

CPA Response to consultation on streamlining infrastructure, September 2025

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I am responding on behalf of an organisation
Name of the organisation (if applicable)
Compulsory Purchase Association
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Association of Professionals
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N/A
Pre-application: guidance for applicants preparing applications
<p>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.</p> <p>Please provide your views.</p> <p>The benefit of more prescriptive guidance would be greater clarity for applicants in preparing their submissions to the Inspectorate, particularly in respect of the extent of pre-application consultation and engagement expected of applicants. It is often of benefit to those advising applicants to be able to point to guidance to explain why consultation and engagement is necessary.</p> <p>This should not be too prescriptive as there is always need for some "wriggle room" in respect of engagement, but clear lines should be drawn to adequately set out the expectations of applicants and also statutory consultees involved in the process.</p>

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<p>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?</p> <p>Please provide your views.</p>
<p>It may assist to indicate that collaboration outside of the NSIP process to deal with wider challenges should be looked at, but a well-advised applicant should know this already.</p>
<p>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?</p> <p>Factors for applicants to consider in preparing applications</p> <p>Yes</p> <p>No</p> <p>Don't know</p> <p>Please provide your views</p>
<p>The four topics covered in paragraph 16 are helpful as factors to consider in both engagement and consultation. Further clarification should be given on what is viewed as "proportionate" as the word is somewhat ambiguous. Local communities may have a very different view as to what is proportionate compared to an applicant. The emphasis on engagement that is sufficiently early to allow for local interests to be properly considered, and a need to mitigate impacts on landowners, should in particular be emphasised.</p>
<p>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?</p> <p>Yes</p> <p>No</p> <p>Don't know</p> <p>Please provide your views.</p>
<p>Guidance should emphasise the benefits of engagement and consultation, but these should be clear and obvious already to any well-advised applicant. The guidance could emphasise the need for engagement with landowners to identify land required for suitable mitigation and accommodation works, so that the mitigation and/or accommodation necessary is not prevented because Order limits were not drawn widely enough, or necessary powers were not sought in the application.</p>
<p>5. Should guidance encourage collaboration between applicants, stakeholders and statutory bodies? If so, what should it say? We particularly welcome views on how collaboration can prevent delays and the role for the sector to work collaboratively with stakeholders and how government can support this.</p> <p>Please provide your views.</p>
<p>Guidance should emphasise (not just encourage) collaboration between applicants, stakeholders and statutory bodies. Particular emphasis should be placed on the need to engage with utilities, and for utilities to cooperate with that engagement. Too often utilities are late in responding to engagement or identify issues at too late a stage for them to be dealt with in the order making process. Guidance should make clear the mutability of collaboration and encourage utilities and statutory bodies to respond in a timely fashion and on a comprehensive basis.</p>

Pre-application: the role of different stakeholders and statutory bodies at pre-application
<p>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.</p> <p>Please provide your views.</p>
<p>Yes – the role of local authorities and key statutory bodies should be emphasised to ensure that debate and hopefully resolution of differences takes place during pre-examination and not at examination whenever possible.</p>
<p>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?</p> <p>Please provide your views.</p>
<p>Guidance should identify the statutory bodies to be consulted in a clear way – a table indicating who needs to be consulted for relevant projects and relevant interests could be provided within the guidance.</p>
<p>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.</p> <p>Yes</p> <p>No</p> <p>Don't know</p> <p>Please provide your views.</p>
<p>Clear guidance on the environmental requirements of statutory bodies would be of benefit. This should emphasise the need for positive dialogue from all parties, including the statutory bodies, so that a more positive attitude towards development proposals is engendered from the statutory bodies. Too often statutory bodies seem to be on the back foot, are under resourced and have to say no because they have not had the time or resources to properly deal with the issues being raised. Government should ensure that the statutory bodies are adequately resourced by well trained and experienced professionals, to give a measured professional and clear response to development proposals.</p>
<p>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?</p> <p>Please provide your views.</p>
<p>Guidance should be provided for engagement with the applicant and local authority. The emphasis should be on the key role of local authorities, particularly as highway and planning authority, so as to allow for the smooth delivery of projects post-consent, because consensus has been reached during examination (or even pre-examination) on the requirements of the local authority. Local authorities should be discouraged from providing an unworkable "wish list" of "asks" from a promotor but should retain a sensible and proportionate view of what is required of the developer, including the appropriate level of mitigation that may be secured as part of the overall development consent process.</p>

