

National Infrastructure Planning Association (NIPA)

National Infrastructure Survey and Report, July 2020

1. EXECUTIVE SUMMARY

About NIPA

- 1.1 The National Infrastructure Planning Association (NIPA) is an organisation of around 500 members. NIPA was created in 2010 to bring together all those involved in the planning and authorisation of Nationally Significant Infrastructure Projects in the UK (NSIPs) and to promote best practice.
- 1.2 NIPA's members are drawn from a wide variety of organisations including project promoters, local authorities, lawyers, environmental and engineering consultants, planning consultants and surveyors, as well as professional bodies and academics, and have members who are involved in all of the current NSIPs going through the consenting and implementation process.
- 1.3 NIPA has been active in exploring practical ways to improve how we plan for and deliver national infrastructure, tapping into the breadth of skills and expertise of members across the Development Consent Order (DCO) and other consenting processes, including the Town and Country Planning, Compulsory Purchase, Highways Act, Transport and Works Act and Marine Licence regimes.
- 1.4 Our 'Insights' programme has produced [authoritative research](#) on the role of flexibility in the effective delivery of better national infrastructure projects. Our annual conference and programme of working groups, regional events and national webinars regularly bring together practitioners across infrastructure planning to share lessons and continuously improve how we plan for and deliver infrastructure.
- 1.5 In response to the COVID-19 pandemic NIPA urgently reviewed existing legislation for NSIPs to support government and practitioners to keep the NSIPs process going within public health guidelines, culminating in [a COVID-19 paper](#). The paper drew on the breadth of expertise in NIPA's membership and was supported by the Planning and Environment Bar Association (PEBA) and the Law Society. It was presented to the Secretary of State for Housing, Communities and Local Government in April 2020 as part of our on-going support for and dialogue with government departments.
- 1.6 This survey and paper represent the next step in our support for Government, the Planning Inspectorate and the infrastructure community by taking a medium-term view on infrastructure planning and delivery.
- 1.7 Our ambition remains to see and facilitate the delivery of high-quality infrastructure that supports the economic, social and environmental well-being of the country.

About the Survey

- 1.8 NIPA surveyed its members to seek views on three topics:
 - National Policy Statements;

- the current investment picture for infrastructure sectors; and
- the challenges and opportunities for digital working in national infrastructure.

1.9 There were 47 responses in total, approximately a 10% response rate, of which the majority of responses was from promoters and professional advisers. The survey questions and detailed responses are contained in **Appendix A**.

1.10 The responses have also been informed by a virtual round table with approximately 80 members, and debate at NIPA Council, made up of senior representatives from across the infrastructure and planning community.

About this paper

1.11 This paper takes the findings from the survey and NIPA's wider work and provides the Government and the Planning Inspectorate with 9 recommendations. It is NIPA's desire and intention to support the Government and the Inspectorate with the implementation of these recommendations as set out in detail in section 3 of this paper.

1.12 This paper was prepared by the NIPA Board in consultation with NIPA members and the NIPA Council.

1.13 The paper is structured as follows:

- Section 1 Executive Summary, including main recommendations;
- Section 2 Survey findings;
- Section 3 NIPA reflections and recommendations;
- Section 4 Conclusion; and
- Annex A Detailed survey responses.

NIPA Recommendations

1.14 NIPA's recommendations cover National Policy Statements, the scope and workings of the NSIPs regime, understanding infrastructure investment drivers, and digital working in national infrastructure as summarised in Table 1 below:

Table 1 NIPA recommendations

No.	Recommendation	Implementation
NATIONAL POLICY STATEMENTS		
R1	Set out clear transitional arrangements before any NPS review.	Prepare a Written Ministerial Statement setting out in-principle transitional arrangements, including clarity of process and timings for any review ¹ of any National Policy Statement ahead of any review, to avoid project suspension or delay in project delivery. Work with NIPA to identify potential project delivery risks and

¹ NIPA appreciates that 'review' takes the meaning under section 6 of the Planning Act 2008 and that it is for the Secretary of State to determine whether such circumstances for a review exist and that the Secretary of State may choose to retain, amend or withdraw any NPS.

		unintended consequences from transitional arrangements.
R2	Urgently review out of date NPSs to address significant JR risks.	Bring forward a partial or whole review of the Energy, Aviation, Ports and National Networks National Policy Statements, to address areas of potential legal challenge for future NSIPs; Ensure that government and government agency capacity is in place to undertake effective reviews through an MHCLG-led cross-departmental NPS team.
R3	Prepare an Overarching National Policy Statement for all NSIPs, aligned with the National Infrastructure Strategy 2020, incorporating sector-specific annexes.	Refresh the suite of NPSs under a single new overarching National Policy Statement; Base the Overarching NPS on the expected National Infrastructure Strategy 2020; Review it in line with future National Infrastructure Strategies; and Incorporate sector-specific national policy as annexes to the Overarching NPS.
NSIPs REGIME AND INFRASTRUCTURE INVESTMENT		
R4	Refresh the scope of the NSIPs regime to match the economic, social and environmental challenges ahead.	Recognising the effectiveness of the NSIPs regime in managing risk for complex projects, call for evidence to inform a review of the scope and scale of projects that qualify as Nationally Significant Infrastructure Projects, and of sectors which may require a National Policy Statement framework.
R5	Invest in pre-application to de-risk and speed up examinations and decisions.	Re-think and resource the Planning Inspectorate's Pre-Application Service to provide new services that focus on identifying complexity (degree and type) and risk for all stakeholders as early as possible; Use Inspectorate expertise to proactively help stakeholders overcome risks and issues identified during pre-application to help de-risk examinations and decisions; Review and improve the way in which Statutory Consultees engage with the process, focusing on early meaningful engagement and resources to enable the early resolution of issues.
R6	Work with NIPA to engage infrastructure investors and promoters to understand the	Create a structured cross-departmental engagement programme with all infrastructure sectors, to inform on-going infrastructure policy

	drivers for infrastructure investment better.	development and NSIPs resource planning.
DIGITAL WORKING PRACTICES FOR NATIONAL INFRASTRUCTURE		
R7	Create the strong legal framework for effective digital working.	Drawing on NIPA's COVID-19 Paper and R8 below, amend legislation to facilitate digital working innovation in national infrastructure, and resource the Planning Inspectorate to develop digital transformation further.
R8	Prepare a digital working programme to focus resources on interactive stakeholder engagement measures that help de-risk projects.	Develop a digital working programme for all elements of infrastructure planning, shared with all stakeholders. Focus the programme on driving stakeholder engagement and interactivity in the process, and more effective use of material produced by participants.
R9	Maintain a collaborative approach to piloting new ways of digital working.	Continue to publicise, pilot and engage stakeholders with proposed digital working measures and draw experience from beyond the NSIPs regime.

2. SUMMARY OF NIPA SURVEY RESPONSES

- 2.1 This section of the paper provides a summary of the survey findings on each of the main survey topics. NIPA's analysis and detailed recommendations follow in Section 3.

NATIONAL POLICY STATEMENTS

- 2.2 There is evidence from the survey that all the NPSs, to a greater or lesser extent, need reviewing and possibly also updating. Key drivers for updating them include climate change and net zero requirements; the Paris Agreement and impact on the Airports NPS Court of Appeal Judgment; recent changes in government policy; technology developments and consideration of additions to the NSIPs regime such as new settlements; the increasing interaction between housing and infrastructure, and between differing infrastructure sectors; and most significantly the increasing risks to projects of out of date NPSs.
- 2.3 Alongside climate change, the Heathrow Court of Appeal Judgment may have wide-ranging ramifications for most NPSs, however some respondents believe net zero and sustainability objectives must be implemented / incorporated proportionately, and have regard to the specific sustainability offerings of the different sectors (e.g. the significant carbon savings of renewable energy or increasing freight transportation by water). Biodiversity net gain requirements were also specified by some respondents as an issue that NPSs needed to address in a proportionate and well thought through way.
- 2.4 The impact of COVID-19 on the way in which we live our lives is also a major factor that is affecting us now, and could have major long-term implications for the demand for infrastructure, e.g. if we see more ongoing working from home and less overseas travel as many people choose to holiday in the UK, at least for the next year or so. As identified in section 2, this is already having an impact on the submission timescales for aviation projects.
- 2.5 However, respondents acknowledge the challenges in undertaking either a wholesale review of NPSs or even individual NPS reviews, and so if government is not able to take forward NIPA's recommendations around transitional arrangements and the review of NPSs in the context of the above key drivers in the short term a **clarificatory Written Ministerial Statement** should be made, outlining how Government considers net zero and other climate / environmental commitments should be taken into account in making NSIPs decisions while NPSs are being reviewed. However, it is important to remember that without up-to-date NPSs across the infrastructure types, the effective operation of the Act will continue to start declining and result in increasing legal challenge. This is an area of work going forward that will need to be prioritised and an expert team brought together to deliver up-to-date government policy.

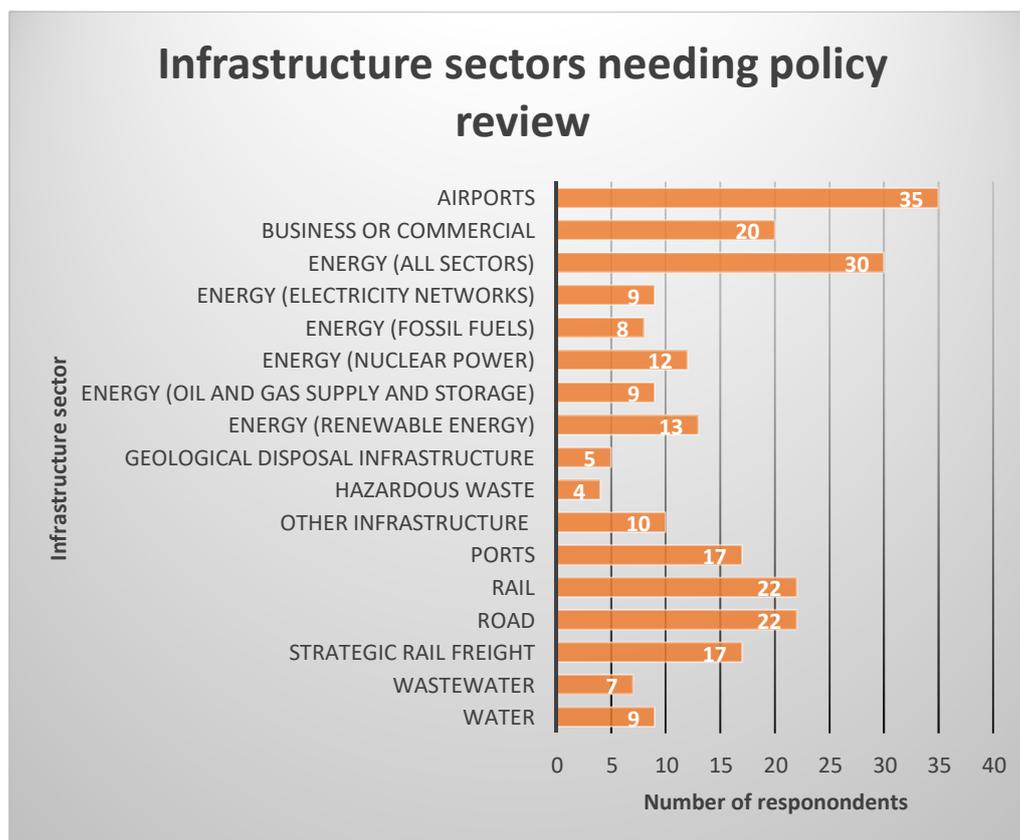
Which NPSs Might Need Reviewing

- 2.6 The majority of respondents believed all NPSs need reviewing, either to reaffirm or amend policy, as highlighted above. However, in terms of individual NPSs, the most urgent NPSs that respondents believed need reviewing and updating were the Energy NPSs, followed by the Airports and Ports NPSs.
- 2.7 **Energy** - DCO decisions are becoming increasingly challenged by having to reconcile the policy in the NPSs with current government commitments, and thus are vulnerable to challenge, thereby increasing project risk.
- 2.8 **Airports** – The implications of the Heathrow Judgment; the Paris Agreement environmental constraints; and effects of COVID-19 on the industry, combined with the need to consider

airports across the country and adapt to changing need, mean a new robust Airports NPS is a priority and would benefit from addressing all potential airport NSIPs as well as any particular named projects.

