents and examination by reducing the likelihood of examination surprises and **support proportionality** in the development of the environmental assessment.

Doing so would improve consistency, reduce risk and support better environmental outcomes.

Many stakeholders, particularly smaller organisations or local authorities, may be unfamiliar with VEPs. Guidance could provide **examples, templates, and good-practice case studies to help build capability and confidence** in using them effectively.

Guidance could also clarify how VEPs link to Environmental Impact Assessment (EIA), Habitats Regulations Assessment (HRA), Water Framework Directive Regulations Assessment (WFD) and other assessment and appraisal requirements, ensuring the evidence gathered is directly relevant and usable in assessments.

Question 16: If guidance were to highlight the option to publish an engagement summary report, what might the potential advantages and disadvantages of this be? We would also welcome views on submitting this report alongside an application, especially what advantages and disadvantages there may be for a more effective examination if guidance encouraged or regulations required its submission.

Background: consultation reports

Under the Planning Act 2008, the requirement to submit a consultation report has an important role in requiring an applicant to demonstrate its fulfilment of duties under the Act and supporting regulations and guidance. Requirements for consultation were relatively prescriptive and had received criticism of being a ‘tick box exercise’; but simultaneously have

been identified as driving applicants to disproportionate 'gold plated' consultations. Despite these challenges, the importance of the consultation report and the potential benefits from consultation meant that, in NIPA members' experience, most applicants engage positively in the process.

However, in NIPA members' experience, **consultation reports have become unnecessarily lengthy technical documents**, that are not generally effective for stakeholders or community members in understanding how their views have been considered in the development of proposals. This has been driven by the importance of the consultation report in determining acceptance, as such the presumption of legal robustness took priority over its efficacy as a communication tool.

Despite their length, the requirements for a consultation report provided potentially impacted communities, landowners and statutory bodies an assurance that they would be consulted with (under sections 42 and 47) and that their concerns would be seriously considered and responded to (under section 49). These obligations, along with the potential risk to applications of failure to deliver on them, were helpful for building trust in the process between stakeholders and applicants.

The removal of a statutory requirement to consult (along with a testable document to demonstrate how a series of objective tests have been fulfilled) presumes either that pre-application engagement with stakeholders and communities has significant inherent value to applicants and therefore would be carried out in its absence; or that guidance will compel applicants to engage with the threat of applications not progressing. If pre-application engagement has limited value to applicants and is not required by the process, NIPA members are concerned that this signals to stakeholders generally, and communities specifically, that their involvement in the process is less important.

Additionally, shifting importance from process (in the consultation report) towards outcomes (i.e. through Principal Areas of Disagreement, Statements of Common Ground, etc) risks making applicants beholden to the capacity and willingness of statutory bodies to engage meaningfully throughout the pre-application process. Theoretically a local authority opposed to a scheme could refuse to engage during the pre-application process, and the absence of a PADSS or SoCG with them is considered a negative for the applicant and examining authority. **Engagement summary reports balance this by providing an opportunity to demonstrate the engagement efforts undertaken, even where they have not resolved issues ahead of application submission.**

Engagement summary reports

As indicated in the question, engagement summary reports can be either required or optional. In addition, these documents can either affect the progression of the application (through the acceptance of an application test – as part of guidance) or not. This creates four potential types of engagement summary reports, considered below.

If engagement summary reports are required, or encouraged, through guidance then their inclusion alongside (or in advance of) an application submission makes sense as a key milestone in the process at the transition between pre-application and examination.

	Required	Optional
<i>Affects progression / acceptance of application</i>	If engagement summary reports can negatively impact the progression of an application (for example through demonstrating sufficient pre-application engagement to progress to examination) or positively (by balancing engagement output documents) then they become similar functionally to consultation reports and their limitations without clear guidance.	If engagement summary report can impact the likelihood of applications being accepted for examination, all applicants are likely to submit them, and they become de facto mandatory unless a project is so small as to not warrant engagement.
<i>Does not affect progression / acceptance of application</i>	If engagement summary reports have no impact on the likelihood of an application progressing but are a mandatory requirement, they risk becoming a tick-box exercise: something that is required but does not impact the process. Guidance would then be needed to make it clear to applicants the value of these documents.	If engagement summaries have no impact on the likelihood of an application progressing and are not required, applicants are likely to include them only if guidance sets out a clear value to applicants.

Advantages and disadvantages of engagement summary reports

The potential advantages and disadvantages of engagement summary reports depend on whether they would be required by regulation, and if they have an impact on the progression of an application (into examination).

Engagement summary report that impact on the progression of an application would never be functionally optional to risk adverse applicants, as such can be discounted.

1. Required and affects progression

Advantages:

- Ensures applicants carry out **effective pre-application engagement** (in line with published guidance).
- Gives assurance to communities and statutory bodies that engagement will be undertaken as part of the process.
- Gives applicants an opportunity to demonstrate efforts that have been made to engage on and address issues, where these have not been successful, that can have weight on the decision to accept an application.
- Creates an opportunity to take the benefits of the existing consultation report requirement and refine the expectation to a less onerous document.

Disadvantages:

- Risks recreating the consultation report by another name.
- Combined with a more subjective, guidance led approach to pre-application engagement, it risks incentivising applicants to take a gold plated, risk adverse process. Potentially leading to the replication of the Planning Act 2008 process.
- Requires clear guidance on format and expected level of pre-application engagement.

2. Required and does not affect application

Advantages:

- A consistent milestone for applicants to demonstrate how they have engaged, would create a benchmark for other projects to be compared against.
- Significantly increases freedom to engage in a **proportionate manner**, while style requiring a form of (non-binding) accountability through publication.
- Removes risk of applications being negatively affected by minor technical errors in engagement.

Disadvantages:

- Risks becoming a tick-box document without weight.
- Even if not required by the process it may open up applications for future legal challenge.
- No value in balancing out lack of progress towards resolving issues.
- Requires clear guidance on the expected contents, in order to ensure valuable publication.

3. Optional and does not affect application

Advantages:

- Minimal burden on applicants.
- Maximum freedom to innovate with engagement.

Disadvantages:

- Publication reliant on value to applicants as a communication tool.
- No assurance to communities that applicants need to demonstrate engagement or consideration of feedback.
- No value in balancing out lack of progress towards resolving issues.
- Requires clear guidance to establish value to applicants.

Conclusion

Many of the members of NIPA believe in the **importance of meaningful and effective pre-application engagement** with a broad range of stakeholders including local authorities, statutory bodies, landowners and communities to create better understanding, engagement, projects and outcomes. However, NIPA members are also cognisant of the significant cost and time pressures in the pre-application process, which is also the most difficult stage to fund and finance.

If the quality of an applicant's pre-application engagement is going to be judged through the publication of outcome documents such as Statements of Common Ground or Principal Areas of Disagreement Summary Statements, NIPA members believe it would also be **valuable for applicants to demonstrate their broader engagement process** (separate to outcomes) through an engagement summary report – and for this to have weight in the consideration of whether an application is of a satisfactory standard.

NIPA therefore **recommend that engagement summary reports be required as part of an application**, and that they are considered as a supporting document to establish whether a applicant has carried out sufficient engagement and consultation to enable the application to be considered to be of a satisfactory standard. This will require clear guidance on the expected form of an engagement summary report, seeking to avoid the lengthy 'regard had to' response tables and appendices of evidence that have dominated consultation reports.

Pre-application: enhancing notification and publicity

Question 17: Do you agree that requiring the following information in notifications to the Planning Inspectorate, host local authorities, and the Marine Management Organisation would be beneficial in enabling them to prepare for examination? What other information or documents could be encouraged through guidance?

(a) Whether a proposed application is expected to be EIA development

Yes. Early confirmation of EIA development enables a host authority to better understand the likely resource and cost implications of a proposed development. As set out below, whilst appreciating the project at this early notification stage will have limited detail, some form of high level idea of key impacts and programme would assist in the resource planning process.

(b) When notifying the Marine Management Organisation, whether a proposed application is expected to require a marine licence for any licensable activities

Yes.

(c) Where the most up-to-date information is published and available to view

Yes. As outlined above at (a) and below at (d), whilst accepting the project will be relatively undeveloped at this stage and subject to change, the more detail that could be provided would assist a host authority in **understanding the likely impacts, the resource issues, the costs etc** and in being **able to begin effective preparations for engagement** with the applicant.

(d) Publishing the notification on the applicant's project website

Yes. As paragraph 48 sets out notification allows the *"Planning Inspectorate to programme and resource with more certainty"*, and the same is true of other participants such as host authorities and statutory consultees.

In the case of host authorities, the opportunity for an **early notification would enable better resource planning**, an opportunity to confirm terms for a PPA and likely costs to an applicant, and begin to build a collaborative approach and understanding between an applicant and the host authority.

Further, many host authorities are comfortable in using non-disclosure agreements or similar and this could be a means to facilitate early engagement ensuring applicants remain in control of publicising their project but in return giving a host authority crucial preparation time in better understanding the project, its potential impacts/issues and in beginning to build a working relationship with the applicant around a PPA to secure the resources it needs.

As highlighted at (a) above, it is accepted and appreciated that the amount of detail for a development or project available at the notification stage will vary, nevertheless guidance should encourage applicants to make meaningful information available to host authorities. The better **the quality of information at the outset will greatly assist a host authority** in engaging in the process. In this respect, noting the fourth bullet point at paragraph 50 there could be a benefit in the guidance going further and **outlining the benefits in the provision of further information** such as a high level programme, an initial overview of anticipated issues and impacts, a summary and/or illustration of the development and the order limits where this can be established at this early stage.

Lastly, the prospect of PINS working more closely with host authorities could be considered, for example **tripartite meetings of PINS, the applicant and host authorities could improve dialogue**, understanding and engagement thereby potentially assisting with accelerating the process. In areas with multiple NSIPs the engagement could also improve programming of examinations to avoid competing deadlines for projects and in presenting information around cumulative impacts.

Question 18: Should guidance indicate a point at which the applicant should issue the notification? If so, at what should it say?

Yes. The approach to notification should be to **encourage it as soon as possible in order for applicants and host authorities to form an effective working relationship** and for the latter to begin to understand and resource the project and identify likely issues and/or impacts.

With more time afforded, and a better level of information available from the outset, there is more opportunity for collaboration and engagement in the process which in turn could accelerate the pre-application stage.

The use of non-disclosure agreements or similar could be used to create confidence for an applicant in early engagement with a host authority, and the guidance could point to this as a viable approach for beginning early discussions and sharing emerging project information with a host authority. Many local authorities offer pre-application planning services on a confidential basis and as such there is the prospect to encourage host authorities to approach national infrastructure projects in a similar way even to the extent of engagement prior to a more formal notification. The guidance could **encourage applicants and host authorities to explore the opportunities for pre-notification engagement**.

