

PROJECT HINDSIGHT – POST DECISION IMPLEMENTATION

***EMERGING* RESEARCH FINDINGS**

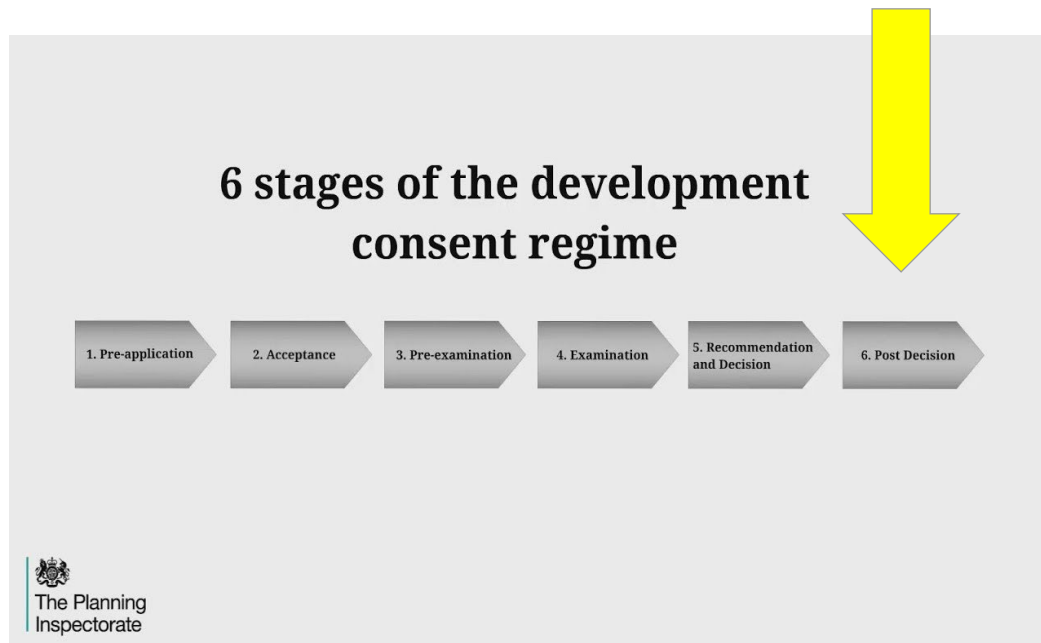
**EAST OF ENGLAND NSIPs CENTRE OF EXCELLENCE
CONFERENCE**



Presentation structure

- Background to the project and key stages
- Emerging survey findings
- Six case studies
- Some perspectives from local authorities
- Reactions?
- What next

The project



122 DECISIONS

Some research on the decision making process

Limited research on implementation

- *What happens after the decision?*
- *How does the decision-making process impact implementation?*
- *How could the process be improved to support delivery?*

Methods and timetable

Stage 1	Scoping and project categorization	June 2022
Stage 2	NIPA member roundtable	July 2022
Stage 3	Promoter and project survey	September- November 2022
Stage 4	6 project case studies	December 2022 – February 2023
Stage 5	One to one discussion with LPAs and SEBs Engagement with PAS NSIP Working Group	December 2022 – March 2023
Stage 6	Key findings report	April 2023

Since our research started ...

- Improving the performance of the NSIP planning process and supporting local authorities
- NIC review of NSIP planning policy
- DLUCH NSIP Action Plan



Department for Levelling Up,
Housing & Communities

Policy paper

Nationally Significant Infrastructure: action plan for reforms to the planning process

Published 23 February 2023

But, there is little focus on delivery ...