- 2.9 **Ports** – There is a need to partially update the Ports NPS, which only post-dates the energy NPSs by six months, as ports have evolved since its designation and can play a significant role in attracting shipping to the UK, and increasing road, rail and water freight transportation, making a major contribution to economic recovery. Responses included a request that any review should recognise some of the key beneficial policies already contained in the NPS (see Annex A box 14).
- 2.10 **Transport Integration** – Increasingly, there would be value in an integrated approach to differing transport modes, rather than the current disaggregated approach in the National Networks NPS, perhaps through an overarching transport NPS like the overarching energy NPS EN-1.

Figure 5 Respondents’ views on which infrastructure sectors require policy review



Additional NPSs

2.11 Respondents also suggested that:

- An overarching Rail-only NPS could provide an integrated approach to rail infrastructure investment that adopts a systems approach, alongside other transport infrastructure strategies.

- A Business and Commercial NPS is needed to clarify Government policy on how such projects should be assessed and bring them into line as NSIPs.

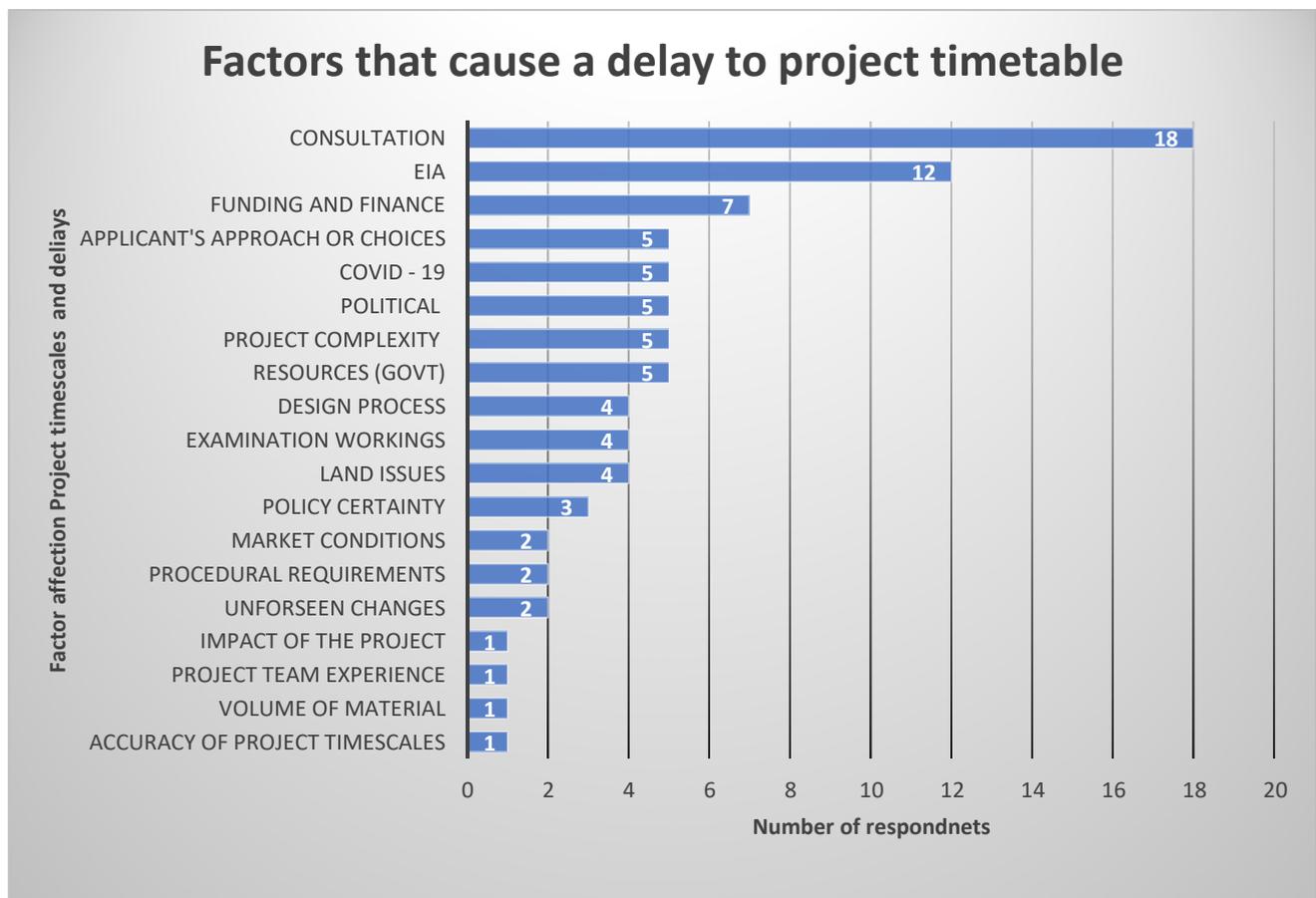
NSIPs REGIME AND INFRASTRUCTURE INVESTMENT

2.12 Our survey sought to understand what factors affect project timetables, and in which sectors the Planning Inspectorate could expect to see either delayed or maintained investment. In addition, participants' views were sought on emerging sectors and Planning Inspectorate services that support infrastructure planning.

The factors affecting project timescales

- 2.13 Figure 1 below demonstrates that participants consider that a wide range of factors influence whether there is a delay to a specific project timetable.
- 2.14 NIPA sought to understand whether factors internal to the NSIPs process, such as consultation feedback, or factors external to the process such as market conditions, were more influential. The survey is summarised in Figure 1 below, and indicates that internal factors are most influential overall, and in particular the challenges of undertaking effective consultation and preparing an Environmental Statement through the Environmental Impact Assessment (EIA) process.
- 2.15 This highlights why it is difficult for project promoters to give accurate timescales to the Planning Inspectorate, but these results indicate that there are some key areas to focus on and help de-risk project delays at the pre-application stage.

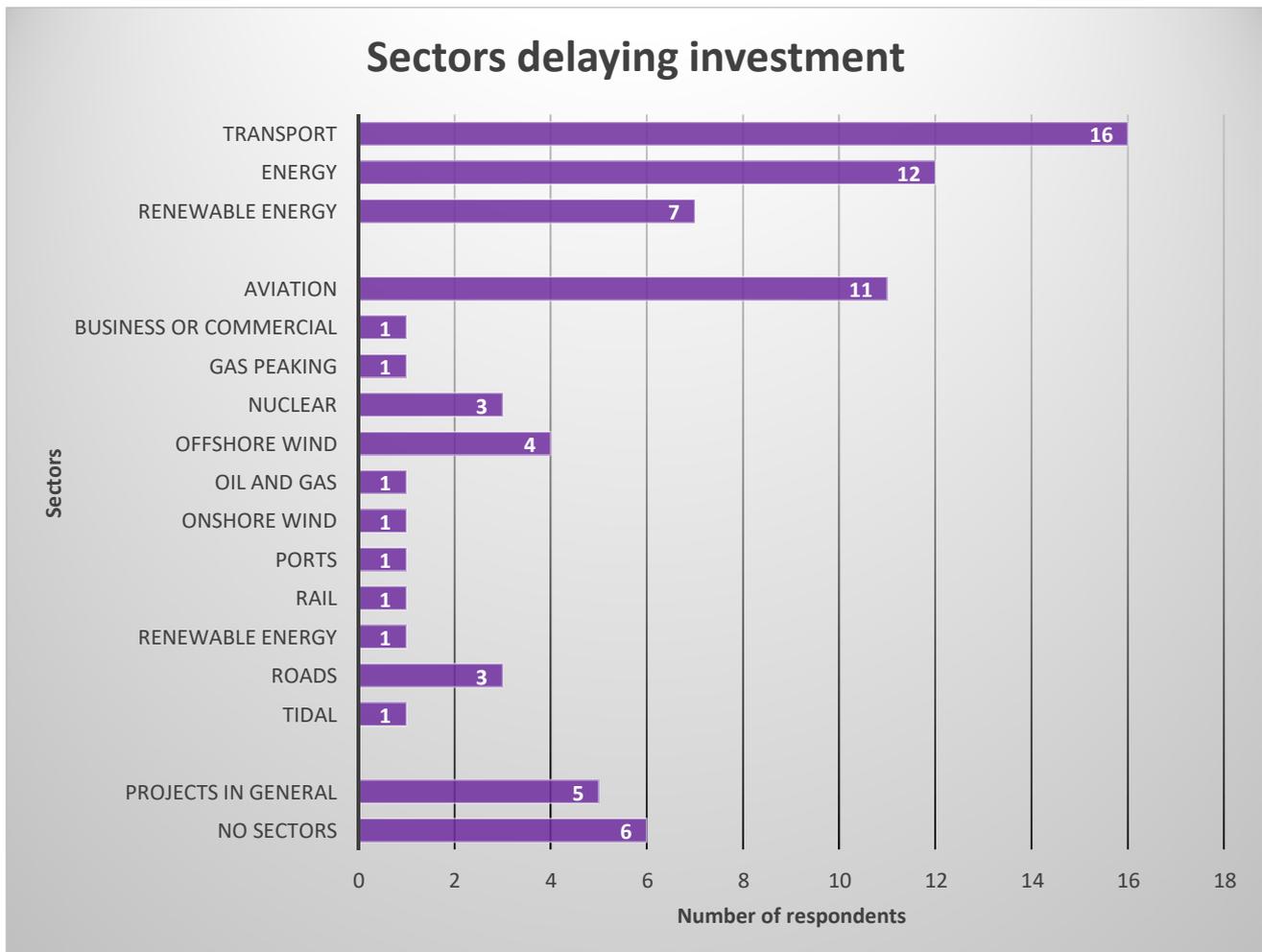
Figure 1 – Respondents’ views on factors affecting NSIP project timescales



Sectors expected to delay investment

- 2.16 NIPA wanted to understand which, if any, sectors were seeing a current delay in project investment, and if so why and how long for. Questions were posed in the context of the COVID-19 pandemic, however survey feedback showed that other factors are still relevant.
- 2.17 As shown in figure 2 below, aviation has been particularly affected, according to responses, by the sudden drop in demand for air travel from COVID-19, and the impact of the February 2020 Court of Appeal decision in relation to the Airports National Policy Statement. Delays to project investment are predicted to be between 1 and 4 years.
- 2.18 Some respondents advised that in their view, offshore wind investment is currently being affected by delays to decisions on current NSIPs and there is concern about what this may mean for future government policy.
- 2.19 However, a number of respondents considered that there was little or no delay to infrastructure investment, with one commenting that the investment timeframes are long enough to accommodate shocks, and that what matters is an attractive investment environment through policy and process certainty, and availability of funding.

