

Navitus Bay Examination – estimated timetable and actions

Summary

There are five key events in the process that may require action by Local Planning Authorities:

1. **Adequacy of Consultation reports**, 14 days after application (est. end March). The only chance to comment on the process and content of the consultation. Informs Inspectors' decision on accepting the application for examination.
2. **Register as an Interested Party**, approx. May/June. File summary "**Relevant Representations**" on areas of concern not covered elsewhere. Gives right to attend meetings and participate in the examination.
3. **Local Impact Reports**, approx. July/August. Important opportunity for LPAs to detail local impacts, no standard format or conditions. These have to be taken into consideration by Secretary of State.
4. **Statements of Common Ground** approx. July/August. A way of recording areas of agreement with the developer and other interested parties.
5. Submit detailed **Written Representations** previously summarised at stage 2.

Detailed Timetable (see also PINS Advice Note 8.1)

Estimated date	Who's involved?	Action	Notes
1. Application / acceptance			
Mid March 2014	Navitus Bay Development Limited (NBDL)	Apply to the Planning Inspectorate (PINS) for a Development Consent Order.	A draft Environmental Statement (ES) will accompany the application.
14 days after application (end March)	LPAs (County, District, Borough Councils)	<u>Respond on the Adequacy of Consultation.</u>	<p>This is the <u>only chance</u> to respond to the pre-application consultation.</p> <p>The LPAs are requested to comment whether the applicant has complied with the following duties of the PA 2008:</p> <ul style="list-style-type: none"> • Duty to consult (Section 42); • Duty to consult the local community (Section 47); • Duty to publicise (Section 48) <p>There is no formal scope to the document and LPAs can comment on both the content and the process of the consultation. The public relies upon LPAs to include their concerns.</p> <p>See PINS' Advice Note 8.2.</p>
April / May	NBDL	NBDL will publicise the accepted application	

Estimated date	Who's involved?	Action	Notes
A period of at least 28 days (May / June)	Statutory Consultees / LPAs MPs Members of the public / community groups / businesses / Local councils	<u>Register as an Interested Party (IP) and provide a summary of their views of the application in writing (Relevant Representations).</u>	<u>Only Interested Parties have the legal right to participate in the examination</u> including written submissions and participation at hearings. This is one of the main mechanisms for communicating views on the application outside the LIR. PINS use the Relevant Representations to determine the principal issues for the examination. See PINS' Advice Note 8.3.
2. Examination (max time allowed 6 months)			
July?	All Interested Parties	Invited to attend a Preliminary Meeting (PM) which is the start of the 6 month examination	There will be at least 21 days notice of the meeting. The purpose of the PM is to decide on the list of principal issues for the examination and to lay out the process to be followed.
July / August (approx 3 weeks after Preliminary Meeting)	Local Planning Authorities (LPAs)	<u>Produce Local Impact Report (LIR).</u>	There is no standard format for this report and it should include all issues identified by the planning authority. Per PINS - the content of LIRs is a matter for the local authorities, and they should focus on the matters that they considered most significant. See PINS' Advice Note 1. <u>It is a critical document for the LPAs as it has to be considered by the Secretary of State (Planning Act 2008) before he determines the application.</u>
July / August (approx 1 month after the Preliminary Meeting)	NBDL / Statutory Consultees / LPAs	<u>Submit Statements of Common Ground (SoCG)</u>	These statements are usually initiated by the developer to record areas of agreement with various consultees and are updated during the examination. They need to be treated with caution as it is difficult to reverse an opinion if e.g. more evidence comes to light. Where issues are uncertain or evidence is not yet available, it is advisable not to make a premature decision. On the other hand, the examiners look dimly on non-cooperation or unreasonable procrastination. They are useful to the developer as they identify areas of risk and they remove uncontroversial topics from discussion.

Estimated date	Who's involved?	Action	Notes
July – September	PINS	Send out 2 rounds of questions	Interested Parties must respond within 21 days of request. This is a very tight schedule for most Interested Parties.
August	All Interested Parties	<u>Submit detailed Written Representations</u>	LPAs can raise any detailed issues, for example, about methodologies not covered elsewhere. These issues should have been outlined already in the Relevant Representations.
August – December	All Interested Parties	Able to attend hearings	It is important to attend hearings where any relevant issues are being raised. This can be a resourcing problem.
January (6 months from Preliminary Meeting)	PINS	End of examination	
3. PINS recommendation (max time allowed 3 months)			
April 2015?	PINS	Recommendation to Secretary of State (SOS)	
4. SOS decision (max time allowed 3 months)			
July 2015?	SOS	Considers Local Impact Reports before coming to a decision	
5. Post decision (6 weeks)			
		The decision may be challenged in the High Court	

Glossary:

IP	Interested Party
LIR	Local Impact Report
LPA	Local Planning Authority
NBDL	Navitus Bay Development Limited
PINS	The Planning Inspectorate - National Infrastructure Planning
PM	Preliminary Meeting
RR	Relevant Representation
SOCG	Statements of Common Ground
SOS	Secretary of State – Department of Energy and Climate Change
WR	Written Representation