

DEVELOPMENT CONSENT ORDER APPLICATIONS - HELPSHEET FOR INTERESTED PARTIES

Planning Inspectorate Video Explaining the Process

<https://www.youtube.com/watch?v=4COj1N0kbFA>

Planning Act 2008

<http://www.legislation.gov.uk/ukpga/2008/29/contents>

Planning Portal

<https://www.planningportal.co.uk/>

Planning Inspectorate Website for the Application

<https://infrastructure.planninginspectorate.gov.uk/> - Type the project name in the search box.

The screenshot shows the homepage of the National Infrastructure Planning website. The header includes the title 'National Infrastructure Planning' and navigation links for 'Overview', 'FAQs', 'Contact', and 'Sitemap'. A search bar is located on the right. Below the header, there are tabs for 'Home', 'Projects', 'Application process', 'Legislation and advice', and 'Help'. The main content area is divided into two columns. The left column contains a 'Welcome to National Infrastructure Planning' section, a 'Content provided by:' section with the Planning Inspectorate logo, and a 'How the application process works' section. The right column contains a 'Projects' section with a search bar and a list of 'Latest projects accepted for examination', including 'M25 Junction 10/A3 Witley Interchange Improvement', 'Norfolk Boreas', 'Southampton to London Pipeline Project', 'Great Yarmouth Third River Crossing', 'West Burton C power station', 'A38 Derby Junctions', 'VPI Immingham DCSST', and 'A19 Dunsill Lane Junction Improvement'. There is also a 'Latest activity feed' section.

Different tabs appear for Overview (showing the latest position/document), Exam'n Timetable and Documents:

The screenshot shows the project page for 'East Anglia THREE Offshore Wind Farm' on the National Infrastructure Planning website. The header is the same as the homepage. The main content area has tabs for 'Overview', 'Exam'n advice', 'Exam Timetable', and 'Documents'. The 'Overview' tab is selected. The page displays the project name 'East Anglia THREE Offshore Wind Farm' by 'East Anglia THREE Limited'. A progress bar shows the status 'Decision' as the current stage, with 'Decided' and 'Withdrawn' as previous stages. A message box states: 'A Decision Letter from Department for Business, Energy and Industrial Strategy (BEIS) regarding a Non Material Change for East Anglia THREE Offshore Wind Farm has been published.' dated '06 June 2019'. Below this, there is a 'What happens next' section, an 'About this project' section, and a 'Timeline (36 items)' section. The 'About this project' section describes the development of an offshore windfarm with an approximate capacity of 1200MW off the coast of East Anglia, within the area known as Zone 5, under the Round 3. The 'Timeline' section shows a list of items, with the first item being a 'Decision Letter from Department for Business, Energy and Industrial Strategy (BEIS) regarding a Non Material Change for East Anglia THREE Offshore Wind Farm'.

East Anglia THREE Offshore Wind Farm

https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-three-offshore-wind-farm/tip/section=exam

National Infrastructure Planning

Enquiries: 0303 444 5000

Home Projects Application process Legislation and advice Help Search

Generating Stations: **East Anglia THREE Offshore Wind Farm** by East Anglia THREE Limited

Decision Decided Withdrawn

[Find out more about the process >](#)

A Decision Letter from Department for Business, Energy and Industrial Strategy (BEIS) regarding a Non Material Change for East Anglia THREE Offshore Wind Farm has been published.

06 June 2019

Overview **SSI advice** Exam Timetable Documents

This page sets out the timetable for the examination of the application. It includes the deadlines for submissions to be made to the Planning Inspectorate and the dates of events taking place during the Examination. The Examination Timetable is also set out in an annex to the [Rule 8 letter](#) that was sent to Interested Parties at the start of the Examination.

Show as Calendar Download iCalendar (.ics format)

Event Date	Description
28 June 2016	Unaccompanied Site Visit
29 June 2016	Issue Specific Hearing Issue Specific Hearing (ISH) relating to the definition of the project and draft Development Consent Order (DCO) matters

Examination Stage – FAQs

What is the Examination?