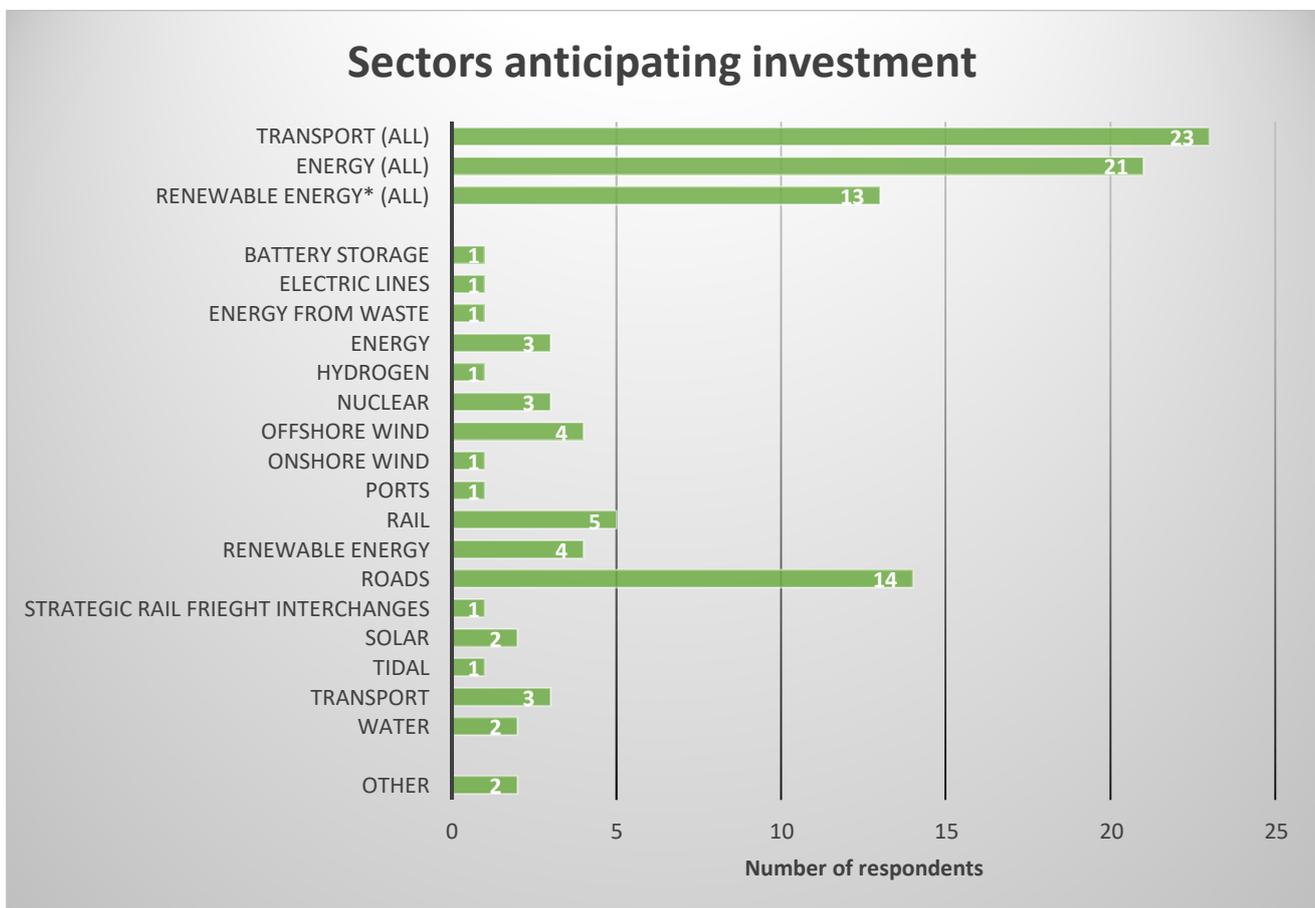
Figure 2 Respondents' view on Infrastructure sectors delaying investment



Sectors expected to maintain or bring forward investment

- 2.20 As figure 3 below shows, road schemes generated the most confidence for maintained investment, due to the Government’s Road Investment Programme. More broadly, those sectors that have investment programmes in place which draw on government support were seen as likely to continue.
- 2.21 Renewable energy sectors were also seen as favourable for continued investment due to the need to decarbonise our economy, however, there were notes of caution given the uncertainty during the COVID-19 pandemic.
- 2.22 A number of other sectors were mentioned by one or two participants as well, reflecting awareness across membership of activity in different sectors.

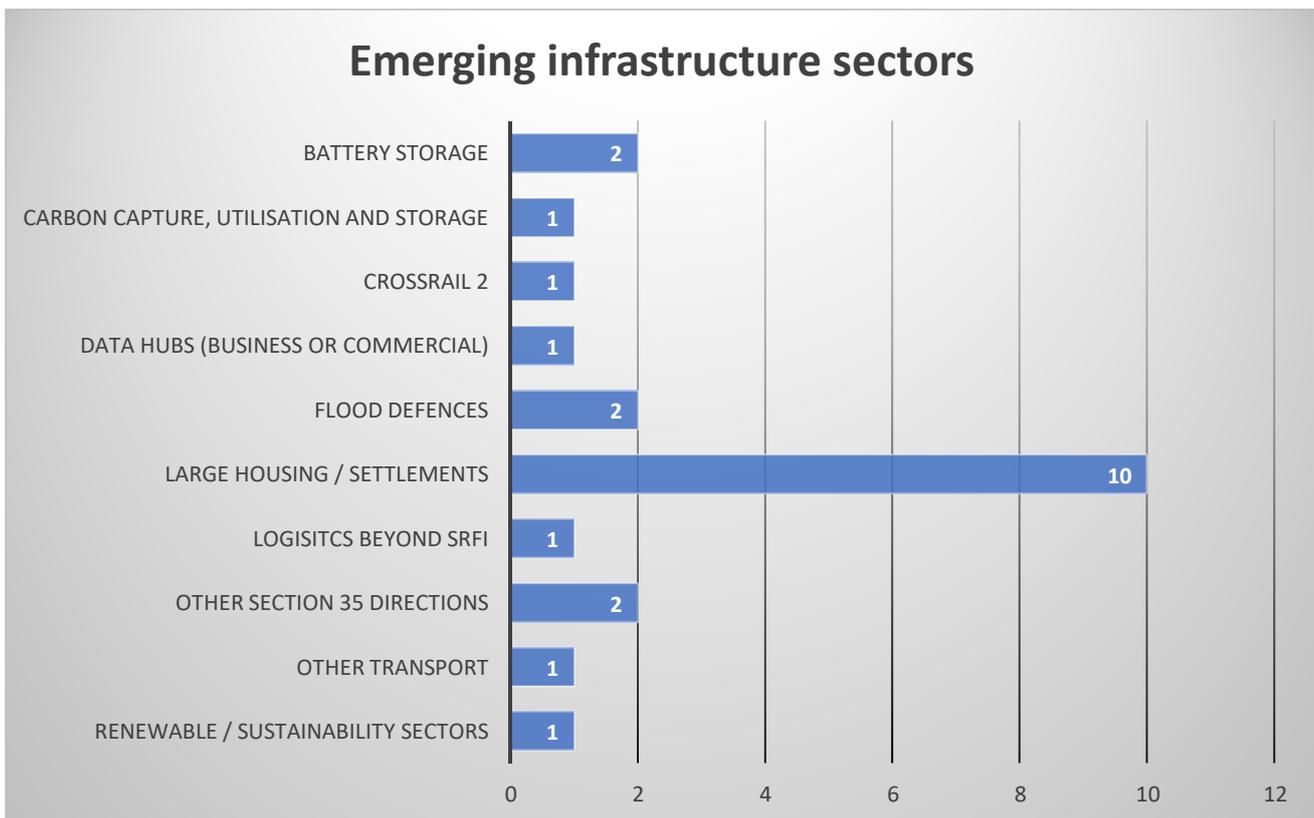
Figure 3 Respondents’ view on infrastructure sectors anticipating investment



Emerging sectors for the Planning Inspectorate to consider

- 2.23 Figure 4 below shows sectors mentioned that are either not in the NSIPs process or do not have National Policy Statement support at present.
- 2.24 Although large settlements and housing were the main focus, this was as much because respondents are aware it is being discussed within the development and infrastructure industries as a possible additional consenting approach. Some respondents expressed support for its inclusion and some expressed concern or objection, reflecting wider debates.
- 2.25 Two respondents observed the number of projects needing to seek a direction from the Secretary of State to be considered as NSIPs (a section 35 direction) and that this might indicate the emergence of either new sectors or projects outside thresholds for established categories that would benefit from being NSIPs. In particular a number of local authority highway schemes have required and significantly benefitted from section 35 directions.

Figure 4 Respondents' view on emerging infrastructure sectors



Planning Inspectorate services to support infrastructure planning

- 2.26 Our survey respondents focused mostly on existing national infrastructure services, however there were several mentions of the importance of other services, and the scope to use the Inspectorate's inherent skills and expertise for far wider benefits.
- 2.27 The benefit and potential of the Planning Inspectorate's pre-application and examination services were highlighted by a number of respondents. First, the importance of the professional case team resource to the process was recognised. As one respondent put it "*general case officer support and contact is invaluable.*" Secondly, the relevant expertise of, and need for sufficient Inspector resource, was recognised.
- 2.28 Consultation and EIA were two areas where some respondents felt the Inspectorate could add more value, providing a more pro-active approach, for example to reach agreement on surveys, and playing a stronger role in building robust applications more quickly.
- 2.29 Several respondents noted the importance of the Planning Inspectorate's infrastructure work elsewhere, particularly with respect to Highways Act Orders, Compulsory Purchase Orders, Development Plans and Call-ins. However, respondents did not go into detail on the extent of need for these services.
- 2.30 What respondents did comment on was the quality of expertise within the Inspectorate and whether this could be put to greater use in terms of sharing learning and in terms of forward planning for infrastructure, engaging communities and looking at what infrastructure may be suitable across the country.
- 2.31 NIPA's comments and recommendations are covered in the following section. However, we wish to ask whether the Planning Inspectorate's role in infrastructure planning, and its potential to support the UK to unlock the benefits of infrastructure, has been fully explored and resourced.
- 2.32 Currently the Inspectorate plays an impartial and authoritative role on individual projects and development plans. NIPA recognises the substantial work carried out by the Inspectorate around customer engagement and consistency across all casework. The value of the knowledge and experience gained and held by Inspectors and professional case workers should not be underestimated, and we think there is the opportunity to tap into this for the benefit of the UK as a whole.

DIGITAL WORKING PRACTICES FOR NATIONAL INFRASTRUCTURE

- 2.33 The survey focused on both existing digital working practices currently in operation for NSIPs pre-COVID-19, and those that have been introduced in response to the COVID-19 restrictions.

Digital Working – What Works Well?

Existing Measures

- 2.34 Respondents have indicated that digital submission of applications; virtual consultation and, as covered later, hearings are all working well on various digital platforms.
- 2.35 A number of positive measures introduced by the Planning Inspectorate, have been recognised by respondents, including:

- their ability to continuously evolve and shape the Examination process both digitally and in terms of how it operates; and
- the move to an Examination Library and changes to the Inspectorate website. However, widespread concern remains over whether it is easy enough for the public to navigate the website, and respondents have made a number of positive suggestions (included within **Appendix A**).

Recently Introduced Measures – General Points

2.36 There is much support for the introduction of virtual hearings by the Inspectorate, which will enable greater participation by those currently not physically able to attend in person. Additionally, respondents believe that:

- use of digital measures, and in particular virtual consultation meetings, and hearings, will, once bedded in, deliver significant cost and efficiency savings;
- it is vital, however, to use digital measures alongside more traditional methods of engagement such as door-to-door leafleting, increased phone-in services and socially distanced mobile libraries to take exhibition and documentary material around the vicinity, to benefit those without the resources, skills or inclination and confidence to use IT and digital interfaces; and
- there is an increasing need to digitise key aspects of analysis and baseline data to make it available to all, rather than each project undertaking its own.

Recently Introduced Measures – Specific Points

2.37 **Deposit of Documents** - The Inspectorate's pragmatic approach to the deposit of documents was welcomed, but respondents acknowledged that this needed to be reflected in legislation to enable and ensure a sound and sustainable position.

2.38 **Increase of Examination Timescales** - The number of questions all parties have to respond to, and the new format of hearings have increased Examination timescales (perhaps temporarily), due to them being split across a number of days for a couple of hours each day (rather than all being dealt with on the same day).

Digital Working – What requires improvement?

2.39 Despite many believing that digital working will increase the diversity of those participating in the DCO process, there is recognition that more needs to be done to ensure that this happens and that those without digital facilities are not left behind. What is emerging from the survey is that perhaps equivalent attention by the Inspectorate and MHCLG, supported by NIPA and others, would deliver similar benefits. Suggested priorities include:

- **Digital EIA** – that enables potentially interested or affected parties to engage with environmental and project information at the receptor, locality or interest level could be a real 'game changer' in making applications engaging and accessible.
- **The Pre-application Process** – as covered in the previous section, the pre-application stage appears to be causing challenges in certain areas. Recent innovations in consultation, driven by COVID-19, and harnessing digital working methods such as digital EIA could make the pre-application stage more effective.

- **Examination** – a number of practical issues have been raised, including the reliability and speeds of internet / videoconferencing facilities; high volumes of information; the need to ensure documents are uploaded in a timely manner; the need to ensure that parties are always replying to the latest version of uploaded documents; and the ease of navigation around the Inspectorate website for the public (as above).