Question 19: Do you agree that a specific format with contents requirements, would be beneficial to standardise this duty for both the applicant and the Planning Inspectorate when ensuring that this Duty has been met (please specify why)? We would also welcome views on what further guidance may support this clarity

Yes. Guidance should promote a “common sense” approach to the content needed for this duty. Templates are helpful in principle, however, there might not be a ‘one-size-fit-all’ approach for all infrastructure projects and the level of detail needed to comply with this duty. Guidance should include **a high-level list of contents for the notice, as well as information that is required or optional.**

Publicity of proposed applications

Question 20: Do you agree with the proposal to move to a ‘digital first’ approach by only requiring information to be made available for inspection online? Please explain why. The government would welcome information and data about any potential impacts, including equalities impacts, of this change.

Yes. We are living through a transformative era that is fundamentally redefining how we conceive, design, and manage the built environment. This shift is not merely technological; it represents a profound cultural and operational evolution.

To remain relevant and responsive in this rapidly evolving landscape, planning regimes must evolve. It is no longer sufficient to treat digital tools as peripheral enhancements; instead, **digital technologies and data-centric methodologies must be embedded** at the very foundation of planning practice. This integration enables more agile, adaptive, and anticipatory approaches

Embracing digital innovation is critical not only for accelerating project delivery and improving efficiency, but also for fostering inclusive, multi-directional communication across a wide spectrum of stakeholders. These technologies help us work faster, smarter, and more openly; making it easier to share ideas, understand different perspectives, and involve more people in shaping outcomes.

Digital platforms also make planning more transparent and accountable. With real-time data and monitoring, we can track progress, spot problems early, and make better decisions based on evidence. These capabilities are essential for building trust, ensuring reliability, and continuously refining planning outcomes. In this context, digital must not be seen as an optional add-on, but as the connective tissue that binds together vision, strategy, and execution in the planning process.

Therefore, NIPA members agree with the proposal to move to a ‘digital first’ approach by only requiring information to be made available for inspection online. However, realistic accommodations should form part of the planning and evaluation of needs on a case-by-case basis should be undertaken. In NIPA members’ experience, hard copies of landscape visualisations are necessary to produce on paper and to a certain scale, and consultation materials sometimes are requested even if consultees can access these online, or the same consultee requests multiple copies. The move to a ‘digital first’ approach could help limit these occurrences, however with any change consultee expectations will need to be carefully managed. Furthermore, with such a move, good online tools should be encouraged.

To ensure minimal impacts on equalities, **summary documents could be made available on request in a print format** and/or a single inspection location within each host county /

unitary local authority area could be provided. Guidance should also encourage the provision and/or retention of telephone contact for consultees.

Moving to a 'digital first' approach can also minimise and/ or mitigate environmental and social impacts, if thoughtfully designed and implemented:

- **Reduced Physical Resource Use:** a digital approach removes the need for paper-based documentation, physical models, and in-person meetings, cutting down on material waste and travel emissions.
- **Inclusive Engagement:** Online platforms make it easier for diverse communities to participate, especially those who may be excluded from traditional forums due to geography, mobility, or time constraints.
- **Transparency and Accountability:** With digital systems, every decision and milestone can be tracked as it happens, giving communities a clear view of what's being planned, built, and promised. This visibility empowers people to ask questions, raise concerns, and ensure that applicants follow through on their commitments.
- **Equitable Access to Information:** Centralised digital platforms ensure that everyone, from communities to statutory bodies, has access to the same data, reducing misinformation and power imbalances.

In summary, the move to a 'digital only' approach holds great promise, but the success will depend on how it is implemented and the considerations given to enabling and equalities. NIPA would welcome the **opportunity to work with government on what a digital – first approach might mean in practice** for different parts of the DCO process, and how fairness, in relation to the ability to engage in the process, can be maintained.

Question 21: What further guidance would support applicants to undertake effective publicity which enables transparency and public awareness?

Regulation 4 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 explains the publicity requirements of section 48 of the Planning Act 2008. The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 also state that the section 48 notice should be sent to consultation bodies (and other persons if relevant) at the same time as the notice is published.

As recognised within the consultation documentation, s50(1) of the Planning Act 2008 will require applicants to have regard to guidance about publicity of proposed applications under s48 and the existing pre-application guidance about publicity is limited.

NIPA members' experience of issuing s48 notices is that, by themselves, they do not represent an effective way of publicising an application to communities and many statutory organisations. On multiple occasions community members noted lack of awareness regarding proposals due to the manner in which they were publicised. Consideration should be given to **combine requirements for physical publicity with digital/ online means**.

The legal function of placing notices in publications of record (Lloyd's List, The London Gazette, etc) forms an important part of the legal process. However, this is not an effective method of raising awareness. The Statement of Community Consultation usually sets out

other forms of publicity beyond notices due to their ineffectiveness. As such, **the two concepts (legal notice and publicity) should be considered separately in guidance.**

Consideration should be given to the primary role of the s48 notice. If this is a duty to record, then guidance on the contents of the notice should be proportionate to that role. It could, for example, retain requirements to describe the scheme and its location, as well as setting out a deadline to respond to a consultation (if it is being carried out). However, it is now realistic to expect that the majority of people seeing a notice would be able to access information about the project or events via the internet - without these needing to be listed in a notice. It would, however, be worth encouraging applicants to retain a telephone contact number and postal address for those unable to access the internet.

We are in the midst of a digital industrial revolution that is reshaping the built environment. To remain effective, planning regimes must adapt by embedding digital technologies and data-informed methodologies at their core.

Harnessing digital technologies and data-driven approaches is essential, not just for accelerating delivery, but for enhancing communication across diverse audiences and scales. Moreover, the emphasis on transparency, reliability, and real-time monitoring and evaluation underscores the need to place digital at the heart of planning.

For publicity to be effective, many projects use a combination of direct mailing, physical advertising in the community, as well as print and digital advertising. Guidance would be best suited to **indicating what an effective mixture of tools to enable public awareness might look like in the context of single site and linear projects, and at different scales.** Furthermore, with times changing since the introduction of the requirements under s48, consideration should be given to ways in which visibility can be increased to ensure communities are well informed about the proposed development and opportunities for involvement.

CHAPTER 2: ACCEPTANCE

Acceptance: changes to the acceptance test

Question 22: What further advice is needed through guidance to ensure sufficient clarity about the test that will be applied by the Planning Inspectorate at the acceptance stage, and how applications can be prepared that will meet the acceptance test? What guidance if any should be provided to provide clarity about matters that are not tested at acceptance, in order to clearly establish the difference between past and future requirements?

Further guidance should clearly set out the test that will apply at the acceptance stage to ensure transparency and consistency. It should explain that the acceptance test focuses on **procedural adequacy** (whether the application and supporting documents are substantially complete and meet statutory requirements) rather than on the merits of the project or the adequacy of its environmental assessments. Guidance should include **practical examples, checklists, and clear expectations** for demonstrating effective pre-application consultation. It should also explicitly identify matters that are *not* tested at acceptance, such as the robustness of environmental conclusions or mitigation measures, to **distinguish procedural checks from substantive examination issues**. This clarity would help applicants prepare compliant, targeted submissions and clearly differentiate future requirements from past practice, supporting a more transparent and proportionate process.

Question 23: How can applicants outline how they have had regard to section 51 advice from the Planning Inspectorate when they submit applications, and what should be encouraged through guidance?

Applicants should be encouraged to **include a clear short statement** within their submission, either as a standalone document or within the Consultation Report or Planning Statement, **explaining how they have had regard to any section 51 advice from the Planning Inspectorate**. This should briefly summarise the key advice received, describe how it has been considered, and provide reasons where it has not been followed. Guidance should **promote the use of simple thematic tables or cross-references** to demonstrate transparency and traceability. It should also emphasise that having regard to section 51 advice is an opportunity to improve application quality, rather than a procedural formality. Encouraging this consistent, open approach would help strengthen accountability, build confidence in the process, and support more efficient acceptance and examination stages.

We believe that a level of care and discretion is necessary here to **allow applicants to respond to key pieces of advice as they see fit and ensuring that this does *not* require lengthy reporting and documentation line by line**. S51 advice needs to be of the highest quality and well informed and align with clarity, necessity and delivering good outcomes, not just repeating practice or stifling innovation. NIPA members consider it important for the Inspectorate to evolve how it engages with practitioners, including enabling practitioner input into training and development programmes, strengthening its feedback loops and continuing its positive work on Advice Notes to ensure high quality section 51 advice.

CHAPTER 3: PRE-EXAMINATION AND EXAMINATION

Pre-examination and Examination: enabling sharper focus and stronger outcomes in the examination stage through focused IAPIs

Question 24: What further steps should government consider to strengthen the role of the Initial Assessment of Principal Issues (IAPI), so that it supports early clarity for all stakeholders, procedural fairness, and a more focused and effective examination?

Please provide your views.

NIPA strongly supports the provision in clause 8(1) of the Bill which would amend s89(1) of the Planning Act 2008 and require the Examining Authority to make procedural decisions in light of the IAPI in addition to the discussion at the preliminary meeting.

The overly prescriptive legislative timing of the production of the Principal Issues should also be changed to allow for greater consideration and alignment with publication.

In relation to the four particular matters with respect to the role and use of IAPI identified in the consultation document which government is considering in the context of a review of secondary legislation, NIPA agrees that it would be beneficial **for the Examining Authority's recommendation report to explicitly link the IAPI identified at the outset of the examination** to the recommendation to the Secretary of State. The report should focus on how the principal issues identified prior to the examination were considered during the examination process, and the Examining Authority's clear findings and conclusions in respect of them.

NIPA is **supportive of reforms to limit the definition of IAPI to critical issues** which bear on the decision on the application, although it considers that the existing term 'principal issues' should already be limited to those matters. Matters which do not bear directly on the decision should not be regarded as principal issues and should not be included as part of the IAPI.

NIPA would query the intended purpose behind the proposal under consideration that the IAPI would be submitted to the relevant Secretary of State once it has been prepared. Pending the completion of the examination process and receipt of the Examining Authority's recommendation report, the Secretary of State is not currently actively involved in an application and under s87 of the Planning Act the Examining Authority currently has sole control of the way in which the application is to be examined. NIPA does not see merit in the early sight of the IAPI by the Secretary of State or that it would be a helpful addition to the process for the Secretary of State on receipt of the IAPI to be able to take any steps such as responding to the Examining Authority or directing the Examining Authority to take particular steps in respect of the IAPI (e.g. to amend it) unless these go to matters the Secretary of State considers important and relevant in the Examination along the lines provided for in relation to public inquiries held under the Transport and Works Act 1992.

For similar reasons NIPA is not persuaded that there should be a requirement for the Examining Authority to demonstrate how the IAPI has informed its decisions on the timetabling for the examination. This would add unnecessarily to the Examining Authority's burden without any obvious benefit to the process overall.

More broadly on the matters raised in the consultation relating to IAPI, NIPA considers that as part of government's proposed reforms, greater and **improved training and guidance** for Examining Inspectors, including enabling practitioner input, would be of significant benefit. The IAPI is an important tool for the Examining Authority to focus the examination of an application on the key principal issues. The starting point should be that the examination of an application will focus on the specific issues set out in the IAPI and critical legislative and national planning policy tests.

