

NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT CONSENTING PROCESS

ACE Submission



ABOUT ACE

The Association for Consultancy and Engineering (ACE) is the association for the UK's professional consultancies and engineering companies operating in the social and economic infrastructure sectors.

The ACE champions infrastructure and the built environment to government and other stakeholders, representing the views of around 400 members. Our members employ over 60,000 in the UK and 250,000 worldwide, contributing more than £15 billion to the UK economy. However, the buildings they create actively contribute over £570 billion a year of GVA.

Our **vision** is for a safe, innovative, resilient, and globally competitive UK built environment sector driving economic growth by delivering well-connected, socially valuable, and environmentally sustainable places. Our **mission** is to advocate, anticipate, and educate on behalf of our members. That means proactively engaging with government and stakeholders about challenges and opportunities, ensuring members of all sizes have a voice.

INTRODUCTION

Submission overview:

As a collective of experts and professionals deeply engaged in shaping the infrastructure landscape, ACE members welcome the opportunity to contribute to the consultation on the operational reforms to the Nationally Significant Infrastructure Project (NSIP) consenting process. The contents in this submission are *drafted following consultation with members of ACE's Places, and Procurement Advocacy Groups.*

The NSIP regime, a cornerstone of the approach to infrastructure development, plays a pivotal role in facilitating the delivery of critical projects that underpin economic growth, enhance community well-being, and ensure environmental sustainability. As the complexity and scale of infrastructure projects continue to evolve, it is imperative that the consenting process remains agile, transparent, and robust. This consultation presents a timely opportunity for us to provide our insights and recommendations, drawing from the vast industry knowledge and practical experience of our members.

In our submission, we aim to address key areas within the NSIP consenting process where operational reforms could lead to greater efficiency and alignment with the broader objectives of national development. Our recommendations are framed not only to streamline administrative processes but also to foster collaboration among stakeholders, ensure high standards of project assessment, and safeguard the long-term interests of communities and the environment.

As active participants in the delivery of infrastructure projects across various sectors, ACE members possess a deep understanding of the challenges faced by both the public and private sectors. Our commitment to innovation, sustainability, and quality outcomes equips us with valuable insights that can contribute to the ongoing enhancement of the NSIP consenting process.

Infrastructure Delivery in the Political Landscape:

In today's dynamic political landscape, infrastructure development has often become a political football. It's an arena where decisions can have far-reaching consequences, not just in terms of economic growth and societal progress, but also for the reputation of those involved. The public and stakeholders are increasingly engaged in infrastructure matters, making it a central concern for governments and policymakers. As a result, infrastructure projects have the potential to impact not only the physical environment but also the political environment.

The Role of a Strong Consenting Process:

In this politically charged atmosphere, having a robust consenting process is paramount. A well-structured, transparent, and efficient process not only ensures that projects meet legal requirements but also builds public trust. It provides stakeholders with the opportunity to voice concerns and seek clarifications, reducing the likelihood of disputes and controversies down the line. A clear consenting process helps streamline decision-making, mitigates risks, and fosters a sense of predictability.

The Need for a Strong Project Pipeline:

However, a strong consenting process alone is not sufficient. To navigate the political landscape successfully, there must be a robust pipeline of infrastructure projects that align with national priorities. A steady flow of well-defined projects not only keeps the infrastructure sector vibrant but also provides tangible achievements to showcase. It's a proactive approach that can help minimize the "stop-and-start" nature of infrastructure development, creating stability in an otherwise politically charged environment.

ACE SUBMISSION

Strengthening the role of pre-application and ensuring more effective and proportionate consultation.

1. Do you support the proposal for a new and chargeable pre-application service from the Planning Inspectorate?

- Neither agree/disagree

The proposal for a new chargeable pre-application service from the Planning Inspectorate in the UK has generated mixed responses from ACE members. Whether they support it or not depends on the specifics of how this service will be implemented and its impact on the Development Consent Order (DCO) process. Our members welcome the idea if the chargeable service delivers valuable support and guidance that streamlines the pre-application phase, resolves issues early on, and results in better-quality applications. However, opposition is likely if the charges are perceived as excessive and not proportional to the benefits, or if the service introduces unnecessary complexity and costs into the process.

In general, strengthening the pre-application stage and ensuring effective consultation are seen as positive steps by ACE members. The proposed measures, such as providing clarity on consultation requirements, offering different service levels, and enabling the Planning Inspectorate to provide advice on merits and procedures, aim to enhance the quality of applications and consultations. However, the success of these changes will depend on their execution and whether they strike a balance between streamlining the process for applicants and ensuring meaningful engagement with relevant stakeholders.

4. To what extent do you agree that the overall proposals for merits and procedural advice will enable the policy objective to be met?

- Neither agree/disagree

From the perspective of ACE members, the proposed changes to strengthen the role of pre-application and ensure effective and proportionate consultation appear to have several merits. The proposals appear to align with the goal of making the Development Consent Order process more efficient, transparent, and tailored to the specific needs of infrastructure projects. However, the successful implementation of these proposals will depend on their effective execution, including the quality of services provided, the clarity of guidance, and the fair application of rules and regulations.

- **Revising the Pre-Application Service:** The introduction of different levels of pre-application services, ranging from basic to enhanced, seems beneficial. This allows applicants to choose a service level that aligns with their project's complexity and needs. For ACE members, this could mean more tailored support and guidance, especially for complex projects. However, it's essential that the cost recovery framework is reasonable and that the services provided are of high quality to ensure value for money.
- **Enabling Merits and Procedural Advice:** Allowing the Planning Inspectorate to provide merits and procedural advice while maintaining impartiality is a positive step. This can help ACE members and applicants to identify potential issues early in the process, leading to better project planning and potentially fewer delays during the examination phase. It's crucial that this advice is based on expert knowledge and is offered in a way that doesn't compromise impartiality.
- **Clarity on Consultation Requirements:** Providing greater clarity for applicants on who to consult and when can streamline the consultation process. For ACE members, this means clearer guidelines on engaging with statutory consultees and local authorities. However, it's essential that these guidelines are comprehensive and up-to-date to avoid confusion and ensure that all relevant parties are consulted.
- **Encouraging Proportionate Consultation:** The proposal to introduce an early 'adequacy of consultation' milestone is a positive step. This can help ensure that consultation efforts are proportionate to the project's scale and impact. For ACE members, this has the potential to mean more efficient and focused consultation efforts, reducing the burden of over-consultation and consultation fatigue in communities.

8. Do you support the proposed introduction of an early 'adequacy of consultation' milestone?

- Agree

From the perspective of ACE members, the proposed introduction of an early 'adequacy of consultation' milestone is generally supported. Our members recognise the importance of effective and proportionate consultation in the pre-application stage of the Development Consent Order process. They understand that this milestone can contribute to more efficient and effective consultation processes, ensuring that consultation efforts are proportionate to the scale and likely impact of a project.

The proposed milestone has the potential to provide clarity to developers regarding the adequacy of their consultation arrangements early in the pre-application process. This clarity can help developers tailor their consultation efforts to meet statutory requirements while avoiding over-consultation, which can be burdensome for local communities and stakeholders.

ACE members also appreciate the intention to provide new and updated government guidance that emphasises proportionate consultation and outlines expected levels of engagement for statutory consultees and local authorities. This guidance, informed by good practice and stakeholder input, will be instrumental in achieving more effective and efficient consultation processes.

9. Are there any additional factors that you think the early 'adequacy of consultation' milestone should consider?

From the perspective of ACE members, the proposed reforms to strengthen the role of pre-application and ensure effective and proportionate consultation are seen as positive steps. These reforms have the potential to improve the efficiency and effectiveness of the consultation process for major infrastructure projects. ACE members see value reforms that enhance transparency, provide clearer guidelines, and promote effective community engagement. These factors can contribute to more successful and efficient

major infrastructure projects while minimising the need for excessive consultations and ensuring that stakeholder concerns are appropriately addressed.