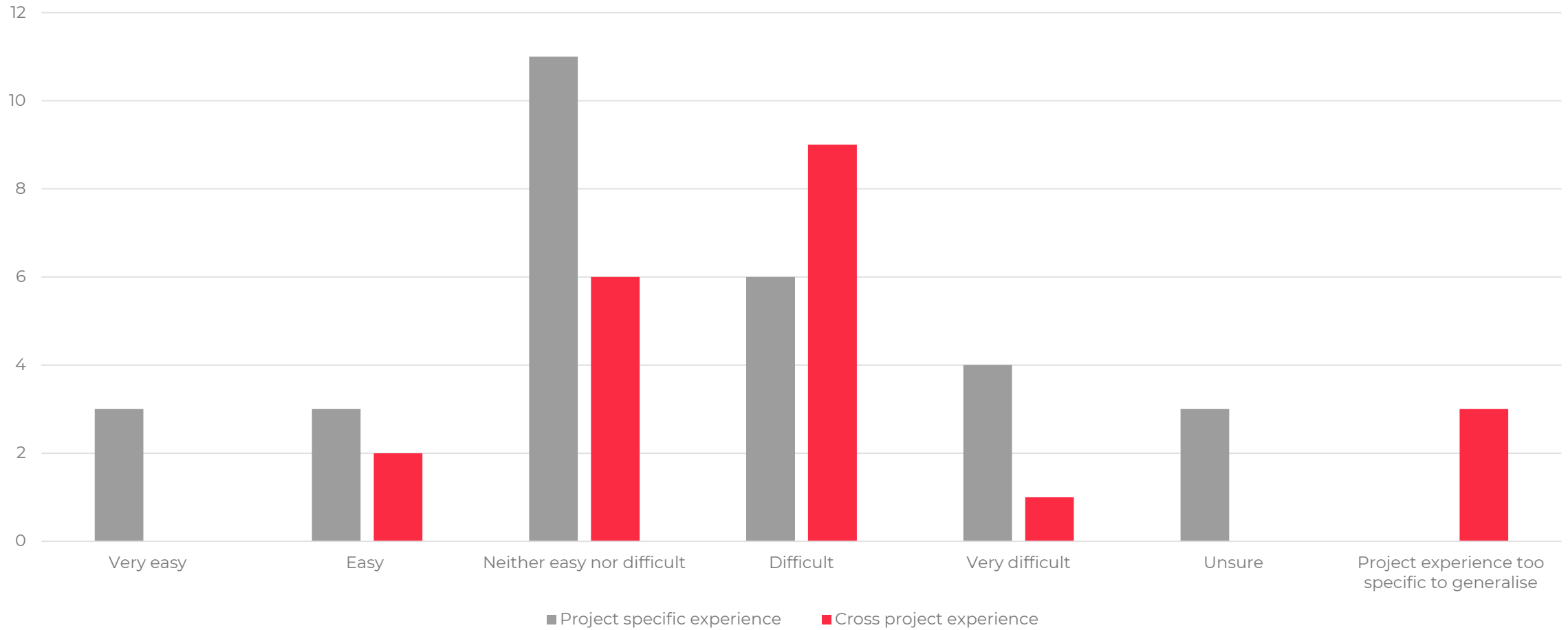
SURVEY – COMPLETION STATS

- **Cross-project experience survey completions – 21**
- **Project-specific survey completions – 30**
 - 30% of these were completed and fully operational
 - 47% were consented and in construction
 - 10% were consented with pre-commencement work underway
- A good range of schemes were represented, in terms of geography, scale, and type of scheme (10 energy schemes, 17 transport schemes, 3 waste or waste water)
- Respondents came from a wide range of jobs roles, including many project managers / delivery directors

SURVEY EMERGING HEADLINES

- The surveys reveal a **very mixed, complex and interesting picture**, with lots of highly project specific experience.
- Lots of **positive experience is represented**, with promoters working pragmatically within the parameters of DCOs.
- **Key issues** emerging are about:
 - Balancing the detail needed to secure consent, whilst enabling some details to be resolved at delivery (some want more resolved upfront, others less)
 - Effective use of routes to flexibility (lots of positives here on envelope assessments and options)
 - The right point for effective contractor engagement (this is not just about early engagement)
 - How the change management process can be handled positively
 - The impact of changes not pursued post-consent
 - What makes for a constructive relationship with important stakeholders (with both positive and negative experiences represented here).

Ease of implementation of the DCO as granted



Ease of implementation

Very easy or easy ...

“The fact that a fully collaborative team was formed prior to submission meant there was full buy in to the limits of deviation, constraints, ecological mitigation and proposed construction methodology defined within the DCO application and subsequent consent. This was a truest successful collaboration”.

Neither easy nor difficult ...

