
NIPA NEWSLETTER

National Infrastructure Planning Association

Newsletter – October 2019

Introduction from NIPA Board Member Anna Pickering

Welcome to the latest edition of our NIPA Newsletter designed to keep you informed of national infrastructure developments and NIPA's activities.



The turn of the seasons from summer to autumn marks the start of the academic year, and so, is a familiar time to study new material. After a quiet summer on the policy front, the Queen's Speech on 14th October included items of interest to the infrastructure student, which are covered later in this newsletter.

Over the summer NIPA continued to work hard on the identification and dissemination of news, issues and best practice in nationally significant infrastructure project (NSIP) planning, and bringing together those working in the sector. We summarise recent events and our future plans here.

One example of our work on gathering and sharing best practice is our inaugural **Award** for best practice and / or innovation in an NSIP Project consented between 1st October 2017 and 30th September 2019. Four entries for the award were received and considered by the judging panel earlier this month, with the two entries below shortlisted:

- Tilbury 2 - by Port of Tilbury London Ltd.
- Eggborough CCGT Project - by AECOM; EP UK Investments; DWD; Pinsent Masons; Fichtner; and Ardent

Many thanks to all those who submitted projects for consideration. The winner will be announced and presented with the award at NIPA's Annual Dinner on Thursday 21st November 2019.

Even though entries for this year's award have now closed, as ever we are keen to receive **your suggestions for improvements to the NSIP regime**. There is no "closing date" for sharing positive suggestions with us that you think will help resolve practical issues you are experiencing on projects. We welcome contributions from all involved in the NSIP regime, not just project promoters or those representing them. Experiences from consultees are equally valuable in providing information about how effective the regime is in engaging and representing you, and how it impacts you.

Ideas received from members will be recorded on an issues log, with new items discussed at each NIPA Board meeting. We will identify opportunities to discuss issues and proposed solutions at our periodic

meetings with Government Departments and the Planning Inspectorate. We have created a simple form to collect relevant information about your improvement suggestions. This asks for evidence to back up the need for your suggested improvement(s) to help us make the case for you. You can access the form [here](#).

The regime also remains busy with projects, with the number of active Development Consent Order (DCO) applications, those post-acceptance and pre-consent, still approaching 30. We expect a glut of decisions before 2019 turns into 2020, but it is less certain whether the pipeline of applications will continue at the rate recently experienced.

Additionally, NIPA is reconvening two of its Working Groups to a) respond to BEIS's follow-up Consultation on Proposals to Remove Electricity Storage Projects from the NSIP Regime and b) Ofgem's Consultation on the next stage in the process concerning Ofgem's current assessment of National Grid's proposed costs for delivery of the Hinkley to Seabank overhead line DCO (the 'Hinkley Point C Connection') – **see below**.

I hope you find this edition of our newsletter interesting and informative, and if you have any suggestions on items you would like us to cover, please contact our NIPA Policy Adviser Jane Smith at jane.smithassociates@yahoo.co.uk.

NIPA Member Services

As confirmed in our last newsletter, NIPA recently introduced a **full-time administrative support service for members** provided by Political Intelligence. The service is up and running. It is working successfully to respond to member queries, for example about membership renewals and about our events. It's worth providing a recap of the services on offer to you:

- **Responses to queries from Members** - full-time support service available between 9am to 5.30pm Monday to Friday:
 - **E-mail:** info@nipa-uk.org
 - **Phone:** **020 3951 7551** (dedicated NIPA number)
- **Membership Renewal Process** - Managing the 2019/20 Membership Renewal process
- **Proactive and regular communications to Members** - informing you about events, policy updates etc.

NIPA initiatives – Building Capacity and Capability

As well as our Member events programme, the NIPA Board are working on a couple of initiatives that aim to **widen the NSIP regime knowledge community and to increase collaboration amongst those involved**.

It is important to encourage and support the development of new talent in the infrastructure sector. Therefore, NIPA's first initiative is a pilot NIPA Bursary Programme involving universities to establish a way in which we can support the development of early talent, and at the same time bring fresh perspectives and research to live issues in the regime.

