



Response to MHCLG consultation on streamlining infrastructure planning.

November 2025

SEC Newgate UK: Response to MHCLG consultation on streamlining infrastructure planning

About SEC Newgate UK

SEC Newgate UK is a strategic communications consultancy which provides specialist consultation and engagement support to infrastructure projects. We have developed and delivered consultation and engagement programmes for more than 30 NSIPs, from projects early in the lifetime of the Planning Act 2008 such as Hinkley Point C, through to recent consents like Longfield Solar Farm.

In summary

We strongly support the commitment to meaningful and effective engagement articulated in the consultation document.

Pre-application: guidance for applicants preparing applications

Question 1: Please provide views about the potential risks and benefits of government producing more prescriptive or less prescriptive guidance about pre-application consultation and engagement in absence of statutory requirements. In particular, we are 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.

While we agree with the benefits of consultation for all parties, our experience across multiple applications and across multiple consenting regimes is that applicants will work to the requirements or guidance set for an application. Consultation and engagement take time and resource. Activity which goes beyond requirements or guidance needs to be justified when resource is allocated to a project.

Statutory requirements had a number of key benefits in this context:

- > They set a clear expectation that applicants would consult. This helps make the case to project leadership to invest in consultation and engagement.
- > They provided clarity to all parties on how consultation should take place. Opponents of development regularly criticise consultation programmes.
- > Requirements help local authorities in particular understand how much weight to attach to this criticism.

Guidance which does not clearly set out expectations for consultation is likely to lead to less consistent action by applicants. This will not contribute overall to effective or proportionate consultation.

Targeted statutory consultation is a good case study. The limited guidance available prior to April 2024 led many applicants to take a precautionary approach, both in terms of when to consult and who to consult. Our experience since the update to the guidance in April 2024 is that we conduct fewer targeted consultations, including in circumstances where an applicant would have considered consulting on a precautionary basis previously.



Equally, guidance which is overly prescriptive does not support proportionate consultation, with a particular risk that applicants will focus on complying with guidance rather than securing good outcomes. The NSIP regime covers a wide range of technologies, each of which has different impacts and stakeholders. Guidance which is prescriptive about consultation methods, timings and consultees is particularly likely to risk projects doing consultation which is not necessary or effective.

The list of prescribed consultees in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 is a clear example, particularly since the definition of 'relevant' was expanded to take in neighbouring authorities. We have consulted this year on a project in Yorkshire where a small part of the draft Order limits required for access crosses into Derbyshire; as this crosses into the area where water services are provided by Severn Trent Water, we were required to consult Welsh Water. This is clearly not proportionate to the impacts of the project and potentially puts strain on consultees with limited resources.

We believe that guidance should set out:

- > The circumstances in which consultation is expected (e.g. at points when there is genuine scope for applicants to have regard to feedback from consultation)
- > Principles for how consultation should be carried out (e.g. diligent effort should be made to identify and consult with all potentially affected parties; consultation should take place at a point when those parties have scope to influence proposals; the materials provided as part of a consultation should provide those parties with the information they need to comment)
- > Expected outcomes that consultation and engagement should deliver (e.g. that parties who may be impacted by a project are aware of it with enough time to comment and that substantive issues are identified and where possible addressed before the submission of an application).

This will give all parties clarity of expectations for consultation while allowing applicants flexibility to adopt appropriate methods for different technologies, geographies and communities. A focus on outcomes also reduces the risk that applicants will see guidance as providing boxes that need to be ticked.

We also believe guidance should include an expectation that applicants should set out their proposed approach to consultation from the outset and engage with identified consultees to confirm the methods and programme for consultation with them.

This is already good practice, and supports more effective, faster and proportionate consultation by ensuring consultation methods respond to consultees' needs. It also reduces the risk that consultation programmes will face challenge by stakeholders and communities later down the line.

Question 3 Would it be useful for applicants to consider these factors (front-loading, proportionate, open, timely) while preparing their applications and in particular in relation to any non-statutory engagement and consultation? What changes or additions to these draft factors would you welcome?

We agree with these factors. When considering the timeliness of consultation and engagement, it is important that it takes place at a time when there is still scope for applicants to have regard to feedback – it is difficult for the activity to be meaningful otherwise. Guidance should be explicit on this point.