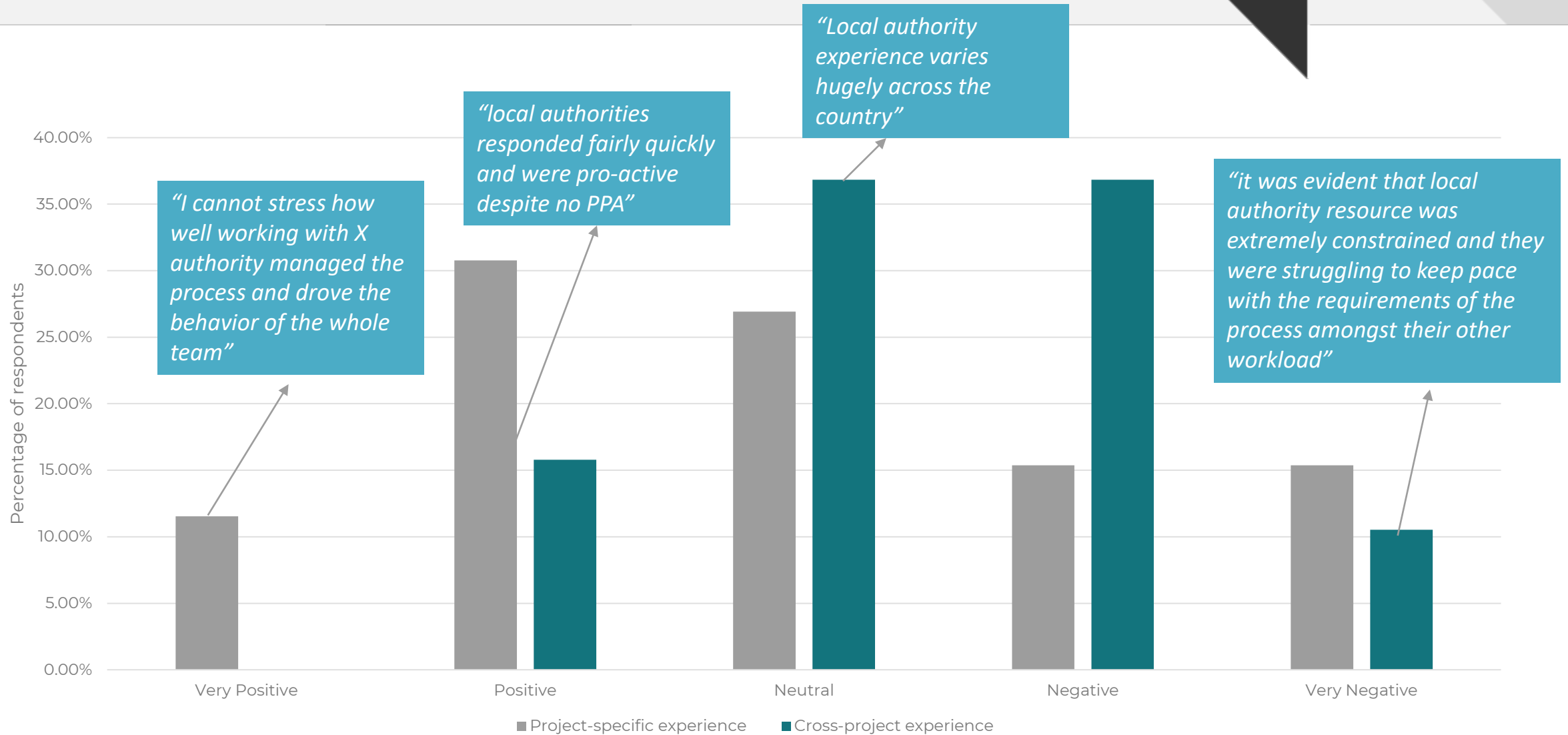
“Some more time could have been spent on getting to grips with key engineering solutions prior to consent - what's granted is all achievable but not with the ease that they might have been”.

“Some difficulty in aligning construction planning and detailed design to consented scheme. Good existing relationships with a proactive local authority have enabled some flexibility to be realized”.

