

# NIPA Spring and Summer 2020 Newsletter

## Introduction from NIPA Board Member Tom Carpen

Welcome to a bumper Spring and Summer edition of the NIPA newsletter, designed to keep you informed of national infrastructure developments and NIPA's activities, despite the continuing uncertain times we all face.

As the Spring edition was preparing to 'go to press' back in March, the COVID-19 pandemic changed the context for us all, personally and professionally. This newsletter will take you through the substantial work NIPA has been doing to support members, Government and the Planning Inspectorate in the short and medium term to adjust to the impact of the pandemic.



However, our newsletter starts with a tribute to Jennifer Bowling who very sadly passed away in December. As many of you will know Jennifer's dedication to NIPA helped turn it from a fledgling idea to the influential and continuously evolving membership organisation we are today. On behalf of all the Board, Council and members, our thoughts remain with Jennifer's family, friends and colleagues.

It is with Jennifer and all of her commitment to helping establish NIPA in mind, that this newsletter reports back on how NIPA continues to evolve, responding to the COVID-19 pandemic by becoming a trusted source of support and information for the Government and the Planning Inspectorate. We have engaged members in new and exciting ways in the last three months and created a strong platform to support members in the months ahead.

We are delighted that our papers to Government on COVID-19 and the medium term picture for Infrastructure have been well-received. It is clear to us that Government and our members value the insight, skills and experience of our collective membership and the way in which we are able to positively shape national infrastructure planning.

We are grateful to all members who have taken the time to engage with this work and on behalf of the NIPA Board, we look forward to working with you in the weeks and months to come. We recently announced a monthly Webinar series, *NIPA Matters*, and have adopted a membership strategy that looks to increase opportunities for member engagement and broaden our professional membership base.

Since our last Newsletter before Christmas, NIPA has also held its hugely successful Annual Dinner at the Brewery in London, which now seems like a distant charcoal ice-cream-fuelled winter memory. But importantly we were delighted to present our inaugural **Award** for best

practice and / or innovation in an NSIP Project consented between 1<sup>st</sup> October 2017 and 30<sup>th</sup> September 2019, with the winner being Tilbury2 - by Port of Tilbury London Ltd (see below for detail). This year's NIPA Award will be launched in August, so please look out for our announcement next month.

Finally, from a personal point of view, I have been a Board member for a year, and a NIPA member for 3 years. It remains a hugely rewarding organisation to be part of, and I am excited about the Board's forward programme and NIPA's potential. I would encourage anyone who would like to be involved with NIPA and our ambition to continuously improve the way we plan for and deliver infrastructure to get in touch with any of the Board members and share your ideas.

Tom Carpen  
July 2020

**NIPA Board Secretary and Pinsent Masons Partner Robbie Owen's  
Tribute to Jennifer Bowling**

In December, and just before Christmas, our London Office heard the shocking and tragic news that our dear friend and colleague, Jennifer Bowling, had passed away suddenly. She had been signed off work just a week beforehand with what appeared to be a bad back. Jennifer leaves her husband Compton, her mother, her daughter Sabine and her son Kieran. Our thoughts are with them all for their tragic and devastating loss.

Jennifer joined Pinsent Masons in 2013 but had worked with members of the team for 15 years both at Pinsent Masons and before then at what is now BDB Pitmans. We will all remember Jennifer as a truly wonderful and warm lady – so full of life and with a great attitude to it, a real sense of fun, a great friend and colleague, a hard and motivated worker very supportive of everyone around her, and never anything but a total team player. She was very much the London Planning team's fairy godmother!

Jennifer was there at the very start, when I established NIPA in October 2010. She continued to support all NIPA Board and Council meetings, AGMs, annual conferences, annual dinners and special projects like *NIPA Insights I* and *II* until her death, for which I and many others were hugely grateful.

We will miss Jennifer hugely and her untimely death was an enormous loss for everyone who knew her – she was very much loved. Rest in peace, Jennifer, and thank you for everything - especially for your joy, sunshine, kindness, good humour and hard work for NIPA!