Good Practice Examples

2.40 Respondents highlighted a number of positive suggestions (outlined in more detail in Appendix A Questions 8 and 9), but key points include:

- The production of **Best Practice Guidance on Virtual Hearings**, which is already in preparation, and is widely welcomed, with respondents suggesting that it should provide clarity on who is responsible for technical support/enablement for digital hearings; give guidance on supporting those who don't have access to digital technology / are not IT conversant or confident; provide guidelines on presentation of information that is easy to understand on digital platforms;
- **Legislative change** to address the current requirement for physical document deposit and notices;
- **Inspectorate Website and Examinations** – A number of suggestions for reorganising the Inspectorate website within individual projects to enable easier navigation and understanding by the public including, in particular, improving coding behind submitted material to assist parties following the issues in which they are most interested in, e.g. assignment of a code to each Examining Authority (ExA) question (relating back to the corresponding Principal Issue identified by the ExA);
- **Sharing of 'big data' / analysis** – which would enable everyone to raise their game and would make a big difference to baseline assessment and capture of real project implementation monitoring data into baseline;
- Learning from **the courts and tribunals system** which has fully embraced digital hearings;
- Using digital working alongside adapted traditional methods of communication such as more phone-in services; using local authority websites and online newspapers; and using socially distanced door-to-door leafleting and mobile libraries to take exhibition and documentary material out around the consultation area to benefit those without the resources, skills or inclination and confidence to use IT and digital interfaces; and
- **Use of Technology** – Members highlighted specific consultations, including the Western Rail Link to Heathrow consultation that embraced the use of virtual exhibitions, and company-specific technologies.

Desired outcomes

2.41 Respondents believe there is a real opportunity for a digital transformation to **secure greater access for, and understanding by all**, including by presenting information in better formats; providing easier navigation around the Inspectorate website and other media platforms; improved consistency, accuracy and transparency within applications and baseline data; and moving towards live-streaming of consultation events and hearings and supported engagement and participation.

2.42 Equally, a key outcome should be reduced costs, and enhanced efficiency and productivity for all, as well as reduced carbon emissions due to a reduction in travel, printing and production of physical exhibition materials / leaflets (although some will still be needed for those without digital access.), and noting also that there are still some carbon emissions associated with greater digital working.

2.43 Respondents support:

- the pragmatic approach shown by the Inspectorate in respect of the requirement for physical deposit of documents, but believe it is important that the legislation / regulations are amended as soon as possible to regularise, create certainty and minimise risk; and
- the introduction of virtual hearings but are also keen to ensure they do not lead to extended timescales.

2.44 One respondent raised the particular issue of how digital working can support workforce productivity and wellbeing, in a system that from their experience can create significant challenges:

“The regime importantly has an emphasis on fixed timescales and promoters take seriously the need to carry out robust assessments, prepare excellent designs, and engage inclusively. However, a move to more digital processes would reduce travel time, risks of confrontation, risks to health from site visits, overnight stays away from families, reliance on third party suppliers (from AV hire to USB stick duplication) and other extraneous risks and productivity-sapping processes.”

2.45 Finally, there is a strong desire that digital transformation should be part of the solution, and complement and not completely replace existing practice and methodologies, as part of the wider mix of techniques and strategies.

3. REFLECTIONS AND RECOMMENDATIONS

- 3.1 These are unprecedented times for everyone, and infrastructure investment is seen as central to the ability of the UK to respond to the economic and social challenges caused by the COVID-19 pandemic and to transition quickly to a zero-carbon society.
- 3.2 Part 1 of this section sets out how NIPA is framing this challenge and the opportunities for infrastructure planning as a whole. Part 2 sets out our specific recommendations, drawn from the survey and other NIPA work. Our Part 2 recommendations are aimed at supporting a resilient infrastructure planning process and community that can rise to the significant challenges set out in Part 1.
- 3.3 Our survey shows that respondents consider the medium-term picture for national infrastructure investment to be positive on the whole. The responses also reflect that the long-standing efforts of the Inspectorate and government to move to digital working, and in piloting and adapting changes in the light of the COVID-19 pandemic, have had a positive effect on which all parties can build.
- 3.4 There are some **immediate challenges** for government to address, which we are pleased to note it has now done in part. These include ensuring that any risks associated with existing legislation where applicants are unable to meet legal requirements due to the impact of COVID-19 are addressed through amended legislation.
- 3.5 The responses in relation to the NPSs demonstrate how important respondents think they are to the overall effectiveness of the national infrastructure planning process. This was reflected in the webinar discussion, where some participants highlighted that the legal status and significance given to the NPSs in the Act sets the NSIPs process apart from other planning and consenting processes and 'ordinary' planning policy.
- 3.6 The uncertainty caused by legal challenges and decisions in respect of NPSs has now reached a point where reviews of existing NPSs and clarity on transitional arrangements would give infrastructure promoters, statutory bodies and local authorities and others engaging in the process the certainty to think longer term. Doing so would give greater investment confidence and provide all stakeholders with the opportunity to inform the longer-term picture rather than channel their arguments through the courts.
- 3.7 The consequences of not addressing the issue of NPS currency will be greater legal challenges to individual projects on the issue of national need - increasing risk, delay and certainty from the process. Furthermore, those aspects of national policy statements that remain current and positive for sustainable development in the national interest, risk being undermined.

PART 1 OVERALL REFLECTIONS

- 3.8 Our overall reflection is that infrastructure investment is expected to continue, even if the current COVID-19 pandemic delays some of that investment. However, there are some crucial elements that shape this investment, and some valuable opportunities that are emerging, particularly from the way that the infrastructure community, the Planning Inspectorate and government departments have had to respond to the pandemic.
- 3.9 The notable exception to continued investment, however, is the Aviation sector, which respondents consider will be delayed by between 1 and 4 years. This sector has been particularly affected in recent months from changes to passenger demand (real and forecast), and legal challenges associated with the commitment to net zero and the Paris

Agreement environmental constraints. Perhaps unsurprisingly, we note that the Airports NPS is considered by respondents to be in urgent need of review (even though it has technically been suspended following the Court of Appeal's Judgment but that is now under appeal to the Supreme Court).

- 3.10 The main factors affecting infrastructure projects and investment are considered to be:
- Planning Act 2008 procedures and deadlines;
 - policy certainty; and
 - funding certainty.
- 3.11 Our recommendations are designed to create an attractive investment and working environment for infrastructure projects with these three factors in mind and so that government, the Planning Inspectorate, NIPA members and the wider infrastructure community can target their efforts accordingly.
- 3.12 NIPA recognises that infrastructure is not an end in itself. It is prioritised by governments because of what it can unlock locally, regionally, nationally and internationally. The type of infrastructure we want and need is therefore dependent on a myriad of factors. Despite that, there are key drivers for infrastructure investment and NIPA considers these to be as follows:
- building a sustainable and resilient Post-COVID-19 society;
 - the net zero-carbon challenge and climate change; and
 - Brexit adjustments and opportunities, including addressing regional inequalities.
- 3.13 NIPA also recognises that investment is driven by opportunity, and NIPA considers there to be three further drivers within the wider context that are bringing forward new ways of living and working and shaping the sectors that will have NSIPs in development:
- digital innovations in wider society;
 - emerging energy and transport technologies, and changes in demand for energy and travel; and
 - infrastructure investment as a government priority.
- 3.14 Bringing all these together, NIPA considers that it should support members, government, the Planning Inspectorate and the wider infrastructure community to focus on three areas, with three recommendations for each:
- 1. National Policy Statements transition and review;**
 - 2. the NSIPs regime, pre-application process and infrastructure investment; and**
 - 3. digital innovation in all aspects of infrastructure planning.**

PART 2 RECOMMENDATIONS

NATIONAL POLICY STATEMENTS

- 3.15 NIPA considers that up-to-date NPSs are fundamental to the effective consenting and delivery of nationally significant infrastructure projects. The Act places primary importance on them where designated, enabling them to de-risk projects by addressing the issue of national need up front, allowing examination to remain focused on the specifics of the project and the effectiveness of the proposed powers in the draft Order, among other matters.
- 3.16 NIPA recognises that the review of any NPS must accord with the relevant provisions of the Act, and that it is a matter for the Secretary of State to determine. However, since their introduction starting in 2010, NPSs have grown up piecemeal, sector by sector with varying assessment methods and decision-making tests.
- 3.17 The national and international context for UK infrastructure has also changed substantially, leading to legal challenges on NSIPs, recommendations for refusal from Examining Authorities and missed opportunities for infrastructure investment, owing to a lack of a clear up to date planning framework.
- 3.18 Our survey provides evidence from practitioners that there is a need to review and keep up to date², in some form, the majority of the existing NPSs. The primary concern is that NPSs are more vulnerable to legal challenge at the project level, if there have been potentially significant changes in circumstance since their designation, as we have seen recently with the 'Drax Re-Power' NSIP. This vulnerability risks the effectiveness of the NSIPs process as a whole as issues of national need and policy cannot be resolved through individual projects.
- 3.19 This was reinforced both by Webinar participants, who highlighted the critical point that the Act differs from other planning regimes in the way it is legally obliged to treat primary policy documents, in this instance NPSs, and the **NIPA Council** who **view updating NPSs as the most pressing issue for NSIPs**.
- 3.20 The status of NPSs in the Act is what makes them so vital and effective. The Act distinguishes their operation in decision-making (under section 104) from their review (under section 6). However, the point was also made that in practice, evidence may be put forward to, and weight attributed by Examining Authorities to emerging NPSs, and this could potentially undermine the purpose and strict legal interpretation of NPSs in the Act. Therefore, any absence of clear guidance from government on transitional arrangements and the effective operation of designated NPSs could cause significant disruption to the NSIPs process and the delivery of national infrastructure.
- 3.21 **NIPA strongly recommends that the government puts in place through a Written Ministerial Statement, a clarity of process and timescales for any NPS reviews**, and details of transitional arrangements. In NIPA's view it is essential to have this in place before any NPS review takes place for the reasons set out above.
- 3.22 NIPA would welcome the opportunity to test and comment on any proposed transitional arrangements with a view to helping identify any risks or unintended consequences to the effective handling of NSIPs. NIPA considers a draft policy paper may enable this, or if the

² NIPA appreciates that 'review' takes the meaning under section 6 of the Planning Act 2008, and that it is for the Secretary of State to determine whether such circumstances for a review exist and that the Secretary of State may choose to retain, amend or withdraw any NPS.

government needs to move at pace, for a Ministerial Statement to set out transitional arrangements for any review that might be forthcoming.

Reviewing National Policy Statements

- 3.23 NIPA recognises the government has successfully defended the recent legal challenge to the Drax Development Consent Order and is not joining in the Supreme Court appeal by other parties of the February 2020 Court of Appeal decision on the Airports NPS.
- 3.24 Our recommendation is to bring forward a review of the Energy, Aviation, National Networks and Ports NPSs in recognition that the increasing number of legal challenges to projects and NPSs creates uncertainty, cost and delay for infrastructure projects and undermines confidence in the process as a whole.
- 3.25 NIPA also recognises that the NPSs have been highly effective in enabling NSIPs to be brought forward and consented within the government's policy framework over the last 10 years. This indicates that there are effective policies within existing NPSs and NIPA considers that the starting point for any review should be to identify and understand where policy is working well, to avoid unintended consequences of any review. NIPA would therefore like to support the government in identifying where policy is currently working well, and where only partial reviews may enable effective updates to NPSs.
- 3.26 However, **the NPS review process has become complex and convoluted, demonstrated by the absence of any NPSs reviews**, with the exception of the Nuclear review currently underway, and far short of the originally envisaged 5-year review timescales. More broadly, NIPA considers that the current suite of NPSs is less than the sum of their parts and face some common issues, so NIPA also recommends that the Government takes a comprehensive look at the overall National Policy Statement framework.