<p>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.</p> <p>Please provide your views.</p>
<p>It is essential that applicants are told to engage with landowners and persons with an interest in land at pre-application stage, ideally to remove or at least reduce the need for compulsory acquisition hearings at the examination stage.</p> <p>Early consideration of mitigation and accommodation works required, as well as giving due regard to redesign where appropriate for affected landowners, should be encouraged. Engagement should commence before all of the order limits have been settled, and landowners should be made aware of the different powers available to the applicant and the relevant impact on landowners etc as a result of the exercise of those powers.</p> <p>The promoting party should be encouraged to have regular engagement with affected parties so that their uncertainties regarding the impact of the scheme on them, including the timetable for the scheme, are reduced.</p>
<p>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?</p> <p>Please provide your views.</p>
<p>Category 3 parties can be particularly difficult, and clear guidance should be provided on this topic. The tools available to applicants (such as requests for information, site notices etc) should be clearly set out and the guidance should emphasise the need to fully understand those with an interest in land. This is particularly true in relation to utilities and beneficiaries of rights or covenants. Guidance should emphasise the need to fully engage with such parties at an early stage in the scheme evolution, so that all of the areas of land required for diversions of rights of way, utility diversions etc are included within order limits and the sufficient powers have been sought.</p>
<p>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.</p> <p>Please provide your views.</p>
<p>Community engagement must be encouraged. It should emphasise the need to reduce uncertainties and concerns held by local communities who are simply not given sufficient or appropriate information at an appropriate time in the development consent process.</p>
<p>Pre-application: guidance and documents to support acceptance, examination and decision</p>
<p>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.</p> <p>Yes</p> <p>No</p> <p>Don't know</p>

Please provide your views.
Each of the documents identified in the question are useful tools in reducing time spent and disagreement caused at examination, or at the end of examination. Guidance rather than regulations is appropriate, as not all examinations will require such intervention. A clear list of likely tools should be indicated in guidance as being available to Panels, and the Panel should be encouraged at the earliest possible stage to indicate what it is expecting of the parties attending examination. As practice evolves over time, it is better to have this dealt with in guidance and in the individual examination processes, rather than in the more prescriptive form of Regulations.
<p>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.</p> <p>Yes</p> <p>No</p> <p>Don't know</p> <p>Please provide your views.</p>
No comment.
<p>15. Should guidance set out the circumstances in which use of voluntary evidence plans might be beneficial?</p> <p>Yes</p> <p>No</p> <p>Don't know</p> <p>Please provide your views.</p>
No comment.
<p>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 submission.</p> <p>Please provide your views.</p>
Any encouragement for applicants to show the level of engagement they have undertaken should be encouraged provided that this is genuine engagement and does not become a tick-box exercise. This will require the applicant to focus on engaging with affected parties and local communities, and should encourage a positive attitude towards the pre-application engagement processes.
Pre-application: enhancing notification and publicity
<p>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? Please give reasons.</p> <p>(a) Where the most up-to-date information is published and available to view</p> <p>Yes</p>

<p>No</p> <p>Don't know</p> <p>(b) When notifying the Marine Management Organisation, whether a proposed application is expected to require a marine licence for any licensable activities</p> <p>Yes</p> <p>No</p> <p>Don't know</p> <p>(c) Publishing the notification on the applicant's project website</p> <p>Yes</p> <p>No</p> <p>Don't know</p> <p>(d) Publishing the notification on the applicant's project website</p> <p>Yes</p> <p>No</p> <p>Don't know</p> <p>(e) Other - please provide your views.</p>
<p>(a) Notification in a standardised form where applications are for EIA development would be beneficial (albeit very few will not be EIA development).</p> <p>(b) Yes.</p> <p>(c) Yes.</p> <p>(d) Yes.</p> <p>(e) The above should be sufficient.</p>
<p>18. Should guidance indicate a point at which the applicant should issue the notification? If so, at what should it say?</p> <p>Yes</p> <p>No</p> <p>Don't know</p> <p>Please provide your views.</p>
<p>The guidance should indicate when a notification should be submitted. This should be no less than 12 weeks before an application is submitted.</p>
<p>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</p>