## NIPA in 2020

At the start of 2020, we anticipated it would be a key year for infrastructure planning, with a new Government and the upcoming withdrawal from the European Union. It is now clear that infrastructure is front and centre of the UK's future economic, social and environmental prospects.

The NIPA Council set out its priorities following an excellent discussion at the January Council meeting, and the approach below continues to stand us in good stead;

### **Policy**

- Write to, and engage with Government:
  - Stressing how delayed decision-making and the age / validity of NPSs in the light of subsequent technological and public policy advancements, is affecting infrastructure investment.
  - Making the case for a review of older NPSs by providing evidence of how their divergence from current Government policy / technology is being raised at Examinations and through legal challenges.
  - Providing evidence on the value of the statutory limits in the DCO timeline, giving certainty to investors and how project timescales, including the DCO process, are tailored to meet key market or funding timescales e.g. offshore wind licensing rounds, with any delays risking key deadlines being missed.
  - Highlighting practical improvements to the NSIP regime, and how applicants / the Inspectorate / key stakeholders such as Statutory Consultees can all help ensure the NSIP regime continues to deliver the certainty of timescales.
- Work across the infrastructure sector and Government / agencies to quantify the consequences of the net zero commitment and how it impacts on how NSIPs can be delivered.
- Engage with Government on the specific and wider policy agenda affecting national infrastructure – including but not limited to – The Environment Bill; Planning White Paper; Energy White Paper; and Devolution White Paper.
- Continue to identify, promote and drive NSIP best practice across the sector, working closely with the Government and agencies.

## Member Engagement

- Deliver a structured and interesting programme of Member events, including our National Conference and Dinner; Regional Networking Events; Policy Working Groups; and topic-based Roundtable Events. All of these are subject to, or will be adapted in light of, COVID-19 circumstances.
- Introduce a NIPA Bursary to support students in studying national infrastructure courses; raise the profile of NIPA within universities / with students, with a planned pilot being launched in Autumn 2020.
- Develop a programme to support local planning authority officer colleagues and encourage their participation within, input to NIPA.

Our activities in the first half of the year, which this newsletter covers in more depth shortly, show we are delivering on these priorities despite the significant change in circumstances. We would welcome input from as many members as possible. We would also welcome your feedback on priorities for the second half of 2020 and please do send bullet points to Board Chair Angus Walker at [anguswalker@bdbpitmans.com](mailto:anguswalker@bdbpitmans.com) on what you think we should be prioritising as a member organisation.

## NIPA Papers to Government

NIPA has responded quickly to the challenges faced by the pandemic through direct engagement with Government and the Planning Inspectorate. We recognise the crucial role infrastructure planning and delivery has in aiding the country's recovery and the need for all work to be carried out within public health guidelines. As part of our regular engagement with Government and the Planning Inspectorate we have prepared two papers, one on overcoming the short-term impacts and one on looking at medium term prospects for infrastructure planning in light of the pandemic:

### COVID-19: Paper

Our first paper sought to assist Government and the Planning Inspectorate in identifying areas of legislation that may affect the ability to carry out work on DCOs within public health guidelines, which at the time were at their most restrictive.

Papers were prepared by Michael Humphries QC, Julian Boswall, Robbie Owen, and Angus Walker, with support from other Board and Council colleagues, covering 5 topics:

- Documentation – alternatives when physical inspection is not possible;
- Consultation and Engagement – how this can continue, particularly without physical attendance at events;

- Hearings – how these and other DCO examination meetings can take place remotely;
- Site Access – approaches to environmental impact assessments (EIA), land referencing and development when access to and around a project site is restricted or not possible; and,
- Implementation of DCOs – that an extension of the time limits set out in some DCOs ought to be considered.

These were brought together in a single paper and shared with NIPA members, Government and the Planning Inspectorate, before being finalised and shared with the Secretary of State for Housing, Communities and Local Government. NIPA's Covid-19 Paper can be found [here](#) .

The Minister of State for Housing, Christopher Pincher, responded to our paper recognising the importance of the NSIPs regime for supporting infrastructure, housing and economic growth, and the UK economy as a whole. He welcomed the work we have been doing with Government officials and encouraged us to continue sharing our experience and insights both on short and longer term matters.