NIPA recognises that the large number of NSIP applications, particularly for energy-related developments, expected to come forward in this Parliament means that there will continue to be a significant increase in the recruitment of examining inspectors and that newer cohorts of inspectors will naturally be less experienced in dealing with applications than inspectors who have been appointed persons on numerous examining authorities. In order to achieve the Government's ambitions to streamline the infrastructure planning system and to make examinations more efficient and effective, NIPA considers it essential **that detailed attention is given to the way in which the IAPI is formulated and articulated**. We recognise the risks for and potential system burdens on PINS, **NIPA is keen to bring practitioners together to support the effective implementation of the proposed measures relating to IAPI**.

By way of illustration, it is apparent from a review of Rule 6 letters on the Planning Inspectorate website that practice among examining authorities with respect to the framing of IAPI varies considerably. In numerous cases there are examples of very generic or vague topics such as '*Ecology (onshore and offshore)*' or '*historic environment*' being identified as IAPI. Defining the IAPI in such a broad way does not assist applicants or other interested parties to prepare for examinations by reference to the specific issues or impacts that examining authorities are likely to want to focus on during the examination. This issue could be easily addressed by Examining Authorities ensuring that IAPI are more specific and focused.

For example, and by reference to recent IAPI included in Rule 6 letters published on the Planning Inspectorate website, rather than identifying '*Adequacy of the flood risk assessment and consideration of changes in water quality and water features*' as an IAPI, a more forensic and helpful way of formulating the issues is the example of '*the effect on Minster Marshes and the implications for flood risk at surrounding locations, the historic flood risk at Friston and the effect of the proposals at the proposed Friston substation, and flood risk at the proposed bridge over the River Fromus*'.

Pre-examination and Examination: Supporting effective examination through guidance for public bodies

Question 25: Do you agree that existing guidance provides enough information to aid local authorities in preparing meaningful local impact reports and should therefore be retained? If further information would be beneficial to be included within this guidance what should it say?

Yes/No/Don't know. Please provide your views.

S60(3) of the Planning Act 2008 indicates that the local impact report (LIR) should assess the likely effects of a proposed infrastructure project on the local authority's area. Guidance from April 2024 on the examination stage for NSIPs covers LIRs and their role in the examination. The Planning Inspectorate Advice Note on "Advice for Local Authorities" contains advice in the content of the LIR and a useful table of appropriate content. Also, the "example documents" section of the Planning Inspectorate's website contains references to two LIRs as examples of good practice that have benefitted the examination of the associated applications, however both examples date from 2013.

The key themes from the guidance, are:

1) The LIR has a wider purpose in bringing to the attention of the Examining Authority and the Secretary of State those matters both positive and negative affecting the local communities during construction, once operational and during decommissioning, should the proposed NSIP receive development consent.

2) Where appropriate, local authorities are encouraged to produce a joint LIR to build on shared resources and capabilities to deliver this important element of the process.

The Advice Note contains these points, some of which are also in the guidance.

1. Joint LIRs are encouraged.
2. Work on the LIR should begin as soon as practicable after the applicant has contacted them about the proposed scheme.
3. Avoid duplicating evidence that has already been submitted.
4. LIR should include a statement of positive, neutral and negative local impacts but does not need a balancing exercise.
5. A useful list of topics that could be covered.

However, there is variable practice with good effective examples and where this advice is not always followed. For example, the Examining Authority for the Lower Thames Crossing application had to remind one local authority that the LIR "*should include a statement of positive, neutral and negative impacts*". We believe that the **LIR should be focussed and balanced in approach with reasoned reporting**. This should be clearly different from the role of representations that advocate a position for a party.

A key point to note about the two example LIRs referenced by the Planning Inspectorate is their length. One is 10 pages, and the other is 33 pages. As is the case with much of the documentation for NSIPs the size of LIRs has grown to hundreds of pages. Guidance should **encourage proportionality and focussed reporting**.

It is the view of NIPA that updated guidance is required and we would **welcome further engagement with Government and other representative organisations** such as the Planning Advisory Service (PAS) and the NSIP Centre of Excellence **on what complementary resources may be helpful for local authority practitioners**. This could pull into guidance some of the good points from the Planning Inspectorate Advice Note. Possible additional areas to cover are:

1. Now that applicants are encouraged to submit Policy Compliance Documents (PCD) it should not be necessary for the LIR to also include exhaustive recitations of local policy if it is already in the application. The PCD should be used as the reference point for the LIR policy analysis, and it should focus on areas where they disagree in relation to compliance, planning balance or point out any relevant omissions, having regard to the primacy of the relevant NPS and any prescribed legislative tests and duties in the decision-making process.
2. Strong guidance should be issued to ensure LIRs are focussed and take a strategic approach to the identification of impacts to support the Examining Authority and inform mitigation, necessary requirements and infrastructure obligations under s106 and any relevant community benefits. Whilst joint working is already encouraged, reference could be made to the beneficial use of shared technical resources and collaboration on areas of commonality. For example, many of the councils in the East of England use the resources of Essex Place Services.

Question 26: Is existing guidance clear on the difference between a relevant representation, written representation and local impact report? What further information on the differences between a local impact report and relevant representation would be beneficial to assist local authorities?

Yes/No/Don't know. Please provide your views.

Now that the status of Relevant Representations has changed to represent "*where practicable the full particulars of the case*" (see The Infrastructure Planning (Miscellaneous Provisions) Regulations 2025 reg 3(b)), serious consideration needs to be given to the future role of Written Representations given that the guidance indicates that they are intended to "*develop further the elements of their case set out in the relevant representations*". It may well be that s90 of the Act can be repealed. Otherwise, there is a risk of Written Representations failing to add anything meaningful to the process. If this is done, then more guidance will be required on the form and content of relevant representations.

Guidance for public authorities on participation in examinations

Question 27: How can guidance seek to reduce existing barriers that public authorities face in engaging with the process?

Please provide your views.

The local host (public) authority role is, as the consultation suggests, vital to an effective examination process. However, there are several barriers to their engagement in the process:

The biggest barrier for public authorities is **resourcing and funding**. Public authorities rely entirely on the effective negotiation of Planning Performance Agreements (or equivalent service level agreements) to support the process of dealing with an NSIP from pre-application through to implementation. Without a PPA in place, the public authority would be engaging in the process at the expense of the council taxpayer. There is variability in the performance in terms of PPAs, not just the public authorities themselves but also in terms of the approach of applicants. There is a need to find a way of fairly funding resources for local

authorities' meaningful engagement and participation in the Planning Act 2008 process and delivery. This could be by a fees structure or mandate for compulsory PPAs between applicants and public authorities for the entire NSIP process and delivery.

As an example, a DCO is a statutory instrument granting wide-ranging rights for development, acquisition of land, for access etc. In this regard, it is necessary for a public authority to have its own legal representation and in doing so properly represent its community. Moreover, in having such advice, the public authority can engage in the process and identify key issues or amendments necessary to improve the application or modify requirements and in so doing make the development more deliverable, accelerating the process itself and into delivery.

Barriers that public authorities face in engaging are:

- For those public authorities where multiple DCOs are live and at the pre-application, acceptance, pre-examination and examination stages can hinder engagement. This presents resourcing challenges, competing deadlines, and a reliance upon consultancy support to meet deadlines.
- Examination timetabling, there is an increasing trend of holding Issue Specific Hearings and posing a range of questions ahead of the public authority producing a Local Impact Report. In most cases, the ISH and questions would be effectively answered in due course with the LIR issued at the prescribed deadline.
- Venues can play an important part in engagement of public authorities, statutory consultees and the public where they are remote from the project location itself. This is acutely felt in terms of linear projects but has equally been an issue for single site DCO examinations e.g. a venue being a considerable distance from the site.
- Political considerations: whilst high levels of delegation need to be in place for dealing with NSIPs there still needs to be a recognition of the public authority being a politically-led entity and the need to take a political input such as in agreeing the Relevant Representations and LIR.

Question 28: What should guidance say to ensure public authorities engage appropriately with examinations? We would welcome views on how guidance can outline the circumstances in which public authorities are relevant to the application.

Please provide your views.

Local knowledge, local expertise and public representation are essential from public authorities. Proactive engagement at each stage is encouraged, focussed on informing good outcomes and active engagement based on principal issues that go to determination and delivery. The Examining Authority and relevant decision-maker is required to have regard to the LIR, which makes it a very effective vehicle to understand how a local authority has represented its community and supported the Examination to shape mitigation and/or benefits of a project. Guidance could be improved to make this clear.

Procedural flexibility for land acquisition amendments during examination

Question 29: Do you consider that regulations for compulsory acquisition as part of DCOs should, where possible, limit the duplication of procedures where land

acquisition changes are required and to provide the Examining Authority with greater discretion to set reasonable timeframes to reflect the specific circumstances of each DCO and its associated land acquisition issue?

Yes/ No/ Don't know. Please provide your views.

Yes. NIPA strongly **supports the proposed amendments to the CA Regulations** to limit the duplication of procedures and enable any additional issues to be examined within the existing Examination timetable. NIPA members **support the proposal for the Examining Authority to have discretion** to determine the appropriate timescales depending on the nature of the change/additional land.

As highlighted in the consultation document, often the additional land is very minor in nature and frequently affects persons with an interest in land who are already affected by the CA powers included in the DCO application and who have had the opportunity to participate in the process already.

Even in a scenario where a landowner is supportive of the inclusion of additional land, the CA Regulations require all persons with an interest in land to consent to the change which is typically not possible given there may be multiple Category 2 interests belonging to persons who are not interested in participating in the process or unknown interests (particularly where the change relates to minor increases in the Order land to accommodate additional highways works or increased visibility splays which have been identified through ongoing engagement with the highways authority during Examination).

In particular, **NIPA is supportive of the proposal to combine the relevant representation and written representation requirements** and considers that the ability to submit a relevant representation pursuant to the Regulation 7 notice is sufficient.

The proposal for the Examining Authority to have discretion as to the time period for submitting relevant representations and giving notice of hearings is also welcome as this will enable very minor changes to be made towards the end of the Examination where appropriate to do so.

Question 30: Are there any further changes that could be made to the infrastructure planning CA Regulations and supporting guidance to contribute to the streamlining of the DCO examination process by reducing repetition or timescales where changes to land acquisition are required post submission?

Yes/ No/ Don't know. Please provide your views.

Consideration should be given to removing the requirement to publish a notice of the proposed provision in newspapers (Regulation 8) as notices served directly on affected persons (Regulation 7) and published on the Project website and PINS website should be sufficient, especially where no new land interests have been identified.

The timing and costs associated with publishing a notice in a local newspaper for two weeks and in a national newspaper are significant and can be another reason why applicants are reluctant to make very minor changes even if they would be beneficial to a Project.

We note that at paragraph 99 of the consultation document it states that the “*Guidance related to procedures for compulsory acquisition of land*” will also be updated to support the continued digitisation of the NSIP process. NIPA strongly recommends that paragraph 33 of the Guidance is updated to remove the requirement to send affected persons a hard copy of the Statement of Reasons and plan with the s134 notice and instead direct the affected person to availability of the documents on the PINS website with the ability to obtain hard copies from the applicant on request.

