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East of England NSIP Centre of Excellence

**Good Practice for engagement between
Local Authorities and Developers**

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Overview



- The role(s) of Local Authorities
- The Local Impact Report
- The DCO and its Requirements
- Practical arrangements before the Examination
- Practical arrangements at the Examination
- Effective engagement with the NSIP promoter

The roles of Local Authorities



County Councils

- Highways and Traffic
- Education and Training/Skills
- Minerals and Waste
- Social Services and Care
- Public Health
- Lead Local Flood Authority
- Fire and Public Safety
- Public Rights of Way
- Libraries
- Archaeology
- AONBs

District Councils

- Planning (except min. & waste)
 - Spatial planning
 - Landscape/Visual Amenity
 - Ecology/Biodiversity
 - Heritage
 - Recreation/Open Space
 - Air Quality
- Environmental Protection
- Hazardous Substances
- Housing
- Public Health
- Sewerage

The roles of Local Authorities: NSIPs



- Host authorities
 - Adequacy of Consultation
 - Local Impact Reports
 - Affected Land Owners
 - Interested Parties
 - Discharging Authorities
 - Enforcing Authorities
- Neighbouring authorities
 - Adequacy of Consultation
 - Local Impact Reports (in some cases)
 - Interested Parties

The roles of Councillors



- Executive
 - Corporate position of the Council
 - Council may have had or will have its own NSIPs to promote (highways, waste, energy)
 - Portfolio responsibilities
- Non-executive
 - Local member perspective
 - Individual viewpoint

The Local Impact Report



- Statutory status:
 - Under s.60(3) PA 2008 a LIR is “*a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area).*”
 - S.104(2)(b) PA 2008 requires that in deciding an application for a DCO the Secretary of State “*must have regard to*” any LIR submitted on time.

The Local Impact Report



- However, the LIR does not displace any policies in the applicable National Policy Statements
- Neither the SoS nor the ExA are bound to accept the “*impacts*” in the LIR are “*likely*” or to accept the severity of those impacts.
- To be effective, the LIR needs to be robustly evidence-based, both as to the nature and characteristics of the receiving environment and as to the true effects of the NSIP proposal.

The DCO and its Requirements



- The DCO is effectively the planning permission for the NSIP.
- But can also include other powers (e.g. compulsory purchase, road closures, altering Public Rights of Way).
- Requirements are similar to planning conditions but the discharging authority is not necessarily the LPA but could be another council (e.g. a county council) or another body (e.g. the Environment Agency).

The DCO and its Requirements



- Local Authorities have a key role in influencing the terms of the DCO.
- Important to secure mitigation or compensatory measures will be delivered.
- Important to provide for later approval of details of the project.
- Important to ensure the approvals process is workable from a LA perspective

Practical Arrangements pre-Examination



- Understand the NPS policy framework for the NSIP being considered.
- Be realistic as to what is achievable.
- Don't 'Grandstand' or play to the gallery.
- Be well-informed.
- Be consistent.
- Recognise the demands on officer time.
- Put adequate delegation arrangements in place.

Practical Arrangements at Examination



- It is not all about hearings (much)
- Have a key co-ordinator
- Be ready for the ExQs
- Propose changes the LAs want to see early on
- Joint working with other LAs
- In person or remote or hybrid?
- The value of the Post Hearing Submission
- Use templates and give references

Effective engagement with promoters



- Principle and details: ‘parking’ disagreements
- Aim to build trust and respect
- Be consistent and be realistic
- But don’t be afraid to push on key issues
- Share information early where possible
- Work to find practical solutions

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Thank you

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