Secondly, the NIPA Board are looking at several ways in which to engage more colleagues in local planning authorities. We are considering how we could use outreach activities and standard presentation materials

to help develop specialist NSIP capability in more local planning authorities, along with developing a network of experienced local authority professionals who would be willing to support those facing their first NSIP application.

Through both these initiatives, we aim to develop our membership, not only in terms of increasing numbers but also to diversify the background of Members that can contribute to our work and further drive up knowledge and standards across the national infrastructure sector.

We hope to be able to tell you more about our work in these areas in our next newsletter.

NIPA Insights II Update by Board Member Matt Sharpe

NIPA Insights II identified that further learning, dissemination and training was a key next step for the research programme. Recommendation 1 set out that NIPA would work with Members to develop a Flexibility Toolkit, with the objective of delivering better major infrastructure projects through planning. We are therefore beginning to build the resources necessary to share and disseminate the research that has thus far been undertaken, and to provide a place to share and communicate best practice.

The NIPA Insights Flexibility Toolkit will be a digital resource which will showcase existing and future work. **We would therefore ask NIPA members to send in suggestions and examples of work, research and best practice.** The initial focus of this call for information will relate to the themes and priorities identified in Insights II research.

We are therefore keen to get a wide range of examples of best practice to help share this with the wider membership.

NIPA Events Programme 2019/20

Leeds Member Event - Squire Patton Boggs - 8th October

NIPA's most recent event in Leeds was a thought-provoking evening. The session was chaired by NIPA Council Member Jan Bessell. Our host Richard Glover from Squire Patton Boggs, and Guest Speaker Mark Reynolds, International Advanced Manufacturing Park (IAMP) Project Coordinator, presented to the room of Members.

Richard Glover provided an overview of "Insights on the NSIP regime". Issues covered included climate change, biodiversity net gain and the political climate. He also stimulated discussion on topics such as NSIP thresholds and the attractiveness of the regime.

The title of Mark Reynolds's presentation, "The road to IAMP: promoting the first DCO for a business & commercial project, alongside two highways NSIPs", was appropriate for three reasons. Firstly, as Mark explained, the project's designation as a nationally significant business and commercial project has been a journey of learning, being the first section 35 direction that has sought and secured a variation and therefore breaking new ground on its route towards application. Secondly, the interface between the two parts of IAMP – the first phase being built already with planning permission – IAMP ONE – and the nationally significant IAMP TWO. Thirdly, the proximity to the adjacent A19 trunk road, including the two Highways England NSIPs, one of which is in construction, with the other in examination.

Other topics Mark covered included: promoting a DCO without a National Policy Statement; the creation of a special purpose vehicle to deliver the project and maintain appropriate governance; proposals in the green belt – including the challenges and positive resolution; and of course the importance of building the best team with clear management, roles and responsibilities.



London Social / Networking evening – The Drift (Salesforce Tower) – 14th October

We held a Member social and networking event after the NIPA Board and Council meetings in London. Seeing that many members were already together due to these meetings, this was a good opportunity to meet even more and catch up over a couple of drinks nibbles.

**NIPA Annual Dinner – The Brewery – 21st October**

NIPA's sold-out Annual Dinner is taking place on **Thursday 21st November 2019** at The Brewery, Chiswell Street, London, with Admiral, The Lord West as the Guest Speaker, and the announcement of the winner of the first NIPA Annual Award. We look forward to welcoming many of you to this prestigious event in the national infrastructure sector calendar.

NIPA / UK Major Ports Group Roundtable Event

We are hoping to arrange to hold this before the end of 2019 / very early 2020.

2020 Events Programme

Alongside the 2020 NIPA Conference (24th June 2020) and Dinner (date tbc), NIPA is planning a further series of Regional Events and Roundtables, including in the North West (early 2020), North East (March / April 2020); East Anglia (Spring 2020) and South West (late Spring 2020).

If you would like to host a NIPA event, and have the opportunity to speak alongside a key stakeholder please contact NIPA Policy Adviser Jane Smith on jane.smithassociates@yahoo.co.uk.

