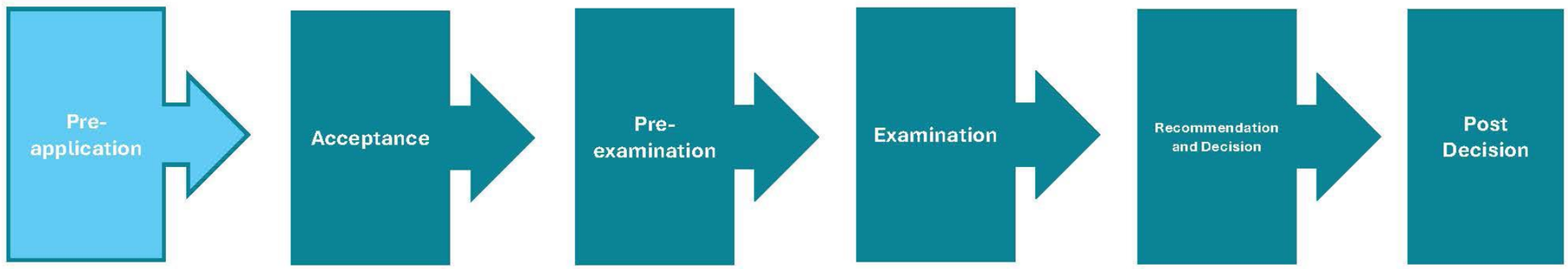
Development Consent Order (DCO) Process



Pre-Application Stage

- The developer consults with stakeholders, including the public, statutory bodies, and affected local authorities.
- An Environmental Impact Assessment (EIA) is usually required to evaluate the potential environmental impacts of the project.
- Preliminary Environmental Information Reports (PEIR) are submitted alongside the Statement of Community Consultation (SoCC), which explains how the developer intends to consult with the public and other stakeholders.
- The PEIR forms the basis for public consultation and helps consultees make informed comments on the environmental aspects of the project. This consultation feedback is crucial for shaping the final Environmental Statement (ES) which is submitted as part of the full DCO application.

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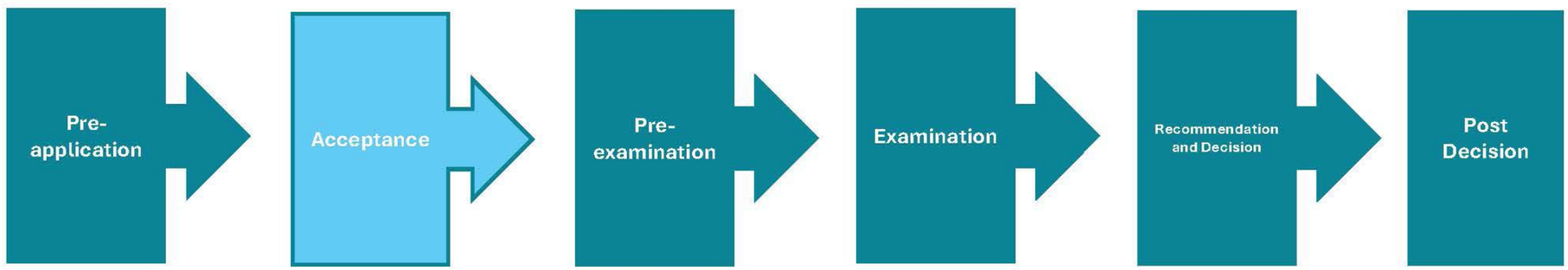

Acceptance Stage

- The developer submits the DCO application to the Planning Inspectorate. The Planning Inspectorate has **28 days** to review the application and decide if it meets the required standards to move forward in the process.

- The Planning Inspectorate examines the DCO application to ensure it is complete and compliant with the Planning Act 2008 and associated regulations and checks all necessary documents have been provided, and that the application adheres to all statutory requirements.

- After the 28-day review period, the Planning Inspectorate decides if the application is accepted or rejected for examination. If accepted, the application moves to the Pre-Examination stage, where it is published, and stakeholders can register as **Interested Parties**. If rejected, the Planning Inspectorate provides feedback detailing the missing information, allowing the developer to address these issues before resubmitting.