<p>met (please specify why)? We would also welcome views on what further guidance may support this clarity.</p> <p>Yes</p> <p>No</p> <p>Don't know</p> <p>Please provide your views.</p>
<p>Having a clear prescription of what is required to be notified, and the content of that notification, would benefit all parties.</p>
<p>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.</p> <p>Yes</p> <p>No</p> <p>Don't know</p> <p>Please provide your views.</p>
<p>"Digital first" is acceptable, provided that digital information is available at a location such as a public library, and the ability for a person to request paper copies (if necessary, for a reasonable and , if necessary capped fee should be retained.</p>
<p>21. What further guidance would support applicants to undertake effective publicity which enables transparency and public awareness?</p> <p>Please provide your views.</p>
<p>-</p>
<p>Acceptance: changes to the acceptance test</p>
<p>22. What further advice is needed though 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?</p> <p>Please provide your views.</p>
<p>-</p>
<p>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?</p> <p>Please provide your views.</p>
<p>A section 51 advice checklist could be part of the application documentation. Applicants should also be encouraged to provide a draft of this to the relevant offices of the Inspectorate and work through any outstanding points with them.</p>

<p>Pre-examination and Examination: enabling sharper focus and stronger outcomes in the examination stage through focused IAPIs</p>
<p>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?</p> <p>Please provide your views.</p>
<p>Only identification of key issues will greatly benefit all parties, but it does require a degree of focus from the examining authority at an early stage. This may not be possible in all cases when examining authorities are already engaged in other examinations. It is essential that time is allocated by PINS/the examining authority to ensure that the IAPi is comprehensive and clear. This may have an impact on the pre-examination timetable, but it would be time well spent.</p>
<p>Pre-examination and Examination: supporting effective examination through guidance for public bodies</p>
<p>25. Do you agree that existing guidance provides enough information to aid local authorities in preparing meaningful local impact reports and should therefore retained? If further information would be beneficial to be included within this guidance, what should it say?</p> <p>Yes#</p> <p>No</p> <p>Don't know</p> <p>Please provide your views.</p>
<p>Guidance on local impact reports is helpful. The main issue tends to be whether the local authority has sufficient resource to provide a full LIR, and whether it factored in time to obtain member approval to the LIR before its submission. The LIR tends to arrive a little later than desirable in an examination. It would be helpful if the IAPi or similar could indicate the timetable for the LIR and require the LIR at one of the earlier deadlines in the examination process.</p>
<p>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?</p> <p>Yes</p> <p>No</p> <p>Don't know</p> <p>Please provide your views.</p>
<p>Many interested parties find the separation between relevant representations and written representations unhelpful and unclear. The guidance should very clearly state the differences between them, albeit this is probably less of an issue for local authorities than for other parties.</p>
<p>27. How can guidance seek to reduce existing barriers that public authorities face in engaging with the process?</p> <p>Please provide your views.</p>
<p>Public bodies should be encouraged and supported to devote sufficient resource (and if necessary secure sufficient funding from promoters for that resource) and to engage both at the pre-application</p>

and examination stages. Too often public authorities engage too late and bring up issues at a point post-application when applicants cannot really do anything about what is being argued. This is unhelpful to all concerned and delays the process or adds unnecessary expense to scheme construction.
<p>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.</p> <p>Please provide your views.</p>
Public authorities are relevant throughout the application process. It should be emphasised how they should be engaged with (and should participate in) pre-application engagement. If there has been a failure to engage at a pre-application stage but matters that could have been resolved are brought up during examination leading to a delay or cost, then the guidance could emphasise the risk of a costs application against the public authority in appropriate circumstances.
Pre-examination and Examination: procedural flexibility for land acquisition amendments during examination
<p>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?</p> <p>Yes</p> <p>No</p> <p>Don't know</p> <p>Please provide your views.</p>
Applicants should consider it their duty to ensure order limits are appropriately set before making an application. It is not necessarily appropriate for it to be made easier to change order limits post-application due to the uncertainty that this causes for the parties impacted. The current procedural requirements do tend to ensure that applicants spend an appropriate amount of time on land assembly, and making post application changes easier is not, therefore, necessarily to be encouraged. Examining authorities should make it clear in the IAPI or otherwise the time by which they would not expect to receive applications under the 2010 regulations. That said, if the parties agree that order limits need to change, then, with the consent of all parties or at the discretion of the examining authority, such change could be permissible in appropriate circumstances.
<p>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?</p> <p>Yes</p> <p>No</p> <p>Don't know</p> <p>Please provide your views.</p>
See above.

