



MHCLG  
Streamlining Infrastructure Planning

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Date: 03/11/2025

Dear Sir/ Madam,

### **EEH Response to Consultation on Streamlining Infrastructure Planning**

England's Economic Heartland (EEH) is the sub-national transport body (STB) covering the region from Swindon and Oxfordshire in the west through to Cambridgeshire and Hertfordshire in the east. Our geography covers the entirety of the Oxford-Cambridge Growth Corridor. Our membership consists of the local transport and highways authorities in the region.

EEH recognises the importance of timely delivery of major infrastructure projects to support the economic success and growth of the region and welcomes the opportunity to respond to this consultation. We have a number of NSIPs and potential NSIPs including: East West Rail, London Luton Airport expansion, Oxfordshire Strategic Rail Freight Interchange and A428 Black Cat to Caxton Gibbet Road Improvement Scheme. Alongside this, London Heathrow and London Stansted airports are located just outside of our boundaries, but have a significant impact within the region. The Universal and Puy Du Fou theme parks will also be located in the region, and three new towns (at Upper Heyford, Milton Keynes and Tempsford) have also been identified, while a fourth (near Enfield) sits just outside of our geography.

EEH has a role in supporting the NSIP process as a facilitator to ensure meaningful regional engagement, providing greater understanding of local and regional development projects and impacts, while working with promoters and local authorities to secure the best long-term outcomes for the region.

EEH would like to emphasise its concerns regarding the removal of the requirement for statutory consultation through the Planning and Infrastructure Bill. A recent meeting with our local authority cabinet members highlighted their concerns in regards to the removal of statutory consultation from the NSIP process:

- Concerns were expressed that it may be easier for promoters to bring forward schemes for examination that have not been fully developed. In particular, there is a perception that NSIP developments will get approved as default which impacts on developer engagement with local authorities.



- Further clarity was sought on how the changes will impact the ability of residents to be listened to, as well as the capacity of parish and town councils in being involved in or manage NSIP engagement.
- More broadly, members discussed the need for national coordination of NSIPs i.e. a single controlling body, rather than decisions being made in silos by individual departments/Secretaries of State – this has particular impacts on the ground where communities are affected by cumulative concurrent multiple NSIP types.

There is concern that removing statutory consultation may lead to key issues not being addressed ahead of submissions, resulting in overall slowing down the process and poorer quality applications being submitted. Therefore, EEH would like to ensure that any guidance or acceptance test are prescriptive enough to ensure that the quality of applications is not compromised to speed up the NSIP process.

There is significant focus on changes for local authorities and statutory consultees in the Bill, but EEH is also concerned about the impact on non-statutory consultees and their ability to engage in the process. Non-statutory organisations, community groups, individuals and hard to reach communities still need to be provided with the opportunity to input on development that impacts them.

It should be noted that EEH have only responded to questions that we thought were relevant to EEH.

Yours sincerely



**Suzanne Winkels**

Head of Transport Planning, England's Economic Heartland

***interested in views on how guidance on engagement can support an efficient, faster, proportionate and effective NSIP process or whether doing so risks undermining the potential time and cost savings.***

In removing the requirement to undertake a statutory consultation at pre-application stage, the Government aims to speed up overall delivery of major economic infrastructure. It is hoped that the NSIP regime will still be a front-loaded process, so that only proposals that are thoroughly scoped and refined are submitted to the Planning Inspectorate. The Ministers foreword sets out an expectation of “high-quality early, meaningful and constructive engagement and consultation to take place with those affected by NSIP proposals”. This needs to be followed through in the guidance to support the changes in legislation.

EEH is supportive of moves to speed up the delivery of national significant infrastructure projects that are required to support the economic growth of the region. However, removal of statutory consultation requirement and placing the onus onto the applicant to determine if and how they carry out engagement or consultation risks applications for some of the biggest and most complex infrastructure projects being developed and planned in isolation. Whilst time might be saved at the pre-application stage, it is not clear that this would automatically translate into time savings at the examination stage.

Engagement and consultation are key parts of the NSIP process providing greater opportunity for statutory and non-statutory organisations, communities and hard to reach individuals to input into development that impacts them. It also provides the level of technical data to allow promoters to work with Local Transport and Planning authorities to address key issues ahead of submission, speeding up the process.