A new National Policy Statement Framework

- 3.27 NIPA considers that the Government has both the opportunity and the duty to address the NSIPs policy framework if it is to successfully realise the ambitions of 'Project Speed', wider planning system ambitions and its forthcoming National Infrastructure Strategy.
- 3.28 To quickly and effectively address this urgent issue, **we recommend that the Government puts in place a MHCLG-led, cross-departmental NPS team to produce an overarching NPS** and facilitate a full suite of up sector-specific NPS Annexes.
- 3.29 An overarching National Policy Statement would provide the Government with the opportunity to streamline the sector-specific policy, enabling quicker reviews in future, and the preparation of new standalone annexes as technology, new sectors and opportunities emerge. The overarching NPS can then focus on national infrastructure policy to set out a co-ordinated needs case and address issues that create significant project risk across all sectors and articulate the Government's net zero strategy through infrastructure planning policy.
- 3.30 The National Infrastructure Commission's 2018 National Infrastructure Assessment (NIA), and the Government's forthcoming National Infrastructure Strategy (NIS) can form the basis of this overarching NPS, and the anticipated 5 yearly cycle for NIAs and NISs can provide the mechanism by which the overarching NPS can be kept up to date. This would also reduce the uncertainty caused by the current ad hoc NPS review process, where decisions lie with individual departments and ministers who may not appreciate the significance of up to date NPSs for the regime as a whole.

3.31 Finally, NIPA considers that the National Planning Policy Framework (NPPF) should also be amended to reflect the importance of the national needs case in the overarching NPS to development plan preparation and planning applications. Currently NPSs may be a material consideration but this potentially limits the impact an NPS can have on overall infrastructure delivery.

Table 2 NIPA Recommendations 1-3

No.	Recommendation	Purpose
R1	<p>Set out clear draft transitional arrangements before any NPS review.</p> <p>Prepare a Written Ministerial Statement setting out in-principle transitional arrangements, including clarity of process and timings for any review of any National Policy Statement ahead of any review, to avoid suspension or delay in project delivery. Work with NIPA to identify potential project delivery risks and unintended consequences from transitional arrangements.</p>	<p>To maintain the importance and impact of NPSs in the NSIPs decision-making process; to give NSIPs promoters the opportunity to de-risk projects and enable them to begin dialogue with government and stakeholders in anticipation of future amendments to National Policy Statements; to enable stakeholders to engage in national infrastructure policy-making and reduce the risk of legal challenges to infrastructure projects.</p>
R2	<p>Urgently review out of date NPSs to address significant JR risks.</p> <p>Bring forward a partial or whole review of the Energy, Aviation, Ports and National Networks National Policy Statements, to address areas of potential legal challenge for future NSIPs; ensure that government and government agency capacity is in place to undertake effective reviews through an MHCLG-led cross-departmental NPS team.</p>	<p>To address the tangible legal challenge risks to NSIPs caused by the currency of the Energy, Aviation and Ports NPSs. NIPA also considers that in light of the new post-COVID-19 context, climate change and net zero challenges, that a review of the National Networks NPS (NNNPS) should be undertaken, ensuring transport policy is more integrated than in the current NNNPS; To ensure NPSs are robust, the government will need to ensure that its Departments and agencies are resourced and skilled up to participate. The benefit of this up-front investment will be high quality policy statements that facilitate effective delivery of infrastructure projects, with reduced risk of legal challenge.</p>
R3	<p>Prepare an Overarching National Policy Statement for all NSIPs, aligned with the expected National Infrastructure Strategy</p>	<p>To capitalise on the opportunity to address deficiencies in a number of NPSs with respect to cross-sector issues, in particular ‘net zero’ requirements, and reduce the risk of legal challenges to NSIPs; To draw on the evidence base prepared by</p>

<p>2020, incorporating sector-specific annexes.</p> <p>Refresh the suite of NPSs under a single new overarching National Policy Statement; Base the Overarching NPS on the expected National Infrastructure Strategy 2020; Review it in line with future National Infrastructure Strategies; and Incorporate sector-specific national policy as annexes to the Overarching NPS.</p>	<p>the National Infrastructure Assessment 2018 and apply the anticipated National Infrastructure Strategy 2020 to both the DCO and wider planning regimes; To streamline sector-specific national infrastructure planning policy and enable revised and new national infrastructure planning policy to be put in place more easily through new and/or revised annexes, subject to the procedural requirements in the Act.</p>
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The NSIPs regime, the pre-application process and infrastructure investment

- 3.32 NIPA wanted to explore which infrastructure sectors were either delaying, maintaining or bringing forward investment programmes given COVID-19, but also in the context of challenges and opportunities for investment through the net zero carbon emissions target, climate change and Brexit. NIPA also wanted to understand what impact any investment programmes may have on the demand for Planning Inspectorate infrastructure services, to inform our on-going engagement with the Inspectorate and government.
- 3.33 In respect of investment programmes across different sectors, our survey responses indicate that the Aviation sector faces particular challenges, but overall there is an appetite to invest in infrastructure. The offshore wind sector was notably mentioned as being affected by delays to decisions, which in NIPA's view reinforces statutory timescales as one of the pillars of the process, creating a positive investment climate if they are consistently met.
- 3.34 There is some evidence from the survey of new and emerging sectors, but NIPA recognises the small sample size. The inclusion of Business and Commercial projects, and new settlements NSIPs, remain topics of discussion and NIPA's overall position is to question whether the current scope of the Planning Act, and its thresholds, match the current and longer-term infrastructure picture for those projects that are suited to this way of consenting.
- 3.35 The webinar focused on whether the NSIPs process could be adapted to suit the requirements of different sectors. For example, lowering the threshold in some sectors could be accompanied by a more streamlined examination process, or dovetail with other consenting regimes such as the Transport and Works Act process, whilst complex development such as new settlements would need to enable a significant build-out period and the related flexibility required.
- 3.36 We recommend a call for evidence on the scope of the regime to enable the government to gather a full picture of the demand for the NSIPs consenting regime. **Project Speed signals that infrastructure delivery is a key priority for the Government, and the track record of the NSIPs regime demonstrates it has the capability of consenting complex high-profile national projects and withstanding legal challenge where there is an up-to-date policy framework and effective engagement throughout.**

- 3.37 In respect of Inspectorate services, the value of the services provided was recognised at pre-application and examination. **The pre-application service for national infrastructure projects, however, emerges as a service in need of review and expansion.**
- 3.38 Respondents highlight that consultation and EIA processes are particularly likely to affect project programmes. NIPA also recognises the specific challenges for all participants when engaging on matters relating to legislation on Habitats Regulations Assessments (HRA). Respondents see a real potential for further use of Inspectorate expertise.
- 3.39 The Inspectorate's increased focus on customer service offers a significant opportunity to introduce a proactive approach at pre-application to assist with more effective identification of issues and reaching resolutions and agreements earlier. As respondents noted, Inspectorate advice issued under section 51 of the Act tends to be focused on draft documentation and procedural advice when the scope exists to comment on the merits of a project at an early stage and helping address specific project challenges.
- 3.40 NIPA considers that the pre-application service should focus initially on facilitating the identification of potential examination issues, supporting promoters and consultees on proportionate engagement and environmental statements, and on innovation with digital working practices.
- 3.41 **This will require new specific initiatives from the Inspectorate, and attention paid to the role of statutory consultees early in the pre-application phase.** The outcomes should focus on identifying examination and decision issues and risks, and mechanisms to overcome these wherever possible through Statements of Common Ground, agreed DCO drafting, post-consent arrangements and other agreements.
- 3.42 The webinar covered the role of statutory consultees, including input from one regular consultee on the importance of making early engagement a key objective. NIPA considers that as part of any focus on the pre-application stage, the ability and effectiveness of statutory consultee engagement, including its resourcing, must be a priority.
- 3.43 Any package should also include the ability for the Inspectorate to input on technical aspects around planning, compulsory acquisition, environmental impact assessment and understanding and engaging with drafting DCOs, amongst others.
- 3.44 NIPA, through its broad membership and building on its Insights work, would be very happy to support the Inspectorate and government on how best to evolve pre-application working, for example through identifying best practice, developing templates and facilitating discussions and recommendations.
- 3.45 NIPA also recognises that the limited response in the survey to the question of demand for wider Inspectorate services reflects, NIPA believes, the need to look in more detail at the scope and potential of infrastructure planning knowledge and services that the Inspectorate could provide. If NIPA can assist in raising awareness of and helping evolve different infrastructure services, it could enable the infrastructure community of promoters, local authorities and statutory consultees to join the dots between specific projects, spatial plans and investment programmes, thereby helping build better engagement and de-risking projects in the longer term.
- 3.46 On the basis of the discussion above, NIPA has identified three recommendations set out below:

Table 3 NIPA Recommendations 4-6

No.	Recommendation	Purpose
R4	<p>Make the scope of the NSIPs regime fit for the economic, social and environmental challenges ahead.</p> <p>Recognising the effectiveness of the NSIPs regime in managing risk for complex projects, call for evidence to inform a review of the scope and scale of projects that qualify as Nationally Significant Infrastructure Projects, and of sectors which may require a National Policy Statement framework.</p>	<p>To assist with 'Project Speed' and test where the sensitivities lie with national infrastructure thresholds and categories to support delivery of new and emerging infrastructure-related sectors. This should include a call for evidence on whether there are new technologies and infrastructure types and if business and commercial and large-scale housing and mixed-use developments are suitable for using the Development Consent Order route, recognising there is a wide range of views on its suitability in its current or an amended form. The review should be set in the context of the regime's track record of managing legal risk to nationally significant infrastructure projects and the conditions that have enabled this record. In particular, it should be undertaken in conjunction with Recommendation R9 to enable National Policy Statements to align with NSIPs categories and work effectively with the Development Plan and future spatial planning frameworks.</p>
R5	<p>Invest in pre-application to de-risk and speed up examinations and decisions.</p> <p>Re-think and resource the Inspectorate's Pre-Application Service to provide new products that focus on identifying complexity (degree and type) and risk for all stakeholders as early as possible, and support to overcome risks and issues.</p> <p>To review and improve the way in which Statutory Consultees engage with the process, focusing on early meaningful engagement and support to enable the early resolution of issues.</p>	<p>To support the Inspectorate in delivering its aim of improved customer service, by bringing the Inspectorate's impartiality and technical expertise to projects early on; to facilitate working between all stakeholders to help identify and positively resolve planning and procedural risks; To drive the identification of likely examination and decision issues early in the process; to realise substantial benefits from an effective pre-application process through investor and stakeholder confidence and meaningful engagement early in the process, better outcomes and stronger and more equitable working relationships.</p>

<p>R6</p>	<p>Work with NIPA to engage infrastructure investors and promoters to understand the drivers for infrastructure investment better.</p> <p>Create a structured cross-departmental engagement programme with all infrastructure sectors, to inform on-going infrastructure policy development and NSIPs resource planning.</p>	<p>To assist the Planning Inspectorate to manage its work programme and resources longer term; to assist project investors to build in planning risk early on, and to assist government's understanding of the national infrastructure pipeline and programme.</p> <p>To help maintain up to date, effective National Policy Statements, thereby reducing the risk of legal challenge at the end of the DCO process.</p>
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Digital working practices in national infrastructure

- 3.47 Survey participants recognised the need and potential to build on the progress made toward digital working in the NSIPs process, and NIPA also recognises the efforts of the Inspectorate over a number of years to move towards, for example, digital deposit locations, electronic submissions and communication.
- 3.48 **NIPA also recognises that the Inspectorate has been continuously piloting improvements to the Examination stage of the NSIPs process**, regularly introducing new measures to make the process more effective and efficient, whilst engaging with project promoters and interested parties as they do so. Its response to COVID-19 has been commendable in ‘scaling’ up this approach to innovation and our recommendations seek to capitalise on that experience, looking across digital working practice in all aspects of infrastructure planning.
- 3.49 The webinar highlighted the challenge of working with large digital files drawing on recent experience during virtual hearings, and on engagement with the Planning Inspectorate. **NIPA encourages the Inspectorate and government to seek expertise available within the wider design and development community to overcome these challenges.**
- 3.50 Discussion also highlighted NIPA members’ awareness of best and fast-evolving work within the consultation sphere, and NIPA wishes to encourage members and the Inspectorate to share and highlight good and best practice in the interests of effective engagement and wider participation early in the process. Fairness remains central to the process and our recommendations are made within the context of ensuring equivalent access for people who may be unable to engage through digital means.
- 3.51 NIPA recognises the issue raised by one respondent in respect of wellbeing, and ways to improve this not just through digital working but potentially more widely. NIPA will look to engage members on this issue as part of its on-going work.