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?

We agree that guidance should explicitly set out the need for non-statutory consultation and engagement. This will help set expectations for all parties. However, the guidance should be stronger than talking about 'benefits' – our experience is that this is likely to be interpreted as an option to consider when circumstances allow.

This can be seen in the varied response to guidance on pre-application consultation by applicants seeking planning permission for battery energy storage systems from local planning authorities. Guidance in these cases is provided by local authorities' Statements of Community Involvement, which typically encourage pre-application consultation but are not specific in the guidance provided to the applicant. Effective consultation does take place, but it is not consistent across applications and is at the discretion of the applicant.

There have, for example, been four planning applications submitted to local authorities in Lincolnshire for battery energy storage systems so far in 2025. Of these, one did not carry out pre-application consultation, while in all other cases consultation took place over a single period on a near-final design. Only one of the applications refers to a design change resulting from consultation feedback.

Guidance would be more effective if it set out expected outcomes from non-statutory consultation and engagement – e.g. that issues are identified, and where possible resolved, prior to submission of a DCO application. This will make it clear that consultation and engagement are considered an important part of ensuring that an application is fit to be submitted.

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. Given the nationally significant nature of the projects in question, it is important that applicants and statutory bodies work towards the same outcomes in terms of process. We recognise that applicants and statutory bodies may disagree, but the planning process established by the Planning Act 2008 exists to strike a balance between those perspectives. Guidance should be explicit in setting out an expectation of collaboration between applicants, statutory bodies and local authorities towards that end – in the case of pre-application consultation, allowing potential issues to be identified and where possible addressed before the submission of a DCO application. For example, instances where local policy may diverge from the National Policy Statements.

Equally, we are aware that resource constraints and staff availability at statutory bodies have an impact on their ability to engage effectively. Difficulty in securing timely inputs has led to applicants we are supporting considering delaying consultation on two NSIPs in the last six months. Guidance should encourage applicants to engage with statutory bodies to agree an appropriate programme for consultation and engagement with them and to identify potential concerns about resource availability in advance.



Pre-application: the role of different stakeholders and statutory bodies at pre-application

Question 7: Is guidance needed to support applicants to identify which statutory bodies should be consulted based on the potential impacts of the proposed application? If so, what should that guidance include?

We agree that guidance should support applicants to identify which statutory bodies should be consulted, but this should not be prescriptive. Currently, the list of prescribed consultees in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 is too prescriptive and requires consultation with bodies that are not relevant – for example, by requiring consultation with neighbouring ‘relevant’ authorities when the host authority covers a large geography and there is no potential impact on the area the neighbouring authority covers.

It would be more helpful for guidance to identify which statutory bodies may be relevant for certain potential impacts (e.g. the Marine Management Organisation, Maritime and Coastguard Agency, Trinity House and the Joint Nature Conservation Committee for marine applications) and include a mechanism for agreeing whether it is relevant to consult them. This could be via direct agreement with the consultee, through a scoping mechanism with PINS, or through agreement with the Secretary of State as is currently the case for non-material amendment applications.

This would reduce the circumstances where statutory bodies which are not genuinely relevant are consulted by default, while helping applicants ensure they identify and consult with the appropriate bodies.

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. Currently, engagement by local authorities can be inconsistent and is not always constructive – for example, responses to the applicant’s consultation on the Statement of Community Consultation will frequently ask for disproportionate consultation activities. These requests typically come where the local authority believes activity should take place for its own sake, rather than because it is demonstrably effective.

In consultation on a Statement of Community Consultation for a project last year, for example, one local authority sought multiple consultation events taking place over eight hours at venues which had received low footfall during non-statutory consultation, as well as multiple webinars in a sparsely populated, rural area where residents and parish councils had expressed a preference for in-person engagement. The applicant acceded to most of these requests, but the reality was that footfall remained low at many of these venues and attendance at the webinars was also low. At the same time, the applicant secured useful and actionable feedback on the design of the project through direct engagement with residents in their homes, building on similar engagement that had taken place during non-statutory consultation.

Guidance could support better engagement between applicants and local authorities by setting out expected outcomes, along with an expectation that they will work together collaboratively towards these outcomes.