Queen's Speech 2019

On 14th October 2019 the Queen's Speech set out the Government's agenda for the coming session, outlining proposed policies and legislation. As well as other national priorities and the Environment Bill covered below, the speech confirmed intentions for infrastructure. However, given that the Government does not have a majority, and in light of the continuing political fluidity, it is unclear how much of the Queen's Speech will ever be delivered. Despite this, planned policies and legislation include:

National infrastructure strategy

The Strategy is due to be published later in the autumn, and will provide the Government's formal response to the National Infrastructure Commission's July 2018 National Infrastructure Assessment. It will set out the Government's long-term ambitions across all areas of economic infrastructure including transport, local growth, energy, decarbonisation, digital infrastructure, infrastructure finance and delivery. It will have two key aims:

- Helping to close the productivity gap between London and other parts of the country;
- Addressing the critical challenges posed by climate change and build on the UK's world-leading commitment to achieve net zero emissions by 2050.

The requirement for legislation to deliver plans set out in the Strategy will be considered in due course.

Railway reform

The Government will publish a White Paper on the recommendations from the Williams Review later this autumn, and from 2020 will start implementing reforms.

The Williams Review was tasked with making ambitious proposals to reform the rail industry and the franchising model. The review has five areas of focus, including a new industry structure. This aims to reduce fragmentation, better align track and train, create clear accountability and a greater distance between Government and running the day to day railway. The other areas cover punctuality, simplified fares and ticketing, a new commercial model and driving skills and workforce engagement.

The Prime Minister recently announced plans to give Northern leaders more of a say on how the railway is run across the region, an announcement based on the initial conclusions of the Williams review.

High Speed Rail 2 (West Midlands - Crewe) Bill

The Queen's Speech set out the purpose of the proposed Bill as providing the powers to build and operate Phase 2a of the High Speed Two (HS2) network. The Phase 2a route is 36 miles long, running from a spur from the Phase One route near Lichfield to a connection to the West Coast Main Line south of Crewe. The Bill was first introduced in the House of Commons in July 2017. The Bill will provide deemed planning permission to deliver the scheme, with detailed planning to be developed on a site-by-site basis in coordination with the relevant local planning authority. It will include the powers needed to compulsorily acquire land, construct the railway, and operate it. It also will set out the way railway regulation will apply to HS2, and modify or disapply existing legislation reflecting that the HS2 scheme is to be approved by Parliament.

English devolution

A White Paper will be published setting out the Government's strategy for supporting local economic growth and increased productivity across the country, including plans for institutions, spending priorities, local economic plans and local growth funding. It will provide further information on plans to enhance devolution across England to enable decisions that affect local people to be made at a local level. The Government has reconfirmed it is committed to revitalising the Northern Powerhouse and Midlands Engine strategies.

Broadband

New legislation will help accelerate the delivery of fast, reliable and secure broadband networks to millions of homes. The Government is already investing £650 million to stimulate the market to deploy gigabit capable connections in urban and rural areas.

Environment Bill

The Bill was published on 15th October, the day after the Queen's Speech, and was presented as "signalling a historic step change in the way we protect and enhance our precious natural environment". Amongst other legislative priorities supporting preparation for leaving the European union, the Bill aims to ensure that the UK maintains and improves current environmental protections, and places accountability for this with the Government. The Bill will enshrine environmental principles and targets in law, and measures will be introduced to improve air and water quality, tackle plastic pollution and restore habitats.

The Bill:

- **Watchdog** - Establishes a new public body, the Office for Environmental Protection. This will be an independent watchdog that will scrutinise environmental policy and law, investigate complaints and take enforcement action against public authorities, if necessary, to uphold environmental

standards. The office's powers will cover all climate change legislation and hold Government to account on its commitment to reach net zero emissions by 2050.

- Places the 25 Year Environment Plan on a statutory footing.
- **Air Quality** – Sets a legally-binding target to reduce fine particulate matter, PM2.5, and increases local powers to tackle sources of air pollution. The Government will also be empowered to mandate manufacturers to recall vehicles when they do not meet the relevant environmental standards.
- **Biodiversity Net Gain** - Makes provision for biodiversity gain to be a condition of planning permission in England granted under the Town and Country Planning Act 1990 (TCPA).
- **Habitats** – Establishing Local Nature Recovery Strategies and supporting a Nature Recovery Network, and giving communities a greater say in the protection of local trees.
- **Recycling** - Extends producer responsibility, ensure a consistent approach to recycling and introduce deposit return schemes. Introduces charges for more single use plastic items.
- **Water resources** – Giving powers to direct water companies to work together to meet current and future demand.