- Early identification of key issues – ACE members welcome the emphasis on identifying and resolving key issues early in the pre-application stage. This can help streamline the project's development by addressing potential challenges and concerns before they escalate.
- Streamlined Consultation Process – The proposal to consolidate the list of prescribed statutory consultees has the potential to simplify the process of identifying relevant parties for consultation. ACE members believe they could benefit from a clearer and more streamlined approach to engaging with these consultees.
- Technical Input and Merits Advice – The idea of providing merits and procedural advice by the Planning Inspectorate during the pre-application stage would be welcomed by ACE members. Technical insights and advice on potential examination issues can help developers refine their proposals and improve the quality of applications.
- Managing Community Engagement – ACE members often play a role in communicating technical details of projects to the public. The proposal to encourage more effective and proportionate consultation aligns with the need to manage community engagement efficiently without overburdening stakeholders. This also forms an important part of ACE member companies' commitment to social value.
- Guidance Clarity – The updated and clearer guidance on expected levels of engagement, application content, and consultation requirements has the potential to assist ACE members in preparing comprehensive and accurate documentation. This clarity can lead to more informed consultations and a smoother application process.
- Flexibility in Service Levels – The tiered pre-application service offerings from the Planning Inspectorate provide developers with options to choose the level of support that aligns with their project's complexity and needs. ACE members would appreciate this flexibility, as it allows tailored support based on project requirements.
- Proactive Community Engagement – The expectation for applicants to make use of independent community liaison chairs or forums could facilitate better communication between the project team and local communities. ACE members see this as an opportunity to work closely with these forums to address technical queries and concerns.
- EIA Process – Environmental Impact Assessments are a critical aspect of major infrastructure projects. If EIAs uncover unexpected impacts, ACE members can engage with stakeholders to explain mitigation measures and gain feedback on proposed solutions.

10. Our evidence shows that there is a substantial amount of community consultation that happens during the lifetime of an NSIP. To guide our reforms, and to ensure that reforms support faster consenting, preventing consultation fatigue, more proportionate community consultation, with clearer tests for adequacy, it is important to gather further information about the causes for multiple consultations. What are the main reasons for consulting with communities multiple times during the lifetime of an NSIP application?

From the perspective of ACE members, multiple consultations with communities during the lifetime of an NSIP application can arise due to a variety of reasons, each contributing to the need for continuous engagement. In the context of the proposed reforms, strengthening the role of pre-application and ensuring effective and proportionate consultation can help address some of these reasons for multiple consultations.

By enhancing the pre-application stage, providing clearer guidance, and establishing early milestones to assess consultation adequacy, developers can better anticipate and address community concerns, leading to more informed and efficient consultation processes. This, in turn, can contribute to reducing the need for repeated consultations and ‘consultation fatigue’ while advancing the overall NSIP consenting process.

- **Project Evolution and Refinement** – As NSIP applications evolve, project details, scope, and technical specifications may be refined based on feedback and changing requirements. These adjustments can necessitate further consultation to ensure that local communities are kept informed about the project's developments and can provide input on the revised plans.
- **Addressing Concerns** – Often, communities raise concerns or objections during the consultation process that require the developer to revisit certain aspects of the project design, routing, or environmental impact mitigation. Further consultations may be conducted to present modified plans and seek input on proposed solutions to address community concerns.
- **Regulatory Changes** – Regulatory frameworks and requirements can change over time. If there are alterations to relevant regulations or guidelines during the course of an NSIP's development, additional consultations may be needed to align the project with the updated regulatory landscape.
- **Technical Challenges** – Complex infrastructure projects can encounter unforeseen technical challenges during design and implementation. These challenges might prompt consultations to inform stakeholders about how the project team intends to overcome such challenges without compromising the project's goals.

11. Are there any other measures you think that Government could take to ensure consultation requirements are proportionate to the scale and likely impact of a project?

As the complexities and implications of infrastructure projects continue to evolve, it is imperative that the consultation process remains proportionate with the scale and potential impact of these projects. In this context, we believe that there are additional measures the government could undertake to ensure that consultation requirements align effectively with the nature of each project. Our recommendations are formulated with the intention of fostering an environment of collaboration, transparency, and mutual understanding between our members, developers, communities, and stakeholders. By optimising the consultation process through these measures, we believe that the NSIP consenting regime can continue to serve as a robust foundation for delivering transformative infrastructure projects that align with our collective vision of a sustainable and prosperous future.

- **Early Stakeholder Engagement and Alignment** – We propose the establishment of an early engagement framework that encourages collaboration with local communities, local authorities, and relevant statutory consultees at the inception of project conceptualisation. This approach would ensure that potential concerns are identified and addressed from the outset, reducing the need for repetitive or excessive consultations during later stages of the process. Such an approach could also be reinforced by the guidance found in the Construction Playbook, particularly its section on early market engagement. The Construction Playbook's emphasis on proactive engagement, dialogue, and partnership-building resonates strongly with our vision for effective consultation in the infrastructure development process. This holistic approach, guided by the Playbook, not only aligns with industry best practices but also ensures that all stakeholders share a common understanding of project objectives and potential challenges. As we advocate for the optimisation of early stakeholder engagement and alignment, we emphasise that a robust implementation of the Construction Playbook is critical in fostering a culture of collaboration, transparency, and foresight within the NSIP consenting process.
- **Consultation Strategies** – Recognising that the scope and characteristics of projects vary significantly, we recommend the implementation of a flexible consultation framework. This framework could entail the

formulation of distinct consultation strategies tailored to project categories, guided by project complexity, scale, and the potential for impact. Such an approach would streamline consultation activities, ensuring that they are targeted, relevant, and resource-efficient.

- **Consultation Thresholds** – Building on the concept of an "adequacy of consultation" milestone, we propose the establishment of well-defined consultation thresholds that align with the project's scope and potential impact. These thresholds would be calibrated based on the project's characteristics, enabling developers and stakeholders to gauge the extent of consultation required. Clarity on consultation expectations from the outset would not only foster greater efficiency but also engender confidence in the process among stakeholders.
- **Integration of Technology** – Harnessing advancements in technology, we advocate for the integration of digital tools and platforms to enhance consultation efficiency. Virtual engagement methods, interactive mapping tools, and online feedback mechanisms could amplify public participation and outreach, ensuring a wider spectrum of voices are heard while minimising geographical and logistical challenges.
- **Guidance Updates** – Recognising the evolving landscape of infrastructure development, we recommend that pre-application guidance and regulations are reviewed periodically to remain aligned with industry best practices. Regular updates will ensure that guidance remains relevant, reflects emerging trends, and capitalises on innovative consultation methodologies.

Operational reforms to support faster and more proportionate examinations.

14. To what extent do you agree that providing the Examining Authority with the discretion to set shorter notification periods will enable the delivery of examinations that are proportionate to the complexity and nature of the project but maintain the same quality of written evidence during examination?

- Neither agree/disagree

Overall, the proposed changes have the potential to make the examination process for Development Consent Orders more adaptable and efficient. However, the success of these changes will likely depend on how well they are implemented and how effectively they address the challenges currently faced in the examination process. It's important to monitor their impact and adjust as needed to achieve the desired outcomes of faster and more proportionate examinations while maintaining quality and fairness.

- **Enabling Flexible and Focused Deployment of Examining Inspectors** – Removing the prohibition on appointing an Examining Inspector who has given pre-application advice allows for increased expertise to be involved at the pre-application stage. This could potentially enhance the overall examination process by having more knowledgeable individuals on the panel.
- **Requiring More Detailed Relevant Representations** – Requiring stakeholders to provide more detailed relevant representations early in the process would provide the Examining Authority with a better understanding of key issues and allow for better preparation of the examination timetable. This has the potential to lead to a more focused examination and potentially shorten the overall process.
- **Enabling More Flexible Notification Periods** – Allowing the Examining Authority to set flexible deadlines for notifications and submissions during the examination process could enable a more tailored examination timetable. By removing strict minimum timescales, the process could be adjusted to the specific circumstances of each application. Digital communication tools are suggested to play a role in enabling faster responses.