3.52 On the basis of the discussion above, NIPA has identified three recommendations set out below:

Table 4 NIPA Recommendations 7-9

No.	Recommendation	Purpose
R7	<p>Create the strong legal framework for effective digital working.</p> <p>Drawing on NIPA’s COVID-19 Paper and R8 below, amend legislation to facilitate digital working innovation in national infrastructure, and resource the Planning Inspectorate to develop digital transformation further.</p>	<p>A short-term measure with a longer-term view, to support current efforts adjusting to the pandemic and future digital working practice.</p> <p>To implement recommendations in the NIPA COVID-19 Paper and enable implementation of R8 below, to incentivise better outcomes from digital working, particularly through stakeholder engagement.</p>
R8	<p>Prepare a digital working programme to focus resources on interactive stakeholder engagement measures that help de-risk projects.</p> <p>Develop a digital working programme for all elements of infrastructure planning, shared with all stakeholders. Focus the programme on driving stakeholder engagement and interactivity in the process, and more effective use of material produced by participants.</p>	<p>To enable people to stay central to the national infrastructure process and enable stakeholders to invest in approaches that are consistent with existing and to inform future legislation for better equitable digital and hybrid working.</p> <p>To ensure that time and resource spent by all participants on innovation is used effectively and benefits wider engagement and better outcomes, in particular quality of application material, better experience for participants, and higher quality of development.</p>
R9	<p>Maintain a collaborative approach to piloting new ways of digital working</p> <p>Continue to publicise, pilot and engage stakeholders with proposed digital working measures and draw experience from beyond the NSIPs regime.</p>	<p>To build on the well-received engagement during the Covid-19 pandemic and the ability to learn across different planning regimes by piloting new digital working ideas in different planning arenas.</p>

3.53 First, the legislative framework needs to be in place, and our previous COVID-19 paper comprehensively reviewed and made recommendations on where legislation can address barriers and risks to digital working, recognising that this is one method of participation. NIPA supports a fair and inclusive process, and therefore our recommendations should be viewed in the context of the process as a whole.

- 3.54 NIPA considers that to unlock the creative and innovative potential of the infrastructure community and beyond, a programme setting out what the Inspectorate is devoting its time and resource to, would give focus to the time, money and skills available in the wider infrastructure community to assist and complement.
- 3.55 However, NIPA recognises that resources are limited and recommends that digital innovation is focused on increasing stakeholder engagement and interaction, so that the quality of application information, the experience of the NSIPs process, and ultimately the quality of development is materially better for all.
- 3.56 Maintaining the collaborative approach shown through the COVID-19 pandemic will build trust and transparency around digital working measures that are introduced and enable them to be adopted more quickly. Alongside that, this approach offers the opportunity for the Inspectorate and others to suggest, test and introduce measures being trialled in other arenas, whether Town and Country Planning, or wider as the courts have shown in successfully trialling virtual hearings.

4. Conclusion

- 4.1 In seeking the views of members and others on the medium-term picture for infrastructure in the UK, NIPA has drawn out a number of insights that we hope members, the government, the Planning Inspectorate and others working on infrastructure projects will find valuable.
- 4.2 There is much to admire about the way nationally significant infrastructure projects have been promoted, scrutinised, refined and consented in the past ten years, and this experience has, in NIPA's view, contributed to the way in which all those involved in current Examinations have been able to respond quickly and keep the process going despite the effects of COVID-19.
- 4.3 NIPA recognises that the context for infrastructure investment and the way in which we all manage the process has changed significantly, with COVID-19, climate change, Net Zero carbon targets and Brexit central to that.
- 4.4 Our survey picks up these themes, some of the challenges and some of the opportunities to respond positively and our recommendations focus on practical ways to enable us all to look to the medium term and create resilient conditions to keep infrastructure investment going and maintain a sustainable and an effective consenting process.
- 4.5 NIPA's recommendations take both an immediate and more medium-term view and we wish to continue engaging members, the Government and the Inspectorate to take them forward.

Summary of 2020 NSIPs Regime Survey & Responses

Question No.	Questions and Responses						
Analysis of Participants							
1	<p><i>Number of Participant & Type of Participant by percentage</i></p> <p>Total Number of Participants – 47</p> <table data-bbox="309 645 1452 745"> <tr> <td>Non-Government Organisation / Interest Group</td> <td>4.26%</td> </tr> <tr> <td>Project Promoter</td> <td>17.02%</td> </tr> <tr> <td>Professional adviser / consultant</td> <td>74.47%</td> </tr> </table>	Non-Government Organisation / Interest Group	4.26%	Project Promoter	17.02%	Professional adviser / consultant	74.47%
Non-Government Organisation / Interest Group	4.26%						
Project Promoter	17.02%						
Professional adviser / consultant	74.47%						
Demand for Planning Inspectorate Infrastructure Services							
2	<p><i>What do you consider to be the main factors that determine whether an NSIP can keep to its submission timetable?</i></p> <p>Key observations include:</p> <p><u>Pre-application</u></p> <p>General – <i>“Inherent procedural complexities of the process - too onerous and not flexible enough.”</i></p> <p>Applicant’s approach – <i>“Upfront preparation of the applicant, timely and constructive engagement of statutory consultees”; “The past / present ability to engage effectively with all consultees and stakeholders - especially those not able or unwilling to engage via IT.”; Pre application timescales are mainly for the applicant to control. Experienced promoters and consultants tend to manage these delay risks.</i></p> <p>Consultation requirements – <i>“The need to re-consult”; Novel requests from statutory consultees”; “surveys and modelling required for ES and necessary engagement of stakeholders; seeking to minimise need for compulsory acquisition by concluding voluntary arrangements”; Resistance to fully digital consultations</i></p> <p>The EIA process – <i>“survey collection, stakeholder discussions, the plethora of assessments required and development of effective mitigation”.</i></p> <p>Section 35 – <i>Obtaining a S35 direction if the project (or key operative parts of it) are not within the PA 2008 - there are major omissions such as interconnectors, CCUS chains, county highways etc</i></p> <p><u>Pre examination and Examination</u></p> <p>Planning Inspectorate - <i>For the pre-examination period (i.e. from acceptance to preliminary meeting), the average time per project seems to fluctuate quite a bit which points to internal/administration issues within PINS, including the appointment of inspectors for more complicated/controversial schemes;</i></p> <p>Government - <i>The recent trend seems to be towards the SoS asking for more information and updates on various issues, in some cases leading to delays with decisions. This may reflect that an examination has not been able to properly consider all relevant matters because of the statutory 6 month limit, or possibly some</i></p>						

	<p><i>deficiencies in applications which need to be ironed out throughout the examination and beyond;</i></p> <p><u>External to the process</u></p> <p>Government and other - <i>“Policy/ guidance changes which impact on the scheme assessment”;</i> <i>“Govt guidance or professional institutes’ advice may change on technical topics, eg WebTag”</i></p> <p>Applicant and market <i>“Client sign off delays, funding issues, unforeseen changes to the scheme”.</i></p>
3	<p><i>Based on your knowledge, are there any national infrastructure sectors that are seeing delays in project investment? If so and where possible, please indicate the approximate timescale for delays and factors affecting investment programmes.</i></p> <p>Key observations on factors and timescales include:</p> <p>General - <i>“Although we’ve seen some projects complete reasonably on time...decisions on ‘discretionary’ capex have in many cases been suspended since mid March and we expect that suspension to extend for at least the next 4-6 months.”</i></p> <p><i>“ ‘delays’ over long periods is not unusual... not aware of specific delay to investment due to Covid-19. If the UK government can demonstrate a stable approach to decision making, policy and subsidy regimes, an attractive investment environment can be attained.”</i></p> <p><i>“Investment is not the significant issue, it is the increasing amount of delay to decisions.”</i></p> <p>Energy - <i>“Renewable energy will depend on CfD and AR4 announcements - decisions/ examinations are being delayed which is causing concern for promoters, particularly given AR4 and subsequent dates. Road schemes may be affected by challenge to RIS2.”;</i> <i>“offshore wind badly delayed by delay in decision making and overall uncertainty on HRA”;</i> <i>Oil and gas sector... at least 12 months delay.</i></p> <p><i>“The recent refusal of the Thanet Extension project and delays to Norfolk Vanguard and Hornsea 3 are worrying in terms of the government’s commitment to the offshore wind sector and the aim of a “green recovery” from the Covid-19 crisis.”</i></p> <p><i>“We have seen delays with decision making which in turn limits ability to enter CfD rounds”</i></p> <p>Transport - Airport/Aviation - <i>effects of legal challenge and collapse in sector in short to medium term due to CV19 - likely at least 3-year impact’;</i> <i>Aviation Industry due to different demand forecasts”;</i> <i>Rail is seeing concerns about revenues. This is worrying HMT and delays on funding are unknown at present”;</i> <i>Net zero is also causing problems for road investment”;</i> <i>airport expansion. 12-18 month delay due to consultation postponement and cashflow difficulties funding the required consultant team;</i> <i>Delays in DfT/MHCLG funding decisions on Large Local Majors and HIF bids is affecting whether some local authority transport schemes can enter the NSIP process (via s.35 directions)”;</i> <i>“Court of appeal decision and Covid-19 combined”</i></p> <p>Other</p>

	<p><i>“Business and Commercial delay waiting on greater certainty in consenting through DCO and changing economic environment”;</i></p>
4	<p><i>Based on your knowledge are there any national infrastructure sectors that will continue to invest in, or bring forward investment in projects? If so and where possible, please indicate any factors influencing this.</i></p> <p>Key observations on sectors continuing to invest include:</p> <p>General/multiple – <i>“Highway schemes and renewables are still bringing forward schemes, but the sectors are fragile”; There remains appetite and ambition to invest in certain types of infrastructure from institutional capital providers - but certainly not all sectors and we can expect business cases to be more heavily scrutinised.”</i></p> <p><i>“Investment programmes in many large-scale infrastructure projects comprise long periods of up to 10 years and beyond. Market cycles and trends therefore do not necessarily have as great an impact on such capital project as they on upon other sectors. Whilst there is inevitable disruption due to Covid-19, the strategic investment plans for large one-off or portfolio developers will not be unduly influenced by this event.”</i></p> <p><i>“[A]ware that energy sector projects do not seem to be affected from coming forward. Private sector investment is behind these projects and may be more readily available than in more public sector-reliant fields - e.g. road projects.”</i></p> <p>Water – <i>“Water sector is likely to produce a number of projects in the next 2 to 3 years with significant water infrastructure investment required in the short to medium term based on WRMP and AMP program.”</i></p> <p>Transport – <i>“Transport is likely to remain busy with road and rail still strong particularly delivering the levelling up and economic agenda energy focused on renewables and emerging technologies is likely to continue at pace and scale if business and commercial can demonstrate to be deliverable this may gain interest If more flexibility on mixed use, s35 direction and delivery resolved.”</i></p> <p>Roads – <i>“[S]tatutory requirement for a Road Investment Strategy every 5 years. RIS2 just published confirming commitment to the enhancement portfolio, with pipeline schemes for Road Period 3 (2025-2030) set out (pending outcome of early work on viability of each).”</i></p> <p>Rail – <i>“Northern Powerhouse Rail in particular may have many DCOs depending on consenting and delivery strategies.”</i></p> <p>Strategic Rail Freight Interchanges <i>“[D]ue to the buoyancy of the logistics market and desire to increase use of rail.”</i></p>