How is the Examination conducted?

How can Interested Parties provide more detailed Written Representations?

Can I provide a Written Representation even if I did not submit a valid Relevant Representation?

What are the different types of hearings?

Who can attend hearings?

Can I speak at any hearings?

East Anglia THREE Offshore Wind Farm

https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-three-offshore-wind-farm/tip/section=docs

National Infrastructure Planning

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06 June 2019

Overview **SSI advice** Exam Timetable Documents

[View the Examination Library with reference numbers](#)

You can filter the results to show only the items that match your interest.

Showing All Documents (819 results)

Show 100 entries Filter:

Showing 1 to 100 of 819 entries Previous 1 2 3 4 5 ... 8 Next

Documents Published By Stage

- Pre Application (5)
- Developer's Application (297)
- Acceptance (12)
- Pre Examination (16)
- Examination (430)

Description

Department for Business, Energy and Industrial Strategy

Non Material Change Decision Letter

Decided > Non Material Change

Relevant National Policy Statements

EN1 Overarching Energy NPS 2011

EN3 Renewable Energy Infrastructure 2011

EN5 Electricity Networks Infrastructure 2011

<https://www.gov.uk/government/publications/national-policy-statements-for-energy-infrastructure>

Matters to be disregarded

Planning Act 2008: “S106 (3) The Examining authority may in examining the application disregard representations if the Examining authority considers that the representations—

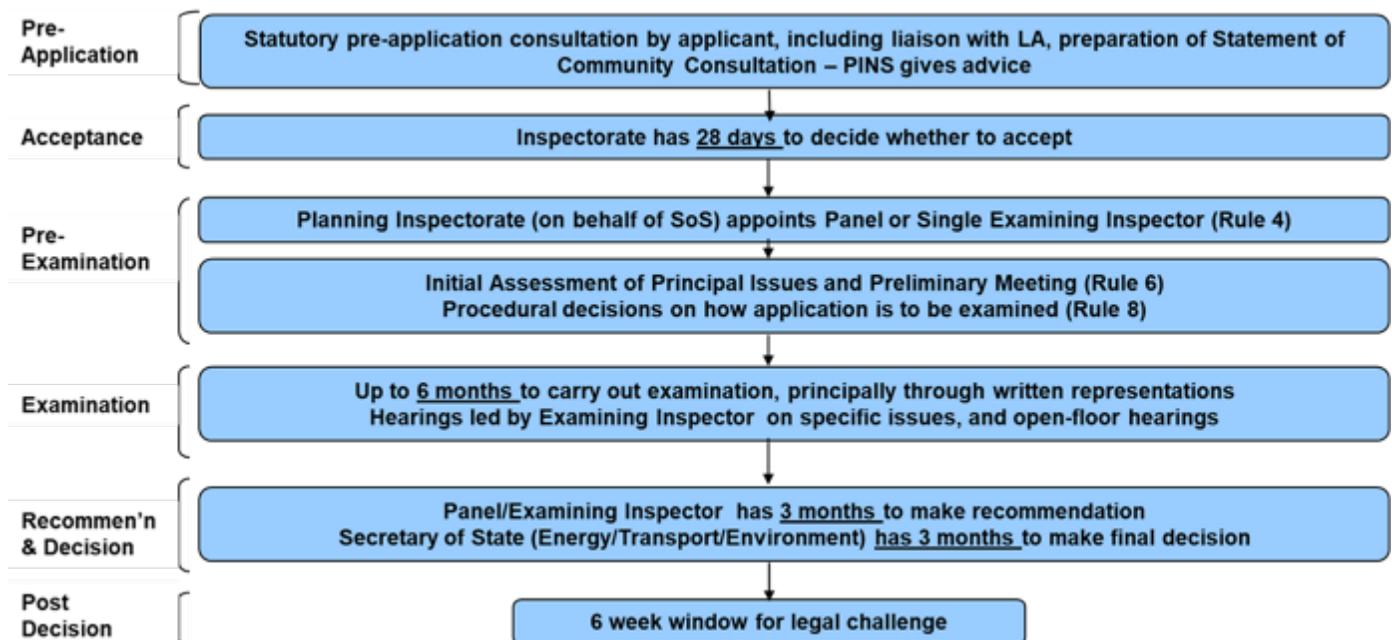
- (a) are vexatious or frivolous,
- (b) relate to the merits of policy set out in a national policy statement, or
- (c) relate to compensation for compulsory acquisition of land or of an interest in or right over land.”