- Moving to More Digital Processes – Digitising the handling of examination materials, notifications, and submissions could improve efficiency and accessibility. This change aligns with modern communication methods and could speed up the flow of information between stakeholders and the Examining Authority.
- Updating Planning Guidance – Strengthening guidance on the preparation of relevant representations and the examination stage, as well as potentially creating new guidance for drafting the Development Consent Order, could provide clearer instructions for participants and enhance the quality of submissions. This might lead to more focused and productive examinations.

15. To what extent do you agree that moving to digital handling of examination materials by default will improve the ability for all parties to be more efficient and responsive to examination deadlines?

- Agree

From the perspective of ACE members, the proposed changes to move towards digital handling of examination materials and other operational reforms have the potential to improve the ability for all parties to be more efficient and responsive to examination deadlines. Overall, these proposed changes have the potential to make the examination process more efficient and responsive to deadlines. However, the success of these changes will also depend on the willingness and capacity of stakeholders, the effective implementation of digital tools, and the adaptability of the Examining Authority to exercise the increased discretion and flexibility granted by the proposed reforms.

- Enabling flexible and focused deployment of Examining Inspectors – Allowing Examining Inspectors who have given pre-application advice to participate in the examination process can increase expertise and understanding of the project's complexities. This could lead to more informed decision-making and potentially more streamlined examinations. This change could have a positive impact on the efficiency of the process.
- Requiring more detailed relevant representations – Requiring more detailed information in relevant representations at an earlier stage can lead to better understanding of key issues and streamlined examination preparations. However, this might put an additional burden on stakeholders to provide detailed submissions early on. It could potentially improve efficiency by allowing the Examining Authority to identify key issues sooner, but it also depends on stakeholders' willingness and capacity to provide comprehensive information early in the process.
- Enabling the Planning Inspectorate to set more flexible notification periods – Granting more flexibility to the Examining Authority to set deadlines based on the project's specific circumstances is likely to improve efficiency. The current fixed 21-day deadlines might not always align with project needs. Allowing for shorter, project-specific deadlines could accelerate the examination process, particularly when combined with digital communication tools.
- Moving to more digital processes – Introducing more digital tools for communication, submission of materials, and notifications can significantly improve efficiency. The ability to handle materials digitally and receive notifications electronically can save time and resources, making the examination process more streamlined. However, it's important to ensure that digital processes are accessible to all parties and that appropriate assistance is available for those who might face challenges with digital access.
- Updating planning guidance to strengthen the examination stage – Strengthening guidance to encourage early and detailed submissions of relevant representations and to focus on key issues can enhance the examination process. It might help streamline the examination process by ensuring that parties address critical matters promptly and efficiently.

16. To what extent do you agree that the submission of ‘planning data’ will provide a valuable addition as a means of submitting information to the Planning Inspectorate?

- Agree

From the perspective of ACE members, the proposed changes to the pre-examination and examination stages of the planning process, as outlined in the provided text, could indeed provide a valuable addition in terms of submitting information to the Planning Inspectorate. Overall, these proposed changes have the potential to streamline the planning examination process, increasing transparency, and utilising digital tools more effectively. For ACE members, these changes could collectively contribute to a more efficient, focused, and informed examination process, potentially reducing delays and uncertainties in the planning process for infrastructure projects. However, the practical implementation and effectiveness of these changes would depend on various factors, including the specifics of each project, the level of stakeholder cooperation, and the capacity of the Planning Inspectorate to manage the new processes effectively.

- Flexible Deployment of Examining Inspectors – Removing the prohibition on an Inspector who has given pre-application advice from being appointed to examine the application would increase the expertise available for examination. This could be valuable, as having inspectors with prior knowledge of the project’s complexities could lead to a more informed and efficient examination.
- More Detailed Relevant Representations – Requiring stakeholders to provide more detailed relevant representations early in the pre-examination stage could enhance the Examining Authority’s understanding of key issues. This can lead to a more robust examination timetable and better preparation for the examination process. This would likely be valuable, as it could lead to a more focused examination process and reduced delays.
- Flexible Notification Periods – Allowing the Examining Authority to set more flexible deadlines for notifications and submission of written evidence could lead to a more tailored examination timetable. This might be valuable as it would allow for a better alignment of examination timelines with the specific circumstances of each project, potentially leading to quicker and more efficient examinations.
- Digital Processes – Enabling more digital processes for the submission of materials and planning data could significantly improve efficiency and reduce administrative burdens. This would likely be valuable, as it aligns with the increasing trend towards digitalisation and can lead to quicker and more accessible communication and information sharing.
- Updating Planning Guidance – Strengthening the guidance on information submission during both pre-application and examination stages, along with potentially introducing new guidance on drafting Development Consent Orders, could provide valuable clarity for stakeholders. This could enhance the quality of submissions and potentially lead to smoother examination processes.

17. Are there any other areas in the application process which you consider would benefit from becoming ‘digitalised’?

- Document Management and Accessibility – The proposal already mentions enabling the digital handling of examination materials and making them available online. This can be extended to ensure that all relevant documents, reports, plans, and data are easily accessible in a centralised digital repository. This could include setting up a secure online portal where applicants, stakeholders, and the Examining Authority can access and review documents at any time, improving transparency and efficiency.
- Collaborative Review Platforms – Implementing collaborative digital platforms could streamline the review and commenting process for stakeholders and interested parties. This could allow for real-time

commenting, discussion, and annotation on relevant documents, making it easier to address concerns, ask questions, and provide feedback during the examination stage.

- Digital Mapping and Visualisation – Utilising Geographic Information Systems (GIS) and interactive mapping tools can help in visualising the proposed development's impact on the surrounding environment. Digital maps can display affected areas, potential environmental impacts, and various alternatives, aiding in decision-making and providing a clearer understanding to stakeholders.
- Digital Data Integration – As mentioned in the proposal, allowing the submission of planning data electronically can help streamline the application process. Moreover, integrating digital data from different sources, such as environmental studies, traffic analyses, and socio-economic assessments, can provide a comprehensive overview for both applicants and examiners.
- Virtual Site Inspections – Instead of or in addition to physical site inspections, virtual reality (VR) technology can be used to conduct virtual site visits. This can help examiners and stakeholders visualise the proposed development's location, layout, and potential impacts without the need for extensive travel.
- Data Analytics for Decision Support – Leveraging data analytics and AI tools can help in analysing large volumes of data and identifying trends, patterns, and potential issues. This can assist the Examining Authority in making informed decisions and recommendations.
- Interactive Visual Presentations – Digital platforms can be used to create interactive visual presentations that demonstrate the proposed project's design, impact, and benefits. This can aid in conveying complex information to stakeholders in a more engaging and understandable way.

Establishing a fast-track route to consent.

18. To what extent do you agree that projects wishing to proceed through the fast track route to consent should be required to use the enhanced pre-application service, which is designed to support applicants to meet the fast track quality standard?

- Agree

From the perspective of ACE members, the proposal to require projects wishing to proceed through the fast-track route to consent to use the enhanced pre-application service has both potential benefits and considerations. The proposal to require fast-track projects to use the enhanced pre-application service has the potential to enhance the quality and efficiency of the consent process. However, careful consideration should be given to ensure that the requirement is flexible, accessible, and appropriately balanced with the resources and needs of different types of projects. ACE members may find benefits in terms of early issue identification and improved application quality, but potential challenges related to resource allocation and the application of the requirement to different project scales and complexities should also be considered.

Potential Benefits:

- Efficiency – Utilising the enhanced pre-application service could help identify potential issues and challenges earlier in the process. This proactive approach may lead to more efficient problem-solving and decision-making, ultimately streamlining the entire consent process.
- Quality Enhancement – The enhanced service aims to ensure that projects meet a specific quality standard before entering the fast-track route. This could lead to better-prepared applications, higher-quality documentation, and more robust submissions, benefiting both applicants and the examination process.