Pre-examination and Examination: guidance on pre-examination and examination of applications
<p>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?</p> <p>Please provide your views.</p>
See comments above.
<p>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?</p> <p>Please provide your views.</p>
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Reforming NSIP Services: pre-application services
<p>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 services is most appropriate for their project.</p> <p>Please provide your views.</p>
The objectives listed are appropriate. Most importantly, the government needs to ensure that the inspectorate is fully and properly resourced to provide support to applicants and to other parties engaged in the process.
<p>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?</p> <p>Please provide your views.</p>
No comment
<p>35. What steps could government take to make the enhanced service more attractive to applicants of complex and high priority projects?</p> <p>Please provide your views.</p>
As indicated above, the most important step government can take is appropriately resourcing the planning inspectorate.
<p>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?</p> <p>Yes</p> <p>No</p> <p>Don't know</p>

Please provide your views.
Yes.
<p>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?</p> <p>Yes</p> <p>No</p> <p>Don't know</p> <p>Please provide your views.</p>
<p>We do not agree with this approach – all applications for development consent should be given an appropriate allocation of service. If it is anticipated that a project should not be taken forward, then this should be dealt with by way of section 51 advice, or other engagement with the intended applicant.</p>
<p>38. Are there any changes that could be made to pre-application service offerings by public bodies?</p> <p>Please provide your views.</p>
<p>Public bodies should be encouraged to fully engage in pre-application, if necessary following the securing of undertakings for costs.</p>
<p>39. Should the ability to cost recover be extended additional or all statutory bodies that are prescribed in the Planning Act 2008 and Schedule 1 to the 2009 Regulations (as amended?)</p> <p>Yes</p> <p>No</p> <p>Don't know</p> <p>Please provide your views.</p>
<p>Costs recovery should be extended if this will make the process more efficient. Equally, it should be made clear that applicants may seek to recover their costs from public authorities who have not appropriately engaged in the application process.</p>
<p>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?</p> <p>Yes</p> <p>No</p> <p>Don't know</p> <p>Please provide your views.</p>
<p>We do not believe this is necessary.</p>

<p>41. In what ways can government support local authorities as they implement cost recoverable services?</p> <p>Please provide your views.</p>
<p>Guidance to encourage local authorities to use planning performance agreements or otherwise seek recovery of costs would be the most helpful way forward.</p>
<p>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?</p> <p>Please provide your views.</p>
<p>Making sure that local authorities are appropriately resourced and have adequate professional support, if necessary paid for by the applicant, would be the best way forward.</p>
<p>Reforming NSIP Services: the fast-track process</p>
<p>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.</p> <p>Yes</p> <p>No</p> <p>Don't know</p> <p>Please provide your views.</p>
<p>We do not believe that there is much merit in the fast track process. The existing standard process is extremely exacting on all parties and, in our observation, the streamlined processes do not actually tend to lead to projects being implemented any earlier, as key issues may not be spotted until too late (or even after) examination.</p> <p>Similarly, as government policy and priorities change so frequently, the priority identified in the fast track process can very rapidly become outdated. In our experience, if an examination can be concluded well within six months, it will be. Equally, for the more complex projects, six months is too short rather than too long a period.</p>
<p>44. The current fast-track guidance 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.</p> <p>Yes</p> <p>No</p> <p>Don't know</p> <p>Please provide your views.</p>
<p>For the reasons given above, we think it is rarely fit for purpose.</p>
<p>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.</p>

Please provide your views.
For the reasons given above, we would not want to encourage the fast track process.
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. Please provide your views.
For the reasons given above, we do not support 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. Please provide your views.
There should definitely be a more proactive role for government and agencies (whether or not this materialises in a fast track process) as, in our experience, what delays schemes and causes uncertainty and concern amongst all affected parties is the failure of government to commit, and stick to its commitments, in pursuing schemes.
(c) Support priority projects to be fast-tracked, by reducing/ removing applicant choice from the decision about whether to apply a fast-track process. Please provide your views.
It should always be an applicant's choice as to whether or not a fast track process is to be followed. Equally, it is not fair to impose a fast track process on landowners and other affected parties who may not be able to resource their legitimate concerns within the fast track process timetable.
(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. Please provide your views.
See above regarding our thoughts on the fast track process.
47. Do you have any other comments or suggestions regarding the fast-track process or related policies? Please provide your views.
Policy has far more of an impact on timetable than the fast track process. Government commitment to delivering timely decisions and keeping a more constant approach to overall priorities and policy will be of more benefit for all concerned than tinkering with the processes under the 2008 Act.
Mandatory pre-application requirements under the Town and Country Planning Act 1990
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
No
Don't know
Please provide your views.
We have no views to express on this point.