

Appendix 1: Decision and Delegation Protocol for Nationally significant Infrastructure Projects (NSIPs) seeking a Development Consent Order under the Provisions of the Planning Act 2008

(i) Where West Lindsey District Council is acting as a “host authority”:

Document / Requirement	Decision Route	Notes
Pre-application Stage		
Comment on the Environmental impact Assessment (EIA) Scoping Report	Director of Planning, Regeneration and Communities, following consultation with Chair of Prosperous Communities Committee	The Council will have 28 days to respond to the Planning Inspectorate’s invitation to make any comments on the scope of information which the developer should include within their Environmental Statement (ES).
Statement of Community Consultation (SoCC) response	Director of Planning, Regeneration and Communities, following consultation with Chair of Prosperous Communities Committee	The applicant must set out how they propose to consult with the community. The local authority will advise the applicant using local knowledge as to how the consultation should be conducted and who to engage with. The Local Authority has a statutory 28 days to comment on the draft SoCC.
Respond to developer consultation about the scheme (s42 response)	Director of Planning, Regeneration and Communities, following consultation with Chair of Prosperous Communities Committee	The LPA will have a set time (min. 4 weeks) to respond to the applicant’s consultation.
Agree the Terms of a Planning Performance Agreement (PPA)	Director of Planning, Regeneration and Communities, following consultation with Chair of Prosperous Communities Committee	A Project Management tool voluntarily entered into by the applicant and host authority(ies), to agree timescales, actions and resourcing for handling the application.
Submission Stage		
Adequacy of Consultation Response	Director of Planning, Regeneration and Communities, following consultation with Chair of Prosperous Communities Committee	Deadline 14 days following DCO application submission to PINS. Factual assessment based on whether the applicant has delivered the agreed SoCC.
Pre-examination Stage		

Prepare and submit "Relevant Representations"	Director of Planning, Regeneration and Communities, following consultation with Chair of Prosperous Communities Committee	A relevant representation should include a summary of what the local authority considers are likely to be the main issues regarding the development. The content of relevant representations is used by the ExA to help inform their initial assessment of principal issues for examination. Min. 28 days.
Attending and participating in the Preliminary Meeting	Director of Planning, Regeneration and Communities	The Preliminary meeting is held to discuss the arrangements for the examination. In most instances, it will be relevant for The Local Planning Authority to participate and ensure views are taken into account in the programming of the examination.
Examination Stage		
Local Impact Report (LIR)	Prosperous Communities Committee	<p>A LIR is defined as 'a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area).' (Planning Act 2008 Section 60(3)).</p> <p>The LIR's principal purpose is to make the ExA aware of the potential impacts of the project with the benefit of local knowledge. The LIR is usually a technical document setting out an evidence based assessment of the impacts of a proposal on the communities affected.</p> <p>The ExA will set the deadline for an LIR usually near to the start of the examination. It may therefore be appropriate to consider an Extraordinary Committee meeting, if required.</p>
Written Representations	Prosperous Communities Committee	<p>A written representation is the most appropriate document for a local authority to set out its view on the application i.e. whether or not it supports the application and its reasons.</p> <p>The deadline for the submission of a written representation is set by the ExA, but is usually near the start of the examination. It may therefore be appropriate to consider an Extraordinary Committee meeting, if required.</p>

S106 Planning Obligations	Director of Planning, Regeneration and Communities, following consultation with Chair of Prosperous Communities Committee	Where there are grounds for the host authority to enter into a S106 planning obligation, this would be negotiated by the Planning Case Officer and Legal Team, as is common practice with standard planning applications.
Statement of Common Ground (SoCG)	Director of Planning, Regeneration and Communities, following consultation with Chair of Prosperous Communities Committee	To identify matters agreed, matters for negotiation and matters not agreed between the developer and Council. The process is often iterative and will evolve over the examination
Responding to the Examiners Written Questions	Director of Planning, Regeneration and Communities	The ExA will publish Written Questions throughout the examination, directed to parties including the Local Planning Authority. These will typically require a quick turnaround with a set deadline.
Participation in Hearings (including Open Floor Hearings (OFH); Issue Specific Hearings (ISH) and Compulsory Acquisition Hearings (CAH), as required)	Director of Planning, Regeneration and Communities	For officers to attend and participate in any arranged Hearings, as required.
Post-Hearing submissions, as requested	Director of Planning, Regeneration and Communities	For officers to complete and submit any written post-hearing representations requested by the ExA.
Participation in Accompanied Site Inspections (ASI)	Director of Planning, Regeneration and Communities	For Officers to attend the ExA accompanied site visit, where required.
Representations on the draft Development Consent Order (DCO)	Director of Planning, Regeneration and Communities, following consultation with Chair of Prosperous Communities Committee	Responsibility for drafting the DCO will rest with the developer. However, the ExA will be likely to invite the views and representations on the draft DCO throughout the examination period.
Any further information requested by the Examiner	Director of Planning, Regeneration and Communities	For officers to address and complete any requests for further information from the ExA.
Post Decision Stage		
Discharge of requirements	Director of Planning, Regeneration and Communities	Officer delegated authority to make the technical assessments to discharge any requirements arising where a DCO has been granted.

Monitoring and Enforcement	Director of Planning, Regeneration and Communities	For Officers to monitor compliance with the DCO, and consider and apply enforcement actions to any perceived breaches in the requirements of the DCO.
Representations on Non-material / Material Changes to the DCO	Director of Planning, Regeneration and Communities, following consultation with Chair of Prosperous Communities Committee	An application process exists for applicants to make non material and material changes to a DCO. In order to maintain the integrity of the DCO the SoS retains decision-making powers in respect of non-material and material change applications. Local authorities are prescribed consultees for the purposes of the regulations and as such they may be notified of the application and invited to submit a representation. The extent of notification, as it relates to local authorities and other prescribed consultees, will depend on the scale and nature of the change proposed.

Any arising requirements falling outside of the above table will be delegated to the Director of Planning, Regeneration and Communities, following consultation with the Chair of Prosperous Communities Committee.

(ii) Where West Lindsey District Council is acting as a “neighbouring authority”:

For all documents and requirements to be delegated to the Director of Planning, Regeneration and Communities unless, following consultation with the Chair of Prosperous Communities, the Director considers the development will be likely to have significant effects upon the District of West Lindsey. In such instances, the scheme of Decisions and Delegations at (i) will be followed instead.