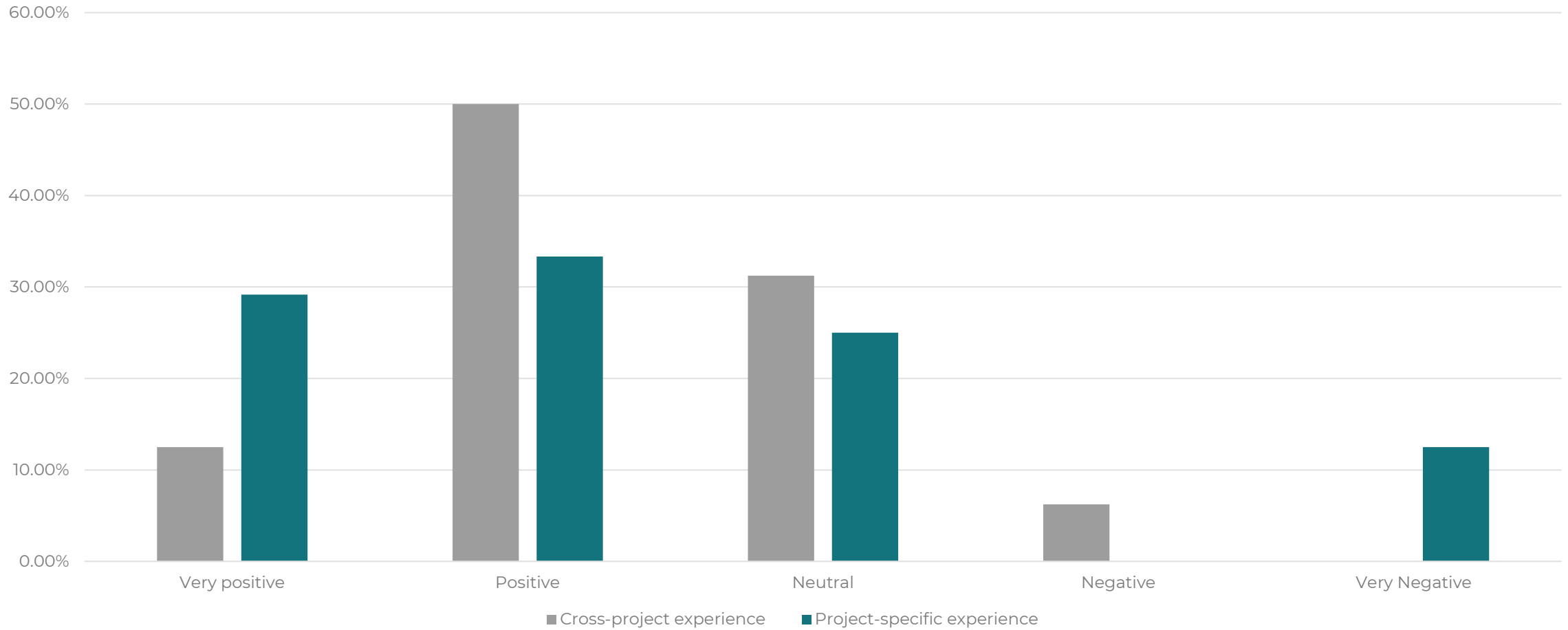
Difficult or very difficult ...

“The DCO contains multiple contradictions, errors, and vagaries”.

Adequacy of local authority resource



Experience of discharge of requirements from a local authority



Six case studies



Each a very interesting and complex narrative – still being analysed!

Headlines on LPA engagement

Gull Wing

- LA promoted scheme
- Extremely strong **project management** approach
- **Good relationships** within the local authority and with the district council supported effective discharge of requirements (and a pragmatic approach allowing partial discharge)
- Some **supplementary TCPA applications** to deal with DCO omissions (e.g. a temporary car park)

Hornsea II

- The **promoter saw the local authorities as partners in the process** - the onshore process was smoother and faster than the offshore elements for the discharge of requirements
- The LPAs were perceived as working to the best of their ability to deliver decisions and move processes along but issues around **limited funding of planning services and the scarcity of key skills and the knowledge base in relation to NSIP projects and specifically offshore wind were identified**

A19 Testo's Junction

- Supportive and collaborative working relationships between the LPA, contractor and promoter
- South Tyneside **accumulated knowledge** and expertise through a number of schemes, which helped with the time and resources needed for subsequent projects
- Many of the schemes in South Tyneside have been **in tune with or anticipated by pre-existing planning** and transport strategy
- NSIP schemes were generally **supported locally** and recognised as good at including provision to protect and enhance footpaths, cycleways, bridleways etc

Thames Tideway

- **Good relationship with LPAs where the council were in favour of the scheme. Opposing LPAs more difficult to engage.**
- Planning applications not generally seen as a good way to deal **with associated development** as it falls outside of the scope of DCO so all the disappplied legislation comes back into play.

