



Development Consent Orders

Advice on Early Engagement, Relevant Representations and Subsequent Examination stages

Introduction

Major infrastructure projects are now being promoted through a new planning process – a Development Consent Order. This process is specifically aimed at speeding up approval for nationally significant infrastructure projects. Energy related projects are the most likely to affect airfields, but new transport infrastructure schemes also come into this new process.

It should be noted that there is a very strong presumption that these projects will be approved. Seeking amendment to a scheme to protect your airfield and its operations at an early stage (with documentation to record this) will provide the best outcome. As a project is firmed up, modification becomes more difficult.

Early Engagement

Therefore, the ideal is to engage with a prospective developer at an early stage of a project (prior to any formal submissions) and explain and address any issues that could adversely affect your site and its activities.

The issues to raise with the developer will be similar to those that you are likely to have to explain if you need to engage with the formal process – which commences when the developer submits the scheme to the Planning Inspectorate and a timetable for review and formal ‘Examination’ (a public inquiry) will be set out.

The first, and critical issue to address is a comprehensive description of your aerodrome activities – nature (probably the most important factor as developers rarely have knowledge of flying), range, scale, evolution and planned growth, existing and planned infrastructure and investment, role / status in your sport(s).



It is also very important to set out a detailed description of how the proposed development would affect your activities – both directly and indirectly. The prospective developer, the developer’s advisors, the Local Planning Authority and the Planning Inspector may have no knowledge of aviation in general and / or your activities.

The description of impact should include:

The nature and scale of the safety implications of the introduction of the proposed infrastructure – location / height / intrinsic characteristics and safety risks - in the air and on the ground. It is best to assume that non-flyers may have no spatial appreciation and it may be advantageous to be able to show potential safety risks in 3D. You may need specialist assistance to demonstrate these risks.

If you have an aerodrome safeguarding plan (maps and text) lodged and agreed with your Local Planning Authority this should give you additional weight. If you do not have an arrangement, it would be sensible to endeavour to put this in place as soon as possible.

The direct and indirect effects of the introduction of the infrastructure on your financial position, status, ability to operate your normal activities / events and the knock-on effects on e.g. membership / finances / planned changes and / or investment.

The context should set out the range and size of your operations – including for example annual movements, club members, numbers of aircraft, special events, community involvement, use and interaction with your site.

Pre-Submission Project Consultation

The prospective developer has to go through a number of stages of consultation prior to submitting the scheme to the Planning Inspectorate. You should endeavour to respond at every stage. It may seem as though you are reiterating your concerns but it is important to do so. The GAAC can assist.

Submission of Scheme to Planning Inspectorate

If the project remains a threat to your operations at the time it is submitted to the Planning Inspectorate you (or a representative on your behalf) should register your interest / concerns with the Planning Inspectorate, submit representations – this is termed a ‘Relevant Representation’.

Relevant Representation

The Relevant Representation should again set out all of the impacts summarised at a. – d. above.



In addition, you should include the planning policy context which supports General Aviation airfields – for sport, recreation, transport and emergency services and which also specifically supports the retention of sports venues (as Sport England recognises all light aviation activities as ‘sports’ your airfield is a ‘sports venue’).

You should also seek the support of National representative bodies, your local planning authority(s), CAA , local MP and local interest groups.

Examination

If you have submitted a ‘Relevant Representation’ you will be able to engage with the Examination of the scheme as an ‘Interested Party’. This is a public inquiry, Chaired by a Planning Inspector (termed the Examining Authority (ExA)) that you may attend in person or virtually. It provides the final opportunity to set out your case for the Planning Inspector.

The principle of the DCO process is not the same as a planning appeal. The examination is based, primarily on the written documentation. An Interested Party may provide additional comment and advice and the Inspector may ask questions. The process is principally technical (rather than the more adversarial nature of a traditional planning inquiry).

Practical Points

The material associated with a DCO is voluminous and documents are regularly added.

The Examination will be subject to a very precise programme, with deadlines for the submission of written material. The deadlines are inflexible and the onus is on the Interested Party to keep up to date with material published by the Inspector and submitted by the applicant and other parties.

Ann Bartaby, Head of Planning

21 February 2025

Planning@gaac.org.uk