Accordance with National Policy Statements

Planning Act 2008: “S104 (3) The Panel or Council must decide the application in accordance with any relevant national policy statement, except to the extent that one or more of subsections (4) to (8) applies.

- (4) ...the UK would be in breach of any of its international obligations.
- (5) ...in breach of any duty imposed on it by or under any enactment.
- (6) ...would be unlawful by virtue of any enactment
- (7) This subsection applies if the Panel or Council is satisfied that the adverse impact of the proposed development would outweigh its benefits.
- (8) This subsection applies if the [F13Secretary of State] is satisfied that any condition prescribed for deciding an application otherwise than in accordance with a national policy statement is met”.

Pre-application and Application Stages



Accountability of the Planning Act 2008 process

Sustainable development & good design - S10 of Planning Act 2008 requires SoS to draw up and designate National Policy Statements “with the objective of contributing to the achievement of sustainable development” and “must (in particular) have regard to the desirability of— (a)mitigating, and adapting to, climate change; (b)achieving good design”.

Independence of Examining Authority – particularly in how it conducts the examination: “S87(1) It is for the Examining authority to decide how to examine the application”.

NPSs are voted on in Parliament.

Statutory pre-application consultation is a legal requirement placed on the applicant.

Pre-app consultation Guidance and S50 Guidance to which the “applicant must have regard”

Local Impact Report from the Local Authority has particular status in S104 & S105 to ensure it is fully taken into account.

Example Draft Examination Timetable/Invitation to Preliminary Meeting:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010049/EN010049-001710-Rule%206.pdf>

Annex D

Draft timetable for examination of the application

The Examining Authority's (ExA) examination of the application takes the form of consideration of written representations about the application. The ExA will also consider any oral representations made at the hearings. The ExA is under a duty to **complete** the examination of the application by the end of the period of 6 months beginning with the day after the close of the preliminary meeting.

Item	Matters	Due Dates 2014
1	Preliminary Meeting	Tuesday 10 June
2	Issue by ExA of: <ul style="list-style-type: none">Examination timetableExA's first round of written questions	Tuesday 17 June
3	Deadline I (Notifications) Deadline for receipt of: <ul style="list-style-type: none">Notification of wish by an interested party to be heard at an open floor hearingNotification by an affected person of wish for compulsory acquisition Hearing to be heldNotification of wish to make oral representations at the issue-specific hearingSubmission of suggested location/sites for the ExA to include as part of the accompanied site visit (ASV)Deadline for Statutory Parties to inform the ExA of a wish to be considered an interested party	Tuesday 24 June
4	Deadline II (Representations) Deadline for receipt of: <ul style="list-style-type: none">Summaries of all RRs exceeding 1500 wordsWritten representations (WRs) by all interested parties	Tuesday 8 July