There is concern that removal of the Statutory Consultation could reduce opportunities for key stakeholders, interest groups and individuals to input into NSIPs. It also risks slowing the process down further if poorer quality applications are submitted.

In the absence of statutory consultation, EEH welcomes strong guidance on pre-application consultation and engagement that would include an opportunity for both statutory and non-statutory organisations, communities and hard to reach individuals or groups to input into development that may impact them. There needs to be consistent interpretation and application of the guidance, and to emphasise the expectation that engagement undertaken must be meaningful. Applicants should have to demonstrate how the results of any consultation and engagement have been incorporated or adapted their development proposals.

***Question 2: Should guidance note that collaboration outside of the NSIP process can help to address wider challenges that could otherwise impact development proposals? If so, what should it say?***

EEH would welcome mention in the guidance of collaboration outside of the NSIP process to address wider challenges. In the EEH region with such significant growth there needs to be collaboration across the region between different NSIP promoters, local authorities, highway and transport authorities, regional interest and environmental groups and regional bodies such as EEH. Organisations such as EEH have a key role in supporting the NSIP process as a facilitator to ensure meaningful regional engagement, provide a greater understanding of local and regional development projects, while working with promoters and the local authorities that we support to secure the best long-term outcomes for the region.

Collaboration is particularly important when NSIPs cross authority boundaries; have wider impacts than their immediate area; or involve national and local highway authorities, Network Rail or Train Operating Companies. NSIP promoters should collaborate with the local transport authorities, local highway authorities, local planning authorities and regional organisations such as EEH as a minimum. There is a need for clarity around how the NSIP will integrate

alongside existing Local Plan commitments, Spatial Development Strategies and regional ambitions such as those in the Oxford to Cambridge growth corridor.

***Question 3: Would it be useful for applicants to consider these factors while preparing their applications and in particular in relation to any non-statutory engagement and consultation (at paragraph 19)? What changes or additions to these draft factors would you welcome?***

Yes – EEH agrees that it should be proportionate (i.e. bigger schemes need more consultation), but there needs to be a baseline expectation to ensure communities and Local Authorities (LAs) are engaged in a meaningful manner to resolve matters ahead of examination.

The factors outlined may support meaningful engagement, however they are not exhaustive. There are also differences between consultation and engagement which this question overlooks. A consultation requests a formal, written response and position from the respondent. This is a different ask of a local authority than engagement, which could be with officers on technical matters to inform scheme development; with councillors as local political leaders; or with supporting local communities to have their say. These different engagement types require different styles, and all are important.

In carrying out engagement, it is necessary that the applicant is clear on what particular elements can be influenced by local communities and/or other stakeholders. This could help with focusing efforts, particularly when using consultations, and enable feedback to be received at the most optimal point in the design process (rather than waiting until the designs are nearing completion).

In addition engagement with communities and local authorities should be on-going, rather than saving everything for snapshot in time (e.g. at one large consultation) to create an ongoing conversation between the parties (noting programme demands such as design freezes).

Scheme promoters should be committed to gathering views to ensure their infrastructure can come forward in the best ways possible. This would support a faster process but it must not compromise quality for speed given the scale and impacts of NSIPs.

It would be welcomed if guidance was provided encouraging applicants to demonstrate and evidence how they have adhered to these four factors and others which are identified as critical to the engagement being considered meaningful. To encourage adherence to these factors, the guidance should make clear how the Planning Inspectorate will consider whether these have been successfully met or the rationale where it has not been possible to meet them.

***Question 4: Do you agree guidance should set out at a high level the benefits of non-statutory engagement and consultation? Are there any benefits not listed which we should include?***

Yes. EEH is concerned that removing statutory engagement may limit the opportunity for non-statutory organisations, communities and individuals and especially hard to reach or not often heard representative groups the opportunity to comment on development proposals in their area.

EEH is supportive of the content in paragraph 18 and guidance recognising that undertaking engagement and consultation can increase the likelihood of smooth examination process, help to ensure potential impacts of projects can be understood, mitigated, and resolved, as well as resulting in better outcomes overall and stronger local benefits. It will also help in the delivery phase of the NSIP if communities felt they are engaged in the process – “done with” rather than a “done to” approach.



The guidance should emphasise that consultation should not be limited to only statutory organisations and it is suggested that guidance on best practice that is relevant to the size of the application should be provided.