Pre-examination and Examination: guidance on pre-examination and examination of applications

Question 31: In addition to the changes highlighted in Chapter 3 of this consultation, what further changes to pre-examination and examination guidance would support efficient and effective examination of applications for development consent?

Please provide your views.

The experience of NIPA and its members is that the pre-examination and examination periods are becoming overly inefficient and burdensome. In order for government to deliver on its ambitions of streamlining the infrastructure planning process, it is important that issues and inefficiencies in relation to the pre-examination and examination phases are considered with the same rigour as is being applied to the proposed reforms to the pre-application stage.

NIPA is very **supportive of measures to enable more efficient and effective examinations** to achieve the government’s ambitions in a fair and proportionate way. With respect to the pre-examination period, the recent experience of NIPA members is that it is becoming elongated generally and, in some instances, becoming more akin to a shadow examination. It has become common in recent applications accepted for examination for there to be multiple rounds of ‘procedural deadlines’ prior to the preliminary meeting. By way of illustration during the pre-examination period on one recent highway project, 203 documents were submitted, and 149 documents on a recent offshore wind farm application, as compared with 23 documents submitted during the pre-examination period for the Hinkley Point C new nuclear DCO application.

In some instances, requests are being made of applicants to produce new plan sets or update suites of documents before the examination of an application formally commences. Given the scale and complexity of some applications, updating documents and plans can be a very resource and time intensive exercise for applicants, and generates a further iteration of documentation for interested parties to review.

Whilst in some cases it may be appropriate for the Examining Authority to request new or updated information before a preliminary meeting to help facilitate an efficient examination, NIPA is concerned that the encouragement in the existing pre-examination guidance for examining authorities to utilise procedural decisions to front load applications may be having the unintended consequence of making the process more inefficient and burdensome. NIPA considers that applicants should not routinely be asked for new or updated documents during the pre-examination period other than where the submission of such information prior to the preliminary meeting is considered necessary or where it would not be overly

burdensome to do so. In many instances the documents in question will be updated in any case as the examination proceeds, e.g. updates to the draft DCO or changes to control and management plans to respond to relevant representations and examining authority questions.

With respect to the examination period, the experience of NIPA and its members is that it is at the same time becoming **disproportionate in terms of the volume of questions and material generated as well as becoming less effective in terms of facilitating the production of a clear recommendation report** enabling a decision on an application to be made by the Secretary of State within the statutory timescale. In the case of recent offshore wind applications, decisions are now routinely being delayed by 2-3 months (or more). It is also becoming common for an examining authority to request a range of additional documents (largely, but not exclusively, to be produced by the applicant) such as closing statements and examination progress trackers, many of which have significant overlap with other documents such as statements of common ground, statements of commonality, principal areas of disagreement summary statements and policy compliance documents. The production of this additional information and its consideration by examining authorities and other interested parties adds considerably to the burden of the examination phase. As a general comment the use of these additional documents does not appear to be beneficial in terms of facilitating the earlier end of the examination period or on decisions on the application being made timeously.

In respect of issue specific hearings, **the level of detail provided on the agendas varies considerably between projects**. The agendas are typically issued a week in advance which means that a DCO applicant and other interested parties has to make arrangements for all of its experts to be available and have made travel plans in advance of receiving the agenda which can result in abortive costs if a particular environmental topic is then not on the agenda. A very high level or broad agenda often results in the applicant and stakeholders having to have multiple experts attend the hearing often to be then told that the topic will be dealt with in written questions as there is insufficient time to hear oral submissions. The costs associated with such decisions should not be underestimated as not only is it the expert's time but also travel and hotel accommodation costs.

NIPA considers that the guidance on the examination period should provide more clarity and direction on how government and the Planning Inspectorate expect examinations to be managed to ensure that they are effective and efficient, whilst respecting that individual examining authorities will need to manage each examination according to the particular circumstances of each application. It would be particularly helpful for guidance to address the current issue of examination deadlines applying to all participants whereas an examination would be much more effective and efficient if some deadlines applied to applicants and other deadlines applied to other parties.

Question 32: Are there further changes to secondary legislation – for example, the Infrastructure Planning (Examination Procedure Rules) 2010 – which you believe government should consider to support effective and efficient examinations?

Please provide your views.

As part of the digitisation of the NSIP process, consideration should be given to the removal of the requirement to erect physical notices for hearings set out in Regulation 10(6)(a) and (b) of the Infrastructure Planning (Examination Procedure Rules) 2010. Whilst it is noted that the Examining Authority can direct otherwise, in the experience of NIPA members such a direction is not often provided. For a long linear project this can result in a significant number of notices that need to be erected and maintained which is not considered necessary as members of the public that have registered as interested parties or requested to attend a hearing will have been notified of the hearings directly by PINS.

Consideration should be given to more enabling regulations to facilitate digital EIA. There is a need for a public hosting site for digital EIA and a need to promote common standards.

CHAPTER 4: REFORMING NSIP SERVICES

Reforming NSIP Services: pre-application services

Question 33: Is government correct in seeking to reframe the pre-application services provided by the Planning Inspectorate in this way? Are these the right objectives? Are there any additional changes to these services in light of the removal of statutory pre-application consultation that guidance should seek to clarify? We would particularly welcome reflections from developers on what factors they take into account in determining which service is most appropriate for their project.

Please provide your views.

NIPA agrees that there is merit in government seeking to **reframe the pre-application services provided by the Inspectorate** and would recommend that this is done in a way that prioritises **the quality of outcomes rather than the volume of process**.

General Form and Nature of Advice

NIPA's experience highlights that the **pre-application phase is where the success or failure of most projects is determined**. Reframing the Inspectorate's services offers a valuable opportunity to embed a more collaborative, outcome-oriented culture, but it must be accompanied by clarity, accessibility, and accountability.

The consultation states that the new service should have '*assertive planning advice at its core*'. Care should be taken if 'assertive' advice is to be provided, particularly at the early stages of projects. Major infrastructure projects are complex and what is right for one project is not right for another. The 'best' approach can evolve over time on a project as baseline information is gathered, designs progress, consultation is undertaken and the policy context changes. There is also often space within the process for different approaches that achieve the same outcome and for innovation to deliver benefits not previously anticipated. In this context, **effective advice is not always 'assertive' advice** and needs to be well considered and fully informed. **NIPA would welcome the opportunity to engage with government and the Inspectorate on the principles of effective 'value-add' advice**, e.g. practical advice that interprets procedural requirements; advice on how matters have previously been considered by examining authorities; advice, how an examining authority might approach an issue and what information would be helpful.

Care should be taken not to provide strong advice that unnecessarily restricts parties from responding to constraints, consultation and programme challenges. For example, NIPA members have highlighted occasions where the Planning Inspectorate has advised consultation being timed to avoid certain times of year, events or a period of consultation on another project. Whilst this advice is often based upon standard principles of good practice, these approaches can result in several months delay to critical infrastructure projects, when extending the consultation period or running joint events may have been as (or even more) effective. To enable open dialogue, it is essential that conversations about the pros and cons of different approaches on a particular project can be discussed without fear of an approach being imposed on applicants.

There are also very informed stakeholders inputting into major infrastructure projects, such as Local Authorities, who have in-depth knowledge of their areas and planning policies, and statutory environmental bodies. Applicant teams are likewise often comprised of very experienced professionals, including planning and consents teams. **NIPA see great opportunity in improvements to a process that encourages more open dialogue between applicant teams, stakeholders and the Inspectorate**, utilising the varied and deep experience of all parties. NIPA suggests that consideration of the tone and nature of advice provided by Local Planning Authorities under the Town and Country Planning Act may provide an example of how advice can be provided without prejudice. However, it is recognised that one challenge to open dialogue is that the process under the Town and Country Planning Act is confidential, whilst Planning Inspectorate advice is not.

Conversely, NIPA members noted that there are occasions when applicants would request assertive advice, particularly if it could be informed by input from an Examining Inspector. This may particularly occur where the applicant is receiving different advice from different key stakeholders or where there is a novel and complex issue where clear advice would be welcomed. **A process whereby an applicant could request involvement of an Examining Inspector on a particular issue or query would be a beneficial addition to the process.**

Clear Escalation and Coordination Mechanisms

To support constructive and timely engagement, guidance should establish **clear escalation routes** where communication between applicants and consultees stalls or becomes ineffective. This could include defined points of contact within the Inspectorate or statutory bodies who can help resolve engagement difficulties and ensure that dialogue remains constructive. This is recognised as being beneficial for all parties to resolve issues prior to submission of application and reduce complexity of Examinations.

Collaborative Fora and Structured Engagement

NIPA also recommends that guidance identify appropriate **fora or frameworks for structured engagement** between applicants, local authorities, and other key stakeholders during the pre-application stage. These fora would enable parties to discuss key strategic issues early, align expectations, and avoid duplication of effort later in the process.

Delivering Real Value at the Pre-Application Stage

Ultimately, the reformed service should demonstrate **clear added value**: providing greater certainty to applicants, supporting proportionality in evidence requirements, and fostering a shared understanding of project outcomes. The Inspectorate's role should be to facilitate, coordinate, and assure the process, ensuring that the pre-application phase genuinely contributes to better decision-making and reduced risk at examination.

Some NIPA members noted that there has been a recent trend towards the Inspectorate requesting more information prior to meetings and agendas/ presentations two weeks in advance. The amount of information tends to exceed what is requested in advance from statutory bodies and local authorities, for example. Major infrastructure projects can be intense and fast-moving projects so these requests can discourage dialogue, either due to the burden of additional information requirements and because sending presentations ten

days in advance can mean they are not as up to date as they should be. It will be important for the Inspectorate to demonstrate the value applicants receive from the meetings given the enhanced investment required to hold the meeting. A more rigid process also increases the formality of interactions, which may not be beneficial for open, honest and constructive dialogue.

Applicants criteria when choosing a tier of service

NIPA members involved in applications note that the following factors are taken into account when determining the tier of pre-application advice sought.

Advice provided in the 2024 Pre-application prospectus, particularly:

- The experience of the applicant team: recognising that this experience does not need to be in the applicant organisation.
 - The complexity of the application.
 - Whether there is an up to date national policy statement in place.
 - The extent of compulsory acquisition powers sought. Although NIPA members note that almost all applications will require compulsory acquisition powers, so this criterion has not necessarily discouraged applicants from selecting the basic tier.
- **The programme for the application:** in particular where an application will not be submitted for 3-4 years, less engagement may be appropriate at an earlier stage (e.g. basic tier) and more engagement at a later stage (e.g. standard or enhanced). Conversely, some applicants will delay registering the project until the programme is sufficiently developed to justify the costs of the advice service and then go in with standard tier at that point.
- **The level of information required for each tier.** A requirement for future information can discourage a applicant from selecting a higher tier, given additional requirements can result in programme delays, additional complexity and additional cost. This is particularly the case for the enhanced tier and for projects with tight programmes.
- **The cost of different tiers.** This is particularly key for applicants of projects where the overall application costs are comparatively low (e.g. smaller scale solar projects).
- **The extent to which the applicant sees a benefit in Planning Inspectorate advice, which can also be related to applicant experience and project complexity or the attitude of an individual organisation.** This can also be influenced by a concern that information may be shared through s51 advice that an applicant is not ready to make public.