	<ul style="list-style-type: none">Summaries of all WRs exceeding 1500 wordsLocal Impact Reports from any local authoritiesStatements of Common Ground requested by ExAResponses to ExA's first round of written questionsAny updated documents from the applicant including updated HRA matrices	
5	Open floor hearing including: <ul style="list-style-type: none">Project introduction and explanation by the applicantRepresentations by other interested parties	Tuesday 29 July
6	ExA's Inspection of Site(s) in the company of interested parties	Wednesday 30 July
7	Issue-specific hearing including: <ul style="list-style-type: none">The draft DCO: Introductory issues	Thursday 31 July
8	Deadline III (Comments) Deadline for receipt by the ExA of: <ul style="list-style-type: none">Comments on relevant representations (RRs) and on WRs (including any revised DCO from the applicant)Comments on Local Impact ReportsComments on responses to ExA's written questionsWritten summaries of oral cases made at Hearings held in the week commencing 28 July 2014 and any related information.	Tuesday 5 August
9	Issue-specific hearing including: <ul style="list-style-type: none">Habitats Regulations Assessment (including methodology and impacts marine mammals)Impacts on other protected species and habitatsImpacts on fishing and navigationHydrology and physical processesWaste water impactsConstruction impacts and socio-economic mattersMonitoring, management and mitigation plans and provisions	Tuesday 16 September Wednesday 17 September Thursday 18 September

10	Dates reserved for continuation of issue-specific hearing (if required)	Tuesday 23 September Wednesday 24 September Thursday 25 September
11	Date reserved for compulsory acquisition hearing and second open floor hearing (if required)	Tuesday 30 September Wednesday 1 October Thursday 2 October
12	Deadline IV (Post hearings) Deadline for receipt by ExA of: <ul style="list-style-type: none"> All post hearing documents (including any revised DCO from the applicant) All written summaries of oral cases made at all hearings 	Tuesday 7 October
	[Date reserved for issue of second round of ExA's questions if required]	Tuesday 14 October
	[Deadline for the responses to second round of ExA's questions]	Tuesday 4 November
13	Issue by ExA of: <ul style="list-style-type: none"> The Report on the Implications on European Sites (RIES) Draft DCO including any changes proposed by the ExA 	Tuesday 14 October Or Wed 12 Nov if a second round of ExA's Qus

14	Deadline V (Final) Final deadline for receipt by ExA of: <ul style="list-style-type: none"> Comments on the Report on the Implications on European Sites (RIES) Comments on ExA's Consultation DCO (including any revised DCO from the applicant) [And comments on the response to ExA's second round of questions] 	Tuesday 28 October Or Thurs 27 Nov if a second round of ExA's Qus
15	Earliest date upon which the ExA could close the examination	Friday 31 October Or Fri 28 Nov if a second round of ExA's Qus
16	The ExA is under a duty to complete the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.	Wednesday 10 December

Example of Principal Issues:

Annex C

EN010049 - Proposed Tidal Lagoon Swansea Bay: Initial Assessment of Principal Issues

This is the initial assessment of the principal issues by the Examining Authority (ExA) of the application for and relevant representations upon the proposed Tidal Lagoon Swansea Bay. It is not an exclusive list and regard will be had to all matters that are both important and relevant.

1. Law and Policy

- 1.1 Status and nature of the application as a Nationally Significant Infrastructure Project under ss14 and 15 of the Planning Act 2008.
- 1.2 Scope of works proposed as the principal development and extent of any associated development to be determined by Welsh Local Planning Authorities.
- 1.3 Other consents that would be required for the generating station to become operational including the proposed Welsh Marine Licence.
- 1.4 Relevant UK legislation/policy including in National Policy Statements and the Marine Policy Statement.
- 1.5 Relevant Welsh policy in Planning Policy Wales and in Technical Advice Notes (including TANs 8, 11, 12, 13, 14, 15, 16, 22 and 23), and the relevance of the Welsh Assembly Future Generations Bill, Local Development Plan policies and of any consultation on plan scope, vision and objectives of the proposed National Marine Plan for Wales.
- 1.6 Given the representations from Natural Resources Wales, the adequacy of the environmental assessment of impacts:
 - on European Sites under the Habitats Regulations;
 - in the Water Framework Directive Assessment;
 - on terrestrial ecology and Sites of Special Scientific Interest (SSSIs);
 - on intertidal benthic ecology (including loss of Biodiversity Action Plan Annex 1 habitats and degradation of features including in an SSSI, mitigation, offsetting, omission of Blackpill SSSI baseline data)
 - on sub-tidal ecology (including uncertainty over areas, effects and dredge disposal);
 - in relation to bio-security;
 - on fish (including assessment approach, modelling parameters, impacts of sediment levels on fish spawning including interaction with climate change, uncertainty over monitoring and mitigation proposals);
 - on coastal birds (including Sanderling / Ringed Plover and Great Crested Glebe) and,
 - on the value of heritage assets.
- 1.7 Any transboundary issues affecting another European Economic Area state.