### **Medium term infrastructure prospects: Survey and Paper**

Picking up on the Minister's encouragement, our second paper sought to look to the COVID-19 recovery phase and beyond, to assist Government and the Planning Inspectorate in understanding the impact on infrastructure sectors. It focused on practical ways in which Government, the Inspectorate and NIPA could support the DCO process and infrastructure planning more broadly in the longer term by looking at three specific areas:

- National Policy Statements;
- Infrastructure investment prospects; and
- Digital working in national infrastructure.

We took the view that member input was essential to understand medium term prospects, and carried out a survey of members, covering the three areas above.

We were really pleased to get responses from approximately 10% of our membership, and followed this up with a Webinar, where around 50 members took part in a valuable debate that covered matters such as the importance of the National Policy Statements and their weight in DCO decisions, and how the DCO regime could be adapted to emerging sectors.

Our final paper was presented to the NIPA Council on 13 July 2020, with attendance from the Planning Inspectorate and representatives from MHCLG and published on 30 July. Our final recommendations to Government and the Planning Inspectorate are set out below and a copy of the paper can be found [here](#).

### ***National Policy Statements***

- R1 Set out clear transitional arrangements before any NPS review.
- R2 Urgently review out of date NPSs to address significant JR risks.
- R3 Prepare an Overarching National Policy Statement for all NSIPs, aligned with the National Infrastructure Strategy 2020, incorporating sector-specific annexes.

### ***NSIPs regime and infrastructure investment***

- R4 Refresh the scope of the NSIPs regime to match the economic, social and environmental challenges ahead.
- R5 Invest in pre-application to de-risk and speed up examinations and decisions.
- R6 Work with NIPA to engage infrastructure investors and promoters to understand the drivers for infrastructure investment better.

### ***Digital working practices for national infrastructure***

- R7 Create the strong legal framework for effective digital working.
- R8 Prepare a digital working programme to focus resources on interactive stakeholder engagement measures that help de-risk projects.
- R9 Maintain a collaborative approach towards piloting new ways of digital working.

## **Government Liaison Updates**

In recent months, NIPA's Board Chair Angus Walker; Board Secretary Robbie Owen and other Board and Council colleagues have been regularly engaging with Government departments in response to their increasing desire to hear from a range of voices on policy matters.

This builds on the success of previous policy consultations, including most recently on Energy Storage, and we now have a clear programme of meetings with policy officials across Government to be held on a regular basis, including with MHCLG (Ministry of Housing, Communities and Local Government) and the Planning Inspectorate; DfT (Department for Transport; BEIS (Department for Business, Energy and Industrial Strategy) and DEFRA (Department for Environment, Food and Rural Affairs),

We are keen to use member input and evidence to feed into these meetings; if you have a view to input please use the link [https://www.nipa-uk.org/uploads/news/NIPA\\_NSIP\\_Regime\\_Reform\\_Issues\\_Form.pdf](https://www.nipa-uk.org/uploads/news/NIPA_NSIP_Regime_Reform_Issues_Form.pdf).

## **COVID-19 updates**

Following our COVID-19 paper we have acted as a sounding board for MHCLG and the Planning Inspectorate as the former has prepared a new Statutory Instrument and Guidance to facilitate the DCO process continuing virtually. Meanwhile the Planning Inspectorate has been issuing COVID-19 guidance relevant to all its casework on a regular basis, and updates can be found on LinkedIn and other social media channels. This work has included piloting virtual hearings and, shortly, virtual Preliminary Meetings. These have led to longer examinations in the short term, in the interests of seeking the views of Interested Parties and maintaining a fair and open process.

The latest Statutory Instrument and Guidance from MHCLG can be found at these links:

[Statutory Instrument](#)  
[Guidance](#)

The latest Planning Inspectorate guidance can be [found here](#)

## **Electricity Storage removed from NSIPs regime**

On 14 July 2020 the Government announced that it will legislate to remove electricity storage, with the exception of pumped hydro storage, from the NSIPs regime. Orders under the Planning Act 2008 and Electricity Act 1989 are being laid to achieve this, with the Order under the Planning Act [now laid](#).