As highlighted in our response to Question 3, there are also differences between consultation and engagement. Publicly accessible events, use of social media and virtual and in-person information and engagement are all necessary to ensure that a wide as possible engagement with feedback opportunities. A consultation requests a formal, written response and position from the respondent. This is a different ask of a local authority than engagement, which could be with officers on technical matters to inform scheme development; with councillors as local political leaders; or with supporting local communities to have their say. These different engagement types require different styles, and all are important.

***Question 5: Should guidance encourage collaboration between applicants, stakeholders and statutory bodies? If so, what should it say? We particularly welcome views on how collaboration and prevent delays and the role for the sector to work collaboratively with stakeholders and how government can support this.***

Yes, guidance should explain the benefits and expectations of collaboration, in particular how it builds trust and understanding that may speed up final delivery. If matters can be agreed ahead of submission, it will also reduce delays and workload in examination. It is vital that guidance makes it clear that collaboration and engagement in pre-application supports a better quality of application and that collaboration is not optional but necessary.

Collaboration can help to prevent problems arising further into the development process that may compromise or slow down the deliverability of the scheme, avoid unnecessary harm, protect existing local assets, and test the suitability of mitigations. It helps to build trust between the scheme promoter and impacted parties.

Guidance should also promote collaboration with the local communities affected by the proposed infrastructure. Whilst it should cover the importance of involving Local Authorities, collaboration with non-statutory regional bodies and interest groups as early as possible should also be encouraged. For example, EEH is a non-statutory regional body and has an important convening role between local authorities to ensure the long-term legacy and benefits of new transport interventions including infrastructure are realised. We are currently working with EWR to ensure that the long term benefits of EWR are integrated and realised for the region.

Local Authorities also have a key role to plan due to local knowledge and expertise, understanding of statutory roles (such as planning, highways, public health, flooding and drainage, and environmental responsibilities).

Guidance should explain the need for an ongoing dialogue between parties, and a requirement for engagement such as technical working groups, regular meetings with local planning/NSIP officers, community liaison contacts and regular attendance to community groups/meetings and engagement with town, parish, and community council meetings. Regular communication builds trust within the community.

The guidance needs to actually guide applicants on what to do – it would have been useful to have been consulted on draft guidance as part of this consultation. The drafting will need to reflect that there is a need to ensure that people and organisations that are not used to dealing with planning applications are also given a voice in the process.



***Question 6: Should guidance include advice to local authorities, statutory bodies and applicants on finding the right balance between engaging early and engaging with sufficient technical information without creating unnecessary delay? We would also welcome comments on whether and how guidance could encourage applicants, local authorities and statutory bodies to work together to most effectively manage resources in their engagement.***

Guidance needs to emphasise that applicants, statutory bodies, local authorities and in fact wider interest groups and stakeholders need to have an ongoing working relationship to support the scheme development. They need to be able to input and influence the design process to help ensure major infrastructure can come forward in the best way possible.

Local Authorities and statutory bodies often need a certain level of detail in order to fully understand the impact that a development. Guarantees from an applicant can only be agreed once the technical analysis is available. Early engagement is also beneficial to the applicant to understand the technical requirements including, for example, historic, environment and ecology requirements as pre application surveys required on NSIP schemes can take years to complete, with best practice needing local authority input and signoff at each stage.

It is important that applicants undertake timely engagement and consultation in terms of providing information early enough that local authorities and communities are still able to influence/ review materials and designs effectively, but not too early that there is not sufficient information to consider. Applicants should continue to hold technical working groups with local authorities and their technical experts, throughout their design process, and ideally before they then publish any consultation documentation. This ensures there are no technical 'surprises' and supports the resolution of technical matters.

There is also a need for all parties to understand when conversations are 'exploratory', ie to informally test various positions or solutions, as opposed to when an 'official position' is being taken.

EEH as a regional body are currently supporting our local authorities through major development proposals in the region. We have a real concern about the capacity and capability of some Local Authorities and statutory bodies in terms of dealing with and responding to major developments. Given major development is relatively unusual, they often rely on expensive consultants for technical analysis and staff resources, especially technical leads, have limited capacity. Therefore, there is a role for applicants to develop a Local Authority/Statutory body stakeholder engagement plan which maps out their programme plan and key milestones, and where they anticipate input from local authorities and statutory bodies. This should be supported by a Planning Performance Agreement (PPA) to allow local authorities to map resource against these milestones to support local authorities through major development processes so a promotor gets the timely advice and support that they need to progress NSIPs.