- Clearer Expectations – Requiring fast-track projects to use the enhanced service sets a clear expectation for engagement and preparation. This could result in more consistent and effective communication between stakeholders and the Planning Inspectorate, enhancing the overall understanding of project nuances.
- Faster Process – By addressing potential issues early on, the process could progress more smoothly, reducing the likelihood of delays during the examination stage. This aligns with the aim of the fast-track route to achieve quicker decision-making.

Considerations:

- Resource Allocation – Applicants, particularly those with resource constraints, may need to allocate additional resources to engage with the enhanced pre-application service effectively. This could impact project budgets and timelines.
- Early Commitment – Requiring participation in the enhanced service before knowing if the project will qualify for the fast-track route could pose a risk. Some projects might not meet the necessary criteria and therefore might have committed resources unnecessarily.
- Flexibility – The proposed requirement might not be suitable for all projects, especially those that are straightforward and well-defined. A one-size-fits-all approach could potentially limit flexibility.
- Initial Learning Curve – Applicants not familiar with the enhanced pre-application service may face a learning curve when engaging with the process. This could potentially create some challenges initially.
- Equity – Ensuring that the enhanced pre-application service is accessible to all types of projects, including smaller ones with limited resources, will be important to maintain fairness in the application process.

21. To what extent do you agree that the proposals for setting the fast-track examination timetable strike the right balance between certainty and flexibility to handle a change in circumstance?

- Agree

From the perspective of ACE members, the proposed framework for setting the fast-track examination timetable appears to strike a balance between certainty and flexibility to handle changes in circumstances. The framework outlines a clear process for determining the examination timetable while allowing for adjustments when necessary. Overall, the proposed framework acknowledges the need for both certainty and flexibility in setting the fast-track examination timetable. ACE members will find this approach favorable, as it provides clear timelines while allowing for adjustments to accommodate unexpected developments. Effective implementation and communication will be key to ensuring that the balance is maintained throughout the process.

Benefits of the Proposed Framework:

- Certainty in Timelines – The proposed benchmark timescales for each stage of the examination process provide clear expectations for all parties involved. This helps ACE members and applicants to plan and allocate resources effectively.
- Efficient Decision-Making – By setting a maximum examination period of 4 months for fast-track projects, the framework promotes efficient decision-making. This can be advantageous for ACE members who need timely feedback on their projects.

- **Adaptability** – The framework allows for flexibility in the examination timetable. If it becomes clear that a project cannot be examined within the 4-month period due to unforeseen circumstances, the option to request an extension is available. This balances the need for efficiency with the recognition that certain situations might require more time.
- **Transparent Decision Process** – The decision-making process for entry into the fast-track process and the determination of the examination timetable involves relevant parties, including the Planning Inspectorate and Examining Authority. This transparency can enhance confidence in the fairness of the process.

Considerations of the Proposed Framework:

- **Potential Delays** – While the framework aims to ensure that the examination process remains efficient, there might be cases where unexpected circumstances arise that necessitate an extension of the examination timetable. ACE members would need to be prepared for the possibility of slight delays.
- **Balancing Efficiency and Thoroughness** – Striking the right balance between expediting the process and ensuring a thorough examination can be challenging. ACE members may need to ensure that the fast-track route doesn't compromise the depth of analysis and consideration needed for complex projects.
- **Appropriate Communication** – Effective communication between ACE members, applicants, and the Planning Inspectorate is essential to ensure that any changes in circumstances are appropriately addressed and that extensions, if needed, are requested in a timely manner.

Reviewing the processes for post consent changes to Development Consent Orders.

22. To what extent do you agree that there is a need for new guidance on which application route proposed changes should undergo?

- Agree

From the perspective of ACE members, the need for new guidance on which application route proposed changes should undergo is apparent. The proposed changes and improvements outlined in the document suggest a recognition of the challenges that post-consent changes can pose and the need for a more streamlined and efficient process. ACE members welcome the proposed changes, as they address current challenges in the change process and offer a more efficient, structured, and predictable approach. However, the effectiveness of the new guidance will depend on how well it addresses the concerns and needs of ACE members and other stakeholders, ensuring that the process is fair, transparent, and supportive of innovation and improvements.

Benefits of New Guidance:

- **Clarity and Direction** – ACE members often face challenges in determining whether proposed changes are material or non-material and, consequently, which process they should follow. New guidance that provides clear criteria for distinguishing between material and non-material changes would assist ACE members in making informed decisions.
- **Early Planning** – Having standardised advice on the materiality of proposed changes before submitting an application can significantly aid ACE members in making well-informed decisions about the potential impact of changes and whether an examination process would be necessary.

- **Reduced Uncertainty** – The introduction of a statutory timeframe for non-material change applications offers a clear and predictable timeline for decision-making. This can enhance the confidence of ACE members in making changes that could improve their projects, without the uncertainty of prolonged waiting times.
- **Efficiency and Innovation** – A streamlined process for changes can encourage ACE members to implement innovations, cost savings, or time-saving measures more confidently. The assurance of a timely decision can prompt engineers to propose beneficial changes without concerns about delays.

Considerations for New Guidance:

- **Appropriate Criteria** – The guidance needs to provide clear and objective criteria for determining materiality to avoid ambiguity and subjective interpretations. ACE members need confidence that their assessment aligns with the guidelines.
- **Consultation Balance** – While the intention is to standardise the advice on materiality, it's important that the process still allows for consultation with the relevant authorities. Striking a balance between standardisation and consultation will be crucial.
- **Realistic Timeframes** – The introduction of a statutory timeframe for non-material change applications is positive, but it should be realistic and allow for thorough consideration without unnecessary delays.
- **Effective Communication** – The guidance should emphasise the importance of effective communication between ACE members, applicants, and relevant authorities to ensure a smooth process and timely decisions.
- **Accessible Information** – The revised guidance should be easily accessible, well-structured, and user-friendly, making it easy for ACE members to understand and follow the steps outlined.

24. To what extent do you support the proposal to introduce a statutory timeframe for non-material change applications?

- Agree

From the perspective of ACE members, the proposal to introduce a statutory timeframe for non-material change applications is broadly supported, as it can bring several benefits to the process. ACE members are broadly supportive of the proposal if the chosen timeframe is reasonable, accounts for the complexity of changes, and aligns with the goal of promoting efficiency and innovation while maintaining thorough assessment and consultation processes.

Pros of Introducing a Statutory Timeframe:

- **Certainty and Predictability** – Having a clear and defined timeframe for determining non-material change applications provides applicants, stakeholders, and local authorities with certainty about when a decision can be expected. This can help in project planning and decision-making.
- **Efficiency** – A statutory timeframe can help streamline the decision-making process, reducing delays and ensuring that decisions are made within a reasonable period. This can be particularly beneficial for projects where timely decisions are crucial.
- **Encouraging Innovation and Improvements** – With a defined timeframe, applicants may be more inclined to propose innovative changes to their projects, as they can be confident that decisions will be

made promptly. This can lead to better project outcomes and increased willingness to implement improvements.

- Reducing Administrative Burden – Clear timeframes can reduce administrative burdens on both applicants and decision-making authorities by providing a framework that ensures decisions are made within a specified period.

Considerations and Balance:

- Realistic Timeframe – The chosen timeframe should strike a balance between efficiency and thorough assessment. It's important to ensure that the proposed timeframe allows for adequate review of the proposed change and consultation feedback while not causing unnecessary delays.
- Complexity of Changes – The timeframe should take into account the complexity of the proposed changes. More complex changes might require more time for evaluation and assessment.
- Consultation Process – The timeframe should commence once the Secretary of State is satisfied that sufficient consultation has been undertaken. This ensures that the decision is based on a comprehensive understanding of potential impacts.
- Flexibility – While a statutory timeframe can provide predictability, some flexibility may be necessary to account for exceptional cases or unexpected circumstances that could impact the decision-making process.

What do you consider is a reasonable timeframe for determining non-material applications? Please note, determination is referred to as the time it takes for the relevant department to make a decision on an application once the appropriate consultation has been undertaken. Any timeframe included in legislation would need to provide a specific timescale for determination.