NIPA, led by one of our members Gareth Phillips of Pinsent Masons, played a key role in the consultation process. Gareth chaired our working group and led our engagement with BEIS. Gareth encouraged BEIS to run workshops which NIPA attended, consulted with members and submitted detailed recommendations which informed the eventual outcome.

Our thanks to Gareth and all members who participated in the consultation response and engagement for their achievements.

Our aim is to work constructively with Government and members to provide trusted advice on how we can improve infrastructure planning in the UK, and this is a great example of this! If you would like to support NIPA in responding to future consultations please do get in touch.

## **Future infrastructure planning policy**

The Government is looking at Infrastructure delivery and the role of the wider planning system over the coming months, including a Planning Policy Paper, and the National Infrastructure Strategy expected in the autumn.

NIPA has a role not only to shape the NSIPs process, but the relationship between NSIPs, wider infrastructure and the planning system, and we will continue to advise Government drawing on our collective experiences and engaging members as Government proposals become clearer.

## **NSIPs Regime Judicial Reviews – National Policy Statements, Heathrow and Drax**

Earlier in the year, several legal challenges relating to National Infrastructure, were either brought or determined. Here is a summary of what has been happening in the Courts...

### **Energy National Policy Statements**

In March, a [letter before claim](#) was sent to the Secretary of State with a view to a proposed challenge to the suite of Energy NPSs, as to whether they should be reviewed in light of the change of circumstances since their designation in 2011, and that to not undertake such a review would be unlawful.

Following further correspondence between Government and claimants, judicial review proceedings have now commenced.

The outcome of these proceedings may affect whether the Energy NPSs are considered lawful, and highlights the importance, and challenge, of maintaining up to date National Policy Statements, which our paper to Government has sought to help address.

### **Airports National Policy Statement**

Meanwhile, the Court of Appeal certainly caused a stir in the world of national infrastructure, deciding in February that the Government had acted unlawfully by not taking explicit account of the Paris Agreement before designating the Airports National Policy Statement (NPS).

The judgment is detailed and for those Members who have not had the opportunity to read it, we'd recommend doing so [at this link](#), as beyond the headlines there are some interesting nuances and areas for debate.

A number of claims were taken together in one judgment, with a separate commercial claim from Heathrow Hub Limited the [subject of a separate judgment](#).

The Court of Appeal dismissed the challenges brought by Hillingdon and others, including the Mayor of London and Greenpeace, on all grounds. These challenges focussed on HRA and SEA issues and on the key issue of 'alternatives', the Court found that the Government was entitled to decide that Gatwick Airport was not an 'alternative solution' for the purposes of the Habitats Directive as it could not meet, and indeed would harm, the core policy objective of retaining the UK's 'international hub' status.

On the climate change challenges brought by FOE and Plan B Earth, the Court found that the Government acted unlawfully in not considering the Paris Agreement to be 'Government Policy' and, therefore, not taking it into account for the purposes of section 5(8) of the Planning Act. Similarly, by not having regard to the provisions of the Paris Agreement, the Court held that the Secretary of State had not discharged the section 10(3) duty to have regard to the desirability of mitigating climate change. The Court also held that the Paris Agreement included international 'environmental protection objectives' for the purposes of Article 5 and Annex I(e) of the SEA Directive and upheld the challenges on this ground too. Finally the Court held that the Secretary of State did not have proper regard to non-CO2 effects and post-2050 emissions.

The Heathrow Hub claim was dismissed on all grounds.

The Court did not quash the Airports National Policy Statement, but ordered that it is of no effect unless and until the Secretary of State has undertaken a review of it in accordance with the relevant provisions of the Planning Act (i.e. section 6).

At the time of writing, the decision has created uncertainty in respect of future national aviation policy and the progress of Heathrow Airport Limited (HAL)'s proposed DCO application.

HAL has been granted permission to appeal the decision to the Supreme Court and the hearings are scheduled for early October 2020. The Secretary of State for Transport did not apply for permission to appeal.

## **Drax Re-Power**

That leads us to the Drax Re-Power proposal – a 'carbon-capture ready, 3.6 GW gas-fired power station, with associated infrastructure, and two battery storage units'.