	<p>Geological Disposal Facility – “GDF borehole and repository work has started at eth volunteer community level and is likely to gain momentum and feed into the planning inspectorate work.”</p>
5	<p><i>Based on your knowledge, are there any emerging infrastructure-related sectors with projects that may wish to use the NSIP, TWA or any other consenting process but do not currently meet existing thresholds or other criteria to qualify? What are the influencing factors here (e.g. technology maturity, viability)?</i></p> <p>Responses including potentially influencing factors included:</p> <p>Section 35 applications - <i>[Based on] S35 directions for interconnectors, whose cable, landfall, and HVDC converter station can each be quite substantial in scale and importance - more may be needed according to the latest NIC report.”</i></p> <p><i>“The recent run of refusals of planning permission for airport improvements, and the desirability of examination type scrutiny of the climate impacts of aviation development, both suggest the aviation thresholds could perhaps be lowered to bring more into the NSIP regime.”</i></p> <p><i>The thresholds also do not cover a scenario where an airport wishes to substantially reconfigure and redevelop to provide better surface access or better distancing without increasing pax/aircraft movements.”</i></p> <p>Transport and Works Act - <i>“with new technology which TWA does not cater for.”</i></p> <p>New settlements and housing - <i>“New towns (i.e. large scale residential) is one to consider, although I do not think the DCO works in place of a planning permission for individual home owners.”</i></p> <p><i>“[I]t will help [Garden Communities] get their act together but also bring certainty in consenting.”</i></p> <p><i>‘Large scale housing is often mentioned, but i believe that those who suggest it do not understand all the implications in terms of cost and time.’</i></p> <p><i>“Garden villages, new towns - were the obvious omissions from the 2008 Act ... they are the ideal projects to be subject to the objectivity of the NSIP process.”</i></p> <p><i>“[T]here is a perception that the process is considerably more costly than the normal 1990 Act processes and the consultation requirements are significantly more demanding.”</i></p>

6	<p><i>Which other Planning Inspectorate services in your view are needed to support infrastructure planning in the coming months, and do you have any comments on these services?</i></p> <p>Pre-application advice – “[A]ppeals/call-ins (where not DCO related); highways act work etc all needs to continue to ensure that development is not stalled.”</p> <p>“Liaison with third parties such as the EA, Historic England etc. to come to an agreement on surveys; getting the appropriate IT in place being robust when there are allegations of inadequate consultation etc. appropriate IT in place;”</p> <p>“[G]reater investment in support and outreach in pre-application would be beneficial learning and input from consent implementation and feedback into consent and examination process would be beneficial”</p> <p>“Pre-application advice ...seems to be given in 'factual' terms and while applicants are 'encouraged' to engage with interested parties this is not explicit and is often not resolved until hearing stage.”</p> <p>“[T]here are known challenges with pre-app consultation/engagement again being technically legally compliant but not true engagement. PINS could play a stringer role here and require engagement and not accept those applications where concerns are raised by LPA's and interested parties.”</p> <p>“A far more coherent and resourced pre-application service, where planning inspectorate officers facilitate the identification of potential issues working with stakeholders. Those officers should be given a grounding across all Planning Inspectorate casework and training in the decision-making frameworks for Inspectors, but their primary focus should be to build the skills that help the end users / customers articulate and resolve where possible their issues”.</p> <p>Planning Inspectorate general - “With the high-quality expert knowledge focussed on professional needs could be utilised to identify opportunities to evaluate current infrastructure, relevant needs and potential services opportunities, revenue potentials.”</p> <p>“A culture of more openness and information would improve the service that PINS are able to offer.”</p> <p>Other services - “We will need continued support for projects below the NSIP threshold, i.e. those that require support from Planning Inspectorate and DfT in respect of orders under the Highways Act 1980 and related Compulsory Purchase Orders.</p> <p>“Development plans can be important in providing a policy framework for transport schemes and PINS examination of local plans needs to be timely and pragmatic.”</p>
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“Development Plan Examinations - an awareness from Inspectors about the inter-relationship between cross-boundary / national infrastructure investment, NPSs and the NPPF and the ability to support Councils at the earlier stages of plan preparation.”

Government – related

“We need more / better clarity around climate change and carbon emissions and the govt requirement for net zero by 2050”

“[T]he worrying increasing frequency of delays in ministerial sign-off needs to be corrected across government.”

Digital working practices for National Infrastructure projects

7 *Drawing on both your experience of the current Covid-19 response to national infrastructure and your overall experience of the NSIP process, **which aspects of digital working do you think work well at present and why?** Please distinguish between existing and recently introduced measures where possible.*

Key points raised by respondents include:

Existing Measures

- **Consultation and Inquiries** - are working well on various digital platforms, which are also being used for internal project meetings.
- **Digital Applications** - The move by the Inspectorate pre-COVID19 to digital submission of applications is strongly welcomed, as it provides cost savings and greater efficiency (reducing the need for printing and burning DVDs within tight timescales).
- **Examination Library** - The Inspectorate move to have an Examination library as a source document has been a small but effective improvement.

Recently Introduced Measures – General Points

- **Virtual DCO Hearings** - will not only save costs and increase efficiency, but also enable those currently not physically able to attend in person to participate.
- Virtual DCO hearings have only commenced in June, and so it is too early to tell if they will be successful, but given that the DCO process relies primarily on written submissions this should not affect peoples’ ability to participate.
- But there is a need to use digital measures alongside more traditional methods of engagement such as door-to-door leafleting; increased phone-in services and socially distancing mobile libraries to take exhibition and documentary material around the vicinity to benefit non-It users.
- **Digitalisation of Analysis** - There is an increasing need to digitise key aspects of analysis to make it available to all, rather than each project undertaking its own.

Recently Introduced Measures – Specific Points

- **Deposit of Documents** - The Inspectorate’s pragmatic approach to the deposit of documents is welcomed, but the legislation needs to catch up.
- **Increase of Examination Timescales** - The questions all parties have to respond to, and the Hearings have considerably increased the Examination timescale, due to them being split across a number of days for a couple of hours each day (rather than all being dealt with on the same day).
- Digital EIA that enables potentially interested or affected parties to engage with

	<p>environmental and project information at the receptor, locality or interest level are a real game changer in making applications engaging and accessible.</p>
<p>8</p>	<p><i>Drawing on both your experience of the current Covid-19 response to national infrastructure and your overall experience of the NSIP process, which aspects of digital working do you think require improvement and why? Please distinguish between existing and recently introduced measures where possible.</i></p> <p>Key points include:</p> <ul style="list-style-type: none"> • Access - for those members of the public who do not have technology / are not IT literate. • Practicalities around digital technology – internet speeds / reliability / cyber security. • Delays in uploading documents - particularly in respect of Scoping of EIAs, which needs to be addressed. • Timetabling – There is a need to find a way to stagger deadlines, so that parties are genuinely replying to the latest position of uploaded documents, rather than replying to positions at the last deadline. • Inspectorate Website – There is acknowledgement of the improvements made to the Inspectorate website, but concern that it is still difficult for the public to navigate. For an application, the current categories are not clearly signposted, with it not being clear what the difference is between ‘other documents’; ‘plans’; ‘drawings’; and ‘reports’, meaning that people have to search extensively to find what they are looking for. • Ideally a member of the public should be able to go to a project on the Inspectorate website to access a live-streaming of a hearing. <p><i>Positive Suggestions</i></p> <ul style="list-style-type: none"> • Best Practice Guidance on Virtual Hearings - would be useful (which we understand is already in preparation) and which could helpfully provide clarity of the promoter's role and the role of the Inspectorate in relation to technical support/enablement for digital hearings, and the role of the applicant in potentially enabling paper copy forms to be issued to those in need (via a printer funded by the applicant.) • Legislative change is necessary to address the requirement for physical document deposit. • Standard / Positive Practice – Real flexibility at its best, using digital technology, delivered and engaged in the most effective way, should become standard practice, alongside other engagement methods. • Applicants and interested parties should consider presenting information differently in formats more suited for digital sharing e.g. 3D visuals. • For the Examination stage, it would be helpful to have a clear page for Examining Authority decisions and notices (e.g. agendas / questions). • For each deadline, it would be helpful to split the submissions by category of those who have submitted them (Applicant / Statutory Bodies / Local Planning Authorities / Individuals etc.) • The Order submission and EIA urgently need to catch up in terms of digitalisation and the Order should be reformed to improve engagement. • There is great opportunity to improve the coding behind submitted material to assist parties following the issues in which they are most interested in, e.g. assignment of a code to each Examining Authority (ExA) question (relating back to principal issue), item in a Statement of Common Ground (SoCG) etc., so that a relationship can be established between the SoCG point, the ExA question and

	<p>response. This would help parties deal with the vast volumes of detail involved.</p> <ul style="list-style-type: none"> • The Inspectorate could promote more use of forms etc, that could streamline input of material, not only reducing the volume but helping to organise, standardise, and feeding into the above coding proposal.
9	<p><i>Are there any good practice examples of digital working that you think could be applied to / adapted to the NSIP process and / or preparation of NSIP applications?</i></p> <p>Key points include:</p> <p><i>General points</i></p> <ul style="list-style-type: none"> • Good progress is being made on digital consultation, but more progress is needed on streamlining hearings, including broadcasting live, to further increase transparency. • Those projects that have embraced digital working due to their scale have found benefits for all e.g. Thames Tideway and the aborted Heathrow submissions. • Providing videoconferences between design / project teams and individual affected organisations / communities - will be one good outcome from the COVID-19 pandemic. • The Government should explore full digital EIA - based on the Iceland model, and not just presenting the same information as a conventional Environmental Statement, but actually changing the way the information is presented to make it easier to understand, e.g. more location based for linear projects. • One example using a digital process, is the Crossrail 2 digital EIA (requiring comments from scoping consultees to be inputted into a single online interactive document, and with a digital GIS viewer also online). Obviously, Crossrail 2 will likely be a hybrid bill, so the regulations will be a bit less prescriptive. • Sharing of 'big data' / analysis - would make a big difference to baseline assessment. <p><i>Specific Examples</i></p> <ul style="list-style-type: none"> • The courts and tribunals system - has adopted digital hearings quite smoothly, and their lessons can be incorporated within the DCO hearing process. • A recent project - involved developers continuing with door-to-door leafletting, developing more phone-in services and using (Covid-19 observing) mobile libraries to take exhibition and documentary material out around the consultation area to benefit non-IT users (alongside their digital engagement). • Through digital working they then provided full and summary details of their proposals, backed by independent support to local communities, giving them on-line briefings on the NSIP process and how to engage effectively by making representations on the benefits and disbenefits of the proposed scheme, and on how to analyse potential ameliorating steps that might help them if the scheme eventually goes ahead. • S56 Acceptance - Another respondent indicated that they have led the first s56 acceptance process to commence since COVID-19, and measures such as inserting a link on the local authority website and site notices in online versions of local newspapers have helped. For another project 'live chat' features are being explored, and more stakeholder web meetings can take place than if physical meetings are the norm. • Use of Technology – The Western Link consultation and AECOM have included virtual exhibitions and using 3D webtech.

<p>10</p>	<p><i>Are there particular outcomes / benefits that you consider digital working could assist in achieving, and any steps that could be taken towards these outcomes / benefits?</i></p> <p>Key suggestions on outcomes / benefits include:</p> <ul style="list-style-type: none"> • Information Presentation – Real opportunity to present information better and capture feedback in innovative ways. • Improved Understanding – digitalisation could provide better engagement with greater access and understanding by local people who are daunted by the volume of information, with easier navigation around information via varied media. • Greater participation – Virtual consultation and examinations could be more accessible to those who can't normally physically attend consultations; exhibitions; and hearings etc. (disabled, elderly, socially disadvantaged or time-poor), and who don't often participate. • Live-streaming can especially support increased participation in weekday hearings e.g. allocate a specific timeslot for questions to be answered from a Q & A box. • Reduced costs and carbon impacts – due to reduction in travel. • Enhanced Efficiency and Productivity – not just easier and speedier transfer of information, but time saving by reduced travel to remote locations for hearings, and a speedier process for the participant and all interested parties. • Improved consistency, accuracy and transparency of baseline data – should be achievable through digitalisation. • Part of the Solution – digitalisation should complement and not totally replace all existing methodologies, as part of the wider mix of techniques and strategies. • Timescales – apart from the initial bedding in of virtual Hearings, this should not lead to extended timescales. • Regulations – digitalisation practice is racing ahead of legislation / regulation, which needs to catch up to ensure a more effective and inclusive DCO process.
<p>11</p>	<p><i>Are there any specific risks / challenges from digital working that the Planning Inspectorate / Government should be mindful of?</i></p> <p>A number of risks / challenges were highlighted by Survey participants:</p> <ul style="list-style-type: none"> • Digital Exclusion / Access to and reliability of technology – is the number one risk raised by respondents, with concerns of internet availability, particularly in rural areas, and how to involve those that are non-IT conversant. • Cyber security • 'Inadequate' Consultation – There is a risk of perceived or actual inadequate consultation. • Education / Guidance – There is a need for education and clear guidelines on what is appropriate during online / virtual engagement, especially during hearings. • Practicalities of Interested Parties contributing in Examinations – The Inspectorate must be careful not to restrict the ability of parties to present their case at virtual hearings, either numbers of participants or length of statements. • Legal Challenge – The possibility of legal challenge from those who feel they are disadvantaged by digitalisation. • Practicalities of Team Working in Examinations – The traditional examination hearings format allows a team leader to field Examiner questions or delegate to their colleagues having looked at them, plus colleagues can ask to confer before answering. This could be harder using an online process, without a more specific agenda / questions being issued in advance to allow identification of who will respond. • Consistency – Consistency of approach between the NSIPs regime and Town &

Country Planning Act regime is important, given their interaction.