Question 34: What alternative models could government consider for pre-application support in order to enable better collective oversight and co-ordination of input across statutory bodies?

Please provide your views.

NIPA considers that government could strengthen collective oversight and coordination across statutory bodies by introducing a structured model of design and evidence review

workshops within the pre-application process. This approach would formalise best practice observed on major projects, promoting earlier, more effective collaboration and improving the quality and efficiency of engagement.

NIPA supports measures that encourage early, transparent, and coordinated proactive engagement between project promoters, statutory consultees, and local authorities. A more structured model of design and evidence review workshops could provide a valuable mechanism to achieve this, facilitating collective understanding and alignment before the formal submission of an application.

This model builds upon experience from major infrastructure projects, notably “HS2”, where “key design element workshops” enabled open and constructive dialogue among multiple statutory stakeholders. These sessions created space for collaborative discussion of emerging designs and evidence, helping to identify and resolve potential issues early and to build consensus on key strategic outcomes. The A417 Missing Link by National Highways, the NIPA Award 2023 Winner, was recognised for its *“consequential and exemplary approach to designing a landscape-led highways scheme with a clear narrative to embed design into delivery”* and for *“genuinely listening to stakeholders and changing design accordingly”*.

Embedding such workshops in the pre-application process would deliver a number of benefits. It would improve the quality and consistency of statutory advice, reduce duplication and rework, and foster shared accountability among statutory bodies. It would also enhance transparency and mutual understanding of project objectives. These benefits could therefore contribute to a more efficient and proportionate examination process.

This model could be formalised and applied to particular thematic or cross-cutting issues such as flood risk management, biodiversity (including biodiversity net gain (BNG) provision) and design quality where coordinated engagement is especially important. The need for these workshops and topics could be identified by the applicant and discussed with the Inspectorate as appropriate depending on the project.

In NIPA’s view, formalising these progressive, collaborative workshops would represent a pragmatic evolution of the pre-application process. It aligns with NIPA’s emphasis on learning, collaboration, and continuous improvement within the DCO regime, supporting a more integrated and outcome-focused approach to infrastructure delivery, but would require a clear expectation that all meaningfully engage on an informed and timely basis.

Ensuring the right level of pre-application service from the Planning Inspectorate for high priority projects

Question 35: What steps could government take to make the enhanced service more attractive to applicants of complex and high priority projects?

NIPA notes that while the Planning Inspectorate has published guidance on the enhanced service, the current documentation remains relatively high-level. It lacks sufficient detail regarding the nature and extent of support applicants can expect, such as the frequency and depth of engagement, timelines, and specific mechanisms for issue resolution. This lack of

clarity makes it difficult for applicants to assess whether the service offers value for money, particularly given the already significant costs associated with the consenting process.

The enhanced service requires applicants to produce more documentation than under the standard service, which can increase the pre-application period rather than speed up the process. Complex infrastructure projects are unlikely to secure shorter Examination timeframes so this increase in timescales pre-application would not be compensated for with shorter Examination periods for complex schemes. Simple projects are unlikely to see the value in the increased cost and workload associated with the enhanced tier so the projects most likely to benefit from a 'fast track' process after submission are those least likely to select the enhanced tier of service.

If the aim is to speed up decision-making for applications where this is possible, it may be appropriate to separate criteria for an application to be 'fast tracked' from the enhanced tier of service. A decision to 'fast track' an application after submission could perhaps be more appropriately associated with the quality of the application and complexity of issues assessed during or after the acceptance period, feeding into the Examination programme set by the Examining Authority. If an application falls into this category, it should not be necessary for this application to contain *more* documentation than a project that is more complex.

To improve uptake and demonstrate the benefits of the enhanced service for complex and high priority projects, government could consider the following steps:

Provide greater transparency and specificity

Expand the published guidance to include more detailed information on what the enhanced service entails; for example, expected response times, named contacts, escalation procedures, and examples of how the Inspectorate will proactively support applicants.

Reduce the burden on applicants who participate in the enhanced tier

The enhanced tier should reduce the burden on applicants rather than create requirements for production of more documents. It is suggested that the enhanced tier should offer more flexibility for engagement, perhaps with reduced requirements for sharing agendas a long time before meetings and faster response times.

Clear role for an Examining Inspector

It should be clear how applicants can involve a named Examining Inspector in the production of their application, how advice will be provided and how this advice will be shared during Examination. This involvement should be available at the request of the applicant.

Facilitate structured workshops with stakeholders

As discussed above, the Inspectorate could provide a facilitative role to help resolve issues between parties. This could be carried out on a particular project-specific issue or could be facilitating wider discussions where there is an issue that cuts across numerous different applications.

Pilot the service with selected projects

Offer a limited number of complex or high-priority projects a one-year trial of the enhanced service at no cost. This would allow applicants to experience the benefits directly and generate real-world case studies that can be shared publicly. This pilot should aim to identify ways in which the Inspectorate can help resolve issues, reduce timescales and reduce complexity.

Publish case studies and performance metrics

Document and disseminate outcomes from pilot projects, including measurable benefits such as reduced risk, improved certainty, and time savings. This would help build confidence and provide a clearer picture of the service's value.

Engage early and continuously with industry

Work with applicants, industry bodies, and other stakeholders to refine the service offering and ensure it aligns with the practical needs of those delivering nationally significant infrastructure.

By investing in clearer communication, initial incentives, and demonstrable outcomes, government can help ensure the enhanced service is seen not just as an additional cost, but as a valuable tool for improving the efficiency and certainty of the consenting process.

It should however be noted that NIPA believe improvements and proportionality can and should all be done under the standard process and that timely delivery rather than taking the maximum period allowed for should become the norm and not require any separate untried and tested process.

Question 36: Should guidance be more directive in setting out that, where applicants are advised that a project has been assessed by the Planning Inspectorate as being in need of a higher level of service (for reasons including project complexity and local circumstances), applicants are expected to adopt that level of service?

No. NIPA does not consider it would be appropriate for the Inspectorate to dictate the level of service an applicant should receive. If an applicant does not want extensive engagement from the Inspectorate, it would not then be reasonable for the Inspectorate to charge for a service that is not wanted or used by the applicant. NIPA acknowledges that there may be occasions when the Inspectorate may want to suggest an alternative tier of service, but the decision should be made by the applicant.

NIPA considers that while current guidance provides a useful framework for differentiating between levels of service, it could be clearer regarding the most appropriate service tier for a project. For example, given most projects require compulsory acquisition and the topic is rarely discussed extensively with the Inspectorate prior to submission of an application, it is not considered that the need for compulsory acquisition should prevent an applicant using the basic tier. Clearer criteria and decision-making processes would also enhance fairness, consistency, and confidence among applicants.

NIPA notes that, under the current arrangements, the choice of service tier is made at the outset of the pre-application engagement, often before the project's key issues and challenges are fully understood. The need for advice will also vary depending on the stage of

the project development, particularly for large, complex projects that may spend four or more years at the pre-application stage. It is therefore recommended that the Inspectorate considers a clearer route for applying to change the service tier during the project lifecycle.

Major infrastructure projects can also have periods where development pauses due to a large number of factors. For example, many solar projects have paused over the last year due to uncertainties associated with the connections reform process. Larger and more complex projects can have numerous funding, land, policy and development issues that arise and cause a project to pause. At present, a project cannot request to pause the service tier when this occurs, the only option is to remove the project from the Inspectorate website entirely, creating confusion and more work for all parties. It is recommended that the Inspectorate consider a clearer mechanism for a project putting their service on pause to reflect the reality of infrastructure delivery and give applicants a mechanism to communicate a project 'pause' to key stakeholders and communities through text on the Inspectorate project page.

Should the Inspectorate consider being more directive over the tier of service an applicant should receive, clear guidance should be provided regarding when the Planning Inspectorate would assess the project to need a higher level of service and how this assessment would be undertaken. This is particularly important given the significant cost difference between the standard and enhanced service tiers.

The question references 'project complexity and local circumstances' but greater clarity could be provided through the inclusion of defined criteria or a simple flow chart to guide applicants in how the most appropriate service tier is to be determined. This would help ensure consistent expectations between applicants and the Planning Inspectorate and could be supported by further discussion and confirmation during the Inception Meeting, when the project's key characteristics and potential main issues would be presented.

In NIPA's view, clearer and more directive guidance with project examples/scenarios would promote consistency and transparency identifying the appropriate service level. This could, in turn, contribute to greater confidence in the overall operation of the enhanced service level.

Question 37: Should guidance also specify that recommendations made by the Planning Inspectorate on the allocation of their pre-application services ought to be informed by considerations about whether the project or project type has been identified by government as a priority? If so, would this have any unintended consequences? Would it be important for government to be clear and transparent on what its priority projects are?

NIPA supports the principle that the Planning Inspectorate may take account of whether a project or project type has been identified by government as a priority when determining the appropriate level of pre-application support. It is reasonable that projects contributing directly to national policy objectives or critical infrastructure programmes are progressed efficiently and receive the level of support necessary to maintain momentum.

However, it is not yet demonstrated that the enhanced tier results in a faster process or better quality applications. The enhanced tier also introduces additional requirements on

applicants that are not present in other tiers. It may therefore not yet be beneficial for priority projects to be allocated the enhanced tier, so it is considered appropriate that an applicant takes the decision on the tier of service appropriate to their project.

Further, NIPA recognises the potential for unintended consequences if priority projects are perceived to receive preferential treatment at the expense of others. Many non-priority projects remain of significant importance to their promoters, whether for strategic, financial, or regional reasons. Any perception of unequal treatment could undermine confidence in the planning system and disincentivise investment in other nationally significant infrastructure sectors.

To mitigate these risks, NIPA considers it important that:

- Government is clear and transparent about what constitutes a priority project and the process by which priorities are designated;
- All projects continue to be processed within statutory timeframes in as timely a way as possible, regardless of priority status; and
- Applicants of non-priority projects retain access to enhanced service options, such as the Enhanced Service, should they wish to expedite progress based on their own commercial or strategic drivers.

This balanced approach would allow national priorities to be supported efficiently while maintaining fairness and choice for all applicants. It would also help to ensure that the allocation of the Planning Inspectorate's services remains responsive to need and proportionate to project complexity, rather than solely determined by policy designation.

NIPA's broader experience indicates that confidence in the DCO regime depends on consistency, predictability, and fairness. While it is appropriate for government to signal priority projects, the process for doing so must be transparent, objective, and clearly communicated. Embedding safeguards, such as published criteria, access to enhanced services for all applicants, and adherence to statutory timeframes, would ensure that prioritisation supports efficiency without eroding equity or trust in the system. This approach would maintain the balance between enabling nationally significant projects and sustaining a fair, efficient, and inclusive planning regime.

Developing services provided by relevant statutory bodies

Question 38: Are there any changes that could be made to pre-application service offerings by public bodies?