As covered by Anna Pickering in the previous NIPA newsletter, the Examining Authority recommended withholding development consent on the grounds that, to paraphrase, it would be incompatible with the Government's commitments to de-carbonise, enshrined in the Climate Change Act. However, the Secretary of State for BEIS disagreed and gave primacy to the National Policy Statements concerned and that there was a range of pathways to achieving targets in the Climate Change Act.

On 3 June 2020, the High Court found in favour of the Government and clarified how 'need' should be considered in the context of an NPS. One of the key issues was around the weight to be given to an NPS, where, as argued by the Claimant ClientEarth, policies could be considered

out of date. The Court clarified that where an NPS has effect, section 104 of the Planning Act should be applied and decisions should be made in accordance with the NPS. The judgment can be [found here](#). ClientEarth has been given permission to appeal to the Court of Appeal so the issue is not fully decided yet.

Underpinning both Heathrow and Drax is a wider question around the way and speed by which we can de-carbonise our economy and the policy levers required to achieve this. NPSs are central to the DCO regime and these legal challenges are making us all think not only about their currency but about the opportunities and challenges around keeping policy up-to-date.

**NSIPs updates**

This year has seen a number of significant decisions, including delays to decisions and a number of NSIPs granted despite recommendations from Examining Authorities to withhold development consent. Here is a summary of what has been happening, and some insights into recent decisions.

As a general point, it is clear that the relative stability in the DCO regime that we have all become accustomed to is now being tested. The currency of NPSs and delays to decisions have created levels of uncertainty that are not normally associated with the regime.

NIPA has highlighted to Government the importance of issuing decisions on time and of keeping NPSs up to date. Addressing both these matters would give all stakeholders confidence in the process and their ability to participate gives investment confidence, particularly for applications that undertake robust pre-application work and enter the Examination stage.

**RECENT DECISIONS**

<b>PROJECT</b>	<b>PROJECT TYPE</b>	<b>DECISION</b>	<b>DECISION DATE</b>
A30 Chiverton to Carland Cross	Highway scheme	Granted (Recommendation to grant)	6 February 2020
Reinforcement North Shropshire electricity distribution network	Electricity line	Granted (Recommendation to grant)	20 March 2020
A585 Skippool to Windy Harbour	Highway scheme	Granted (Recommendation to grant)	9 April 2020

Riverside Energy Park	Waste energy recovery, waste anaerobic digestion, battery storage and solar generation	Granted (Recommendation to grant)	9 April 2020
Lake Lothing Third Crossing	Highway scheme	Granted (Recommendation to grant)	30 April 2020
West Midlands Interchange	Strategic Rail Freight Interchange	Granted (Recommendation to grant)	4 May 2020
M42 Junction 6 Improvement	Highway scheme	Granted (Recommendation to grant)	21 May 2020
Cleve Hill Solar Park	Solar project	Granted (Recommendation to grant)	28 May 2020
A63 Castle Street Improvement	Highway scheme	Granted (Recommendation to refuse)	28 May 2020
Thanet Extension Offshore Wind Farm	Offshore Wind Farm	Refused (Recommendation to refuse)	1 June 2020
Norfolk Vanguard	Offshore Wind Farm	Granted (Recommendation to refuse)	1 July 2020
Manston Airport	Airport	Granted (Recommendation to refuse)	9 July 2020
A19 Downhill Lane Junction Improvement	Highway scheme	Granted (Recommendation to grant)	16 July 2020

## DELAYED DECISIONS

PROJECT	PROJECT TYPE	DECISION DEADLINE
Wlyfa Newydd Nuclear Power Station	Nuclear Power Station	30 September 2020
A303 Stonehenge (Amesbury – Berwick Down)	Highway scheme	13 November 2020
A303 Sparkford to Ilchester	Highway scheme	20 November 2020 (‘minded to refuse’ letter issued on 21 July 2020 following recommendation to refuse)
Hornsea Project Three Offshore Wind Farm	Offshore Wind Farm	31 December 2020 (‘minded to grant’ letter issued on 1 July

		2020 following recommendation to refuse)
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## UPCOMING DECISIONS

PROJECT	PROJECT TYPE	DECISION DEADLINE
VPI Immingham OCGT	Gas Generating Station	7 August 2020
Southampton to London Pipeline Project	Fuel Pipeline	7 October 2020

As with all NSIPs, there are many lessons to be learned from the Examining Authority reports and the Secretary of State decision letters. Here are some of the main points NIPA has identified from recent decisions that may have wider implications:

### **Manston Airport and the national need case**

On 9 July 2020, the Secretary of State for Transport granted development consent for Manston Airport, despite a recommendation to withhold consent from the Examining Authority.