- 8 – 10 weeks

This timeframe strikes a balance between providing a timely decision for applicants and stakeholders while allowing the relevant department enough time to adequately review the proposed change, gather any necessary input from stakeholders, and make an informed decision. This period should provide a reasonable duration to assess the potential impact of the proposed change on the project, consider any consultation feedback, and align with the goal of streamlining the change process. It's important to ensure that the timeframe is realistic and feasible for both the decision-makers and the applicants.

However, the specific timeframe may vary depending on the complexity of the change, the potential impact on the project, and the volume of ongoing applications. It's essential to strike a balance between expediting the process and maintaining the thoroughness of the assessment to ensure that non-material changes are still subject to appropriate scrutiny.

Resourcing the Planning Inspectorate and updating existing fees.

25. Taking account of the description of the services in section 2.2.1 to what extent do you believe a cost-recoverable pre-application service will represent value for money in supporting applicants to deliver higher quality applications with minimal residual issues at submission?

From the perspective of ACE members, the proposal to introduce a cost-recoverable pre-application service has the potential to represent value for money and support applicants in delivering higher quality applications with minimal residual issues at submission. ACE members support a well-designed cost-recoverable pre-application service that provides substantial value in terms of improved planning,

application quality, and streamlined processes. Careful consideration of costs, benefits, and potential impact on applicants is essential to ensure that the service is seen as a valuable resource in supporting the development of infrastructure projects.

Introducing a Cost-Recoverable Pre-Application Service:

- **Enhanced Planning** – A cost-recoverable pre-application service can provide applicants with expert guidance and advice during the planning phase. This can help applicants better understand the requirements, potential challenges, and best practices related to their project, leading to improved project planning and design.
- **Minimising Residual Issues** – By offering comprehensive pre-application guidance, applicants can address potential issues, concerns, and challenges before formal application submission. This can result in more complete and well-prepared applications, reducing the likelihood of significant issues arising during the examination phase.
- **Streamlined Process** – Early engagement with the Planning Inspectorate through a pre-application service can lead to a smoother and more streamlined application process. This can save time and resources for both applicants and the Planning Inspectorate.

Considerations and Balance:

- **Affordability** – The cost of the pre-application service needs to be reasonable and justifiable for applicants. The proposed cost estimates of between £50,000 and £200,000 per application for a 12-month period should align with the value provided by the service.
- **Flexibility and Tailoring** – The pre-application service should be flexible enough to address the specific needs of different projects. Tailoring the guidance to the unique challenges and requirements of each project can enhance its value.
- **Impact on Small Projects** – Consideration should be given to the potential impact of the cost-recoverable service on smaller projects, ensuring that it remains accessible and valuable for a range of project sizes.
- **Clarity of Benefits** – The benefits of the pre-application service should be clearly communicated to applicants. Demonstrating how the service can contribute to higher quality applications and smoother processes will encourage applicants to utilise it.
- **Balancing Fees** – The overall fee structure, including the cost of the pre-application service and existing fees, should be balanced to ensure that the cumulative costs remain reasonable for applicants.
- **Consultation and Feedback** – Engaging with potential users of the service, such as ACE members and other stakeholders, during the design phase can help refine the offering to meet the needs of applicants effectively.

27. The government has set out an objective to move to full cost recovery for the Planning Act 2008 consenting process. To what extent do you support the proposal to support the Planning Inspectorate to better resource their statutory work on consenting by reviewing and updating existing fees, and introducing additional fee points?

- Neither agree nor disagree

From the perspective of ACE members, the proposal to support the Planning Inspectorate to better resource their statutory work on consenting by reviewing and updating existing fees, and introducing additional fee points, receives varying levels of support based on several factors. ACE members generally support the proposal to review and update fees, provided that the changes are carefully balanced to ensure that the benefits of improved services outweigh the increased costs. The government should consider the diverse range of projects, sizes, and budgets that applicants may have, ensuring that the fee structure remains reasonable, transparent, and aligned with the objectives of the Planning Act 2008 consenting process.

Reviewing and Updating Fees:

- Resource Allocation – Increasing fees and introducing additional fee points can provide the Planning Inspectorate and consenting departments with the necessary resources to effectively manage the increasing number and complexity of projects entering the NSIP planning system.
- Improved Service – Adequate resourcing can lead to a more efficient and timely application process. Well-resourced departments are better equipped to handle various aspects of the process, reducing delays and enhancing overall service quality.
- Full Cost Recovery – The principle of full cost recovery is reasonable, as it aligns the financial responsibility of the process with the applicants who benefit from it. This can lead to a fair distribution of costs among those utilising the NSIP planning system.
- Professional Expertise – Higher fees can contribute to attracting and retaining skilled professionals within the Planning Inspectorate and other consenting departments, enhancing the overall quality of service provided to applicants.

Considerations and Balance:

- Impact on Applicants – Higher fees, if not carefully balanced, could potentially pose a financial burden on applicants, especially smaller projects or applicants with limited resources. Careful consideration should be given to ensure that the fee structure remains accessible and proportionate.
- Cost-Benefit Ratio – Applicants will evaluate the value they receive in relation to the fees paid. It's important that the improvements in service quality, reduced processing times, and smoother processes justify the increased fees.
- Transparency – Clear communication about the rationale behind fee adjustments and the benefits they bring to applicants can help maintain transparency and build trust among stakeholders.
- Impact on Project Viability – For larger infrastructure projects, the percentage of total costs attributed to Planning Inspectorate fees is relatively small. However, for some smaller projects, these fees might have a more significant impact on project viability.
- Consultation and Feedback – Engaging with stakeholders, including ACE members, during the fee adjustment process can help identify potential challenges and solutions that cater to the needs of applicants.

28. To what extent do you support the proposal to review and update existing fees in relation to applications for non-material changes to achieve cost recovery and support consenting departments in handling these applications?

- Neither agree nor disagree

From the perspective of ACE members, the proposal to review and update existing fees in relation to applications for non-material changes, with the aim of achieving cost recovery and supporting consenting departments in handling these applications, receives cautious support. ACE members generally support the proposal to review and update fees for non-material changes, provided that the adjustments are reasonable, transparent, and closely aligned with the goal of achieving cost recovery while maintaining the efficiency and quality of the planning process. A balance between recovering costs and supporting various project sizes and types is crucial for the success of the fee adjustments.

Reviewing and Updating Fees for Non-Material Changes:

- Improved Service Quality – Adequate funding through revised fees can contribute to a more efficient and effective review process for non-material changes. This can lead to faster responses and reduced delays in project implementation.
- Resource Allocation – Increased fees can help provide the necessary resources for consenting departments to handle non-material change applications promptly and thoroughly, thereby maintaining the overall quality of the development.
- Consistency – A well-resourced process ensures that non-material change applications are handled consistently and in accordance with established standards, minimising ambiguity and uncertainty for both applicants and reviewers.
- Encouraging Compliance – A reasonable fee structure can encourage applicants to carefully assess whether changes are truly non-material before submitting applications. This can reduce the number of unnecessary applications and streamline the process.
- Cost-Benefit Balance – Given that Planning Inspectorate fees generally account for a small proportion of total project costs, the increased fees for non-material changes would still represent a relatively small financial impact on overall project budgets.

Considerations:

- Proportionality – While recovering reasonable costs is essential, the fees should be proportionate to the level of work required for processing non-material changes. Overly high fees might discourage applicants from making necessary changes, impacting the quality of projects.
- Transparent Justification – Transparent communication about the rationale behind fee adjustments and how they directly contribute to improved services can help build understanding and acceptance among applicants.
- Consultation – ACE members, along with other stakeholders, should have the opportunity to provide feedback on the proposed fee changes. This feedback can ensure that any potential challenges are addressed, and the fees are adjusted appropriately.
- Impact on Small Projects – Smaller projects might be more sensitive to fee increases, and the government should consider mechanisms to support equitable access to the planning system for all project sizes.
- Timing and Implementation – The timing of fee adjustments and the practical implementation should be well-considered to minimise disruption to ongoing projects and to provide clear guidelines for new applications.