***Question 9: Is guidance needed to support proportionate, effective and constructive engagement from both the applicant and local authorities? If yes, what should such guidance cover?***

Yes, Guidance could usefully spell out which types of local authorities there are and the need to engage with the relevant authority e.g. for transport would be local highways authority, local transport authority, potentially National Highways and the local planning authority. There is complexity in areas with combined authorities, mayoral authorities and combined planning authorities. Guidance would be useful to explain this, as well as how applicants should approach authorities going through devolution.

Paragraph 32 states that guidance could remind applicants that it is 'useful' to engage local authorities during pre-application – but from EEH's experience in supporting our Local Authorities, we see this as essential so that host authorities feel that development is not





imposed on them and instead feel part of the development of the scheme. This is especially important if the scheme is to have on-going impact on the Local Authority in terms of future development in the area, mineral impact, future adoption or highways, management of traffic, environmental areas, or would need to mitigate wider impacts. We also agree with recommendations to encourage consultation of neighbouring local planning and highway authorities as impact of developments do not necessarily stop at administrative boundaries.

In terms of supporting proportionate engagement, guidance should make clear the expectation to engage regularly with host authorities, and those neighbouring authorities who are close to the scheme or scheme would also impacts their area. We support the idea of working groups and steering groups.

***Question 12: Is guidance needed to encourage applicant engagement with communities in a proportionate, effective and meaningful way? If so, what should it say? We would also welcome thoughts on how guidance can provide clarity and support engagement by communities.***

*Please provide your views.*

Yes, it is important that communities, especially those not used to engaging in a planning process, and hard to reach voices are given an opportunity to have a say on a development that could potentially impact them. Where issues and impacts are raised, applicants should avoid, mitigate, and minimise impacts.

Guidance should make clear how essential it is for applicants to engage with communities in a proportionate, effective, and meaningful way, to ensure community voices can be heard, and to support co-production. Communities hold local expertise, knowledge, and perspective, and it is imperative that communities at an early stage in the process. Applicants can also understand local communities aspirations and ambitions that could be realised or inform the design of the NSIP. A Community Benefit Fund can also be secured with the applicant, and it is important that communities help to shape this.

Applicants should also ensure there is a variety of engagement opportunities as well as publicity that includes face-to-face meetings and events, notifications in local magazines and papers as well as digital information and websites. These would be proportionate to the application.

Applicants need to provide different routes for communities to be engaged and in dialogue – some people/groups may want the opportunity to review more technical documentation, others may wish to attend forums to discuss matters. Applicants need to ensure an inclusive approach so that everyone has fair and equal access to information and the opportunity to comment. There needs to be different opportunities and means for communities to engage in the process.

***Question 22: What further advice is needed through guidance to ensure sufficient clarity about the test that will be applied by the Planning Inspectorate at the acceptance stage, and how applications can be prepared that will meet the acceptance test? What guidance if any should be provided to provide clarity about matters that are not tested at acceptance, in order to clearly establish the difference between past and future requirements?***

*Please provide your views.*

There needs to be clear guidance on what is acceptable in terms of consultation and engagement within the pre-application process. EEH is concerned that the new process could leave non-statutory consultees, community and interest groups and harder to reach voices without an opportunity to comment on developments that impact them.



Guidance should make it clear that whilst statutory consultation is no longer required it is still expected and actively encouraged to support the development of the scheme. Applicants should include a variety of consultation and engagement methods to ensure wider stakeholder participation. Applicants should provide evidence of engagement and consultation and how the scheme has been adapted and developed taking into consideration the outcomes of the consultation and engagement.

Guidance should also include not just statutory consultees, who are already experienced in commenting and responding to major applications, but also key non-statutory stakeholders and organisations including local community groups and harder to reach voices. There is a need to ensure consultation and engagement is broad as possible as well as meaningful using different media and processes as possible.

Guidance would also need to explain what is meant by documents being 'sufficiently clear and comprehensive to be examined' as there is no reference feasibility/technical viability.

***Question 27: How can guidance seek to reduce existing barriers that public authorities face in engaging with the process?***

***Please provide your views***

EEH is concerned over the capacity and capability of some of our local authorities in their ability to respond to NSIPs. Many of our local authorities rely on consultants for technical capability or do not have the resources to respond to the requirements of an NSIP. There is a need for support for Local Authorities, potentially through PPAs, that would be mutually beneficial to the applicant to enable local authorities to respond in a timely manner.