The issue of national need for cargo handling facilities was a key aspect of the Secretary of State's decision. The Examining Authority concluded that the national need could be met by other airports, whereas the Secretary of State considered there to be a clear need case for cargo handling facilities. The decision letter makes for valuable reading, indicating that the Secretary of State makes a strong link between the airport development and economic development both locally and nationally. Alongside this the Secretary of State takes a view that other existing airports, including Stansted, Heathrow and East Midlands Airport would not be able to meet what the Secretary of State describes as "*a clear case of need*" (paragraph 20).

The Airports NPS did not 'have effect' for the purposes of this application, which was considered under section 105 in any event. The Airports NPS had been referred to during the examination, however, but the Secretary of State made it clear in the decision that he had not had regard to it following the Court of Appeal's decision in February (see above).

This decision confirms that the relationship between the need and socio-economic benefits, on the one hand, and environmental and other adverse effects, on the other, is important and that balancing exercise can be seen at play in this decision under section 105 of the Planning Act. Need and socio-economic benefits will, therefore, continue to be a key issue during the pre-application and examination stages for any project and this may be particularly the case where there is no NPS.

## **A303 Sparkford to Ilchester, Hornsea Three Offshore Wind Farm and ‘minded to’ decision letters from the Secretary of State**

The Secretaries of State for Transport and Business, Energy and Industrial Strategy have both recently issued letters stating that they are minded to reach a decision subject to further information being provided.

In the example of the A303 Sparkford to Ilchester (not to be confused with the A303 Stonehenge project), the Secretary of State is, at the time of writing, minded to refuse development consent but has provided the applicant with the opportunity to address his concerns which reflect those of the Examining Authority. The Examining Authority has recommended that consent be withheld.

The issues relate in particular to local harm, including to local businesses, and severance of north-south routes, as well as the potential risk of birdstrike, which the Defence Infrastructure Organisation advises is created from new ponds that it considers could attract birds hazardous to aircraft.

For Hornsea Three, the substantive issue is whether compensatory measures for European sites can be secured. The Secretary of State currently considers this to be possible but not guaranteed.

These projects are ongoing, and NIPA does not comment on the merits of any particular project. However, the wider point for members is to note that in both instances, the Secretary of State has intervened to the extent that he is giving promoters the opportunity to address what he considers to be fundamental issues. However, the Secretary of State for BEIS has made it absolutely clear that in the context of a Habitats Regulations Assessment, no promoter should feel able to rely on providing such information at this late stage:

*“The Secretary of State is clear that the development consent process for nationally significant infrastructure projects is not designed for consultation on complex issues such as Habitats Regulations Assessment, to take place after the conclusion of the examination...He wishes to make it clear that, in order to maintain the efficient functioning of the development consenting system, he may not always request post-examination representations on such matters, indeed it should be assumed that he will not do so and may therefore make decisions on such evidence as is in front of him following receipt of the ExA’s report.”*

Secretary of State’s letter to the applicant 1 July 2020 paragraph 7.3

## **Thanet Offshore Wind Farm and the planning balance**

The Secretary of State for Business Energy and Industrial Strategy refused development consent for an extension to the Thanet Offshore Wind Farm primarily on the ground of the adverse impacts of the proposed development, particularly with respect to shipping, maritime

navigation risk, ports and port development, notwithstanding the benefits of the proposed development to renewable energy generation.

In this instance, the Secretary of State took the view that both the relevant Energy National Policy Statement and the National Policy Statement for Ports required consideration and that there were policies within the Energy NPS that made it clear how conflict between renewable energy and shipping needs should be handled.

