

The MHCLG Consultation - NSIPs Streamlining Infrastructure Planning

Response from the Heathrow Spatial Planning Group

Background

This response to the MHCLG consultation on NSIPs Streamlining Infrastructure Planning highlights areas of common agreement held by eight local authorities surrounding Heathrow airport, namely Spelthorne Borough Council, Elmbridge Borough Council, Runnymede Borough Council, Surrey County Council, Royal Borough of Windsor & Maidenhead, Slough Borough Council, London Borough of Ealing and London Borough of Hounslow.

These councils are all members of the Heathrow Strategic Planning Group (HSPG) a non-statutory partnership of Local Authorities working together to ensure a strong local authority voice in respect to matters relating to the current operations and future growth at Heathrow Airport.

The response has been collated by the HSPG secretariat based on a review of the consultation document and is further informed by comments and reflections from technical officers from across our membership. A draft was consulted on with lead planning officers via email prior to this submission, in line with our standard approach to member engagement and the principles as set out in our Accord.

The response to the MHCLG consultation is made with reference to the emerging Heathrow NSIP.

The consultation

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.

There are two major concerns surrounding the Planning and Infrastructure Bill's removal of the statutory requirement for applicants to consult local authorities, statutory bodies, landowners and communities before submitting their application.

First, removal of the pre-application statutory stage while it may speed up the planning process ahead of submission, may ultimately lead to:

- less well designed and worked up projects being submitted; and consequently leading to greater deliberation and interrogation at the Examination Stage;
- projects not being "accepted" by the Planning Inspectorate through lack of supporting evidence; and poorly worked-up schemes.

It is also likely to lead to stakeholders such as local authorities, public bodies; local communities and businesses feeling disenfranchised from the process.

Secondly, there is a tension between changes to the guidance on pre-application consultation and the removal of statutory consultation by the Planning and Infrastructure Bill. Where an applicant chooses not to conduct any pre-application consultation, the relevant representation stage will be the first time that prospective interested parties have seen the documentation associated with the application. Any forthcoming guidance issued by government should acknowledge that in this situation it may not be practicable to include the full particulars of a prospective IP's case in a relevant representation, and there will need to be some expectation of issues arising later in the examination process. For this reason, the removal of mandatory statutory consultation may result in frustrating the aim of conducting more front-loaded examinations.

To avoid these problems, the Government will need to ensure that there is sufficient guidance (and best practice material) to the development sector on undertaking pre-application consultation. It should be prescriptive. In turn this also means that it should be given considerable weight in both the Examination and final determination stages of the Development Consent Order application.

It is also essential that funding is available through the DCO process from the outset and very first steps, to support Local Authorities engage fully in the process.

This guidance should strongly urge applicants/promoters to undertake a full non-statutory consultation;

(1) This should involve a series of public meetings and exhibitions in those areas potentially affected by the project.

(2) There should be clear documentation available and a dedicated website setting out:

- Project information – there should be a Non-Technical Summary (NTS) of the proposal;
- Project background and need;
- Consultation and engagement dates; and
- A project timeline.

(3) There needs to be clarity around the consultation setting out:

- When will the consultation take place;
- What proposals will be consulted on;
- Who will be consulted;
- Consultation materials;
- Promoting the exhibition;
- Public information events;
- Use of Webinars;
- Stakeholder briefings and meetings; and
- Evidence that the applicant has engaged with hard-to-reach groups.

(4) There needs to be clarity around how consultees will be able to respond to the consultation indicating:

- Methods of responding (e.g. use of feedback forms);
- Further consultation – indication of where further targeted consultation may be necessary;
- Other developer consultations – there needs to be recognition of any other consultation in the area.

The above would be a hybrid approach between a traditional non-statutory consultation and a consultation on the Preliminary Environmental Information Report (PEIR). It would offer consultees some reassurance that the project is understood and that stakeholders are properly engaged and informed without the need for a significant volume of documentation being produced.

In summary, more prescriptive guidance would be helpful as it would uphold a higher standard of expectations because then there would be clear details of the requirements which the various consultees can check against.