NIPA considers that there are a number of opportunities to strengthen pre-application service offerings by public bodies, particularly through clearer leadership, improved coordination and consistency, and enhanced data sharing. In particular, implementing **Recommendation 5 of the Corry Review**, which proposed the appointment of a *lead regulator* for major infrastructure projects, would significantly improve strategic oversight and consistency across consenting processes, subject to defining quite what being the lead regulator means in practice.

Building on **Recommendation 5 of the Corry Review (2023)**, NIPA supports the appointment of a **lead regulator for all major projects**, supported by formalised

mechanisms for information sharing and clear rules of delegation between statutory bodies. The Corry Review recommended that a single, empowered regulatory lead should coordinate engagement and advice across multiple agencies, ensuring consistency, reducing duplication, and enabling early resolution of issues.

Such a model would allow regulators to agree **shared strategic outcomes**, identify and address **conflicts between legislative regimes**, and ensure that the appropriate level of authority is in place to make timely recommendations throughout the pre-application process. It would also enable regulators to respond actively to **design evolution and changes** up to the point of application acceptance.

NIPA notes that elements of this approach have begun to emerge **post-consent**, with improved collaboration and clearer accountability among regulators. Extending this model into the pre-application stage would strengthen alignment across agencies, ensuring that statutory advice is consistent, proportionate, and outcomes-focused.

Members have reported **notable improvements in engagement** with the Environment Agency and other statutory consultees following the introduction of **cost-recoverable service arrangements**, which have supported more structured and responsive dialogue with applicants. NIPA welcomes these positive developments and considers that further refinement and consistency across public bodies could enhance their overall effectiveness.

Further improvements could also be achieved through the adoption of a **standardised digital data-sharing framework**, for example, the exchange of environmental survey results and baseline data in consistent formats. This would enable efficient logging, analysis, and re-use of information, ensuring that decisions and assessments are based on a shared and up-to-date evidence base.

NIPA's wider experience highlights that the success of pre-application engagement relies on **clarity of roles, adequate resourcing, and interoperability between public bodies**. The establishment of a lead regulator model, coupled with consistent digital data-sharing protocols, would represent a significant step forward in ensuring **coordinated, transparent, and efficient regulatory engagement**. Such reforms would help public bodies deliver more consistent and timely advice, reduce duplication of effort, and contribute to a more effective and trusted infrastructure planning system that supports better outcomes for projects, communities, and the environment.

Question 39: Should the ability to cost recover be extended to additional or all statutory bodies that are prescribed in the Planning Act 2008 and Schedule 1 to the 2009 Regulations (as amended?)

NIPA recognises that extending cost recovery to additional statutory bodies is a **complex issue** requiring careful consideration of both the financial pressures faced by statutory bodies and the wider implications for project viability, funding at the pre-application stage and investment confidence. While there is a legitimate case for improving the resourcing of consultees to enable effective engagement, any extension of cost recovery must be implemented within a **transparent, proportionate, and accountable framework** that ensures value for money and supports the overarching objectives of the Planning Act 2008.

From the perspective of project applicants and promoters, the cost of progressing projects through the NSIP regime is already very substantial. Introducing further financial burdens, particularly without a clear demonstration of value or defined service standards, risks discouraging private investment and undermining the very purpose of the Planning Act 2008, which is to facilitate the timely delivery of nationally important infrastructure.

However, NIPA acknowledges that **under-resourcing of statutory bodies** remains a significant and persistent issue. Insufficient capacity can lead to delays, limited engagement, and a lack of consistency during both the pre-application and examination stages. This challenge has been highlighted repeatedly by NIPA members, both informally and through formal feedback, as a key factor undermining efficiency, certainty, and confidence in the regime.

NIPA believes that a successful infrastructure planning system depends on **active, informed, and timely engagement** from all prescribed bodies. If cost recovery mechanisms can help ensure that statutory consultees are appropriately resourced to participate effectively and deliver consistent, high-quality input, then there is a strong case for exploring their use more broadly.

However, any such mechanism must adhere to the following principles:

- **Transparency:** Clear guidance should set out what services are covered, how charges are calculated, and what applicants can expect in return.
- **Proportionality:** Charges must reflect the scale, complexity, and stage of the project, ensuring that smaller or early-stage developments are not disproportionately affected.
- **Accountability:** Bodies receiving cost recovery funding should be required to meet defined **service standards and response times**, with monitoring and reporting mechanisms to ensure performance.
- **Public Justification:** Given that NSIPs are, by definition, in the public interest, it is not appropriate for applicants alone to bear the cost of systemic funding shortfalls. Government should therefore explore **co-funding or matched funding models** to share responsibility for resourcing key statutory functions.

In summary, while extending cost recovery mechanisms may help to improve the **capacity, responsiveness, and effectiveness** of statutory bodies, this should not come at the expense of fairness, transparency, or proportionality. Any reform must be designed to deliver demonstrable value and to sustain investor confidence in the NSIP regime.

NIPA's experience highlights the need for a balanced approach that recognises the **interdependence between adequate public resourcing and private sector confidence**. Extending cost recovery without clear service standards or transparency would risk diminishing trust in the planning system. Conversely, a well-designed model, rooted in clear accountability, proportionality, and shared responsibility, could strengthen engagement, improve decision quality, and enhance the overall resilience and outcomes of the regime.

Ultimately, NIPA considers that improving the funding and capability of statutory bodies is essential, but this must be achieved through **a coherent and fair framework** that maintains

the core principles of accessibility, predictability, and efficiency that underpin the Planning Act 2008.

Question 40: How should government develop key performance indicators for public bodies providing cost recoverable services for NSIP applications, and if so, what should those key performance indicators contain?

NIPA supports the introduction of key performance indicators (KPIs) for public bodies providing cost-recoverable services under the NSIP regime. Standardised KPIs would strengthen accountability, transparency, and consistency across statutory bodies, ensuring that cost recovery arrangements deliver demonstrable value and improved service quality for applicants.

NIPA considers that a consistent framework of KPIs should be developed and incorporated within standardised cost recovery agreements for all public bodies participating in the NSIP process. This would establish clear expectations, enable performance monitoring, and promote confidence among applicants that costs are linked to measurable service outcomes.

Suggested KPIs could include the following:

- Appointment of a single point of contact for day-to-day communication with the public body with enough seniority and experience to be engaged and effective. NIPA members who are applicants have reported that this approach has recently improved engagement, citing the Environment Agency as an example, by providing a clear line of communication and accountability.
- Preparation of an agreed scope and programme of pre-application activities (including regular update meetings and deliverables). This programme could be agreed within 15 working days of the initial meeting with the public body and reviewed at least quarterly. It should set out the resources and written responses to be provided, as well as estimated costs, giving applicants greater transparency and predictability regarding value for money and timing of expenditure.
- Standard response times for advice and technical input, tailored to the complexity of the material. For example, a 10-working-day response time could be established for single-issue technical notes, and a 25-working-day response time for more substantial material, such as Preliminary Environmental Information Reports or draft application documents. This would improve programme certainty and help applicants avoid delays in progressing design and assessment work.

In addition to regular reporting of these KPIs to government, NIPA suggests that progress should also be reported to the Planning Inspectorate on a project-by-project basis as part of ongoing pre-application engagement. This would provide a clear, real-time view of performance and allow the Planning Inspectorate to determine where intervention or additional support may be needed to maintain effective engagement.

NIPA members have noted that, in situations where securing engagement from a public body proves difficult—often due to resourcing constraints—there is currently no formal escalation mechanism through the Planning Inspectorate or the public body itself. Introducing a KPI-based reporting and oversight framework could help identify such issues early and enable appropriate remedial action on a project-by-project basis.

NIPA's wider experience highlights that clarity, accountability, and early intervention are essential to maintaining an efficient and predictable consenting process. The introduction of

a consistent KPI framework for cost-recoverable services would create a clearer link between resourcing and performance, support continuous improvement across public bodies, and increase applicant confidence in the value and programme benefits of the system.

To be effective, KPIs should be practical, proportionate, and measurable, with transparent reporting mechanisms and a clear process for escalation where performance falls short. By embedding these principles within standard cost recovery agreements, government can ensure that the system delivers tangible value, supports timely decision-making, and sustains trust between applicants and public bodies.

Question 41: In what ways can government support local authorities as they implement cost recoverable services?

Local authorities play a **critical role** in enabling successful infrastructure delivery and can assist in the delivery of infrastructure projects that reflect the place they are located. Local authorities can face resource and capability constraints that limit their effectiveness. Cost recovery mechanisms can help address this challenge to the benefit of all parties. NIPA considers that government has a **vital role** in supporting local authorities to implement cost-recoverable services in a manner that is **fair, transparent, effective and efficient**.

Government should take a strategic and proportionate approach to supporting local authorities as they implement cost-recoverable services, ensuring that these mechanisms enhance service quality and outcomes rather than create additional barriers to development.

Standardised Costs

NIPA members note significant disparities in the costs requested by different local authorities. Examples were provided where local authorities provided constructive, responsive and professional input for very low fees, thereby not receiving the funds they probably should do to provide the service. Conversely, examples were provided of local authorities who request extremely high fees, often to carry out their statutory duties. NIPA would suggest that government could provide more guidance on appropriate fee levels to encourage a fairer and more standardised approach for all parties, focussed and collaborative use of resource.

Additional Support Measures

To further strengthen local authority capability and consistency, government could also:

- Provide **standardised guidance, templates, and tools** for implementing cost recovery arrangements;
- Offer **transitional funding** to help authorities establish systems before relying on developer contributions as they become more certain; and
- Facilitate **digital infrastructure and data-sharing platforms** to streamline service delivery, promote transparency, and avoid duplication of effort.

Together, these actions would support a more reliable and equitable cost recovery framework that maintains confidence among all participants in the infrastructure planning system.

Question 42: How else can government support local authorities in their role engaging with NSIP applications, as they adapt their role to take account of reforms through the Planning and Infrastructure Bill?

NIPA considers that government has a crucial role in ensuring that **local authorities are adequately supported** as they adapt to new responsibilities arising from the **Planning and Infrastructure Bill**. To be effective, the reforms must be accompanied by clear guidance, capacity-building measures and expert advisory resources, and appropriate resourcing to enable local authorities to participate meaningfully and consistently within accelerated timelines.

The introduction of a **fast-track process** represents a significant procedural and cultural shift in the way local authorities engage with DCO projects. While NIPA supports the principle of streamlining decision-making, the success of the fast-track model will depend on the ability of local authorities to provide informed, timely, and coordinated input under compressed timescales.

To achieve this, government should take proactive steps to build **capacity, clarity, and confidence** across local authorities, ensuring they are equipped to engage effectively and maintain the quality of local input that underpins the legitimacy of NSIP decisions.

Clear Guidance and Defined Roles

Government should publish comprehensive guidance clarifying **the expectations, scope, and timing** of local authority involvement within the fast-track regime. This should set out:

- The specific statutory and advisory functions of local authorities at each stage of the fast-track process;
 - How their input will be integrated into the accelerated timetable; and
 - The mechanisms available for escalation, coordination, and feedback.
- Providing this clarity early will help local authorities plan their workloads and allocate resources effectively.

