

What is Development Consent?

The Planning Act 2008 established the legal framework for applying for, examining and determining planning applications for Nationally Significant Infrastructure Projects (NSIP).

Under the Planning Act, a Development Consent Order (DCO) is the means of obtaining permission to construct and maintain developments categorised as NSIPs. This includes energy, transport, water and waste projects.

Some of our major road improvement proposals are classed as NSIPs. Before we submit a DCO application to the Planning Inspectorate, we hold consultations as part of our wider engagement activity. This is in addition to the request for representations and the examination of the application that the Planning Inspectorate organises

For more information about the planning process for Nationally Significant Infrastructure projects, please visit:
<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes>

If you need help accessing this or any other Highways England information, please call **0300 123 5000** and we will help you.

Development consent for our major road schemes



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How do I have my say?

We consult with relevant local authorities, anyone with an interest in the land, and statutory consultees, such as the Environment Agency. We prepare a statement, in consultation with relevant local authorities, on how we will consult people living in the vicinity of the land, and then carry out that consultation.

We advertise locally and nationally to ensure people are aware of consultations that affect them and how they can take part. Highways England sometimes carries out consultation in stages so that feedback from our customers, local communities and stakeholders can influence the type, geographical route and design of the project that we take forward.

Customers, stakeholders and the local community can raise any concerns they have about our proposals via the consultation.

Some of our major road improvement proposals are classed as Nationally Significant Infrastructure Projects (NSIPs)

To ensure transparency, we publish a consultation report to set out how we have considered responses following each round of consultation. A consultation report will be included in our application to the Planning Inspectorate for the DCO.

How does it work?

On receiving and accepting an application, the Planning Inspectorate carries out the examination. During this stage, people who have registered to have their say are invited to provide more details of their views in writing. Careful consideration is given by the Examining Authority to all the important and relevant matters, including any Local Impact Reports received by local authorities, representations of all interested parties, any evidence submitted and answers provided to questions set out in writing and explained at hearings.

The Planning Inspectorate maintains a public register of applications received and members of the public are able to examine applications and accompanying documents, as well as reports of pre-application consultations.

The Planning Inspectorate manages the examination of applications, including deciding the principal issues to be examined. It has the discretion to decide whether cross-examination of evidence should take place at hearings. At the end of an examination, the Planning Inspectorate prepares a report on the application to the relevant Secretary of State, including a recommendation on whether to grant development consent. The Secretary of State then makes the decision on whether to grant or refuse development consent.

The local community can raise any concerns they have about our proposals via the consultation.