Unlike major applications coming forward under the Town and Country Planning Act (TCPA) route, which would expect to be brought forward in line with the adopted Local Plan and most likely be allocated already, there is no equivalent “plan-led” approach for NSIPs. The result of this unplanned approach is that NSIP scale projects come forward without any clear strategy or fit with regional plans. The lack of a strategic approach to the siting of NSIPs and their cumulative impacts associated with multiple large-scale projects will have on the environment; local communities; and businesses affected, as well as transport, landscape and flood risk. It is to be hoped that the new SDSs will lead to a more joined up approach to infrastructure and strategic growth.

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?

Early engagement and collaboration with the applicant/promoter offers the best approach to resolving any major issues ahead of submission of the Development Consent Order (DCO).

Early engagement with the local authority or in the case of a project such as Heathrow which impacts on multiple authorities, provides an understanding of the size, scale and design of a project, which in turn can allow key issues to be addressed. The local authorities impacted by Heathrow have established a secretariat to enable collaboration and efficiencies in adopting joint responses. The partnership is known as the Heathrow Spatial Planning Group (HSPG). This engagement process has included, for example, exploring: highway; drainage and surface water drainage issues; as well as working alongside local communities to ensure local concerns are dealt with fairly and in a proportionate way.

If the developers do not undertake pre-application consultation, they will not benefit from collaboration. For example, the HSPG members hold information, local knowledge and data that is not available in the public domain. While some specific data cannot be shared directly with any applicant, HSPG members are able to offer

insight and knowledge to support the development of a more robust and sustainable design. There is also an opportunity for the developers to improve the quality of the submitted scheme and its delivery. For Heathrow this is particularly important as while the current DCO concerns the construction of a third runway, its operation and impacts will take many years to come into effect.

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?

HSPG supports early engagement and consultation as set out in paragraphs 17 – 19 of the Consultation Document.

In particular any guidance which would, *“highlight how meaningful engagement and consultation done well provides an opportunity to improve applications, enhance transparency, build public trust, and reduce delays by addressing issues before formal applications are submitted”* is supported. In particular front loading would improve the quality of the information submitted in relation to highway matters; and flood risk and surface water management.

As a partnership HSPG crossing multiple LPA areas there is an incentive for Heathrow’s collaboration and coordination to secure smoother preparation of the consultation.

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?

HSPG agrees that the guidance should set out the benefits of non-statutory engagement and consultation. In addition the guidance should set out the scope of any non-statutory consultation as set out in response to question 1. It would also be helpful for the guidance to be supported with a “Good Practice Guide – for Developers” providing standard templates.

There should be encouragement for various developments that could interact or that could have overlapping impacts / effects to work together to provide enhanced mitigation offerings that address both the individual and potentially cumulative impacts would be appropriate and desirable. This is important where multiple DCOs are being considered or where there are TCPA approved developments (for Heathrow the H8 business plan proposals) running alongside the main runway development and impacting on the baseline for the ES.

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.

HSPG agrees that the guidance should refer to collaboration between applicants, stakeholders and statutory bodies.

The guidance should indicate that prior to any formal launch of a project, the applicant ought to engage and discuss the scope of their project with the relevant statutory bodies. HAL has undertaken considerable engagement over many years on the design of the runway and the consideration of its impacts and potential mitigation and compensation. HSPG has engaged extensively on these proposals across multiple topics.

The guidance should highlight that local planning authorities need to be involved early in the process given their:

- Detailed local knowledge of the area;
- Understanding of local community issues; and
- Statutory roles – covering for example highway matters; local planning; drainage; public health; emergency planning matters and environmental responsibilities.

Early engagement by the applicant with the statutory bodies would avoid any unnecessary errors / misunderstandings in the launch material being made by the applicant; which in turn will provide reassurance to the local communities affected that the applicant has an understanding of the local area.

A template for a standard charging agreement should be provided for various types of organisation to use to speed up the establishment of cost recovery agreements particularly at this early stage on the NSIP process. The development of these templates should be undertaken in consultation with the various types of organisations (see also response to questions 6, 27, 41 and 46).

This is particularly important with a project such as the proposed NW runway at Heathrow which is complex, covers multiple topics and technical issues and multiple LPA areas.

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.

HSPG agrees that guidance should cover the above matters, however, early engagement with local authorities; public bodies and the wider community would ensure that the applicant has an opportunity to amend their proposal where appropriate before the project is formally launched.