National Policy Statements and Policy Frameworks

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Which of the following NSIP sectors do you consider need policy attention to overcome challenges and support investment as part of any economic recovery from the Covid-19 pandemic?

- Energy (EN-1 – All sectors)
- Energy (EN-2 – Fossil Fuels)
- Energy (EN-3 – Renewable Energy)
- Energy (EN-4 – Oil and Gas Supply and Storage)
- Energy (EN-5 – Electricity Networks)
- Energy (EN-6 – Nuclear Power)
- Energy other – if so please specify
- Rail
- Road
- Strategic Rail Freight
- Water
- Ports
- Airports
- Hazardous Waste
- Wastewater
- Geological Disposal Infrastructure
- Business or Commercial
- Other infrastructure or infrastructure-related sectors (if so please specify)

Total responses by NPS / sector

ANSWER CHOICES	RESPONSES (%)	RESPONSES (Number)
Energy (All sectors)	68.18%	30
Energy (Fossil Fuels)	18.18%	8
Energy (Renewable Energy)	29.55%	13
Energy (Oil and Gas Supply and Storage)	20.45%	9
Energy (Electricity Networks)	20.45%	9
Energy (Nuclear Power)	27.27%	12
Rail	50.00%	22
Road	50.00%	22
Strategic Rail Freight	38.64%	17
Water	20.45%	9
Ports	38.64%	17
Airports	79.55%	35
Hazardous Waste	9.09%	4
Wastewater	15.91%	7
Geological Disposal Infrastructure	11.36%	5
Business or Commercial	45.45%	20
Other infrastructure or infrastructure-related sectors	22.73%	10
Total Respondents: 44		

13	<p><i>Please choose a National Policy Statement or Sector to provide your insight on policy issues or opportunities, and potential Government interventions, for example further guidance or advice, working groups, Ministerial Directions, White Papers or Written Ministerial Statements.</i></p> <p>Sectors / NPSs where members provided specific responses</p> <table border="1"> <thead> <tr> <th>ANSWER CHOICES</th> <th>RESPONSES (%)</th> <th>RESPONSES (Number)</th> </tr> </thead> <tbody> <tr><td>Energy (All sectors)</td><td>30.00%</td><td>12</td></tr> <tr><td>Energy (Fossil Fuels)</td><td>0.00%</td><td>0</td></tr> <tr><td>Energy (Renewable Energy)</td><td>7.50%</td><td>3</td></tr> <tr><td>Energy (Oil and Gas Supply and Storage)</td><td>0.00%</td><td>0</td></tr> <tr><td>Energy (Electricity Networks)</td><td>0.00%</td><td>0</td></tr> <tr><td>Energy (Nuclear Power)</td><td>5.00%</td><td>2</td></tr> <tr><td>Rail</td><td>0.00%</td><td>0</td></tr> <tr><td>Road</td><td>2.50%</td><td>1</td></tr> <tr><td>Strategic Rail Freight</td><td>5.00%</td><td>2</td></tr> <tr><td>National Networks</td><td>17.50%</td><td>7</td></tr> <tr><td>Water</td><td>0.00%</td><td>0</td></tr> <tr><td>Ports</td><td>7.50%</td><td>3</td></tr> <tr><td>Airports</td><td>12.50%</td><td>5</td></tr> <tr><td>Hazardous Waste</td><td>0.00%</td><td>0</td></tr> <tr><td>Wastewater</td><td>0.00%</td><td>0</td></tr> <tr><td>Geological Disposal Infrastructure</td><td>0.00%</td><td>0</td></tr> <tr><td>Business or Commercial</td><td>5.00%</td><td>2</td></tr> <tr><td>Other infrastructure or infrastructure-related sectors</td><td>7.50%</td><td>3</td></tr> <tr><td colspan="3">Total Respondents: 40</td></tr> </tbody> </table>	ANSWER CHOICES	RESPONSES (%)	RESPONSES (Number)	Energy (All sectors)	30.00%	12	Energy (Fossil Fuels)	0.00%	0	Energy (Renewable Energy)	7.50%	3	Energy (Oil and Gas Supply and Storage)	0.00%	0	Energy (Electricity Networks)	0.00%	0	Energy (Nuclear Power)	5.00%	2	Rail	0.00%	0	Road	2.50%	1	Strategic Rail Freight	5.00%	2	National Networks	17.50%	7	Water	0.00%	0	Ports	7.50%	3	Airports	12.50%	5	Hazardous Waste	0.00%	0	Wastewater	0.00%	0	Geological Disposal Infrastructure	0.00%	0	Business or Commercial	5.00%	2	Other infrastructure or infrastructure-related sectors	7.50%	3	Total Respondents: 40		
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14	<p><i>Please provide your insight on policy issues or opportunities</i></p> <p>Headlines include:</p> <p><i>Overarching points</i></p> <ul style="list-style-type: none"> • Key Drivers for NPS Review / Updating – With a changing external context around climate and environmental emergencies, the Heathrow judgment and updated Government policy, all NPSs are outdated and need reviewing and updating to incorporate new Government commitments (including net zero; the Paris Agreement environmental constraints and biodiversity net gain). • Additionally, consideration is needed of the potential changes in demand due to lifestyle changes post-COVID19 (particularly road and rail, and the strong possibility that 5 day a week commuting may reduce, and therefore investment may need to be prioritised in other areas). • Written Ministerial Statement - If Government is unwilling to undertake a wholesale review of NPSs, a clarification Written Ministerial Statement would be invaluable, with possible measures being implemented via the Environment Bill. <p><i>Specific Sector Points</i></p> <ul style="list-style-type: none"> • Energy NPSs – The policies contained in the Energy NPSs are rapidly diverging from current policy (e.g. no coal fired power, net zero, Paris Agreement outcomes and decarbonisation) and do not recognise changes in demand or accommodate new technologies (e.g. energy storage). • DCO decisions are becoming increasingly challenging in reconciling these and thus they are vulnerable to challenge. • The current suite of Energy NPSs increase project risk, with: 																																																												

- DCO decisions becoming increasingly challenging in reconciling these policy divergences; and
- Applicants being required to present an assessment of the project against NPSs that everyone knows are not aligned with current Government policy, and then needing to search through all other relevant publications to cover off issues that may be raised at the examination.
- The Government is urged to seek a review, whilst ensuring the pipeline of new projects is affected as little as possible, e.g. by announcing a review and stating that the emerging new drafts will become important and relevant only once they have reached the specified stage.
- **Renewable Energy NPS** – The current renewable energy thresholds may be a disincentive for investors and might need revising. Onshore wind needs to be looked at again and wave and tidal power needs including.
- **Nuclear Energy NPS** – Further revision of the Nuclear NPS is needed to confirm its legality and clarify future sites.
- **Airports** – The implications of the Heathrow Judgment; the Paris Agreement environmental constraints; and effects of COVID19 on the industry, combined with the need to consider airports across the country and be flexible to adapt to changing need, means a new robust Airports NPS is required.
- The Heathrow Judgment is likely to have wide-ranging ramifications for most of the other NPSs, however net zero and sustainability objectives must be implemented / incorporated proportionately, and have regard to the specific sustainability offerings of the different sectors (e.g. the significant carbon savings of increasing freight transportation by water).
- **Transport Integration** – Some respondents have called for an NPS bringing an integrated approach to differing transport modes, rather than the individual transport NPSs, particularly given the interlinking of ports, rivers, rail and roads.
- **Ports** - Are crucial for the supply of goods. Freight, both road and rail, are key to port effectiveness, and so are part of looking at port capacity. The extension at Tilbury will add to Roll-on-Roll-off and container capacity, but doesn't seem to receive enough strategic attention as to how to integrate it into the freight system as a whole.
- The fundamental elements of the NPS that should be retained include:
 1. The NPS should apply for other decision-makers and in the formulation of other policy documents;
 2. The ports industry is market-led and the NPS currently enshrines the ability for judgements on when and where new port development should be proposed to be on commercial factors;
 3. That total need is dependent on demand for capacity, the need for flexibility to locate capacity where it is required, the need to ensure effective competition and effective resilience in port operations.
 4. Overall recognition that there is a compelling need for substantial additional port capacity over, at least, the next 30 years, meaning a presumption in favour of development should apply.
- **Rail / Strategic Rail Freight** – An increase in rail freight capacity will help generate revenues for other key sectors that need supporting e.g. attracting ships to UK ports for onward rail freight distribution to the UK and Europe could generate over £100bn per annum, thereby financing key infrastructure development and stimulating further industrial growth.
- Therefore, Government should introduce a national rail NPS to provide a joined up and integrated approach to rail infrastructure investment, that adopts a systems approach, alongside other transport infrastructure strategies.
- **Business and Commercial** – There is strong support for a high level Business

	<p>and Commercial NPS, which puts such projects on the same footing as other NSIPs; confirms ‘national need’ and importance; clarifies key standards and how projects should be assessed; and ensures greater transparency and effectiveness.</p>
15	<p><i>Please provide your thoughts on potential Government interventions, for example further guidance or advice, working groups, Ministerial Directions, White Papers or Written Ministerial Statements.</i></p> <hr/> <p>Many of the main points were similar to those in Q14, however, additional points include:</p> <ul style="list-style-type: none"> • Planning Act 2008 NPS Periodic Review – The requirement for periodic review is enshrined within the Act, and should be adhered to, whilst ensuring clear transitional arrangements that do not risk current projects already within the NSIP process. • Energy NPSs – Whilst maintaining the strong basis of the national need statement, clear policy on the UK’s Government strategic policy for energy is required. • The current Energy NPSs are at risk of not reflecting the relevant national needs, especially post COVID19, and are lagging behind rather than driving innovation and technological and environmental change. • Ports NPS – The Ports NPS is overdue for review, as modern major ports have evolved since its designation. There should also be greater recognition of the use of ports as centres for broader economic activity. • Suggested additions to a new Ports NPS could include a) more reflection of the strategic direction of travel for ports; and b) support for the unlocking of investment and job creation for coastal communities.
16	<p><i>Are there any national policy statements that you consider would benefit from alterations under section 6 of the Planning Act, i.e. a review either in whole or in part? If so, what do you consider to be the significant change in circumstance for this and are there any particular policies you consider may need attention?</i></p> <hr/> <p>The majority of answers to this question are already covered in 14 and 15, but key additional points include:</p> <ul style="list-style-type: none"> • National Policy Framework - NPSs need to fully take into account and provide a positive, resilient, adaptive deliverable framework that promotes the need for national infrastructure but sets this in a positive and engaging climate change, social and environmental equity. • Assessment and COVID19 – In light of the wholesale change in lifestyle as a result of the COVID19 restrictions, it is unclear whether people will return to life as it was pre-lockdown, and this raises a number of questions: <ul style="list-style-type: none"> ○ Will people use their cars less because they work from home more, or drive more to avoid public transport? ○ Is this a short-term impact until a vaccine is found, or a fundamental change in the way we live? ○ How does this affect the ‘need case’ for schemes, and what has been modelled and assessed previously and more recently? ○ How does this affect the way we have applied mitigation and what is needed in the future?



National Infrastructure Planning Association

17	<i>Do you have any other comments or observations on National Policy Statements or policy frameworks for infrastructure projects (Free text box)?</i>
	None received, as already included elsewhere.