There is also concern that simply asking applicants to 'have regard to' guidance does not give any potential guidance a strong enough foundation to be adequately applied. There is a huge risk that applicants will differ in their interpretation and application of the guidance, with the wording of 'have regard to' allowing them to not effectively ignore it. The wording should be revised and strengthened to 'Applicants must act under any guidance issued by the Secretary of State...'

Currently a statutory consultation provides a 'set-piece' moment which local authorities can more easily plan resource for.

***Question 31: In addition to the changes highlighted in Chapter 3 of this consultation, what further changes to pre-examination and examination guidance would support efficient and effective examination of applications for development consent?***

***Please provide your views.***

There really needs to be very clear guidance on the expectations on Consultation and Engagement. Guidance should focus on ensuring quality of application progressing through the system.

It is agreed that applicants, impacted communities, key stakeholders and local authorities should work together to resolve as many concerns as possible ahead of examination. There is a concern that removing the statutory requirement for consultation in pre-application will lead to issues being bottlenecked into examination without adequate time to fully scrutinise and resolve them, leading to poorer outcomes and delays in the decision-making process.

***Question 41: In what ways can government support local authorities as they implement cost recoverable services?***





EEH has already expressed concern over the capacity and capability of some of our local authorities in their ability to respond to NSIPs, especially in financially challenging times. Many of our local authorities rely on consultants for technical capability or are already under resourced and under pressure from existing workloads. There is a need for support for Local Authorities, potentially through PPAs, but also through structured learning resources, that would be mutually beneficial to authorities and the applicant. This would allow the applicant certainty over response times while enabling local authorities to respond in a timely manner.

It is suggested where applications impact more than one local authority area, or where multiple PPAs are required, that Local Authorities work together to agree a common set of grounds and agreed charges for the PPAs. It is EEH's experience that a significant amount of time is spent on agreeing and negotiating the contents of PPAs with individual authorities, resulting in different requirements and charges for each authority. A consistent PPA would be beneficial to the applicant so they can work consistently across all authorities equally to agreed timescales, charges and standards. This leads to a fairer approach and there should be a need for local authorities to work together to agree a single PPA requirements.

Some PPA specifics that are suggested to EEH that would benefit local authorities and wider stakeholders if applicants could provide support for includes:

- pre-application advice
- technical working groups
- regular planning officer update meetings
- reporting to senior managers and Councillors
- ad hoc meetings as required
- involvement in any form of consultation
- acceptance stage consultation
- assessing the applicant's submission (including DCO and Environmental Statement review)
- producing Relevant Representations
- attending Examination and producing all associated documents (including LIR, SOCG
- responding to Examining Authority's questions etc), and
- any work associated with the discharge of requirements, should consent be granted.

***Question 42: How else can government support local authorities in their role engaging with NSIP applications, as they adapt their role to take account of reforms through the Planning and Infrastructure Bill?***

Government needs to ensure that applicants still engage early on in the pre-application process to prevent issues getting bottlenecked into examination which would limit the ability of LAs to comment and help to ensure infrastructure comes forward in the best way possible for our local communities.

There needs to be clear guidance on what is considered acceptable levels of engagement – with a definition of what is meant by “meaningful engagement”. There needs to be prescriptive advice to applicants on the expectations of what this “meaningful engagement” would include to be proportionate to the development that is part of the application being accepted by the inspector.

*Question 43: Do you agree that there remains merit for applicants in a fast-track process, based on shortened examinations delivered through primary legislation and with the process set out in guidance, that is designed to deliver a faster process for certain projects? If yes, give reasons why it is not being used currently; if not, please give reasons.  
Yes/ No/ Don't know. Please provide your views.*



EEH understands the need for timely delivery of major infrastructure to support the growth of the region, especially the aspirations in the Oxford to Cambridge Growth Corridor. However, speeding up the process should not come at the expense of local authorities and communities having the opportunity to feed into and help steer development in their area.

Shortening timescales should still ensure high quality applications with comprehensive supporting technical documents are in order to support shorter timescales. The combination of a shortened examination and the removal of statutory consultation could severely limit the ability of the public, particularly affected communities, to comment.

Government must protect the ability for local communities and residents to have their voices heard as part of the NSIP process.