While welcoming early engagement between local authorities and the applicant, the resourcing of these projects is resource hungry in terms of officer time and draws on officers from multiple disciplines – planning, transport, environmental health, heritage, emergency planning etc. As such the guidance should make it clear that there needs to be agreement from the outset regarding cost recovery. At the very least the local authorities will need reassurance from the applicant that officer time will be funded.

This is particularly important with a project such as the proposed NW runway at Heathrow which is complex, covers multiple topics and technical issues and multiple LPA areas.

Guidance to local authorities should support the need for cost recovery and support early preparation of Planning Performance Agreements (PPAs). As an interim measure the guidance should refer to applicants needing to prepare a letter of intent to a local authority indicating that officer time will be paid for. These matters would need to be discussed at the inception meeting between the applicant and the local authority.

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?

HSPG believes that guidance on these matters would be helpful.

As NSIPs are large-scale developments, applicants should be encouraged to engage at an early stage with all statutory bodies particularly the local authorities (both County, District Councils, Unitary Councils and the GLA). Key matters for early discussion should cover scope of the development: including – legislative and national policy obligations, plus local and regional highways and surface access issues (both during and after construction); power and water issues; drainage and surface water issues; noise and pollution, climate change and environment issues, any existing local planning constraints, including heritage and flood risks and whether the site has any minerals and waste safeguarding implications or other local plan allocations / designations to ensure future growth is considered. For Heathrow the ES prepared by HAL in 2018 and its updating that has commenced in 2025 the engagement with local authorities has been extensive and continues to be so. HSPG provides a coordinating role to the local authorities.

A summary matrix of the roles and responsibilities of all statutory bodies, statutory consultees and other relevant risk management organisations would be sensible. To note the risk management and emergency planning issues for a development such as the new runway proposed at Heathrow are considerable.

It is noted in the supporting consultation discussion text of this section, the environmental issues flagged in the consultation appear to focus on ecological and conservation issues with little consideration of environmental hazards such as flooding and climate change. This should be addressed appropriately in the guidance to ensure a sustainable approach is taken to hazard management and full account taken of statute and associated guidance.

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.

HSPG believes that additional guidance would be useful, especially for major developments such as Heathrow that crosses over multiple Local Authority

boundaries. Engagement with a partnership such as the HSPG makes sense to avoiding duplication of effort and ensuring all critical issues are addressed.

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?

HSPG agrees that guidance is needed to support proportionate, effective and constructive engagement from both the applicant and local authorities and consortia arrangements such as the HSPG.

Guidance should cover:

- Best practice on what supporting documentation/evidence is needed by the applicant at this stage and should include provision of accessible plain English documents such as a Non-Technical Summary;
- Best practice on who to consult; when to consult and in what detail;
- Guidance around how to engage with difficult to reach groups;
- Guidance around formal engagement including when it would be sensible to undertake a “full” non-statutory consultation;

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.

Yes, guidance should be produced on the above matter. Such guidance should recognise that among local residents potentially affected by a project there are likely to be those who may not have the ability to respond online; and as such there should be guidance on how to engage with such residents face to face through local meetings etc.

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?

HSPG agrees and welcomes proposals as outlined in paragraph 37 of the consultation document.

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

HSPG agrees and welcome suggestions set out in paragraphs 38 – 40.

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.

The continuation of Engagement logs, and Principal Areas of Disagreement Summary Statements would be helpful as this would demonstrate meaningful pre-application engagement with not only statutory consultees, but also those local communities and businesses potentially affected by the project. It would also be helpful if the applicant prepared a Consultation Statement summarising the key issues raised through any non-statutory engagement.

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.

It is understood that Evidence Plans would be produced by the Applicant in collaboration with relevant environmental bodies. They provide a means to agree and record the information the applicant needs to supply to the Planning Inspectorate when applying for a DCO, so that environmental issues arising from multiple assessments (e.g. EIA, Habitats Regulations Assessment and/or Flood Risk Assessments) are fully addressed.

Voluntary Evidence Plans while potentially offering a useful tool for getting input into environmental issues, raise concern in that:

- (a) an applicant may not commit to producing a satisfactory plan; and
- (b) without sufficient resourcing/funding of public bodies and local authorities, collaboration in producing such plans will be difficult.

Local authorities would need funding through a robust PPA mechanism as this will be resource intensive.

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

HSPG agrees.

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.

HSPG supports the preparation of an Engagement Summary Report. This would provide clear benefits for the Examining Authority in terms of understanding how the Applicant has engaged with both statutory and non-statutory consultees.