2. Renewable Energy Generation and Climate Change

- 2.1 The extent to which the proposal would deliver renewable energy.
 - 2.2 The contribution the development would make in addressing climate change mitigation and its adaptability to climate change impacts.
- #### 3. Construction Process, Dredging and Physical Processes
- 3.1 Scope for the Development Consent Order to include/exclude design/works options.
 - 3.2 Use of geotubes, extent of fill generally, using dredged rock and using rock imported to the site.
 - 3.3 The extent to which the sustainable transportation of construction materials to the site is achievable and enforceable under all operating conditions, including capacity at the adjacent rail sidings and harbour facilities for the offloading of 2.79mt of rock and rock armour from a Cornwall quarry.
 - 3.4 Relocation of existing foul waste water outfall.
 - 3.5 Extent of effects of dredging including mobilisation of contaminants (such as heavy metals) and loosening of dredging.
 - 3.6 Sourcing of rock/fill imported to the site and any necessary consents required.
 - 3.7 Scouring and scour protection/prevention.
 - 3.8 Effects on coastal/sand erosion.
 - 3.9 Extent of maintenance operations provided for by the interpretation of 'maintain' in the DCO.
 - 3.10 Potential siltation (within rivers and within and outside the proposed lagoon).
 - 3.11 Demolition of eastern breakwater in the mouth of the river Tawe and realignment of the eastern training wall in the mouth of the river Neath.

4. Species and Habitats: Impacts on European Sites

- 4.1 Loss of or change to offshore and intertidal habitats consequent on changes to marine and coastal processes due to construction, operation and/or decommissioning of the project.
- 4.2 Likely Significant Effects (alone and in combination) on habitats and species at Kenfig, Crymlyn Bog, Pembrokeshire Marine, Cardigan Bay and Pen Llyn a'r Samau Special Areas of Conservation and requirement for Habitat Regulations Assessments (including potentially Appropriate Assessment, Assessments of Alternatives, Imperative Reasons of Overriding Public Importance including if necessary compensatory measures). Impacts on species including but not limited to birds, marine mammals, fish, intertidal and subtidal benthic ecology.

4.3 Role of environmental monitoring and any triggers for programmed mitigation measures. Securing of such programmes in any Development Consent Order.

5. Species and Habitats: Impacts on Other Designated Sites including Sites of Special Scientific Interest

5.1 Mitigation of impacts and residual impacts of project (alone and cumulatively) on Sanderling / Ringed Plover and Great Crested Newt and on Annex 1 species under the UK Biodiversity action Plan. Impacts of project (alone and cumulatively) on species including but not limited to birds, marine mammals, turtles, fish (including fish spawning and impacts on salmon and trout), intertidal and subtidal benthic ecology.

5.2 Role of environmental monitoring and any triggers for programmed mitigation measures. Securing of such programmes in any Development Consent Order.

5.3 Habitat creation as mitigation and bio-security.

6. Shipping, Recreational and Navigational Safety

6.1 Reduced accessibility to the estuary/open sea for pleasure craft etc.

6.2 Marine access to the lagoon and potential for wave echo around lagoon walls.

6.3 Siltation of the dredged Swansea Bay and approach channels to rivers Tawe and Neath.

6.4 Shipping routes and impacts related to rock transshipment and construction.

6.5 Aids to Navigation as provided for in the DCO. Operation of Safety Zones and navigational and marine safety measures.