- Efficiency Improvements – As fees are adjusted, it's important that there are corresponding improvements in the efficiency and effectiveness of the review process for non-material changes. Fees should reflect an increase in service quality.

29. To what extent do you agree that the proposed review and update of existing fees and introduction of additional fee points will support the Planning Inspectorate to better resource their statutory work on consenting?

- Agree

From the perspective of ACE members, the proposed review and update of existing fees, along with the introduction of additional fee points, is seen as a positive step towards better resourcing the Planning Inspectorate for their statutory work on consenting. ACE members generally agree that the proposed review and update of existing fees, as well as the introduction of additional fee points, can support the Planning Inspectorate in better resourcing their statutory work on consenting. However, support might be contingent on clear communication, consultation, and careful consideration of the potential impact on different types of projects.

Reviewing and Updating Fees:

- Addressing Financial and Resource Pressures – The increase in the number and complexity of projects entering the system, coupled with the implementation of planning reforms, is likely to exert financial and resource pressures on the Planning Inspectorate and consenting departments. The proposed fee adjustments can help alleviate some of these pressures.
- Enabling Resource Allocation – The increased fees can provide the necessary resources to hire additional staff and build capabilities within the Planning Inspectorate. This is particularly important to handle the growing demand for Planning Act 2008 services.
- Efficiency and Effectiveness – Adequate resourcing through fees can contribute to a more efficient and streamlined process for development consent applications, including both the pre-application and post-consent stages.
- Alignment with Full Cost Recovery – The proposal aligns with the government's aim to move towards full cost recovery for the NSIP planning process. This can contribute to a sustainable funding model for the Planning Inspectorate's operations.
- Improved Service Quality – The enhanced funding can lead to improved service quality in terms of faster reviews, reduced delays, and consistent application of standards.
- Supporting Planning Reforms – The proposed fee adjustments can help address the additional burdens arising from the implementation of planning reforms, ensuring that the Planning Inspectorate remains effective in its role.

Additional Fee Points:

- Tailored Fees – Introducing additional fee points, such as for 'extended pre-examination periods' and 'late submissions,' reflects a more tailored and responsive approach to charging. This can better align fees with the actual resource requirements for specific situations.
- Encouraging Timely Submissions – The introduction of fees for late submissions can encourage applicants to adhere to agreed timelines, thereby facilitating smoother and more predictable processing.

- Balancing Workload – Fees for extended pre-examination periods can help balance the workload of the Planning Inspectorate when applicants propose changes ahead of the examination, ensuring that there are appropriate resources available.

Considering Challenges:

- Balancing Affordability – While the proposed changes align with the goal of cost recovery, careful consideration should be given to ensure that the increased fees remain affordable for applicants, especially for smaller projects.
- Transparent Communication – The government should transparently communicate the rationale behind the fee adjustments and the benefits they bring to both applicants and the Planning Inspectorate.
- Consultation and Feedback – ACE members and other stakeholders should have the opportunity to provide feedback on the proposed fee changes to ensure that potential challenges are considered and addressed.

Strengthening performance of government's expert bodies.

30. To what extent do you agree that defining key performance measures will help meet the policy objective of ensuring the delivery of credible cost-recoverable services?

- Agree

From the perspective of ACE members, defining key performance measures for the government's expert bodies could be seen as a positive step towards meeting the policy objective of ensuring the delivery of credible cost-recoverable services. ACE members generally agree that defining key performance measures for the government's expert bodies could support the policy objective of ensuring the delivery of credible cost-recoverable services. However, the success of this approach would depend on the practicality and effectiveness of the metrics, as well as ongoing collaboration and communication between all stakeholders involved in the planning and development process.

Defining Key Performance Measures:

- Enhanced Accountability – Key performance measures provide a clear framework for measuring the performance of government's expert bodies. This accountability can encourage these bodies to consistently provide high-quality and timely services.
- Improvement in Service Quality – Setting performance standards can drive expert bodies to improve the quality of their advice and engagement. This can lead to more informed decision-making, reduced delays, and more efficient planning processes.
- Focus on Outcomes – Outcome-focused performance measures emphasise the actual impact of expert bodies' advice on the development process. This approach can result in smoother project flows and better alignment with policy objectives.
- Transparency – Clear and transparent performance measures can help build trust between applicants, ACE members, and expert bodies. This transparency can lead to better understanding and collaboration.
- Resource Allocation – The establishment of performance metrics can aid in the efficient allocation of resources within expert bodies. This can help identify areas that require additional support or improvement.

- Consistency – Consistent and standardised performance measures can ensure a level playing field for all applicants and streamline the engagement process with expert bodies.

Addressing Challenges:

- Realistic Metrics – The proposed performance measures should be practical and realistic, considering the capabilities and constraints of the expert bodies. Metrics that are overly ambitious or difficult to measure might not yield the desired results.
- Balancing Complexity – The performance measures should strike a balance between simplicity and comprehensiveness. Overly complex measures might lead to confusion and lack of clarity.
- Stakeholder Engagement – ACE members and other stakeholders should have the opportunity to provide input on the development of these performance measures. Collaboration between all parties can result in more effective and meaningful metrics.
- Regular Review – The performance measures should be periodically reviewed and updated to ensure their relevance and effectiveness in achieving the desired outcomes.

32. We would like to monitor the quality of customer service provided, and the outcomes of that advice on applicant's progression through the system where practicable. Do you have any views on the most effective and efficient way to do this?

From the perspective of ACE members, monitoring the quality of customer service provided by the government's expert bodies is crucial for ensuring efficient and effective project development processes. Additionally, evaluating the outcomes of the advice given by these bodies on the progression of applicants through the system is essential to gauge the impact of their contributions. By combining a variety of approaches, ACE members can contribute to the development of a comprehensive and robust monitoring system that assesses both the quality of customer service and the outcomes of expert bodies' advice. This can ultimately lead to more efficient and successful project development processes while ensuring that the policy objectives are met.

- Key Performance Indicators (KPIs) – Develop a set of well-defined KPIs that focus on customer service quality and outcomes. These KPIs could include metrics such as response time to applicant inquiries, clarity and comprehensiveness of advice provided, percentage of recommendations implemented, and success rates in resolving issues. These indicators should reflect both the timeliness and effectiveness of the expert bodies' services.
- Survey and Feedback Mechanisms – Implement regular surveys or feedback mechanisms to gather input from applicants who have interacted with the expert bodies. This could involve post-engagement surveys that evaluate satisfaction levels, ease of communication, and the perceived value of the advice received. Feedback can provide valuable insights into areas for improvement.
- Case Studies and Success Stories – Collect and showcase case studies where the advice of the expert bodies led to positive outcomes for applicants. Highlighting successful projects and collaborations can demonstrate the value of their services and encourage continued engagement.
- Performance Reporting – Implement a structured reporting system that provides transparency on the performance of expert bodies. Regular reports can include data on KPIs, customer satisfaction scores, and examples of successful projects. Such reports can help identify trends and areas that require attention.

- Digital Platforms and Portals – Establish online platforms or portals where applicants can submit feedback, track the status of their inquiries, and access resources. These platforms can facilitate smoother communication and provide a centralised space for interactions.
- Continuous Improvement Cycle – Create a process for continuous improvement based on the feedback received. Regularly assess the effectiveness of the monitoring mechanisms and adjust them as needed to ensure relevance and accuracy.
- Engagement with Stakeholders – Involve ACE members and others in the design and implementation of monitoring mechanisms. Their insights and perspectives can contribute to creating effective systems that cater to the needs of all stakeholders.
- Technology Integration – Leverage technology solutions, such as data analytics tools, to analyse performance data, identify trends, and generate actionable insights for improvement.