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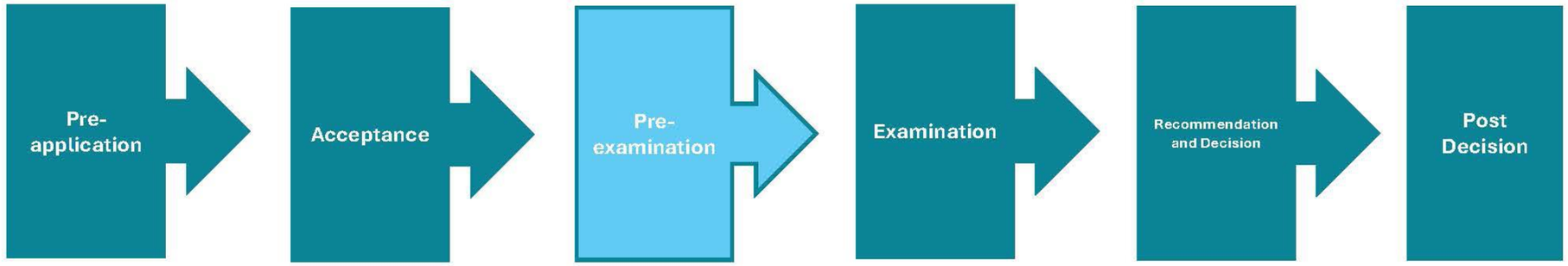

Pre-Examination Stage

- If accepted, the application enters the pre-examination phase which usually lasts around **3 months**.
- During this period, **Interested Parties** can register as formal participants in the examination process and submit their **Relevant Representations**.
- A Relevant Representation is a written summary of an individual, or organisation's main concerns, support, or objections regarding the proposed project. This submission allows the individual to become an Interested Party in the DCO process, giving them the right to participate in the Examination stage.
- The Planning Inspectorate assigns an Examining Authority, often a panel or single inspector, to manage the examination phase.

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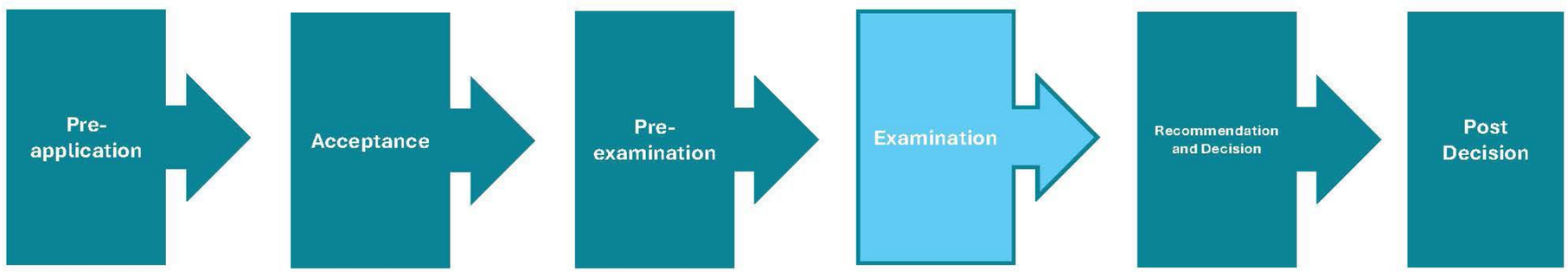

Examination Stage

- The examination phase typically lasts **six months**, during which the Examining Authority gathers evidence, holds hearings, and considers written representations from interested parties.
- The Examining Authority assesses all evidence, balancing the project's benefits against its potential impacts.
- Interested Parties, including the applicant, statutory bodies, local authorities, and members of the public, can submit **Written Representations** with detailed evidence and arguments supporting or opposing the project.
- The Examining Authority reviews these Written Representations as part of its evidence base and may request additional clarification or further information from any party.
- The Examination Stage includes several types of hearings where Interested Parties can present their views and evidence directly to the Examining Authority, site inspections where the Examining Authority and Interested Parties can observe specific areas highlighted during the examination, such as environmental or residential sites, and throughout the Examination Stage, the Examining Authority may issue **written questions** to the applicant, statutory bodies, or other Interested Parties to clarify details or seek additional evidence.