We agree with the Consultations document, *“It would instead be an opportunity for applicants to set out how the applicant approached engagement, summarise what engagement took place and how this has informed their application. Where no or limited engagement has taken place, applicants could also provide their reasoning for this.”*

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

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

Not Applicable

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

Yes

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

Yes

(e) Other

No Further Comment

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

HSPG agrees and believes this should be prior to the submission of the DCO application.

HSPG also agrees that "Guidance could encourage applicants to issue the notification when they have a degree of certainty about proposals to clearly signal their intention to submit an application. Notifying local authorities at the same time could similarly support them in preparing for an upcoming examination."

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 HSPG agrees and welcomes the Planning and Infrastructure Bill amendments to the section 46 'duty to notify' the Planning Inspectorate to also include **host local authorities**. We welcome proposals in paragraph 50 of the consultation document requiring the notification to include:

- the applicant's name and address
- a statement that the applicant intends to apply for an order granting development consent

- a statement about why development consent is required for the proposed development, specifying the relevant provision of Part 3 of the Planning Act 2008 (or referring to a direction that has been given under section 35)
- a summary of the proposed application, specifying the location or route of the proposed development

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.

HSPG welcomes a digital-first approach but it should be recognised that there will be those stakeholders who do not have access to digital technology and therefore there must be adequate safeguards put in place through any guidance to ensure that such groups are not disadvantaged and are consulted through other mechanisms, including through face to face meetings; telephone, information in Newspapers; local community magazines etc.

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

No further comments

(2) Acceptance

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?

HSPG believes that there should be confirmation on what level of information within the technical evidence base reporting would be required to ensure that high quality work is submitted.

HSPG queries how the Planning Inspectorate will be able to confirm that there is sufficient time to obtain appropriate evidence and data (which can be lengthy to be valid) on projects with accelerated programmes for DCO applications and delivery programmes where there would be a difficulty in scheduling this work while retaining the proposed scheme's programme.

Pre-app consultation should reduce this risk because it is more likely to have been identified early. With pre-app consultation being optional, there is an increased risk of this occurring in the future on schemes with an accelerated programme

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?

No comment.

(3) Pre-Examination and Examination

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

HSPG agrees with suggestions in paragraph 73 of the Consultation Document.

From the information provided in the consultation document text, it appears the inconsistencies are derived from variations in knowledge, experience, understanding and ability of officers at the examining authority. For it to be fair and more focused process, a better definition of what is needed within an IAP and how to undertake the assessment. It would be appropriate for the officers to demonstrate competency to ensure consistency in the undertaking the assessment. This would be in-line with other professional disciplines such as those involved in the preparation of EIAs. There is a need to consider accreditation for these officers to secure consistency in an assessment that is based on professional judgement.

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?

HSPG agrees with the suggestions in paragraph 78 regarding future arrangements on the preparation of Local Impact Reports (LIRs). The sharing of information as early in the process as possible will allow host authorities to prepare their LIRs.

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?

HSPG would welcome further guidance as being helpful setting out clarity around these different forms of representation indicating: (a) when they are needed (b) level of detail required; and (c) the weight given to the representation. Also it would be helpful for the guidance to make clear that information / representations do not need to be repeated at every stage; and potentially evidence submitted at the Relevant Representations stage will also cover off matters in the LIR therefore potentially circumventing the need for the LIR.

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

Resourcing is major issue for HSPG member local authorities – see comments below relating to funding.

Many local authorities require technical input from other internal technical specialists within the authorities such as the Highways Authority and other specialist teams. There should be consideration on the amount of time and resources that the response would involve. Furthermore, when there are a number of NSIP applications all at the same time, it is not always possible to expand the technical resources

available at short notice. Therefore, there should be guidance on how to fairly manage the provision of timely responses that enables local authorities to represent their local communities and environments without placing undue pressure on the limited resources within the local authorities. Support for a consortium approach such as the HSPG helps spread the load efficiently across local authorities and reduces the aggregate level of resources that needs to be applied whilst also enhancing effectiveness.

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.

HSPG broadly welcomes the suggestions made in paragraphs 80 – 88 of the consultation document.

A clear understanding should be provided as to the amount of ‘*weight*’ that will be given to local authorities’ responses and the various disciplines covered to ensure that local authorities can target their limited resources.