33. To what extent do you support the proposal to enable specific statutory consultees to charge for the planning services they provide to applicants across the Development Consent Order application process

- Neither agree nor disagree

The support from ACE members for the proposal to enable specific statutory consultees to charge for the planning services they provide across the Development Consent Order (DCO) application process depends on several factors. While the proposal aims to address funding challenges and enhance the quality of advice provided by expert bodies, it's important to carefully consider how the charging mechanism may impact project budgets, timelines, and overall efficiency.

Member comments in favour:

Improved Funding – Enabling statutory consultees to charge for their services could address the funding challenges they currently face. This could lead to better resourcing, allowing them to provide more comprehensive and timely advice to applicants. This, in turn, could contribute to more efficient project development and reduced delays.

Quality Services – The proposal aims to ensure that statutory consultees are better prepared and equipped to provide high-quality advice to applicants. This could result in more accurate and effective guidance for ACE members, leading to improved project outcomes.

Faster Applications – By charging for their services, statutory consultees may be able to offer faster response times and more focused engagement. This could help ACE members receive timely feedback and reduce the overall duration of the application process.

Consistency and Clarity – With a clear charging structure and service level agreements, ACE members may have a better understanding of the costs associated with statutory consultee interactions. This clarity could aid in project budgeting and planning.

Enhanced Collaboration – The proposal encourages proactive engagement between statutory consultees and applicants, including ACE members. This collaborative approach could result in more informed and holistic project designs that address potential issues early in the process.

Member comments against:

Increased Costs – If statutory consultees start charging for their services, it could lead to additional costs for applicants, including ACE members. Depending on the fee structure, this could impact project budgets and overall viability.

Uncertainty – The introduction of charges may introduce uncertainty regarding the affordability of engaging with statutory consultees. This might be a concern, especially for smaller projects or applicants with limited resources.

Complexity – Working with various consultees that have different charging mechanisms could add complexity to the application process. ACE members would need to navigate multiple fee structures and agreements.

Equity – There are concerns about the fairness of charging for essential regulatory and advisory services. Some stakeholders might question whether these charges create barriers for certain projects or applicants.

Improving engagement with local authorities and communities.

36. Do you support the proposal to set out principles for Planning Performance Agreements in guidance?

- Neither agree nor disagree

From the perspective of ACE members, the proposal to set out principles for Planning Performance Agreements (PPAs) in guidance received varying levels of support. Overall, the proposal to set out principles for Planning Performance Agreements in guidance could provide ACE members with more clarity, predictability, and a structured framework for engaging with local authorities and communities during the planning phase. The potential benefits, such as early engagement, reduced conflicts, and better resource allocation, could contribute to smoother project development. However, it's important to carefully consider the potential administrative burden and financial implications that PPAs might introduce. ACE members may want to participate in discussions and consultations on the proposed principles to ensure that their perspectives are considered and that the implementation of PPAs aligns with their needs and priorities.

Pros:

Predictability and Consistency – PPAs could provide a structured framework for engagement between local authorities, communities, and applicants. This could lead to more predictable and consistent processes, making it easier for ACE members to navigate through the planning phase of projects.

Clear Expectations – The proposed principles for PPAs could outline clear expectations for all parties involved, including local authorities, communities, and applicants. This clarity could help ACE members understand their roles and responsibilities more effectively.

Early Engagement – PPAs could encourage early engagement between ACE members, local authorities, and communities. Early involvement can help identify potential issues and concerns upfront, leading to smoother project development and reduced conflicts later in the process.

Resource Allocation – PPAs could establish a framework for fair and proportionate allocation of resources, including funding from applicants to local authorities. This could help ensure that local authorities have the necessary resources to provide meaningful input to the development consent process, benefiting the overall project quality.

Reduced Examination Burden – The proposed emphasis on addressing issues ahead of submission and minimising areas of disagreement could lead to a more streamlined examination process. This could result in reduced burdens for all parties involved, including ACE members who contribute to the application.

Cons:

Additional Administrative Burden – Implementing PPAs might introduce an additional administrative layer to the planning process. ACE members may need to allocate resources and time to negotiating and establishing these agreements.

Complexity – PPAs could potentially introduce complexity into the planning process, particularly if they vary between different projects. This could require ACE members to adapt their approach based on the specific requirements of each PPA.

Resource Allocation Concerns – While fair allocation of resources is a potential benefit, there could be concerns about the financial implications of PPAs for applicants, including ACE members firms. This could impact project budgets and economics.

Coordination Challenges – PPAs involve coordination between various parties, including local authorities, communities, and applicants. Ensuring effective collaboration among these stakeholders might be challenging in practice.

37. Do you have any further views on what the proposed principles should include?

Ultimately, the proposed principles for PPAs should create a framework that fosters effective collaboration, transparency, and positive outcomes for all stakeholders involved in the planning and development process, including ACE members. From the perspective of ACE members, additional proposed principles for Planning Performance Agreements (PPAs) could include:

- Clear and Measurable Objectives – The PPAs should clearly outline the objectives and desired outcomes of the agreement. These objectives should be specific, measurable, achievable, relevant, and time-bound (SMART) to provide a clear roadmap for the engagement process.
- Roles and Responsibilities – The principles should define the roles and responsibilities of all parties involved, including local authorities, communities, and applicants. This will help avoid confusion and ensure that each stakeholder understands their contributions to the process.
- Timelines and Milestones – The PPAs should establish timelines and milestones for different stages of the development consent process. This includes deadlines for engaging with local authorities and communities, submitting documentation, and participating in examinations.
- Resource Allocation – The principles should provide guidance on how resources will be allocated, including financial resources from applicants to local authorities for their involvement. It's important to ensure that local authorities have adequate funding to effectively engage and provide valuable input.
- Technical Expertise – Recognise the importance of technical expertise in assessing project proposals. Provide guidance on how technical assessments and advice can be incorporated into the process, especially in cases where local authorities may need to procure external expertise to evaluate project details.
- Flexibility and Adaptability – Allow for flexibility in the agreement to accommodate changes in project scope, timeline, or other unforeseen circumstances. PPAs should be adaptable to different project types and scales.

- Monitoring and Evaluation – Include provisions for monitoring and evaluating the effectiveness of the PPAs. Regular reviews can help identify areas for improvement and ensure that the agreements are achieving their intended outcomes.
- Learning and Best Practices – Encourage knowledge sharing and learning from past projects. Consider establishing mechanisms for sharing best practices and lessons learned among different stakeholders.
- Integration with Existing Guidelines – Ensure that the principles for PPAs align with existing planning guidelines and regulatory frameworks to avoid conflicts and confusion.
- Guidance for Small-Scale Projects – Consider providing guidance specifically tailored to smaller-scale projects, as their resource constraints and engagement dynamics may differ from larger projects.
- Long-Term Engagement – Address how PPAs can facilitate long-term engagement beyond the consent process. This could involve provisions for ongoing collaboration during project implementation and operation.

38. To what extent do you agree that these proposals will result in more effective engagement between applicants and local communities for all applications?

- Agree

The proposals outlined in this document show a commendable effort to enhance engagement between applicants and local communities for development projects. The inclusion of measures like Innovation and Capacity funding for local authorities, Planning Performance Agreements (PPAs), and an early 'adequacy of consultation' milestone are steps in the right direction. These proposals aim to address some of the existing challenges and inconsistencies in community engagement. While the proposed changes have the potential to enhance engagement between applicants and local communities, their effectiveness will rely on various factors, including the commitment of all stakeholders, transparency, and the willingness to adapt based on lessons learned. As with any process involving multiple stakeholders, the key will be striking a balance between the interests and concerns of all parties involved.