Capacity-Building and Resource Support

Local authorities vary significantly in experience and capacity when it comes to engaging with nationally significant infrastructure. Government should therefore provide **targeted training, funding, and technical support** to ensure that all authorities, regardless of size or resource base, can contribute meaningfully to the fast-track process. This could include:

- Dedicated funding or secondment programmes to strengthen planning and environmental expertise;
- Access to shared technical resources or regional hubs for specialist support;
- Ongoing support and resource to the NSIP centre of excellence; and
- Guidance on cost recovery mechanisms to offset the additional demands of accelerated engagement.

Digital Tools and Data-Sharing Platforms

Given the pace and complexity of the fast-track process, the use of **digital collaboration and data-sharing platforms** will be essential. Government should facilitate the creation of interoperable digital systems to streamline evidence exchange between applicants, local authorities, and statutory consultees. This would enhance transparency, reduce administrative burden, and improve the overall efficiency of local participation.

Early Engagement and Integration

The fast-track process will require **earlier and more integrated engagement** between local authorities, applicants, and the Planning Inspectorate. Government should encourage structured early dialogue and provide model frameworks for how local input—particularly around design, environmental impact, and community issues—can be incorporated efficiently without compromising scrutiny.

NIPA Observations

NIPA's experience underscores that effective reform of the NSIP regime must balance **speed with quality, inclusivity, and fairness** and delivery focussed on overall good outcomes. Local authorities are essential partners in delivering infrastructure that aligns with local needs and national priorities and are sometimes applicants themselves. However, accelerated processes risk marginalising local input if not supported by appropriate funding, guidance, informed resource and digital capability.

Government's role should therefore be to ensure that local authorities are **empowered and enabled, not overburdened**, by the reforms. Providing clarity of roles, adequate resourcing, and modern digital tools will be critical to maintaining meaningful engagement within the fast-track regime. By embedding these principles, the Government can help ensure that the new process delivers both efficiency and legitimacy, reinforcing public trust in the infrastructure planning system.

Reforming NSIP Services: the fast-track process

Question 43: Do you agree that there remains merit for applicants in a fast-track process, based on shortened examinations delivered through primary legislation and with the process set out in guidance, that is designed to deliver a faster process for certain projects? If yes, give reasons why it is not being used currently; if not, please give reasons.

NIPA agrees that in principle there remains merit in establishing a **fast-track process** for certain types of NSIPs, provided it is implemented in a way that preserves the **integrity, transparency, and inclusivity** of the existing DCO regime. A well-designed fast-track route could improve efficiency and investment certainty, but its success will depend on clear legislative foundations, robust procedural safeguards, and meaningful engagement by all participants and could be delivered most simply within the existing structure without creating a separate untried and tested procedure.

Cost and Efficiency Considerations

The cost of developing major infrastructure projects is inherently high and continues to increase over time, reflecting the ongoing need to retain project teams, consultants, and technical specialists. Delays in the consenting process directly translate into escalating

costs, which can impact the financial viability of projects. A **well-structured fast-track process** that shortens particularly the examination phase, without extending other stages or compromising quality or scrutiny, would deliver significant value by improving cost efficiency, certainty, and investor confidence.

Importance of Consultation and Engagement

However, any acceleration of the consenting process must not come at the expense of **meaningful consultation and engagement**. Robust dialogue with statutory consultees, technical experts, and local communities is central to the legitimacy and quality of NSIP decision-making. The most successful projects are those that are shaped collaboratively, delivering outcomes that balance national policy priorities with local needs and benefits. Curtailing these opportunities for engagement in pursuit of expediency would be counterproductive and risk undermining trust in the regime and timely progression at delivery stages.

Risks of Reduced Transparency

A fast-track model that compresses or limits consultation could inadvertently **reduce transparency** and increase public resistance. Where communities or stakeholders perceive that their voices have not been adequately heard, the result is often greater opposition, challenge, and reputational damage. Transparency and inclusivity are not barriers to progress, they are essential foundations for the **social licence to operate** that major infrastructure projects depend on.

Reasons the Fast-Track Process Is Not Currently Being Used

Although the principle of a fast-track process has potential merit, NIPA believes there are several barriers which have limited its adoption to date:

- The applicants most likely to be able to benefit from a fast-track process are those least likely to need the enhanced tier of service. These projects are also likely to have smaller teams and budgets, so that the fees associated with the enhanced tier appear disproportionately high. By combining the fast-track process and the enhanced tier, the process is not attracting the applicants who might use it. **It is therefore recommended that the fast-track process be divorced from the enhanced service.**
- The fast-track process requires production of additional documentation that can lengthen the pre-application process. Therefore, some applicants fear the fast-track service may delay applications. **It should be considered whether it is necessary for fast-track applications to produce documents that other applicants do not.**
- A lack of **clarity around the cost-benefit balance** and tangible value of the process. As applicants have not seen projects go through the process and the decision on fast-track eligibility is only determined following the Relevant Representation period, applicants are uncertain about whether the advantages justify the upfront investment.
- Uncertainty over whether **statutory consultees** such as Natural England, Historic England, or the Environment Agency and host authorities are able to commit to expedited engagement within compressed timelines.

- **Procedural uncertainty**, including the absence of clear eligibility criteria, and process detail to ensure fairness and consistency.
- **Awareness that occurrences outside the applicant's control can occur that would make a shorter Examination not possible, regardless of application quality.** For example, a land interest or key stakeholder can make contact after submission of an application requesting a change to the application. Change applications often mean that a shorter Examination is not possible.
- **Intensity of Examination.** Examinations can be very intense for all parties, particularly applicants, who are required to provide the majority of responses to written questions, experts at hearings and updates to documents. Some NIPA members expressed fear over how a shorter, more condensed Examination might affect the wellbeing of their teams.

There remains clear merit in a fast-track process for **strategically important or less complex projects**, but only where it is underpinned by:

- Clear and detailed procedural guidance;
- Defined eligibility and quality assurance criteria; and
- A secure commitment to meaningful engagement from applicants, consultees, and local authorities alike.

Without the above, a fast-track process risks undermining the very outcomes, speed, certainty, and confidence, that it seeks to promote.

NIPA Observations

NIPA's experience highlights that efficiency improvements must be accompanied by **robust governance, adequate resourcing, and stakeholder confidence**. A fast-track process should complement, not dilute, the principles of fairness, transparency, and evidence-based decision-making that underpin the DCO regime.

Government should focus on providing clear rules, adequate support for statutory bodies, and reliable performance monitoring to ensure the process operates as intended. With these measures in place, the fast-track process could become a valuable mechanism for delivering nationally significant infrastructure more efficiently, while maintaining the integrity and legitimacy of the planning system. Although we consider if these measures were focussed on the existing procedure, it would deliver more efficiency with the risk of procedural change.

Question 44: The current fast-track guidance is designed to deliver upfront certainty for making decisions within 12 months of applications being accepted. Do you consider it fit for purpose? If not, please give reasons.

NIPA considers that while the current fast-track guidance, as set out in the *Planning Act 2008: Fast-Track Process for Nationally Significant Infrastructure Projects* and the *Planning Inspectorate's Pre-Application Prospectus 2024*, provides a useful framework for the accelerated determination of NSIPs, there are improvements that could be made to make it more effective if it is to be continued. The guidance remains high-level and lacks sufficient operational clarity, particularly around eligibility, resourcing, certainty and coordination between applicants, local authorities, and statutory consultees.

Detailed Response

The intention behind the fast-track process, to provide upfront certainty and deliver decisions within 12 months of acceptance, is strongly supported by NIPA. However, the current guidance does not yet set out expectations for all parties involved in making the process fully effective or reliable for applicants.

Integration

The two guidance documents, *Planning Act 2008: Fast-Track Process for Nationally Significant Infrastructure Projects* and the *Planning Inspectorate's Pre-Application Prospectus 2024*, together offer useful direction but could be integrated. Applicants and all parties involved require a single, coherent framework that clearly explains the pre-application requirements for the fast-track process.

Resourcing and Capacity

A central limitation to entering the fast-track process is the capacity of public bodies to engage during the pre-application stage. Local authorities, statutory consultees, and the Planning Inspectorate itself must be adequately resourced to respond promptly, effectively and consistently. Without fully funded and staffed authorities, the fast-track process risks creating unrealistic expectations for applicants to be able to achieve and quality and the proposed benefits to be delivered.

Consistency and Accountability

The current guidance should provide clearer performance expectations, including defined roles, responsibilities, and expected timeframes for all participants in the process. The Annex to the Planning Inspectorate's Prospectus details the pre application components required to be progressed and prepared to be eligible for the fast-track process. This annex details the applicant's role and the Planning Inspectorate's role however, where relevant, it does not detail the statutory consultee's role. This could be a useful addition to establish expectations which can then be clearly referenced and communicated to the relevant statutory consultees. Furthermore, applicants would benefit from greater assurance that when projects are accepted into the fast-track route, the necessary regulatory and advisory bodies will be equipped and committed to meeting compressed deadlines in a meaningful and proactive way. A more comprehensive guidance document for all parties regarding the likely approach to be taken would help set expectations and ensure that the 12-month decision target is achievable in practice.

NIPA considers that the guidance should also include provisions for defining what types of projects are suitable for fast-tracking, such as low impact developments or policy-aligned schemes.

NIPA Observations

NIPA's wider experience shows that achieving genuine acceleration in decision-making depends not solely on procedural reform, but on system-wide readiness, adequate resources, and shared accountability. The current fast-track guidance provides a starting point but requires refinement to ensure clarity, capacity, and expectation for all participants.

Government should prioritise fully resourcing the Planning Inspectorate and statutory consultees, developing clearer operational guidance, and ensuring transparent criteria for fast-track eligibility. By addressing these issues, the guidance could evolve into a practical and trusted framework that delivers the intended benefits, greater speed, certainty, and efficiency, without compromising the rigour or legitimacy of the DCO process and outcomes for all.

Question 45: How do you think the existing fast-track process could be amended to support delivery of government's priorities, and be more widely applied to applicants? We are also interested in views on how government should determine and communicate which projects it considers to be a priority for taking through the pre-application, examination and decision process.

Summary

NIPA considers that the **fast-track process** could play an important role in delivering government priorities, such as energy security, net zero, and sustainable infrastructure, provided it operates transparently, fairly, and with clear accountability. To be effective, reforms must ensure that priority projects receive appropriate support **without disadvantaging other applicants**, and that the process remains predictable, equitable, and trusted by all stakeholders.

Detailed Response

To better support the delivery of government priorities and ensure fairness across the planning system, the fast-track process could be strengthened and more widely applied through the following measures.

Transparent Determination of Priority Projects

Government must adopt a clear and consistent approach to determining which projects qualify as **priority schemes**. This requires:

- **Published and objective criteria** for priority designation, such as alignment with net zero commitments, energy security, or national housing and infrastructure goals;
- A **publicly accessible register** of projects that have been designated as priorities; and
- A transparent and reviewable process, allowing applicants to understand the rationale for decisions and, where appropriate, to challenge or seek reconsideration of their project's status.