Tilbury 2

- Good relationships between LA and promoter led to swift delivery post consent.
- **Strong teams** built before DCO was submitted and maintained post consent.
- **Difficulties with statutory consultees** led to delays and hassle prior to and during the hearing

Shropshire Reinforcement

- **Alignment of objectives with those of LPA very important.** Energy network enhancement had been identified as a priority by Shropshire County Council which facilitated progress.
- The **local impact** of this project perceived as modest
- **Limited awareness** of the DCO process among broader incurred delays.

Local Authority Perspectives

*“If you were to look at the work that's involved post consent, it can be similar to pre-consent. **You know it's a lot of work.** If the costs end up as £1,000,000 from a local authority side of things, it could easily be 500 each side of the examination ... that's not an outrageous figure for a large NSIP. It's just the way it is. They suck up a lot of time”.*

Positive post-consent experiences for local authorities

- **The benefit of experience, dedicated officers, staff continuity**
- **Organised and collaborative** promoters and developers

“There's a programme ahead months in advance, telling us exactly what is coming in, making sure that there's a pre-application on every submission”

- **Partial discharge of requirements** (to get things started)
- **Sharing experiences** with other local authorities
- **PPAs** (or equivalent)

“Our experience generally has been that post consent developers are more willing actually to be more generous with PPI funding because they want to push through in a timely manner their projects. So I think that's a positive starting point”.

- **Pragmatism in handling change management**

Change management

*“... they take a huge amount of time to go through the construction phase and we're mindful of the fact that things change and we **need to be able to assist and facilitate those changes. But do it in a way that is still compatible** and in accordance with what any safeguards are provided for in the DCO”*

*“**You wouldn't want to stand in the way of something that's now got consented with all the all the huge investment that comes with it ...** therefore you do whatever you can to help it without doing anything you shouldn't. It's what you here to do. Trying to facilitate it aren't you, without stepping outside of what's right?”*

*“There's no real precedent, so we're having to **constantly come up with new ideas and new concepts**, but then we're also having to do that check and balance exercise and making sure that what we are doing is actually legal”*

Challenging post-consent experiences for local authorities *“It’s not necessarily a happy experience”*

- PPAAs / **lack of resources**

“If there's no PPP behind it, you know there's not really any fairness in treating this over and above any other planning application”

- Levels of prior **experience and knowledge**

“There's a lack of experience that exists between each of the authorities ... we're doing our best in circumstances of a very difficult developer ... and we know there's a complex picture ahead of us”.

- Legality of the DCO process / **assessing change** within the limits of the DCO

“We’re dealing with the statutory instrument as opposed to the TCPA ... We have to go through the lawyers making sure everything we’re doing is actually legal and above board.”

- Perception communities are engaged very clearly prior to consent, but this can **“be handed over to the local authority”** post consent with far less visibility for communities.

Your reaction

- Is your experience reflected in these emerging findings?
- What's most significant from your perspective?
- Reflecting upon your experiences at delivery, what changes to the DCO process would better support delivery?

What's next?

- Completion of empirical research and finalisation of findings
- Assessment of the 'so what' and points for further discussion
- Launch of findings at the NIPA conference in June
- Ongoing dissemination and dialogue

... and a few final observations

- Many of the findings are very context / project specific
- Clear elements of good practice – the challenge is how to align these across projects
- The need for change is seen as less “*suspiciously*” than in the TCPA world
- Pragmatism abounds – how can this best be harnessed for system improvements
- **Real danger in seeing the DCO as an end point**
- Do current reforms support improved delivery?

Contact details

Hannah.hickman@uwe.ac.uk

<https://people.uwe.ac.uk/Person/HannahHickman>