- Innovation and Capacity Funding – Providing funding to local authorities for capacity building and innovative solutions is a positive move. This can help local authorities better understand complex infrastructure projects and engage effectively. However, the effectiveness of this approach will depend on how well the funding is allocated, the quality of projects supported, and the integration of the knowledge gained into the decision-making process.
- Planning Performance Agreements (PPAs) – PPAs have the potential to establish clearer expectations and resources for engagement between applicants and local authorities. By ensuring fair cost recovery and setting agreed levels of service, it can create a more collaborative and transparent process. However, the success of PPAs will depend on the willingness of all parties to engage in good faith and abide by the agreements, and on effective oversight to prevent undue influence.
- Community Engagement – The proposed changes to enhance community engagement are significant. The focus on early consultation, setting clear expectations for applicants, and involving an independent community liaison chair/forum can contribute to more meaningful engagement. However, the effectiveness of these measures will depend on the willingness of applicants to genuinely incorporate community input and address concerns.
- Delivering Benefits – The consideration of community benefits, especially for hosting significant infrastructure projects, can contribute to fostering positive relationships between developers and

communities. However, the implementation of these benefits should be carefully monitored to ensure they genuinely benefit local communities and do not become mere token gestures.

- **Guidance and Clarity** – Revising and updating guidance to provide clarity on engagement expectations is crucial. Well-defined guidance can help both applicants and local communities understand their roles and responsibilities, thereby reducing ambiguity and potential conflicts.
- **Timeline and Implementation** – While the proposed changes are comprehensive, their actual impact will depend on effective implementation. The timeline for introducing these changes is relatively distant (spring 2024), and it will be important to ensure that this timeline is adhered to and that the proposed measures are executed effectively.

Building the skills needed to support infrastructure delivery.

41. Do you have any ideas for or examples of successful programmes to develop new skills in a specific sector that the government should consider in developing further interventions?

From the perspective of ACE members, there are several successful programs and interventions that the government can consider developing new skills in sectors related to infrastructure and the built environment. These initiatives can be tailored to specific sectors within infrastructure and the built environment to address their unique recruitment and skills development challenges. By investing in skills development, the government can contribute to a more skilled and adaptable workforce capable of meeting the demands of a rapidly evolving industry.

- **Apprenticeship Programs** – Developing apprenticeship programs tailored to specific professions within the infrastructure and built environment sectors can help attract and train new talent. These programs can offer a combination of on-the-job training and classroom instruction, allowing individuals to gain practical experience while earning relevant qualifications.
- **Industry-Academia Partnerships** – Collaborations between industry professionals and academic institutions can facilitate knowledge transfer and ensure that educational programs align with the needs of the sector. These partnerships can lead to curriculum enhancements and research opportunities that address industry challenges.
- **Professional Development Initiatives** – Government-supported initiatives to promote CPD can encourage existing professionals to upskill and stay relevant in their fields. Financial incentives or subsidies for CPD courses and certifications can make these opportunities more accessible.
- **Mentorship Programs** – Establishing mentorship programs where experienced professionals guide and support newcomers can help bridge the skills gap and accelerate skill development.
- **Digital Skills Training** – Given the increasing digitalisation of the industry, government-backed programs focused on digital skills training, such as Building Information Modeling (BIM) and data analytics, can ensure that the workforce is equipped with the latest tools and technologies.

42. To what extent do you agree that updated guidance on the matters outlined in this consultation will support the NSIP reforms?

- Agree

From the perspective of ACE members, the proposed updates to the national infrastructure planning guidance seem to align with the goal of supporting the NSIP reforms. Overall, the proposed updates to the

guidance seem to address several key areas where ACE members often encounter challenges or uncertainty during the infrastructure planning process. The emphasis on clarity, predictability, and early engagement could contribute to more efficient and effective project development, aligning well with the NSIP reforms' objectives. However, the success of these updates will depend on their implementation, ease of access, and how well they are integrated into the actual decision-making process.

- Strengthening Pre-Application Guidance – Emphasising the importance of identifying and resolving key issues early in the pre-application process can be highly beneficial. Clearer guidance on this can help ACE members and applicants ensure that potential challenges are addressed upfront, leading to smoother application processes and potentially faster decision-making.
- Revised Guidance for Pre-Application and Examination Stages – Providing further detail about the information required at different stages of the process can help ACE members prepare more comprehensive and focused application materials. Clarity on expectations can reduce delays and improve overall efficiency in the examination process.
- Fast Track Consenting Route Guidance – Publishing guidance on how to demonstrate compliance with the fast track quality standard can assist ACE members in understanding the specific requirements and preparing applications accordingly. This can make the fast track process more accessible and predictable.
- Guidance on Changes to Development Consent Orders – Updated guidance on changes to Development Consent Orders can help ACE members navigate changes more effectively, ensuring that alterations to projects are managed efficiently and that timely decisions are made.
- Guidance on Fees – Clear guidance on fees for pre-application advice and post-consent changes can help ACE members budget and plan accordingly. Predictable fee structures contribute to more transparent and manageable project costs.
- Guidance on Cost Recovery for Statutory Consultees – Clarifying the cost recovery system for statutory consultees can help ACE members understand the financial aspects of the consultation process. This can foster better collaboration and information exchange between ACE members and consultees.
- Guidance on Planning Performance Agreements and Community Engagement – Publishing principles for the use of Planning Performance Agreements and providing clearer expectations for community engagement can assist ACE members in understanding the standards to be met. This can lead to more effective engagement and collaboration with local authorities and communities.

43. Do you support a move towards a format for guidance that has a similar format to the national planning practice guidance?

- Agree

From the perspective of ACE members, a move towards a guidance format similar to the national planning practice guidance would have several benefits. ACE members generally support a move towards an HTML-based format for guidance, given its potential to improve searchability, consistency, and accessibility. However, the success of this transition will depend on effective implementation, user-friendly design, and ongoing maintenance of the guidance content.

- Consistency – A consistent format across different sections of guidance can make it easier for ACE members to navigate and understand the content. This can lead to more effective use of the guidance and a reduced likelihood of overlooking important details.

- Accessibility – HTML-based guidance is often more accessible on various devices and platforms. This flexibility allows ACE members to access the information they need while working in different environments.
- User-Friendly Interface – HTML-based guidance can incorporate user-friendly features such as hyperlinks, collapsible sections, and interactive elements. These features can enhance the ACE members experience and help them find relevant information more easily.
- Alignment with Modern Practices – As digital tools and platforms continue to evolve, an HTML-based format aligns well with modern practices for information dissemination and accessibility.

However, while the move towards an HTML-based format is generally positive, it's essential that the transition is managed effectively:

- Transition Period – ACE members who are familiar with the current PDF format may need some time to adapt to the new HTML format. Providing a transition period with clear instructions and resources can facilitate a smooth shift.
- Compatibility – The new format should be compatible with a range of devices and browsers to accommodate the diverse working preferences of ACE members.

44. Are there any other guidance updates you think are needed to support the NSIP reforms?

From the perspective of ACE members, the proposed updates to the national infrastructure planning guidance appear comprehensive and aligned with addressing key aspects of the NSIP reforms. However, it's essential to ensure that the guidance covers all critical areas to effectively support the reforms and facilitate the smooth implementation of the new processes. Ultimately, the goal should be to provide ACE members with comprehensive, practical, and actionable guidance that supports them in navigating the NSIP reforms successfully. This requires addressing technical, procedural, and stakeholder engagement aspects to ensure that projects are both technically sound and socially responsible.

- Technical Requirements – The guidance should provide clear and detailed technical requirements for different stages of the process. This could include specific criteria for assessing the environmental impact, engineering design, safety standards, and other technical aspects of the proposed projects.
- Environmental Assessment – Given the significant impact of infrastructure projects on the environment, the guidance should include detailed instructions on conducting comprehensive environmental assessments, including methodologies, data collection, and reporting standards.
- Feedback Mechanisms – Consider incorporating mechanisms for ACE members and other stakeholders to provide feedback on the guidance itself. This can help refine the guidance over time based on real-world experiences.
- Risk Assessment – The guidance should include guidance on conducting thorough risk assessments for projects, identifying potential risks, and developing appropriate mitigation strategies.
- Accessibility and Training – To ensure that ACE members can effectively navigate and utilise the new guidance, consider offering training sessions, webinars, or workshops upon the release of the updated guidance.
- Case Studies – Including real-world case studies of successful NSIP projects can provide valuable insights into best practices, challenges faced, and how various elements of the guidance were applied in practice.