The Bill and information about its progress can be found [here](#).

BEIS Consultation on Proposals to Remove Electricity Storage Projects from the NSIP Regime

The Department for Business, Energy & Industrial Strategy (BEIS) has launched a follow up consultation on the planning system for electricity storage. Given that the majority of respondents not being supportive of the originally proposed 50MW threshold, this new consultation consults on proposals to remove electricity storage, except pumped hydro, from the NSIP regime in England and Wales.

Under the proposals this type of storage would generally be consented by the relevant Local Planning Authority in England. Decisions for such projects of any size in Wales would generally fall to be consented by the relevant Local Planning Authority under the TCPA regime, whereas currently this is only the case for electricity storage (except pumped hydro) below 350MW.

The proposals have been drawn up following the Government's consideration of the responses to the original consultation held between January and March 2019. The new consultation material contains a summary of responses to the previous consultation and the Government's response to it.

The follow up consultation was launched on 15th October 2019, and will close at 11:45pm on 10th December 2019. More information can be found [here](#). **NIPA is reconvening its Energy Storage Working Group led by Gareth Phillips, and, if former Working Group Members and anyone else wants to be involved please email NIPA's Policy Adviser Jane Smith at jane.smithassociates@yahoo.co.uk by cop 8th November 2019.**

Ofgem Consultation on T-Pylons for the delivery of the Hinkley to Seabank DCO Project

On 15th October Ofgem launched a consultation on the next stage in the process concerning Ofgem's current assessment of National Grid's proposed costs for delivery of the Hinkley to Seabank overhead line DCO (otherwise known as the 'Hinkley Point C Connection'), including the use of T Pylons. The consultation confirms Ofgem's approach in principle and what costs they are minded to allow and disallow, and closes on 26 November, and can be found at:

https://www.ofgem.gov.uk/system/files/docs/2019/10/hsb_cost_consultation.pdf

NIPA's response to the earlier related consultation can be found here: https://www.ofgem.gov.uk/system/files/docs/2017/10/national_infrastructure_planning_association.pdf

NIPA is now looking for volunteers to join a Working Group led by NIPA Board Secretary Robbie Owen. A meeting is planned to take place at 5pm on Monday 11th November at Pinsent Masons' London Office, 30 Crown Place, London, EC2A 4ES; dial-in facilities will also be available.

If you are interested in participating in this Working Group and can make the meeting, please let NIPA's Policy Adviser Jane Smith know by cop on Monday 4th November at jane.smithassociates@yahoo.co.uk.

Development Consent Order Update

Here is a short summary of recent developments relating to DCO applications.

Since our last newsletter of August 2019, there have been two DCO applications accepted for examination that have interrelations with other projects, including consented NSIPs. These examples highlight how common this is likely to become for NSIPs, so many of which relate to larger networks or connect with other networks.

A1 Birtley to Coal House Improvement Scheme – Promoted by Highways England, this project was accepted for examination on 10th September 2019. It is a linear project located on the A1 south of Gateshead between junctions 65 and 67, and involves online widening and the off-line replacement of Allerdene Railway Bridge. As part of the application for Highways England's A19 / A184 Testo's project, the promoter submitted a document dealing with its interrelation with two other future DCO applications: Highways England's A19 Downhill Lane Junction (in examination since 13th August 2019), and the future International Advanced Manufacturing Park business and commercial application. During the A19 / A184 Testo's project examination this document was revised to cover the A1 Birtley to Coalhouse Improvement, although it is geographically relatively more remote. More information can be found [here](#).