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?

No Comment.

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?

No comment.

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?

Ensuring that good quality site specific evidence has been gathered prior to application to inform assessments is necessary, along with ensuring there is a mechanism for enabling updates to ensure the scheme is working with the best quality data and information. At the same time considering any changes in technical policies and guidance to inform the proposed scheme design and mitigation measures.

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?

This is a difficult question to answer due to the wide ranging nature of the existing secondary legislation. There is a need for assessment and consideration as to their cumulative impacts and interactions.

Also, it is not clear why legislation and policies designed to protect people from various risks is considered secondary to the promotion of development designed to manage the risks and residual risks. For such a sensitive development as the proposed Heathrow third runway safety and emergency planning are critical. HSPG cannot support any proposed change to the planning system or NSIP process that compromises public safety measures.

(4) Reforming NSIP 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.

This would be useful advice.

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?

The Planning Inspectorate needs to be satisfied that the applicant has engaged in a meaningful way at the pre-application stage with all stakeholders; and has undertaken a robust non-statutory consultation exercise identifying key issues and demonstrating how these have been addressed.

The Government has a 10 year plan for infrastructure and the approach should facilitate its delivery over time. A major contribution to doing so would be to show how NSIP schemes fit within the forthcoming Spatial Development Plans, coordinated by Mayors and Combined Authorities which would enable better targeting of investment and engagement. Currently the consultation seems to suggest that the government is prioritising providing clarity on what is considered to be a prioritised scheme. This is not consistent.

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

The government should make it a duty to engage with PINS with “enhanced Service” where the project is particularly contentious or deemed to be a priority piece of infrastructure.

It would be appropriate to consider improving the offer of the basic service that is provided so that all schemes have an improved and consistent starting point. It would be appropriate to offer an initial consultation with a standardised response from the directly and indirectly impacted local authorities. The standardised form could cover key local issues such as flood risk and other environmental issues. This

would act as a way of providing early identification of local concerns while also giving the local authorities an early awareness of the potential scheme. It would be necessary for the local authorities to receive an appropriate fee to cover the costs of completing a standardised form.

Where a project crosses multiple local authorities it would be in the public interest to work through a partnership of consortia like the Heathrow Spatial Planning Group to avoid duplication of effort and secure more streamlined engagement.

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?

Agree.

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?

Agree.

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

As noted earlier (question 35) local authorities should be included in the service to offer the *"expert knowledge of the local community, businesses and other interests, as well as responsibility for the development of their local area"* (extract from paragraph 31 of the consultation text). This would provide early identification of local concerns and provide local authorities an early awareness of the potential scheme.

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?)

Cost recovery should be extended to all statutory bodies (as prescribed above) and extended to all local authorities impacted by the scheme (see response to question 41) and the consortia they establish to help manage complex schemes like the Heathrow extension, as this will enable them to more effectively provide quality and timely advice.

Funding is needed for both supporting host and neighbouring LAs where those neighbours are clearly impacted by big NSIP projects - almost by definition these have impact beyond the host LA - as is the case with airports, their expansion and flights.

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?

No comment

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

HSPG would support any guidance which recognises the role of Local Authorities in the NSIP process and which enable full cost recovery.

Future guidance needs to provide clear advice to local authorities on developing and using Planning Performance Agreements (PPAs). There should be examples of best practice along with template PPAs for Local Authorities to use. It would be helpful to have a range of pro-forma / templates PPAs produced alongside any guidance relating to specific project types covering, for example:

- Airports and Ports etc
- Electricity Transmission Projects;
- Highway Related projects;

HSPG supports a further round of innovation and capacity funding to assist local authorities manage NSIP applications and preparing for forthcoming changes introduced through the Planning and Infrastructure Bill.

HSPG would welcome further guidance on cost recovery including the opportunity through secondary legislation for local authorities to introduce simplified standard charges for:

- Initial pre-application advice – covering inception meetings with the promoter; and early planning meetings;
- Attendance at Technical Group Meetings e.g. covering EIA related issues such as surface access; surface water drainage; historic and natural environment; socio-economic; and wider strategic and local planning matters (including emergency planning).
- Attendance of officers at regular planning update meetings;
- Involvement in any non-statutory consultation work as proposed in the Planning and Infrastructure Bill;
- Acceptance stage consultation;
- Assessing the applicant's Environmental Statement and draft Development Consent Order; and making relevant representations;
- Attendance at Examination including preparing a local Impact Report; preparing a Statement of Common Ground; responding to ExA's written questions; and preparing any further written representations.