The Secretary of State and the Examining Authority both covered the weight to be given to representations of Interested Parties, including locally experienced mariners, when considering the impact on shipping and safety and from NIPA's perspective this decision highlights the role that pre-application engagement plays in the process as a whole, as well as the interaction between differing NPSs and their impact on individual NSIPs.

### **Forthcoming Examinations**

Members may wish to keep tabs on some projects that are likely to set new challenges for participants and the Examining Authorities given our virtual working environment at present.

First up are the East Anglia Offshore Wind Farms One and Two North, which are due to be considered concurrently, if separately (there is no legal ability to join examinations as there is for planning inquiries). The Examining Authority has issued new rule 6 letters to explain how this will work and how it has sought to maintain the integrity of the process, whilst at the same time making them both work efficiently.

Staying in the East of England, the DCO application for the Sizewell new nuclear power station has now been accepted for Examination. This will be the second such project, after Hinkley C was granted development consent as long ago as in 2013.

## **NIPA Environment Bill Event – 29 January 2020**

NIPA is always looking for ways of engaging Members in current issues and developments around infrastructure. Back when events were held with people, chairs, powerpoint on a white screen, and generous wine and canapes, Francis Taylor Building (FTB) kindly hosted an evening's presentation and discussion on the Environment Bill. The Bill was reintroduced into Parliament on 30 January 2020, following slight changes from the Bill published in October 2019 prior to the General Election.

Chaired by FTB's Richard Honey, with excellent presentations from speakers Merrow Golden and Conor Fegan, Members gained useful insights into the key elements of the Bill, and what this might mean for national infrastructure. The Bill's accompanying Policy Statement provides an overarching case for the need for environmental legislation, focused on:

- tackling biodiversity loss;
- climate change mitigation and adaptation; and
- risks to public health from environmental harm.

Underpinning the substance of the Bill is the transposition of EU Environmental Law principles into domestic law, to deliver a 'Green Brexit'. The Bill establishes a new public body, the Office for Environmental Protection.

Merrow explained that although NSIPs are currently excluded from biodiversity net gain requirements, the case for their inclusion may well be put forward as the Bill passes through Parliament. Meanwhile, Conor left us clear that the appetite of the Office for Environmental Protection to wield its influence may well be a defining factor in the effectiveness of the Bill.

**NIPA will be forming a Working Group led by FTB's Richard Honey** to review and undertake appropriate actions, engaging with Government and Parliamentarians as the Bill resumes its consideration in Parliament in the autumn. **If you would like to join the NIPA Environment Bill Working Group, please confirm your interest by email to Michaela at NIPA's Member Services via [info@nipa-uk.org](mailto:info@nipa-uk.org).**

**If you would like to host a future NIPA webinar or event, or have the opportunity to speak alongside a key stakeholder on NIPA's behalf please contact NIPA at [info@nipa-uk.org](mailto:info@nipa-uk.org)**

## NIPA initiatives – Building Capacity and Capability

The Board recognises the significant expertise across the NIPA membership and the value to members of being able to share knowledge and best practice.

Our membership is drawn from a wide range of professional disciplines, including planners, solicitors and barristers, communications experts, project managers, environmental specialists, chartered surveyors, engineers, economists and architects to name a few. Our members cover promoters, local authorities, consultancies, academic institutions and more and it is that breadth and depth that makes NIPA unique.

We are looking to provide even better value for members and attract new members who can support NIPA's vision by increasing member engagement. We would like to hear from Members on ways in which we can do this. We are looking for people who would like to increase their involvement with NIPA - locally, regionally or nationally - and ideas that people have to inform our strategy. In the meantime, here are some of the current initiatives we are working on. If you would like to discuss this further please contact Sarah Drljaca, Jane Smith and Tom Carpen via [info@nipa-uk.org](mailto:info@nipa-uk.org):

## ***NIPA Matters***

Buoyed by the success of our first two webinars we are introducing a 6-month programme of member virtual meetings, with a view to keeping them going on a monthly basis. At these meetings we aim to:

- feed back on NIPA initiatives;
- cover a key topic and gain member input; and
- provide direct opportunities for dialogue with Government and the Planning Inspectorate who will be invited to each meeting.