6.6 Navigational rights.

6.7 Transfer of Welsh Marine Licence.

7. Fishing

7.1 Impacts on fish movement and fishing areas including along the rivers Tawe and Neath.

7.2 Impacts on fish stocks, the fishing industry and on recreational fishing.

7.3 Effects of any exclusion areas during construction and operation of the proposal.

8. Flooding

8.1 Residual flooding risk impacts including impacts of flooding and/or severe storms upon proposed structures and on other coastal areas, sea defences and other structures.

12. Compulsory Powers

12.1 Whether acquisition of the land is necessary, whether alternatives have been considered and whether there is a compelling case in the public interest (s122) for the acquisition of identified plots and compulsory powers over, and rights in, land, subject to any protective provisions.

12.2 Whether the interference in human rights of compulsory acquisition powers would be justified and proportionate.

12.3 Special land: the need for any authorisations to acquire Crown Land (under s135), statutory undertakers land (s127) or to interfere with statutory undertakers' equipment (s138).

12.4 Extent and detail of rights proposed to be acquired in land.

12.5 Other compulsory powers proposed to be granted, including temporary possession/use of land, powers to override easements and rights over/under streets.

Gideon Amos

Gideon Amos OBE RIBA MRTPI, Lead member of the Examining Authority
On behalf of the Panel
1 May 2014

9. Natural and Built Heritage

9.1 Impacts on natural heritage features.

9.2 Impacts on manmade designated and undesignated heritage assets and their significance.

10. Socio-economic, Health and Terrestrial Traffic and Noise Impacts

10.1 Impacts upon the local highway network during construction arising from the road transportation of the raw materials required to produce 220,000m³ of concrete as well as other construction materials.

10.2 Effects upon transport systems, including effects on individual services and bus and rail networks and systems and upon pedestrians, cyclists, motorists, other road users and on rights of way.

10.2 Traffic, air quality and noise impacts onshore.

10.3 Effects on water quality and the Water Framework Directive requirements (including potential creation of a new water body).

10.4 Given the aspiration to undertake construction works 24/7, the impacts arising from aspects of the construction noise upon local communities and the environment.

10.5 The impacts arising from the construction of the development (alone and in combination with developments such as Swansea University Bay Campus; SA1 Development and Coed Darcy Urban Village and marine projects) upon the local community (including nearby industrial/commercial/university areas) in terms of lorry movements, noise, dust and vibration during the construction phases.

10.6 The impact of electro-magnetic fields including human receptors offshore.

10.7 Health related contamination impacts.

10.8 Health impact assessment and health and safety of construction and operational personnel, offshore and onshore.

10.8 Employment, skills and community benefits and impacts.

11. Landscape, Seascape, Visual Impacts and Design

11.1 Visual impact of the proposals (including buildings and lighting) and principles of good design.

11.2 How the detailed design of the proposed buildings and structures will be determined and approved given the limits of deviation proposed. The adequacy of DCO provisions for the detailed design.

Example Agenda for Preliminary Meeting:

Annex B

Agenda for the Preliminary Meeting

Date: 10 June 2014

Meeting Start Time: 10.00am

Venue: Dylan Thomas Centre

9.30	Room opens
10.00	1. Welcome and Introductions
	2. Panel's Introduction to the Examination Process
	3. Panel's Introduction of Principal Issues
	4. Draft Timetable for the Examination – see Annex D
	<ul style="list-style-type: none">• Deadline I: Notifications (including site inspections, hearings and submission of any updated documents)• Deadline II: Written Representations (including responses to Panel's questions, Local Impact Reports, Statements of Common Ground)• Deadline III: Comments• Deadline IV: Post-Hearing Documents• Deadline V: Responses to habitat regulations Assessment Matrices and to draft Development Consent Order
	5. Close of the Preliminary Meeting

Please note: The ExA will conclude the meeting as soon as all relevant contributions have been made. If there are any additional matters to be dealt with or submissions take a considerable amount of time, the meeting may run for longer and the order of items may change.

Example of Final Examination Timetable:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010049/EN010049-001725-Rule%208%20Final.pdf>