Wheelabrator Kemsley Generating Station (K3) and Wheelabrator Kemsley North (WKN) Waste to Energy Facility – Promoted by WTI / EFW Holdings Ltd, this energy-from-waste generating station application was accepted for examination on 8th October 2019. This single DCO application seeks to increase the capacity of an existing energy-from-waste facility already in construction and to construct a new, separate facility. The project in construction - the 'K3' generating station near Kemsley, Sittingbourne, Kent - was consented through the TCPA in 2012 and should be operational by the end of 2019. The DCO application seeks to allow this facility to increase its generating capacity up to 75MW and have an increased waste throughput of up to 657,000 tonnes each year. K3 will use waste and waste derived fuels not only to produce electricity for export to the grid, but also steam for export to the adjacent DS Smith Paper Ltd operated Kemsley Paper Mill, which was granted its DCO on 5th July 2019. The new project, Wheelabrator Kemsley North ("WKN"), would be located immediately to the north of the K3 facility on land currently being used as a laydown area for K3 construction. More information can be found [here](#).

There have been some points of interest relating to recent (expected) decisions. It feels likely that the passing of the decision deadline will not be the last we report on at least some of these projects.

Hornsea Project Three Offshore Wind Farm – The decision for Orsted's project was due by 2nd October 2019. However, a few days before this deadline, a letter was issued by BEIS. This requested further information and evidence from the applicant, in consultation with Natural England, in respect to various protected habitats and in relation to relevant legislation. The deadline for representations is 31st December 2019, with the deadline for the Secretary of State decision now a full three months from that deadline on 31st March 2020. More information can be found [here](#).

Abergelli Power - Abergelli Power Limited's application for a gas-fired peaking plant and connection infrastructure north of Swansea was consented on 19th September 2019, 3 weeks before the 10th October deadline. This is the second DCO decision made since The Climate Change Act 2008 (2050 Target Amendment) Order 2019 introduced "net zero" into legislation in late June (the first only being a few days after). We are now beginning to see references to the 100% target, albeit for projects where examination had already closed by the time the Climate Change Act 2008 was amended. The decision letter notes that "[Since,] *despite the amendment to the Climate Change Act 2008, there have been no subsequent changes*

to legislation or policy and that the energy NPSs continue to form the basis for decision-making under the Planning Act 2008, approval of the application would not itself be incompatible with the Welsh Government's declaration of 29 April 2019 nor the amendment to the Climate Change Act." More information can be found [here](#).

Drax Re-power - Drax Power Limited's application was consented on 4th October 2019. The Examining Authority recommended that consent be withheld on grounds including the project's addition of "*substantial volume of further fossil fuel generation capacity until 2050*" in the context of the Government's commitment to decarbonisation. The Secretary of State's decision letter referred to the "*range of potential pathways that will bring about a minimum 100% reduction in the UK's emissions*" together with the "*scope of the targets contained in the CCA which apply across many different sectors of the economy*", and concluded that giving consent would not be incompatible with the amended Climate Change Act 2008. More information can be found [here](#).

Northampton Gateway Rail Freight Interchange – Promoted by Roxhill Developments Limited, this application for a Strategic Rail Freight Interchange was granted consent on 9th October 2019. The project adjacent to M1 Junction 15 in Northamptonshire includes an intermodal freight terminal including containers storage and parking, rail sidings, and an aggregates facility. The DCO would also grant development consent for works on the Strategic Road Network and surrounding local roads. More information can be found [here](#).

Wylfa Newydd Nuclear Power Station – On 23rd October 2019 (the deadline for the Secretary of State to decide on this project), BEIS issued a letter seeking further information on a wide range of issues, from certain key parties, including the Applicant and a number of Statutory Consultees / Interested Parties. The letter can be found [here](#), and confirms that views should be received by the Planning Inspectorate by 31st December 2019, and a new deadline for the Secretary of State to make her decision has been set as 31st March 2020.

We are entering a busy period for those making and reviewing decisions, with 4 more expected between mid-October and the end of 2019, now excluding Hornsea Project Three, but including the A303 Sparkford to Ilchester Dualling; Lake Lothing Third Crossing; Norfolk Vanguard; and Thanet Extension Offshore Wind Farm.

Town and Country Planning Association Programme on Planning Healthier Places and 'Green' Infrastructure

As part of NIPA's ongoing dialogue with fellow planning associations, the Town and Country Planning Association (TCPA) have confirmed they are doing a lot of work on [planning healthier places](#); and on green infrastructure. If Members are interested, you can join the [Green Infrastructure Partnership](#) (it's free to join) and receive a monthly newsletter.

Contact

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