Question 11: Should guidance support applicants to identify Category 3 people to be notified once an application is accepted for examination? If so, what should it say?

We are concerned about the prospect that Category 3 people will only be notified following the acceptance of an application. We recognise that current arrangements mean people whose interest in land is eventually not affected are consulted. We also recognise that many Category 3 people will effectively be covered under arrangements for community consultation, given the nature of the impacts concerned.

Equally, people who are notified that they fall within Category 3 are likely to feel they have been denied the opportunity to influence proposals at a stage while there is still scope to do that if they are only identified once an application is accepted. In our experience, the changes which result in people being removed as a Category 3 interest can come as a result of feedback through consultation. Leaving identification of Category 3 people to the point that they feel it is too late to influence a project is likely to result in the kind of stress referred to in the consultation document.

If identification of Category 3 people is to take place once an application is accepted for examination, then guidance should encourage applicants to consider the likelihood of the project impacting Category 3 people and communicate clearly about this part of the process through their pre-application consultation with those potentially affected. This would help reduce the risk that identification as a Category 3 person will come as an unpleasant surprise and encourage engagement in the pre-application consultation from people living close to the project.

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.

Yes. The requirement to consult with communities is currently one of the least prescriptive parts of the Planning Act 2008 when it comes to consultation – applicants must prepare a Statement of Community Consultation, consult local authorities, and carry out the consultation.

In practice, this means community consultation varies significantly depending on the approach taken by the applicant and the degree of engagement from local authorities. Local authorities will also often push for specific activities for their own sake rather than because they represent effective or proportionate consultation, particularly where they are under pressure from campaign groups. Applicants often take a precautionary approach and accede to these requests rather than risk negative responses to the adequacy of consultation check.

During consultation on a Statement of Community Consultation for a project now at Examination, for example, one local authority pushed for the applicant to hold multiple public exhibitions at locations distant from the project location where footfall had been low during non-statutory consultation.

The applicant agreed to update the Statement of Community Consultation to include the additional events at these locations, but footfall remained low at these locations during the statutory consultation.

Guidance could support effective engagement by setting out expectations for the circumstances in which communities should be consulted and engaged, principles for consultation and engagement, and expected outcomes from consultation and engagement. This would provide all parties clarity of expectations for consultation while allowing applicants flexibility to adopt appropriate methods for different communities.



Pre-application: enhancing notification and publicity

Question 20: Do you agree with the proposal to move to a 'digital first' approach by only requiring information to be made available for inspection online? Please explain why. The government would welcome information and data about any potential impacts, including equalities impacts, of this change.

We support a 'digital first' approach, but do not agree that guidance should specify that information should only be made available online. While the majority of the public do access information online, this does not mean that they are comfortable doing so or have good enough connectivity to access documents with large visuals reliably. Nationally representative research that we conducted on the way that people engage with energy NSIPs in 2024 showed that only 25% of people who engaged with an NSIP did so using the project website. Information needs to be made available using a variety of channels for consultation and engagement to be most effective, and what works best will depend on the consultee. It would therefore be more appropriate for guidance to set out that applicants should consider how consultees can access information and respond appropriately. This could include guidance that digital provision of information is expected as a minimum standard.

Question 21: What further guidance would support applicants to undertake effective publicity which enables transparency and public awareness?

The current requirement in section 48 of the Planning Act 2008 to formally publicise the proposed application in a prescribed manner in local and national newspapers does not represent effective publicity which enables transparency and public awareness. Newspapers typically place statutory notices at the rear of the paper where most readers will not see them. In the last five years, we have not received a single consultation response which identified itself as coming in response to publicity under section 48 of the Planning Act 2008.

In reality, whether publicity is effective or not will depend on its audience and geography. We conduct nationally representative research on public sentiment towards renewable energy NSIPs on an annual basis. Our 2024 research showed that 64% of those who engaged with an NSIP only did so using one channel, but that no one type of engagement predominated when they did – 25% visited a project website, 19% responded to a survey or letter, 15% attended an event and 5% had a conversation with a project representative on the phone. Publicity therefore needs to be issued across a wide range of channels to be effective. Guidance should encourage applicants to consider the needs of their audiences when publicising consultation or the application and put in place appropriate methods that respond to them.



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