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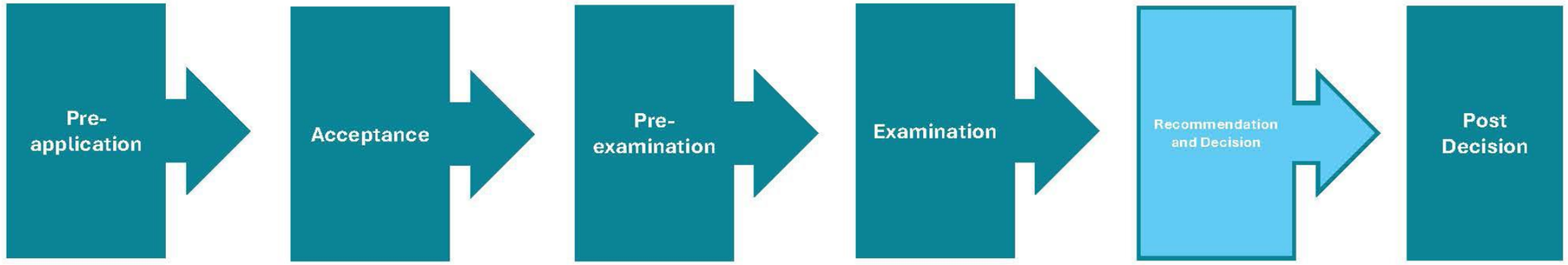

Recommendation and Decision Stage

- Once the Examination Stage closes, the Examining Authority has **three months** to review all evidence, submissions, and hearing records collected during the examination.

- The Examining Authority compiles these findings into a **Recommendation Report** which includes:
  - **Summary of Issues**: An overview of the main issues raised by the applicant, Interested Parties, statutory bodies, and the public.
  - **Assessment of Evidence**: A detailed analysis of the environmental, social, and economic impacts, as well as any mitigation measures proposed by the applicant.
  - **Compliance Check**: A review of how the project aligns with relevant policies, such as the National Policy Statements (NPS) for energy, transport, or other sectors related to the project.
  - **Recommendation**: Based on this analysis, the Examining Authority makes a recommendation to either grant or deny the DCO, with conditions or requirements if appropriate

- The Recommendation Report is submitted to the **relevant Secretary of State** (such as the Secretary of State for Transport, Business, Energy, or Environment, depending on the project's sector). The relevant Secretary of State reviews the recommendation and has an **additional three months** to issue a decision to grant, deny or modify the DCO.

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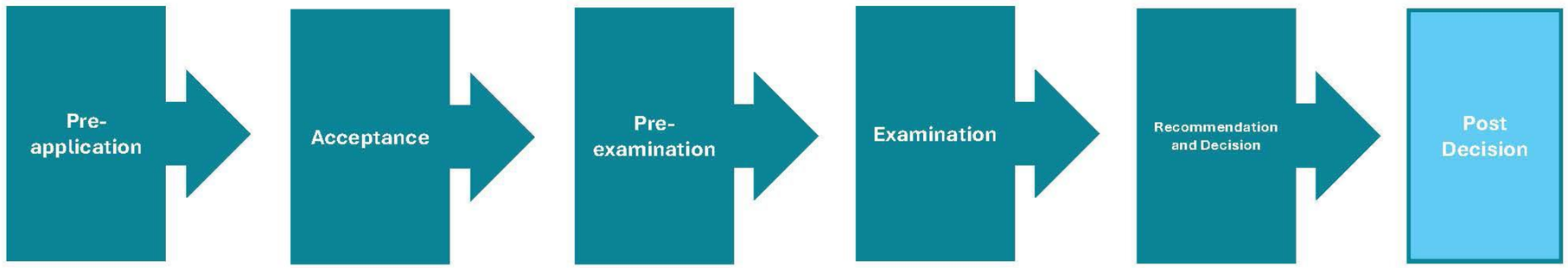

Post Decision Stage

- Once the Secretary of State issues the decision, both the **decision letter** and the **Recommendation Report** from the Examining Authority are published on the Planning Inspectorate's website.
- After the decision is published, there is a **six-week period** during which Interested Parties and stakeholders can apply for a **judicial review** if they believe there were legal flaws in the decision-making process.
- A judicial review does not challenge the merits of the decision but rather focuses on whether the process followed the law. If a judicial review is granted and finds legal errors, the decision could be quashed and potentially reconsidered.
- If the DCO is granted, the applicant has the necessary consent to begin construction and operation of the project, subject to any conditions or requirements set out in the DCO decision.
- The DCO decision often includes specific requirements (similar to planning conditions) that the developer must comply with, which may involve environmental protection measures, construction management plans, traffic and access arrangements, or monitoring obligations. The developer may need to secure additional permits or approvals before starting work, such as marine licenses or protected species licences from Natural England.

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