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?

HSPG agrees that future guidance needs to provide clear advice to local authorities on developing and using Planning Performance Agreements (PPAs).

There also needs to be greater certainty around other potential funding streams for local authorities such as the innovation and capacity fund; and the potential for using more formal charging mechanisms.

Other considerations –

There is a need for a more strategic joined up approach to projects coming forward leading to:

- A Plan-led approach to the identification and delivery of NSIPs, linking them to the forthcoming Spatial Development Strategies (SDS) and other joint authority strategic strategies.
- Where there are multiple applications in an area there needs to be demonstrable collaboration and sharing of resources. Providing training on a regular basis with multiple topics and disciplines is necessary. While there is a national need for planners, there is also a shortage of other technical officers across a range of disciplines that require investment and support growth opportunities. Often, to obtain the professional development that is sought, officers leave the public sector to join the private sector. This pushes the local authority's costs up as recruiting the right staff with the appropriate level of experience can be difficult and time consuming, resulting in the need for consultants to provide support at a greater cost. In addition, support to retain staff on a long-term basis rather than bringing people on for the peak workloads is necessary.

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.

There are concerns with the proposed fast-tracking of certain NSIPs. Guidance would need to ensure that sufficient safeguards are put in place surrounding any fast-tracking of projects. Without such safeguards there is a risk that key stakeholder, such as local authorities and communities affected will not have the opportunity to thoroughly engage in the NSIP process. This in turn could lead to sub-standard projects going forward without the necessary mitigation; and compensation.

There needs to be the appropriate checks and balances in place to ensure that key stakeholders and local communities are properly and adequately engaged in the planning process and their views are taken into account. There is a potential risk that fast tracking projects may: (a) put additional pressures on statutory consultees; and local communities to respond; and (b) result in the ExA not having all the relevant material information before them ahead of making their recommendation/s.

Therefore in addition to establishing categories of NSIPs that are eligible for fast tracking there also needs to be a clear set of circumstances, particularly about the technical work, engagement, consultation and evidence gathering that have been undertaken, when fast-tracking may be acceptable for eligible schemes. The guidance should make this clear.

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.

See response to question43 – no further comment.

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.

There needs to be clear guidance on which projects can reasonably be taken forward through the fast-track process for reasons of, for example:

- Economic priority and achieving growth.
- National Security;
- Public Safety;

Notwithstanding the above there still needs to be constructive and open collaboration between applicants and a range of relevant statutory bodies and local authorities involved in the process, as well as demonstrable engagement with those local communities affected.

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.

As HSPG has noted earlier, it is essential that the developer, such as Heathrow, provides adequate funding and guidance to local authorities, as set out in responses to earlier questions.

Ideally for this to work there is a need for a more strategic plan-led approach (through the SDS) to major infrastructure delivery, which allocates developments through agreement and engaged consultation with the host communities and the host authorities. The National Planning Statements for the various sectors and industries do not include a locational statement of where these pieces of infrastructure are to be located.

(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.

No comment.

(c) Support priority projects to be fast-tracked, by reducing / removing applicant choice from the decision about whether to apply a fast-track process.

This will only work if enough technical work, engagement, consultation and evidence has been prepared in advance.

The definition of priority is only one of many factors to be considered in the assessment of where a scheme is suitable for fast tracking. Other factors include scale, complexity, type, geographic spread, sensitivity of the site to the type of development and relationship to the SDS to show relationship to other infrastructure proposals and programmed investment.

(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.

No comment.

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

No further comment.

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.

While not directly related to the Heathrow project HSPG offers a view.

No we do not think the removal is advisable. Pre-application consultation requirements with the local Planning Authority (LPA) should be maintained in order to secure the best possible final scheme. Early discussion and collaboration with the LPA can provide positive direction to the applicant in terms of: siting; design; potential mitigation requirements; as well as good knowledge of local community issues; and likely elected member concerns etc. removing this pre-application requirement is likely to lead to projects coming forward which will be refused on issues which would/could otherwise have been resolved at the pre-application stage.

Heathrow Strategic Planning Group (HSPG)
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