While it is appropriate that priority projects receive enhanced attention to enable timely delivery, NIPA stresses that **non-priority projects may also hold strategic or local significance**. A balanced and transparent system is essential to ensure that all projects are treated equitably and that the fast-track mechanism supports, rather than distorts, the wider planning framework.

Fairness in Resource Allocation

NIPA supports an approach to resourcing that reflects **fairness and proportionality**. While priority projects may justify enhanced engagement and support, all applications should continue to be processed within statutory timeframes. Applicants already contribute significantly to the UK economy through taxation, employment, and investment, and should not be required to shoulder the full cost of systemic resourcing challenges.

Government should explore **match funding or co-investment models** to ensure equitable cost-sharing, particularly for projects that deliver broad public benefit. This approach would avoid creating a two-tier system and would help maintain confidence in the planning system's impartiality.

Improved Communication Around Decision Deadlines

Predictability and clarity around decision timelines are fundamental to maintaining investor confidence for project promoters. Recent experiences of last-minute decision deadline extensions, often with limited explanation, have eroded trust in the system. NIPA recommends that:

- The use of **discretionary extensions** be strictly limited and applied only with clear, documented justification; and
- Even where full public disclosure is not possible, **direct communication with affected applicants** should be provided, explaining the reasons for delay and the expected timescale for resolution.

Providing greater certainty and transparency in this area would help applicants manage financial and delivery risk, while reinforcing confidence in the overall reliability and credibility of the DCO regime.

NIPA Observations

NIPA's broader experience reinforces that achieving government priorities in infrastructure delivery depends on a **fair, transparent, and predictable NSIP process**. The fast-track process can play a valuable role in accelerating nationally significant projects, but it must be supported by clear guidance, proportionate resourcing, and consistent communication.

Government should focus on establishing transparent criteria for priority designation, ensuring equitable treatment of all projects, and upholding strong standards of accountability and communication. By embedding these principles, the fast-track process can deliver meaningful efficiencies and support the timely delivery of infrastructure, while maintaining confidence, fairness, and legitimacy across the planning system. There should also be focus and investment on encouraging timely actions within the existing framework that can also deliver faster outcomes.

Question 46: In what ways can government and its agencies best support applicants and relevant stakeholders to achieve robust, and faster decision timeframes during the pre-application, examination and decision process? Please indicate your views on the following potential changes, covered in this section. Please suggest practical measures, tools, or desired policy changes, and give reasons to support these:

- (a) Adapting the existing process so that it supports those projects which are considered by government to be a priority for fast-tracking.
- (b) Developing an approach based on a more proactive role for government and its agencies facilitating fast-track projects through the pre-application, examination and decision process.
- (c) Support priority projects to be fast-tracked, by reducing / removing applicant choice from the decision about whether to apply a fast-track process.
- (d) Introduce greater flexibility by adapting the current guidance to make it clear that the priority level of the project will form part of an overall assessment about the eligibility of the project for the fast-track process.

Summary

NIPA agrees that government and its agencies can play a critical role in helping to achieve **faster and more robust decision-making** throughout the NSIP process, from pre-application through to examination, determination and implementation. Achieving this objective will require not only procedural reform but also **system-wide coordination, resourcing, and clarity of roles and responsibilities**. Each of the potential changes outlined has merit, but success will depend on ensuring transparency, fairness, and practical implementation and keeping complexity to a minimum.

Detailed Response

(a) Adapting the existing process to support projects considered a priority for fast-tracking

NIPA supports adapting the existing NSIP process to accommodate projects that have been formally designated as **government priorities**, provided this is done in a transparent and proportionate manner. The process should include clear **eligibility criteria**, published by government, explaining how priority status is determined, such as alignment with net zero goals, energy security, or other national policy objectives.

To be effective, any adaptation must also ensure that **non-priority projects continue to progress efficiently** within statutory timeframes. The system should not become two-tiered or inequitable. Guidance should also make clear how the fast-track process will operate for priority projects, including expectations for consultation, engagement, and the responsibilities of statutory bodies in supporting accelerated timelines.

(b) Developing a more proactive role for government and its agencies

NIPA strongly supports a **more proactive enabling and facilitation role** for government and its agencies in managing fast-track projects through the pre-application, examination, and decision stages. This would help identify and resolve key issues early, improve coordination among statutory consultees, and prevent delays.

Government could strengthen its role by:

- Establishing a **dedicated coordination unit or “fast-track delivery team”** to oversee priority projects and provide consistent support;

- Ensuring agencies such as the Environment Agency, Natural England, and Historic England and local authorities are **formally resourced and mandated** to engage on accelerated timelines; and
- Providing clear escalation routes where engagement is not forthcoming or where issues risk delaying progress.

A proactive government presence would give applicants greater confidence that fast-tracked projects are genuinely being prioritised and managed strategically across departments.

(c) Reducing or removing applicant choice about whether to apply a fast-track process

NIPA recognises that automatic allocation of certain projects to the fast-track process, based on government-defined criteria, could improve **consistency and efficiency**. However, removing applicant choice entirely may have unintended consequences, particularly where project promoters judge that a longer pre-application phase is necessary to achieve quality outcomes or community support.

A more balanced approach would allow **government recommendation or expectation**, rather than a mandate. Applicants should retain the option to decline fast-tracking where they consider that additional time for engagement or technical development is needed. This flexibility would protect the **integrity and adaptability** of the system, ensuring that process acceleration does not compromise quality or public confidence.

(d) Introducing greater flexibility by linking project priority to fast-track eligibility

NIPA supports introducing **greater flexibility** into the guidance so that project priority becomes one factor in assessing fast-track eligibility. This would ensure that government priorities are recognised while maintaining a holistic evaluation of project readiness, complexity, and stakeholder engagement.

Eligibility assessments should consider both the **strategic importance** of the project and the **practical capacity** of the applicant and consultees to meet the requirements of an accelerated process. Incorporating project priority as part of a broader assessment framework would create a more nuanced and adaptable approach, aligning resource allocation with both policy objectives and delivery feasibility.

NIPA Observations

NIPA's wider experience demonstrates that achieving faster and more robust decision-making depends on a **combination of strong leadership, adequate resourcing, and collaborative culture** across the planning system. The fast-track process will only succeed if government provides clear guidance, establishes transparent criteria for project prioritisation, and ensures that statutory bodies are empowered and equipped to meet compressed timeframes.

A **proactive facilitation model**, supported by well-defined roles, digital coordination tools, and consistent communication with applicants, would enable government to drive genuine improvement in the speed and quality of NSIP decisions. However, reforms must remain flexible, maintaining space for applicants to make informed choices and for all parties to uphold the transparency and inclusivity that underpin public trust in the regime.

Question 47: Do you have any other comments or suggestions regarding the fast-track process or related policies?

Summary

NIPA supports the government's intention to improve efficiency and certainty within the NSIP regime but cautions that any reform of the **fast-track process** must be grounded in a **realistic understanding of where time and cost are truly incurred** in the DCO process and that time is not just being moved to another stage. The majority of project expenditure and delay arises not during the examination stage, but within the pre-application phase or during continuing approvals and managing change in implementation. Policy reform should therefore prioritise more widely **streamlining pre-application requirements, improving coordination, and encouraging a more outcomes-based approach to engagement, mitigation and implementation.**

Time savings through the fast-track process

We recommend that the Government considers if these can be improved, to make the fast track-process more attractive, as a c.3-4 month saving over the normal process is marginal for most projects. A c.6 month time saving would make more of a difference.

Pre-Application Stage as the Primary Cost Driver

Experience across NIPA's membership demonstrates that the **pre-application stage represents the most resource-intensive element** of the DCO process at the greatest time of funding risk. Applicants typically invest two to three years undertaking environmental surveys, technical assessments, design refinements, and wide-ranging consultation with statutory bodies and local communities. This work is essential to developing a robust, evidence-based application.

As such, shortening the examination phase by several months through a fast-track process is unlikely to **materially reduce overall project timescales or costs**. The pre-application stage remains the critical determinant of both project readiness and eventual decision quality.

Shifting the Focus to Reducing Pre-Application Burden

Rather than focusing solely on compressing the examination phase, NIPA believes that **policy attention should shift toward streamlining and de-risking the pre-application process**. Key opportunities for improvement include:

- **Earlier and more consistent engagement** from statutory consultees to identify issues and avoid late-stage surprises;
- **Clearer and proportionate guidance** on the scope of environmental and technical assessments, reducing duplication and unnecessary work;
- **Improved coordination between regulators**, ensuring that requirements are aligned and proportionate across agencies; and
- **Greater use of digital tools and platforms** to support efficient consultation, evidence-sharing, and document management.

Reforms in these areas would deliver more meaningful time and cost savings than procedural acceleration alone.

Statutory Consultees and the Challenges of the Regulatory Framework

Overall, there is a precautionary approach built into many of the considerations and duties that the Statutory Consultees are responsible for and inevitably this drives the need for greater certainty and detailed information, which is often not available at the stage of project development reached in pre-application and even Examination. This would benefit from a look at the framework and drivers for this to enable proactive behavioural change.

A more **outcomes-based and adaptive approach** to assessment and mitigation, recognising the desire for flexibility given the stage of design and the cumulative value of incremental improvements, would better align with the realities of infrastructure delivery in the current climate. Such an approach would maintain environmental and social safeguards while promoting the agility and innovation required to meet urgent national objectives such as net zero, energy security, and resilience.

NIPA Observations

NIPA's broader experience reinforces that effective reform must be **strategic, evidence-based, and proportionate**. The fast-track process may offer marginal benefits in certain cases, but the **primary opportunity for system-wide improvement lies in addressing the complexity, uncertainty, and cost of the pre-application stage**.

Government should therefore focus on ensuring early, well-resourced engagement from statutory bodies, introducing proportionate evidence requirements, and promoting pragmatic, outcomes-focused decision-making. By doing so, it can deliver genuine efficiency gains while upholding the integrity, inclusivity, and quality that underpin the DCO regime.

**CHAPTER 5: MANDATORY PRE-APPLICATION REQUIREMENTS UNDER THE TOWN
AND COUNTRY PLANNING ACT 1990**

Mandatory pre-application requirements under The Town and Country Planning Act 1990

Question 48: Do you agree that pre-application consultation requirements under the Town and Country Planning Act for onshore wind developments should be removed? Please give reasons.

Yes. Whilst NIPA is supportive of the principle of pre-application consultation within the Town and Country Planning Act 1990 (TCPA) regime and recognises the benefits this delivers to project quality and community engagement, NIPA agrees that it is not necessary for onshore wind proposals to be treated differently from other forms of energy infrastructure or comparable categories of development in England. NIPA considers that the National Planning Policy Framework (NPPF) already provides a clear and proportionate policy basis for encouraging meaningful pre-application engagement, without the need for additional or distinct statutory requirements specific to onshore wind.

Additional guidance such as the *Community Engagement from Onshore Wind Developments Good Practice Guidance for England 2021* could be a valuable resource for guiding applicants in their pre-application engagement for energy infrastructure in the TCPA regime.