First up was NIPA COVID-19 Paper Update (hosted by Angus Walker) on 27 July.  
Coming up later this summer:

- 4pm, Monday 7<sup>th</sup> September – Digital Environmental Impact Assessment (hosted by Matt Sharpe); and
- 4pm, Monday 21<sup>st</sup> September – Infrastructure Planning reforms (hosted by Robbie Owen).

A further three sessions will take place on the first Monday of each month in October, November and December at 4pm, and we are interested in hearing from members what they believe would be valuable to discuss. Please contact NIPA at [info@nipa-uk.org](mailto:info@nipa-uk.org).

## **NIPA Bursary Update**

To encourage and support the development of new talent in the infrastructure sector, and to raise its profile with those starting out in the sector, NIPA is piloting a NIPA Bursary Programme involving three initial universities – University College London, Sheffield University and the University of the West of England.

It is intended to launch the Bursary in September 2020, with the application deadline in late December 2020 / early January 2021 (date tbc) and the award of the Bursaries in February 2021.

## **Local Planning Authority Collaboration**

The NIPA Board is working on ways to engage more colleagues in local planning authorities. We have:

- produced a presentation explaining how the NSIPs regime works, the key roles local planning authorities have within the process, and the likely timings and resources at key stages;
- commenced compiling a local planning authority officer network register, where experienced authority officers who have dealt with one or more NSIPs, agree to their details being passed on to other authority officers facing their first NSIP. **If you or a fellow local planning authority colleague want to be included on the Register, or you have a local planning**

**authority colleague who you wish to nominate to be included in the register, please contact NIPA Member Services' Michaela Zamenova at [info@nipa-uk.org](mailto:info@nipa-uk.org); and**

- developed a pilot workshop to help local planning authorities understand the NISPs regime and their multiple roles within it, with the first workshop aimed to take place virtually at a date tba.

Through 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.

## NIPA 2019 Annual Dinner

On 21<sup>st</sup> November 2019, NIPA was delighted to welcome over 600 Members and guests to the Brewery near London's Barbican for our annual celebration of the immense effort the sector contributes towards developing and securing consent for nationally significant infrastructure projects and infrastructure more broadly; for the contribution we all make to the debate around infrastructure; and to improving the environments in which we work.

Our thanks go in particular to our sponsors who made the event possible – Headline Dinner Sponsor Landmark Chambers, and Supporting Sponsors Barton Willmore and Burges Salmon, and to the hosts of each table for supporting NIPA.



NIPA's Council Chair Steven Norris opened proceedings, and NIPA's guest speaker was Admiral Lord West, whose tour de force through his career and experience created both laughs and gasps in equal measure. We recognise the feedback we have had from some Members, and the Board

would very much welcome Speaker suggestions for this year's dinner, should it be able to take place (this is currently under active consideration by the NIPA Board).

At the event, we were very proud to award the Port of Tilbury as the first winner of the **Annual NIPA Award for Best Practice and / or Innovation** in an NSIP Project consented between 1<sup>st</sup> October 2017 and 30<sup>th</sup> September 2019. Four projects were nominated and placed before our panel of NIPA members, headed by Dr Janice Morphet, Bartlett School of Planning at University College, London.



Over a two-stage process, the panel decided that Port of Tilbury was the worthy winner demonstrating the key elements of the [NIPA Insights II Research Project](#), including delivering best practice through building trust via effective consultation and engagement throughout the process, and adapting delivery to achieve the best outcomes.

## NIPA Member Services

Finally, just a reminder that NIPA has a full-time administrative support service for Members, provided by Political Intelligence. The team is working successfully to respond to member queries, for example about Membership renewals and about our events. The services on offer to you are:

- responses to queries from Members - full-time support service available between 9am to 5.30pm Monday to Friday:
  - E-mail: [info@nipa-uk.org](mailto:info@nipa-uk.org) to speak to Michaela Zamenova or Phil Reid.
  - Phone: 020 3951 7551 (dedicated NIPA number)
- membership renewal process - managing the annual Membership Renewal process; and
- proactive and regular communications to Members - informing you about events, policy updates, etc.